Volume III – Federal, State, and Local Agency Letters

Introduction

NEPA requires Federal agencies to make copies of the comments and views of the appropriate Federal, State, and local agencies, which have jurisdiction by law or special expertise or are authorized to develop and enforce environmental standards, available to the President, the Council on Environmental Quality and to the public (43 U.S.C 1538 Section 102(c)). Following are comment letters received from Federal, State and local agencies or representatives in response to the Notice of Intent, including those from agencies with authority to develop and enforce environmental standards.

Letters received from Tribal governments or Alaska Native Corporations during the public comment period via the online comment portal or mail are included. Letters received outside of the comment period and not via the online comment portal or mail are not included.

All letters received in response to the Notice of Intent are available here: https://www.regulations.gov/docket/FS-2025-0001/comments

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ATTORNEYS GENERAL OF WASHINGTON, CALIFORNIA, NEW MEXICO, AND OREGON

September 11, 2025

BY REGULATIONS.GOV
Brad Kinder, Acting Director
Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

RE: **Comment Period Extension Request**
Notice of Intent to prepare an environmental impact statement– Special Area; Roadless Area Conservation; National Forest System Lands], 90 Fed. Reg. 42179 (August 29, 2025)
Docket ID No. FS-2025-0001

Dear Mr. Kinder:

On August 29, 2025, the United States Forest Service (USFS) published in the Federal Register a notice of intent (NOI) to prepare an environmental impact statement (EIS) pursuant to the National Environmental Policy Act to initiate a rulemaking to rescind the 2001 Roadless Area Conservation Rule (2001 Roadless Rule). 90 Fed. Reg. 42179. Comments on the NOI will guide development of the EIS, including comments related to the nature and scope of impacts from the proposed action that the Agency will evaluate during the EIS process. 90 Fed. Reg. 42182. The NOI opened a public comment period that ends on September 19, 2025. The undersigned State Attorneys General write to express our concern about the length of the 21-day comment period, an exceptionally short window to provide comments on such a significant proposal. For the following reasons, we ask that you extend the comment period by at least 60 days, for a total of 81 days, at the minimum, to ensure sufficient opportunity for states, territories, the public, and other stakeholders to provide meaningful comment on the appropriate scope of NEPA analysis for the proposed recission of a significant national policy that would remove critical protections, in place for nearly 25 years, from approximately 44.7 million acres of land. *See* 90 Fed. Reg. 42180.

Rescinding the 2001 Roadless Rule will undo the national policy that allowed the USFS to "consider the 'whole picture' regarding management of the national Forest System" with respect to inventoried roadless areas. 66 Fed. Reg. 3244, 46 (Jan. 12, 2001). When the USFS first proposed to protect inventoried roadless areas, the Agency provided a 60-day comment period on the initial notice and held over 187 public meetings prior to publishing the Draft Environmental Impact Statement for the proposed rule. 64 Fed. Reg. 56306 (Oct. 19, 1999), FEIS at S-2.

Rescinding the rule will likely have similarly significant and far-reaching impacts and thus warrants a comment period of at least the same length.

Other federal agencies have historically extended comment periods for particularly significant regulatory changes. For example, when the Environmental Protection Agency (EPA) considered a similarly impactful regulatory change, the 2014 rulemaking regarding the definition of "waters of the United States" under the Clean Water Act, the agency accepted comments for over 200 days. 80 Fed. Reg. 37057 (June 29, 2015). The length of this comment period reflected the significant impact the rulemaking would have across the nation. Similarly, EPA granted an extension request for public comments on its proposed rule for the National Primary Drinking Water Regulation for lead and copper, which will have substantial impacts for state water programs. 84 Fed. Reg. 69695 (Dec. 19, 2019).

Given the extraordinary nature of the USFS's proposal and the significant impact it will, if finalized, have on states, territories, and the public, we ask that you extend the uncharacteristically short 21-day comment period by at least 60 days to provide adequate time for meaningful public participation and preparation of thorough comments on the information provided in the NOI and the appropriate scope of impacts evaluated during the EIS process.

We therefore request that the USFS extend the comment period to November 18, 2025 or later. We also request that the USFS hold public NEPA scoping hearings in different regions of the country during the comment period.

We appreciate your consideration of this important matter.

Respectfully submitted,

FOR THE STATE OF WASHINGTON

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ATTORNEYS GENERAL OF WASHINGTON, CALIFORNIA, NEW MEXICO, OREGON, AND WISCONSIN

September 12, 2025

BY REGULATIONS.GOV
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Washington, DC 20250-1124

RE: **Revised Comment Period Extension Request**[1]
Notice of Intent to prepare an environmental impact statement– Special Area; Roadless Area Conservation; National Forest System Lands], 90 Fed. Reg. 42179 (August 29, 2025)
Docket ID No. FS-2025-0001

Dear Mr. Kinder:

On August 29, 2025, the United States Forest Service (USFS) published in the Federal Register a notice of intent (NOI) to prepare an environmental impact statement (EIS) pursuant to the National Environmental Policy Act to initiate a rulemaking to rescind the 2001 Roadless Area Conservation Rule (2001 Roadless Rule). 90 Fed. Reg. 42179. Comments on the NOI will guide development of the EIS, including comments related to the nature and scope of impacts from the proposed action that the Agency will evaluate during the EIS process. 90 Fed. Reg. 42182. The NOI opened a public comment period that ends on September 19, 2025. The undersigned State Attorneys General write to express our concern about the length of the 21-day comment period, an exceptionally short window to provide comments on such a significant proposal. For the following reasons, we ask that you extend the comment period by at least 60 days, for a total of 81 days, at the minimum, to ensure sufficient opportunity for states, territories, the public, and other stakeholders to provide meaningful comment on the appropriate scope of NEPA analysis for the proposed recission of a significant national policy that would remove critical protections, in place for nearly 25 years, from approximately 44.7 million acres of land. *See* 90 Fed. Reg. 42180.

Rescinding the 2001 Roadless Rule will undo the national policy that allowed the USFS to "consider the 'whole picture' regarding management of the national Forest System" with respect to inventoried roadless areas. 66 Fed. Reg. 3244, 46 (Jan. 12, 2001). When the USFS first proposed to protect inventoried roadless areas, the Agency provided a 60-day comment period on the initial notice and held over 187 public meetings prior to publishing the Draft Environmental

[1] This extension request was previously filed on September 11, 2025 without the State of Wisconsin's signature. This filing corrects the omission.

Impact Statement for the proposed rule. 64 Fed. Reg. 56306 (Oct. 19, 1999), FEIS at S-2. Rescinding the rule will likely have similarly significant and far-reaching impacts and thus warrants a comment period of at least the same length.

Other federal agencies have historically extended comment periods for particularly significant regulatory changes. For example, when the Environmental Protection Agency (EPA) considered a similarly impactful regulatory change, the 2014 rulemaking regarding the definition of "waters of the United States" under the Clean Water Act, the agency accepted comments for over 200 days. 80 Fed. Reg. 37057 (June 29, 2015). The length of this comment period reflected the significant impact the rulemaking would have across the nation. Similarly, EPA granted an extension request for public comments on its proposed rule for the National Primary Drinking Water Regulation for lead and copper, which will have substantial impacts for state water programs. 84 Fed. Reg. 69695 (Dec. 19, 2019).

Given the extraordinary nature of the USFS's proposal and the significant impact it will, if finalized, have on states, territories, and the public, we ask that you extend the uncharacteristically short 21-day comment period by at least 60 days to provide adequate time for meaningful public participation and preparation of thorough comments on the information provided in the NOI and the appropriate scope of impacts evaluated during the EIS process.

We therefore request that the USFS extend the comment period to November 18, 2025 or later. We also request that the USFS hold public NEPA scoping hearings in different regions of the country during the comment period.

We appreciate your consideration of this important matter.

Respectfully submitted,

FOR THE STATE OF WASHINGTON

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ON BEHALF OF THE ATTORNEYS GENERAL OF WASHINGTON, CALIFORNIA, ARIZONA, MASSACHUSETTS, MINNESOTA, NEW MEXICO, OREGON, AND VERMONT

September 19, 2025

BY REGULATIONS.GOV
Brad Kinder, Acting Director
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Re: Comments on the United States Department of Agriculture, Forest Service Notice of Intent to Prepare an Environmental Impact Statement for its Proposal to Rescind the 2001 Roadless Area Conservation Rule, 90 Fed. Reg. 42179 (Aug. 29, 2025) (Docket FS-2025-0001)

Mr. Kinder:

On behalf of the Attorneys General of the undersigned States of Washington, California, Arizona, Massachusetts, Minnesota, New Mexico, Oregon, and Vermont, please accept the attached comments in response to the United States Department of Agriculture, Forest Service ("Agency") notice of intent to prepare an environmental impact statement ("notice of intent") for its proposal to rescind the 2001 Roadless Area Conservation Rule ("Roadless Rule"), 66 Fed. Reg. 3244 (Jan. 12, 2001), 36 C.F.R. Subpart B. 90.

In June 2025, the Agency announced its intent to rescind the Roadless Rule, a hard-won environmental safeguard that prohibits the construction or reconstruction of roads and timber harvesting, with limited exceptions, in inventoried roadless areas in National Forests (designated federal lands managed by the Agency). At the time it was proposed, the Roadless Rule was the most commented-on rule in U.S. history, with 95% of the 1.6 million comments received in support of protecting our National Forests from development. The Roadless Rule has become one of our country's most consequential conservation policies ever.

The Agency's proposal to rescind the Roadless Rule would open up nearly 45 million acres of National Forest land to road construction, commercial logging, mining, and other industrial activity. New road development will increase the risk of wildfire, pollute our waters, threaten and destroy wildlife habitat, and increase road maintenance costs. Millions of campers, hikers, climbers, paddlers, anglers, and hunters could be locked out of areas they have enjoyed access to for decades, and impacts to the recreation industry will have significant adverse impacts on the economy. The outdoor recreation industry, which accounts for $1.2 trillion in economic output, relies on access to these areas to do business. So too do the rural communities that surround them. An estimated 158 million visitors to National Forests contributed $13.7 billion to the economy and helped support 161,000 related jobs. Moreover, new roads and logging resulting from rescission of the Roadless Rule are expected to degrade water quality in watersheds found in inventoried roadless areas that provide a clean, reliable source of drinking water to millions of Americans.

The global climate crisis is intensifying, and protecting our forests, which are the largest carbon sinks in the world, must be part of the solution. Inventoried roadless areas in the National Forests alone capture more than 15 million tons of carbon per year in the American West, 43.4 million tons in the Interior West, and almost 4 million tons in the East. At a time when we should be doing everything in our power to combat climate change, rescinding the Roadless Rule would only serve to hinder these efforts. Thus, before the Agency makes a final decision on whether to

rescind the Roadless Rule, it must consider these and the other adverse consequences of rescission.

Thank you for considering these comments.

Sincerely,

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I. Management of National Forests and Development of the Roadless Rule

Congress promulgated the National Forest Management Act ("NFMA") of 1976 to govern the administration of national forests, and directed the U.S. Forest Service ("Agency") to "assess[] the Nation's renewable resources, and develop[] and prepar[e] a national renewable resource program."[1] NFMA requires the Agency to develop and periodically revise an integrated land and resource management plan, commonly known as a "forest plan," for each unit of the National Forest System.[2] The main objectives of NFMA are to require the Agency to assess the "present and anticipated uses, demand for, and supply of the renewable resources" within the National Forest System,[3] to develop plans for national forests,[4] provide budgeting for Agency activities,[5] and to set standards to regulate timber harvesting.[6]

Beginning in the 1970s, the Agency began to study, evaluate, and inventory "roadless areas" in the national forests.[7] As a result of these reviews in the 1970s, subsequent large-scale assessments, and land and resource planning for individual forest units, there are now 58.5 million acres of national forest lands identified as "inventoried roadless areas," which are largely undeveloped, but not entirely without roads.[8] From the late 1970s through the late 1990s, inventoried roadless areas were governed primarily by individual forest plans developed under NFMA.[9] Most forest plans provided for extractive uses, including logging, mining, oil and gas development, and construction of off-road vehicle routes on at least some portion of what are classified as inventoried roadless areas.[10] But in the late 1990s, the Agency began to reevaluate its approach to roadless area management, and in October 1999, President Clinton directed the Agency to develop a nationwide plan to protect the roadless areas in the national forests.[11]

In January 2001, the Agency promulgated the "Special Areas; Roadless Area Conservation" final rule ("Roadless Rule").[12] Subject to limited exceptions, the Roadless Rule prohibits road construction and reconstruction and timber harvesting in roadless areas.[13] As explained by the Agency at the time, the intent of the Roadless Rule "is to provide lasting protection for inventoried roadless areas within the National Forest System in the context of multiple-use management."[14]

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[1] 16 U.S.C. § 1600(2). Prior to the passage of NFMA, Congress promulgated the Multiple-Use Sustained-Yield Act of 1960, intended to administer the national forests "for outdoor recreation, range, timber, watershed, and wildlife and fish purposes." 16 U.S.C. § 1528.
[2] 16 U.S.C. § 1604(a), (f).
[3] 16 U.S.C. § 1601(a)(1).
[4] 16 U.S.C. § 1604(a).
[5] 16 U.S.C. § 1606(a).
[6] 16 U.S.C. § 1611(a).
[7] *See Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1104 (9th Cir. 2002), *abrogated by Wilderness Soc. v. U.S. Forest Serv.*, 630 F.3d 1173 (9th Cir. 2011).
[8] *See id.*; *Cal. ex rel. Lockyer v. U.S. Dep't of Agric.*, 575 F.3d 999, 1006 (9th Cir. 2009); Special Areas; Roadless Area Conservation, 66 Fed. Reg. 3244, 3245 (Jan. 12, 2001).
[9] For a description of NFMA as it relates to inventoried roadless areas, *see Cal. ex rel. Lockyer v. U.S. Dep't of Agric.*, 575 F.3d at 1006 (9th Cir. 2009).
[10] *Id.*
[11] *Id.*
[12] 66 Fed. Reg. at 3244. For a discussion of the Agency's development of the Roadless Rule, *see Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1104.
[13] 66 Fed. Reg. at 3244.
[14] 66 Fed. Reg. at 3244.

The Roadless Rule grew out of a need for a "whole picture" approach to forest management.[15] In promulgating the Roadless Rule, the Agency recognized that local planning efforts "may not always recognize the national significance of inventoried roadless areas and the values they represent in an increasingly developed landscape."[16] Through a national-level rule, the Roadless Rule was designed to reduce "a major point of conflict" in roadless area management.[17]

As discussed in more detail below, the Roadless Rule improves ecosystem health and provides recreational opportunities:

> Inventoried roadless areas provide clean drinking water and function as biological strongholds for populations of threatened and endangered species. They provide large, relatively undisturbed landscapes that are important to biological diversity and the long-term survival of many at risk species. Inventoried roadless areas provide opportunities for dispersed outdoor recreation, opportunities that diminish as open space and natural settings are developed elsewhere. They also serve as bulwarks against the spread of non-native invasive plant species and provide reference areas for study and research[18]

The Roadless Rule also acknowledged the high costs of forest road maintenance. As discussed in more detail below, when the Roadless Rule was promulgated, there was a backlog of about $8.4 billion in deferred maintenance and reconstruction costs on the more than 386,000 miles of roads within the forest transportation system.[19] The Agency found that allowing additional roadbuilding in inventoried roadless areas "makes little fiscal or environmental sense" when the Agency is "struggling to maintain its existing extensive road system."[20]

The Roadless Rule has withstood multiple challenges to its implementation.[21] In addition to legal challenges to the Roadless Rule,[22] in 2005 the Agency promulgated the "Special Areas; State Petitions for Inventoried Roadless Area Management" rule (the "State Petitions Rule").[23] The State Petitions Rule attempted to replace the Roadless Rule with a process under which the "Governor of any State or territory that contains National Forest System lands" could "petition the Secretary of Agriculture to promulgate regulations establishing management requirements for all or any portion of National Forest System inventoried roadless areas within that State or territory."[24] Several of the states joining this comment letter challenged the State Petitions Rule.[25] The district court found the State Petitions Rule violated the National Environmental Policy Act ("NEPA") and the Endangered Species Act ("ESA"), and reinstated the Roadless Rule.[26] The Ninth Circuit affirmed.[27]

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[15] 66 Fed. Reg. at 3246.
[16] *Id.*
[17] *Id.*
[18] 66 Fed. Reg. at 3245.
[19] 66 Fed. Reg. at 3245. This backlog has only increased. *See* Section II.C.5.
[20] *Id*. at 3246.
[21] *See, e.g., Organized Vill. of Kake v. U.S. Dep't of Agric.*, 795 F.3d 956, 961–962 (9th Cir. 2015) (describing the Roadless Rule's litigation history).
[22] *See id.*
[23] Special Areas; State Petitions for Inventoried Roadless Area Management, 70 Fed. Reg. 25654-01 (May 13, 2005).
[24] *Id*. at 25661.
[25] *California ex rel. Lockyer v. U.S. Dep't of Agric*., Case No. 05-03508 (N.D. Cal.).
[26] *California ex rel. Lockyer v. U.S. Dep't of Agric.*, 459 F. Supp. 2d 874, 909, 912 (N.D. Cal. 2006), *aff'd,* 575 F.3d 999 (9th Cir. 2009).
[27] 575 F.3d at 1021.

II. Inventoried Roadless Areas in Our States

Collectively, there are approximately 58.5 million acres of inventoried roadless areas in our national forests. Over 11.2 million acres (19% of the total) of inventoried roadless areas can be found within the boundaries of the undersigned States alone. These inventoried roadless areas are part of an overall network of federal and state lands providing for contiguous habitat, recreation, and ecological resources to the benefit of the whole country.

Washington

Washington State contains 9.2 million acres of National Forest land, about one-fifth of the State's total land mass.[28] Of those 9 million acres, two million acres are inventoried roadless areas, and 716,000 acres would be open to road construction and timber harvest if the Agency rescinds the Roadless Rule.[29] The remaining inventoried roadless areas in Washington State are currently protected under existing forest plans. However, should the Agency proceed with the rescission of the Roadless Rule, these forest plans could be amended to allow for road construction and timber harvest.

Roadless areas within Washington State are located in the Olympic, Mount-Baker Snoqualmie, Gifford Pinchot, Wenatchee, Okanogan, Colville, and Umatilla National Forests.[30] The inventoried roadless areas connect to and expand upon habitat located in all three national parks in Washington: Olympic National Park, North Cascades National Park, and Mount Rainier National Park. The inventoried roadless areas also border multiple wilderness areas, and either contain portions of or affect water bodies throughout the State, such as Lake Chelan, Quinault Lake, Baker Lake, the Snake River, the Hood Canal, the Columbia River, the Upper Willamette River, and ultimately Puget Sound.

Washington's state-owned forest properties border many of the national forest properties in Washington. These lands include the Washington State Department of Natural Resources' timberlands adjacent to the Olympic National Forest, the Gifford Pinchot National Forest, the Mount Baker-Snoqualmie National Forest, the Okanogan National Forest, and the Colville National Forest.[31]

Roadless areas in Washington provide opportunities to enjoy scenic vistas, hunting, camping, fishing, and hiking, all of which attract business development within the State. Washington State sees billions of dollars' worth of benefit from recreation in the forest system. This includes the economic benefit the State sees from recreational and commercial fishing of anadromous fish, such as salmon, that spawn in forested lands. More broadly, outdoor recreation in Washington supports $26.5 billion in annual expenditures from residents and tourist on trips, fishing, boating, and outdoor recreation gear.[32] This amounts to over $40 billion in total economic contributions, about $400 million of which are tied directly to U.S. Forest Service lands.[33] Rescission of the

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[28] *See* U.S. Dep't of Agric., Forest Serv., Forest Service Roadless Area Conservation, Final Environmental Impact Statement ("2000 FEIS"), Vol. 1 at A-4.
[29] 2000 FEIS, Vol. 1 at A-4.
[30] 2000 FEIS, Vol. 2 at 197.
[31] Washington State Trust Lands Map, *available at* https://dnr.wa.gov/sites/default/files/2025-03/eng_rms_state_trust_lands_map_sm2.pdf
[32] Earth Economics, Economic Analysis of Outdoor Recreation in Washington State, 2020 Update, at 13, available at https://rco.wa.gov/wp-content/uploads/2020/07/EconomicReportOutdoorRecreation2020.pdf, hereinafter Economic Analysis.
[33] Economic Analysis at 15.

Roadless Rule would allow development in these areas that could reduce recreation and impact fish harvests.

Additionally, the inventoried roadless areas and adjoining areas support an abundance of wildlife, including endangered wildlife. Multiple fish species native to Washington that are listed as threatened or endangered under the ESA have habitat in the inventoried roadless areas, including sockeye, chum, and chinook salmon, steelhead trout, and bull trout.[34] Terrestrially, the Canada lynx, the grizzly bear, the gray wolf, the woodland caribou, the marbled murrelet and the northern spotted owl are all endangered species with habitat in or affected by the inventoried roadless areas.[35] Washington State has invested significant resources, time, and money into recovery of these listed species. Under Washington law, wildlife, fish, and shellfish are property of the State.[36]

The Agency already operates an extensive network of over 22,000 miles of roads within the National Forests in Washington. However, the Agency has not historically had the resources to maintain these roads and this continues to be true today where "it is clear that current funding levels are not keeping pace with operation and maintenance needs of the road system."[37] This has led to erosion and the deposition of sediments into the State's waters, including areas that provide habitat to threatened and endangered species.[38]. Washington State Sees a "significant backlog of maintenance … which now exceeds $236 million across more than 8,500 miles of road" in Western Washington.[39] For instance, repairs have been needed to the Dosewallips road since at least 2016.[40] However, NPS and the USFS did not conduct the needed repairs. The areas continued to erode and a storm washed out the road in 2022 and the road has been closed ever since.[41] Any plan to systematically allow for more road construction must assess the additional cost of maintaining new roads and sources of funding to maintain both existing and new roads.

Construction and maintenance of roads also impacts water quality for drinking water. Seattle and Tacoma rely on watersheds that lie largely within and are fed by snowmelt from the Mount Baker-Snoqualmie National Forest.[42] Over two million people rely on this high-quality water source which could be improved by decommissioning of surplus roads, not building of additional roads.[43]

Protection of inventoried roadless areas has been an important issue for Washingtonians since the introduction of the Roadless Rule. Washington's congressional delegation, led by Senator Maria Cantwell, has pushed for legislation to codify the Roadless Rule into law. Most recently Senator Cantwell introduced the Roadless Area Conservation Act of 2025 to protect roadless areas in Washington state and beyond.[44]

California

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[34] 2000 FEIS Appendix C, C-3 to C-18.
[35] *Id.*
[36] Wash. Rev. Code § 77.04.012.
[37] Roadmap for Increased Investment in Western Washington's National Forest Road Network, U.S. Dept. Of Transp. Volpe Center, at 2, July 2025.
[38] *Id.* at 10, 11.
[39] *Id.* at 2.
[40] *Id.* at 5.
[41] *Id*. at 5
[42] *Id.* at 10.
[43] *Id.*
[44] Press Release, Senator Maria Cantwell, June 11, 2025, available at https://www.cantwell.senate.gov/news/press-releases/-sens-cantwell-and-gallego-reps-salinas_ansari-lead-bicameral-legislation-to-permanently-preserve-last-remaining-wild-forest-lands

California has 4,416,000 acres of inventoried roadless areas, the fifth highest of any State in the United States when the Agency promulgated the Roadless Rule.[45] Because the Agency no longer considers the Roadless Rule to apply to Colorado and Idaho, which have their own state-specific roadless rules, California now has the third largest acreage of inventoried roadless areas covered under the Roadless Rule.[46] California's 20 National Forests are home to a panoply of iconic flora and fauna, many of which are listed as threatened or endangered under the federal and California Endangered Species Acts. Among them are the California condor, the California coastal gnatcatcher, the California red-tailed frog, the marbled murrelet, the Santa Ana sucker, the Southern Oregon/Northern California coast's evolutionary significant unit ("ESU") of coho salmon, the Southern California ESU of steelhead, the San Joaquin kit fox, the Santa Monica Mountains dudleya, the San Bernardino Mountains bladderpod, the San Francisco Peaks groundsel, the California dandelion, the desert tortoise, and others.[47] Several threatened or endangered species in California have habitat within and/or affected by inventoried roadless areas and some of these habitats are designated as critical habitats.[48]

In addition to providing important habitats for wildlife, inventoried roadless areas in thirteen of California's National Forests—Shasta-Trinity, Modoc, Plumas, Tahoe, Mendocino, Six Rivers, Eldorado, Sierra, Inyo, Sequoia, Cleveland, San Bernardino, and Los Padres—include sensitive watersheds and waterways that are important sources of water for multiple uses, including drinking water and recreation. For example, the inventoried roadless areas in the southern portion of the Cleveland National Forest include headwaters and tributaries that feed into the San Diego River, which is a source of drinking water for the City of San Diego.[49] As it discharges into the Pacific Ocean, the San Diego River forms an estuary that is home to many birds, fish, and reptiles. The river also provides access to numerous forms of recreation, such as wildlife observation and photography, hiking, and dog walking at an adjacent dog beach.[50] Similarly, the inventoried roadless areas in the Angeles National Forest and Los Padres National Forest include headwaters and tributaries that feed Castaic Lake and Lake Piru, respectively, two important recreation areas in Los Angeles and Ventura Counties.[51] In Northern California, inventoried roadless areas, such as those in the Eldorado National Forest, also include headwaters and tributaries of important water resources like Lake Tahoe, the Sacramento River, and San Francisco Bay.[52] Several of these watersheds are listed as impaired waters under section 303(d) of the Clean Water Act. For example, the Santa Clara, Santa Ana, San Gabriel, and San Diego rivers in Southern California are listed as impaired for nutrients and sedimentation. And in

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[45] 2000 FEIS, Appendix B at B-3.

[46] Special Areas; Roadless Area Conservation; National Forest System Lands, 90 Fed. Reg. 42179, 42180 (Aug. 29, 2025).

[47] 2000 FEIS, Appendix C, C-3 to C-18.

[48] *Id.*

[49] *See* The City of San Diego, El Capitan Reservoir, https://www.sandiego.gov/reservoirs-lakes/el-capitan-reservoir; *see also*, The City San Diego Pub. Utilities Dep't, Source Water Sys. Map, https://www.sandiego.gov/sites/default/files/source_water_system_director_map_no_table_2019.pdf (last visited Sept. 17, 2025).

[50] *See* San Diego River Park Foundation, Recreation Areas, https://sandiegoriver.org/discover/recreation-areas/ (last visited Sept. 17, 2025).

[51] *See* generally U.S. Forest Service, Roadless Area: 2001, Idaho, and Colorado Rules Combined (Roadless Area Map), https://usfs.maps.arcgis.com/apps/mapviewer/index.html?layers=f6bcf18fe98441dead07c08d44a0cbdb (last visited Sept. 17, 2025); Friends of Castaic Lake, Castaic Lake Recreation Area, https://www.castaiclake.com/ (last visited Sept. 17, 2025); United Water Conservation District, Lake Piru Recreation Area, https://explorelakepiru.com/(last visited Sept. 17, 2025).

[52] *See* Roadless Area Map, https://usfs.maps.arcgis.com/apps/mapviewer/index.html?layers=f6bcf18fe98441dead07c08d44a0cbdb (last visited Sept. 17, 2025).

Northern California, the South Fork Trinity, North Fork Eel, and Scott rivers are impaired for elevated temperature, sediment, and low dissolved oxygen. These Northern California rivers are critical for salmonid habitat and support threatened and endangered species. Rescinding the Roadless Rule may further impair these waters, threatening municipal water supplies, recreation, and cold freshwater habitat.

Other types of recreation that benefit from roadless area protection include hiking the Pacific Crest Trail, camping at sites like the Ponderosa and Nacimiento campgrounds in the Los Padres National Forest, and hiking up to overlooks near the Convict Flat campground in the Sequoia National Forest, among others.[53]

California has a goal to protect 30% of California's lands and coastal waters by 2030 ("30x30 goal").[54] The aim of the 30x30 goal is "to help accelerate conservation of [California's] lands and coastal waters through voluntary, collaborative action with partners across the state to meet three objectives: conserve and restore biodiversity, expand access to nature, and mitigate and build resilience to climate change."[55] California did not start its 30x30 effort by itself; it was part of a national and global effort.[56] Currently, California has classified approximately 26.5 million acres (26.10% of California) of terrestrial area as acres conserved.[57] This conservation area includes inventoried roadless areas; therefore, a rescission of the Roadless Rule may impact California's ability to achieve the 30x30 goal.[58]

California has greatly invested in additional conservation projects such as Redwoods Rising. In partnership with Save the Redwoods League and the National Park Service, California is restoring previously logged forests, protecting old growth forests, and ensuring the long-term health of forests and the flora and fauna that depend on them.[59] As part of the project, legacy logging roads have been repaired and reused "to facilitate access for forest restoration, restore historical drainage patterns by removing fill from eroded stream crossing, and remove malfunctioning structures such as culverts to improve stream flow and remove barriers to fish passage."[60] Once forest treatments and aquatic restoration work is complete, most logging haul roads will be removed and reforested.[61] Doing this type of conservation and restoration work is of great benefit to California as "[l]ogging not only took away huge, old trees. It also left behind heavily damaged streams and hundreds of miles of old, failing roads and stream crossings."[62]

California's regional water boards have jurisdiction over large areas of federal forest land and regulate the Agency's land management activities through their federal nonpoint source general permits. The increased land disturbance activities in National Forests that is likely to result from rescinding the Roadless Rule will increase the workloads of the State and its regional water

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[53] *Id.*
[54] Cal. Nat. Res. Agency, Conserving 30 percent of California's lands and coastal waters by 2030, https://www.californianature.ca.gov/ (last visited Sept. 17, 2025).
[55] *Id.*
[56] *Id.*
[57] *See* Cal. Nat. Res. Agency, Conserved Areas Explorer, https://experience.arcgis.com/experience/83b5c08cae8b47d3b7c623f2de1f0dcc (last visited Sept. 17, 2025).
[58] *See* Cal. Nat. Res. Agency, Conserved Areas Explorer, https://experience.arcgis.com/experience/83b5c08cae8b47d3b7c623f2de1f0dcc (last visited Sept. 17, 2025).
[59] Save the Redwoods League, Redwoods Rising, https://www.savetheredwoods.org/project/redwoods-rising/ (last visited on Sept. 17, 2025).
[60] Save the Redwoods League, Redwoods Rising Overview, https://www.savetheredwoods.org/project/redwoods-rising/overview/ (Jan 9, 2023).
[61] *Id.*
[62] Save the Redwoods League, Redwoods Rising, https://www.savetheredwoods.org/project/redwoods-rising/ (last visited on Sept. 17, 2025).

boards, requiring them to conduct more field inspections, respond to complaints and investigate incidents for actual and threatened discharges, and file more enforcement actions, where appropriate. The Agency must consider how rescinding the Roadless Rule will affect States like California, as well as its relationships with States and local agencies.[63]

California also has a strong interest in preventing damage to people and property from catastrophic wildfires, and the Roadless Rule is not an impediment to such prevention efforts. While active forest management can reduce fire hazards, in general, heavily managed lands have burned as severely or more severely as unmanaged lands during the past decade of fires in California. Indeed, high severity wildfire incidence in the State was greater in areas adjacent to private industrial land.[64]

In addition, the Roadless Rule does allow for forest management, including timber harvesting of smaller diameter trees as well as other fire prevention activities, such as prescribed fires. California is continuing to improve practices in the wildland-urban interface as well as in inventoried roadless areas. In February 2023, the Agency conducted a prescribed fire east of the South Fork Middle Fork Tule River in an inventoried roadless area in the Sequoia National Forest.[65] Later that year, in June 2023, the Agency conducted piling work[66] near the Lion Canyon Trail in the Los Padres National Forest.[67] More than 2,000 vegetation management and wildfire resilience projects have been completed or are underway across California.

The Roadless Rule confers tangible benefits to California, which is why it has fought so hard to preserve it.[68] The rule helps protect California's wildlife, natural environment, and social and recreational benefits for residents and visitors. It also allows for adequate forest management to protect people and property. California has a strong interest in maintaining the Roadless Rule.

Arizona

Arizona has over 11 million acres of national forest land, including nearly 1.2 million acres of inventoried roadless areas. Thus, Arizona has the 12th-most inventoried roadless areas in the US.[69] Arizona's inventoried roadless areas span parts of six distinct and ecologically diverse national forests: Apache-Sitgreaves, Coconino, Coronado, Kaibab, Prescott, and Tonto. Should such biodiverse and popular destinations be left unprotected, the negative impact to Arizona's outdoor recreation industry and the state's tourism revenue would be immense. In 2023, the outdoor recreational economy accounted for $14 billion of Arizona's GDP.[70] New roads and

[63] 66 Fed. Reg. at 3246 (managing roadless-area issues on a case-by-case basis through localized processes, prior to promulgating the Roadless Rule, had been "costly in terms of both fiscal resources and agency relationships").
[64] Jacob I. Levine et al., Higher incidence of high-severity fire in and near industrially managed forests, 20 Frontiers in Ecology and Environment 7, 397-404 (2022).
[65] *See* California Wildfire & Forest Resilience Task Force, Interagency Treatment Dashboard (Dec. 13, 2024), https://interagencytrackingsystem.org/.
[66] "Piling work" is the collection of debris that is then placed into piles. When the weather is favorable, the piles of debris are burned in a controlled setting. The purpose is to remove flammable debris from the forest floor. *See* U.S. Forest Service, U.S. Dep't of Agric., Pile Burning (Mar. 10, 2025), https://www.fs.usda.gov/r02/arp/fire/management/pile-burning.
[67] *Id.*
[68] *See, e.g., California ex rel. Lockyer v. U.S. Dep't of Agric.*, 459 F. Supp. 2d 874, 909, 912 (N.D. Cal. 2006
[69] United States Forest Service (USFS), *Appendix A: Inventoried Roadless Area Acreage: Categories of NFS Lands Summarized by State*, https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsm8_037652.htm (last visited Sept. 19, 2025).
[70] U.S. Bureau of Economic Analysis, *Outdoor Recreation Satellite Account, U.S. and States, 2023* https://www.bea.gov/sites/default/files/2024-11/orsa1124_0.pdf (November 20, 2024).

logging resulting from rescission of the Roadless Rule would also degrade water quality in watersheds found in inventoried roadless areas, threatening clean, reliable sources of drinking water to Arizonans.

Should the rescission of the Roadless Rules proceed, the following inventoried roadless areas—as well as the local economies that depend on them—would be at risk.

Apache-Sitgreaves National Forest

The Apache-Sitgreaves National Forests in east-central Arizona are known for their extensive water resources, including over 680 miles of rivers and streams and 34 lakes and reservoirs. This makes the area a leading destination for fishing, boating, and other water-based activities. The area's high elevation provides a cool respite during the hot summer months and is home to a diverse range of wildlife, including elk, black bears, and the endangered Mexican gray wolf. The following are a few destinations that would be impacted by the Roadless Rule rescission: Escudilla Mountain, The Blue Range, Bear Wallow Wilderness Buffers, and Hells Hole and Campbell Blue.

Coconino National Forest

The Coconino National Forest is celebrated for its dramatic and varied landscapes, most notably the iconic red rock formations of Sedona. This allows for a unique combination of recreational activities, from exploring desert canyons to skiing in the winter. The following are a couple destinations that would be impacted by the Roadless Rule rescission: Padre Canyon and Barbershop Canyon (East Clear Creek).

Coronado National Forest

The Coronado National Forest is famous for its "sky islands," which are isolated mountain ranges known as biodiversity hotspots and world-renowned destinations for birdwatching. Species found in the sky islands are not seen anywhere else in the United States. Portions of the Chiricahua Mountains and Mount Lemon would no longer be protected should the Roadless Rule be rescinded, as well as access to Romero Pools (within Catalina State Park), which often receives more than 360,000 visitors annually combined. [71] [72] [73]

Kaibab National Forest

Adjacent to both the north and south rims of the Grand Canyon, the Kaibab National Forest is renowned for its vast stands of ponderosa pine tree, which are part of the largest contiguous ponderosa pine forest in the United States. The following are a few destinations that would be impacted by the Roadless Rule rescission: Sheridan Mountain and Ash Creek, Willis Canyon, Burro Canyon, and Coconino Rim.

Prescott National Forest

[71] Arizona State Parks and Tracks, *available at* https://azstateparks.com/about/park-visitation-data.
[72] National Parks Service, *Welcome to Visitor Use Statistics, available at* https://irma.nps.gov/Stats/ (last visited Sept. 19, 2025).
[73] U.S. Department of Agriculture, *Welcome to Coronado National Forest*, https://www.fs.usda.gov/coronado (last visited Sept. 19, 2025).

Nestled in the central mountains of Arizona, the Prescott National Forest is a popular destination for a wide array of outdoor recreation. It is well-known for its extensive network of over 450 miles of trails, catering to hikers, mountain bikers, and equestrians. The forest is also home to several scenic lakes, including Lynx Lake and Granite Basin Lake, which are popular for fishing, boating, and picnicking. The following are a couple destinations that would be impacted by the Roadless Rule rescission: Sheridan Mountain and Ash Creek.

Tonto National Forest

As the largest national forest found in Arizona, the Tonto National Forest is one of the most visited urban forests in the United States, receiving approximately 3 million visitors annually.[74] Two lakes within Tonto that will be affected by the rescission of the Roadless Rule would be Canyon Lake and Saguaro Lake, which captures a significant portion of annual visitation, as they are easily accessible from the Phoenix area.

Massachusetts

Although Massachusetts has no inventoried roadless areas within its borders, rescinding the Roadless Rule, which will impact our neighboring states' National Forests, and therefore could result in harmful impacts to Massachusetts' natural resources. For example, Vermont's Green Mountain National Forest abuts Massachusetts and its inventoried roadless areas provide and protect habitat for essential flora and fauna, including fish, bear, moose, otter, and more.[75] These forested resource areas and habitats extend over the border into Massachusetts.[76]

Additionally, inventoried roadless areas in the Green Mountain National Forest host headwaters for several tributaries to the already impaired Connecticut River that runs through Massachusetts.[77] The Connecticut River is a vital natural resource that supports Massachusetts biodiversity.[78] It is particularly important for its richness of federal and state-listed species, as well as the state's economy including industry, agriculture, and recreation.[79]

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[74] *See* U.S. Department of Agriculture, *Welcome to Tonto National Forest*, https://www.fs.usda.gov/r03/tonto (last visited Sept. 19, 2025).
[75] *See, e.g.*, Forest Service, *Green Mountain and Finger Lakes National Forests*, https://www.fs.usda.gov/r09/gmfl/recreation/george-d-aiken-wilderness (Describing wildlife protected by the inventoried roadless area-surrounded Aiken Wilderness).
[76] *See* Massachusetts Department of Conservation and Recreation, Maps of State Forests in Northern Berkshire and Western Connecticut Valley, Forest Resource Management Plans, https://www.mass.gov/lists/forest-resource-management-plans.
[77] *See* Massachusetts Department of Environmental Protection, *Water Quality Data Viewer*, https://arcgisserver.digital.mass.gov/MassDEPWaterQuality/Home/Index (Integrated List of Waters tab, polygons at the MA/VT border show a large number of "Critical Natural Landscape" and "Core Habitat" areas.); MassGIS Data: *MassDEP 2022 Integrated List of Waters (305(b)/303(d))* (August 2023), https://www.mass.gov/info-details/massgis-data-massdep-2022-integrated-list-of-waters-305b303d.
[78] *See* https://biomap-mass-eoeea.hub.arcgis.com/.
[79] *See* New Hampshire Department of Environmental Services, *Environmental Fact Sheet: The Connecticut River* (2023), https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/rl-4.pdf.

The inventoried roadless areas in White Mountain National Forest in New Hampshire protect the Pemigewasset River, the headwater of the Merrimack River.[80] The Merrimack is an irreplaceable source of drinking water for over half a million Massachusetts residents and visitors.[81] The river and its tributaries also support countless fish, migratory birds, and approximately 75 federally or state-listed species (e.g. Shortnose Sturgeon), as well as recreation, cultural identity, and the economy in Massachusetts cities like Lowell and Lawrence.[82]

Existing logging activities are already problematic in the Merrimack River watershed, impairing a number of waterbodies and stream segments within the Merrimack River watershed.[83] Additional logging and road building would likely accelerate water quality issues in Massachusetts, and pass along roadway construction and maintenance costs to taxpayers.

Minnesota

The rescission of the Roadless Rule would directly undermine Minnesota's climate goals, environmental health, and public interest. Minnesota has committed to reducing greenhouse gas emissions by 50% by 2030 and achieving net-zero emissions by 2050.[84] These goals, established through the Minnesota Climate Action Framework, rely heavily on the conservation of natural and working lands—especially forests—which act as vital carbon sinks.[85] The Roadless Rule protects some of the most ecologically intact areas within our National Forests, including over 60,000 acres in Minnesota's Superior National Forest.[86] These lands are critical not just for carbon sequestration, but also for safeguarding our water quality, protecting wildlife habitats, and building climate resilience. Rescinding the Roadless Rule threatens to increase carbon emissions by opening old-growth forests to roadbuilding, logging, and extractive industries; degrading water quality in vulnerable watersheds that feed the Boundary Waters Canoe Area Wilderness and Lake Superior; and undermining ecosystem resilience at a time when Minnesota is investing in climate-smart land management and biodiversity conservation.[87]

Superior National Forest is the eighth most visited national forest in the U.S., and it includes over 445,000 acres of water and extensive fish habitat for species like walleye, northern pike,

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[80] *See U.S. Army Corps of Engineers, Merrimack River Navigation Project*, https://www.nae.usace.army.mil/Missions/Civil-Works/Navigation/Massachusetts/Merrimack/#:~:text=Merrimack%20River%20Navigation%20Project,in%20the%20river%20at%20Haverhill.

[81] *See* U.S. Environmental Protection Agency, *About the Merrimack*, https://www.epa.gov/merrimackriver/about-merrimack.

[82] *See* Massachusetts Division of Fisheries and Wildlife, *Shortnosed Sturgeon*, https://www.mass.gov/info-details/shortnose-sturgeon (found in both Connecticut and Merrimack rivers).

[83] *See* Society for the Protection of New Hampshire Forests, *The Merrimack River: How Revisiting its History Helps to Renew Action*, https://www.forestsociety.org/blog-post/merrimack-river-how-revisiting-its-history-helps-renew-action.

[84] Minnesota Pollution Control Agency, "Minnesota's Climate Action Framework," at pg. 13, available at https://climate.state.mn.us/sites/climate-action/files/Climate%20Action%20Framework.pdf.

[85] *Id.*

[86] USDA Forest Service, "Roadless Areas – Appendix A," available at https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsm8_037652.htm

[87] Cheuk, K., "Trump's plan to strip protections from federal forests affects 62K acres in Minnesota," The Minnesota Star Tribune, June 26, 2025; *see also* Climate Action Framework, *supra* fn. 1 at pg. 15.

bass, and trout.[88] The outdoor recreation economy in Minnesota—including paddling, camping, hiking, and ecotourism—relies on the wilderness character of public lands, like Superior National Forest.[89] Minnesota's outdoor recreation sector supports nearly 96,000 jobs and generates $5.9 billion in wages and compensation.[90] Many roadless areas in northern Minnesota are key corridors for wolves, moose, black bears, and migratory birds.[91] Opening these areas to development would reduce opportunities for wildlife viewing, tracking, and photography, and diminish the "wild" qualities that draw millions of visitors to the region each year and support rural livelihoods.[92]

Higher road densities can displace elk and deer, and hunting can be affected by fragmenting critical wildlife habitats. Hunters in Minnesota spend approximately $733 million annually on things like gear, lodging, food, and travel. This includes both in-state and out-of-state hunting expenditures.[93] This spending supports over 12,400 jobs, generating around $417 million in salaries and wages.[94] Hunting contributes roughly $93 million in state and local taxes, plus around $106 million in federal taxes.[95]

Several endangered, threatened, and sensitive species live in or near the Superior National Forest—including inventoried roadless areas that could be affected if the rule is rescinded. These species rely on the intact, roadless, and relatively undisturbed habitat found in these parts of northeastern Minnesota. Those include the gray wolf, Canada lynx, and the northern long-eared bat.[96] Rescinding the Roadless Rule in these areas opens the door to habitat fragmentation, noise, and pollution. It also encourages motorized access to previously remote areas, and creates pathways for invasive species, including predators and competitors.[97]

New Mexico

New Mexico is home to approximately 9.3 million acres of National Forest, of which over 1.5 million acres are inventoried roadless areas.[98] These inventoried roadless areas are within the Carson, Cibola, Coronado, Gila, Lincoln, and Santa Fe National Forests, and the Kiowa National

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[88] USDA Forest Service, "Superior National Forest – About the Area," available at https://www.fs.usda.gov/r09/superior/about-area (last updated March 5, 2025).
[89] Explore Minnesota & MN Department of Employment & Economic Development, "Minnesota's Outdoor Recreation Economy Shows Resilience with Steady Growth," Dec. 5, 2024, *available at* https://www.exploreminnesota.com/media-room/news-releases/minnesotas-outdoor-recreation-economy-shows-resilience-steady-growth.
[90] *Id.*
[91] Discover the Range (Iron Range), "Superior National Forest Wildlife Guide," available at https://ironrange.org/superior-national-forest-wildlife.
[92] H.R. REP. 115-422 – Minnesota's Economic Rights in the Superior National Forest Act, 115th Congress (2017-2018).
[93] "Economic Date – Hunting Works for Minnesota," available at https://huntingworksformn.com/economic-data. *See also* U.S. Fish & Wildlife Service, "2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation," available at https://www.fws.gov/sites/default/files/documents/2024-04/1691.pdf.
[94] *Id.*
[95] *Id.*
[96] U.S. Fish & Wildlife Service, Minnesota-Wisconsin Ecological Services Field Office, "Featured Species," available at https://www.fws.gov/office/minnesota-wisconsin-ecological-services/species.
[97] U.S. Government Accountability Office, "Forest Service Roadless Areas: Potential Impact of Proposed Regulations on Ecological Sustainability" (Letter Report, Nov. 8, 2000), GOA/GOA-01-47, available at https://www.govinfo.gov/content/pkg/GAOREPORTS-GAO-01-47/html/GAOREPORTS-GAO-01-47.htm;
[98] United States Forest Service (USFS), *Appendix A: Inventoried Roadless Area Acreage: Categories of NFS Lands Summarized by State*, https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsm8_037652.htm (last visited Sept. 11, 2025).

Grassland.[99] Under the Roadless Rule, these areas have enjoyed significant protection from additional human activity and resource extraction, and from concomitant ecological and environmental harms. If the Agency rescinds the Roadless Rule, New Mexico could suffer enormous negative impacts from additional road construction, logging, mining, and other industrial activity. Not only could removing these protections negatively affect New Mexico's ecology and environment, but rescinding the Roadless Rule could also impair New Mexico's economy by compromising its already scarce drinking water and destroying the backdrop of unspoiled natural beauty on which much of New Mexico's tourism industry depends. It would also likely rob future generations of New Mexicans of the pristine natural resources that the Roadless Rule protects.

New Mexico is an arid state, characterized by high temperatures and low precipitation. As such, New Mexico's water resources are precious, especially those used to provide clean, safe drinking water. For example, nearly 6 million people rely on the Rio Grande, New Mexico's largest river, for drinking water.[100] Multiple tributaries to the Rio Grande—including the Pecos, Santa Fe, and Jemez Rivers—have their headwaters in roadless or otherwise protected areas.[101] In addition to water from tributaries and precipitation, the Rio Grande transports water from the San Juan–Chama Project, which diverts water from the San Juan River basin into the Rio Grande watershed for downstream use.[102] Any increase in soil runoff and sedimentation in the Rio Grande's tributaries would contribute directly to a decline in water quality, decreasing the overall availability of clean water and increasing infrastructure costs related to water treatment.[103] Because the Rio Grande is used to deliver water from the San Juan–Chama Project to multiple municipalities in New Mexico, failing to protect the Rio Grande's water quality would compromise the effectiveness of the Project and waste taxpayer dollars.

Inventoried roadless areas also protect threatened and endangered species. According to the U.S. Fish and Wildlife Service, New Mexico is home to 38 listed or endangered species, including the Mexican wolf, the jaguar, the dunes sagebrush lizard, the New Mexico meadow jumping mouse, the Mexican long-nosed bat, the Mexican spotted owl, and the Southwestern willow flycatcher, to name just a few.[104] New Mexico's forests comprise a diverse set of ecological zones, including mountainous subalpine forests and alpine tundra, luscious ponderosa pine forests, and riparian ecosystems.[105] These zones support a plethora of species in addition to those listed above, including black bears, mountain lions, big horn sheep, elk, and mule deer.[106] Some, like the

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[99] USFS, Map of New Mexico showing inventoried roadless area on National Forest System Lands, https://www.fs.usda.gov/sites/default/files/roadless-map-newmexico-high-resolution-fsmrs-072364.pdf (last visited Sept. 11, 2025).

[100] U.S. EPA, *Climate Change Connections: New Mexico (Rio Grande)* (Aug. 11, 2025), https://www.epa.gov/climateimpacts/climate-change-connections-new-mexico-rio-grande.

[101] Office of the State Engineer, *Interstate Stream Commission: Rio Grande Basin* https://www.ose.nm.gov/Basins/RioGrande/index.php (last visited Sept. 11, 2025); *compare* Map of New Mexico showing Inventoried roadless area.

[102] U.S. Bureau of Reclamation, *San Juan-Chama Project*, https://www.usbr.gov/projects/index.php?id=521 (last visited Sept. 11, 2025).

[103] *See, e.g.*, J.H. Patric, *Soil Erosion in the Eastern Forest*, 74 J. FORESTRY 671 (1976); Egan et al., *Forest Roads in West Virginia, USA: Identifying Issues and Challenges*, 7 J. FOREST ENG'G 33 (1996).

[104] U.S. Fish and Wildlife Service, *Environmental Conservation Online System: Listed Species with Spatial Current Range Believed to or Known to Occur in New Mexico*, https://ecos.fws.gov/ecp/report/species-listings-by-state?stateAbbrev=NM&stateName=New%20Mexico&statusCategory=Listed (last visited Sept. 11, 2025).

[105] *See generally* N.M. Dep't Game & Fish, *Ecoregions*, https://nmswap.org/ecoregions (last visited Sept. 11, 2025).

[106] Andrew Black, National Wildlife Federation, *From Sacred Majesty to Sound Management*, https://blog.nwf.org/2019/10/from-sacred-majesty-to-sound-management/.

endangered Mexican spotted owl, are dependent on untouched forest habitat, relying on old growth trees in mountainous areas.[107]

Rescinding the Roadless Rule would directly harm these species. Road construction and resulting deforestation lead to habitat fragmentation, where a species' habitat is bifurcated by roads, leading to an overall decrease in habitat.[108] Additionally, some species actively avoid roads, even when disturbances are irregular and isolated.[109] This has been shown to lead to a decrease in population abundance or density of breeding individuals in habitats adjacent to roads.[110] An increase in vehicle traffic necessarily increases the number of animals hit and killed on those roads.

Additionally, New Mexico has numerous aquatic and semi-aquatic species that are endangered due to drought and habitat loss. These include the Chiricahua leopard frog, the desert pupfish, the Rio Grande silvery minnow, the Jemez Mountains salamander, and the Gila chub, among many others.[111] If the Roadless Rule is rescinded, these species would be at risk of habitat degradation due to road runoff and increased sedimentation.[112] The biological effects of excess sediments in streams and rivers are well established and include lowered water quality, displacement of habitat space, limitation on water movement and flows, disruption of normal behavior due to visual impairment, decreased primary productivity, abrasion, smothering, and increased uptake of sediment-bound toxicants.[113]

Many of New Mexico's inventoried roadless areas are near or adjacent to pueblos, tribal lands, and lands with historical, religious, and cultural significance. For example, inventoried roadless areas help protect sacred sites in the Cibola National Forest such as Mount Taylor, which is a sacred pilgrimage site for the Acoma, Zuni, Jemez, and Laguna Pueblos, and the Navajo Nation, among others.[114] Inventoried roadless areas also flank and protect the Wheeler Peak Wilderness, which is home to Blue Lake, sacred to Taos Pueblo.[115] Inventoried roadless areas also protect much of the Valles Caldera National Preserve, a sacred site and place of pilgrimage for many New Mexico pueblos.[116]

Similarly, inventoried roadless areas help to protect and preserve historic and cultural sites in the Gila National Forest such as the Gila Cliff Dwellings National Monument.[117] The Gila Cliff

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[107] U.S. Fish & Wildlife Service, *Mexican Spotted Owl*, https://www.fws.gov/species/mexican-spotted-owl-strix-occidentalis-lucida (last visited Sept. 11, 2025).
[108] U.S. Dep't of Transp., Pub. No. FHWA-CFL/TD-11-003, *Wildlife Crossing Structure Handbook Design and Evaluation in North America* at 11–16 (Mar. 2011), https://www.fhwa.dot.gov/clas/ctip/wildlife_crossing_structures/.
[109] *Id.*
[110] *Id.*
[111] *Listed Species*.
[112] *See* Patric.
[113] New Mexico Environment Department, *Sediment in New Mexico Streams: Existing Conditions and Potential Benchmarks* at 1 (Aug. 2010), https://www.env.nm.gov/wp-content/uploads/sites/25/2019/04/Jessup-NMSedimentation2010.pdf.
[114] National Trust for Historic Preservation, *Mount Taylor*, https://savingplaces.org/places/mount-taylor (last visited Sept. 11, 2025); U.S. Nuclear Regulatory Commission, *Mt. Taylor Traditional Cultural Property: Determination of Eligibility* at 15–28 (Feb. 13, 2009), https://www.nrc.gov/docs/ML0904/ML090440287.pdf.
[115] Taos Pueblo, *The Return of Blue Lake*, https://taospueblo.com/blue-lake/ (last visited Sept. 11, 2025); *see also* H.R. REP. No. 104-7 (1995) (recommending passage of bill to return 764 acres of the Wheeler Peak Wilderness to Taos Pueblo).
[116] U.S. National Park Service (USNPS), *Valles Caldera: History & Culture*, https://www.nps.gov/vall/learn/historyculture/index.htm (last visited Sept. 11, 2025); *see also Pueblo of Jemez v. United States*, 63 F.4th 881, 885–86 (10th Cir. 2023).
[117] *See* Map of New Mexico showing Inventoried roadless area, *supra*.

Dwellings were settled by the Tularosa Mogollon people,[118] who are believed to be the ancestors of the Acoma, Hopi, and Zuni Pueblos, among others.[119] Inventoried roadless areas and wilderness areas around and en route to the Gila Cliff Dwellings preserve and protect this important cultural site. Inventoried roadless areas also protect cultural and religious heritage sites in the Santa Fe National Forest such as Bandelier National Monument and Kasha-Katuwe Tent Rocks National Monument.[120] Inventoried roadless areas also run adjacent to the Old Spanish Trail, an ancient trade route used for centuries by Native Americans and Spanish settlers, which connected Santa Fe, New Mexico, with Los Angeles, California.[121] Rescinding the Roadless Rule would needlessly endanger many historic, religious, and cultural sites in New Mexico.

Rescinding the Roadless Rule would also endanger New Mexico's tourism revenue. New Mexico attracts millions of visitors each year, and those numbers have been climbing steadily.[122] Outdoor recreation contributes approximately $1.2 billion to New Mexico's gross domestic product, the majority of which occurs in nature-based settings, such as hiking, skiing, fishing, and hunting.[123] For example, hunting and fishing alone support nearly 8,000 jobs and provide more than $51 million in state and local taxes.[124] Many of these activities occur on New Mexico's 35.5 million acres of public lands—the majority of which are managed by the federal government.[125] Increasing roads and human activity in or near these areas would decrease water quality and contribute to the deterioration of hunting and fishing habitat, among other impacts.

Inventoried roadless areas attract significant numbers of hikers who backpack in these unspoiled areas. For example, 820 miles of the Continental Divide Trail ("CDT") traverse New Mexico, and this trail alone attracts hundreds of hikers to New Mexico every year.[126] Much of the CDT crosses through inventoried roadless areas and wilderness areas: in New Mexico, the CDT runs through or adjacent to inventoried roadless areas in the Gila National Forest, the Gila Wilderness, the Aldo Leopold Wilderness, the Santa Fe National Forest, the Carson National Forest, and the Rio Chama.[127]

Apart from the CDT, New Mexico has hundreds of miles of hiking areas in wilderness and roadless areas. For example, there are over 1,000 miles of hiking trails in roadless and non-motorized wilderness areas in the Gila National Forest alone (which contains America's first

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[118] USNPS, *Gila Cliff Dwellings National Monument: The Mogollon*, https://www.nps.gov/gicl/learn/historyculture/the-mogollon.htm (last visited Sept. 11, 2025).
[119] USNPS, *Science of the America Southwest: Mogollon*, https://www.nps.gov/subjects/swscience/mogollon.htm (last visited Sept. 11, 2025).
[120] *See* Map of New Mexico showing Inventoried roadless area, *supra*.
[121] USNPS, *Old Spanish National Historic Trail: A Brief History*, https://www.nps.gov/olsp/learn/historyculture/index.htm (last visited Sept. 11, 2025).
[122] New Mexico Tourism Department, *Economic Impact of Tourism in New Mexico* at 7 (2023), https://assets.simpleviewinc.com/simpleview/image/upload/v1/clients/newmexico/Economic_Impact_of_Tourism_in_New_Mexico_2023_7d36f19d-9a9b-4853-b200-6374b6beb6d8.pdf.
[123] State of New Mexico, Economic Development Department, *Outdoor Recreation and New Mexico's Economy* at 3 (Winter 2020), https://edd.newmexico.gov/wp-content/uploads/2021/06/20HE_NM_Outdoor_Rec_Report_R3_BP_web-1.pdf
[124] *Id.* at 5.
[125] *Id.* at 7.
[126] U.S. Bureau of Land Management, *State Land Office, BLM New Mexico Announce Partnership to Improve Continental Divide Trail Access* (Feb. 7, 2023), https://www.blm.gov/press-release/state-land-office-blm-new-mexico-announce-partnership-improve-continental-divide.
[127] Continental Divide Trail Coalition, *CDT in Inventoried roadless area*, https://cdtc.maps.arcgis.com/apps/instant/basic/index.html?appid=ff89664f33264a5ab0a90e8375eaf4d4&center=-107.2411;37.8404&level=11&hiddenLayers=198c93e8f55-layer-4 (last visited Sept. 11, 2025).

wilderness, the Gila Wilderness).[128] In the Carson National Forest, there are over 500 miles of hiking trails ranging from 6,000 to over 13,000 feet in elevation at the top of New Mexico's tallest mountain, Wheeler Peak.[129] Many of these trails traverse Carson's 110,662 acres of wilderness.[130] New Mexico's allure to hikers and outdoor enthusiasts would be irreparably diminished if those areas were exploited by mining, timber, and other industrial activity facilitated by rescinding the Roadless Rule. In addition to protecting hiking, hunting, and fishing in New Mexico, inventoried roadless areas flank and protect ski areas such as the Taos Ski Valley, which boasts world class skiing and attracts over one million visitors a year.[131]

Oregon

In the State of Oregon, there are roughly two million acres of inventoried roadless areas. These roadless areas are located throughout the following National Forests: Deschutes, Malheur, Mt. Hood, Ochoco, Rogue River-Siskiyou, Siuslaw, Umatilla, Umpqua, Wallowa-Whitmen, Willamette, and Fremont-Winema. Many of these inventoried roadless areas contain old-growth forests; provide important habitat for mammals, birds, and fish; protect water quality for municipal water supplies; and provide significant recreational opportunities throughout the State. In general, the State of Oregon contains 15.6 million acres of National Forest land, representing one-quarter of the State's total acreage. Approximately 1,965,000 acres of those National Forest lands are inventoried roadless areas.

If the Roadless Rule is rescinded, management of these roadless areas will revert to an unspecified designation and will be subject to existing land management plans within each National Forest. While most activities and projects in each of these National Forests will be required to undergo their own planning processes and analyses, the land management plans in each of Oregon's National Forests have specific prescriptions that dictate how these forests are managed at the site-specific level. The specific prescriptions in each of the land management plans will have site-specific effects throughout each National Forest and in turn will have significant, immediate effects on the State of Oregon. Accordingly, the State of Oregon urges the Agency to thoroughly examine the following effects, among others

Roughly 800,000 acres of conifer old-growth forests (more than 150 years old) are in Oregon's inventoried roadless areas and could be subject to road construction and harvest upon rescission of the Roadless Rule.[132] Road construction and harvest of old-growth forests should be evaluated closely and specifically within each of Oregon's affected National Forests. Particular attention should be paid to decreasing carbon capture and exacerbation of climate change from potential timber harvest.

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[128] USFS, *Gila National Forest: Biking*, https://www.fs.usda.gov/r03/gila/recreation/opportunities/biking (last visited Sept. 11, 2025) (stating that 891 of 1,927 miles are trails *outside* of wilderness areas); New Mexico Tourism Department, *The Gila: America's First Designated Wilderness*, https://www.newmexico.org/the-gila/ (last visited Sept. 11, 2025).

[129] National Forest Foundation, *Carson National Forest*, https://www.nationalforests.org/our-forests/find-a-forest/carson-national-forest (last visited Sept. 11, 2025); USFS, *Welcome to Carson National Forest*, https://www.fs.usda.gov/r03/carson (last visited Sept. 11, 2025); USFS, *Carson National Forest: Hiking*, https://www.fs.usda.gov/r03/carson/recreation/opportunities/hiking (last visited Sept. 11, 2025).

[130] USFS, *Carson National Forest: Wilderness* https://www.fs.usda.gov/r03/carson/wilderness (last visited Sept. 11, 2025).

[131] Town of Taos, *Taos Destination Stewardship Plan: Situation Analysis Report* at 57 (2023), https://taos.org/wp-content/uploads/2024/03/Town-of-Taos-DSP-Situation-Analysis-Report-Final.pdf.

[132] James R. Strittholt et al., Oregon's Legacy Wild Forests 7 (Conservation Biology Institute, 2022), *available at*: https://consbio.org/wp-content/uploads/2022/05/Oregon_Legacy_Wild_Forests.pdf (last visited Sept. 12, 2025).

Rescinding the Roadless Rule would directly impact Oregon's wildlife. Imperiled species in Oregon that the Agency previously determined are likely to be adversely affected by increased road building in inventoried roadless areas include, but are not limited to, the following: the bald eagle, the brown pelican, the northern spotted owl, marbled murrelet, the Southern Oregon/Northern CA ESU of coho salmon, the Lower Columbia River ESU of steelhead, the Middle Columbia River ESU of steelhead, the Snake River Basin ESU of steelhead, the Upper Willamette ESU of steelhead, the Lower Columbia River ESU of chinook salmon, the Snake River fall-run ESU of chinook salmon, the Snake River spring/summer-run ESU of chinook salmon, the Upper Willamette River ESU of chinook salmon, and bull trout.

Road construction could also fragment habitat that is relied upon by Oregon's wildlife, increasing the chance that invasive species will be introduced into these areas. Some of the inventoried roadless areas also overlap with designated critical habitat under the ESA and may be adversely modified upon rescission of the Roadless Rule, including, but not limited to, designated critical habitats for northern spotted owl, salmon, and steelhead.

Inventoried roadless areas help protect water supplies throughout Oregon. There are several cities in Oregon in which roadless areas comprise a significant portion of the municipal drinking watersheds, including Bend, Ashland, and Pendleton. Many of the inventoried roadless areas, like these municipal drinking watersheds, are in steep terrain. Road construction and timber harvesting in these areas has the potential to lead to significant landslides, which can have dramatic impacts on water quality within a particular watershed and beyond, potentially impacting Oregon's drinking water.

Oregon's inventoried roadless areas provide significant recreational opportunities. As demand for recreational opportunities increases within Oregon's National Forests, inventoried roadless areas become more important. For example, some of the National Forests are located near major population centers, like Portland and Mt. Hood National Forest, which continue to experience increasing demand for recreational opportunities. Rescinding the Roadless Rule could limit opportunities for recreation within Oregon at a time when demand is increasing.

The Roadless Rule provides an exception for fuel reduction projects. This exception has been utilized often, and many of these fuel reduction projects have occurred within Oregon's inventoried roadless areas. It is unclear whether these fuel reduction projects would have been able to move forward under existing land management plans, and it is also unclear whether currently proposed fuel reduction projects will now be delayed if the Roadless Rule is rescinded.

Vermont

In Vermont's Green Mountain National Forest, road construction is prohibited on approximately 16,000 acres of inventoried roadless areas. These areas include high priority wildlife habitat, endangered species, significant wetlands and vernal pools, and recreational trails. The scenic beauty, wildlife habitat, sensitive resource protection, and important recreational and tourism opportunities these areas provide make them environmentally, socially, and economically significant in Vermont. Rescission of the Roadless Rule could result in degradation of the unique wildlife habitats, natural resources, and recreational and tourism opportunities in these areas.

III. NEPA Scoping Comments

NEPA establishes a national policy "to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man."[133] NEPA's

[133] 42 U.S.C. § 4321.

analysis and disclosure goals are two-fold: (1) to ensure informed agency decision making, and (2) to ensure public involvement.[134] NEPA requires that agencies prepare a detailed environmental impact statement (EIS) for any major federal action that may significantly affect the quality of the human environment.[135] By focusing an agency's attention on the environmental consequences of its proposed action, NEPA "ensures that important effects will not be overlooked or underestimated only to be discovered after resources have been committed or the die otherwise cast."[136] NEPA "is not designed to postpone analysis of an environmental consequence to the last possible moment"; it is "designed to require such analysis as soon as it can reasonably be done."[137]

A. The Agency Must Include a Clear and Unambiguous Statement of Purpose and Need

The Agency's statement of purpose and need for the proposed rescission of the Roadless Rule in its notice of intent is vague and overly generalized. To the extent any "purpose and need" beyond changes in administration policy priorities and the need to follow Presidential directives can be deduced, the Agency's "purpose and need" to rescind the Roadless Rule appears to be management flexibility and discretion,[138] which already exist within the Roadless Rule. That "purpose and need" is insufficient to serve as the basis for identifying reasonable alternatives that meet the purpose and need of the proposed action, especially in light of the existing flexibility and discretion in the rule.[139] The identification and evaluation of alternative ways of meeting the purpose and need of the proposed action is the heart of NEPA analysis and the Agency's current statement of purpose and need lacks meaningful criteria to guide the development of alternatives for comparison with the Agency's proposal.

The Agency does not adequately explain why additional management flexibility and discretion are needed and does not provide sufficient information to evaluate whether any alternative other than the proposed rescission would meet the purpose and need. Nor does the Agency provide data to support its statements that the Roadless Rule is "no longer appropriate," or what managing "roadless areas to maintain their roadless character…no longer facilitates," and why.[140] More importantly, the Agency purports a needs to respond to wildfire risk in inventoried roadless areas by rescinding the Roadless Rule, but it fails to provide sufficient factual information to connect the Roadless Rule with increased wildfire risk to assist in the development of alternatives.

Instead, the Agency states that "[m]anagement flexibility is needed for the Agency to achieve its multiple use conservation mission, including timber production, recreation, wildfire suppression, and fuel reduction treatments."[141] And the Agency reveals its true purpose in the very next

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[134] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).
[135] 42 U.S.C. § 4332.
[136] *Robertson*, 490 U.S. at 349; *see also Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 371 (1989).
[137] *Kern v. U.S. Bureau of Land Mgmt.*, 284 F.3d 1062, 1072 (9th Cir. 2002).
[138] 90 Fed. Reg. 42181.
[139] 7 C.F.R. § 1b.5(c). ("When a USDA subcomponent is the lead agency, the subcomponent may use an early and open process to determine the scope of issues and alternatives for analysis in an environmental impact statement, including identifying substantive issues (see § 1b.11(23) and (53)) and eliminating from further study non-substantive issues and action alternatives that are not technically or economically feasible or do not meet the purpose and need of the proposal (NEPA section 102(2)(C)(iii), 42 U.S.C. 4332(2)(C)(iii)).
[140] *See* 90 Fed. Reg. 42,181. Here, the only time in its notice of intent the Agency attempts to explain why national management is inappropriate, the Agency's reason makes little sense. The Agency states: "The proposed rule responds to the need for national forests to take swift action and immediate action to reduce wildfire risk and help protect surrounding communities and infrastructure." *Id*.
[141] 90 Fed. Reg. at 42181.

breath, in which it makes abundantly clear that its objective is to satisfy the President's deregulatory agenda and to develop these protected areas, stating, "[t]hese needs are amplified" by President Trump's "emphasis on timber and energy production" and "deregulation."[142] The Agency reiterates its goal several more times, including stating it is "reviewing regulations that pose an undue burden on production of the Nation's timber and identification, development, and use of domestic energy and mineral resources," and that the rescission is "also being proposed in accordance with Executive Order 14153, *Unleashing Alaska's Extraordinary Resource Potential*."[143] Because these policy changes alone are insufficient reasons to rescind the Roadless Rule,[144] the Agency attempts to offer the need for wildfire management as a basis for its proposal,[145] but its statements about wildfire risk in roadless areas are unsupported and untethered from the facts and science. In short, the statement of purpose in the Agency's notice of intent does not provide a rational basis for its proposed rescission or sufficient criteria to develop alternatives or compare them to the Agency's proposal. The Agency must do so in proposed rule so the public can compare the alternatives against the Agency's proposed rescission.[146]

B. The Agency Must Consider a Reasonable Range of Alternatives

NEPA embodies a "national policy which will encourage productive and enjoyable harmony between man and his environment."[147] NEPA requires that a detailed EIS be prepared for "major Federal actions significantly affecting the quality of the human environment. . . ."[148] The EIS serves two purposes, to "provide decision-makers with an environmental disclosure sufficiently detailed to aid in the substantive decision whether to proceed with the project in light of its environmental consequences," and to "provide the public with information and an opportunity to participate in gathering information."[149]

In fulfilling this requirement, the responsible agency must consider a "reasonable *range* of alternatives" to the proposed agency action.[150] "Reasonable alternatives means a reasonable range of alternatives that are technically and economically feasible, meet the purpose and need for the proposal, and, where applicable, meet the goals of the applicant."[151] "To be adequate, an environmental impact statement must consider every reasonable alternative."[152] "Failure to consider reasonable alternatives thwarts the goals of informed decisionmaking and meaningful

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[142] 90 Fed. Reg. at 42181.
[143] 90 Fed. Reg. at 42181.
[144] Such proposals cannot withstand legal scrutiny. First, they are procedurally deficient under the Administrative Procedure Act because they fail to give the public adequate notice and an opportunity to comment. 5 U.S.C. § 553(c). Second, if such proposals are finalized in anything resembling their proposed form, they would violate the APA's requirements that an agency explain the reasons for its rule, grapple with relevant evidence, and justify any departure from prior policy. *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009).
[145] 90 Fed. Reg. at 42,181. The only time in its notice of intent that the Agency attempts to state what the rescission responds to lacks factual support and makes little sense. The Agency states: "The proposed rule responds to the need for national forests to take swift action and immediate action to reduce wildfire risk and help protect surrounding communities and infrastructure." *Id*.
[146] Should the Agency attempt to evade arbitrary-and-capricious review by featuring new analysis in a final rule, it would violate the critical factual material doctrine, which requires that the agency provides, and the public have an opportunity to comment on, the factual information that justifies a final rule. 5 U.S.C. § 553(b)(3); 553(c); *Portland Cement Ass'n v. Ruckelshaus*, 486 F.2d 375 (D.C. Cir. 1973).
[147] 42 U.S.C. § 4321.
[148] 42 U.S.C. § 4332(2)(C).
[149] *Methow Valley Citizens Council v. Reg'l Forester*, 833 F.2d 810, 814 (9th Cir. 1987), rev'd sub nom. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332 (1989) (citations and internal quotations omitted).
[150] 42 U.S.C. § 4332(2)(C)(iii) (emphasis added); *see also* 42 U.S.C. § 4336(b)(3).
[151] 7 C.F.R. § 1b.11(42).
[152] *Methow Valley Citizens Council*, 833 F.2d at 815 (citations omitted).

public comment before the environmental die is cast."[153] "Thus, the range of alternatives considered must be sufficient to permit a reasoned choice."[154]

The range of reasonable alternatives derives from NEPA's requirement that an EIS describe the "purpose and need" for the proposed agency action (see above).[155] Notably, "[t]he NEPA alternatives requirement must be interpreted less stringently when the proposed agency action has a primary and central purpose to conserve and protect the natural environment, rather than to harm it."[156] But here, the primary and central purpose of the proposed rescission of the Roadless Rule is not to conserve and protect the natural environment, but to exploit its natural resources.[157] A more robust alternatives analysis is therefore required.

The notice of intent indicates that, "[i]n addition to the proposed action, the EIS will analyze a 'no action' alternative that would retain the 2001 Roadless Rule."[158] But as set forth above, NEPA requires that the Agency propose a reasonable *range* of alternatives. The Agency must address alternatives other than the proposed rescission and the no action alternative.[159] And although the notice of intent indicates it will rely on commenters to identify potential alternatives,[160] that alone does not satisfy the Agency's obligations to the public.[161] The Agency must address alternatives other than the proposed rescission and the no action alternative.[162] For example, an alternative that expands the existing exceptions within the 2001 Roadless Rule would provide some reasonable comparison. In promulgating the Roadless Rule, the Agency identified multiple alternatives, including various combinations of prohibitions, procedures, and exemptions.[163] At a minimum, the Agency should review its prior analysis as it develops alternatives to rescinding the Roadless Rule.

C. The Agency Must Consider All Reasonably Foreseeable Impacts at an Appropriate Scale of Assessment

The Agency must conduct an in-depth analysis of all reasonably foreseeable impacts of rescinding the Roadless Rule, including direct, indirect, and cumulative environmental, social, and economic impacts.[164]

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[153] *Cal. ex rel. Lockyer*, 459 F. Supp. 2d at 905 (citing *Robertson v. Methow Valley Citizens Council*, 490 U.S. at 349).
[154] *Methow Valley Citizens Council,* 833 F.2d at 815.
[155] *See City of Carmel-By-The-Sea v. U.S. Dep't of Transp.*, 123 F.3d 1142, 1155; *see* 7 CFR §§ 1b.7(b)(1)(i), 1b.11(42).
[156] *Kootenai Tribe of Idaho*, 313 F.3d at 1120–1121 (three action alternatives sufficient when the policy objective in promulgating the Roadless Rule was to protect the environment).
[157] 90 Fed. Reg. at 42181 (stating the purpose and need for the Agency's action, as "examining regulations that pose undue burden on production of the Nation's timber and identification, development, and use of domestic energy and mineral resources.").
[158] 90 Fed. Reg. at 42182.
[159] S*ee* 7 C.F.R. § 1b.7(h)(3); 42 U.S.C. § 4332(2)(C)(iii).
[160] *Id*. ("The Agency is requesting comments on alternatives or effects and on relevant information, studies, or analyses with respect to the proposal.").
[161] *See Cal. ex rel. Lockyer,* 459 F. Supp. 2d at 907 (noting the Agency's failure "to address reasonable alternatives that were considered internally in the decisionmaking process but were not presented to the public.").
[162] S*ee* 7 C.F.R. § 1b.7(h)(3); 42 U.S.C. § 4332(2)(C)(iii).
[163] *See* 2000 FEIS, Vol. 2 at 2-1.
[164] Effects or impact "means changes to the human environment from the proposed action or action alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives. Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment),

The Agency should specifically identify which environmental, social, or economic resources it analyzes, which ones it does not, and why to foster informed decision-making and provide sufficient notice to the commenting public.[165] For each resource analyzed, the Agency should identify the current condition of the resource as a measure of past impacts; identify the trend in the condition of the resource as a measure of present impacts (e.g., the health of the resource is improving, declining, or in stasis); identify all reasonably foreseeable actions in inventoried roadless areas if the rescission is finalized that may contribute to cumulative impacts; identify the future condition of the resource based on an analysis of impacts from reasonably foreseeable actions added to existing conditions and current trends; assess the cumulative impacts contribution of the proposed alternatives to the long-term health of the resource; and provide a specific measure for the projected impact from the proposed alternatives.

The Agency should clearly describe the scale it uses to evaluate and categorize the extent of potential impacts to specific resources. The scale should consider the context and intensity of the impact based on four parameters: detectability, duration (i.e., short-term, or long-lasting), spatial extent (i.e., localized, or widespread), and magnitude (i.e., less than severe or severe, where the term "severe" refers to impacts with a clear, long-lasting change in the resource's function in the ecosystem or cultural context). To ensure transparency for the understanding of decision-makers and the public, the Agency should transparently explain how it applied these criteria to categorize impacts to resources. The Agency should provide a breakdown for each resource and impact illustrating how each resource was assigned a category, including negligible, minor, moderate, and major.

In its cumulative impacts analysis, the Agency must identify how resources, ecosystems, and communities in and around inventoried roadless areas have already been, or will be, affected by past, present, or future activities. The Agency must characterize these resources in terms of their response to change and capacity to withstand stresses. Trends data should be used to establish a baseline for the affected resources, to evaluate the significance of historical degradation, and to predict the environmental impacts of all reasonably foreseeable future activities. For example, the Agency should conduct, at a minimum, a thorough assessment of the cumulative impacts associated with reasonably foreseeable proposed actions, including but not limited to road building and timber harvesting, to wildfire frequency and intensity, air quality, species and habitat, water resources, economic and cultural resources, and to climate change resulting from changes in carbon sequestration and storage capacity. *See infra*, Section II.C.6. The Agency must quantify cumulative impacts across resource areas, as well as describe and evaluate practicable mitigation measures to avoid and minimize the identified adverse cumulative impacts.

In its notice of intent, the Agency implies it will not evaluate impacts associated with reasonably foreseeable projects that would be facilitated by rescinding the Roadless Rule.[166] This is impermissible under NEPA. The Agency may not defer analyses of certain environmental impacts until it receives specific development proposals. "NEPA is not designed to postpone analysis of an environmental consequence to the last possible moment."[167] Instead, the Agency

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social, or health effects. Effects may also include those resulting from actions that may have both beneficial and detrimental effects, even if on balance the [Agency] believes that the effect will be beneficial. CFR 1b.11(a)(12). Cumulative impact analyses describe the threat to resources as a whole, presented from the perspective of the resource instead of from the individual project. Cumulative impacts can result from individually minor, but collectively significant, actions taking place over a period of time. Cumulative impacts are reasonably foreseeable and thus the Agency must take them into account.

[165] *California v. Block*, 690 F.2d 753 (9th Cir. 1982) (Courts must judge whether an EIS's "form, content and preparation foster both informed decision-making and informed public participation.").

[166] 90 Fed. Reg. at 42181.

[167] *Kern,* 284 F.3d at 1072.

must analyze the environmental consequences of a broadly applicable rule or policy when such impacts are "readily apparent at the time the EIS was prepared."[168] There are direct impacts, if not reasonably foreseeable indirect impacts, for future projects and activities that can be analyzed now. If the Roadless Rule is rescinded, roadless areas will revert to the status designated in each management plan in each National Forest. The Forest Service can easily examine each of these management plans and give an assessment of the changes that will occur upon recission by applying those management plan proscriptions in roadless areas and closely examining what will reasonably occur in those areas. This will include reasonably foreseeable projects and activities that are customarily proposed in each National Forest and those proposals that were previously withdrawn as a result of the Roadless Rule.

The Agency can examine the general extent of such impacts that will result from rescinding the Roadless Rule or weakening its protections.[169] For example, the Agency may not be able to determine at this time whether building a specific road will result in the filling of any specific wetland. Nevertheless, it has adequate information from existing management plans and each National Forest's history to determine how many wetlands are likely to be filled if the Roadless Rule is rescinded. Similarly, although the Agency may not be able to predict at this time the exact locations where roads will be constructed and whether and which rivers or streams will suffer degradation in water quality as a result, the Agency certainly can estimate the extent to which river and stream water quality throughout inventoried roadless areas will be impacted, because the Agency is aware that roadbuilding near waters and wetlands requires fill and leads to sediment discharges and other impacts.[170] Similarly, although the Agency cannot predict the specific locations where logging will occur, it is nevertheless aware that logging activities increase the risk of landslides and other environmental impacts. The Agency may not defer analysis of these impacts, which are a "readily apparent" consequence of the proposed rescission, on the basis that no site-specific projects have been proposed.[171]

1. Wildfire Risk

The Agency asserts that wildfire risk is an underlying reason for rescinding the Roadless Rule. Secretary Rollins, in a press release announcing the Agency's intent to rescind the Roadless Rule, remarked that "properly managing our forests preserves them from devastating fires."[172] According to the press release, "[o]f the 58.5 million acres of inventoried roadless areas covered under the Roadless Rule, 28 million acres are at high or very high risk of wildfire," and rescinding the Roadless Rule will allow "more flexibility to take swift action to reduce wildfire risk and help protect surrounding communities and infrastructure."[173]

In its notice of intent, the Agency similarly highlighted select wildfire statistics in National Forests, stating:

> Between 1984 and 2024, 13 percent of inventoried roadless areas (5.5 million acres) experienced high or moderate severity wildfire. The occurrence of

[168] *Id.* at 1073.
[169] Recognizing this, the Agency conducted such analysis of the no action alternative during the NEPA review process for the Roadless Rule. *See Generally* 2000 FEIS.
[170] *See* 2000 FEIS at 3-54 to 3-62.
[171] *Kern*, 284 F.3d at 1072-73; *Ctr. for Biological Diversity v. Bureau of Land Mgmt*., 422 F. Supp. 2d 1115, 1165 (N.D. Cal. 2006) (agency unlawfully "deferred any consideration of the environmental impact" of a management plan on endemic invertebrates).
[172] Press Release, U.S. Dep't of Agric., June 23, 2025, available at https://www.usda.gov/about-usda/news/press-releases/2025/06/23/secretary-rollins-rescinds-roadless-rule-eliminating-impediment-responsible-forest-management.
[173] *Id.*

> moderate- to high-severity wildfire in inventoried roadless areas has increased in recent decades, especially since 2000, consistent with trends throughout the National Forest System. Currently, forty percent of lands within inventoried roadless areas have a high or very-high wildfire hazard potential, ranging from 5 percent in the Eastern Region to 60 percent in California.[174]

The Agency also notes that an expansion of the area making up the wildland-urban interface along with "increased wildfire activity throughout the National Forest System . . . affects important resources, neighboring infrastructure, and communities."[175]

However, the Agency makes no connection between any of its unsupported statistics and the protections of the Roadless Rule. The statistics are provided as background and the statement of purpose and need only briefly mentions preventing and/or managing wildfires. As described above, the Agency contends that management flexibility is needed for the Agency to achieve, among other things, "fire suppression, and fuel reduction treatments."[176] Similarly, the Agency asserts the rescission is "needed for national forests to take swift and immediate action to reduce wildfire risk…to build roads and implement active forest management practices (for example, timber sales and thinning) in inventoried roadless areas."[177] But the Agency clearly indicates in its notice of intent that the increases in moderate- to high-severity fire in inventoried roadless areas, as well as wildfire activity in roadless areas, are consistent with trends throughout the National Forest System,[178] suggesting that the increases in fire activity and severity are related to factors other than whether the land is protected by the Roadless Rule. The Agency does not explain why an increase in wildfires broadly justified its proposed rescission, which focuses solely on developing inventoried roadless areas. Factors that influence fire regime, fire behavior, and fire ecology include, for example, local weather and climate. "An understanding of the ecological consequences of fire, the risk of fire, and the implications to inventoried roadless areas involves sorting out the relative importance of these factors."[179]

As wildfires increase in frequency and intensity due to climate change, the undersigned States recognize the need to protect our forests and our communities and support proven solutions, such as home hardening, defensible space, and near-community vegetation management to make homes more fireproof.[180] But neither the Secretary's nor the Agency's wildfire-related rationalizations for rescinding the Roadless Rule hold water. They fail to account for existing procedures for wildfire management and response that are built into the Roadless Rule.[181]

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[174] 90 Fed. Reg. at 42180. These statistics are misleading for several reasons, including, but not limited to, the inclusion of data from decades before the implementation of the Roadless Rule and its specific protections. These statistics also appear to include roadless areas in Colorado and Idaho, which have state-specific roadless rules not proposed for rescission. Colorado and Idaho data is therefore not relevant to any analysis the Agency conducts as part of this rulemaking, and the Agency may not rely on such data to support its proposal to rescind the Roadless Rule. The Agency also may not rely on data associated with the wildland-urban interface areas in Colorado or Idaho.

[175] 90 Fed. Reg. at 42180.

[176] 90 Fed. Reg. at 42181.

[177] 90 Fed. Reg. at 42181.

[178] 90 Fed. Reg. 42,179.

[179] 2000 FEIS 3-73.

[180] *See* Zamanialaei, M., San Martin, D., Theodori, M. *et al.* Fire risk to structures in California's Wildland-Urban Interface. *Nat Commun* 16, 8041 (2025). https://doi.org/10.1038/s41467-025-63386-2.

[181] *See* 36 C.F.F § 294.12 (providing "a road may be constructed or reconstructed in an inventoried roadless area if the Responsible Official determines that," among other reasons, a "road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property"); see also 2 C.F.R. §294.13(b)(1), which provides that "timber may be cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that," among other things, "cutting, sale, or

Moreover, contrary to what the Agency contends, extending and expanding roads into forested areas would likely increase rather than decrease the risk to human structures from wildfire.

Eighty-four percent of wildfires are started by humans, and more roads will only lead to more wildfires by facilitating easier access for humans.[182] Recent research, which analyzed three decades' worth of wildfire ignition density data across all eight contiguous Forest Service regions, indicates that wildfire is lowest in wilderness areas, followed closely by inventoried roadless areas.[183] The highest wildfire ignition density was in areas within 50 meters of roads. For human-caused, natural, and fires of undetermined cause, wildfire ignition density decreased as distance to roads increased.[184] These findings align with those of a 2022 study on cross-boundary wildfires: wildfires on Forest Service lands are more likely to originate on private land, with ignition rates rising in step with road density.[185] Most high-loss cross-boundary fires (those destroying 50 or more buildings) begin on private land near roads.[186]

Roads also create pathways for invasive plant species that pose a long-term threat to forest health and may exacerbate fires. A study by the USFS's Rocky Mountain Research Station found that non-native plants are twice as common within 500 feet of a road as they are farther away.[187] The study, which aimed to address the broader assertion that roads are needed to prevent fires, concluded: "[s]peculation that eliminating road prohibitions would improve forest health is not supported by nearly twenty years of monitoring."[188] Moreover, it is important to look at other dimensions of forest health. The ecological effects of fire tend to be transient; most western tree species are adapted to either survive fires or to rapidly re-colonize burned areas.[189] Other effects of roads, as observed in streambed sediment loads and wildlife movement patterns, are more permanent.[190] The Agency must address the reasonably foreseeable increase in wildfires from the construction of new roads and the resulting introduction of invasive plants. The Agency also must consider wildfire risk as only one factor in overall forest health.

As for wildfire mitigation, experts say that cutting old trees and building roads through forests is more likely to increase wildfire strength because old-growth forests are more resilient against

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removal of generally small diameter timber is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics as defined in § 294.1" to "improve threatened, endangered, proposed, or sensitive species habitat" or to "maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period." In addition, 2 C.F.R. §294.13(b)(2)-(3) provides that the "cutting, sale, or removal of timber…incidental to the implementation of a management activity not otherwise prohibited" is not prohibited nor is the "cutting, sale, or removal of timber [] needed and appropriate for personal or administrative use, as provided for in 36 CFR part 223; *see also* Sean P. Healey, *Long-term Forest Health Implications of Roadlessness*., 15 Environmental Research Letters 10, 1-6, 6 (2020).

[182] Healey 2020.

[183] Gregory Aplet, et al., FIRE ECOLOGY, *Three-decade record of contiguous-U.S. national forest wildfires indicates increased density of ignitions near roads* (in review)).

[184] *Id.*

[185] William M. Downing, et al., SCIENTIFIC REPORTS, *Human Ignitions on Private Lands Drive USFS Cross-Boundary Wildfire Transmission and Community Impacts in the Western US* (2022), https://www.nature.com/articles/s41598-022-06002-3.

[186] *Id.*

[187] Healey 2020.

[188] *Id.*

[189] *Id.*

[190] *Id.*

fires, while the younger trees, brush, and needles that would be left behind create more wildfire fuel—essentially acting like kindling—thus increasing the rate and spread of wildfires.[191]

The Agency must evaluate the impacts of rescinding the Roadless Rule on wildfire risk and management. Specifically, the Agency must conduct an in-depth analysis, using the best available science, of the current wildfire risk in inventoried roadless areas (excluding Colorado and Idaho) as compared to National Forest areas outside inventoried roadless areas and areas within the wildland-urban interface under each alterative. The Agency must evaluate and disclose the impacts an increase in roads will have on the frequency, severity, and duration of wildfires. The Agency must evaluate how an increase in roads in inventoried roadless areas will impact wildfire risk, management, and response, and must consider all available scientific literature in its analysis. Specifically, the Agency must address whether any potential increase in wildfire response will outpace and/or outweigh the increased risk of wildfire likely to result from rescinding the Roadless Rule, in light of documented evidence that increased human access results in an increase in wildfire ignitions and wildfire.

The Agency must evaluate and explain the need to rescind the Roadless Rule to facilitate fuel reduction in inventoried roadless areas. The Agency maintains a spatially referenced management activity record that can be used to compare fuel reduction efforts inside and outside of inventoried roadless areas.[192] Those records indicated that a lack of roads did not prevent fuel reduction efforts in inventoried roadless areas between 2001 and 2019.[193] Inventoried roadless areas contain approximately 21% of the total tree cover across the National Forest System; those areas accounted for 34% of the total fuel treatment activities and 8% of the total area treated.[194] A lack of roads in inventoried roadless areas has not implied passive fire risk management.[195] In short, the Agency must explain and support with data its position that roads are required to address wildfires in inventoried roadless areas.

The Agency also must evaluate the success of fire suppression in inventoried roadless areas, as well as the anticipated impacts on fire suppression that rescinding the Roadless Rule, and any proposed alternatives, would have on its ability to suppress wildfires. When the Agency promulgated the Roadless Rule, it recognized its "long history of successfully suppressing fires in inventoried roadless areas,"[196] and the Agency has so far provided no information to demonstrate its ability to suppress wildfires has changed since that time. The Agency also acknowledged in 2001 that it "rarely builds new roads to suppress fires" and that "[b]uilding roads into inventoried roadless areas would likely increase the chance of human-caused fires due to the increased presence of people."[197] Moreover, the Roadless Rule does not prohibit management actions that do not require the construction of new roads, including, among other things, activities such as timber harvesting for clearly defined, limited purposes like "improving threatened, endangered, proposed, or sensitive species habitat or maintaining or restoring the characteristics of ecosystem composition and structure, such as reducing the risk of uncharacteristic wildfire effects."[198]

The Agency must also clarify what role the wildland-urban interface areas play in its decision. The Agency should provide the public with maps identifying the areas within the wildland-urban

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[191] Managing the Impact of Wildfires on Communities and the Environment, August 20, 2001, *available at* https://www.forestsandrangelands.gov/documents/resources/reports/2001/8-20-en.pdf
[192] Healey 2020
[193] *Id.*
[194] *Id.*
[195] *Id.*
[196] 66 Fed. Reg. at 3253.
[197] 66 Fed. Reg. at 3253.
[198] 66 Fed. Reg. at 3250.

interface that overlap with inventoried roadless areas. It is unclear from the Agency's notice what connection, if any, it draws between the Roadless Rule and an increase in wildfire activity in the wildland-urban interface areas.[199] To the extent the Agency asserts there is any connection between the Roadless Rule and an increase in wildfire activity in these overlapping areas, the Agency must be transparent about its analysis. The Agency's evaluation must account for factors independent of the Roadless Rule, including, at a minimum, the passage of time, the expansion of wildland-urban interface areas, and the increase of wildfires across the National Forest System as a whole as a result of climate change, and other non-regulatory factors. The Agency also must explain, through in-depth analysis, how building more roads will affect the protection of communities and infrastructure in wildland-urban interface areas.

The Agency cannot reasonably evaluate wildfire risk, especially within the wildland-urban interface, without evaluating proven community protection solution alternatives, such as home hardening, defensible space, and near-community vegetation management to make homes more fireproof.[200] Community protection from wildfire depends on dedicated programming, funding for such solutions, and emergency planning. Building roads and backcountry logging for the purposes of "fuel reduction" are an often-ineffective wildfire management solution that can increase fire risk, lack durability, jeopardize our healthiest forests, and divert resources from more effective approaches. Roads create more opportunities for wildfire, logging does not protect against wildfires, and logging old-growth forest in the roadless areas makes them less fire-resilient. To comply with NEPA, the Agency must, at a minimum, explain why it proposes to act in direct contradiction of the clear and well-established scientific consensus that building more roads increases the number of wildfires.

2. Impacts to Species and Habitat

The Agency must consider the impacts of rescission of the Roadless Rule, and any other alternatives identified, on wildlife, plants, and ecosystems. Removal of protections from inventoried roadless areas is likely to negatively impact our native fish, wildlife, and plants, as well as ecosystem health, due to the anticipated construction of new roads, which can impact species and their habitat in numerous ways. For example, building roads can directly destroy or fragment habitat, cause direct wildlife mortality from collisions with vehicles, spread invasive plant species, and degrade water quality through sedimentation and runoff.[201] These species are further likely to be negatively impacted by opening inventoried roadless areas to the potential for commercial logging, as well as other activities such as natural resource extraction that are likely to increase with easier access from new or improved roads in inventoried roadless areas.

Roadless areas contribute to the preservation of ecosystems and are important to the conservation of biodiversity.[202] In promulgating the Roadless Rule, the Agency recognized that "[r]oadless areas are more likely than roaded areas to support greater ecosystem health," sustaining the diversity of plant and animal communities, due to the absence of disturbances caused by roads

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[199] *See* 90 Fed. Reg. 42180. The Agency also makes a one-off reference to "increased insect and disease . . . activity." To the extent the Agency intends to rely on insect and disease activity as a basis to support rescission of the Roadless Rule, it must conduct an in-depth analysis of, and explain, the impact of the Roadless Rule on insect and disease activity during the EIS process.

[200] *See*, *e.g.*, Zamanialaei, M., San Martin, D., Theodori, M. *et al.* Fire risk to structures in California's Wildland-Urban Interface. *Nat Commun* 16, 8041 (2025). https://doi.org/10.1038/s41467-025-63386-2.

[201] Matthew S. Dietz et. al., *The Importance of US National Forest Roadless Areas for Vulnerable Wildlife Species*, 32 Glob. Ecology and Conservation e01943, 1-12 (2021); Alisa W. Coffin, *From Roadkill to Road Ecology: a Review of the Ecological Effects of Roads*, 15 J. of Transport Geography 5, 396-406 (2007).

[202] Nuria Selva et al., *Why keep areas road-free? The importance of roadless areas*, *in* Handbook of road ecology 16, 17 (Rodney van der Ree et al. eds., 2015).

and accompanying activities.[203] The Agency also acknowledged that inventoried roadless areas fill an important role, "both individually and cumulatively, in maintaining species viability and biodiversity in all parts of the country."[204]

Roadless areas provide connectivity between habitats and moderate the rate of change of local environmental conditions, supporting plants and animals by providing protected spaces for them to adapt and shift their ranges in response to climate change.[205] Roadless areas are also an important tool to preserve intact, functioning ecosystems in the face of climate change.[206]

By contrast, roads contribute to the spread of invasive, non-native plant species.[207] The link between roads and invasive species was definitive across national forests in a survey of nine States, with an apparent envelope of about 500 feet around roads in national forests where the risk of invasive species is significantly higher, posing long-term threats to ecosystem health.[208] Invasive plant species can impair the regeneration of native plants; invasive grasses typically increase the frequency of fires; and some invasive woody species can increase the risk of high-intensity fire.[209]

Inventoried roadless areas provide important habitat for species listed as threatened or endangered under the ESA, as well as other rare species. In promulgating the Roadless Rule, the Agency classified inventoried roadless areas as "biological strongholds for populations of threatened and endangered species."[210] The Agency found that, as of 2000, 220 threatened or endangered species or species proposed for ESA listing, representing approximately 25% of all animal species and 13% of plant species listed under the ESA within the United States, rely on habitat within inventoried roadless areas.[211] Additional species have been listed under the ESA or proposed for ESA protections in the past 25 years that may also benefit from current and continued protections of the Roadless Rule, and may be at risk should the Roadless Rule be rescinded. For example, the relictual slender salamander, proposed for listing as an endangered species in 2022, has over 50% of its suitable habitat in inventoried roadless areas.[212] And the Kern Canyon slender salamander, proposed for listing as a threatened species under the ESA in 2022, has almost 40% of its suitable habitat in inventoried roadless areas.[213]

In its 2000 FEIS, the Agency determined that a decision not to adopt the Roadless Rule "would result in a greater likelihood of measurable losses of habitat quality and quantity in inventoried roadless areas, with the increased potential for adverse effects to some [threatened, endangered, and proposed] species."[214] The Agency must assess the anticipated habitat losses and adverse effects on species, including species listed or proposed for listing under the ESA, that would result from rescinding the Roadless Rule, or any other alternative analyzed.

Research conducted since the adoption of the Roadless Rule continues to provide support for the importance of inventoried roadless areas to threatened and endangered and other rare species. One study assessed the overlap of inventoried roadless areas with species listed as threatened or

[203] 66 Fed. Reg. at 3245.
[204] 2000 FEIS at 3-179.
[205] Selva et al., *supra* note 171, at 17.
[206] *Id.* at 24.
[207] Healey 2020.
[208] *Id*. at 6.
[209] *Id*.
[210] 66 Fed. Reg. at 3245.
[211] 66 Fed. Reg. at 3247.
[212] Matthew S. Dietz et. al., *supra* n.170, at 7.
[213] *Id*. at 4.
[214] 2000 FEIS at 3-182.

endangered under the ESA or classified as critically imperiled by NatureServe, based on documented occurrences of the species, and found that 77% of inventoried roadless areas have the potential to conserve these species.[215] Another study found that inventoried roadless areas within the contiguous United States are important for what the authors term wildlife species of conservation concern ("wildlife SCC"), defined as terrestrial vertebrate species that are listed under the ESA, or that are classified by the International Union for Conservation of Nature or NatureServe to be endangered, imperiled, or vulnerable.[216] Out of 537 species identified as wildlife SCCs by the authors, they found that 308 species, or 57%, have at least some suitable habitat in inventoried roadless areas, even though inventoried roadless areas only cover 2% of the area of the contiguous United States.[217] In addition, every single inventoried roadless area contains suitable habitat for at least 2 wildlife SCCs, 99% of the land area of inventoried roadless areas contains suitable habitat for at least one wildlife SCC, and 81% of the land area of inventoried roadless areas is suitable habitat for at least 5 wildlife SCCs.[218] The authors found that inventoried roadless areas are important for all types of terrestrial vertebrates of conservation concern: of the 308 wildlife SCCs with suitable habitat in inventoried roadless areas, 30% are mammals, 25% are birds, 25% are amphibians, and 20% are reptiles.[219] The Agency must consider the importance of inventoried roadless areas to threatened and endangered and other rare species.

The Agency also considered waters in inventoried roadless areas "to function as biological strongholds and refuges for many fish species,"[220] and found that "[a] substantial amount of inventoried roadless areas provide important habitat for Pacific anadromous fish species," with considerable overlap between inventoried roadless areas and the habitat ranges of Pacific salmonids—including habitat ranges for chinook, chum, coho, and sockeye salmon, as well as steelhead and coastal cutthroat trout.[221] Significant efforts have been made by the federal government, West Coast States, and tribes to restore and preserve anadromous fisheries, including fish species listed under the ESA.[222] If the Agency rescinds the Roadless Rule, and inventoried roadless areas can no longer serve as fishery strongholds, efforts to restore salmon and trout fisheries in connected areas with high road densities will be diminished.[223] The Agency must evaluate the impacts of rescinding the Roadless Rule on restoration efforts for anadromous fisheries.

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[215] Colby Loucks et al., *USDA Forest Service roadless areas: potential biodiversity conservation reserves*. 7 Conservation Ecology 2:5, [online] (2003).
[216] Matthew S. Dietz et. al., *supra*, at 4.
[217] *Id*. at 5.
[218] *Id*.
[219] *Id*. at 9.
[220] 2000 FEIS at 3-160.
[221] 2000 FEIS at 3-161, Table 3-34 at 3-162.
[222] *See e.g.,* NOAA Fisheries, *Saving Pacific Salmon and Steelhead*, *available* at: https://www.fisheries.noaa.gov/west-coast/endangered-species-conservation/saving-pacific-salmon-and-steelhead (last visited Sept. 14, 2025); Wash. State Dep't of Nat. Res., *Watershed Resilience Program*, *available at*: https://dnr.wa.gov/aquatics/watershed-resilience-program (last visited Sept. 14, 2025); CalFish: A Cal. Coop. Anadromous Fish and Habitat Data Program, *Fisheries Restoration Grant Program*, *available at*: https://www.calfish.org/ProgramsData/ConservationandManagement/RestorationProjects.aspx (last visited Sept. 14, 2025); Or. Dep't of Fish and Wildlife, *Native Fish Conservation and Recovery*, https://www.dfw.state.or.us/fish/CRP/ (last visited Sept. 14, 2025); Or. Dep't of Fish and Wildlife & the Klamath Tribes, *Implementation plan for the reintroduction of anadromous fisheries into the Oregon portion of the Upper Klamath Basin* (2021); The Columbia Basin Tribes and First Nations, *Fish passage and reintroduction into the U.S. and Canadian Upper Columbia Basin* (2015).
[223] Dominick A. DellaSala et al., *Roadless areas and clean water*, 66 Journal of Soil and Water Conservation, 78–84, 80 (2011).

The Agency also determined that maintaining the status quo, and not adopting the Roadless Rule, would increase the potential for "additional aquatic habitat loss, degradation, and disturbance associated with roads, timber harvest, and other activities."[224] The 2000 FEIS contained a discussion of the numerous potential adverse effects on aquatic systems and the species they support from road construction, maintenance, and use, and from activities associated with timber harvesting.[225] Similar adverse effects are likely to occur if the Roadless Rule is rescinded, degrading aquatic habitats and the fish and other aquatic species that rely on them. In addition to the importance of maintaining, and ideally working to improve, aquatic habitats for the preservation of aquatic species, aquatic habitat quality is important for salmon and other fisheries and for the tribes and fishermen that rely on them. The Agency must assess the anticipated loss and degradation of aquatic habitat that would result from rescinding the Roadless Rule.

The Agency must also consider how inventoried roadless areas operate as part of the larger landscape, accounting for the fact that many inventoried roadless areas are adjacent to National Parks, Wilderness Areas, and other protected lands. Inventoried roadless areas contribute to the preservation of larger, connected landscapes, supporting migratory species and species that require large, isolated habitats, and allowing species to expand their ranges in response to climate change and other factors. The Agency must consider how rescinding the Roadless Rule will impact these adjacent protected areas, the larger landscapes, and the species that rely on them, just as it considered these types of impacts in the 2000 FEIS for the Roadless Rule.[226]

Roadless areas can be especially important for the persistence of top carnivore species, like the threatened grizzly bear, that need large, contiguous blocks of habitat and landscape connectivity among core areas to ensure sufficient habitat to maintain populations.[227] Piecemeal management of National Forests, rather than the broad-scale protections provided by the Roadless Rule, is less likely to support maintenance of these types of contiguous blocks of habitat. Wildlife do not recognize state lines or forest boundaries and are thus better protected through broad-scale protections. For example, the viability of some salmonid populations in Oregon would be affected not only by the application of the rescission of the Roadless Rule to forests in Oregon, but also by its application to forests in other States. Removal of Roadless Rule protections from a roadless area that abuts Oregon in the Klamath National Forest in California could affect the ESA-threatened Southern Oregon/Northern California ESU of coho salmon.

3. Impacts to Water Resources

The Agency must consider the impacts of rescinding the Roadless Rule, and other alternatives, on watershed protection. The Agency identified the importance of watershed protection as one of its main justifications for promulgating the Roadless Rule in 2001.[228] Despite making up only 2% of the land base of the continental United States, inventoried roadless areas are found within 661 of the nation's approximately 2,000 major watersheds (~30%).[229] Inventoried roadless areas are disproportionately important to the small percentage of land they occupy.[230]

In promulgating the Roadless Rule, the Agency acknowledged that inventoried roadless areas are characterized by healthy watersheds, which are important because they catch, store, and release water over time, providing numerous benefits, including "protecting downstream communities from flooding; providing clean water for domestic, agricultural, and industrial uses; helping

[224] 2000 FEIS at 3-163.
[225] 2000 FEIS at 3-160 to 3-169.
[226] 2000 FEIS at 3-136 to 3-142, 3-189 to 3-191, 3-237 to 3-246.
[227] Loucks et al. 2003, *supra*, at 10-11.
[228] 66 Fed. Reg, at 3246.
[229] 66 Fed. Reg. at 3245-46.
[230] 66 Fed. Reg. at 3245-46.

maintain abundant and healthy fish and wildlife populations"; and serving as a basis for many forms of outdoor recreation.[231] The Agency must take these benefits of healthy watersheds into account when evaluating its proposal to rescind the Roadless Rule, or any alternative.

Studies conducted since the adoption of the Roadless Rule continue to find that inventoried roadless areas play an important role in providing clean and abundant water and healthy aquatic ecosystems.[232] A recent study found that inventoried roadless areas protect watersheds that deliver drinking water to hundreds of thousands of people.[233] Inventoried roadless areas provide significant protection to watersheds that are important for delivering clean drinking water to people.[234]

Inventoried roadless areas provide water-related benefits at national, local, and regional levels. Specifically, they provide "a valuable and increasingly rare natural supply of abundant, clean, and naturally reliable water; affordable drinking water for municipal and rural communities; water for agricultural and industrial uses; flood control; in-stream aquatic recreation; aquifer recharge; flood protection; reliable water supply; diverse and productive fisheries; healthy aquatic ecosystems; resident and migratory waterfowl habitat; recovery of endangered species; and, increasingly, the vitality and sustainability of local economies."[235]

Approximately 350 major watersheds found in inventoried roadless areas serve as a source of drinking water for millions of people across the United States.[236] Because many inventoried roadless areas are distributed across headwaters and upper watersheds, they are especially valuable for providing a reliable supply of clean water.[237] Many inventoried roadless areas are considered to be hydrologic hotspots, i.e., "areas with relatively small spatial extent that have a disproportionately important role in producing abundant and reliable clean water."[238] Inventoried roadless areas comprise all, or a considerable portion of, municipal drinking watersheds for a number of cities in Oregon.[239] For example, the sources of drinking water for Bend, Oregon, one of the fastest growing cities in the State, are entirely contained within the Bend Watershed Roadless Area.[240]

Roadless Rule protections "save[] downstream communities millions of dollars in water filtration costs."[241] Inventoried roadless areas similarly save communities, state, and local governments money by saving water treatment plants and highway departments approximately $18 billion annually by avoiding sedimentation caused by logging in inventoried roadless areas.[242] Annually, inventoried roadless areas provide approximately $490 million worth of waste treatment services by "recovering mobile nutrients and cleansing the environment, both processes that involve water flow through intact watersheds."[243]

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[231] 66 Fed. Reg. at 3245.
[232] DellaSala at al., *supra*, at 81; McKinley J. Talty et al., *Conservation value of national forest roadless areas*, 2 Conservation Science and Practice 11, e288, 11 (2020).
[233] Talty at al., *supra*, at 1.
[234] *Id*. at 11.
[235] DellaSala at al., *supra*, at 78 (citations omitted); i*d*. at 79 (providing a detailed list of off-stream and in-stream benefits of inventoried roadless areas in Table 1).
[236] 66 Fed. Reg. at 3245.
[237] DellaSala et al., *supra*, at 80.
[238] *Id.*
[239] Strittholt et al., *supra*, at 16.
[240] *Id.*
[241] 66 Fed. Reg. at 3245.
[242] DellaSala et al., *supra*, at 79.
[243] DellaSala et al., *supra*, at 79-80.

Roads impact water quality, hydrology, the mechanics of sediment and debris transport, and the morphology of stream and river channels.[244] The Agency acknowledged that "[r]oads have long been recognized as the primary human-caused source of soil and water disturbances in forested environments."[245] Logging roads and logging can increase erosion and deposition rates of sediments in stream channels.[246]

Deteriorating roads can have even more significant impacts on watersheds and water quality than newer roads, through increased erosion and sedimentation. Poorly maintained roads, especially, result in both acute and chronic erosion, leading to sediment discharges into surface waters, alteration of stream channels, degradation of aquatic habitat, and impacts to fish spawning grounds. Failure of a single poorly placed, designed, or maintained watercourse crossing in steep terrain can release hundreds of cubic yards of sediment to surface waters; multiple failures can result in thousands of cubic yards being released to sensitive water bodies. These impacts are compounded during severe storm events, which can cause wholesale road failures and significant degradation of rivers and lakes.

Since, as discussed below, the Agency already has—and has had historically—a large ongoing backlog of roads that need maintenance, and has insufficient funds to keep up with the maintenance required, it is foreseeable that the Agency will have difficulty maintaining new roads that are expected to be built in inventoried roadless areas if the Roadless Rule is rescinded. Moreover, the timber harvest that may occur in roadless areas is insufficient to adequately pay for the costs of roads in these areas further exacerbating deficits with the Agency's yearly budget and expenses. Thus, the Agency must consider not only the environmental impacts of potential new roads, but the expected longer-term impacts of the predictable deterioration of those roads and costs associated with that deterioration.

Logging also increases the likelihood of a mass movement of sediment, and these sediment pulses result in changes to stream morphology, with deposition of sediment in channels, creating shallower pools and increasing turbidity.[247] Logging roads are linked to major increases in erosion rates and delivery of sediment to streams, which can be up to 850% over rates in undisturbed habitat.[248] Increased erosion and sedimentation are likely to impact fish and other aquatic life, aquatic ecosystems, and water quality.[249] Sedimentation has contributed to long-term declines in salmonid populations, affecting commercial fisheries and rural economies.

In addition, road construction and logging that are expected to occur if the Agency rescinds the Roadless Rule are likely to increase landslides, resulting in further impacts to aquatic habitats and water quality. In the Agency's 2000 FEIS for the Roadless Rule, it summarized "available research on the effects of road construction and logging on the likelihood of increased risk of landslide activity in areas prone to such activity. The majority of studies conclude that the construction, reconstruction, and maintenance of roads and timber harvest activities in areas with high landslide potential increase the probability of accelerating the occurrence of these events, with the risk of detrimental effects of increased sedimentation in water bodies, aquatic habitats, and drinking water supplies."[250] The Agency must evaluate the impact of building roads, and the increase in commercial logging that rescinding the Roadless Rule would facilitate, on landslide risk.

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[244] Coffin, *supra*, at 397; Talty et al., *supra*, at 11.

[245] 2000 FEIS at 3-44.

[246] Coffin, *supra*, at 398.

[247] *Id*,

[248] DellaSala et al., *supra*, at 80.

[249] Coffin, *supra*, at 398; DellaSala et al., *supra*, at 80.

[250] 2000 FEIS, Volume 3 at 210 (citing DEIS at 3-36 to 3-40).

The protected watersheds of inventoried roadless areas "are especially important for ameliorating the frequency and intensity of flooding, saving millions of dollars annually from averted floods and associated sedimentation, a service that will only increase in value as climate change drives more floods."[251] The Agency must consider that road building, logging, and other intensive management in inventoried roadless areas that will result from rescission of the Roadless Rule are likely to lead to more frequent and more intensive floods.[252]

4. Impacts to Recreation

Rescinding the Roadless Rule will have adverse impacts on outdoor recreational activities throughout the country and could have significant economic consequences that the Agency must consider. National Forest lands protected by the Roadless Rule offer pristine wilderness for outdoor recreational activities, including hiking, hunting, and camping. These recreational activities provide major economic benefits to nearby communities and collectively contribute significantly to the U.S. economy. Rescission of the Roadless Rule will likely cause a substantial negative economic impact to the outdoor recreation industry that the Agency must carefully consider.

Public lands currently protected by inventoried roadless areas include over 26,000 miles of trails, more than 8,500 rock climbing routes, and over 750 miles of whitewater rafting runs.[253] Some of the most popular hiking trails in the country pass through inventoried roadless areas, including segments of the Pacific Crest Trail, the Continental Divide Trail, and the Appalachian Trail.[254] These three trails alone host millions of hikers every year and draw tourists from around the globe. Many of the towns found along these trails have developed economies reliant on the tourism that scenic trails like these bring to these areas. A decline in the number of hikers could be devastating to the economies of these small trail towns.

Backpacking and hiking are not the only forms of outdoor recreation activities that benefit from inventoried roadless areas. Wildlife watching, hunting, and fishing are all nationwide industries that could be adversely affected by the rescission of the Roadless Rule. Wildlife watching contributed over $250 billion to the economy in 2022, supporting over 2.7 million jobs.[255] The United States Fish and Wildlife Service reported there were over 35 million anglers engaged in freshwater fishing in 2022.[256] Recreational fishing alone generates $99 billion in economic output.[257] One of the primary justifications for promulgating the Roadless Rule was the importance of protecting water quality. In addition to the impacts to watersheds, important fish habitat, and the fish species that thrive in inventoried roadless areas, as described above, the Agency must consider the significant potential impacts to the recreational freshwater fishing industry. The Agency also must consider the impacts to the 14.4 million hunters who collectively

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[251] DellaSala et al., *supra*, at 80.
[252] *Id.*
[253] Outdoor Alliance**,** *USDA Plans to Rescind the Roadless Rule, Putting Backcountry Recreation at Risk* (June 24, 2025), https://www.outdooralliance.org/blog/2025/6/24/usda-plans-to-rescind-the-roadless-rule-putting-backcountry-recreation-at-risk.
[254] Larabee, *Scrapping the Roadless Rule Will Harm the PCT*, PCTA Blog (Aug. 29, 2025), https://www.pcta.org/2025/scrapping-the-roadless-rule-will-harm-the-pct-96600.
[255] U.S. FISH AND WILDLIFE SERVICE, 2022 ECONOMIC CONTRIBUTIONS OF WILDLIFE WATCHING IN THE UNITED STATES, at 9 (2022), https://www.fws.gov/sites/default/files/documents/2024-06/2022-economic-contributions-of-wildlife-watching-in-the-united-states.pdf.
[256] U.S. FISH AND WILDLIFE SERVICE, 2022 NATIONAL SURVEY OF FISHING, HUNTING, AND WILDLIFE -ASSOCIATED RECREATION, at 8, 47 (2022), https://www.fws.gov/sites/default/files/documents/Final_2022-National-Survey_101223-accessible-single-page.pdf.
[257] *Id.*

spend more than 240 million days annually pursuing game.[258] If the Agency rescinds the Roadless Rule, there will be fewer opportunities for hikers, campers, climbers, and water sport enthusiasts, as well as hunters, fishermen, and bird and wildlife watchers, to have unique experiences in remote wilderness areas.

Outdoor recreation is an important segment of the U.S. economy, generating $1.2 trillion in economic output in 2023, and representing 2.3% of total gross domestic product ("GDP").[259] Outdoor recreation plays a similarly important role in the economies of States. For example, more than 2% of the GDPs of the States of California, Minnesota, New Mexico, and Oregon, Washington are dependent on outdoor recreation.[260] Growth in this sector has outpaced the national economy, with employment and wage growth both exceeding overall averages.[261] The economic benefits of recreational areas are most prominent at the county and local levels. Rural counties with outdoor recreation-dependent economies are also more successful at attracting new residents, while those without strong outdoor recreation opportunities generally struggle to retain residents.[262]

In promulgating the Roadless Rule, the Agency recognized that "roads are rarely constructed into inventoried roadless areas for recreation purposes,"[263] and the Agency has so far provided no information to indicate that this has changed. Instead, it is the logging industry that has traditionally demanded construction of new roads. The Agency acknowledges in its notice of intent that rescinding the Roadless Rule is intended to expand timber production in National Forest lands, in accordance with Executive Orders 14225, *Immediate Expansion of American Timber Production*, and Executive Order 14154, *Unleashing American Energy*.[264] Studies have found that logging can have a negative impact on total recreation activity in areas where it occurs.[265] The impact of a logging operation on recreation can be as high as 1.5 million displaced activities in a single year, depending on the type and scope of logging that has occurred.[266] The Agency thus must consider that increases in logging in inventoried roadless areas will be detrimental to the outdoor recreation industry in nearby areas, and particularly economically damaging to rural areas.[267]

5. Economic Impacts of Constructing and Reconstructing Roads

The Agency asserts that rescission of the Roadless Rule will comport with Executive Order 14225 and 14154. These Executive Orders, and the proposed Roadless Rule rescission, aim to facilitate domestic production of timber, energy, and minerals. The proposed rescission would allow local forest managers to build new roads and implement other resource extraction practices such as timber sales.

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[258] *Id.* at 18.
[259] Bureau of Econ. Analysis, U.S. Dep't of Com., Outdoor Recreation Satellite Account, U.S. and States, 2023 (Nov. 20, 2024), https://www.bea.gov/sites/default/files/2024-11/orsa1124_0.pdf.
[260] *Id.*
[261] *Id.*
[262] Headwaters Economics, Recreation Counties Attracting New Residents and Higher Incomes (Jan. 2019), https://headwaterseconomics.org/wp-content/uploads/recreation-counties-attract-report.pdf
[263] 66 Fed. Reg. at 3244.
[264] 90 Fed. Reg. at 42181.
[265] Zander S. Venter, *et al.*, *Impacts of forest clear-cutting on recreational activity: Evidence from crowdsourced mobility data*, 258 Landscape and Urban Planning, 105332 (2025).
[266] *Id.*
[267] Wallace, K., et al. *Camping in clearcuts: The impacts of timber harvesting on USFS campground utilization*, 44 J. of Outdoor Recreation and Tourism 100690, (Dec. 2023)

The Agency is already responsible for maintaining more than 360,000 miles of roads, 65,000 miles of which are for passenger vehicles.[268] According to the Agency, this includes "thousands of miles of existing roads within lands designated under the Roadless Rule[.]"[269] The agency has a long history of failing to maintain these roads due to insufficient allocations of funds.[270] Moreover, "the cost of fixing deteriorating roads increases exponentially every year."[271] When the Agency promulgated the Roadless Rule, there was approximately $8.4 billion in total deferred maintenance in the Forest Transportation System.[272] By fiscal year 2024, that figure had grown to $10.8 billion.[273] For roads in particular, total deferred maintenance in fiscal year 2024 was $5.98 billion. The backlog has continued through fiscal year 2025 (almost $5 billion).[274] This maintenance backlog contributed to the failure of the Dosewallips road in the Olympic National Forest in Washington State in 2022.[275] Importantly, "deferred maintenance for roads only includes roads classified for passenger car use and does not include roads for high-clearance vehicles" or roads "in storage" that have future needs but no current needs.[276] Therefore, true deferred road maintenance costs may be much higher.

Some funding for the construction or reconstruction of Forest Service roads may come from the use that most benefits from the initial access, for example, "timber harvest by timber purchasers, mining operations by mining claimants, and special use permit access by permittees."[277] However, funding may also come from taxpayers through congressionally appropriated dollars.[278] Whatever the funding source, the Agency "is responsible for planning, design, and construction oversight" of these roads and associated costs.[279] To better understand the fiscal impacts of rescinding the Roadless Rule, the Agency must consider and evaluate all potential funding sources for road construction and reconstruction and estimate the costs associated with constructing and/or reconstructing roads in inventoried roadless areas to support the development directed by the President.

In considering these costs, the Agency must consider the costs associated with addressing the current backlog of deferred maintenance and the costs of maintaining, or failing to maintain, new roads. When the Agency promulgated the Roadless Rule in 2001, the cost of "[a]nnual maintenance on new roads [], on average, [was] approximately $1,500 per mile[.]"[280] Yet "[i]n fiscal year 2000, the Forest Service received less than 20% of the estimated funding needed to maintain its existing road infrastructure[.]"[281] The Agency's deferred maintenance backlog is likely to increase with increasing cuts to federal funding. Yet the Agency requested just $50 million for road maintenance for fiscal year 2026, significantly less than the already insufficient $73 million requested each year from 2023 to 2025.[282] Whether the Agency plans to maintain or

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[268] Forest Serv., U.S. Dep't of Agric., FY 2026 Budget Justification (2026 Budget Justification), at 29a-87 (June 2025).
[269] 90 Fed. Reg. at 42180.
[270] *See, e.g.*, Figures 1 and 2.
[271] 66 Fed. Reg. at 3246.
[272] 2000 FEIS, Vol. 1, 1-5; 66 Fed. Reg. at 3245.
[273] U.S. Dep't of Agric., National Forest System Statistics (2024 NFS Statistics), Fiscal Year 2024 (Apr. 2025), https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/FY24-forest-system-stats.pdf.
[274] Forest Serv., U.S. Dep't of Agric., FY 2025 Budget Justification (2025 Budget Justification), at 29a-1120 (Mar. 2024).
[275] *See* Figure 3. Roadmap for Increased Investment in Western Washington, at 5.
[276] 2024 NFS Statistics.
[277] 2000 FEIS at 3-22.
[278] *Id.*
[279] *Id*.
[280] *Id.*
[281] *Id.*
[282] 2026 Budget Justification at 29a-82.

fails to maintain new roads, there will be additional costs that the Agency should consider in light of its historical failure to adequately maintain the existing roads.

The decommissioning of roads is also an important factor to analyze and consider, as it too has significant fiscal impacts. Road decommissioning may involve actions such as "blocking the entrance, water barring, removing culverts, reestablishing drainage ways, removing unstable fills, pulling back road shoulders, restoring natural contours and slopes, or other methods designed to meet specific conditions and objections associated with the unneeded roads."[283] All these actions require a considerable investment of financial and human resources—in 1999, the cost of decommissioning roads varied from a few hundred dollars per mile up to $50,000 or more per mile. These costs are likely significantly higher in 2026, and will only continue to increase over time.

The indirect fiscal impacts that stem from the construction and reconstruction of roads, maintenance, and decommissioning, are many, including the need to construct and maintain additional bridges, buildings, and recreation features, all of which are already suffering from a backlog of deferred maintenance.[284] Constructing, reconstructing, operating, maintaining, and decommissioning roads also requires Agency personnel. Yet the Agency has made, and seemingly may continue to make, significant reductions in its workforce: "[t]he Forest Service lost about 5,000 employees, or roughly 15% of its staff[,]" in 2025.[285] Additional indirect fiscal impacts may include negative impacts to other Forest Service programs, such as Vegetation and Watershed Management, which may require additional funding if poorly maintained new roads cause watershed damage caused .[286] The Agency must consider the impacts on the Agency's budget and personnel that will result from rescission of the Roadless Rule, or any alternative.

[283] *Id*.
[284] 2024 NFS Statistics.
[285] Kurtis Alexander, *Here's what's really going on at the Forest Service as wildfire season ramps up,* S.F. Chronicle (Sept. 2, 2025), https://www.sfchronicle.com/california-wildfires/article/forest-service-firefighter-staffing-21020765.php.
[286] *See* 2026 Budget Justification (decreasing budget from $30 million in 2025 to $20.5 million in 2026).



Figure 1. Failure on Klamath National Forest Road 44N45 (Lovers Camp Road)

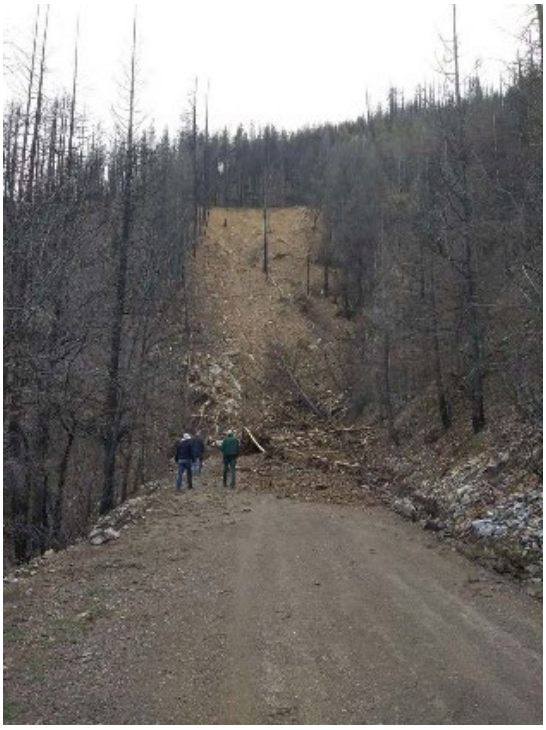


Figure 2 Fillslope failure from a road higher in the watershed onto a road in the Walker Creek watershed in Klamath National Forest, winter of 2015 after the 2014 Happy Camp Complex Fire

Analyzing and considering the potential fiscal impacts likely to result from rescinding the Roadless Rule is critical. The existing Forest Service deferred maintenance has already resulted in significant environmental pressures. Understanding the foreseeable negative impacts from an increase in new road construction or reconstruction, as well as increased timber logging and energy and mineral extraction, is vital.

6. Climate Impacts

Rescinding the Roadless Rule risks one of our most cost-effective climate mitigation solutions we have—intact forests. Forests are the largest terrestrial carbon sinks in the world, absorbing carbon dioxide and storing it as carbon in soils and woody plants.[287] Inventoried roadless areas alone capture more than 15 million tons of carbon per year in the American West, 43.4 million tons in the Interior West, and almost 4 million tons in the East.[288] As the Agency recognized in the 2000 FEIS, forests and forest management can play a role in addressing climate change, and forests can be managed to maximize carbon accumulation (sink enhancement) and minimize carbon loss (emission reduction).[289] Simply put, trees are without a doubt the best carbon capture technology we have—they capture and store carbon for us for free—all we need to do is leave them standing. But rescinding the Roadless Rule will open up huge swaths of our national forests, allowing construction and reconstruction of roads for logging, mining, and other industrial activities, and increasing the risk of more frequent and more intense wildfires,[290] all of which will exacerbate the adverse effects of climate change and contribute to the global climate crisis.

Climate change is a fundamental environmental issue, and its impacts fall squarely within the purview of NEPA. Consistent with the President's policies, the Agency's notice of intent does not include a single reference to climate change or greenhouse gas emissions, but the Agency must not ignore the impacts of rescinding the Roadless Rule on climate change. It must identify and evaluate the climate impacts of rescinding the Roadless Rule, including but not limited to the reasonably foreseeable loss of multiple major carbon sinks, and the reasonably foreseeable increase in greenhouse gas emissions from roadbuilding and reconstruction, increased logging, mining, and other industrial activity, as well as the increase in wildfire. To comply with NEPA, the Agency must utilize "public comment and the best available scientific information."[291]

The Agency must recognize and evaluate the global importance of intact roadless areas for carbon sequestration and storage. Specifically, the Agency must estimate the amount of carbon storage in inventoried roadless areas and conduct an in-depth evaluation of the potential impacts—at appropriate scales—of rescinding the Roadless Rule, and any alternatives, on carbon sequestration and storage capacity. The Agency's analysis must reflect peer-reviewed, published estimates of the sequestration and storage potential of the inventoried roadless areas (or ecological equivalents such as other U.S. public timberlands when such estimates are

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[287] Forest Carbon Status and Trends. https://research.fs.usda.gov/sites/default/files/2022-04/hot-topic-carbon-status.pdf

[288] Talty, M. J., Mott Lacroix, K., Aplet, G. H., and Belote, R. T. (2020). Conservation value of national forest roadless areas. *Conserv. Sci. Pract.* 2:e288. doi: 10.1111/csp2.288.

[289] FEIS 3-65.

[290] *See* Section II.C.1

[291] *Biodiversity Cons. All. v. Jiron*, 762 F.3d 1036, 1086 (10th Cir. 2014) (internal citation omitted). The Agency "shall consider and should address in writing comments that raise substantive issues and/or recommendations. 7 C.F.R. § 1b.7 (f). Regulations implementing the planning provisions of NFMA require the use of "the best available scientific information." 36 C.F.R. § 219.3. The Agency must "document how the best available scientific information was used," and such documentation must "identify what information was determined to be the best available scientific information, explain the basis for that determination, and explain how the information was applied to the issues considered. *Id.*

unavailable), and estimated emissions from logging, road building, mining, and other industrial activities. Because agencies and academics have quantified and compared the carbon emissions of alternative logging proposals, the Agency cannot fail to undertake a similar analysis on the basis that it is too complex or complicated.[292]

The Agency must consider that old-growth forests, in general, accumulate and store massive amounts of carbon in trees, foliage, and soil, and must evaluate the impacts of the reduction in carbon sequestration and storage potential, as well as emissions of other greenhouse gases in forests, due to logging-caused soil compaction and nutrient loss. A study of 673,046 trees across six countries and 403 species found large, old trees do not act simply as senescent carbon reservoirs but actively fix large amounts of carbon compared to smaller trees; at the extreme, a single big tree can add the same amount of carbon to the forest within a year as is contained in an entire mid-sized tree.[293]

Another study in which an international team of scientists reviewed 519 published forest carbon-flux estimates from stands 15 to 800 years old found that net carbon storage was positive for 75% of the stands over 180 years old, and the chance of finding an old-growth forest that was carbon neutral was less than 1 in 10.[294] The study found that the largest 1% of trees in old-growth forests worldwide store approximately 50% of the total stand level carbon and that old-growth forests are substantial carbon sinks, steadily accumulating carbon over centuries and containing vast quantities of it in relatively stable form.[295] In sum, old trees store a disproportionate amount of carbon over time.[296]

In its analysis of the carbon sequestration capacity of inventoried roadless areas and the impacts of rescinding the Roadless Rule, the Agency must consider carbon storage in soils. Although soil carbon levels in old forests are generally thought to be in a steady state, climate change induced temperature increases will lead to soil exposure, increased drying, reduced snowpack, and ultimately release of methane.[297]

Research on carbon isotope labeling has shown that trees exchange carbon below ground.[298] Aided by networks of mycorrhiza fungi, interspecific transfer among trees accounts for 40% of the fine root carbon.[299] Research also indicates that mycorrhiza fungal networks become more

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[292] *See, e.g.*, Dominick. DellaSala, *The Tongass Rainforest as Alaska's First Line of Climate Change Defense and Importance to the Paris Climate Change Agreements* (2016) at 14, https://geosinstitute.org/wp-content/uploads/2016/01/tongass-report-emissions-2016-01.pdf (addressing carbon stores from wood products and concluding that logging Tongass old-growth forest under the 2016 Forest Plan would result in net annual CO2 emissions totaling between 4.2 million tons and 4.4 million tons, depending on the time horizon chosen); U.S. Bureau of Land Mgmt., Western Oregon Proposed RMP Final EIS (2009) at 165-181 (addressing climate change impacts including carbon storage and emissions for Western Oregon Resource Management Plan).

[293] N.L. Stephenson et al., *Rate of tree carbon accumulation increases continuously with tree size*. Nature (Jan. 15, 2014), doi: 10.1038/nature12914.

[294] James A. Lutz, et al. *Global importance of large-diameter trees*. 27 Glob. Eco. and Biogeo. 849-864, (2018), https://doi.org/10.1111/geb.12747.

[295] *Id*.

[296] *Id.* ("Because large-diameter trees constitute roughly half of the mature forest biomass worldwide, their dynamics and sensitivities to environmental change represent potentially large controls on global forest carbon cycling. We recommend managing forests for conservation of existing large-diameter trees or those that can soon reach large diameters as a simple way to conserve and potentially enhance ecosystem services.")

[297] Gavin McNicol et al., *Large, climate-sensitive soil carbon stocks mapped with pedology-informed machine learning in the North Pacific coastal temperate rainforest*. Environ. Res. Lett. 14 014004 (2019), https://iopscience.iop.org/article/10.1088/1748-9326/aaed52.

[298] Tamir Klein et al., *Belowground carbon trade among tall trees in a temperate forest*. 352 Science 342-344 (2016), 10.1126/science.aad6188.

[299] *Id.*

connected and take up more carbon with forest succession even without major changes in dominant species composition.[300] Notably, old-growth forests compared to young growth contain more complex below-ground processes that connect trees at the subsurface level.[301] The Agency must evaluate the impacts of logging on soil microbial and mycorrhizae carbon exchange before drawing any conclusions about the impacts of rescinding the Roadless Rule on carbon storage capacity.

The Agency must also provide a comparison of the reasonably foreseeable emissions from rescinding the Roadless Rule, and each alternative, so the public and decision-makers can compare the greenhouse gas contributions of each. To provide a meaningful basis of comparison, the Agency must compare emissions at local, regional, and national levels, not only on a global scale or on particular sector emissions.[302]

The Agency must fully disclose reliable estimates of how much carbon is emitted by clearcutting to meaningfully inform decision-makers and the public of the true costs of rescinding the Roadless Rule. For example, because much of the carbon in logs hauled to mills becomes waste, only a relatively minor portion of the total tree carbon ultimately ends up in wood products.[303] Up to 40% of the harvested material does not become forest products and is burned or decomposes quickly on site, and a majority of manufacturing waste is burned for heat. One study found that 65% of the carbon from West Coast forests logged over the past 100 years is still in the atmosphere, with just 19% stored in long-lived products.[304] The remainder is in landfills.[305] The same study noted that state and federal reporting of emissions has erroneously excluded some product-related emissions, resulting in a 25-55% underestimation of total carbon dioxide emissions from logging, which the Agency must account for in its analysis of reasonably foreseeable climate impacts.[306]

Similarly, the Agency must calculate the carbon debt created by logging (past, present, and future) using reliable and accurate estimates via a carbon life cycle analysis that accounts for

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[300] Elly Morriën et al. *Soil networks become more connected and take up more carbon as nature restoration progresses*. Nat Comm.(2017), https://doi.org/10.1038/ncomms14349.
[301] *Id.*
[302] *See High Country Conservation Advocs. v. United States Forest Serv.,* 52 F. Supp. 3d 1174, 1190 (D. Colo. 2014) ("Beyond quantifying the amount of emissions relative to state and national emissions and giving general discussion to the impacts of global climate change, [the agencies] did not discuss the impacts caused by these emissions."); Mont. Envtl. Info. Ctr. v. U.S. Office of Surface Mining, 274 F. Supp. 3d 1074, 1096–99 (D. Mont. 2017) (rejecting the argument that the agency "reasonably considered the impact of greenhouse gas emissions by quantifying the emissions which would be released if the [coal] mine expansion is approved, and comparing that amount to the net emissions of the United States"); *WildEarth Guardians v. Zinke*, 368 F. Supp. 3d 41, 76-78 (D.D.C. 2019) (holding BLM's conclusion that the emissions from oil and gas leases "represent an incremental contribution to the total regional and global GHG emissions level" was arbitrary and capricious because it was not supported by any data).
[303] *See, e.g.*, Mark E. Harmon, *Have product substitution carbon benefits been overestimated? A sensitivity analysis of key assumptions*. Environ. Res. Lett. 14 065008 (2019), https://iopscience.iop.org/article/10.1088/1748-9326/ab1e95; Atsushi Sato et al., *Assessing the contribution of harvested wood products under greenhouse gas estimation: accounting under the Paris Agreement and the potential for double-counting among the choice of approaches*. *Carbon Bal. and Mgmt.* (2019). https://doi.org/10.1186/s13021-019-0129-5; Jyri Seppälä et al., *Effect of increased wood harvesting and utilization on required greenhouse gas displacement factors of wood-based products and fuels*, 247 J. of Environ. Mgmt., 580-587 (2019), https://www.sciencedirect.com/science/article/pii/S0301479719308333.
[304] Tara W. Hudiburg et al., *Meeting GHG reduction targets requires accounting for all forest section emissions*, Environ. Res. Lett. 14 095005 (2019), https://iopscience.iop.org/article/10.1088/1748-9326/ab28bb.
[305] *Id.*
[306] *Id.*

how long carbon remains in the atmosphere.[307] At a minimum, the Agency must conduct a carbon life cycle analysis using published sources and Forest Inventory and Analysis/timber stand data on estimated carbon uptake and stores in old growth vs. young growth to calculate age-related differences in carbon stores and associated emissions from logging at the regional scale. To construct a proper life cycle analysis that provides a science-based assessment of carbon stocks and flows in roadless areas, the Agency should utilize a method similar to the approach used by Hudiburg et al. in their 2019 life cycle analysis of emissions from logging.[308]

Logging also involves transportation of trucks and machinery across long distances between the forest, the mill, and the point of distribution. The Agency must estimate, disclose, and evaluate the impacts of these emission sources. In doing so, the Agency must consider state emissions data to obtain reliable estimates of emissions from transport and manufacturing of wood products, including transporting logs long distances to other countries for manufacturing, as well as shipping manufactured products to retail and distribution areas.

The Agency also must estimate and disclose the economic value of old-growth forests in inventoried roadless areas for carbon sequestration and storage, which is relevant to the analysis of alternatives to rescinding the Roadless Rule.[309] Similarly, the Agency also must estimate and disclose the socioeconomic costs and environmental damage from increased carbon emissions that will result from reasonably foreseeable roadbuilding, logging, and other industrial activities if the Roadless Rule is rescinded in sufficient detail to allow decision-makers and the public to evaluate potential economic tradeoffs.[310] Courts have rejected agency refusals to properly quantify the costs of greenhouse gas emissions,[311] and identify and disclose to the public the actual climate impacts caused by greenhouse gas emissions, such as property loss or damage from sea-level rise; changes in energy demand; loss of or reduction in productivity and other impacts to agriculture; and human health impacts, such as cardiovascular and respiratory

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[307] This carbon debt is not trivial. Approximately 60% of the carbon lost through logging since 1700s has not yet been recovered by the land sector. Duncan C. McKinley et al. *A synthesis of current knowledge on forests and carbon storage in the United States*. 21 Ecological App. 1902-1924 (2011), https://esajournals.onlinelibrary.wiley.com/doi/abs/10.1890/10-0697.1. 81% of carbon previously stored in West Coast forests has been returned to the atmosphere via logging since 1900. Hudiburg, et al., supra note 291. These centuries-long atmospheric carbon emissions amidst a worsening global climate crisis illustrate why scientists continue to call for policies that avoid emissions and store more carbon in forests. William J. Ripple et al. *World Scientists' Warning of a Climate Emergency*. 70 BioScience,8-12 (2020), 10.1093/biosci/biz088.; Law et al. 2018 Land use strategies to mitigate climate change in carbon dense temperate forests.

[308] Hudiburg et al., supra note 291.

[309] *See Nat. Res Def. Council v. U.S. Forest Service*, 421 F.3d 797 (9th Cir. 2005).

[310] *See id.*

[311] *See, e.g.*, *Montana Env't Info. Ctr. v. U.S. Office of Surface Mining*, 274 F. Supp. 3d 1074, 1094–99 (D. Mont. 2017) (rejecting agency's failure to incorporate the federal SCC estimates into its cost-benefit analysis of a proposed mine expansion); *see also Zero Zone, Inc. v. U.S. Dep't of Energy*, vcv, 679 (7th Cir. 2016) (holding estimates of the social cost of carbon (SCC) used to date by agencies were reasonable); *High Country Conservation Advocates v. U.S. Forest Serv*., 52 F. Supp. 3d 1174, 1190–93 (D. Colo. 2014) (holding the SCC was an available tool to quantify the significance of GHG impacts, and it was "arbitrary and capricious to quantify the benefits of the lease modifications and then explain that a similar analysis of the costs was impossible") (emphasis in original). An agency may not assert that the social cost of fossil fuel development is zero: "by deciding not to quantify the costs at all, the agencies effectively zeroed out the costs in its quantitative analysis." *High Country Conservation Advocates*, 52 F. Supp. 3d at 1192; *see Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin*., 538 F.3d 1172, 1200 (9th Cir. 2008) (holding that while there is a range potential social cost figures, "the value of carbon emissions reduction is certainly not zero").

mortality; and changes in associated pollution.[312] These impacts are all included, to some degree, in the different assessment models that comprise the widely accepted social cost of greenhouse gas estimates.[313]

Roadless areas, which have existing old-growth forests, are thus uniquely valuable as a long-term stable carbon sink, especially compared to logged areas that emit most of their carbon. Unlogged forests store 30-50% more carbon than logged forests and up to half of the carbon stored in a forest is represented by the largest/oldest 1% of trees at the stand level as noted above.[314] Logging primary forests results in a net carbon debt and other irreplaceable losses that are not made up for via reforestation or wood product stores, as the carbon present in primary forests and soils takes centuries to accumulate. Keeping carbon in forests is a fundamental climate mitigation strategy directly responsive to the climate emergency[315] and essential to offsetting some of the emissions from the energy sector. By maximizing carbon storage in roadless areas and old-growth (the scientifically recommended climate strategy), the entire national forest system benefits through the maintenance of linked ecosystem services and biodiversity (i.e., multifunctionality of forests maintained via carbon management).[316] Research suggests this strategy is the most cost-feasible option by a large margin,[317] and it should receive highest priority as a policy consideration. Old-growth forests may also act as a climate buffer,

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[312] *NRDC v. NRC*, 685 F.2d 459, 486–87 (D.C. Cir. 1982), rev'd on other grounds, *Baltimore Gas & Elec. Co. v. NRDC*, 462 U.S. 87, 106–07 (1983). Merely listing the quantity of emissions is insufficient if the agency "does not reveal the meaning of those impacts in terms of human health or other environmental values," since "it is not releases of [pollution] that Congress wanted disclosed" but rather "the effects, or environmental significance, of those releases." *Id.*

[313] *See, e.g.*, U.S. Env't Prot. Agency, *Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances*, 47-62 (2023), https://www.epa.gov/system/files/documents/2023-12/epa_scghg_2023_report_final.pdf. Even in combination with a general, qualitative discussion of climate change, by calculating only the tons of GHGs emitted, an agency fails to meaningfully assess the actual incremental impacts to property, human health, productivity, and so forth. *See Ctr. for Biological Diversity*, 538 F.3d at 1216–17 (rejecting analysis under NEPA when agency "quantifie[d] the expected amount of [carbon dioxide] emitted" but failed to "evaluate the incremental impact that these emissions will have on climate change or on the environment more generally," noting that this approach impermissibly failed to "discuss the actual environmental effects resulting from those emissions" or "provide the necessary contextual information about the cumulative and incremental environmental impacts" that NEPA requires); *California v. Bernhardt*, 472 F. Supp. 3d 573, 623 (N.D. Cal. 2020) ("[F]raming sources as less than 1% of global emissions is dishonest and a prescription for climate disaster . . . Mere quantification [of greenhouse gas emissions] is insufficient."); *Montana Env't Info. Ctr.*, 274 F. Supp. 3d at 1096–99 (rejecting the argument that the agency "reasonably considered the impact of greenhouse gas emissions by quantifying the emissions which would be released if the [coal] mine expansion is approved, and comparing that amount to the net emissions of the United States"); *High Country Conservation Advocates*, 52 F. Supp. 3d at 1191 ("Beyond quantifying the amount of emissions relative to state and national emissions and giving general discussion to the impacts of global climate change, [the agencies] did not discuss the impacts caused by these emissions."). An agency therefore falls short of its legal obligations and statutory objectives by disclosing only volume estimates. To take an analogous example, courts have held that just quantifying the acres of timber to be harvested or the miles of road to be constructed does not constitute a "description of actual environmental effects," even when paired with a qualitative "list of environmental concerns such as air quality, water quality, and endangered species," when the agency fails to assess "the degree that each factor will be impacted." *Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt*., 387 F.3d 989, 995 (9th Cir. 2004) ("A calculation of the total number of acres to be harvested in the watershed is . . . not a sufficient description of the actual environmental effects that can be expected from logging those acres."); *see also Oregon Nat. Res. Council v. Bureau of Land Mgmt*., 470 F.3d 818 (9th Cir. 2006).

[314] Lutz, et al., supra.

[315] *See* Moomaw 2019, Ripple et al. 2019.

[316] In addition to carbon, old forests also build soil, cycle nutrients, mitigate pollution, purify water, release oxygen, and provide habitat for wildlife at much higher levels than logged forests.

[317] Moomaw et al. 2019.

helping stabilize seasonal temperature shifts,[318] which are becoming more extreme under climate change conditions. Studies comparing logged vs. old-growth forests in the Oregon Cascades found that old-growth reduced maximum spring and summer air temperatures as much as 2.5º C.[319] Thus, scientists have repeatedly acknowledged the superior climate benefits inherent in old-growth forests that are irreplaceable in human lifetimes. Rescinding the Roadless Rule would open huge swaths of our national forests to commercial logging, which most often targets bigger, older trees that provide cool, shady microclimates for people and wildlife, and capture and store more carbon than their smaller, younger counterparts.[320] Even if forests are replanted after logging, it can take 20 years or more for a young forest to stop emitting more carbon from its soils than it captures with its leaves.[321]

The Agency must not ignore the incremental nature of carbon emissions and impacts, recommendations of the Intergovernmental Panel on Climate Change to avoid additional emissions, or the broader scientific consensus on the need to fully protect carbon sinks.[322] The global community has also signaled its intent to protect carbon sinks under Article 5 of the Paris Climate Agreement. While the President is—for the second time—irresponsibly withdrawing from the Paris Climate Agreement,[323] it would be equally irresponsible for the Agency to discount the impact of emissions from old-growth logging and other industrial activities that would result from rescinding the Roadless Rule, especially at a time the rest of the world is determined to reduce and avoid emissions at all scales. More to the point, ignoring these impacts would render the Agency's analysis insufficient under NEPA. To comply with NEPA, the Agency must, at a minimum, grapple with the accepted science and explain why it is choosing to ignore the conclusions and recommendations of experts.

IV. The Agency Must Comply with Other Statutory Requirements

A. Endangered Species Act

In addition to evaluating the impacts of rescission of the Roadless Rule on species that are listed as threatened or endangered under the ESA, the Agency must consult with the U.S. Fish and Wildlife Service ("FWS") and the National Marine Fisheries Service ("NMFS"), the expert wildlife agencies, because the rescission may affect numerous threatened and endangered species.[324] The ESA requires that every federal agency "insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species . . . or result in the destruction or adverse modification of [the designated critical] habitat of such species."[325] To that end, agencies must engage in a consultation process with FWS and/or NMFS to determine the effects of their actions

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[318] Alkama and Cescatti 2016. Biophysical climate impacts of recent changes in global forest cover https://www.science.org/doi/10.1126/science.aac8083.
[319] McNicol et al. 2019.
[320] Mildrexler, D.J. (2020) Large Trees Dominate Carbon Storage in Forests East of the Cascade Crest in the United States Pacific Northwest. Front. For. Glob. Change 3:594274. doi: 10.3389/ffgc.2020.594274 https://www.frontiersin.org/journals/forests-and-global-change/articles/10.3389/ffgc.2020.594274/full
[321] Law, B. E. 2001 Carbon storage and fluxes in ponderosa pine forests at different developmental stages https://doi.org/10.1046/j.1354-1013.2001.00439.
[322]Law et al. 2018 Land use strategies to mitigate climate change in carbon dense temperate forests.
[323] On January 20, 2025, shortly after his second inauguration, President Trump signed Executive Order 14162, titled *Putting America First In International Environmental Agreements*, to withdraw the United States from the agreement for a second time. 902 Fed. Reg. 8455 (Jan. 20, 2025). The United States' withdrawal will be effective in January 2026, one year after the formal notification was submitted to the United Nations Secretary-General.
[324] *See Cal. ex rel. Lockyer*, 575 F.3d at 1019 (Forest Service was required to engage in ESA consultation before promulgating new rule replacing Roadless Rule).
[325] 16 U.S.C. § 1536(a)(2).

on listed species.[326] ESA consultation is required whenever a federal action "*may affect* listed species or critical habitat,"[327] and the threshold for meeting this "may affect" standard is relatively low.[328] A rule rescinding the Roadless Rule would easily meet this threshold, triggering the requirement that the Agency consult with FWS and NMFS. This is because rescinding or amending the Roadless Rule will result in a new land designation for roadless areas, and this change in designated status will affect listed species. Moreover, while NFMA requires that site-specific activities are consistent with a land management plan, there are instances where land management plans specify how site-specific activities shall be conducted. For example, land management plans include timber harvest schedules or pre-project survey requirements. Thus rescinding the Roadless Rule would revert management back to each National Forest's land management plan with specific prescriptions, like pre-project surveys, for certain activities and how(?) those prescriptions will adversely affect listed species. Rescinding the Roadless Rule would also change the environmental baseline for existing consultations for land management plans and/or the old consultations are stale and do not reflect the best available science, and this may require reinitiation of consultation.

As discussed above, there are hundreds of threatened and endangered species and species proposed for ESA listing that rely on habitat in inventoried roadless areas, including some species that have designated critical habitat within inventoried roadless areas. These include species like the endangered California condor, threatened Santa Ana sucker, endangered southwestern willow flycatcher, threatened Mexican spotted owl, threatened northern spotted owl, and numerous threatened and endangered populations of coho and chinook salmon and steelhead.[329] When the Agency previously attempted to rescind the Roadless Rule and replace it with the State Petitions Rule, the Ninth Circuit held that the Agency was required to engage in ESA consultation before rescinding the Rule.[330] Similarly here, the Agency must consult with FWS and NMFS on the potential impacts to threatened and endangered species, and their critical habitats, that may result from the rescission of, or changes to, the Roadless Rule.

B. National Historic Preservation Act

The Agency must work with States and tribes to evaluate, under both NEPA and the National Historic Preservation Act ("NHPA"), the potential for impacts to historic and cultural resources from the rescission of the Roadless Rule.[331] The NHPA directs federal agencies, including the Agency, to "take into account the effect of [an] undertaking on any historic property.[332] The Agency must conduct a process under Section 106 of the NHPA if the undertaking has the "potential to cause effects on historic properties."[333] The Agency must follow the elements of this process, including state and tribal consultation requirements, as specified in the implementing regulations found at 36 C.F.R. § 800.3. Additionally, agencies are responsible for inventorying the historic and prehistoric sites located on the lands they manage under Executive Order 11593, *Protection and Enhancement of the Cultural Environment*.

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[326] *See id.*; *Karuk Tribe of Cal. v. U.S. Forest Serv.*, 681 F.3d 1006, 1020 (9th Cir. 2012).
[327] 50 C.F.R. § 402.14(a) (emphasis added).
[328] *See Cal. ex rel. Lockyer*, 575 F.3d 1018-19 ("*any possible effect*, whether beneficial, benign, adverse or of an undetermined character, triggers the formal consultation requirement.") (quoting 51 Fed. Reg. 19926, 19949 (June 3, 1986)).
[329] FEIS Appendix C.
[330] *Cal. ex rel. Lockyer*, 575 F.3d at 10268-69.
[331] 54 U.S.C. § 3006101 *et seq*.
[332] 54 U.S.C. § 306108.0.
[333] 36 C.F.R. § 800.3(a).

The Agency assessed the potential for effects to historic property in its 2001 FEIS for the Roadless Rule,[334] noting that '[a]gencies must identify any historic or cultural properties that will potentially be affected by the preferred alternative, assess the effects of that action on those properties, and seek ways to avoid, minimize, and mitigate any adverse effects."[335] The Agency conducted this analysis because "[m]any heritage sites that have not been inventoried probably exist in inventoried roadless areas, where development has been relatively minimal."[336]

This analysis is especially relevant for an action related to road building. The Agency previously recognized that roads tend to be "built in locations that have the highest likelihood of containing historic or prehistoric sites, such as along rivers and creeks, or through open areas."[337] Even if roads are not built directly on historic sites, they can "cause increased erosion of historic or cultural sites."[338]

V. The Agency Must Ensure Adequate Opportunity for Public Engagement Throughout the Rulemaking Process

Rescinding the Roadless Rule and removing protections from approximately 45 million acres of inventoried roadless areas will have nationwide impacts. Such far-reaching impacts call for significant and consistent public involvement in the NEPA process.

NEPA prioritizes democratic values by providing a central role for public participation in the environmental review process.[339] In particular, NEPA directs agencies to "utilize a systematic, interdisciplinary approach" in their decision-making, and to make their decision-making process transparent and accessible to states, local governments, and the public, including through making available "information useful in restoring, maintaining, and enhancing the quality of the environment."[340] NEPA thus envisions public participation in the federal planning process,[341] providing a benefit to federal decision making.[342]

The Agency must provide sufficient time for the public to meaningfully participate in the Agency's NEPA review process, as well as at all stages of its rulemaking process. Feedback at the NEPA scoping stage, especially for a proposal of this magnitude, is critically important because it provides stakeholders with an opportunity to identify issues, including environmental, social, and economic impacts, and other factors, the Agency should consider in its NEPA review process. Yet the Agency provides only a brief 21-day comment period for its notice of intent. This stands in stark contrast to the Agency's process when it promulgated the Roadless Rule. Then, the Agency provided a 60-day public comment period to respond to its notice of intent to

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[334] *See* 2000 FEIS at 3-232 through 3-237.
[335] *Id.* at 3-232.
[336] *Id*.
[337] *Id.*
[338] *Id*.
[339] *See, e.g.*, 42 U.S.C. § 4332(2)(C).
[340] 42 U.S.C. § 4332(2)(A), (C), (G).
[341] *Id*. § 4332(2)(C).
[342] *See e.g.* ENV'T. LAW INST., NEPA SUCCESS STORIES: CELEBRATING 40 YEARS OF TRANSPARENCY AND OPEN GOVERNMENT, at 6 (Aug. 2010) [hereinafter NEPA Success Stories], https://ceq.doe.gov/docs/get-involved/NEPA_Success_Stories.pdf; CEQ, EXAMPLES OF BENEFITS FROM THE NEPA PROCESS FOR ARRA FUNDED ACTIVITIES (May 2011) [hereinafter Examples of NEPA Benefits], https://ceq.doe.gov/docs/get-involved/ARRA_NEPA_Benefits_List_May122100.pdf (last visited Sept. 18, 2025); CEQ, A CITIZEN'S GUIDE TO THE NEPA: HAVING YOUR VOICE HEARD, at 24 (Dec. 2007) [hereinafter Citizen's Guide to the NEPA], https://ceq.doe.gov/docs/get-involved/Citizens_Guide_Dec07.pdf (noting, in a specific example, that "[t]hrough NEPA, citizens were able to educate and assist the decision-makers in developing their alternatives.").

prepare an EIS,[343] held over 187 public meetings across the country prior to publishing its Draft EIS.[344] Here, the Agency offers no public meetings, and the paltry 21-day public comment period for the notice of intent does not provide sufficient time for key stakeholders, including but not limited to states and scientists, to prepare meaningful NEPA scoping comments to effectively "guide the development of the EIS" as solicited.[345] Washington, California, New Mexico, Oregon, and Wisconsin, with millions of acres of inventoried areas within their boundaries requested an extension to this comment period.[346] The Agency did not grant this request.

The Agency must continue to solicit, provide adequate time for, and respond to public input throughout the NEPA and rulemaking process. The States urge the Agency to provide additional time for NEPA scoping comments and for a robust comment period when it publishes the proposed rule and draft EIS. The Agency should hold public meetings across the country to solicit local feedback, as it did when promulgating the Roadless Rule. In addition to the 187 meetings the Agency held during the NEPA scoping period for the Roadless Rule, it held over 430 additional public meetings after publishing the Draft EIS to solicit feedback on its analysis.[347] Over 23,000 people attended these meetings.[348]

Rescinding the Roadless Rule will undoubtedly have as many, if not more, significant and far-reaching impacts than promulgating it, and the Agency's proposal to rescind the Roadless Rule thus warrants a similarly robust public engagement process.

VI. CONCLUSION

As discussed above, rescinding the Roadless Rule will have significant and nationwide impacts. Under NEPA, the Agency must conduct an in-depth analysis of all reasonably foreseeable impacts of rescinding the Roadless Rule, including direct, indirect, and cumulative environmental, social, and economic impacts and must provide for robust public participation throughout the rulemaking process. The Attorneys General of the undersigned States urge the Agency to maintain the Roadless Rule and the necessary and effective protections it provides.

[343] National Forest System Roadless Areas, 64 Fed. Reg. 56306 (October 19, 1999).
[344] *Id.*; 2000 FEIS at S-2.
[345] 90 Fed. Reg. at 42182
[346] *See* previously filed extension request letter. *See* Docket FS-2025-0001.
[347] 2000 FEIS at Vol. 1, 1-7.
[348] 2000 FEIS at Vo. 1, 1-7.

REGION 9
SAN FRANCISCO, CA 94105

September 19, 2025

Brad Kinder
Ecosystem Management Coordination
U.S. Forest Service
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

Subject: EPA Scoping Comments for the Special Areas, Roadless Area Conservation, National Forest System Lands

Dear Brad Kinder:

The U.S. Environmental Protection Agency has reviewed the Forest Service's Notice of Intent to Prepare an Environmental Impact Statement for the Special Areas, Roadless Area Conservation on National Forest System Lands. The EPA's comments are provided pursuant to the National Environmental Policy Act and our NEPA review authority under Section 309 of the Clean Air Act.

According to the NOI, the preliminary Proposed Action would rescind the 2001 Roadless Area Conservation Rule on 44.7 million acres of National Forest System (NFS) lands. The Forest Service has determined that due to new national policy priorities and changing conditions, the Roadless Rule is no longer the best approach for managing inventoried roadless areas. The NOI states that flexibility is needed to achieve its multiple use conservation mission and address rapidly changing environmental conditions, such as the expanding wildland-urban interface; growing impacts of extreme wildfire, drought, and insect and disease infestations; and continuing deferred maintenance needs on NFS roads and trails.

A rulemaking of this size and scope may have significant environmental impacts related to air quality, water and aquatic resources, and Tribal resources. We provide the attached scoping comments for your consideration that identify issues for evaluation in the NEPA analysis. Our comments are focused on air and water resources consistent with our Clean Water Act, Clean Air Act, and Safe Drinking Water Act authorities. EPA appreciates the opportunity to provide comments and is available to discuss them.

If you have any questions, please contact me at (415) 947-4167, or contact Stephanie Gordon, the lead reviewer for this project at (415) 972-3098 or gordon.stephanies@epa.gov.

Sincerely,

JEAN PRIJATEL

Digitally signed by JEAN PRIJATEL
Date: 2025.09.19 14:59:08 -07'00'

Jean Prijatel
Manager
Policy and Operations Branch

ENCLOSURE: EPA's Detailed Comments

Water Resources

The Final EIS for the 2001 Roadless Rule stated that the most common concern with impaired waters in forested lands is road construction, reconstruction, and maintenance which can affect water quality parameters such as sediment loads, nutrients, or temperature changes and might degrade water quality (FEIS Vol. 1, 3–53). Roadless areas are important to minimizing water quality impairments and improving overall watershed health, including water quality, groundwater and groundwater dependent ecosystems, public drinking water, riparian areas, wetlands and aquatic-dependent species. Based on this information, the EPA considers the evaluation and protection of water resources to be among the most important issues to be addressed in this NEPA analysis.

Given the potential for this rulemaking to affect aquatic resources, we recommend the EIS evaluate potential impacts by including the following information in the analysis:

- An overview of reasonably foreseeable impacts on aquatic resource existing conditions. Impacts may include changes in surface and groundwater hydrology supporting streams, reservoirs and wetlands; surface and ground water quality; stream processes; and water quantity and timing.
- An assessment of reasonably foreseeable effects on Sole Source Aquifers and Source Water Protection Areas that may be vulnerable to impacts from the proposed rulemaking.
- An assessment of impacts to soils. Such impacts may include soil loss, altered soil chemistry, increased surface storm flow, changes in water temperature associated with erosion of soils and stream banks, water channelization, soil compaction, reduced stream base flows from decreased infiltration to groundwater, and vegetation loss.
- Discuss how Forests will utilize the Geomorphic Road Analysis and Inventory Package (GRAIP) or GRAIP Lite to help land managers manage the impacts of road systems on erosion and sediment delivery to streams.
- Providing framework for detailed hydrologic analyses for forest managers to adequately assess their future projects' potential biological and geomorphic impacts. Consider potential influences of temperature and precipitation trends on future hydrology. Provide a commitment for individual Forests to evaluate impacts to shade critical for maintaining cold water[1] dependent species from roads or activities that would occur from new road development.

Drinking Water

The 2001 Roadless Rule stated that roadless areas within the National Forest System contain all or portions of 354 municipal watersheds. The EPA recommends the EIS identify areas currently protected by the 2001 Roadless Rule that serve as drinking water sources, including the headwaters for those drinking water sources. It is critical to maintain headwaters in order to maintain safe drinking water quality. Enhancing the resilience and reliability of drinking water supply systems promotes human health and reduces the need for expensive water treatment. In structuring the analysis in the EIS, we recommend watersheds that are sources of drinking water and those currently containing the highest quality habitat and/or with the greatest potential for recovery receive highest priority for protection and restoration.

[1] US EPA. 2007. Benefits of Trees and Vegetation. https://www.epa.gov/heatislands/benefits-trees-and-vegetation

According to the 2001 Roadless Rule Final EIS, approximately 4.2 million acres of inventoried roadless areas are recommended for Wilderness designation and are managed as such (FEIS Vol. 1 p. 3-221), and a substantial number of inventoried roadless areas are near or in close proximity to designated Wilderness Areas. Wilderness areas safeguard clean, natural watersheds, preventing the human activities that cause erosion and pollution, and providing natural filtration that benefits downstream communities and ecosystems. These undeveloped areas help maintain water quality and quantity, serve as critical sources of drinking water for millions of Americans, and are essential for buffering environmental changes. We recommend evaluating in the EIS the potential impacts of the proposed rulemaking on designated Wilderness Areas, areas that are recommended for Wilderness designation, and their ecosystem services.

Groundwater

Groundwater provides domestic and public water supply and supports environmental flows and levels in groundwater dependent ecosystems (GDEs). GDEs include fens and other wetlands fed by groundwater, terrestrial vegetation and fauna sustained by shallow groundwater, ecosystems in streams, lakes fed by groundwater, and springs. While GDEs occupy a small percentage of landscapes in the arid West, riparian areas and GDEs provide disproportionately large ecosystem services such as water filtration, wildlife habitat, and flood control. The proposed action has the potential to impact GDEs by altering surface run-off, infiltration, evapotranspiration, sedimentation, and soil compaction. Additionally, activities associated with the proposed action have the potential to introduce contaminants to GDEs and shallow aquifers. We recommend the EIS evaluate potential impacts to groundwater resources, including GDEs, underground sources of drinking water, source water protection zones for public water systems, and shallow aquifers.

Sedimentation

Roads have long been recognized as one of the primary sources of soil and water disturbances in forested environments. In fact, the Forest service has identified roads as a significant contributor to erosion and sedimentation on NFS lands. Roads can contribute more sediment to streams than any other management activity and interrupt the subsurface flow of water, particularly where roads cut into steep slopes. In addition, roads have been shown to produce elevated volumes of chronic surface sediment runoff from the road surface.

In the EIS, we recommend discussing the Forest Service's use of Geomorphic Road Analysis and Inventory Package (GRAIP)[2] for small-scale sedimentation analysis or, likely more applicable to this project, GRAIP-lite[3] for broader sedimentation analysis. These Forest Service tools can assist in describing the impact of forest roads on aquatic resources and the Forest Service's practices for avoiding riparian areas.

<u>Baseline Environmental Conditions</u>

The NOI proposes to manage inventoried roadless areas consistent with each Forest's land management plan (i.e., local decision making) rather than a national rule. We note that the older land management plans do not reflect existing environmental conditions in the forest nor contain updated desired conditions, so they may not include the appropriate management actions needed to respond to changed environmental conditions. The EPA recommends that the NEPA analysis compare and present

[2] https://www.fs.usda.gov/research/rmrs/projects/graip.

[3] https://www.fs.usda.gov/research/rmrs/projects/graiplite.

impacts to resources against the existing conditions baseline using a consistent method to measure project impacts for all alternatives. This provides an important frame of reference for quantifying and/or characterizing magnitudes of effects and understanding each alternative's impacts and potential benefits. This is particularly important when there are environmental protections in place that are based on current conditions, such as total maximum daily loads (TMDLs) for impaired river segments or requirements in Clean Air Act nonattainment areas. We recommend that the Forest Service consider the following when defining baseline conditions:

- Provide an overview of Inventoried Roadless Areas affected by this rulemaking based on National Forest, Forest Service Region, Ecoregion, or some other appropriate geographic classification system. This is important because the potential effects will vary widely based on the geographic area of the country.
- Include an evaluation of demographic trends around NFS lands to ensure understanding of the expansion of urban areas into adjacent forested land (wildland urban interface or WUI) and the migration to rural areas containing NFS lands. We recommend quantifying the percentage of WUI that is adjacent to or overlaps with inventoried roadless areas. We also recommend providing information on where forest management is needed for wildfire prevention (e.g., areas of expanding WUI).
- Describe NFS roads including the miles of Forest Service roads developed over time, including: an inventory of classified, unclassified, temporary and unauthorized roads, and existing road density; an estimation of types of road surfaces on NFS lands (e.g., paved, unpaved, gravel, etc.); a description of road decommissioning trends.

Reasonably Foreseeable Effects

It will be important for the NEPA analysis to evaluate the reasonably foreseeable effects of this rulemaking as it has the potential to significantly affect the quality of the human environment (42 U.S.C. Sections 4332(C)). This evaluation is important for analyzing environmental impacts, considering alternatives, proposing mitigation, and incorporating environmental considerations into decision-making. We recommend the EIS evaluate reasonably foreseeable environmental effects of the proposed agency action, including adverse effects which cannot be avoided should the proposal be implemented.

Air Quality

To characterize air quality conditions, the EPA recommends the EIS present existing air quality and air quality related values data.[4] To do so, we recommend first characterizing existing conditions, which should help to understand how the proposed action may affect air quality and what measures may be needed to mitigate any potentially significant impacts. In addition to the health-based National Ambient Air Quality Standards (NAAQS), the CAA provides Class I Areas special protection for air quality and air quality related values, including visibility. The EPA also recommends identifying sensitive receptors near inventoried roadless areas, such as nearby residences, population centers, nonattainment areas, Class I Areas, Class II Areas with sensitive resources, and noting regional air quality and AQRV trends over the past several years. A description of current vehicle data and trends associated with NFS land visitation would also be useful, as well as a discussion of regional air quality

[4] https://www.epa.gov/visibility/visibility-parks-and-wilderness-areas

concerns (e.g., whether there are any PM_{10} issues in Forests with inventoried roadless areas, seasonal wildfire smoke, etc.). We also recommend discussing the types of emissions-generating sources and activities on NFS lands. Using this baseline information, we recommend evaluating and discussing the potential effects to air quality from the proposed action.

Wildfire Risk

We understand that the proposed rulemaking is intended to facilitate wildfire mitigation projects, potentially decreasing wildfire in and adjacent to NFS lands, however the development of new roads in previously protected areas can alter natural landscapes, potentially increasing wildfire behavior. Roads can provide access for forest management activities and firefighting efforts while also increasing human activity that may lead to fire ignition. The EPA recommends the EIS evaluate the relationship between increased road networks and the potential for increased wildfire frequency and intensity.

Consultation and Engagement

To ensure impacts to Tribal resources are identified and avoided or minimized, it is important that formal government-to-government consultation under EO 13175 take place early, regularly, and meaningfully, and that additional consultation under Section 106 of the National Historic Preservation Act also take place early to ensure that Tribal concerns and interests are adequately addressed in the NEPA process. During consultation, Forest Service can provide awareness of opportunities to help build capacity and support Tribal participation.

To ensure that impacts to Tribes and Tribal resources are addressed in the EIS, the EPA recommends including 1) a summary of the results of Tribal consultation that identifies the main concerns expressed by Tribes (if any), and how those concerns were addressed; 2) a description of how consultation influenced the decision making process, including the selected alternative and mitigation to avoid, minimize, or compensate for impacts to Tribes; and 3) a discussion of how Forest Service would avoid or minimize or mitigate adverse effects on the physical integrity, accessibility, or use of cultural resources or archaeological sites, including traditional cultural properties.

Indigenous Knowledge

Since Indigenous Knowledge is often unique and specific to a Tribe and may exist in a variety of forms, consultation and collaboration with Tribes is critical to ensuring that Indigenous Knowledge is considered and applied in the NEPA process. The EPA recommends that the EIS identify, include, and integrate Indigenous Knowledge into the analysis, as appropriate. Such anthropological work can include the collection of local and traditional knowledge concerning the affected environment, anticipated impacts from the project, and traditional hunting and land use patterns.

Local Communities

Since the NOI states that the Forest Service is expected to include a Draft EIS along with a request for public comment, we offer the following recommendations regarding best practices for community engagement. Due to the potential impacts this proposed rulemaking can have on communities near NFS lands, the EPA recommends the Forest Service provide early and frequent outreach and engagement opportunities to collect and incorporate community feedback throughout the NEPA process. This may include, but is not limited to:

- Providing ample notice of meetings and commenting opportunities so that community members have sufficient time to prepare and participate.
- Where applicable, extending public comment periods and local outreach to account for regional or national holidays.
- Promoting engagement opportunities within appropriate outlets used by affected communities, such as newspapers, radio, and social media.
- Ensuring that meetings are scheduled at a time and location that is accessible for community participants, including scheduling meetings after work hours and on weekends, as appropriate, and providing opportunities for hybrid meetings.
- Addressing technology barriers that may prohibit participation from affected communities.
- Ensuring that all project-related information is conveyed using plain language so that community members of varied reading proficiencies can readily understand the project-related information.
- Providing translation services to accommodate linguistically isolated populations, as applicable.

The EPA recommends the EIS describe:

- Actions taken by the Forest Service to provide opportunities for meaningful public engagement.
- Any community concerns, including those outside the jurisdiction of the Forest Service.
- How community feedback and preferences are reflected in the Forest Service's NEPA decision-making process, including alternatives development, the selected alternative, and mitigation.
- Any unique conditions of potentially affected nearby communities that may be affected by the proposed action, including:
    - Human health vulnerabilities (e.g., heightened disease susceptibility, health disparities, medically underserved areas).
    - Socioeconomic vulnerabilities (e.g., reliance on a particular resource that may be affected by the proposed action, disruptions to community mobility and access as a result of development).
    - Cultural vulnerabilities (e.g., traditional cultural properties and resources).

Biological Resources

According to Roadless Rule Final EIS, inventoried roadless areas provide large, relatively undisturbed blocks of important habitat for a variety of terrestrial and aquatic wildlife and plants, including hundreds of threatened, endangered, and sensitive species. In addition to their ecological contributions to healthy watersheds, many inventoried roadless areas function as biological strongholds and refuges for a number of species and play a key role in maintaining native plant and animal communities and biological diversity (FEIS Vol. 1, 3–123 to 3–124). The proposed rulemaking has the potential to affect habitat fragmentation/ecological connectivity, and species variety, abundance, and distribution, among other things. We recommend evaluating in the EIS the potential effects of the alternatives on biological resources, including terrestrial and aquatic animal and plant habitat and species including Threatened, Endangered, and Sensitive Species. The EPA suggests working closely with the U.S. Fish and Wildlife Service to determine potential impacts of the proposed rulemaking on species listed under the Endangered Species Act or other sensitive species.

Invasive Species/Noxious Weeds

Road building and timber harvest has the potential to significantly increase invasive species and noxious weed spread into inventoried roadless areas with previously little or no noxious weeds occurrence. The Forest Service considers invasive weeds a significant threat to ecosystem integrity. Noxious weed spread can profoundly impact watersheds by displacing native plants, increasing soil erosion, altering water quality and flow, and damaging aquatic habitats. Prevalence of noxious weeds also impacts wildfire frequency and intensity. The EPA recommends the EIS evaluate the prevalence of noxious weeds on NFS lands and the potential impacts this rulemaking will have on noxious weed spread in inventoried roadless areas.

Costs and Maintenance Backlog

When the 2001 Roadless Rule was finalized, the NFS road system was over 386,000 miles long and Forest Service estimated there was at least 60,000 miles of additional unauthorized roads across NFS lands (66 Fed. Reg. 3244, January 12, 2001).[5] In the Final Rule the Forest Service stated that budget constraints, coupled with the size of the forest road system, prevented the agency from managing the road system to required safety and environmental standards. The Rule stated, "Failure to maintain existing roads can also lead to erosion and water quality degradation and other environmental problems and potential threats to human safety." At that time, the Forest Service indicated that there was an estimated $8.4 billion in deferred maintenance and reconstruction on NFS roads, and the agency received less than 20% of needed funds to maintain existing road infrastructure. According to recent a NFS estimate, in 2024 there was an estimated 10.8 billion in deferred maintenance.[6] The EPA recommends the EIS:

- Estimate the potential maintenance costs of rescinding the Roadless Rule and allowing increased new road construction in inventoried roadless areas. For estimation purposes, it may be helpful to create a low, medium and high scenario for potential road construction and estimated maintenance costs.
- Discuss the funding mechanisms for covering the additional maintenance costs and evaluate whether there will be a budget shortfall under the low, medium, and high scenarios.
- Evaluate the potential impacts of an increased maintenance backlog on environmental resources, including water resources.

Tongass National Forest

The NOI states that the proposed Rule would expressly exclude Tongass National Forest from the 2001 Roadless Rule. The Tongass National Forest in Alaska is the largest national forest in the United States, covering 16.7 million acres in Southeast Alaska. This largely undeveloped forest plays a crucial role for communities in Southeast Alaska who depend on the forest for various ecosystem services (i.e., goods and services vital to human health and livelihood that the forest provides). The 2016 Tongass National Forest Land and Resource Management Plan identifies specific ways that communities depend on the Tongass National Forest, including employment in wood products, commercial fishing and fish processing, recreation, tourism, and mining and mineral development.

[5] https://www.federalregister.gov/documents/2001/01/12/01-726/special-areas-roadless-area-conservation

[6] https://www.fs.usda.gov/sites/default/files/fy24-q4-deferred-maint-report.pdf

The potentially impacted land in the Tongass National Forest accounts for approximately one-third of the total National Forest acres impacted by the proposal. The EPA recommends the EIS discuss how the goals of ongoing efforts (e.g., the Tongass National Forest Plan Revision[7] and Southeast Alaska Sustainability Strategy[8]) and the forest management plan would be impacted by this rule.

Tiering and Incorporation by Reference

If the EIS tiers to and incorporates by reference previous analyses, we recommend the EIS include all documents it incorporates by reference in the appendices to facilitate their use by the public and the decision makers. When incorporating by reference, we recommend summarizing analyses and data that are being tiered to directly in the EIS; then, describing why the information is still relevant to the new analysis. We recommend verifying whether data and analyses that are five years or older are representative of current conditions. For example, water and air data may have changed since that data was collected, especially since the last Record of Decision in 2001, impacting the accuracy and relevance of baseline data. Lack of clarity around baseline conditions impedes accurate conclusions on the project's impacts.

[7] https://www.fs.usda.gov/r10/tongass/planning/forest-plan/tongass-national-forest-plan-revision

[8] https://www.fs.usda.gov/r10/natural-resources/forest-management/southeast-alaska-sustainability-strategy

City of Tenakee Springs
RESOLUTION 2026-02

In the Council
July 24, 2025

Introduced by the
Council Vice President

A RESOLUTION FOR THE CITY OF TENAKEE SPRINGS, ALASKA, URGING THE U.S. DEPARTMENT OF AGRICULTURE TO NOT RESCIND THE ROADLESS RULE AND TO INCLUDE STRONG PROTECTIONS FOR OLD-GROWTH FORESTS IN THE TONGASS NATIONAL FOREST

WHEREAS, the City of Tenakee Springs is incorporated as a second-class city in the state of Alaska, and

WHEREAS, the City of Tenakee Springs supports its citizens in their use of productive forest lands for harvest of deer, fish, and plants, and small-scale use of forest products; and

WHEREAS, our community members commonly use Tongass National Forest lands in the watersheds of Tenakee Inlet and Freshwater Bay; and

WHEREAS, old growth and mature forests provide the best places for the viewing and harvesting of animals, fish, and plants, and are of critical importance to protecting and preserving our harvesting practices, subsistence activities, culture, and ways of life; and

WHEREAS, large-scale clearcut logging creates areas that are less productive for hunting and gathering and less pleasant for residents and visitors to view; and

WHEREAS, the City of Tenakee Springs and its citizens and organizations have long fought to keep clearcut logging to a minimum in the lands near our homes; and

WHEREAS, our community would prefer to enjoy the remaining old growth and mature forests rather than spending inordinate amounts of time fighting to protect them from large-scale logging; and

WHEREAS, the United States Department of Agriculture (the Department) is preparing an environmental impact statement that will rescind the Roadless Area Conservation Rule nationwide, including the Tongass National Forest; and

WHEREAS, the City of Tenakee Springs opposes this action by the Department because it would cause significant harm to the ways of life of our citizens and force the citizens of Tenakee Springs to continue to use its resources to fight logging proposals and advocate for durable protection of our traditional territory; and

WHEREAS, durable protection for old-growth and mature trees in the Tongass is needed and the Roadless Area Conservation Rule provides our community, and other in Southeast Alaska, with such safeguards; then

THEREFORE BE IT RESOLVED that the Common Council of the City of Tenakee Springs, Alaska, supports protecting the remaining old-growth and mature trees in the Tongass from any large-scale commercial logging and urges the Department to keep the Roadless Area Conservation Rule in place; and

THEREFORE BE IT FURTHER RESOLVED that the City of Tenakee Springs opposes any rescission of the Roadless Area Conservation Rule both nationwide and, in particular, in the Tongass National Forest.

ADOPTED 6 ayes, 1 absent **THIS** 24th **DAY OF** July, **2025**

Linnea Lospenosochatel
City Council President
Ex officio MAYOR

ATTEST:

Nicole Pegues
City Clerk

CITY OF GUSTAVUS, ALASKA
RESOLUTION CY25-20

A RESOLUTION BY THE CITY OF GUSTAVUS, ALASKA, URGING THE U.S. DEPARTMENT OF AGRICULTURE NOT TO RESCIND THE ROADLESS AREA CONSERVATION RULE AND TO ENACT STRONG PROTECTIONS FOR OLD-GROWTH FORESTS IN THE TONGASS NATIONAL FOREST

WHEREAS, The City of Gustavus is a distinctive community that prospers by and through protection of its natural resources; and,

WHEREAS, the sustainability and resilience of our community's economy and our lifestyles depend upon nurturing and sustaining the natural resources of our forests, rivers, and ocean, locally and regionally in Southeast Alaska; and,

WHEREAS, many Gustavus residents obtain their livelihood from environmentally dependent tourism and fishing activities; and,

WHEREAS, the Roadless Area Conservation Rule was first adopted in 2001 to protect over 50 million acres of our nation's most essential and intact roadless areas in national forests throughout the United States; and,

WHEREAS, roadless areas in the Tongass National Forest represent some of the most spectacular and unique lands anywhere in the national forest system and support hunting, fishing, and customary and traditional uses and provide unparalleled outdoor recreation opportunities and opportunities for businesses; and,

WHEREAS, the amount of stored carbon in the intact old-growth forest and soils of the Tongass represents one of the highest carbon stores in the world, and the conservation of intact inventoried roadless areas on the Tongass is essential for maintaining America's resilience and slowing climate change throughout the world; and,

WHEREAS, the Roadless Area Conservation Rule provides essential flexibility, allowing the U.S. Forest Service to authorize construction or reconstruction of a road in an inventoried roadless area if it is determined that it is needed for specific reasons, including some timber harvest, and as of April 2019 (the most recent data available) more than 50 projects including mines, hydropower and intertie, a timber sale, road reconstruction, and a U.S. Coast Guard antenna, among others, have been approved; and,

WHEREAS, durable protection for old-growth and mature trees in the Tongass is needed and the Roadless Area Conservation Rule provides our community and others in Southeast Alaska with such safeguards; and,

WHEREAS, the City Council of Gustavus, Alaska, has affirmed its support for the Roadless Area Conservation Rule in two previous resolutions, Resolution CY18-31, in 2018, and Resolution CY21-15, in 2021; and,

WHEREAS, the U.S. Department of Agriculture is preparing an environmental impact statement that will rescind the Roadless Area Conservation Rule nationwide, including on the Tongass National Forest (90 *Fed. Reg.* 42179, August 29, 2025); and,

WHEREAS, the USFS proposed rule claims a rationale of increased fire risk and a need for fire risk remediation in roadless areas, fire risk in the rain-soaked Tongass National Forest is a non-problem and road access in national forests nationwide increases the risk of human-caused catastrophic fires; and,

WHEREAS, the communities in wildland urban interfaces nationwide are most effectively protected by fire hardening the structures and the vegetation immediately around them, rather than by logging, thinning, or other "mitigation" measures in nearby or distant roadless forest lands; and,

WHEREAS, large-scale commercial logging in our region would cause significant harm to the ways of life that characterize our community and force the residents and the community to use their resources to fight logging proposals and to advocate for durable protection of the region's national forest lands.

NOW THEREFORE BE IT RESOLVED that the City Council of Gustavus, Alaska, supports the protecting the remaining old-growth trees on the Tongass National Forest from any large-scale commercial logging and urges the U.S. Department of Agriculture to keep the Roadless Area Conservation Rule in place; and,

NOW THEREFORE BE IT FURTHER RESOLVED that the City Council of Gustavus, Alaska, opposes any recission of the Roadless Area Conservation Rule both nationwide and, in particular, on the Tongass National Forest. The Roadless Area Conservation Rule should continue to underpin and inform National Forest management plans as a core management policy.

PASSED and **APPROVED** by the Gustavus City Council this 8th day of September, 2025, and effective upon adoption.

Sally A. McLaughlin, Mayor

Attest: Liesl M. Barker, City Clerk

Municipality of Skagway
GATEWAY TO THE KLONDIKE
P.O. BOX 415 SKAGWAY, ALASKA 99840
p: 907.983.2297 f: 907.983.2151
www.skagway.org

September 19, 2025

The Honorable Brooke L. Rollins
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

Director, Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124.

Re: Docket No. FS-2025-0001 – Proposed Rescission of the 2001 Roadless Area Conservation Rule

To the U.S. Department of Agriculture:

The people of Skagway appreciate the opportunity to comment on the proposed changes to the Roadless Rule in the Tongass National Forest.

Our community depends on the natural beauty of Southeast Alaska. Each summer, visitors from all over the world come to Skagway to experience the wild, untracked landscapes that make this part of Alaska so special. These visitors sustain our small businesses, support local jobs, and allow our families to remain in this unique corner of the state. Just as importantly, our residents depend on the Tongass for clean water, healthy salmon runs, abundant wildlife, and recreation that enriches daily life.
In past years, Skagway's Assembly passed Resolution No. 19-32R opposing any effort to exempt the Tongass from the Roadless Rule.

We want to see the Tongass protected — for our children, for our economy, for our culture, and for the generations of visitors yet to experience this place. Yet, we also recognize there are future opportunities for sustainable forestry development, potential economic options, new employment, recreation, and improved access to our local resources.

We recognize Federal changes to the Roadless Rule are likely coming and the Skagway Assembly welcomes the opportunity to be included in the dialogue. Local knowledge should be heavily weighed in coordination with Federal policy. We strongly request that any subsequent changes to the Tongass land management plan go through a thorough public process and decisions are vetted through local regulatory bodies of the Forest Service and local government.

Sincerely,

Kate Kolodi
Mayor, Municipality of Skagway
On behalf of the Skagway Assembly

CC: Via U.S. Mail & Regulations.gov Submission (see page 2)

- Director, Forest Management, USDA Forest Service
  1400 Independence Avenue, S.W.
  Washington, DC 20250
- Chief of the Forest Service
  U.S. Department of Agriculture
  1400 Independence Avenue, S.W.
  Washington, DC 20250
- Regional Forester, Alaska Region (Region 10)
  USDA Forest Service
  Federal Building, Juneau, AK 99801
- Supervisor, Tongass National Forest
  USDA Forest Service
  648 Mission Street, Juneau, AK 99801
- The Honorable Lisa Murkowski, U.S. Senate [EMAIL ONLY}
- The Honorable Dan Sullivan, U.S. Senate [EMAIL ONLY}
- The Honorable Nick Begich, U.S. House of Representatives [EMAIL ONLY}

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources
OFFICE OF THE COMMISSIONER

550 West 7th Avenue, Suite 1400
Anchorage, AK 99501-3561
Main: 907-269-8431
Fax: 907-269-8918

September 19, 2025

Director
Ecosystem Management Coordination
201 14th Street SW
Mailstop 1108
Washington, DC 20250-1124

Re: Proposed EIS and Rulemaking to Rescind the 2001 Roadless Rule

The State of Alaska (State) has reviewed the Notice of Intent to Prepare an Environmental Impact Statement (Notice) published in the Federal Register (Vol 90. No. 166, 42179-42182) on August 29, 2025, by the U.S. Department of Agriculture (USDA), Forest Service. Please consider the following consolidated comments on the development of the environmental impact statement (EIS) and rulemaking.

The State strongly supports the USDA's initiation of an EIS and rulemaking to rescind the 2001 Roadless Area Conservation Rule (2001 Roadless Rule). This action restores local decision-making, aligns with statutory mandates unique to Alaska, and unlocks economic opportunities for communities across the state. Existing federal and state statutes, regulations, and policies will continue to safeguard fish and wildlife habitat, forest ecosystems, scenic landscapes, clean water, wilderness values, and recreational access.

The 2001 Roadless Rule imposes a one-size-fits-all management framework that disproportionately burdened Alaska, placing 56% of the Tongass National Forest and 99% of the Chugach National Forest under restrictive designations. When layered with other federal land management mandates, the 2001 Roadless Rule effectively renders approximately 80% of the Tongass National Forest generally off-limits to road construction and timber harvest activities[1]—severely constraining access, development, and locally-driven decision-making. As a young state, Alaska's infrastructure is relatively undeveloped compared to the Lower 48; the 2001 Roadless Rule undermines Alaska's ability to close this development gap.

The proposed rescission will allow forest management planning for the Tongass and Chugach National Forests to reflect Alaska's unique conditions and be consistent with the Alaska National Interest Lands Conservation Act (ANILCA), the Tongass Timber Reform Act (TTRA), and Executive Order 14153: Unleashing Alaska's Extraordinary Resource Potential.

I. SOCIAL AND ECONOMIC EFFECTS

The State highlights the following positive social and economic effects relating to rescinding the 2001 Roadless Rule.

[1] USDA Forest Service. *Frequently Asked Questions Regarding Inventoried Roadless Areas*. July 2024, pp. 2-3.

Rescinding the 2001 Roadless Rule will:

1. **Support the timber industry in Southeast Alaska, which sustains local jobs, businesses, and infrastructure.**

   The 2001 Roadless Rule prohibits new road construction, reconstruction, and most forms of timber harvest in designated inventoried roadless areas across the National Forest System.[2] The proposed rescission would make an additional 168,000 acres of old-growth timber (a 74% increase) and 20,000 acres of young-growth timber (a 6% increase) in the Tongass suitable for timber production,[3] which could improve the availability of positively appraised timber sales[4] and have a beneficial effect on the forest products industry.[5]

2. **Safeguard access to adjacent non-federal lands to enable resource development, transportation, and infrastructure projects on state, private, and Alaska Native lands.**

   Despite allowances put in place by Congress in ANILCA and the TTRA, the 2001 Roadless Rule restricts road construction within most areas of the Tongass and Chugach National Forests, which can impede development of resources and critical infrastructure on adjacent non-federal lands. This is particularly consequential in Southeast Alaska, where fragmented land ownership, steep terrain, and limited existing road networks compound access challenges.

   These restrictions can obstruct or delay projects such as timber harvesting operations, marine terminal upgrades, regional transportation corridors, power transmission infrastructure, broadband fiber deployment, communication tower access roads, and mining haul routes. By limiting access across federal tracts, the 2001 Roadless Rule creates bottlenecks for regional development, complicates inter-jurisdictional planning, and increases costs for infrastructure expansion in remote communities.[6]

   By removing these restrictions, the proposed recission will enable resource development, transportation, and infrastructure projects on state, private, and Alaska Native lands.

3. **Enable responsible mineral development in the Tongass.**

   Identified and undiscovered mineral resources on the Tongass National Forest—including strategic minerals critical to national supply chains, defense, and renewable

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[2] Congressional Research Service. *The Alaska Roadless Rule: Eliminating Inventoried Roadless Areas in the Tongass National Forest*. R46505. February 2021, page 1.
[3] USDA Forest Service. *Alaska Roadless Rule, Final Environmental Impact Statement*. R10-MB-867b. September 2020, page 3-26.
[4] USDA Forest Service. *Alaska Roadless Rule, Final Environmental Impact Statement*. R10-MB-867b. September 2020, page ES-13.
[5] USDA Forest Service. *Alaska Roadless Rule, Final Environmental Impact Statement*. R10-MB-867b. September 2020, page 2-25 (Table 2-12).
[6] USDA Forest Service. *Final Rule: Responses to Comments Received on the Proposed Rule – Special Areas; Roadless Area Conservation; National Forest System Lands in Alaska*. January 2021, pp. 3-24.

energy—have been valued at over $28 billion (in 1988 dollars).[7] While this estimate warrants updating to reflect current market conditions, known geology, and inflation; it nonetheless underscores the region's vast mineral potential. Yet development remains constrained by the 2001 Roadless Rule, despite ANILCA's explicit allowance for continued mining and mineral leasing. Rescinding the rule will enable responsible mineral development on the Tongass.

II. RELEVANT INFORMATION, STUDIES, AND ANALYSES

The State presents these key statutory provisions, empirical studies, and stakeholder findings that support a legal, economic, and environmentally sound rescission of the 2001 Roadless Rule.

- The 2016 Tongass Land and Resource Management Plan establishes a long-term harvest ceiling that limits timber production to no more than 9% of the forest's productive old-growth acreage over a 100-year planning horizon. Thus, independent of the 2001 Roadless Rule, approximately 91% of the Tongass National Forest's productive old-growth remains unavailable for harvest. Given these existing protections, the 2001 Roadless Rule does not substantively enhance conservation outcomes on the Tongass.[8] However, it does impose significant economic harm by further restricting access and development opportunities in Southeast Alaska.[9]

- Under Sections 101(d), 1326, and 708 of ANILCA, executive branch actions that withdraw more than 5,000 acres or initiate studies to establish new conservation areas require congressional authorization. These provisions—often referred to as ANILCA's "no-more" clauses—raise legal questions about the implementation of the 2001 Roadless Rule in Alaska without explicit congressional approval and provide statutory support for the rule's rescission.

- The Alaska Roadless Rule Citizen Advisory Committee, comprised of industry, conservation, tribal, and local government representatives, found the 2001 Roadless Rule misaligned with Alaska's unique conditions. The committee recommended a range of options for modifying roadless areas and making forest-wide exceptions to allow specific activities such as roadbuilding, timber harvest, mining, renewable energy development, and Alaska Native cultural uses.[10]

These and other potential social and economic effects and substantive issues relative to the proposed EIS and rulemaking are articulated and supported in the attached January 24, 2022, letter from the Alaska Department of Natural Resources to the USDA Forest Service opposing

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[7] Brew, D.A., L.J. Drew, L.M. Schmidt, D.H. Root, and D.F. Huber. *Undiscovered Locatable Mineral Resources of the Tongass National Forest and Adjacent Areas, Southeastern Alaska*. U.S. Geological Survey, Open-File Report 91-10. 1991, page 6.
[8] Congressional Research Service. *The Alaska Roadless Rule: Eliminating Inventoried Roadless Areas in the Tongass National Forest*. R46505. February 2021, page 13.
[9] Alaska Timber Jobs Task Force. *Report to Governor Sean Parnell, Administrative Order 258: Final Report*. June 2012, page 3.
[10] Alaska Roadless Rule Citizen Advisory Committee. *Final Report to the Governor and State Forester, State of Alaska*. November 2018, pp. 4, 6-14.

the repeal of the 2020 Alaska Roadless Rule. (The 2020 Alaska Roadless Rule, which was repealed on January 27, 2023, exempted the Tongass National Forest from the 2001 Roadless Rule.)

III. RECOMMENDATIONS FOR THE EIS AND RULEMAKING

To support a comprehensive and legally durable EIS and rulemaking, the State offers targeted recommendations that reflect Alaska's unique statutes, regionally distinct ecological and economic conditions, and diverse land uses.

1. **Past legal reversal underscores the need for a justified policy shift on the Roadless Rule.**

   While the State fully supports rescission of the 2001 Roadless Rule, it cautions that any new rulemaking or reversal on the Roadless Rule in Alaska must include a thorough, well-documented justification to withstand legal challenge.

   In 2003, the USDA issued a "Tongass Exemption" to the 2001 Roadless Rule, removing most of the Tongass NF from the rule's protections. In 2009, a federal court struck down that exemption solely because the USDA had failed to provide an adequate, reasoned explanation for reversing its earlier position from 2001. The court's decision underscored that when an agency changes policy—especially on a major environmental regulation—it must clearly articulate the rationale for the change and address why the previous rule is being abandoned.

2. **Consider Alaska-specific analysis in the EIS and rulemaking.**

   The State urges the USDA to treat Alaska's national forests as a distinct case in both the EIS and any resulting rule, with stand-alone sections devoted to them. The Tongass and Chugach National Forests differ greatly from each other and from forests in the Lower 48 in ecology, access, and dominant land uses, and are governed by Alaska-specific laws such as ANILCA and the Tongass Timber Reform Act. This unique legal and environmental context, reinforced by the Supreme Court's *Sturgeon v. Frost* decision, in which the Court repeatedly reminded the federal government that Alaska is unique and should be "the exception, not the rule,"[11] warrants a tailored analysis rather than inclusion in a generic national framework.

   By treating the Tongass and Chugach National Forests as distinct—from each other and from the broader National Forest System—the USDA can more accurately address Alaska's specific economic, cultural, subsistence, hunting, fishing, and trapping priorities. This approach would also strengthen the legal defensibility of any policy changes by clearly documenting Alaska-specific justifications and impacts.

3. **Consider effects and substantive issues for both the Tongass and Chugach.**

   Both the Tongass and Chugach National Forests warrant distinct consideration in the EIS and rulemaking, as they present unique ecological, economic, and access challenges and

[11] 139 S. Ct. 1066 (2019).

serve different roles within Alaska's landscape. The Tongass NF supports timber harvest, remote communities, hunting, fishing, trapping, subsistence, and cultural traditions, while the Chugach NF, which supports its own unique cultural traditions, is increasingly shaped by recreation and tourism. Its limited access infrastructure constrains responsible development for a wide range of user groups—from off-road vehicle enthusiasts to those seeking remote fishing and hunting opportunities—despite growing demand.

Treating both forests distinctly in the EIS ensures that rulemaking reflects Alaska's diversity and complies with federal mandates like ANILCA, which requires consideration of access provisions, subsistence, and region-specific land use.

4. **Consider ANILCA and the TTRA, which emphasize that management of national forests in Alaska must be different from that in the rest of the National Forest System.**

   ANILCA allows for the continuation of mining and mineral leasing;[12] safeguards hunting, fishing, gathering,[13] and subsistence[14] uses; and ensures access to and across federal lands for transportation and utility systems, traditional activities, and for travel to and from villages and homesites.[15]

   The TTRA established targeted restrictions that demonstrate Congress already considered and legislated specific roadless areas and environmental protections for the Tongass National Forest. These include six designated wilderness areas, 12 Land Use Designation II areas (roadless, undeveloped lands managed to retain their wild character), and extensive fish stream buffers. These provisions make the 2001 Roadless Rule unnecessary and redundant and support the USDA's assertion that the "one-size-fits-all" approach to roadless area management is inappropriate.[16]

5. **Hold ANILCA-required subsistence hearings and include findings in the EIS.**

   In accordance with ANILCA Section 810, the EIS process must provide notice and hold hearings relating to the impact of proposed land uses on subsistence activities on the Tongass and Chugach National Forests. The findings of those hearings, as well as the effects of lifting the 2001 Roadless Rule on subsistence uses and needs, must also be evaluated in the EIS.

6. **Consider coordinated land management across landownership boundaries; acknowledge the State's unique authority over fish and wildlife management.**

   Changes to the 2001 Roadless Rule areas within or adjacent to State of Alaska lands should consider the importance of continuity of public land and fish and wildlife management across federal, state, tribal, and private land ownership boundaries.

[12] ANILCA Section 502, 503, 504
[13] ANILCA Section 1316
[14] ANILCA Title VIII
[15] ANILCA Title XI
[16] 90 FR 42179

Ecosystems, infrastructure, and community needs don't stop at property lines. Aligning policies and plans helps avoid fragmented efforts, ensures connected access routes, and supports both conservation and resource use. By collaborating across boundaries, agencies and landowners can share infrastructure, reduce costs, and protect cultural and economic activities that depend on cross-jurisdiction access.

The Alaska Department of Fish & Game is the primary authority responsible for managing fish and wildlife populations across the state, regardless of land ownership or designation. This includes jurisdiction over sustainability, regulation, and subsistence use—unless expressly preempted by federal law. The EIS must acknowledge the distinct legal authorities that state fish and wildlife agencies hold on federal lands.

7. Consider access to previously managed roadless areas.

A substantial portion of designated roadless areas within the Tongass NF encompasses previously developed and actively managed forest stands, collectively representing hundreds of thousands of acres. These lands warrant a comprehensive reassessment to determine whether their current roadless status and access management remain appropriate and to identify opportunities for responsible, science-based stewardship that supports both ecological integrity and community needs.

8. Consider forest health trends and disturbance history.

Due to the limited application of active management, many roadless areas exhibit a single dominant forest condition—most commonly old-growth—shaped primarily by natural disturbance regimes, including disease, insect infestations, and wildfire. In evaluating the proposed repeal of the 2001 Roadless Rule, the EIS should incorporate a thorough analysis of forest health trends and disturbance histories within these areas. Such an approach will ensure that management decisions are informed by current conditions, historical context, and the long-term sustainability of Alaska's forest resources.

9. Publish a draft EIS and provide a formal public comment period, consistent with USDA regulations at 7 CFR § 1b.7.

The Notice indicates that no cooperating or participating agencies will be designated,[17] despite Alaska's unique statutory mandates and jurisdictional expertise. In light of this, it is essential that the public—including State, tribal, and local entities—have a meaningful opportunity to review and comment on the draft EIS before any final rule is adopted.

10. Include a severability clause in the proposed rule.

Given the Roadless Rule's long history of legal challenges and conflicting rulings across states like Alaska, Idaho, and Wyoming, the proposed rule should include a severability clause to preserve its remaining provisions if any part is struck down. This would safeguard region-specific applications, such as on the Tongass or Chugach National Forests, even if courts overturn the rule elsewhere, ensuring legal stability and resilience amid likely future litigation.

[17] 90 FR 42179

11. Clarify the intent to both rescind the 2001 Roadless Rule and exclude the Tongass National Forest from the 2001 Roadless Rule.

The Notice states that the proposed rule would both rescind the 2001 Roadless Rule and expressly exclude the Tongass National Forest from the 2001 Roadless Rule. However, if the 2001 Roadless Rule is rescinded in its entirety, there would be no operative rule left to exclude the Tongass National Forest from. Additional clarity is needed to explain how these two provisions of the proposed rulemaking are intended to function together.

The State strongly urges the USDA to initiate a full EIS and advance the rescission of the 2001 Roadless Rule. Doing so would enhance access to Alaska's domestic timber resources, facilitate responsible exploration and development of strategic minerals, and unlock broader opportunities for natural resource utilization while maintaining a balanced, locally informed approach to forest management that reflects Alaska's unique ecological, cultural, and economic conditions.

Sincerely,



John C. Boyle III
Commissioner, Department of Natural Resources

Enclosures:

1. State of Alaska Comments on the Proposed Repeal of the 2020 Alaska Roadless Rule (January 2022)

Cc:
Doug Vincent-Lang, Commissioner, Alaska Department of Fish & Game
Randy Bates, Commissioner, Alaska Department of Environmental Conservation
Stephen J. Cox, Alaska Attorney General Designee

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

OFFICE OF THE COMMISSIONER

550 West 7th Avenue, Suite 1400
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Main: 907.269-8431
Fax: 907-269-8918

January 24, 2022

Alaska Roadless Rule,
USDA, Forest Service
P.O. Box 21628
Juneau, Alaska 99802–1628
Submitted electronically through the Federal eRulemaking Portal at www.regulations.gov.

Re: Proposed Repeal of the 2020 Alaska Roadless Rule

The State of Alaska (State) has reviewed the Notice of Proposed Rulemaking (Notice) published in the Federal Register (Vol. 86, No. 223, 66498-66505) on November 23, 2022, by the U.S. Department of Agriculture (USDA), Forest Service. Please consider the following consolidated comments in the final rule.

The State strongly opposes the USDA, Forest Service's proposal to repeal the 2020 Alaska Roadless Rule. The 2020 Alaska Roadless Rule recognized the unique character and history of the lands in question and rectified the debilitating economic and socioeconomic consequences from misapplication of the 2001 Roadless Rule in Alaska. Numerous existing environmental safeguards currently ensure that economic survival is balanced with wise conservation practices and resource protection.

Proposed Rule

The USDA, Forest Service proposes to repeal a final rule promulgated on October 29, 2020 (2020 Alaska Roadless Rule) that exempted the Tongass National Forest (Tongass) from the 2001 Roadless Area Conservation Rule (2001 Roadless Rule). Repealing the 2020 Alaska Roadless Rule (Title 36, Part 294, Subpart E of the Code of Federal Regulations) would reinstate application of the 2001 Roadless Rule to the Tongass; prohibiting timber harvest and road construction and reconstruction within designated Inventoried Roadless Areas (IRAs), with limited exceptions.

The 2001 Roadless Rule remains a national, one-size-fits-all regulation that inappropriately, and unlawfully, limits opportunities for Alaskans that live and work in the Tongass. As such, the State, along with Alaska's Congressional Delegation, has worked tirelessly over the consecutive terms of six governors (Democratic, Independent, and Republican) to exempt the Tongass from the Roadless Rule.

Simply repealing the 2020 Alaska Roadless Rule to reinstate the 2001 Roadless Rule fails to (1) meet the stated purpose and need established in the administrative record, (2) adequately respond to the State of Alaska's petition for rulemaking (enclosed), and (3) adequately address recommendations from the Alaska Roadless Rule Citizen Advisory Committee.

The proposed repeal of the 2020 Alaska Roadless Rule does not provide "a long-term, durable approach to roadless area management," nor does the proposed repeal implement adjustments to the 2001 Roadless Rule prohibitions on timber harvest and road construction and reconstruction for the Tongass "in a manner that meaningfully addresses local economic and development

concerns and roadless area conservation needs." The Notice seems to conveniently ignore the fact that the Tongass contains more IRAs than any other forest in the National Forest System, which has and will continue to be appropriately managed at the forest-plan level, as determined in the 2020 Alaska Roadless Rule Record of Decision (ROD)[1].

Moreover, reapplying the 2001 Roadless Rule to the Tongass violates unique Alaska and Tongass-specific statutory provisions of the Alaska National Interest Lands Conservation Act (ANILCA) and Tongass Timber Reform Act (TTRA) as an amendment to ANILCA, and reconstitutes a biased decision-making process for determining whether an activity is subject to one of the 2001 Roadless Rule exceptions.

Alaska Roadless Rule Citizen Advisory Committee

Pursuant to Alaska Administrative Order 299, the State convened the Alaska Roadless Rule Citizen Advisory Committee (Committee) in September 2018. The Thirteen members of the Committee represented a diversity of perspectives, including Alaska Native corporations and tribes, fishing, timber, conservation, tourism, utilities, mining, transportation, local government, and the Alaska Division of Forestry. A USDA, Forest Service representative serves in an *ex officio* capacity to provide technical expertise for the Committee's deliberations. The Committee was facilitated by Meridian Institute, a non-profit organization that helps people solve complex and often controversial problems, make informed decisions, and implement solutions that improve lives, the economy, and the environment[2].

In their Final Report to the Governor and State Forester (enclosed), the Committee determined that the 2001 Roadless Rule characteristics "do not align with the unique characteristics found in Alaska." [3]

The proposed repeal fails to consider or address the unique characteristics found in the Tongass, as thoughtfully and collaboratively articulated by the Committee. The State objects to the apparent singular objective of the proposed repeal to return to a dysfunctional management regime for IRAs on the Tongass that ignores the value of local and regional management and the truly unique characteristics of the Tongass.

2001 Roadless Rule Exceptions

[1] 85 FR 68688, "Having carefully considered the petition, public comments on the proposed rule, and a wide range of alternative approaches to the 2001 Roadless Rule, the USDA is granting the State of Alaska's request to exempt the Tongass National Forest from the 2001 Roadless Rule. The Tongass Forest Plan along with other conservation measures, will assure protection allowing roadless area values to prevail on the Tongass National Forest while offering additional flexibility to achieve other multiple-use benefits."

[2] Alaska Roadless Rule Citizen Advisory Committee, Final Report to the Governor and State Forester, State of Alaska, November 21, 2018, p. 1-2

[3] Alaska Roadless Rule Citizen Advisory Committee, Final Report to the Governor and State Forester, State of Alaska, November 21, 2018, p. 4

The USDA, Forest Service often notes that "limited exceptions" to the 2001 Roadless Rule exist to allow certain activities[4], including the following statement in the Notice:

> Reinstating application of the 2001 Roadless Rule on the Tongass would prohibit timber harvest and road construction or reconstruction within Inventoried Roadless Areas on the Forest, with the limited exceptions included in the 2001 Roadless Rule and Court Order. Exceptions in the 2001 Roadless Rule were included to allow for some activity, including activity to protect public health and safety, provide access to existing rights or leases including for mining, provide for renewable energy and utility systems, prevent or repair certain natural resource damage, maintain or restore ecosystem characteristics, or improve habitat for certain species (86 FR 66501).

However, in practice the exceptions of the 2001 Roadless Rule are far more limiting and dysfunctional due to excessive discretion reserved to the Responsible Official. Six of the seven exceptions to the prohibition on road construction or reconstruction in IRAs include "need" as a criterion on which the Responsible Official must base their determination of applicability. The only exception that is not needs based is qualified with "… and no other reasonable and prudent alternative exists" (§ 294.12(b)(6)). The construct of the 2001 Roadless Rule exceptions for road construction or reconstruction, therefore, are biased in their implementation rather than applied consistently, predictably, and fairly across the Tongass and across the spectrum of activities supposedly excepted from the 2001 Roadless Rule.

This substantive issue was identified and discussed by the Committee, which recommended nine additional exceptions to address concerns of biased implementation of the exceptions to road construction or reconstruction in IRAs and eight exceptions to address concerns of biased implementation of the exceptions to timber cutting, sale, or removal in IRAs.

In response to this substantive issue, the USDA, Forest Service proposed revised exception provisions in every action alternative containing Alaska Roadless Areas or Roadless Priority Areas (Alternatives 2, 3, 4, and 5). The No Action Alternative (Alternative 1) retained the 2001 Roadless Rule exception language, while Alternative 6 (Selected Alternative) did not include exception language as it exempted the Tongass from the 2001 Roadless Rule.

The USDA, Forest Service now, in its proposed repeal, proposes to revert to the 2001 Roadless Rule, which it previously found so flawed that it sought meaningful adjustments in every action alternative from the previous rulemaking except for the Full Exemption where such adjustments were moot, and the underlying substantive issue was fully addressed.

Impacts to Trust Lands in Southeast Alaska

The Trust Land Office, functioning as an office within DNR and a contractor to the Alaska Mental Health Trust Authority (Trust) to manage its one million acres of land to maximize revenue for the Trust and its beneficiaries, opposes the USDA, Forest Service's proposal to repeal the 2020 Alaska Roadless Rule. This action could negatively impact statewide programs providing services to

[4] § 294.12(b)(1)-(7) & § 294.13(b)(1)-(4).

Alaskans with behavioral health conditions and developmental disabilities because it effectively reduces the value of adjacent Trust-owned parcels of land.

The Trust is a state corporation that administers the Alaska Mental Health Trust, a perpetual trust, to improve the lives of Trust beneficiaries. The Trust Land Office (TLO) is contracted exclusively by the Alaska Mental Health Trust Authority to manage its approximately one million acres of land to generate revenue to better serve its beneficiaries. Beneficiaries of the Trust include Alaskans who experience mental illness, developmental disabilities, substance use disorders, Alzheimer's disease and dementia, and traumatic brain injuries. The majority of the Trust's annual budget is designated for grants, around $24 million a year, to beneficiary serving organizations across Alaska that help improve the lives and circumstances of Trust beneficiaries.

The TLO is statutorily mandated to manage Trust lands to maximize revenue returns for beneficiary programs. All decisions approving use of Trust lands and resources are made solely in the interest of the Trust and its beneficiaries in line with Trust principles and the Alaska Mental Health Enabling Act. The TLO also has a duty to protect and enhance the values of the Trust lands, and to manage them to ensure that revenue can be generated in perpetuity.

Many of the Trusts lands were selected because of their timber resources. Timber harvest plays an important role in producing income for the Trust, generating $52 million in timber receipts over the last 25 years. This accounts for 20% of revenue returns for Trust beneficiary programs. Generating this timber revenue has required 180 miles of road building on Trust lands. Without access to the Trust's 48,500 acres of timberlands in Southeast Alaska, $20 million in future revenue of the next harvest cycle will be impacted. The State urges the Secretary to consider the gross extent of this harm and statewide impact when evaluating the proposed repeal of the 2020 Alaska Roadless Rule.

The Trust has invested significantly, both financially and with staff time, in finalizing a land exchange with the USDA, Forest Service to ensure that timber remains a significant asset in its revenue portfolio. The USDA, Forest Service has stated the land exchange with the Trust is meant to serve as a bridge timber program to maintain the timber industry while Forest Service-managed young growth stands mature. Contrary to the USDA, Forest Service's assertion "that a policy change for the Tongass can be made without significant adverse impacts to the timber and mining industries,"[5] the Trust will experience significant adverse impacts caused by the loss of commercial access to its land.

As a timber land manager, the TLO benefits from an industry with a steady supply of fiber which maintains markets. *Repeal of the Alaska Roadless Rule Regulatory Impact Assessment and Cost-Benefit Analysis*, page 3, states the proposed rule will not have significant adverse impacts to the timber and mining industries. However, the proposed action to repeal the 2020 Alaska Roadless Rule, which effectively reinstates the 2001 Roadless Rule, coupled with the *Southeast Alaska Sustainability Strategy (SASS)*, fails to maintain a viable timber industry as a component of the Southeast Alaska economy. By halting new development in the Tongass, the USDA, Forest Service is impacting opportunities to develop adjacent Trust lands which thereby disallows the Trust to generate critical and statutorily mandated revenue on its lands for its beneficiaries. The USDA,

[5] 86 FR 66503

Forest Service further asserts "the proposed rule does not pose the risk of a taking to private property."[6] This statement is erroneous when evaluating the impact to the Trust from repealing the 2020 Alaska Roadless Rule in coordination with SASS. Repeal of the 2020 Alaska Roadless Rule would elevate preservation above all other uses in contradiction to the mandate for management of the renewable surface resources of the National Forest System for multiple-use and sustained-yield objectives.

The proposed action by the USDA, Forest Service negatively impacts the value of Trust lands, builds uncertainty in access to Trust lands, and impedes our ability to generate revenues and to abide by the Alaska Mental Health Trust Enabling Act.

The Alaska National Interest Lands Conservation Act Expressly Limits Executive Branch Authority in Alaska

The Notice for the proposed repeal acknowledges that these sweeping changes are made without legislative mandate or sound statutory basis:

> No statute compels or prohibits USDA's roadless rules, they are derived from the Secretary's delegated organic statutory authorities (86 FR 66501).

This statement blatantly ignores, however, the overriding mandates of ANILCA and its applicability to national forest lands in Alaska where it expressly limits the Forest Service's discretionary authority. ANILCA not only expanded both the Tongass and Chugach National Forests but also includes numerous provisions that direct management of conservation system units (CSUs) located on the forests as well as non-CSU forest lands.

The Forest Service routinely implements many of these provisions as required, such as ANILCA Sections 811[7] and 1110(a) [8], which provide for specific methods of access on the forest for traditional activities, including subsistence, and the directive to ensure rural residents access for subsistence activities. The Forest Service also manages its designated Wilderness (i.e., CSUs)[9] in Alaska in accordance with the provisions in ANILCA that are exceptions to the Wilderness Act.[10] However, as demonstrated by this Notice and the Forest Service's intent to repeal the Alaska Roadless Rule on the Tongass, other key provisions in the Act that require congressional oversight are being disregarded.

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[6] 86 FR 66504
[7] See 16 U.S.C. § 3121.
[8] See 16 U.S.C. § 3170(a).
[9] The definition of CSUs in ANILCA section 102(4) (16 U.S.C. § 3102(4)) includes congressionally designated units of the National Wilderness Preservation System.
[10] Subject to ANILCA exceptions consistent with ANILCA Section 707: "**Except as otherwise provided for in the Act** wilderness designated by this Act shall be administered in accordance with applicable provisions of the Wilderness Act…" (emphasis added).

Further, while much is said in the Notice of "needed protections" under the 2001 Roadless Rule, there is no acknowledgement of the existing protections that are in place on the Tongass, including:

- Two national monuments and twenty designated Wilderness areas where timber harvest is prohibited; and
- Twenty-nine Land Use Designation II Areas (LUD II) managed in a roadless state to preserve wilderness character

These congressionally designated areas existed before the national rule was promulgated in 2001 and remained in place upon enactment of the 2020 Alaska Roadless Rule (i.e., Tongass exemption), rendering the application of the 2001 Roadless Rule to Alaska's forests unnecessary as well as unlawful. The provisions in ANILCA referenced in these comments (referred to collectively as ANILCA's "no more" clauses) that make the application of the 2001 Roadless Rule to Alaska unlawful apply equally to the Chugach National Forest; however, the subject of this rulemaking is the repeal of the 2020 Alaska Roadless Rule, which applies only to the Tongass. Therefore, the focus of these comments is on retaining the 2020 Alaska Roadless Rule, which once again exempted application of the 2001 Roadless Rule on the Tongass.

ANILCA Context for Alaska

From the initial inception of the 2001 Roadless Rule, the Forest Service has recognized the uniqueness of the Tongass, which is unlike any other forest in the system. However, in that rulemaking, while recognizing the impacts of the rule to local communities, the Forest Service favored the supposed national interest over the needs of southeast Alaska.[11] In applying the 2020 Alaska Roadless Rule, the preamble recognized both ANILCA and the uniqueness of the Tongass. The preamble also appropriately recognized that without the 2001 Roadless Rule, conservation and local socio-economic interests could be meaningfully addressed through local and regional forest planning.[12]

[11] "The decision is expected to cause additional adverse economic effects to forest dependent communities because of the potential reduction in future timber harvest, mineral leasing, and other activities (FEIS Vol. 1, 3-326 to 3-350). However, the Department believes that the long-term ecological benefits to the nation of conserving these inventoried roadless areas outweigh the potential economic impacts of this decision." (66 FR 3267, January 12, 2001)

[12] The Tongass is unique from other national forests with respect to size, percentage of IRAs, number of communities dependent on federal lands (the Tongass comprises almost 80% of southeast Alaska and supports 32 communities), and Alaska and Tongass-specific statutory considerations (e.g., ANILCA, TTRA).

The USDA and Forest Service believe that both roadless area conservation and other multiple-use values with important local socio-economic consequences are meaningfully addressed through local and regional forest planning on the Tongass, without the 2001 Roadless Rule prohibitions in on timber harvest and road construction/reconstruction. (85 FR 68689, October 20, 2020)

The United States Supreme Court in *Sturgeon v. Frost* recently affirmed that Alaska is unique.[13] The *Sturgeon* Court's unanimous ruling invalidated a 1997 National Park Service (NPS) rule, holding that it conflicted with ANILCA requirements.[14] The Court repeatedly reminded the federal government that Alaska is "the exception, not the rule" and therefore is managed differently. The Court's warning is not limited to the NPS and should also be heeded by the USDA, Forest Service as it applies equally to all federal land management agencies in Alaska that implement ANILCA.

Through ANILCA, Congress designated 104 million acres of new national parklands, wildlife refuges, and other conservation areas in Alaska (more than one-third of the state). Congress balanced the unprecedented scale of these designations with similarly unprecedented accommodations for Alaskans' ways-of-life and reliance on a resource-based economy. Forty volumes of legislative history document the extensive debates in Congress that led up to the passage of ANILCA on December 2, 1980. Section 101(d) of ANILCA succinctly captures Congress' final intent:

> **This Act provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people;** accordingly, the designation and disposition of the public lands in Alaska pursuant to this Act are found to **represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition**, and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas, has been obviated thereby. (Emphasis added)

The balance sought by Congress statewide is also represented in the direction Congress applied to the Tongass and Chugach National Forests – the two largest national forests in the system. ANILCA expanded both national forests; designated two national monuments on the Tongass with accommodations for mining and other interests; designated fourteen wilderness areas totaling 5.5 million acres located on the Tongass (two overlapping the national monuments); and designated 1.9 million acres on the Chugach as the Nellie Juan-College Fjord Wilderness Study Area.

Congress also requires the Forest Service to ensure the timber industry in Southeast Alaska would continue to provide economic benefit to local communities. The 1990 Tongass Timber Reform Act (TTRA) amended ANILCA and revised the timber harvest provisions while retaining the intent to maintain a timber harvest program on the Tongass.[15]

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[13] 139 S. Ct. 1066 (2019).
[14] See NPS Jurisdiction in Alaska, final rule at 85 FR 72956, November 16, 2020.
[15] ANILCA Sec. 705. (a) (16 U.S.C. § 539d) Subject to appropriations, other applicable law, and the requirements of the National Forest Management Act of 1976 (Public Law 94-588) except as provided in subsection (d) of this section, the Secretary shall, to the extent consistent with providing for the multiple use and sustained yield of all renewable forest resources, seek to provide a supply of timber from the Tongass National Forest which (1) meets the annual market demand

The TTRA amended ANILCA in other ways to expand protections on the Tongass. It designated or expanded six wilderness areas, totaling 5.7 million acres; designated twelve Land Use Designation (LUD II) areas totaling 727,765 acres, which are managed in a roadless state where commercial timber harvest is prohibited; and increased fisheries protections by establishing buffer zones around Class I and II streams where commercial timber harvest is also prohibited. In 2014, through legislation that addressed Sealaska Regional Corporation's remaining land selections, Congress designated eight additional LUD II areas, bringing the total LUD II designations on the Tongass where timber harvest is prohibited to 878,694 acres. Timber harvest has already been prohibited on all of these lands.

However, in passing the TTRA and not amending other key provisions in ANILCA, Congress made it clear that only through a future Act of Congress could the balance again be modified. Specifically, ANILCA Section 1326(a) and (b)[16] prevent future administrative withdrawals and studies intended to recommend or establish new CSUs or other designations for related or similar purposes, unless authorized in ANILCA, as amended, or a future Act of Congress.

> FUTURE EXECUTIVE ACTIONS
>
> ANILCA SEC. 1326. (a) No future executive branch action which withdraws more than five thousand acres, in the aggregate, of public lands within the State of Alaska shall be effective except by compliance with this subsection. To the extent authorized by existing law, the President or the Secretary may withdraw public lands in the State of Alaska exceeding **five thousand acres in the aggregate**, which withdrawal shall not become effective until notice is provided in the Federal Register and to both Houses of Congress. **Such withdrawal shall terminate unless Congress passes a joint resolution of approval within one year after the notice of such withdrawal has been submitted to Congress.** [Emphasis added]
>
> (b) No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation areas **or for related or similar purposes** shall be conducted **unless authorized by this Act or further Act of Congress.** [Emphasis added]

ANILCA's legislative history documents the purpose of Section 1326 as well as its importance to Alaska. Remarks by Alaska's Senators Gravel and Stevens illustrate their persistence in ensuring its inclusion into the final Act. The purpose was to ensure there would be congressional oversight on future executive withdrawals in Alaska. One such statement is from Senate Report 96-413, which was cited at the end of the original slip law under Legislative History.[17]

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for timber from such forest and (2) meets the market demand from such forest for each planning cycle.

[16] See 16 U.S. Code § 3213.
[17] Title XII – Administrative Provisions

A later version of the Alaska lands legislation, the so-called Tsongas Substitute for H.R. 39, was amended to include the language now found in ANILCA Section 1326. During the August 18, 1980 Senate floor debate on the Tsongas Substitute, Senator Stevens explained that the Alaska State Legislature had asked the Alaska delegation to address seven consensus points that were not originally contained in the bill:

> "I have uniformly responded to questions in those areas [Alaska communities] concerning the revised Tsongas substitute. This substitute now is a version of the Senate Energy Committee bill, but it does not satisfy the seven points that our State legislature asked us to address in connections with this legislation.
>
> I have told Alaskans that while I cannot vote for the Tsongas substitute, I think it has to be judged as being a compromise that is better than the existing situation under the national monuments and certainly better than those the President has indicated he will impose if a bill does not pass.
>
> Our State legislature asked us to address seven points. We call them the consensus points…….

> "No More" The Committee bill contains two provisions which I think are absolutely necessary to reassert Congress' authorities in the matter of land designations: (1) the revocation of the monuments and the other FLPMA withdrawals which were made last year by the Administration to put pressure on the legislative process, and (2) the exemption of Alaska from the wilderness study provisions of FLPMA in the just belief that with passage of this bill "enough is enough".
>
> However, one further critical provision is lacking. With the designation of over 100 million acres by this bill, coupled with the 50 million acres of units already existing in Alaska, nearly 40 percent of the land mass of the State would be within conservation systems. Surely that sufficiently meets even the most generous allocation of land for this specific purpose to the exclusion of most other land uses. Should this bill become law, we in Alaska must have some assurance that this represents a final settlement of the nation's conservation interests. We cannot continue to be exposed to the threats and intimidation of a zealous Executive which may feel in the future that the Congress did not meet the Administrations desires for land designations in Alaska.
>
> Thus, absent from this bill is a provision barring further conservation system designations through administration action such as the Antiquities Act. Obviously, the Congress could act again in the future if it were so inclined, but the arbitrary permanent removal of federal lands from the public domain can no longer be left to the Executive in Alaska. Deletion of such a provision in this bill is a serious deficiency which must be corrected prior to any final action." (Senate Report No. 96-413, pg. 446, Senator Gravel)

> The fifth injunction of the legislature was to be sure that there is what we call a no-more provision. This was a provision I insisted on in 1978. It was in the so-called Huckaby bill. It was in the bill that almost was approved in 1978. That clause is not in the committee bill. It is in the revised Tsongas substitute because the agreement we had in committee that when the bill had reached its final version on the floor of the Senate, the committee would agree to the no more clause. Realizing that the Tsongas revised substitute may be final version, the Senator from Massachusetts, at my request, has included that." (Congressional Record – Senate August 18, 1980, pg. S11047)

Later in the floor debate, Senator Stevens formally introduced Amendment No. 1967 to H.R. 39 for the following purpose:

> "To provide congressional oversight for major modifications of areas established or expanded by this Act and to require congressional approval for future major executive withdrawals of certain public lands in Alaska."

The amendment containing the essential wording of Section 1326 was adopted and became part of the Tsongas substitute. That bill was approved by the Senate on August 19, 1980 and by the House on November 12, 1980.

The construction of ANILCA Section 1326(a) and (b) and the balance struck in purpose of ANILCA in Section 101(d) shows that the "withdrawals" of concern in ANILCA were withdrawals in a particular sense- those that prohibit development in favor of national conservation. The proposed repeal and associated reinstatement of the 2001 Roadless Rule violate ANILCA Sections 101 and 1326.

In recognition of the second national roadless area review conducted by the Secretary of Interior (i.e., RARE II) and the review conducted by Congress for Alaska prior to the passage of ANILCA, which resulted in 35 new wilderness areas (one-fourth of all federal land in Alaska), future statewide roadless area reviews of Forest System lands in Alaska were also expressly prohibited unless authorized by a future Act of Congress.

> SEC. 708. (b)(4) **unless expressly authorized by Congress** the Department of Agriculture **shall not** conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Alaska for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System. [Emphasis added]

In implementing the 2001 Roadless Rule, the Forest Service not only inventoried, evaluated, and designated roadless areas on both forests in Alaska, it also evaluated and determined areas within the inventoried roadless areas that were suitable for inclusion in the National Wilderness Preservation System—without authorization from Congress thereby violating ANILCA. Also, without authorization from Congress, the 2001 Roadless Rule inappropriately prohibits road building and timber harvest on 9.5 million acres, or 57% of the Tongass, and 5.9 million acres, or 99% of the Chugach National Forest, far exceeding the 5,000-acre withdrawal limit set by Congress in ANILCA Section 1326(a) as noted above. As such, the implementation of the 2001

Roadless Rule in Alaska violates all three "no more" clause directives in ANILCA (Sections 1326(a) and (b), and 708), and unlawfully upends the balance Congress achieved for Alaska as articulated in ANILCA Section 101(d).

Management of Administratively Designated Roadless Areas is More Restrictive than Congressionally Designated CSUs in Alaska

The Notice states the Multiple Use Sustained Yield Act (MUSYA), 16 U.S.C. 528-531, which applies nationwide, "defines multiple use extremely broadly, calling for management of the various forest resources in the combination that will best meet the needs of the American people."[18] However, when the management of forest lands in Alaska is viewed properly in the full context of applicable law, including ANILCA, as discussed above, the non-CSU forest lands are an essential part of the balance referenced in ANILCA Section 101(d) as "those lands intended for more intensive use and disposition."

The Notice identifies the limited exceptions in the Roadless Rule's prohibition on timber harvest and road construction or reconstruction within designated IRAs as including activities that protect public health and safety, provide access to existing rights or leases, including for mining, provide for renewable energy and utility systems, prevent or repair natural resource damage, maintain or restore ecosystem characteristics, or improve habitat for certain species.[19] These limited exceptions are inadequate to accommodate the region's economic needs and drastically pale in comparison to the statutory provisions in ANILCA that apply to CSUs, which were included by Congress to specifically address the needs of the State, then and into the future. Reinstatement of the Roadless Rule on the Tongass also conflicts with Secretary Perdue's 2020 initiative to increase productivity and access to National Forests,[20] and the importance of connecting rural and urban communities with communication facilities, as stated in a Forest Service proposed rule released for public comment on December 22, 2021.[21]

During the debates leading up to ANILCA's passage, there was significant concern that the designation of vast CSUs across the state would prevent the development of transportation and utility infrastructure needed to support the State's resource-based economy. In response, Congress explicitly found in ANILCA Section 1101 that Alaska's transportation and utility network was largely undeveloped. ANILCA Title XI established a required process to ensure proposed projects would be fairly and objectively considered, and not summarily dismissed by federal land

[18] 86 FR 66501
[19] 86 FR 66501
[20] Secretary of Agriculture Memorandum dated June 12, 2020.
[21] "The agency is responsible for managing Federal lands that are adjacent to rural and urban areas. These rural and urban communities depend on Federal lands for critical communication services, including emergency services, internet service, cellular communications, and television and radio broadcasting services. The Agency authorizes the use and occupancy of National Forest System (NFS) lands for communications facilities (buildings, towers, and ancillary improvements and fiber optic cable) that provide these critical communication services." (86 FR 72540, December 22, 2021)

management agencies otherwise tasked with protecting CSUs.[22] Transportation and Utility projects are broadly defined in ANILCA Section 1102[23] and are not limited to merely the renewable energy related "exception" identified in the Notice. Under the 2001 Roadless Rule, there are no exceptions that require such consideration on the millions of acres of IRAs. New proposed projects could easily be summarily dismissed as not aligning with the current administration's priorities and objectives and forfeited the due consideration Congress mandated in ANILCA.

ANILCA Section 1110(b)[24] establishes *rights of access* to State and private inholdings for economic and other purposes. The Secretary's discretion associated with granting such access is limited: "…the State or private owner or occupier **shall** be given by the Secretary such rights as may be necessary **to assure adequate and feasible access for economic and other purposes**" (emphasis added). ANILCA Section 1323[25] similarly guarantees access to inholdings within non-CSU forest lands. Comparatively, the Roadless Rule includes only a vague exception for access to existing rights and leases which purportedly would apply to millions of acres of IRAs, despite the

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[22] SEC. 1101. Congress finds that - (a) **Alaska's transportation and utility network is largely undeveloped and the future needs for transportation and utility systems in Alaska would best be identified and provided for through an orderly, continuous decision-making process** involving the State and Federal Governments and the public; [Emphasis added]

[23] "The term "transportation or utility system" means any type of system described in subparagraph (B) if any portion of the route of the system will be within any conservation system unit, national recreation area, or national conservation area in the State (and the system is not one that the department or agency having jurisdiction over the unit or area is establishing incident to its management of the unit or area).

(B) The types of systems to which subparagraph (A) applies are as follows:
(i) Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
(ii) Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
(iii) Pipelines, slurry and emulsion systems and conveyor belts for the transportation of solid materials.
(iv) Systems for the transmission and distribution of electric energy.
(v) Systems for transmission or reception of radio, television telephone, telegraph, and other electronic signals, and other means of communication.
(vi) Improved rights-of-way for snow machines, air cushion vehicles, and other all-terrain vehicles.
(vii) Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation. Any system described in this subparagraph includes such related structures and facilities (both temporary and permanent) along the route of the system as may be minimally necessary for the construction, operation, and maintenance of the system. Such related structures and facilities shall be described in the application required by section 1104, and shall be approved or disapproved in accordance with the procedures set forth in this title." (ANILCA Section 1102(4)(A) and (B))

[24] See 16 U.S. Code § 3170(b).

[25] See 16 U.S.C. § 3210.

access guarantee in ANILCA Section 1323. This is incongruous and again violates ANILCA and disregards the full complement of laws applicable in Alaska.

Authorization for reasonable access to and the operation and maintenance of new and existing navigation aids and other facilities within CSUs, including designated Wilderness, is also guaranteed under ANILCA in Section 1310. This includes facilities such as air and water navigation aids, communications sites and related facilities, facilities for weather, climate, and fisheries research and monitoring, and facilities for national defense. Recognizing the importance of restoring and maintaining fish production in Alaska to optimum sustained yield levels, ANILCA Section 1315[26] specifically allows the Secretary of Agriculture to permit fishery research, management, and rehabilitation activities and associated permanent improvements and facilities along with reasonable access within national forest wilderness areas and wilderness study areas. Under the 2001 Roadless Rule, millions of acres of IRAs are closed to any new facilities requiring road access. Nowhere is there evidence that the 2001 Roadless Rule exceptions would equal the guarantees under ANILCA Section 1310 and 1315.

Furthermore, the 2001 Roadless Rule illogically prohibits activities in administratively designated IRAs managed under the MUSYA that would otherwise be allowed in congressionally designated CSUs in Alaska. More specifically, all the CSUs on the Tongass are designated Wilderness. Therefore, if the exemption for the Tongass is removed from the rule, lands Congress intended for "multiple use" will be managed once again under the 2001 Roadless Rule and even more restrictively than designated Wilderness on the Tongass. Applying the 2001 Roadless Rule in Alaska demonstrates repeatedly that the Forest Service has not considered the full complement of applicable laws in Alaska, the context of land management here as determined by these laws, and the incongruency of the 2001 Roadless Rule within the Alaskan context. To be consistent with ANILCA, the Tongass exemption promulgated as the 2020 Alaska Roadless Rule must be retained. The proposed repeal and reinstatement of the 2001 Roadless Rule in the Tongass is an illegal attempt to circumvent the access and greater uses that Congress recognized as necessary for Alaska in ANILCA.

Mineral Potential in Southeast Alaska Necessitates Access

The mineral industry is a critical part of a sustainable future for Southeast Alaska, and the USDA, Forest Service's sustainability strategy and roadless area management policies must reflect this fact. Mineral resources occurring within the boundaries of the Tongass include gold, silver, molybdenum, and uranium, and nationally designated "strategic" and "critical" minerals such as lead, zinc, copper, tungsten, and platinum group metals. The Forest Service recognizes that minerals are fundamental to the Nation's well-being and, as policy, encourages the exploration and development of the mineral resources it manages. The Secretary of Agriculture has provided regulations (36 Code of Federal Regulations [CFR] 228) to ensure surface resource protection, while encouraging the orderly development of mineral resources on National Forest System (NFS) lands. The 2008 Forest Plan Amendment provides a summary of Mineral Resource Inventory and Development potential on the Tongass including identified mineral resources and undiscovered

[26] See 16 U.S.C. § 3203.

resources. There has been no update to mineral inventories since that time.[27] However, as we look forward, the production of these minerals will be increasingly important to the regional economy of Southeast Alaska and to the national supply chains needed to supply the advanced technology and renewable energy needs of the entire country. Inventories that identify these resources, as well as the permitting and authorization processes that allow existing mines to continue and expand operations and new prospects to advance their developments, will be increasingly critical for the region and the nation.

The identified mineral resources on the Tongass were described by the U.S. Bureau of Mines, Alaska Field Operations Center, in *An Economic Analysis, Tongass Land Management Plan, Mineral Resource Inventory* (Mineral Resource Inventory),[28] which is the most recent comprehensive study of mineral resources for the Tongass. The gross metal value of the identified mineral resources within the boundaries of the Tongass was estimated at $37.1 billion (expressed as 1988 dollars) in the Mineral Resource Inventory. Highest among the individual minerals were molybdenum ($l4.4 billion) and iron ($12.7 billion), with gold third at $2.26 billion.[29] These show the significant economic potential mineral resources present in the Tongass. These data should be updated based on current mineral market conditions, known geology, and adjusted for inflation, but underscore the economic potential stymied by the current proposal.

The methods used by the U.S. Geological Survey, Branch of Alaskan Geology to identify "undiscovered" locatable mineral resources are detailed in their report, *Undiscovered Locatable Mineral Resources of the Tongass National Forest and Adjacent Lands, Southeastern Alaska* ().[30] That report included estimation of the gross metal value of undiscovered mineral resources for the Tongass National Forest. In 1990, this value was $28.3 billion (expressed as 1988 dollars). Highest among the individual minerals were copper ($6.8 billion), iron ($4.6 billion), molybdenum ($4.35 billion), and tin ($3.4 billion). These totals cover the entire Tongass National Forest, and thus include areas currently withdrawn from mineral activity.[31] Similarly, updates to these data would further inform the USDA, Forest Service and the public about economic opportunities in the region.

The USDA Forest Service's Southeast Alaska Sustainability Strategy and proposed repeal of the 2020 Alaska Roadless Rule fail to recognize the importance of the Alaska Mineral Industry to the local, regional, and national economies. Three operating lode mines and five active advanced

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[27] USDA/USFS (2016). Tongass Land and Resource Management Plan, Final Environmental Impact Statement, Plan Amendment. (June 2016). R10-MB-769e, f. P. 3-351 to 3-353.
[28] Coldwell, J.R. 1990. An Economic Analysis, Tongass Land Management Plan, Mineral Resource Inventory Inferred Reserves. Unpublished U.S. Bureau of Mines report, Alaska Field Operations Center, Juneau Branch. P. 154.
[29] USDA/USFS (2008). Tongass Land and Resource Management Plan, Final Environmental Impact Statement, Plan Amendment. (January 2008). R10-MB-603c. P 3-356.
[30] Brew, D.A., L.J. Drew, L.M. Schmidt, D.H. Root, and D.F. Huber. 1991. Undiscovered Locatable Mineral Resources of the Tongass National Forest and Adjacent Areas, Southeastern Alaska. USGS Open-file Report 91-10. P. 370., 16 maps, 11 figures.
[31] USDA/USFS (2008). Tongass Land and Resource Management Plan, Final Environmental Impact Statement, Plan Amendment. (January 2008). R10-MB-603c. p. 3-359.

exploration projects in Southeast Alaska, provide high-paying jobs, pay local taxes, employ local contractors, and purchase numerous commodities locally, which can create economies of scale in rural communities.

Clearly, the Tongass National Forest holds significant mineral resources that present tangible economic and strategic opportunities at local, regional, state, and national scales. The State strongly recommends that USDA, Forest Service consider the needs for responsible mineral development in Southeast Alaska, as access to and domestic production of mineral resources is vital to the local communities and economies of the region and to the energy and supply chain security of the United States. The State recommend that the USDA, Forest Service fund completion of a comprehensive study of mineral resources for the entire Tongass; effectively updating Coldwell (1991) and Brew et al. (1991). Without clear and predictable access to explore, prove-up, and develop the economically viable mineral deposits in the Tongass, significant opportunity costs and economic losses will result. The State urges the Secretary to retain the 2020 Alaska Roadless Rule as the most appropriate policy in the Tongass. The instability and access issues associated with the proposed repeal impair exploration and development of the mineral opportunities in Alaska. Alaska loses out on the jobs and revenues from this development and the federal government's climate and security goals suffer as supplies of those minerals continue to be sourced from foreign nations without the history of responsible development found in Alaska.

2016 Tongass Land and Resource Management Plan

Approximately 55 percent of the forested land in the Tongass (approximately 5.5 million acres) is classified as productive forest land; these lands are considered biologically capable of producing industrial wood products. Approximately 500,000 acres of the productive forest lands on the Tongass have been converted to young-growth forest due to harvest or other disturbances such as fire or wind. This equates to approximately three percent of the total Tongass land base and nine percent of the productive forest lands and represents approximately 15 billion board feet of harvested timber.[32] However, only half of the total young-growth forest is available for harvest under the 2016 Forest Plan, as the remainder of the young-growth forest acres are managed in non-development LUDs or otherwise not available for harvest due to 2016 Forest Plan standards and guidelines.

In addition to productive forest lands, the Tongass includes approximately 4.6 million acres of unproductive forest. These are lands that are not capable of producing industrial forest products, but are important for watershed protection, wildlife habitat, recreation, scenic values, and other multiple-use purposes.

Under the 2016 Forest Plan, about 560,000 acres of forest lands are designated as suited for timber production. The Forest Service projects about 23,000 acres of old-growth and 43,000 acres of young-growth will be harvested in the first 25 years of implementing the 2016 Forest Plan. One hundred years following implementation, the Forest Service projects that about 42,000 acres of old-growth and 280,000 acres of young-growth could be harvested from these lands.[33] This equates to only nine percent of the original productive old-growth forest being harvested over the

[32] FEIS, 2016 Forest Plan, p. 3-328
[33] ROD, 2016 Forest Plan, Table 1, p. 9

next 100 years; thus, retaining 91 percent for future generations. Moreover, the 2016 Forest Plan anticipates 6,100 total miles of roads to exist on the Tongass by 2095; substantially fewer than the 8,500 total miles of roads anticipated under the 1997 Forest Plan.[34] Accordingly, repeal of the 2020 Alaska Roadless Rule will do little to substantively protect forest resources, with disastrous economic and societal consequences.

Repealing the 2020 Alaska Roadless Rule will directly impede opportunities for future community access, renewable energy, transportation, hunting, tourism, and mineral projects in Southeast Alaska, and regressing to the 2001 Roadless Rule on the Tongass will also limit options available to the USDA, Forest Service to seek to meet the fiber demands necessary to maintain a viable timber industry in the region. The State opposes the proposed repeal, and strongly recommends that the USDA, Forest Service follow through with the administrative change to the 2016 Forest Plan pursuant to 36 CFR 219.13(c), as directed by the 2020 Alaska Roadless Rule, to add the 168,000 acres of old-growth and 20,000 acres of young-growth to the suitable land base. This change will not affect the level of harvest projected over the next 100 years on the Tongass, because the 2020 Alaska Roadless Rule did not change the projected timber sale quantity (PTSQ) for the Tongass.

Conclusion

The State strongly opposed the proposed repeal and the reinstatement of the 2001 Roadless Rule on the Tongass. The proposed repeal harms the State's economy, impairs revenues for vulnerable populations, impedes mineral exploration of vital national interest, restricts access by ignoring the energy and transportation needs of rural Alaska, and violates the balance mandated by Congress in ANILCA and the TTRA.

Sincerely,



Corri Feige
Commissioner

Enclosures:

1. State of Alaska Petition to USDA for Rulemaking on the Applicability of the 2001 Roadless Rule to the Tongass National Forest (January 2018).
2. Alaska Roadless Rule Citizen Advisory Committee: Final Report to the Governor and State Forester (November 2018)

Cc:
Doug Vincent-Lang, Commissioner, ADF&G
Jason Brune, Commissioner, DEC

[34] ROD, 2016 Forest Plan, p. 22

DAN SULLIVAN
ALASKA

SUITE 302
HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510

United States Senate

COMMITTEES

ARMED SERVICES
COMMERCE, SCIENCE, AND TRANSPORTATION
ENVIRONMENT AND PUBLIC WORKS
VETERANS' AFFAIRS

September 19, 2025

Brad Kinder
Acting Director, Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108,
Washington, DC 20250–1124

Dear Director Kinder,

I write to voice my strong support for the U.S. Department of Agriculture's (USDA) decision to rescind the 2001 Roadless Area Conservation Rule as it applies to both the Chugach and Tongass National Forests. Across Southeast Alaska, roadless area designations override multiple-use management mandates as required by the Multiple Use Sustained Yield Act of 1960 and the National Forest Management Act of 1976, impacting 9.3 million acres, or 55 percent of the Tongass National Forest. This "one-size-fits-all" approach has never worked for Alaska and has proved to be detrimental to community expansion, infrastructure development, and proper forest management procedures.

In recognition of the overly broad restrictions placed on the Tongass National Forest through the application of the Roadless Rule, President Trump issued Executive Order 14153, "*Unleashing Alaska's Extraordinary Resource Potential*" which calls for the reinstatement of the 2020 USDA final rule that exempted the Tongass from the 2001 Roadless Area Conservation Rule. This directive aims to return multiple-use management to Southeast Alaska while adhering to conservation directives in the Tongass previously set forth by Congress.

Separate from the Roadless Rule, significant protections to maintain the natural characteristics of the Tongass forest are already in place. With the passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980, and the amendments made to ANILCA through the Tongass Timber Reform Act, Congress set aside over six million acres of Wilderness and Land Use Designation (LUD) II areas prior to the promulgation of the Roadless Rule. With the passage of the 2001 Roadless Rule, and the last-minute inclusion of the Tongass National Forest, the balance of conservation and development set by Congress was overturned and ignored.

As a result, Southeast Alaskan communities have struggled with reliable access to prospective mineral development and hydropower projects, as well as the construction and maintenance of essential infrastructure projects like transmission lines. While the Roadless Rule provides exemptions that can be granted by the Forest Service, these exemptions prove to be narrow in scope and often involve the costly use of helicopters for access, which severely limits timelines, development capacity, and investor confidence while increasing costs to developers and ratepayers alike.

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Management decisions within National Forest System units in Alaska should be directed by Alaskans, not by an overly restrictive administrative action that continually restricts access needed for timber, mining, tourism, recreation, and the development of renewable resources such as hydropower. For over two decades, the 2001 Roadless Rule has been a blunt instrument. It has denied Alaskans fair access to their lands, driven up costs for rural communities, and tied the hands of local managers who are closest to the ground. USDA is right to move away from this outdated approach. Rescinding the 2001 Roadless Rule will help restore common sense, allow for active management, and put us back on a path that balances conservation with the needs of the people who live and work in Alaska.

Sincerely,



Dan Sullivan
United States Senator

September 16, 2025

Mr. Brad Kinder
Acting Director of Ecosystem Management Coordination
US Department of Agriculture - Forest Service
1400 Independence Ave., SW
Washington, DC 20250-0108

Electronically submitted to: https://www.regulations.gov/document/FS-2025-0001-0001

RE: Scoping for Proposed Recission of 2001 Roadless Area Conservation Rule

Dear Mr. Kinder:

The Arizona Game and Fish Department (Department) appreciates the opportunity to review the US Department of Agriculture's (USDA) notice of intent to prepare an environmental impact statement (EIS) for the rescission of the 2001 Roadless Area Conservation Rule (2001 Roadless Rule). This notice of intent describes the US Forest Service's (USFS) plan to prepare an EIS for the decision to rescind the 2001 Roadless Rule (66 FR 3244, 36 CFR Subpart B (2001)), which prohibits road construction, road reconstruction, and timber harvesting in inventoried roadless areas, with limited exceptions.

Under Title 17 of the Arizona Revised Statutes, the Department, by and through the Arizona Game and Fish Commission, has jurisdictional authority and public trust responsibilities to conserve and protect the state fish and wildlife resources. In addition, the Department manages threatened and endangered species through authorities of Section 6 of the Endangered Species Act and the Department's Section 10(a)(1)(A) permit. It is the mission of the Department to conserve and protect Arizona's diverse fish and wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations. For your consideration, the Department provides the following comments based on the agency's statutory authorities, public trust responsibilities, and special expertise related to wildlife resources and recreation.

The Department understands that rescinding the 2001 Roadless Rule is intended to return decision making for road construction, road reconstruction, and timber harvesting in inventoried roadless areas to local officials, in conjunction with Forest-level land management planning. Initiation of the EIS process is in response to changing resource conditions and shifts in policy priorities. The Department also understands that the planned EIS will examine the environmental

GOVERNOR: KATIE HOBBS COMMISSIONERS: CHAIR MARSHA PETRIE SUE, SCOTTSDALE | JEFF BUCHANAN, PATAGONIA | JAMES E. GOUGHNOUR, PAYSON
KURT KERR, PINETOP | CLAY HERNANDEZ, TUCSON DIRECTOR: TOM P. FINLEY DEPUTY DIRECTOR: JOSHUA W. HURST

effects of rescinding the rule and study a 'no action' alternative for roadless area conservation on National Forest System Lands in the context of multiple use resource management.

Arizona contains six National Forests: Apache-Sitgreaves, Coconino, Coronado, Kaibab, Prescott, and Tonto. Together, these Forests span approximately 11.25 million acres, providing habitat to a wide range of wildlife and offering a diverse range of wildlife-related outdoor recreation opportunities to the public. Inventoried roadless areas designated by the 2001 Roadless Rule occupy roughly 1,174,000 acres (10%) of land across Arizona's national forests.

The Department recognizes that the primary objective of timber harvesting is to provide resources for the American people while reducing the risk of catastrophic wildfire. The Department has a shared goal of thinning Arizona's forest lands, while simultaneously restoring and conserving wildlife habitats. The Department has a long history of collaboration with the USFS to meet shared goals of effectively managing public lands for resiliency while considering the needs of wildlife. A key example of this successful coordination is the Four Forest Restoration Initiative (4FRI); an inter-agency collaboration and landscape-scale planning group with the goal of forest restoration of the Kaibab, Coconino, Apache-Sitgreaves, and Tonto national forests. The Department engages as a cooperating agency and member of the 4FRI stakeholder group, steering committee, and working groups, and through direct engagement with the USFS on forest restoration projects.

The Department has also engaged as a cooperating agency in the development and implementation of federal Travel Management Plans. Lands administered by the USFS play a vital role in Arizona by supporting wildlife habitat as well as opportunities for wildlife-related recreation. Public lands, managed under the principle of multiple use, form the cornerstone of wildlife habitat and are essential for maintaining Arizona's wildlife heritage and wildlife recreational opportunities into the future. The Department acknowledges the necessity of road construction to access areas of USFS lands for timber harvest. The Department emphasizes that appropriately managed motorized travel is a critical component of addressing current wildlife habitat and recreational needs. To this end, the Department recommends that all open and closed roads be clearly, and uniformly marked, and that motor vehicle use maps (MVUM) be updated to reflect any changes. For any temporary roads, the Department recommends all temporary roads be rehabilitated once they are no longer needed. For any permanent roads, the Department recommends making them accessible to the public with the goal of providing easier access to previously hard-to-reach areas for wildlife-related recreation. The Department further recommends that the EIS evaluate the potential for increased habitat fragmentation resulting from opening these areas to road construction.

Based on the notice of intent, the Department understands that the USDA does not anticipate designating a Cooperating Agency. However, the Department formally requests Cooperating Agency status for the development of the EIS. The Department offers unique perspectives and knowledge regarding the management of fish and wildlife resources, as well as wildlife-related recreation, enforcement associated with these activities, and can assist in identifying potentially affected resources, evaluating impacts, and developing alternatives for the project.

Thank you for the opportunity to provide input on the USDA's notice of intent to prepare an EIS: Special Areas; Roadless Area Conservation; National Forest System Lands. For further coordination, please contact me at ccavalcant@azgfd.gov or 623-236-7602.

Sincerely,

Callie Cavalcant

Callie Cavalcant
Habitat, Evaluation, and Lands Branch Chief

AZGFD #M25-08272531

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Assembly
California Legislature

GREGG HART
ASSEMBLYMEMBER, THIRTY-SEVENTH DISTRICT

COMMITTEES
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WATER, PARKS, AND WILDLIFE
CHAIR, BUDGET SUBCOMMITTEE NO. 7
ON ACCOUNTABILITY AND OVERSIGHT
JOINT LEGISLATIVE AUDIT COMMITTEE

September 8, 2025

ATTN: Chief Tom Schultz
United States Forest Service
1400 Independence Ave., SW
Washington, DC 20250

Dear Chief Schultz,

As the State Legislator representing California's 37th Assembly District, which includes portions of Los Padres National Forest, I write to express my strong opposition to the U.S. Forest Service's proposal to eliminate the Roadless Rule protections for our nation's forests. At a minimum, I urge the Forest Service to significantly extend the public comment period to ensure that the millions of Americans who rely on these treasured lands for clean water, recreation, and climate resilience have a meaningful opportunity to be heard.

The Roadless Rule has safeguarded nearly 60 million acres of America's most pristine national forest lands for more than two decades. In Los Padres National Forest, these protections are essential to maintaining healthy watersheds, preserving endangered species habitat, and supporting the outdoor recreation economy that sustains many of our local communities. Rolling back these protections would expose fragile ecosystems to industrial development, road construction, and logging, undermining both environmental sustainability and public safety.

The Forest Service's proposal also comes at a time when our region is grappling with worsening wildfires, drought, and climate impacts. The Roadless Rule is not only a conservation measure—it is also a climate strategy. Allowing these areas to remain intact supports carbon sequestration, strengthens wildfire resilience, and protects communities downstream.

Given the sweeping implications of this proposal, the current comment period is wholly inadequate. A longer, more inclusive public process is needed to allow residents, tribal nations, local governments, and other stakeholders to weigh in. To proceed otherwise would disregard the spirit and intent of the National Environmental Policy Act, which exists to ensure public participation and informed decision-making on matters of great environmental consequence.

I strongly urge the Forest Service to rescind this proposal outright. Short of that, I request an extension of the public comment period to guarantee the transparency and community input that a decision of this magnitude demands. Thank you for your attention to these concerns.

Sincerely,

Assemblymember Gregg Hart

CITY OF OJAI

RESOLUTION NO. 25-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA IN SUPPORT OF THE ROADLESS AREA CONSERVATION RULE, H.R. 3930, AND S. 2042 AND IN OPPOSITION TO THE USDA'S 2025 RESCISSION OF THE ROADLESS RULE

WHEREAS, the 2001 Roadless Area Conservation Rule (Roadless Rule) protected approximately 58.5 million acres of undeveloped national forest lands from road construction and logging, preserving critical ecosystems, clean water sources, carbon sinks, and recreational opportunities; and

WHEREAS, on June 23, 2025, U.S. Secretary of Agriculture Rollins rescinded the Roadless Rule, citing forest management flexibility, thereby removing longstanding protections from these lands; and

WHEREAS, the USDA has opened a public comment period on this rescission, which ends September 19, 2025, providing an opportunity for local governments and residents to express their views on the future of public lands; and

WHEREAS, Representative Salud Carbajal has reintroduced H.R. 3930, the Roadless Area Conservation Act of 2023, which would codify the Roadless Rule into federal law and permanently protect roadless areas, including those in the Los Padres and Carrizo Plain wilderness areas near our community; and

WHEREAS, Senator Maria Cantwell introduced companion bill S. 2042, the Roadless Area Conservation Act of 2025, provide lasting legal protection for inventoried roadless areas within the National Forest System by codifying the Roadless Rule into law; and

WHEREAS, the City of Ojai recognizes the environmental, recreational, and economic value of nearby roadless areas and supports legislative efforts to ensure their long-term protection; and

WHEREAS, the Roadless Area Conservation Rule (Roadless Rule) and the protection of Roadless areas of the Los Padres Forest promotes the health safety welfare and quality of life of City of Ojai residents; and

WHEREAS, the City of Ojai is located in a high fire risk zone, and the elimination of the Roadless Rule increases the risk of a human caused wildfire igniting in the National Forest and thereafter being driven by wind into the City of Ojai. The existing Roadless Rule already allows for fire management projects, including fuel reduction, when they are consistent with restoring natural conditions; and

WHEREAS, the City of Ojai is dependent upon Lake Casitas and the Ojai Groundwater Basin as the nearly exclusive source of drinking water for the City of Ojai and elimination of the Roadless Rule increases the risk of contamination of the watershed and water supply; and

WHEREAS, the City of Ojai is subject to periodic flooding and drought, and elimination of the Roadless Rule reduces the stability of intact ecosystems, the stability of waterflow throughout the year, increases turbidity during floods and reduces reliability of water availability during dry periods; and

WHEREAS, the City of Ojai benefits economically from tourism and tourists are attracted to Ojai in part due to activities including but not limited to biking, hunting, fishing, hiking, and backpacking in the Los Padres National Forest. Restricting development in the National Forest protects the wild character that attracts visitors to the City of Ojai and supports both tourism and local jobs in the recreation industry; and

WHEREAS, the City of Ojai is surrounded by wildlife that is a benefit to the community and its economy. The Roadless Rule protects wildlife corridors. By keeping large tracts of land unfragmented, the Roadless Rule protects habitat for threatened and endangered species. This supports biodiversity and helps maintain intact ecosystems, which benefits the residents of the City of Ojai; and

WHEREAS, the Ojai Valley is experiencing a gradual increase in temperatures and a gradual decrease in rainfall to an extent greater than the rest of the continental United States. The changes in the climate are a threat to the health, safety, and well-being of Ojai residents. The Los Padres National Forest is host to mature and old-growth ecosystems which include mixed conifer forests, oak woodlands, and pinyon-juniper woodlands, with large conifer stands found at higher elevations such as Pine Mountain and the Ventana Wilderness. These mature ecosystems are carbon sinks which help to mitigate climate change.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA, DOES HEREBY RESOLVE AND ORDER, AS FOLLOWS:

Section 1. The City Council **opposes** the USDA's 2025 rescission of the Roadless Rule and urges the Administration to reinstate protections for roadless areas.

Section 2. The City Council **supports** H.R. 3930 and S. 2042 and commends Representative Salud Carbajal and Senator Maria Cantwell for their leadership in advancing permanent protections for America's remaining wild forest lands.

Section 3. The City Council encourages residents and stakeholders to participate in the USDA's public comment period to oppose the 2001 Roadless Rule Recission at regulations.gov, Docket ID FS-2025-0001 by the September 19, 2025 deadline.

Section 4. The City Clerk is directed to transmit copies of this resolution to the offices of Representative Salud Carbajal, Senators Cantwell and Gallego, and the U.S. Department of Agriculture.

PASSED, APPROVED and ADOPTED this 16th day of September 2025, by the following vote:

AYES: Gilman, Lang, Whitman, Mang
NOES:
ABSENT: Rule
ABSTAIN:

CITY OF OJAI, CALIFORNIA

Andy Gilman, Mayor

09-16-2025

Date

ATTEST:

Weston Montgomery, Chief Deputy City Clerk

APPROVED AS TO FORM:

Matthew Summers, City Attorney

I, Weston Montgomery, Chief Deputy City Clerk of the City of Ojai, do hereby certify that the foregoing resolution, City of Ojai Resolution No. 25-34, was passed and adopted by the Ojai City Council at its regular meeting on September 16, 2025.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Ojai on September 16, 2025.

Weston Montgomery, Chief Deputy City Clerk

CALIFORNIA NATURAL RESOURCES AGENCY

GAVIN NEWSOM, Governor
WADE CROWFOOT, Secretary for Natural Resources

September 17, 2025

The Honorable Brooke Rollins
Secretary U.S. Department of Agriculture
1400 Independence Avenue
SW Washington, DC 20250

Secretary Rollins,

California and the United States Department of the Agriculture (USDA), and its United States Forest Service (US Forest Service) have long enjoyed a cooperative relationship to sustain the health and productivity of the federal forest lands in California. Given this shared responsibility, it is imperative that USDA ensure opportunities for meaningful public input and thoroughly study potential impacts before rescinding the Roadless Rule.

We oppose the proposed wholesale rescission of the Roadless Rule. The rule protects almost 4 million acres of roadless areas across 10 national forests, from the Klamath Mountains to the Sierra Nevada to southern ranges, including the San Jacinto, and San Bernardino mountains. These areas are essential for clean water for communities across the state and protect the headwaters of the rivers that support our agricultural and fishery economies and drive the state's $74 billion recreation economy.

To address today's forest management challenges, California is accelerating projects, improving practices in the wildland–urban interface, and using fire as a natural process through prescribed burning. The Roadless Rule has not hindered these efforts in designated areas. In fact, more than 240,000 acres of roadless land in California have undergone vegetation treatments to reduce wildfire risk and protect nearby communities. For example, in Caples Creek, a designated roadless area, fuels management work helped shield communities during the 2021 Caldor Fire. This is one of over two thousand vegetation management and wildfire resilience projects completed or underway across the state.

Science and experience demonstrate that fire threat *increases* in areas with established roads due to human-caused ignitions. While access can aid fire response and prevention work, the potential to increase fire risk must be carefully weighed and considered prior to rescinding the Roadless Rule. Last year, fires in California cost the

state at least $250B. Opening inventoried roadless areas to road construction, clear-cut timber harvest, and mining may put rural communities at increased risk of fire and significantly increase firefighting costs of California. We simply cannot afford to ignore the potential costs of more fires that could result from rescinding the roadless rule.

The proposed rescission represents a major shift in the longstanding management of federal forests lands across the country. As with other significant federal land policy changes, tribal governments, local landowners and managers, recreational users and rural communities who have a real stake in their local forest lands should have the opportunity for meaningful participation and input before such a change is made.

Given the protection that the current roadless rule provides to California's natural resources, any effort to modify that rule must fully account for the evidence of protection and thoroughly study any potential adverse impacts. Therefore, before proposing any such rescission, the US Forest Service should fully study impacts such as water quality, potential introduction of invasive species, increased wildfire, impacts to endangered species, and others. The US Forest Service should also consider less damaging alternatives, such as adjustments to the rule instead of full rescission.

Instead of completely rescinding the roadless rule, we ask that USDA follow best available science, maintain roadless area protections and increase investment in the partnership between the state and the US Forest Service as detailed above. The Roadless Rule has proven effective in protecting communities, managing fire, and increasing forest health.

Sincerely,



Wade Crowfoot
Secretary for Natural Resources

COUNTY OF VENTURA
BOARD OF SUPERVISORS

SUPERVISOR
VIANEY LOPEZ
Fifth District

JANICE S. PARVIN, CHAIR
MATT LAVERE
JEFF GORELL
KELLY LONG
VIANEY LOPEZ

September 19, 2025

Secretary Brooke Rollins
U.S. Department of Agriculture
1400 Independence Ave
Washington, D.C.

RE: Notice of intent to prepare an environmental impact statement / 2001 Roadless Area Conservation Rule (FR Doc. 2025-16581)

Dear Secretary Rollins,

I write to express my concern with the recent efforts to rescind the 2001 Roadless Area Conservation Rule and the potential impact this change may have to the Los Padres National Forest, which crosses Ventura County, California. As a member of the Ventura County Board of Supervisors and someone dedicated to advancing long-term environmental stewardship and enhancing wildfire resilience in our region, I am concerned this change could adversely impact our community and other communities across the Country.

In general, it has been shown that roadless areas not only protect environmental habitats and watersheds, but also benefit local economies as recreation destinations and can promote fire resilience.

The Los Padres National Forest covers 1.75 million acres of chaparral, oak woodland, grassland, and conifer forests across the Transverse Ranges and southern Coast Ranges in Southern California. The Forest also contains 37 “inventoried roadless areas” -- totaling 635,106 acres -- that span Ventura, Santa Barbara, Kern, San Luis Obispo, and Monterey Counties.[1] Nearly one million visitors visit the forest each year, generating more than $75 million in annual revenue while supporting over 1,500 jobs and contributing approximately $103.4 million in yearly income for local workers and businesses.

In recent years, wildfires have significantly affected our area, causing widespread damage and heightened concern throughout our community. I fear rescinding the Roadless Rule may intensify wildfire-related and environmental challenges for our region. According to the U.S. Forest Service, “[b]uilding roads into inventoried roadless areas would likely increase the chance of human-caused fires due to the increased

[1] https://forestwatch.org/roadless/

presence of people."[2] More recently, analysis of 30 years of fire data shows that on national forest lands, fires were found to be four times more likely to ignite in areas with roads than in roadless tracts.[3] Furthermore, it is my understanding the Roadless Rule already contains commonsense provisions to allow road construction to protect public health and safety. The Roadless Rule allows fuel reduction and fire management projects, and in Los Padres National Forest, projects like Tecuya Ridge and Pine Mountain have proceeded under the Roadless Rule's protections.

Thank you for your consideration.

Sincerely,



Vianey Lopez
Ventura County Supervisor, Fifth District

[2] https://www.govinfo.gov/content/pkg/FR-2001-01-12/pdf/01-726.pdf
[3] https://www.wilderness.org/sites/default/files/media/file/Summary%20NFS%20roads%20fire%20paper%20-%202025.pdf

Docusign Envelope ID: CE887CAC-5453-44AB-8BCE-0FB12EB404EC

Mark Evatz, Chair
Ron Cerri, Vice Chair
Ken Tipton, Commissioner
Jesse Hill, Commissioner
Paige Brooks, Commissioner
Humboldt County Courthouse
50 West Fifth Street Room 205
Winnemucca, Nevada 89445

Humboldt County, Nevada

September 19, 2025

The Honorable Brooke Rollins
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

RE: Proposed Rulemaking: Recission of 2001 Roadless Rule

Docket Number: FS–2025–0001

Sent via: https://www.regulations.gov/document/FS-2025-0001-0001

Dear Madam Secretary,

The U.S. Department of Agriculture ("USDA") is initiating an environmental impact statement (EIS) and rulemaking concerning management of inventoried roadless areas on approximately 44.7 million acres of National Forest System lands, including Alaska. The proposed rule would rescind the 2001 Roadless Area Conservation Rule ("2001 Roadless Rule"),[1] which prohibits road construction, road reconstruction, and timber harvesting in inventoried roadless areas, with limited exceptions.

Consistent with the National Environmental Policy Act ("NEPA") the USDA is soliciting public comment on the alternatives and effects of the proposed action, as well as useful information, studies, and data. Humboldt County, Nevada, ("the County") is pleased to respond to this request.

Humboldt County is significantly affected by the proposed action. Of the State of Nevada's 5,833,000 acres of National Forest System Lands, 3,186,000 of these acres (or 54.6%) are Inventoried Roadless Areas.[2] In Humboldt County, the Santa Rosa Ranger District of the Humbolt-Toiyabe National Forest comprises more than 280,000 acres, the vast majority of which are Inventoried Roadless Areas ("IRAs") or Wilderness Areas. Because Humboldt County's natural resource economy and valued rural lifestyle depend on multiple uses of the surrounding public lands such as grazing, mineral extraction, many forms of recreation—and the access within our National Forests necessary to carry out these activities—the County will strongly benefit from the USDA's

[1] 66 FR 3244, 36 CFR Subpart B (2001).
[2] https://www.fs.usda.gov/managing-land/planning/roadless/state-maps

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proposed rulemaking. Moreover, by lifting the blanket ban on road construction and reconstruction on IRAs, the proposed rulemaking will make our forests and communities significantly safer by enabling efficient and effective firefighting response as well as enabling forest management projects like timber thinning to help increase fire resistance and resiliency.

Issues to be Considered in the EIS

1. What is the Impact on Fighting Fire and Minimizing Fire Risk on Nevada's National Forests?

According to USDA data,[3] the State of Nevada has the highest fire risk in the U.S. Northern Nevada (which includes Humboldt County and the Santa Rosa Ranger District) has the highest risk of wildfire within the state, as well as the highest fire risk to homes.[4] In short, Humboldt County suffers some of the highest wildfire risk in the nation, endangering human lives, private property, infrastructure, rangeland, wildlife, and the timber resource.

Roadless Areas have limited road access and are subject to a blanket ban on timber harvesting and extreme restrictions on timber management. It is therefore not surprising that forty percent of lands within inventoried roadless areas are classified as having high or very-high wildfire hazard potential. Between 1984 and 2024, 13 percent of Roadless Areas (5.5 million acres) experienced wildfires of high or moderate severity. Additionally, approximately 23 percent (10.2 million acres) of inventoried roadless areas managed under the 2001 Roadless Rule are located within the wildland-urban interface (WUI) in close proximity to property, homes, and humans.[5]

The **No Action** alternative would negatively impact Humboldt County by continuing the blanket ban on road construction, reconstruction, and timber sales, and extreme limitations on timber management. Strategic road building and road improvements are critical for swift and efficient fire incident response on National Forests and for the safety of firefighters, some of whom are from locally based Rangeland Fire Protection Agencies (RFPAs) and Rural Fire Departments. Moreover, road improvements and access are essential for implementing forest management projects like tree thinning, fine fuels reduction, and application of herbicides. By banning the strategic building and rebuilding (improvement) of key access roads on Roadless Areas and restricting timber management, the No Action Alternative impedes critical fire management activities, in conflict with direction from Executive Order 14308 Empowering Commonsense Wildfire Prevention and Response.[6] By contrast, the **Proposed Action** would give the local Ranger District and Forest Manager—in

[3] https://wildfirerisk.org/explore/overview/32/
[4] https://wildfirerisk.org/explore/risk-to-homes/32/
[5] 90 Fed. Reg. 16581 (Aug. 29, 2025).
[6] "Within 180 days of the date of this order, the Secretary of the Interior and the Secretary of Agriculture […] shall:

(i) Identify rules that impede wildfire prevention, detection, or response and consider eliminating or revising those rules, as consistent with applicable law." E.O. 14308 Section 5(b).

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cooperation with other federal agencies, local governments, Tribes, and affected parties—the ability to determine the best fire attack and risk management needs for local Forest Service roads and access, taking into consideration local circumstances.

2. What is the Impact to National Forest Lands for Multiple Use Activities?

Under the National Forest Management Act ("NFMA"), the National Forests are explicitly mandated to be managed according to the principles of multiple use and sustained yield:

> "In developing, maintaining, and revising plans for units of the National Forest System pursuant to this section, the Secretary shall assure that such plans […] provide for multiple use and sustained yield of the products and services obtained therefrom in accordance with the Multiple-Use Sustained-Yield Act of 1960 [16 U.S.C. 528–531], and, in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness…"
>
> 16 U.S.C. § 1604(e)(1)

Many products and services—including but not limited to livestock grazing, mineral resources, timber, and many forms of recreation—make the National Forests vital to rural communities like Humboldt County both as sources of economic prosperity and for personal enjoyment. Notably, three mining districts (the National District, the Rebel Creek Placer District, and the Paradise District) all reside within the Santa Rosa Ranger District, as well as twelve grazing allotments and abundant opportunities for recreation. Nearly all multiple uses (with the exception of primitive backcountry hiking) require safe and reliable access on maintained roads.

The **No Action** alternative undermines the multiple use / sustained yield character of the National Forests by banning road construction, reconstruction, and timber harvest on over 58 million acres (or 30%) of all National Forest System lands. In Nevada, this percentage is even higher—54.6% of Nevada's National Forests are within Roadless Areas. The blanket ban on road construction and reconstruction (i.e. improvement) frustrates access for vehicles necessary for livestock management, mining, timber harvest, fire management, and many recreational activities. When the public loses access to forests and their resources, it impedes the multiple use of Forest Service lands and resources. By contrast, the **Proposed Alternative** allows the local Ranger District and Forest Manager—in consultation with state and local government agencies, Tribes, and affected parties—the ability to determine the best management of Forest Service roads and resources, taking into consideration local circumstances and needs. This, in turn, allows the National Forest System to fulfil its multiple use conservation mission, including timber production, recreation, wildfire suppression, and fuel reduction treatments.

3. What is the Impact on Social Justice Issues?

While the Roadless Rule allows certain limited road maintenance actions, the blanket ban on road building and rebuilding (improvement) effectively freezes in time the road system on huge swathes of National Forest land and creates an added pretext for decommissioning (closing) Forest Service roads. In Humboldt County, we are sensible that many members of the public who use and enjoy

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the National Forests are disabled, elderly, or have limited or low income, and are not physically or financially able to participate in roadless primitive backcountry experiences. Consequently, properly-sited roads are essential for providing safe and reliable access for all members of the public, irrespective of age, ability, or income. The **No Action** alternative would negatively impact disadvantaged members of the public by permanently sealing off areas of the National Forests with no current road access, effectively managing these areas as *de facto* Wilderness Areas. By contrast, while the **Proposed Alternative** does not by itself authorize the building of any specific roads, it leaves the decision making of whether and where to build new access roads up to the local Ranger District and Forest Manager, in consultation with State and local governments, Tribes, and the public.

4. How Would the Alternatives Impact Local Decision Making?

NFMA commands that the management of the National Forests shall incorporate local input, both from State and local governments and the public:

- "The Secretary shall provide for public participation in the development, review, and revision of land management plans, including consultation with State and local governments and other interested parties." 16 U.S.C. § 1604(d)
- "Land management plans for units of the National Forest System shall be coordinated with the land and resource management planning processes of State and local governments." 16 U.S.C. § 1604(a)

In conflict with these mandates, the 2001 Roadless Rule handed down key Forest management decisions for IRAs on all National Forests from its Washington Office. This cookie-cutter, centralized approach has unnecessarily and adversely tied the hands of the local Ranger District and Forest Supervisor, who are unable to exercise management discretion. However, well-informed land management requires the flexibility to respond to local land and resource conditions.

The **No Action** alternative would prolong 24 years of top-down, centralized planning that ignores local conditions and circumstances and input from local governments and the public, including but not limited to, coordination with local government planning as mandated by 16 U.S.C. § 1604(a). By contrast, the **Proposed Alternative** would provide discretion for local land managers to tailor management, as appropriate, to local land conditions. Most importantly, this latitude allows local managers to provide critical access for firefighting, fuels management, and strategic multiple uses of Forest resources. Moreover, the Proposed Action allows, consistent with NFMA, for important resource values on inventoried roadless areas to be effectively conserved through local decision making and planning without restrictive and unnecessary national prohibitions.

5. Conclusion

Humboldt County supports the USDA's proposal to rescind the 2001 Roadless Rule and return management decisions to local Forest Managers in partnership with local governments and the public. Local oversight is essential, given evolving conditions on National Forest lands such as increased wildland-urban interfaces, greater wildfire, drought, pest challenges, and ongoing maintenance needs since 2001. As the Proposed Action would not compel amendment or revision

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of any land management plan, or approve any specific road or timber projects, we find that the potential environmental impacts of the Proposed Action are negligible, while the benefits for future management would be significant. We are also mindful that any subsequent proposed projects will be individually subject to NEPA environmental review and land use plan consistency.

If the USDA has any questions regarding the above comments, please contact Humboldt County Manager Don Kalkoske or Humboldt County Public Lands Consultant Andy Rieber.

Sincerely,

DocuSigned by:
Ken Tipton
6C82D402C2474B4...

Ken Tipton
Humboldt County Board of Commissioners

Round Valley County Water District
P.O. Box 535
Covelo, CA 95428

water.roundvalley.org

Board of Directors
Dane Downing, Chair
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Sandra Mullen
Bruce Hilbach-Barger
General Manager
Imil Ferrara
Project Manager
Lourance Hall

9/15/2025

Secretary Rollins,

On behalf of the Round Valley County Water District Board of Directors, I urge you not to rescind the Roadless Rule. The 45 million acres of remote, wild and roadless forests across our country are the few pockets of unbroken forest where nature can flourish undisturbed. Their disturbance would have deleterious impacts in our rural community in particular. Rolling back the Roadless Rule will not protect communities from wildfire and may in fact lead to more wildfires. Wildfires are four times as likely to start in areas with roads than in roadless forest tracts and 90 percent of all wildfires nationwide started within half a mile of a road.

As elected officials charged with defending and conserving water resources and the ecologies that depend of them, the Round Valley County Water District Board strongly encourages efforts to overturn the Roadless Rule. We shouldn't jeopardize the wildlife, habitat connectivity, recreation and clean water that these beloved intact forests provide by opening them to road-building, commercial logging, mining and drilling. Please leave America's last wild forests alone.

Sincerely,

Imil Ferrara
General Manager
Round Valley County Water District

ACWA
Association of California Water Agencies

Bringing Water Together

September 19, 2025

U.S. Forest Service
Brad Kinder
National Forest System
Ecosystem Management Coordination
201 14th Street SW
Washington, DC 20250

Submitted electronically via: https://www.regulations.gov

RE: U.S. Department of Agriculture Intent to Rescind the 2001 Roadless Area Conservation Rule—Docket No. FS-2025-0001

Dear Acting Director Kinder:

The Association of California Water Agencies (ACWA) respectfully submits comments regarding the U.S. Department of Agriculture's (USDA) intent to rescind the 2001 Roadless Area Conservation Rule.[1] ACWA appreciates USDA efforts that support active forest management strategies to help reduce wildfire risk, restore forest health, and protect watersheds and critical water infrastructure.

ACWA is the largest statewide coalition of public water agencies in the United States. ACWA represents approximately 470 member agencies that are responsible for delivering about 90 percent of the water to communities, farms, and businesses in California. ACWA represents water management entities in every sector of water supply, including municipal and agricultural water, water recycling, water reuse, wastewater management, and stormwater management. ACWA and its members are dedicated to providing a high-quality, reliable water supply in an environmentally sustainable and fiscally responsible manner.

Effective management of Inventoried Roadless Areas can decrease damage to roads, forests, water sources, wildlife habitat, and recreation sites. ACWA therefore urges USFS to consider the following as it proposed to rescind the Roadless Rule and develop an Environmental Impact Statement.

I. Increase Management on Forest Service Lands to Enhance Wildfire Prevention and Response Capacity

As a subdivision of USDA, U.S. Forest Service (USFS) operations are important to ACWA members and millions of California water users. California encompasses the second largest

[1] U.S. Department of Agriculture: *Forest Service Special Areas; Roadless Area Conservation; National Forest System Lands.* 90 Fed. Reg. 42180. August 29, 2025. https://www.govinfo.gov/content/pkg/FR-2025-08-29/pdf/2025-16581.pdf.

allotment of USFS land in the nation with over 20.8 million acres of land.[2] These 20.8 million acres make up about 20 percent of the total land mass in California and are the source of approximately half of its surface water. Of California's nearly 21 million national forest lands, 4,416,000 acres are Inventoried Roadless Areas.[3]

Many of California's municipal and agricultural water supplies originate in National Forest lands, particularly in the Sierra Nevada and Cascade Ranges. These source watersheds are increasingly vulnerable to severe wildfire, pest outbreaks, and post fire erosion. Additionally, the challenges posed by catastrophic wildfires, deteriorating forest conditions, and restricted land management have become increasingly urgent in recent years. Catastrophic wildfires over the past decade—including the 2017 Tubbs Fire, 2018 Camp Fire, 2020 North Complex, and 2025 Palisades Fire and Eaton Fire[4]—have underscored the urgent need for increased access and forest treatment capacity in California's upland watersheds. In 2025 to date, there are more than 47,000 wildfire incidents that have burned more than 4 million acres.[5]

Roadless areas are already largely overgrown. To help reduce wildfire risk, restore forest health, and protect water infrastructure, long-term sustainability of critical headwater areas—many of which fall within lands governed by the Roadless Rule—depends on the ability of land managers to access and perform fuels reduction activities. Proper access to care for roadless areas can spur decreased risks. For example, during the August 2021 Caldor Fire that began in Eldorado National Forest, USFS reported that proactive fuels reduction treatment efforts, such as forest thinning and prescribed burns, helped protect some communities from wildfire devastation in South Lake Tahoe[6]; flame lengths in untreated areas were observed between 100 to 150 feet while areas with fuels treatments had flame lengths reduced to 20 feet or less.[7] Access to roadless areas to properly manage national forest lands are also needed to perform other fuels reduction activities like mechanical thinning that help prevent and mitigate catastrophic wildfires.

ACWA values the natural environment but believes its preservation depends on better management of our land and water resources. The Roadless Rule has constrained the ability of federal land managers and local partners to implement active forest management strategies in critical headwater regions. These constraints limit opportunities for strategic road access and fuel reduction projects that are essential for sustaining healthy forests and protecting water quality and supply. While the Roadless Rule was intended to preserve wilderness character, it has become increasingly clear that restricted access hinders proactive fire mitigation and rapid response capabilities. Rescinding the rule would allow fire agencies, utilities, and local water providers to better plan and implement landscape-scale treatments and protect water supply infrastructure from

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[2] United States Forest Service: *Land Areas of the National Forest System*. September 30, 2022. https://www.fs.usda.gov/land/staff/lar/LAR2022/FY2022_LAR_book.pdf.
[3] U.S. Department of Agriculture and U.S. Forest Service: *Roadless Areas Inventoried by State*. https://www.fs.usda.gov/managing-land/planning/roadless/state-maps.
[4] California Department of Forestry and Fire Protection: *Top 20 Deadliest California Wildfires*. July 25, 2025. https://34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/calfire-website/our-impact/fire-statistics/top20_deadliest_072525.pdf?rev=2c10213901a3414bb59d68dd776f2277&hash=9762D0A17EEB2550C799638FA0CC9862.
[5] National Interagency Fire Center: *Statistics*. September 4, 2025. https://www.nifc.gov/fire-information/statistics.
[6] United States Forest Service: *Caldor Fire: Defending Lake Tahoe Basin.* October 28, 2021. https://www.fs.usda.gov/about-agency/features/caldor-fire-defending-lake-tahoe-basin.
[7] United States Forest Service: *Fuels Treatment Success—Caldor Fire Area*. https://www.fs.usda.gov/sites/default/files/CaldorMap.png.

wildfire-related damage. ACWA therefore realizes USDA's intent to rescind the Roadless rule to remove prohibitions on road construction, reconstruction, and timber harvesting on the nearly 59 million acres—or 30%—of national forest lands that make up Inventoried Roadless Areas.

II. Collaborate with Local Partnerships to Ensure Forest Stewardship

California water providers, communities, farms, businesses, and ecosystems rely on a strong partnership with USFS. ACWA is concerned that USFS "does not anticipate designating any Federal, State, Tribal, or local agencies as cooperating or participating agencies" and "only encourages input through public comment opportunities." Numerous ACWA members have partnered with USFS to conduct forest health treatments on USFS lands.[8] ACWA members have dedicated significant financial resources, time and personnel to protecting watersheds and improving forest health on federal lands. ACWA is grateful for these partnerships and encourages USFS to coordinate with all impacted parties, especially water managers, to ensure the health of national forest lands—both in California and nationwide.

Additionally, understanding local conditions is extremely important to determine when, where, and what type of forest health treatments are needed—especially among the various landscapes with California alone. Local officials best understand the needs of the community**.** ACWA realizes that efforts by USDA to remove prohibitions for road construction and reconstruction in roadless areas would provide discretion to local land managers to tailor management, as appropriate, to local land conditions. This provides opportunities for USFS to work with ACWA member agencies and others to implement forest stewardship strategies. ACWA urges USFS to reconsider its coordination with essential players that safeguard national forest lands.

Partners and public engagement are essential to shape and improve practical forest management strategies. ACWA encourages USFS to initiate proactive, enhanced outreach to land managers and water utilities, as well as local, state, and tribal leaders as it drafts the proposed Roadless Rule and develops an Environmental Impact Statement. These are significant policy developments that necessitate a collaborative process. As water utilities like ACWA member agencies are and will be impacted by USFS regulations, their engagement in forest-related efforts is essential.

III. Establish a Western Hub Office in California

California is currently home to numerous USDA regional operations, including the U.S. Forest Service regional office in Vallejo, California. ACWA is concerned that USDA's proposed transition of hub locations outside California outlined in its reorganization plan [9] could inadvertently make the development and execution of contracts and permits more difficult and create unnecessary challenges for water managers and agricultural producers. ACWA urges USDA to ensure any reorganization preserves and enhances commitments to the evolving needs of agricultural producers, rural communities, and water managers, and is responsive to the growing threats posed by poor forest health on federal lands.

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[8] Association of California Water Agencies: ACWA Member Efforts—*Protecting Water at its Source*. February 25, 2025. https://www.acwa.com/our-work/protecting-water-at-its-source/acwa-member-efforts.

[9] U.S. Department of Agriculture: *Department of Agriculture Reorganization Plan*. Secretary Memorandum SM 1078-015. July 24, 2025. https://www.usda.gov/sites/default/files/documents/sm-1078-015.pdf.

The greatest successes have occurred when ACWA members have been able to establish trusting relationships with national forest supervisors and their superiors at the region level. ACWA is concerned that moving a USFS regional office outside of California will hinder forest health work on federal lands and place critical watersheds, and the communities and farms that depend on this water, at risk.

If USDA moves forward with the reorganization ACWA requests that USDA establish a western hub office in California. ACWA believes establishing a western hub in California is aligned with the underlying goals of Secretary Memorandum 1078-015. Section 4, Principle 2 discusses the importance of bringing USDA closer to its customers. USDA has a significant customer base in California. Also, as mentioned above, there is more USFS land in California than in any other state in the Continental United States.

IV. Maintain a Capable Workforce

ACWA recognizes the importance of efficient federal operations through a capable USDA workforce, and supports efforts to improve administrative efficiency, reduce duplication, and strengthen field-level responses. However, ACWA is concerned that USDA's reorganization of personnel could hinder engagement with local water agencies, support for multi-benefit watershed projects, forest health treatments, and administration of critical financial and technical assistance for water managers and agricultural providers. The shift of experienced USDA staff could dimmish knowledge of regional and local conditions, technical expertise, knowledge of ongoing projects, historical precedents, and interagency coordination. ACWA is concerned that this may lead to inefficiencies and create challenges for water providers and others in the regulated community. For example, decreased forest work efforts may lead to higher chances of catastrophic wildfires that can have a severe economic impact on those who live in these areas as well as nationally.

V. Extend the Comment Period Deadline

ACWA appreciates USDA providing an opportunity to comment on its intent to rescind the 2001 Roadless Area Conservation Rule. Due to the technical nature of this notice and its large-scale implications on forest management and water resources nationwide, ACWA encourages USDA to extend this comment period by at least an additional 30 days. Extending the comment period will allow USDA to consider adequate responses from more impacted parties.

The current 21-day timeframe is challenging for many small water utilities—including some ACWA member agencies—who may lack the resources to develop sufficient comments within the imposed deadline. Nevertheless, those directly affected by USFS activities under USDA jurisdiction have important real-world information to share that this short timeframe will likely hinder.

Conclusion

Thank you for considering ACWA's comments. ACWA stands ready to work with USDA and USFS leadership to support active forest management strategies to help reduce wildfire risk,

restore forest health, and protect water infrastructure. Please let us know if we can provide additional information and resources. If you have any questions or would like to follow up on this matter, please contact ACWA Federal Relations Representative, Caleb Raspler, at calebr@acwa.com or (202) 434 - 4762.

Respectfully,



Caleb Raspler
Federal Relations Representative
Association of California Water Agencies

ROY LEE
First District Supervisor



BOARD OF SUPERVISORS
County Administration Building
105 East Anapamu Street
Santa Barbara, CA 93101
Telephone: (805) 568-2190
www.countyofsb.org

COUNTY OF SANTA BARBARA

September 19, 2025

Brooke Rollins
Secretary of Agriculture
United States Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Re: Notice of Intent to prepare an environmental impact statement rescinding the 2001 Roadless Area Conservation Rule (Federal Register Doc. 2025-16581)

Dear Secretary Rollins,

As Supervisor for Santa Barbara County's First District, I take public safety and public access very seriously. California's 20 million acres of national forests are vital to the efforts of both. So I speak for my constituents: we oppose the proposal to rescind the 2001 Roadless Area Conservation Rule (Roadless Rule) that prohibits new road construction and timber harvesting in inventoried roadless areas (with limited exceptions).

The #1 reason we oppose the revocation is because Roadless Areas promote fire safety and resilience. According to the California Department of Forestry and Fire Protection (CAL FIRE) 2024 Wildfire Activity Statistics report, **97% of wildfire ignitions statewide were human-caused and occurred within 500 feet of road edges**, which includes unimproved forest roads. Roads are ignition zones. In my district, the stakes are high, and a single spark can have devastating consequences.

Roadless areas, in contrast, serve as essential buffers and are a critical part of fire safety and resilience strategies. We just saw this with the recent **Madre and Gifford Fires** in the **Cuyama Valley** this summer: after a dragging chain sparked a roadside wildfire, a largely rural and roadless area in the Los Padres National Forest burned for a combined **210,000 acres burned**. Fortunately – and due to the roadless nature of the land -- no lives were lost and the damage to property and industry was minimal.

In terms of fire-safety, **the Roadless Rule does not stand in the way of fuel reduction and fire management projects**. The U.S. Forest Service has approved multiple projects in roadless areas of Los Padres National Forest in recent years (including on Tecuya Ridge in Kern County and Pine Mountain in Ventura County), demonstrating that fire-related work can and does move forward under current protections.

I urge you to retain the Roadless Rule and carry on America's Best Idea: preserving forests and wilderness as untouched beacons of safety and recreation. **Every mile of roadless wilderness is one less ignition source and one more step toward keeping people safe.**

Thank you for your consideration.

Sincerely,



Roy Lee
Supervisor, First District
Santa Barbara County

MESA COUNTY

BOARD OF COMMISSIONERS

District 1 – Cody Davis 970-244-1605
District 2 – Bobbie Daniel 970-244-1604
District 3 – JJ Fletcher 970-244-1606

September 16, 2025

The Honorable Brooke Rollins
U.S. Secretary of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

To be submitted via public comment portal at
https://www.federalregister.gov/documents/2025/08/29/2025-16581/special-areas-roadless-area-conservation-national-forest-system-lands#open-comment

RE: Docket Number FS-2025-0001 Special Areas; Roadless Area Conservation; National Forest System Lands

Dear Secretary Rollins,

Thank you for the opportunity to comment on the United States Department of Agriculture's ("USDA") proposal to rescind the 2001 Roadless Rule. More than 551,000 acres of four national forests are within Mesa County and of that acreage, more than 51% is inaccessible due to the Colorado Roadless Rule. While we understand that the Colorado Rule is not being considered in this Environmental Impact Statement ("EIS"), we appreciate being able to share our concerns and propose solutions to ensure our forests are actively managed rather than treated as de facto wilderness.

As is becoming more common, wildland fire crews have been battling large wildfires across western Colorado this summer. While years of continued drought is a factor in the number, size and intensity of these fires, overstocked and diseased forests, coupled with reductions in timber harvests, is also largely to blame for the billions being spent annually on suppression and recovery efforts.

Mesa County is now confronting our own recovery challenges following the Turner Gulch Fire that burned through nearly 32,000 acres, including forest identified as Colorado Roadless and Tier 1 Roadless areas. The fire has impacted a nearby community that depends on these forests for grazing cattle. Due to the loss of summer pasture, two large producers have had to relocate six hundred head of cattle to another allotment more than ten miles away. While this is an extremely difficult situation for these families, we are grateful for the willingness of our local USFS Ranger and staff to provide support and solutions to those affected.

While Colorado's 2012 Roadless Rule has provided stability through changing administrative policies, we would like to advocate for allowing additional provisions. In partnership with the local USFS districts, allowing counties to collaborate in work related to fuels reduction, wildfire mitigation, and watershed maintenance would provide crucial active management that our forests urgently need. A similar agreement is working in Montana where counties have signed

Memoranda of Understand ("MOUs") with the Forest Service to coordinate forest health efforts while respecting environmental concerns.

This request is not about opening these lands to development- but to provide better access to protect our communities and the water sources that we in the west rely so heavily on. Colorado's counties have the tools, personnel, and collaborative spirit needed to contribute meaningfully to this effort. Our goal is to complement, not conflict with, the values embedded in the Roadless Rule by adding flexibility where it's needed most.

We believe that communities need every tool available to combat the growing threat of increased fire activity. These fires test the limits of our emergency response systems, impact air quality, raise insurance rates, and threaten our rural economies and recreational assets. Counties want to be part of the solution—and we believe this framework offers a balanced, bipartisan way forward.

We thank you for your continued leadership in ensuring local voices are heard by our federal partners. We believe the Roadless Rule recension will benefit all western states as we address critical forest needs, and we hope that Colorado will be granted the same opportunity.

Sincerely,



Cody Davis
Chair, Board of County Commissioners



Bobbie Daniel
Commissioner



JJ Fletcher
Commissioner

Cc: Todd Hollenbeck, Mesa County Administrator
Todd Starr, Mesa County Attorney
Mesa County Administration

Board of County Commissioners

September 19, 2025

U.S. Forest Service
Docket FS-2025-0001
Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108,
Washington, DC 20250-1124

Re: Rescinding the 2001 Roadless Rule (66 FR 3244, 36 CFR Subpart B (2001)) Public Comments

Dear Acting Director Kinder,

Boulder County appreciates the opportunity to provide public comments regarding the rescinding of the 2011 Roadless Rule. The Roadless Rule, first established in 2001, prohibits road construction, logging, and mining across more than 58 million acres of national forest land.

The Roadless Rule has been essential in protecting wildlife habitat, biodiversity, and drinking water quality, while also reducing soil erosion. A 2020 U.S. Forest Service study (https://research.fs.usda.gov/treesearch/61251)—based on nearly 20 years of monitoring data—concluded that roads do not improve forest health through increased fire management activities. The study found that the **absence of roads has not prevented fire prevention** measures from occurring. Historical fire maps further demonstrate that forests with and without roads have burned at similar rates. In fact, areas with roads often experience more fires due to increased human-caused ignitions, which offset any benefits from easier access for firefighting.

The disadvantages of rescinding the Roadless Rule are numerous and well-documented:

- Roads accelerate the spread of invasive plant species.
- Roads cause significant erosion, degrading water quality.
- Roads encourage development within watersheds, leading to reduced water quality and more expensive drinking water treatment.
- In many western states, roadless areas are the primary source of municipal drinking water.
- There is no evidence that roadless protections impede national forest planning. According to CalWild (calwild.org), roadless designations actually help guide forest management planning. Importantly, the Forest Service retains access to all available fire suppression tools in roadless areas, including bulldozers and helicopters. Data show that roadless areas experience disproportionately fewer wildfires than roaded areas.
- Because of topographical grades, roads are often constructed alongside stream and river corridors. Therefore, the recission of this rule may disproportionately impact beaver

Commissioner Claire Levy • Commissioner Marta Loachamin • Commissioner Ashley Stolzmann

Boulder County Courthouse • 1325 Pearl Street • Boulder, Colorado 80302

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complexes within stream corridors. If these beaver complexes are impacted, we lose all the ecosystem services associated with beavers including flood mitigation, wildfire suppression, drought resiliency and the beaver-created habitat that supports many species of wildlife, including fish, birds and amphibians.

In summary, Boulder County does not believe rescinding the Roadless Rule will reduce wildfires or improve forest health. On the contrary, rescission would:

- Decrease biodiversity,
- Negatively impact wildlife,
- Degrade water quality,
- Increase invasive species spread,
- Accelerate soil erosion, and
- Heighten the risk of human-caused fires.

For these reasons, Boulder County strongly opposes rescinding the Roadless Rule. The 2001 Rule was established through an extensive public involvement process, and attempting to rescind it after only a limited two-week public comment period does not reflect the public's will. Moreover, rescinding the rule would pave the way for taxpayer-funded logging roads that prioritize commercial logging at the expense of environmental protection, community use of the land for hunting, fishing, and recreation, and the preservation of water quality.

Sincerely,

Claire Levy

Marta Loachamin

Ashley Stolzmann

La Plata County Colorado
ACCOUNTABILITY · INTEGRITY · RESPECT

Board of County Commissioners
Marsha Porter-Norton, Chair
Matt Salka, Vice Chair
Elizabeth Philbrick, Commissioner

1101 East 2nd Ave
Durango, CO 81301
(970)382-6219

September 18, 2025

The Honorable Brooke Rollins
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Rollins:

As the Board of County Commissioners for La Plata County, Colorado, we write to express our strong opposition to the proposed rescission of the federal Roadless Area Conservation Rule. Our county is home to 428,000 acres of the San Juan National Forest, whose 1.8 million acres spans 10 counties in Southwest Colorado. These lands provide essential wildlife habitat, watershed protection, recreation opportunities and economic vitality. The Roadless Rule has long been a cornerstone of protecting our environment, economy, and way of life.

Local Impacts on Water and Forest Health

Roadless areas in and around La Plata County safeguard critical headwaters that supply clean drinking water to our residents, farms, and businesses. These watersheds are among the most sensitive landscapes in the region. Opening them to new road construction or industrial logging increases the risk of erosion, sedimentation, and long-term degradation of water quality.

Wildfire and Public Safety

We recognize the urgent need to reduce wildfire risk in our forests. However, scientific research consistently shows that road building often increases human ignition sources and exacerbates fire spread. The Roadless Rule already allows for necessary exceptions—such as fire suppression and insect/disease control—while limiting unnecessary development in fragile areas. Rolling back the rule undercuts balanced, science-driven wildfire management.

Economic and Cultural Concerns

La Plata County's economy and identity are deeply tied to outdoor recreation, tourism, and the quality of life that comes from having accessible but intact public lands. Roadless areas draw hunters, anglers, hikers, and visitors from around the world. Their protection sustains businesses, jobs, and cultural traditions. Removing these protections threatens not only ecosystems but also the economic resilience of our communities.

Climate Resilience and Long-Term Stewardship

Undisturbed forests play an irreplaceable role in carbon storage and climate resilience. At a time when Colorado and the Southwest face intensifying drought, wildfire, and extreme weather, it is shortsighted to reduce protections for landscapes that help buffer us from these impacts. The Roadless Rule provides a consistent, national framework that prevents piecemeal management and ensures these lands remain intact for future generations.

On behalf of the people of La Plata County, we urge the USDA and Forest Service to maintain the Roadless Rule in full effect. Rescinding this safeguard would risk irreversible harm to our water, wildlife, economy, and cultural heritage. We ask that you instead strengthen collaborative approaches to forest management that balance ecological integrity with community needs.

Thank you for considering our comments and for your commitment to the stewardship of our nation's forests.

Sincerely,

LA PLATA COUNTY
BOARD OF COUNTY COMMISSIONERS

Marsha Porter-Norton
Chair

Matt Salka
Vice Chair

Elizabeth Philbrick
Commissioner

September 19, 2025

Ms. Brooke Rollins, Secretary
United States Department of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

RE: Roadless Area Conservation Rule, Docket FS-2025-0001

Dear Secretary Rollins:

I am writing to express my strong opposition to the Proposed Action to rescind the 2001 Roadless Rule and to support upholding it. **The only acceptable action for the USFS to take is the "No Action" Alternative to retain the U.S. Forest Service's (USFS) 2001 Roadless Area Conservation Rule.**[1]

I am an Ouray County Commissioner and have held various leadership positions on our Colorado Counties Inc. and National Association of Counties public lands committees over the last 14 years. I have served multiple terms on the Bureau of Land Management's Southwest Colorado Regional Advisory Council and have participated as a representative for a cooperating agency in numerous planning and project processes with the United States Forest Service (USFS) and Bureau of Land Management (BLM). These roles involved participating as a knowledgeable local expert and local government liaison as part of these public lands management agencies' coordination, collaboration, consultation, and cooperation efforts with local government stakeholders in all the phases of pre-scoping, scoping, draft, final, and objection in developing plans or projects with Environmental Impact Statements or Environmental Assessments as required by the National Environmental Protection Act (NEPA). I have attended and even assisted in planning and hosting public town hall events with USFS and BLM for their major planning or project actions.

In my capacity as Ouray County Commissioner, I am writing to provide comment on the Notice of Intent to Prepare an Environmental Impact Statement (Notice) for proposed rulemaking on Roadless Area Conservation to rescind the 2001 Roadless Area Conservation Rule.

Ouray County is a mountainous county located at the intersection of the northern San Juan Mountain range, the Colorado Plateau, and the Colorado Mineral Belt in southwestern Colorado. Elevations range

[1] Special Areas; Roadless Area Conservation, 66 Fed. Reg. 3244 (Jan. 12, 2001).

from about 6,300 feet in the Uncompahgre River valley near Colona to over 14,000 feet at the tops of Mount Sneffels and Wetterhorn Peak. It comprises 542 square miles, with just 2 square miles (0.04%) of that being water. Ouray County has approximately 46 percent federal public land. Our population is about 5,100 people, and our density is less than 10 people per square mile.

Ouray County officially recognizes in our 2025 revised Master Plan that our most precious resource is our natural environment. In fact, since our first Master Plan in 1971, we have recognized the importance of our natural resources and the strain that development and tourism have on our natural environment.[2]

Since 1971, we have framed the purpose and need for our Master Plan, our zoning, and our Land Use Code with this preamble:

> *"The area encompassed by Ouray County is a quiet land of awesome beauty, even today nearly untouched and unspoiled . . . It ranges from the magnificent San Juan Mountains on the south across the Uncompahgre Valley, and on in to the rolling foothills and mesas covering the northern parts of the county. Ouray County, then, possesses a rare combination of assets; a priceless and varied natural environment, ranging from unique wilderness to more hospitable areas, and a population which is aware of the value and delicacy of the physical setting surrounding it. Ouray County is now becoming known to people from all areas as a winter and summer recreation area . . . In the face of such potential popularity, how can the unique environment for living, including the delicate natural environment, be protected? How can the County accommodate the inevitable development pressures, without letting these pressures negate or even destroy the unique and irreplaceable qualities that attracted them in the first place?"*[3]

The USFS Travel Management Rule and Roadless Rule together accomplish what local governments do with our public development of sound planning and zoning regulations. That is, we guide and manage development, growth, infrastructure, and transportation to ensure public health, safety, and welfare by reducing conflicts and degradation. By appropriately managing land use, balancing growth and land uses with community needs, providing adequate public services, protecting natural resources, and enhancing the overall quality of life for residents, we are ensuring that we are acting efficiently within our authority and our capacity.

Regarding the importance of retaining areas managed by the United States Forest Service (USFS) designated as "Roadless" under the 2012 Roadless Rule, I will be using examples from the State and places I know best, Colorado, the Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forests, and the adjacent San Juan National Forest (SJNF). I realize that the Roadless Rule rescission says it *currently* does not affect the Colorado Roadless Rule; however, without an understanding of what the Roadless Rule means and does, we might be next. Regardless, USFS lands provide essential ecosystem

[2] Ouray County Master Plan, 2025. https://www.ouraycountyco.gov/DocumentCenter/View/21045/OC-2025-Master-Plan-Final-021225?bidId=

[3] See Page 1: https://www.ouraycountyco.gov/DocumentCenter/View/21045/OC-2025-Master-Plan-Final-021225?bidId=

services, natural resources, watershed health, forest health, and multiple-use recreation to all Americans and our native plant and animal species.

I am strongly opposed to the Proposed Action of rescinding the 2001 Roadless Rule and I am writing in support of upholding the 2001 Roadless Rule. I support the "No Action" Alternative to retain U.S. Forest Service's (USFS) 2001 Roadless Area for the very reasons why the Roadless Rule was created in 2001.

The proposed rule would rescind the 2001 Roadless Area Conservation Rule (2001 Roadless Rule) (66 FR 3244, 36 CFR Subpart B (2001)), which prohibits road construction, road reconstruction, and timber harvesting in inventoried roadless areas, with limited exceptions.

The general rationale for this proposed rescission appears to be based on ideas that the Roadless rule bans road construction and suitable timber harvest, and therefore is related to increases in wildfires.[4,5] Current data and research refute that harvesting timber from Roadless Areas is necessary for industry or wildfire. There is also abundant data and robust support from diverse stakeholders and the American public for the Roadless Rule and its outcomes.

Important background information: **The United States Forest Service (USFS) manages approximately 14.5 million acres of public lands in Colorado distributed among eight National Forests and two National Grasslands in Colorado. Of this, the Forest Service designated about 4.2 million acres (about 29 percent) as CRAs under the 2012 Colorado Roadless Rule.** This tracks with the national average of Inventoried Roadless Areas outside of Colorado and Idaho. According to the summary information posted for this docket in the Federal Register, "Today, inventoried roadless areas total approximately 58.2 million acres, or about 30 percent of all National Forest System lands."[6]

1. **Both of the major premises for rescission of the Roadless Rule are false.**
    a. **Timber harvests have increased (not harmfully decreased) in Colorado after the Roadless Rule was enacted.** In Colorado, after the passage of the Roadless Rule, timber harvests on USFS lands continue to increase. For example, the USDA wrote in 2025 that

[4] https://www.hcn.org/articles/the-trump-administrations-repeal-of-the-roadless-rule-could-threaten-wildlife/
[5] U.S. Dep't of Agriculture *Supra* note 2, Roadless Rule rescission will allow for "fire prevention and responsible timber production."; *See also*, U.S. Forest Service, *It's Time for Common-Sense Roadless Reform* (June 20, 2024), https://www.fs.usda.gov/inside-fs/leadership/its-time-common-sens e-roadless-reform, "For nearly 25 years, this rule has frustrated land managers and served as a barrier to action – prohibiting road construction, which has limited wildfire suppression and timber harvesting on nearly 60 million acres."
[6] https://www.federalregister.gov/documents/2025/08/29/2025-16581/special-areas-roadless-area-conservation-national-forest-system-lands

"2020 timber harvests from private timberlands were 159 percent higher than in 2016 while timber harvests from National Forest System lands were 33 percent higher."[7]

In 2003, a Colorado State University research report about "forests and water" reviewed all forested lands in Colorado, regardless of ownership, and stated, "Forests occupy 22.6 million acres in Colorado, or 32 percent of the land area, and **nearly three-quarters of the forest lands in Colorado are in public ownership.** About 55 percent of the forested area is considered suitable for forest harvest. **National forests comprise nearly half of the forested area, and approximately 60 percent of the area is considered suitable for forest harvest.** There are no significant, privately owned, industrial forest lands in Colorado."[8]

The USFS calculations of suitable timber change over time based on changes in methods and harvesting technology. Non-reserved timberland is forest land that is both productive enough to be harvested for wood products and is not legally protected from timber harvesting. **In 2020, a USFS report found that 70.3 percent of USFS land in Colorado was non-reserved timberland.[9] This equates to 10.1 million acres out of 14.5 million acres of USFS lands in the state, even with the 2012 Colorado Roadless Rule in effect.**

b. **USFS research also contradicts the government's assertion that building more roads will help combat wildfires.** A 2020 Forest Service study concluded, after nearly 20 years of monitoring data, that additional roads do not beneficially improve forest health or enhance fire management efforts.[10]

In fact, the study found that the abundance of human-caused fires was more common in roaded areas than in non-roaded areas. To quote the study:

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[7] Benjamin T. Irey, Lucas Townsend, Thale Dillon, Samuel G. Scott, Eric A. Simmons, Todd A. Morgan, and John D. Shaw. 2025. Colorado's timber harvest and forest products industry, 2020. Resour. Bull. RMRS-RB-41. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 30 p. https://doi.org/10.2737/RMRS-RB-41. https://www.fs.usda.gov/rm/pubs_series/rmrs/rb/rmrs_rb041.pdf

[8] MacDonald, Lee H.; Stednick, John D. 2003. Forests and water: A state-of-the-art review for Colorado. CWRRI Completion Report No. 196. Fort Collins, CO: Colorado State University. 65 p. https://research.fs.usda.gov/treesearch/59257

[9] **See Table 1**: Benjamin T. Irey, Lucas Townsend, Thale Dillon, Samuel G. Scott, Eric A. Simmons, Todd A. Morgan, and John D. Shaw. 2025. Colorado's timber harvest and forest products industry, 2020. Resour. Bull. RMRS-RB-41. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 30 p. https://doi.org/10.2737/RMRS-RB-41. https://www.fs.usda.gov/rm/pubs_series/rmrs/rb/rmrs_rb041.pdf

[10] Healey, Sean P. 2020 Long-term forest health implications of roadlessness. Environmental Research Letters. 15: 104023. https://research.fs.usda.gov/treesearch/61251

"Agency management records show that **a lack of roads has not stopped fire prevention measures**; **fuel management activities in roadless areas have actually been more numerous** on a per-square kilometer basis than elsewhere in the National Forest System, although activities in areas with roads cover larger areas. Historical fire maps indicate that forests with and without roads have burned at similar rates since the Rule took effect. **The apparent neutrality of roads with respect to fire occurrence may be due to higher rates of human caused ignition near roads offsetting advantages related to more agile positioning of fire-fighting assets."**
The increased density of wildfire starts near roads vs. other lands is also described by The Wilderness Society in a 2025 paper.[11]

The Forest Service is already permitted to conduct thinning and other fuel reduction projects in roadless areas to help mitigate wildfires and improve important habitat.[12]
In many locations, existing roads provide adequate access for both wildfire mitigation and community defense. According to findings by the USDA Office of Inspector General,[13] the current road infrastructure has sufficient access for fire suppression in nearly all high-risk areas, including those that are roadless.

2. **Motorized and non-motorized stakeholder groups agree that Roadless Areas do not exclude motorized trail construction and maintenance.** For example, in official comments shared by Colorado OHV Coalition, Trails Preservation Alliance, and Colorado Snowmobile Association, these organizations stated in 2018 to the GMUG: "*1) While Roadless areas have limitations on road construction and heavy maintenance, multiple-use trails are entirely outside the scope of the Colorado Roadless Rule, 2) Trail networks to include motorized trails may be constructed and expanded in Colorado Roadless areas."*[14]

3. **The proposed rescission will negatively affect runoff and water supplies if more roads are constructed in high-elevation areas.** It is common sense to acknowledge that plowing roads and introducing dust accelerates early snow melting. Changes in land cover and contour changes runoff patterns. In 2003, a Colorado State University research report about "forests and water" found, "**Most of the runoff in Colorado comes from forest and alpine areas above approximately 9,000 ft (2730 m) in elevation, and is generated by snowmelt from approximately mid-April to mid-July."** [15]

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[11] https://www.wilderness.org/sites/default/files/media/file/Summary%20NFS%20roads%20fire%20paper%20-%202025.pdf
[12] Special Areas; Roadless Area Conservation, 66 Fed. Reg. 3244 (Jan. 12, 2001) § 294.12 and 294.13
[13] USDA Audit Report 08601-0004-31
[14] https://www.coloradotpa.org/2018/01/15/gmug-forest-plan-revision-wilderness-inventory-comments/
[15] MacDonald, Lee H.; Stednick, John D. 2003. Forests and water: A state-of-the-art review for Colorado. CWRRI Completion Report No. 196. Fort Collins, CO: Colorado State University. 65 p. https://research.fs.usda.gov/treesearch/59257

It is well-known that due to climate change, Colorado has experienced dramatically warmer winter temperatures and increases in precipitation falling as rain instead of snow over the last 25 years. These changes make the runoff from USFS-managed forest lands even more precious in the greater Colorado River basin.[16] Our headwater communities and agriculture will be harmed by further accelerating snow melting.

It is well-documented that Colorado's peak runoff is shifting to earlier in the spring, occurring before the main growing season for many crops, due to climate change and warming temperatures. This earlier runoff is characterized by a reduced overall snowpack and earlier peak streamflow timing by 1-4 weeks, impacting water management, agriculture, and reservoir operations statewide. Other contributing factors can include dust-on-snow events, which reduce snow reflectivity and accelerate melting.

Roadless areas provide an essential buffer from worsening impacts and challenges due to reductions in water availability, including intake by thirsty soils and vegetation, agricultural stress, reduced water supplies for water storage, and increased fire vulnerability.[17]

4. **The rescission will negate years of public engagement and stakeholder input and overturn Roadless Areas that balance conservation and active management in areas important to the public and the economy.** If the USDA reneges on its "commitment to the public collaborative process and respects the stakeholders' good faith compromises and engagement during the original effort to develop the 2012 Colorado Roadless Rule,"[18] there will certainly be a chilling effect on future collaborative processes and partnerships, which the USFS relies on to fulfill its mission.

   The highly collaborative process that led to the Roadless Rule and Colorado's 2012 Roadless Rule should be honored and preserved. As recorded in the Federal Register, [19]

   a. "The State of Colorado, USDA, Forest Service, and the public worked in partnership for many years to find a balance between conserving roadless area characteristics for future generations and allowing management activities—including the construction of temporary roads that would not foreclose coal exploration and development—within CRAs that are important to Colorado's citizens and the economy. Throughout the

[16] Bolinger, R.A., J.J. Lukas, R.S. Schumacher, and P.E. Goble, 2024: Climate Change in Colorado, 3rd edition. Colorado State University, https://doi.org/10.25675/10217/237323. Online version: https://climatechange.colostate.edu/chapters/2_temp_precip.html

[17] See Chapter 3 of above: https://climatechange.colostate.edu/chapters/3_water.html

[18] https://www.federalregister.gov/documents/2016/12/19/2016-30406/roadless-area-conservation-national-forest-system-lands-in-colorado

[19] https://www.federalregister.gov/documents/2016/12/19/2016-30406/roadless-area-conservation-national-forest-system-lands-in-colorado

rulemaking process, a total of five formal comment periods were held by the State and Forest Service resulting in 27 public meetings and more than 312,000 comments. In addition, five meetings open to the public were held by the Roadless Area Conservation National Advisory Committee, which provided recommendations to the Secretary of Agriculture… The final amount of CRA and upper tier acreage was arrived at through a collaborative process between the Forest Service and stakeholders… demonstrates USDA's commitment to the public collaborative process and respects the stakeholders' good faith compromises and engagement during the original effort to develop the 2012 Colorado Roadless Rule."

5. The rescission ignores that Roadless Areas perform important functions. As summarized in the Federal Register[20],

> *"In its petition to the Secretary of Agriculture, the State of Colorado indicated a need to develop State-specific regulations for the management of Colorado's roadless areas for the following reasons:*
>
> > ***Roadless areas are important because they are, among other things, sources of drinking water, important fish and wildlife habitat, semi-primitive or primitive recreation areas that include both motorized and non-motorized recreation opportunities, and naturally appearing landscapes. A need exists to provide for the conservation and management of roadless area characteristics.***
> >
> > ***The USDA, the Forest Service, and the State of Colorado recognize that timber cutting, sale, or removal and road construction/reconstruction have the greatest likelihood of altering and fragmenting landscapes, resulting in immediate, long-term loss of roadless area characteristics. Therefore, there is a need to generally prohibit these activities in roadless areas."***

6. **<u>Colorado's Roadless Rule demonstrates that state-specific Roadless Rules are beneficial to manage Roadless Areas, and Roadless Areas are desired and needed.</u>** The proposed rescission should not resort to a unilateral rescission. It could instead analyze, in a NEPA process, an alternative that opens the door for additional state-specific Roadless Rules using Colorado as a model. As articulated in the Federal Register,

> *"The 2012 Colorado Roadless Rule also addressed State-specific concerns that are important to the citizens and economy of Colorado. These concerns included: (1) Reducing the risk of wildfire to communities and municipal water supply systems, (2) permitting construction and maintenance of water conveyance structures, (3) restricting linear construction zones, (4) accommodating ski areas, and (5) facilitating exploration and development of coal resources in the North Fork Coal Mining Area. Providing for the State-specific concerns generally allows*

[20] https://www.federalregister.gov/documents/2016/12/19/2016-30406/roadless-area-conservation-national-forest-system-lands-in-colorado

for tree cutting and road construction/reconstruction beyond what was allowed under the 2001 Roadless Rule."

"The Colorado Roadless Rule includes regulatory provisions to mitigate impacts of road construction within CRAs. Specifically:

- *Within a native cutthroat trout catchment or identified recovery watershed, road construction will not diminish, over the long-term, conditions in the water influence zone and the extent of the occupied native cutthroat trout habitat (36 CFR 294.43(c)(2)(iv)).*
- *Watershed conservation practices will be applied to all projects occurring in native cutthroat trout habitat (36 CFR 294.43(c)(2)(v)).*
- *Conduct road construction in a manner that reduces effects on surface resources and prevents unnecessary or unreasonable surface disturbance (36 CFR 294.43(d)(1)).*
- *Decommission any road and restore the affected landscape when it is determined that the road is no longer needed for the established purpose prior to, or upon termination or expiration of a contract, authorization, or permit, if possible. Require the inclusion of a road decommissioning provision in all contracts or permits. Design decommissioning to stabilize, restore, and revegetate unneeded roads to a more natural state to protect resources and enhance roadless area characteristics (36 CFR 294.43(d)(2)).*"

The above provisions were negotiated and implemented in good faith between the USDA, the State of Colorado, stakeholders, and citizens.

7. **The rescission is unnecessary and will be costly in dollars to implement and manage.** Despite the confusing name, "Roadless Areas," these areas do actually have pre-existing roads, routes, and trails providing high-quality multiuse benefits while also reducing levels of effort and road maintenance costs that the USFS and gateway communities cannot afford. Gateway communities also provide health, safety, welfare, search and rescue, and additional gateway community services. Gateway communities and counties provide maintenance of local roads that lead to USFS system roads. If the USFS dramatically increases its system roads, that will cause an unfunded mandate on gateway communities, many of which are rural or frontier rural with very limited capacity and resources.

   The 2005 Travel Management Rule[21] is essential to retain, along with the Roadless Rule.

[21] 36 C.F.R. §§ 212

8. I am incorporating by reference the full comments provided by Winter Wildlands Alliance for this docket. The excellent and well-researched points made by Winter Wildlands Alliance include:

    a. Wildfire Management Should Maximize the Defensive Value of Existing Road Infrastructure.
    b. The Roadless Rule Already Supports Flexible, Multiple-Use Management.
    c. The Roadless Rule Is Vital to Creating Meaningful Outdoor Experiences Across User Groups.
        i. **I especially want to emphasize the importance of Roadless Areas to supporting Ouray County's outdoor recreation-based economy and our dedication to environmental quality and integrity for humans and wildlife. Ouray County, particularly the City of Ouray, is often referred to as the "Outdoor Recreation Capital of Colorado" due to its more than 60 recreational activities that residents and visitors can enjoy.**[22] Ouray County's unique outdoor experiences depend on the pristine forests, rock outcrops, dark skies, and wild lands supporting hunting, hiking, mountaineering, mountain biking, backcountry skiing, rock and ice climbing, in our remote and technical terrain within Roadless Areas. According to Colorado's Outdoor Recreation Industry Office within the Office of Economic Development and International Trade (OEDIT), **"Colorado's outdoor recreation industry accounts for $13.9 billion in value-added (GDP) annually and contributed 130,000 direct jobs in 2022. According to the 2017 SCORP report, 92% of Colorado residents participate in outdoor recreation each year."**[23] Twenty-nine percent of Colorado is within Roadless Areas, which provides high-quality outdoor recreation and hunting opportunities that reduce conflicts with other types of uses while also balancing essential conservation and water resource needs.
        ii. Roadless areas also support the country's $1.2 trillion outdoor recreation economy, which represents 2.3% of the U.S. GDP and supports 5 million jobs.[24] In the winter, people travel from all over the country to areas where they can ski, snowshoe, snowboard, and snowmobile, with backcountry tourism playing a vital role in supporting rural mountain communities across the American West where many of these roadless areas are. **All affected communities must receive locality-specific analyses on socio-economic and cultural impacts from the proposed rescission rule before implementing any alternative other than Alternative A, the No Action Alternative.**
        iii. **The Travel Management Rule** requires the Forest Service to designate specific areas for motorized and non-motorized winter use under Subpart C.15 This

[22] https://oedit.colorado.gov/case-study/reimagine-destinations-success-story-visit-ouray
[23] https://oedit.colorado.gov/colorado-outdoor-recreation-industry-office
[24] Outdoor Recreation Data, <https://recreationroundtable.org/resources/national-recreation-data/>, Accessed 5 September 2025.

process is designed to balance recreation access, protect natural resources, and minimize user conflicts. Roadless areas are essential to this framework as they preserve undeveloped terrain necessary for both motorized and non-motorized opportunities while ensuring that travel planning decisions remain effective.

iv. **If the Roadless Rule were rescinded, new road construction would undermine the integrity and intent of Subpart C travel management planning. It would increase user conflicts, degrade undeveloped recreation settings, and constrain the agency's ability to provide diverse recreation opportunities consistent with federal policy.**

d. Roads Fragment Ecosystems, Affect Water Quality, and Reduce Biodiversity.
e. Rescinding the Roadless Rule Undermines Precedent for Public Participation in Land Management.
f. Roads Construction and Maintenance Is Costly.

In closing, the Forest Service must adopt the No Action Alternative.

Respectfully,

<s>

Lynn Padgett
County Commissioner
Ouray County, Colorado
lpadgett@ourayco.gov

SKIP BRANDT, FIRST DISTRICT
KOOSKIA, IDAHO

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320 West Main Street, Grangeville, ID 83530

BOARD OF IDAHO COUNTY COMMISSIONERS

September 9, 2025

Director, Ecosystem Management Coordination
201 14th Street SW
Mailstop 1108
Washington, DC 20250-1124

RE: Roadless Area Conservation EIS Comment

Idaho County has reviewed the Notice of Intent to prepare an Environmental Impact Statement concerning management of inventoried roadless areas on National Forest System Lands.

Idaho County is comprised of a total of 5,437,643 acres. The USFS manages 4,443,846 acres or 81.5% of these lands. The recently approved Land Management Plan for the Nez Perce-Clearwater National Forests calls for 1,481,637 acres in the thirty-four inventoried areas to be managed under the Idaho Roadless Rule (36CR 294 Subparts C & D).

We will continue to review proposed changes that may affect USFS lands in Idaho County.

Please keep us informed as you work through the preparation of an Environment Impact Statement (EIS). Changes proposed may require Idaho County to work with our Congressional Delegation to look at changes to the current Idaho Roadless Rule to more effectively address changed conditions.

Respectfully,

R. Skipper Brandt, Chairman

Ted Lindsley

Brad Higgins

Missoula County Commissioners

Mailing Address: 200 West Broadway
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Missoula, MT 59802

P: 406.258.4877 | F: 406.258.3943
E: bcc@missoulacounty.us

Missoula COUNTY

BCC 2025-146
Sept. 11, 2025

U.S. Forest Service
Attn: Director, Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

RE: Proposal to Rescind the 2001 Roadless Area Conservation Rule (docket number FS-2025-0001)

Dear Secretary Rollins,

Missoula County submits this comment to express our opposition to the proposal to rescind the 2001 Roadless Area Conservation Rule. While we share concerns about wildfire risk and forest health, the proposed rollback of critical protections for inventoried roadless areas presents significant threats to our communities, ecosystems and the long-term resilience of our public lands.

Missoula County is privileged to be surrounded by vast expanses of national forest lands, including inventoried roadless areas, that provide clean water, habitat for native wildlife, and iconic wildlands for recreation, tourism and quality of life. We are concerned about the ecological and environmental risks associated with building new roads in these areas, including creating fragmented ecosystems, increased erosion and invasive species spread, and threatened sensitive plants and wildlife habitat.

Research also suggests that roads can actually increase wildfire ignition and severity rather than reduce risk. A recent study (2025) analyzing three decades of wildfire data across contiguous U.S. national forests found wildfire ignition density was highest within 50 meters of roads versus much lower densities farther away, resulting in clear findings that most wildfires started near roads — not in roadless areas. Furthermore, existing allowances in the rule already permit emergency fire suppression and hazard response.

Conversely, increased road building will burden already strained Forest Service budgets with insurmountable infrastructure maintenance costs with increased risk to public safety and water quality. GAO confirmed $4.85 billion in deferred maintenance for roads (FY2022), and more recent USFS data from FY2024 indicates $5.373 billion in road maintenance backlogs alone (excluding bridges). These backlogs are already presenting public safety and water quality concerns for Missoula County.

The 2001 Roadless Rule emerged from nearly 1.6 million public comments and more than 600 hearings, making it one of the most participatory federal rulemakings in history. Revoking such a widely vetted and enduring rule without equally robust public engagement undermines trust and transparency. Missoula County is aware that an Environmental Impact Statement (EIS) is forthcoming, anticipating a draft in winter 2026 and final decisions by late 2026, and we want to emphasize the need for careful, science-based review, not hasty rescission.

We urge the Forest Service to maintain the integrity of the 2001 Roadless Rule, preserving roadless protections that safeguard critical values.

At minimum, any changes to the rule must be preceded by full, transparent and inclusive public engagement, including local communities, stakeholders, interest groups and local, state and tribal governments.

Decisions regarding road construction must continue to require site-specific Environmental Assessments or Environmental Impact Statements, consistent with the National Environmental Policy Act and existing land management plans.

Thank you for your attention and consideration.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Juanita Vero, Chair

Josh Slotnick, Commissioner

David Strohmaier, Commissioner

BCC/ac

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Via: https://www.regulations.gov/commenton/FS-2025-0001-0001

Re: **Rescinding the 2001 Roadless Rule**

Dear Secretary Rollins,

Sanders and Mineral County have entered into a Memorandum Of Understanding to work together to assist in the formulation of federal agency planning and project development. The commissioners have identified that most issues facing both counties are similar, if not identical and the issues set forth in the Mineral County Resource Use Plan apply to most the lands in Sanders County as well.

The following input is provided jointly by Mineral and Sanders Counties in support of the USDA's actions to rescind the Roadless Rule.

We strongly support President Trump's Executive Order 14192 to eliminate overcomplicated, burdensome barriers that hamper American business, fire suppression, multiple use forest management, and innovation and we applaud the USDA actions to rescind the ill-conceived, obstructive 2001 Roadless Rule purportedly put in place to "protect" over 59 million acres of NFS lands, a flawed notion that has proven to be catastrophically incorrect.

The Roadless Rule effectively barred active forest management across nearly 60 million acres of our National Forest System lands. Predictably, now these forests are overstocked and stressed as they compete for limited water and nutrients, conditions that make them increasingly susceptible to insect and disease infestations and the inevitable ensuing wildfires. Nearly half of all roadless acres are located in areas rated as high or very high wildfire risk with dead or dying trees dominating the landscape creating ideal conditions for a disastrous increase in high-severity wildfires. Already more than 8 million acres of roadless forests have burned since the Roadless Rule was enacted including areas within the Wildland Urban Interface (WUI) threatening life and public and private property.

The 2001 roadless rule along with the Endangered Species Act, and the related litigation and flawed court decisions have caused the disastrous loss of our natural resource dependent industries across the west devastating communities, citizens, schools, hospitals, and counties. Here in Mineral and Sanders Counties we are most effected by the loss of our forest products industry. Since 1990 we have lost 36 forest products industries along with thousands of directly related high paying jobs in Montana.

The reference to the lands within the Roadless Rule here in Montana as "roadless" is erroneous and misleading. There are thousands of miles of existing roads within lands designated under the 2001 Roadless Rule, including National Forest System roads as well as county, state, or other ownerships. Additionally, in many cases they are either adjacent to or very near freeways, railroads, high voltage power lines, and communities. They extend into the WUI butting up against private land ownerships.

Insect and disease and wildfire activity, especially within the WUI, affects important resources, neighboring infrastructure, and communities and threatens life and property.

The evidence is clear, the 2001 Roadless Rule does not now nor has it ever provided appropriate mandated actions to manage our National Forests for the benefits of all Americans. Rescinding the roadless rule will place management decisions back in the hands of local land management agencies and personnel with local knowledge and expertise guided by land management plans without restrictive and unnecessary national prohibitions.

Once the IRA's are rescinded, local professional land managers will manage those areas as directed by Forest Plans and NEPA guidelines. While there can be no doubt there will be an increase in road construction, logging and other resource management activities, including recreation, and fire mitigation activities, it will not result in unrestrained road building and logging activities as some would have us believe.

While we appreciate the opportunity for the public to provide input on this action, we hope the USDA will use this information to help inform and substantiate their decision to rescind the roadless rule only, not to decide whether to rescind the rule. Our forests are in crisis and an emergency situation has been determined. Immediate action is needed, now is not the time for procrastination. This should not be a collaborative action or majority vote; the decision should lie squarely within the USDA.

A great deal of good work is already being done with more planned in the near future to reduce bureaucratic layers and place management decisions back in the hands of local land management agencies and personnel with local knowledge and expertise. However, we are concerned about implementation.

Four difficult barriers have not yet been addressed that are obstructing the agencies ability to implement new programs and policies:
1. Managing ESA species (most specifically grizzlies and bull trout in our area) is and will continue to hamper project development. Grizzlies should be delisted and we need to have a serious discussion about our ability to ever see the recovery of bull trout without aggressively dealing with the invasive species issue. Bull trout in the Clark Fork River drainage can not be recovered managing habitat only.
2. litigation continues to obstruct project development and implementation.
3. Agency personnel are struggling with the "new era" concept and implementation of new policies and programs providing us with the tools to accomplish recent directions mandated by Executive Orders, Secretarial Memos, Associate Chiefs Implementation Directive, and the National Active Forest Management Strategy. The concept of developing larger projects, maximizing the number of acres for commercial treatments within each project, treating more volume per acre, and utilizing all the tools made available to overcome roadblocks to accomplish this work is proving difficult for agency personnel to wrap their arms around.
4. We also are impaired by dealing with a shortage of private sector infrastructure to facilitate or accomplish multiple use benefits.

Respectfully Submitted,



Willy Peck, 406-515-9079
Natural Resource Advisor
Mineral and Sanders Counties

COUNTY
OF
RAVALLI



STATE
OF
MONTANA
The Bitterroot Valley
Hamilton, Montana 59840

September 18, 2025

The Honorable Brooke Rollins
U.S. Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

The Honorable Tom Shultz
Chief of the U.S. Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

Subject: Comments on the 2001 Roadless Area Conservation Rule

Dear Secretary Rollins and Chief Shultz,

On behalf of the citizens of Ravalli County, we write to provide our perspective on the U.S. Forest Service and the U.S. Department of Agriculture's review of the 2001 Roadless Area Conservation Rule (the "Roadless Rule"). As local stakeholders who live and work alongside these public lands, we believe our community's experience offers valuable insights for your consideration.

Since its implementation over two decades ago, the Roadless Rule has significantly affected forest management practices in our region. The rule's restrictions on road construction and reconstruction have negatively impacted public safety for our citizens, firefighters and visitors as well as limiting various management activities, including thinning, prescribed burns and sanitation harvesting. Ravalli County has observed the following impacts:

The Bitterroot National Forest has the highest fire hazard watersheds in the nation due to hazardous fuels loads, insect infestation and disease.

Ravalli County has 1,126,604 acres of USDA Bitterroot National Forest Service land in our jurisdiction, which include:

- 403,438 acres of Inventoried Roadless Area

- 483,882 acres of Wilderness Area
- 103,370 acres of Wilderness Study Area)
- 105,876 acres IRA (road construction allowed)
- 219,485 acres IRA (No road construction allowed)
- 77,077 acres IRA (within Recommended Wilderness Area/WSA)

The Bitterroot National Forest is hamstrung when you consider that **81%** of the forestland in our jurisdiction has a special use designation. These designations significantly limit opportunities for fire suppression, forest management and recreational pursuits.

Ungulate populations live and thrive in healthy forest stands with adequate forage and utilize roads as game trails. Dense, over-grown stands support higher predator populations, which in turn, drive ungulate populations onto working agricultural lands.

Ravalli County has experienced nearly one million acres of catastrophic wildfires since 2000, much of which has been in special designation areas (Wilderness, Recommended Wilderness, WSA, IRA).

Based on the above reasons, we **support** proposed changes to the Roadless Rule.

We appreciate the opportunity to provide input on this important policy and request that you consider the unique conditions and needs of our community in your deliberations. Ravalli County looks forward to working constructively with federal land managers to achieve outcomes that serve both local and national interests.

Respectfully,

Dan Huls, Chairman

ABSENT

Jeff Burrows, Member

Greg Chilcott, Member

cc: Senator Steve Daines
Senator Tim Sheehy
Congressman Ryan Zinke
Congressman Troy Downing
Governor Greg Gianforte
Montana Coalition of Forest Counties
Montana Association of Counties

City of White Sulphur Springs
P.O. Box 442
105 W. Hampton St.
White Sulphur Springs, MT 59645-0442
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Fax: (406) 547-3945
E-mail: wss@itstriangle.com

September 16, 2025

City of White Sulphur Springs
105 West Hampton St. /PO Box 442
White Sulphur Springs, MT 59645
wss@itstriangle.com
406-547-3911

U.S. Department of Agriculture
Forest Service
1400 Independence Ave., SW
Washington, D.C. 20250

Subject: Support for Rescinding the Roadless Rule in the Willow Creek Watershed Area.

Dear To Whom It May Concern,

We are writing to express our strong support for rescinding the application of the Roadless Area Conservation Rule (Roadless Rule) in the Willow Creek Watershed Area located in White Sulphur Springs, MT.

While we recognize the importance of conservation, we believe the current restrictions imposed by the Roadless Rule in this particular region are overly broad and counterproductive to the long-term environmental and economic health of our communities.

The Willow Creek Watershed Area is a vital resource not only for water supply but also for forest management, wildfire mitigation, recreation, and responsible economic development. Maintaining roadless status hinders essential access for active forest management, especially as we face increasing threats from catastrophic wildfires due to fuel accumulation and climate-driven weather extremes. Carefully planned and constructed roads are critical for thinning overgrown forests, conducting emergency operations, and ensuring that first responders can act quickly to protect both natural resources and human life.

Moreover, local industries that depend on access to forestlands—such as sustainable logging, mining, and tourism—have been hampered by the inflexibility of the Roadless Rule. With modern environmental oversight and improved best practices, we can ensure development occurs in a responsible way that balances conservation with community needs.

City of White Sulphur Springs

P.O. Box 442
105 W. Hampton St.
White Sulphur Springs, MT 59645-0442
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Rescinding the Roadless Rule in the Willow Creek Watershed Area would allow for more adaptive, science-based management strategies that are aligned with today's realities and challenges. It would empower local stakeholders, tribal governments, and land managers to make decisions based on current data and the specific needs of our region, rather than being bound by a one-size-fits-all federal policy drafted over two decades ago.

We urge you to consider the voices of local communities and resource professionals who are calling for this change. With responsible management and appropriate safeguards, we can protect the environmental values of the watershed while also ensuring its resilience, productivity, and accessibility for generations to come.

Thank you for your time and consideration.

Sincerely,

Rick Nelson – Mayor

Ron Frisbie – President of the Council

Rick Ellison – Council Member

Pattie Berg – Council Member

Office of the Director
1420 East Sixth Avenue
Helena, MT 59620-0701
406-444-3186
DO045-25
September 19, 2025

Brad Kinder, Acting Director
United States Department of Agriculture
Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

Re: **Docket # FS-2025-001**
Notice of Intent to Prepare an Environmental Impact Statement

Dear Director Kinder,

Montana Fish, Wildlife & Parks ("FWP") appreciates the U.S. Department of Agriculture's ("Department's) invitation to submit written comments on its initiation of an Environmental Impact Statement (EIS) and rulemaking attendant to the proposed recission of the 2001 Roadless Area Conservation Rule (Rule). As stewards of Montana's fish, wildlife, and recreational resources, FWP agrees that the proposal to rescind the Roadless Rule requires a robust environmental analysis, particularly considering the increasing pressure from human development and recreation. In the same stewardship role, FWP recognizes the need to manage forests for long-term resilience and health — particularly in the face of increasingly severe wildfire seasons.

Elk

Roadless areas in Montana provide critical habitat for many of the state's iconic and sensitive wildlife species. Repealing the 2001 Roadless Rule would likely result in increased road construction. The relationships between elk, elk habitat, and roads are well-researched and documented. Incorporating relevant elements of that existing science into the NEPA analysis before any final rule determination would both inform and enhance the strength of any final decision. FWP stands ready to provide more details if necessary.

Grizzly Bears and Other Species

Like elk, the relationship between roads and grizzly bears is well-established in science. And like elk, due consideration of that science should be a component of any environmental review. Different from state-managed elk, the ongoing effort to delist recovered grizzly bear populations still listed as threatened under the Endangered Species Act (ESA) in the lower 48 states adds credence to the thoughtful consideration of all available science, recovery efforts, and commitments already made by the

Department to date. Again, FWP stands ready to provide more details if necessary. Other ESA-listed species, including wolverines, lynx, and bull trout, are also present in current roadless areas.

Recreation

FWP recommends reviewing and considering the goals in Montana's 2026-2030 Statewide Comprehensive Outdoor Recreation Plan (SCORP) when preparing the Environmental Impact Statement. The purpose of the SCORP is to guide recreation planning, management, and investment among local, tribal, state, and federal partners. This includes balancing recreation access with wildlife habitat conservation, which is an important consideration in the EIS. The final SCORP will be available January 1, 2026.

Conclusion and Recommendations

The proposed rescission of the 2001 Roadless Area Conservation Rule (36 CFR Subpart B, 66 FR 3244) has the potential to impact a wide array of wildlife, fisheries, habitat, and recreational opportunities. FWP urges the U.S. Forest Service, through a rigorous environmental review, to explore supported and long-lasting opportunities for targeted, science-based forest management that balances habitat conservation (and potential improvement) and recreation with forest resilience health goals. This approach will benefit both wildlife and people using National Forest lands in Montana today and in the future.

Sincerely,

Christy Clark
Director

References:

Montana Fish, Wildlife & Parks (2023) - Montana Statewide Elk Management Plan Draft. Retrieved from https://archive.legmt.gov/content/Committees/Interim/2023-2024/Environmental-Quality-Council/EQC_Meetings/2023_July_26/elk-plan.pdf.

Montana Fish, Wildlife & Parks – Montana's Statewide Comprehensive Outdoor Recreation Plan. Retrieved from: https://fwp.mt.gov/aboutfwp/scorp.

September 19, 2025

Brad Kinder
Acting Director
Ecosystem Management Coordination
U.S. Forest Service
U.S. Department of Agriculture
201 14th St. SW, Mailstop 1108
Washington, DC 20250-1124

Director Kinder,

Thank you for the opportunity to comment on the U.S. Department of Agriculture (USDA)'s Notice of Intent to prepare an Environmental Impact Statement (EIS) and rulemaking concerning management of inventoried roadless areas on approximately 44.7 million acres of National Forest System lands. The effort of the USDA and the U.S. Forest Service (USFS) to return decision making for road construction, road reconstruction, and timber harvesting in inventoried roadless areas to local officials, in conjunction with Forest-level land management planning, is long overdue.

On behalf of the Montana Department of Natural Resources and Conservation (DNRC), we support the recission of the inventoried roadless areas rule, more commonly referred to as the "roadless rule." Since 2001, the roadless rule has significantly restricted common sense active forest management on National Forest System lands. The impact across the western United States has been significant. For Montana, this has meant 58 percent of USFS lands in our state have been directly affected by this designation. During this period, we have witnessed declining forest health, higher intensity wildfires, and restricted access for federal and state land management agencies to meaningfully address excessive fuels and respond to wildfires.

In light of our forest health crisis, the State of Montana, thanks to leadership from Governor Greg Gianforte, has been focused on expanding forest management efforts including on federal lands. The Governor and Chief Tom Schultz recently entered into a historic Shared Stewardship Agreement (SSA) with the USFS. This agreement proposes

several landmark measures, including the State managing a 200,000-acre landscape utilizing Good Neighbor Authority (GNA).

Montana's State Forest Action Plan, which was developed by the DNRC in coordination with the USFS, the Natural Resources Conservation Service, the Bureau of Land Management, and a 23-member citizen advisory committee, identified areas at the highest risk of fire and degraded forest health. The risk of wildfire to lives, property, and natural resources is ever present in Montana, with over 20 million acres at an elevated risk of wildfire, including 3.8 million acres in the Priority Areas for Focused Attention. The Priority Areas for Focused Attention represent 3.8 million acres of forested land in Montana. Notably, this includes approximately 500,000 acres in the wildland-urban interface, or WUI, and 123,000 acres in drinking water source watersheds.

About 23 percent (approximately 10.2 million acres) of inventoried roadless areas managed under the 2001 Roadless Rule are within the WUI, areas where human development intermixes with the wildland, based on the definition of WUI set out in the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(16)). An additional 4.8 million areas are within one mile of the WUI, totaling about 35 percent of these inventoried roadless area acres. These inventoried roadless areas pose a much higher risk for catastrophic fire than areas that are accessible for fuels mitigation treatments.

When considering wildfire risk in relation to inventoried roadless areas, it is important to recognize that adjacency to these lands can significantly increase WUI risk.

Inventoried roadless areas are adjacent to the WUI, creating unique wildfire management challenges. The Suppression Difficulty Index (SDI), detailed by the USFS Research and Development, provides a science-based metric for assessing how landscape factors like topography, fuels, and road access influence the difficulty of suppressing wildfires in these regions. USFS frameworks such as Potential Operational Delineations (PODs) explicitly integrate SDI, mapping out strategic fire management zones using boundaries like roads and natural barriers—features especially relevant when protecting highly valued resources and assets near the WUI. These connections are discussed in "Using Potential Operational Delal Operational Delineations (PODs) on Your Forest," "Suppression Difficulty Index | US Forest Service Research and Development," and the Rocky Mountain Research Station's PODs overview, which collectively demonstrate that fires in inventoried roadless areas and adjacent to WUI communities are more difficult to suppress, creating a high wildfire risk when access is not present. The science is clear that access for forest health and wildfire hazard reduction is critical and lowers overall wildfire risk to communities and infrastructure.

There are 393,337.58 inventoried roadless acres within State Forest Action Plan priority areas. These inventoried roadless areas pose a much higher risk for catastrophic fire than areas that are accessible for forest health projects and wildfire risk reduction.

This has a tangible impact on the overall costs for implementing active forest management projects to mitigate fire risks. For instance, the Basin Creek-Butte Watershed project, which is being implemented by the USFS, DNRC, and the City and County of Butte-Silver Bow, lies partially within the Basin Creek Inventoried Roadless Area. Because of that, it is more complex and expensive than a typical fuel reduction project. Planning the project required additional considerations for the roadless area, and a substantial process to allow effective fuel reduction treatment within the roadless area units. With limitations on road building, implementation options for our contractors were limited to very long forwarding distances and/or helicopter operations. These operations require specialized equipment and skills, slow the pace of work, and limit the pool of contractors who can complete the work.

The Basin Creek Phase 2 contract is estimated to treat 1,550 acres for $3,787,751. At over $2,400 per acre, this work is more than quadruple the average paid by DNRC for recent fuel reduction work. Because road building and conventional harvesting operations were not considered or available to bidders on the project, we do not have exact costs for comparison. That said, we are confident that the flexibility to build temporary roads and consider other harvesting systems would have encouraged additional bidders and resulted in a lower cost for treatment.

Lastly, the roadless rule has a direct effect on the ability of partners to respond to wildfires. This past June, we witnessed the Jericho Mountain fire from our state's capital. The response from the USFS, along with interagency partners, was focused, thoughtful, and aggressive, with resources visibly being deployed to respond to the incident. For a multitude of reasons, this is a challenging landscape to navigate. However, the top challenge that shaped the overall response was the fact that this is a roadless area. We were fortunate that favorable weather conditions, in conjunction with an aggressive response effort, led to the fire being contained. The reality is that the roadless rule shapes and ultimately places restrictions on fire suppression tools and techniques that are necessary to aggressively and safely respond to fires.

We appreciate the opportunity to offer comments. As you continue to work through this effort, the State of Montana would welcome the opportunity to assist you. If you have additional questions, please contact Shawn Thomas, Montana State Forester, at sthomas@mt.gov or 406-444-4978.

Sincerely,

Amanda Kaster, Director
Montana Department of Natural Resources and Conservation

Montana Natural Resource Coalition of Counties, Inc.

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Shane Gorder, Vice President
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September 19, 2025

Brooke L. Rollins
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

Brad Kinder
Acting Director Ecosystem Management Coordination
201 14th Street S.W.
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Re: Document Transmittal in Response to the United States Department of Agriculture Notice of Intent to Prepare an Environmental Impact Statement and Initiate Rulemaking for Rescission of the 2001 Roadless Area Conservation Rule

Via: Electronic mail and hardcopy dissemination

Dear Secretary Rollins:

The Montana Natural Resource Coalition (MtNRC) functions as an instrumentality of its 21 member Montana counties through their boards of county commissioners as described in the footer below. These comments for the record are responsive to your *Federal Register* notice of intent at 90 FR 42179. Use of the term "Montana Natural Resource Coalition" or "MtNRC" is understood as the collective voice of the organization's member counties.

MtNRC strongly supports your proposal to rescind the 2001 Roadless Area Conservation Rule, which has contributed to 24 years of increasing regulatory pressure on our member counties' local economies and human environments. While we know that the rule's rescission will not immediately turn things around for our communities, it will, when finalized, provide a measure of hope for our citizens and businesses.

In preparation for these comments, our researchers located additional recent executive orders and other directives which demonstrate an executive branch focus on the need to protect our national security and economic resilience, for which returning access to designated roadless areas will play a key role. In our comments we demonstrate how national security and economic resilience are matters of overriding public concern where the act of restoring access to approximately 44.7 million acres of land will have a deterring effect on potential adversaries. We expect that consideration of these factors may change the alternatives requiring consideration for the proposed EIS.

The Montana Natural Resource Coalition of Counties (MtNRC) serves as an association and organization of Montana counties for the furtherance of good government and the protection of county interests as authorized and within the meaning of Section 7-5-2141, Montana Code Annotated. MtNRC monitors issues, events, and government agency activities relating to natural resources that affect county government interests, informs its members and others about them, provides a forum for discussion and understanding them and their impact on county government and local interests. MtNRC participates in federal and state administrative agency rulemaking and other policymaking, planning and other actions relating to natural resources and other government programs and actions by various means accorded by law to county government including but not limited to consultation, coordination, collaboration, cooperation, and cooperating and participating agency status in the distinct meaning of those statutory terms and under corresponding and complementary state statutes; and through exercise and pursuit of the public's right to know, freedom of information, open meetings, and participation in government activities.

We are aware that this proposed rulemaking and EIS preparation are being undertaken in the context of some very significant changes in how administrative procedure is conducted that are challenging for your responsible officials as they engage in rulemaking and EIS development. The first is the removal of CEQ's NEPA implementation regulations earlier this year and your July 3, 2025, replacement of those regulations with the adoption of 7 CFR Part 1b at 90 FR 29646. Another is the changes in how your officials are authorized to interpret the law with the overruling of *Chevron* by the U.S. Supreme Court opinion in *Loper Bright Enterprises v. Raimondo*, and more recently through mandates contained in some executive orders, such as Executive Order 14215's Section 7 *Rules of Conduct Guiding Federal Employees' Interpretation of the Law*.

We are aware that the responsible officials who engaged in the rulemaking that was adopted as the 2001 Roadless Rule included robust meaningful consultation, coordination, and other participation with State and local governments, as well as with tribal governments, and committed to doing the same for future administrative procedure actions. MtNRC is very concerned that this notice of intent denies those previous levels of engagement to State and local governments. In our comments we strongly recommend that the responsible official(s) reconsider this exclusion in the context of the Administrative Conference of the United States (ACUS) Recommendation 2025-2 *Consultation With State, Local and Tribal Governments in Regulatory Policymaking* at 90 FR 27515, starting at page 27517.

This presidential administration is engaging in a significant process of regulatory reform, and this proposed action is already being influenced by major changes governing how administrative procedure is conducted. In the rulemaking process leading up to the 2001 Roadless Rule, the responsible USFS officials engaged very effectively with the then- new Executive Order 13132, *Federalism.* ACUS Recommendation 2025-2 provides guidance for a more robust implementation of the federalism principles of United States governance than was possible when the rule was promulgated.

The Montana Natural Resource Coalition has expertise in meaningful government-to-government participation on a broad range of issues and is well prepared to engage with the responsible official(s) in both the rulemaking and EIS development processes. USDA officials are already working on these processes in the learning environment created by numerous judicial and executive branch actions. There is much to be gained by bringing more expertise to the table to build a more responsive approach to administrative approach that engages all levels of government effectively.

We look forward to working with you and your responsible official(s) on this and future administrative process projects.

Regards,



Ross Butcher
Commissioner, Fergus County Montana
President, Montana Natural Resource Coalition
rbutcher@fergusmt.gov

Executive Summary

The Montana Natural Resource Coalition strongly supports the proposed rescission of the 2001 Roadless Area Conservation Rule and the return of decision-making to the local level. However, we have some concerns that we wish to raise with our expectation that the responsible official(s) will be responsive to those concerns.

The United States Department of Agriculture (USDA) is initiating proposed rulemaking to rescind the 2001 Roadless Area Conservation Rule and prepare an environmental impact statement (EIS) concerning management of approximately 44.7 million acres of National Forest System lands in the United States, including Alaska. The rule at 36 CFR Subpart B prohibits road construction, road reconstruction, and timber harvesting in inventoried roadless areas, with limited exceptions.

The closure of roads throughout the National Forest System (NFS) along with the restriction preventing construction of any new roads within inventoried roadless areas (IRAs) since 2001 has had deleterious effects on recreation, timber harvest potential, mineral location and extraction, livestock grazing, and other important multiple uses. Congress requires the management of public lands in recognition of a "*domestic source of minerals, food, timber, and fiber from the public lands including implementation of the Mining and Minerals Policy Act of 1970 (84 Stat. 1876, 30 USC 21a) as it pertains to the public lands.*"[1]

For decades federal agencies have incrementally sequestered increasing amounts of natural resources on federal lands, causing the nation to become more dependent upon foreign sources of minerals, timber, and other materials. This creates international trade disadvantages and impediments to crucial local economic development and activity.

The proposed rescission would return planning to local levels.

Concurrently, the Department of the Interior Bureau of Land Management (BLM) is proposing to rescind its Conservation and Landscape Health Rule (CLHR) that was issued as a final rule on May 9, 2024.

In our research we discovered that the forested lands managed by the BLM and the U.S. Forest Service (USFS) lands affected by the 2001 Roadless rule were both subject to executive orders, some of which were not called out in the *Federal Register* notice of intent, mandating increased production of forest products and minerals for reasons of national security and economic resilience, both of which are matters of overriding public interest, the nature of which means that these concerns take precedence over normal considerations for public lands management, as reinforced by USDA Secretary's Memorandum 1078-006, which designated an emergency situation on National Forest System Lands.

We fear that this oversight will lead to a missed opportunity to solicit comments relating to the consideration of the executive branch's national security and economic resiliency concerns and the management practices necessary to mitigate those concerns.

The proposed rulemaking and EIS development are taking place at a time of intense government-wide regulatory reform actions and in the context of the authority of agency employees to interpret law being significantly curtailed as a result of recent judicial decisions and executive actions. Agency officials working on this process will need training in how to accomplish rulemaking and NEPA analysis not only for new NEPA process requirements but also for reduced authority to interpret law.

Despite the 2001 agency commitment to seek input and participation by State, local, and Tribal officials in the early stages of forest and project planning regarding subsequent decisions for inventoried roadless areas, the current notice of intent states that the agency will not offer such participation by those officials, improperly relegating them to being passive public commenters. We provide the responsible official(s) with tools in this document to correct this error before it becomes an issue for judicial review.

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[1] 43 USC 1701(a)(12).

Introduction

These comments are responsive to the 90 FR 42179 Notice of intent to prepare an environmental impact statement and rulemaking to rescind the 2001 Roadless Area Conservation Rule[2] (2001 Roadless Rule). The 2001 Roadless Rule prohibits road construction, road reconstruction, and timber harvesting in inventoried roadless areas (IRAs), with limited exceptions. The Tongass National Forest and state-specific roadless rules for Idaho and Colorado are excluded from this process which would return decision-making for road construction, road reconstruction, and timber harvesting in IRAs to local officials in conjunction with Forest-level land management planning.

The EIS will evaluate the impacts of the proposed rule rescission and study alternatives for roadless area conservation on National Forest System lands, including the Tongass National Forest, in the context of multiple use resource management.

The primary statutory authority controlling the U.S. Forest Service is found in the Organic Act of 1897, now codified at 16 USC § 475:

> "*…No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of said section, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.*"[3]

It is the express intent of Congress that the 154 national forests in the National Forest System be managed so as not to affect productive utilization of timber, access for exploration and extraction of the higher value mineral estate, opportunities for domestic livestock grazing on Taylor Grazing Act - Chiefly Valuable for Grazing Districts (CVG Districts) situated throughout the National Forest System, or recreational opportunities.

16 USC § 475 applies both delegation and non-delegation doctrine prescriptive mandates. Congress delegated authority to USFS to accomplish four purposes but denied authority to incorporate lands containing higher value mineral resources or that would be managed for agricultural purposes.

16 USC § 528, Development and Administration of Renewable Surface Resources for Multiple-Use and Sustained-Yield

In the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), Congress expanded and elaborated upon the Organic Act of 1897 statute, and both laws continue to form the mission and purpose behind the existence of the U.S. Forest Service as a civil service agency.

MUSYA established a productive hierarchy for resource management concentrated on natural resource productivity and utilization as opposed to sequestration. Conservation occurs within and is a byproduct of productive multiple land and resource use principles. Consequently, forest monitoring, management, and inventory programs reflect values that prioritize for productive and multiple use.

> "*It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. The purposes of sections 528 to 531 of this title are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in section 475 of this title. Nothing herein shall be construed so as to affect*

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2 66 FR 3244. 36 CFR § 294 Subpart B.

3 16 USC § 475.

> *the use or administration of the mineral resources of national forest lands or to affect the use or administration of Federal lands not within national forests.*"[4]

16 USC § 531, Definition of Multiple Use and Sustained Yield

As used in sections 528 to 531 of this title the following terms shall have the following meanings:

> *(a) "Multiple use" means: The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.*"
>
> (b) "*Sustained yield of the several products and services" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land.*"[5]

USFS transition of land use planning to landscape-scale biodiversity and ecosystem management principles contravenes the statutorily authorized mandates and goals of inventory and assessment for the purposes of multiple use and sustained yield.[6]

Many forest communities have been economically hamstrung by limiting or precluding access and utilization for multiple use purposes and timber sources for the wood products industry. This despite language in the Forest Service's Organic Act of 1897, as echoed at 36 CFR § 221.3 Timber Management Planning:

> "*Provide, so far as feasible, an even **flow of national forest timber** in order to facilitate the **stabilization of communities** and of **opportunities for employment**.*" (Emphasis added)[7]

For the past three decades, administrative policy and regulations that implement non-delegated policy have been embedded in agency culture and practice. Some of these directives cannot be traced to controlling authorities, raising legitimacy and compliance questions. In the case of the roadless rule, there was a marked shift away from multiple-use sustained-yield priorities toward passive preservation and biodiversity to the neglect of the human environment.

Recent Related *Federal Register* Notices

Since the publication of 90 FR 42179 – *USFS Special Areas; Roadless Area Conservation; National Forest System Lands – Notice of intent to prepare an environmental impact statement*,[8] there have been two additional *Federal Register* notices related to the notice of intent regarding rescission of the 2001 Roadless

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4 16 USC § 528.

5 16 USC § 531.

6 16 USC § 1604(e). Required assurances.

7 36 CFR § 221.3.

8 90 FR 42179. *USFS Special Areas; Roadless Area Conservation; National Forest System Lands – Notice of intent to prepare an environmental impact statement.* August 29, 2025.

Rule. The Montana Natural Resource Coalition (MtNRC) has reviewed these notices and include information from them as they pertain to the proposed 2001 Roadless Rule rescission rulemaking and EIS development processes.

90 FR 42432, September 2, 2025, Notice of Adoption of Categorical Exclusions Under Section 109 of the National Environmental Policy Act

The Department of the Interior's Office of the Secretary notified the public and documented the Bureau of Land Management's (BLM's) adoption of several categorical exclusions from several federal agencies, including nine from the USFS:

1. 36 CFR 220.6(d)(4), which applies to the repair and maintenance of roads, trails, and landline boundaries;
2. 36 CFR 220.6(d)(8), which applies to the approval, modification, or continuation of minor, short-term special uses;
3. 36 CFR 220.6(d)(11), which applies to the issuance of a new special use authorization;
4. 36 CFR 220.6(e)(3), which applies to the approval, modification, or continuation of minor special uses of National Forest Service lands that require less than 20 contiguous acres of land;
5. 36 CFR 220.6(e)(6), which applies to timber stand and wildlife habitat improvement activities, subject to limitations on the use of herbicides and road construction;
6. 36 CFR 220.6(e)(8), which applies to mineral energy, geophysical, and geothermal investigations of one year or less involving no more than one mile of temporary road;
7. 36 CFR 220.6(e)(19), which applies to removing and relocating debris and sediment following a disturbance event;
8. 36 CFR 220.6(e)(24), which applies to the construction and realignment of up to two miles of road and associated parking areas; and
9. 36 CFR 220.6(e)(25), which applies to forest and grassland management activities.[9]

Consistent with 36 CFR 220.6(e), the USFS, when relying on these categorical exclusions, develops a supporting record and a decision memo. The documentation the BLM will develop when it relies on one of these adopted categorical exclusions will be similar to the USFS documentation and the BLM will publish the documentation on its National NEPA Register.

At 90 FR 42432 the BLM describes its forest management program:

> *"The BLM manages close to 58 million acres of forest and woodlands across 12 Western States and Alaska. BLM forests are managed for sustained yield timber production under the Oregon and California Railroad Grant Lands Act of 1937 and the Federal Land Policy Management Act of 1976 (FLPMA) for the 2.4 million acres in western Oregon, and under the multiple-use and sustained-yield principles of FLPMA for the balance of public lands. The BLM manages forests to maintain healthy forest ecosystems that provide ecosystem services such as clean water, fish and wildlife habitats, economic opportunities from recreational use, and the harvest of forest products. A significant management issue in many forest types is overly dense conditions that are susceptible to high-severity wildfire, insect epidemics, and sensitivity to drought. Thinning treatments to reduce crown fire*

[9] 90 FR 42432. *Notice of Adoption of Categorical Exclusions Under Section 109 of the National Environmental Policy Act*. September 2, 2025.

potential have been proven effective at preventing the loss of forest while also maintaining key ecosystem and habitat components."[10]

90 FR 43990, September 11, 2025, Rescission of Conservation and Landscape Health Rule[11]

The Department of the Interior's (DOI) Bureau of Land Management (BLM) is proposing to rescind the Conservation and Landscape Health Rule (CLHR), issued as a final rule on May 9, 2024.

BLM determined that the 2024 Rule is unnecessary and violates existing statutory mandates. It is unnecessary to facilitate, and even undermines, BLM management of public lands under applicable law, including the direction in FLPMA to manage public land for multiple-use and sustained-yield, except where it is dedicated to a specific use by other provisions of law. The rule constrains management flexibility.

These concurrent USDA and DOI actions demonstrate similar programs and objectives acting together in response to executive actions and other considerations responsive to conditions affecting the federal lands they manage. Several of the statutes that provide authority and direction for the agencies mandate coordinated action between the secretaries of Agriculture and the Interior. These actions should not be considered in isolation from one another.

For that reason, and for these comments, The Montana Natural Resource Coalition considers their ongoing programs and proposed actions as responsive to statutes interpreted *in pari materia*.

Recent Constraints on Agency Statutory Interpretation Discretion

The 2001 Roadless Area Conservation Rule that the proposed actions at 90 FR 42179 are intended to rescind was promulgated at a time when *Chevron* deference provided broad discretion for agencies to interpret statutes when engaging in rulemaking and policy actions. Recent judicial and executive actions have curtailed agency discretion for statutory interpretation. We provide a brief overview of some of these to ensure USFS officials are aware of these changes at this stage of the rulemaking and EIS processes.

Loper Bright Enterprises v. Raimondo, 603 U.S. (2024),[12] Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

The Court held that:

"…Chevron is overruled. Courts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority, as the APA requires. Careful attention to the judgment of the Executive Branch may help inform that inquiry. And when a particular statute delegates authority to an agency consistent with constitutional limits, courts must respect the delegation, while ensuring the agency acts within it. But courts need not and under the APA may not defer to an agency interpretation of the law simply because a statute is ambiguous.

Because the D.C. and First Circuits relied on Chevron in deciding whether to uphold the Rule, their judgments are vacated, and the cases are remanded for further proceedings consistent with this opinion."[13]

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10 Ibid.

11 90 FR 43990. *Rescission of Conservation and Landscape Health Rule*. September 11, 2025.

12 Together with No. 22-1219, *Relentless, Inc., et al. v. Department of Commerce, et al.*, on certiorari to the United States Court of Appeals for the First Circuit.

13 Loper Bright Enterprises v. Raimondo, 603 U.S. (2024).

Any further action on remand must be decided consistent with the U.S. Supreme Court's decision of June 28, 2024. On remand the D.C. Circuit ordered supplemental briefing and re-argument. The parties submitted supplemental briefs and the Court heard argument in November 2024.

On July 16, 2025, the parties submitted a joint motion for abeyance[14] to engage in settlement discussions to pursue a resolution of the underlying matter without the need for the Court to decide the appeal. The appeal does not affect the Supreme Court's decision of June 28, 2024, overruling *Chevron*, which stands independent of the case's underlying matter.

Executive Orders

Presidential executive orders are formal directives issued by the President to manage operations within the government. They carry the force and effect of law and primarily direct and bind employees within the executive branch of the government. Compliance is required because executive orders govern the actions of executive branch officials, ensuring implementation of presidential policies.

Executive Order 14215 of February 18, 2025 — Ensuring Accountability for All Agencies

> ***Sec. 7.*** Rules of Conduct Guiding Federal Employees' Interpretation of the Law. *The President and the Attorney General, subject to the President's supervision and control, shall provide authoritative interpretations of law for the executive branch. The President and the Attorney General's opinions on questions of law are controlling on all employees in the conduct of their official duties. No employee of the executive branch acting in their official capacity may advance an interpretation of the law as the position of the United States that contravenes the President or the Attorney General's opinion on a matter of law, including but not limited to the issuance of regulations, guidance, and positions advanced in litigation, unless authorized to do so by the President or in writing by the Attorney General.*[15]

Executive Order 14219 of February 19, 2025 — Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative

> ***Sec. 2.*** Rescinding Unlawful Regulations and Regulations That Undermine the National Interest. *(a) Agency heads shall, in coordination with their DOGE Team Leads and the Director of the Office of Management and Budget, initiate a process to review all regulations subject to their sole or joint jurisdiction for consistency with law and Administration policy. … agency heads shall, in consultation with the Attorney General as appropriate, identify the following classes of regulations: …*
>
> *(iii) regulations that are based on anything other than the best reading of the underlying authority or prohibition;*
>
> *(iv) regulations that implicate matters of social, political, or economic significance that are not authorized by clear statutory authority; …*
>
> ***Sec. 3.*** Enforcement Discretion to Ensure Lawful Governance.
>
> *(a) Subject to their paramount obligation to discharge their legal obligations, protect public safety, and advance the national interest, agencies shall preserve their limited enforcement resources by generally de-prioritizing actions to enforce regulations that are based on anything other than the best reading of a statute …*

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14 Loper Bright Enterprises v. Lutnick. Joint motion for abeyance. November 4, 2024.

15 Executive Order 14215. *Ensuring Accountability for All Agencies*. February 18, 2025.

> ***Sec. 4.*** Promulgation of New Regulations. *Agencies shall continue to follow the processes set out in Executive Order 12866 for submitting regulations for review by OIRA … In evaluating potential new regulations, agency heads, DOGE Team Leads, and the Administrator of OIRA shall consider, in addition to the factors set out in Executive Order 12866, the factors set out in section 2(a) of this order. …*
>
> ***Sec. 6.*** Definitions. *… (e) "Regulation" shall have the meaning given to "regulatory action" in section 3(e) of Executive Order 12866, and also includes any "guidance document" as defined in Executive Order 13422 of January 18, 2007 (Further Amendment to Executive Order 12866 on Regulatory Planning and Review").*[16]

Each of the above judicial actions and executive orders demonstrate that, in contrast to many decades of deference to agency officials' interpretations of statutory and administrative law, the judicial and legislative branches, and the leadership of the executive branch of the U.S. Government are reasserting their constitutional authorities and are limiting the latitude for interpretations of law previously afforded to executive branch officials at agency levels.

MtNRC Statutory Interpretation Practices

When working with and preparing responses to *Federal Register* notices and other actions, the Montana Natural Resource Coalition researches statutory and administrative law and authoritative policy documents, interpreting them through the lens of interpretive doctrines, canons of construction, rules, and other authoritative sources informing judicial review. These include but are not limited to:

Whole Code Rule/Doctrine[17]

Justice Scalia formalized the whole code rule as part of the whole-text canon, calling on judicial interpreters to consider the entire text, in view of its structure and of the physical and logical relation to its many parts.[18]

In pari materia[19]

The doctrine of *in pari materia* originates in English common law and is applied in American jurisprudence to interpret statutes on the same subject together for consistency and to ascertain legislative intent. The *in para materia* canon of statutory construction requires that all like-kind statutes are to be interpreted as a whole. *"Statutes,"* Justice Frankfurter once wrote, "*cannot be read intelligently if the eye is closed to considerations evidenced in affiliated statutes."*[20]

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16 Executive Order 14219. *Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative*. February 19, 2025.

17 The whole code rule (also referred to as the whole code doctrine) is a canon of statutory construction that presumes consistent meaning for identical terms or phrases across the entire U.S. Code, treating the Code as a cohesive body of law.

18 Scalia, A. G., & Garner, B. A. *Reading law: The Interpretation of Legal Texts*. Thomson/West Publishing. 2012.

19 *Black's Law Dictionary*, 11th Edition defines "in pari materia" as "*(Latin "in a like matter") On the same subject; relating to the same matter. It is a canon of construction that statutes that are in pari materia may be construed together, so that inconsistencies in one statute may be resolved by looking at another statute on the same subject."*

20 Scalia, A. G., & Garner, B. A. *Reading Law: The Interpretation of Legal Texts*. Pg. 252.Thomson/West Publishing. 2012.

Plain Meaning Rule[21]

The rule prioritizes textual clarity to promote predictability and limit judicial discretion.

Incorporations by Reference

The hyperlinked documents in this MtNRC response to the *Federal Register* notice at 90 FR 42179 are incorporated as integral parts of its initial participation as an instrumentality of its member government in this formal process.

Origin of the 2001 Roadless Area Conservation Rule

The 2001 Roadless Area Conservation Rule traces its roots to USFS efforts between the 1930s and 1960s**,** when undeveloped "primitive areas" were first identified for potential wilderness designation. After passage of the Wilderness Act of 1964, Congress reserved to itself the authority to designate wilderness, requiring USFS to evaluate and inventory remaining undeveloped lands. This process culminated in the Roadless Area Review and Evaluation (RARE I, 1971–73; RARE II, 1977–79), which mapped millions of acres but was invalidated by litigation. Nevertheless, these inventories became the foundation for later policy.

Roadless areas were managed through individual forest plans into the 1990s under the National Forest Management Act of 1976, with discretion at the local level. Mounting litigation over old-growth logging, ESA listing of the northern spotted owl, and salmon habitat fueled demand for broader forest protections.

In response, President Clinton convened the 1993 Forest Conference,[22] leading to the Northwest Forest Plan (NWFP)**,** which applied to 24.5 million acres of federal forests in Washington, Oregon, and Northern California. It created late-successional and riparian reserves to protect spotted owl and salmon habitat, still allowing limited timber harvest and is a region-wide ESA-driven overlay**,** separate from national roadless policy.

Later, recognizing fragmentation and litigation surrounding roadless area decisions across the country, President Clinton directed that USDA create a nationwide policy in October 1999. After more than 600 public hearings and 1.6 million comments, the 2001 Roadless Area Conservation Rule was adopted, prohibiting most new roadbuilding, rebuilding, and timber harvest on 58.5 million acres of inventoried roadless areas, roughly 30% of the National Forest System. Unlike the NWFP, the 2001 Roadless Rule was a broad administrative regulation**,** not tied to a specific ESA listing but intended to safeguard biodiversity, water quality, recreation, and agency budgets.

As executive action rather than legislation, the 2001 Roadless Rule was controversial. Supporters argued it was necessary to protect biodiversity, water quality, and recreation opportunities while avoiding costly new road maintenance. Critics argued it created "de facto wilderness" without congressional approval, contrary to multiple-use and sustained-yield mandates in statutes such as the Organic Act of 1897, the Multiple-Use Sustained-Yield Act of 1960 (MUSYA)**,** and the National Forest Management Act of 1976 (NFMA). Years of litigation followed until the Tenth Circuit upheld the 2001 Roadless Rule as valid in 2011.[23]

Congress never defined conservation as preservation-only. Under the Organic Act of 1897, MUSYA, and NFMA, conservation means active management for multiple-use and sustained-yield. The proposed rescission is an opportunity to restore lawful forest management that balances access to timber, water, wildlife, mineral resources, and recreation, within the statutory framework Congress intended.

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21 The plain meaning rule is a foundational canon of statutory interpretation that instructs courts to apply the ordinary common-sense meaning of a statute's text when it is clear and unambiguous, without resorting to extrinsic aids such as legislative history, purpose, or intent.

22 *Working Toward New, Balanced and Comprehensive Policy Forest Conference Set for April 2 in Portland, OR*. Press Release. The White House Office of the Press Secretary. March 10, 1993.

23 Wyoming v. U.S. Dept. Agriculture, No. 09-8075 (10th Cir. 2011). Justia.

Associated Impacts of the 2001 Roadless Rule

The 2001 Roadless Rule arose out of the political stalemate created by litigation over old-growth logging and the northern spotted owl. Environmental groups used litigation to force preservation of roadless areas as de facto old-growth reserves, substituting litigation-driven preservation for the congressionally mandated statutory framework of multiple-use and sustained-yield.

The proposed rescission of the 2001 Roadless Rule would return decision-making for roadless area management to local forest plans under NFMA. In Washington State, the Northwest Forest Plan of 1994 remains a regional overlay controlling all national forests from the Canadian border to Northern California. Unless the NWFP is revised, 24.5 million acres of NFS lands in Washington would remain bound in its late-successional and riparian reserve structure, even after the 2001 Roadless Rule is rescinded. To ensure that forest planning becomes fully decentralized again, a future separate action for that purpose would need to be undertaken.

The State of Montana and other states have experienced post roadless rule forest planning which has systematically closed thousands of miles of roads and trails throughout the NFS. According to a study by the Environmental Quality Council on the loss of access to our public lands that has occurred since 1995:

> *'. . .the Forest Service has closed an astounding 21,951 miles of roads on land they manage in Montana. Each and every one of these roads was important for recreation and management of this land. In Montana our population demographics show an ageing population. With this increase in age comes a greater need and desire for some type of mechanized and motorized transport in order to recreate on our public lands.'*[24]

Old-growth preservation for biodiversity and storing carbon to offset climate change as reserved component of the 2001 Roadless Rule conflicts with NFMA at 16 USC § 1604(m)(1):

> *The Secretary shall establish-*
>
> *(1) standards to insure that, prior to harvest, stands of trees throughout the National Forest System shall generally have reached the culmination of mean annual increment of growth (calculated on the basis of cubic measurement or other methods of calculation at the discretion of the Secretary):* Provided, *That these standards shall not preclude the use of sound silvicultural practices, such as thinning or other stand improvement measures:* Provided further, *That these standards shall not preclude the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow or other catastrophe, or which are in imminent danger from insect or disease attack …*[25]

Large-scale sequestration and protection of old-growth stands is an exception that must meet the standards mandated at 16 USC 1604(m)(2) after consideration has been given to statutory multiple-use and sustained-yield principles and mandates.

The 2001 Roadless Rule administratively prioritized biodiversity and ecosystem services over existing statutory purposes, creating wilderness-like restrictions without congressional action. Rescission of the 2001 Roadless Rule corrects this inconsistency by returning consideration of biodiversity and ecosystem services to the forest-level planning process where they can be weighed alongside multiple-use, sustained-yield and other statutorily mandated uses.

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[24] White, Kerry before the United States House of Representatives sub-committee on Interior, Energy, and Environment. *Written Testimony of Montana House Representative Kerry White*. HD64. Pg. 4. June 26, 2018.

[25] 16 USC § 1604.

While the 2001 Roadless Rule did not significantly change grazing availability in the IRAs, it did demonstrate how administrative overlays can create uncertainty concerning congressionally mandated uses on NFS lands. Returning full management authority to local forest planning processes will remove that uncertainty and restore access to the full range of multiple-use availability.

Together, the spotted owl listing and the 2001 Roadless Rule created the perception that the ESA and protection of the environment beyond lawful requirements could displace statutory NFS management mandates. The reality is that protection of species and old growth forests must take place in the context of USFS managing the NFS to provide protection and improvement of the forests, ensure favorable conditions of water flows, and furnish a continuous supply of timber, minerals, and other forest products.

Exercise of Police Powers by State and Local Governments

Extensive roadless areas on NFS lands have deleterious effects on State and local government exercise of their police powers for public health, safety, and welfare. Law enforcement and search and rescue response by county sheriffs, wildfire response, and more are adversely affected by the lack of road access to NFS lands within the boundaries of the inventoried roadless areas. States and their political subdivisions possess police powers, but federal agencies do not.

> *"State governments have the authority and responsibility to protect the public health, safety, and welfare. This authority is an inherent attribute of State governmental sovereignty and is shared with local governments" "… Substantive due process is the constitutional doctrine that legislation must be fair and reasonable in content and designed so that it furthers a legitimate governmental objective. The doctrine of substantive due process is based on the recognition that the social compact upon which our government is founded provides protections beyond those that are expressly stated in the U.S. Constitution against the flagrant abuse of government power. Calder v Bull, 3 U.S. 386 (1798)."*[26]

Long extant federal statutes[27] also reinforce the principle that police power is reserved to the State and local governments. Title 7 of the Federal Land Policy and Management Act (FLPMA)[28] at 43 USC 1701, note(g)(6) states that,

> "*Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States or* - (6) *as a limitation upon any State criminal statute* ***or upon the police power of the respective States****, or as derogating the authority of a local police officer in the performance of his duties ...* ***on the national resource lands****."*[29]

The 2001 Roadless Rule acts as an impediment to State and local government exercise of their police power for public health, safety, and welfare.

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[26] WA Office of Attorney General - Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property. September 2018.

[27] 43 USC § 315n. 33 USC § 1251(b).

[28] 43 USC § 1701 note (g)(6).

[29] *NFIB et. al. v. Sebelius* 567 U.S. 519 (2012) "The independent power of the States also serves as a check on the power of the Federal Government: 'By denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power.'" ". . . Our cases refer to this **general power of governing, possessed by the States but not by the Federal Government**, as the '**police power**.'"" . . . "The Framers thus ensured that **powers which 'in the ordinary course of affairs, concern the lives, liberties, and properties of the people' were held by governments more local and more accountable than a distant federal bureaucracy."**

Rights-of-Way Established Prior to the Enactment of the Federal Land Policy and Management Act of 1976 Must Continue to Provide Public Access

Many rights-of-way on public lands have their origins in Section 8 of the Mining Act of 1866:

> *"The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."*[30]

The now-repealed statute was self-executing, meaning that no application or federal approval was required. If any road, trail, or byway was constructed on unreserved federal land prior to FLPMA's enactment on October 21, 1976, its right-of-way was automatically granted to the public or local authority under state law. Such rights-of-way remain valid unless otherwise legally abandoned. If a valid right-of-way exists, it cannot be invalidated by administrative rule.[31]

National Security and Economic Resilience

The rescission of the 2001 Roadless Rule is a crucial national security and economic resilience issue. Recent executive orders, secretarial memoranda, and other executive branch actions highlight this as a matter of overriding public concern. Examples include but are not limited to:

- Executive Order 14241 – *Immediate Measures To Increase American Mineral Production* — "Our national and economic security are now acutely threatened by our reliance upon hostile foreign powers' mineral production. It is imperative for our national security that the United States take immediate action to facilitate domestic mineral production to the maximum possible extent."[32]
- Executive Order 14223 – *Addressing the Threat to National Security From Imports of Timber, Lumber, and Their Derivative Products* — "The wood products industry, composed of timber, lumber, and their derivative products (such as paper products, furniture, and cabinetry) is a critical manufacturing industry essential to the national security, economic strength, and industrial resilience of the United States."[33]
- Executive Order 14225 – *Immediate Expansion of American Timber Production* — "The United States has an abundance of timber resources that are more than adequate to meet our domestic timber production needs, but heavy-handed Federal policies have prevented full utilization of these resources and made us reliant on foreign producers."[34]
- Secretary's Memorandum 1078-006 – *Increasing Timber Production and Designating and Emergency Situation on National Forest System Lands* — "Immediate action is needed to mitigate risk, protect public health and safety and critical infrastructure, support local and rural economies, and mitigate threats to natural resources on NFS lands. We can do more to contribute to American prosperity and protect our national and economic security."[35]

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30 Mining Act of 1866. 14 Stat. 251. July 26, 1866.

31 FLPMA § 701(a), 90 Stat. 2786 preserves valid existing rights, including rights-of-way established prior to October 21, 1976: "*Nothing in this Act, or in any amendment made by this Act, shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use right or authorization existing on the date of approval of this Act.*" Also: Sierra Club v. Hodel, 848 F.2d 1068, 1083 (10th Cir. 1988) Confirmed that the statute was a self-executing grant, vesting rights without federal approval. Rights once vested "remain in effect unless abandoned under state law."

32 Executive Order 14241.

33 Executive Order 14223.

34 Executive Order 14225.

35 Secretary's Memorandum 1078-006.

The national security concern arises from geopolitical tensions resulting in increased difficulty in obtaining resources, such as rare earth minerals sourced in China, in an environment where increased access to those resources is necessary to meet the needs of emerging technologies moving from prototype to production materials demand levels. Vulnerabilities stem from overregulation limiting extraction on mineral-rich NFS lands, leading to dependence on adversarial suppliers. Minerals production on NFS lands supports technologies, energy infrastructure, and economic dominance. Executive Order 14241 and related policies prioritize domestic sourcing to counter these threats.

Access to timber resources has been complicated by potential reductions in access to, for example, Canadian timber, in response to political/diplomatic tensions between national governments and other trade factors. Foreign dumping erodes the U.S. manufacturing base, reducing industrial resilience, and unfair trade practices impair competitiveness. Excess reliance on foreign sources also heightens vulnerabilities in domestic timber supply chains.

MtNRC urges the Secretaries of Agriculture and the Interior to work closely with their fellow cabinet Secretaries to ensure that necessary policy support is directed toward restoring milling and refining infrastructure to accommodate the anticipated increases in raw materials availability from the public lands. Such industrial facilities are important to the human environment and local economies of our member counties.

The example executive orders and the Secretary's memorandum illustrate the domestic policy drivers that make access to National Forest System lands and resources an overriding matter of public concern.

Restoring access and policy to the IRAs is a matter of priority as a necessary first step in responding to the Federal government's valid national security concerns and for increasing the nation's economic resilience. Restoring full access to the IRAs would result in reduced tensions between competing nations, even before production increases occur, ensuring improved national security and economic resilience positions.

Federalism and Consultation with Local Governments on Proposed Agency Actions

The final rule and record of decision establishing the 2001 Roadless Area Conservation Rule was published in the *Federal Register* at 66 FR 3244 on January 12, 2001. The notice's section on Federalism and Consultation with Tribal Governments appeared at 66 FR 3271:

> *"The agency considered this rule under the requirements of Executive Order 12612 and found the rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the agency determined that no further assessment on federalism implications is necessary at this time. In addition, the consultation requirements under Executive Order 13132, effective November 2, 1999, were reviewed. This new Order calls for enhanced consultation with State and local government officials and emphasizes increased sensitivity to their concerns.*
>
> *Forest Service line officers in the field were asked to make contact with Tribes to ensure awareness of the initiative and of the rulemaking process. Outreach to Tribes has been conducted at the national forest and grassland level, which is how Forest Service government-to-government dialog with Tribes is typically conducted.*
>
> *Outreach to State and local governments has taken place both in the field and Washington offices. Forest Service officials have contacted State and local governmental officials and staffs to explain the notice of intent and the rulemaking process. The agency met with and responded to a variety of information requests from local officials and State organizations, such as the National Governors Association and the Western Governors Association.*
>
> *In the development of this rule comments received from States, Tribes, and local governments in response to the notice of intent to prepare an environmental impact*

> *statement published October 19, 1999 (64 FR 56306) were carefully considered. Following publication of the proposed rule, the agency met with State, Tribal, and local government officials to explain and clarify the proposed rule and the accompanying environmental impact statement. The extent to which additional consultation was appropriate under Executive Order 13132 was considered. In addition, the Forest Service responsible official will seek input and participation by State, local, and Tribal officials in the early stages of forest and project planning regarding subsequent decisions for inventoried roadless areas."*[36]

This stands in contrast to the USFS statement regarding State and local governments appearing at 90 FR 42182 in the notice at 90 FR 42179:

> *"The USDA Forest Service does not anticipate designating any Federal, State, Tribal, or local agencies as cooperating or participating agencies. These organizations are encouraged to provide input through the public comment opportunities for this notice of intent, as well as the proposed rule and draft EIS."*[37]

The rescission of the 2001 Roadless Area Conservation Rule is at least as, if not more than, consequential as its initial establishment, so the rigor of its administrative procedure process should also be at least as rigorous and compliant with statutory and administrative policies. Unfortunately, the responsible officials are choosing not to fulfill their predecessors' commitment that:

> *"…the Forest Service responsible official will seek input and participation by State, local, and Tribal officials in the early stages of forest and project planning regarding subsequent decisions for inventoried roadless areas."*[38]

Then, after stating that tribal governments would not be allowed as cooperating or participating agencies, in the very next column at 90 FR 42182, the *Federal Register* NOI offers that:

> *"Tribal governments and Alaska Native Corporations will have an opportunity to be engaged during rulemaking and EIS development through various coordination and consultation events."*[39]

The sum of these statements adds up to a situation where the agency would, unless it alters course, procedurally disenfranchise subnational sovereigns (i.e., States, and counties as extensions of State sovereignty), improperly treating them as non-jurisdictional actors throughout the rulemaking and EIS development processes.[40]

Executive Order 13132 Section 1 *Definitions*

> ***(a)*** *"Policies that have federalism implications" refers to regulations, legislative comments or proposed legislation, and* ***other policy statements or actions that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.***

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36 66 FR 3244. USFS. *Special Areas; Roadless Area Conservation. Final rule and record of decision*. January 12, 2001.

37 90 FR 42179. Pg. 42182. August 29, 2025.

38 66 FR 3244. USFS. *Special Areas; Roadless Area Conservation. Final rule and record of decision*. Pg 3271. January 12, 2001.

39 90 FR 42179. Pg. 42182. August 29, 2025.

40 The people are to be protected in all their lawful endeavors and possessions, enjoying the "exclusive right of governing themselves as a free, sovereign, and independent state" Montana Constitution. Art. II Sec. II.

> *(b) "State" or "States" refer to the States of the United States of America, individually or collectively, and, where relevant, to State governments, including units of local government and other political subdivisions established by the States.*[41]

The process of reducing local governments (political subdivisions of their States under the Tenth Amendment and their State constitutions) from formal participatory status to equivalence with private citizens in administrative proceedings would constitute a deliberate withholding of mandated meaningful engagement, relegating sovereign governmental entities to passive public commenters. Such participatory demotion would be an evasion of Executive Order 13132's governance-wide principles, would interfere with the distribution of power and responsibilities among the various levels of government, and would constitute federalism circumvention.

Refusing the cooperating agency designation would be a denial of access to joint EIS preparation and information-sharing which would constitute cooperating agency exclusion.

Excluding State and local governments from meaningful participation in two major administrative processes while ensuring full access to those administrative processes by tribal governments and Alaska Native Corporations would be unjust to the affected State and local governments.

On June 27, 2025, the Administrative Conference of the United States (ACUS), a federal agency in the executive branch charged with identifying and promoting improvements in the efficiency, adequacy, and fairness of the procedures by which federal agencies conduct regulatory programs, published a *Federal Register* notice of adoption of recommendations at 90 FR 27515.[42] Administrative Conference Recommendation 2025-2, *Consultation With State, Local, and Tribal Governments in Regulatory Policymaking* begins at 90 FR 27517. These recommendations were adopted subsequent to a report ACUS commissioned, *Final Report to the Administrative Conference of the United States, Consultation with State, Local, and Tribal Governments in Regulatory Policymaking*.[43]

MtNRC is a strong advocate for government reforms that support full actualization of the principles of federalism in United States governance. We engaged with ACUS in support of this effort.

ACUS initiated a follow-on project, *Federal Agency Collaboration with State, local, Tribal, and Territorial Governments* (SLTTGs) on May 27, 2025, at 90 FR 22224.[44] The project focuses on federal agency collaboration and coordination with SLTTGs and is ongoing.

ACUS recommendation 2025-2 provides best practices to help agencies develop rules, policies, and practices that promote effective consultation with state, local, and tribal governments. It encourages agencies to be transparent about their policies, adopt practices that foster meaningful consultation, and establish mechanisms for assessing performance. Further, the recommendation also identifies potential actions for consideration by OMB, consistent with its mission and resources, and by Congress, which may improve consultation between federal agencies and state, local, and tribal governments in regulatory policymaking and implementation.

This rescission, rulemaking, and EIS process represents significant potential for enduring regulatory reform in USFS land management programs. It represents a unique and timely opportunity for USFS to also take leadership in stepping up to engage local governments in meaningful consultation and coordination in

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41 Executive Order 13132. *Federalism.* August 4, 1999.

42 90 FR 27515. *Adoption of Recommendations.* Pg. 27517. June 27, 2025.

43 Davis, S. and Rodriguez, D. *Consultation with State, Local, and Tribal Governments in Regulatory Policymaking*. May 29, 2025.

44 90 FR 22224. ACUS. *Federal agency Collaboration With State, Local, Tribal and Territorial Governments; Request for Comments.* May 27, 2025.

accordance with the ACUS 2025-2 recommendation and the forthcoming collaboration and coordination recommendation.

MtNRC stands ready to work with USFS for the rulemaking and EIS development processes and includes both the ACUS report and ACUS Recommendation 2025-2 by reference as integral to these comments.

We are in a time where regulatory reform is seen not only as a possibility but also as a priority. In that light, there is a mechanism whereby USDA and USFS could provide an innovative platform that can include meaningful government-to-government participation by MtNRC and includes the use of the previously described methods of statutory interpretation.

There are statutes mandating that the Secretaries of Agriculture and Interior work collaboratively on programs. Wildfire management is one. Livestock grazing on public lands is another. MtNRC sees no reason this could not happen with the 2001 Roadless Rule rescission or the concurrent CLHR Rule rescission process.

The Secretary of the Interior could be invited, in accordance with 42 USC § 4336a(a)(1)(A), to participate with the Secretary of Agriculture where USDA has the lead agency. This would then allow the Secretaries to appoint MtNRC as a joint lead agency in accordance with 42 USC § 4336a(B).

There are also numerous sections in 7 CFR 1b (90 FR 29646) where lead agencies can appoint local governments, such as MtNRC, to positions for meaningful government-to-government participation.

2001 Roadless Rule Rescission Rulemaking and EIS Processes

Rulemaking under Administrative Procedure Act mandates is necessary to rescind the 2001 Roadless Rule. 90 FR 42179 states that the proposed EIS will evaluate the impacts of the proposed rule rescission and study alternatives for roadless area conservation on the NFS lands, including the Tongass National Forest, in the context of multiple use resource management. The proposed rule and EIS would be developed concurrently.

The *Federal Register* NOI states that the proposed rule is expected to be released by March 2026, accompanied by the draft EIS. MtNRC recognizes that the EIS will be prepared under the mandates of the USDA National Environmental Policy Act Interim Final Rule of July 3, 2025, at 90 FR 29632, codified as 7 CFR Part 1b, and we are prepared to meaningfully participate with USFS in developing the EIS.

As noted above, MtNRC is prepared and requests formal consultation as mandated in Executive Order 13132 and as recommended by the Administrative Conference of the United States Recommendation 2025-2. MtNRC specifically requests meaningful formal government-to-government participation with USFS for both the 2001 Roadless Rule rescission rulemaking and the development process for the accompanying proposed environmental impact statement.

MtNRC notes that tribal governments are being offered extensive consultation and coordination opportunities throughout the development processes for both the proposed rule and the proposed EIS, but that USFS does not intend to offer similar opportunities to State and local governments at this time. We strongly request that USFS reconsider this omission of affected local governments from the government-to-government interactions.

MtNRC has expertise in federal administrative process, NEPA, the National Forest System within Montana and the jurisdictional boundaries of its member counties, and upholds federalism as a core pillar of United States governance. Several of MtNRC's member counties would be materially affected by both the final rule and the final EIS and its record of decision.

Findings and Recommendations

I The US Forest Service should recalibrate this administrative process to ensure that issues of national security and economic resiliency are a priority.

MtNRC finds that the *Federal Register* notice at 90 FR 42179, while including some pertinent executive orders in justifying the purpose and need for action, missed including others, specifically Executive Order 14241 *Immediate Measures To Increase Mineral Production*[45] and Executive Order 14223 *Addressing the Threat to National Security From Imports of Timber, Lumber, and Their Derivative Products.*[46] When added to those included in the NOI, the picture changes from one focused primarily on the 2001 Roadless Rule itself to one where the most pressing need for the proposed action are the related issues of national security and economic resilience.

This lapse means that the largest portion of submitted comments will be addressing a range of issues that will not address the most critical issues facing the nation that the administration is seeking to resolve, in part with this proposed action, the concurrent rescission of the Department of the Interior's proposed rescission of the BLM's CLHR Rule, and other administrative actions.

MtNRC further finds that placing the focus of the proposed action squarely where the national need is the greatest, that of national security and economic resilience, the EIS list of proposed actions would differ significantly from that list if the proposed rulemaking and EIS development processes are focused solely on the 2001 Roadless Rule Rescission itself to the exclusion of very real and significant overriding issues of public concern.

MtNRC strongly recommends that USDA and USDA Forest Service recalibrate this administrative process to ensure that the overriding issues of national security and economic resiliency are placed in the priority position as the primary purpose and need for the proposed action.

II The Secretaries of the Departments of Interior and Agriculture should collaborate for consistent land management frameworks.

MtNRC finds that the 2001 Roadless Rule rescission rulemaking and EIS administrative process is not occurring in isolation because the Department of the Interior noticed its proposed rescission of the BLM Conservation and Landscape Health Rule at 90 FR 43990 on September 11, 2025. As with the proposed 2001 Roadless Rule rescission process, a core purpose of the proposed DOI action is to lift a range of conservation restrictions from what were originally designated as working lands. There are several statutes where the Secretaries of Agriculture and the Interior are mandated to work together. While that may not apply in this instance, 42 USC § 4336a does provide for timely and unified federal reviews.

The uses for the NFS lands and the BLM-managed lands are very similar in nature and lands administered by the two departments often abut one another, so the outcome of the two rescission processes would better serve the nation, particularly in respect to national security and economic resiliency if the outcomes of those rescission processes result in federally managed lands with very similar frameworks.

MtNRC recommends that the Secretaries of the Departments of Interior and Agriculture enter an agreement to work together to ensure the functional management of federal lands currently operating under the mandates of the 2001 Roadless Rule and the Conservation and Landscape Health Rule is as similar as possible to seamless across boundaries. For the 2001 Roadless Rule rescission the Secretary of Agriculture would be the preferred lead based on consideration of USDA's involvement using 42 USC § 4336a for timely and unified reviews as the basis for that determination.

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45 Executive Order 14241. *Immediate Measures To Increase Mineral Production.* March 20, 2025.

46 Executive Order 14223. *Addressing the Threat to National Security From Imports of Timber, Lumber, and Their Derivative Products.* March 1, 2025.

III USDA should grant meaningful government-to-government consultation and participation in the 2001 Roadless Rule rescission and EIS processes to state and local governments.

MtNRC finds that USDA, through its statement concerning cooperating and participating agencies at 90 FR 42182, runs the risk of improperly circumventing federalism via participatory demotion of State and local governments, reducing inter-level power distribution to informal input by procedurally disenfranchising political subdivisions (county governments in this instance) of the State of Montana, relegating them to the status of passive public commenters. Tribal governments and Alaska Native Corporations, in contrast, are being invited to participate in opportunities to be engaged during rulemaking and EIS development through various coordination and consultation events.

When the 2001 Roadless Rule was promulgated, the responsible official made a commitment that:

> *"…the Forest Service responsible official will seek input and participation by State, local, and Tribal officials in the early stages of forest and project planning regarding subsequent decisions for inventoried roadless areas."*[47]

24 years later, that commitment is no longer being honored by the federal government.

MtNRC and its member counties, having expertise in governance, the human and natural environments, and local economies within its member counties' jurisdictions, and possessing police power for public health, safety, and welfare request meaningful government-to-government consultation and meaningful participation in the 2001 Roadless Rule rescission rulemaking and EIS processes. There are multiple statutory (i.e., NEPA), executive order (especially E.O. 13132), and administrative law mandates requiring or allowing meaningful consultation, coordination, and other forms of meaningful participation in administrative processes. Administrative Conference of the United States Recommendation 2025-2, *Consultation With State, Local, and Tribal Governments in Regulatory Policymaking*, adopted June 12, 2025, at 90 FR 27515, June 27, 2025, page 27517 provides information summarizing executive branch agency responsibilities for meaningful engagement with State, Local, and Tribal governments. The recommendation provides agencies with best practices to help agencies develop rules, policies, and practices that promote effective consultation with state, local, and tribal governments. It encourages agencies to be transparent about their policies, adopt practices that foster meaningful consultation, and establish mechanisms for assessing performance.

MtNRC recommends that USDA and its responsible official(s) grant meaningful government-to-government consultation and participation in the 2001 Roadless Rule rescission and EIS processes as the most appropriate means of mitigating the risk posed by its initial intent to demote States and their political subdivision governments to the status of passive commenters for these processes.

IV USDA should adhere to the U.S. Supreme Court's opinion in *Loper Bright Enterprises v. Raimondo,* Executive Order 14215 Section 7, and the best reading of the underlying authorities in its rulemaking and EIS preparation.

MtNRC finds that, since the time the 2001 Roadless Rule was promulgated, judicial and executive actions have substantially diminished executive branch agency authority to interpret United States law, most recently with the decision in *Loper Bright Enterprises v. Raimondo* and Section 7 of Executive Order 14215, *Ensuring Accountability for All Agencies*. Both actions constrain agency interpretation of the law for the purposes of the proposed rescission of the 2001 Roadless Rule and the preparation of the EIS.

MtNRC further finds that Section 4, *Promulgation of New Regulations*, of Executive Order 14219 mandates that new regulations (regulatory actions) be based only on the best reading of the underlying authority or prohibition. This is an implementation of the Plain Meaning Rule, which is a foundational canon of statutory

[47] 66 FR 3244. Forest Service. *Special Areas; Roadless Area Conservation. Final rule and record of decision*. January 12, 2001.

interpretation that instructs courts to apply the ordinary common-sense meaning of a statute's text when it is clear and unambiguous, without resorting to extrinsic aids such as legislative history, purpose, or intent.

MtNRC recommends that USDA require its responsible official(s) to adhere to the U.S. Supreme Court's opinion in *Loper Bright Enterprises v. Raimondo*, Executive Order 14215 Section 7, and the best reading of the underlying authorities in its rulemaking and EIS preparation for the proposed 2001 Roadless Rule rescission.

Attachment A

90 Federal Register 27515

June 27, 2025

Administrative Conference of the United States

Adoption of Recommendations

Notices

Federal Register
Vol. 90, No. 122
Friday, June 27, 2025

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Adoption of Recommendations

AGENCY: Administrative Conference of the United States.

ACTION: Notice.

SUMMARY: The Assembly of the Administrative Conference of the United States adopted three recommendations at its hybrid (virtual and in-person) Eighty-third Plenary Session: Agency Investigative Procedures; Consultation with State, Local, and Tribal Governments in Regulatory Policymaking; and Public Participation in Agency Adjudication.

FOR FURTHER INFORMATION CONTACT: For Recommendation 2025–1, Adam Cline; Recommendation 2025–2, Becaja Caldwell; and Recommendation 2025–3, Lea Robbins. For each of these recommendations the address and telephone number are: Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW, Washington, DC 20036; Telephone 202–480–2080.

SUPPLEMENTARY INFORMATION: The Administrative Conference Act, 5 U.S.C. 591–596, established the Administrative Conference of the United States. The Conference studies the efficiency, adequacy, and fairness of the administrative procedures used by Federal agencies and makes recommendations to agencies, the President, Congress, and the Judicial Conference of the United States for procedural improvements (5 U.S.C. 594(1)). For further information about the Conference and its activities, see *www.acus.gov.*

The Assembly of the Conference met during its Eighty-third Plenary Session on June 12, 2025, to consider three proposed recommendations and conduct other business. All three recommendations were adopted.

Recommendation 2025–1, *Agency Investigative Procedures.* This recommendation provides best practices for agencies that promote accuracy, efficiency, and fairness in investigations of specific regulated entities. It provides guidance on initiating investigations; exchanging and considering evidence and arguments; issuing subpoenas and warrants; and deciding whether to terminate an investigation, negotiate with the subject of an investigation, or pursue an action in an administrative or judicial tribunal.

Recommendation 2025–2, *Consultation with State, Local, and Tribal Governments in Regulatory Policymaking.* This recommendation provides agencies with best practices regarding consultation with state, local, and tribal governments in the development and implementation of regulatory policies. It provides guidance on developing policies for consultation; designating officials responsible for overseeing and facilitating consultation; publicizing consultation opportunities; and adopting procedures to promote effective consultation with state, local, and tribal officials.

Recommendation 2025–3, *Public Participation in Agency Adjudication.* This recommendation provides agencies with best practices regarding public participation in administrative adjudications. It provides guidance on circumstances in which public participation may be appropriate; options for public participation; and methods for facilitating public participation effectively.

The Conference based its recommendations on research reports and prior history that are posted at: *https://www.acus.gov/event/83rd-plenary-session.*

Authority: 5 U.S.C. 595.

Dated: June 24, 2025.

Shawne C. McGibbon,

General Counsel.

Appendix—Recommendations of the Administrative Conference of the United States

Administrative Conference Recommendation 2025–1

Agency Investigative Procedures

Adopted June 12, 2025

Many federal agencies are responsible for detecting, investigating, and prosecuting potential violations of the statutes and regulations they administer.[1] Administrative investigation processes may involve a decision to initiate an investigation; requests for information and the exchange of evidence between an agency and the subject of an investigation; compulsory process, such as the issuance of a subpoena or warrant, to gather information from the subject of an investigation; consideration of evidence by the agency; and a decision to negotiate with the subject, settle the matter, initiate an action in an administrative or judicial tribunal, or terminate the investigation.[2] The Administrative Conference previously has recommended best practices for compiling and publishing enforcement manuals;[3] making settlement agreements publicly available;[4] allocating resources efficiently;[5] and using algorithmic tools, including artificial intelligence, to promote accuracy and efficiency in agency enforcement.[6] The Conference has specifically recommended that, subject to available resources, agencies responsible for investigating and prosecuting potential violations of the laws that they administer ''should develop an enforcement manual if doing so would improve communication of enforcement-related policies to agency personnel and promote the fair and efficient performance of enforcement functions consistent with established policies.''[7] Building on those recommendations, this Recommendation identifies best practices to improve transparency, fairness, and efficiency in agency investigations and help agencies carry out their regulatory missions effectively.

Statutes and agency rules govern how agencies allocate enforcement authority, including the authority to conduct investigations and direct the activities of

[1] This Recommendation does not address investigations conducted for general factfinding or policymaking purposes, routine inspections, accident or incident investigations when the agency lacks authority to initiate an enforcement action, or criminal investigations.

[2] Aram A. Gavoor, Administrative Investigations Best Practices 1–2 (May 20, 2025) (report to the Admin. Conf. of the U.S.).

[3] Admin. Conf. of the U.S., Recommendation 2022–5, *Regulatory Enforcement Manuals,* 88 FR 2314 (Jan. 13, 2023).

[4] Admin. Conf. of the U.S., Recommendation 2022–6, *Public Availability of Settlement Agreements in Agency Enforcement Proceedings,* 88 FR 2315 (Jan. 13, 2023); *see also* Admin. Conf. of the U.S., Recommendation 2023–1, *Proactive Disclosure of Agency Legal Materials,* ¶ 1(b), (d), 88 FR 42678, 42679 (July 3, 2023).

[5] *See, e.g.,* Admin. Conf. of the U.S., Recommendation 2012–7, *Agency Use of Third-Party Programs to Assess Regulatory Compliance,* 78 FR 2941 (Jan. 15, 2013); Admin. Conf. of the U.S., Recommendation 79–3, *Agency Assessment and Mitigation of Civil Money Penalties,* 44 FR 38824 (July 3, 1979).

[6] Admin. Conf. of the U.S., Recommendation 2024–5, *Using Algorithmic Tools in Regulatory Enforcement,* 89 FR 106406 (Dec. 30, 2024).

[7] Recommendation 2022–5, *supra* note 3, at 2314.

enforcement personnel. But aside from the Administrative Procedure Act's guarantee of the right to counsel for the subjects of investigations,[8] statutes typically leave many procedural aspects of investigations to agencies' discretion.[9] Many agencies with enforcement authority have compiled enforcement manuals that provide enforcement personnel with a ''comprehensive resource regarding enforcement-related laws and policies'' and seek to ''improve awareness of and compliance with relevant policies while promoting [public] transparency.'' [10]

Agency investigative procedures vary depending on, among other things, the statutes to which the agency is subject and the rules the agency adopts to implement them, the severity and nature of violations the agency investigates, the availability of agency resources, the urgency of the need to respond to a particular situation, and the public interest. The formality of an investigation also can determine the methods used by an agency. For example, some agencies collect informal information or review information collected in the course of supervising regulated entities before determining whether to initiate a formal investigation. Other agencies, by contrast, conduct a more formal investigation almost immediately after learning of a possible violation, for example during a routine inspection.[11]

Agencies may also solicit information and evidence from the subjects of investigations, using either voluntary or compulsory processes. Voluntary processes offer a subject an opportunity to present its position to the agency and present a holistic picture for the enforcement personnel upon receiving notice and before the agency moves forward with an action in an administrative or judicial tribunal.[12] Compulsory processes compel a person, in the course of an investigation, to produce testimony, records, information, or things or to submit to a search. These include subpoenas and warrants.[13]

Agencies differ in the discretion delegated to enforcement personnel in their investigative processes. For example, at some agencies, the authority to initiate investigations and carry out compulsory processes lies with agency heads or individual members of the agency, or other senior officials; other agencies give wide discretion to lower-level enforcement personnel for the same processes. Agency practices also vary in whether and when notice is provided to subjects of investigations, and in the agency's ability, and personnel authorized, to engage in negotiations and settlements or decide if an enforcement action is warranted. Some agencies utilize expedited settlement procedures, also termed fast-track settlement or pre-complaint settlement. Compared to traditional settlements, these processes typically are for minor and easily correctible violations, reduce penalties and minimize transaction costs while allowing agencies to achieve their enforcement goals, and save agency time and resources.[14] In some cases, agencies are required, under statutes and regulations, to work in tandem with the Department of Justice and an assistant U.S. attorney to draft or carry out certain compulsory processes.[15]

To improve the efficiency, effectiveness, fairness, and transparency of agency investigative procedures, this Recommendation provides best practices to agencies to prepare and, when appropriate, add to their publicly available enforcement manuals, (1) standards and processes regarding the authority of personnel to conduct investigations; (2) criteria used to determine whether to initiate an investigation; (3) notice, communication, and evidentiary procedures for the subjects of investigations, including compulsory processes; (4) criteria to consider when weighing evidence; and (5) criteria governing end-stage processes such as negotiation, settlement, no-action decisions, or the initiation of an action in an administrative or judicial tribunal.[16] In offering the best practices that follow, the Conference recognizes that agencies conduct investigations at different stages, utilize different investigative methodologies, and have varying goals and statutory duties. Agencies should account for these differences when implementing this Recommendation. In developing these procedures, agencies should also account for concerns that settlements may be inappropriate in some circumstances.

Recommendation

Disclosure and Transparency

1. Agencies should include in their enforcement manuals information about agency investigative procedures consistent with Recommendation 2022–5, *Regulatory Enforcement Manuals.* Such information should address the use of electronic submissions and, consistent with Recommendation 2024–5, *Using Algorithmic Tools in Regulatory Enforcement,* artificial intelligence.

2. Agencies should determine, before taking investigative actions, such as using a compulsory process, whether and to what extent they may be required by statute or otherwise, to coordinate with another agency. Agencies should disclose in their enforcement manuals the circumstances in which and the extent to which they must coordinate with another agency when conducting an investigation.

Initiating Investigations

3. Agencies should establish, and include in their enforcement manuals, procedures that clearly explain whether enforcement personnel may initiate investigations independently or whether they must first gain approval from a supervisor or other agency official.

4. Agencies should provide enforcement personnel with clear criteria to determine whether to proceed with an investigation.

Investigative Methods

5. When agencies seek information, either formally or informally, from the subjects of an initiated investigation, they should communicate to the subjects:

a. The scope and general nature of the investigation;

b. The potential violations of statutes or regulations being investigated;

c. The date by which the subject must submit the information or otherwise respond to the request, including procedures for requesting an extension of time;

d. Whether any challenge or appeal process exists regarding the request;

e. Whether the information is being sought through a compulsory or voluntary process; and

f. Whether refusal to provide the information sought may result in a compulsory process.

6. Agencies should develop clear procedures, and include such procedures in enforcement manuals, for facilitating the exchange of information and evidence between the subject of an investigation and the agency.

7. When agencies engage in compulsory processes, they should clearly specify the basis in law for their action and whether any conduct or forbearance of conduct by the subject gave rise to the action. Agencies should provide adequate time for the subjects of investigations to respond to compulsory processes before seeking judicial intervention.

8. Agency officials initiating a compulsory process under their delegated authority should notify the relevant agency head when they use such a process.

9. As applicable, agencies should establish processes for administrative review of decisions regarding compulsory processes. When agencies issue an order through a compulsory process, they should allow the subject of the compulsory process to seek higher agency review on an interlocutory basis or at least allow for review before the agency seeks judicial enforcement.

Determining the Appropriate Course of Action Following an Investigation

10. Agencies should provide, and include in their enforcement manuals, instructions to enforcement personnel on considering evidence for purposes of determining whether to initiate or recommend initiating an action in an administrative or judicial tribunal, including the standard of proof an agency must meet in administrative proceedings, whether that standard differs from the preponderance of the evidence standard used by federal district courts in civil cases, and where the burden of proof rests in particular cases.

11. Agencies should provide, and include in enforcement manuals, the relevant factors that enforcement personnel should consider,

[8] *See* 5 U.S.C. 555(b); *see also* Admin. Conf. of the U.S., Statement #16, *Right to Consult with Counsel in Agency Investigations,* 59 FR 4677 (Feb. 1, 1994).

[9] *See, e.g.,* 42 U.S.C. 9604 (Comprehensive Environmental Response, Compensation, and Liability Act); 12 U.S.C. 5562 (Dodd-Frank Act); 47 U.S.C. 401–16 (Communications Act of 1934).

[10] Recommendation 2022–5, *supra* note 3.

[11] Gavoor, *supra* note 2, at 4–6, 27–28.

[12] *Id.* at 16–17.

[13] *Id.* at 8–13.

[14] *See generally id.* at 16–17, 55–57, 117–19.

[15] *See id.* at 7–8, 11–19.

[16] Recommendation 2022–5, *supra* note 3, at 2314.

including when preparing any supporting documentation such as justification memoranda, in recommending that the agency offer or enter into a settlement with the subject of an investigation, terminate the investigation, or initiate an action in an administrative or judicial tribunal.

12. Agencies should provide notice to the subjects of investigations before initiating an action in an administrative or judicial tribunal unless there are compelling reasons not to do so. The notice should include:

a. A statement that the agency has found substantial grounds for initiating an action against the subject based on alleged misconduct;

b. A detailed factual description of the alleged misconduct;

c. The legal basis for the action;

d. An invitation to respond to the evidence against the subject, as applicable;

e. Information about opportunities to submit additional evidence or argument before the agency initiates the action, as applicable; and

f. The forum and venue in which the action will take place.

13. When agencies terminate investigations, they should notify the subjects of investigations that they have done so unless there are compelling reasons not to do so.

Negotiation and Settlement Procedures

14. Agencies should develop procedures, and include such procedures in enforcement manuals, for entering into negotiations with the subjects of investigations. Such procedures should specify considerations to assist enforcement personnel in determining whether and to what extent agencies should negotiate with the subject of an investigation, including:

a. Relevant agency policies or past practices;

b. The nature of the alleged misconduct;

c. Relevant past misconduct, if any, by the subject of the investigation;

d. Whether the subject of the investigation would be more likely, because of such negotiation, to come into compliance with the agency's interpretation of the regulation or statute at issue;

e. Whether an expedited settlement would adequately achieve agency goals within the scope of statutory authority while saving agency time and resources; and

f. Whether the public interest would weigh in favor of negotiating a settlement.

15. Agencies should provide, and include in enforcement manuals, the relevant factors for enforcement personnel to consider when determining whether settlement is appropriate and clearly state who at the agency can propose, discuss, or enter into settlement agreements.

Administrative Conference Recommendation 2025–2

Consultation With State, Local, and Tribal Governments in Regulatory Policymaking

Adopted June 12, 2025

Many federal actions significantly affect state, local, and tribal governments. When federal agencies engage in regulatory policymaking or take actions implementing regulatory policy that may affect state, local, or tribal governments, they should coordinate and consult with such governments as well as those organizations that represent those entities. For the purposes of this Recommendation, ''regulatory policymaking'' refers to the formulation and implementation of regulations, legislative comments or proposed legislation, guidance, issuance of permits and licenses, and other policy statements or actions that have substantial direct effects on one or more states, local governments, or Indian tribes; the relationship between the federal government and the states or Indian tribes; or the distribution of power and responsibilities between the federal government and the states or Indian tribes. Regulatory policymaking may also include the rescission of regulatory actions or policies. Although state, local, and tribal governments may participate in regulatory policymaking through notice-and-comment rulemaking and similar processes, those processes are not a substitute for direct consultation between governments. Further, while informal outreach can be a valuable source of information, it is not a substitute for an agency's consultation requirement.[1] Moreover, consultation with state, local, and tribal governments improves federal regulatory policymaking and reflects the distinctive relationships that the federal government has with state and local governments and with tribal governments.

Consultation with state and local governments promotes values of cooperative federalism. The relationship between the federal government and state and local governments is rooted in the nation's traditions and reflected in the Constitution's creation of a federal system. Within this scheme of constitutional federalism, there has long been an expectation that the federal government engage with state and local governments on regulatory policymaking and implementation.

Consultation with tribal governments reflects the unique government-to-government relationship between tribes and the United States and the federal policy of promoting tribal self-determination. Consultation may also reflect a tribal role in implementing statutory responsibilities in a cooperative federalism framework. Formal government-to-government consultation, which requires direct engagement between tribal governments and the United States, reflects a long history of intergovernmental relations that stretches back to the Founding. Today, tribal consultation is consistent with the ''unique trust responsibility of the United States to protect and support Indian tribes and Indians'' [2] and the ''duty of the federal government to promote tribal self-determination regarding governmental authority and economic development.'' [3]

For these reasons, the Administrative Conference has repeatedly emphasized the importance of effective consultation with state, local, and tribal governments. It has, among other things, encouraged agencies to develop internal policies and processes to better ensure timely consultation with state and local officials;[4] follow certain best practices when consulting with state and local officials on regulations that may preempt state laws;[5] adopt rules for obtaining the views of state, local, and tribal governments in notice-and-comment rulemaking;[6] involve state, local, and tribal governments in retrospective review of federal agency rules;[7] and work with state and local governments to provide effective notice of regulatory developments to potentially interested persons.[8]

Consultation takes place according to several statutes and executive orders. The Unfunded Mandates Reform Act (UMRA) requires agencies to ''develop an effective process to permit offices of State, local, and tribal governments . . . to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates.'' [9] Executive

[1] Seth Davis & Daniel B. Rodriguez, Consultation with State, Local, and Tribal Governments in Regulatory Policymaking 53–54 (May 29, 2025) (report to the Admin. Conf. of the U.S.).

[2] Indian Trust Asset Reform Act, 25 U.S.C. 5601.

[3] *Id.* § 5602; *see also* Indian Self-Determination and Education Assistance Act, 25 U.S.C. 5302(a) (recognizing ''the obligation of the United States to respond to the strong expression of the Indian people for self-determination''), (b) (recognizing the federal government's responsibility to establish a ''meaningful Indian self-determination policy'' allowing ''effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services''). For the purposes of this Recommendation, the Conference refers to ''tribal governments'' as those that are ''federally recognized'' pursuant to applicable laws and statutes. *See, e.g.,* 25 U.S.C. 479. Federal appropriations laws call for consultation with Alaska Native Corporations on the same basis as Indian tribes under Executive Order 13175. *See* Consolidated Appropriations Act, 2004, Public Law 108–199, div. H, § 161, 118 Stat. 3, 452 (2004), as amended by Consolidated Appropriations Act, 2005, Public Law 108–447, div. H, § 518, 118 Stat. 2809, 3267 (2004). The Department of the Interior maintains a publicly available list of federally recognized tribes. *See Tribal Leaders Directory Page,* U.S. Dep't of Interior, *https://www.bia.gov/service/tribal-leaders-directory* (last visited Apr. 28, 2025).

[4] Admin. Conf. of the U.S., Recommendation 2010–1, *Agency Procedures for Considering Preemption of State Law,* 76 FR 81 (Jan. 3, 2011).

[5] Admin. Conf. of the U.S., Recommendation 84–5, *Preemption of State Regulation by Federal Agencies,* 49 FR 49838 (Dec. 24, 1984).

[6] Admin. Conf. of the U.S., Recommendation 2020–1, *Rules on Rulemakings,* 86 FR 6613 (Jan. 22, 2021).

[7] Admin. Conf. of the U.S., Recommendation 2014–5, *Retrospective Review of Agency Rules,* 79 FR 75114 (Dec. 17, 2014).

[8] Admin. Conf. of the U.S., Recommendation 2022–2, *Improving Notice of Regulatory Changes,* 87 FR 39798 (July 5, 2022).

[9] 2 U.S.C. 1534. Program-specific statutes, particularly in the environmental context, also require consultation for certain categories of federal regulatory actions. *See, e.g.,* National Historic Preservation Act of 1966, 54 U.S.C. 300101 *et seq.; see also* Energy Policy Act, 43 U.S.C. 1337(p)(7). Consultation also takes place against the backdrop of the Administrative Procedure Act, including its prohibition on ex parte communications in formal rulemaking and adjudication. *See* 5 U.S.C. 556, 557; *see also* Admin. Conf. of the U.S., Recommendation

Continued

Order 13132, *Federalism,*[10] and Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments,*[11] require agencies [12] to consult with relevant state, local, and tribal government officials when ''formulating and implementing'' regulatory policies that have federalism or tribal implications. The executive orders require each agency to establish an ''accountable process'' for ensuring ''meaningful and timely'' consultation, designate officials with principal responsibility for implementing the executive orders, and coordinate with the Office of Management and Budget (OMB). And when an agency develops a proposed regulation that imposes ''substantial direct compliance costs'' on state, local, or tribal governments, preempts state or tribal law, or has federalism or tribal implications, it must consult early in the development process and explain its consultation efforts in the preamble to the regulation.

Despite the framework of UMRA and Executive Orders 13132 and 13175, there remains great variety among agencies' rules, policies, and practices for consultation. For example, many agencies have adopted a publicly accessible tribal consultation policy and designated an official with principal responsibility for consultation with tribal governments. On the other hand, few agencies have adopted a publicly accessible state and local consultation policy or designated an official with principal responsibility for consultation with state and local governments. Agencies appear to have widely varying understandings of the purposes and goals of consultation generally and the potential benefits and costs of consultation in particular circumstances. And although there has been some convergence on common standards for tribal consultation, significant variations remain in agency policies and practices. This variety presents challenges to effective consultation between federal agencies and state, local, and tribal governments and can lead to misunderstandings and inefficiencies.[13]

Recognizing the important benefits of consultation for federal regulatory policymaking and implementation, this Recommendation provides best practices to help agencies develop rules, policies, and practices that promote effective consultation with state, local, and tribal governments. It encourages agencies to be transparent about their policies, adopt practices that foster meaningful consultation, and establish mechanisms for assessing performance. In adopting the practices that follow, agencies must be mindful of their unique missions and demands on scarce resources. This Recommendation also identifies potential actions for consideration by OMB, consistent with its mission and resources, and by Congress, that may improve consultation between federal agencies and state, local, and tribal governments in regulatory policymaking and implementation.

Recommendation

Consultation With State and Local Government Officials

1. Agencies that have regulatory policies or take actions that may have implications for or otherwise be of interest to state and local governments should designate a ''federalism consultation official'' who will serve as a primary point of contact for state and local governments seeking to consult or otherwise communicate with an agency and will have primary responsibility for coordinating consultations with state and local governments in regulatory policymaking and implementation.

2. Agencies, in consultation with state and local officials and organizations that represent them, should develop consultation policies that encourage candid, thorough, and timely exchange of views. Such policies should include:

a. The procedures for determining as a threshold matter whether a regulatory policy or action has federalism implications;

b. The circumstances in which consultation should occur, such as when:

i. There is a reasonable basis to find that a policy or action may impose federal intergovernmental mandates, as defined in the Unfunded Mandates Reform Act (2 U.S.C. 658(5)), or have federalism implications, as defined in Executive Order 13132;

ii. A state or local government requests consultation; or

iii. A regulatory policy or action may affect or otherwise be of interest to state or local officials;

c. Options for structuring consultation, including consultations on individual matters and standing advisory committees;

d. The procedures for consultation, including the notice, timing, and format of consultations (see Paragraphs 9 and 12), and considerations for determining whether the agency should engage in more than one consultation on a particular matter (see Paragraph 10), consistent with available resources and any need to act expeditiously;

e. The practices for ensuring that key staff and personnel who participate in and support a consultation understand the laws and policies governing consultation with state and local governments, the topics of the regulatory policy or action under consideration, issues the policy or action may raise for state and local communities, and the various positions of state and local government attendees;

f. The procedures the agency will use to communicate to state and local officials how the agency used their input; and

g. The procedures for keeping records of consultative activities, including documenting the status or outcome of each matter on which consultation occurred (see Paragraph 11).

3. Agencies should develop, make publicly available, and periodically update consultation web pages that provide easy access to:

a. The consultation policy described in Paragraph 2;

b. Contact information for the agency's designated federalism consultation official; and

c. Upcoming, ongoing, and recent consultation activities.

Consultation With Tribal Government Officials

4. Agencies that have regulatory policies or take actions that may have implications for or otherwise be of interest to tribal governments should designate a ''tribal consultation official'' who will serve as a primary point of contact for tribal governments seeking to consult or otherwise communicate with the agency and will have primary responsibility for coordinating consultation with tribal governments in regulatory policymaking and implementation. In determining whom to designate, agencies should consider individuals with training on and experience with tribal sovereignty and governance, the Indian trust responsibility, and tribal cultures and histories.

5. Government-to-government consultation between tribal governments and federal agencies should be an opportunity for a two-way exchange of information and dialogue between high-level officials of tribal nations and the United States (see Paragraph 6(b)). In conducting formal government-to-government consultations with tribal governments, agencies should ensure that a high-level agency official attends such consultations. Agencies should clearly distinguish consultation from other forms of communication such as listening sessions and informal communications between agency officials and tribal officials, which also may be necessary and appropriate.

6. Agencies, in consultation with tribal governments and communication with authorized intertribal organizations, should develop consultation policies that encourage candid, thorough, and timely exchange of views. Such policies should include:

a. The procedures for determining as a threshold matter whether a regulatory policy or action has tribal implications, recognizing that tribes may have rights and interests beyond their current territories or reservations;

b. A definition of consultation that acknowledges the government-to-government relationship between tribal nations and the United States and recognizes tribal consultation as a timely two-way exchange of information and dialogue between official representatives of tribal nations and the United States;

c. A commitment to respecting tribal sovereignty, treaty rights, reserved rights, and other rights as well as the trust responsibility and the unique legal relationship between tribal nations and the United States and a commitment to considering tribal laws, traditions, and practices;

d. The circumstances in which consultation should occur, such as when:

i. There is a reasonable basis to find that a regulatory policy or action may impose federal intergovernmental mandates, as defined in the Unfunded Mandates Reform Act (2 U.S.C. 658(5)), or have tribal implications, as defined in Executive Order 13175;

2014–4, ''*Ex Parte*'' *Communications in Informal Rulemaking,* 79 FR 35993 (June 25, 2014).

[10] 64 Fed. Reg 43255 (Aug. 10, 1999).

[11] 65 FR 67249 (Nov. 9, 2000).

[12] Although the executive orders do not apply to independent regulatory agencies, those agencies are ''encouraged'' to comply with them.

[13] Davis & Rodriguez, *supra* note 1, at 5–7.

ii. A tribal government requests consultation; or

iii. A regulatory policy or action may affect or otherwise be of interest to tribal nations;

e. Options for structuring consultation, including consultations on individual matters and standing advisory committees;

f. The procedures for consultation, including the notice, timing, and format of consultations (see Paragraphs 9 and 12); considerations for determining whether the agency should engage in more than one consultation on a particular matter (see Paragraph 10); and which federal agency personnel should attend consultations (see Paragraph 5), consistent with available resources and any need to act expeditiously;

g. The practices for ensuring that key staff and personnel who participate in and support a consultation understand the laws and policies governing consultation with tribal governments, the topics of the regulatory policy or action under consideration, issues the policy or action may raise for tribal communities, and the various positions of tribal government attendees;

h. The procedures the agency will use to communicate to tribal officials how the agency used their input; and

i. The procedures for keeping records of consultative activities, including documenting the status or outcome of each matter on which consultation occurred (see Paragraph 11) and responding to tribal requests that sensitive information be kept confidential.

7. Agencies should develop, make publicly available, and periodically update consultation web pages that provide easy access to:

a. The consultation policy described in Paragraph 6;

b. Contact information for the agency's designated tribal consultation official; and

c. Upcoming, ongoing, and recent consultation activities.

Procedures for Consultation

8. Agencies should ensure that their designated federalism consultation official and designated tribal consultation official communicate regularly with each other, as appropriate.

9. When agencies develop regulatory policies or take actions that may have federalism or tribal implications, they generally should consult with state, local, and tribal officials as early as feasible in the decision-making process, consistent with available resources and any need to act expeditiously. In the context of rulemaking, consultation normally should precede the issuance of a notice of proposed rulemaking. In other contexts—including the development of general policy statements, interpretive rules, other forms of guidance, and issuance of permits or licenses—consultation should occur early enough to ensure meaningful dialogue.

10. Consistent with Recommendation 2014–4, ''*Ex Parte*'' *Communications in Informal Rulemaking*, agencies should consult with state, local, and tribal officials on an ongoing basis throughout the development, issuance, or implementation of a regulatory policy or action that has federalism or tribal implications. In determining whether to have subsequent consultations following an initial consultation, agencies should consider whether:

a. The circumstances have changed materially since the initial consultation;

b. Significant issues or points of disagreement remain unresolved;

c. The proposed regulatory policy or action is complex or likely to be controversial;

d. A significant amount of time has elapsed such that the information collected during the initial consultation may be outdated;

e. Circumstances were such that prior consultations were not as effective as they could have been;

f. The potential benefits of subsequent consultation merit the commitment of scarce agency resources; and

g. Any need for the agency to act expeditiously, such as in the case of an emergency or when Congress has imposed a statutory deadline by which the agency must promulgate a rule or take other action.

11. When agencies propose or adopt regulations that have federalism or tribal implications, they should include the following information in the preamble to such regulations, unless precluded by laws governing confidentiality:

a. Which state, local, or tribal officials the agency contacted to solicit input as to whether a given regulatory policy or action may have federalism or tribal implications;

b. When such state, local, or tribal officials were contacted; and

c. What questions the agency asked such state, local, or tribal officials to ascertain whether a proposed regulatory policy or action would have federalism or tribal implications—and, if so, what implications—with respect to, among other things, budgetary considerations, effectiveness, and implementation.

12. Agencies should conduct consultations in such a way that they are accessible to the officials whom state, local, or tribal governments select to participate. When feasible and appropriate, agencies should utilize technology as a means to expand access to consultations for state, local, and tribal officials.

Oversight of the Consultation Process

13. Agencies periodically should review consultations and assess their effectiveness, efficiency, and compliance with applicable laws and policies. Agencies should assign the responsibility for review to the federalism consultation official or tribal consultation official, as applicable, or to a dedicated agency working group.

14. In light of its past recognition of the need for a tribal advisor, the Office of Management and Budget (OMB) should consider establishing a tribal advisor, as well as a federalism advisor, to advise the Director of OMB regarding agency consultation activities and promote effective consultation practices.

15. OMB should issue guidance that encourages agencies to adopt the best practices identified in this Recommendation for consulting with state, local, and tribal governments in regulatory policymaking and implementation. OMB should develop such guidance in consultation with such governments.

Considerations for Congress

16. In order to facilitate efficiency among agencies and to reduce potential costs, Congress should consider identifying the appropriate agency or agencies that would develop and make publicly available:

a. Lists of representative national organizations of state and local and tribal governments that agencies should contact respecting consultations;

b. Centralized websites where state, local, and tribal governments can learn about opportunities to consult with federal agencies.

17. Congress, in considering future amendments to the Freedom of Information Act (5 U.S.C. 552(b)), should include protecting certain information deemed sensitive by tribal governments and afford agencies discretion to safeguard information shared during tribal consultations.

Administrative Conference Recommendation 2025–3

Public Participation in Agency Adjudication

Adopted June 12, 2025

Public participation can improve the quality, legitimacy, and accountability of agency decision making.[1] The Administrative Conference has issued many recommendations to improve public participation in agency rulemaking, but agency adjudications likewise present opportunities for public participation.[2] For purposes of this Recommendation, ''adjudication'' has the same broad meaning as used in the Administrative Procedure Act (APA)[3] and thus includes frontline decisions about whether to grant or deny applications and policy implementation decisions that do not resolve disputes between the government and a private party or between two private parties (*e.g.*, agency determinations on public infrastructure projects).[4]

When agencies use adjudication to make policy, members of the public may offer information or views that can help agencies make more informed decisions. Public input can help improve the quality of adjudicative decisions by identifying problems that an agency has not anticipated, proposing solutions it has not considered, and identifying unintended consequences of

[1] *See* Michael Sant'Ambrogio & Glen Staszewski, Public Engagement with Agency Rulemaking 9–16 (Nov. 19, 2018) (report to the Admin. Conf. of the U.S.); *see also* Admin. Conf. of the U.S., Recommendation 2023–2, *Virtual Public Engagement in Agency Rulemaking*, 88 FR 42680 (July 3, 2023).

[2] *See Public Participation*, Admin. Conf. of the U.S., *https://acus.gov/public-participation* (last visited Mar. 4, 2025).

[3] ''Adjudication,'' as defined by the APA, means any agency process for the formulation of an ''order''—that is, a ''final disposition . . . of an agency in a matter other than rulemaking but including licensing.'' 5 U.S.C. 551.

[4] *Cf.* Michael Asimow, Admin. Conf. of the U.S., Federal Administrative Adjudication Outside the Administrative Procedure Act 8–11 (2019).

certain actions.[5] In addition, agency adjudicative decisions may affect the interests of, or otherwise be of concern to, persons who are not parties to the adjudication. By allowing the public opportunities to participate in administrative adjudications, agencies can gather more comprehensive information, enhance the legitimacy and accountability of their decisions, and increase public support for and confidence in their actions.

Just as in rulemaking, the APA permits ''interested persons'' to participate in agency adjudications ''[s]o far as the orderly conduct of public business permits.''[6] Many agencies offer opportunities for members of the public to participate in adjudications. These opportunities often take the form of intervention, amicus participation, and public notice and comment.[7] There may also be opportunities for broader and more innovative forms of public engagement—such as listening sessions, targeted outreach, and the use of advisory committees—particularly during early stages or informal levels of adjudicative processes.

Because agency adjudications vary significantly, agencies must consider their own circumstances in determining whether to provide opportunities for public participation in their adjudications. As a general matter, agencies must consider whether public input would be of value in deciding legal, policy, and factual questions that come before them for adjudication. To ensure that relevant interests and views are considered, public participation may be especially useful in agency adjudications that are influenced significantly by legislative facts (*i.e.,* those of general relevance) and involve or may substantially affect the broader public or persons beyond the parties.[8] This category of adjudication includes, for example, grants or denials of permission, such as rulings on applications for permits, licenses, or waivers, as well as discretionary policy determinations regarding specific public projects, such as the selection of the route for an interstate highway.[9]

In contrast, public participation is generally unnecessary when the parties themselves can provide all the relevant information and views, because the agency will have what it needs to make an accurate and informed decision.[10] This is especially true in adjudications that are significantly influenced by adjudicative facts (*i.e.,* those specific to the parties), which tend not to affect the interests of nonparties and usually involve disputes between only two parties.[11] This category of adjudication includes the resolution of routine claims or disputes, such as enforcement actions and benefits determinations. Even in this category of adjudication, however, public participation may be useful when an adjudication may establish precedent or policy, or require complex scientific or technical determinations.[12]

Even when public input may be valuable, agencies must consider when and how to provide opportunities for participation by interested persons beyond the parties. Not all methods for public participation will be appropriate in all circumstances. For example, agency adjudications are often structured as multilevel proceedings (*e.g.,* initial level, hearing level, appellate review level), and methods for public participation that may work well at one level may not be appropriate at other levels. In addition, prohibitions on ex parte contacts (common in hearing-level and appellate proceedings) and limitations on the admission of new evidence (common in appellate proceedings) may restrict the range of options for public participation at particular levels of adjudication.

Agencies may also find it is necessary to restrict participation to interested persons who have a direct stake in a particular adjudication. Although it may be beneficial in some adjudications to invite participation by the general public, in other adjudications, allowing participation beyond a limited set of interested persons may be repetitious, unduly complicate or delay the proceeding, require the unnecessary expenditure of resources by the agency or private parties, violate statutory confidentiality requirements, or adversely affect the rights or interests of private parties.[13] In addition, there may be good reasons to restrict participation—not to mention public access more broadly—in adjudications that involve sensitive interests or information.[14]

The Conference previously addressed public participation in agency adjudication in Recommendation 71–6, *Public Participation in Administrative Hearings,* and recommended that public participation, specifically through intervention, be freely allowed in trial-type, on-the-record adjudicative proceedings when agency action is likely to affect the interests of persons who are not parties to the proceedings.[15] More recently, the Conference has recommended that agencies consider soliciting amicus briefs or public comments when ''they expect to designate a decision as precedential, particularly in cases of significance or high interest,''[16] and provide agency heads with the discretion to solicit arguments from interested members of the public when deciding a novel or important question of law, policy, or discretion.[17]

This Recommendation expands on the Conference's previous recommendations by identifying best practices for public participation in agency adjudications in light of technological advancements and evolving methods for participating in agency decision making. In doing so, the Conference recognizes and emphasizes that agency practices must give due regard to the rights of the private parties in an adjudication—especially in regulatory enforcement proceedings—under the Constitution, the APA and other statutes, and basic principles of administrative fairness.

Recommendation

Opportunities for Public Participation in Agency Adjudication

1. When appropriate, considering the variations in purpose, complexity, governing law, and degree of public interest in administrative adjudications, agencies should provide opportunities for public participation in their adjudications. This is particularly true when doing so would allow members of the public to protect affected interests or present information or views that are relevant and not otherwise represented in the adjudication, unless the agency reasonably determines that public participation would unduly complicate or delay the adjudication.

2. Agencies generally should allow and encourage public participation in agency adjudications that are significantly influenced by legislative facts (*i.e.,* those of general relevance) as opposed to adjudicative facts (*i.e.,* those specific to the parties) and have the potential to substantially affect the broader public or persons beyond the parties.

3. When agencies provide opportunities for public participation in adjudications, they should do so early in the adjudicative process, especially when adjudications involve grants or denials of permission or other discretionary determinations involving large-scale public projects, to streamline the decision-making process while simultaneously ensuring that relevant interests and views are considered.

Methods for Facilitating Public Participation in Agency Adjudication

4. When adjudications may establish precedents or make important policy decisions in the resolution of routine claims or disputes, agencies should consider allowing interested persons to intervene as parties or submit amicus briefs. In developing or revising rules governing who may participate as an intervenor in a proceeding, agencies should use the factors listed in Recommendation 71–6, *Public Participation in Administrative Hearings,* such as the nature of the contested issues, the precise interest of the nonparties and their ability to present relevant information or views not otherwise or adequately represented in the adjudication, and the effect of public participation on the agency's operations.

[5] Michael Sant'Ambrogio & Glen Staszewski, Public Participation in Agency Adjudication 6 (May 16, 2025) (report to the Admin. Conf. of the U.S.).

[6] 5 U.S.C. 555(b).

[7] Sant'Ambrogio & Staszewski, *supra* note 5, at 14–18.

[8] *Id.* at 32–33.

[9] *See Citizens to Pres. Overton Park* v. *Volpe,* 401 U.S. 402 (1971); Asimow, *supra* note 4, at 9–10.

[10] Sant'Ambrogio & Staszewski, *supra* note 5, at 7–8.

[11] *See* Admin. Conf. of the U.S., Recommendation 2020–3, *Agency Appellate Systems,* 86 FR 6618 (Jan. 22, 2021).

[12] *See* Admin. Conf. of the U.S., Recommendation 2024–3, *Senate-Confirmed Officials and Administrative Adjudication,* 89 FR 56276 (July 9, 2024); Recommendation 2020–3, *supra* note 11.

[13] Admin. Conf. of the U.S., Recommendation 71–6, *Public Participation in Administrative Hearings,* 38 FR 19789 (July 23, 1973).

[14] *Cf.* Admin. Conf. of the U.S., Recommendation 2021–6, *Public Access to Agency Adjudicative Proceedings,* 87 FR 1715 (Jan. 12, 2022).

[15] Recommendation 71–6, *supra* note 13.

[16] Admin. Conf. of the U.S., Recommendation 2022–4, *Precedential Decision Making in Agency Adjudication,* 88 FR 2312 (Jan. 13, 2023).

[17] Recommendation 2024–3, *supra* note 12.

5. When adjudications involve unusually complex or novel issues of law, fact, or discretion, agencies should develop mechanisms for intervention or amicus participation when doing so would be helpful to resolve the individual case or set agency-wide policy.

6. When adjudicating questions involving grants or denials of permission, such as permit applications, or nonadversarial discretionary policy matters involving, among other things, specific public projects, agencies should solicit public input by, for example:

a. Hosting public forums available through different media;

b. Convening focus groups;

c. Issuing requests for information in the **Federal Register**;

d. Conducting targeted outreach to facilitate opportunities for meeting with interested and potentially affected persons;

e. Using ombuds; and

f. Holding virtual or hybrid public meetings, hearings, and listening sessions with interested members of the public.

7. Agencies should determine whether there are opportunities for broader and more innovative forms of public engagement in their adjudicative processes that involve interactive discussion and ongoing dialogue between agencies and interested members of the public. For example, in appropriate circumstances, agencies should consider establishing procedures that provide opportunities for public participation by interested or affected persons prior to the filing of applications for grants or denials of permission, such as permit applications. Such enhanced forms of public participation may also be useful when adjudicating discretionary policy determinations regarding important public projects.

Communication and Transparency

8. Agencies should publicize administrative adjudications that may affect members of the public, alert potentially affected persons that their interests may be at stake, and provide advance notice of available opportunities to participate in adjudications to interested members of the public through means that are likely to reach them, including, for example:

a. Social media posts;

b. Email alerts;

c. Press releases;

d. **Federal Register** notices;

e. Direct mailings and advertisements in the area where the affected public is located;

f. Targeted outreach to groups that are likely to be interested in and able to represent otherwise unrepresented interests and views; and

g. Coordination with other federal agencies; state, local, and tribal governments; and community-based organizations and businesses, trade and professional associations, advocacy groups, and other nongovernmental organizations that can help distribute and publicize information about administrative adjudications and available opportunities to participate to interested or potentially affected members of the public.

9. Agencies should establish and make available to the public procedural rules and general policies for public participation that address their practices for involving members of the public in their adjudications.

10. Agencies should maintain dedicated web pages that include: (a) explanatory materials that educate the public on how to participate effectively in administrative adjudications, and (b) information in plain language about opportunities for interested members of the public to participate in specific adjudications.

11. As appropriate and subject to available resources, agencies should provide the public with access to electronic dockets for individual cases that contain comprehensive information about all filings and decisions, as well as relevant public input, public comments, and reports or recommendations from federal advisory committees.

Data Collection and Retrospective Review

12. Agencies should solicit and collect feedback and suggestions from members of the public who have participated in their adjudications, as well as agency adjudicators and staff, about their experiences. Subject to the Paperwork Reduction Act and any other legal requirements, agencies should consider using surveys, focus groups, listening sessions and other meetings, and online feedback forms and complaint portals. Agencies also should consider consulting with nongovernmental organizations, advocacy groups, and other private sector representatives who assist members of the public to obtain this information.

13. Agencies should periodically evaluate the effectiveness of their rules and policies addressing public participation in their adjudications, consider feedback from public participants and agency adjudicators and staff, and revise their rules and policies as appropriate.

[FR Doc. 2025–11862 Filed 6–26–25; 8:45 am]

BILLING CODE 6110–01–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request; Reinstatement

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and reinstatement under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding these information collections are best assured of having their full effect if received by July 28, 2025. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service (NASS)

Title: Organic Survey.

OMB Control Number: 0535–0249.

Summary of Collection: The primary objective of the National Agricultural Statistics Service (NASS) is to prepare and issue State and national estimates of crop and livestock production, prices, and disposition as well as economic statistics, farm numbers, land values, on-farm pesticide usage, pest crop management practices, as well as the Census of Agriculture. Originally, the Organic Survey was designed to be conducted once every five years as a mandatory follow-on-survey to the 2007 Census of Agriculture and then every five years after that.

Need and Use of the Information: This collection of data will support requirements within the Agricultural Act of 2014. Under Section 11023 some of the duties of the Federal Crop Insurance Corporation (FCIC) are defined as ''(i) IN GENERAL—As soon as possible, but not later than the 2015 reinsurance year, the Corporation shall offer producers of organic crops price elections for all organic crops produced in compliance with standards issued by the Department of Agriculture under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 *et seq.*) that reflect the actual retail or wholesale prices, as appropriate, received by producers for organic crops, as

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September 19, 2025

Forest Service Chief Tom Schultz
United States Department of Agriculture
1400 Independence Ave., SW
Washington, D.C. 20250-0003

Dear Forest Service Chief Schulz:

As Montana State Legislators, we represent a diversity of communities, both rural and urban. We write to you on behalf of those communities and our constituents to express our objections and deep opposition to your proposal to rescind the 2001 Roadless Area Conservation Rule.

Montana's outdoor and recreational heritage is a cornerstone value in Big Sky Country. Montanans also share a commitment to the stewardship of our environment and wild spaces, so that they may be handed down to future generations. These values are borne out of our common experience of the grandeur of our wild places as well as the challenging experience of how reckless and short-sighted actions can destroy those places forever. They are carried in the cultural heritage, spiritual practices, and traditions of our American Indian communities, who have lived on this land and have stewarded it since time immemorial. Finally, we know that these values do not just preserve nature for the enjoyment of those who live here; they have been an important economic driver for our communities, which host millions of tourists each year, many of whom come here to visit and recreate in Montana's natural spaces, including wilderness areas.

These values were pivotal in the creation of the Roadless Rule. During the public comment period before the Rule was instituted, 16,000 Montanans commented on the rule, and 78% supported it. The Rule has remained popular with Montanans and Americans precisely because it protects much of what we love about our National Forests: places to find adventure and enjoy nature, habitat for wildlife, and the water we depend upon.

As you know, the Roadless Rule protects almost 58 million acres of National Forest land, including 6.4 million acres in Montana. These places represent the best of our state and deserve protection to maintain their natural integrity. They support our communities by providing clean drinking water and offering residents and visitors alike invaluable recreational opportunities, along with the economic activity that follows. They are essential to thriving wildlife populations, which are vital to healthy ecosystems and further enhance recreation by providing the opportunity to hunt and fish responsibly.

These places are household names in Montana. They include the Beartooth Front near Red Lodge; large parts of the Bridger Range outside Bozeman, including Sacajawea Peak and areas surrounding Sypes Canyon and Middle Cottonwood; the eastern edge of the Bitterroot Mountains, including Blodgett Canyon and Bass Creek; the heart of the Crazy Mountains; the majority of the Swan Range, including Jewel Basin; Tenderfoot-Deep Creek; Pilgrim Creek; Big Baldy; Bluff Mountain; Paine Gulch; portions of the Highwood Mountains; and many more areas across the state.

Over the past quarter-century, the Roadless Rule has proven its worth in both protecting natural spaces and as a multiple-use forest management tool. In addition to preserving the values listed above, the Rule's flexibility has allowed for active forest management where needed to reduce wildfire risk. Since 2001, 188,393 acres of active forest management projects have taken place in Montana's roadless areas. This is 20% of all hazardous fuel treatments that have occurred in the state over this time.

The Roadless Rule clearly and explicitly allows for a variety of active forest management, fire suppression, and specific, appropriate road-building activities. As stated in Subpart B, Section 294.12,

> *"…a road may be constructed or reconstructed in an inventoried roadless area if the Responsible Official determines that one of the following circumstances exists: A road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property."*

Likewise, the Roadless Rule explicitly allows for a wide variety of activities to improve forest health, maintain private property rights, and support public health. Arguing that it needs to be rescinded to undertake these activities is misleading at best and deceptive and cynical at worst.

In fact, rescinding the Roadless Rule will increase wildfire risk across our National Forests. According to the National Interagency Fire Center, 88% of all wildfires are human-caused. The vast majority of human-caused fires on National Forests start within a half-mile of a road, and wildfires are four times more likely to start near roads than in roadless areas.

Building new roads won't protect us from wildfires. It will only bring more opportunities for fires to start.

Furthermore, rescinding the Roadless Rule will increase costs for taxpayers and put further strain on limited Forest Service resources. As you know, the Forest Service road network currently suffers from a multi-billion-dollar deferred maintenance backlog. Dilapidated roads harm water quality, reduce public access, and create public safety hazards. Building roads in roadless areas will exacerbate the maintenance issues and associated impacts with the existing Forest Service road network. The Roadless Rule is fiscally responsible. Rescinding it is not. If we assume this Administration is serious about protecting public access and improving public safety, then the USDA and Forest Service should look into rehiring robust numbers of personnel, including

wildlife biologists and firefighters, invest in long-term strategies to mitigate climate change, support fire-safe development practices, and invest in long-ignored public lands infrastructure.

We urge you to keep the Roadless Rule in place.

Sincerely,

PAT FLOWERS
Senate Minority Leader

KATIE SULLIVAN
House Minority Leader

SHANE MORIGEAU
Senate Minority Whip

MELISSA ROMANO
House Minority Whip

LAURA SMITH
Senate Minority Whip

DENISE BAUM
Representative, District 45

SUSAN WEBBER
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MARY CAFERRO
Representative, District 81

ELLIE BOLDMAN
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Representative, District 96

WILLIS CURDY
Senator, District 49

BRIAN CLOSE
Representative, District 65

MARY ANN DUNWELL
Senator, District 42

JILL COHENOUR
Representative, District 83

JANET ELLIS
Senator, District 41

JACINDA MORIGEAU
Senator, District 46

/s/
CORA NEUMANN
Senator, District 30

SARA NOVAK
Senator, District 36

ANDREA OLSEN
Senator, District 48

CHRIS POPE
Senator, District 33

JONATHAN WINDY BOY
Senator, District 16

/s/
DENISE JOY
Representative, District 46

ERIC MATTHEWS
Representative, District 66

THEDIS CROWE
Representative, District 15

MELODY CUNNINGHAM
Representative, District 97

BECKY EDWARDS
Representative, District 61

TOM FRANCE
Representative, District 99

SHELLY FYANT
Representative, District 91

ALANAH GRIFFITH
Representative, District 60

JAMIE ISALY
Representative, District 58

MARC LEE
Representative, District 74

LUKE MUSZKIEWICZ
Representative, District 79

DEBO POWERS
Representative, District 3

JAMES REAVIS
Representative, District 47

SCOTT ROSENZWEIG
Representative, District 57

JOSHUA SECKINGER
Representative, District 62

PETER STRAND
Representative, District 63

JANE WEBER
Representative, District 19

Office of the Director
1420 East Sixth Avenue
Helena, MT 59620-0701
406-444-3186
DO045-25
September 19, 2025

Brad Kinder, Acting Director
United States Department of Agriculture
Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

Re: **Docket # FS-2025-001**
Notice of Intent to Prepare an Environmental Impact Statement

Dear Director Kinder,

Montana Fish, Wildlife & Parks ("FWP") appreciates the U.S. Department of Agriculture's ("Department's) invitation to submit written comments on its initiation of an Environmental Impact Statement (EIS) and rulemaking attendant to the proposed recission of the 2001 Roadless Area Conservation Rule (Rule). As stewards of Montana's fish, wildlife, and recreational resources, FWP agrees that the proposal to rescind the Roadless Rule requires a robust environmental analysis, particularly considering the increasing pressure from human development and recreation. In the same stewardship role, FWP recognizes the need to manage forests for long-term resilience and health — particularly in the face of increasingly severe wildfire seasons.

Elk

Roadless areas in Montana provide critical habitat for many of the state's iconic and sensitive wildlife species. Repealing the 2001 Roadless Rule would likely result in increased road construction. The relationships between elk, elk habitat, and roads are well-researched and documented. Incorporating relevant elements of that existing science into the NEPA analysis before any final rule determination would both inform and enhance the strength of any final decision. FWP stands ready to provide more details if necessary.

Grizzly Bears and Other Species

Like elk, the relationship between roads and grizzly bears is well-established in science. And like elk, due consideration of that science should be a component of any environmental review. Different from state-managed elk, the ongoing effort to delist recovered grizzly bear populations still listed as threatened under the Endangered Species Act (ESA) in the lower 48 states adds credence to the thoughtful consideration of all available science, recovery efforts, and commitments already made by the

Department to date. Again, FWP stands ready to provide more details if necessary. Other ESA-listed species, including wolverines, lynx, and bull trout, are also present in current roadless areas.

Recreation

FWP recommends reviewing and considering the goals in Montana's 2026-2030 Statewide Comprehensive Outdoor Recreation Plan (SCORP) when preparing the Environmental Impact Statement. The purpose of the SCORP is to guide recreation planning, management, and investment among local, tribal, state, and federal partners. This includes balancing recreation access with wildlife habitat conservation, which is an important consideration in the EIS. The final SCORP will be available January 1, 2026.

Conclusion and Recommendations

The proposed rescission of the 2001 Roadless Area Conservation Rule (36 CFR Subpart B, 66 FR 3244) has the potential to impact a wide array of wildlife, fisheries, habitat, and recreational opportunities. FWP urges the U.S. Forest Service, through a rigorous environmental review, to explore supported and long-lasting opportunities for targeted, science-based forest management that balances habitat conservation (and potential improvement) and recreation with forest resilience health goals. This approach will benefit both wildlife and people using National Forest lands in Montana today and in the future.

Sincerely,

Christy Clark
Director

References:

Montana Fish, Wildlife & Parks (2023) - Montana Statewide Elk Management Plan Draft. Retrieved from https://archive.legmt.gov/content/Committees/Interim/2023-2024/Environmental-Quality-Council/EQC_Meetings/2023_July_26/elk-plan.pdf.

Montana Fish, Wildlife & Parks – Montana's Statewide Comprehensive Outdoor Recreation Plan. Retrieved from: https://fwp.mt.gov/aboutfwp/scorp.

JOE LOMBARDO
Governor

STATE OF NEVADA

DEPARTMENT OF WILDLIFE

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ALAN JENNE
Director

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MIKE SCOTT
Deputy Director

September 12, 2025

Brad Kinder
Acting Director
Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124
(202) 205-0650
https://www.regulations.gov/commenton/FS-2025-0001-0001

Re: Special Areas; Roadless Area Conservation; National Forest System Lands (FS-2025-0001-0001)

Dear Mr. Kinder:

The Nevada Department of Wildlife (NDOW) appreciates the opportunity to comment on the U.S. Department of Agriculture's (USDA) proposed rescission of the 2001 Roadless Area Conservation Rule ("Roadless Rule").

As the state agency charged with conserving, managing, and restoring Nevada's fish and wildlife resources and the habitats that support them, NDOW is directly affected by federal land management decisions. Because the majority of Nevada's most important wildlife habitat occurs on federally managed lands, U.S. Forest Service (USFS) policies play a critical role in NDOW's ability to fulfill its statutory obligations. The NDOW offers the following comments:

Existing Flexibility

The existing Roadless Rule framework balances management flexibility with ecological integrity. Under the current Rule, Nevada's Inventoried Roadless Areas (IRAs) already allow road construction and reconstruction in critical circumstances, including fire suppression, hazardous fuels reduction, and access to existing rights. These provisions provide USFS with the necessary flexibility to address wildfire threats and other land management needs. Repealing the Roadless Rule is unlikely to improve fire management capacity in Nevada but would increase the risk of habitat fragmentation, loss of wildlife connectivity, and long-term degradation of sensitive ecosystems.

Road Maintenance Backlog

In Nevada, the USFS and other federal agencies currently struggle to maintain extensive road systems across the state. Adding new mileage may worsen the backlog, creating safety, access, and ecological issues. One recent example in Nevada was access to the Jake's Fire on Bureau of Land Management-administered (BLM) land. Impassable roads, rather than lack of roads, hindered fire response. This demonstrated how inadequate road conditions hampered suppression efforts, limited firefighter access, and contributed to

expanded habitat damage and a larger fire. Expanding the road network without adequate resources to maintain the network undermines wildfire response.

Wildfire Suppression

Although the USFS has cited increased road access as beneficial for fire response, most human-caused ignitions occur near existing roads. Increasing road density may therefore heighten ignition risk. Without additional resources, more roads would stretch agency capacity further, complicating proactive fire preparedness.

Habitat Fragmentation

Repeal of the Roadless Rule is anticipated to primarily expand road building for non-emergency purposes, resulting in long-term habitat fragmentation and undermining wildlife conservation efforts. Additional roads diminish habitat security for mule deer, elk, and bighorn sheep, while increasing disturbance from motorized use, as well as introducing non-native, invasive annual species such as cheatgrass. In aquatic systems, poorly maintained stream crossings contribute to erosion, sedimentation, and barriers to fish passage. Collectively, these impacts would likely increase NDOW's mitigation and monitoring responsibilities.

Noxious Weed Spread

Since the 1980s, Nevada has lost nearly 71% of its core sagebrush habitats, driven in part by invasive annual grasses and other noxious weeds. Roads are known vectors for these invasives, which increase fire suppression costs and degrade critical habitat. Expanding road access would worsen this already significant ecological and financial burden and could contribute to increased risk of wildfire and loss of ecologic function.

Increased Agency Workload

New roads resulting from this rule rescission would also require additional State reviews and coordination under NEPA and related land use planning. This would increase workload, diverting staff time and funding from other essential conservation programs while delaying existing initiatives.

The NDOW values its partnership with the USFS and looks forward to continued collaboration to conserve wildlife and habitat across Nevada. Please contact me if additional information is needed.

Sincerely,

Astrea Strawn
Wildlife Staff Specialist
Technical Review Program
Biodiversity Division
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September 16, 2025

US Forest Service
Attn: Brad Kinder, (Acting) Director, Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124.

Submitted via eRulemaking Portal

RE: Rule to Rescind 2001 Roadless Area Conservation Rule (2001 Roadless Rule); 90 FR 42179

Dear Acting Director Kinder:

Eureka County, through this Eureka County Board of Commissioners, supports US Forest Service's efforts to rescind the 2001 Roadless Area Conservation Rule. We wholeheartedly agree with the statements in the Federal Register notice "that the blanket, national approach taken in the 2001 Roadless Rule unnecessarily and adversely limits exercise of management discretion. The flexibility to respond to local land and resource conditions is paramount" and "[e]liminating a cumbersome national level oversight process and returning authority to the local decisionmakers provides for efficiency as well as effectiveness for resource conservation. The important resource values of inventoried roadless areas can be effectively conserved through local decision making and planning without restrictive and unnecessary national prohibitions."

Eureka County has formal plans and policies in our County Master Plan and County Code in which the proposed recission of the 2001 Roadless Rule is consistent including, without limitation:

- Eureka County is committed to future development of mining, communication infrastructure, and energy production. Locations for many of the future developments cannot be identified at this time, therefore all currently available land must remain available and not included into…Roadless Areas…or other restrictive designations. (Master Plan page 6-37)
- Identify measurable accomplishments or benefits that will be obtained through future designation of restricted use areas; no designation of restricted use areas such as Roadless, ACEC, or others will be completed until it is clearly demonstrated that such designations will not be detrimental to existing property rights, recreation including hunting or fishing, livestock grazing management, wildlife habitat management, County administrative needs, and future mining or energy development. (Master Plan page 6-37)

- Designation of ACEC, Roadless Area, or other use restrictions serve as surrogate for Wilderness designation but do not fall within the limitations of the Wilderness Act, such designations must not impair existing rights. (Master Plan page 6-37)
- Eureka County demands local input and decision-making in the designation and management of parks, refuges, Areas of Environmental Concern, roadless areas or any other legislative action, regulatory decision or policy that limits access to or use of federal land or resources within the geographic boundaries of the County. (County Code Chapter 30.060(L))

Further, Eureka County participated in and commented on the proposed Roadless Rule in 2000. Those comments still apply and provide facts and reasoning why the 2001 Roadless Rule should be rescinded. In the comment letter dated July 10, 2000, Eureka County pointed out many roads in the "inventoried roadless area" (IRA) including some maintained by Eureka County. Eureka County pointed out many unclear and ambiguous terms in the then-proposed Roadless Rule related to existing roads and how they would or could be maintained and reconstructed and what constituted minor maintenance. We can attest the 2001 Roadless Rule has resulted in confusion and conflict and land user burdens. It has been used by local USFS in Travel Management Planning processes to justify closure of roads or downgrading of existing roads to trails in IRAs simply because USFS was not or would not keep roads maintained or allow maintenance by others, including the County.

Next, we note the pushback by many environmental groups of the 2001 Roadless Rule recission and how the recission will open a plethora of new roads and logging and extractive uses. These "concerns" by many of these groups has been nothing short of a misinformation campaign. As stated in the Federal Register notice, recission of the 2001 Roadless Rule simply removes a blanket, top-down restrictions and instead returns the planning and management of National Forest System lands to the proper level – the local level. As the notice states:

> "The proposed rescission of the 2001 Roadless Rule would not authorize any specific ground-disturbing activities or projects, nor does it propose any increase in the overall amount of timber harvested or roads constructed; require any timber harvest or road construction; or dictate when, where, or how such activities may occur in the future. <u>These decisions are left to the local officials through site-specific analysis and evaluation of land and resource conditions and would be consistent with applicable plan provisions. The proposed rule would not alter existing regulatory requirements for environmental analysis, public engagement, or administrative review</u>" (emphasis added).

Eureka County is fully supportive of implementing restrictions on creation of new roads or imposing site-specific management when and where resource degradation would occur (i.e., uncontrolled ATV use). But these road and trail designations and restrictions must be done on a case-by-case basis, not in a blanket fashion and from a scale far removed from the reality of what is really happening on the ground. Further, any efforts to meet the mandate of a road and trail system that minimizes impacts to resources and users can only be accomplished in a localized and science-based manner with objective and robust monitoring.

Finally, we acknowledge the Federal Register notice statement "Forest Service does not anticipate designating any Federal, State, Tribal, or local agencies as cooperating or participating agencies." We request USFS reconsider this and accept our request for Eureka County to be a cooperating agency in the EIS development. Congress provided in Section 101 of NEPA, "recognizing the profound impact of man's activity on the interrelations of all components of the natural environment… declares that it is the

continuing policy of the Federal Government, ***in cooperation with State and local governments***… to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans" (emphasis added). Therefore, by design, NEPA requires federal decisions to be made in cooperation with state and local partners. The Courts have already determined that federal agencies must provide a cooperating agency with an opportunity for meaningful participation and must allocate responsibilities to them. *Int'l Snowmobile Mfrs. Ass'n v. Norton*, 340 F. Supp. 2d 1249, 1262 (D. Wyo. 2004). Eureka County has a long history of providing special expertise, especially in helping gather relevant data and information, identifying issues, developing reasonable alternatives, evaluating alternatives and estimating effects, and, probably most importantly, addressing locally affected interests concerns and desire during the development of the NEPA analyses. The County takes the cooperating agency role seriously and has invested many thousands of dollars and years of work to support federal agencies through NEPA processes. Also, the State of Nevada, through NRS 278 and NRS 321, has enacted statutory responsibility upon Eureka County (and other Nevada counties) to develop and implement processes for determining land use, resource and water management, and environmental planning as necessary to serve the public health, safety, convenience, and welfare. Eureka County has exercised its local government authority through our Master Plan and Eureka County Code. The Eureka County Master Plan requires our "involvement of Eureka County in the management of federal lands and in the development of criteria that are meaningful in any decision-making process." The Eureka County Code clearly defines Eureka County's program mission related to natural resources and federal land use management. The County Code calls for County participation through the County Natural Resources Advisory Commission and ultimately the Board of County Commissioners, "in all actions that are being taken or are being proposed to be taken regarding federal lands located within Eureka County" (Title 9 Chapter 40.030). The County Code goes on to specifically define each area that the County shall participate in. In order to follow its own County Code and County plans and policies, Eureka County has a Natural Resources Department with staff including a full-time Natural Resources Manager tasked with the mission "…to inventory, make plans for and manage the County's natural resources under the direction of the Board of Eureka County Commissioners, and to advise the Board about matters involving the County's natural resources" (Eureka County Code, Title 9, Chapter 20.020). These purposes can only be achieved in NEPA processes through principled and effective cooperating agency participation.

In conclusion, Eureka County appreciates USFS efforts to rescind the 2001 Roadless Rule. We look forward to participating in the process, including the EIS, to finalize the recission. Thank you for considering our comments.

Sincerely,



Rich McKay, Chairman
Eureka County Board of Commissioners

cc: Eureka County NRAC

JOE LOMBARDO
Governor

Sagebrush Ecosystem Program
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STATE OF NEVADA
Sagebrush Ecosystem Program

September 8, 2025

Brad Kinder
Acting Director
Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124.

Re: 2001 Roadless Rule Rescission FS-2025-0001-0001

The Nevada Department of Conservation and Natural Resources, Sagebrush Ecosystem Program (NV SEP), appreciates the opportunity to review and comment on the proposed 2001 Roadless Rule Rescission. The NV SEP is particularly concerned about the implications for Nevada's sagebrush ecosystems, Greater Sage-grouse habitat, and the state's Conservation Credit System (CCS).

Nevada contains approximately 3,186,000 acres of Inventoried Roadless Areas (IRAs). Approximately 1.3 million acres of Greater Sage-grouse (GRSG) Habitat Management Areas (HMAs) overlap with these IRAs, including 660,073 acres of Priority Habitat Management Area (PHMA), 443,834 acres of General Habitat Management Area (GHMA), and 222,311 acres of Other Habitat Management Area (OHMA). These numbers are based on the 2024 Greater Sage-grouse HMA maps (Milligan et al. 2024; Figure 1). These overlapping areas represent some of the most intact and highest-functioning sagebrush ecosystems remaining in the state of Nevada.

Repealing the Roadless Rule would remove important protections that currently limit road building and the associated disturbance within these intact habitats. Increased road construction and human access in IRAs would likely:

- Fragment sagebrush landscapes and increase noise and disturbances, reducing lek attendance, nesting success, and overall GRSG population resilience, and negatively affecting other sagebrush-obligate species.
- Increase wildfire risk and the spread of invasive annual grasses, particularly cheatgrass, the primary driver of large-scale sagebrush habitat loss in Nevada, and facilitate raven population growth, which contributes to sage-grouse nest predation.
- Reduce the quality and availability of high-functioning habitat that the CCS relies upon to generate durable credits for compensatory mitigation.

It is important to note that under the current Roadless Rule, Nevada's IRAs already allow road construction and reconstruction in specific situations, including fire suppression, hazardous fuels reduction, and access to existing rights. These provisions ensure that the Forest Service has the flexibility needed to address wildfire threats and other management concerns. As such, repeal of the Roadless Rule

is not necessary for effective fire management in Nevada. Instead, repeal would primarily broaden the scope of road building for non-emergency purposes, leading to long-term fragmentation and undermining ongoing sage-grouse conservation.

Additionally, the proposed rescission is in direct conflict with the Bureau of Land Management's *2015 Approved Resource Management Plan Amendment (ARMPA) for the Great Basin Region, Greater Sage-Grouse Sub-Regions* (BLM 2015). Specifically:

- Objective TTM I requires that "transportation planning be prioritized and completed within PHMA and GHMA." Introducing new roads in IRAs without completed travel management plans contradicts this objective.
- Management Decision (MD) TTM 2 states that "in areas where travel management plans have not been completed, off-highway travel is to be limited to existing routes in PHMA and GHMA" (BLM 2015 ARMPA, Appendix A, Figure 2-13). The repeal would effectively encourage expansion of route networks in exactly the areas where ARMPA directs limitation.

Further, the CCS is designed to balance development needs with the conservation of Greater Sage-grouse by requiring that habitat disturbances (debits) be offset by equivalent or greater habitat improvements (credits). If Roadless Rule protections are repealed, Nevada could see an increase in mitigation obligations through the CCS due to greater road and infrastructure development in sage-grouse habitat. At the same time, the pool of intact, credit-generating landscapes could diminish, making it more difficult and costly for project proponents to achieve mitigation requirements and for the CCS to function effectively.

Given these risks, the NV SEP urges the Forest Service to:

1. Retain the protection of the Roadless Rule in Nevada to conserve sagebrush ecosystems and Greater Sage-grouse habitat.
2. Explicitly analyze the overlap of IRAs with sage-grouse habitat in the Environmental Impact Statement and disclose the potential impacts to populations and habitats.
3. Evaluate how the proposed repeal would affect state-level conservation and mitigation programs, including the CCS.
4. Clarify that existing provisions already allow road construction for fire suppression and hazardous fuels reduction, ensuring that repeal is not mischaracterized as necessary for wildfire management.

Thank you for the opportunity to comment on this important proposal. The SEP appreciates the Forest Service's commitment to considering the ecological, cultural, and economic values of Nevada's public lands.

Sincerely,



Kathleen Steele
Program Manager
Sagebrush Ecosystem Program

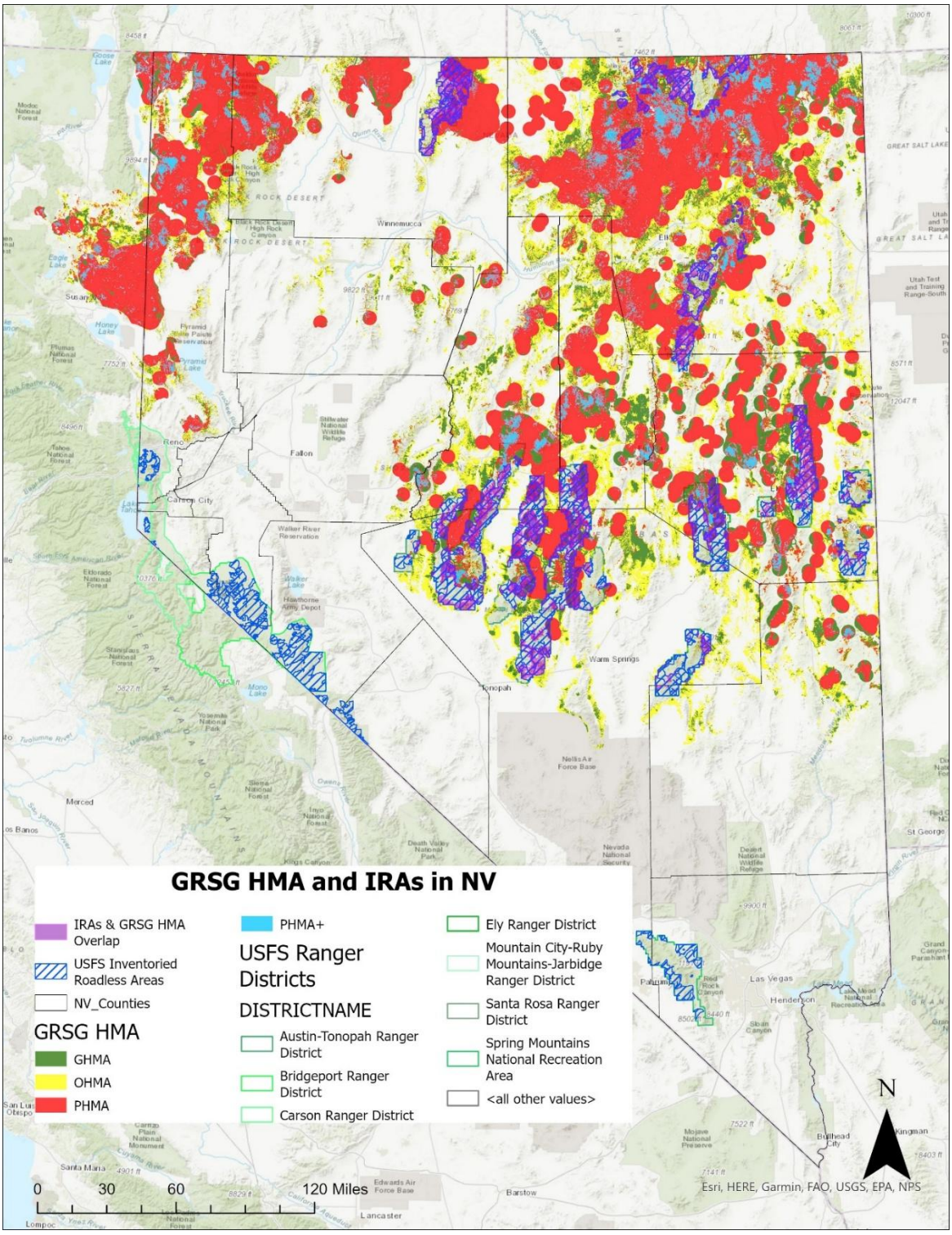


Figure 1: Greater Sage-grouse Habitat Management Area (HMA) map for Nevada (Milligan et al. 2024), Inventoried Roadless Areas (IRAs), and the spatial overlap between HMAs and IRAs. This overlap highlights where some of the most intact sagebrush habitats coincide with roadless protections, underscoring the importance of these areas for maintaining Greater Sage-grouse populations and supporting conservation efforts such as the Nevada Conservation Credit System.

References:

Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region, Including the Greater Sage-Grouse Sub-Regions of Idaho and Southwestern Montana, Nevada and Northeastern California, Oregon, and Utah. 2015. Internet website: https://eplanning.blm.gov/public_projects/lup/21152/63385/68727/Great_Basin_ROD_9.21.15_508.pdf.

Milligan, M.C., Coates, P.S., O'Neil, S.T., Brussee, B.E., Chenaille, M.P., Friend, D., Steele, K., Small, J.R., Bowden, T.S., Kosic, A.D., and Miller, K., 2024, Greater sage-grouse habitat of Nevada and northeastern California— Integrating space use, habitat selection, and survival indices to guide areas for habitat management: U.S. Geological Survey Open-File Report 2024–1018, 70 p., https://doi.org/10.3133/ofr20241018.

Congress of the United States

Washington, DC 20515

September 19, 2025

The Honorable Brooke Rollins
Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Rollins:

As the elected representatives in the United States Congress for New Mexico, we write to request that our state be excluded from the current effort to rescind the 2001 Roadless Area Conservation Rule. The Roadless Rule affects nearly 1.6 million acres of the National Forest System in New Mexico, protecting them from new permanent road construction and preserving them for outdoor recreation enthusiasts. It was the result of a vigorous debate over the course of decades, more than 600 public meetings during its development, and 1.6 million public comments. We are concerned that rolling back this rule would hurt our state's economy, diminish its wildlife, and endanger its residents.

The principal purpose of designating portions of the National Forest System as roadless is to manage them for unconfined recreation (36 C.F.R. 294.1(a)). According to the Bureau of Economic Analysis, the outdoor recreation economy generates $3.2 billion in New Mexico and supports nearly 30,000 jobs. Many of these outdoor enthusiasts specifically seek out our state due to its extraordinary opportunities for unconfined, backcountry activities. Diminishing these opportunities likely would have a profound negative impact on the state's economic future. Roads also damage the habitat for many species of wildlife prized by sportsmen and the recreation community; they lower habitat connectivity and are associated with higher wildlife mortality, lower reproduction rates, and generally lower population viability.[1,2] Many large mammals' movements are disrupted by roads and traffic, including deer, elk, black bears, and bighorn sheep. Studies have found that jaguars, which are native to New Mexico, selectively avoid habitat within 2.8 miles from roads.[3] That is why, in 2019, the New Mexico legislature enacted the *Wildlife Corridors Act* to prioritize areas important for wildlife movement and habitat. Rolling back roadless area status will only impede these efforts to conserve and restore our native species.

The creation of new roads in unroaded areas also would pose a significant risk to public safety in our state. New Mexico is particularly vulnerable to wildfire, with a risk profile higher than 82% of the United States. Multiple studies, including those conducted by the federal government, have confirmed that wildfires are much less likely to ignite in roadless areas.[4] The administration's goal of faster deployment of suppression

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[1] Federal Highway Administration. Impacts of Roads on Wildlife Populations (2011). Publication No. FHWA-CFL/TD-11-003. *Wildlife Crossing Structure Handbook Design and Evaluation in North America.* https://www.fhwa.dot.gov/clas/ctip/wildlife_crossing_structures/ch_2.aspx

[2] Lamb, CT, et al. (2018). Effects of habitat quality and access management on the density of a recovering grizzly bear population. *J. Appl.Ecol.* **55**(3). Pg. 1407-1417. Doi:10.1111/1365-2664.13056

[3] Endangered and Threatened Wildland and Plants; Designation of Critical Habitat for Jaguar, 79 FR 12572 (March 5, 2014) (promulgating the final rule), citing Zarza, et al (2007).

[4] See, eg., Healey, SP. (2020). Long-term forest health implications of roadlessness. *Environ. Res. Lett.* **15** 104023. Doi:10.1088/1748-9326/aba031

resources must be compared against the reality that more fires will ignite when roads are added. Additionally, Forest Service research has shown that forest roads are also associated with increased frequency of landslides, especially in post-wildfire environments.[5] Our state recently experienced a federally-declared disaster for flooding and landslides (FEMA Declaration DR-4886-NM) due to the after-effects of the 2024 South Fork and Salt wildfires. Increasing the number of wildfire ignitions and landslides in our state would disproportionately impact poor and rural New Mexicans.

The National Forest System also supplies nearly half of the surface water in the West, including more than 75 percent of the water for Albuquerque and Santa Fe, New Mexico.[6] Road construction and use, especially in the backcountry, is tightly linked to increase dust and runoff that would threaten these critical watersheds as well as diminish aquatic habitat important for our native fish and amphibians.[7]

Lastly, we understand that the Forest Service is undertaking this rulemaking in part to support a struggling timber industry. We note that the Roadless Rule already allows for timber harvest if conducted for ecological or wildfire mitigation purposes. In fact, roadless areas represent approximately 21 percent of the forest lands within the National Forest System, but they account for 34 percent of the total fuel treatment activities.[8]

We strongly believe that the Roadless Rule has had an overall positive impact on New Mexico, from protecting communities from wildfire, promoting a healthy environment, and supporting the outdoor recreation economy. We therefore request that any rule seeking to rescind the Roadless Rule nationwide nevertheless preserve these management guidelines within our state.

Sincerely,

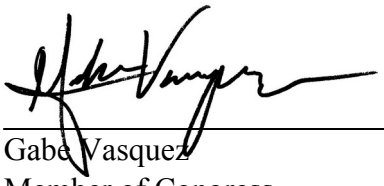
Martin Heinrich
United States Senator

Ben Ray Luján
United States Senator

Teresa Leger Fernández
Member of Congress

Melanie Stansbury
Member of Congress

[5] Gucinski, H, et al (eds.). (2001). Forest Roads: A Synthesis of Scientific Information. General Technical Report PNW-GTR-509. U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station.
[6] Liu, N, et al (2022). Quantifying the Role of National Forest System and Other Forested Lands in Providing Surface Drinking Water Supply for the Conterminous United States. General Technical Report WO-100. U.S. Department of Agriculture, Forest Service, Southern Research Station.
[7] Gucinski, H. et al (eds), s*upra* note 5.
[8] Healey, SP, *supra* note 4.



Gabe Vasquez
Member of Congress

CC: Brad Kinder, Acting Director, Ecosystem Management Coordination

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Melanie A. Kenderdine
Cabinet Secretary

Erin Taylor
Deputy Secretary

Ben Shelton
Deputy Secretary

Office of the Secretary

September 17, 2025

The Honorable Secretary Brooke L. Rollins
U.S. Department of Agriculture
1400 Independence Ave. SW
Washington, D.C. 20250-0108

Comments on Docket Number FS-2025-001; submitted electronically through the Federal eRulemaking Portal https://www.regulations.gov

Dear Secretary Rollins:

The New Mexico Energy Minerals and Natural Resources Department (EMNRD) Forestry Division and New Mexico Department of Game and Fish (DGF) submit this letter in response to the U.S. Department of Agriculture's (USDA) request for comments on the proposed rescission 2001 Roadless Area Conservation Rule (2001 Roadless Rule) (66 FR 3244, 36 CFR Subpart B (2001)), which prohibits road construction, road reconstruction, and timber harvesting in inventoried roadless areas, with limited exceptions. Through this comment, the EMNRD Forestry Division and DGF expresses deep concern regarding the proposed recission of the 2001 Roadless Rule.

EMNRD Forestry Division's mission is to address the critical needs of New Mexico's 24.7 million acres of forests and watersheds by reducing the fuels that increase the dangers of wildland fires, supplying wood products to New Mexico wood processors and residents, identifying invasive insects that lead to mortality and disease, conserving rare plants, and promoting healthy forests and watersheds for generations to come. EMNRD Forestry Division is the lead state agency for wildland fire management on 43 million acres of non-federal, non-tribal, and non-municipal lands, with responsibility to maintain fire suppression capacities and ensure public and firefighters' safety.

DGF's mission is to conserve, regulate, propagate and protect the wildlife and fish within the state of New Mexico, using a flexible management system that ensures sustainable use for public food supply, recreation and safety and to provide for off-highway motor vehicle recreation that recognizes cultural, historic and resource values while ensuring public safety. DGF is the lead agency in conserving and managing fish and wildlife populations across the state of New Mexico, including making best practice recommendations for ways to mitigate impacts of development activities on state-protected species.

The USDA purpose and need for proposing to rescind the 2001 Roadless Rule is "provide discretion for local land managers to tailor management, as appropriate, to local land conditions." In New Mexico, the 2001 Roadless Rule applies to 1,549,469 acres of Inventoried Roadless Areas (IRA), which is approximately 15% of the National Forest System lands in the New Mexico, and about 2% of all lands in the state. The New Mexico Forest Action Plan identified the top 500 watersheds with the highest risk of catastrophic wildfire that would negatively affect communities, wildlife habitat and water supplies, and 80% of the IRA are in the watersheds with high risk of wildfire.

EMNRD Forestry Division and DGF are concerned about long-term mitigation of wildfire risk in IRA but feel the exceptions in the 2001 Roadless Rule are sufficient to allow the necessary fuels reduction work.

EMNRD Forestry Division and DGF support aggressive and strategic hazardous fuels removal to reduce the risk of catastrophic wildfire and long-term damage to watersheds that are critical for habitat and water supply and reliability (see caveats for wildlife-friendly practices below).

The 2001 Roadless Rule already allows for road construction under circumstances wherein "a road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property." Furthermore, the 2001 Roadless Rule also allows timber harvesting "to maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period."

To achieve its purpose in rescinding the 2001 Roadless Rule, which is to provide discretion for local land management to tailor management to local land conditions, the USDA Forest Service will need to carefully consider and minimize unintended impacts to wildlife and their habitats. DGF expresses deep concern regarding the proposed recission of the 2001 Roadless Rule and has the following more specific comments regarding this proposed recission.

1) **Impacts of roads on wildlife and their habitats**: The scientific literature very clearly indicates the threat to biodiversity as a whole (e.g., Findlay and Bourdages 2000) and to different taxonomic groups (e.g., birds, Holbrook and Vaughan 1985; fishes, Franklin et al. 2024; insects, Muñoz et al. 2015; mammals, Oxley et al. 1974, Lyon 1979; reptiles and amphibians, Fahrig et al. 1995, USFWS 2013, Andrews et al. 2015) from roads. Threats from roads come in the form of direct mortality resulting from wildlife-vehicle collisions (e.g., Fahrig et al. 1995, Cramer et al. 2022) and indirect threats associated with increasing human access to otherwise undisturbed areas and related increases in harvest or poaching (e.g., Holbrook and Vaughan 1985, DGF comments in USDA 2000, Haines et al. 2012), introduction of invasive species (e.g., Tyser and Worley 1992, Greenberg et al. 1997, Christen and Matlack 2009), and habitat fragmentation/loss of habitat connectivity (e.g., Reed et al. 1996, Warren and Pardew 1998, Theobald et al. 2011). It also clearly indicates the value of structures that increase permeability of roads (e.g., culverts, Yanes et al. 1995, open-box crossings, Warren and Pardew 1998). Further, there are at least 131 Species of Greatest Conservation Need (SGCN) as identified in the 2025 State Wildlife Action Plan for New

Mexico (SWAP) and 66 state-listed species that have either been observed in or may be found in, based on local habitat types, the roughly 1,500,000 acres of inventoried roadless areas currently in New Mexico (see Appendix A). This is a minimum count of SGCN potentially present in these areas as spatial occurrence data are not yet available for all 505 SGCN identified in the 2025 SWAP. Additionally, the final rule and record of decision for the 2001 Roadless Rule (USDA 2001) indicates that the U.S. Forest Service receives insufficient funds to maintain the existing road infrastructure on National Forest System lands; it is not logical to create more roads that cannot be maintained, especially given their anticipated impacts on wildlife. DGF requests discussion of these impacts from roads on wildlife and their habitats in the proposed EIS.

2) **Impacts of timber cutting on wildlife and their habitats**: There is evidence of the impacts of timber cutting and removal on different taxonomic groups (e.g., birds, Franzreb and Ohmart 1978; insects, Baker et al. 2015; mammals, Zwolak 2009; reptiles and amphibians, Todd and Andrews 2008, USFWS 2013). Effects are especially notable for clear cutting that does not retain sufficient unlogged patches or suitable forest habitat. Threats from timber cutting include loss of key habitat features (e.g., forage sites and prey, Franzreb and Ohmart 1978). Given the potential for timber cutting to negatively impact a diversity of wildlife, DGF encourages incorporation of more wildlife-friendly thinning approaches in the proposed EIS, relevant to any areas where timber cutting is undertaken (e.g., Ponderosa Pine Restoration Guidelines to Benefit Wildlife, Reynolds et al. 1992, Darr et al. 2022).

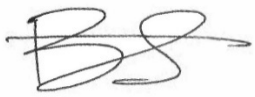
3) **Relationship of roads to wildfire ignition and frequency**: On page 42180, the NOI states the following: 1) “Between 1984 and 2024, 13 percent of inventoried roadless areas (5.5 million acres) experienced high or moderate severity wildfire”; 2) “Currently, forty percent of lands within inventoried roadless areas have a high or very-high wildfire hazard potential…”; and 3) “…the area encompassing the WUI [Wildland-Urban Interface] has increased alongside increased insect and disease and wildfire activity throughout the National Forest System, including within inventoried roadless areas”. The Department requests the specific data sources supporting these statements. Further, on page 42181, the NOI states that “the proposed rule responds to the need for national forests to take swift and immediate action to reduce wildfire risk…”. These statements in the NOI imply that greater access to current inventoried roadless areas, through road construction and timber harvest, is required to address high wildfire risk in these areas. As stated previously, the 2001 Roadless Rule (36 CFR Part 294.13.b.1.ii) already allows for cutting, sale, and removal of timber in order to “maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period;”, thus allowing for treatments to address wildfire risk in inventoried roadless areas. There is also mixed evidence regarding the relationship between road presence and wildfire occurrence. For example, there is evidence that the presence of roads, even minor roads, and increased road density can increase fire ignition frequency (Faivre et al. 2014) and that most wildfires are human caused and occur within 0.5 miles of a road; only 3% of fires start in wilderness or backcountry areas far from roads (Morrison 2007). Conversely, there is evidence that roads are poor predictors of fire ignition (Fusco et al. 2016) and that, while human-caused ignitions are concentrated near roads, fires occurring in roaded areas are smaller than those occurring

in roadless and wilderness areas (Narayanaraj and Wimberly 2012). There are also factors other than tree density driving changes in fire occurrence; while wildfires have become increasingly large (i.e., burn area has increased), more severe (i.e., area burned at high severity has increased), more frequent, and last longer in the western U.S. than they did historically, these changes have been documented to be associated with warmer temperatures, earlier spring snowmelt, and drought (Westerling et al. 2006, Westerling 2016, Parks and Abatzoglou 2020). Increasing access via roads to current inventoried roadless areas will not alleviate the climate-related causes of these trends toward higher wildfire frequency and severity may in fact increase the risk of wildfire ignition as described above. Additionally, whenever feasible, DGF encourages the use of less invasive approaches to implementing forest treatments to reduce wildfire risk (e.g., hand thinning) in currently undisturbed or less disturbed areas, as opposed to the more invasive approaches associated with the large equipment for which roads provide access. Even if roads that are constructed to allow for forest treatments are temporary, it is often hard to close roads and maintain them as closed (DGF comments in USDA 2000). For the proposed EIS, DGF requests clarification of the relationship between the presence of roads and wildfire frequency and severity and an emphasis on the use of the least invasive methods possible and minimizing the use of roads, even temporary roads, when conducting forest treatments to reduce the potential for severe wildfire occurrence.

Conclusion

EMNRD Forestry Division and DGF deeply value the partnership with USDA, Forest Service and the five National Forests in New Mexico. We appreciate the opportunity to comment on the proposed rescission of the 2001 Roadless Rule and hope that it is one of many such opportunities to provide feedback on how the rescission will affect New Mexico's human and wildlife communities. If you have questions related to these comments, please contact Mr. Jacob Pederson at (505) 629-6643 or Jacob.Pederson@emnrd.nm.gov or Dr. Virginia Seamster at (505) 629-7738 or Virginia.Seamster@dgf.nm.gov.

Sincerely,



Ben Shelton
Deputy Cabinet Secretary
Energy, Minerals & Natural Resources Department

CC: Michael B. Sloane, Director, New Mexico Department of Game and Fish
Courtney Kerster, Director of Federal Relations for Governor Lujan Grisham

Brad Kinder, Acting Director, Ecosystem Management Coordination, USDA Forest Service

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Appendix A Species of Greatest Conservation Need, with state-listed species noted, that may occur in the over 1,500,000 acres of inventoried roadless areas in New Mexico.

Common Name	Scientific Name	Taxonomic Group	State-Listed
Arizona Toad	*Anaxyrus microscaphus*	Amphibian	
Barking Frog	*Craugastor augusti*	Amphibian	
Boreal Chorus Frog	*Pseudacris maculata*	Amphibian	
Chiricahua Leopard Frog	*Lithobates chiricahuensis*	Amphibian	
Colorado River Toad	*Incilius alvarius*	Amphibian	Threatened
Great Plains Narrowmouth Toad	*Gastrophryne olivacea*	Amphibian	Endangered
Jemez Mountains Salamander	*Plethodon neomexicanus*	Amphibian	Endangered
Lowland Leopard Frog	*Lithobates yavapaiensis*	Amphibian	Endangered
Mountain Treefrog	*Hyla wrightorum*	Amphibian	
Northern Leopard Frog	*Lithobates pipiens*	Amphibian	
Plains Leopard Frog	*Lithobates blairi*	Amphibian	
Rio Grande Leopard Frog	*Lithobates berlandieri*	Amphibian	
Sacramento Mountain Salamander	*Aneides hardii*	Amphibian	Threatened
Western Toad	*Anaxyrus boreas*	Amphibian	Endangered
Abert's Towhee	*Melozone aberti*	Bird	Threatened
American Bittern	*Botaurus lentiginosus*	Bird	
American Peregrine Falcon	*Falco peregrinus anatum*	Bird	Threatened
Aplomado Falcon	*Falco femoralis*	Bird	Endangered
Arizona Grasshopper Sparrow	*Ammodramus savannarum ammolegus*	Bird	Endangered
Baird's Sparrow	*Ammodramus bairdii*	Bird	Threatened
Bald Eagle	*Haliaeetus leucocephalus*	Bird	Threatened
Common Name	**Scientific Name**	**Taxonomic Group**	**State-Listed**
Bank Swallow	*Riparia riparia*	Bird	
Bell's Vireo	*Vireo bellii*	Bird	Threatened
Bendire's Thrasher	*Toxostoma bendirei*	Bird	
Black Swift	*Cypseloides niger*	Bird	
Black-Chinned Sparrow	*Spizella atrogularis*	Bird	
Black-Throated Gray Warbler	*Setophaga nigrescens*	Bird	
Boreal Owl	*Aegolius funereus*	Bird	Threatened
Broad-Billed Hummingbird	*Cynanthus latirostris*	Bird	Threatened
Brown-Capped Rosy-Finch	*Leucosticte australis*	Bird	
Cassin's Finch	*Haemorhous cassinii*	Bird	
Chestnut-Collared Longspur	*Calcarius ornatus*	Bird	
Clark's Grebe	*Aechmophorus clarkii*	Bird	
Clark's Nutcracker	*Nucifraga columbiana*	Bird	
Common Black-Hawk	*Buteogallus anthracinus*	Bird	Threatened
Common Ground-Dove	*Columbina passerina*	Bird	Endangered
Common Nighthawk	*Chordeiles minor*	Bird	
Costa's Hummingbird	*Calypte costae*	Bird	Threatened
Elegant Trogon	*Trogon elegans*	Bird	Endangered

Common Name	Scientific Name	Taxonomic Group	State-Listed
Elf Owl	*Micrathene whitneyi*	Bird	
Evening Grosbeak	*Coccothraustes vespertinus*	Bird	
Flammulated Owl	*Psiloscops flammeolus*	Bird	
Gila Woodpecker	*Melanerpes uropygialis*	Bird	Threatened
Grace's Warbler	*Setophaga graciae*	Bird	
Gray Vireo	*Vireo vicinior*	Bird	Threatened
Juniper Titmouse	*Baeolophus ridgwayi*	Bird	
Lewis's Woodpecker	*Melanerpes lewis*	Bird	
Loggerhead Shrike	*Lanius ludovicianus*	Bird	
Long-Billed Curlew	*Numenius americanus*	Bird	
Lucifer Hummingbird	*Calothorax lucifer*	Bird	Threatened
Lucy's Warbler	*Leiothlypis luciae*	Bird	
Mexican Spotted Owl	*Strix occidentalis lucida*	Bird	
Mountain Bluebird	*Sialia currucoides*	Bird	
Mountain Plover	*Charadrius montanus*	Bird	
Neotropic Cormorant	*Phalacrocorax brasilianus*	Bird	Threatened
Northern Beardless-Tyrannulet	*Camptostoma imberbe*	Bird	Endangered
Olive-Sided Flycatcher	*Contopus cooperi*	Bird	
Peregrine Falcon	*Falco peregrinus*	Bird	Threatened
Pinyon Jay	*Gymnorhinus cyanocephalus*	Bird	
Pygmy Nuthatch	*Sitta pygmaea*	Bird	
Red-Faced Warbler	*Cardellina rubrifrons*	Bird	
Red-Headed Woodpecker	*Melanerpes erythrocephalus*	Bird	
Southwestern Willow Flycatcher	*Empidonax traillii extimus*	Bird	Endangered
Sprague's Pipit	*Anthus spragueii*	Bird	
Thick-Billed Kingbird	*Tyrannus crassirostris*	Bird	Endangered
Thick-billed Longspur	*Rhynchophanes mccownii*	Bird	
Varied Bunting	*Passerina versicolor*	Bird	Threatened
Vesper Sparrow	*Pooecetes gramineus*	Bird	
Violet-Crowned Hummingbird	*Amazilia violiceps*	Bird	Threatened
Virginia's Warbler	*Leiothlypis virginiae*	Bird	
Western Bluebird	*Sialia mexicana*	Bird	
Western Burrowing Owl	*Athene cunicularia hypugaea*	Bird	
Whiskered Screech-Owl	*Megascops trichopsis*	Bird	Threatened
White-Tailed Ptarmigan	*Lagopus leucura*	Bird	Endangered
Williamson's Sapsucker	*Sphyrapicus thyroideus*	Bird	
Yellow-Billed Cuckoo	*Coccyzus americanus*	Bird	
Chihuahua Chub	*Gila nigrescens*	Fish	Endangered
Desert Sucker	*Catostomus clarkii*	Fish	
Gila Chub	*Gila intermedia*	Fish	Endangered
Gila Trout	*Oncorhynchus gilae*	Fish	Threatened

Common Name	Scientific Name	Taxonomic Group	State-Listed
Headwater Chub	*Gila nigra*	Fish	Endangered
Loach Minnow	*Rhinichthys cobitis*	Fish	Endangered
Rio Grande Chub	*Gila pandora*	Fish	
Rio Grande Sucker	*Catostomus plebeius*	Fish	
Roundtail Chub	*Gila robusta*	Fish	Endangered
Sonora Sucker	*Catostomus insignis*	Fish	
Spikedace	*Meda fulgida*	Fish	Endangered
Suckermouth Minnow	*Phenacobius mirabilis*	Fish	Threatened
White Sands Pupfish	*Cyprinodon tularosa*	Fish	Threatened
American Pika	*Ochotona princeps*	Mammal	
Arizona Montane Vole	*Microtus montanus arizonensis*	Mammal	Endangered
Arizona Shrew	*Sorex arizonae*	Mammal	Endangered
Black-Footed Ferret	*Mustela nigripes*	Mammal	
Black-Tailed Prairie Dog	*Cynomys ludovicianus*	Mammal	
Gunnison's Prairie Dog	*Cynomys gunnisoni*	Mammal	
Jaguar	*Panthera onca*	Mammal	
Least Shrew	*Cryptotis parva*	Mammal	Threatened
Lesser Long-Nosed Bat	*Leptonycteris yerbabuenae*	Mammal	Threatened
Mexican Long-Nosed Bat	*Leptonycteris nivalis*	Mammal	Endangered
Mexican Long-Tongued Bat	*Choeronycteris mexicana*	Mammal	
Mexican Wolf	*Canis lupus baileyi*	Mammal	Endangered
Mink	*Neovison vison*	Mammal	
New Mexican Meadow Jumping Mouse	*Zapus hudsonius luteus*	Mammal	Endangered
Organ Mountains Colorado Chipmunk	*Neotamias quadrivittatus australis*	Mammal	Threatened
Pacific Marten	*Martes caurina*	Mammal	Threatened
Southern Pocket Gopher	*Thomomys umbrinus*	Mammal	Threatened
Spotted Bat	*Euderma maculatum*	Mammal	Threatened
Townsend's Big-Eared Bat	*Corynorhinus townsendii*	Mammal	
Western Yellow Bat	*Lasiurus xanthinus*	Mammal	Threatened
White-Sided Jackrabbit	*Lepus callotis gaillardi*	Mammal	Threatened
Jemez Woodlandsnail	*Ashmunella ashmuni*	Mollusc	
Mineral Creek Mountainsnail	*Oreohelix pilsbryi*	Mollusc	Threatened
Silver Creek Woodlandsnail	*Ashmunella binneyi*	Mollusc	
Arizona Black Rattlesnake	*Crotalus cerberus*	Reptile	
Banded Rock Rattlesnake	*Crotalus lepidus klauberi*	Reptile	
Big Bend Slider	*Trachemys gaigeae*	Reptile	
Bunch Grass Lizard	*Sceloporus slevini*	Reptile	Threatened
Desert Massasauga	*Sistrurus catenatus edwardsii*	Reptile	
Gila Monster	*Heloderma suspectum*	Reptile	Endangered

Gray-Banded Kingsnake	*Lampropeltis alterna*	Reptile	Endangered
Gray-checkered Whiptail	*Aspidoscelis tesselata*	Reptile	Endangered
Green Rat Snake	*Senticolis triaspis*	Reptile	Threatened
Mountain Skink	*Plestiodon callicephalus*	Reptile	Threatened
Narrowhead Garter Snake	*Thamnophis rufipunctatus*	Reptile	Endangered
New Mexico Ridgenose Rattlesnake	*Crotalus willardi obscurus*	Reptile	Endangered
Northern Mexican Garter Snake	*Thamnophis eques megalops*	Reptile	Endangered
Plainbelly Water Snake	*Nerodia erythrogaster*	Reptile	Endangered
Rock Rattlesnake	*Crotalus lepidus*	Reptile	
Sonoran Mud Turtle	*Kinosternon sonoriense*	Reptile	
Western Ribbon Snake	*Thamnophis proximus*	Reptile	Threatened
Western River Cooter	*Pseudemys gorzugi*	Reptile	Threatened

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

PHIL STECK
Member of Assembly, 110th District

COMMITTEES
Health
Insurance
Judiciary
Labor
Oversight, Analysis and Investigation
Chair:
Alcoholism and Drug Abuse

September 16th, 2025

Secretary Brooke Rollins
Secretary of the U.S. Department of Agriculture
U.S Department of Agriculture
1400 Independence Ave, S.W.
Washington, DC 20250

Dear Secretary Rollins,

I respectfully urge you to reconsider rescinding the Roadless Area Conservation Rule. The Roadless Area Conservation Rule was implemented in 2001 to protect roughly 58 million acres of National Forest and Grasslands from roadbuilding, mining, drilling, and logging. These roadless areas provide clean drinking water for millions of Americans and protect precious habitats for endangered species and plants.

For more than two decades, the Roadless Area Conservation Rule has survived multiple legal challenges, including *Wyoming v. U.S. Department of Agriculture*, 661 F.3d 1209 (10th Cir. 2011). In that case, the U.S. Court of Appeals for the Tenth Circuit ruled that this rule did not violate the Wilderness Act of 1964 and that the rule was not "arbitrary and capricious" since the Forest Service has a legitimate interest in protecting clean water sources and precious wildlife.

Rescinding the Roadless Area Conservation Rule will have far-reaching environmental and economic consequences. By opening these protected lands up to development, water sources that millions of Americans depend on will be threatened by erosion and chemical runoff from road building and other industrial activity. Additionally, rescinding this rule will expand the Forest Service's already multibillion-dollar road maintenance backlog and will deprive the country of revenue generated from recreation and tourism.

Given the strong legal precedent of this rule and the consequences this decision will have, I respectfully urge the Department of Agriculture to reconsider rescinding the Roadless Area Conservation Rule.

Sincerely,

Phil Steck
110th Assembly District

ALBANY OFFICE: Room 627, Legislative Office Building, Albany, New York 12248 · 518-455-5931, FAX: 518-455-5840
DISTRICT OFFICE: 1609 Union Street, Schenectady, New York 12309 · 518-377-0902, FAX: 518-377-0458
EMAIL: steckp@anyassembly.gov



North Carolina Wildlife Resources Commission

M. Kyle Briggs, Executive Director

September 18, 2025

Brooke Rollins
Secretary of Agriculture
US Department of Agriculture

SUBJECT: NCWRC input on Notice of Intent to prepare EIS to rescind the 2001 Roadless Area Conservation Rule (Docket Number FS-2025-0001)

Dear Secretary Rollins:

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the US Forest Service (USFS)'s Notice of Intent to prepare an Environmental Impact Statement (EIS) to rescind the 2001 Roadless Area Conservation Rule (Roadless Rule). The NCWRC is charged by statute with management, regulation, protection and conservation of wildlife resources and inland fisheries in North Carolina (General Statute 113-132). The NCWRC's mission includes conserving North Carolina's wildlife resources and their habitats.

NCWRC staff assist the USFS in assessing and managing wildlife resources on Forest lands and are familiar with the ecology, structure, and composition of forests in North Carolina. We offer the following input on the proposal to rescind the Roadless Rule to aid in the development of the EIS:

Inventoried Roadless Areas (IRAs) focus on providing large contiguous areas where developed infrastructure is limited and natural disturbance processes drive forest dynamics. In some areas like the western US, natural disturbances are the primary drivers of change. This is critical for maintaining ecosystem diversity. IRAs often have less non-native invasive plants due to the lack of roads and other pathways generally associated with their spread and distribution.

Conversely, the lack of management within IRAs can have undesirable consequences. This outcome is particularly true in the eastern United States where relatively few places remain "untouched" by humans, and most forest has regenerated from historical logging and past land clearing activities, as in most currently designated IRAs. While large landscapes of relatively undisturbed and intact forest can be beneficial for some forest interior wildlife species, managing IRAs with a hands-off approach can lead to challenges such as the spread of forest

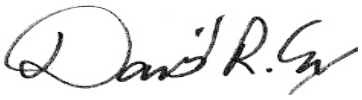
Mailing Address: Habitat Conservation • 1721 Mail Service Center • Raleigh, NC 27699-1721
Telephone: (919) 707-0220 • **Fax:** (919) 707-0028

diseases and pests, lack of structural and compositional diversity, and limited ability to restore and maintain fire-adapted forest communities. This hands-off approach can also contribute to the excessive buildup of forest fuel loads that can lead to catastrophic wildfire, as well as hinder the USFS' ability to implement wildfire suppression measures such as prescribed burning.

The Roadless Rule has been in place for almost 25 years, and land management plans have been developed and implemented within the context of this rule. In North Carolina, the recently finalized land management plan for the Nantahala-Pisgah National Forest was developed through a careful and long-term collaborative process with local stakeholders, resulting in a plan that balances the needs of natural communities, wildlife, recreation, and the local economy. Currently, the proposal would not require specific changes to existing land management plans, and authority to make adjustments to plans and management would be left to the discretion of the local forest land managers. If this rule is rescinded, we strongly recommend that the management of these areas continue to be guided by current land management plans and by local land managers. Land management is best determined by local forest planning processes and decision-makers.

Thank you for the opportunity to provide input on Roadless Rule. Please contact me at (919) 707-4055 or david.cox@ncwildlife.org if I can provide any further assistance.

Sincerely,



David R. Cox,
Supervisor
Habitat Conservation
Division

North Carolina General Assembly

16 WEST JONES STREET, RALEIGH, NC 27601

September 19, 2025

Re: Docket (FS-2025-0001) Environmental Impact Statements; Availability, etc.: Special Areas; Roadless Area Conservation; National Forest System Lands

Dear Chief Schultz,

We, the undersigned North Carolina Legislators, representing millions of constituents, urge you to keep the Roadless Conservation Area Rule (Roadless Rule) in place in order to continue to protect the wildest parts of our public forests.

The plan to rescind this rule jeopardizes nearly 45 million acres of heritage forestland managed by the U.S. Forest Service, comprising nearly a quarter of the territory in our national forest system.

Wild forests protected by Inventoried Roadless Area status provide the following benefits to the American public by providing:

- Vital Habitat for Imperiled Species
- Protecting Migration Corridors and Game Habitat
- Protecting Vital Sources for America's Drinking Water
- Subsistence and Cultural Values
- Outdoor Recreation
- Climate Mitigation

Rescinding roadless area protection would undermine all of the benefits listed above as well as endanger communities and put a financial burden on communities and taxpayers by:

- Increasing Risk of Wildfires
- Creating Financial Burdens for Local Communities
- Putting taxpayers on the Hook for Expense of Building Unnecessary Roads (Even with the Roadless Rule in place, the Forest Service already has a 360,000-mile road system – twice as long as the nation's highway system – crisscrossing national forests.)

Regarding North Carolina Specifically, Roadless Areas Are Vital to Our Economy and Environment:

- The Roadless Rule is a critical policy that prohibits new road building and timber cutting in roadless areas of the national forests, with common sense exceptions, like for wildfire management.
- North Carolina's roadless areas are some of the wildest, most intact forest areas in the Southern Appalachian Mountains. These places are home to world-class hiking and mountain biking trails, old-growth forests, crystal-clear trout fishing streams, and habitat for rare wildlife.
- North Carolina's rural communities and economies thrive on tourism that is anchored by recreation in roadless areas. Trout fishing in western NC creates over a billion dollars in annual economic impact, and whitewater paddling, rock climbing, and mountain biking in the Nantahala and Pisgah National Forests add over $100 million more. These local economies depend on the backcountry settings provided by roadless areas.

- In addition, downstream communities rely on roadless areas for clean water. Two million North Carolinians can trace their drinking water directly to a roadless area that would lose protection under the proposed repeal.
- And roadless areas are essential habitat for rare species. The roadless areas of the Nantahala and Pisgah national forests contain 58 and nearly 9,000 acres of the rarest natural communities delineated by the State's Natural Heritage Program.

Losing the Roadless Rule Threatens What Makes North Carolina Special

- Fragmentation by roads is a serious threat to North Carolina's most special places.
- Once a road is built into an area it is almost never taken out, which is how the Forest Service wound up with a 370,000-acre road system (enough to drive to the moon and halfway back) and a multi-billion-dollar maintenance backlog. North Carolina's national forests have only about 13% of the funding needed to fully maintain their roads.
- These unnecessary and poorly maintained roads do long-lasting damage to our forests. They increase sediment pollution in mountain streams, block the movement of fish and other wildlife, spread invasive plants, and increase the risk of wildfire ignitions.
- Roads and logging in these steep areas also increases flooding and landslide risk, which would exacerbate damage from storms like Hurricane Helene.
- Before the Roadless Rule was adopted, many of North Carolina's roadless areas were fragmented or entirely whittled away by Forest Service road construction. For example, Cheoah Bald, once our state's largest roadless area, shrank by almost 17,000 acres, and the Wildcat roadless area, part of the Appalachian Trail corridor, isn't even on the map anymore.
- Our remaining roadless areas could suffer a similar fate. Of our 172,000 roadless acres, 144,000 acres—more than 83 percent—would lose protection if the Roadless Rule is rescinded. (See attached map.)

Americans have the right to explore tens of millions of acres of wild backcountry lands where there are no roads – only open land, clean water, and peace of mind. Indeed, roadless areas in national forests are some of the last places in the country where that is still possible. These lands are universally enjoyed and they belong to everyone. Please protect them for the American public today and for future generations.

Sincerely,

Rep. Pricey Harrison, District 61
Rep. Eric Ager, District 114
Rep. Cynthia Ball, District 49
Rep. Mary Belk, District 88
Rep. Gloristine Brown, District 8
Rep. Kanika Brown, District 71
Rep. Allen Buansi, District 56
Rep. Laura Budd, District 103
Rep. Deb Butler, District 18
Rep. Becky Carney, District 102
Rep. Maria Cervania, District 41
Rep. Tracy Clark, District 57
Rep. Sarah Crawford, District 66
Rep. Allison A. Dahle, District 11
Rep. Aisha O. Dew, District 107
Rep. Julia Greenfield, District 100
Rep. Zack Hawkins, District 31
Rep. Frances Jackson, PhD, District 45
Rep. Monika Johnson-Hostler, District 33
Rep. Carolyn G. Logan, District 101
Rep. Tim Longest, District 34
Rep. Marcia Morey, District 30
Rep. Rodney D. Pierce, District 27
Rep. Lindsey Prather, District 115
Rep. Renée A. Price, District 50
Rep. Amos L. Quick, III, District 58
Rep. James Roberson, District 39
Rep. Phil Rubin, District 40
Rep. Brian Turner, District 116
Rep. Julie von Haefen, District 36
Rep. Donna McDowell White, District 26
Sen. Gale Adcock, District 16
Sen. Jay J. Chaudhuri, District 15
Sen. Terence Everitt, District 18
Sen. Michael Garrett, District 27
Sen. Lisa Grafstein, District 13
Sen. Julie Mayfield, District 49
Sen. Graig Meyer, District 23
Sen. Natalie S. Murdock, District 20
Sen. Gladys A. Robinson, District 28
Sen. Kandie D. Smith, District 5

UNION COUNTY
BOARD OF COMMISSIONERS

Paul Anderes, Commissioner
R. Matthew Scarfo, Commissioner
Jake Seavert, Commissioner

Shelley Burgess, Administrative

1106 K. Avenue | La Grande, Oregon 97850 Phone: (541) 963-1001 | Fax (541) 963-1079

September 15, 2025

Director, Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

Secretary Rollins, Under Secretary Sleeper, and Chief Schultz,

Thank you for the opportunity to comment on the Roadless Rule rescission. For the record, I am a Union County Commissioner in in Northeast Oregon. Union County is home to the Wallowa Whitman & Umatilla National Forests. Union County also hosts a good portion of Oregon's largest (Eagle Cap) wilderness area.

Nearly half of all roadless acres are located in areas rated as high or very high wildfire risk. Since the Roadless Rule was enacted, more than eight million acres of roadless forests have burned—highlighting the consequences of limiting access and management.

The Roadless Rule effectively barred active forest management across nearly 60 million acres, or almost one-third of the National Forest System. In effect this made these areas quasi-wilderness areas. This designation was fodder for litigation. This approach simply hasn't worked. I would include the East Side Screens in the same category – a failed policy the has been disproved by science and affirmed by the courts. Many of these forests are now overstocked with dead or dying trees, creating ideal conditions for insects, disease, and ultimately more high-severity wildfires. Rescinding the rule will give our public lands managers more opportunities to use science-based tools—like thinning, prescribed burning, and selective harvesting—to improve forest health and reduce ecological stress. Why would we continue to limit the tools available to our land managers?

Road access is necessary not only for management but also for maintaining recreation infrastructure, water systems, and search-and-rescue operations. The rule even prevented temporary road construction in areas where roads were critical for stewardship and public safety. Without access, firefighters can't reach ignition points, build containment lines, or safely evacuate visitors and residents. Rescinding the rule

allows land managers to reduce fuels and restore healthier, more fire-resilient forests. Rescinding the rule doesn't mandate roadbuilding. It simply allows roads to be considered where they're needed.

I spent over 20 years as a seasonal wildland firefighter. The Forest Service routinely restricts access to certain roads using gates, locks, and barriers—especially in areas with sensitive wildlife or fire concerns. Rescinding the Roadless Rule does not mean unlimited public access. Not all roads are open to the public. Roads can be managed to reduce ignition risks. Agencies can control access to prevent human-caused ignitions while maintaining roads for emergency response, fuels treatment, and maintenance. Poor access is a top obstacle to fire suppression. In nearly every major wildfire over the past 15–20 years, the Forest Service has identified lack of road access as a key barrier to effective response. Road infrastructure supports rapid suppression. Having roads in place—especially ones that are closed but can be quickly reopened—allows firefighting crews to access ignition points faster and prevent small fires from becoming large, destructive events.

Current policy is leading to road loss, not expansion. The Forest Service is losing more than 1,000 miles of road access every year due to policy restrictions or lack of maintenance funding—further limiting its ability to manage forests and respond to fire. Building new roads mid-crisis is inefficient and dangerous. When fires start in remote areas, it often takes days for the Forest Service to build temporary roads just to get equipment on-site. Maintaining access in advance saves valuable time and resources. A one-size-fits-all mandate doesn't work across 60 million acres of diverse landscapes. Rescinding the rule gives local land managers and stakeholders flexibility to tailor solutions based on forest conditions, fire risk, and ecological needs.

Tribes, states, counties and local stakeholders will be consulted and engaged throughout the process to ensure broad input collaboration, cooperation and coordination. For too long we have tried the methods of preservationists, obstructionists and serial litigants; let's try using scientifically sound forest management practices.

Sincerely,

Paul Anderes

Paul M. Anderes
Union County Commissioner

JACKSON COUNTY
Oregon

Board of Commissioners

Rick Dyer (541) 774-6118
Randy Sparacino (541) 774-6119
Colleen Roberts (541) 774-6117
Fax: (541) 774-6705

10 South Oakdale, Room 214
Medford, Oregon 97501
BoC-CAO_Admin@jacksoncountyor.gov

September 16, 2025

Mr. Brad Kinder
Acting Director, Ecosystem Management Coordination
United States Department of Agriculture, Forest Service
201 14th Street SW, Mailstop 1108
Washington DC 20250-1124

RE: Comments on Initiating an Environmental Impact Statement and Rulemaking Concerning Management of Inventoried Roadless Areas on National Forest System Lands, Docket No. FS-2025-0001-0001

Dear Mr. Kinder:

We, the Jackson County Board of Commissioners, appreciate the opportunity to comment on the United States Department of Agriculture's (USDA) proposal to initiate an Environmental Impact Statement (EIS) and rulemaking concerning the management of inventoried roadless areas on National Forest System lands. Jackson County supports rescinding the 2001 Roadless Area Conservation Rule (2001 Roadless Rule) for numerous reasons, and believes that the rescission is in the best interest of the National Forest System lands and the public for the following reasons:

First, the 2001 Roadless Rule has raised concerns about wildfire and public safety. Nearly half of the roadless areas are located on National Forest System lands rated as having high or very high wildfire risk. Since the 2001 Roadless Rule was adopted, nearly 8,000,000 acres of roadless National Forest System lands have burned. Roads are essential for safe and effective wildfire response. Simply put, if wildland firefighters cannot access an area, they cannot respond to a wildfire effectively, which impacts the public's health and safety.

Second, the 2001 Roadless Rule was not a science-based decision, and left nearly 60,000,000 acres unmanaged. This has led to overstocked, dead, and dying trees, the ideal condition for insects, diseases, and wildfire, which impact the public's health and safety. Rescinding this unscientific "Rule" will allow public lands managers the opportunity to use science-based tools to improve the health of the forests.

Third, opening up road access is necessary not only for management but also for recreation, infrastructure, water systems, and search and rescue. As applied, the 2001 Roadless Rule has prevented even temporary roads deemed critical for management or public safety. Rescinding the 2001 Roadless Rule does not mandate unfettered road construction and allows road construction and maintenance where needed.

Fourth, simply rescinding the 2001 Roadless Rule is not going to result in unrestrained logging. Roaded or roadless, logging, and any other activities must still comply with the myriad of Federal laws and regulations related to those activities, including the National Environmental Policy Act, the Endangered Species Act of 1973, the Clean Water Act, and adopted forest management plans. Projects will still need to comply with environmental review, public input, and scientific analysis. Rescinding the 2001 Roadless Rule allows for the implementation of projects, as a practical matter, if those projects comply with applicable Federal laws and regulations.

Rescission of the 2001 Roadless Rule removes the current "one-size-fits-all" regulation of millions of acres of National Forest System lands and allows public land managers to truly manage the public's lands.

Thank you for your consideration of these comments.

Sincerely,

JACKSON COUNTY BOARD OF COMMISSIONERS

Colleen Roberts, Chair

Rick Dyer, Commissioner

Randy Sparacino, Commissioner

:jb/kk

By: Electronic Submission through the Federal eRulemaking Portal

TINA KOTEK
GOVERNOR

September 17, 2025

The Honorable Brooke Rollins
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

RE: Comments on Proposed Rule – Special Areas; Roadless Area Conservation, National Forest System Lands (Docket No. USDA–FS–2025–0001)

Dear Secretary Rollins:

The State of Oregon is writing to provide formal comments on the U.S. Department of Agriculture's (USDA) proposal to rescind the 2001 Roadless Area Conservation Rule (Roadless Rule). Oregon values its longstanding and productive partnership with the USDA, particularly in the stewardship of our 11 National Forests, which span over 16 million acres – more than a quarter of our state's land area. The process and scope of the Roadless Rule rescission, however, has the potential to undermine this partnership and the progress we have made with the regional offices of the U.S. Forest Service in Oregon to promote healthier and more resilient forests.

Oregon's identity and culture is rooted in our collective love for our public lands. The Roadless Rule covers approximately two million acres of federally owned forestland in Oregon. For decades, the rule has effectively protected these lands so that they can provide exceptional recreational opportunities to the public and serve as critical anchor areas for clean water and unaltered fish and wildlife habitat. Oregonians have a significant stake in the final outcome of the rule as we have integrated these lands into our everyday lives and local economies and have championed their collaborative management. The proposed rule ignores these connections and places decades of progress in jeopardy.

I urge the USDA to consider and act on the recommendations provided by Oregon's agencies, particularly the Oregon Department of Fish and Wildlife and the Oregon Department of Forestry. Thank you for your time and consideration.

Sincerely,

Governor Tina Kotek

Attachments: State Agency Comments

cc: The Honorable Ron Wyden, Senator
The Honorable Jeff Merkley, Senator
The Honorable Suzanne Bonamici, Congresswoman, Oregon's 1st District
The Honorable Cliff Bentz, Congressman, Oregon's 2nd District
The Honorable Maxine Dexter, Congresswoman, Oregon's 3rd District
The Honorable Valerie Hoyle, Congresswoman, Oregon's 4th District
The Honorable Janelle Bynum, Congresswoman, Oregon's 5th District
The Honorable Andrea Salinas, Congresswoman, Oregon's 6th District
Debbie Colbert, Director, Oregon Department of Fish and Wildlife
Kate Skinner, Acting State Forester, Department of Forestry

Oregon
Tina Kotek, Governor

September 19, 2025

The Honorable Brooke Rollins
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

RE: Comments on Proposed Rule – Special Areas; Roadless Area Conservation; National Forest System Lands (Docket No. USDA–FS–2025–0001)

Dear Secretary Rollins,

On behalf of the State of Oregon, we are writing to provide formal comments on the U.S. Department of Agriculture's (USDA) proposal to rescind the 2001 Roadless Area Conservation Rule. Oregon values its longstanding and productive partnership with the USDA, particularly in the stewardship of our 11 National Forests, which span over 16 million acres—more than a quarter of our state's land area. Approximately 2 million of those acres are designated as inventoried roadless areas.

We recognize the USDA's intent to provide local flexibility in forest management. However, we urge the Department to pursue a more targeted, collaborative approach that maintains the core conservation benefits of the 2001 Roadless Rule while addressing specific, localized barriers to wildfire resilience and forest restoration where local communities deem it necessary.

Wildfire resilience and forest management goals can be met through strategic, local processes.
Oregon has worked collaboratively with the U.S. Forest Service (USFS) and other federal land managers since 2019, under our Shared Stewardship Agreement, to develop a 20-Year Landscape Resilience Strategy. Rather than pursuing a blanket, one-size-fits all recission of the 2001 Roadless Rule, this deep collaboration on wildfire resilience strategy leaves Oregon well prepared to work with local forests on the most strategically important areas for fire treatment and identification of the barriers to achieving those treatments. If the roadless areas are an actual barrier, targeted removal of roadless designations, or other flexible uses of the forest could be employed locally to support fire suppression and ecological restoration.

Roadless areas are not road-free—as the federal register notice indicates, many roadless areas are within a half-mile of existing roads. Considering that the USFS is not currently able maintain the network of existing roads, we support an approach to wildfire resilience that focuses on maximizing the use of existing roads. We support limited flexibility for road construction or reconstruction only where it is clearly justified through a thoughtful siting process, starting with the local, strategic need and placing roads in ways that minimize habitat degradation. However, such flexibility must be paired with strong travel management planning to minimize ecological impacts and human disturbance throughout the year.

Increased road density and road use has the potential increase fire ignitions.
Many analyses have demonstrated that building roads into undeveloped areas significantly increases wildfire risk. Human-caused wildfires—by far the most common type—occur disproportionately near roads, with over 53% more ignitions in the first 200 meters from roads than would be expected by chance. While roads can aid firefighter and restoration access, they also invite ignition sources such as recreationists, vehicle sparks, and even arson. The likely effect of expanding road networks is a substantial increase in wildfire ignitions, which far outweighs the marginal benefits of increased access. Protecting roadless areas is a practical strategy for reducing wildfire risk and safeguarding communities, ecosystems, and public resources.

High road density and motorized vehicle use on National Forests pushes wildlife on to private lands, increasing economic damage.
High road density and motorized vehicle use on National Forest lands have indirect and significant consequences for wildlife and rural communities. Species like elk are particularly sensitive to human disturbance and are displaced from federal lands by motorized vehicle traffic onto quieter adjacent private lands, where they cause substantial damage to crops and rangelands. This displacement creates significant economic hardship for landowners. Maintaining roadless areas and travel management on existing roads is essential to providing undisturbed habitat for elk and other sensitive species—a critical use of public lands. As referenced above, USDA has not provided evidence that the 2001 Roadless Rule precludes active forest management in strategically important areas in Oregon. There is ample opportunity to implement habitat restoration, hazardous fuels reduction, and forest health treatments using the existing road network—without expanding it.

A blanket recission maintains the one-size-fits all approach.
The 2001 Roadless Rule has provided consistent, science-based protections for ecologically important landscapes. In many places, it is working well. Rescinding the rule outright would impose a significant regulatory burden on local forests, requiring them to re-establish protections through individual planning processes. A more efficient and effective solution would be to surgically amend the rule—allowing local forest managers to work with their communities to identify areas where the modern fire context requires flexibility to support forest resilience, timber goals, or community protection, while retaining protections elsewhere.

State Involvement and Consistency Across Forests
We strongly encourage the USDA to formalize a role for states in shaping how roadless area management is implemented locally. Oregon's experience managing state forests has shown the value of consistent, landscape-scale planning—such as Oregon's 20-Year Landscape Resilience Strategy and Good Neighbor Authority. Without the unifying framework of the 2001 Roadless Rule, there is a risk of fragmented decision-making across National Forests. We urge the Department to ensure that any new approach includes:

- State-level coordination to guide implementation;
- Smart siting standards for road density and location;
- Travel management to reduce road use during critical times for wildlife;

- Clear mechanisms for managing motorized access and seasonal use;
- Balanced consideration of ecological, economic, and community needs.

Environmental Impact Statement Scope
The USDA's notice states that the proposed rule does not compel changes to land management plans or authorize specific projects. However, by removing the prohibitions on road construction, reconstruction, and timber harvest, the rule change would enable a range of future actions by each forest. The Environmental Impact Statement (EIS) must therefore evaluate a full spectrum of reasonably foreseeable impacts, including:

- Increased road construction and timber harvest under Executive Order 14255;
- Effects of a range of road construction volumes on threatened, endangered, and sensitive species;
- Impacts to water quality, soil stability, and scenic integrity;
- Changes in public access, recreation, and cultural resource protection;
- Economic implications for local and regional communities.

We also note that the Forest Service receives less than 20% of the funding needed to maintain its existing road network. Adding new roads without addressing this backlog would exacerbate maintenance challenges and environmental degradation, which should be accounted for in the EIS.

National Direction Remains Necessary
In the 2001 federal register notice, USDA stated that, "the past two decades of litigation, appeals, and congressional debate underscore the importance of a consistent national framework for roadless area management." We believe that this statement remains true. The 2001 Roadless Rule provides clarity, reduced conflict, and protection for some of the most ecologically valuable lands in the National Forest System. While we support adaptive management and local flexibility, we caution against a full return to forest-by-forest decision-making, which risks undermining both conservation outcomes and public trust.

We appreciate the opportunity to comment on this important proposal and look forward to continued collaboration with the USDA to ensure that Oregon's forests remain healthy, resilient, and well-managed for future generations.

Sincerely,





Kate Skinner
Acting State Forester, Oregon Department of Forestry

Dr. Debbie Colbert
Director, Oregon Department of Fish and Wildlife

Oregon
Tina Kotek, Governor

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Brad Kinder
Acting Director, Ecosystem Management Coordination
U.S. Department of Agriculture
201 14th Street SW
Mailstop 1108,
Washington, DC 20250-1124

Docket ID No. FS-2025-0001

Mr. Kinder,

The Oregon Department of Environmental Quality (DEQ) offers the following comments on the proposed action by the U.S. Department of Agriculture (USDA) (90 FR 42197). This action by the USDA Forest Service is a notice of intent to prepare an environmental impact statement and rulemaking "concerning management of inventoried roadless areas on approximately 44.7 million acres of National Forest System lands, including in Alaska. The proposed rule would rescind the 2001 Roadless Area Conservation Rule, also referred to as the 2001 Roadless Rules (66 FR 3244, 36 CFR Subpart B (2001)), which prohibits road construction, road reconstruction, and timber harvesting in inventoried roadless areas, with limited exceptions" (FR Doc. 2025-16581).

For twenty-five years, existing inventoried roadless areas on US Forest Service (USFS) lands have been protected from further development and industrial activity. These lands are an important buffer against human impacts in designated wilderness areas in the state of Oregon. USFS lands, in general, play a key role in maintaining and restoring water and air quality in Oregon, throughout the Pacific Northwest, and nationwide. USFS-administered lands offer the critical uninterrupted natural spaces for providing compliance with Clean Water Act and Clean Air Act standards, support of beneficial uses of natural resources, and protection of ecosystems. The historic efforts of the USFS to protect wilderness and roadless areas are key to this superior performance. The landscape position and extent of inventoried roadless areas mean they supplement designated wilderness areas and function as anchors for air and water resources and the forest ecosystems upon which those resources depend.

Oregon DEQ is supportive of additional actions to reduce wildfire risk, but we are concerned with the lack of transparency into the decision-making of the USFS, the speed of the proposed repeal of the roadless rule, and the apparent decision to remove the rule without proper consideration of the environmental impacts of the decision. DEQ encourages the USFS to reconsider moving forward with this environmental impact statement (EIS) and proposed rule. Repealing the 2001 Roadless Rule does not align with the federal and state efforts to manage inventoried roadless areas, nor has it been coordinated with adequate engagement from states. The current comment period for the notice is unusually short. DEQ would like confirmation that should the USFS continue with the EIS, there will be a 30-day time period for objections upon publication of the legal notice of the EIS as required by 36 CFR 218.32(a). The USFS should provide an extension so that States, particularly western states like Oregon, which has nearly 2 million acres of inventoried roadless areas, will have time to analyze the EIS and offer recommendations on potential impacts.

Due to the severity of this proposed rule repeal, DEQ stresses the importance that USDA follow the planning requirements in 36 CFR Part 219. USFS states that this action is not subject to the objection process of 36 CFR 218.7, without providing the basis for reaching such a conclusion. What about this action permits it to be exempt from the process specified? Does the USDA consider this repeal a hazardous fuel reduction project per 36 CFR 218.7(a)? DEQ has serious concerns as to how rescission of the 2001 Roadless Rule would impact the agency's efforts to protect both water and air quality.

Repeal of the Roadless Rule will have detrimental impacts to Oregon's rivers and streams

Oregon has streams and rivers throughout the state, listed[1] as impaired under Section 303(d) of the Clean Water Act, either in need of a Total Maximum Daily Load or with a TMDL in effect (40 CFR 130.7). Current Forest Service management approaches, such as roadless areas, the Aquatic Conservation Strategy under the Northwest Forest Plan, and PACFISH/INFISH approaches on the eastern side of the state, are yielding gains for improving water quality and restoring aquatic ecosystems. Monitoring data from Oregon DEQ shows that federal forests consistently provide higher water quality than industrial forests, agricultural land, and urban areas, making federal forest policy the cornerstone of water quality in the state. Increasing the reach of roads and industrial extraction on federal forests threatens this progress and puts aquatic ecosystems and drinking and irrigation water for millions of Oregonians at risk. We urge you to reconsider this course of action, keep the 2001 Roadless Rule in place, and look for active management opportunities in parts of the National Forests in need of combined restoration and thinning activities.

Roads are the keystone human disturbance that facilitates other disturbances. Roads and crossings require disturbance and removal of habitat in the near-stream area. Roads themselves create chronic sedimentation in near-stream areas and at crossings. Preventing and reducing this pollution requires expensive maintenance. Roads and river crossings disturb natural areas, channel excess stormwater, decrease water retention in soils, and contribute to further erosion of waterways. They also create avenues for anthropogenic sources of pollution like garbage, sediment, metals, and petroleum products. Western Oregon especially has a high density of streams, so new road construction by necessity will create impacts across the stream network. Road building and subsequent management activities, such as timber harvest in Inventoried Roadless Areas, further complicate the area's hydrology and increase wildfire hazards. DEQ encourages USFS to consider the ecological and financial cost of road construction in the EIS.

Extensive timber harvest changes the hydrology of streams and rivers by reducing canopy interception of precipitation, facilitating rapid snowmelt, and eliminating evapotranspiration from the harvested tree stands. The net effect in the near term is increased streamflow and erosion of stream beds and banks. In the long term, intensive timber harvest reduces streamflow in the summer and early fall compared to older, complex forests, as fast-growing young trees consume large volumes of water. This reduces water available for fish, drinking water, and irrigation while contributing to high stream temperatures during the time most dangerous for salmon and amphibians. DEQ encourages USFS to consider the hydrological impacts of increased harvest in the EIS.

Roads bring human ignition sources farther into the forest landscape. Human-caused wildfire is a large enough problem (along with garbage dumping and vandalism) that many private forestland owners have eliminated open public access and switched to permit systems for land access.

[1] EPA approved 303(d) list of impaired waters(DEQ 2022)

Given that the vast majority of wildfires are human-caused (Balch et al. 2017)[2], creating this kind of human access deep into forest landscapes is a major increase in risk to life, property, natural resources, and timber volumes on public and adjacent private lands.

Repeal of the Roadless Rule will have impacts on the air quality of Oregon communities

DEQ understands the need for forest management, as the severity of wildfires have increased in past years; Oregon has been working to manage areas that are high risk for wildfires. Oregon participates in the National Interagency Fire Center along with the USFS to develop interagency strategies to manage wildfires. The data gathered in the multi-agency efforts have shown that most wildfires are ignited within a half mile of a road. The cost-benefit analysis within the EIS needs to adequately represent the increased risk of wildfire ignition posed by increasing roadways in national forest lands. Cost-benefit analysis in the EIS also needs to reflect the cost of road maintenance, which was provided as evidence for the establishment of the roadless rules in 2001.

The EIS should specify what impact additional roads in the current inventory area would have on the ability of neighboring airsheds to attain and maintain the National Ambient Air Quality Standards (NAAQS). Road construction and maintenance create emissions of what the Clean Air Act refers to as criteria pollutants[3], such as particulate matter and ozone precursors like volatile organic compounds, that can be transported to areas outside of the wilderness area boundaries. Communities in Oregon have worked hard to attain all NAAQS, and we are working even harder to maintain the quality of our air. The Klamath Falls airshed has recently had a submission for EPA's consideration to be listed as a maintenance area (Klamath Falls PM2.5 Maintenance Plan). Fine particulate matter will be set airborne within the airshed or transported to it during new road construction, and along the roadways due to vehicle traffic and human-caused wildfires. Should this cause the area to fall back into nonattainment, the economic burden to the community will be felt through the contingency measures that will be required to be put in place for the region. Such potential outcomes need to be considered in the EIS.

Road construction and vehicle use on new roads constructed as a result of the roadless rule repeal also have the potential to reverse improvements made by Oregon to improve visibility in our Class I areas (twelve wilderness areas and national parks). Sections 169A and 169B of the Clean Air Act require States to develop and submit plans to bring visibility in our Class I areas back to natural conditions by 2064. Introducing additional emissions of haze-forming pollutants within Class I areas will impact Oregon's ability to maintain reasonable progress and may require additional reductions from sources outside the Class I area. These tribal, local, state, and federal coordinated efforts would be among the most impacted by the rescission of the roadless rule. Oregon's existing federally approved Regional Haze Plan relies on the roadless rules as a baseline condition. The increased impact to visibility as a result of this proposal would require additional action by USFS to mitigate the impact and maintain our progress. This type of assessment is necessary and has not been included in the proposal.

Conclusion

The Preliminary Description of Proposed Actions states that local land management planning will provide the basis for conservation of inventoried roadless areas.

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[2] J.K. Balch, B.A. Bradley, J.T. Abatzoglou, R.C. Nagy, E.J. Fusco, & A.L. Mahood, Human-started wildfires expand the fire niche across the United States, Proc. Natl. Acad. Sci. U.S.A. 114 (11) 2946-2951, https://doi.org/10.1073/pnas.1617394114 (2017).

[3] 42 USC 7409

Will the repeal require the same decision-making process to be followed for development projects in roadless areas? How will USFS comprehensively evaluate current local land management planning during the EIS process? How will USFS evaluate how those local policies may impact current inventoried roadless areas in terms of future development, including impacts to NAAQS, Visibility, and CWA requirements; impacts to watershed management; impacts to threatened, endangered, and sensitive species; and other resources as noted in the Preliminary List of Substantive Issues and Summary of Expected Impacts?

Thank you for the opportunity to comment on this action. Oregon DEQ looks forward to USFS's responses and further collaboration on the EIS. Should anyone wish to follow up with Oregon DEQ regarding these comments, please contact Graham Bates at graham.bates@deq.oregon.gov.

Sincerely,

Sara Slater
Sara Slater (Sep 19, 2025 15:33:39 PDT)

Sara Slater
p.p Jennifer Wigal
Water Quality Division Administrator

Ali MIRZAKHALILI (Sep 19, 2025 15:34:34 PDT)

Ali Mirzakhalili
Air Quality Division Administrator

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September 12, 2025

Director
Ecosystem Management Coordination
201 14th St SW Mailstop 1108
Washington DC 20250-1124

Re: Federal Register Doc 2025-16581

To Whom it May Concern:

Meade County, SD strongly supports the proposed action to rescind the 2001 roadless rule including the roadless area designation in Beaver Park. While the concept of setting aside lands for resource protection is appealing to some, the designation of Beaver Park and many other roadless areas has increased the risk of catastrophic fire and risk to human health and safety to those that live near these areas.

The designation of Beaver Park as a roadless area was motivated by a desire by USFS to designate a roadless area in the Black Hills based on the 2001 road less rule. The designation was pushed on a fast track without full consideration of the impacts to landowners, recreation, the presence of a national trail, numerous existing roads and the potential for increase wildfire risk.

Beaver Park lies within a high-use and high-growth region of Meade County that supports a diverse mix of economic, recreational, and agricultural activities. The area's proximity to the I-90 urban corridor, its adjacency to private lands and the Black Hills National Cemetery, and the need to support forest health through ongoing fire mitigation projects make it incompatible with a roadless designation.

The hands off approach associated with the roadless rule directly conflict with Meade County's priorities for economic diversity, which depend on a balanced approach to land use that includes recreation, timber, agriculture, responsible development, and fire safety.

Gary Deering, Chair
Doreen Creed, Vice Chair
Talbot Wieczorek
Rich Liggett
Earl Severn

Meade County strongly supports responsible stewardship of public lands, but that stewardship must also account for the needs and realities of the communities who live, work, and recreate near them. The Beaver Park area has long been managed as general forest land and should be returned to a management approach where multiple use and proper forest management can occur.

Please consider and address the enclosed comments as part of the Environmental Impact Statement (EIS).

Regards,

Gary Deering
Meade County Commission Chair
gary.deering@meadecounty.org
605-515-3054

Gary Deering, Chair
Doreen Creed, Vice Chair
Talbot Wieczorek
Rich Liggett
Earl Severn

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September 12, 2025

Comments from Meade County South Dakota.
Notice of Intent to Prepare an Environmental Impact Statement to Rescind the USFS Roadless Rule
Federal Register Doc. 2025-16581

To: USDA, USFS Director, Ecosystem Management Coordination, 201 14th St. SW Mailstop 1108, Washington DC 20250-1124

Comment 1: The 2001 roadless designation of Beaver Park has resulted in a hands-off approach in terms of forest health and mitigation of wildfire risk. As an example, in 2021, Beaver Park was removed from the USFS Chimera forest and fuels treatment project. While areas around Beaver Park are being actively treated and managed under the project, Beaver Park now remains an enclave of thickly stocked pine prone to large fires.

Comment 2: In 2022, USFS identified the Beaver Park and the Sturgis fire shed that surround it as one of 21 high risk areas in the western US. The reason for this rating was the proximately to critical infrastructure, homes and the potential impacts to natural resources from large scale wildfire. Within Beaver Park itself, over 80% of the forest has high to very high wildfire severity hazard rating. A southwest wind driven wildfire during high to extreme fire danger conditions would endanger thousands of people who live in the I-90 Corridor between Sturgis and Tilford. The lack of management in Beaver Park from the current roadless designation has resulted in densely stocked ponderosa pine with many areas exceeding 200 sq. feet of basal per acre. Fires that burn in these conditions tend to crown and then blow up if weather conditions are right. **Comment 3**: The roadless rule infringes upon the property rights of adjacent landowners and makes management of grazing, control of weeds and other management tasks more difficult. It limits access for adjacent landowners and grazing permittees who rely on these lands for their livelihoods.

Comment 4: The Federal Register Notice discusses the increased risk of catastrophic fire, forest health concerns and risks to human health and safety as a result of the Roadless Rule designations. To keep this planning process on track, we request that these problems be identified as formal planning issues in the EIS. With the exception of the required "no action" alternative, any alternative that is developed should specifically address these issues.

Comment 5: We support rescinding the roadless rule in its entirety and urge against the temptation to implement half measures that would keep the designation but reduce restrictions and allow equipment use in these areas. We also emphasize that maintaining the roadless area but allowing local management control of the Black Hills National Forest is not an answer as the scrutiny associated with roadless designation will hang over the head of the decision maker and result in lack of timely decisions. Fully rescinding the Beaver Park roadless designation is the only approach that truly addresses the issues identified above.

Gary Deering, Chair
Doreen Creed, Vice Chair
Talbot Wieczorek
Rich Liggett
Earl Severn

MEADE COUNTY
1300 SHERMAN ST STE 222
STURGIS SD 57785-1862

Return Service Requested



Director
Ecosystem Mngt Coordination
201 14th St SW Mailstop 1108
Washington DC 20250-1124

20250811124 0000

UINTAH COUNTY

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COMMISSIONERS:
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ATTORNEY – Jaymon Thomas
CLERK-AUDITOR – Mike Wilkins
RECORDER – Brenda McDonald
TREASURER - Wendi Long
SHERIFF – Steve Labrum
SURVEYOR - Brock Slaugh

September 15, 2025

The Honorable Brooke Rollins
U.S. Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

The Honorable Tom Shultz
Chief of the U.S. Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

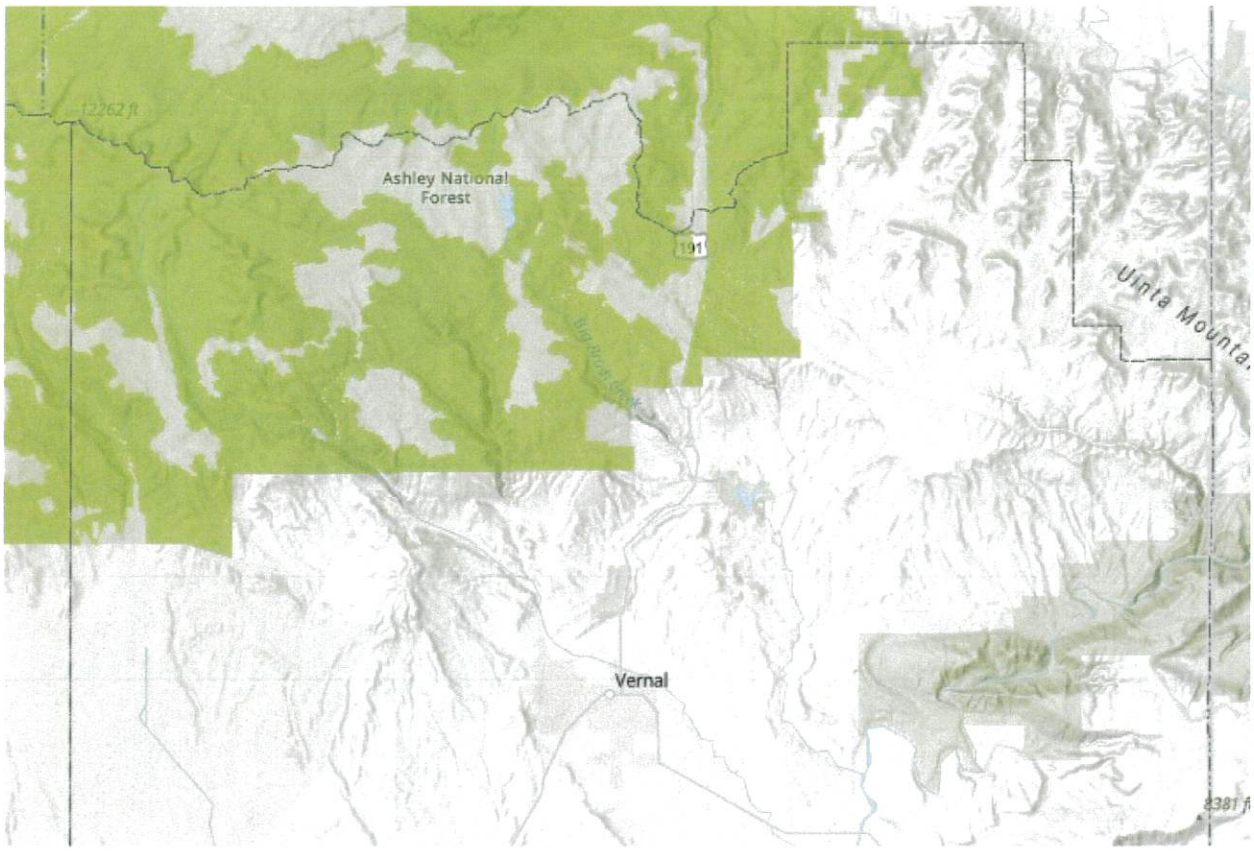
Subject: Support for the Repeal of the Roadless Area Conservation Rule

Dear Secretary Rollins and Chief Shultz,

On behalf of the citizens and the economic future of Uintah County, Utah, the Uintah County Commission writes to voice its strong support for the repeal of the 2001 Roadless Area Conservation Rule ("Roadless Rule"). For more than twenty years, this rigid federal rule has actively undermined the health of our forests, increased the risk of catastrophic wildfire, and created insurmountable barriers to the economic and recreational development that is vital to our community's survival.

The Roadless Rule has inflicted severe environmental damage seen across the region. By prohibiting road access for active management, it has left our forests dense, diseased, and dying. The bark beetle epidemic has turned vast portions of our backcountry into a standing tinderbox of dead timber, creating a severe and unacceptable wildfire risk to our communities, watersheds, and wildlife. Our local land managers are prevented from implementing the very projects—such as thinning, commercial timber harvest, and sanitation harvesting—that could restore forest health and mitigate these dangers.

To understand the Roadless Rule's reach in Uintah County, we have included this map in our letter that shows all of the IRA in the county, which is primarily located on our northern border:



The darker shade of green on this map shows the vast amount of IRA land within our county. As evident, Uintah County has been trapped and surrounded by unworkable federal land designations on its northern end which prevent human and economic growth. Specifically, the areas designated as IRA are our key watersheds for our citizenry. For these reasons, Uintah County has opposed the roadless rule since its inception.[1]

This lack of management also degrades habitat for key wildlife species and harms our ranching partners. Unhealthy, overgrown forests provide poor forage for wildlife, while the inability to maintain range infrastructure harms the sustainable grazing operations that are part of our heritage and economy.

Just in the past two decades since the roadless rule's inception, significant catastrophic fires have occurred in the surrounding region that have burned thousands of acres in the IRAs due to the fuel load buildup on these lands. These fires include, but are not limited to, the Neola North fire, the East Fork fire, the Dollar Ridge fire, and the recent Speirs fire. This affects our citizenry economically, ecologically, and from a public health perspective

Repealing the Roadless Rule is not a call for widespread road building or unchecked

[1] Uintah County Resource Management Plan at Pg. 30. Policy no. 10.4.33. https://utah-resource-management-planning-plpco.hub.arcgis.com/pages/county-management-plans

development. It is a necessary call to restore common-sense, localized management to our public lands. We must empower local Forest Service managers, in collaboration with counties, to make site-specific decisions that improve forest health, reduce wildfire danger, and allow for carefully planned recreational and economic projects that can sustain our communities.

Uintah County strongly urges you to proceed with repealing this failed and destructive policy. Let us work together collaboratively for our forests, our wildlife, and our people.

Respectfully,
Uintah County Commissioners

John Laursen, Chair

Sonja Norton

Willis LeFevre

DUCHESNE COUNTY COMMISSION
Greg Miles: Chairman, Tracy Killian: Member, Jeff Chugg: Member
P.O. Box 270
Duchesne, Utah 84021-0270
Phone (435) 738-1100

September 15, 2025

The Honorable Brooke Rollins
U.S. Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

The Honorable Tom Shultz
Chief of the U.S. Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

Subject: Support for the Repeal of the Roadless Rule

Dear Secretary Rollins and Chief Shultz,

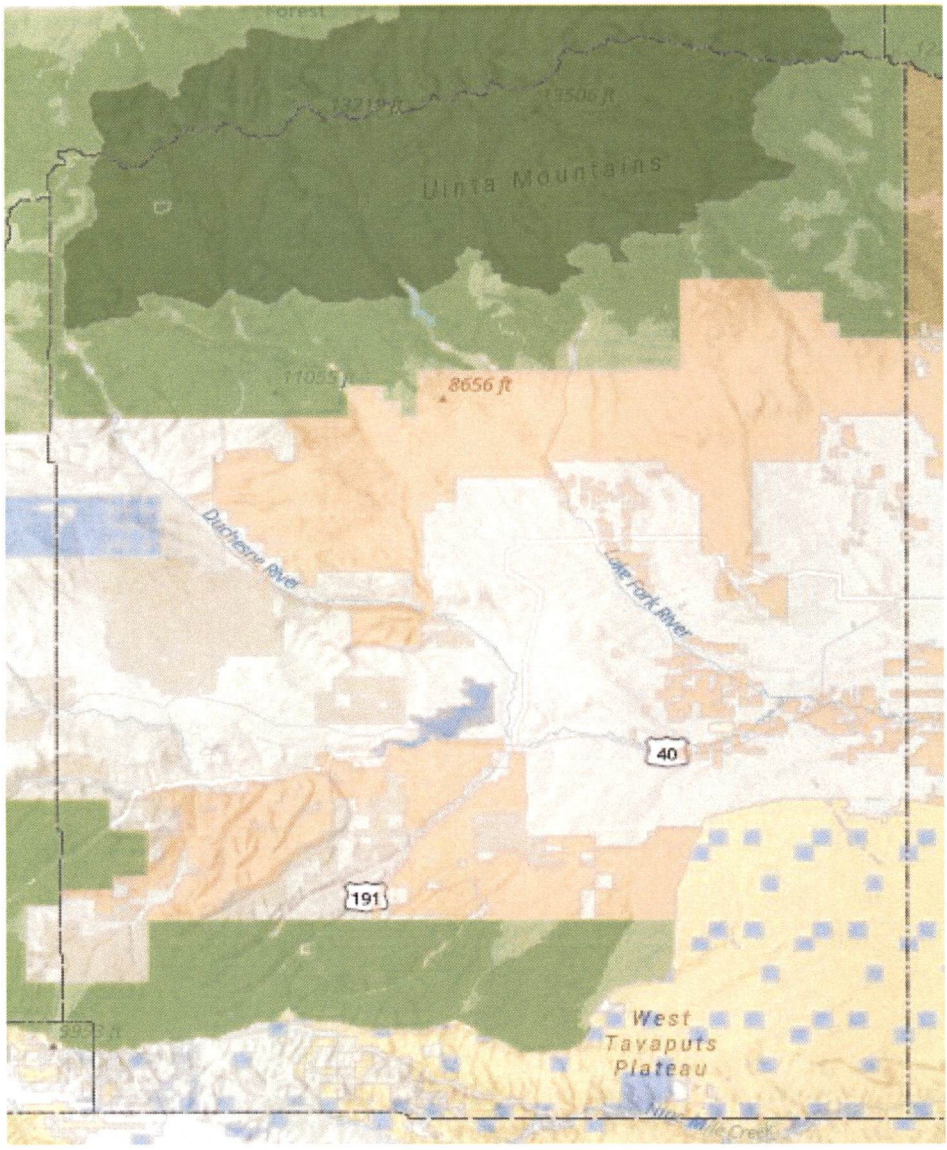
On behalf of the citizens, economy, and natural resources of Duchesne County, Utah, the Duchesne County Commission writes to express its support for the U.S. Forest Service and the U.S. Department of Agriculture's efforts to repeal the 2001 Roadless Area Conservation Rule (the "Roadless Rule"). For over two decades, this federal mandate has imposed a one-size-fits-all restriction on our public lands that has proven to be counterproductive, economically devastating, and environmentally harmful to the forests within our county.

The Roadless Rule was implemented with the intention that it would improve the landscape and offer a backcountry experience for recreators, but its practical consequences have been catastrophic for the health of our forests. By prohibiting road construction and reconstruction, the rule has effectively paralyzed active forest management across vast landscapes. This careless approach has prevented our local land managers from implementing crucial projects, such as thinning, prescribed burns, and sanitation harvesting. As a result, our forests have become unnaturally dense, overgrown, and dangerously susceptible to disease and insect infestation. The fuel load has reached unprecedented levels, turning our beautiful mountains into a tinderbox awaiting a spark. The very "protection" offered by the rule has created the conditions for the catastrophic, landscape-scale wildfires we now face year after year.

A drive through the Inventoried Roadless Areas (IRAs) within the Ashley National Forest in our county provides a stark and tragic visual. These are not the pristine, healthy ecosystems envisioned by the rule's

authors. Instead, nearly all of these areas are now a beetle-kill wasteland. Vast expanses of standing dead timber cover our mountainsides—a direct result of a bark beetle epidemic that foresters were powerless to combat due to the access restrictions imposed by the Roadless Rule. We were forced to watch helplessly as the infestation spread, with no ability to remove infected trees or salvage the dead timber before it became a fire hazard and lost all economic value.

To understand the Roadless Rule's reach in Duchesne County, we have included this map in our letter:



The darkest shade of green is congressionally designated wilderness. The middle shade of green is inventoried Roadless Areas. The lightest shade of green is forest lands that are subject to multiple use and sustained yield under the National Forest Management Act. As you can see, most of the forest lands in Duchesne County are locked up either through wilderness areas or under the Roadless Rule, ultimately resulting in over 360,000 acres of locked up IRA lands in our County. This leaves our county

with very few options and opportunities in our northern and southern regions for trails, roads, pipelines, and other recreational opportunities.

This forced inaction has hamstrung our local timber industry. Duchesne County once had a thriving forest products sector with sawmills that provided multi-generational, family-wage jobs. The Roadless Rule, by locking up access to manageable timber, was a primary driver in the decimation of this industry. The economic ripple effect has harmed our entire community. Furthermore, the rule has prevented or unnecessarily complicated many other vital projects, including mineral resource development, water infrastructure improvements, and even the enhancement of recreational access for our citizens.

The negative impacts extend directly to wildlife and grazing. A healthy forest is a diverse forest, with a mosaic of young and old growth, meadows, and clearings. The unmanaged, dying forests created by the Roadless Rule are a monoculture of dense, dead trees that provide poor habitat for species like elk, mule deer, and sage grouse, which depend on varied forage habitats. Similarly, our local ranchers, who are vital stewards of the land, have been harmed. The rule impedes their ability to maintain and improve range infrastructure, such as fences and water developments, which are essential for sustainable grazing management, and the wildfires that result from the fuel loads caused by the roadless rule can leave their allotments in shambles.

As a result of the dense and dead tree buildup caused by the Roadless Rule, Duchesne County has had several catastrophic wildfires since the Roadless Rule was finalized, resulting in millions of dollars in costs to our citizens, the State of Utah, and the federal government. Some noteworthy fires in Duchesne County include the East Fork Fire (burned approximately 90,000 acres, much of which was in roadless areas), the Dollar Ridge Fire (burned nearly 70,000 acres, partially in roadless areas), and the Neola North Fire (burned over 40,000 acres, partially in roadless areas). For these reasons, Duchesne County has been calling for its repeal for over a decade.[1]

Ultimately, under the U.S. Forest Service's Organic Act of 1897, Congress declared that it is the central policy of the Forest Service to "protect and improve the forests for the purpose of securing a permanent supply of timber for the people and insuring conditions favorable to continuous water flow." The roadless rule is in direct conflict with the Forest Service's statutory mandate, and Duchesne County appreciates your efforts to right the ship.

Repealing the Roadless Rule is not a call for unchecked development. It is a call for the restoration of common-sense, active management of our public lands. It is a request to return decision-making authority to the local Forest Service managers who understand the specific needs of our forests, in collaboration with state and local governments. We need to provide these managers with the tools and flexibility to address forest health crises, mitigate wildfire risk, restore wildlife habitat, and support our rural economies.

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[1] Duchesne County Resource Management Plan at Pg. 261-265. https://utah-resource-management-planning-plpco.hub.arcgis.com/pages/county-management-plans

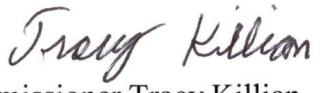
Duchesne County strongly urges you to move forward with repealing this failed policy. Let us work together to manage our forests for true health, resilience, and multi-use productivity.

Respectfully,

The Duchesne County Commission



Commissioner Greg Miles, Chairman



Commissioner Tracy Killian



Commissioner Jeff Chugg

BEAVER COUNTY COMMISSION

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Tammy T. Pearson
Member

September 17, 2025

Director, Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108,
Washington, DC 20250-1124

RE: Recission of the 2001 Roadless Rule, Docket number FS-2025-0001.

Beaver County, Utah, would like to submit comments relating to the proposal to rescind the 2001 Roadless Area Conservation Rule. This administrative rule, adopted by regulation by the United States Forest Service (USFS), has been the subject of numerous legal challenges and was seen at the time by many, as a scandalous way of circumventing congress to create the equivalent of Wilderness Areas. Millions of acres of National Forest were suddenly locked up under this restrictive contrivance and any existing roads within its boundaries were immediately closed down. The fact that roads existed within these inventoried areas belies the "roadless" moniker used to reclassify the status of National Forest System lands. Thereafter, timber harvesting in these areas was halted, traditional uses were hampered and active forest management was severely impaired.

Beaver County has a deeply held antagonism towards the Roadless Rule from its inception. National Forest System lands were taken out of production for timber harvesting, mining, and many other pursuits which impacted our communities economically. The opportunity to recreate on these newly designated lands was suddenly halted for all but a very few people. Ironically, the productivity of these lands were suspended and the purposes for which the National Forest System was created was overturned.

The National Forest Management Act of 1976 (NFMA) was passed by congress to give the U.S. Forest Service direction in managing the National Forest, to set standards for timber sales and to create policies to regulate timber harvesting. The underlying purpose for creating the National Forest System was to provide timber products for America. The tone and tenor of the Roadless Rule was, in stark contrast, a mandate to end forest productivity through hands-off protectionism. Throughout this Roadless

Rule, there is a clear conservation emphasis that, in fact, without active forest management, has left these forests in overgrown, decadent and hazardous conditions.

The Roadless Rule fails to consider the distinct forest types and local management needs within the National Forest System. In our area, the large catastrophic fires we experience are a result of old, overgrown timber stands that are no longer healthy and resilient to insect infestations. The need to harvest, thin, and proactively manage for forest health is undeniable. In our estimation, the biggest threat to our forests is to place them behind a locked gate without active management. A "wilderness" is not the objective, rather, healthy and resilient forests should be the prime objective.

The U.S. Forest Service produced a report entitled "Mature and Old-Growth Forests: Analysis of Threats on Lands Managed by the Forest Service and Bureau of Land Management, June 2024." This report found that the greatest threat to old and mature forests was wildfire. Yet, the obvious glaring solution for protecting the forest and preventing wildfires is to actively manage it with silvacultural methods like timber harvesting and reducing the quantity of trees per acres. It is common knowledge that as a forest ecosystem becomes old and degenerate, the forces of nature will renew the ecosystem by the natural cycle of death, fire and regrowth. It is a natural process that old trees die and become a fuel load for the inevitable wildfire, which in turn brings new growth. Proper forest management can delay or manipulate this process by infusing new growth while removing fuel loads. Proper active management can interrupt or replace this cycle. The goal is to have a healthy and resilient forest, NOT a collection of dead trees in a "Roadless Area"!

In Beaver County, we have a strong working relationship with our local Ranger District. We coordinate plans and goals to improve our local forest, to provide timber products, to improve watershed health, to improve grazing, and to provide access for numerous recreational activities. Through the Shared Stewardship Program, our district has accounted for millions of dollars in on-the-ground projects that benefit our forest. This proactive approach is working and is a model for other regions to emulate. However, the Roadless Areas are essentially out of reach. Forest managers must go through so many hoops to do any work within an Inventoried Roadless Area that it effectively stifles any effort to do so. The amazing success we see in forest management and health on the rest of the forest is juxtaposed by the inactivity and decadence within the roadless areas.

National Forest System lands should be accessible and provide a benefit to local communities. They should also contribute to local economies. The primary focus of the Forest Service should be forest health and productivity. Sadly, these goals are not emphasized in the Inventoried Roadless Areas. The lack of timber harvesting and other management activities within the roadless areas has left many of them in very poor health and susceptible to catastrophic wildfire. With the ongoing droughts, threats of climate change, increasing wildfire scope and frequency and their threat to communities and Wildland Urban

Interface (WUI) areas, we simply must do something to remediate the forest condition within those areas set aside as Inventoried Roadless Areas. In fact, as proposed, we believe the best solution is to rescind the Roadless Rule and allow full and proper management of these lands. The local Ranger Districts should be allowed full discretion in forest level planning and management of lands within their jurisdictional boundaries. The goal of "multiple use and sustained yield" should apply to the entire forest with few exceptions.

Beaver County encourages Secretary Rollins and the U.S. Forest Service to formally rescind the 2001 Roadless Rule to allow full and proper management of our National Forest System Lands.

Sincerely,



WADE HOLLINGSHEAD
Beaver County Commission Chairman



TAMMY PEARSON
Commission Member



BRANDON YARDLEY
Commission Member

SAN JUAN COUNTY COMMISSION
Silvia Stubbs — Chair
Lori Maughan — Vice-Chair
Jamie Harvey — Commissioner
Mack McDonald — Administrator

September 16, 2025

Director, Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, D.C. 20250-1124

Re: Proposed Rule for Recission of 2001 Roadless Rule

Dear Director:

San Juan County supports the preparation of an EIS to analyze the effects of a proposed rule to rescind the 2001 Roadless Rule.

In San Juan County, Inventoried Roadless Areas encompass almost 30% of USFS lands. Some of these areas would benefit from more active forest management which is currently hindered or prohibited by Roadless Rule restrictions.

We support rescinding the Roadless Rule because it prohibits road construction that may be needed to facilitate forest management and authorized multiple uses. Its restrictions on timber harvest and management make timber and woodland management more difficult or impossible. These prohibitions and restrictions create unhealthy forest conditions which make these Inventoried Roadless Areas ripe for potential catastrophic wildfires.

The "one size fits all" approach to Inventoried Roadless Area management is not appropriate as it limits discretionary actions local forest managers may need to effectively manage forest health and reduce the potential for wildfire. Forest conditions of the past decades since implementation of the Roadless Rule are expected to continue including the effects of climate change, local droughts and resultant insect and disease infestations. These conditions will need appropriate actions to maintain or restore healthy forest conditions. Such actions would be hindered or prohibited by the current Roadless Rule.

We support rescinding the Roadless Rule and giving local forest managers more discretion in selecting appropriate measures for healthy forest management in consultation with State and local governments.

Sincerely,

Silvia Stubbs

Silvia Stubbs
Commission Chair

PO BOX 9 - 117 South Main Street - Monticello, Utah 84535-0009 - 435-587-3225 - Fax 435-587-2447

WASATCH COUNTY
MANAGER'S OFFICE

Wednesday, September 3, 2025

Director, Ecosystem Management Coordination
US Department of Agriculture
201 14th Street SW, Mailstop 1108, Washington, DC 20250-1124

RE: Support for Rescinding the 2001 Roadless Area Conservation Rule

Director:

On behalf of Wasatch County, Utah, I am writing to express our strong support for the proposed rescission of the 2001 Roadless Area Conservation Rule announced by Secretary Rollins on August 27, 2025. We commend the USDA's commitment to "restoring local decision-making to federal land managers" and agree that it is time for "common sense management of our national forest lands."

Wasatch County has witnessed these challenges firsthand within the Uinta-Wasatch-Cache National Forest and recent wildfire issues. The current rule has created barriers to essential fuel reduction treatments, forest thinning, and potential emergency access routes that are critical for protecting our communities from catastrophic wildfires.

Wasatch County supports the proposed rescission as an essential step toward "healthy, resilient, and productive forests for generations to come." We urge the USDA to move forward with this rulemaking and stand ready to participate constructively in the public comment process through September 19, 2025.

We look forward to working with federal land managers to implement science-based forest management that protects both our communities and our valuable forest resources.

Sincerely,

Dustin Grabau
County Manager
Wasatch County

State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Department of Natural Resources

JOEL FERRY
Executive Director

Public Lands Policy Coordinating Office

REDGE B. JOHNSON
Director

September 19, 2025

Submitted electronically: *federal eRulemaking Portal: http://www.regulations.gov*

The Honorable Brooke Rollins
U. S. Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

RE: **Special Areas; Roadless Area Conservation; National Forest System Lands**

Dear Secretary Rollins:

The State of Utah (State), through the Public Lands Coordinating Office, has reviewed the Notice of Intent to prepare an environmental impact statement (EIS) and rulemaking, published in the Federal Register on August 29, 2025, regarding management of inventoried roadless areas on approximately 44.7 million acres of National Forest System lands, including in Alaska. The proposed rule would rescind the 2001 Roadless Area Conservation Rule (2001 Roadless Rule) (66 FR 3244, 36 CFR Subpart B (2001), which prohibits road construction, road reconstruction, and timber harvesting in inventoried roadless areas, with limited exceptions. The State offers these comments on the scope of the EIS and proposed rulemaking to assist the U.S. Forest Service (USFS) in developing a rule that is well-reasoned, legally sound, and addresses the concerns of the State of Utah.

Utah's forests are grappling with a confluence of serious issues, most notably beetle kill and dangerously high fuel loads. Decades of fire suppression and other management practices have led to unnaturally dense forests, which are highly susceptible to insect infestations, disease, and wildfire. The "fuel load" drastically increases the risk of unwanted wildfires, which pose a significant threat to communities, watersheds, and air quality. Complicating these forest health issues is the federal Roadless Area Conservation Rule. While the rule has some

exceptions, active forest management is severely hindered. As such, the State supports the full rescission of the Roadless Area Conservation Rule.

1. Localized Decision-Making

The State supports a shift to localized decision-making for the management of roadless areas. The State requests that the EIS allow local Forest Service personnel to make decisions regarding roadless area management. Line officers are most familiar with the needs and challenges of each formally designated roadless area. The State advocates an approach that can be tailored to the unique ecological, economic, and social conditions of each Forest. A one-size-fits-all federal rule fails to account for the diverse landscapes and specific management needs across the country.

2. Forest Management, Air, and Water Quality

The EIS must analyze the impacts of rescinding the 2001 Roadless Rule on forest health and its subsequent effects on air and water quality. The State contends that the current rule's restrictions have led to a significant decline in active forest management, contributing to unhealthy, overgrown forests. The State requests that the EIS examine how a more proactive management approach, facilitated by increased access, could lead to:

- Improved air quality by reducing the frequency and severity of large-scale wildfires, which are a major source of particulate matter and pollutants.
- Enhanced water quality through the prevention of severe soil erosion and sediment runoff that often follow high-intensity fires.

3. Wildfire Risk and Mitigation

The State urges the Forest Service to thoroughly evaluate and address the urgent need for **fuels reduction** in areas currently designated as roadless under the 2001 Roadless Rule. The EIS should consider how the proposed rule can facilitate active forest management to mitigate wildfire risks.

4. Wildlife Management and Data Collection

Utah has one of the largest habitat restoration programs in the United States, with hundreds of thousands of acres treated each year. The temporary use of roads facilitates the movement of restoration equipment and crews. The proposed rule change could increase the number of acres that can be restored on forest lands in the state but could undermine long-term habitat restoration goals if permanent roads are created.

The rule change could also increase timber harvest throughout the state, which may have a positive impact on big game species. Timber harvest can increase the quantity and quality of summer habitat for mule deer and elk, which in turn can improve their body condition going into winter. This factor is an important predictor of survival for big game in Utah.

However, the DWR is concerned about how forest roads will be used and the impacts of creating new roads if the rule is repealed. Roadless areas in Utah conserve a significant portion of the state's mule deer and elk populations. Roads with high traffic volumes and/or constant use can have significant negative impacts on wildlife and their habitats. The negative effects of roads are well-documented and include increased mortality from vehicle collisions and the loss, fragmentation, and degradation of habitats and migration corridors.

Roads and related infrastructure may also negatively impact trout and other aquatic species by increasing sediment loading, altering stream channels, fragmenting habitat, and acting as a barrier to migration.

Increasing permanent roads creates a greater risk of spur route development by OHVs, transport of invasive species, and increased human-caused wildfire in crucial mule deer and elk habitat.

If the rule is repealed, DWR recommends limiting the development of forest roads to temporary or infrequent activities to protect wildlife and their habitats. If you have questions, please contact Daniel Olson, Impact Analysis Coordinator, in our Salt Lake Office, at 385-415-4010.

5. Efficient Management of Water Rights

The Utah Division of Water Rights (DWRi) advocates for revisions to federal policies and local land use plans to better accommodate the management of water resources. DWRi emphasizes the necessity of ensuring access to both existing and future water-related infrastructure, which includes the ability to:

- Construct, operate, and regulate water storage and diversion facilities.
- Measure and monitor water flows and conditions.
- Utilize telemetry and related equipment for remote operation and data collection.

Although the current roadless rule (§294.12) provides some justification for these activities, DWRi maintains that repealing the rule would enable greater flexibility. Increased coordination at the local level would allow for a more effective and efficient administration of water rights in Utah.

6. Forest Health and Economic Benefits

The State requests that the EIS examine how the proposed rule could lead to an improvement in overall forest health. Specifically, an analysis should be conducted on the economic and ecological benefits of allowing for the salvage and harvesting of dead and diseased trees, as well as other forest thinning activities. Increased accessibility would enable these critical management practices, which are currently restricted, leading to more resilient forests and a reduction in the risk of catastrophic wildfires and insect infestations.

Thank you for the opportunity to provide scoping comments. The State looks forward to our continued collaboration with the Forest Service to ensure that federal lands are managed for a wide range of sustainable uses, contributing to the health and vitality of our forests.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Redge B. Johnson
Director

Erin Mendenhall
Mayor



Department of Public Utilities

September 19, 2025

Brad Kinder
Acting Director, Ecosystem Management Coordination
U.S. Forest Service
201 14th Street SW
Mailstop 1108
Washington, DC 20250-1124

RE: Docket No. FS-2025-0001

Dear Acting Director Kinder,

On behalf of the Salt Lake City Department of Public Utilities (SLCDPU), I write in response to the Notice of Intent (NOI) published by the U.S. Department of Agriculture (USDA) U.S. Forest Service (USFS) entitled "Special Areas; Roadless Area Conservation; National Forest System Lands." I appreciate the opportunity to inform the development of an Environmental Impact Statement (EIS) and express concerns on the Administration's planned proposal to rescind the 2001 Roadless Area Conservation Rule or "Roadless Rule." Our community opposes any federal action that could put our regional water quality at risk for 400,000 users throughout the Salt Lake City metropolitan area.

SLCDPU is a municipal water, sewer, and stormwater provider serving the capital city and neighboring communities along the Wasatch Front. Our drinking water service area is 141 square miles in the fastest growing metropolitan area in the State of Utah. The Wasatch Mountains east of Salt Lake City provide 60% of our daily water supply. We have the great honor and distinction of being one of the oldest retail water providers in the Western United States.

At the turn of the century, the leaders of Salt Lake City asked the federal government for help in protecting its drinking water source. President Theodore Roosevelt created the Salt Lake Forest Reserve in 1905. Now part of the Uinta-Wasatch-Cache National Forest, these lands are primarily managed for the provision of drinking water to the valley below. A large range of partners, ranging from canyon residents to USFS, collaborate in keeping these canyons healthy to provide clean drinking water. We are carefully managing the replacement and rehabilitation of aging infrastructure, the protection of our water sources, and the protection of the environment for now and future generations.

Roadless forests are protected lands administered by USFS that fall within critical watersheds our system depends on to provide clean drinking water to more than 400,000 regional users throughout Salt Lake County. Approximately four million acres of inventoried roadless areas in Utah, including over 600,000 acres in the Wasatch Range, could be impacted and exposed to potential overdevelopment if the Roadless Rule is rescinded. A lack of protections along the Wasatch Front could pose a threat to the environment and our vital drinking water sources by increasing access with limited resources for maintenance and enforcement of watershed restrictions. Furthermore, infrastructure development that disturbs the ground

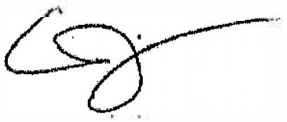
can cause sedimentation and other negative water quality impacts. With millions of visitors annually to the canyons along the Wasatch Front, human activity can have far reaching impacts to our drinking water quality. While watersheds elsewhere in America have been closed to the public to prevent pollution, the Wasatch Front Watershed has remained open while maintaining a pristine water supply due to careful stewardship.

USDA stresses that "the nation's largest single source of water is the National Forest System, the network of national forests stewarded by the USDA Forest Service."[1] The agency notes that more than 60 million Americans nationwide rely on drinking water from river and aquifer systems that have sources within our national forests. Efforts to conserve forests are efficient, cost-effective efforts to protect critical supplies and ensure the delivery of clean water.

The rescission of the Roadless Rule may inhibit our ability to continue ensuring this careful stewardship amongst intergovernmental partners and the public. While our community recognizes the need for fire suppression and mitigation activities on our public lands, adding roads may increase the potential for fire ignitions in our area due to the high usage and popularity of these canyons. We encourage policymakers to take a balanced approach in consideration of the fact that sustaining these forests helps to address other hazards and needs, like flood control and water availability respectively. We ask the Administration to ensure adequate consultation with local governments as this process moves forward.

Protecting our water quality and our public health is the foremost responsibility of our work at SLCDPU. In alignment with that mission, we respectfully ask USFS to keep these potential impacts to municipal drinking water in mind as the agency develops an EIS. We encourage the Administration to withdraw this current proposal to rescind the Roadless Rule. Thank you for your time and consideration of our concerns.

Sincerely,



Laura Briefer, Director
Salt Lake City Department of Public Utilities

[1] US Department of Agriculture US Forest Service. "Blog: Our Drinking Water and Forest Service Research." Last modified June 7, 2018. https://www.usda.gov/about-usda/news/blog/our-drinking-water-and-forest-service-research (September 15, 2025)

WASHINGTON COUNTY
UTAH

GIL ALMQUIST, COMMISSIONER | VICTOR IVERSON, COMMISSION CHAIR | ADAM SNOW, COMMISSIONER

September 19, 2025

Via Online Submission
Acting Director
Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

Re: Support for Rescinding the 2001 Roadless Area Conservation Rule
Docket Number: FS-2025-0001

Acting Director Kinder:

As county commissioners serving Utah residents and as a member of the Utah Association of Counties, we strongly support rescinding the 2001 Roadless Area Conservation Rule. This federal mandate has undermined local decision-making authority and prevented effective collaborative forest management.

In total, 30% of National Forest System lands are impacted by this rule, representing an unprecedented federal restriction on lands that significantly affect local communities. County governments, as the closest level of government to the people, understand local forest conditions, community needs, and practical management solutions better than distant federal bureaucrats.

The one-size-fits-all approach of the roadless rule ignores the diverse forest conditions across Utah, from the Engelmann spruce stands in the High Uintas to the ponderosa forests of our Pine Valley Mountains. Each of these ecosystems requires different management approaches, and local officials working with federal partners are best positioned to develop appropriate strategies.

Utah counties have demonstrated their commitment to responsible natural resource stewardship through decades of successful collaborative management projects. We have the expertise, local knowledge, and vested interest in long-term forest health that should inform management decisions.

The roadless rule prevents this collaboration and forces ineffective top-down management. Rescinding the rule would restore the local input and flexibility necessary for effective forest management while maintaining appropriate environmental protections through existing laws and regulations. This represents a return to common-sense management that serves both conservation and community interests.

Sincerely,

WASHINGTON COUNTY COMMISSION

Gil Almquist
Commissioner

Victor Iverson
Commission Chair

Adam Snow
Commissioner

Subject: Support for Rescinding the 2001 Roadless Area Conservation Rule - Docket Number FS-2025-0001

Director, Ecosystem Management Coordination:

Dear Director,

I am writing to urge final approval of the proposal to rescind the 2001 Roadless Rule. Utah counties like mine have been disproportionately harmed by this outdated regulation. By restricting access across 4 million acres of national forest in Utah, the rule has prevented us from maintaining critical watersheds, supporting sustainable grazing, and improving recreation opportunities for Utah families.

Our watersheds are the lifeblood of small towns, yet the Roadless Rule often made it impossible to treat diseased stands or construct limited-access roads to maintain water infrastructure. Ranchers have faced reduced grazing allotments because land managers lacked the flexibility to maintain forage areas. Recreation, an industry that sustains many Utah counties, has been hobbled by the inability to build and maintain the very roads and trails families use to enjoy our forests. These are not hypothetical harms; they are real economic and social impacts we have lived with for two decades. The Trump administration's proposal finally recognizes that federal rules written in 2001 do not serve the realities of 2025.

Thank you for moving this commonsense reform forward.

Sincerely, Marvin Kenison
Juab County Commission Chair

Marvin Kenison

KANE COUNTY

CELESTE MEYERES
PATTY KUBEJA
GWEN BROWN
Commissioners

76 NORTH MAIN ST. KANAB UT 84741

KANE COUNTY COMMISSION
76 North Main Street
Kanab, Utah 84741
(435) 644-4900

Formal Comment of the Kane County Commission

Re: FS-2025-0001, Notice of Intent to Prepare an Environmental Impact Statement and Rulemaking Regarding the 2001 Roadless Area Conservation Rule

Submitted by: Kane County Commission

Dear Secretary Rollins and USDA Forest Service Officials:

The Kane County Commission respectfully submits the following comments regarding the proposed rescission of the 2001 Roadless Area Conservation Rule. Kane County strongly supports this proposed action and urges the U.S. Forest Service to finalize rescission as quickly as possible.

About Kane County

Kane County, Utah, is over 90 percent federally managed land, with only a small private tax base. Federal policies directly and disproportionately affect our livelihoods, economy, and public safety. Our residents depend on access to National Forest System lands for grazing, forest products, recreation, utilities, and tourism. Restrictive federal rules, including the Roadless Rule, have left rural counties like ours unable to properly manage forest health, protect communities, and sustain economic activity.

Legal and Historical Foundations

The Organic Administration Act of 1897 established that national forests were created for two purposes: (1) to conserve water flows, and (2) to furnish a continuous supply of timber for the American people. The U.S. Supreme Court in United States v. New Mexico (1978) reaffirmed that national forests were never intended to be set aside as parks for non-use, but to serve vital economic and resource needs. The Roadless Rule, by prohibiting road construction, reconstruction, and timber harvest, is inconsistent with these statutory purposes and has contributed to catastrophic wildfire and economic decline.

Alignment with the Forest Service's Proposal

The Forest Service has acknowledged in its Notice of Intent that the "one-size-fits-all" approach of the 2001 Roadless Rule is no longer appropriate. Kane County agrees. Conditions on the ground have dramatically changed, with increased wildfire, drought, and insect infestations. The Roadless Rule has contributed to these problems by limiting proactive management. We support rescission and return of decision-making to local land managers. The Roadless Rule has:

- Restricted access needed for fuel breaks, thinning, and forest health treatments.

- Undermined local emergency response capacity.
- Suppressed timber and wood product industries vital to rural jobs.
- Increased costs and delays for water, power, and communication infrastructure.
- Concentrated recreation in limited areas, harming both the land and tourism-based businesses.
- Created millions of acres of de facto wilderness without Congressional approval.

Recent Wildfire Examples

The effects of the Roadless Rule are evident in recent catastrophic wildfires in and around Kane County and Southern Utah. In 2025, the Monroe Canyon Fire burned more than 73,000 acres in Fishlake National Forest, destroying power transmission lines and cutting electricity to Wayne County. The France Canyon Fire burned nearly 35,000 acres of the Dixie National Forest in Garfield and Kane Counties, impacting nearby communities and tourism. Just south of Kane County, the Dragon Bravo Fire scorched over 145,000 acres on the Kaibab Plateau, destroying the historic Grand Canyon Lodge. These mega fires underscore the urgent need for proactive forest management and access, which the Roadless Rule prevents.

Consistency with Kane County's Resource Management Plan

Kane County's Resource Management Plan (RMP), adopted under Utah Code §17-27a-401, emphasizes multiple-use management and adequate access for forest health, grazing, wildfire suppression, and recreation. The RMP requires coordination with federal agencies to ensure consistency. Federal law, including FLPMA §1712(c)(9) and the National Forest Management Act, requires the Forest Service to coordinate its plans with state and local governments to the maximum extent possible. The Roadless Rule has ignored these mandates. Rescission will allow the Forest Service to realign with our RMP and the law by restoring flexibility for local managers and respecting county-adopted policies.

Economic and Community Harm in Kane County

Since implementation of the Roadless Rule:

- Timber harvests have collapsed, contributing to the closure of mills and loss of family-wage jobs.
- Ranching operations have suffered as ranchers cannot maintain or access water infrastructure and range improvements.
- Tourism opportunities have been constrained by the inability to develop or maintain recreation infrastructure that disperses visitors.
- Infrastructure projects (water lines, power corridors, communications towers) have faced excessive delays or denials, raising costs for rural residents.
- Wildfire suppression costs and risks have grown, straining local budgets for search-and-rescue and emergency response.

Conclusion

Kane County strongly supports USDA's proposal to rescind the 2001 Roadless Rule. The Rule has harmed our economy, increased wildfire risks, created de facto wilderness without Congressional approval, and conflicted with our Resource Management Plan. We urge the Forest Service to finalize rescission and restore management authority to local decision-makers, working in coordination with counties and states.

We thank USDA for initiating this action and stand ready to provide further data, examples, and partnership as the EIS proceeds.

Celeste Meyeres- Kane County Commission Chair

Gwen Brown- Kane County Commissioner

Patty Kubeja- Kane County Commissioner

SALT LAKE COUNTY

Jennifer Wilson
Mayor

Erin Litvack
Deputy Mayor, County Services

Darrin Casper
Deputy Mayor, Finance and Administration

Catherine Kanter
Deputy Mayor, Regional Operations

Andrew Roberts
Chief of Staff

Salt Lake County Government Center
2001 South State Street,
Suite N-2100
Salt Lake City, UT
84114-4575

Tel: 385.468.7000
www.slco.org

September 19, 2025

Submitted electronically via the Federal eRulemaking Portal

Brad Kinder
Acting Director, Ecosystem Management Coordination
U.S. Forest Service (USFS)
201 14th Street SW
Mailstop 1108
Washington, DC 20250-1124

RE: Docket No. FS-2025-0001

Dear Acting Director Kinder:

On behalf of the Salt Lake County (Utah) Mayor's Office, I am writing in response to the Notice of Intent published by the U.S. Department of Agriculture (USDA) entitled *"Special Areas; Roadless Area Conservation; National Forest System Lands"* regarding an environmental impact statement and rulemaking process concerning management of inventoried roadless areas. My office appreciates the opportunity to provide comments on the Administration's planned proposal to rescind the 2001 Roadless Area Conservation Rule or "Roadless Rule." Respectfully, we oppose the proposed nationwide recission of the Roadless Rule. Utah is comprised of nearly four million acres of inventoried roadless areas. Approximately 29,000 of those acres fall within Salt Lake County -- concentrated in the Wasatch Mountains, including Big Cottonwood, Little Cottonwood and Millcreek canyons. These locations are indispensable to our region's drinking water security, outdoor recreation economy, wildlife habitat, effective emergency management practices and wildfire resilience. Removing long-standing protections against permanent roads and industrial activity would harm these landscapes and the communities that rely on them.

Salt Lake County is Utah's most populous county, home to over 1.2 million residents from the region's urban and suburban core to canyon communities and canyon-adjacent communities, such as Millcreek, Holladay, Cottonwood Heights, Sandy, Draper, Alta, and Brighton. Our Salt Lake County government delivers essential services including public health and safety, watershed management, emergency response, parks and trail recreation programs, roadway planning, and land-use regulation. In addition, the County manages important and valued public amenities, while promoting sustainable growth, economic development, community resiliency and environmental stewardship. As the regional government, we support the leadership of the Salt Lake City Department of Public Utilities in safeguarding the essential water supply that serves more than 400,000 residents within a 141-square-mile service area. These users represent a significant share of Salt Lake County's population, and their water security depends on the Wasatch Mountains. Rescinding the Roadless Rule could jeopardize this critical resource and undermine the health and safety of our region.

Utah's Forests and Impact on Communities

Drinking Water Access and Quality

The Wasatch canyon areas serve as critical source water protection zones. More than 60 percent of Salt Lake City's municipal water supply originates in these headwaters. Even

SALT LAKE COUNTY

Jennifer Wilson
Mayor

Erin Litvack
Deputy Mayor, County Services

Darrin Casper
Deputy Mayor, Finance and Administration

Catherine Kanter
Deputy Mayor, Regional Operations

Andrew Roberts
Chief of Staff

Salt Lake County Government Center
2001 South State Street,
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84114-4575

Tel: 385.468.7000
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limited disturbance in these sensitive areas accelerates sedimentation, increases nutrient loading, and introduces pollutants such as hydrocarbons and heavy metals into our water supply. Increased human access through new roads further elevates the risks of unauthorized camping, trash dumping, and waste contamination, all of which directly degrade water quality and increase treatment costs.

In addition, road construction and logging reduce the natural water storage and filtration capacity of these forests, diminishing resilience to drought and climate variability. Erosion from disturbed slopes also shortens the lifespan of downstream reservoirs by reducing storage capacity, thereby compounding both water supply and flood control challenges.

Recognizing that our forests serve as natural water filters (by trapping sediment and promoting the delivery of clean drinking water), Salt Lake City, Salt Lake County and the USFS have successfully managed our forests for over a century. Road construction, logging and grazing operations introduce erosion, sedimentation, and other pollutants into streams, lakes and reservoirs jeopardizing the health of this precious resource. The preservation of local headwaters and our sensitive watershed curbs these threats.

Recreational Access/Impact to Economy

Our state's renowned outdoor opportunities are central to Utah's identity. Activities such as hiking, camping, climbing, backcountry skiing, mountain biking, fishing and hunting depend on undeveloped, road-free natural landscapes. Logging scars and new roads would destroy the scenery, limit solitude, and drive down tourism revenue from outdoor sports, retail, guide services, and hospitality businesses. Diminished recreational value and increased pollution undermine community resilience and our local economy, creating a major socioeconomic vulnerability. Preserving these landscapes supports the USFS goal of providing sustainable recreational access for present and future generations.

Habitat

Utah's roadless areas provide refuge for numerous at-risk species ranging from elk and black bears to sensitive nesting raptors and local plant species. Permanent roads carve corridors into natural habitats which can disrupt migration routes and invite invasive species by way of increased human traffic. Once fragmented, these ecosystems cannot be restored to their undisturbed condition, exposing the state's natural landscape and undermining decades of conservation progress. Maintaining intact habitat and biodiversity aligns with USFS's commitment to sustaining forest productivity and wildlife values.

Emergency Management

Beyond wildfire management, intact roadless areas play an essential role in reducing flood hazards and protecting public safety during high stream flows and annual spring runoff events. These headwaters provide natural attenuation of peak flows, slowing runoff and reducing downstream flood severity. Disturbances caused by road construction or slope clearing increase erosion, debris flows, and sedimentation, which can overwhelm downstream flood control facilities, clog culverts and channels, and heighten flood risk in canyon-adjacent communities. In 2023, Salt Lake County actually experienced a serious risk of this type of flooding due to a historically high level of spring run-off that year.

When road networks are cut into steep canyon terrain, they not only destabilize slopes but also create false access corridors that quickly become impassable during floods, avalanches, or debris flows, consequently increasing demand for emergency rescues and diverting scarce resources.

SALT LAKE COUNTY

Jennifer Wilson
Mayor

Erin Litvack
Deputy Mayor, County Services

Darrin Casper
Deputy Mayor, Finance and Administration

Catherine Kanter
Deputy Mayor, Regional Operations

Andrew Roberts
Chief of Staff

As such, a healthy and robust forest provides emergency management benefits. If these landscapes are compromised, Salt Lake County could face substantially higher demands on both routine responses and disaster recovery operations.

Wildfire Risk

Understanding the exceptions to the current Roadless Rule and the allowances this gives to mitigation and public safety activities, Salt Lake County is highly concerned with a complete rescission of the rule. Construction of new road networks could exacerbate Utah's severe risk of wildfires. While proponents suggest that new roads will actually facilitate wildfire management, data suggest otherwise. 85 percent of our nation's wildfires are human-caused and often ignited along roads and trails. Intact roadless areas limit ignition sources and potentially slow fire spread. Although it is possible that new roads could serve as temporary fire breaks and provide additional access for fire suppression, the expansion of road networks and logging debris fields would introduce new ignition points, exacerbating Utah's high risk for wildfire.

Current wildfire strategy and emergency management efforts are most effective when concentrating on precision oriented "at risk" areas such as the Wildland-Urban Interface (WUI), rather than on remote roadless areas. Prioritizing WUI management strategies (with their direct connection and proximity to already developed structures) while protecting remote inventoried roadless areas directly advances USFS wildfire resilience objectives.

Recommendation

In summary, the Salt Lake County Mayor's Office sincerely urges the Administration to maintain the Roadless Rule in full. These protections safeguard 60 percent of the water supply to our capital city and the regional water supply serving more than 400,000 County residents, ensuring the health and safety of our communities. Salt Lake County acknowledges the importance of fire suppression and mitigation strategies in forest areas and we fully support efforts to reduce wildfire risks. That laudable goal, however, should not be relied upon as a primary (or even secondary) justification for rescinding the Roadless Rule -- particularly given the risk that allowing roads within these pristine environments will actually only exacerbate the threat of forest fires. Furthermore, good public policy warrants balancing other critically important objectives, such as water quality, recreation access, economic vitality, wildlife preservation and emergency management, against any suggested benefit to wildfire prevention. Furthermore, retaining the Roadless Rule protections directly aligns with the USFS's goals to sustain healthy, diverse, and resilient forests and the USDA's mission to conserve natural resources and safeguard public health.

Thank you in advance for considering these comments and your ongoing engagement with impacted communities such as Salt Lake County.

Sincerely,



Mayor Jenny Wilson

Salt Lake County

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PORT of Port Angeles
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Board of Commissioners
Steven Burke, President
Colleen McAleer, Vice President
Connie Beauvais, Secretary
Executive Director
Paul Jarkiewicz

September 9, 2025

Ecosystem Management Coordination
201 14th Street SW
Mailstop 1108
Washington, DC 20250-1124

Via: Federal eRulemaking Portal

Re: FS-2025-0001-0001

The Port of Port Angeles is a county-wide Port District in Clallam County, Washington. The Port has a long history of supporting the sustainable and active management of forest lands in western Washington, including the Olympic National Forest. Many of the services we provide for our customers rely on a viable forest products industry. Because of this, we support the U.S. Forest Service's proposal to rescind the 2001 Roadless Area Conservation Rule. This proposal represents a necessary step toward restoring responsible, science-based forest management and addressing the growing threat of catastrophic wildfire across our public lands.

For nearly a quarter of a century, the Roadless Rule has imposed blanket restrictions on road construction across almost 60 million acres of National Forest System lands. This rigid, one-size-fits-all policy has made it more difficult for land managers to carry out critical wildfire mitigation, restoration, and infrastructure maintenance—even in areas facing extreme fire risk or located near communities. As a result, many of these forests have become overgrown and unhealthy, fueling more severe fires that threaten lives, property, wildlife habitat, and water supplies. Since the rule was enacted, more than 8 million acres of roadless forests have burned, and nearly half of all roadless acres are now classified as having a high or very high risk of wildfire. In many cases, firefighters have been unable to quickly access ignition points, delaying suppression efforts and increasing the scale and intensity of wildfires.

Even today, in what is considered the "wet National Forest – The Olympic National Forest," many in our local communities have been enduring poor air quality and other impacts from the Bear Gulch fire. While some of the fire footprint does have roads within it, much of the fire is located in areas with little to no access and wilderness areas. Much like the Roadless Rule, these limitations and prohibitions on management have allowed this fire to grow to over 8,000 acres.

Rescinding the Roadless Rule does not authorize unchecked logging or eliminate environmental safeguards. All projects must still comply with the National Environmental Policy Act, the Endangered Species Act, the Clean Water Act, and existing forest management plans. Rescinding this "one-size-fits-all" rule will restore flexibility for local land managers to consider road access where necessary to protect forests, communities, and public resources.

We urge the US Forest Service to move forward with this common-sense reform, supporting the health, safety, and resilience of our national forests and local communities.

Sincerely,

Steven Burke
Commissioner
Port of Port Angeles

Colleen McAleer
Commissioner
Port of Port Angeles

Connie Beauvais
Commissioner
Port of Port Angeles

City of Walla Walla

September 10, 2025

Ecosystem Management Coordination
Attn: Director
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

RE: Comment on EIS of the proposed rescission to the 2001 Roadless Area Conservation Rule – Docket No. FS-2025-0001.

SENT VIA: Regular USPS Mail, and Electronically

Dear Director,

On behalf of the Walla Walla City Council, thank you for the opportunity to comment on the initiation of an environmental impact statement (EIS) and rulemaking concerning the management of inventoried roadless areas of National Forest Service lands.

The City of Walla Walla is located in eastern Washington state and sits at the base of the Blue Mountains of the Umatilla National Forest located in southeast Washington and northeast Oregon. Within the Umatilla National Forest is the Mill Creek watershed, which flows into the Walla Walla River and ultimately the Columbia River.

The Mill Creek Watershed is a 36 square mile area at the upper end of the headwaters of Mill Creek and is the primary source of drinking water for over 35,000 residents. The watershed is closed to the public and protected through a 1918 cooperative agreement between the City of Walla Walla and the Department of Agriculture. A majority of the Mill Creek Watershed lies within the area mapped as Inventoried Roadless Areas designated by the 2001 Roadless Rule. It is the City's continued interest to protect the Mill Creek watershed as a precious source of drinking water for City residents.

The Federal Register Notice and request for public comment, published in Vol. 90, No 166 / Friday, August 29, 2025, provides a preliminary list of substantive issues and summary of expected impacts the EIS will evaluate, which are considered reasonably foreseeable social, economic, and environmental impacts of the proposed recission. Notably, not listed or summarized are the social, economic, and environmental impacts that recission of the rule may have on water quality, quantity, and seasonal flows for drinking water. The City of Walla Walla respectfully submits that those impacts are reasonably foreseeable and should be analyzed and evaluated in the proposed EIS.

The City encourages the U.S. Department of Agriculture to consider the adverse social, economic, and environmental impacts that rescinding the 2001 "Roadless Rule" may have on municipal watersheds, such as the City of Walla Walla's, which provides clean,

and reliable drinking water to our residents. To this end, the City of Walla Walla is opposed to any recission or change to the 2001 Roadless Area Conservation Rule.

The August 29, 2025 Federal Register Notice states, that the proposed rule, accompanied by a draft EIS, is expected by March 2026 along with a request for additional public comments. The City of Walla Walla reserves the right to provide additional comment when the proposed rule and draft EIS are prepared. We therefore ask that the City of Walla Walla be added to the interested party list and receive further notification of additional comment periods at the appropriate time.

Notification of future actions should be sent to the following mailing address:

City of Walla Walla
Attn: Elizabeth Chamberlain, City Manager
15 N. 3rd Avenue
Walla Walla, WA 99362

and by email to the following address: echamberlain@wallawallawa.gov

Thank you again for the opportunity to provide comments on this matter.

Sincerely,

Mayor Tom Scribner, on behalf of the Walla Walla City Council

Brian Casey
Rick Eskil
Steve Moss
Gustavo Reyna
Jeffrey Robinson
Tom Scribner
Monte Willis

City of Walla Walla

September 10, 2025

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Mayor Tom Scribner, on behalf of the Walla Walla City Council

Brian Casey
Rick Eskil
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Jeffrey Robinson
Tom Scribner
Monte Willis

Re: Docket FS-2025-0001 — Proposal to Rescind the 2001 Roadless Area Conservation Rule

U.S. Department of Agriculture / U.S. Forest Service:

Washington's national forests contain approximately 9,215,000 acres of U.S. Forest Service lands, including approximately 2,015,000 acres of Inventoried Roadless Areas (IRAs), about 22% of the state's federal forests. These IRAs include about 336,000 acres in the Mt. Baker–Snoqualmie NF, 403,000 acres in the Okanogan–Wenatchee NF, 151,000 acres in the Gifford Pinchot NF, 182,000 acres in the Colville NF, and 86,000 acres in the Olympic NF. These figures derive from the Forest Service's own state and forest-level IRA maps and Forest Plan records.

Ecological Risks of Opening IRAs to Road Construction and Harvest

• Aquatic resources and ESA-listed salmonids: New or reopened roads elevate fine sediment delivery, alter hydrology, and create fish-passage barriers, degrading habitat for salmon, steelhead, and bull trout, contrary to watershed recovery goals.
• Late-seral wildlife (northern spotted owl, marbled murrelet): Added road edges and associated entries fragment interior conditions; murrelet nesting habitat has already declined, roughly 20% since 1988 with increased edge exposure. Rescission would worsen fragmentation trends.
• Wide-ranging carnivores (wolverine, lynx, grizzly): Elevated road density and human access reduce secure habitat and permeability, undermining recovery efforts in the North Cascades and Northeast WA linkages.

Management Practicality and Fiscal Prudence

The Forest Service already manages between 371,000–386,000 miles of roads nationally with about 90,000 miles across Oregon and Washington but has roughly 15% of the budget needed for maintenance of these roads. On the Okanogan–Wenatchee NF alone more than 6,000 miles lack adequate maintenance or decommissioning plans. Authorizing net new roads into currently undeveloped IRAs would deepen the backlog and divert funding from high-priority aquatic and safety repairs.

Requested Actions

1. Retain Roadless Rule protections in Washington; do not authorize new permanent roads in IRAs without decommissioning the same miles of current undermaintained roads.
2. If site-specific access is essential for public safety or ecological restoration, restrict to re-opening existing roads or temporary roads with enforceable timelines for decommissioning and full hydrologic reclamation.
3. Establish IRA-specific road density caps and secure habitat standards in known carnivore movement zones and late-seral wildlife cores.
4. Prohibit new stream crossings in key watersheds/critical habitat absent a clear, science-based finding of net ecological benefit; otherwise require fish-passage compliant designs and sediment-control storm-proofing.
5. Treat distance-to-road as a wildfire risk factor; apply seasonal closures/gating and

prevention programs where roads are opened.
6. Demonstrate life-cycle funding to maintain any proposed new miles without degrading performance on the legacy maintenance backlog; where funding is insufficient, deny authorizations.

I appreciate the opportunity to comment and am available to collaborate on IRA-compatible restoration that improves watershed function, fish passage, fuels in the WUI, and climate resilience without expanding the permanent road system.

Sincerely,
Brandon Austin
Forest Habitats Section Manager
Washington Department of Fish and Wildlife

STATE OF WASHINGTON
OFFICE OF GOVERNOR BOB FERGUSON

September 18, 2025

The Honorable Brooke Rollins
Secretary
U.S. Department of Agriculture
1400 Independence Ave. SW
Washington D.C. 20250

Re: Comments on Proposed Rescission of Roadless Rule

Dear Secretary Rollins:

The Roadless Area Conservation Rule has safeguarded some of our nation's most ecologically and culturally important landscapes for more than two decades. In Washington state, these protections sustain clean water, fish and wildlife habitat, tribal treaty and cultural resources, and an outdoor recreation economy vital to our state's identity.

The proposal to rescind the Roadless Rule creates significant uncertainty and concern. The U.S. Forest Service has not provided a clear framework for how equivalent protections would be maintained if the rule were rescinded. Additionally, the abbreviated comment period and lack of Tribal consultation is concerning. Without clarity, our state is left questioning how investments in salmon recovery, protection of Tribal treaty rights, critical values, ecological integrity, climate resilience, cultural resources, and recreation will be secured in the long term.

Any reconsideration of the Roadless Rule must be accompanied by a transparent plan that demonstrates how these landscapes will continue to be protected. Absent such assurances, rescission risks undermining stability, predictability, and trust that communities, Tribes, and states rely upon.

Washington urges the Department of Agriculture to either retain the Roadless Rule or clearly articulate how its rescission will not compromise the values and protections it has long provided.

Thank you for the opportunity to comment.

Sincerely,

Bob Ferguson
Governor

PO Box 40002 Olympia, Washington 98504-0002 (360) 902-4111 www.governor.wa.gov

WISCONSIN LEGISLATURE
P.O. BOX 8952 • MADISON, WI 53708

Hello,

Today, we are writing in opposition to the proposed rollback of the 2001 Roadless Rule. This rule has prevented construction of roads and other developments on millions of acres of public land for the past 25 years. The USDA's plan would leave 44.7 million acres vulnerable. For Wisconsinites, this means a treasured national forest, Chequamegon-Nicolet, would be impacted.

This rule was enacted under the Bush Administration after hundreds of public meetings and 1.6 million public comments with overwhelming support for roadless protections.

The National Forest System already contains twice as many miles of roads as the U.S. Interstate Highway System and expanding the network will only increase wildlife risk as approximately 85% of wildfires are caused by human activity and 90% ignite within half a mile of a road.

According to the USDA's own website, National Forests face threats from drought, mortality, insect-borne disease, and wildfire. Active management of these areas is a valid concern for wildfire risk, and should be taken seriously. However, even under the roadless rule, habitat restoration and wildfire prevention projects are still able to be built, as are temporary roads for emergency purposes.

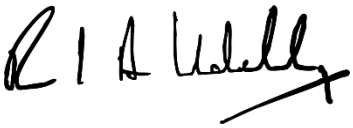
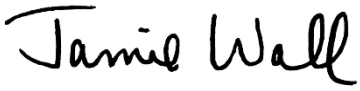
Our National Forests also serve as important watershed areas, and more than sixty million Americans depend on them for their drinking water. A healthy water table is the most important tool we have in staving off wildfire, drought, and human suffering due to climate change.

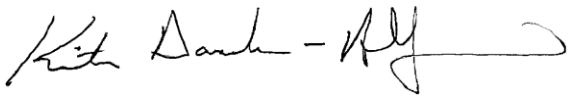
Our National Forests also grant access to millions of acres for hunting, fishing, camping and other recreational activities. An annual forest pass for Chequamegon-Nicolet National Forest in Wisconsin for example, costs thirty dollars and a day pass cost just five dollars. We want people to be able to visit and appreciate these lands at a cost that is accessible to every American. If we open our lands to private interests, visitors and their families will have to compete with the deep pockets of corporate America, driving prices upward and pricing lower-income families out.

A full repeal of the Roadless Rule might provide short term benefits for private interests, but will do long term damage to these vital ecosystems that the public fought to be maintained 25 years ago. We ask that you uphold the Roadless Rule and prioritize the rights of the general public over those of corporate interests.

In Service,

Lori Palmeri
54th Assembly District
Wisconsin State Representative

 Representative Lee Snodgrass 52nd Assembly District	 Representative Randy Udell 47th Assembly District
 Representative Ann Roe 44th Assembly District	 Senator Tim Carpenter 3rd Senate District
 Senator Jodi Habush Sinykin 8th Senate District	 Representative Karen Kirsch 7th Assembly District
 Representative Ben DeSmidt 65th Assembly District	 Representative Jill Billings 95th Assembly District
 Senator Jamie Wall 30th Senate District	 Representative Christine Sinicki 20th Assembly District
 Representative Supreme Moore Omokunde 17th Assembly District	 Senator Kris Larson 7th Senate District
 Representative Greta Neubauer 66th Assembly District	 Representative Robyn Vining 13th Assembly District

 Representative Vincent Miresse 71st Assembly District	 Senator Mark Spreitzer 15th Senate District
 Senator Melissa Ratcliff 16th Senate District	 Representative Alex Joers 81st Assembly District
 Representative Tara Johnson 96th Assembly District	 Representative Angelito Tenorio 14th Assembly District
 Senator Kelda Roys 26th Assembly District	 Senator Kristin Dassler-Alfheim 18th Senate District

Wyoming State Forestry Division

Office of State Lands and Investments

Wyoming State Forestry Division
5500 Bishop Blvd.
Cheyenne, WY 82002

Mark Gordon
Governor

Stacia Berry
OSLI Director

Kelly Norris
State Forester

Brad Kinder, Acting Director
Ecosystem Management Coordination
United States Forest Service
201 14th Street SW,
Mailstop 1108
Washington DC, 20250-1124

RE: USDA-FS-2025-0001 Notice of Intent to Prepare an Environmental Impact Statement – Roadless Area Conservation.

Dear Director Kinder:

On behalf of the Wyoming State Forestry Division (WSFD), we respectfully submit comments on the Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS) published in the Federal Register on August 29, 2025 (Vol. 90, No. 166).

We are supportive and fully endorse the current proposal to return management discretion of Inventoried Roadless Areas (IRAs) to local land management planning processes. Wyoming's forests face unique challenges, including extensive insect and disease outbreaks, diverse forest types, and varying community needs that cannot be effectively addressed under a single national framework. Local planning, grounded in the National Forest Management Act and informed by stakeholder input, provides the flexibility needed to balance conservation with active management.

Wyoming has a long history of legal contests trying to stop the 2001 Roadless Area Conservation Rule (RACR) filing suit in Federal Court in 2001 and 2007. The cases concluded in 2012 after the Supreme Court denied certiorari. Wyoming's national forests have numerous areas incorrectly identified as "roadless" contained in IRAs. The current RACR does not give local forest managers the flexibility to address forest management needs, protect critical watersheds and old growth forests, proactively manage for fire, noxious/invasive weeds, and insect and disease outbreaks.

In these comments, WSFD addresses key concerns, provides recommendations, and poses questions for consideration as a partnering land management agency.

Wyoming contains portions of two U.S. Forest Service Regions with approximately 9.2 million acres of National Forest and Grasslands. The Rocky Mountain Region (Region 2) manages the Black Hills, Bighorn, Shoshone, and Medicine Bow–Routt National Forests and the Thunder Basin National Grassland. The Intermountain Region (Region 4) manages the Bridger-Teton, Uinta-Wasatch-Cache, Caribou-Targhee, and Ashley National Forests. Within Wyoming's National Forests, approximately 3 million acres are designated as Wilderness and an additional 3.2 million acres are managed as IRAs. This means that 67% of the National Forest and Grasslands are set aside for preservation that includes severe limitations on active management.

Many of Wyoming's current National Forest Land Management Plans were developed while the 2001 RACR was enjoined in Wyoming District Court. In 2011 the 10th Circuit Court of Appeals lifted the Wyoming District court injunction and put the 2001 RACR back into effect. Out of the eight National Forests and one National Grassland, only two National Forests, the Shoshone and Ashley National Forests, have Land Management Plans that include and recognize the 2001 RACR IRAs.

The Black Hills and Bridger-Teton National Forests are currently in the beginning stages of Land Management Plan revisions and are already set to address roadless area conservation needs through the locally led, transparent processes required by the 2012 Planning Rule. The proposed RACR rescission would allow an opportunity to revisit IRA designations at the local level while collaborative Land Management Plan revisions are ongoing.

While WSFD acknowledges the intent of this NOI, we offer several recommendations to ensure that implementation of the new direction is place-based, durable across future administrations, and consistent with statutory and regulatory frameworks.

1. <u>Localized Land Management is Essential</u>

The 2001 RACR imposed a one-size-fits-all approach that did not reflect Wyoming's diverse ecological or community needs. The 2001 RACR left Wyoming's government, land management agencies, and citizens out of the decisions that impacted Wyoming the most. As the Honorable US District Judge Clarence Brimmer was quoted saying in reference to why he allowed the enjoining of 2001 RACR that was imposed on Wyoming, "I feel we have to play the cards face up." Even Wyoming's Wilderness areas were designated through a collaborative process. Forest planning under the 2012 Planning Rule ensures that roadless considerations are integrated into broader land management objectives, including timber, recreation, grazing, fuels reduction, and watershed protection.

Recommendation:

<u>The Forest Service should ensure that IRA decisions are made through the 2012 Planning Rule process, led by Forest Supervisors, with states and local governments engaged as cooperating agencies.</u> The 2012 Planning Rule is newer than the 2001 RACR itself and provides a modernized approach that ensures national forests are managed to a desired condition that has input from all local, state, and national stakeholders.

2. Inaccurate IRA Mapping and Risks to Forest Health Must be Addressed

As is often the case with national rules and mandates, Wyoming's National Forests contain known inaccuracies in IRA mapping, including areas with existing roads (such as a State Highway or County roads) or other historic access routes that were nonetheless designated as "roadless." The RACR utilized outdated maps that are currently over four decades old and irrelevant. For example, the Bighorn National Forest's IRA contains 390 miles of system roads. **It is 2025 and WSFD insists Wyoming's National Forests manage with up-to-date science and mapping to rightly implement management objectives and monitoring.** The Forest Service utilizes highly technical drones that provide timely data to make on-the ground management decisions and yet continues to accept outdated, improper mapping for RACR.

Many of Wyoming's IRAs are in high-risk wildfire zones that include municipal watersheds (Bighorn National Forest IRAs contain 7 municipalities water sources). Specifically, 2.1 million acres (66%) of Wyoming's IRAs are in the designated Forest Health and Fuels Emergency Lands (FHFEL). These inaccuracies prevent managers from addressing pressing forest health and wildfire concerns.

Recommendation:

The decision should establish a process for reviewing and correcting mapping errors at the local level, specifically honoring designated roadless areas within Wyoming's Land Management Plans. Wyoming does not need a top-down national US Forest Service rule to designate roadless areas, as our Land Management Plans established a balanced approach for conservation, forest management, and multiple use through a collaborative process. Requiring National Forest supervisors and regional leadership to go through an onerous corrections process is a waste of taxpayer time, that could be better spent focused on implementing Land Management Plans.

3. A Stepwise Framework for Roadless Evaluation

WSFD supports a structured process for evaluating roadless areas during Land Management Plan revisions, using the Wilderness Evaluation framework. Through an evaluation process already in place, areas fit for roadless area conservation can also be evaluated.

Recommendation:

The Forest Service should continue to utilize the wilderness framework while also including an evaluation of Inventoried Roadless Areas through land management planning revisions. For example, in Chapter 3 of the Bighorn National Forest Plan, roadless areas are evaluated and designated through this framework. This structured process is completed nationwide, and ensures each step occurs within the context of local forest Land Management Plan revisions.

Recommended Framework:

- Step 1 – Inventory: Define metrics to trigger review of potential IRA designation.

- Step 2 – Evaluation: Assess whether areas meet IRA characteristics (absence of roads, infeasible access, natural conditions).
- Step 3 – Comment and Decision: Present findings in a draft plan/EIS with no fewer than 90 days for public review.
- Step 4 – Recommendation: Determine whether areas should be managed as roadless or for other management objectives consistent with the 2012 Planning Rule.

4. <u>Impacts: Loss of Opportunities to Manage Forests Properly</u>

Due to the 2001 RACR, 3.2 million acres of Wyoming National Forest lands have been excluded from important management opportunities. It is impossible to holistically manage for a municipal watershed when portions (in some cases in Wyoming, over two-thirds) of the watershed is in designated IRA. There are lost opportunities to effectively mitigate wildfire and manage forests' health and resilience, leaving multiple municipal watersheds and Wyoming's communities at risk of losing clean drinking water. It is also very difficult to mitigate post-wildfire impacts in municipal watersheds located within IRAs, as no categorical exclusion exists to do so. Wyoming communities deserve better and necessitate the opportunity to act effectively and efficiently in recovering our water sources after a devastating wildfire.

Another crucial loss is the opportunity to rehabilitate forested lands for wildlife habitat needs. Wyoming is facing a steady decline in mule deer populations, and many of Wyoming's IRAs are within areas prioritized to improve wildlife habitat for multiple big game species. After analyzing Wyoming's Terrestrial Restoration Habitat Priority Areas, you will find that roughly 78% or 2.6 million acres of these areas are found in designated IRAs. These areas are defined by 3 metrics: 1) areas that need to be protected or conserved to maintain viable healthy populations of terrestrial and aquatic wildlife for the present and future, 2) areas where there is a high potential in the 5 years after the Statewide Habitat Plan is published to successfully address wildlife habitat issues by improving, enhancing, or restoring wildlife habitats, and 3) migration corridors and fish passages that need to be protected or enhanced to maintain or improve connectivity. Without the flexibility needed to manage these landscapes, creating and maintaining critical habitat for species that need early seral forests (which can provide necessary forage), such as mule deer, becomes increasingly challenging if not impossible.

We would be remiss not to bring up that the 2001 RACR has led to years of lost opportunities to protect critical old growth forests as well as Whitebark Pine, a threatened tree species native to Wyoming. It is important to have the flexibility to manage areas in order to maintain and care for old growth areas as well as Whitebark Pine trees. Choosing the management method of "leave it alone" isn't always the best management strategy to maintain the integrity and protect these areas or species. The US Forest Service/WSFD aerial survey observations from 2001 - 2024 in Wyoming's IRAs totaled 1,207,322 acres of tree mortality attributed to insects and diseases. Additionally, 814,398 acres within Wyoming IRAs are at risk of a 25% loss in standing live basal area trees greater than 1" DBH in the next 15 years. **<u>This means that over 2 million acres of Wyoming's IRAs (66%) have already been affected or will be affected by insect and disease outbreaks due to lack of management and proves the "leave it alone" method does not regularly achieve desired condition objectives.</u>**

We have witnessed an overwhelming increase in Wyoming's dead and dying forests (millions upon millions of acres) over the last two decades due to severe management limitations.

Because of these limitations, we have watched our forests die and will have to watch these unhealthy forests burn up over the next several decades. Having the ability to adapt management strategies within 3.2 million acres of Wyoming's IRA would be a viable solution to prevent future losses, which can be revisited if the 2001 RACR is rescinded.

Recommendation:

Allow locally led management decisions that align with current Land Management Plans. Where opportunities have been lost, new approaches can be adopted to better manage forests toward desired conditions. Flexibility fosters innovation and enables the modern solutions necessary to meet today's forest management challenges.

5. Alignment with National Policy and Executive Orders

Recent Executive Orders highlight the importance of flexibility, deregulation, and active forest management:

- Executive Order 14192 – *Unleashing Prosperity Through Deregulation*
- Executive Order 14225 – *Immediate Expansion of American Timber Production*
- Executive Order 14154 – *Unleashing American Energy*
- Secretary's Memorandum 1078-006 – *Increasing Timber Production and Designating an Emergency Situation on National Forest System Lands*

Wyoming Executive Order:

- Executive Order 2025-04 - *Increase of Active Forest Management in Wyoming*

Retaining outdated IRA restrictions directly conflicts with these priorities and limits the Forest Service's ability to fulfill its multiple-use mandate.

Recommendation:

The decision should explicitly recognize the need to balance conservation with timber, energy, and community uses, consistent with these Executive Orders and with the statutory obligations of the National Forest Management Act.

6. State-Specific Designated Inventoried Roadless Rule Areas

When the 2001 RACR was put into effect, an alternative option was provided for states.

"§ 294.12 State petitions.

The Governor of any State or territory that contains National Forest System lands may petition the Secretary of Agriculture to promulgate regulations establishing management requirements for all or any portion of National Forest System inventoried roadless areas within that State or territory. Any such petition must be submitted to the Secretary of Agriculture not later than November 13, 2006."

If the US Forest Service rescinds the 2001 RACR, there should be similar opportunities for states to create their own IRAs. WSFD supports reopening the opportunity for state-specific IRAs, as successfully implemented in Colorado and Idaho. Such rules provide durability,

accountability, and flexibility, ensuring decisions reflect local conditions and stakeholder priorities.

Recommendation:

The Forest Service should allow states to pursue state-specific rules and provide assurance that these rules remain durable across administrations, balancing ecological, social, and economic considerations. The date for such a petition has been expired for almost 9 years, and we recommend reopening the opportunity to petition as an appropriate alternative for states post-rule rescission.

7. Utilizing Cooperating Agencies Will Lead to Better Results

WSFD believes that cooperating agencies must be fully engaged in the EIS process. Our involvement brings essential data, local expertise, and technical guidance that will lead to effective, durable outcomes. Inventoried roadless areas have already been collaboratively identified in existing Land Management Plans, and we remain committed to their continued management. Collaborative input is vital, as it ensures areas are accurately identified with all stakeholders' priorities in mind.

We ask the US Forest Service to consider the following questions:

- How will ongoing Land Management Plan revisions (e.g., Black Hills and Bridger-Teton) be aligned with the proposed rescission process?
- In the case of rescission, how will special designations be utilized for areas that were formerly IRAs?
- How will risks to municipal watersheds be prioritized within the EIS?
- How will the Forest Service ensure that future inventoried roadless area evaluation processes are transparent and accessible to the public?
- Will the Forest Service commit to providing states with the alternative option to pursue state-specific roadless area conservation rules?
- How will these rules be protected from being reopened with each administrative change?

Recommendation:

The US Forest Service should respect existing protections and partnerships in Wyoming through the inclusion of Wyoming's cooperating agencies as much as possible through the EIS process and by deferring IRA decisions to collaborative, forest-level planning processes.

Conclusion

The Wyoming State Forestry Division strongly supports returning IRA identification and management decisions to the local National Forest level under the 2012 Planning Rule.

Wyoming's forests already operate under robust conservation protections and Land Management Plans that incorporate stakeholder input. National, one-size-fits-all restrictions are unnecessary, duplicative, and harmful to the active management needed to address wildfire, insects, disease, and other forest health challenges.

We respectfully request the US Forest Service adopt the recommendations outlined in this letter and ensure that Wyoming remains an active partner throughout the EIS process.

Thank you for the opportunity to comment and for your continued partnership.

Sincerely,

Kelly Norris, CF
Wyoming State Forester

Mark Gordon, Governor

Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Todd Parfitt, Director

September 15, 2025

Brad Kinder, Acting Director
Ecosystem Management Coordination
201 14th Street, SW
Mailstop 1108
Washington, DC 20250-1124

Submitted electronically via: www.federalregister.gov

RE: Wyoming Dept. of Environmental Quality Comments - Special Areas; Roadless Area Conservation; National Forest System Lands (90 FR 42179)

Dear Mr. Kinder,

On behalf of the Wyoming Department of Environmental Quality (WDEQ), we appreciate the opportunity to comment on the proposed recission of the 2001 Roadless Area Conservation Rule (36 FR 3244, 36 CFR Subpart B (2001)).

It is important to note that WDEQ has been delegated primacy over multiple programs by the federal government including water, air, solid and hazardous waste, abandoned mine land reclamation, uranium mining and processing, and coal mining.

WDEQ supports the proper management of national forests, including the implementation of best management practices for activities such as road construction and timber harvesting to support both forest health and improved water quality. The proposed rule recission still requires site-specific impacts comply with applicable state and federal regulations, including the National Environmental Policy Act (NEPA), Clean Air Act (CAA), and Clean Water Act (CWA). As such, WDEQ will work with future project proponents to ensure that necessary permits are obtained, and applicable water and air quality standards are met.

WDEQ encourages the US Department of Agriculture to address various state and local authorities in the forthcoming EIS, including state primacy over natural resources such as air and water. Additionally, the requirement for future projects to acquire appropriate permits from state and local authorities should be addressed including National Pollutant Discharge System (NPDES) permits for discharges into surface waters, New Source Review (NSR) permits for air emissions, and other state specific requirements such as Wyoming's regulations for fugitive dust control.

If you have any questions or need additional information, please feel free to contact Keith Guille at 307-777-6105 or keith.guille@wyo.gov.

Sincerely,

Nancy Vehr
Deputy Director
Wyoming Department of Environmental Quality

Cc: Todd Parfitt – Director, WDEQ
Jennifer Zygmunt – Administrator, Water Quality Division
Amber Potts – Administrator, Air Quality Division
Keith Guille – Outreach Program Manager

Wyoming
DEPARTMENT OF Agriculture

Mark Gordon, *Governor*
Doug Miyamoto, *Director*
2219 Carey Ave. • Cheyenne, WY 82002
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The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

9/15/2025

Director
Ecosystem Management Coordination
201 14th Street SW
Mailstop 1108
Washington, DC 20250-1124

Dear Director,

Following are the Wyoming Department of Agriculture (WDA) comments regarding the Notice of Intent to prepare an Environmental Impact Statement (EIS) and rulemaking concerning management of inventoried roadless areas under the United States Department of Agriculture, Forest Service (USFS).

Our comments are specific to our mission: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life. As the proposed project could affect our industry, citizens, and natural resources it is important that you continue to inform us of proposed actions and decisions and continue to provide the opportunity to communicate pertinent issues and concerns.

WDA fully supports rescinding the 2001 Roadless Rule. The Roadless Rule's original intent was to provide blocks of undeveloped land and address urbanization, provide sources of public drinking water, diversifying plant and animal communities, improving primitive dispersed recreation, etc. While these attributes are admirable to strive for, the consequences of restricting management for the past 24 years across the designated roadless areas is proving to do more harm than good.

WDA supports utilizing the National Environmental Policy Act (NEPA) to develop future decisions with Revised or Amended Forest Plans. Forested lands under the Roadless Rule have proven difficult if not impossible to modify forest stands, age class, or improve wildlife habitat, especially given the restrictions of how the areas could receive treatments. Roadless areas are treated nearly equal to wilderness.

While the forested Roadless Areas typically do not provide long-term beneficial forage for livestock, livestock grazing can be used as a tool to modify or improve vegetation and wildlife habitat. WDA urges the Draft EIS analyze an alternative to allow livestock grazing management to assist in vegetation management, especially after large scale treatments where canopies are opened and early seral vegetation populates the area.

Additional concerns for the livestock grazing industry pertain to the roads potentially reopened or developed if Roadless Areas are permitted for timber harvest. In recent years, Off-Highway Vehicle (OHV) use has increased significantly. As a result, many OHV users go off designated trails causing resource damage to upland and riparian vegetation. These OHV users tend to leave gates open in livestock grazing allotments, leading to livestock dispersing outside of the designated pastures and allotments. WDA urges the USFS to analyze the cumulative impacts from increased development of roads used by OHV users. We would also support inclusion

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of Best Management Practices or specific plan components allowing the Authorized Officer to administratively close roads to the public to reduce resource impacts including, but not limited to livestock grazing forage.

Finally, WDA serves consistently as a Cooperating Agency across Wyoming forests to assist in the development of alternatives, analyzing the range of alternatives, and finalizing decision documents. Early inclusion of Cooperating Agencies is a direct benefit to the agency proposing and analyzing decision documents. We don't support excluding Cooperating Agencies from the internal development of the document. We urge reconsideration of excluding Cooperating Agencies in the NEPA process to ensure a more comprehensive support of the final Record of Decision.

We appreciate the opportunity to provide input and look forward to working with your staff on this project. If you have questions, please contact Justin Williams, Senior Policy Analyst at 307-777-7067.

Sincerely,

for Doug Miyamoto
Director

DM/jw

CC: Governor's Policy Office
Wyoming Board of Agriculture
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Wyoming Farm Bureau Federation
Wyoming State Grazing Board
Wyoming Association of Conservation Districts
Wyoming Game and Fish Department
Wyoming County Commissioners Association
Public Lands Council

September 17, 2025

Brad Kinder
Acting Director, Ecosystem Management Coordination
United States Department of Agriculture
201 14 Street SW, Mailstop 1108
Washington, DC 20250-1124

https://www.regulations.gov/search?filter=fs-2025-0001

Re: Notice of Intent to prepare an environmental impact statement: Special Areas; Roadless Area Conservation; National Forest System Lands. 90 FR 42179: Docket No. FS-2025-16581

Dear Director Kinder,

I appreciate the opportunity to provide comments on the United States Department of Agriculture (USDA) Notice of Intent (NOI) to prepare an environmental impact statement and rulemaking concerning the proposed rule to rescind the 2001 Roadless Area Conservation Rule (2001 Roadless Rule). I submit the following comments regarding the aforementioned Federal Register notice.

Wyoming fully supports efforts by the USDA to review the current 2001 Roadless Rule and return management of the U.S. Forest Service (USFS) Administered Lands back to local "Forest-level land management planning." This shift is crucial for several reasons, as forest-level local management offers a more nuanced and effective approach to land stewardship.

It is Wyoming's firm belief and experience that local management plans are inherently more responsive to the specific ecological, economic, and social conditions of individual forests. Unlike a broad, one-size-fits-all federal rule, local planning allows for tailored solutions that consider the unique biodiversity, wildlife, habitat, water resources, timber potential, recreational uses, and cultural heritage of each area. This localized approach fosters greater collaboration with state and local agencies, local communities, tribal governments, and stakeholders who possess invaluable on-the-ground knowledge and a vested interest in the long-term health of their surrounding forests. This will also guarantee the planning process recognizes the local authority granted to state agencies for managing wildlife, air quality, water rights, and water quality; thus ensuring state agencies manage the resources they are legally mandated to oversee.

Additionally, returning management to the forest-level can streamline decision-making processes, reducing bureaucratic hurdles and allowing for quicker adaptation to changing environmental conditions or emerging challenges. This includes the ability to implement more effective wildfire prevention and mitigation strategies, address insect and disease outbreaks promptly, and manage all resources in a way that benefits local economies and supports healthy forest management.

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MARK GORDON
GOVERNOR OF WYOMING

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During the ongoing review process, I strongly advocate for and acknowledge the clear benefits of localized management and decision-making and the USDA's efforts for a thorough analysis, involving adequate opportunity for public comment and consultation with the state cooperating agencies. This approach will ensure not only the immediate effectiveness but also the long-term durability, resilience, and legal defensibility of the planning process, thereby safeguarding both ecological integrity and the public interest for years to come.

Finally, as mentioned above, Wyoming looks forward to early engagement in the NEPA process, exercising its rights and expertise as a cooperating agency. This early engagement will help the USDA develop strong language and alternatives that support a localized approach to forest management. In turn, this will help also ensure timely and durable, long-term planning for USFS-administered land in Wyoming.

Wyoming's support for this review is rooted in the belief that local expertise and engagement are paramount to achieving balanced and sustainable management of national forest lands. It represents a commitment to empowering those closest to the land to make informed decisions that reflect sound and sustainable management practices that support Wyoming and our local communities.

Thank you for considering Wyoming's perspective as the USDA moves forward in reviewing and evaluating the 2001 Roadless Rule. USDA should anticipate receiving comments from the following State of Wyoming agencies: Wyoming Department of Agriculture, Wyoming Game and Fish Department, Wyoming State Forestry Department, Wyoming Department of Environmental Quality, Wyoming State Parks and Cultural Resources. My office, along with Wyoming's state agencies, look forward to working with the USDA in a meaningful collaborative and cooperative manner.

If you have any questions or concerns please contact, Linda Cope, Senior Policy Advisor, at 307-777-7942 or linda.cope3@wyo.gov.

Sincerely,

Mark Gordon
Governor of Wyoming

MG:lc:kh

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Wyoming State Forestry Division

Office of State Lands and Investments

Wyoming State Forestry Division
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Mark Gordon
Governor

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OSLI Director

Kelly Norris
State Forester

Brad Kinder, Acting Director
Ecosystem Management Coordination
United States Forest Service
201 14th Street SW,
Mailstop 1108
Washington DC, 20250-1124

RE: USDA-FS-2025-0001 Notice of Intent to Prepare an Environmental Impact Statement – Roadless Area Conservation.

Dear Director Kinder:

On behalf of the Wyoming State Forestry Division (WSFD), we respectfully submit comments on the Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS) published in the Federal Register on August 29, 2025 (Vol. 90, No. 166).

We are supportive and fully endorse the current proposal to return management discretion of Inventoried Roadless Areas (IRAs) to local land management planning processes. Wyoming's forests face unique challenges, including extensive insect and disease outbreaks, diverse forest types, and varying community needs that cannot be effectively addressed under a single national framework. Local planning, grounded in the National Forest Management Act and informed by stakeholder input, provides the flexibility needed to balance conservation with active management.

Wyoming has a long history of legal contests trying to stop the 2001 Roadless Area Conservation Rule (RACR) filing suit in Federal Court in 2001 and 2007. The cases concluded in 2012 after the Supreme Court denied certiorari. Wyoming's national forests have numerous areas incorrectly identified as "roadless" contained in IRAs. The current RACR does not give local forest managers the flexibility to address forest management needs, protect critical watersheds and old growth forests, proactively manage for fire, noxious/invasive weeds, and insect and disease outbreaks.

In these comments, WSFD addresses key concerns, provides recommendations, and poses questions for consideration as a partnering land management agency.

Wyoming contains portions of two U.S. Forest Service Regions with approximately 9.2 million acres of National Forest and Grasslands. The Rocky Mountain Region (Region 2) manages the Black Hills, Bighorn, Shoshone, and Medicine Bow–Routt National Forests and the Thunder Basin National Grassland. The Intermountain Region (Region 4) manages the Bridger-Teton, Uinta-Wasatch-Cache, Caribou-Targhee, and Ashley National Forests. Within Wyoming's National Forests, approximately 3 million acres are designated as Wilderness and an additional 3.2 million acres are managed as IRAs. This means that 67% of the National Forest and Grasslands are set aside for preservation that includes severe limitations on active management.

Many of Wyoming's current National Forest Land Management Plans were developed while the 2001 RACR was enjoined in Wyoming District Court. In 2011 the 10th Circuit Court of Appeals lifted the Wyoming District court injunction and put the 2001 RACR back into effect. Out of the eight National Forests and one National Grassland, only two National Forests, the Shoshone and Ashley National Forests, have Land Management Plans that include and recognize the 2001 RACR IRAs.

The Black Hills and Bridger-Teton National Forests are currently in the beginning stages of Land Management Plan revisions and are already set to address roadless area conservation needs through the locally led, transparent processes required by the 2012 Planning Rule. The proposed RACR rescission would allow an opportunity to revisit IRA designations at the local level while collaborative Land Management Plan revisions are ongoing.

While WSFD acknowledges the intent of this NOI, we offer several recommendations to ensure that implementation of the new direction is place-based, durable across future administrations, and consistent with statutory and regulatory frameworks.

1. <u>Localized Land Management is Essential</u>

The 2001 RACR imposed a one-size-fits-all approach that did not reflect Wyoming's diverse ecological or community needs. The 2001 RACR left Wyoming's government, land management agencies, and citizens out of the decisions that impacted Wyoming the most. As the Honorable US District Judge Clarence Brimmer was quoted saying in reference to why he allowed the enjoining of 2001 RACR that was imposed on Wyoming, "I feel we have to play the cards face up." Even Wyoming's Wilderness areas were designated through a collaborative process. Forest planning under the 2012 Planning Rule ensures that roadless considerations are integrated into broader land management objectives, including timber, recreation, grazing, fuels reduction, and watershed protection.

Recommendation:

<u>The Forest Service should ensure that IRA decisions are made through the 2012 Planning Rule process, led by Forest Supervisors, with states and local governments engaged as cooperating agencies.</u> The 2012 Planning Rule is newer than the 2001 RACR itself and provides a modernized approach that ensures national forests are managed to a desired condition that has input from all local, state, and national stakeholders.

2. Inaccurate IRA Mapping and Risks to Forest Health Must be Addressed

As is often the case with national rules and mandates, Wyoming's National Forests contain known inaccuracies in IRA mapping, including areas with existing roads (such as a State Highway or County roads) or other historic access routes that were nonetheless designated as "roadless." The RACR utilized outdated maps that are currently over four decades old and irrelevant. For example, the Bighorn National Forest's IRA contains 390 miles of system roads. **It is 2025 and WSFD insists Wyoming's National Forests manage with up-to-date science and mapping to rightly implement management objectives and monitoring.** The Forest Service utilizes highly technical drones that provide timely data to make on-the ground management decisions and yet continues to accept outdated, improper mapping for RACR.

Many of Wyoming's IRAs are in high-risk wildfire zones that include municipal watersheds (Bighorn National Forest IRAs contain 7 municipalities water sources). Specifically, 2.1 million acres (66%) of Wyoming's IRAs are in the designated Forest Health and Fuels Emergency Lands (FHFEL). These inaccuracies prevent managers from addressing pressing forest health and wildfire concerns.

Recommendation:

The decision should establish a process for reviewing and correcting mapping errors at the local level, specifically honoring designated roadless areas within Wyoming's Land Management Plans. Wyoming does not need a top-down national US Forest Service rule to designate roadless areas, as our Land Management Plans established a balanced approach for conservation, forest management, and multiple use through a collaborative process. Requiring National Forest supervisors and regional leadership to go through an onerous corrections process is a waste of taxpayer time, that could be better spent focused on implementing Land Management Plans.

3. A Stepwise Framework for Roadless Evaluation

WSFD supports a structured process for evaluating roadless areas during Land Management Plan revisions, using the Wilderness Evaluation framework. Through an evaluation process already in place, areas fit for roadless area conservation can also be evaluated.

Recommendation:

The Forest Service should continue to utilize the wilderness framework while also including an evaluation of Inventoried Roadless Areas through land management planning revisions. For example, in Chapter 3 of the Bighorn National Forest Plan, roadless areas are evaluated and designated through this framework. This structured process is completed nationwide, and ensures each step occurs within the context of local forest Land Management Plan revisions.

Recommended Framework:

- Step 1 – Inventory: Define metrics to trigger review of potential IRA designation.

- Step 2 – Evaluation: Assess whether areas meet IRA characteristics (absence of roads, infeasible access, natural conditions).
- Step 3 – Comment and Decision: Present findings in a draft plan/EIS with no fewer than 90 days for public review.
- Step 4 – Recommendation: Determine whether areas should be managed as roadless or for other management objectives consistent with the 2012 Planning Rule.

4. <u>Impacts: Loss of Opportunities to Manage Forests Properly</u>

Due to the 2001 RACR, 3.2 million acres of Wyoming National Forest lands have been excluded from important management opportunities. It is impossible to holistically manage for a municipal watershed when portions (in some cases in Wyoming, over two-thirds) of the watershed is in designated IRA. There are lost opportunities to effectively mitigate wildfire and manage forests' health and resilience, leaving multiple municipal watersheds and Wyoming's communities at risk of losing clean drinking water. It is also very difficult to mitigate post-wildfire impacts in municipal watersheds located within IRAs, as no categorical exclusion exists to do so. Wyoming communities deserve better and necessitate the opportunity to act effectively and efficiently in recovering our water sources after a devastating wildfire.

Another crucial loss is the opportunity to rehabilitate forested lands for wildlife habitat needs. Wyoming is facing a steady decline in mule deer populations, and many of Wyoming's IRAs are within areas prioritized to improve wildlife habitat for multiple big game species. After analyzing Wyoming's Terrestrial Restoration Habitat Priority Areas, you will find that roughly 78% or 2.6 million acres of these areas are found in designated IRAs. These areas are defined by 3 metrics: 1) areas that need to be protected or conserved to maintain viable healthy populations of terrestrial and aquatic wildlife for the present and future, 2) areas where there is a high potential in the 5 years after the Statewide Habitat Plan is published to successfully address wildlife habitat issues by improving, enhancing, or restoring wildlife habitats, and 3) migration corridors and fish passages that need to be protected or enhanced to maintain or improve connectivity. Without the flexibility needed to manage these landscapes, creating and maintaining critical habitat for species that need early seral forests (which can provide necessary forage), such as mule deer, becomes increasingly challenging if not impossible.

We would be remiss not to bring up that the 2001 RACR has led to years of lost opportunities to protect critical old growth forests as well as Whitebark Pine, a threatened tree species native to Wyoming. It is important to have the flexibility to manage areas in order to maintain and care for old growth areas as well as Whitebark Pine trees. Choosing the management method of "leave it alone" isn't always the best management strategy to maintain the integrity and protect these areas or species. The US Forest Service/WSFD aerial survey observations from 2001 - 2024 in Wyoming's IRAs totaled 1,207,322 acres of tree mortality attributed to insects and diseases. Additionally, 814,398 acres within Wyoming IRAs are at risk of a 25% loss in standing live basal area trees greater than 1" DBH in the next 15 years. **<u>This means that over 2 million acres of Wyoming's IRAs (66%) have already been affected or will be affected by insect and disease outbreaks due to lack of management and proves the "leave it alone" method does not regularly achieve desired condition objectives.</u>**

We have witnessed an overwhelming increase in Wyoming's dead and dying forests (millions upon millions of acres) over the last two decades due to severe management limitations.

Because of these limitations, we have watched our forests die and will have to watch these unhealthy forests burn up over the next several decades. Having the ability to adapt management strategies within 3.2 million acres of Wyoming's IRA would be a viable solution to prevent future losses, which can be revisited if the 2001 RACR is rescinded.

Recommendation:

Allow locally led management decisions that align with current Land Management Plans. Where opportunities have been lost, new approaches can be adopted to better manage forests toward desired conditions. Flexibility fosters innovation and enables the modern solutions necessary to meet today's forest management challenges.

5. Alignment with National Policy and Executive Orders

Recent Executive Orders highlight the importance of flexibility, deregulation, and active forest management:

- Executive Order 14192 – *Unleashing Prosperity Through Deregulation*
- Executive Order 14225 – *Immediate Expansion of American Timber Production*
- Executive Order 14154 – *Unleashing American Energy*
- Secretary's Memorandum 1078-006 – *Increasing Timber Production and Designating an Emergency Situation on National Forest System Lands*

Wyoming Executive Order:

- Executive Order 2025-04 - *Increase of Active Forest Management in Wyoming*

Retaining outdated IRA restrictions directly conflicts with these priorities and limits the Forest Service's ability to fulfill its multiple-use mandate.

Recommendation:

The decision should explicitly recognize the need to balance conservation with timber, energy, and community uses, consistent with these Executive Orders and with the statutory obligations of the National Forest Management Act.

6. State-Specific Designated Inventoried Roadless Rule Areas

When the 2001 RACR was put into effect, an alternative option was provided for states.

"§ 294.12 State petitions.

The Governor of any State or territory that contains National Forest System lands may petition the Secretary of Agriculture to promulgate regulations establishing management requirements for all or any portion of National Forest System inventoried roadless areas within that State or territory. Any such petition must be submitted to the Secretary of Agriculture not later than November 13, 2006."

If the US Forest Service rescinds the 2001 RACR, there should be similar opportunities for states to create their own IRAs. WSFD supports reopening the opportunity for state-specific IRAs, as successfully implemented in Colorado and Idaho. Such rules provide durability,

accountability, and flexibility, ensuring decisions reflect local conditions and stakeholder priorities.

Recommendation:

The Forest Service should allow states to pursue state-specific rules and provide assurance that these rules remain durable across administrations, balancing ecological, social, and economic considerations. The date for such a petition has been expired for almost 9 years, and we recommend reopening the opportunity to petition as an appropriate alternative for states post-rule rescission.

7. Utilizing Cooperating Agencies Will Lead to Better Results

WSFD believes that cooperating agencies must be fully engaged in the EIS process. Our involvement brings essential data, local expertise, and technical guidance that will lead to effective, durable outcomes. Inventoried roadless areas have already been collaboratively identified in existing Land Management Plans, and we remain committed to their continued management. Collaborative input is vital, as it ensures areas are accurately identified with all stakeholders' priorities in mind.

We ask the US Forest Service to consider the following questions:

- How will ongoing Land Management Plan revisions (e.g., Black Hills and Bridger-Teton) be aligned with the proposed rescission process?
- In the case of rescission, how will special designations be utilized for areas that were formerly IRAs?
- How will risks to municipal watersheds be prioritized within the EIS?
- How will the Forest Service ensure that future inventoried roadless area evaluation processes are transparent and accessible to the public?
- Will the Forest Service commit to providing states with the alternative option to pursue state-specific roadless area conservation rules?
- How will these rules be protected from being reopened with each administrative change?

Recommendation:

The US Forest Service should respect existing protections and partnerships in Wyoming through the inclusion of Wyoming's cooperating agencies as much as possible through the EIS process and by deferring IRA decisions to collaborative, forest-level planning processes.

Conclusion

The Wyoming State Forestry Division strongly supports returning IRA identification and management decisions to the local National Forest level under the 2012 Planning Rule.

Wyoming's forests already operate under robust conservation protections and Land Management Plans that incorporate stakeholder input. National, one-size-fits-all restrictions are unnecessary, duplicative, and harmful to the active management needed to address wildfire, insects, disease, and other forest health challenges.

We respectfully request the US Forest Service adopt the recommendations outlined in this letter and ensure that Wyoming remains an active partner throughout the EIS process.

Thank you for the opportunity to comment and for your continued partnership.

Sincerely,

Kelly Norris, CF
Wyoming State Forester

SARATOGA-ENCAMPMENT-RAWLINS
CONSERVATION DISTRICT

September 25, 2025

Brad Kinder Acting Director, Ecosystem Management Coordination
201 14th Street SW
Mailstop 1108
Washington, DC 20250-1124

Submitted Via: eplanning.blm.gov

RE: Notice of Intent to prepare an environmental impact statement – Roadless Area Conservation: Docket number FS-2025-0001

Dear Acting Director Kinder:

The Saratoga-Encampment-Rawlins Conservation District (SER CD or District), a local government entity with special expertise appreciates the opportunity to comment on the United States Department of Agriculture, United States Forest Service (USFS or Forest Service) Notice of Intent to prepare an Environmental Impact Statement (EIS) concerning the 2001 Roadless Area Conservation Rule (Roadless Rule) on National Forest System Lands.

INTEREST JUSTIFICATION

SER CD's comments are specific to our mission: "develop and direct programs to promote long-term conservation and enhancement of our natural resources while contributing to the economic stability of the district and its residents." The Wyoming State Legislature passed an enabling act in March of 1941 to establish conservation districts in Wyoming. The law clearly states that conservation districts are legal governmental subdivisions of the state of Wyoming. Wyoming conservation districts have state statutory authority related to the conservation of soil and water resources, control and prevention of erosion, conservation, development, utilization and disposal of water, to stabilize the ranching or farming industry; preserve natural resources, protect the tax base, control floods, preserve wildlife, protect the public lands and protect and promote the health, safety and general welfare of the people of the State.[1]

Conservation districts are the only local government charged, specifically by state statute, with natural resource management. Each conservation district is governed by a board of five locally elected supervisors who serve without pay. District supervisors serve as the grass roots representatives of private landowners and the general public, providing leadership and direction in natural resource conservation programs. As the Roadless Rule has impacts on the conservation of our natural resources and the stability of the district and residents, we believe it is important you continue to inform us of future planning and decisions regarding docket number FS-2025-0001.

One of conservation districts' greatest strengths is that we lead and support efforts and activities that are voluntary, locally-led, and incentive-based. We are leaders that help the public land managers get projects on the ground to maintain functioning, productive ecosystems. We have the structure to bring many partners to the table and leverage funds in a way that ecosystems and communities benefit. History has shown that locally

[1] Wyoming Statutes §§ 11- 16-102(a) (i), 11- 16-102(a) (v), 11-16-103(b), 11-16-113(c)

led conservation is one of the most effective ways to help landowners and communities achieve their conservation goals.

Wyoming Conservation Districts are actively engaged in the National Environmental Policy Act (NEPA) processes to carry out their authorities as authorized by Wyoming statutes as it states:

> *When representing a conservation district as a cooperating agency in matters related to the National Environmental Policy Act and in federal land use planning, implementation and management actions, supervisors of a conservation district shall be deemed to have special expertise on all subject matters for which they have statutory responsibility as provided in W.S. 11-16-122 including but not limited to all subject matters directly or indirectly related to stabilization of the agriculture industry, protection of natural resources including but not limited to data and information, conservation of soil and water resources, control and prevention of soil erosion, flood prevention or the conservation, development, utilization and disposal of water within the district.* Wyo. Stat. § 11-16-135.

Thus, Wyoming statutes clearly provide conservation districts the special expertise to act as a "cooperating agency" in the NEPA process.

The SER CD has partnered with planning and vegetation management projects on the Medicine Bow National Forest (Med Bow NF) for decades. The Record of Decision date for the current Med Bow NF plan was 12/29/2003. The Med Bow NF began the 2003 forest plan revision in 1999, prior to the adoption of the Roadless Rule. According to the FEIS (p 53), the Forest Service followed the planning process then in place but acknowledged the "uncertainty with the roadless issue" and conceded that "If the Roadless Rule goes into effect and is implemented it will override any agency policy and any management direction in this Plan."

The cooperation to provide a working relationship during the implementation of the 2003 Med Bow NF Land and Resource Management Plan (Med Bow Plan) between the Forest Service, Medicine Bow-Routt National Forests and Thunder Basin National Grassland and the Southeastern Wyoming Conservation Districts was formalized in the recently reauthorized 2023 Memorandum of Understanding. The SER CD was a cooperating agency during the forest land management planning process and has continued with active participation during its ongoing implementation.

The Long Range Land Use and Natural Resource Management Plan for SER CD 2022-2026 (SER CD NRM Plan)[2] includes an extensive list of policy statements which are the basis for our comments. The SER CD NRM Plan was developed, open for public comment, adopted by the SER CD Board of Supervisors, and filed with the Carbon County Clerk. A few of the general expectation policy statements for any NEPA EIS process include:

> **Policy Expectations #3:** Federal agencies shall conduct a consistency review with the Saratoga-Encampment-Rawlins Conservation District Long Range Land Use and Natural Resource Management Plan for every proposed National Environmental Policy Act decision an agency makes that may affect the District, the natural resources within the district, or its residents.
>
> **Policy Expectations #13:** Saratoga-Encampment-Rawlins Conservation District's special expertise is acknowledged regarding the natural resources as these policies are a key factor in proposed decisions.
>
> **Policy Expectations #14:** Cooperation and open communication between federal agencies and Saratoga-Encampment-Rawlins Conservation District is achieved when assessing the effects of proposed federal actions within the district.

[2] https://sercd.org/on-going-land-use-planning-information/

Policy Expectations #29: When determining the effects of any proposed action, those effects should be reasonably foreseeable and have a reasonably close causal relationship to the proposed action, including those effects that occur at the same time and place as the proposed action or alternatives and may include effects that are later in time or farther removed in distance from the proposed action or alternatives.

Policy Expectations #28: An "effect" when conducting a National Environmental Policy Act analysis should not be considered "significant" if the effect is remote in time, geographically remote, or the result of a lengthy causal chain.

Specific Comments and Identified Impacts

1. The SER CD supports USFS's efforts to rescind the Roadless Rule. We agree that many things have changed since the inception of the Roadless Rule. Forest health, wildland urban interface, forest fuel-loads, and recreation use conditions have and will continue to change over time. We agree that managing inventoried roadless areas to maintain their roadless character through a national rule no longer facilitates the maintenance of the long-term health and productivity of our individual national forests. While we support active forest management to maintain a healthy forest and strong local economy, we do not support placing roads or conducting commercial timber sales everywhere in the forest. Resource and social demands on each forest is a balancing act that is best addressed through decisions made as close to "on-the-ground" as possible, in coordination and cooperation with state and local governments.

   The SERCD believes the Roadless Rule is an outdated administrative rule that contradicts the will of Congress and goes against the mandate of the Forest Service to sustain the health, diversity, and productivity of the nation's forests. The nationally imposed Roadless Rule adds unnecessary administrative burdens and does not efficiently support multiple use management of National Forest System lands. Rescinding this rule will remove top-down directives that impede the local forest managers from achieving the Forest Service multiple use conservation mission.

   Rescinding the Roadless Rule will enhance forest management and economic opportunities for Wyoming. It will allow for locally-driven active forest management and promote decisions that are in-line with the local customs, cultures, values, and economies. The identification of management areas, including roadless areas, through the land management planning process as originally intended with NEPA and the National Forest Management Act (NFMA) will lead to improved forest health, reduced wildfire risks, reduced insect infestations, and the creation of jobs in sectors like logging, construction, and maintenance. Such activities contribute to Wyoming's economy and improve access for outdoor recreation and tourism.

   Rescinding this rule will remove prohibitions on road construction, reconstruction, and allow for responsible timber production in response to ever-changing conditions, recreation opportunities, fuel reduction treatments, and wildfire suppression. Other projects that have nothing to do with timber production have been delayed because they are in inventoried roadless areas (IRAs), for example, clearing grazing allotment fences from all the downfall of dead trees killed by mountain pine beetles to allow for continued livestock grazing.

   Rescinding the Roadless Rule would provide local land managers and local stakeholders to tailor management actions to address local land conditions and the needs of the local communities. Providing opportunities for local land managers to make decisions with less federal top-down regulation would increase rural economic opportunities and support the local economy. The flexibility to respond to the local land and resource conditions in a timely manner is paramount.

Individual forests and local communities are experts in knowing the management history of these national forest treasures that have significant impacts on local communities and counties. Priorities and workloads differ vastly from forest to forest, and the Forest Supervisors should have the authority to make decisions for prioritizing projects in relation to national, state, and local needs. The "most durable solution" needs to be developed locally with flexibility for adapting to changed conditions, whether those are from wildfire, insects, climate, or lessons learned from past active management.

The SER CD policies supporting this comment include: 1) Policy Socio-economics #1, *"Federal agencies shall base all management decisions on the public land multiple use mandate of our public lands and implement actions that balance multiple uses for sustainable land health."*; 2) Policy Silviculture, Fire and Fuels #17, *"Forest management shall follow the mandates of the Organic Administration Act and adhere to the Multiple-Use Sustained-Yield Act of 1960, as well as the National Forest Management Act, and the National Environmental Policy Act.";* 3) Policy - Silviculture, Fire and Fuels #10, "*Forest management should support a coordinated timber harvesting and thinning method to promote forest health, reduce disease and insect infestation, reduce wildfire impacts, and prevent waste of forest products.";* and 4) Policy Land Use & Realty #2, *"Federal agencies should conduct any National Environmental Policy Act analysis using multiple-use principles that take into consideration all the resources such as, but not limited to, agriculture, air, energy, mineral extraction, range, recreation, socioeconomics, timber, tourism, wildlife, and water."*

2. The Notice of Intent requests public comment on the "impacts of rescinding the Roadless Rule." Rescinding the Roadless Rule does not authorize any additional management decisions. Building roads or not building roads for commercial timber harvest is still a management decision that must comply with a Forest Plan, NEPA, and other environmental laws. However, rescinding the Roadless Rule would create opportunities to address a host of challenges and objectives across landscapes through proactive management.

   There are also studies concerning the number of fires in IRA areas, severity of fires, where fires start, and burned acreages. While topography and the ability to address fires play a significant role, we have seen higher percentages of fires starting in IRA, a higher percentage of high-severity fires in IRA, a larger percentage of IRA acreage being burned than non-IRA acreage across the State.

   The SER CD has seen the impacts from the implementation of the Roadless Rule. We saw quite a few mills in Wyoming close, including ones in Saratoga and Encampment after the Roadless Rule was implemented. The timber industry once was a large economic driver for Carbon County as timber was harvested for the railroad and transported down the river to make it easier to access. The mill in Saratoga was finally reopened after many years and joint efforts from many stakeholders. The timber industry has decreased significantly, however, the one sawmill in Saratoga, Saratoga Forest Management, is a large employer to the community. The sawmill provides lumber products and wood by-products.

   The timber industry is still important to the economic stability of the District and vital component of proactive management of the forests in the District. To sustain a viable timber industry, it is imperative for access to economically feasible quantities of timber. As timber prices, extraction expenses, labor costs, and other costs fluctuate, the parameters for being economically feasible also fluctuate. During any federal forest land use planning, it is imperative to do a thorough socio-economic analysis based on current (at the time of the planning) and projected figures for these parameters. Lack of proactive forest management and logging can lead to less-than-ideal environmental conditions as experienced over the last 30 years. If logging of the beetle-killed trees isn't done in a timely manner, consequences include forest-user safety and lack of access by humans, livestock, and wildlife to name a couple.

The SER CD policies supporting this comment include: 1) Policy Socio-economics #5, ***"****Federal, state, and local agency plans or management recommendations shall include an appropriately detailed socio-economic impact description that addresses the effects on the Saratoga-Encampment-Rawlins Conservation District's natural resources, economies, and health and welfare of its citizens."*; 2) Policy Socio-economics #13, ***"****Federal agencies consider Carbon County's socioeconomic and economic viability in all federal decisions."*; and 3) Policy Land Use & Realty #7, *"Federal agencies should support decisions that ensure the socioeconomic wellbeing of Saratoga-Encampment-Rawlins Conservation District citizens, maintain the culture and customs of the constituents, and consider natural resource health."*

3. SER CD believes it is imperative that the Forest Service engage with local and state cooperating agencies throughout the development of the EIS identified by docket number FS-2025-0001. SER CD looks forward to serving as an active partner throughout the development of the EIS to help the Forest Service in crafting a reasonable range of alternatives, ensuring a durable management framework, with the overarching goal of advancing locally supported forest management based on the needs of specific forests, community safety, resilient and working forests that meet the USFS's multiple use and sustained yield mission.

   The SER CD policies supporting this comment include: 1) Expectations Policy #2, "*Federal agencies regularly coordinate and offer the ability for the Saratoga-Encampment-Rawlins Conservation District (Board) to participate as a cooperating agency for any federal action occurring within the district requiring National Environmental Policy Act analysis. The Board at its discretion, within its authority and resources available will consider the federal invitation and respond in writing to those projects which we feel we can be a productive team member.*"; and 2) Expectations Policy #23, "*Federal agencies should work with cooperating agencies in making sound natural resource decisions that are scientifically based, legally defensible, sensitive to resource health, and responsive to multiple-interest users.*"

4. The SER CD asserts that the 2001 Roadless Rule has prevented vegetation treatments in areas of the Med Bow NF that suffer from hazardous fuel loading, diminished wildlife habitat, and less than an optimal recreation experience. While road infrastructure is present on the landscape, many of them were administratively closed after the implementation of the 2001 Roadless Rule finally went into effect after the litigation was completed. The Med Bow NF landscape had changed significantly from the time of the 1970s Roadless Area Review and Evaluation (RARE) I and RARE II IRAs mapping. There were no adjustments to the boundaries to reflect management actions that had occurred over the nearly thirty-year period.

   The Med Bow NF developed the Landscape Vegetation Analysis (LaVA) Project to respond to unprecedented landscape-level tree mortality from bark beetles that affected hundreds of thousands of acres across the Med Bow NF since the late 1990s leading to a lack of resilience to other disturbances and unsafe conditions in some locations.

   The LaVA project is within the boundaries of a designated priority landscape area for treatment of insects and diseases, as defined by the Healthy Forests Restoration Act (HFRA). The Purpose and Need for the LaVA project includes mitigating hazardous fuel loading, providing for recovery of forest products, enhancing forest and rangeland resilience to future insect and disease infestations, protecting infrastructure and municipal water supplies, restoring wildlife habitat, enhancing access for forest visitors and permittees, and providing for human safety. The LaVA project was designed for multiple-benefit, active management on a landscape scale.

   The LaVA Project includes up to 288,000 acres of vegetation management on the Med Bow NF, spanning multiple ranger districts, under one decision for 15 years from the August 2020 signed Record of Decision.

The Forest Service worked collaboratively alongside multiple federal, state, and local cooperating agencies and the public to plan the LaVA project. By working with cooperating agencies and the public, the Forest Service was able to develop a plan that addresses a diversity of stakeholder interests and mitigates risk to habitats, activities, and adjacent communities. The SER CD served as a cooperating agency during the development of the LaVA project and has continued an active role as a partner in conducting vegetation management for successful implementation of the LaVA.

In response to an objection, the Forest Supervisor excluded treatment inside IRAs from the decision, including IRAs where the project would have used existing roads that were Administratively closed. Since IRAs represented roughly 20 percent of the original LaVA treatment opportunity area acres, treatment acres were reduced by 20 percent. This removed roughly 123,000 acres, or 20 percent of treatment opportunity area acres from the project decision. It also reduced proposed treatment acres from 360,000 to 288,000 acres.

The SER CD policies supporting this comment include: 1) Policy - Silviculture, Fire and Fuels #7, ***"****Federal and state land managers should implement proper management of forest and other public lands through Best Management Practices (BMPs) including, but not limited to, timbering, select cutting, fire management, and managed grazing practices for the prevention of catastrophic wildfires."*; and 2) Policy - Silviculture, Fire and Fuels #10, ***"****Forest management should support a coordinated timber harvesting and thinning method to promote forest health, reduce disease and insect infestation, reduce wildfire impacts, and prevent waste of forest products."*

5. The Notice of Intent identified two alternatives, the No Action and the Proposed Action (rescission of the Roadless Rule). For all detailed environmental impact statements, under 42 U.S.C. 4332(C)(iii), there must be *"a reasonable range of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternatives, that are technically and economically feasible, and meet the purpose and need of the proposal."* The SER CD offers the following suggestions for consideration for an additional alternative for the EIS.

    a. We suggest that in addition to a 'No Action Alternative' and a 'Rescind the Roadless Rule' alternatives that the Forest Service considers an alternative that rescinds the Roadless Rule and amends the 2012 Forest Planning Rule to include a simple directive saying that roadless areas will be taken into consideration as a specific management area during any forest land use planning effort process. This would ensure roadless area considerations and roadless discussions occur during the planning process.

    b. We also suggest that the additional alternative provides a process for allowing for state-specific roadless conservation rules and how state-specific rules would account for national forests that span more than one state.

The SER CD agrees with the following statement in the federal register notice, *"Land management plans and Agency directives provide a comprehensive framework with respect to inventoried roadless area decision making. Eliminating a cumbersome national level oversight process and returning authority to the local decisionmakers provides for efficiency as well as effectiveness for resource conservation. The important resource values of inventoried roadless areas can be effectively conserved through local decision making and planning without restrictive and unnecessary national prohibitions."* We assert that adding another alternative as suggested would strengthen the range of alternatives while accomplishing the stated purpose and need.

Conclusion

Thank you for the opportunity to comment on this notice of intent to prepare an environmental impact statement on roadless area conservation. We look forward to continued engagement as the Forest Service allows. We sincerely hope the Forest Service considers engaging with cooperating agencies in the development of the environmental impact statement and updated roadless area conservation rule for the National Forest System Lands. The opportunity to serve as a Cooperating Agency is not just helping the NEPA process simply check a box. Cooperation is building and maintaining a meaningful relationship with federal partners in developing solutions to challenging social and environmental issues. This includes respectful timeframes and working to understand each party's values for a thoughtful process.

The forests are more than just a place to visit for most Wyoming residents. They represent a part of the life blood of the communities and are interwoven into their very existence and stability. Local communities are connected to the forests whether it is through the ecosystem services they provide or the economic benefit they offer via livestock grazing, timber production, travel and tourism, or recreation opportunities. The health of the forest is vital to the stability of the communities and citizens. Ultimately, we will be partners on stewardship projects and continue leveraging funds to conduct proactive stewardship with the Forest Service to address local priorities of Wyoming forests while protecting the custom and culture, and economies of our rural communities.

The SER CD will continue cooperation with the Forest Service to cocreate durable solutions to managing national forests as the SER CD is committed to successful natural resource management throughout Wyoming and the United States.

Please feel free to contact us if you have questions about our comments.

Respectively,



Chris Williams
Board Chairman

CW/lc

CC: Wyoming's Congressional Delegation
Governor Mark Gordon
Carbon County Commissioners
National Association of Conservation Districts
Wyoming Association of Conservation Districts
Wyoming County Commissioners Association
Wyoming Department of Agriculture
Wyoming Farm Bureau Federation
Wyoming Stock Growers Association
Wyoming Wool Growers Association

CROOK COUNTY BOARD OF COMMISSIONERS

P.O. Box 37 • 309 Cleveland Street • Sundance, WY 82729

September 19, 2025

Mrs. Brooke Rollins
Secretary of Agriculture
United States Department of Agriculture
201 14th Street SW
Mailstop 1108
Washington, DC 20250–1124
ATTN: Director, Ecosystem Management Coordination

Submitted via Federal eRulemaking Portal
Portal: https://www.regulations.gov
Docket No. FS–2025–0001

RE: United States Department of Agriculture Forest Service Notice of Intent to Prepare an Environmental Impact Statement for Special Areas; Roadless Area Conservation; National Forest System Lands

Dear Secretary Rollins:

On behalf of the Crook County Board of Commissioners ("County") located in Sundance, Wyoming, I want to thank you for allowing us the opportunity to submit comments regarding for the United States Forest Service (USFS) Roadless Area Conservation Rule (RACR or Rule) Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS).[1] Crook County's economic viability is highly dependent on federally managed lands for timber production and harvest, energy development, livestock grazing, wildlife, tourism, and recreation and this Rule reconsideration initiated by the United States Department of Agriculture (USDA) will have a significant impact on the socioeconomics, custom and culture of our County and State.

In Wyoming, counties serve as a legal arm of the state entrusted with carrying out statutory and regulatory goals at the local level. County governments are actively engaged in the National Environmental Policy Act (NEPA) processes to assist our federal partners to create management plans that encourage productive and enjoyable harmony between man and his environment. 42 U.S.C. §4321. Crook County takes our responsibility as a local government seriously and strives to ensure our

[1] USDA Notice of Intent to Prepare an Environmental Impact Statement re: Special Areas; Roadless Area Conservation; National Forest System Lands
[Federal Register Vol.90 No. 166, Friday, August 29, 2025, Notices, Page 42179]

community is an economically vibrant, safe, and healthy place to live, work, and recreate. Wyo. Stat. § 18-5-208(b).

Crook County serves as a co-regulator and partner of thousands of acres of USFS federal surface that fall within our jurisdictional boundaries. Our County contains varying percentages of federal, state, and private land, which need thoughtful management at each jurisdictional level. The USFS lands in Crook County are part of the Black Hills National Forest (BKNF) and the Thunder Basin National Grasslands (TBNG), which equates to approximately 9% of the total land in the County (200,000 acres and 320 acres respectively). These resources are important for the livelihoods of residents and the attraction of those traveling through. The BKNF and TBNG are included as affected areas and subject to this USFS Rule recission.

As co-regulators, Crook County has prepared Crook County Natural Resource Plan[2] to serve as the basis for communicating and coordinating with the federal government and its agencies on land and natural resource management issues. Wyo. Stat. § 18-5-208(b). Well managed forests are a crucial component to achieving our goals as local governments. Executive Order 14072 *"Strengthening the Nation's Forests, Communities and Local Economies"* (EO) recognizes this relationship and expressly connects local economies with forest management activities. Our plans, which the USFS should be consistent with, speak specifically about our local economy and the multiple uses within our federal, state, and private forested lands.

As partners, Crook County works diligently to support the work of our federal land managers to overcome shared challenges and achieve mutual goals. Our County actively participates with Wyoming USFS district offices and the regional office on NEPA projects, trainings and presentations, and special initiatives. Although RACR is a substantially different planning effort than is usually contemplated by the agency, we are committed to participate with the USFS and engage in this NEPA process in good-faith, to ensure federal agencies understand local environmental and socioeconomic impacts to proposed projects and plans, and that the NEPA documents contain up-to-date local information that only counties can provide.

Crook County also believes that land management decisions for the national forests in Wyoming are best made as close to "on-the-ground" as possible, in coordination and cooperation with state and local governments. The National Forest Management Act (NFMA) recognizes that forest direction should be ecologically sustainable, economically viable, and socially beneficial over the long term. The 2012 Forest Planning Rule operationalizes the NFMA at the local forest level with a commitment to cooperation with state and local governments, protecting our forests and communities from one-size-fits-all rules and

[2] Crook County Natural Resource Management Plan dated December 2, 2020. https://cms2.revize.com/revize/crookscountynew/NATURAL%20RESOURCE%20MANAGEMENT%20PLAN%20.pdf

decisions from Washington, and strengthening federal decision making that can truly reflect the needs of individual forests and communities that rely on them.

While the County fully supports the recission of RACR for reasons detailed below, we submit the following comments for the USFSs consideration as the agency moves forward with development the draft EIS:

I. General

- Wyoming County Commissioners Association (WCCA) – Crook County endorses, and incorporates by reference, comments submitted by WCCA.
- State of Wyoming – Crook County endorses, and incorporates by reference, comments submitted by the State of Wyoming and its agencies.

II. Background

Wyoming is home to the first national forest, the Shoshone, and portions, or the entirety, of seven other national forests: the Ashley, Bighorn, Black Hills, Bridger-Teton, Caribou-Targhee, Medicine Bow-Routt, and Uinta-Wasatch-Cache National Forests. National forest lands in Wyoming cover over 9.2 million acres, an area larger than New Jersey, Connecticut, and Delaware combined.

As stated above, the USFS lands in Crook County are part of the Black Hills National Forest (BKNF) and of those lands, approximately 200,000 acres, there are an estimated 13,000 acres identified as Inventoried Roadless Areas (IRA). Wyoming shares the BKNF with South Dakota and IRA acres identified in Wyoming alone equates to an estimated 2% of the forest. While not all of the IRA acres fall within the jurisdictional boundaries of our County or even our state, the effects of the roadless designation still have real impacts to all neighboring counties within the BKNF.

The BKNF Record of Decision (ROD) for the most current land use plan was last completed in March of 1997. The 1997 Black Hills Revised Forest Plan designated two areas for inclusion as IRA: 1) most of Sand Creek as late succession landscape and 2) Inyan Kara Mountain as a special interest area.

The BKNF is currently undergoing the process to revise its land use plan and the County is a cooperating agency on that project. As required under the 2012 Planning Rule, the local assessments have been completed and the NEPA process is poised to begin in early 2026. Pertinent to RACR, Crook County believes that the best forest policy decisions are accomplished through robust local engagement. The County advocates for a tailored approach to forest management, emphasizing the importance of addressing the specific ecological and management needs of individual forest areas.

Further, the County submitted comments regarding the Roadless Area Proposed Rule in 2000 and is on record of strongly opposing the implementation of the Rule claiming the process was "seriously flawed" and the USFS "...totally bypassed the NEPA process when it excluded local stakeholders from participating meaningfully in the planning process."[3] Let's learn from history and not repeat our mistakes. The County strongly supports the USFSs recission of the RACR as a national planning approach and urges the federal agency to restore local forest units with more power to address unique management strategies within their individualized land use plans. This local approach would better suit the specialized environmental conditions and community interests of each forest.

A. Sand Creek Inventoried Roadless Area

The Sand Creek Inventoried Roadless Area (IRA) includes approximately 12,389 acres in the Bearlodge Ranger District portion of the BKNF and as is being managed as "Inventoried Roadless Area where road construction or reconstruction is allowed" (USFS BKNF IRA Map dated Sept. 2000). This area was given an "Inventoried Roadless Area" designation by the Clinton Administration in the late 1990's primarily due to the "old growth" of Ponderosa Pine. The IRA has been identified as lands without existing roads that could be suitable for roadless area conservation as wilderness or other non-standard protections. This designation has resulted in decades of "no" active forest management and has precipitated the spread of the Mountain Pine Bark Beetle (MPB) outbreak which killed a significant portion of the old growth pine inventory over a decade ago. These MPB infected trees present a considerable wildfire hazard not only to the forest, but to the adjacent landowners as has been stated by the USFS regarding this pandemic.

Currently, there are approximately 160 miles of roads identified on the official USFS maps. These roads can range from actual gravel capped to grassed-in logging roads. The area was heavily logged by Homestake Mining in the late 1950's early 1960's and according to the Crook County tax role, valid existing rights in the form of mining claims still exist and are mostly accessed through South Dakota; in fact, there is still a Crook County minor subdivision on the books at one of the mine sites. These roads see extensive use from OHV and vehicle use traveling into the forest to hunt, check grazing allotments, recreate, and allows private landowners to access property inholdings. Grazing has occurred in this region since before the USFS was created and therefore, fencing and water improvements are found throughout the area.

A "roadless" or "wilderness" designation can attract travelers and recreationists which leads to the need to develop parking areas, fencing, clear signage, restrooms and good trails for access into the area. With the threat of continued MPB kill and fire exposure from non-management within the IRA, this creates a challenge for fire fighters and emergency response professionals to protect private inholdings and the general public. With already existing roads, trails, OHV use, recreation of all forms, mining claims,

[3] Attached Crook County comments regarding Roadless Rule Proposed Rule dated July 5, 2000 along with Crook County Roadless Initiative Resolution No. 9-2000 dated June 7, 2000.

grazing allotments and improvements and private inholdings, this area is not a good candidate preservation.

The County contends that the Sand Creek IRA does not improve the quality of visitor's experience in terms of solitude, primitiveness, and unconfined recreation. This area has been heavily altered by man as discussed, several times above. The area does not complement or improve the IRA where "road construction or reconstruction is allowed" and is not suitable as a stand-alone wilderness designation. There are numerous concerns, conflicts and issues as discussed in the manageability section that face the USFS and the County if the area is managed for preservation.

Decisions moving forward regarding roadless or conservation designations must be driven locally through the land use planning process where diverse ecological, social, and economic conditions that vary across different forests, counties, and states, ensure sustainable and context-sensitive forest management practices. Forest managers, in collaboration with state and local partner, must possess the authority to make informed management decisions.

B. Inyan Kara Mountain IRA

The Inyan Kara Mountain (Mountain) is a stand-alone area managed by the USFS with 1,309 acres. The area is currently being managed as an Inventoried Roadless Area "where road construction or reconstruction is not allowed" (USFS BKNF IRA Map dated Sept. 2000). While the Mountain is primarily federally owned and managed by the USFS, it is completely surrounded by private lands. The USFS has easements with certain landowners for access to the USFS; however, when the Crook County Road and Bridge Department were conducting improvements on the Schlup Road, the County approached surrounding landowners to see if they were interested in extending that portion of the county road to the USFS boundary - the landowners were not interested in that proposal at that time. Therefore, the county road ends ½ mile from that USFS boundary.

The Crook County Fire Department is challenged in fighting fires started by lightening that have occurred there in recent years due to the difficulty in obtaining access across private lands. There are valid existing rights located on and around the Mountain in the form of mainly mining claims. To our knowledge, the Mountain does not have designated hiking trails to the summit, as access is limited due to being entirely surrounded by private property. However, there are plentiful hiking opportunities available, and climbers can choose their own routes once they have permission to cross private lands. The Mountain does have a significant number of active grazing allotments.

Decisions moving forward regarding roadless or conservation designations must be driven locally through the land use planning process where diverse ecological, social, and economic conditions that vary across different forests, counties, and states, ensure sustainable and context-sensitive forest

management practices. Forest managers, in collaboration with state and local partner, must possess the authority to make informed management decisions.

III. USFS Should Abandon its Top-down One-sized Approach to Roadless Management

The County supports the USFSs reconsideration of its current and misguided nationally driven planning strategy and urges the agency to instead empower local forests with greater authority to modify and update their management plans. This localized approach would better accommodate the unique environmental conditions and community interests associated with each forest.

In stark contrast to the Roadless Rule process established in 2001, Crook County believes that effective forest policy development is best achieved through active engagement with local stakeholders. Recognizing the significant ecological and social differences among national forests and their surrounding communities, a decentralized planning approach ensures that conservation efforts and resource management are more responsive and sustainable, ultimately fostering more effective and context-sensitive forest stewardship.

As a way of background, the USFS issued an "Interim Roadless Rule" that went into effect on March 1, 1999, and imposed an eighteen-month moratorium on road construction in IRAs across the United States. On October 13, 1999, President Clinton directed the Forest Service to initiate rulemaking to protect IRAs. Scoping began on October 19, 1999, with the USFS release of its Notice of Intent (NOI) to prepare an EIS and to initiate rulemaking. The Federal District Court in Wyoming described the rulemaking thus: "In its rush to give President Clinton lasting notoriety in the annals of environmentalism, the Forest Service's shortcuts and bypassing of the procedural requirements of NEPA has done lasting damage to our very laws designed to protect the environment." *Wyoming v. U.S. Dep't of Agric.*, 570 F. Supp. 2d 1309, 1345 (D. Wyo. 2008), *rev'd,* 661 F.3d 1209 (10th Cir. 2011).

The 1999 NOI did not specify a geographic scope nor did it provide any maps of lands that would be covered by the proposed Rule. Therefore, Wyoming was forced to comment on the Rule NOI without specific information on the extent of the impact of the rule. Neither the state nor local governments were allowed to cooperate in the development of the Rule, and Wyoming actively litigated the RACR for a decade. In the end there was little buy-in from stakeholders who had been barred from involvement in the process.

Wyoming, like many states, boasts a diversity of counties with unique histories and values based on distinct forests with varying ecology and opportunities. Local governments in Wyoming work tirelessly with USFS partners to develop appropriate management frameworks within the cooperating agency process for forest plans that reflect and appreciate the diversity within our forests and communities. The USFS planning process is worth preserving, empowering, and protecting.

One of the many flaws in the rulemaking process was that when the RACR was implemented in 2001, it superimposed roughly drawn maps – developed in the 1970s for potential Wilderness designation – without taking a hard look at the impacts it would have on existing forest plan direction. The Secretary of Agriculture made a conscious decision that the RACR would apply to "all lands within an inventoried roadless area boundary" knowing that thousands of acres within inventoried roadless area (IRA) boundaries already had existing roads and areas with active forest management.

To make matters worse, the Forest Service failed to engage state and local governments as cooperating agencies under NEPA throughout its development of the RACR. Consequently, the RACR sidelined the very governments and people impacted the most by the establishment of the Rule. Despite the RACR providing an opportunity to update or revise the set of inventoried roadless area maps, the Forest Service has failed to make necessary updates or revisions to correct the maps and, in the process, has continued to undermine the credibility of the RACR.

Following two decades of implementing the RACR, it is evident that empowering forest managers with greater authority and flexibility is essential for effectively collaborating with all stakeholders, including state and local governments. Such collaboration is vital to addressing current challenges and leveraging opportunities within our forest ecosystems. The original design of the RACR imposed limitations on local authority, restricting the ability of local forest plans to adapt to community needs and priorities. Repealing the RACR would restore jurisdiction to local forest managers, enabling them to make informed decisions through forest and project planning processes that incorporate community engagement. This approach fosters sustainable forest management practices, promotes ecological health, and supports the socio-economic well-being of communities nationwide, ensuring that forest policies are responsive to local conditions and stakeholder interests.

The County supports the USDAs initiative to reevaluate and manage the components of roadless and conservation effectively. The basis of our support is grounded not in the assumption that commercial timber roads should not be constructed universally within Wyoming's national forests, but rather in the recognition that forest managers, in collaboration with state and local partners, must possess the authority to make informed management decisions. These decisions should account for the diverse ecological, social, and economic conditions that vary across different forests, counties, and states, ensuring sustainable and realistic forest management practices.

Staying the course with RACR as a top-down one-sized approach that was implemented in 2001 does not promote the best management for our distinctive forests or produce the best results for our unique communities. By the USFS's own admission in the preamble to the 2012 Planning Rule, "...more specific requirements were not included in the final rule, because these issues are best identified and determined at the forest or grassland level, reflecting ecosystems and plant and animal communities on the unit." The County agrees with this approach in the Planning Rule. A localized planning approach

recognizes the vast differences between our national forests and the communities that live in and around them.

As the USFS knows, forest plans are required to balance a multitude of challenges, priorities, and interests on our forested lands. Existing plans were established in good faith with the cooperation, data, and input from states, counties and other cooperating agencies. Each of the forest units within the state of Wyoming have direction in their existing plans for identifying areas of roadless or conservation priority. Forcing a national management agenda to layer on top of our existing plans does not strengthen them, it undermines them.

The County strongly supports the USFSs recission of the RACR as a national planning approach and urges the federal agency to restore local forest units with more power to address unique management strategies within their individualized land use plans. This local approach would better suit the specialized environmental conditions and community interests of each forest.

IV. The USFS Should Meaningfully Engage with Crook County as a Cooperating Agency under the National Environmental Policy Act, National Forest Management Act and the 2012 Planning Rule

Our County has a history of supporting the USFS in developing, revising, and amending forest plans, providing special expertise on socioeconomic issues, including how amendments will affect jobs and the tax base. The County, has also enjoyed a long history of partnership with the USFS working together through on-the-ground projects and advisory groups to assist with plan implementation. Beyond cooperating agency work, our County has made substantial investments to strengthen the working relationships we enjoy with the Forest Service. Our participation also assists the federal agency to comply with its requirement to coordinate its land management planning with local county land use plans.

A. National Environmental Policy Act

The County realizes that USDA is currently undergoing revisions to its NEPA procedures for many reasons but one being the issuance of congressional directives[4] along with new court decisions. Specifically, recent federal court cases, along with a Supreme Court Decision, challenged longstanding assumptions regarding the Council on Environmental Quality's (CEQs) authority to issue binding regulations for implementation of the NEPA.

Furthermore, on January 20, 2025, President Trump signed Executive Order (E.O.) 14154, rescinding E.O. 11991, which had previously directed CEQ to promulgate NEPA implementing regulations. On February

[4] Fiscal Responsibility Act of 2023 (FRA), PUBLIC LAW 118–5—JUN. 3, 2023

25, 2025, CEQ published in the Code of Federal Regulations (CFR) an interim final rule removing existing CEQ NEPA implementing regulations. In addition to Executive Order (E.O.) 14154, the judicial branch's opinions in Marin Audubon v. FAA and Iowa v. CEQ demanded the longstanding CEQ regulation framework for cooperating agencies under NEPA be rescinded. However, neither the E.O. nor any court decision mandated that the cooperation our County has enjoyed should be eliminated or impaired. Consequently, the County remains hopeful that much of the clarity and consistency provided by CEQ regulations could survive a move to department regulations.

Additionally, NEPA's commitment to cooperating with local governments in the development of its required analyses plays an outsized role in Wyoming, where nearly half of the state is managed by the federal government along with vast acreage of mineral estate. We are grateful for USDA's efforts to improve the NEPA process and look forward to seeing the benefits in our communities.

Our goal as cooperating agencies is to help expedite NEPA, provide local and technical data and information, help agencies come to defensible and durable decisions, and support the cooperative principles that distinguishes NEPA from all other acts of congress. It is our goal of safeguarding and furthering NEPA's cooperative code that guides our comments on cooperating agencies.

It cannot be stated strongly enough that state and local government participation in the NEPA process as cooperating agencies is imperative and USDA must include provisions clearly stating inclusion of local governments. In the NEPA process, the USDA must retain similar language in their NEPA procedures that "A lead agency may designate any Federal, State, Tribal, or local agency that has jurisdiction by law or special expertise with respect to any environmental issue involved in a proposal as a cooperating agency." See 40 C.F.R. §§ 1501.7 and 1501.8.

Public lands and the resources on them influence the custom and culture of the County. The relationship between the County and the federal agencies is key to ensuring resources are managed successfully and the County's custom and culture of using public lands for multiple uses remains intact. The County and federal agencies have worked together in the past on resource management concerns and issues and will continue to strengthen and build those relationships to ensure that all stakeholders are at the table when discussing resource management on public lands within the County.

While USDA has the authority to conduct a rulemaking process to create regulations that implement laws and policies that ensures transparency and public involvement in the development of regulations that affect natural resources and public lands, the County contends that more often than not, a departmental "Rule" would have significant impacts on the environment, applies across the Department nationwide and thus warrants an analysis through an environmental impact statement under NEPA. Currently, "Rulemaking" is not required to undergo the same process as NEPA and there is no cooperating agency component, beyond the public comment period, and in this instance, the USFS rightfully chose to conduct EIS to better engage with stakeholders and cooperators; however, it doesn't

go far enough and the Forest Service should, at the very least, allow the states to participate as cooperating agencies in this NEPA process.

Further, NEPA is required for all "major federal actions significantly affecting the quality of the human environment." Most federal Rules, if implemented, will undoubtedly impact the socioeconomics of local jurisdictions where federal land exists for example the RACR of which the USFS appropriately conducted a NEPA analysis. The County maintains that Rules impacting states and counties should allow a similar cooperating agency engagement process as NEPA and at the very least, USDA should modify its Rulemaking process to create a "cooperating agency" component similar to NEPA for engagement with states and their agencies. This would ensure better consistency with state and local government plans.

Unfortunately, the USFS is once again attempting to approach the RACR alone. Even though this proposed action is to rescind the Rule, the Forest Service should recognize that it is our forests and communities that will bear the brunt of uncertainty in planning, projects, and litigation that will ultimately result from any modification of the RACR. Serving as cooperating agencies will also benefit us, as we attempt to navigate changes in management and ultimately convey those changes to our constituents.

The USFS would benefit from the meaningful engagement of Wyoming counties in the development of its EIS. Beyond an exhibited commitment supporting the USFS through project and planning efforts for decades, Wyoming counties have local expertise, data, and jurisdiction of the lands impacted by the RACR that would benefit the EIS. While the County cannot demand the Forest Service include our counties and state as cooperators, as governmental partners we are requesting the USFS change its current direction and at the very least allow the state to coordinate as a cooperating agency.

B. National Forest Management Act

Preceding the NFMA was the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), which initially required, among other things, the Forest Service to develop land and resource management plans for units of the National Forest System. Later, the NFMA further expanded the Forest Service planning obligations and established the statutory authority applicable today to the Forest Service and the USDA. The NFMA currently serves as a key statutory backbone for the formation of land management and forest planning regulations. Under the NFMA, 16 U.S.C. §§ 1600-1687, the Forest Service is mandated to promulgate regulations for the development and revision of land management plans to guide management of land within the agency.[5] The NFMA requires the Secretary of Agriculture to develop regulations under the principles of the Multiple Use and Sustained Yield Act (MUSYA) and to set out further processes for the development and revision of land management plans.[6]

[5] 16 U.S.C. § 1604(a).
[6] 16 U.S.C. § 1604(g).

The NFMA guides the development and revision of plans, environmental considerations, resource management guidelines, and general guidelines for land management plans. Further, NFMA requires that the agency's planning regulations must adhere to NEPA and consider the impact to multiple resources, including impacts to wildlife, timber resources, recreation, and grazing under a guidance of multiple use and sustained yield but the Act does not prescribe or dictate to the agency how each resource must be managed beyond a multiple use and sustained yield lens.[7]

The National Forest Management Act (NFMA) governs the U.S. Forest Service (USFS) and requires the agency to "coordinate". The NFMA requirements are as follows:

> *[T]he Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies* (16 U.S.C. § 1604(a)).

The fact that the USFS is directed to "coordinate" with local governments implies, by its plain meaning, that the USFS must engage in a process that involves more than simply "considering" the plans and policies of local governments; it must attempt to achieve compatibility between USFS plans and local land use plans. Additionally, the Forest Service is mandated to "engage the public, including State and local governments early throughout the planning process." 36 C.F.R. § 219.4(a)(1).

The USFS is also obligated to perform a consistency review. For development of forest plans, the forest Service shall review the planning and land use policies of State and local governments where relevant to the plan area. The results of the review shall be displayed in the EIS. 36 C.F.R. 219.4(b)(2).

Substantial progress has been made over the past fifty years to build not only the regulatory framework to implement NEPA and NFMA, but also a culture for cooperation and collaboration with local governments throughout the NEPA process. In addition to regulations, agencies have expressed lessons learned from implementing NEPA and best practices to fulfill NEPA's purposes. The USFS's Guidebook titled "County Governments and the USDA Forest Service: A Guidebook for Working Together" (Guidebook) to discusses the requirement that agencies must provide a meaningful participation and allocate responsibilities to comply with the law.

The Guidebook contains best practices that are not always directly citing NEPA, NFMA, CEQ, or USDA and agency regulations. These best practices have grown out of lived experience working together. The Guidebook illustrates that the outcomes are better when federal agencies and county governments "work together to reach solutions that are politically and socially durable and ensure the long-term

[7] *Id.*

sustainability of communities and natural resources. It is through working together, at multiple stages of planning and project implementation, that we will achieve true success."

Our goal as cooperating agencies is to help expedite NEPA, provide local and technical data and information, help agencies come to defensible and durable decisions, and support the cooperative spirit that distinguishes NEPA from all other acts of congress. It is our goal of safeguarding and furthering NEPA's cooperative code that guides our comments on cooperating agencies under USDA's NEPA procedures.

Public lands and the resources on them influence the custom and culture of the County. The relationship between the County and the federal agencies is key to ensuring resources are managed successfully and the County's custom and culture of using public lands for multiple uses remains intact. The County and agencies have worked together in the past on resource management concerns and issues and will continue to strengthen and build those relationships to ensure that all stakeholders are at the table when discussing resource management on public lands within the County.

C. USDA 2012 Planning Rule

The 2012 Planning Rule guides the development, amendment, and revision of land management plans on National Forest System lands. Federal law mandates the Forest Service to develop land management plans for units of the National Forest and Grassland System and promulgate regulations to guide the Forest Service planning process. As federal law provides statutory authority for establishing planning regulations, the 2012 Planning Rule sets out the procedural and substantive requirements for land management plans. As discussed, Land management plans set the overall management direction and guidance for each national forest and associated lands. Land management plans should guide the carrying out of projects and activities by providing a general direction of uses within each national forest, prairie, and grassland.

In all stages of land management planning, plans must use the best available scientific information to inform the planning process as required by the 2012 Planning Rule. This "best available scientific information" used must be accompanied by documentation that identifies what information was determined to be the best available scientific information, explains the basis for that determination, and explains how the information was applied to the issues considered. Ultimately, the best available scientific information should guide decision making through the planning process.

Furthermore, in the planning process public participation is afforded through specific regulatory requirements of "outreach," to be conducted by the responsible official of the planning process. Outreach includes engaging Tribes, other Federal agencies, State and local governments, individuals, and public and private organizations or entities.

Additionally, through the development of plans, the responsible official must coordinate with other public planning efforts, including reviewing the planning and land use policies of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments, where relevant to the plan area. This directive to coordinate with other local planning efforts allows for more effective coordination throughout all the planning processes. The result of this coordination in land management review must be displayed in the EIS under NEPA for the associated plan. This coordination with other interests must include specified considerations including:

- The objectives of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments, as expressed in their plans and policies;
- The compatibility and interrelated impacts of these plans and policies;
- Opportunities for the plan to address the impacts identified or to contribute to joint objectives;
- Opportunities to resolve or reduce conflicts within the context of developing the plan's desired conditions or objectives

Each plan developed or revised must contain sustainability considerations to provide for social, economic, and ecological sustainability within the Forest Service's authority.[8] As part of sustainability considerations, ecological sustainability and social and economic sustainability must both be addressed. Both categories require plans and revisions to consider differing factors in the planning process. Providing for cooperating agency status along with consistency review of state and local plans provides the foundation of successful long-term planning and rulemaking implementation.

V. Roadless Areas Conservation Rule Environmental Impact Statement Considerations

A. Alternatives

The USFS has properly determined it should draft an EIS for its compliance with NEPA. The Notice of Intent describes two alternatives - the No Action (maintaining the RACR) and the Proposed Action (rescission of the RACR). For all detailed statements, under 42 U.S.C. 4332(C)(iii), there must be "a reasonable range of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternatives, that are technically and economically feasible, and meet the purpose and need of the proposal."

Over the years, courts have clarified what counts as a reasonable range of alternatives. While agencies have some flexibility, they are not free to ignore important options. Courts have emphasized that agencies should consider a wide and comprehensive set of alternatives, especially for projects they manage directly.

[8] 36 C.F.R. § 219.8.

It is important to avoid making the same mistake in this current USFS EIS. However, agencies are not required to consider every possible alternative. The Supreme Court has stated that agencies do not need to include every conceivable option, only those that are reasonable and relevant to the project's goals. For legal sufficiency of the EIS, we encourage the USFS to develop and analyze at least one additional alternative, that is technically and economically feasible, and meets the purpose and need of the proposal.

B. Impacts of establishing RACR

The Notice of Intent solicits public comments regarding the potential impacts of rescinding the RACR. It is important to clarify that rescinding RACR does not authorize any specific projects, roads, or timber sales. Nonetheless, the implementation of RACR has had observable effects on Wyoming's communities and forest ecosystems. Historically, forest management practices aimed at achieving desired ecological and economic conditions have been limited or foregone, resulting in tangible consequences. These include a decline in timber sale volumes and revenues, reduced financial payments to local counties, and missed opportunities to mitigate fire risks through activities such as salvage logging of trees affected by Mountain Pine Beetles (MPB) or wildfires.

Additionally, restrictions have impeded fence maintenance for grazing allotments, and several forest products companies have ceased operations. The absence of proactive management has also led to missed opportunities for fire risk reduction in municipal watersheds, potentially impacting community safety and water quality. Overall, the rescission of RACR could influence forest management strategies, economic stability, and ecological health within the region, underscoring the need for a comprehensive review of the Rule's implications since approved in 2001.

C. Impacts of rescinding RACR

Again, the rescinding of the RACR does not grant authority for additional management decisions beyond existing regulations. Decisions such as constructing roads for commercial timber harvesting remain subject to compliance with the Forest Plan, the NEPA, and other applicable environmental laws. Nonetheless, rescinding RACR could open avenues for proactive landscape management aimed at addressing various ecological and operational challenges, including wildfire mitigation, insect infestations, disease control, watershed health, wildlife habitat preservation, and the resilience of old-growth forests.

Furthermore, the implementation of RACR has had notable impacts, particularly in Wyoming, where several mills ceased operations following the rule's enactment. In fact, Crook County is home to one of the last remaining functioning sawmills in the state and rescinding the Rule will only help the future of those mills remain active – if it's not too late. Studies have also indicated correlations between RACR

and fire dynamics within IRAs. Data suggest that IRAs experience a higher incidence of fire starts, increased severity of fires, and larger burned areas compared to non-IRA regions. While topography and fire management capabilities significantly influence these outcomes, the data imply that IRAs are more susceptible to high-severity fires and extensive burn areas.

It is important to recognize that, regardless of the management alternative chosen, a substantial portion of roadless areas will remain permanently inaccessible due to inherent topographical features, isolation, resource values, and cost-benefit considerations. These factors inherently limit the potential for development or resource extraction in these regions, ensuring their continued status as roadless landscapes.

D. Roadless Values

The RACR documents repeatedly characterize IRAs as having the following values – 1) high quality or undisturbed soil, water, and air, 2) sources of public drinking water, 3) diversity of plant and animal communities, 4) habitat for T&E, proposed, candidate, and sensitive species and for species dependent of large, undisturbed areas, 5) Primitive, Semi-primitive, non-motorized, and Semi-primitive motorized recreation, 6) Reference landscapes, 7) natural appearing landscapes with high scenic quality, and 8) traditional cultural properties and sacred sites. While true, these values are not limited to IRAs; in fact, they are part and parcel of multiple use objectives and values across the entire National Forest System.

This is an example of why Crook County believes that the best forest policy decisions are accomplished through robust local engagement. The County advocates for a tailored approach to forest management, emphasizing the importance of addressing the specific ecological and management needs of individual forest areas. The County supports the USFSs recission of its current nationally driven planning strategy, which instead empowers local forests with greater authority to modify and update their management plans. This localized approach would better accommodate the unique environmental conditions and community interests associated with each forest.

E. Roadless Area Conservation Rule Maps Must Be Updated with More Accurate Information

The USFS IRA maps originate from the agency's Roadless Area Review and Evaluation (RARE) RARE I and RARE II initiatives conducted in the 1970s. These maps, which served as the basis for designating areas within the RACR, are now considered outdated due to their reliance on antiquated data. Specifically, the use of RARE II maps to identify IRAs for the RACR has resulted in the inclusion of numerous areas within Wyoming's national forests that feature well-maintained roads, active forest management practices, and lands designated as suitable for timber harvesting according to forest management plans.

The decision at the time by the Secretary of Agriculture to apply the RACR to "all lands within an inventoried roadless area boundary" was made with the understanding that many of these areas already

contained existing roads and had been subject to approved forest management projects, including timber harvesting. According to 36 CFR § 294.11, the definition of IRAs allows for the "update or revision" of the RACR maps through the land management planning process. However, the Forest Service has not established a formal process to identify or implement such updates or revisions. Despite the RACR providing an opportunity for map updates, the agency has largely failed to revise or correct the IRA maps, with only minor exceptions, thereby maintaining outdated designations that do not reflect current land use and management activities. This process has been flawed from the beginning and updated mapping through forest level land planning must be the new chartered course of action with the USFS.

F. RACR disregards local forest plans

Wyoming counties actively participate as cooperating agencies in the development of forest plans. The forest planning process is designed to guide the management direction of forest lands for ten to fifteen years. However, the RACR upset the direction contained in plans by overlaying IRA maps indiscriminately across planning and project areas.

In certain instances, the RACR overlaid IRA maps on areas already identified in the forest plan for certain protections or lands that were not included in the suitable timber base. These lands now have duplicative protections. On the other hand, IRA maps were also overlaid on thousands of acres identified by forest plans as suitable timber base. Sometimes referred to as suitable lands, these acres were identified in the planning process as being available and appropriate for timber production on a sustained yield basis. Lands not compatible with management goals (e.g. set aside for recreation, old-growth management, etc.) were excluded, that are biophysically unsustainable (e.g. poor soils, steep slopes, etc.), or economically or operationally impracticable (e.g. inaccessible terrain, extreme harvesting costs, etc.) are excluded from the suitable timber base in the planning process. In other words, the USFS has existing tools at its disposal inside the 2012 Planning Rule to protect, conserve, manage, or develop these lands.

The RACR also overrides Forest Plan direction that would have otherwise allowed the Forest Service to implement ongoing forest management projects. Forest Service Line Officers have minimal authority to implement proactive management projects in IRAs to reduce the risk of catastrophic wildfire and insect epidemics, which include the removal of timber as a byproduct of those treatments. The risk of protracted and expensive litigation has also discouraged line officers from applying the exceptions present in the RACR. This has hampered the Forest Service's ability to implement proactive measures needed to reduce the threat of catastrophic fire and MPB epidemics in municipal watersheds.

G. Private Property Rights

As stated earlier, Crook County is rich in federal resources such as timber harvesting and production, farming, ranching, energy development, tourism and recreation, which all contribute heavily to the

heritage of the County. Rangeland used by livestock and agricultural producers continues to be the dominant land use and federal agencies should consider the effects their decisions will have on neighboring private lands.

Furthermore, access to, or restrictions from, crossing federal, state, or county managed lands should not entail encumbrances or constraints on private property. Private property rights are the cornerstone of our County and must be protected to ensure that our continued customs and culture remain intact. When an agency decision or proposed action will have a negative impact to the current use of neighboring private lands, that federal undertaking may not be supported by the County.

VI. Consistency with Crook County Natural Resource Management Plan

As mentioned earlier, the State of Wyoming is unique as County commissions have been charged with the responsibility for the preservation of the custom and culture of Wyoming counties in matters relating to NEPA and federal land planning. Since the customs, culture, and history of the County are inseparably tied to the use of and access to land and resources managed by federal agencies to ensure state and federal agencies manage lands and resources in the County in a way that protects and improves the health, safety, environment, and well-being of our citizens, and improves the performance of the economy without imposing unacceptable or unreasonable costs or impacts to local social structure (Wyoming Statute [W.S.] 18-5-208(a)).

Meaningful cooperating agency engagement, at the earliest practicable time, strengthens informed federal decision making required by NEPA. Congress provided in Section 101 of NEPA, "recognizing the profound impact of man's activity on the interrelations of all components of the natural environment... declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments... to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." Therefore, by design, NEPA requires federal decisions to be made in cooperation with state and local partners. Clarity of how federal departments and agencies cooperate with state and local governments remains an essential piece of NEPA implementing regulations, and one that must remain in the agency's NEPA procedures.

The inclusion of special expertise as a basis for our comments corresponds with NEPA's expressed provision that allows lead agencies to designate "any Federal, State, Tribal, or local agency that has jurisdiction by law or special expertise with respect to any environmental impact..." Counties across the nation have varying authorities to develop or enforce environmental standards, but each county has special expertise. Limiting comments to local agencies that are authorized to develop and enforce environmental standards does not conform to the qualifications required for us to be cooperating agencies NEPA.

Restricting comments to those governments authorized to develop and enforce environmental standards also disregards NEPA's clear interdisciplinary approach expressed in 42 U.S.C. 4332(A) and the Congressional declaration to use all practical means and measures "in a manner calculated to foster and promote the general welfare, to create conditions under which man and nature can exist in productive harmony, and fulfill the social, economic and other requirements of present and future generations of Americans" in 42 U.S.C. 4331.

In addition, federal agencies are required to identify and analyze the impacts to local economies and community culture when making decisions. The County encourages federal agencies to be as consistent as allowed by law with the Converse County Natural Resource Management Plan (County Plan). The County Plan specifically recognizes that the private sector is the best engine for economic growth; regulatory policies should respect the role of state and local governments; and federal land policies and regulations should be effective, consistent, sensible, and understandable. A County Plan, while not required, can aide this analysis.

Although the RACR stands to impact hundreds of communities across the country, the USFS must adequately consider state and local plans and provide a description of how those plans were given consideration as required by the 2012 Planning Rule and NEPA. At a minimum, the USFS should include a list of the local land use plans that are within the EIS boundary. However, even an impacted county list would not meet the requirements for coordination and consistency.

It must be recognized that the USDA and its agencies cannot meet its goals for our Nation's public lands to continue to provide minerals, energy, forage, timber, and recreational opportunities, as well as habitat, protected water supplies, and landscapes that resist and recover from drought, wildfire, and other disturbances, on its own. Nor can we meet our goals of maintaining our unique cultural heritage with thriving economies on our own. We must work together.

Crook County believes that any federal agencies approach of waiting until the final stage to address inconsistencies in the EIS is flawed. To encourage consistency with the County Plan and for the USFSs convenience, we have identified a few priority policy positions that are impacted by this EIS. This is not a comprehensive list and USFS is encouraged to review the entirety of the County Plan for more details:

Credible Data Resource Management Objective (Page 8):

A. Credible data has a universal meaning for all federal agencies and is the basis for all agency decisions that affect the County.

Credible Data Resource Management Priorities (Page 8):

1. When making land use planning decisions, federal agencies should include quantitative data that meets credible data criteria, even if the data were not produced by a federal agency.

2. Federal agencies should support the use of credible scientific data.
3. Federal agencies should give greater weight to data submitted that meets credible data criteria compared to data that fails to meet the credible data criteria.
4. Federal agencies should only use data that meets the minimum criteria described in their respective handbooks and manuals, as updated.

2.2.3 Transportation and Land Access Resource Management Objective (Page 27):

A. There is full and open access to and through Crook County federal lands for local purposes such as safety, health, rural access to population centers, use of agriculture, timber, forest management, mining/ oil and gas industries, recreational purposes, and communication infrastructure.

2.2.4 Transportation and Land Access Priorities (Page 27)

2. No road, trail, or R.S. 2477 right of way shall be closed unless public safety or health demands its closing and the proper analysis and disclosure, in consultation with the County, and private property owners, is completed prior to closure.

3. Federal agencies shall notify the County of any actions which could potentially affect historic rights to travel within and across Crook County. Specifically, agencies should notify the County of any planning process or activity that restricts, eliminates, increases, or decreases access to federal or state lands and allow the County to initiate coordination and cooperation to resolve potential conflicts with the County's objectives, principles, and policies, prior to taking action.

4.Federal agencies should support legal public access to the federal lands for all beneficial uses if it does not infringe on private property rights.

8. Roads on federal lands shall remain open to provide for the economic benefit, use, and safety of the public. Where road closures are proposed, specific justification for the proposal shall be given on a case-by-case basis, and the proposal shall be discussed in coordination with Crook County.

11. Unfettered access through federal lands for emergency services and law enforcement shall be granted.

12. The County considers any long term (greater than one year) road closure a major federal action that significantly affects the quality of the human environment. Thus, a road on federal lands may not be closed long-term until a full NEPA analysis has been completed, including public review and coordination with the County. Should the agency believe that a road closure falls under a categorical exclusion, the County shall be consulted.

13. Federal agencies should notify and coordinate with the County in the event of any proposed temporary road closures.

2.4.3 Wildfire Resource Management Objectives (Page 31):

A. Wildfire, fuels, and fire rehabilitation are managed promptly and effectively using credible data, as defined above, in coordination with the Crook County Community Wildfire Protection Plan.

2.4.3 Wildfire Resource Management Priorities (Page 31-32):

1. Federal agencies shall coordinate with local fire agencies.

2. The USFS shall adhere to all requirements set forth in the Cooperative Forestry Assistance Act 16 USC § 2106, including:

    a. The effective cooperative relationships between the Secretary of Agriculture and the states regarding fire prevention and control on rural lands and in rural communities shall be retained and improved;

    b. Efforts in fire prevention and control in rural areas shall be coordinated among federal, state and local agencies;

    c. In addition to providing assistance to state and local rural fire prevention and control programs, the Secretary shall provide prompt and adequate assistance whenever a rural fire emergency overwhelms or threatens to overwhelm the firefighting capability of the affected state and rural area.

3. Federal agencies shall incorporate local fire association plans (Crook County Community Wildfire Protection Plan) into their fire suppression and control plans and support efforts of local fire departments in wildfire suppression activities.

5. Fire suppression efforts will be maximized through full coordination, communication, and cooperation between federal, state, and local fire-suppression units.

6. Federal agencies should support and renew existing Master Good Neighbor Agreements and, where they do not exist, develop a Master Good Neighbor Agreement between federal, state, and local fire-suppression units.

8. Federal agencies should coordinate with State and local agencies to implement fire control tools such as insecticide and herbicide treatments, livestock grazing, biomass fuel removal, slash pile burning, prescribed burning, and encouraging knowledgeable and prepared practices to create defensible space around buildings.

9. Federal agencies should promote the prompt rehabilitation of harvested areas and areas affected by wildfire, including salvage logging operations.

10. The County encourages the Secretaries of Agriculture and Interior to develop fire management policies that utilize and acknowledge the beneficial effects of planned grazing as a fuels management tool.

12. The County discourages a 'let burn' policy during seasons of high fire risk.

13. Post-fire objectives shall be consistent with site potential as defined in approved Desired Future Conditions or Ecological Site Descriptions. The County requires the use of credible data as previously defined to make these determinations.

15. Federal agencies should rehabilitate forests and rangelands damaged by wildfires as soon as possible for habitat, wildlife, and to reduce the potential for erosion and introduction of invasive or noxious weeds.
16. Federal agencies should allow for adaptive grazing management practices and include these practices in term permits to allow for flexible management practices that will decrease fine fuel loads on the landscape, particularly in areas with heavy grass understory.

2.5.3 Forest Resource Management Objective (Page 33):

A. Forest lands within Crook County are managed under multiple use that promotes the timber industry, grazing, fuels management, recreation, and benefits the economy, custom and culture of the County.

B. The timber industry is maintained as a viable major component of the economy, custom, and culture of the County.

2.5.4 Forest Priorities (Page 33-34):

1. The County encourages federal agency policies that support and allow for the timber industry's continued economic benefit to the citizens of Crook County.

2. Forest management on public lands shall follow the mandates of the Organic Administration Act (OAA) and adhere to MUSY, as well as the NFMA, NEPA, and the ESA.

3. Forest management on public lands shall support coordinated timber harvesting and thinning to promote forest health, reduce disease and insect infestation, reduce wildfire impacts, and prevent waste of forest products while supporting the economy of Crook County for future generations.

4. Access to forest products on public lands shall be ongoing and access to these sites shall be through an open roads and cross-country travel system.

5. Federal agencies shall coordinate with Crook County on vegetative treatment, prescribed burn, or set-aside on public land.

6. The County encourages active management of forest resources on public lands to reduce further invasion of mountain pine beetle.

7.Federal agencies should support the management of forest resources that have been degraded due to insect infestation.

11. Federal agencies should support salvage harvest, when necessary, due to insect/disease epidemic, blowdown, or post fire situations using appropriate categorical exclusions.
12. Federal agencies within the County should use the authority granted under the Healthy Forests Restoration Act, Healthy Forests Initiative and Good Neighbor Authority to expedite cross-boundary/agency planning, collaboration processes and project implementation to economically and efficiently treat and protect timber resources.

13. Federal agencies should notify and coordinate forest management projects with the County, state and local agencies, and private landowners to improve the scale and scope of each project.

3.2.3 Soil Resource Management Objectives (Page 41):

A. Soil quality and health is maintained and conserved through best management practices.

3.2.4 Soil Priorities (Page 41-42):

1. Federal agencies should support projects and policies which improve soil quality and ecology.

2. Federal agencies should support erosion control as a means of flood control.

4. The County does not support land use designations or management objectives that eliminate or reduce the opportunity for implementation of practices that can improve soil health.

5. Crook County supports and encourages the use of natural processes, including livestock grazing, in site reclamation for soil health and biodiversity. Crook County encourages the implementation of BMPs for watershed management.

3.3.3 Mining and Mineral Resource Management Objectives (Page 46):

A. The extraction of coal, oil and gas, bentonite, uranium, and all other minerals within Crook County is continued in a sustainable and ecologically healthy way.

3.3.4 Mining and Mineral Priorities (Page 47):

2. Federal agency proposals to withdraw lands from mineral exploration or extraction shall be coordinated with the County prior to a decision to consider the impact of such withdrawal on the County's economic viability.

3. Federal agency decisions pertaining to mining and energy resources within the County affect the health, safety, and welfare of its citizens and the County requests to be notified and allowed to join as a cooperating agency for any proposed decision affecting mining and mineral resources as early in the process as is allowed by federal law.

4. The County requires that public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands, including implementation of the Mining and Minerals Policy Act of 1970.

7.All public lands not lawfully withdrawn from mineral exploration and development shall remain available for their designated use. These lands should be developed in an orderly manner to accommodate exploration, development, and production.

9.The County shall be notified early of any proposed closures of prospect and mining of mineral resources and any closures shall be coordinated with the County as a cooperating agency.

10.The County encourages simultaneous or sequential mineral development with other resource uses in accordance with multiple use management principles in Crook County, weighing and balancing established mineral rights with other multiple uses in the development and coordination process.

13.The County shall be informed as to proposed timelines for all federal agency decisions involving minerals.

3.4.1.3 Energy Resource Management Objective (Page 51):

A. Oil and gas extraction is managed in a responsible way that promotes Crook County's economic viability along with the health of both ecosystems and citizens of the County.

3.4.1.4 Energy Resource Management Objective (Page 51):

3. The County encourages and supports the nomination of more leases for sale.

8.The County encourages federal agencies to approve oil and gas leases in a timely manner and encourage justification in deferring lease applications.

13.So long as such activities will not harm private property rights, federal agencies should allow operators to capture, use, and/or store carbon dioxide during extraction activities on public lands.

3.6.3 Climate Change Resource Management Objective (Page 60):

A. Climate change analysis is conducted on a regional level that does not give deference to potential long-term effects of climate change compared to immediate harms that the decision may have to the community.

3.6.4 Climate Change Resource Management Objective (Page 60-61):

1. The County encourages inclusion of additional climate change scientific data in all NEPA planning processes that meets the credible data criteria, even if not produced by a federal agency.

2. When climate change analysis is required to occur on a regional level, the region shall be identified through consultation and coordination with the County.

3. The County supports the requirement for a full analysis of the impact each "decision" will have on the local economy. If it is determined that the decision will have significant negative impact on the local economy, the alternative/decision is not supported.

4. The County does not support the regulation of greenhouse gases through climate change analysis.

4.4.3 Water Quality Resource Management Objectives (Page 71):

A. Water quality within Crook County is maintained or improved for current and/or future uses using legally obtained credible data.
B. Water quality management and practices do not overregulate or restrict the local economy.

4.4.4 Water Quality Priorities (Page 71-72):

4. Federal agencies should consult Crook County regarding federal land management decisions for their potential impact on water quality, yields and timing of those yields; impacts on facilities such as dams, reservoirs, delivery systems, or monitoring facilities; and any other water-related proposal.
8. Federal agencies should support implementation of land management actions and practices that contribute to or maintain healthy drainages and watersheds.
9. The County encourages federal agencies to practice good management and maintenance of watersheds to retain and slowly release water for desired plant, animal, and human uses, and to reduce the risk of flash floods.
10. The County encourages coordination with the USFS, BLM, BOR, EPA, DEQ, and other relevant state and federal agencies to ensure that management of watersheds, including municipal watersheds, meets the multiple needs of residents and promotes healthy forests and rangelands.
12. Federal agencies should support construction and management of roads, bridges, culverts, cut slopes, fill slopes, and artificial surfaces to minimize water concentration, erosion, and delivery of polluted water and sediment to streams on public lands.
13. Federal agencies are encouraged to implement land use improvements and practices which promote healthy drainages and watersheds.
14. Federal agencies should implement already established state BMPs in coordination with the County and other local governments to mitigate water pollution caused by heavy erosion and sedimentation from public lands under their management, and work with the County, local conservation districts, and other local governments in accomplishing these BMPs.
16. Federal agencies should support policies to improve groundwater health for consumptive use.

5.2.3 Wildlife Management Objectives (Page 87):

A. Wildlife is managed sustainably using credible data as defined above and management plans are developed in coordination with the County and other stakeholders.
B. Wildlife management on federal lands allows for multiple use and avoids single species management.

C. The Wyoming Game and Fish Department is the primary authority regulating management of wildlife in the state and federal agencies follow policies set by the Wyoming Game and Fish Department.

5.2.4 Wildlife Priorities (Page 87-88):

1. Wildlife habitat management on public lands shall be coordinated with Crook County to achieve balanced multiple use.

3. The County supports the use of credible data as information BLM and USFS can use as à basis for a decision that a species shall be designated a "species of concern" or "sensitive" beyond criteria provided in their respective handbooks.

4. Management of non-ESA listed species {e.g., species of concern, species of special concern, or other non-ESA designation) as though they are protected by the rules of the Endangered Species Act is not supported.

5. The County shall be consulted and coordinated with in the species of concern and sensitive species review process, including the determination of what shall be included as a species of concern, special status species, indicator species, or sensitive species.

6. The County promotes wildlife conservation, sustainability of healthy wildlife habitat and populations, and their contributions to the local economy.

7. Ecosystem management should be utilized when managing for wildlife species rather than implementing single-species management.

9. The County does not support the USFS or BLM managing wildlife populations on public lands. Wildlife populations should only be managed by the WGFD. Federal agencies should focus on habitat management for species of importance identified by the State.

13.Federal agencies should coordinate with Crook County to develop one list of Species of Concern/Management Indicator Species and Sensitive Species rather than each agency having its own list that is reviewed and updated on different timelines.

17. Wildlife management should not take precedence over other multiple uses.

7.1.3 Agriculture Production Resource Management Objective (Page 111):

A. Agricultural production is maintained as a viable and major component of the economy, custom, and culture of the County.

B. Agriculture is not reduced in the County and is given equal or greater priority as other multiple uses as allowed by law.

7.1.4 Agriculture Production Resource Management Objective (Page 111):

1. The County supports development of plans and policies that directly or indirectly affect agriculture with the intent of increasing the stability and expansion of the agricultural industry as well as encouraging innovative techniques that improve the crop and livestock production efficiencies.

4. Federal agencies should support production agriculture and the responsible use of natural resources to sustain agricultural enterprises.

6. Any agricultural property damage or crop loss caused by an escaped prescribed burn, fire suppression efforts, or damage caused by government agency action, resulting in economic loss in Crook County shall be considered justification for economic compensation and restoration by the responsible agency to the property owner at current market values.

7.2.3 Livestock Grazing Resource Management Objective (114):

A. Livestock grazing is maintained as a viable major component of the economy, custom, and culture of the County.

B. Livestock grazing is not reduced in the County and is given equal or greater priority as other multiple uses as allowed by law.

C. Legal livestock grazing is allowed on all federal allotments that do not present a direct resource conflict with a preexisting use.

7.2.4 Livestock Grazing Resource Management Priorities (114):

1. Public lands within Crook County shall continue to be managed for multiple-use and sustained yields, which includes continued livestock grazing as intended by Congress in the passage of the Taylor Grazing Act, FLPMA, MUSY, and NFMA.

2. Livestock grazing management decisions on public lands shall be made based on the best available scientific information applicable to rangeland resources in Crook County. Scientific information and credible data used will be consistent with standards of the Data Quality Act.

3. If grazing on public lands is temporarily suspended due to fire, recommence grazing based on monitoring and site-specific rangeland health determinations rather than solely on fixed timelines. Return authorized livestock grazing to pre-fire levels when post-fire monitoring data shows established objectives have been met or have been achieved to an extent allowed by the site potential. Require the use of credible data as previously defined to make these determinations.

5. The County supports livestock grazing on all public lands as an integral part of habitat management.

8. The reduction of domestic livestock grazing AUMs to provide additional forage for another species or strictly for conservation purposes is not supported by the County.

11. Maintain current AUMs levels for a "zero net loss of AUM's" in the County.

13. Federal agencies should support consultation, cooperation, coordination, and collaborative efforts to ensure that overall rangeland health is being maintained through monitoring and implementation of well-designed livestock grazing management plans on public land allotments.

14. The County supports proper and appropriate livestock grazing practices as a tool for sound management of private, state, and federal lands.

The County cannot state clearly enough the importance of our ability to access federal lands to drive vibrant economic communities. The USFS must adequately consider in the socioeconomic analysis the mineral and timber contributions to the counties and state. The USFS must include a robust socioeconomic analysis clearly demonstrating the differences between management prescriptions in the Alternatives, which includes impacts to the tax base (royalties, rents or bonus bids, severance taxes, ad valorum taxes, sales and use tax employment income, and direct and indirect employment.)

Additionally, Crook County has always been concerned that the Rule's identification process for roadless will ultimately be treated as a form of designation. The designation of wilderness and roadless areas in our national forests will have significant impacts on our ability to access those federal lands; thereby impacting the economics of our communities. The USFS must also consider the cumulative impacts of existing and proposed management restrictions on the local economics, custom and culture. For example, while the County does support proactive stewardship of our forests, management decisions must be balanced with other resource uses and generally the County does not support overly restrictive management directives such special designations of wilderness, wild and scenic rivers or roadless areas.

For the USFSs convenience we have identified a few priority policy positions from our County Plan that are impacted by this EIS. This is not a comprehensive list and USFS is encouraged to review the entirety of the County Plan for more details:

2.3.3 Special Designation Areas Resource Management Objective (Page 26):

A. Designation and management of special designation or management lands are coordinated with Crook County and adjacent landowners.

B. Special designation and management areas are decreased or eliminated throughout the County.

C. Management of special designation and management areas within the County will allow for multiple use.

2.3.4 Special Designation Areas Priorities (Pages 26):

1. The County supports decreasing or eliminating special designation/management areas when allowed by law.

2. Federal agencies shall consult and coordinate with Crook County as early as possible when considering the designation of new special designation areas, including, Areas of Critical Environmental Concern (ACEC), Wild and Scenic Rivers, National Monuments, Wilderness and Wilderness Study Areas (WSAs). inventoried roadless areas, and Lands with Wilderness Characteristics (LWCs).

3. Any proposed special management area designation shall analyze the impact to the County's custom, culture, and economy.
4.Federal management of special designation areas shall be coordinated with the County and consistent to the maximum degree with the Crook County NRMP.
5. Federal agencies should support the use of and various application methods of herbicides to control noxious weeds in special designation and management areas as allowable.
6.The County does not support additional research natural areas within the Bearlodge District of the Black Hills National Forest.
7. Federal agencies should promptly release any area under consideration for wilderness or set aside special designations should Congress recommend not to designate said area as Wilderness or set aside.
12.Restrictive management of road less areas are discouraged and multiple uses should instead be allowed.
13.Responsible development of natural resources within road less areas are encouraged.

VII. Socioeconomics Must Be Adequately Considered in the Environmental Impact Statement

Economic impacts do matter. Access to federally administered lands and resources are critical to ensure the socioeconomic well-being, custom, culture and stability of our communities. In Crook County, lands under federal or state control and decisions made for public land management agencies can directly impact the service and non-service industries, public accessibility, and the demographics of an area. Effective coordination and consultation between the County, federal and state agencies is critical to ensuring that land management agencies thoroughly consider the effects that proposed actions have on custom, culture, and economic stability, conservation and use of the environment and natural resources in the County along with multiple use. Counties receive revenue from federal lands in many ways including timber harvesting, mineral leasing and development, agriculture, recreation, travel and tourism, etc. Any curtailment of access to public lands will directly impact the socioeconomics of the County, which must be disclosed in the NEPA EIS.

The USFS must analyze for the cumulative impacts to counties specific to the management decisions under each Alternative and how they will affect local and state economic well-being along with impacts to state and private adjacent lands. In addition, the analysis should consider increased costs to state and local communities associated with a higher risk for fire management, disease and insects due to limited management direction in RACR areas.

For the USFSs convenience we have identified a few priority policy positions from our County Plan that are impacted by this EIS. This is not a comprehensive list and USFS is encouraged to review the entirety of the County Plan for more details:

6.4.3 Socioeconomic and Economic Viability Resource Management Objectives (Page 109):

A. The socioeconomic and economic viability of Crook County is prioritized, protected, and enhanced in all federal actions or decisions.

6.4.4 Socioeconomic and Economic Viability Resource Management Priorities (Page 109):

1. The County requires consultation and coordination by federal agencies at the earliest time possible for any proposed action, change of existing activities, newly permitted activities, or changes in regulations that may affect the economic basis of the County.
2. Federal agencies should support continued access to natural resources development/use on federal lands to maintain economically viable communities in our County.
3. The County supports "no net loss" in the County economic base due to federal agency decisions.
6. Federal agencies should support the analysis of social and economic factors at the lowest possible level, such as on a County-wide basis, in addition to consideration on a state-wide or national scale.
7.Promote the economic and socioeconomic growth of the County and engage in consultation and coordination between federal agencies and the County regarding any issues and activities on public land that affect or influence the County's economic and socioeconomic viability.
8.Local, state, and federal agency plans, or management recommendations shall include an appropriately detailed socio-economic impact description that addresses the effects on natural resources, economies, and the health and welfare of Crook County and its citizens.
10.The County supports the achievement of a sustainable balance between economic, recreational, and conservation use of lands for economic growth and quality of life.

Finally, the USDA must specifically consider and include the following in its socioeconomic analysis components through NEPA:

- Potential cumulative impacts of reduced mineral development or timber harvesting and overlapping land use restrictions on land allocations that directly eliminate or restrict leasing and development activities that, in turn, impact local economies, public services, and labor markets.
- Consider an in-depth analysis on where funding streams will be recovered if mineral leasing and development and timber harvesting is eliminated or significantly reduced long-term and where overlapping land allocation occur.
- Include the effects associated with state and national environmental impacts on programs going forward with the decrease of mineral leasing and development and timber harvesting impacted negatively by reduction of associated royalties, rents, severance taxes, bonus bids, sales and use taxes and property tax collections.

VIII. Conclusion

The County fully supports recission of RACR and returning the decision-making authority for roadless areas to Forest Supervisors through the forest planning process, which empowers states and local governments to work with the USFS to make management decisions that reflect the diverse ecological, social, and economic conditions that exist across national forests, counties, and states.

We appreciate the opportunity to provide input on the Forest Service's intention to prepare an EIS regarding the RACR. As the government entities closest to the land and most impacted by national forest management decisions, Wyoming counties have a deep and sustained interest in ensuring forest policy is flexible, locally tailored, and grounded in contemporary science, land use realities, and legal frameworks.

Should you have questions or require additional information, do not hesitate to contact me at fredd@crookcounty.wy.gov or our natural resource policy advisor Dru Palmer at dru@wyoming.com.

Sincerely,

Fred Devish, Chairman
Crook County Commissioner

CC: The Honorable Governor Mark Gordon
The Honorable United States Senator John Barrasso
The Honorable United States Senator Cynthia Lummis
The Honorable United States Congressman Harriet Hageman
Jerimiah Reiman, Wyoming County Commissioners Association
Shawn Cochran, Supervisor, Black Hills National Forest

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Office of
COUNTY COMMISSIONERS
Crook County
BOX 37
SUNDANCE, WYOMING 82729

July 5, 2000

CAET RECEIVED
JUL 12 2000

USDA Forest Service - CAET
ATTN: Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

Dear Planners:

Once again, Crook County along with many other rural communities nationwide, has been completely ignored by Forest Service planners. The Roadless Plan is a case of "reverse engineering" at its worst.

The Roadless Area Conservation DEIS is seriously flawed. We challenge the entire planning process on the basis that the Forest Service has not followed appropriate procedures in the Plan's development.

Information in the DEIS regarding the potential impacts to counties and local governments was not gathered from those same entities. The Forest Service totally bypassed the NEPA process when it excluded local stakeholders from participating meaningfully in the planning process.

Crook County adopted a new land use plan in 1998 that specifically addresses the importance of multiple use of our public lands. It spells out how federal agencies are to coordinate with the County when those agencies propose actions that have the potential of affecting the use of land or natural resources in Crook County. The proposed roadless plan will definitely impact Crook County in those areas. Crook County has not been allowed to participate at the levels allowed in its land use plan.

We **strongly** oppose the proposed roadless area conservation plan and recommend that the entire proposal be withdrawn immediately.

Sincerely,

Mark Semlek, Chair
Crook County Board of Commissioners

Anita Fish
Crook County Land Use Planning & Zoning Commission

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RESOLUTION NO. 9-2000
CROOK COUNTY'S ROADLESS INITIATIVE COMMENT

WHEREAS, Crook County has a resource-based economy and the Black Hills National Forest is a vital link to many segments of our economy.

WHEREAS, livestock grazing, logging, tourism recreation including hiking, camping, hunting, picnicing, berry picking, skiing, fishing, photographing, bird watching, snowmobiling and a multitude of other uses by a wide array of citizens are an important part of the custom and culture of surrounding communities.

WHEREAS, the Black Hills National Forest is a unique area and much local input has been involved in managing our forest.

WHEREAS, pride and a sense of ownership are vital elements in managing the Black Hills National Forest.

WHEREAS, local decisions with local involvement motivate positive volunteer actions.

WHEREAS, the majority of the users of the Black Hills National Forest are concerned, conscientious individuals interested in the long term well being of the forest and surrounding area.

WHEREAS, the Black Hills National Forest is a well managed forest and requires active local treatment to remain healthy and productive.

WHEREAS, a well managed forest is vital to watersheds in the Black Hills.

WHEREAS, a well managed forest reduces the risk of wildfire.

WHEREAS, an active multiple use forest provides a better environment for plants and wildlife than urban sprawl.

WHEREAS, Crook County has a land use plan in place that supports continued multiple use of the forest and identifies the involvement Crook County should be allowed in the decision making processes of federal and state agencies when proposing actions that will potentially impact the county.

THEREFORE BE IT RESOLVED, that the Crook County Board of Commissioners opposes decisions that affect the Black Hills National Forest and Crook County being made on a federal level without substantive input from the citizens of Crook County. The Crook County Board of Commissioners are hostile to the federal administrations actions affecting our Black Hills National Forest.

13976

Dated this 7th day of June, 2000.

CROOK COUNTY BOARD OF COMMISSIONERS

MARK A. SEMLEK, CHAIRMAN

MERLE J. CLARK, VICE-CHAIRMAN

GEORGE WILLEY, MEMBER

ATTESTED: Connie D. Schotter
Crook County Clerk

SEAL

16039

1998 Land Use Plan for Crook County

(Succeeds and Replaces 1977 Crook County Land Use Plan)

Approved by Crook County Board of Commissioners on 11/4/98

INTRODUCTION - Plan Purpose

The purpose of this plan is to establish a process for Crook County to coordinate with federal and state agencies on their proposed actions that may potentially affect the management of private and public land and natural resource use. Crook County will coordinate on the proposed actions so Crook County citizens may preserve their customs, culture, and economic stability while protecting and using their environment.

Through the land use planning process, Crook County commits itself to attempting to assure that all natural resource decisions affecting the County shall be guided by the principles of maintaining and revitalizing various uses of federally managed and state managed lands. The County also commits itself to the protection of private property rights and private property interests including investment backed expectations, protection of local historical custom and culture, protection of the traditional economic structures in the County which form the base for economic stability for the County, opening of new economic opportunities through reliance on open markets, and protection of the right of the enjoyment of the natural resources of the County by all citizens of the County and those communities utilizing those natural resources within the County. Crook County is convinced that resource and land use management decisions made in a coordinated manner between federal management agencies, state management agencies and county officials will not only firmly maintain and revitalize multiple use of federally and state managed lands in Crook County, but will enhance environmental quality throughout the County.

Federal law and regulations allow the County to fully participate as a cooperating agency in the federal and state planning process. (See Appendix A listing laws and regulations.)

The Crook County Board of Commissioners will hereinafter be referred to as the Board.

This New Land Use Plan has been developed to provide a baseline vision of what Crook County expects in terms of the effects of proposed governmental management activities on private, municipal, state and federal lands as well as the effects from proposed natural resource regulatory actions.

If any provision of the Plan shall be found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall not be affected thereby, but shall remain in full force and effect.

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CUSTOM, CULTURE AND ECONOMIC BASE OF CROOK COUNTY

The people of Crook County historically, traditionally and currently earn their livelihood from activities reliant upon the use of natural resources. The economy of the County has always been, and is today, dependent upon activities critically and economically related to ranching and farming, logging, mining and other natural resource related activities. Segments of Crook County's economy are reliant upon the abundant natural resources occurring countywide. In addition, family and community traditions have developed around the economic and recreational use of the land.

Public land is managed by federal or state agencies, while use of private land can be impacted by federal or state regulatory agencies. Federal and state agencies may propose management actions and regulations that can impact and change Crook County's custom, culture and economy. (See Appendix B for chart.)

In recognition of the critical tie between the use of the private, federal and state natural resources and the economic stability of the County, the Board developed the land use planning process to serve as a guide to cooperate in the planning for federally and state managed lands as well as the consideration of the County in any federal or state natural resource regulations.

Again, the Board feels that this plan will be successfully implemented only with an on-going planning and review process that involves the citizens of Crook County.

MULTIPLE USE/ECONOMIC USE OF FEDERAL, STATE AND PRIVATE LANDS AND COORDINATION WITH FEDERAL AND STATE AGENCIES

The Board recognizes that federal law mandates multiple use of National Forests and Bureau of Land Management land. The Board positively supports continued multiple use for these lands and support the continued economic use of private and state lands.

The Board is concerned with the protection of the physical environment of Crook County and intends to offer comments, proposals or alternatives to proposed decisions which affect the environment. The Board intends to be involved in federal and state agency decisions which affect the environment.

The Board requests that, to the fullest extent required or permitted by law, all federal and state agencies shall, in all actions proposed that have the potential of affecting the use of land or natural resource in Crook County, do the following:

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A. Meet with the Board to establish a process for such coordination, that may include joint planning, joint research and data collection, joint hearings or joint environmental assessments.

B. Analyze and consider the effects those actions will have on:
- community stability;
- maintenance of custom, culture and economic stability;
- conservation and use of the environment and natural resources.

C. Coordinate with the Board, to the fullest extent possible, as a cooperating agency on any federal or state action or decision.

D. Allow the Board to modify or submit a viable alternative for consideration by the agency.

This coordination follows the procedure as described in Wyoming Statute 18-5-208. **Coordination of planning efforts with federal agencies:**

The board of county commissioners of a county which has officially adopted a comprehensive plan pursuant to W.S. 18-5-202(b) may participate in efforts to coordinate the plan with federal regional forest or other resource management plans as provided in the Federal Land Policy and Management Act of 1976 and federal regulations adopted pursuant to that act, including, but not limited to, Title 36, of the Code of Federal Regulations, part 219.7 and Title 43, of the Code of Federal Regulations, part 1610.3.
(See Appendix C for 36 CFR, Part 219.7, and 43 CFR, Part 1610.3.)

SPECIFIC GOALS FOR NATURAL RESOURCE USE

1. AGRICULTURE & LIVESTOCK GRAZING

Goal: Crook County will strive to promote the continuation of agriculture and livestock grazing as important, historic components of the County's economic and cultural base on both public and private land ownership.

Background:

Livestock production has occurred in Crook County for more than a century, and ranching has symbolized the County's economy, lifestyle and culture. A "ranch" consists of more than just the animals, a house and surrounding corrals and outbuildings. The concept of ranching, and therefore, the "ranch" includes the buildings, the homesite, the equipment, the livestock, the land, the forage resource, the water rights and all activities devoted to the ranching operation. Furthermore, these resources are very specific to agriculture production and are not easily adapted to alternative uses that can support the economic needs of rural families.

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Crook County's agricultural industry is evaluated in the context of cattle and sheep ranching. Hay production is typically part of most livestock operations in the County. In light of these operational characteristics, the combined description enables the calculation of a more accurate evaluation of ranching's contribution to the Crook County economy. (See Appendix D for agricultural statistics.)

Reduction of AUMs on public land will have disastrous economic impact on individual ranches, and collectively on the County itself. Continued grazing use of federally and state managed land is vital if the livestock industry is to survive. The expectation for continuation of the livestock industry in the County is essential to support economic stability and to preserve the custom and culture of the citizens. In addition, livestock grazing can be used to benefit and enhance riparian areas and uplands.

Forage crops, hay, silage and feed grains are produced in Crook County comprising an integral part of the livestock industry.

Irrigated and intensive agriculture also provide a major contribution to the economic base of the County critical to the economic stability of the County. Productive watersheds must be maintained within the county as essential factors to preservation of irrigated agriculture.

The quality of economic life of Crook County as well as the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values which are part of life in the County are enjoyed in part because of agricultural production.

Crook County is limited by severe winters, limited water quantities and low population when it comes to development of a non-agricultural economy.

Objectives:

Federal and state agencies shall, to the fullest extent allowed by federal law, notify the County of any actions or regulations which may impact agricultural or livestock production.

Crook County shall carefully evaluate all existing and proposed federal and state actions or regulations which could affect private property, private property interests, and investment backed expectations.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

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2. AIR QUALITY

Goal: Crook County will strive to monitor the available data to identify any potential conflict with federal law regarding the protection of air quality.

Background:

Crook County must comply with Class 2 Air Quality standards (See Appendix E for more information.)

There is an air quality monitoring station located at Devils Tower.

Objectives:

Crook County shall request that federal and state agencies notify the County of any proposed actions changing air quality standards in Crook County.

Crook County shall carefully evaluate all federal and state proposals, actions or regulations which could change standards for air quality over Crook County.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

3. AIR SPACE

Goal: Crook County will strive to maintain air access for emergency and operational activity over the County within current laws and regulations.

Background:

Crook County covers a vast area with many regions which are extremely remote and while they are accessible over land, travel is extremely slow. Any increased air space restrictions must be minimal in order to preserve civilian use for law enforcement, medical emergency, search and rescue, livestock management, and predator control measures. (See Appendix F for more information.)

Objective:

Federal and state agencies shall, to the fullest extent allowed by federal law, notify the County of any proposed actions changing restricted air space in Crook County.

Crook County shall review any proposals which would change air space standards over Crook County.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

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4. CULTURAL

Goal: Crook County will strive to maintain and share the story of its cultural history.

Background:

Several areas of ancient people petroglyphs and pictographs still can be seen in places, usually on sandstone cliffs, facing south.

They told of the cultural past of these nomadic ancient people, probably living several hundred years ago. Many sites may be open to vandalism and destruction because of the remote areas in which they are located.

Buffalo jumps tell us the story of the cultural past of these Ancient People. There are several jumps in Crook County, but the most significant site is the Vore Buffalo Jump. For over three hundred years, Plains Indian groups stampeded bison over the rim and into deep natural "sink holes". The buffalo provided American Indians not only their primary food, but was the source of many other materials used in their culture.

When this area became settled by the first white settlers, schools became cultural sites both in the established towns and out in the country.

Devils Tower, established as our nation's first National Monument in 1906 was the site for early cultural and social events and still is of great importance today.

Warren Peak and Cement Ridge, fire lookouts administered by the U.S. Forest Service, are also a part of this County's developments.

Ranch A, Moses Annenberg's hunting lodge, built around 1930, now owned by the State of Wyoming, is a learning center for the area.

The U.S. Air Force Radar Site on Warren Peak, built in the 1960's, was the world's first air transportable nuclear power plant. This highly sophisticated device was tested on Warren Peak for several years. It was removed at the end of the test period.

Objectives:

Crook County shall request that federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions which could potentially affect the County's cultural resources.

Crook County shall carefully evaluate all federal and state actions or regulations which could affect the County's cultural resources.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

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5. ENERGY & MINERAL RESOURCES

Goal: Crook County will strive to promote responsible mining and mineral exploration as an important, historic multiple use.

Background:

Energy and mineral resources provide the base for an important contribution to the economy of Crook County. Oil, gas and mineral industry payroll and expenditures for supplies are important to the economic stability of the County.

There are a variety of minerals extracted for commercial use in Crook County.

Bentonite is produced at Colony. A small coal mine was in operation at one time near Aladdin. The Hauber Uranium Mine, located north of Hulett, had been the state's first uranium mine, and was owned by Homestake Mining Company. All of Crook County has potential for sizable uranium production. The Bear Lodge Mountains are also highly mineralized and potential exists for metals mining.

The Powder River Basin is an important oil, coal and uranium producing region. Oil production is primarily Cretaceous in age. Typical of this formation, oil and gas production is prolific when discovered but depletes quite rapidly. Coal and uranium are predominately produced from the Fort Union and White River formations. Along the contact between the Black Hills Uplift and the Powder River Basin are numerous outcroppings of granite, limestone, bentonite, and other minerals.

The Geological Survey of Wyoming lists many natural mineral occurrences in Crook County. (See Appendix G for the list of minerals.)

Objectives:

When action is considered regarding mining interests in Crook County, the restraints upon free market development imposed by statute or by agency rule shall be evaluated by the County.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

6. FOREST RESOURCES

Goal: Crook County will strive to maintain sustainable timber harvesting as an important, historic multiple use of federal lands and as an effective forest management tool on private and state land.

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Background:

Historically, forest resources in Crook County have been used for mines and domestic use since the occupation of European settlers in the 1800's. A significant portion of Crook County's economy and tax base is based on the harvest and processing of timber from private, state and public lands.

The Bear Lodge and Moskee areas of Crook County contain the majority of commercial timber acreage. The USFS is the primary land manager of Crook County's timber resources. Private, BLM, and state school lands make up the additional timber resource.

Crook County has a historical, cultural and economic relationship to timber management. The state has been actively managing its timber resources on state lands through commercial timber sales and pre-commercial treatment. Many private lands are being managed for both grazing and timber fiber production by local mills with the aid of the State Division of Forestry. (See Appendix H for more information.)

Objectives:

The County shall request that federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions affecting forest or timber resources or their use.

Crook County shall carefully evaluate any federal and state actions or regulations which could affect forest or timber resources

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

Any vegetative treatment, prescribed burning, or public land set-aside shall be reviewed by Crook County.

7. PALEONTOLOGICAL RESOURCES

Goal: Crook County should strive to maintain the integrity and the opportunity to research its significant paleontological sites.

Background:

There are several sites in Crook County which contain significant fossilized remains. (See Appendix I for more information.)

The importance of future paleontological digs and subsequent findings are recognized by Crook County. However, the protection of such resources should not automatically supersede the best interests of Crook County nor its citizen's rights.

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Objectives:

Crook County shall request that federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions which could potentially affect the integrity of, or access to, County paleontological resources.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

8. PRIVATE PROPERTY

Goal: Crook County will strive to protect its citizens' constitutional rights to private property including but not limited to water, mineral, surface and subsurface rights in its planning and actions.

Background:

Crook County recognizes its citizens' inalienable, natural rights to private property, as defined and upheld by the United States Constitution.

People who live in Crook County are reliant upon the land and its productive use. Private ownership and the incentive provided by such ownership is the driving force which supports the livelihoods, culture, custom and economic stability of Crook County citizens.

Objectives:

Federal and state agencies shall, to the fullest extent allowed by federal law, notify the County of any actions affecting the existing use of or on private property or public lands.

Crook County shall evaluate and comment on federal and state actions or regulations which could affect private property, private property interests, and investment backed expectations.

Crook County shall plan for, and take positive action to ensure, that private property, private property interests and investment backed expectations are protected under the Fifth Amendment to the United States Constitution which prohibits the taking of private property for public use without just compensation.

9. RECREATIONAL USE

Goal: Crook County will strive to protect recreational opportunities compatible with local custom, culture and environmental stewardship within the constraints of private property rights.

Background:

Crook County offers a variety of recreational opportunities, many of which generate revenues for the local economy. (See Appendix J for list of recreational activities in the County.)

Recreationists enjoy access to activities on public lands in Crook County, but are expected to demonstrate ethical behavior which respects and helps maintain the sustainability of the County's natural resources. There is no charge for some of the these activities and, consequently, the costs to provide these services are picked up by all taxpayers.

Objectives:

Crook County shall request that the federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions affecting recreational opportunities in Crook County.

Crook County shall carefully evaluate any federal and state actions or regulations which could affect recreational use.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

The planning of recreational management areas, facilities and byways shall consider time and cost impacts on County services and provide for economic or other management mitigation of such impacts.

10. RIGHTS OF WAY

Goal: All planning efforts in Crook County should strive to seek to maintain historic rights to travel over federally and state managed lands wherever necessary in pursuit of mining, logging, livestock raising, and other historic uses.

Background:

Utility corridors have historically been very important in Crook County. Historically, the development of mining, logging, livestock grazing, ranching, and farming has required establishment of numerous rights of way over the federally and state managed lands. Continued use of these rights of way is essential to continuation of the associated commerce.

The potential exists for the County to assert its RS 2477 rights.

Objectives:

Crook County shall request that federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions which could potentially affect the historic rights to travel within Crook County.

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Crook County shall carefully evaluate all federal and state actions, proposals or regulations which could affect the County's historic rights to travel.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

Along with right to travel over these rights of way, any maintenance necessary to continue the historic use shall be allowed.

Historic travel routes that cross state or federal land are those that have been used for at least ten years. Appropriate historic travel routes may be identified under RS 2477.

11. WATER RESOURCES

Goal: Crook County will strive to protect the quality, quantity and use of surface and ground water.

Background:

Water quality and quantity in Crook County has determined where development has and will occur.

Crook County seeks to maintain the historic and economic use of water for agricultural irrigation and domestic use. (See Appendix K for more information.)

The State of Wyoming, Department of Environmental Quality maintains jurisdiction over water quality enhancement and protection from point source and non-point source pollution.

Crook County supports the present state laws and regulatory system administering the use and ownership of all surface and ground water within the State of Wyoming. Crook County recognizes that the protection and development of its water resources are essential to its short and long term environmental, economic and cultural viability.

Objectives:

Crook County shall, to the fullest extent allowed by federal law, be notified of all state, interstate, federal and international actions that have any impact on the water or use of water in Crook County, prior to such actions or planning processes being initiated.

Crook County shall comment on any proposed actions that affect water quality and quantity or use.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

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Water Quality:

A. Riparian Areas: The maintenance of the custom, culture, and economic stability of the County and private property rights and private property interests including investment backed expectations shall be considered of high importance in the application of any riparian area management plans, including Forest Service and Bureau of Land Management allotments or grazing plans, point source and non-point source pollution laws.

B. Wetlands: Crook County shall monitor and evaluate implementation of the "wetlands" provisions of the Clean Water Act by federal regulatory agencies when it affects the custom, culture or economic stability of Crook County residents.

C. Aquifers: Crook County requests that the Wyoming Department of Environmental Quality (WDEQ) work with the County to assure that minimal potable water is used for secondary oil recovery injection wells. Alternative methods shall be evaluated.

Water Quantity:

A. The protection and preservation of existing water rights and water uses within the County is of primary importance to the County's economic and cultural well-being. Therefore, transfers or abandonment in water use shall be considered carefully in relationship to the history, traditions, culture and economics of Crook County.

B. Crook County recognizes existing water rights and promotes new development of water for agricultural, municipal, industrial, domestic, recreation and hydroelectric power purposes for future economic and cultural growth.

12. WILDERNESS and Other Set Aside Designations

Goal: Crook County will strive to have an active role in the decision-making process regarding Wilderness or other set aside designations within its borders.

Background:

The Wilderness Act of 1964, 16 U.S.C. § 1131-1136, created a National Wilderness Preservation System to be composed of federally managed lands designated by Congress as "wilderness areas." The Act defined Wilderness as "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain." The definition stated that a wilderness thus was in "contrast with those areas where man and his own works dominate the landscape." See 16 U.S.C. § 1131 (c).

The Wyoming Wilderness Bill of 1984, Public Law 98-550, aimed "To designate certain national forest system lands in the State of Wyoming for inclusion in The National Wilderness Preservation System, to release other forest lands for multiple use

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management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes." Sand Creek area was considered for Wilderness but was released.

There are no designated Wilderness areas in Crook County.

Objectives:

Current Wilderness or set aside recommendations made by federal agencies shall be reviewed by the County in relation to the impacts on natural resource based industries, on the economic stability of the County, and on the custom and culture of the citizens of Crook County. This evaluation and subsequent recommendation from the County will be forwarded to Congress.

Should the recommendation be made by Congress not to designate an area as Wilderness or set aside, the area under consideration shall be released from further wilderness consideration.

13. WILDLIFE

Goal: Crook County will strive to encourage the Wyoming Game and Fish Department to maintain balanced wildlife populations for both consumptive and non-consumptive uses.

Background:

The Wyoming Game and Fish Department is the principle agency responsible for managing the wildlife resource in Crook County. Historically, white-tail deer and Merriam's wild turkey have been the species of interest for the hunting public in this area. However, over the past ten years white-tail deer, turkey as well as Pronghorn Antelope numbers have declined. Mule deer and rocky mountain elk numbers have remained relatively stable over the same time period. Two mountain lions have been killed in Crook County in the past ten years; there are no bears in the area. Populations of cottontail rabbit, squirrel, and sharp-tail and ruffed grouse are weather and habitat dependent; their present populations have minimal impact on the regional economy. There are no resident wildlife species classified as threatened or endangered in Crook County. (See Appendix L, #1 for more information.)

In Wyoming, the state legislature has assumed responsibility for wildlife caused damage on agricultural lands from those animals classified as big game, trophy game and game birds. Wildlife depredation is more prevalent when population numbers are high, particularly during drought or severe winter weather conditions. Additionally, the Game and Fish Department annually provides damage prevention materials to county landowners for protection of stored crops. (See Appendix L, #2 for more information.)

The legislature has classified coyotes, red foxes, jackrabbits, skunks, raccoons, porcupines and stray cats as predators. No claims are paid for predator caused damage, although the Game and Fish Department does contribute annually to the state predator control program. (See Appendix L, #3 for more information.) There are no reliable

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population estimates for these species, also there are no regulated hunting seasons or license requirements for predators.

Objective:

Hunting activity, allowable harvests and Departmental feeding programs shall be coordinated with Crook County to achieve a balanced multiple use.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

Crook County requests that the Wyoming Game and Fish Department hold public hearings in local vicinities that represent affected landowners.

Crook County requests that the Wyoming Game and Fish Department incorporate County citizens' public input early in the licensing decision-making process.

CONCLUSION

This Plan provides the formal outline of the planning process as it relates to the federally and state managed lands and federal and state regulation on private property. The implementation process of the Plan will be continual, and will require the Board to become involved with analysis and evaluation of all stages of the planning cycles followed by federal and state management agencies, including plan development, implementation and monitoring. There is currently no budget for Land Use Planning, and its effectiveness will depend on the commitment of volunteers.

Federal and state regulation action as well as management actions on federal and state lands should be carried out with integrity and in a manner reflecting accepted and applicable scientific knowledge and principles which support high expectations of success. Monitoring must provide applicable, relevant, accurate, and truthful data to unbiased scientific interpretation to guide plan amendments to assure sustained productivity of County resources for future generations.

Management plans, implementation actions and monitoring activities should adhere strictly to the laws of the United States, the State of Wyoming, Crook County, and all its municipalities.

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APPENDICES TO THE PLAN

APPENDIX A - Introduction

List of Laws and Regulations that impact state and federal planning processes:

Forest and Rangeland Renewable Resources Planning Act of 1974
Forest Service Regulations
Bureau of Land Management Regulations
Endangered Species Act (ESA)
Wild and Scenic Rivers Act
Historic Preservation Act Regulations
Clean Air Act
Clean Water Act
Rural Environmental Conservation Act
Resource Conservation Act of 1981
Presidential Executive Order 12866 - Regulatory Planning and Review (Sept. 30, 1993)
Presidential Executive Order 12630 - Governmental Actions and Interference with Constitutionally Protected Property Rights (March 15, 1988)
Federal Land Policy and Management Act (FLPMA)
Federal Advisory Committee Act (FACA)
Food and Agriculture Conservation Trade Act
National Environmental Policy Act (NEPA)
The Wilderness Act of 1964
The Wyoming Wilderness Bill of 1984
American Heritage Rivers Initiative

APPENDIX B - Custom, Culture and Economic Base of Crook County

There are 1,827,840 acres in Crook County.
-Source: Crook County Assessor's Office.

Land Ownership in Crook County

Private	79%
Non-Private	21%

Breakdown of Non-Private Land

US Forest Service	8.7%
State of Wyoming	6.2
Bureau of Land Management	4.8
Bureau of Reclamation	0.9
National Park Service	<0.1
Cities	<0.1
Wyoming Game & Fish	<0.1
Crook County	<0.1
School District	<0.1
Water	0.6
Other	0.5
	21.0%

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-Source: Baseline data on agriculture and natural resources in Crook County provided by Gene Gade, UW Extension.

APPENDIX C - Multiple Use/Economic Use of Federal, State and Private Lands and Coordination with Federal and State Agencies

The following is Part 219.7, Title 36, of the Code of Federal Regulations:

219.7 Coordination with other public planning efforts.

(a) The responsible line officer shall coordinate regional and forest planning with the equivalent and related planning efforts of other Federal agencies, State and local governments, and Indian tribes.

(b) The responsible line officer shall give notice of the preparation of a land and resource management plan, along with a general schedule of anticipated planning actions, to the official or agency so designated by the affected State (including the Commonwealth of Puerto Rico). The same notice shall be mailed to all Tribal or Alaska Native leaders whose tribal lands or treaty rights are expected to be impacted and to the heads of units of government for the counties involved. These notices shall be issued simultaneously with the publication of the notice of intent to prepare an environmental impact statement required by NEPA procedures (40 CFR 1501.7)

(c) The responsible line officer shall review the planning and land use policies of other Federal agencies, State and local governments, and Indian tribes. The results of this review shall be displayed in the environmental impact statement for the plan (40 CFR 1502.16(c), 1506.2). The review shall include-

(1) Consideration of the objectives of other Federal, State and local governments, and Indian tribes, as expressed in their plans and policies;

(2) An assessment of the interrelated impacts of these plans and policies;

(3) A determination of how each Forest Service plan should deal with the impacts identified; and,

(4) Where conflicts with Forest Service planning are identified, consideration of alternatives of their resolution.

(d) In developing land and resource management plans, the responsible line officer shall meet with the designated State official (or designee) and representatives of other Federal agencies, local governments, and Indian tribal governments at the beginning of the planning process to develop procedures for coordination. As a minimum, such conferences shall also be held after public issues and management concerns have been identified and prior to recommending the preferred alternative. Such conferences may be held in conjunction with other public participation activities, if the opportunity for government officials to participate in the planning process is not thereby reduced.

(e) In developing the forest plan, the responsible line officer shall seek input from other Federal, State and local governments, and universities to help resolve management concerns in the planning process and to identify areas where additional research is needed. This input should be included in the discussion of the research needs of the designated forest planning area.

(f) A program of monitoring and evaluation shall be conducted that includes consideration of the effects of National Forest management on land, resources, and communities adjacent to or near the National Forest being planned and the effects upon National Forest management of activities on nearby lands managed by other Federal or other government agencies or under the jurisdiction of local governments.

[47 FR 43037, Sept. 30, 1982, as amended at 48 FR 29122, June 24, 1983]

The following is Part 1610.3, Title 43, of the Code of Federal Regulations:

1610.3 Coordination with other Federal agencies, State and local governments, and Indian tribes.

Sec. 1610.3 -1 Coordination of planning efforts

(a) In addition to the public involvement prescribed by Sec. 1610.2 of this title.

(t)he following coordination is to be accomplished with other Federal agencies, State and local governments, and Indian tribes. The objectives of the coordination are for the State Directors and District

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and Area Managers to keep apprised of non-Bureau of Land Management plans; assure that consideration is given to those plans that are germane in the development of resource management plans for public lands; assist in resolving, to the extent practicable, inconsistencies between Federal and non-Federal government plans; and provide for meaningful public involvement of other Federal agencies, State and local government officials, both elected and appointed, and Indian tribes in the development of resource management plans, including early public notice of proposed decisions which may have a significant impact on non-Federal lands.

(b) State Directors and District and Area Managers shall provide other Federal agencies, State and local governments, and Indian tribes opportunity to review, advice, and suggestion on issues and topics which may affect or influence other agency or other government programs. To facilitate coordination with State governments, State Directors should seek the policy advice of the Governor(s) on the timing, scope and coordination of plan components; definition of planning areas; scheduling of public involvement activities; and the multiple use opportunities and constraints on public lands. State Directors may seek written agreements with Governors or their designated representatives on processes and procedural topics such as exchanging information, providing advice and participation, and timeframes for receiving State government participation and review in a timely fashion. If an agreement is not reached, the State Director shall provide opportunity for Governor and State agency review, advice and suggestions on issues and topics that the State Director has reason to believe could affect or influence State government programs.

(C) In developing guidance to District Managers, in compliance with section 1611 of this title, the State Director shall:

(1) Ensure that it is as consistent as possible with existing officially adopted and approved resource related plans, policies or programs of other Federal agencies, State agencies, Indian tribes and local governments that may be affected, as prescribed by Sec. 1610.3-2 of this title,

(2) Identify areas where the proposed guidance is inconsistent with such policies, plans or programs and provide reasons why the inconsistencies exist and cannot be remedied, and

(3) Notify the other Federal agencies, State agencies, Indian tribes or local governments with whom consistency is not achieved and indicate any appropriate methods, procedures, actions and/or programs which the State Director believes may lead to resolution of such inconsistencies.

(d) A notice of intent to prepare, amend, or revise a resource management plan shall be submitted, consistent with State procedures for coordination of Federal activities, for circulation among State agencies. This notice shall also be submitted to Federal agencies, the heads of county boards, other local government units and Tribal Chairmen or Alaska Native Leaders that have requested such notices or that the responsible line manager has reason to believe would be concerned with the plan or amendment. These notices shall be issued simultaneously with the public notices required under Sec. 1610.2(b) of this title.

(e) Federal agencies, State and local governments and Indian tribes shall have the time period prescribed under Sec. 1610.2 of this title for review and comment on resource management plan proposals. Should they notify the District or Area Manager, in writing, of what they believe to be specific inconsistencies between the Bureau of Land Management resource management plan and their officially approved and adopted resources related plans, the resource management plan documentation shall show how those inconsistencies were addressed and, if possible, resolved.

(f) When an Advisory Council has been formed under section 309 of the Federal Land Policy and Management Act for the district in which the resource area is located, that council shall be informed and their views sought and considered throughout the resource management planning process.

Sec. **1610.3-2** Consistency requirements.

(a) Guidance and resource management plans and amendments to management framework plans shall be consistent with officially approved or adopted resource related plans, and the policies and programs contained therein, of other Federal agencies, State and local governments and Indian tribes, so long as the guidance and resource management plans are also consistent with the purposes, policies and programs of Federal laws and regulations applicable to public lands, including Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise, and other pollution standards or implementation plans.

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(b) In the absence of officially approved or adopted resource-related plans of other Federal agencies, State and local governments and Indian tribes, guidance and resource management plans shall, to the maximum extent practical, be consistent with officially approved and adopted resource related policies and programs of other Federal agencies, State and local governments and Indian tribes. Such consistency will be accomplished so long as the guidance and resource management plans are consistent with the policies, programs and provisions of Federal laws and regulations applicable to public lands, including, but not limited to, Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise and other pollution standards or implementation plans.

(c) State Directors and District and Area Managers shall, to the extent practicable, keep apprised of State and local governmental and Indian tribal policies, plans, and programs, but they shall not be accountable for ensuring consistency if they have not been notified, in writing, by State and local governments or Indian tribes of an apparent inconsistency.

(d) Where State and local government policies, plans, and programs differ, those of the higher authority will normally be followed.

(e) Prior to the approval of a proposed resource management plan, or amendment to a management framework plan or resource management plan, the State Director shall submit to the Governor of the State(s) involved, the proposed plan or amendment and shall identify any know inconsistencies with State or local plans, policies or programs. The Governor(s) shall have 60 days in which to identify inconsistencies and provide recommendations in writing to the State Director. If the Governor(s) does not respond within the 60-day period, the plan or amendment shall be presumed to be consistent. If the written recommendation(s) of the Governor(s) recommend changes in the proposed plan or amendment which were not raised during the public participation process on that plan or amendment, the State Director shall provide the public with an opportunity to comment on the recommendation(s). If the State Director does not accept the recommendations of the Governor(s), The State Director shall notify the Governor(s) and the Governor(s) shall have 30 days in which to submit a written appeal to the Director of the Bureau of Land Management. The Director shall accept the recommendations of the Governor(s) if he/she determines that they provide for a reasonable balance between the national interest and the State's interest. The Director shall communicate to the Governor(s) in writing and publish in the Federal Register the reasons for his/her determination to accept or reject such Governor's recommendations.

APPENDIX D - Agriculture & Livestock Grazing

Agricultural Statistics for Crook County:

The primary contribution of agriculture to the revenue base of Crook County is through the collection of ad valorem taxes. Crook County assigns an assessed value to several classes of agricultural lands. This assessment includes varied assessment values for dry farm, irrigated lands, range, farmsteads, waste and bog lands, as well as related improvements. Crook County's total assessed value in the 1997 abstract is $28,116,817.00. 1,376,959 acres of agricultural lands and related improvements shows an assessed value of $6,767,016.00.

-Source: Crook County Assessor's Office.

-For Agricultural Statistics, see Wyoming Agricultural Statistics Service, 1997 Publication on file in the County Clerk's Office.

-Also, see reports on file in the County Clerk's Office, from Gene Gade, UW Extension Agency.

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APPENDIX E - Air Quality

Information on air quality area classifications and standards can be obtained from the *Wyoming Air Quality Regulations*, a publication available through the Wyoming Department of Environmental Quality, Air Quality Division, 122 West 25th Street, Herschler Building, Cheyenne, WY 82002. A copy of the publication will remain on file in the office of the Crook County Clerk, Sundance, Wyoming.

APPENDIX F - Air Space

Currently, the Department of the Interior, Devils Tower National Monument, has a memorandum of understanding (MOU) with the US Air Force concerning overflights of the Tower. This MOU was signed with Colonel Shuebbert, stationed at Ellsworth Air Force Base in 1995. The request for the MOU came from the Devils Tower National Monument Superintendent, who reported that the overflights were disruptive to visitors at the Monument.

The MOU states that there will be a reserved air space as defined by five (5) nautical and vertical air miles and followed by all Department of Defense personnel.

APPENDIX G- Energy & Mineral Resources

List of Minerals in Crook County

Alum	Barite	Bentonite
Calcite	Coal	Columbite
Copper	Fluorite	Garnet
Gold	Gypsum	Iron-Pyrite
Lead	Limestone	Manganese
Nepheline-syenite	Oil and Gas	Quartz-agates
Tripolite	Silver	Sandstone
Stone-marble	Titanite	Tourmaline
Uranium	Rare Earths	Vanadium
Zinc	Sand & Gravel	

(Source: Crook County Land Use Plan, December 19, 1977, page 13.)

APPENDIX H - Timber Resources

The US Forest Service has a proposed harvest of 83.8 million board feet (MMBF) on the Black Hills National Forest. This has decreased 30% from the 1983 Forest Plan.

-Reference: Revised Forest Plan for the Black Hills National Forest and related EIS. See these documents, on file with the County Clerk, for further information.

APPENDIX I - Paleontological Resources

The Little Houston Quarry, part of the Jurassic Morrison Formation and located between Moorcroft and Sundance, has produced fossils of the prehistoric Camarasaurus. Fossils found at the Hawken Site, a buffalo jump located seven miles south of Sundance, suggest the existence of a sizable herd of now-extinct bison (*bison bison occidentalis*) from approximately 4400-4500 B.C. - Source: Crook County Museum, Sundance.

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APPENDIX J - Recreational Use

Recreational activities in Crook County include, but are not limited to: hunting, fishing, four-wheeling, snowmobiling, rock climbing, spelunking, hiking, motor biking, camping, biking, golfing, snowshoeing, berry picking, sightseeing, bird- and wildlife-watching, picnicking, swimming, horseback riding, water- and snow-skiing, rock hounding, trapping, target shooting, rodeoing, and flying.

APPENDIX K - Water Resources

The largest portion of crops produced with irrigation in Crook County are alfalfa, grass and other hay and feed grains which are produced for the livestock industry.

Each year, millions of gallons of potable water is used for the secondary recovery of oil on private, state and federal lands. This water becomes unsuitable for human or livestock use.

APPENDIX L - Wildlife

#1 - Over the past ten years, white-tail deer numbers have declined from 40,000 to 20,000 head. At the same time, turkey numbers have also declined, from approximately 10,000 to 2,000 birds. Pronghorn Antelope have experienced a similar population decline. Consequently, county-wide revenue generated from hunter dollars has declined from $3.2 million in 1986 to $1.8 million in 1996.
Mule deer and rocky mountain elk numbers have remained relatively stable over the same time period with populations of 20,000 and 500, respectively.

#2 - The Wyoming Game and Fish Department reimbursed 13 area landowners greater than $160,000.00 during the drought year of 1989. Only one damage claim has been filed/paid each of the past two years in the county; $2,400.00 in 1995 and $2,840.00 in 1996. The Game and Fish Department provides approximately $20,000.00 annually in damage prevention materials to county landowners for protection of stored crops.

#3 - The Wyoming Game and Fish Department contributes more that $150,000.00 annually to the state predator control program.

-Source: Wyoming Game and Fish Department.

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SOURCES

References, including resources and sources, used in the development of the Draft 1997 Land Use Plan for Crook County:

- Interim Comprehensive Land Use and Management Plan for the Federally and State Managed Lands in Owyhee County - July, 1993
- Crook County Land Use Plan, Prepared by the Crook County Planning Commission with assistance from Tri-County Planning Office, Newcastle, Wyoming, Approved by the Board of County Commissioners of Crook County, December 19, 1977.
- Connie Tschetter, Crook County Clerk, Sundance, Wyoming.
- Gene Gade, University of Wyoming Extension Agency, Crook County Courthouse, Sundance, Wyoming.
- Board of Crook County Commissioners - Alan Roberts, Mark Semlek, Merle Clark, Don Roberts.
- Devils Tower Conservation District, Sundance, Wyoming.
- Joe Baron, Crook County Attorney, Sundance, Wyoming.
- Crook County Museum, Sundance, Wyoming.
- Wyoming Agricultural Statistics 1997, Published by: Wyoming Department of Agriculture, Wyoming Agricultural Statistics Service, University of Wyoming, College of Agriculture.
- Crook County Land Use Planning and Zoning Commission -

  Members: Anita Fish, Chairperson
  Mary Flanderka, Vice-Chairperson
  Gerald Bunney
  Walt Marchant
  Gisele Robinson

  Sub-committee: Gary Allison
  Dan Boone
  Larry Goodson
  Sheryl Klocker
  Darlene Spiedel
  Linda Tokarczyk
  Darla West

*** To access more information on land use planning in Crook County or more details on the County's land use planning process, please contact the office of the County Clerk, P.O. Box 37, Sundance, WY 82729 - County Courthouse, Sundance, Wyoming - Phone: 307-283-1323.**

Weston County
Natural Resource District

Providing leadership in conserving the natural resources in Weston County by providing information, education, and technical assistance to meet the needs of our users.

1225 Washington Blvd, Suite 3, Newcastle, WY 82701
307.746.3264 x4 westoncountynrd.org

September 16, 2025

Submitted electronically via www.regulations.gov

The Honorable Brooke L. Rollins
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

Re: FS-2025-0001: the US Forest Services plan to initiate an environmental impact statement (EIS) and rulemaking concerning management of inventoried roadless areas

Dear Secretary Rollins,

On behalf of the Weston County Natural Resource District (WCNRD) and our District members we are submitting comments on the US Forest Service's plan to initiate an environmental impact statement (EIS) and rulemaking concerning management of inventoried roadless areas.

Conservation districts were created in the 1930's to provide local oversight and to coordinate conservation efforts by both local, state, and federal agencies, with the charge of developing long-term goals focused on locally led, voluntary conservation, providing leadership in communities, and assisting through both technical as well as financial assistance. The WCNRD is authorized by state statute§§ 11-16-101 *with the authorities to implement soil and water conservation projects and programs, including but not limited to, flood prevention and the conservation, development, utilization and disposal of water within the district, as well as preserving and enhancing wildlife habitat, vegetation, and preserving land for agricultural production.* The locally elected board members provide a local perspective that helps reflect the needs of landowners in Weston County. Along with this comes the charge in W.S. § 11-16-103 *and thereby to stabilize ranching and farming operations, to preserve reservoirs, preserve wildlife, protect public lands and protect and promote the health, safety, and general welfare of the people of this state.*

This charge is similar to the multiple use designation of our public lands. The balance of conservation and economic base. And one that any good land manager will follow, as there is no long-term financial gain when the natural resources are allowed to deteriorate. Based on this charge, the WCNRD supports rescinding the 2001 Roadless Area Conservation Rule.

The WCNRD supports local control of our public lands, where decisions can be made at the local forest plan level with input from local governments, local agencies, and local people. These are the people that use and depend on the land. The one-size-fits-all of large federal overreach such as the roadless rule overlook local needs and the multitude of local variations and factors that are not considered at a national level.

Board of Supervisors

David Tysdal Tucker Hamilton Emily Hartinger Gene Norman Tom Streeter

As part of the charge given to the district by the state is the protection of public lands, the WCNRD supports the construction of necessary roads for management purposes. Decisions to utilize resources within these areas should follow current NEPA procedures, including public comment and the consideration of impacts to the land, the natural resources present, and other goals and objectives.

It is also important to note that nonuse is not management. The WCNRD has seen firsthand the results of nonuse, or lack of management, during the most recent mountain pine beetle epidemic which occurred from 2012 to 2015 in the Black Hills. Areas that had not been managed properly or as consistently were often hit harder than areas that had been actively managed. The same has also been observed with wildfire behavior. This nonuse is also hard on local communities, which often rely on the natural resources present as part of their economic base.

The WCNRD does not oppose the values set forth, and cherished by many, in the roadless rule. The opportunity to have wild places to enjoy and to escape to is vitally important to the health of a community. But the district recognizes the need for balance. The local planning process should take into account all these viewpoints and seek a balance approach where all users can find what they seek. A balanced approach would include appropriate management to help preserve these areas from wildfire, insects and disease, as well as management that would take away from the viewshed and solitude of our wildlands.

Thank you for the opportunity to provide comments and the district looks forward to providing further comments on the draft EIS. We encourage the USDA to seek a balanced approach in the evaluation of this rule, and to return control to the local level, where the NEPA analysis can be performed on local needs, priorities and situations.

Sincerely,

David Tysdal
Chairman
Weston County Natural Resource District

Board of Supervisors

David Tysdal Tucker Hamilton Emily Hartinger Gene Norman Tom Streeter

Board of Lincoln County Commissioners

Kent Connelly
Chairman
Kemmerer, Wyoming

Teri Bowers
Vice-Chair
Smoot, Wyoming

Melvin W Hansen
Afton, Wyoming

925 Sage Avenue, Suite 302, Kemmerer, WY 83101 Phone : 307-877-2004
Email: commission@lcwy.org

September 19, 2025

VIA eRulemaking Portal

Brad Kinder, Acting Director
Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

Re: Comments on the Notice of Intent to Prepare an Environmental Impact Statement and Rulemaking to Rescind the 2001 Roadless Area Conservation Rule

Dear Mr. Kinder,

The Lincoln County Commissioners submits the following comments on the U.S. Department of Agriculture's (USDA) notice of intent to prepare an environmental impact statement and rulemaking concerning the proposed rule to rescind the 2001 Roadless Area Conservation Rule (2001 Roadless Rule). 90 Fed. Reg. 42179 (Aug. 29, 2025). Inventoried Roadless Areas (IRAs) total about 58.2 million acres, or about 30 percent of all National Forest System lands. Id. at 42180. The National Forests in Wyoming contain around 3.257 million acres of IRAs, which is about 35 percent of the National Forests in the State. Lincoln County's borders contain over 70% of Federal Forests and other lands.

The original purpose of the 2001 Roadless Rule was to provide protection to IRAs by prohibiting road construction, road reconstruction, and timber harvesting. However, the 25 years of inactive management within IRA, as well as within other designated areas, and the overemphasis on fire suppression or no burn policies has resulted in increased wildfire risk from overgrown and fuel loaded National Forests. The Forest Service must be provided with more flexibility in managing the National Forests and addressing catastrophic wildfire risks, and for that reason the Coalition supports the rescission of the 2001 Roadless Rule.

I. STATEMENT OF INTEREST

Lincoln County is a local government organized under the laws of the State of Wyoming and has the authority to protect the public health and welfare of Wyoming while promoting and protecting public lands and water resources.

By statute, the Wyoming Counties are "deemed to have special expertise on all subject matters for which it has statutory responsibility, including but not limited to, all subject matters directly or indirectly related to the health, safety, welfare, custom, culture and socio-economic viability of a county." Wyo. Stat. Ann. §18-5-208. As such, the Counties "may regulate and restrict . . . the use, condition of use or occupancy of lands for

residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county." Wyo. Stat. Ann. §18-5-201.

II. COOPERATING AGENCY REQUESTS

The Commission would like to request and emphasize the importance of designating cooperating agencies during the EIS process for this proposed rule rescission. The scoping notice currently states that the Forest Service "does not anticipate designating any Federal, State, Tribal, or local agencies as cooperating or participating agencies." 90 Fed. Reg. at 42182. The Coalition can understand the large undertaking that would be required to engage with various State, Tribal, and local agencies as cooperating in developing this EIS for the rescinding of a rule that impacts lands across numerous States. But more than 95 percent of the IRAs (outside of Colorado and Idaho) are within ten Western states (id. at 42180), which helps to make the cooperating agency process and roles more manageable. In addition, cooperators can provide important information and data specific to National Forests and IRAs within their borders and within their respective special expertise, which will only strengthen and assist in the development of the EIS.

In addition, the National Environmental Policy Act (NEPA) requires lead agencies to "consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved" prior to making any detailed environmental statement. 42 U.S.C. § 4332(C). It requires that the comments and views of Federal, state, and local agencies, which are authorized to develop and enforce environmental standards, are made available and accompany any proposal through the agency review process.

NEPA further directs the lead agency of the review process to (1) "request the participation of each cooperating agency at the earliest practicable time;" (2) "in preparing an environmental document, give consideration to any analysis or proposal created by a cooperating agency;" and (3) "develop a schedule, in consultation with each cooperating agency, the applicant, and such other entities as the lead agency determines appropriate, for completion of any environmental review, permit, or authorization required to carry out the proposed agency action." 42 U.S.C. § 4336a(2)(B), (C), (D). USDA's recently amended regulations also provide that the best practice is to "engag[e] in interagency cooperation before or as the [EIS] is prepared, rather than awaiting submission of comments." 7 C.F.R. § 1b.9(f)(6). The scoping notice encourages Federal, State, Tribal, and local agencies to provide input through public comment opportunities. 90 Fed. Reg. at 42181. But involving them earlier in the process through a cooperating agency role would help to reduce any delays and reduce the need for major corrections between the publication of the Draft EIS and Final EIS. Therefore, the USDA should reconsider its current stance to exclude the cooperating agency role from the EIS process.

III. FOREST SERVICE SHOULD FOCUS ON MANAGING THE NATIONAL FORESTS CONSISTENT WITH MULTIPLE USE AND SUSTAINED YIELD

The rescission of the 2001 Roadless Rule will allow for the Forest Service to return its focus back to active management of the National Forests consist with the Multiple Use-Sustained Yield Act, 16 U.S.C. §§ 528-531, the National Forest Management Act, 16 U.S.C. § 1600 et seq., and the Healthy Forests Restoration Act, 16 U.S.C. § 6501 et seq.. National forests were established to "improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States." 16 U.S.C. § 475. National Forests should be administered for "outdoor recreation, range, timber, watershed, and wildlife and fish purposes," and the Secretary is "directed to develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom." 16 U.S.C. §§ 528-529. Pursuant to 16 U.S.C. § 1601(e)(1), it is the policy that all forested lands in the National Forest System shall be "maintained in appropriate forest cover with species of trees, degree of stocking, rate of growth, and

conditions of stand designed to secure the maximum benefits of multiple use sustained yield management in accordance with land management plans."

In addition, the Healthy Forests Restoration Act calls for the protection, restoration, and enhancement of forest ecosystem components, and to "enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape." 16 U.S.C. § 6501(3), (6). This is accomplished through the development of hazardous fuel reductions projects on federal land in wildland-urban interface areas, in proximity to municipal water supply systems, and in other areas specified by statute. 16 U.S.C. § 6512(a). The common theme of the three statutes discussed above is that the National Forest System must be managed in a way, including through the use of timber harvest and production, to protect the Forest ecosystem, forest cover, and the watersheds within the Forest. The 2001 Roadless Rule has made it more difficult for the Forest Service to conduct specific vegetation management within IRAs and has resulted in the inactive management of the National Forests. This is due in large part to the limited number of roads within IRA and the inability to reconstruct or build new roads to provide the necessary access for management. In addition, the prohibition of timber harvests within IRA, except under limited exceptions, has removed a key management tool to address overgrown and fuel loaded National Forests. Even when the Forest Service has attempted to use the limited exception of cutting small diameter trees in IRA, these projects are more often than not heavily challenged by environmental groups and ultimately prevented from occurring. The 2001 Roadless Rule has had the unintended consequence of moving the Forest Service away from its multiple use and sustained yield management practices.

The rescission of the 2001 Roadless Rule will place management of the IRAs back into the hands of the specific National Forests consistent with Forest-level land management planning under the National Forest Management Act. The local Forest Service employees will have more flexibility to address the specific conditions of their National Forest, including the ability to implement various vegetative management tools to restore degrading National Forests. This would include the use of all tools, such as timber harvest and production, planned ignitions, thinning, planting, and any other vegetation management treatments.

IV. ENVIRONMENTAL IMPACT STATEMENT MUST ADDRESS CONDITION OF IRAS AND MOUNT OF ACRES ALREADY BURNED OR AT RISK

The 2023 Wildfire Hazard Potential for the United States Report identifies 66,940,000 acres of National Forest Service lands are under a high or very high wildfire risk. See USDA Secretary's Memorandum 1078-006 (Apr. 3, 2025). The scoping notice states that 40 percent of lands within IRA have a high or very high wildfire risk. 90 Fed. Reg. at 42180. In addition, about 78,800,000 acres of National Forest Service lands are experiencing or at risk of experiencing insect and disease infestations. See USDA Secretary's Memorandum 1078-006 (Apr. 3, 2025). The USDA Secretary has made an Emergency Situation Determination under Section 40807 of the Infrastructure Investment and Jobs Act and designated over 112 million acres of National Forest System lands within an emergency situation, which includes 59 percent of all Forest lands. Id.

The EIS needs to expand upon these statements and the overall conditions of IRAs within the National Forests. There is research available that recognizes that although IRAs may have experienced fewer fire ignitions, the wildfire extent was far greater and most of the largest fires that have burned on National Forest Service land in recent years began in IRAs. James D Johnston et al, Does conserving roadless wildland increase wildfire activity in western US national forests?, 2021 Environ. Res. Lett. 16 084040. Proponents of the 2001 Roadless Rule emphasize the importance of protecting the National Forests but fail to recognize or admit the current conditions of the Forests and the inactive management that led us here. While addressing the condition of the IRAs, the EIS must also disclose how many of these IRAs are within or near the wildland-urban interface and critical infrastructure.

V. INCREASING TIMBER PRODUCTION

The proposal to rescind the 2001 Roadless Rule is also consistent with Executive Order 14192, Unleashing Prosperity Through Deregulation; Executive Order 14225, Immediate Expansion of American Timber Production; and USDA Secretary's Memorandum 1078-006, Increasing Timber Production and Designating an Emergency Situation on National Forest System Lands. It is consistent, as discussed above, with statutory direction to manage National Forests for multiple use and sustainable yield. National Forests were established, in part, to provide "a continuous supply of timber for the use and necessities of citizens of the United States." 16 U.S.C. § 475. All Forest Service plans are to provide for multiple use and sustained yield of the products obtained within and provide for specific harvesting levels. 16 U.S.C. §1604(e). With the rescinding of the 2001 Roadless Rule, more acres would be available for timber harvesting.

The EIS should address not only the benefit timber harvesting can provide vegetative and forest resources, but also the economic benefit increased timber harvesting can have on local communities. After the 2001 Roadless Rule, there was noticeable decline in timber mills in Wyoming and fewer logging businesses operating in the State. It will take more time for the timber industry to recover and additional timber harvesting to occur, but the recission of the 2001 Roadless Rule would elevate one of the major obstacles and designations that has restricted timber harvesting on National Forests for 25 years.

VI. CONCLUSION

The Commission appreciates the opportunity to comment and looks forward to working cooperatively with the USDA in developing the EIS for the proposed rescinding of the 2001 Roadless Rule. The USDA is taking an appropriate step towards returning to active management the National Forests and giving the Forest Service back its authority and flexibility to use all tools available to maintain, improve, and restore forest health at the local Forest level.

Sincerely,



Stephen P. Allen, MBA
Chief of Staff
Lincoln County Commission

Board of Commissioners
Converse County, Wyoming

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Jim Willox, Chair • Rick Grant, Vice-Chair • Robert G. Short • Trent Kaufman • Donald Blackburn

September 19, 2025

Mrs. Brooke Rollins, Secretary of Agriculture
United States Department of Agriculture
201 14th Street SW
Mailstop 1108
Washington, DC 20250–1124

ATTN: Director, Ecosystem Management Coordination

Submitted via Federal eRulemaking Portal
Portal: https://www.regulations.gov
Docket No. FS–2025–0001

RE: United States Department of Agriculture Forest Service Notice of Intent to Prepare an Environmental Impact Statement for Special Areas; Roadless Area Conservation; National Forest System Lands

Dear Secretary Rollins:

On behalf of the Converse County Board of Commissioners ("County") located in Douglas, Wyoming, I want to thank you for allowing us the opportunity to submit comments regarding for the United States Forest Service (USFS) Roadless Area Conservation Rule (RACR or Rule) Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS).[1] Converse County's economic viability is highly dependent on federally managed lands for timber production and harvest, energy development, livestock grazing, wildlife, tourism, and recreation and this Rule reconsideration initiated by the United States Department of Agriculture (USDA) will have a significant impact on the socioeconomics, custom and culture of our County and State.

[1] USDA Notice of Intent to Prepare an Environmental Impact Statement re: Special Areas; Roadless Area Conservation; National Forest System Lands
[Federal Register Vol.90 No. 166, Friday, August 29, 2025, Notices, Page 42179]

In Wyoming, counties serve as a legal arm of the state entrusted with carrying out statutory and regulatory goals at the local level. County governments are actively engaged in the National Environmental Policy Act (NEPA) processes to assist our federal partners to create management plans that encourage productive and enjoyable harmony between man and his environment. 42 U.S.C. §4321. Converse County takes our responsibility as a local government seriously and strives to ensure our community is an economically vibrant, safe, and healthy place to live, work, and recreate. Wyo. Stat. § 18-5-208(b).

Converse County serves as a co-regulator and partner of thousands of acres of USFS federal surface that fall within our jurisdictional boundaries. The County contains varying percentages of federal, state, and private land, which need thoughtful management at each jurisdictional level. The USFS lands in Converse County are part of the Medicine Bow National Forest (MBNF) and Thunder Basin National Grasslands (TBNG). The USFS manages approximately 259,264 federal acres (9.5%) of the total land in Converse County all within the MBNF and TBNG. These resources are important for the livelihoods of residents and the attraction of those traveling through.

As co-regulators, Converse County has prepared Converse County Natural Resource Plan[2] to serve as the basis for communicating and coordinating with the federal government and its agencies on land and natural resource management issues. Wyo. Stat. § 18-5-208(b). Well managed forests are a crucial component to achieving our goals as local governments. Executive Order 14072 *"Strengthening the Nation's Forests, Communities and Local Economies"* (EO) recognizes this relationship and expressly connects local economies with forest management activities. Our plans, which the USFS should be consistent with, speak specifically about our local economy and the multiple uses within our federal, state, and private forested lands.

As partners, Converse County works diligently to support the work of our federal land managers to overcome shared challenges and achieve mutual goals. Our County actively participates with Wyoming USFS district offices and the regional office on NEPA projects, trainings and presentations, and special initiatives. Although RACR is a substantially different planning effort

[2] Converse County Natural Resource Management Plan dated July 5, 2022. https://www.conversecountywy.gov/DocumentCenter/View/4376/FINAL-Converse-County-Natural-Resource-Plan-2022

than is usually contemplated by the agency, we are committed to participate with the USFS and engage in this NEPA process in good-faith, to ensure federal agencies understand local environmental and socioeconomic impacts to proposed projects and plans, and that the NEPA documents contain up-to-date local information that only counties can provide.

Converse County also believes that land management decisions for the national forests in Wyoming are best made as close to "on-the-ground" as possible, in coordination and cooperation with state and local governments. The National Forest Management Act (NFMA) recognizes that forest direction should be ecologically sustainable, economically viable, and socially beneficial over the long term. The 2012 Forest Planning Rule operationalizes the NFMA at the local forest level with a commitment to cooperation with state and local governments, protecting our forests and communities from one-size-fits-all rules and decisions from Washington, and strengthening federal decision making that can truly reflect the needs of individual forests and communities that rely on them.

While the County fully supports the recission of RACR for reasons detailed below, we submit the following comments for the USFSs consideration as the agency moves forward with development the draft EIS:

I. General

- Wyoming County Commissioners Association (WCCA) – Converse County endorses, and incorporates by reference, comments submitted by WCCA.
- State of Wyoming – Converse County endorses, and incorporates by reference, comments submitted by the State of Wyoming and its agencies.

II. Background

Wyoming is home to the first national forest, the Shoshone, and portions, or the entirety, of seven other national forests: the Ashley, Bighorn, Black Hills, Bridger-Teton, Caribou-Targhee, Medicine Bow-Routt, and Uinta-Wasatch-Cache National Forests. National forest lands in Wyoming cover over 9.2 million acres, an area larger than New Jersey, Connecticut, and Delaware combined.

As stated above, the USFS manages approximately 259,264 federal acres (9.5%) of the total land in Converse County all within the MBNF and TBNG. The MBNF is included as an affected area and subject to this USFS Rule and an estimated 319,738 acres or 29% of the forest are

considered to be designated as IRAs. While not all of these acres fall within the jurisdictional boundaries of our County, the effects of the roadless designation still have real impacts to all neighboring counties within the MBNF.

Further, the Record of Decision date for the current forest plan was December of 2003 and the MBNF began the forest plan revision in 1999, prior to the adoption of the RACR. According to the 2003 FEIS (p 53), the Forest Service followed the planning process then in place, but acknowledged the "uncertainty with the roadless issue" and conceded that "If the RACR goes into effect and is implemented it will override any agency policy and any management direction in this Plan."

At that time, the County submitted comments regarding the Roadless Area Proposed Rule in 2000 and is on record of strongly opposing the implementation of the Rule claiming the process was seriously flawed and "…appears to be biased and predecisional…contains numerous NEPA deficiencies… and contains discrepancies and contradictions relating to conclusions and data."[3] The comments go on to provide specific examples supporting the County's claims.

Currently, the MBNF is scheduled to begin the process to revise its land use plan in the next few years and the County does intend to be a cooperating agency on that project. Pursuant to RACR, let's learn from history and not repeat our mistakes. The County strongly supports the USFSs recission of the RACR as a national planning approach and urges the federal agency to restore local forest units with more power to address unique management strategies within their individualized land use plans. This local approach would better suit the specialized environmental conditions and community interests of each forest.

III. USFS Should Abandon its Top-down One-sized Approach to Roadless Management

The County supports the USFSs reconsideration of its current and misguided nationally driven planning strategy and urges the agency to instead empower local forests with greater authority to modify and update their management plans. This localized approach would better accommodate the unique environmental conditions and community interests associated with each forest.

In stark contrast to the Roadless Rule process established in 2001, Converse County believes that effective forest policy development is best achieved through active engagement with local

[3] Attached Converse County comments regarding the Proposed Roadless Rule dated July 6, 2000.

stakeholders. Recognizing the significant ecological and social differences among national forests and their surrounding communities, a decentralized planning approach ensures that conservation efforts and resource management are more responsive and sustainable, ultimately fostering more effective and context-sensitive forest stewardship.

As a way of background, the USFS issued an "Interim Roadless Rule" that went into effect on March 1, 1999, and imposed an eighteen-month moratorium on road construction in IRAs across the United States. On October 13, 1999, President Clinton directed the Forest Service to initiate rulemaking to protect IRAs. Scoping began on October 19, 1999, with the USFS release of its Notice of Intent (NOI) to prepare an EIS and to initiate rulemaking. The Federal District Court in Wyoming described the rulemaking thus: "In its rush to give President Clinton lasting notoriety in the annals of environmentalism, the Forest Service's shortcuts and bypassing of the procedural requirements of NEPA has done lasting damage to our very laws designed to protect the environment." *Wyoming v. U.S. Dep't of Agric.*, 570 F. Supp. 2d 1309, 1345 (D. Wyo. 2008), *rev'd,* 661 F.3d 1209 (10th Cir. 2011).

The 1999 NOI did not specify a geographic scope nor did it provide any maps of lands that would be covered by the proposed Rule. Therefore, Wyoming was forced to comment on the Rule NOI without specific information on the extent of the impact of the rule. Neither the state nor local governments were allowed to cooperate in the development of the Rule, and Wyoming actively litigated the RACR for a decade. In the end there was little buy-in from stakeholders who had been barred from involvement in the process.

Wyoming, like many states, boasts a diversity of counties with unique histories and values based on distinct forests with varying ecology and opportunities. Local governments in Wyoming work tirelessly with USFS partners to develop appropriate management frameworks within the cooperating agency process for forest plans that reflect and appreciate the diversity within our forests and communities. The USFS planning process is worth preserving, empowering, and protecting.

One of the many flaws in the rulemaking process was that when the RACR was implemented in 2001, it superimposed roughly drawn maps – developed in the 1970s for potential Wilderness designation – without taking a hard look at the impacts it would have on existing forest plan direction. The Secretary of Agriculture made a conscious decision that the RACR would apply to "all lands within an inventoried roadless area boundary" knowing that thousands of acres within inventoried roadless area (IRA) boundaries already had existing roads and areas with active forest management.

To make matters worse, the Forest Service failed to engage state and local governments as cooperating agencies under NEPA throughout its development of the RACR. Consequently, the RACR sidelined the very governments and people impacted the most by the establishment of the Rule. Despite the RACR providing an opportunity to update or revise the set of inventoried roadless area maps, the Forest Service has failed to make necessary updates or revisions to correct the maps and, in the process, has continued to undermine the credibility of the RACR.

Following two decades of implementing the RACR, it is evident that empowering forest managers with greater authority and flexibility is essential for effectively collaborating with all stakeholders, including state and local governments. Such collaboration is vital to addressing current challenges and leveraging opportunities within our forest ecosystems. The original design of the RACR imposed limitations on local authority, restricting the ability of local forest plans to adapt to community needs and priorities. Repealing the RACR would restore jurisdiction to local forest managers, enabling them to make informed decisions through forest and project planning processes that incorporate community engagement. This approach fosters sustainable forest management practices, promotes ecological health, and supports the socio-economic well-being of communities nationwide, ensuring that forest policies are responsive to local conditions and stakeholder interests.

The County supports the USDAs initiative to reevaluate and manage the components of roadless and conservation effectively. The basis of our support is grounded not in the assumption that commercial timber roads should not be constructed universally within Wyoming's national forests, but rather in the recognition that forest managers, in collaboration with state and local partners, must possess the authority to make informed management decisions. These decisions should account for the diverse ecological, social, and economic conditions that vary across different forests, counties, and states, ensuring sustainable and realistic forest management practices.

Staying the course with RACR as a top-down one-sized approach that was implemented in 2001 does not promote the best management for our distinctive forests or produce the best results for our unique communities. By the USFS's own admission in the preamble to the 2012 Planning Rule, "…more specific requirements were not included in the final rule, because these issues are best identified and determined at the forest or grassland level, reflecting ecosystems and plant and animal communities on the unit." The County agrees with this approach in the Planning Rule. A localized planning approach recognizes the vast differences between our national forests and the communities that live in and around them.

As the USFS knows, forest plans are required to balance a multitude of challenges, priorities, and interests on our forested lands. Existing plans were established in good faith with the cooperation, data, and input from states, counties and other cooperating agencies. Each of the forest units within the state of Wyoming have direction in their existing plans for identifying areas of roadless or conservation priority. Forcing a national management agenda to layer on top of our existing plans does not strengthen them, it undermines them.

The County strongly supports the USFSs recission of the RACR as a national planning approach and urges the federal agency to restore local forest units with more power to address unique management strategies within their individualized land use plans. This local approach would better suit the specialized environmental conditions and community interests of each forest.

IV. The USFS Should Meaningfully Engage with Converse County as a Cooperating Agency under the National Environmental Policy Act, National Forest Management Act and the 2012 Planning Rule

Our County has a history of supporting the USFS in developing, revising, and amending forest plans, providing special expertise on socioeconomic issues, including how amendments will affect jobs and the tax base. The County, has also enjoyed a long history of partnership with the USFS working together through on-the-ground projects and advisory groups to assist with plan implementation. Beyond cooperating agency work, our County has made substantial investments to strengthen the working relationships we enjoy with the Forest Service. Our participation also assists the federal agency to comply with its requirement to coordinate its land management planning with local county land use plans.

A. National Environmental Policy Act

The County realizes that USDA is currently undergoing revisions to its NEPA procedures for many reasons but one being the issuance of congressional directives[4] along with new court decisions. Specifically, recent federal court cases, along with a Supreme Court Decision, challenged longstanding assumptions regarding the Council on Environmental Quality's (CEQs) authority to issue binding regulations for implementation of the NEPA.

Furthermore, on January 20, 2025, President Trump signed Executive Order (E.O.) 14154, rescinding E.O. 11991, which had previously directed CEQ to promulgate NEPA implementing

[4] Fiscal Responsibility Act of 2023 (FRA), PUBLIC LAW 118–5—JUN. 3, 2023

regulations. On February 25, 2025, CEQ published in the Code of Federal Regulations (CFR) an interim final rule removing existing CEQ NEPA implementing regulations. In addition to Executive Order (E.O.) 14154, the judicial branch's opinions in Marin Audubon v. FAA and Iowa v. CEQ demanded the longstanding CEQ regulation framework for cooperating agencies under NEPA be rescinded. However, neither the E.O. nor any court decision mandated that the cooperation our County has enjoyed should be eliminated or impaired. Consequently, the County remains hopeful that much of the clarity and consistency provided by CEQ regulations could survive a move to department regulations.

Additionally, NEPA's commitment to cooperating with local governments in the development of its required analyses plays an outsized role in Wyoming, where nearly half of the state is managed by the federal government along with vast acreage of mineral estate. We are grateful for USDA's efforts to improve the NEPA process and look forward to seeing the benefits in our communities.

Our goal as cooperating agencies is to help expedite NEPA, provide local and technical data and information, help agencies come to defensible and durable decisions, and support the cooperative principles that distinguishes NEPA from all other acts of congress. It is our goal of safeguarding and furthering NEPA's cooperative code that guides our comments on cooperating agencies.

It cannot be stated strongly enough that state and local government participation in the NEPA process as cooperating agencies is imperative and USDA must include provisions clearly stating inclusion of local governments. In the NEPA process, the USDA must retain similar language in their NEPA procedures that "A lead agency may designate any Federal, State, Tribal, or local agency that has jurisdiction by law or special expertise with respect to any environmental issue involved in a proposal as a cooperating agency." See 40 C.F.R. §§ 1501.7 and 1501.8.

Public lands and the resources on them influence the custom and culture of the County. The relationship between the County and the federal agencies is key to ensuring resources are managed successfully and the County's custom and culture of using public lands for multiple uses remains intact. The County and federal agencies have worked together in the past on resource management concerns and issues and will continue to strengthen and build those relationships to ensure that all stakeholders are at the table when discussing resource management on public lands within the County.

While USDA has the authority to conduct a rulemaking process to create regulations that implement laws and policies that ensures transparency and public involvement in the development of regulations that affect natural resources and public lands, the County contends that more often than not, a departmental "Rule" would have significant impacts on the environment, applies across the Department nationwide and thus warrants an analysis through an environmental impact statement under NEPA. Currently, "Rulemaking" is not required to undergo the same process as NEPA and there is no cooperating agency component, beyond the public comment period, and in this instance, the USFS rightfully chose to conduct EIS to better engage with stakeholders and cooperators; however, it doesn't go far enough and the Forest Service should, at the very least, allow the states to participate as cooperating agencies in this NEPA process.

Further, NEPA is required for all "major federal actions significantly affecting the quality of the human environment." Most federal Rules, if implemented, will undoubtedly impact the socioeconomics of local jurisdictions where federal land exists for example the RACR of which the USFS appropriately conducted a NEPA analysis. The County maintains that Rules impacting states and counties should allow a similar cooperating agency engagement process as NEPA and at the very least, USDA should modify its Rulemaking process to create a "cooperating agency" component similar to NEPA for engagement with states and their agencies. This would ensure better consistency with state and local government plans.

Unfortunately, the USFS is once again attempting to approach the RACR alone. Even though this proposed action is to rescind the Rule, the Forest Service should recognize that it is our forests and communities that will bear the brunt of uncertainty in planning, projects, and litigation that will ultimately result from any modification of the RACR. Serving as cooperating agencies will also benefit us, as we attempt to navigate changes in management and ultimately convey those changes to our constituents.

The USFS would benefit from the meaningful engagement of Wyoming counties in the development of its EIS. Beyond an exhibited commitment supporting the USFS through project and planning efforts for decades, Wyoming counties have local expertise, data, and jurisdiction of the lands impacted by the RACR that would benefit the EIS. While the County cannot demand the Forest Service include our counties and state as cooperators, as governmental partners we are requesting the USFS change its current direction and at the very least allow the state to coordinate as a cooperating agency.

B. National Forest Management Act

Preceding the NFMA was the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), which initially required, among other things, the Forest Service to develop land and resource management plans for units of the National Forest System. Later, the NFMA further expanded the Forest Service planning obligations and established the statutory authority applicable today to the Forest Service and the USDA. The NFMA currently serves as a key statutory backbone for the formation of land management and forest planning regulations. Under the NFMA, 16 U.S.C. §§ 1600-1687, the Forest Service is mandated to promulgate regulations for the development and revision of land management plans to guide management of land within the agency.[5] The NFMA requires the Secretary of Agriculture to develop regulations under the principles of the Multiple Use and Sustained Yield Act (MUSYA) and to set out further processes for the development and revision of land management plans.[6]

The NFMA guides the development and revision of plans, environmental considerations, resource management guidelines, and general guidelines for land management plans. Further, NFMA requires that the agency's planning regulations must adhere to NEPA and consider the impact to multiple resources, including impacts to wildlife, timber resources, recreation, and grazing under a guidance of multiple use and sustained yield but the Act does not prescribe or dictate to the agency how each resource must be managed beyond a multiple use and sustained yield lens.[7]

The National Forest Management Act (NFMA) governs the U.S. Forest Service (USFS) and requires the agency to "coordinate". The NFMA requirements are as follows:

> *[T]he Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies* (16 U.S.C. § 1604(a)).

The fact that the USFS is directed to "coordinate" with local governments implies, by its plain meaning, that the USFS must engage in a process that involves more than simply "considering" the plans and policies of local governments; it must attempt to achieve compatibility between USFS plans and local land use plans. Additionally, the Forest Service is mandated to "engage the

[5] 16 U.S.C. § 1604(a).
[6] 16 U.S.C. § 1604(g).
[7] *Id*.

public, including State and local governments early throughout the planning process." 36 C.F.R. § 219.4(a)(1).

The USFS is also obligated to perform a consistency review. For development of forest plans, the forest Service shall review the planning and land use policies of State and local governments where relevant to the plan area. The results of the review shall be displayed in the EIS. 36 C.F.R. 219.4(b)(2).

Substantial progress has been made over the past fifty years to build not only the regulatory framework to implement NEPA and NFMA, but also a culture for cooperation and collaboration with local governments throughout the NEPA process. In addition to regulations, agencies have expressed lessons learned from implementing NEPA and best practices to fulfill NEPA's purposes. The USFS's Guidebook titled "County Governments and the USDA Forest Service: A Guidebook for Working Together" (Guidebook) to discusses the requirement that agencies must provide a meaningful participation and allocate responsibilities to comply with the law.

The Guidebook contains best practices that are not always directly citing NEPA, NFMA, CEQ, or USDA and agency regulations. These best practices have grown out of lived experience working together. The Guidebook illustrates that the outcomes are better when federal agencies and county governments "work together to reach solutions that are politically and socially durable and ensure the long-term sustainability of communities and natural resources. It is through working together, at multiple stages of planning and project implementation, that we will achieve true success."

Our goal as cooperating agencies is to help expedite NEPA, provide local and technical data and information, help agencies come to defensible and durable decisions, and support the cooperative spirit that distinguishes NEPA from all other acts of congress. It is our goal of safeguarding and furthering NEPA's cooperative code that guides our comments on cooperating agencies under USDA's NEPA procedures.

Public lands and the resources on them influence the custom and culture of the County. The relationship between the County and the federal agencies is key to ensuring resources are managed successfully and the County's custom and culture of using public lands for multiple uses remains intact. The County and agencies have worked together in the past on resource management concerns and issues and will continue to strengthen and build those relationships to ensure that all stakeholders are at the table when discussing resource management on public lands within the County.

C. USDA 2012 Planning Rule

The 2012 Planning Rule guides the development, amendment, and revision of land management plans on National Forest System lands. Federal law mandates the Forest Service to develop land management plans for units of the National Forest and Grassland System and promulgate regulations to guide the Forest Service planning process. As federal law provides statutory authority for establishing planning regulations, the 2012 Planning Rule sets out the procedural and substantive requirements for land management plans. As discussed, Land management plans set the overall management direction and guidance for each national forest and associated lands. Land management plans should guide the carrying out of projects and activities by providing a general direction of uses within each national forest, prairie, and grassland.

In all stages of land management planning, plans must use the best available scientific information to inform the planning process as required by the 2012 Planning Rule. This "best available scientific information" used must be accompanied by documentation that identifies what information was determined to be the best available scientific information, explains the basis for that determination, and explains how the information was applied to the issues considered. Ultimately, the best available scientific information should guide decision making through the planning process.

Furthermore, in the planning process public participation is afforded through specific regulatory requirements of "outreach," to be conducted by the responsible official of the planning process. Outreach includes engaging Tribes, other Federal agencies, State and local governments, individuals, and public and private organizations or entities.

Additionally, through the development of plans, the responsible official must coordinate with other public planning efforts, including reviewing the planning and land use policies of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments, where relevant to the plan area. This directive to coordinate with other local planning efforts allows for more effective coordination throughout all the planning processes. The result of this coordination in land management review must be displayed in the EIS under NEPA for the associated plan. This coordination with other interests must include specified considerations including:

- The objectives of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments, as expressed in their plans and policies;
- The compatibility and interrelated impacts of these plans and policies;
- Opportunities for the plan to address the impacts identified or to contribute to joint objectives;
- Opportunities to resolve or reduce conflicts within the context of developing the plan's desired conditions or objectives

Each plan developed or revised must contain sustainability considerations to provide for social, economic, and ecological sustainability within the Forest Service's authority.[8] As part of sustainability considerations, ecological sustainability and social and economic sustainability must both be addressed. Both categories require plans and revisions to consider differing factors in the planning process. Providing for cooperating agency status along with consistency review of state and local plans provides the foundation of successful long-term planning and rulemaking implementation.

V. Roadless Areas Conservation Rule Environmental Impact Statement Considerations

A. Alternatives

The USFS has properly determined it should draft an EIS for its compliance with NEPA. The Notice of Intent describes two alternatives - the No Action (maintaining the RACR) and the Proposed Action (rescission of the RACR). For all detailed statements, under 42 U.S.C. 4332(C)(iii), there must be "a reasonable range of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternatives, that are technically and economically feasible, and meet the purpose and need of the proposal."

Over the years, courts have clarified what counts as a reasonable range of alternatives. While agencies have some flexibility, they are not free to ignore important options. Courts have emphasized that agencies should consider a wide and comprehensive set of alternatives, especially for projects they manage directly.

[8] 36 C.F.R. § 219.8.

It is important to avoid making the same mistake in this current USFS EIS. However, agencies are not required to consider every possible alternative. The Supreme Court has stated that agencies do not need to include every conceivable option, only those that are reasonable and relevant to the project's goals. For legal sufficiency of the EIS, we encourage the USFS to develop and analyze at least one additional alternative, that is technically and economically feasible, and meets the purpose and need of the proposal.

B. Impacts of establishing RACR

The Notice of Intent solicits public comments regarding the potential impacts of rescinding the RACR. It is important to clarify that rescinding RACR does not authorize any specific projects, roads, or timber sales. Nonetheless, the implementation of RACR has had observable effects on Wyoming's communities and forest ecosystems. Historically, forest management practices aimed at achieving desired ecological and economic conditions have been limited or foregone, resulting in tangible consequences. These include a decline in timber sale volumes and revenues, reduced financial payments to local counties, and missed opportunities to mitigate fire risks through activities such as salvage logging of trees affected by Mountain Pine Beetles (MPB) or wildfires.

Additionally, restrictions have impeded fence maintenance for grazing allotments, and several forest products companies have ceased operations. The absence of proactive management has also led to missed opportunities for fire risk reduction in municipal watersheds, potentially impacting community safety and water quality. Overall, the rescission of RACR could influence forest management strategies, economic stability, and ecological health within the region, underscoring the need for a comprehensive review of the Rule's implications since approved in 2001.

C. Impacts of rescinding RACR

Again, the rescinding of the RACR does not grant authority for additional management decisions beyond existing regulations. Decisions such as constructing roads for commercial timber harvesting remain subject to compliance with the Forest Plan, the NEPA, and other applicable environmental laws. Nonetheless, rescinding RACR could open avenues for proactive landscape management aimed at addressing various ecological and operational challenges, including wildfire mitigation, insect infestations, disease control, watershed health, wildlife habitat preservation, and the resilience of old-growth forests.

Furthermore, the implementation of RACR has had notable impacts, particularly in Wyoming, where several mills ceased operations following the rule's enactment. Studies have also indicated correlations between RACR and fire dynamics within IRAs. Data suggest that IRAs experience a higher incidence of fire starts, increased severity of fires, and larger burned areas compared to non-IRA regions. While topography and fire management capabilities significantly influence these outcomes, the data imply that IRAs are more susceptible to high-severity fires and extensive burn areas.

It is important to recognize that, regardless of the management alternative chosen, a substantial portion of roadless areas will remain permanently inaccessible due to inherent topographical features, isolation, resource values, and cost-benefit considerations. These factors inherently limit the potential for development or resource extraction in these regions, ensuring their continued status as roadless landscapes.

D. Roadless Values

The RACR documents repeatedly characterize IRAs as having the following values – 1) high quality or undisturbed soil, water, and air, 2) sources of public drinking water, 3) diversity of plant and animal communities, 4) habitat for T&E, proposed, candidate, and sensitive species and for species dependent of large, undisturbed areas, 5) Primitive, Semi-primitive, non-motorized, and Semi-primitive motorized recreation, 6) Reference landscapes, 7) natural appearing landscapes with high scenic quality, and 8) traditional cultural properties and sacred sites. While true, these values are not limited to IRAs; in fact, they are part and parcel of multiple use objectives and values across the entire National Forest System.

This is an example of why Converse County believes that the best forest policy decisions are accomplished through robust local engagement. The County advocates for a tailored approach to forest management, emphasizing the importance of addressing the specific ecological and management needs of individual forest areas. The County supports the USFSs recission of its current nationally driven planning strategy, which instead empowers local forests with greater authority to modify and update their management plans. This localized approach would better accommodate the unique environmental conditions and community interests associated with each forest.

E. Roadless Area Conservation Rule Maps Must Be Updated with More Accurate Information

The USFS IRA maps originate from the agency's Roadless Area Review and Evaluation (RARE) RARE I and RARE II initiatives conducted in the 1970s. These maps, which served as the basis for designating areas within the RACR, are now considered outdated due to their reliance on antiquated data. Specifically, the use of RARE II maps to identify IRAs for the RACR has resulted in the inclusion of numerous areas within Wyoming's national forests that feature well-maintained roads, active forest management practices, and lands designated as suitable for timber harvesting according to forest management plans.

The decision at the time by the Secretary of Agriculture to apply the RACR to "all lands within an inventoried roadless area boundary" was made with the understanding that many of these areas already contained existing roads and had been subject to approved forest management projects, including timber harvesting. According to 36 CFR § 294.11, the definition of IRAs allows for the "update or revision" of the RACR maps through the land management planning process. However, the Forest Service has not established a formal process to identify or implement such updates or revisions. Despite the RACR providing an opportunity for map updates, the agency has largely failed to revise or correct the IRA maps, with only minor exceptions, thereby maintaining outdated designations that do not reflect current land use and management activities. This process has been flawed from the beginning and updated mapping through forest level land planning must be the new chartered course of action with the USFS.

F. RACR disregards local forest plans

Wyoming counties actively participate as cooperating agencies in the development of forest plans. The forest planning process is designed to guide the management direction of forest lands for ten to fifteen years. However, the RACR upset the direction contained in plans by overlaying IRA maps indiscriminately across planning and project areas.

In certain instances, the RACR overlaid IRA maps on areas already identified in the forest plan for certain protections or lands that were not included in the suitable timber base. These lands now have duplicative protections. On the other hand, IRA maps were also overlaid on thousands of acres identified by forest plans as suitable timber base. Sometimes referred to as suitable lands, these acres were identified in the planning process as being available and appropriate for timber production on a sustained yield basis. Lands not compatible with management goals (e.g. set aside for recreation, old-growth management, etc.) were excluded, that are biophysically unsustainable (e.g. poor soils, steep slopes, etc.), or economically or operationally impracticable (e.g. inaccessible terrain, extreme harvesting costs, etc.) are excluded from the suitable timber base in the planning process. In other words, the USFS has

existing tools at its disposal inside the 2012 Planning Rule to protect, conserve, manage, or develop these lands.

The RACR also overrides Forest Plan direction that would have otherwise allowed the Forest Service to implement ongoing forest management projects. Forest Service Line Officers have minimal authority to implement proactive management projects in IRAs to reduce the risk of catastrophic wildfire and insect epidemics, which include the removal of timber as a byproduct of those treatments. The risk of protracted and expensive litigation has also discouraged line officers from applying the exceptions present in the RACR. This has hampered the Forest Service's ability to implement proactive measures needed to reduce the threat of catastrophic fire and MPB epidemics in municipal watersheds.

G. Private Property Rights

As stated earlier, Converse County is rich in federal resources such as timber harvesting and production, farming, ranching, energy development, tourism and recreation, which all contribute heavily to the heritage of the County. Rangeland used by livestock and agricultural producers continues to be the dominant land use and federal agencies should consider the effects their decisions will have on neighboring private lands.

Furthermore, access to, or restrictions from, crossing federal, state, or county managed lands should not entail encumbrances or constraints on private property. Private property rights are the cornerstone of our County and must be protected to ensure that our continued customs and culture remain intact. When an agency decision or proposed action will have a negative impact to the current use of neighboring private lands, that federal undertaking may not be supported by the County.

VI. Consistency with Converse County Natural Resource Management Plan

As mentioned earlier, the State of Wyoming is unique as County commissions have been charged with the responsibility for the preservation of the custom and culture of Wyoming counties in matters relating to NEPA and federal land planning. Since the customs, culture, and history of the County are inseparably tied to the use of and access to land and resources managed by federal agencies to ensure state and federal agencies manage lands and resources in the County in a way that protects and improves the health, safety, environment, and well-being of our citizens, and improves the performance of the economy without imposing

unacceptable or unreasonable costs or impacts to local social structure (Wyoming Statute [W.S.] 18-5-208(a)).

Meaningful cooperating agency engagement, at the earliest practicable time, strengthens informed federal decision making required by NEPA. Congress provided in Section 101 of NEPA, "recognizing the profound impact of man's activity on the interrelations of all components of the natural environment… declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments… to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." Therefore, by design, NEPA requires federal decisions to be made in cooperation with state and local partners. Clarity of how federal departments and agencies cooperate with state and local governments remains an essential piece of NEPA implementing regulations, and one that must remain in the agency's NEPA procedures.

The inclusion of special expertise as a basis for our comments corresponds with NEPA's expressed provision that allows lead agencies to designate "any Federal, State, Tribal, or local agency that has jurisdiction by law or special expertise with respect to any environmental impact…" Counties across the nation have varying authorities to develop or enforce environmental standards, but each county has special expertise. Limiting comments to local agencies that are authorized to develop and enforce environmental standards does not conform to the qualifications required for us to be cooperating agencies NEPA.

Restricting comments to those governments authorized to develop and enforce environmental standards also disregards NEPA's clear interdisciplinary approach expressed in 42 U.S.C. 4332(A) and the Congressional declaration to use all practical means and measures "in a manner calculated to foster and promote the general welfare, to create conditions under which man and nature can exist in productive harmony, and fulfill the social, economic and other requirements of present and future generations of Americans" in 42 U.S.C. 4331.

In addition, federal agencies are required to identify and analyze the impacts to local economies and community culture when making decisions. The County encourages federal agencies to be as consistent as allowed by law with the Converse County Natural Resource Management Plan (County Plan). The County Plan specifically recognizes that the private sector is the best engine for economic growth; regulatory policies should respect the role of state and local governments; and federal land policies and regulations should be effective, consistent, sensible, and understandable. A County Plan, while not required, can aide this analysis.

Although the RACR stands to impact hundreds of communities across the country, the USFS must adequately consider state and local plans and provide a description of how those plans were given consideration as required by the 2012 Planning Rule and NEPA. At a minimum, the USFS should include a list of the local land use plans that are within the EIS boundary. However, even an impacted county list would not meet the requirements for coordination and consistency.

It must be recognized that the USDA and its agencies cannot meet its goals for our Nation's public lands to continue to provide minerals, energy, forage, timber, and recreational opportunities, as well as habitat, protected water supplies, and landscapes that resist and recover from drought, wildfire, and other disturbances, on its own. Nor can we meet our goals of maintaining our unique cultural heritage with thriving economies on our own. We must work together.

Converse County believes that any federal agencies approach of waiting until the final stage to address inconsistencies in the EIS is flawed. To encourage consistency with the County Plan and for the USFSs convenience, we have identified a few priority policy positions that are impacted by this EIS. This is not a comprehensive list and USFS is encouraged to review the entirety of the County Plan for more details:

1.3.1 Credible Data Resource Management Objective (Page 15):

A. Credible data has a universal meaning for all federal agencies in Converse County and is the basis for all agency decisions within the County.

1.3.2 Credible Data Priority Statements (Page 15-16):

1. Federal and state agencies should use credible scientific data in all federal land use decisions.
2. Federal and state agencies should include quantitative data in land use planning processes that meet credible data criteria, even if the data were not produced by a federal agency.
3. Federal agencies should adopt a universal definition of credible data consistent with the
Converse County Natural Resource Management Plan and federal law.
4. Federal and state agencies should only use and consider data that is legally collected and meets the minimum criteria described in their respective handbooks when making land management decisions unless other criteria are agreed upon between Converse County and federal agencies.

5. Federal agencies should work with cooperating agencies in making sound natural resource decisions that are scientifically based, legally defensible, sensitive to resource health, and responsive to multiple-interest users.
6. Federal agencies should be transparent in their decision-making and provide the source for all data and studies relied upon for all decisions. Any studies not available to the public should either be made available for public review or not relied upon.

1.2.4.1 Converse County Expectation Objectives (Pages 12):

A. Converse County has an established relationship with local federal agencies in which the agencies regularly coordinate, communicate, and allow the County to participate as a cooperating agency for any federal action the County deems appropriate.
B. The Converse County Natural Resource Management Plan (NRMP) is reviewed by the federal agencies while generating their land use plans and other agency projects to ensure that the proposed land use plan and/or project is coordinated with this NRMP to the greatest extent possible.
C. The federal agencies conduct a consistency review with the Converse County Natural Resource Management Plan for every proposed National Environmental Policy Act decision the agency makes that may affect Converse County, the natural resources within the County, or its citizens.
D. Federal agencies consider the economic well-being and custom and culture of Converse County and its citizens when making decisions affecting natural resources within the County.
F. Multiple use is supported throughout Converse County.

1.2.4.1 Converse County Expectation Priority Statements (Pages 12-13):

1. Federal agencies should inform Converse County of all proposed projects, decisions, and actions that may affect the County and allow the County to participate as a cooperating agency and coordinate with agencies at the earliest time in the planning process.
2. Converse County requests the inclusion of at least one representative from the County Commission Board as a cooperating agency for any decision-making or management decision, which may affect wildlife resources or the economic viability of the County.
3. Federal agencies should give regular (where regular is defined as not less than biannually) updates or as needed updates on the permit status for current and proposed projects within Converse County's jurisdiction and support reasonable timelines and explanations for issuance of delays from permitting agencies.
4. Federal agencies should achieve a sustainable land use balance between economic growth and sustainability, energy development, recreation, agriculture, conservation use of lands, quality of life, Converse County's custom and culture, and the environment by coordinating with Converse County on all decisions.

5. Federal agencies should support traditional multiple land uses within Converse County to maintain continuity in the local economy and assure the sustainability of existing agricultural, recreational, and industrial interests while maintaining or improving the present environmental quality of life.
6. A full analysis of the impact each alternative and subsequent "decision" will have on the local economy, health, safety, and welfare of Converse County should be conducted by the federal agencies. If it is determined that the alternative will have significant negative impact on the local economy, the alternative/decision is not supported by the County without a thorough review.
7. Federal agencies should inform and encourage those impacted by decisions to substantively participate in scoping process on a National Environmental Policy Act decision.
10. Inform Converse County and other local governmental entities how its information and recommendations were considered in federal land management decisions, including explanations particularly if County input was not adopted or incorporated.
12. Conduct annual meetings between the Converse County Commissioners, and/or its representative, and the BLM and Forest Service to discuss ongoing or upcoming projects along with potential policy or regulatory changes and any other pertinent business affecting the county.

3.1.6 Land Use Resource Management Objective (Page 33):

A. The basis for management of all public lands is multiple-use management that considers Converse County's custom and culture and economic wellbeing in coordination with the County.

3.1.7 Land Use Priority Statements (Page 33):

1. Federal agencies should conduct any National Environmental Policy Act analysis using multiple-use principles that take into consideration all the resources such as, but not limited to, agriculture, air, energy, mineral extraction, range, recreation, socioeconomics, timber, tourism, wildlife, and water within Converse County.
2. Converse County shall be notified and be allowed to participate as a cooperating agency on National Environmental Policy Act projects that may influence the economic stability of the County and its residents.
3. Federal agencies should support decisions that ensure the socioeconomic wellbeing of Converse County citizens, maintain the culture and customs of the constituents, and consider natural resource health.
4. Federal agencies should consider the affects their decisions will make to neighboring private and state lands within Converse County.

5. When an agency decision or proposed alternative will have a negative impact to the current use of neighboring lands, that proposed decision or alternative may not be supported by Converse County.

7. Federal agencies should protect and enhance access for the enjoyment of federal and state managed lands in Converse County.

3.2.3 Transportation and Land Access Resource Management Objectives (Page 39):

A. There is full and open access to and across Converse County federal lands for local purposes such as safety, health, economic use, and recreation.

B. Access to public lands within Converse County is maintained and expanded where possible.

C. Private property rights are protected in Converse County while facilitating rights of access.

3.2.4 Transportation and Land Access Priority Statements (Pages 39-40):

1. Converse County supports designation of all currently open motorized and nonmotorized trails, rights of way, and roads as open transportation network.
2. No road, trail, or RS 2477 right of way within Converse County shall be closed unless public safety or health demands its closing and the proper analysis and disclosure, in consultation with the County and private property owners, is completed prior to closure.
3. Converse County requests that any planning process or activity that restricts, eliminates, or increases access to federal or state lands first notify and allow the County to initiate coordination and cooperating agency status to resolve any potential conflicts with the County's objectives, principles, and policies, prior to taking action.
4. All formally established Bureau of Land Management and U.S. Forest Service public roads and rights of way shall be considered valid unless formally abandoned, even if not presently maintained. Public trails shall be considered "public roads and highways."
5. Converse County considers any long term (greater than 6 months) road closure a major federal action that significantly affects the quality of the human environment. Thus, a road on federal lands may not be closed until a full NEPA analysis has been completed including public review and coordination with Converse County. Should the agency believe that a road closure falls under a categorical exemption, the County shall be consulted.
6. Converse County should be notified of any temporary road closures.
7. Converse County supports legal public access to the federal lands for all beneficial uses as long as it does not infringe on private property rights.
8. It is the desire of Converse County to keep all forest roads within the designated 2001 Roadless Area Conservation Rule, so there is no net loss of roads within these designated areas.

17. Access to and/or across federal, state, or county managed lands within Converse County should not entail encumbrances or restrictions on private property.
19. Converse County supports potential State efforts to petition the U.S. Forest Service for a Wyoming specific Roadless Rule.
20. Restrictive management of roadless areas is discouraged by Converse County and multiple uses should instead be allowed.

3.4.3 Wildfire Management Resource Management Objectives (Page 50):

A. Wildfire, fuels, and fire rehabilitation are managed promptly and effectively using credible data in coordination with the Converse County Mountain Community Wildfire Protection Plan.
B. Fire suppression efforts in Converse County are implemented effectively and proactively as appropriately determined, through full coordination, communication, and cooperation between federal, state, local fire-suppression units, and emergency response teams.

3.4.4 Wildfire Management Priority Statements (Page 50-51):

1. Federal agencies shall coordinate with local fire agencies in Converse County on wildfire planning, management, and suppression.
2. Efforts in fire prevention, control and fire suppression in rural areas of Converse County shall be coordinated among federal, state, and local agencies.
3. In addition to aiding state and local rural fire prevention and control programs, the Secretary of Agriculture and Interior shall provide prompt and adequate assistance whenever a rural fire emergency overwhelms or threatens to overwhelm the firefighting capability of the affected state and rural area.
4. Federal agencies shall incorporate local fire association plans and Wyoming State Forestry Plans into their fire suppression and control plans and support efforts of local fire departments in wildfire suppression activities.
6. Federal agencies should promote the prompt rehabilitation of harvested areas and areas affected by wildfire, including the use of salvage logging operations.
7. Converse County encourages the Secretaries of Agriculture and Interior to develop fire management policies that utilize and acknowledge the beneficial effects of planned grazing as a fuels management tool.
8. Federal agencies should consult and coordinate with Converse County on proposed changes and updates to Fire Management Plans on federal lands.
9. Federal agencies should participate in consideration of a limited and judicious use of wildfire, rather than favoring a “let it burn” policy, in areas where invading and expanding shrubs and trees are reducing the value of rangeland resources.
10. Post-fire objectives shall be consistent with site potential as defined in approved Desired Future Conditions or Ecological Site Descriptions. Converse County requires the use of credible data as previously defined in Chapter 1 to make these determinations.

11. Federal agencies should rehabilitate forests and rangelands damaged by wildfires as soon as possible for habitat, wildlife, and to reduce the potential for erosion and introduction of invasive or noxious weeds.
12. Converse County encourages fire suppression in areas where fire would endanger human safety, private property or valuable vegetation that supports and expands multiple uses and/or provides critical habitat for sensitive species.
13. Federal agencies should coordinate with State and local agencies to implement fire control tools such as insecticide and herbicide treatments, chemical or mechanical controls, livestock grazing, biomass fuel removal, slash pile burning, prescribed burning, and encouraging knowledgeable and prepared practices to create defensible space around buildings.
15. Federal agencies should allow for adaptive grazing management practices and include these practices in term permits to allow for flexible management practices that will decrease fine fuel loads on the landscape, particularly in areas with heavy grass understory.
16. When planning prescribed burns, where feasible, market timber resources while reserving desirable seed trees, before burning.
17. Fire should not replace timber harvest and other extractive uses as a primary forest management tool.

3.5.3 Forest, Grassland, and Rangeland Management Resource Management Objective (Page 58):

A. Forest lands, grasslands, and rangelands within Converse County are managed under multiple-use that promotes the timber industry, grazing, fuels management, and recreation and benefits the economy, custom, and culture of Converse County.

3.5.4 Forest, Grassland, and Rangeland Management Priority Statements (Pages 58-59):

1. Forest, rangeland, and grassland management on public lands within Converse County shall adhere to Multiple Use Sustained Yield Act, as well as the National Forest Management Act, National Environmental Policy Act, and the Endangered Species Act.
3. Converse County encourages active management of forest land, rangeland, and grassland resources on public lands to reduce invasion of unwanted species.
4. Federal agencies should support weed management and mitigation on forest land, rangeland, and grassland federal lands within Converse County.
5. Federal agencies should support salvage harvest when necessary due to insect/disease epidemic, blowdown, or post fire situations using appropriate categorical exclusions.
6. Federal agencies within Converse County should use the authority granted under the Healthy Forests Restoration Act, Healthy Forests Initiative and Good Neighbor Authority to expedite cross-boundary/agency planning, collaboration

processes and project implementation to treat and protect timber resources economically and efficiently.

8. Federal agencies should maintain and restore watershed health within Converse County by demonstrating active rangeland, forest, and woodland management.

10. Federal agencies should support excluding the maximum area of land possible from single-use or restrictive-use designations, so that excluded land is available for active and sound management.

11. Federal agencies should support site-specific management decisions based on sound science, compliance with the 1997 Wyoming Standards for Healthy Public Rangelands, and Best Management Practices.

13. Federal agencies should explore and use vegetation management and harvest methods, where applicable, that enhance wildlife habitat through vigorous new growth and a natural mosaic that reduces fuel loads.

14. Converse County supports the Wyoming Office of State Lands Strategic Plan, with respect to the management of forest resources on private land, to achieve the best long-term return on investment and promote healthy forests.

15. Federal agencies should support and work to identify range management objectives based on site potential, climate, and land uses. Federal agencies should conduct future timber harvest, thinning, and fuel reduction projects on federal and state managed lands as a necessary means to reduce the potential for unnaturally intense wildfires and to restore vibrant and healthy ecosystems to this area.

4.2.3 Soil Resource Management Objectives (Page 70):

A. Soil quality and health is maintained and conserved through best management practices throughout Converse County.

B. Federal agencies consult and coordinate with surface users regarding soil health and reclamation.

4.2.4 Soil Priority Statements (Page 70):

1. Federal agencies should support projects and policies which improve soil quality and ecology throughout Converse County.

2. Federal agencies should support erosion control as a means of flood control.

3. For new soil disturbing projects or permits, federal agencies should support implementation of best management practices to manage runoff, preservation and maintenance of topsoil, watershed management, stabilize soils on site and reclamation.

4. Converse County does not support land use designations or management objectives that eliminate or reduce the opportunity for implementation of practices that can improve soil health.

4.3.4 Mining and Mineral Priority Statements (Pages 77-78):

2. Converse County requests to be notified and allowed to join as a cooperating agency, as early in the process as is allowed by federal law, for any proposed project affecting mining and mineral resources.

3. Converse County requires that public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands, including implementation of the Mining and Minerals Policy Act of 1970.

4. Federal agency land use and management plans shall contain a thorough discussion and evaluation of energy and mineral development, including the implications such development may have on surface land uses and the Converse County economy.

6. Converse County encourages simultaneous or sequential mineral development with other resource uses in accordance with multiple use management principles, weighing and balancing established mineral rights with other multiple uses in the development and coordination process.

9. Converse County shall be informed of proposed timelines for federal agency proposals and decisions involving minerals.

14. All federal agency plans or management recommendations must include a social and economic impact assessment that addresses the effects and benefits of energy and mining development to Converse County.

15. Any and all lands or minerals subject to a federal withdrawal, either formal or informal, must go through the proper process as required by the Federal Land and Policy Management Act (FLPMA) and Converse County must be notified and given the opportunity to participate in the NEPA process as a cooperating agency in any decision-making process affecting such changes to the designation.

4.4.1.4 Oil and Gas Priority Statements (Pages 81):

1. Converse County should be informed of all potential uses of county roads and resources from oil and gas activities and associated impacts to those resources on an annual basis.

2. Converse County encourages and supports the nomination of more federal and state oil and gas leases for sale.

5.5.3 Water Quality Resource Management Objectives (Page 107):

A. Water quality within Converse County is maintained or improved for current and/or future uses using legally obtained credible data.

B. Watersheds within Converse County are managed and maintained for productivity and water quality.

5.5.4 Water Quality Priority Statements (Page 107-109):

1. Federal agencies should prioritize locally led efforts to monitor and improve water quality, and where feasible, complete in conjunction with existing state and federal agencies with the same mandate.

4. Federal agencies should consult Converse County regarding federal land management decisions for their potential impact on water quality, yields and timing of those yields; impacts on facilities such as dams, reservoirs, delivery systems, or monitoring facilities; and any other water-related proposal.

5. All water quality data considered by federal agencies should be credible data as is specified in each of their agency handbooks and should be legally collected.

7. Federal agencies should support implementation of land management actions and practices that contribute to or maintain healthy drainages, watersheds, and aquifers.

8. Federal agencies should encourage good management and maintenance of watersheds to retain and slowly release water for desired plant, animal, and human uses, and to reduce the risk of flash floods.

9. The USFS, BLM, EPA, WDEQ, and other relevant public agencies should coordinate with Converse County to ensure that management of watersheds and aquifers, including municipal watersheds, meets the multiple needs of residents and promotes healthy forests and rangelands.

11. Federal agencies should support to minimize water concentration, erosion, and delivery of polluted water and sediment to streams in construction and management of roads, bridges, culverts, cut slopes, fill slopes, and artificial surfaces,

12. Federal agencies should implement land use improvements and practices which promote healthy drainages and watersheds.

13. Federal agencies should implement already established state and county best management practices in coordination with Converse County and other local governments to mitigate water pollution caused by heavy erosion and sedimentation from public lands under their management.

18. All management plans and land use practice modifications proposed by government and shall be consistent with the protection and preservation of private property rights.

19. Watersheds must be managed for water quality and quantity. Any proposal to modify water quantity and quality in a watershed affecting Converse County must be submitted to the County, in writing, in a timely manner. Socio-economic impacts shall be stated, and the County shall be given the opportunity to comment. Adverse impacts should be mitigated.

5.7.3 Rivers and Streams Resource Management Objective (Page 111):

A. Rivers and streams within Converse County are managed to maintain water quality and to maintain proper ecologic function needs and managed for municipal use to control flooding and for recreational and industrial use including irrigation.

5.7.4 Rivers and Streams Priority Statements (Page 111-112):

2. Any new or changed management priorities or policies regarding in-stream flows should be coordinated with Converse County.

4. Federal agencies should support continued use of rivers and streams by all users.

5. Converse County shall be consulted when impacts to rivers and streams are a potential outcome of a federal action or decision.

6. Federal agencies should support projects and policies which improve or maintain the current ecological function of rivers and streams within Converse County for agriculture, recreation, and municipal use.

6.3.1 Wildlife Resource Management Objectives (Page 129):

A. Wildlife resources and their habitats are managed for healthy, sustainable, and biodiverse populations and habitats that support recreation, tourism, livestock grazing, and other multiple uses on federal lands within Converse County.

B. Any plan regarding wildlife within Converse County is developed in coordination with Converse County and other appropriate stakeholders.

6.3.2 Wildlife Priority Statements (Page 129-130):

1. Converse County supports the State of Wyoming's primacy over wildlife management.

3. Federal agencies should support reasonable and science-based protection and restoration of critical winter range habitat, while respect private property and considering the economic effects to Converse County.

5. Converse County requests the inclusion of at least one representative from the County Commissioners as a cooperating/coordinating agency for any decision-making or management decision which may affect wildlife resources and economic viability in the County.

9. Converse County encourages cooperation between local, regional, state, and federal governments and private landowners in the management of big game and non-game wildlife species.

10. Federal agencies should promote wildlife management practices that sustain wildlife resources and habitat without measurably degrading other multiple use activities or private property rights.

14. Federal agencies should use credible data as a basis for a decision that a species shall be designated a "species of concern" or "sensitive."

15. The management of non-ESA listed species (e.g., species of concern, species of special concern, or any other non-ESA designation) as though they are protected by the rules of the ESA is not supported by Converse County.

17. Federal agencies should provide timely responses when requested by Converse County for resource concerns, management plans, and other sensitive, candidate or listed species.

19. Converse County should be consulted and coordinated with in the establishment of recovery objectives for species of concern and the development of management actions to delist species of concern.

7.1.3 Tourism and Recreation Resource Management Objective (Pages 142):

A. Recreational and tourism resources are managed to promote access and availability to the public for both tourism and local recreational uses, while maintaining benefits to Converse County's economy across important industries including agriculture, mineral development, and tourism.

7.1.4 Tourism and Recreation Priority Statements (Page 142-143):

4. Converse County should be notified and be given the opportunity to participate as a cooperating agency at the earliest time possible for proposed federal agency actions or decisions affecting recreation and tourism opportunities on public lands in Converse County.

5. Federal agencies should support access to recreational opportunities on public lands within Converse County.

8.1.3 Agricultural Production Resource Management Objectives (Page 152):

A. Agricultural production is maintained as a viable and major component of the economy, custom, and culture of Converse County.

B. Federal actions affecting agricultural production are made in consultation and coordination with Converse County.

8.1.4 Agricultural Production Priority Statements (Pages 152-153):

1. Federal agencies should support agriculture production and the responsible use of natural resources to sustain agricultural enterprises.

2. Federal agencies should support development of all plans and policies that directly or indirectly affect agriculture with the intent of increasing the stability and expansion of the industry as well as encouraging innovative techniques that improve the efficiency of crop and livestock production.

10.Federal agencies should encourage agricultural operations within Converse County and promote their sustainability.

11. In conjunction with ranch owners/managers, local, state and federal planning partners should develop economically sustainable strategies to maintain working ranches.

12. Federal planning-level and project-level National Environmental Policy Act documents should properly characterize and analyze the area, recognizing the benefit of ecosystem services provided by working ranches to adjacent or nearby public lands.

8.2.3 Livestock Grazing Resource Management Objectives (Page 159):

A. Livestock grazing is maintained as a viable major component of the economy, custom, and culture of Converse County.
B. Converse County is consulted early in the scoping process whenever a proposed decision will impact grazing, local agriculture producers, and/or the economy.
C. Federal decisions affecting grazing use best available scientific information and localized baseline and monitoring data are given heavier weight than regional, state, or national data.

8.2.4 Livestock Grazing Priority Statements (Pages 159-160):

1. Federal agencies should utilize rangeland standards and guidelines that are scientifically proven and peer reviewed specifically for Converse County.
2. Federal agencies should work in coordination with local grazing associations to ensure that all allotments that are not officially closed are being appropriately managed and that allotment retirements do not occur.
3. Federal agencies should support range livestock production that is environmentally and economically viable.
9.Federal agencies should not restrict the development of livestock water or other rangeland improvements.
10.Federal agencies should work cooperatively with the local ranchers and other interested parties to address resource concerns on a site-specific basis.
14. Livestock grazing management decisions shall be made based on the best available scientific information that is applicable to the rangeland resources in Converse County.
19. Animal unit months (AUMs) on federal lands shall not be reduced unless a documented resource condition indicates a need for temporary reduction to improve condition. Any reduction shall include a plan to reinstate AUMs when the resource condition has been addressed.

The County cannot state clearly enough the importance of our ability to access federal lands to drive vibrant economic communities. The USFS must adequately consider in the socioeconomic analysis the mineral and timber contributions to the counties and state. The USFS must include a robust socioeconomic analysis clearly demonstrating the differences between management prescriptions in the Alternatives, which includes impacts to the tax base (royalties, rents or bonus bids, severance taxes, ad valorum taxes, sales and use tax employment income, and direct and indirect employment.)

Additionally, Converse County has always been concerned that the Rule's identification process for roadless will ultimately be treated as a form of designation. The designation of wilderness and roadless areas in our national forests will have significant impacts on our ability to access those federal lands; thereby impacting the economics of our communities. The USFS must also consider the cumulative impacts of existing and proposed management restrictions on the local

economics, custom and culture. For example, while the County does support proactive stewardship of our forests, management decisions must be balanced with other resource uses and generally the County does not support overly restrictive management directives such special designations of wilderness, wild and scenic rivers or roadless areas.

For the USFSs convenience we have identified a few priority policy positions from our County Plan that are impacted by this EIS. This is not a comprehensive list and USFS is encouraged to review the entirety of the County Plan for more details:

3.3.3 Special Designation and Management Area Resource Management Objectives:

A. Designation and management of special designation or management lands are coordinated with Converse County and adjacent landowners.

B. No new special designation or management areas are created in Converse County without specific approval from the County and adjacent or affected landowners.

3.3.4 Special Designation Area Priority Statements:

1. Any proposed special management area designation shall undergo analysis of the impact to Converse County's custom, culture, and economy.

2. If any special designation or management areas are created, federal management of special designation areas shall be coordinated with Converse County and consistent to the maximum extent possible with the Converse County Natural Resource Management Plan.

3. Converse County does not support future designations of new special management or designation areas in the County, including, Wild and Scenic Rivers, Wilderness, or Wilderness Study Areas, lands with wilderness characteristics, Areas of Critical Environmental Concern, Roadless Areas. Any proposed designation shall be coordinated with the County and undergo analysis of the impact to Converse County's economy including a pre-existing condition analysis.

4. Converse County should be consulted on any buffer zones implemented for the protection of special designation and management areas.

VII. Socioeconomics Must Be Adequately Considered in the Environmental Impact Statement

Economic impacts do matter. Access to federally administered lands and resources are critical to ensure the socioeconomic well-being, custom, culture and stability of our communities. In - Converse County, lands under federal or state control and decisions made for public land management agencies can directly impact the service and non-service industries, public accessibility, and the demographics of an area. Effective coordination and consultation between

the County, federal and state agencies is critical to ensuring that land management agencies thoroughly consider the effects that proposed actions have on custom, culture, and economic stability, conservation and use of the environment and natural resources in the County along with multiple use. Counties receive revenue from federal lands in many ways including timber harvesting, mineral leasing and development, agriculture, recreation, travel and tourism, etc. Any curtailment of access to public lands will directly impact the socioeconomics of the County, which must be disclosed in the NEPA EIS.

The USFS must analyze for the cumulative impacts to counties specific to the management decisions under each Alternative and how they will affect local and state economic well-being along with impacts to state and private adjacent lands. In addition, the analysis should consider increased costs to state and local communities associated with a higher risk for fire management, disease and insects due to limited management direction in RACR areas.

For the USFSs convenience we have identified a few priority policy positions from our County Plan that are impacted by this EIS. This is not a comprehensive list and USFS is encouraged to review the entirety of the County Plan for more details:

7.3.3 Economic and Socioeconomic Resource Management Objectives (Page 149-150)

A. The socioeconomic and economic viability of Converse County is prioritized, protected, and enhanced in all federal actions or decisions.

7.3.4 Economic and Socioeconomic Priority Statements (Page 149-150):

1. Converse County requires consultation and coordination from federal agencies at the earliest time possible for any proposed action, change of existing activities, newly permitted activities, or changes in regulations that may affect the economic basis of the County.
2. Federal agencies should support continued access to natural resources development/use on federal lands to maintain economically viable communities in Converse County.
3. Converse County supports “no net loss” in the County economic base due to federal agency decisions.
5. Federal agencies should support the analysis of social and economic factors at the lowest possible level, such as on a County-wide basis, in addition to consideration on a state-wide or national scale.
6. Federal agencies should promote the economic and socioeconomic growth of Converse County and engage in consultation and coordination between federal agencies and the County regarding any issues and activities on public land that affect or influence the County’s economic and socioeconomic viability.

8.Converse County supports the achievement of a sustainable balance between economic, recreational, and conservation use of lands for economic growth and quality of life.
10.Federal agencies should discourage the use of informal policies or unofficial classifications by federal agencies to withhold high energy potential areas from leasing or development.
11. A full analysis shall be required by the federal agencies on the impact each proposed decision or federal action will have on the local Converse County economy.

Finally, the USDA must specifically consider and include the following in its socioeconomic analysis components through NEPA:

- Potential cumulative impacts of reduced mineral development or timber harvesting and overlapping land use restrictions on land allocations that directly eliminate or restrict leasing and development activities that, in turn, impact local economies, public services, and labor markets.
- Consider an in-depth analysis on where funding streams will be recovered if mineral leasing and development and timber harvesting is eliminated or significantly reduced long-term and where overlapping land allocation occur.
- Include the effects associated with state and national environmental impacts on programs going forward with the decrease of mineral leasing and development and timber harvesting impacted negatively by reduction of associated royalties, rents, severance taxes, bonus bids, sales and use taxes and property tax collections.

VIII. Conclusion

The County fully supports recission of RACR and returning the decision-making authority for roadless areas to Forest Supervisors through the forest planning process, which empowers states and local governments to work with the USFS to make management decisions that reflect the diverse ecological, social, and economic conditions that exist across national forests, counties, and states.

We appreciate the opportunity to provide input on the Forest Service's intention to prepare an EIS regarding the RACR. As the government entities closest to the land and most impacted by national forest management decisions, Wyoming counties have a deep and sustained interest in ensuring forest policy is flexible, locally tailored, and grounded in contemporary science, land use realities, and legal frameworks.

Should you have questions or require additional information, do not hesitate to contact me via email at jim.willox@conversecountywy.gov or our natural resource policy advisor Dru Palmer at dru@wyoming.com.

Sincerely,

Jim Willox, Chairman
Board of Converse County Commissioners

CC: The Honorable Governor Mark Gordon
The Honorable United States Senator John Barrasso
The Honorable United States Senator Cynthia Lummis
The Honorable United States Congressman Harriet Hageman
Jerimiah Reiman, Wyoming County Commissioners Association

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OFFICE OF THE COMMISSIONERS
COUNTY OF CONVERSE

107 No. 5th • Drawer 990 • Douglas, Wy 82633 • 307-358-2061 • FAX 307-358-5998

COMISSIONERS: Al Stoick, Chairman • Frank G. Eathorne, Jr., Vice-Chairman • Sharon K. Lovitt, Member

July 6, 2000

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CAET RECEIVED
JUL 13 2000

USDA Forest Service – CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

Dear Sirs:

We were not able to attend the meeting on June 27, 2000, but would like to submit the following for consideration.

The County Commissioners of Converse County, Wyoming are submitting the following comments for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. We are in the process of conducting a detailed and comprehensive review of the Draft EIS in conjunction with other counties in Wyoming and the Wyoming County Commissioners Association. Our comments today are general in nature and will be supported by submission of our detailed review to the Chief, USDA-Forest Service prior to the close of the comment period on July 17, 2000.

Our review, to date, has revealed the following issues and concerns:

1. The Draft EIS appears to be Biased and Predecisional

However harsh this may appear, recent actions by the Chief of the Forest Service, statements by the Executive Branch and numerous biases in the Draft EIS lends support only for selecting the preferred alternative and proposed action. Let me cite some examples.

A. On February 12, 1999 the Forest Service published an interim final rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest System. The Draft EIS is written in support of continuing that rule without any regard for the values of roads, timber harvest, or many other multiple uses.

B. The Vice President's statements regarding his preference to preserve all roadless areas on National Forest System lands in the United States. He is quoted as saying, "And just so I'm crystal clear about it: No new road building and no timber sales in the roadless areas of our national forest." Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel incumbent to follow the direction of the Vice President without conducting an objective analysis.

C. The document is written very subjectively and leans toward justifying the proposed action of prohibiting roads and timber harvest in inventoried roadless areas rather than providing an objective analysis of all alternatives, issues, and effects.

2. The Draft EIS does not Adequately Address the Impacts on Counties and Local Governments

The Forest Service admits that its assessment method conducts a "qualitative" analysis of most impacts. In fact, the analysis only provides a "quantitative" evaluation of agency costs, timber, and road construction and reconstruction—and framed mostly in a negative context. There are many associated impacts that are not "quantified" and relate to recreation use, stewardship, timber harvest, fuel reduction, catastrophic fire,

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ecological factors, wildlife, etc. We do not believe the Forest Service can make a reasonable informed decision based on this significant lack of information that is necessary to adequately analyze and disclose effects. This violates the basic premise of NEPA and leads me to the next point.

3. The Draft EIS Contains Numerous NEPA Deficiencies

The Draft EIS fails to meet basic Council on Environmental Quality (CEQ) Regulations for NEPA in the following areas:

- The NEPA process must be useful to decision-makers
- Emphasize interagency cooperation including counties
- Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses
- Study, develop, and describe appropriate alternatives
- Consult early with State and local agencies
- Invite the participation of Federal, State, and local agencies
- Statements shall be concise, clear, and to the point, and shall be supported by evidence
- Statements shall be analytic rather than encyclopedic
- Agencies shall not commit resources prejudicing selection of alternatives
- Statements shall assess the environmental impacts, rather than justify decisions already made
- Each statement shall contain a summary that adequately and accurately summarizes the statement
- Rigorously identify, explore, and objectively evaluate all reasonable alternatives
- Avoid useless bulk
- Circulate the statement and request comments from Federal, State, and local agencies authorized to develop and enforce environmental standards
- Incorporate material by reference only when it is reasonably available
- Insure the scientific integrity of discussions

We will be providing numerous examples in our detailed response of how the Draft EIS fails to meet these requirements.

4. The Draft EIS Contains Discrepancies and Contradictions Relating to Conclusions and Data

We have discovered that so much of the document contains discrepancies and contradictions as it relates to conclusions and data that it is difficult to determine which are facts and which are the author's personal biases. Here are a few examples:

A. The document states that many decisions need to be made at the local level but literally removes all the discretion for analyzing and selecting management options. The only options that remain open are activities that further protect roadless areas.

B. The Forest Service is willing to accept the risk of catastrophic fire and the resulting adverse effects, which can be equal to or more destructive than planned management activities. However, the agency considers the risk of road construction and timber harvest to be unacceptable.

C. In one statement the Forest Service says that "As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values." In another section, they state "...the proposed prohibition on road construction would reduce roadless caused irreversible and irretrievable commitments to dispersed recreation activities in roadless areas." You can't have it both ways - irreversible means you can't go back to the way it was. The first statement severely contradicts the second statement, which is a legal conclusion of the agency.

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5. Conclusion

As relief to our concerns, the Commissioners of Converse County would like to go on record in requesting the Forest Service, either,

1. Withdraw this proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management planning processes. Then, local governments can play an active role as participants in the process.

2. Supplement this Draft EIS, as per CEQ Regulation 40 CFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to our environmental concerns and bearing on the proposed action and its impacts.

3. Revise the Draft EIS, as per CEQ Regulation 40 CFR 1502.9 (a), to address inadequacies that preclude meaningful analysis.

Thank you for the opportunity to comment on an issue of such importance to the counties and local governments of the United States.

Converse County Commissioners:

Al Stoick

Al Stoick, Chairman

Sharon Lovitt

Sharon Lovitt, Member

Frank Eathorne

Frank Eathorne, Member

COUNTY COMMISSIONERS
NATHAN TODD, CHAIRMAN
ED WAGONER
GARRETT BORTON
MARTY ERTMAN
VERA HUBER

CLERK OF COURT
RIKI KAISER
COUNTY ATTORNEY
MICHAEL STULKEN
COUNTY SHERIFF
BRYAN COLVARD

COUNTY CLERK
BECKY HADLOCK
COUNTY ASSESSOR
KARA LENARDSON
COUNTY TREASURER
SUSAN OVERMAN

COUNTY OF WESTON

1 WEST MAIN STREET
NEWCASTLE, WYOMING 82701

September 19, 2025

Mrs. Brooke Rollins
Secretary of Agriculture
United States Department of Agriculture
201 14th Street SW
Mailstop 1108
Washington, DC 20250–1124
ATTN: Director, Ecosystem Management Coordination

Submitted via Federal eRulemaking Portal
Portal: https://www.regulations.gov
Docket No. FS–2025–0001

RE: United States Department of Agriculture Forest Service Notice of Intent to Prepare an Environmental Impact Statement for Special Areas; Roadless Area Conservation; National Forest System Lands

Dear Secretary Rollins:

On behalf of the Weston County Board of Commissioners ("County") located in Newcastle, Wyoming, I want to thank you for allowing us the opportunity to submit comments regarding for the United States Forest Service (USFS) Roadless Area Conservation Rule (RACR or Rule) Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS).[1] Weston County's economic viability is highly dependent on federally managed lands for timber production and harvest, energy development, livestock grazing, wildlife, tourism, and recreation and this Rule reconsideration initiated by the United States Department of Agriculture (USDA) will have a significant impact on the socioeconomics, custom and culture of our County and State.

In Wyoming, counties serve as a legal arm of the state entrusted with carrying out statutory and regulatory goals at the local level. County governments are actively engaged in the National Environmental Policy Act (NEPA) processes to assist our federal partners to create management plans that encourage productive and enjoyable harmony between man and his environment. 42 U.S.C. §4321. Weston County takes our responsibility as a local government seriously and

[1] USDA Notice of Intent to Prepare an Environmental Impact Statement re: Special Areas; Roadless Area Conservation; National Forest System Lands
[Federal Register Vol.90 No. 166, Friday, August 29, 2025, Notices, Page 42179]

strives to ensure our community is an economically vibrant, safe, and healthy place to live, work, and recreate. Wyo. Stat. § 18-5-208(b).

Weston County serves as a co-regulator and partner of thousands of acres of USFS federal surface that fall within our jurisdictional boundaries. Our County contains varying percentages of federal, state, and private land, which need thoughtful management at each jurisdictional level. The USFS manages approximately 15% of the total land in Weston County and includes forest lands that are part of the Black Hills National Forest (BKNF) and Thunder Basin National Grasslands (TBNG). Approximately 6,257 acres of the BKNF lie within Weston County. These resources are important for the livelihoods of residents and the attraction of those traveling through. The BKNF and TBNG are included as affected areas and subject to this USFS Rule recission.

As co-regulators, Weston County has prepared Weston County Natural Resource Plan[2] to serve as the basis for communicating and coordinating with the federal government and its agencies on land and natural resource management issues. Wyo. Stat. § 18-5-208(b). Well managed forests are a crucial component to achieving our goals as local governments. Executive Order 14072 *"Strengthening the Nation's Forests, Communities and Local Economies"* (EO) recognizes this relationship and expressly connects local economies with forest management activities. Our plans, which the USFS should be consistent with, speak specifically about our local economy and the multiple uses within our federal, state, and private forested lands.

As partners, Weston County works diligently to support the work of our federal land managers to overcome shared challenges and achieve mutual goals. Our County actively participates with Wyoming USFS district offices and the regional office on NEPA projects, trainings and presentations, and special initiatives. Although RACR is a substantially different planning effort than is usually contemplated by the agency, we are committed to participate with the USFS and engage in this NEPA process in good faith, to ensure federal agencies understand local environmental and socioeconomic impacts to proposed projects and plans, and that the NEPA documents contain up-to-date local information that only counties can provide.

Weston County also believes that land management decisions for the national forests in Wyoming are best made as close to "on-the-ground" as possible, in coordination and cooperation with state and local governments. The National Forest Management Act (NFMA) recognizes that forest direction should be ecologically sustainable, economically viable, and socially beneficial over the long term. The 2012 Forest Planning Rule operationalizes the NFMA at the local forest level with a commitment to cooperation with state and local governments, protecting our forests and communities from one-size-fits-all rules and decisions from Washington, and strengthening federal decision making that can truly reflect the needs of individual forests and communities that rely on them.

While the County fully supports the recission of RACR for reasons detailed below, we submit the following comments for the USFSs consideration as the agency moves forward with development the draft EIS:

I. General

- Wyoming County Commissioners Association (WCCA) – Weston County endorses, and incorporates by reference, comments submitted by WCCA.
- State of Wyoming – Weston County endorses, and incorporates by reference, comments submitted by the State of Wyoming and its agencies.

[2] Weston County Natural Resource Management Plan dated final dated May 27, 2022 (adoption dated August 2, 2022) https://www.westongov.com/wp-content/uploads/2024/05/WestonCounty_NRMP_May2022_Final.pdf

II. Background

Wyoming is home to the first national forest, the Shoshone, and portions, or the entirety, of seven other national forests: the Ashley, Bighorn, Black Hills, Bridger-Teton, Caribou-Targhee, Medicine Bow-Routt, and Uinta-Wasatch-Cache National Forests. National forest lands in Wyoming cover over 9.2 million acres, an area larger than New Jersey, Connecticut, and Delaware combined.

As stated above, the USFS lands in Weston County are part of the Black Hills National Forest (BKNF) and of those lands, there are an estimated 13,000 acres identified as Inventoried Roadless Areas (IRA). Wyoming shares the BKNF with South Dakota and IRA acres identified in Wyoming alone equates to an estimated 2% of the forest. While none of the IRA acres fall within the jurisdictional boundaries of our County, the effects of the roadless designation still have real impacts to all neighboring counties within the BKNF.

The BKNF Record of Decision (ROD) for the most current land use plan was last completed in March of 1997. The 1997 Black Hills Revised Forest Plan designated one area for inclusion as IRA: 1) most of Sand Creek as late succession landscape and 2) Inyan Kara Mountain as a special interest area.

The BKNF is currently undergoing the process to revise its land use plan, and the County is a cooperating agency on that project. As required under the 2012 Planning Rule, the local assessments have been completed and the NEPA process is poised to begin in early 2026. Pertinent to RACR, Weston County believes that the best forest policy decisions are accomplished through robust local engagement. The County advocates for a tailored approach to forest management, emphasizing the importance of addressing the specific ecological and management needs of individual forest areas.

Let's learn from history and not repeat our mistakes. The County strongly supports the USFSs recission of the RACR as a national planning approach and urges the federal agency to restore local forest units with more power to address unique management strategies within their individualized land use plans. This local approach would better suit the specialized environmental conditions and community interests of each forest.

III. USFS Should Abandon its Top-down One-sized Approach to Roadless Management

The County supports the USFSs reconsideration of its current and misguided nationally driven planning strategy and urges the agency to instead empower local forests with greater authority to modify and update their management plans. This localized approach would better accommodate the unique environmental conditions and community interests associated with each forest.

In stark contrast to the Roadless Rule process established in 2001, Weston County believes that effective forest policy development is best achieved through active engagement with local stakeholders. Recognizing the significant ecological and social differences among national forests and their surrounding communities, a decentralized planning approach ensures that conservation efforts and resource management are more responsive and sustainable, ultimately fostering more effective and context-sensitive forest stewardship.

As a way of background, the USFS issued an "Interim Roadless Rule" that went into effect on March 1, 1999, and imposed an eighteen-month moratorium on road construction in IRAs across the United States. On October 13, 1999, President Clinton directed the Forest Service to initiate rulemaking to protect IRAs. Scoping began on October 19, 1999, with the USFS release of its Notice of Intent (NOI) to prepare an EIS and to initiate rulemaking. The Federal District Court in Wyoming described the rulemaking thus: "In its rush to give President Clinton lasting notoriety in the annals of environmentalism, the Forest Service's shortcuts and bypassing of the procedural requirements of NEPA has done lasting damage to our very laws designed to protect the environment." *Wyoming v. U.S. Dep't of Agric.*, 570 F. Supp. 2d 1309, 1345 (D. Wyo. 2008), *rev'd,* 661 F.3d 1209 (10th Cir. 2011).

The 1999 NOI did not specify a geographic scope, nor did it provide any maps of lands that would be covered by the proposed Rule. Therefore, Wyoming was forced to comment on the Rule NOI without specific information on the extent of the impact of the rule. Neither the state nor local governments were allowed to cooperate in the development of the Rule, and Wyoming actively litigated the RACR for a decade. In the end there was little buy-in from stakeholders who had been barred from involvement in the process.

Wyoming, like many states, boasts a diversity of counties with unique histories and values based on distinct forests with varying ecology and opportunities. Local governments in Wyoming work tirelessly with USFS partners to develop appropriate management frameworks within the cooperating agency process for forest plans that reflect and appreciate the diversity within our forests and communities. The USFS planning process is worth preserving, empowering, and protecting.

One of the many flaws in the rulemaking process was that when the RACR was implemented in 2001, it superimposed roughly drawn maps – developed in the 1970s for potential Wilderness designation – without taking a hard look at the impacts it would have on existing forest plan direction. The Secretary of Agriculture made a conscious decision that the RACR would apply to "all lands within an inventoried roadless area boundary" knowing that thousands of acres within inventoried roadless area (IRA) boundaries already had existing roads and areas with active forest management.

To make matters worse, the Forest Service failed to engage state and local governments as cooperating agencies under NEPA throughout its development of the RACR. Consequently, the RACR sidelined the very governments and people impacted the most by the establishment of the Rule. Despite the RACR providing an opportunity to update or revise the set of inventoried roadless area maps, the Forest Service has failed to make necessary updates or revisions to correct the maps and, in the process, has continued to undermine the credibility of the RACR.

Following two decades of implementing the RACR, it is evident that empowering forest managers with greater authority and flexibility is essential for effectively collaborating with all stakeholders, including state and local governments. Such collaboration is vital to addressing current challenges and leveraging opportunities within our forest ecosystems. The original design of the RACR imposed limitations on local authority, restricting the ability of local forest plans to adapt to community needs and priorities. Repealing the RACR would restore jurisdiction to local forest managers, enabling them to make informed decisions through forest and project planning processes that incorporate community engagement. This approach fosters sustainable forest management practices, promotes ecological health, and supports the socio-economic well-being of communities nationwide, ensuring that forest policies are responsive to local conditions and stakeholder interests.

The County supports the USDAs initiative to reevaluate and manage the components of roadless and conservation effectively. The basis of our support is grounded not in the assumption that commercial timber roads should not be constructed universally within Wyoming's national forests, but rather in the recognition that forest managers, in collaboration with state and local partners, must possess the authority to make informed management decisions. These decisions should account for the diverse ecological, social, and economic conditions that vary across different forests, counties, and states, ensuring sustainable and realistic forest management practices.

Staying the course with RACR as a top-down one-sized approach that was implemented in 2001 does not promote the best management for our distinctive forests or produce the best results for our unique communities. By the USFS's own admission in the preamble to the 2012 Planning Rule, "...more specific requirements were not included in the final rule, because these issues are best identified and determined at the forest or grassland level, reflecting ecosystems and plant and animal communities on the unit." The County agrees with this approach in the Planning Rule. A localized planning approach recognizes the vast differences between our national forests and the communities that live in and around them.

As the USFS knows, forest plans are required to balance a multitude of challenges, priorities, and interests on our forested lands. Existing plans were established in good faith with the cooperation, data, and input from states, counties and other

cooperating agencies. Each of the forest units within the state of Wyoming have direction in their existing plans for identifying areas of roadless or conservation priority. Forcing a national management agenda to layer on top of our existing plans does not strengthen them, it undermines them.

The County strongly supports the USFSs recission of the RACR as a national planning approach and urges the federal agency to restore local forest units with more power to address unique management strategies within their individualized land use plans. This local approach would better suit the specialized environmental conditions and community interests of each forest.

IV. The USFS Should Meaningfully Engage with Weston County as a Cooperating Agency under the National Environmental Policy Act, National Forest Management Act and the 2012 Planning Rule

Our County has a history of supporting the USFS in developing, revising, and amending forest plans, providing special expertise on socioeconomic issues, including how amendments will affect jobs and the tax base. The County has also enjoyed a long history of partnership with the USFS working together through on-the-ground projects and advisory groups to assist with plan implementation. Beyond cooperating agency work, our County has made substantial investments to strengthen the working relationships we enjoy with the Forest Service. Our participation also assists the federal agency to comply with its requirement to coordinate its land management planning with local county land use plans.

A. National Environmental Policy Act

The County realizes that USDA is currently undergoing revisions to its NEPA procedures for many reasons but one being the issuance of congressional directives[3] along with new court decisions. Specifically, recent federal court cases, along with a Supreme Court Decision, challenged longstanding assumptions regarding the Council on Environmental Quality's (CEQs) authority to issue binding regulations for implementation of the NEPA.

Furthermore, on January 20, 2025, President Trump signed Executive Order (E.O.) 14154, rescinding E.O. 11991, which had previously directed CEQ to promulgate NEPA implementing regulations. On February 25, 2025, CEQ published in the Code of Federal Regulations (CFR) an interim final rule removing existing CEQ NEPA implementing regulations. In addition to Executive Order (E.O.) 14154, the judicial branch's opinions in Marin Audubon v. FAA and Iowa v. CEQ demanded the longstanding CEQ regulation framework for cooperating agencies under NEPA be rescinded. However, neither the E.O. nor any court decision mandated that the cooperation our County has enjoyed should be eliminated or impaired. Consequently, the County remains hopeful that much of the clarity and consistency provided by CEQ regulations could survive a move to department regulations.

Additionally, NEPA's commitment to cooperating with local governments in the development of its required analyses plays an outsized role in Wyoming, where nearly half of the state is managed by the federal government along with vast acreage of mineral estate. We are grateful for USDA's efforts to improve the NEPA process and look forward to seeing the benefits in our communities.

Our goal as cooperating agencies is to help expedite NEPA, provide local and technical data and information, help agencies come to defensible and durable decisions, and support the cooperative principles that distinguishes NEPA from all other acts of congress. It is our goal of safeguarding and furthering NEPA's cooperative code that guides our comments on cooperating agencies.

It cannot be stated strongly enough that state and local government participation in the NEPA process as cooperating agencies is imperative, and USDA must include provisions clearly stating inclusion of local governments. In the NEPA

[3] Fiscal Responsibility Act of 2023 (FRA), PUBLIC LAW 118–5—JUN. 3, 2023

process, the USDA must retain similar language in their NEPA procedures that "A lead agency may designate any Federal, State, Tribal, or local agency that has jurisdiction by law or special expertise with respect to any environmental issue involved in a proposal as a cooperating agency." See 40 C.F.R. §§ 1501.7 and 1501.8.

Public lands and the resources on them influence the custom and culture of the County. The relationship between the County and the federal agencies is key to ensuring resources are managed successfully and the County's custom and culture of using public lands for multiple uses remains intact. The County and federal agencies have worked together in the past on resource management concerns and issues and will continue to strengthen and build those relationships to ensure that all stakeholders are at the table when discussing resource management on public lands within the County.

While USDA has the authority to conduct a rulemaking process to create regulations that implement laws and policies that ensures transparency and public involvement in the development of regulations that affect natural resources and public lands, the County contends that more often than not, a departmental "Rule" would have significant impacts on the environment, applies across the Department nationwide and thus warrants an analysis through an environmental impact statement under NEPA. Currently, "Rulemaking" is not required to undergo the same process as NEPA and there is no cooperating agency component, beyond the public comment period, and in this instance, the USFS rightfully chose to conduct EIS to better engage with stakeholders and cooperators; however, it doesn't go far enough and the Forest Service should, at the very least, allow the states to participate as cooperating agencies in this NEPA process.

Further, NEPA is required for all "major federal actions significantly affecting the quality of the human environment." Most federal Rules, if implemented, will undoubtedly impact the socioeconomics of local jurisdictions where federal land exists for example the RACR of which the USFS appropriately conducted a NEPA analysis. The County maintains that Rules impacting states and counties should allow a similar cooperating agency engagement process as NEPA and at the very least, USDA should modify its Rulemaking process to create a "cooperating agency" component similar to NEPA for engagement with states and their agencies. This would ensure better consistency with state and local government plans.

Unfortunately, the USFS is once again attempting to approach the RACR alone. Even though this proposed action is to rescind the Rule, the Forest Service should recognize that it is our forests and communities that will bear the brunt of uncertainty in planning, projects, and litigation that will ultimately result from any modification of the RACR. Serving as cooperating agencies will also benefit us, as we attempt to navigate changes in management and ultimately convey those changes to our constituents.

The USFS would benefit from the meaningful engagement of Wyoming counties in the development of its EIS. Beyond an exhibited commitment supporting the USFS through project and planning efforts for decades, Wyoming counties have local expertise, data, and jurisdiction of the lands impacted by the RACR that would benefit the EIS. While the County cannot demand the Forest Service include our counties and state as cooperators, as governmental partners we are requesting the USFS change its current direction and at the very least allow the state to coordinate as a cooperating agency.

B. National Forest Management Act

Preceding the NFMA was the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), which initially required, among other things, the Forest Service to develop land and resource management plans for units of the National Forest System. Later, the NFMA further expanded the Forest Service planning obligations and established the statutory authority applicable today to the Forest Service and the USDA. The NFMA currently serves as a key statutory backbone for the formation of land management and forest planning regulations. Under the NFMA, 16 U.S.C. §§ 1600-1687, the Forest Service is mandated to promulgate regulations for the development and revision of land management plans to guide management of land within the agency.[4] The NFMA requires the Secretary of Agriculture to develop regulations under the

[4] 16 U.S.C. § 1604(a).

principles of the Multiple Use and Sustained Yield Act (MUSYA) and to set out further processes for the development and revision of land management plans.[5]

The NFMA guides the development and revision of plans, environmental considerations, resource management guidelines, and general guidelines for land management plans. Further, NFMA requires that the agency's planning regulations must adhere to NEPA and consider the impact to multiple resources, including impacts to wildlife, timber resources, recreation, and grazing under a guidance of multiple use and sustained yield but the Act does not prescribe or dictate to the agency how each resource must be managed beyond a multiple use and sustained yield lens.[6]

The National Forest Management Act (NFMA) governs the U.S. Forest Service (USFS) and requires the agency to "coordinate". The NFMA requirements are as follows:

> *[T]he Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies* (16 U.S.C. § 1604(a)).

The fact that the USFS is directed to "coordinate" with local governments implies, by its plain meaning, that the USFS must engage in a process that involves more than simply "considering" the plans and policies of local governments; it must attempt to achieve compatibility between USFS plans and local land use plans. Additionally, the Forest Service is mandated to "engage the public, including State and local governments early throughout the planning process." 36 C.F.R. § 219.4(a)(1).

The USFS is also obligated to perform a consistency review. For development of forest plans, the forest Service shall review the planning and land use policies of State and local governments where relevant to the plan area. The results of the review shall be displayed in the EIS. 36 C.F.R. 219.4(b)(2).

Substantial progress has been made over the past fifty years to build not only the regulatory framework to implement NEPA and NFMA, but also a culture for cooperation and collaboration with local governments throughout the NEPA process. In addition to regulations, agencies have expressed lessons learned from implementing NEPA and best practices to fulfill NEPA's purposes. The USFS's Guidebook titled "County Governments and the USDA Forest Service: A Guidebook for Working Together" (Guidebook) to discusses the requirement that agencies must provide a meaningful participation and allocate responsibilities to comply with the law.

The Guidebook contains best practices that are not always directly citing NEPA, NFMA, CEQ, or USDA and agency regulations. These best practices have grown out of lived experience working together. The Guidebook illustrates that the outcomes are better when federal agencies and county governments "work together to reach solutions that are politically and socially durable and ensure the long-term sustainability of communities and natural resources. It is through working together, at multiple stages of planning and project implementation, that we will achieve true success."

Our goal as cooperating agencies is to help expedite NEPA, provide local and technical data and information, help agencies come to defensible and durable decisions, and support the cooperative spirit that distinguishes NEPA from all other acts of congress. It is our goal of safeguarding and furthering NEPA's cooperative code that guides our comments on cooperating agencies under USDA's NEPA procedures.

Public lands and the resources on them influence the custom and culture of the County. The relationship between the County and the federal agencies is key to ensuring resources are managed successfully and the County's custom and culture of using public lands for multiple uses remains intact. The County and agencies have worked together in the past

[5] 16 U.S.C. § 1604(g).
[6] *Id.*

on resource management concerns and issues and will continue to strengthen and build those relationships to ensure that all stakeholders are at the table when discussing resource management on public lands within the County.

C. USDA 2012 Planning Rule

The 2012 Planning Rule guides the development, amendment, and revision of land management plans on National Forest System lands. Federal law mandates the Forest Service to develop land management plans for units of the National Forest and Grassland System and promulgate regulations to guide the Forest Service planning process. As federal law provides statutory authority for establishing planning regulations, the 2012 Planning Rule sets out the procedural and substantive requirements for land management plans. As discussed, Land management plans set the overall management direction and guidance for each national forest and associated lands. Land management plans should guide the carrying out of projects and activities by providing a general direction of uses within each national forest, prairie, and grassland.

In all stages of land management planning, plans must use the best available scientific information to inform the planning process as required by the 2012 Planning Rule. This "best available scientific information" used must be accompanied by documentation that identifies what information was determined to be the best available scientific information, explains the basis for that determination, and explains how the information was applied to the issues considered. Ultimately, the best available scientific information should guide decision making through the planning process.

Furthermore, in the planning process public participation is afforded through specific regulatory requirements of "outreach," to be conducted by the responsible official of the planning process. Outreach includes engaging Tribes, other Federal agencies, State and local governments, individuals, and public and private organizations or entities.

Additionally, through the development of plans, the responsible official must coordinate with other public planning efforts, including reviewing the planning and land use policies of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments, where relevant to the plan area. This directive to coordinate with other local planning efforts allows for more effective coordination throughout all the planning processes. The result of this coordination in land management review must be displayed in the EIS under NEPA for the associated plan. This coordination with other interests must include specified considerations including:

- The objectives of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments, as expressed in their plans and policies;
- The compatibility and interrelated impacts of these plans and policies;
- Opportunities for the plan to address the impacts identified or to contribute to joint objectives;
- Opportunities to resolve or reduce conflicts within the context of developing the plan's desired conditions or objectives

Each plan developed or revised must contain sustainability considerations to provide for social, economic, and ecological sustainability within the Forest Service's authority.[7] As part of sustainability considerations, ecological sustainability and social and economic sustainability must both be addressed. Both categories require plans and revisions to consider differing factors in the planning process. Providing for cooperating agency status along with consistency review of state and local plans provides the foundation of successful long-term planning and rulemaking implementation.

V. Roadless Areas Conservation Rule Environmental Impact Statement Considerations

A. Alternatives

[7] 36 C.F.R. § 219.8.

The USFS has properly determined it should draft an EIS for its compliance with NEPA. The Notice of Intent describes two alternatives - the No Action (maintaining the RACR) and the Proposed Action (rescission of the RACR). For all detailed statements, under 42 U.S.C. 4332(C)(iii), there must be "a reasonable range of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternatives, that are technically and economically feasible, and meet the purpose and need of the proposal."

Over the years, courts have clarified what counts as a reasonable range of alternatives. While agencies have some flexibility, they are not free to ignore important options. Courts have emphasized that agencies should consider a wide and comprehensive set of alternatives, especially for projects they manage directly.

It is important to avoid making the same mistake in this current USFS EIS. However, agencies are not required to consider every possible alternative. The Supreme Court has stated that agencies do not need to include every conceivable option, only those that are reasonable and relevant to the project's goals. For legal sufficiency of the EIS, we encourage the USFS to develop and analyze at least one additional alternative, that is technically and economically feasible and meets the purpose and need of the proposal.

B. Impacts of establishing RACR

The Notice of Intent solicits public comments regarding the potential impacts of rescinding the RACR. It is important to clarify that rescinding RACR does not authorize any specific projects, roads, or timber sales. Nonetheless, the implementation of RACR has had observable effects on Wyoming's communities and forest ecosystems. Historically, forest management practices aimed at achieving desired ecological and economic conditions have been limited or foregone, resulting in tangible consequences. These include a decline in timber sale volumes and revenues, reduced financial payments to local counties, and missed opportunities to mitigate fire risks through activities such as salvage logging of trees affected by Mountain Pine Beetles (MPB) or wildfires.

Additionally, restrictions have impeded fence maintenance for grazing allotments, and several forest products companies have ceased operations. The absence of proactive management has also led to missed opportunities for fire risk reduction in municipal watersheds, potentially impacting community safety and water quality. Overall, the rescission of RACR could influence forest management strategies, economic stability, and ecological health within the region, underscoring the need for a comprehensive review of the Rule's implications since approved in 2001.

C. Impacts of rescinding RACR

Again, the rescinding of the RACR does not grant authority for additional management decisions beyond existing regulations. Decisions such as constructing roads for commercial timber harvesting remain subject to compliance with the Forest Plan, the NEPA, and other applicable environmental laws. Nonetheless, rescinding RACR could open avenues for proactive landscape management aimed at addressing various ecological and operational challenges, including wildfire mitigation, insect infestations, disease control, watershed health, wildlife habitat preservation, and the resilience of old-growth forests.

Furthermore, the implementation of RACR has had notable impacts, particularly in Wyoming, where several mills ceased operations following the rule's enactment. Studies have also indicated correlations between RACR and fire dynamics within IRAs. Data suggest that IRAs experience a higher incidence of fire starts, increased severity of fires, and larger burned areas compared to non-IRA regions. While topography and fire management capabilities significantly influence these outcomes, the data imply that IRAs are more susceptible to high-severity fires and extensive burn areas.

It is important to recognize that, regardless of the management alternative chosen, a substantial portion of roadless areas will remain permanently inaccessible due to inherent topographical features, isolation, resource values, and cost-benefit

considerations. These factors inherently limit the potential for development or resource extraction in these regions, ensuring their continued status as roadless landscapes.

D. Roadless Values

The RACR documents repeatedly characterize IRAs as having the following values – 1) high quality or undisturbed soil, water, and air, 2) sources of public drinking water, 3) diversity of plant and animal communities, 4) habitat for T&E, proposed, candidate, and sensitive species and for species dependent of large, undisturbed areas, 5) Primitive, Semi-primitive, non-motorized, and Semi-primitive motorized recreation, 6) Reference landscapes, 7) natural appearing landscapes with high scenic quality, and 8) traditional cultural properties and sacred sites. While true, these values are not limited to IRAs; in fact, they are part and parcel of multiple use objectives and values across the entire National Forest System.

This is an example of why Weston County believes that the best forest policy decisions are accomplished through robust local engagement. The County advocates for a tailored approach to forest management, emphasizing the importance of addressing the specific ecological and management needs of individual forest areas. The County supports the USFSs recission of its current nationally driven planning strategy, which instead empowers local forests with greater authority to modify and update their management plans. This localized approach would better accommodate the unique environmental conditions and community interests associated with each forest.

E. Roadless Area Conservation Rule Maps Must Be Updated with More Accurate Information

The USFS IRA maps originate from the agency's Roadless Area Review and Evaluation (RARE) RARE I and RARE II initiatives conducted in the 1970s. These maps, which served as the basis for designating areas within the RACR, are now considered outdated due to their reliance on antiquated data. Specifically, the use of RARE II maps to identify IRAs for the RACR has resulted in the inclusion of numerous areas within Wyoming's national forests that feature well-maintained roads, active forest management practices, and lands designated as suitable for timber harvesting according to forest management plans.

The decision at the time by the Secretary of Agriculture to apply the RACR to "all lands within an inventoried roadless area boundary" was made with the understanding that many of these areas already contained existing roads and had been subject to approved forest management projects, including timber harvesting. According to 36 CFR § 294.11, the definition of IRAs allows for the "update or revision" of the RACR maps through the land management planning process. However, the Forest Service has not established a formal process to identify or implement such updates or revisions. Despite the RACR providing an opportunity for map updates, the agency has largely failed to revise or correct the IRA maps, with only minor exceptions, thereby maintaining outdated designations that do not reflect current land use and management activities. This process has been flawed from the beginning and updated mapping through forest level land planning must be the new chartered course of action with the USFS.

F. RACR disregards local forest plans

Wyoming counties actively participate as cooperating agencies in the development of forest plans. The forest planning process is designed to guide the management direction of forest lands for ten to fifteen years. However, the RACR upset the direction contained in plans by overlaying IRA maps indiscriminately across planning and project areas.

In certain instances, the RACR overlaid IRA maps on areas already identified in the forest plan for certain protections or lands that were not included in the suitable timber base. These lands now have duplicative protections. On the other hand, IRA maps were also overlaid on thousands of acres identified by forest plans as suitable timber base. Sometimes referred to as suitable lands, these acres were identified in the planning process as being available and appropriate for timber production on a sustained yield basis. Lands not compatible with management goals (e.g. set aside for recreation, old-

growth management, etc.) were excluded, that are biophysically unsustainable (e.g. poor soils, steep slopes, etc.), or economically or operationally impracticable (e.g. inaccessible terrain, extreme harvesting costs, etc.) are excluded from the suitable timber base in the planning process. In other words, the USFS has existing tools at its disposal inside the 2012 Planning Rule to protect, conserve, manage, or develop these lands.

The RACR also overrides Forest Plan direction that would have otherwise allowed the Forest Service to implement ongoing forest management projects. Forest Service Line Officers have minimal authority to implement proactive management projects in IRAs to reduce the risk of catastrophic wildfire and insect epidemics, which include the removal of timber as a byproduct of those treatments. The risk of protracted and expensive litigation has also discouraged line officers from applying the exceptions present in the RACR. This has hampered the Forest Service's ability to implement proactive measures needed to reduce the threat of catastrophic fire and MPB epidemics in municipal watersheds.

G. Private Property Rights

As stated earlier, Weston County is rich in federal resources such as timber harvesting and production, farming, ranching, energy development, tourism and recreation, which all contribute heavily to the heritage of the County. Rangeland used by livestock and agricultural producers continues to be the dominant land use and federal agencies should consider the effects their decisions will have on neighboring private lands.

Furthermore, access to, or restrictions from, crossing federal, state, or county managed lands should not entail encumbrances or constraints on private property. Private property rights are the cornerstone of our County and must be protected to ensure that our continued customs and culture remain intact. When an agency decision or proposed action will have a negative impact to the current use of neighboring private lands, that federal undertaking may not be supported by the County.

VI. Consistency with Weston County Natural Resource Management Plan

As mentioned earlier, the State of Wyoming is unique as County commissions have been charged with the responsibility for the preservation of the custom and culture of Wyoming counties in matters relating to NEPA and federal land planning. Since the customs, culture, and history of the County are inseparably tied to the use of and access to land and resources managed by federal agencies to ensure state and federal agencies manage lands and resources in the County in a way that protects and improves the health, safety, environment, and well-being of our citizens, and improves the performance of the economy without imposing unacceptable or unreasonable costs or impacts to local social structure (Wyoming Statute [W.S.] 18-5-208(a)).

Meaningful cooperating agency engagement, at the earliest practicable time, strengthens informed federal decision making required by NEPA. Congress provided in Section 101 of NEPA, "recognizing the profound impact of man's activity on the interrelations of all components of the natural environment… declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments… to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." Therefore, by design, NEPA requires federal decisions to be made in cooperation with state and local partners. Clarity of how federal departments and agencies cooperate with state and local governments remains an essential piece of NEPA implementing regulations, and one that must remain in the agency's NEPA procedures.

The inclusion of special expertise as a basis for our comments corresponds with NEPA's expressed provision that allows lead agencies to designate "any Federal, State, Tribal, or local agency that has jurisdiction by law or special expertise with respect to any environmental impact…" Counties across the nation have varying authorities to develop or enforce environmental standards, but each county has special expertise. Limiting comments to local agencies that are authorized

to develop and enforce environmental standards does not conform to the qualifications required for us to be cooperating agencies NEPA.

Restricting comments to those governments authorized to develop and enforce environmental standards also disregards NEPA's clear interdisciplinary approach expressed in 42 U.S.C. 4332(A) and the Congressional declaration to use all practical means and measures "in a manner calculated to foster and promote the general welfare, to create conditions under which man and nature can exist in productive harmony, and fulfill the social, economic and other requirements of present and future generations of Americans" in 42 U.S.C. 4331.

In addition, federal agencies are required to identify and analyze the impacts to local economies and community culture when making decisions. The County encourages federal agencies to be as consistent as allowed by law with the Converse County Natural Resource Management Plan (County Plan). The County Plan specifically recognizes that the private sector is the best engine for economic growth; regulatory policies should respect the role of state and local governments; and federal land policies and regulations should be effective, consistent, sensible, and understandable. A County Plan, while not required, can aide this analysis.

Although the RACR stands to impact hundreds of communities across the country, the USFS must adequately consider state and local plans and provide a description of how those plans were given consideration as required by the 2012 Planning Rule and NEPA. At a minimum, the USFS should include a list of the local land use plans that are within the EIS boundary. However, even an impacted county list would not meet the requirements for coordination and consistency.

It must be recognized that the USDA and its agencies cannot meet its goals for our Nation's public lands to continue to provide minerals, energy, forage, timber, and recreational opportunities, as well as habitat, protected water supplies, and landscapes that resist and recover from drought, wildfire, and other disturbances, on its own. Nor can we meet our goals of maintaining our unique cultural heritage with thriving economies on our own. We must work together.

Weston County believes that any federal agencies approach of waiting until the final stage to address inconsistencies in the EIS is flawed. To encourage consistency with the County Plan and for the USFSs convenience, we have identified a few priority policy positions that are impacted by this EIS. This is not a comprehensive list and USFS is encouraged to review the entirety of the County Plan for more details:

1.2.4.1 County Expectations Resource Management Objectives (Page 12):

A. Weston County has an established relationship with local federal agencies in which the agencies regularly coordinate and allow the County to participate as a cooperating agency for any federal action as the County deems appropriate.

B. The Weston County Natural Resource Management Plan (NRMP) is reviewed by the federal agencies while generating their land use plans to ensure that the proposed land use plan is coordinated with this NRMP to the greatest extent possible.

C. The federal agencies conduct a consistency review with the Weston County Natural Resource Management Plan for every proposed National Environmental Policy Act decision the agency makes that may affect the County, the natural resources within the County, or its citizens.

D. Federal agencies consider the economic well-being and custom and culture of Weston County and its citizens when making decisions affecting natural resources within the County.

1.2.4.2 County Expectations Priority Statements (Pages 12-13):

1. Federal agencies should inform Weston County of all proposed projects, decisions, and actions that may affect the County and allow the County to participate as a cooperating agency and coordinate with agencies at the earliest time in the planning process.

3. Federal agencies should achieve a sustainable land use balance between economic growth, energy development, recreation, agriculture, conservation use of lands, quality of life, Weston County's custom and culture, and the environment by coordinating with the County on all decisions.

4. Federal agencies should maintain the culture of open access, multiple use, agriculture, and rural communities within Weston County.
5. Federal agencies should promote projects that improve the health and sustainability of public lands within Weston County.
6. A full analysis of the impact each alternative and subsequent "decision" will have on the local economy should be conducted by the federal agencies. If it is determined that the alternative will have significant negative impact on the local economy, the alternative/decision is not supported.

1.3.1 Credible Data Resource Management Objective (Page 14):

A. Credible data has a universal meaning for all federal agencies in Weston County and is the basis for all agency decisions within the County.

1.3.2 Credible Data Priority Statements (Page 14):

1. Federal and state agencies should use credible scientific data in all federal land use decisions made within Weston County.
2. Federal and state agencies should include quantitative data in land use planning processes that meet credible data criteria, even if the data were not produced by a federal agency.
3. Federal agencies should adopt a universal definition of credible data consistent with the Weston County Natural Resource Management Plan and federal law.
4. Federal and state agencies should only use and consider data that is legally collected and meets the minimum criteria described in their respective handbooks when making land management decisions unless other criteria are agreed upon between Weston County and federal agencies.
5. Federal agencies should work with cooperating agencies in making sound natural resource decisions that are scientifically based, legally defensible, sensitive to resource health, and responsive to multiple-interest users.

6. Federal agencies should be transparent in their decision-making and provide the source for all data and studies relied upon for all decisions. Any studies not available to the public should either be made available for public review or not relied upon.

3.1.6 Land Use Resource Management Objective (Page 29):

A. The basis for management of all public lands within Weston County is multiple-use management and the management limitations identified in the land management agencies' Resource Management Plan or Land Use Plan.

3.1.7 Land Use Priority Statements:

1. Federal agencies should conduct any National Environmental Policy Act analysis using multiple-use principles that take into consideration all resources.
2. Weston County shall be notified and allowed to participate as a cooperating agency on National Environmental Policy Act projects that may influence the economic stability of the County and its residents.
3. Federal agencies should support decisions that ensure the socioeconomic well-being of Weston County citizens, maintain the culture and customs of the constituents, and consider natural resource health.
4. Federal agencies should consider the affects their decisions will make to neighboring private and state lands within Weston County.
5. When an agency decision or proposed alternative will have a negative impact to the current use of neighboring lands, that proposed decision or alternative is not supported by Weston County.
7. Federal agencies should protect and enhance access for the enjoyment of federal and state managed lands in Weston County.

3.2.3 Transportation and Access Resource Management Objective (Page 34):

A. There is full and open access to and across Weston County federal lands for local purposes such as safety, health, economic use, and use of recreation is maintained and expanded where possible.
B. Access to public lands within Weston County is maintained and expanded where possible.
C. Private property rights are protected in Weston County while facilitating rights of access.

3.2.4 Transportation and Access Priority Statements (Page 34):

1. Weston County supports the designation of all currently open motorized and nonmotorized trails, rights of way, and roads as open transportation networks.
2. No road, trail, or RS 2477 right of way within Weston County shall be closed unless public safety or health demands its closing and the proper analysis and disclosure, in consultation with the County and private property owners, is completed prior to closure.
3. Legal public access to the federal lands for all beneficial uses should be supported as long as it does not infringe on private property rights.

4. All formally established BLM and USFS public roads and rights of way in Weston County shall be considered valid unless formally abandoned, even if not presently maintained. Public trails shall be considered "public roads and highways".
5. Weston County should be notified of any temporary road closures.
6. Weston County considers any long-term (greater than one year) road closure a major federal action that significantly affects the quality of the human environment. Thus, a road on federal lands may not be closed until a full NEPA analysis has been completed including public review and coordination with Weston County. Should the agency believe that a road closure falls under a categorical exemption, the County shall be consulted.
8. Weston County requests that any planning process or activity that restricts, eliminates, or increases access to federal lands first notify and allow the County to initiate coordination and cooperation to resolve any potential conflicts with the County's objectives, principles, and policies, prior to taking action.
10. Restrictive management of roadless areas is discouraged by Weston County and multiple uses should instead be allowed.

3.4.3 Wildfire Management Resource Management Objectives (Page 46):

A. Fire suppression efforts are implemented effectively as appropriately determined through full coordination, communication, and cooperation between federal, state, and local fire-suppression units.
B. Wildfire, fuels, and fire rehabilitation are managed promptly and effectively and proactively using credible data in coordination with the Weston County Community Wildfire Protection Plan.

3.4.4 Wildfire Management Priority Statements (Page 46-47):

1. Federal agencies shall coordinate with local fire agencies on wildfire planning, management, and suppression in both urban and rural areas of Weston County.
2. In addition to aiding state and local rural fire prevention and control programs, the Secretaries of Agriculture and Interior shall provide prompt and adequate assistance whenever a rural fire emergency overwhelms or threatens to overwhelm the firefighting capability of the affected state and rural area.
3. Federal agencies shall incorporate local fire association plans into their fire suppression and control plans.
4. Federal agencies should support and renew existing Master Good Neighbor Agreements and, where they do not exist, develop a Master Good Neighbor Agreement between federal, state, and local fire-suppression units within 1-year of the adoption of this plan.
5. Federal agencies should coordinate and communicate temporary fire restrictions based on fire hazard designations to minimize the potential for human caused wildfires.
6. Federal agencies should promote the prompt rehabilitation of harvested areas and areas affected by wildfire, including the use of salvage logging operations.
7. Federal agencies should consult and coordinate with Weston County on proposed

changes and updates to Fire Management Plans on federal lands.
8. Federal agencies should participate in consideration of limited and judicious use of wildfire, rather than favoring a "let it burn" policy, in areas where invading and expanding
shrubs and trees are reducing the value of rangeland resources.
9. Post-fire objectives shall be consistent with site potential as defined in approved Desired Future Conditions or Ecological Site Descriptions.
10. Federal agencies should rehabilitate forests and rangelands damaged by wildfires as soon as possible for habitat, wildlife, and to reduce the potential for erosion and introduction of invasive or noxious weeds.
11. Weston County encourages fire suppression in areas where fire would endanger human safety, private property or valuable vegetation that supports and expands multiple uses and/or provides critical habitat for sensitive species.
12. Federal agencies should coordinate with State and local agencies to implement fire control tools such as insecticide and herbicide treatments, chemical and mechanical controls, livestock grazing, biomass fuel removal, slash pile burning, prescribed burning, and encourage knowledgeable and prepared practices to create defensible space around buildings.
13. Should grazing on federal lands be temporarily suspended due to fire, grazing should be recommenced based on monitoring and site-specific rangeland health determinations rather than predetermined timelines.
14. Livestock grazing AUMs should return to pre-fire levels when post-fire monitoring data shows established objectives have been met or have been achieved to an extent allowed by site potential.
15. Initial post-fire monitoring data should be collected within two growing seasons of the
fire and can be collected outside the agency if the appropriate monitoring protocols and
credible data criteria are followed.
16. Federal agencies should allow for adaptive grazing management practices and include these practices in term permits to allow for flexible management practices that will decrease fine fuel loads on the landscape, particularly in areas with heavy grass understory.
17. When planning prescribed burns, where feasible, market timber resources while reserving desirable seed trees, before burning.
18. Fire should not replace timber harvest and other extractive uses as a primary forest management tool.

3.5.3 Forest/Rangeland/Grassland Management Resource Management Objective (Page 53):

A. Forest lands, rangelands, and grasslands within Weston County are managed under
multiple use that promotes the timber industry, energy industry, grazing, fuels
management, and recreation and benefits the economy of the County's communities.

3.5.4 Forest/Rangeland/Grassland Management Priority Statements (Page 53-54):

1. Weston County encourages federal agency policies that support and allow for the timber industry's continued economic benefit to the citizens of Weston County. Access to forest, rangeland, and grassland products on public lands shall be ongoing and access to these sites shall be through an open road and a cross-country travel system.
2. Federal agencies should support salvage harvest, when necessary, due to insect/disease epidemic, blowdown, or post-fire situations using appropriate categorical exclusions.
3. Federal agencies should notify and coordinate forestland, rangeland, and grassland management projects with Weston County, state and local agencies, and private landowners.
4. Federal agencies should maintain and restore watershed health by demonstrating active forestland, rangeland, and grassland management.
5. Federal land managers should continue to plant and develop a wide variety of trees, shrubs, and seedlings to the vegetation community for windbreaks and shelterbelts for aesthetic, wildlife, and agricultural value.
6. Federal agencies should support excluding the maximum area of land possible from single-use or restrictive-use designations, so that excluded land is available for active and sound management.

7. Federal agencies should ensure that rangeland health assessments identify all the causal factors when there is a failure to meet the 1997 Wyoming Standards for Healthy Rangelands and that livestock grazing uses are not reduced to compensate for or mitigate the impacts of other causal factors.
8. Federal agencies should explore and use vegetation management and harvest methods, where applicable, that enhance wildlife habitat through vigorous new growth and a natural mosaic that reduces fuel loads.
9. Federal agencies should coordinate with Weston County in the development of plans to reduce fuel loads in forest, rangeland, and grassland areas that are already insect-infested and manage the remaining forested areas to minimize further infestation.

4.2.3 Soils Resource Management Objectives Page 63):

A. Soil quality and health is maintained and conserved through best management practices throughout Weston County.

4.2.4 Soils Priority Statements (Page 63):

1. Federal agencies should support projects and policies which improve soil quality and ecology throughout Weston County.
2. Federal agencies should support erosion control as a means of flood control.
3. For new soil disturbing projects or permits, federal agencies should support the implementation of best management practices to manage runoff, preservation and maintenance of topsoil, watershed management, stabilization of soil on site, and reclamation.
4. Weston County does not support land use designations or management objectives that eliminate or reduce the opportunity for implementation of practices that can improve soil health.
7. Federal agencies should consult with existing surface users, Weston County, and the Weston County Natural Resource District when developing reseeding and reclamation requirements for permittees conducting soil disturbing or degradation activities.
8. Weston County encourages local, state, and federal agencies to cooperate in defining desired plant communities on federal lands within the County to control soil erosion.

4.3.4 Mining and Mineral Resources Priority Statements (Page 67-68):

1. Weston County supports the open filing of mining claims and exploration for and development of locatable minerals, except for land withdrawn from mineral location.
2. Federal agency proposals to withdraw lands from mineral exploration or extraction shall be coordinated with Weston County prior to a decision to consider the impact of such withdrawal on the County's economic viability.
3. Federal agency decisions pertaining to mining and energy resources within Weston County affect the health, safety, and welfare of its citizens and the County requests to be notified and allowed to join as a cooperating agency for any proposed decision affecting mining and mineral resources as early in the process as is allowed by federal law.
4. Federal agency land use and management plans shall contain a thorough discussion and evaluation of energy and mineral development, including the implications such development may have on surface land uses and the Weston County economy.
5. Weston County encourages simultaneous or sequential mineral development with other resource uses in accordance with multiple use management principles in Weston County, weighing and balancing established mineral rights with other multiple uses in the development and coordination process.

4.4.1.3 Oil and Gas Resource Management Objectives (Page 74):

A. Oil and gas extraction is managed in a responsible way that promotes Weston County's economic viability along with the health of both ecosystems and the citizens of the County.

4.4.1.4 Oil and Gas Priority Statements (Pages 74-75):

1. Weston County should be informed of all potential uses of county roads and resources from oil and gas activities and associated impacts to those resources on an annual basis.

2. Weston County encourages and supports the nomination of more state and federal oil and gas leases for sale.

10. All federal agency plans, or management recommendations shall include an economic impact description that addresses the effects on energy and mining development in Weston County.

5.5.3 Water Quality Resource Management Objectives (Page 95):

A. Water quality within Weston County is maintained or improved for current and/or future uses using legally obtained credible data.

B. Watersheds are managed and maintained for productivity and water quality.

5.5.4 Water Quality Priority Statements (Page 95-96):

2. Federal agencies should prioritize locally led efforts to monitor and improve water quality, and where feasible, complete in conjunction with existing state and federal agencies.

4. Federal agencies should consult Weston County regarding federal land management decisions for their potential impact on water quality, yields, and timing of those yields; impacts on facilities such as dams, reservoirs, delivery systems, or monitoring facilities; and any other water-related proposal.

6. Any action, lack of action, or permitted use that results in a significant or long-term decrease in water quality or quantity is not supported.

7. Federal agencies should support the implementation of land management actions and practices that contribute to or maintain healthy drainages, watersheds, and aquifers.

8. Federal agencies should encourage good management and maintenance of watersheds to retain and slowly release water for the desired plant, animal, and human uses, and to reduce the risk of flash floods.

11. Federal agencies should support the construction and management of roads, bridges, culverts, cut slopes, fill slopes, and artificial surfaces to minimize water concentration, erosion, and delivery of polluted water and sediment to streams.

12. Federal agencies should implement land use improvements and practices which promote healthy drainages and watersheds.

18. Federal agencies should ensure that all management and watershed plan and land use practice modifications proposed by either local, state, or federal agencies premised on water quality issues are coordinated with Weston County and are consistent with the protection of private property rights.

5.7.3 Rivers and Streams Resource Management Objectives (Page 97):

A. Rivers and streams within Weston County are managed to maintain water quality, to maintain proper ecologic function needs, for municipal use to control flooding, and for recreational and industrial use including irrigation.

B. Rivers and streams are protected to allow continued historical uses that contributed to the custom and culture of Weston County.

5.7.4 Rivers and Streams Priority Statements (Page 97-98):

4. Federal agencies should support the continued use of rivers and streams by all users.

6. Weston County shall be consulted when impacts to rivers and streams are a potential outcome of federal action or decision.

7. Federal agencies should support projects and policies which improve or maintain the current ecological function of rivers and streams within Weston County.

8. Any new interstate water diversions, transfers, or obligations outside of those originally agreed to are not supported by Weston County.
10. Weston County requests coordination or involvement as a cooperating agency in any proposed amendments or discussions regarding river compacts.

6.2.3 Wildlife Resource Management Objectives (Page 116):

A. Wildlife is managed toward objectives using credible data and effective management plans.
B. Wildlife management objectives are developed in coordination with Weston County and local stakeholders.
C. Wildlife species and habitat are not managed above their legal designation (i.e. non endangered species are not managed as endangered species).
D. Hunting, fishing, and outdoor recreation involving wildlife is a protected multiple use.
E. Habitats should be maintained and improved to sustain viable and harvestable wildlife populations along with a diversity of non-game species, and for range and agricultural interests, further ensuring that wildlife management and habitat objectives reduce and/or avoid conflicts with other multiple uses.

6.2.4 Wildlife Priority Statements (Page 116-117):

1. Weston County supports Wyoming State management of wildlife.
2. Federal agencies should support wildlife management objectives and numbers based on what the range conditions and habitat can support and should remain dynamic as conditions change.
3. Federal agencies should support reasonable and science-based protection and restoration of critical winter range habitat, while respecting private property and considering the economic effects.
5. Weston County requests the inclusion of at least one representative from the County Commissioners as a cooperating agency for any decision-making or management decision which may affect wildlife resources in the County.
10. Weston County encourages cooperation between local, regional, state, and federal governments and private landowners in the management of big game and non-game wildlife species.
13. The management of non-ESA listed species (e.g., species of concern, species of special concern, or any other non-ESA designation) as though they are protected by the rules of the ESA is not supported by Weston County.
15. Federal agencies should provide timely responses when requested by Weston County for resource concerns, management plans, and other sensitive, candidate, or listed species.

7.1.3 Tourism and Recreation Resource Management Objectives (Page 129):

A. Recreational resources are managed to promote access and availability to the public for both tourism and recreational uses, while maintaining benefit to Weston County's economy across important industries including agriculture, mineral development, and tourism.

7.1.4 Tourism and Recreation Priority Statements (Pages 129-130):

1. Weston County shall be notified and be given the opportunity to participate as a cooperating agency at the earliest time possible for proposed federal agency actions or decisions affecting recreational and tourism opportunities in Weston County.
2. Federal agencies should coordinate with Weston County to identify and promote recreational opportunities that do not conflict with adjacent property owners or create undue burden on the limited county resources to support them.

3. Federal agencies should support access to recreational opportunities on public lands within Weston County.
5. Federal agencies should encourage a year-round multiple use management approach for use on public lands as a means of continuing and enhancing recreation opportunities within Weston County while supporting other approved uses and associated private land rights.
7. Federal agencies should coordinate and consult with Weston County to manage tourist and recreational activities based on the ability of natural resources to sustainably handle the level of impact.
10. Federal agencies should encourage recreational activities that enhance opportunities for economic development and maintain the custom and culture of Weston County.
11. Federal agencies should encourage recreational activities on the lands in Weston County that increase the capacity for federal and state land resources to provide more economic return to the County.

8.1.3 Agricultural Production Resource Management Objectives (Page 145-146):

A. Agricultural production is maintained as a viable and major component of the economy, custom, and culture of Weston County.
B. Federal actions affecting agriculture are made in consultation with Weston County.
C. The agriculture custom and culture – value opportunities, resources, and communities are preserved within Weston County.

8.1.4 Agricultural Production Priority Statements (Page 145-147):

1. Federal agencies should support development of all plans and policies that directly or indirectly affect agriculture with the intent of increasing the stability and expansion of the industry as well as encourage innovative techniques that improve the efficiency of crop and livestock production.
2. Federal agencies should quickly process permits on federal lands for the construction, maintenance, or expansion of water distribution systems to private lands, and allow maintenance where those rights already exist through a range improvement agreement.
3. Federal agency actions should be consistent with Right to Farm laws, to the extent applicable.
5. Federal agencies should support production agriculture and the responsible use of natural resources to sustain agricultural enterprises.
6. Any agricultural property damage or crop loss caused by an escaped prescribed burn, fire suppression efforts, or damage caused by government agency action, resulting in economic loss in the County shall be considered justification for economic compensation and restoration by the responsible agency to the property owner at current market values.

11. Federal agencies should encourage agricultural operations within Weston County and promote their sustainability.
12. In conjunction with ranch owners/managers, local, state and federal planning partners, develop economically sustainable strategies to maintain working ranches.
14. Federal planning-level and project-level National Environmental Policy Act documents should properly characterize and analyze the area, recognizing the benefit of ecosystem services provided by working ranches to adjacent or nearby public lands.
15. Federal agencies should notify those impacted by a National Environmental Policy Act decision and allow them to participate in the scoping process.

8.2.3 Livestock Grazing Resource Management Objective (Page 152):

A. Livestock grazing is maintained as a viable major component of the economy, custom, and culture of Weston County.
B. Weston County is consulted early in the scoping process whenever a proposed decision will impact grazing, local agriculture producers, or the economy.
C. The full amount of animal unit months on Bureau of Land Management and U.S. Forest Service Lands within Weston County are available.

8.2.4 Livestock Grazing Priority Statements (Pages 152-154):

2. Federal agencies should support the recognition and protection of the right to graze livestock on public lands through legal recognition of grazing preference rights.
4. Federal agencies should recognize locally led and coordinated resource management planning to resolve management conflicts and to ensure involvement of all interests.
6. Federal agencies should manage rangelands to maintain and enhance desired plant communities for the benefit of watersheds, wildlife, water quality, recreation, and livestock grazing.
7. Federal agencies should comply with all applicable state and federal rangeland and livestock grazing laws, with state law being applied when there is no clear federal preemption.
9. Federal agencies should utilize rangeland standards and guidelines that are scientifically proven and peer reviewed.
10. Federal agencies should facilitate range improvement projects and enhancement of habitat to benefit rangeland, soil, water, livestock, and wildlife.
13. Federal agencies should work cooperatively with the local ranchers and other interested parties to address resource concerns on a site-specific basis.
14. Federal agencies should facilitate the use of prescribed fire and other approved methods to manage sagebrush, control weeds and tree encroachment, and to enhance, maintain, or increase current grazing levels.
18. Weston County requests cooperating agency status with respect to amendments or revisions of land use plans, activity plans, or allotment management plans.
19. Livestock grazing management decisions shall be made based on the best available scientific information that is applicable to the rangeland resources in Weston County.
22. Federal agencies should support livestock grazing where appropriate on federally owned and operated lands as an integral part of habitat management.
23. Full site-specific economic and resource analysis of suspending grazing for allotment closures should be completed within one-year of closure.
25. The reduction of domestic livestock grazing animal unit months to provide additional forage for another species or strictly for conservation purposes is not supported by Weston County.
31. Federal agencies should review and incorporate legal and credible data collected by a permittee, contractors or subcontractors of a permittee, qualified team, or local government for use in management decisions.
33. Grazing rest prescriptions related to either wildfires or prescribed burns should be determined on a site-specific basis. Post-fire grazing will not be limited when unbiased post-fire monitoring and evaluation produces relevant, accurate data demonstrating that grazing will not unduly harm the range.
34. Livestock grazing should return to pre-fire levels when post-fire monitoring data shows established objectives have been met or have been achieved to an extent allowed by the site potential. Require the use of credible data as previously defined to make these determinations.

The County cannot state clearly enough the importance of our ability to access federal lands to drive vibrant economic communities. The USFS must adequately consider in the socioeconomic analysis the mineral and timber contributions to the counties and state. The USFS must include a robust socioeconomic analysis clearly demonstrating the differences between management prescriptions in the Alternatives, which includes impacts to the tax base (royalties, rents or bonus bids, severance taxes, ad valorum taxes, sales and use tax employment income, and direct and indirect employment.)

Additionally, Weston County has always been concerned that the Rule's identification process for roadless will ultimately be treated as a form of designation. The designation of wilderness and roadless areas in our national forests will have significant impacts on our ability to access those federal lands; thereby impacting the economics of our communities. The USFS must also consider the cumulative impacts of existing and proposed management restrictions on the local economics, custom and culture. For example, while the County does support proactive stewardship of our forests,

management decisions must be balanced with other resource uses and generally the County does not support overly restrictive management directives such special designations of wilderness, wild and scenic rivers or roadless areas.

For the USFSs convenience we have identified a few priority policy positions from our County Plan that are impacted by this EIS. This is not a comprehensive list and USFS is encouraged to review the entirety of the County Plan for more details:

3.3.4 Special Management Areas Resource Management Objective (Page 41):

A. Designation of new areas and management of current special designation or management lands are coordinated with Weston County and adjacent landowners and allow for multiple use.

B. No new special designation or management areas are created in Weston County without approval from the County.

3.3.4 Special Management Areas Priority Statements (Pages 41-42):

1. Weston County should be a cooperating agency on any action to designate any special management or designation areas.

2. Federal agencies shall consult and coordinate with Weston County as early as possible when considering the designation of new special designation areas and should be consistent with the Weston County Natural Resource Management Plan to the maximum extent possible.

3. Any proposed special management area designation shall undergo analysis of the economic and environmental cumulative impact to Weston County's custom, culture, and economy.

5. Weston County does not support future designations of new special management or designation areas in the County, including, Wild and Scenic Rivers, Wilderness, or Wilderness Study Areas, lands with wilderness characteristics, Areas of Critical Environmental Concern, Roadless Areas. Any proposed designation shall be coordinated with the County and undergo analysis of the impact to Weston County's economy including a pre-existing condition analysis.

7. Federal agencies should consult with Weston County when evaluating whether lands and the multiple uses on them qualify as "conserved lands" under 30x30.

8. Protecting private property rights should be the greatest priority when attempting to fulfill the 30x30 goals outlined in Executive Order 14008.

10. Weston County opposes the America the Beautiful (30x30) program, including its objective of permanently preserving 30% of the Nation's lands in its natural state by 2030, or any similar program that will set aside and prevent the productive use of millions of acres of Weston County's lands.

11. Weston County opposes the designation of lands in Weston County for the purposes as expressed in the America the Beautiful (30x30) program which may restrict public access to such land and which may prevent the development of and productive use of the resources on or within such lands.

12. Weston County supports the continued private ownership of land in the County, recognizing the Nation's need for domestic sources of minerals, energy, timber, food, and fiber.

16. Unless lands or waters are given a special management or designation in a respective agency's planning document, all public lands in Weston County should be managed for multiple use as outlined in the Multiple Use Sustained Yield Act and Federal Land Policy Management Act.

VII. Socioeconomics Must Be Adequately Considered in the Environmental Impact Statement

Economic impacts do matter. Access to federally administered lands and resources are critical to ensure the socioeconomic well-being, custom, culture and stability of our communities. In Weston County, lands under federal or state control and decisions made for public land management agencies can directly impact the service and non-service industries, public accessibility, and the demographics of an area. Effective coordination and consultation between the County, federal and state agencies is critical to ensuring that land management agencies thoroughly consider the effects that proposed actions have on custom, culture, and economic stability, conservation and use of the environment and

natural resources in the County along with multiple use. Counties receive revenue from federal lands in many ways including timber harvesting, mineral leasing and development, agriculture, recreation, travel and tourism, etc. Any curtailment of access to public lands will directly impact the socioeconomics of the County, which must be disclosed in the NEPA EIS.

The USFS must analyze for the cumulative impacts to counties specific to the management decisions under each Alternative and how they will affect local and state economic well-being along with impacts to state and private adjacent lands. In addition, the analysis should consider increased costs to state and local communities associated with a higher risk for fire management, disease and insects due to limited management direction in RACR areas.

For the USFSs convenience we have identified a few priority policy positions from our County Plan that are impacted by this EIS. This is not a comprehensive list and USFS is encouraged to review the entirety of the County Plan for more details:

7.4.3 Economic and Socioeconomic Resource Management Objectives (Page 143):

A. The socioeconomic and economic viability of Weston County is prioritized, protected, and enhanced in all federal actions or decisions.

B. Weston County is included early in the scoping process whenever an agency action or decision may impact the economic or socioeconomic viability of the County.

7.4.4 Economic and Socioeconomic Priority Statements (Page 143-144):

1. Weston County requires consultation and coordination from federal agencies at the earliest time possible for any proposed action, change of existing activities, newly permitted activities, or changes in regulations that may affect the economic basis of the County.

2. Federal agencies should support continued access to natural resources development/use on federal lands to maintain economically viable communities in Weston County.

3. Weston County supports "no net loss" in the County economic base due to federal agency decisions.

4. Federal agencies should include Weston County in all discussions regarding mitigation, if necessary, to protect the economic base of the County.

5. Federal agencies should support the analysis of social and economic factors at the lowest possible level, such as on a County-wide basis, in addition to consideration on a statewide or national scale.

6. Federal agencies should promote the economic and socioeconomic growth of Weston County and engage in consultation and coordination between federal agencies and the County regarding any issues and activities on public land that affect or influence the County's economic and socioeconomic viability.

8. Weston County supports the achievement of a sustainable balance between economic, recreational, and conservation use of lands for economic growth and quality of life.

11. Weston County requires a full analysis by the federal agencies of the impact each proposed decision or federal action will have on the local economy. If it is determined that the decision will have significant negative impact on the local economy, the alternative/decision is not supported.

Finally, the USDA must specifically consider and include the following in its socioeconomic analysis components through NEPA:

- Potential cumulative impacts of reduced mineral development or timber harvesting and overlapping land use restrictions on land allocations that directly eliminate or restrict leasing and development activities that, in turn, impact local economies, public services, and labor markets.
- Consider an in-depth analysis on where funding streams will be recovered if mineral leasing and development and timber harvesting is eliminated or significantly reduced long-term and where overlapping land allocation occur.

- Include the effects associated with state and national environmental impacts on programs going forward with the decrease of mineral leasing and development and timber harvesting impacted negatively by reduction of associated royalties, rents, severance taxes, bonus bids, sales and use taxes and property tax collections.

VIII. Conclusion

The County fully supports recission of RACR and returning the decision-making authority for roadless areas to Forest Supervisors through the forest planning process, which empowers states and local governments to work with the USFS to make management decisions that reflect the diverse ecological, social, and economic conditions that exist across national forests, counties, and states.

We appreciate the opportunity to provide input on the Forest Service's intention to prepare an EIS regarding the RACR. As the government entities closest to the land and most impacted by national forest management decisions, Wyoming counties have a deep and sustained interest in ensuring forest policy is flexible, locally tailored, and grounded in contemporary science, land use realities, and legal frameworks.

Should you have questions or require additional information, do not hesitate to contact Weston County Commissioner Chairman Nathan Todd at ntodd@westongov.com or our natural resource policy advisor Dru Palmer at dru@wyoming.com.

Sincerely,

Ed Wagoner

Ed Wagoner, Vice-Chairman
Weston County Commissioner

CC: The Honorable Governor Mark Gordon
The Honorable United States Senator John Barrasso
The Honorable United States Senator Cynthia Lummis
The Honorable United States Congressman Harriet Hageman
Jerimiah Reiman, Wyoming County Commissioners Association
Shawn Cochran, Supervisor, Black Hills National Forest

JOHNSON COUNTY COMMISSIONERS

William J. Novotny, III Jeff Shelley Steve Kozisek

September 19, 2025

Director, Ecosystem Management Coordination
201 14th Street, SW
Mailstop 1108
Washington, DC 20250-1124
Submitted via Federal eRulemaking Portal.

Re: Notice of Intent to Environmental Impact Statement for Roadless Area Conservation on National Forest System Lands

Dear Director Kinder:

As a Cooperating Agency and the home to the Powder River Ranger District of the Bighorn National Forest, Johnson County registers the following comments on the United States Forest Service (USFS) Notice of Intent to prepare an Environmental Impact Statement (EIS) regarding the 2001 Roadless Area Conservation Rule (RACR) on the national forest.

Johnson County serves as a legal extension of the State of Wyoming with statutory and regulatory authority at the local level. County governments are actively engaged in the National Environmental Policy Act (NEPA) processes to help our federal partners create, revise and amend management plans that encourage productive and enjoyable harmony between man and his environment. 42 U.S.C. § 4321. Wyoming counties take our responsibility as local governments seriously and strive to ensure our communities are economically vibrant, safe, and healthy places to live, work, and recreate. Wyo. Stat. § 18-5-208(b).

Well-managed national forests are a crucial component of achieving our goals as local governments. Federal Executive Order (EO) 14072 *Strengthening the Nation's Forests, Communities, and Local Economies*, recognizes this relationship and expressly connects local economies with forest management activities. (EO, pg. 24851). As a co-regulator, Johnson County has prepared comprehensive land use and natural resource plans to serve as the basis for communicating and coordinating with the federal government and its agencies on land and natural resource management issues. These natural resource management issues include ecosystem services, water, wildlife habitat, industrial development, and recreation.

Communication, coordination, and collaboration with the USFS are vital as management decisions can significantly impact the customs, culture, and socioeconomics of Johnson County. We look forward to serving as an active partner throughout the development of the EIS to help the USFS in crafting a reasonable range of alternatives, ensuring a durable management framework, with the overarching goal of advancing locally supported conservation based on the needs of specific forests, community safety, resilient and working forests that meet the USFS's multiple use and sustained yield mission.

76 North Main Street • Buffalo, WY 82834
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I. Executive Summary

We hold that land management decisions for the national forests in Wyoming are best made as close to "on-the-ground" as possible, in coordination and cooperation with state and local governments. The governing authority concerning the management of national forests in Wyoming should occur under the 2012 Forest Planning Rule in compliance with NEPA. This protects our forests and communities from one-size-fits-all rules and decisions from the Washington office and allows for better, more durable decisions that reflect the needs of the forests and our communities.

Johnson County is supportive of the USFS's efforts to review the RACR. Our support is not based on a perceived need for commercial timber roads to be developed everywhere within the forests of Wyoming, but on the principle that forest managers - and their state and local partners - need to have the authority to make management decisions that reflect the diverse ecological, social, and economic conditions that exist across forests, counties, and states.

Wyoming boasts a diversity of counties with unique histories and values based on distinct forests with varying ecology and opportunities. Local governments in Wyoming work tirelessly with USFS partners to develop appropriate frameworks within the cooperating agency process for forest plans that reflect and appreciate the diversity within our forests and communities. We desperately need forest managers to have the authority and flexibility to work with us to address contemporary challenges and opportunities. The forest planning process is designed to provide flexibility, durability, and community buy-in necessary to promote healthy forests and communities across the nation.

EO 13132 – *Federalism*, is especially applicable to the concept of local forest planning in which it directs federal agencies to treat state and local governments as collaborative partners. Section 2(a) of the EO states "Federalism is rooted in the belief that issues that are not national in scope or significance are most appropriately addressed by the level of government closest to the people." Section 2(i) of the EO provides, "The national government should be deferential to the States when taking action that affects the policymaking discretion of the States and should act only with the greatest caution where State or local governments have identified uncertainties regarding the constitutional or statutory authority of the national government."

When the RACR was developed in 2001, it superimposed maps drawn in the 1970s for potential Wilderness designation without consideration of the impacts it would have on existing forest plan direction. Additionally, in the development of the RACR, the USFS failed to engage state and local governments as cooperating agencies under NEPA. Consequently, the RACR sidelined the very governments impacted the most by the establishment of the rule.

Addressing RACR is the first step to returning forest management tools to millions of acres of national forest lands in Wyoming. Johnson County supports the Department's proposal to evaluate the RACR and return decisionmaking authority to the forests. Doing so will yield more flexible, politically durable, and locally supported outcomes, compared to a one-size-fits-all rule from the Washington Office. This comment letter (1) summarizes Wyoming's on-the-ground experience under RACR, (2) explains why forest-plan-level decisions are the right scale for roadless area management, and (3) offers specific recommendations for cooperating agency

engagement and the development of reasonable alternatives to ensure a durable outcome and effective EIS.

II. Background

The Bighorn National Forest is one of the oldest national forests in Wyoming, created February 22, 1887, pre-statehood of Wyoming. It was initially established by President Grover Cleveland as the Big Horn Forest Reserve. Today, the forest spans 1.1 million acres.

A. Roadless Acres in Wyoming

Of the 193 million acres of land across 154 national forests and 20 national grasslands, approximately 30% (58.2 million acres) are identified as Inventoried Roadless Areas (IRA). These IRAs are predominantly located in the west, with national forests in Wyoming containing 3,257,000 IRA. The Bighorn has 689,770 IRA acres which is 62% of the forest.

B. RACR Represents a top-down approach to forestry management

RACR was developed in DC, not Wyoming.

"In just 14 months, the Clinton administration restricted management of 58 million acres — nearly a third of all national forest lands — under a sweeping one-size-fits-all policy. That pace was unprecedented for a decision of such magnitude. And while it made headlines, it trampled carefully developed forest plans that had been crafted under the National Forest Management Act (NFMA). These plans were not abstract exercises; they were the result of years of collaboration among local communities, environmental groups, ranchers, firefighters, water managers, and state agencies. Forest supervisors had worked painstakingly with stakeholders to balance multiple uses and environmental stewardship. All of that was cast aside in favor of a quick national fix. The process also cheated the public by shortchanging the National Environmental Policy Act (NEPA), which is supposed to ensure honest analysis and meaningful public involvement." (Cables. 2025).

III. RACR's application in Wyoming

Following are Record of Decision dates for current Forest Plans for the Bighorn National Forest from 9/30/2005:

- The 2005 Bighorn NF Forest Plan Revision FEIS (p 3-326) references the revised definition of "Inventoried Roadless Areas" from 36 CFR 294.11, and states that "The 2005 roadless inventory was completed as part of the revision analysis process. This inventory will be used for all Revised Forest Plan implementation activities, and replaces all previous roadless inventories." However, that apparently did not happen as planned. (note - we're still researching details)

A. Conflicts with Wildlife Habitat Restoration

Wyoming Game & Fish Department's (WGFD) Statewide Habitat Plan (SHP, 2020) delineates Restoration Habitat Areas - places that "can and should be actively restored to achieve greater wildlife value," identified by regional teams of aquatic and terrestrial biologists. WGFD publishes both Terrestrial and Aquatic Restoration Habitat Priority areas to guide partners on

where wildlife habitat treatments are most likely to succeed over the next five years. These priorities apply across ownerships, including National Forest System lands.

Because Johnson County's IRA's, many of WGFD Terrestrial Restoration Habitat Priorities are within IRA's. Where that overlap occurs, RACR's prohibitions on road construction and its tight limits on timber removal materially constrain the very actions the SHP calls "active restoration" - for example, aspen regeneration that depends on conifer removal, sagebrush–mountain-shrub restoration, or targeted fuels work to restore big-game transitional and winter range. The result is fewer acres treated, higher unit costs, and lost windows of ecological opportunity in precisely the landscapes WGFD and local partners have prioritized.

B. Drinking water infrastructure critical to Wyoming communities

Forests, particularly national forests, are the headwaters for Western communities: the USFS reports that in the West, national forests and grasslands supply drinking water to nearly 90% of people served by public water systems, and USFS lands contribute a disproportionately large share of the region's surface water supply (https://www.fs.usda.gov/about-agency/features/new-research-reveals-how-critical-forests-are-drinking-water-supply). In Wyoming, the management (or lack thereof) of vast amounts of IRAs in critical watersheds can and have posed considerable complications with source water protection for local communities. The City of Buffalo and six of our neighbor community's municipal watersheds are in the Bighorn National Forest where and 2/3 of the acreage in those watersheds is in IRAs. These three watersheds (HUC 100901010101, 100901010102, 100901010103) consists of 75% IRA's or Federally Designated Wilderness. That is 75% of those watersheds that have limited management tools to effectively manage lands to prevent catastrophic wildfire and reduce treatment costs for safe drinking water.

RACR complicates scaling the kind of proactive, plan-consistent source-water protection where priority acres lie inside IRAs - precisely where road access for treatment corridors may be needed to reach stands, install control lines, or remove hazardous fuels. The water-quality stakes are not hypothetical: federal science agencies document that severe wildfire can trigger years of elevated turbidity, sediment, nutrients, and metals in drinking-water supplies, driving costly emergency operations, dredging, and treatment upgrades (https://www.usgs.gov/mission-areas/water-resources/science/water-quality-after-wildfire#overview). Given that RACR restricts the very tools (mechanical fuels work, strategic access) needed to pre-empt such impacts in certain watersheds, its one-size-fits-all constraints are misaligned with local needs in Wyoming.

C. Effects on Wyoming's Forest Products Companies

The volume of timber sold from all national forest lands in Wyoming dropped 55% from FY 1999 to FY 2000 and continued at approximately that reduced level through FY 2003; it wasn't until FY 2004 that the volume of timber sold from national forest lands in Wyoming exceeded the FY 1999 level. That decline in timber sale volumes was the cumulative result of several factors, of which the 2001 RACR decision was notably significant. Four sawmills in Wyoming shut down permanently during the period 2005 to 2009 including a mill in the county immediately adjacent to Johnson County and the Bighorn National Forest. Each of those sawmills depended heavily on timber sales from the national forests and their closure can be

attributed almost entirely to the uncertainty about timber quantity and quality from the adjacent national forests.

D. Risk of Fires

As pointed out in the NOI, nearly half of all Inventoried Roadless Areas are now rated as High or Very High wildfire risk. In Wyoming, according to Forest Service data, 2.1 million of the 3.3 million acres of Inventoried Roadless Areas are mapped as High or Very High wildfire risk and identified as Forest Health and Fuels Emergency Lands.

E. Built on Outdated Maps

In 2001, the Forest Service promulgated the Roadless Area Conservation Rule to prohibit road building and timber harvest within IRA's as identified on RARE I and RARE II mapping from the 1970s with no adjustments to the boundaries to reflect management actions that had occurred in the interim.

In today's world, with modern mapping and remote sensing technology available to anyone willing to learn and an emphasis on using "best available science" in the 2012 Planning Rule, it's hard to imagine that the US Forest Service is still relying on 50-year old roadless area maps that were hand-drawn with no intention of them being used as a basis for national policy and restrictions half a century later.

Because the RACR used outdated RARE II maps to identify Inventoried Roadless Areas, the national forests in Wyoming contain numerous areas within "Inventoried Roadless Areas" that, in fact, have well-used and maintained roads, areas with historic forest management, and have been identified as suitable timberlands for ongoing forest management. There is also at least one developed Forest Service campground within an Inventoried Roadless Area. In particular, the RACR Inventoried Roadless Areas for the Bighorn National Forest contain areas with approximately 390 miles of Forest Service System Roads and associated history of forest management. The following photograph shows a well-established Forest Service Road within an Inventoried Roadless Area on the Bighorn National Forest.



F. Technical Corrections

Theoretically, the updated definition of Inventoried Roadless Area in the RACR includes an opportunity to update or revise the maps through the land management planning process. The results have been mixed.

In 2021, the Bridger-Teton proposed, and the Chief authorized, corrections to IRA boundaries on the Washington Office IRA maps in 4 areas for a reduction of 13,092 acres.

As previously discussed, however, the Washington Office failed to update the RACR IRA maps to reflect the Bighorn National Forest's updated Inventoried Roadless Area maps completed as part of the 2005 forest plan revision.

Wyoming Governor Matt Mead sought to address the issue in the Bighorn by funding the Bighorn National Forest Roadless Collaborative which prepared a correction to the maps. This recommendation was recently presented to the Chief of the National Forest and the four counties in Wyoming who host the Bighorn were requesting a technical correction to the map.

G. RACR disregards local forest plans

The RACR gives Forest Service Line Officers very little ability to implement proactive management projects in IRAs to reduce the risk of catastrophic wildfire and insect epidemics, including removal of timber as a byproduct of those treatments. The RACR also overrides Forest Plan direction that would have otherwise allowed the Forest Service to implement ongoing forest management projects. Finally, the RACR has limited the Forest Service's ability to implement proactive measures needed to reduce the threat of catastrophic fire and mountain pine beetle epidemics in municipal watersheds.

IV. Changes in conditions in Wyoming's Forests since RACR

-many more acres of fire

Wildfire across the western US has increased in size, frequency, and severity since the 1950s. These changes are closely linked with increases in temperature and an increased frequency and intensity of drought. (Wasserman 2020)
161,966 acres of NFS lands in WY burned in 2024, in particular, the 98,000 Elk Fire in the Bighorn National Forest. (NIFC 2024 Annual Report)
Although roadless areas in the western United States experienced fewer fire ignitions over the last three decades and are generally cooler, moister, and higher elevation landscapes less conducive to fire, wildfire extent was greater in these areas than in roaded areas. (Johnston 2021)

-many more acres of insect epidemics

There were approximately 1,207,000 acres of mortality attributed to insects and disease from 2001 to 2024 within national forest IRAs in Wyoming.
Approximately 814,000 acres of national forest IRAs in Wyoming are considered at risk of a 25% loss in standing live basal area over the next 15 years due to insect and disease mortality.

-expansion of WUI

A 2022 paper (Mockrin et al, 2022) found that national forests are a focal area for WUI growth, within and around national forests, rates of WUI growth were higher than WUI growth in the rest of conterminous United States.

-the benefits of proactive management have become more evident, not just in WUI, but including entire ecosystems

-An increase in the pace and scale of forest treatments is necessary to mitigate for the increased wildfire activity across the West (Wasserman, 2020)

-the Forest Service approved and is implementing the 2012 Forest Planning Rule, which, among other things, requires the use of best available science, emphasizes public and local government participation, and changes the Responsible Office from Regional Foresters to Forest Supervisors (i.e., closer to the ground and to the people who live, work, and play in the national forests) for forest plan revisions.

- Higher demand for recreation

V. Specific Comments

Johnson County supports returning the decision-making authority for roadless areas to Forest Supervisors through the forest planning process. Empower states and counties to work with the

USFS to make management decisions that reflect the diverse ecological, social, and economic conditions that exist across national forests, counties, and states.

A. Cooperating agency involvement:
The USFS would benefit from the meaningful engagement of Wyoming counties in the development of its EIS. Beyond an exhibited commitment supporting the USFS through project and planning efforts for decades, Wyoming counties have local expertise, data, and jurisdiction of the lands impacted by RACR that would benefit the EIS.

B. Alternatives Evaluated:
The Notice of Intent identified two alternatives - the No Action and the Proposed Action (rescission of the RACR). For all detailed statements, under 42 U.S.C. 4332(C)(iii), there must be "a reasonable range of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternatives, that are technically and economically feasible, and meet the purpose and need of the proposal."

Therefore, for legal sufficiency, we encourage the USFS to develop and analyze additional alternatives, that are technically and economically feasible, and meet the purpose and need of the proposal. While the WCCA is not advocating for any particular alternative, such alternatives may include:

- The USFS could propose to modify the boundaries of IRAs to remove specific areas (such as the WUI, areas adjacent to or between existing roads, municipal watersheds, etc.)
- The USFS could also propose an alternative to empower USFS supervisors to consider amendments to IRAs through forest plan amendments and revisions. Additionally, technical corrections to IRAs could be resolved by USFS supervisors, instead of needing to be adopted by the Chief of the USFS. Provisions could contain county and state sign-off as well, to ensure that changes to IRA boundaries are in accord with local and state plans.

It is also worth noting in the EIS that whatever alternative is selected, millions of acres of "roadless areas" will continue to be "roadless" in perpetuity due to topography, isolation, resource values, cost/benefits, etc.

C. Impacts of establishing RACR

The Notice of Intent requests public comment on the "impacts of rescinding RACR." However, rescinding RACR will not authorize any specific project, road, or timber sale. Wyoming communities and forests have seen impacts from the implementation of RACR.

D. Impacts of rescinding RACR:

Rescinding RACR does not authorize any additional management decisions. Building roads or not building roads for commercial timber harvest is still a management decision that must comply with a Forest Plan, NEPA, and other environmental laws.

However, rescinding RACR would create opportunities to address a host of challenges and objectives across landscapes through proactive management. Fires, insects, disease, watershed health, wildlife habitat, resiliency of old growth stands etc.

Additionally, there are impacts we saw from the implementation of RACR. In Wyoming, we saw several mills close after the RACR was created. There are also studies concerning the number of fires in IRA areas, severity of fires, where fires start, and burned acreages. While topography and the ability to address fires play a significant role, we have seen higher percentages of fires starting in IRA, a higher percentage of high-severity fires in IRA, a larger percentage of IRA acreage being burned than non-IRA acreage.

E. Roadless Values:
The RACR documents repeatedly characterize IRAs as having the following values – 1) high quality or undisturbed soil, water, and air, 2) sources of public drinking water, 3) diversity of plant and animal communities, 4) habitat for T&E, proposed, candidate, and sensitive species and for species dependent of large, undisturbed areas, 5) Primitive, Semi-primitive, non-motorized, and Semi-primitive motorized recreation, 6) Reference landscapes, 7) natural appearing landscapes with high scenic quality, and 8) traditional cultural properties and sacred sites. Those values, however, are not limited to IRAs and we urge you to be clear about that in your analysis.

F. Maps.
Retire the RARE I and RARE II Maps**:** Considering that the RARE I and II maps are now approximately half-a-century old, we recommend that you include, as part of the preferred alternative, "retiring" the set of maps referred to in 294.11 along with direction clarifying that RARE I and II maps are not for further use.

VI Conclusion.
Johnson County looks forward to participating in the rule recission process as a Cooperating Agency and ensuring the interests of Johnson County are considered.

Sincerely,

William J. Novotny, III
Chairman Johnson County Board of Commissioners

References:
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Mockrin, M.H. et al. 2022. Growth of the WIldland-urban interface within and around U.S. National Forests and Grasslands, 1990-2010. Landscape and Urban Planning 218 (2022)
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The Nature Conservancy. 2023. The Value of Wyoming's Forests. https://storymaps.arcgis.com/stories/c53989e5537c435c98ece0c61d6fdc3e

Wyoming Game and Fish Department
Conserving Wildlife, Serving People
Governor Mark Gordon • Director Angi Bruce

Commissioners
Ashlee Lundvall, President
Mark Jolovich, Vice President
Rusty Bell
Bill Mai
Carlisle "Fonzy" Haskell
John Masterson
Kenneth D. Roberts

September 19, 2025

WER 9567.06
U.S. Department of Agriculture
Forest Service Notice of Intent FS–2025–0001

The Honorable Brooke Rollins
Secretary of Agriculture
Washington, DC

Dear Madam Secretary:

The Wyoming Game and Fish Department (Department) has reviewed the proposed Notice of Intent to prepare an environmental impact statement (EIS) and rulemaking for Special Areas; Roadless Area Conservation; National Forest System Lands. We offer the following comments for your consideration.

The Department supports locally based decision-making regarding management of roadless areas. In Wyoming, inventoried roadless areas overlap with areas we have identified as Terrestrial Habitat Restoration Areas. This overlap has, at times, limited our ability to cooperatively implement certain types of habitat improvement projects on Forest Service lands. We encourage the USDA to consider alternatives and rules which allow for state wildlife agencies to engage with the Forest Service to plan and implement projects that benefit wildlife in areas currently identified as roadless.

The Department is also supportive of the development of alternatives and rules which continue to maintain the long-term functionality of wildlife habitat within roadless areas. These areas are particularly valuable to wildlife because the lack of motorized access provides essential security, cover, and connectivity for numerous wildlife species. While we support project activities that benefit wildlife and forest health in the inventoried roadless areas, we encourage close collaboration on post-treatment travel management to help ensure long-term habitat values such as security, cover, and connectivity remain intact.

Thank you for the opportunity to comment. If you have any questions or concerns please contact me at (307) 777-4501.

Sincerely,

Doug Brimeyer

Doug Brimeyer
Deputy Director

Brad Kinder, Acting Director
Ecosystem Management Coordination
United States Forest Service
201 14th Street SW, Mailstop 1108
Washington DC, 20250-1124

September 19, 2025

Re: USDA-FS-2025-0001 : Notice of Intent to Prepare an Environmental Impact Statement – Roadless Area Conservation

Dear Director Kinder,
The Department of Wyoming State Parks & Cultural Resources, Division of State Parks, Historic Sites, and Trails and the Office of Outdoor Recreation (State Parks), respectfully submits comments on the Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS) published in the Federal Register on August 29, 2025 (Vol. 90, No. 166) which would prompt rulemaking to rescind the 2001 Roadless Area Conservation Rule (2001 Roadless Rule).

Wyoming State Parks seeks opportunities to enhance our state's cultural and recreational amenities and networks while supporting their appropriate management. Our mission emphasizes the need for education, responsible use, and dedicated maintenance programs that enable strong partnerships between government agencies, non-profit organizations, and local communities. State Parks advocates for a balanced approach to all types of recreation, protecting the natural and cultural resources they influence. We work closely with the United States Forest Service (USFS) at all levels to ensure continued education and on-the-ground enforcement.

State Parks recognizes the power of cooperation and supports forest management that is influenced by local data and collaborative decision-making. Planning efforts that acknowledge the benefit of cooperating agencies, public input, and the diversity of Wyoming's resources and recreational opportunities provide the best opportunity to balance the needs of multiple use and achieve lasting success.
Recreation in Wyoming relies on the protection of natural and cultural resources. We support other state agencies and local cooperators in protecting the resources under their purview and

influencing policy that impacts wildlife, wildfire, water quality, and other critical aspects of forest management.

With that in mind, Wyoming State Parks aligns with other Wyoming agencies to support the rescission of the Roadless Rule. We encourage an EIS that includes additional options to meet the requirement of a reasonable range of alternatives. These alternatives should address allowing the state, with forest supervisors, to analyze forest management conditions and to evaluate roadless areas. This would lead to better understanding of what treatments are needed where, allowing for roadless or similar treatments as a viable use of the forest.

Both roadless and developed recreation areas are beneficial for recreation. While Wyoming has historically opposed the 2001 Roadless Area Conservation Rule (RACR), the original goal of the rule to protect forests should be considered. If the 2001 Roadless Rule is removed, better management practices will be needed to protect certain areas, a point supported by several recreation groups. Some have argued that roadless management is a valid multiple use, especially when it aligns with regional and local plans and preferences. Roadless management can be supported outside of RACR with tools like the Recreation Opportunity Spectrum, statewide comprehensive outdoor recreation plans, county land use plans, and other public feedback including collaborative recreational planning efforts.

Other considerations include a need for well-planned trails connectivity, including loop trail connections that encourage natural resource protection and responsible recreation use. There are miles of snowmobile trails and backcountry use in and around roadless areas. Off-highway vehicle routes often terminate at the roadless boundary; loop trails provide a logical turnaround are proven to be a successful management tool by providing routes and discouraging user created trails. Temporary logging roads show huge potential as converted trails, reducing expenses both for decommissioning and for constructing new recreation trails. Durable travel management plans should be developed in conjunction with updated forest management plans and prepared with adequate local engagement and consideration in mind. Partnerships with state agencies, local governments, and NGOs will continue to be important in achieving success, particularly whenever there are federal staffing and funding challenges.

We welcome any questions and can provide further details; please contact Carly-Ann Carruthers, Planning Manager, at 307-777-6968 or CarlyAnn.Carruthers@wyo.gov.

Sincerely,

Chris Floyd
Deputy Director

BRUCE WESTERMAN OF ARKANSAS
CHAIRMAN

VIVIAN MOEGLEIN
STAFF DIRECTOR

JARED HUFFMAN OF CALIFORNIA
RANKING DEMOCRAT

ANA UNRUH COHEN
DEMOCRATIC STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

September 19, 2025

The Honorable Brooke Rollins
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

The Honorable Tom Schultz
Chief
U.S. Forest Service
1400 Independence Avenue S.W.
Washington, D.C. 20250

Re: Docket (FS-2025-0001) Environmental Impact Statements; Availability, etc.: Special Areas; Roadless Area Conservation; National Forest System Lands

Dear Secretary Rollins and Chief Schultz,

The Roadless Rule provides a critical and commonsense safeguard for the nearly 60 million acres of roadless areas on National Forest System lands. I write to voice my strong opposition to its repeal, as increased logging and development of these areas jeopardize abundant outdoor recreational opportunities, clean drinking water for millions of Americans, and essential habitat for a wide range of wildlife.

On August 29, 2025, the U.S. Department of Agriculture (USDA) publicized a Notice of Intent (NOI), the first step in its formal rescission of the 2001 Roadless Rule. USDA provided just 21 days for public comment; however, typical public comment processes run anywhere from 30 to 90 days, making three weeks insufficient for members of the public to prepare adequate responses. Notably, when the original Roadless Rule was developed in 2001, the Forest Service hosted approximately 430 public meetings, collaborated with seven other federal agencies, and consulted with more than 180 Tribes and Tribal Governments. During these public comment periods, 1.6 million public comments were collected, over 95% of which were strongly supportive of protections for roadless areas. Extensive public engagement should inform a consequential decision that impacts nearly 60 million acres of our national forests, and I urge you to extend the comment period to a full 45 days for public comment and 120 days for Tribal consultation.

California has more national forest acreage than any other state in the lower 48,[1] and within California, around 4 million acres are protected under the Roadless Rule.[2] In California's Second Congressional District, rescinding the Roadless Rule would remove critical environmental protection for hundreds of thousands of acres in the Shasta-Trinity National Forest, the Mendocino National Forest, and the Six Rivers National Forest. In the Six Rivers National Forest alone, 150,000 acres of Inventoried Roadless Areas (IRAs) would be at risk of development.[3] About 1.4 trillion gallons of water per year come from the Six Rivers National Forest, providing clean water to communities, homes, and wildland habitats with an estimated wholesale market value of over $428 million. Over 165,000 people visit Six Rivers National Forest to recreate annually, spending about $7.8 million during their trips and contributing more than $2.4

[1] Congressional Research Service, *Forest Service Inventoried Roadless Areas (IRAs)*, August 28, 2020. https://www.congress.gov/crs-product/R46504
[2] U.S. Forest Service, Map of Inventoried Roadless Areas on National Forest System Lands. https://www.fs.usda.gov/sites/default/files/roadless-map-california-high-resolution-fsmrs-072344.pdf
[3] Lost Coast Outpost, "150,000 Acres of Six Rivers National Forest Wilderness Could Lose Protection if Trump Administration Rescinds Roadless Rule," (August 2025), https://lostcoastoutpost.com/2025/aug/29/roadless-rule/

million towards the wages and income of local businesses.[4] Logging and development in these areas threaten the clean water and recreational opportunities that drive rural economies and sustain healthy communities in my district. Additionally, 154,332 acres of IRAs would lose protection in the Mendocino National Forest, including nearly 30,000 acres within the Berryessa Snow Mountain National Monument.[5] Given the importance of these areas, prominent local environment groups like CalWild, the Environmental Protection Information Center, and Tuleyome have joined to condemn the Administration's actions.

Stakeholders throughout California understand the importance of the Roadless Rule. In California alone, National Forests make up 20% of the state and supply 50% of the runoff for drinking water.[6] Roadless areas provide key sources of clean drinking water for communities. According to the Forest Service's own preamble issued as a part of the original rule's promulgation, "Although the inventoried roadless areas comprise only 2% of the land base in the continental United States, they are found within 661 of the over 2,000 major watersheds in the nation."[7] National Forest System lands also save downstream communities millions of dollars in water filtration costs. Repealing the Roadless Rule risks the loss of clean water for millions—an especially misguided move as the West faces continued megadrought and water crises.

The intact ecosystems found in roadless areas are also working landscapes that sustain critical fish and wildlife habitat[8] and riparian areas,[9] fueling local economies with tourism, fishing, and recreation. In fact, 70% of the public land within roadless areas is home to native trout or salmon, including cutthroat trout in the Rockies, brook trout in Appalachia, and salmon and steelhead in the Pacific Northwest and Alaska.[10] Repealing the Roadless Rule would put these critical watersheds at risk of degradation from erosion, sedimentation, and contamination, compromising the local communities that depend on healthy roadless ecosystems for the health of their economies or for foraging and subsistence rights of Tribal Nations.

Supporters of rescinding the Roadless Rule argue that it is a barrier to active forest management and wildfire prevention.[11] This is not accurate. The Roadless Rule has allowances for fuels management and timber harvest under certain circumstances, including to reduce fuel loads in the wildland-urban interface and to improve habitat for threatened, endangered, or sensitive species. In fact, the Forest Service's own research shows that roadless areas have historically received a larger proportion of fuels management projects than other areas of the National Forest System.[12] Additional research shows that fire ignitions are more likely to

[4] U.S. Forest Service, "Nature's Benefits Six Rivers National Forest in California," (August 2020), https://www.fs.usda.gov/emc/economics/documents/at-a-glance/benefits-to-people/pacificsw/BTP-SixRivers.pdf
[5] Tuleyome, "Final Days to Comment on Roadless Rule Rollback," (September 2025), https://api.neonemails.com/emails/content/8m9re1JSX0UB7NEIUSkjWIVWzrjjeHrjgi8vZO4pZCQ=
[6] Geos Institute, *National Forest Roadless Areas and Clean Water.* July 2011. https://geosinstitute.org/wp-content/uploads/2010/08/FINAL_Clean_Water_report_6.30.11.pdf
[7] FEIS Vol. 1, 3-50.
[8] Matthew S. Dietz, Kevin Barnett, R. Travis Belote, Gregory H. Aplet, *The importance of U.S. national forest roadless areas for vulnerable wildlife species*, Global Ecology and Conservation. December 2021. https://doi.org/10.1016/j.gecco.2021.e01943
[9] McKinley J. Talty, Kelly Mott Lacroix, Gregory H. Aplet, R. Travis Belote, *Conservation value of national forest roadless areas,* Conservation Science and Practice, September 2020. https://doi.org/10.1111/csp2.288
[10] Trout Unlimited, "Roadless is more," (August 2025), https://www.tu.org/magazine/conservation/roadless-is-more/
[11] U.S. Forest Service Chief Schultz, "It's time for common-sense roadless reform," (June 24, 2025), https://www.fs.usda.gov/inside-fs/leadership/its-time-common-sense-roadless-reform
[12] Sean P. Healy, *Long-term forest health implications of roadlessness,* Environmental Research Letters. September 2020. https://doi.org/10.1088/1748-9326/aba031

occur near roads than in the backcountry. A recent report examining all fire ignitions across the country on national forest lands from 1992 to 2024 found that ignitions are far more likely to occur near roads and are far less likely in roadless and wilderness areas.[13] Notably, the original Roadless Rule also allows road construction for wildfire response. Claims that repealing the Roadless Rule would improve forest management or community safety clearly ignore the evidence and would only serve to increase wildfire risk.

Roads are also expensive to maintain and a drain on taxpayer resources. The nearly 370,000 miles of Forest Service roads that cross the national forests have resulted in a $4.85 billion backlog of road maintenance.[14] This fiscal irresponsibility will only continue with increased logging and development in the 45 million acres at risk if the Roadless Rule is rescinded. Instead, the Administration should prioritize preserving and maintaining existing roadless areas to provide outstanding dispersed recreation opportunities such as hiking, cross-country skiing, mountain biking, hunting, and fishing, which contribute to a $1.2 trillion outdoor economy. Rescinding the Roadless Rule would roll back protections on 25,121 miles of trails, 8,659 climbing routes, 768 miles of whitewater, and 10,794 miles of mountain biking—risking continued access to treasured recreation areas across the nation.[15]

For over two decades, the Roadless Rule has protected 58 million acres of high-quality and unfragmented National Forest System lands, ending decades of unsustainable road building and spiraling maintenance costs while still permitting fuels treatment, fishing, hunting, OHV use, mining, grazing, oil and gas leasing, and timber projects to improve forest health and prevent wildfire. Repealing the Rule would be a profound mistake, locking in a future of increasingly severe wildfires, fiscal irresponsibility, and water scarcity. I urge you to abandon this reckless course and uphold the Roadless Rule's protections.

Sincerely,



Jared Huffman
Ranking Member
House Committee on Natural Resources

[13] The Wilderness Society, *Three-decade record of contiguous-U.S. national forest wildfires indicates increased density of ignitions near roads*. June 2025. https://earthjustice.org/wp-content/uploads/2025/06/updated-summary-roads-and-fire-.pdf
[14] GAO, *Deferred Maintenance: Agencies Generally Followed Leading Practices in Selections but Faced Challenges.* January 2024. https://www.gao.gov/assets/870/865801.pdf
[15] Outdoor Alliance, *Defend America's backcountry forests.* https://www.outdooralliance.org/roadless

Congress of the United States

Washington, DC 20515

September 9, 2025

The Honorable Brooke Rollins
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave
Washington, D.C., 20250

The Honorable Tom Schultz
Chief
U.S. Forest Service
1400 Independence Ave
Washington, D.C. 20250

Dear Secretary Rollins and Chief Schultz,

We write with concern that, in affording just 21 days for public comment, the U.S. Forest Service is not providing an adequate opportunity for meaningful public participation on its Notice of Intent to prepare an Environmental Impact Statement (NOI) for the proposed repeal of the Roadless Rule. We respectfully request that you extend the comment period by at least thirty days. We also encourage you to conduct more robust stakeholder engagement, including by holding public hearings in all states with Inventoried Roadless Areas (IRAs) and consulting proactively with Tribal governments.

The Roadless Rule is a landmark public-lands rule that has ensured the responsible management of nearly 60 million acres of National Forest System land and the irreplaceable resources they provide since its inception. Its repeal represents a major shift in the longstanding management of lands in virtually all federal forests across the country – forests that our constituents care deeply about. This includes protections of over half of the 17 million-acre mature and old-growth Tongass National Forest in Alaska – America's largest forest and last remaining temperate rainforest – which offers critical opportunities for Tribal subsistence, tourism, outdoor recreation, and carbon sequestration. Twenty-one days is simply not enough to provide the opportunity for meaningful participation that the National Environmental Policy Act (NEPA) requires.

This is an issue with broad public interest from conservationists, recreationists, Tribal communities, and more. When the Roadless Rule was first adopted, more than 1.6 million comments were submitted in favor of the rule. Everyday Americans have a real stake in this issue, and twenty-one days is simply not enough time for individuals to take time out of their busy lives to research, prepare, and submit meaningful comments on such a complex and significant issue. The U.S. Department of Agriculture (USDA) held more than 400 public meetings across the country during the 2001 Roadless Rule rulemaking process and has a responsibility to similarly ensure adequate opportunity for the public to weigh in on the proposed repeal.

Additionally, it is the responsibility of the U.S. Government to hold robust and meaningful Tribal consultation with any impacted Tribal governments. Considering the breadth of the Roadless Rule's purview, numerous Tribes will be impacted, and to our knowledge there has been virtually no Tribal consultation on this significant and sudden policy shift. This is contrary to the Forest Service's protocol, which requires a minimum tribal consultation period of 120 days for national-level decisions.

Participation by Tribes, local governments and by the public, "in cooperation" with the federal government, is central to the democratic process, and execution of the National Environmental Policy Act ("NEPA")[1]. As the U.S. Supreme Court has explained, NEPA guarantees that "relevant information will be made available to the

[1] 42 U.S.C. 4331(a).

larger audience that may also play a role in both the decision-making process and the implementation of that decision."[2] Allowing the public to participate early on addresses NEPA's "manifest concern with preventing uninformed action," because it is through the "broad dissemination of information" that "the public" can "react to the effects of a proposed action at a meaningful time."[3]

Considering the complex nature of this proposal and the widespread local and national interests likely to be affected, we strongly urge you to provide a minimum of 45 days for the public to comment and participate in public hearings, and 120 days for Tribal consultation.

Sincerely,

Andrea Salinas
Member of Congress

Maria Cantwell
United States Senator

Yassamin Ansari
Member of Congress

Ruben Gallego
United States Senator

Adam Smith
Member of Congress

Martin Heinrich
United States Senator

Salud Carbajal
Member of Congress

Alex Padilla
United States Senator

Joe Neguse
Member of Congress

Kirsten Gillibrand
United States Senator

[2] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).
[3] *Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 371 (1989).

Mark DeSaulnier
Member of Congress

Sheldon Whitehouse
United States Senator

Rashida Tlaib
Member of Congress

Patty Murray
United States Senator

Jill Tokuda
Member of Congress

Ron Wyden
United States Senator

Raja Krishnamoorthi
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Mazie K. Hirono
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Mike Quigley
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Kim Schrier, M.D.
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Tina Smith
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Gabe Vasquez
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Member of Congress

Mark R. Warner
United States Senator

Julia Brownley
Member of Congress

Richard Blumenthal
United States Senator

Zoe Lofgren
Member of Congress

Adam B. Schiff
United States Senator

Steve Cohen
Member of Congress

Jeffrey A. Merkley
United States Senator

Sara Jacobs
Member of Congress

Peter Welch
United States Senator

Lateefah Simon
Member of Congress

Donald S. Beyer Jr.
Member of Congress

Cleo Fields
Member of Congress

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Paul D. Tonko
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Rick Larsen
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Sylvia R. Garcia
Member of Congress

Suzanne Bonamici
Member of Congress

Maxine Waters
Member of Congress

Ted W. Lieu
Member of Congress

Emanuel Cleaver, II
Member of Congress

Bonnie Watson Coleman
Member of Congress

Jan Schakowsky
Member of Congress

Diana DeGette
Member of Congress

Teresa Leger Fernández
Member of Congress

Seth Magaziner
Member of Congress

Angie Craig
Member of Congress
Ranking Member, Committee on Agriculture

Sarah McBride
Member of Congress

Congress of the United States

House of Representatives

Washington, DC 20515-0506

September 9, 2025

The Honorable Brooke Rollins
Secretary
U.S. Department of Agriculture
1400 Independence Ave SW
Washington, D.C. 20250

Dear Secretary Rollins:

We write to you as the Co-Chairs of the House Sustainable Energy and Environment Coalition (SEEC) Lands, Waters, and Nature Task Force to express our strong opposition to any effort to rescind the 2001 Roadless Area Conservation Rule (Roadless Rule). Additionally, as the United States Department of Agriculture (USDA) and U.S. Forest Service consider changes to this important policy, we urge you to follow a robust and transparent public comment process that incorporates opinions from the American public. At the very least, this process should mirror the robust process by which the 2001 Roadless Rule was originally developed.

For over two decades, the Roadless Rule has successfully guided the management of 58.5 million acres of public lands across the National Forest System. This policy has successfully balanced the Forest Service's multiple use mandate, preventing new road construction and industrial-scale logging on intact National Forest System lands while still allowing for other land uses such as mining, grazing, and recreation. Moreover, the Roadless Rule includes exceptions that allow the agency to reduce the risk of uncharacteristic wildfire in Inventoried Roadless Areas (IRAs). The Forest Service has used this flexibility to prevent wildfire and protect natural lands and Americans' health and property. In fact, an analysis of Forest Service records shows that IRAs accounted for 14 percent of fuel treatment activities on National Forest lands in twelve western states and eight percent of the total areas treated.

As USDA and the Forest Service embark on a formal rulemaking process to potentially rescind the 2001 Roadless Area Conservation Rule, we strongly encourage you to prioritize transparency and fully engage public land stakeholders and affected Tribal, local, and state governments.

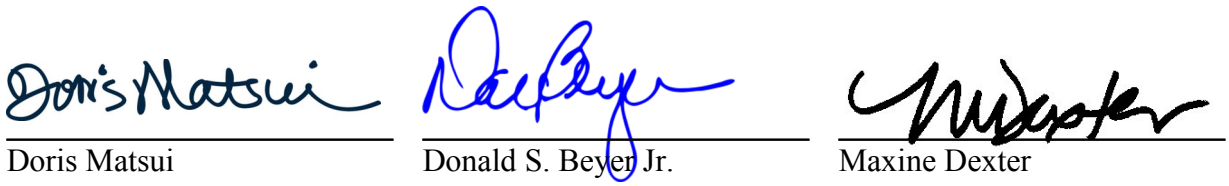
In developing the 2001 Roadless Rule, the Forest Service exhibited exemplary public outreach and coordination, including hosting approximately 430 public meetings, collaborating with seven other federal agencies, consulting with more than 180 American Indian and Alaska Native groups, and providing an ample public comment period that allowed for 1.6 million public comments, over 95 percent of which voiced strong support for roadless areas. The 2001 rulemaking's level of transparency, outreach, and coordination should serve as a model for this Administration's public notice and comment period.

For a new rulemaking that intends to rescind the 2001 Roadless Rule entirely, a 21-day public comment period is unacceptable and will result in a less robust decision-making process that lacks accountability to the public. USDA and the Forest Service must conduct extensive outreach to affected stakeholders to understand how the public wants their public lands managed.

We request that you offer the same level of public engagement as was provided during the initial development of the 2001 Roadless Rule. Our public lands are central to our national identity, and if given

adequate opportunity for public comment, we are confident that, once again, you will hear that the overwhelming majority of Americans support strong protections for roadless areas.

Sincerely,



Doris Matsui	Donald S. Beyer Jr.	Maxine Dexter
Member of Congress	Member of Congress	Member of Congress

CC: Tom Schultz, Chief of the U.S. Forest Service

Main Office: 360.466.3163
Facsimile: 360.466.5309

Swinomish Indian Tribal Community

A Federally Recognized Indian Tribe Organized Pursuant to 25 U.S.C. § 476
* 11404 Moorage Way * La Conner, Washington 98257 *

September 8, 2025

Honorable Brooke Rollins, Secretary
U.S. Department of Agriculture
C/o Brad Kinder, Acting Director, Ecosystem Management Coordination
Via email: Brad.Kinder@usda.gov

Re: Request for Extension of Time on Proposed 2001 Roadless Rule Recission, 90 Fed. Reg. 42179 (August 29, 2025) and Government-to-Government Consultation

Dear Secretary Rollins,

The Swinomish Indian Tribal Community ("Swinomish") writes to request that the deadline to submit comments on the above-referenced Federal Register notice be extended to October 10, 2025. Recission of the 2001 Roadless Rule would result in major impacts to affected tribes and the nation at large, yet the current due date for comments is a mere three (3) weeks after the publication date—which fell on the Friday before Labor Day, a federal holiday. In practical terms, this results in a two-and-a half week comment period for a wholesale reversal in federal policy that could have potentially catastrophic effects on Swinomish Treaty resources and rights. Because this truncated timeline is insufficient for the Tribe to properly and fully respond to the enormity of the federal rule change proposed, we respectfully request that you:

- Republish the Federal Register notice this Friday, September 12th announcing that an extended public comment period will be open until Friday, October 10th;
- Offer tribal nations, including Swinomish, the opportunity for government-to-government consultation on the proposed rule through Friday, December 12th.

We believe this time extension in the near-term will enable greater collaboration with the Forest Service as our federal trustee and minimize the need for appeals of any final rule later in the process.

We intend to provide the U.S. Forest Service with the necessary information to assure that the environmental impact statement and resulting final rule are in accordance with the federal government's trust responsibility to Swinomish. To ensure a fair, transparent and thorough process that enables us to meaningfully engage, we believe that a timeline extension for study requests and related comments is necessary and warranted. We hope that you will agree to extend the public comment period and offer tribes like Swinomish the opportunity to have meaningful consultation on this natural resource priority for salmon recovery, hunting, gathering, and other Treaty-protected rights.

We look forward to a constructive consultation with our federal partners to discuss this important matter. Please contact Amy Trainer, Swinomish Indian Tribal Community, (360) 399-5804 atrainer@swinomish.nsn.us, to schedule a consultation in the near future.

Sincerely,

Steve Edwards, Chairman
Swinomish Indian Tribal Community

Craig Tribal Association
P.O. Box 828
Craig, Alaska 99921
Tel: 907-826-3996
Fax: 907-826-3997

Clinton E. Cook Sr., President
Craig Tribal Association
P.O Box 828
Craig Alaska 99921
Phone: (907) 826-3996
clintoncooksr@craigtribe.org

September 10, 2025

Submitted via: Federal eRulemaking Portal (https://www.regulations.gov)

Director, Ecosystem Management Coordination
U.S. Department of Agriculture, Forest Service
201 14th Street SW, Mailstop 1108
Washington, DC 20250–1124

Subject: Public Comment on Notice of Intent to Prepare an Environmental Impact Statement for Rescission of the 2001 Roadless Area Conservation Rule (Docket Number: FS–2025–0001)

Dear Director:

The Craig Tribal Association (Craig Tribe), a federally recognized Tribe representing the Indigenous peoples of Craig, Alaska, respectfully submits this public comment in strong opposition to the U.S. Department of Agriculture's (USDA) Notice of Intent (NOI) published in the Federal Register on August 29, 2025 (*Vol. 90, No. 166, pp. 42179–42182*), to prepare an Environmental Impact Statement (EIS) and propose rulemaking to rescind the 2001 Roadless Area Conservation Rule (2001 Roadless Rule) (*66 FR 3244; 36 CFR Part 294 Subpart B (2001)*).

The current regulations at 36 CFR Part 294 (as of September 5, 2025) affirm the essential protections provided by the 2001 Roadless Rule, prohibiting road construction, reconstruction, and timber harvesting in inventoried roadless areas, including those in the Tongass National Forest, with limited exceptions designed to preserve roadless character while accommodating necessary stewardship activities. Rescinding this rule would undermine these safeguards, adversely affecting our Tribal sovereignty, subsistence rights, cultural heritage, and the ecological health of our ancestral lands.

We strongly urge the USDA to withdraw this proposal and maintain the 2001 Roadless Rule in full. As a federally recognized Tribe with profound historical, cultural, and subsistence connections to the Tongass National Forest, the Craig Tribe depends on these roadless areas for

essential activities such as hunting, fishing, gathering, and spiritual practices that sustain our communities and way of life. The NOI acknowledges the vital attributes of inventoried roadless areas, stating that 63% are forested with at least 10% canopy cover, supporting critical habitats for fish and wildlife (p. 42179). It further recognizes their contributions to "soil, water and air; plant and animal communities, including threatened, endangered, sensitive species; scenic integrity; recreation settings and opportunities; and cultural resources, traditional cultural properties, and sacred sites" (p. 42181). These statements highlight the indispensable role of roadless areas in upholding biodiversity and cultural values, which are integral to our subsistence practices. However, the proposal favors short-term economic development over these enduring benefits, disregarding the disproportionate adverse effects on Alaska Native subsistence users and directly contravening key federal laws, including but not limited to the Alaska National Interest Lands Conservation Act *(ANILCA) (16 U.S.C. §§ 3101 et seq.)*, the National Environmental Policy Act *(NEPA) (42 U.S.C. §§ 4321 et seq.)*, and the federal trust responsibility to federally recognized Tribes.

The proposed rescission directly conflicts with ANILCA, which requires the protection of subsistence uses on public lands in Alaska. ANILCA Section 810 (*16 U.S.C. § 3120(a)(3)*) mandates that federal agencies evaluate the impacts of proposed actions on subsistence uses and needs, including whether such actions would significantly restrict subsistence opportunities. This assessment must address:

1. effects on subsistence uses and needs;
2. availability of alternative lands for the intended purposes; and
3. options to minimize or eliminate the use of public lands needed for subsistence.

The NOI does not sufficiently fulfill these obligations, particularly for the Tongass National Forest, where roadless areas include vital habitats for salmon, deer, and other species central to Craig Tribe's subsistence economy. Under the current 36 CFR Part 294 Subpart B, road construction and reconstruction are prohibited *(§ 294.12)*, and timber cutting, sale, or removal is restricted (*§ 294.13*), with exceptions that prioritize conservation—aligning with ANILCA's subsistence priorities by maintaining undisturbed habitats.

Rescinding the rule would facilitate road construction and industrial logging, leading to habitat fragmentation and disrupted migration patterns, as indicated by the NOI's data that 31% of these areas are within 0.5 miles of existing roads, heightening development risks (p. 42179). This would diminish fish and wildlife populations, impairing our ability to harvest traditional foods. Subsistence is fundamental to our cultural identity and self-determination, safeguarded by ANILCA Title VIII (*16 U.S.C. §§ 3111–3126*), which grants priority to rural Alaska residents' subsistence uses over other consumptive activities. The proposal's shift to "local decision making" via land management plans (p. 42180) overlooks ANILCA's federal subsistence priority, potentially subordinating Tribal needs to timber interests. Past exemptions in the Tongass, like the 2020 Alaska Roadless Rule (85 FR 68688), have caused habitat degradation and reduced subsistence harvests—impacts prevented by the current 36 CFR Part 294 Subpart B through its national prohibitions.

Moreover, the proposal breaches ANILCA's no-net-loss policy for fish and wildlife habitats (*16 U.S.C. § 3101(b)*), as expanded development would cause permanent losses to biodiversity and ecosystem services essential for subsistence. The NOI notes that 13% of inventoried roadless areas experienced high or moderate severity wildfire between 1984 and 2024 (p. 42179), yet rescission would intensify such vulnerabilities through fragmentation, contrary to the rule's exceptions for forest health under *§ 294.13(b)*.

This proposal sharply contrasts with the Department of the Interior's (DOI) Secretarial Order 3403 (*Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters, November 15, 2021*), which promotes Tribal co-stewardship and meaningful consultation in land management, mandating integration of Tribal knowledge, prioritization of Tribal interests, and avoidance of adverse impacts without mitigation. DOI has implemented this order to bolster Tribal roles, yet the USDA's NOI marginalizes similar duties for the Tongass, viewing Tribal input as supplementary rather than essential (p. 42182). This discrepancy reveals interagency inconsistencies and weakens the federal trust responsibility, rooted in treaties, statutes, and precedents (e.g., *Seminole Nation v. United States, 316 U.S. 286 (1942)*). The proposal's deregulatory "one-size-fits-all" approach disregards site-specific Tribal contexts. There are 19 federally recognized tribes in Southeast Alaska, all of whom live in or near the Tongass National Forest. Unlike Order 3403's collaborative framework. The current 36 CFR Part 294 facilitates such collaboration by restricting exceptions to non-compromising activities, enabling Tribal participation in planning (p. 42180). Proceeding with rescission would widen federal-Tribal disparities and prompt challenges under the Administrative Procedure Act (APA) (*5 U.S.C. §§ 551 et* seq) for arbitrary decision-making.

The NOI understates the ripple effects on Tribal subsistence. This cannot be overstated. The Tongass roadless areas offer pristine habitats for anadromous fish, berry patches, and game trails relied upon by our people for millennia. Greater road density would cause stream sedimentation, degrading water quality and salmon spawning—key to our food security and economy. The NOI indicates 9.3 million Tongass acres are protected under the 2001 Roadless Rule (p. 42179), and the 2001 Final EIS forecasted up to 30% wildlife population declines from road development due to fragmentation and access.

These effects are amplified by climate change, stressing resources with warmer waters and shifted migrations. The NOI observes heightened wildfire activity in roadless areas since 2000 (p. 42179), yet rescission would worsen threats by eliminating prohibitions on risk-increasing activities. This violates ANILCA subsistence safeguards and Executive Order 13175 (*Consultation and Coordination with Indian Tribal Governments*), requiring meaningful Tribal consultation on actions impacting Tribal rights. The NOI's 21-day comment period (August 29 to September 19, 2025) inadequately allows for thorough Tribal engagement, violating these mandates and the rule's public involvement structure under 36 CFR Part 294 Subpart B *§ 294.14*.

Should the USDA advance this rescission, it could invite litigation on several fronts:

1. ANILCA Violations: Inadequate Section 810 subsistence evaluation could support APA claims, as in *Amoco Production Co. v. Village of Gambell (480 U.S. 531 (1987)*), where

courts halted actions harming Alaska Native subsistence. The NOI's issues list addresses cultural resources and sacred sites (p. 42181) but omits specific ANILCA analysis.

2. NEPA Deficiencies: The EIS must rigorously examine alternatives, including the "no action" retention of the 2001 Rule (p. 42181), and cumulative subsistence impacts. Insufficient analysis, as in prior Tongass cases (e.g., *Organized Village of Kake v. USDA, 746 F.3d 970 (9th Cir. 2014)*), would deem the decision arbitrary. The NOI's use of outdated 2001 EIS fire predictions (p. 42180) disregards current data, breaching NEPA's science requirements.

3. Trust Responsibility Breaches: Overlooking Tribal subsistence and co-stewardship violates fiduciary duties, actionable per *United States v. Mitchell (463 U.S. 206 (1983)*). The Tongass's explicit targeting (p. 42179) discriminates against Alaska Natives, prioritizing deregulation over trust duties.

4. APA Claims: Dependence on deregulatory executive orders (e.g., EO 14153) without adequate reversal rationale could be arbitrary, given the rule's judicial affirmations (e.g., *Kootenai Tribe v. Veneman, 313 F.3d 1094 (9th Cir. 2002)*). Retaining Idaho and Colorado state rules under Subparts C and D (p. 42179) raises Fifth Amendment equal protection issues.

5. ESA and Related Laws: Effects on threatened species (e.g., Alexander Archipelago wolf) may violate the Endangered Species Act (16 U.S.C. §§ 1531 et seq.), necessitating Section 7 consultations. The NOI's 40 percent high wildfire hazard note (p. 42179) underscores risks to sensitive species absent current § 294.13(b) mitigations.

The NOI's retention of state-specific rules for Idaho (Subpart C) and Colorado (Subpart D) while singling out the Tongass further discriminates against Alaska Natives and overlooks the rule's protections for Tribal resources.

In summary, the Craig Tribe respectfully request that the USDA withdraw this NOI and preserve the 2001 Roadless Rule as codified in 36 CFR Part 294. The NOI's data and recognitions confirm the rule's critical role in conserving resources vital to our subsistence, culture, and spiritual connection with the forest. We seek immediate government-to-government consultation. Absent this, we will pursue all available legal avenues to safeguard our rights and sovereignty.

Sincerely,

Clinton E. Cook Sr., President
Craig Tribal Association

Organized Village of Kasaan

907.542.2230
102 Copper Crescent Drive Kasaan, Alaska 99950
P.O. Box KXA 26 Kasaan, Alaska 99950

September 10, 2025

US Department of Agriculture
Secretary Rollins
1400 Independence Ave
Washington, D.C. 20252

Comments on Notice of Intent to provide an environmental statement for the proposed rescission of the 2001 Roadless Rules

Secretary Rollins,

The Organized Village of Kasaan (OVK), a federally recognized Tribal government, submits these comments in strong opposition to the proposed rescission of the 2001 Roadless Area Conservation Rule. This rule has protected over 9 million acres of ancestral forest homelands in the Tongass National Forest—lands that are vital to our cultural identity, subsistence practices, and ecological integrity.

Our Homeland Is Not a Commodity
The Tongass is not merely a forest—it is a living, breathing extension of our people. It is where our children learn the stories of our ancestors, where our elders gather traditional medicines, and where our families harvest salmon, crab, deer, and berries to nourish our bodies and spirits. The proposed rollback of roadless protections threatens to fragment these sacred lands, disrupt wildlife habitats, and accelerate the degradation of ecosystems that have sustained the Haida people for millennia.

Wildlife and Ecosystem Impacts
The Tongass is home to over 400 species, including:

- Brown and black bears that rely on salmon runs
- The Alexander Archipelago wolf, found only in Southeast Alaska
- Bald eagles, which thrive in greater numbers here than anywhere else in the world
- Sitka White Tailed-Deer, whose habitat is severely impacted by roadbuilding and forest transitions to the stem exclusion phase, making movement and survival difficult

Roadbuilding and logging fragment wildlife corridors, increase erosion and pollution, and disrupt salmon-bearing streams. These activities push deer closer to roads, increasing predation by wolves and reducing food security for tribal citizens. Old growth and riparian buffers are essential for salmon populations, providing shade and invertebrate food sources that sustain aquatic ecosystems.

Subsistence Use and Cultural Sites
Kasaan qualifies as a food desert according to the USDA definition, with the nearest grocery store located in Thorne Bay. This designation underscores the critical importance of subsistence activities such as hunting, fishing, and gathering for the survival and well-being of Kasaan residents.

Access to hunting, fishing, and harvesting is not *optional*—it is essential for survival. The Tongass sustains a way of life rooted in subsistence, including:

- Salmon harvesting from over 19,000 miles of streams
- Crab and shrimp gathering, with declining populations due to warming waters and acidification
- Deer hunting and berry picking, critical for food security and cultural continuity
- Culturally significant sites include Karta Bay, Kendrick Sound, and the Kasaan Bay shoreline, as well as adjacent terrestrial areas that support invertebrate populations vital to salmon and other species. *These areas are living archives of our history, spirituality, and identity.*

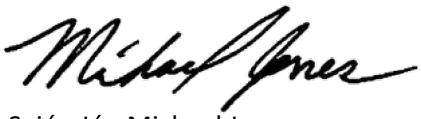
Legal and Procedural Concerns
Consultation protocols have not been adequately observed. The USDA is required to follow up in writing detailing how tribal comments will be included in assessments and planning trajectories. The proposed rescission raises serious concerns regarding tribal consultation and environmental justice. The USDA must uphold its trust responsibility and ensure that tribal governments are co-developers of alternatives in the EIS process. The inclusion of Traditional Ecological Knowledge (TEK) is not optional—it is essential.

Recommendations

- Retain the 2001 Roadless Rule to protect the ecological and cultural integrity of the Tongass
- Include tribal governments as co-developers of EIS alternatives
- Integrate TEK and local data from Southeast Alaska tribes into all environmental assessments
- Ensure robust consultation with tribal governments prior to any decision-making
- Recognize the Tongass as a cultural landscape, not just a resource base
- Address indirect and cumulative impacts on traditional ways of life and subsistence species

Conclusion
The Organized Village of Kasaan stands united with other Southeast Alaska tribes in defense of our forest homelands. We call on the USDA to honor its trust responsibility and uphold protections that preserve the Tongass for future generations. The forest is our teacher, our provider, and our sacred relative. We say clearly and unequivocally: No to the rescission. Yes, to tribal stewardship.

Respectfully submitted,



Sajúu Júu Michael Jones
Tribal Council President
Organized Village of Kasaan

Craig Tribal Association
P.O. Box 828
Craig, Alaska 99921
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September 15, 2025

Brad Kinder, Acting Director
Ecosystem Management Coordination
USDA Forest Service
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

Re: Request for Cooperating Agency Status Pursuant to 40 CFR § 1501.6 and Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) – Docket ID: FS-2025-0001 (Proposed Rescission of the 2001 Roadless Area Conservation Rule as Applied to the Tongass National Forest)

Dear Mr. Kinder:

The Craig Tribal Association (CTA) hereby formally requests designation as a cooperating agency in the National Environmental Policy Act (NEPA) process for the proposed rescission of the 2001 Roadless Area Conservation Rule as applied to the Tongass National Forest (Docket ID: FS-2025-0001). CTA qualifies for cooperating agency status due to our jurisdiction by law as a federally recognized Tribe with sovereign interests in the affected region, including ancestral lands and resources on Prince of Wales Island within the Tongass National Forest.

Additionally, CTA possesses special expertise relevant to the environmental impacts of the proposed action, including but not limited to:

- Traditional ecological knowledge and subsistence practices reliant on intact roadless areas.
- Cultural resource management and protection of sacred sites potentially affected by increased road construction, timber harvesting, or mining.
- Assessment of cumulative impacts on fish, wildlife, and water quality critical to Tribal health and economy.

Granting CTA cooperating agency status would enhance the NEPA process by ensuring robust government-to-government consultation, incorporating Tribal perspectives early in scoping and Environmental Impact Statement (EIS) development, and avoiding potential delays or litigation through collaborative analysis. CTA is prepared to commit resources to this role, including participation in interdisciplinary teams and review of draft documents, and we request the development of a Memorandum of Understanding (MOU) to outline the terms of our cooperation, as recommended in Forest Service directives (FSH 1909.12, Chapter 10).

We urge the USDA Forest Service to respond to this request promptly and invite further discussion to facilitate our involvement. CTA is available for a meeting at your earliest convenience and can be reached at the contact information above.

Sincerely,

Clinton E. Cook Sr., President
Craig Tribal Association

Organized Village of Kake
P.O. Box 316
Kake, Alaska 99830-0316
Telephone 907-785-6471
Fax 907-785-4902 / www.kake-nsn.gov
(Federally Recognized Tribal Government serving the Kake, Alaska area)

September 15, 2025

USDA Forest Service
Attn: Director, Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

Subject: Comments Opposing the Lifting of the 2001 Roadless Rule in the Tongass

Submitted via www.regulations.gov (Dkt. # FSA-2025-0037)

Dear Ecosystem Management Coordination Director:

The Organized Village of Kake (OVK), a federally recognized Tribe in Southeast Alaska, submits this letter of response to the Notice of Intent published by the Department of Agriculture in the Federal Register on August 29, 2025. The USDA is initiating a rulemaking process concerning the management of inventoried roadless areas on national forest system lands, including those in Alaska and on the Tongass National Forest. The proposed rule would rescind the 2001 Roadless Area Conservation Rule (Roadless Rule) nationwide. OVK is writing to strongly oppose rescinding or weakening the 2001 Roadless Area Conservation Rule (Roadless Rule) and urge the Department of Agriculture to maintain and strengthen protections for the Tongass National Forest.

The traditional territory of OVK stretches across over 3 million acres of the Tongass National Forest, including Kupreanof Island, Kuiu Island, Baranof Island, Admiralty Island, and parts of the mainland. The Tongass is more than forested land—it is our home, our traditional territory, and a living source of identity, culture, and sustenance for our people. For countless generations, our way of life has depended on the health of these lands and waters, which sustain salmon, deer, berries, wild plants, and countless other resources essential to our survival. The Roadless Rule is essential to safeguarding these resources from the damage of large-scale industrial logging and road building.

Weakening these protections would harm cultural and spiritual sites, damage salmon and wildlife habitat, and reduce access to subsistence hunting and gathering. Industrial logging has already left deep scars on our traditional lands, and further development threatens the environment that has supported our people for millennia. Additionally, the Tongass is a globally important carbon sink, vital in combating climate change. Protecting its old-growth and mature forests is essential not only to our Tribe's well-being but to climate stability for future generations. Given the overall lack of clarity regarding how the Forest Service intends to honor its trust responsibilities to consult with Tribal Governments, and whether the agency intends to conduct another rulemaking addressing roadless areas on the Tongass and Chugach National Forests in Alaska, OVK has written this letter to inform the federal decisionmaker that our Tribe has numerous concerns and questions pertaining to the proposal to rescind the Roadless Rule, including but not limited to those mentioned above.

As a sovereign Tribal government, OVK has consistently opposed efforts to remove protections for the Tongass, and we continue to call for durable safeguards. Our limited resources should not be spent repeatedly fighting proposals that make it easier to log, mine, and build roads across critical landscapes; federal policy should instead prioritize the protection of these lands, cultural heritage, and the health of ecosystems for all people. OVK has passed resolutions since 2001 in support of the rule, with the most recent being passed July 2025 (2025-11). Our Tribe also participated as a cooperating agency during the 2018 Alaska Roadless Rulemaking process and withdrew when the full exemption alternative was chosen in 2020. This alternative ignored our input and the time we had committed to finding solutions for the areas important to us. We have frequently engaged in consultation on the 2001 Roadless Rule and attempts to both repeal and reinstate it. We demand that in accordance with the agency's trust responsibilities to federally recognized sovereign tribal governments, the USDA Forest Service must provide tribal consultation and the opportunity for individual tribal governments to act as cooperating agencies during this process. We have already written with our district ranger to formally request Government-to-Government consultation on the proposal to repeal the Roadless Area Conservation Rule, and this rulemaking must not move forward before consultation requirements are fulfilled.

We further request that the U.S. Forest Service conduct a full ANILCA Title VIII, Section 810 analysis of the impacts that rescinding the Roadless Rule would have on subsistence resources and the way of life of Tribal citizens and rural residents. Protection of subsistence is one of the primary purposes of ANILCA and Title VIII, Section 810, subtitled Subsistence and Decisions, outlines very specific requirements for analyzing impacts to subsistence uses of resources in federal land use decision-making, including hearings. Section 810 analyses must be performed regardless of what level of analysis an agency may or may not be completing under other statutes, such as the National Environmental Policy Act, and it is not subject to time limits imposed by other direction an agency may be following. This analysis is critical to ensuring that decisions regarding the Tongass comply with federal law and do not erode the rights and protections guaranteed to rural subsistence users. In ANILCA, Congress found that continuing opportunity for subsistence is "essential." The impacts that the proposed rescission of the 2001 Roadless Rule would have on the Tongass are significant due to how many rural communities across the Tongass NF rely on national forest lands to meet their subsistence needs.

The US Forest Service has already determined that ANILCA Title VIII, Section 810 hearings and analysis are relevant to the Roadless Rulemaking process, as evidenced by the previous hearings conducted during the 2018 Alaska Roadless Rulemaking process. There is significant subsistence use in the OVK's traditional territory: tribal citizens and rural community citizens hunt Sitka blacktail deer and moose, beach seine for sockeye salmon and fish for all five species of Pacific salmon that spawn in the lakes and rivers of the surrounding area, and harvest plants and medicines from the surrounding lands, including Roadless areas in Central Kupreanof Island, Gut Bay, Portage Bay, Port Camden, Kuiu Island, and other nearby areas. The 2001 Roadless Rule protects the ecological integrity of this habitat and the productivity of fish and wildlife within it, and it is highly likely that the rescission of the 2001 Roadless Rule will have a significant impact on subsistence.

Please respond to this letter with an estimated timeline for the ANILCA public meetings and when the community will have an opportunity for input during the process. Additionally, we would like the opportunity to review the 810 draft analysis before its inclusion into the final record to make sure it is accurate.

We urge the U.S. Department of Agriculture to reject any action to rescind or weaken the 2001 Roadless Rule and to adopt policies that strengthen protections for old-growth forests in the Tongass National Forest. This national proposal, which has the potential to affect millions of acres of our ancestral land and thousands of miles of waterways now managed by the Forest Service,

requires careful review. We take our responsibility as the current and future stewards of these landscapes seriously and it is critical that public land management:

- Prioritize the protection and productivity of subsistence resources to meet local food security needs and fulfill the requirements of ANILCA
- Integrate Indigenous Knowledge at every stage of forest management to enhance ecological stewardship and cultural preservation
- Protects sacred sites, treaty-reserved resources, and culturally significant species through enforceable measures and mandatory consultation protocols
- Prioritizes Tribal-led restoration and economic development initiatives that align with our cultural values and traditional practices, and provide local community benefit

Gunalcheesh,

ROBIN ROSS, OVK SEC./TREASURER FOR:
Joel Jackson
President

Organized Village of Kake
P.O. Box 316
Kake, Alaska 99830-0316
Telephone 907-785-6471
Fax 907-785-4902/www.kake-nsn.gov
(Federally Recognized Tribal Government serving the Kake, Alaska area)

Resolution No. 2025-11 Urging the U.S. Department of Agriculture to not rescind the Roadless Rule and to include strong protections for old-growth forests in the Tongass National Forest.

WHEREAS, the Organized Village of Kake (hereinafter OVK) is a federally recognized Indian Tribe under federal law and is empowered under its Constitution and By-Laws to adopt ordinances to govern its members and its activities on behalf of its members; and,

WHEREAS, OVK is further defined as an Indian Tribe in the Indian Self-Determination and Education Assistance Act, PL 93-638 and as such is entitled to contract with the Federal Government for the operation of any federal programs, services, activities or functions serving it's members and,

WHEREAS, OVK's traditional territory includes lands on Kupreanof, Kuiu, Eastern Baranof, and southern Admiralty Islands, and along the mainland, including Port Houghton and as far as Taku River south to Port Houghton; and

WHEREAS, protection of our inherent right to harvest and use our traditional and customary foods requires careful cultural stewardship and protection of our environmental and natural resources; and

WHEREAS, our care of the lands now classified as "inventoried roadless areas" (IRA) and within the Tongass National Forest stretches for millennia; and

WHEREAS, our traditional territory holds sacred, cultural, and spiritual significance to us because these lands provide our people with salmon, deer, wild foods, traditional medicinal plants, and trees important for our traditional arts and cultural uses that define who we are and where we come from; and

WHEREAS, protecting the old-growth and mature forests and trees in our traditional territory is of critical importance to protecting and preserving our gathering practices ("subsistence") activities; and

WHEREAS, logging old-growth and mature trees has detrimentally affected our tribal citizens by decreasing subsistence hunting opportunities near Kake, damaging fish habitat, causing landslides, desecrating sacred and cultural sites, and making it more difficult to encounter places in the forest where we can still find the healthy habitat that sustains our people spiritually and culturally; and

WHEREAS, OVK has long advocated for the protection of old-growth trees in our traditional areas of the Tongass by participating in the Forest Service's planning processes, government-to-government consultation, administrative appeals, and litigation challenging timber sales, supporting measures like the Roadless Rule that protect our forests, and other advocacy (OVK Resolution No. 2018-24, see attached); and

WHEREAS, fighting to protect our traditional territory takes significant time and staff resources that OVK could devote to other important programs to benefit our tribal citizens if we did not need to fight logging proposals; and

WHEREAS, the United States Department of Agriculture (the Department) is preparing an environmental impact statement that will rescind the Roadless Area Conservation Rule nationwide, including in the Tongass National Forest; and

WHEREAS, OVK does not support this action by the Department as it would cause significant harm to the ways of life of our citizens and force OVK to continue to use its resources to fight logging proposals and advocate for durable protection of our traditional territory; and

WHEREAS, durable protection for old-growth and mature trees in the Tongass is needed and the Roadless Area Conservation Rule provides our community, and others in Southeast Alaska, with such safeguards.

THEREFORE BE IT RESOLVED that OVK supports protecting the remaining old-growth and mature trees in the Tongass from any large-scale commercial logging and urges the Department to keep the Roadless Area Conservation Rule in place; and

FINALLY BE IT FURTHER RESOLVED that OVK opposes any rescission of the Roadless Area Conservation Rule both nationwide and, in particular, in the Tongass National Forest.

CERTIFICATION

This resolution was duly adopted at an IRA Council meeting held this 31st day of July, 2025 by a quorum of 7 (includes president as non-voting chairperson except in case of tie vote) with 6 yes votes, 0 no votes, and 0 abstaining.

Joel Jackson, President

Attested by

July 31, 2025

A poll vote was taken by text to the OVK Council Persons for verbal approval.

Joel Jackson - yes
L'aaganaay Tsiits Git'anee - yes
Robin Ross – yes
Lincoln Bean, Sr – yes
Sharissa Jackson – yes
Arthor Johnson – yes
Virlinda Wilson – yes

7 – yes votes.

SHEET'KÁ KWÁAN
SITKA TRIBE OF ALASKA

204 SIGINAKA WAY, SUITE 300
SITKA, ALASKA 99835
MAIN: 907-747-3207
FAX: 907-747-4915
SITKATRIBE.ORG

September 15, 2025

Barbara Miranda, Deputy Forest Supervisor
US Forest Service
Tongass National Forest
709 W 9th Street
Juneau, AK 99801

RE: Sitka Tribe Comments on Tongass Roadless Rule Recission

Dear Ms. Miranda,

I write on behalf of the Sitka Tribe of Alaska (STA), tribal government in Sitka, Alaska, with over 4,846 tribal citizens. As a tribal government, STA is responsible for the health, safety, welfare, and cultural preservation of its tribal citizens. STA provides the following comments regarding the rescinding of the 2001 Roadless Rule on the Tongass National Forest.

STA's traditional territory is defined in its secretarial approved constitution as;

> *"The jurisdiction of the Sitka Tribe of Alaska shall extend to all lands constituting the Native Village of Sitka and the areas commonly known as "Indian Possession" and "Cottage Settlement" , and to all surrounding areas of Indian Country, if any, including all customary and traditional use and access areas in the vicinity of Baranof Island, Chichigof and surrounding islands, and all fee lands and allotments and lands owned by Sealaska, Inc. or Shee-Atika, Inc. located therein (the Native corporations established pursuant to the Alaska Native Claims Settlement Act (Pub. L. 92-203) as amended to hold the land and other benefits provided by Congress in partial compensation for extinguishment of the Tribe's aboriginal land rights), to the fullest extent permitted by federal and tribal law."*

These sovereign ancestral lands are more discernible in the attached map and include the lands and waters of the outer coast of Baranof and Chichagof Island and the greater reaches of Peril Strait. No other federally recognized tribe has sovereign jurisdiction over this area.

STA and its tribal citizens rely heavily on these lands and waters to provide healthy subsistence foods not only to offset the extremely inflated cost of living in a remote rural community like Sitka but also as an ingrained part of the Native culture that connects the people to the land. This reliance is acknowledged and supported by the federal government through Sitka's rural status under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) that provides STA tribal citizens priority access to subsistence resources on federal lands and navigable waterways.

The importance of subsistence resources to STA was reinforced in its Southeast Alaska Sustainability Strategy – Forest Management (SASS-FM) and Tongass Forest Plan Revision comments (both attached). In these comments STA stressed its desire to engage the Forest Service in co-stewardship and co-management of lands, waters, and Native cultural sites within its traditional territory.

Administrative mandates to increase timber production from our national forests is undoubtedly going to have an impact on non-timber related resources. STA is concerned that the rescission of the Roadless Rule on the Tongass will have a negative impact on the ability of the lands and waters to provide the Native community with healthy and culturally appropriate foods as they've done since time immemorial. Due to those impending impacts, STA opposes the rescinding of the Roadless Rule on the Tongass National Forest.

While STA is fully aware that its opposition and that of other tribes or US citizens will have little to no impact on the on the final Roadless Rule decision, it encourages the Forest Service not to lose sight of the heavy reliance the community and region have on subsistence resources originating from federal lands on the Tongass, continue to engage tribes in a meaningful and productive dialogue on resource management, and continue to support co-stewardship and co-management of federal lands and resources on the Tongass.

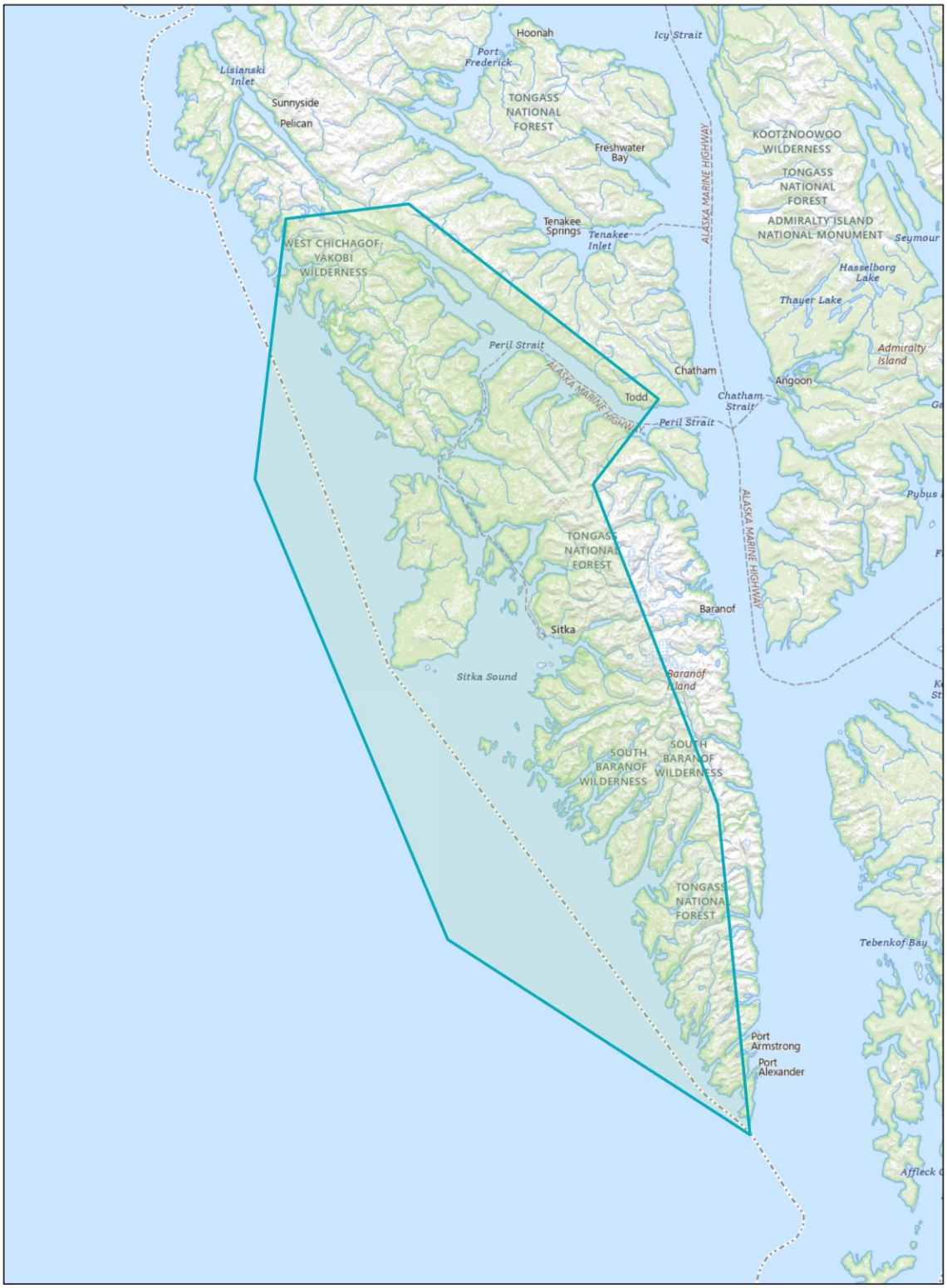
If you have any questions regarding these comments, contact STA's Resource Protection Department Director Jeff Feldpausch at jeff.feldpausch@sitktribe-nsn.gov or call (907)747-7469.

Sincerely,



Dionne Brady-Howard
Council Chairwoman

STA Traditional and Customary Use Area



3/3/2025

1:1,361,227

0 5 10 20 mi

0 12.5 25 50 km

USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data;

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SITKA, ALASKA 99835
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SITKATRIBE.ORG

Sent via: email

June 21, 2023

Eric Garner, District Ranger
Sitka Ranger District
US Forest Service
Sitka, AK 99835

RE: Sitka Tribe Comments on SASS – FM Co-Stewardship with the Sitka Ranger District

Dear Ranger Garner,

I write on behalf of the Sitka Tribe of Alaska (STA), Tribal government in Sitka, Alaska, with over 4,537 Tribal citizens. As a Tribal government, STA is responsible for the health, safety, welfare, and cultural preservation of its Tribal citizens. STA provides the following comments on the Southeast Alaska Sustainability Strategy - Forest Management (SASS-FM) opportunity to engage in co-stewardship with the Sitka Ranger District (SRD).

Alaska Natives have been stewards of the traditional territory of the Sitka Tribe of Alaska (STA) since time immemorial. STA supports the opportunity to co-steward these lands with the SRD. Successful co-stewardship should include but not be limited to the acknowledgment of STA traditional territory, focus on subsistence, create employment opportunities, and address the management of cultural and natural resources within the Sheet'ka Kwáan.

<u>Ancestral Lands</u>

STA's traditional territory extends along the west coast of Baranof and Chichagof islands, including the myriad of islands making up the coastline, extending into Hoonah Sound and the greater reaches of Pearl Strait (Goldschmidt and Haas, 1946 - attached map). While these ancestral lands are currently under municipal, state, federal, and private control, STA considers them sovereign territory under its authority as a federally recognized Tribal government.

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Subsistence

Both state and federal regulations identify "subsistence" harvest priorities for Alaska residents. The term subsistence infers nutritional sustainment from the consumption of wild natural foods. On a cultural level, these traditional foods are more than just sustainment but are a spiritual connection to the land and the past.

STA supports a subsistence priority when making management decisions that could affect the abundance of subsistence resources or restrict access for Tribal citizens. Under federal regulations, Sitka is considered a "rural community," and its residents are afforded priority access to fish and wildlife for subsistence purposes. Forest management decisions made within the SRD should not impact Sitka's rural status.

Redoubt Lake sockeye salmon subsistence harvest is one opportunity that's come up recently. In 2022 approximately 90,000 sockeye escaped into the lake. This excessive escapement was the result of a large return and limited harvest opportunities. Promoting the harvest of sockeye in the lake would create additional harvest opportunities, while still meeting escapement goals. On the next Federal Subsistence Board fisheries cycle, STA will be submitting a proposal for a community harvest permit to harvest in the lake.

Employment Opportunities

STA supports the recent Alaska National Interest Lands Conservation Act hiring action undertaken by the FS. The employment of Tribal citizens is a priority for STA, and this type of employment process supports that priority. STA looks forward to working with the SRD to promote these types of long-term opportunities through extended outreach, employment training, and seasonal job opportunities.

Contracting is another potential employment opportunity for Tribal citizens through the SRD. The SRD engages in multiple contracts for both forest management and facility janitorial and maintenance services. STA would like to work directly with the SRD to promote Tribal citizen business contracting.

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Cultural Resources Management

STA proposes the development of a Cultural Resource Management Plan that addresses the protection and monitoring of cultural sites and securing funding for plan implementation. Many Records of Decisions (ROD) will list the monitoring of projects or permits that have the potential to affect historic cultural properties. In most cases, this monitoring doesn't occur due to lack of funding. This plan would address those ROD deficiencies and the cyclic monitoring of known sites.

Natural Resource Management

The recent Southeast Alaska Sustainability Strategy (SASS) funding received by STA supports the co-stewardship through three project agreements: Forest Partnership, Special Forest Product Plan Development, and Invasive Species Management.

Forest Partnership Agreement

This is a general funding agreement that supplies STA with funding for staff time and covers a seasonal staff position with the intent to provide staff capacity and potential long-term employment opportunities for Tribal citizens. The agreement doesn't identify any specific project but allows for projects to be identified as the need and opportunity arise.

Several fish habitat projects have developed out of this agreement. STA and SRD staff have been working on an expanded project that would conduct a limnological (study of lakes) analysis of Klag, Sitkoh, and Redoubt Lakes to determine the productivity of the systems. These analyses are being conducted with SASS and STA grant funding.

Special Forest Product Plan Development

This SASS funded project provides for staff time to work with SRD staff and the Kayaani Commission to develop a plan that protects subsistence access to pants for nutritional, medicinal, or cultural use while providing for an expedited commercial permitting process.

Invasive Species Management

This project provides staff time to work with the Commission, state, federal, and local land managers to manage invasive species in Sitka. It will also create opportunities to engage the public in prevention and control of invasives.

Other Projects

An additional project identified by the Kayaani Commission is the ability to use the historic potato beds at Starrigavan. Tlingit potatoes have had a resurgence in the last couple of years due in part to the STA/SRD potato project.

No new recreation projects were identified but STA requests continued involvement in future SDR trail and cabin projects. There's been renewed interest in use of the lone cabin on the road system but frustration with the lack of access. To increase access for local residents commercial use of this cabin should be prohibited.

The general management actions and specific projects listed above are building blocks of a co-stewardship. The foundation of this building, the STA/USFS MOU has expired and both entities should prioritize its reauthorization.

If you have any questions regarding these comments, contact STA's Resource Protection Director, Jeff Feldpausch, at (907) 747-7469 or by email jeff.feldpasuch@sitkatribe-nsn.gov.

Sincerely,

Lawrence Widmark
Council Chair

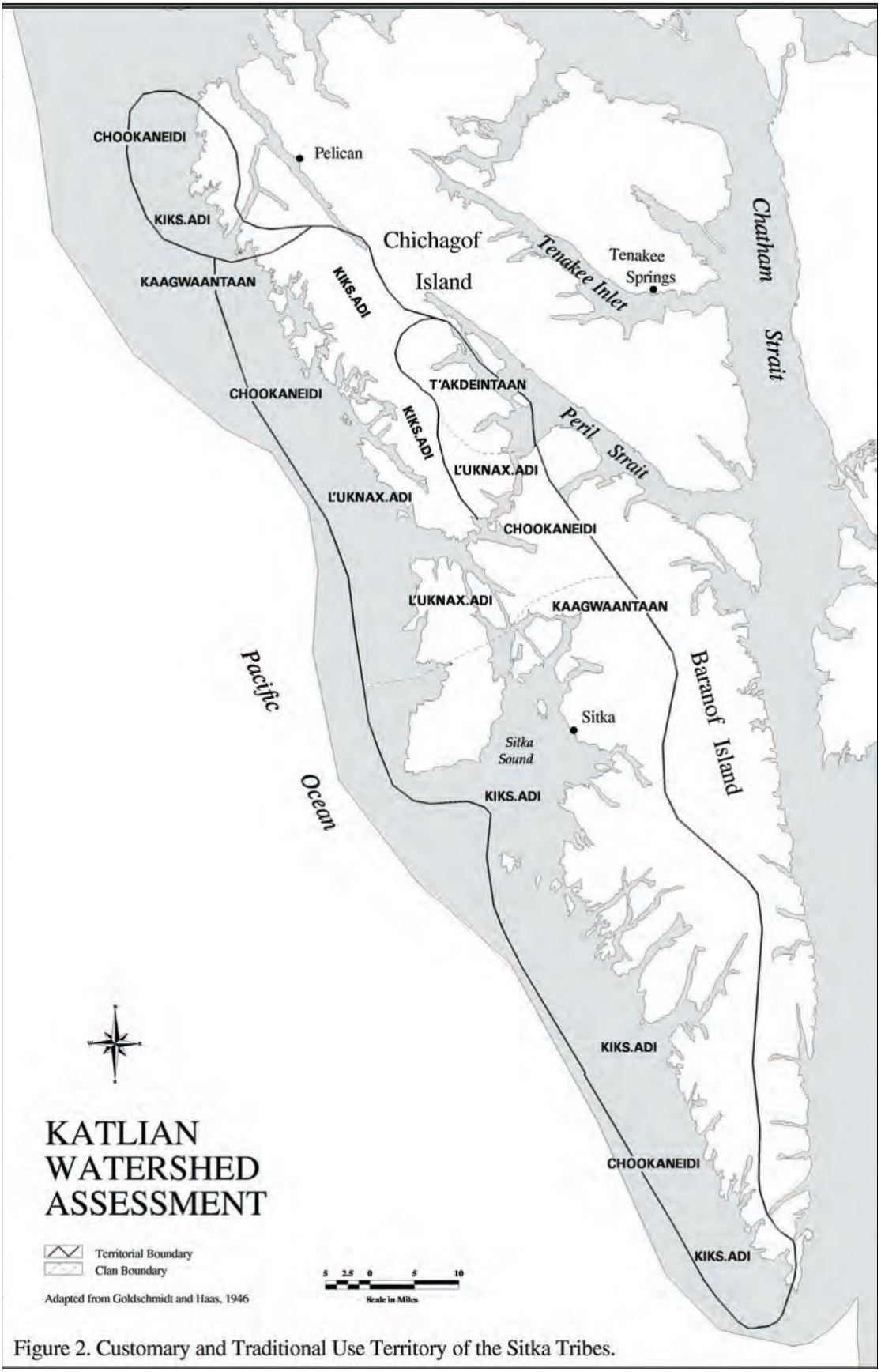


Figure 2. Customary and Traditional Use Territory of the Sitka Tribes.

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November 20, 2024

Eric Garner, District Ranger
Sitka Ranger District
Tongass National Forest
2108 Halibut Pt. Rd.
Sitka, AK 99835

Re: Sitka Tribe Comments on the Tongass Forest Plan Revision

Dear Ranger Garner,

I write on behalf of the Sitka Tribe of Alaska (STA), a tribal government in Sitka, Alaska, with over 4,583 tribal citizens; as a tribal government, (STA) is responsible for the health, safety, welfare, and cultural preservation of its tribal citizens. STA respectfully submits the following comments in regard to the proposed Tongass Forest Plan Revision.

Tribal Engagement

Sovereignty

There are 19 federally recognized Native Tribes in Southeast Alaska and while they may have overlapping priorities or missions, they are all unique and not from the same cookie cutter mold. The citizenship of each tribe is composed predominantly of Alaska Natives (Aleut, Alutiiq, Athapaskans, Eyak, Haida, Inuit, Inupiat, Tlingit, and Yupik) but many have non-Alaska Natives on their rolls. All but one of these tribes, Metlakatla, are deemed landless under the Alaska Natives Claim Settlement Act (ANCSA) and all but one, the Central Council of Tlingit and Haida Indian Tribes of Alaska (T&H), have federally recognized sovereign traditional territories.

T&H is a federally recognized regional tribal government with limited jurisdiction (as described in its constitution) in relation to other tribal governments. That distinction is further reinforced

in the *Central Council of Tlingit and Haida Indian Tribes of Alaska Clarification Act*. Under the Act T&H is identified in a subordinate role to other southeast Alaska tribes. The Act states;

> "*Nothing in this title shall be interpreted to diminish or interfere with the government-to-government relationship between the United States and other federally recognized Alaska Native tribes, nor vest any power, authority, or jurisdiction in the Central Council of Tlingit and Haida Indian Tribes of Alaska over other federally recognized Alaska Native tribes.*"

STA is a federally recognized tribal government with a sovereign territory defined in its federally approved constitution as;

> *"all lands constituting the Native Village of Sitka and the areas formally known as "Indian Possessions" and "Cottage Settlement" and to all surrounding areas of Indian Country, if any, including all customary and traditional use and access areas in the vicinity of Baranof Island, Chichagof and surrounding islands, and all fee lands and allotments and lands owned by Sealaska, Inc. or Shee Atika, Inc. located therein (the Native corporations established pursuant to the Alaska Native Claims Settlement Act (Pub. L. 92-203) as amended to hold the land and other befits provided by Congress in partial compensation for the extinguishment of the Tribe's aboriginal land rights), to the fullest extent provided by federal and tribal law"* (territorial map attached).

STA maintains its full sovereignty over these lands and its resources and has not relinquished sovereignty nor given any other tribe or Native-NGO the authority to represent it on resources management issues.

<u>Tribal Processes/Timelines</u>

Tribal vetting processes for providing comments or making official decisions can vary significantly from tribe to tribe. STA's review and decision making process involves vetting topics or issues through its various committees (Natural Resources, Health, Transportation and Community Development, Governance, Finance, Enrollment) or commissions (Kayaani and

Marine Mammal). Committees and commissions make recommendations to the Tribal Council, with the Council making the final decision.

This process is very thorough and allows for input from staff, committees, and tribal citizens. Unfortunately, it doesn't fit well into mandated public comment periods. Many of these committees meet once a month, which, combined with seasonal subsistence conflicts that limit participation in the vetting process, make it challenging at best for tribes to provide input on issues that impact them or their citizens. The federal government acknowledges tribes in Southeast Alaska as sovereign nations then it's time to treat them as such and not hold them to mandated public comment period timelines. If this is something that requires a policy change then those efforts should be pursued.

Forest Service Staff

Recently federal agencies have been using contractors for engagement with tribal governments. STA prefers to engage directly with Forest Service employees rather than staff from contracted NGOs. If the Forest Service wishes to continue this practice, STA suggests requiring the contractor to commit a nondisclosure agreement to protect sensitive information that may be shared.

It's not uncommon to see significant changes in Forest Service staffing on the district, Tongass, and regional level. Unfortunately, new staff coming from other parts of the country don't have the knowledge to successfully engage with tribal governments in Southeast Alaska. STA recommends all Forest Service staff (Line Officers, Tribal Liaisons, Forest Supervisors, rct..) who engage with tribal governments take a mandatory course on tribal engagement.

Co-Stewardship/Co-Management

The distinction between co-stewardship and co-management seems to be a grey area that is allusive and difficult to define. STA believes maintaining the lands and resources within its traditional territory are its inherent responsibility. Sharing that responsibility through a co-management agreement is a legitimate action that brings traditional knowledge and values, culture, and ways of life that would benefit all user groups.

STA proposes a shared management structure that allows the both parties to take an active role in the management of the lands and resources within it traditional territory. This management structure would be very similar to how STA and the SRD currently work and would not negate the public process. STA hopes to engage the Forest Service's Sitka Ranger District in co-management of; all aspect of the Redoubt sockeye program (weir, resource, and habitat), cultural resources, and special forest products.

Redoubt Sockeye Management

Historically the Redoubt sockeye return has been an important resource for subsistence users in the Sitka area. The management plan for this salmon stock along with the freshwater productivity of the system have created outstanding returns that should be the model for Southeast Alaska. Had the weir not been operational in 2024 the local subsistence harvesters and commercial fishermen would not have been able to benefit from the outstanding returns. STA has experience managing weirs and brings additional knowledge and resources to the management "table".

Cultural Resource Management

STA has an inherent interest in the preservation of Native cultural properties both on and off federally managed lands within its traditional territory. Public access to these remote sites requires routine monitoring to assess impacts from public use. STA has an agreement with Sealaska Corp. to manage its ANCSA 14(h)(1) sites in the Sitka area. A co-management agreement with the Forest Service would follow suit.

Special Forest Products and Invasive Species Management

STA's Kayaani Commission has been working with Forest Service for several years to develop a special forest products management plan and are hopeful it will be complete by spring of 2025. The plan is a living document that prioritizes protection of subsistence access to nontimber related forest products (plants, berries, etc..) while providing for small scale commercial use through an expedited permitting process.

STA has also begun working with Forest Service and State staff to address invasive plants on publicly managed lands (federal, state, and municipal). The Tribe hopes to take a more active role in managing invasives, including education and public outreach.



Co-Management Funding

While co-stewardship and co-management have their benefits, they aren't much use unless both parties are financially able to participate. Tribes have the ability to secure outside funding to assist with implementing management agreements, but new management options brought forward by the federal government should come with identified funding sources that are categorized by priority, overall funding need (costs), and required funding timeline (short, medium, or long term).

Aquatic Ecosystem Management

All salmon systems should be managed to prioritize production to enhance subsistence opportunities. Management actions include habitat assessments (stream and limnological), escapement monitoring, stream restoration, habitat expansion (fish ladders), etc...

Terrestrial Ecosystem Management

Providing subsistence and cultural opportunities should be a priority when making management decisions on a terrestrial level. Subsistence resources include flora (plants, berries, roots, moss, etc..) and fauna (Sitka Blacktail Deer, Mountain Goat, etc..) that are used as food and medicine. Cultural resources include Spruce roots, Cedar bark, trees (for carving), etc...

Subsistence Resource Management

Sitka underwent its last decennial review to determine the fate of its rural status in 2010. Its population exceeded the primary rural status criteria of 2,500 residents. Due to it exceeding the primary population cap, a secondary set of criteria were used that included:

1) Use of subsistence resources
2) Proximity to the road system
3) Economic base (rural economy)
4) Infrastructure
5) Military presences

In 2017 the rural determination process was amended so that a community would retain its rural status until it is proven to be non-rural. The current process uses the secondary criteria listed above. The Forest Service should not take any actions that jeopardize Sitka's rural status.

Heritage, Cultural and Historic Site Management

Working with tribes is critical to the protection of cultural resources. STA was made aware of a large number of cultural sites listed on a map that was published on Facebook. Many of the sites were Sealaska Corporation's 14 (h)(1) cultural heritage land selections. Unfortunately, even with pressure from the Forest Service, there's been no luck getting the map removed. Now that the locations of these sites are available for the world to see its imperative for tribes, Sealaska, and the Forest Service enter into management agreements to provide additional protections.

Roads and Other Infrastructure

Before any roads or other construction occurs on federal lands, there needs to be a clear assessment of all impacts on cultural and subsistence resources. This assessment should include impacts on access to these resources, including loss of access due to state or federal regulations and the risk to a community's rural status.

Tourism/Recreation Management

Before any roads or other construction occurs on federal lands, there needs to be a clear assessment of all impacts on cultural and subsistence resources. This assessment should include impacts on access to these resources, including loss of access due to state or federal regulations and the risk to a community's rural status.

Past Forest Service assessments of the impacts of commercial tourism on coastal federal lands focused on impacts within its jurisdiction (above mean hightide line). While the assessment may have provided proception to federal lands it failed to assess the impact to the marine environment used to access these locations. The explosion of cruise ship tourism in Southeast Alaska has resulted in a comparable explosion in the number of local tour operators using the marine waters around Sitka to access Forest Service approved commercial use areas. All past and future commercial tourism assessments and permitting should extend into surrounding environments.

Climate Change

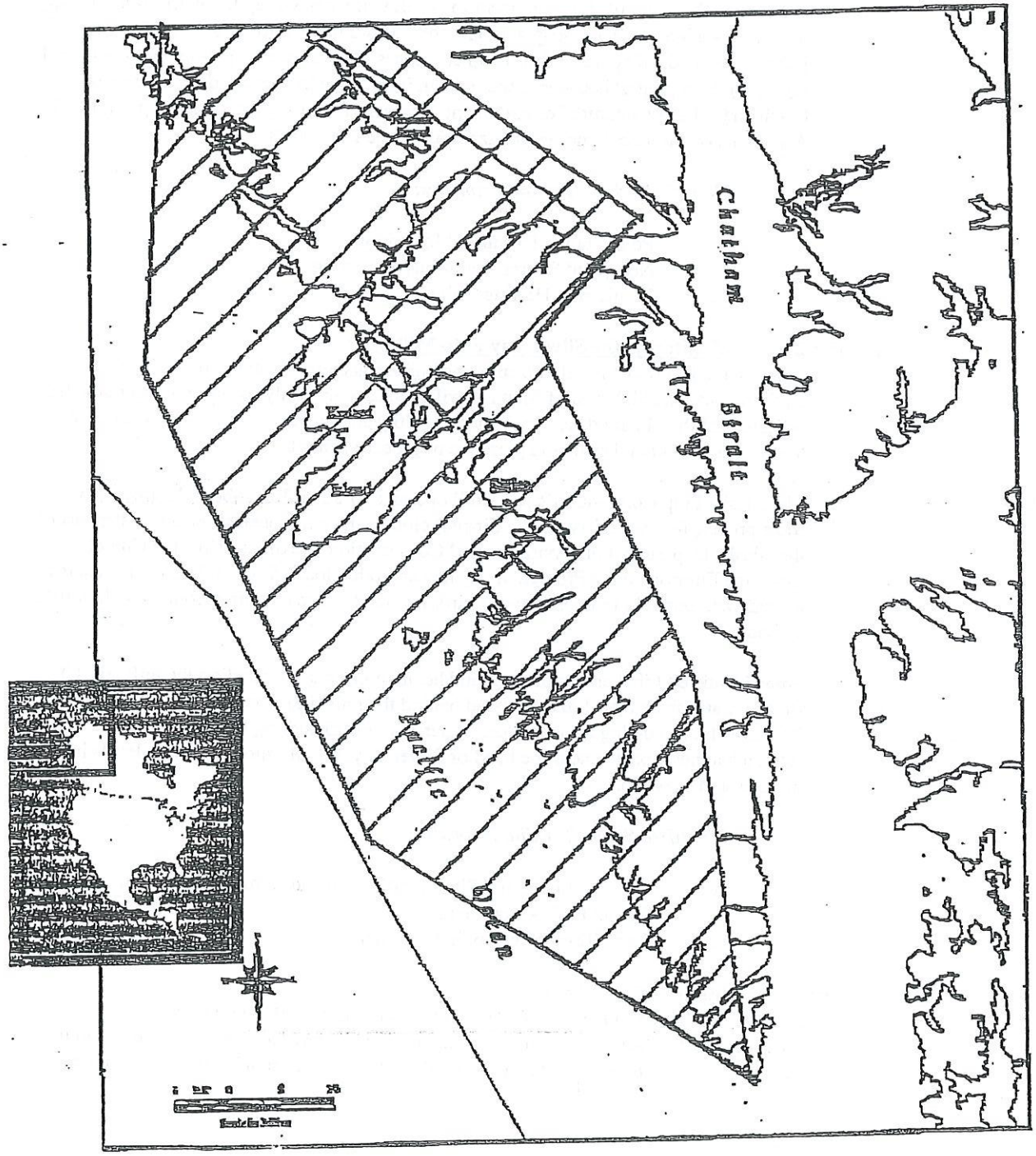
The increasing threat of landslides brought about by climate change has increased the threat that these events could impact the communities and lives of Southeast Alaska residents. All municipal, state, and federal governments should revisit their policies or codes to allow construction on slopes above residential areas. This would include structures, roads, trails, etc... Unfortunately, landslides will be part of our everyday lives now and in the distant future. It's time to prepare for this reality.

If you have any questions regarding these comments, please contact STA's Resource Protection Director, Jeff Feldpausch, at (907)747-7469 or email jeff.feldpausch@sitkatribe-nsn.gov.

Sincerely,

Lawrence Widmark
Council Chair

Traditional Territory of the Sitka Tribe of Alaska



COEUR D'ALENE TRIBE
850 A St.
P.O. BOX 408
PLUMMER, IDAHO 83851
(208) 686-1800 • Fax (208) 686-1182

Director, Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

September 16, 2025

Re: Comments on Notice of Intent to Rescind the 2001 Roadless Area Conservation Rule, Docket FS-2025-0001

Dear Secretary Rollins:

The Coeur d'Alene Tribe appreciates the opportunity to comment on the United States Department of Agriculture Forest Service's (FS) Notice of Intent (NOI) to rescind the 2001 Roadless Area Conservation Rule (Roadless Rule). This proposal lifts prohibitions on road construction, road reconstruction, and timber harvesting on 44.7 million acres, and has potentially profound impacts on ecological health and cultural resources across the nation.

The Coeur d'Alene Tribe recognizes that Idaho lands are exempted from this action because of the state-specific roadless rule adopted in Idaho in 2008. However, as we noted in 2004 when the Idaho Roadless Area Management Rule was first proposed, and again in 2008 when it was adopted, we are concerned about the reliance on the State of Idaho to ensure that our ancestral lands will be protected, and the continued vulnerability of these lands to over-development and over-harvest. Recent and past claims by state proponents that opening forests to construction and harvest are necessary for wildfire prevention contradict research that demonstrates that roadless areas protect biodiversity, water quality, and wildlife habitat, and actually reduce wildfire risk.

Additionally, the Coeur d'Alene Tribe's aboriginal territory outside of Idaho, as well as its larger interests in fisheries habitat restoration, extends into eastern Washington and western Montana. These lands, too, have been sources of the Tribe's physical, cultural, and spiritual sustenance since Time Immemorial, and we are concerned about impacts of the Roadless Rule's rescission on these areas and the protection of our interests for our Tribe's future generations. We are especially concerned that opening roadless areas in the Kettle and Sanpoil Rivers will hinder or reverse our collaborative efforts to protect and restore critical fish habitat.

Finally, we are concerned about the lack of clarity in the commitment of the Forest Service for Tribal engagement and consultation, and the lack of consultation with Tribes prior to issuing the NOI. Should the FS move forward with the rescission process, we strongly urge you to ensure

that the agency uphold its trust responsibility, and ensure Tribes have adequate time to review and respond to potential impacts to our homelands.

Respectfully,

Sincerely,

Chief J. Allan
Chairman, Coeur d'Alene Tribe

Klawock Cooperative Association
Bayview Blvd.
P.O. Box 430
Klawock, Alaska 99925

Phone: 907-401-8250
Fax: 907-755-8800

Date: 16th of September 2025

To: U.S. Department of Agriculture
Attn.- Brook Rollins, Secretary of Agriculture
From: Klawock Cooperative Association

Re: Comment- Roadless Rule, Docket Number FS-2025-0001

To Whom It May Concern,

The Klawock Cooperative Association is a federally recognized Tribe, located on Prince of Wales Island in southern southeast Alaska. Prince of Wales Island is the US's 4th largest island and were surrounded by the Tongass National Forest.

Please accept our written comment regarding the proposed initiation of an environmental impact statement and rulemaking concerning management of inventoried roadless areas on approximately 44.7 million acres of National Forest System lands, including in Alaska. This proposed rule would rescind the 2001 Roadless Rule.

Klawock Cooperative Association formerly opposes this proposed rule. Our island was heavily impacted by commercial logging, that happened before and after implementing the National Environmental Policy Act, or "NEPA".

Areas that were logged without any environmental protections allowed for logging to occur right up to river and stream banks, causing potential negative effects to anadromous streams. We witnessed an increase in water temperature, a decrease in annual salmon returns, and unstable river/stream bank erosion.

As decades past, we started to see a dramatic increase in landslides. One fall storm had 55 landslides occur that damaged water ways, our highway, we lost electricity, and our entire infrastructure came to a screeching halt. Logging roads that were constructed, often used culverts that are insufficient and restricts water flow. This can damage the land above the culvert, and cause perching below the culverts, restricting the migratory path of our anadromous streams.

Klawock Cooperative Association
Bayview Blvd.
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Klawock, Alaska 99925

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Fax: 907-755-8800

Another "unintended consequence" from commercial logging is low water level events. Once trees get established after logging, a tree would dominate an area, and smaller trees would start growing exponentially underneath the canopy. These smaller trees would suck up any rainwater that would typically make it into our rivers and streams.

The high density of trees, both large and small would stop under growth and forage from prospering, causing wildlife, from the bumblebee to the Alexander Archipelago Wolf, to struggle finding food. This shift negatively affected our food security, since our berries and Sitka black tail deer have reduced over time.

Commercial logging nearly halted on our island and were seeing programs and projects that promote the welfare of our land, strengthen stewardship & partnerships, support "qualified local hire or preference", and increase safety of our infrastructure. We have a vast highway system that connects 12 communities on our island, and most receive electricity via our hydro project at Black Bear Creek and Reynolds Creek.

Our Tribe is part of the Prince of Wales-Tribal Conservation District, which has equal representation from all 4 POW federally recognized Tribes, and all 4 POW Alaska Native Claims Settlement Act, or "ANCSA" village corporations. This program has been able to secure funding/agreements to create "qualified local hire". Our population has a lot of loggers, fisher persons, and harvesters. They all rely on pristine land & water for economic and food security.

Approximately 30% of our island is in "stem exclusion", meaning it can't produce harvestable timber, or have the capacity to support wildlife. We recommend this be the starting point for projects, instead of initiating the process to rescind the 2001 Roadless Rule.

Indigenous Science and stewardship being part of our projects have shown that we can assist the land & water. By removing some of these smaller trees, we can open access to areas that would be uninhabitable for decades or generations. This would allow access for wildlife, improve undergrowth & forage, and can reduce low water level events.

The Klawock Cooperative Association, ("the Tribe"), is a duly constituted Indian Tribe organized pursuant to the authority of Section 16 of the Act of Congress of June 18, 1934 (48 Stat. 984), amended May, 1 1936 (49 Stat. 1250) The Klawock Cooperative Association Tribal Council is a duly elected governing body of the Tribe, authorized to act by and on the behalf of its members.

Klawock Cooperative Association
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Klawock, Alaska 99925

Phone: 907-401-8250
Fax: 907-755-8800

These smaller trees can create products that we can use, such as sawdust chips for recreation & trails, biomass for wood energy, and can supplement a compost project. This win-win scenario will satisfy economists and environmental activists, which is a truly rare opportunity in today's political landscape.

Klawock Cooperative Association recommends that stewardship or "good neighbor agreements" be implemented- with sources of funding through partnerships between federally recognized Tribes, ANCSA corporations and US Forest Service occur. This would allow for residents to be deployed at areas we intend to improve.

We can demonstrate that by working together so our forests benefit the most amount of people and wildlife for generations to come. These efforts will allow for our economy to strengthen, address landslides & low-water level events, provide food security, decrease wildfires (in other areas besides the Tongass National Forest)- as well as begin efforts to absorb more carbon, since our dominant trees will absorb more carbon in the future.

Please consider these actions, before any decision making occurs that can cause further negative effects within the Tongass National Forest. This balanced approach can attract both sides of today's political spectrum.

Klawock Cooperative Association is grateful that our Indigenous Science, Commerce and Stewardship has an opportunity to play a positive role in the future of the Tongass National Forest.

Thank you for this opportunity to comment on this proposed rule making process.

Respectfully,

Dennis Nickerson, Tribal President
Klawock Cooperative Association

16-Sep-2025
Date

The Klawock Cooperative Association, ("the Tribe"), is a duly constituted Indian Tribe organized pursuant to the authority of Section 16 of the Act of Congress of June 18, 1934 (48 Stat. 984), amended May, 1 1936 (49 Stat. 1250) The Klawock Cooperative Association Tribal Council is a duly elected governing body of the Tribe, authorized to act by and on the behalf of its members.

YATCH BAMFORD
TRIBAL CHAIRMAN

ANTONIO MENDOZA
VICE-CHAIRMAN

ANIKA GARZA
TRIBAL SECRETARY

JOLIE GEORGE
RECORDING SECRETARY

ALEXANDRO URENA
TRIBAL TREASURER

ANDREW MIKE
SERGEANT AT ARMS

ELEVEN AUTONOMOUS BANDS

36970 Park Ave **Burney CA 96013** **Phone: (530) 335-5421**

ATWAMSINI
ATSUGEWI
ASTARAWI
APORIGE
AJUMAWI

HAMMAWI
HEWISEDAWI
ILLMAWI
ITSATAWI
KOSEALEKTE

September 16, 2025

USDA Forest Service
Attn: Director, Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

Re: Comments on Notice of Intent to Prepare Environmental Impact Statement for Rescission of 2001 Roadless Area Conservation Rule (Docket No. FS-2025-0001)

The Pit River Nation submits this letter in response to the Notice of Intent (NOI) published by the Department of Agriculture in the Federal Register on August 29, 2025, initiating an environmental impact statement (EIS) and rulemaking concerning the proposed rescission of the 2001 Roadless Area Conservation Rule (Roadless Rule). This proposed action would affect approximately 44.7 million acres of National Forest System lands, including what appears to be around 280,000 acres within our Pit River ancestral territories.

Our Tribal Government, located in the four Northeastern counties of California, Lassen, Shasta, Modoc, and Siskiyou counties, have stewarded these lands since time immemorial. The Modoc, Klamath, Shasta-Trinity, and Lassen National Forests affected by this federal action are integral to our ancestral homelands, containing sacred sites, traditional use areas, and resources essential to our cultural, spiritual, and physical survival. Our traditional ecological knowledge and stewardship practices have preserved these ecosystems for millennia, maintaining the ecological integrity that the Roadless Rule has protected since 2001.

We have continued to maintain our Cultural properties for traditional use and ceremonial activities in these four counties since time immemorial. Some examples include the Medicine Lake Highland Traditional Cultural District and Sáttítla Highlands National Monument, which is located in existing roadless areas. The potential impacts to lands adjacent to or near Tribal lands will directly affect our resources and communities.

We meet quarterly with the Modoc, Klamath, Shasta-Trinity, and Lassen National Forests. In our September 3, 2025 meeting there was no mention of this potential action that affects these areas. Despite our extensive history that demonstrates our enduring connection to these lands, as well as our consistent engagement in federal decision-making processes affecting roadless areas. Any changes to roadless area management must acknowledge and build upon our existing relationships and investments.

The Pit River Nation hereby formally requests immediate initiation of government-to-government consultation regarding the proposed rescission of the 2001 Roadless Rule pursuant to:

- Executive Order 13175 on Consultation and Coordination with Indian Tribal Governments
- USDA Departmental Regulation 1350-002 on Tribal Consultation (April 30, 2024)
- Forest Service Manual 1563 on Tribal Relations
- Secretarial Order 3403 on Joint Stewardship
- Our inherent sovereignty

We specifically request:

1. **Leadership-Level Consultation:** Direct consultation between Tribal Council leadership and the Secretary of Agriculture and/or Chief of the Forest Service, not delegation to staff-level briefings
2. **Consultation Timeline:** A minimum 120-day consultation period beginning immediately, consistent with the USFS "Strengthening Tribal Consultations and Nation-to-Nation Relationships Action Plan"
3. **Consultation Format:**
    - Initial consultation session within 30 days
    - Follow-up sessions as needed to address complex issues
    - Written documentation of all consultation outcomes
    - Adequate time between sessions for Tribal Council review and community input
4. **Consultation Scope to Include:**
    - Impacts to trust resources
    - Effects on cultural resources and sacred sites
    - Alternatives to complete rescission
    - Potential co-management opportunities
    - Mitigation measures if rescission proceeds
    - Monitoring and adaptive management provisions
    - **Requirement for consultation at both the programmatic level for this rulemaking AND commitment that EVERY individual road construction project that may follow will require separate, project-specific Tribal consultation**
5. **Consultation Support:**
    - Funding for Tribal participation including travel, technical assistance, and capacity building
    - Access to all relevant documents and analyses
    - Maps and GIS data for affected areas
    - Other support as identified
6. **Cooperating Agency Status:** Designation of Pit River Nation as a cooperating agency under National Environmental Policy Act (NEPA) for the EIS development

Point of Contact for Consultation is our Tribal Chairman & Tribal Historic Preservation Officer:

Yatch Bamford, Pit River Tribal Chairman
36970 Park Ave
Burney, CA 96013
530-335-5421
Chairman@pitrivertribe.gov (Hard copy always required for consultation)

Natalie Forrest-Perez, Pit River THPO
36970 Park Ave
Burney, CA 96013
530-335-5421
THPO@pitrivertribe.gov (Hard copy always required for consultation)

We request written confirmation within 14 days acknowledging this consultation request and proposing initial consultation dates. Failure to engage in meaningful consultation before proceeding with this rulemaking will constitute a violation of federal law and trust responsibilities.

We note that other Tribal leaders were sent an email notification on July 22, 2025, regarding this significant federal action. But please note that we did not receive this email notification, and always require a hard copy. Further, an email does not constitute meaningful consultation as required by federal law and policy. The NOI indicates that the Department has determined "the 2001 Roadless Rule is no longer the best approach to managing inventoried roadless areas" and proposes to return management authority to local decision-makers. The forthcoming EIS will analyze only two alternatives: the proposed rescission and a "no action" alternative maintaining current protections. This limited scope fails to consider reasonable alternatives that would address stated management concerns while preserving critical protections for Tribal interests.

Of particular concern is the abbreviated 21-day comment period ending September 19, 2025, which is wholly inadequate for meaningful Tribal engagement and engagement by Tribal members on a decision affecting millions of acres of ancestral territories. The NOI's vague promise that "Tribal governments and Alaska Native Corporations will have an opportunity to be engaged during rulemaking and EIS development" provides no concrete timeline, process, or commitment to substantive government-to-government consultation as required by law and policy.

Inventoried Roadless Areas (IRA) encompass numerous Traditional Cultural Properties (TCPs), Traditional Cultural Districts (TCDs), sacred sites, and cultural landscapes integral to our identity and spiritual practices. These areas include:

- Ceremonial and prayer sites used for specific purposes
- Traditional gathering areas for medicines, foods, and materials
- Burial grounds and ancestral village sites
- Cultural landscapes that embody our creation narratives and oral traditions

The proposed rescission fails to address how these irreplaceable cultural resources would be protected from:

- Physical destruction through road construction and logging operations
- Desecration through increased public access and industrial activity
- Loss of privacy and sanctity necessary for ceremonial practices
- Looting, vandalism, and unauthorized artifact collection
- Increased wildfire risk from human-caused ignitions that threaten cultural and sacred sites

Existing protections under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, and Cultural Heritage Cooperation Authority (CHCA) are insufficient without the baseline protections provided by the Roadless Rule. Project-level consultation cannot replace landscape-level protection of interconnected cultural resources.

Roadless areas protect the headwaters and riparian systems that sustain our world renown fisheries and provide clean water for our Tribal communities and millions downstream.

- Spawning and rearing habitat

- Cold, clean water essential for fish survival in a warming climate
- Intact riparian vegetation maintaining stream temperatures and preventing sedimentation
- Natural hydrology supporting traditional and subsistence fishing
- Clean drinking water for Tribal communities, many of which lack adequate water infrastructure
- Water quality for ceremonial and cultural practices
- Protection of medicinal plant habitats that require pristine water sources

Scientific evidence demonstrates that road construction is the primary source of sediment pollution in forest streams, with roads contributing up to 90% of total sediment yield. The proposed rescission would:

- Increase sedimentation, destroying spawning gravels and smothering eggs
- Elevate stream temperatures beyond tolerance levels for cold-water species
- Fragment aquatic habitats through culverts and stream crossings
- Introduce pollutants from vehicle traffic and industrial operations

Our people depend on roadless areas for:

- Traditional foods
- Medicinal plants requiring undisturbed forest conditions
- Materials for traditional arts, utilitarian objects, crafts, regalia, and ceremonial items
- First Foods central to our nutritional, cultural, and spiritual health

Industrial development in these areas would:

- Reduce abundance and accessibility of subsistence resources
- Introduce invasive and noxious weed species through roads and ground-disturbing activities, which harm traditional plants and wildlife habitat
- Introduce competition from non-tribal commercial and recreational users
- Contaminate traditional foods through chemical applications and pollution
- Disrupt traditional harvest cycles and ecological relationships
- Directly threaten our food security and sovereignty

IRAs serve as critical climate refugia and carbon sinks, storing approximately 445 million tons of sequestered carbon. For the Pit River Nation, climate resilience is inseparable from cultural survival. The proposed rescission would:

- Release stored carbon through logging and soil disturbance
- Reduce forest resilience to climate impacts including drought, fire, and disease
- Eliminate migration corridors essential for species adaptation
- Undermine Tribal climate adaptation strategies

The proposed rescission raises serious environmental justice concerns, as Tribal communities would bear disproportionate impacts while receiving none of the economic benefits. Our communities already face:

- Higher rates of poverty and unemployment
- Higher risk of developing chronic health issues
- Limited access to proper healthcare and clean water infrastructure
- Cumulative impacts from historical and ongoing environmental degradation
- Loss of traditional lifeways from past federal actions

- Direct threats to food security through degradation of subsistence resources

EXPECTATIONS AND REQUIREMENTS

A. Government-to-Government Consultation Requirements

The announced decision to rescind the Roadless Rule without prior Tribal consultation violates multiple legal and policy requirements:

Legal Obligations:

- Executive Order 13175 requiring "meaningful and timely input by tribal officials"
- USDA Departmental Regulation 1350-002 mandating consultation "early in the process"
- Secretarial Order 3403 on fulfilling trust responsibilities
- Forest Service Manual 1563 on Tribal Relations

The Department's April 2024 Departmental Regulation 1350-002 specifically prohibits promulgating any regulation with Tribal implications without first consulting "with Tribal officials early in the process of developing the proposed regulation." The June 2025 announcement and August 2025 NOI were issued without any documented Tribal consultation, representing a fundamental breach of trust responsibilities.

Consultation Standards Required:

- Nation-to-nation engagement at the leadership level, not merely staff briefings
- Minimum 120-day consultation period as specified in USFS Action Plan
- Regional and local consultation sessions accessible to affected Tribal Governments
- Written documentation of how Tribal input influenced decision-making
- Tribal summary impact statement in Federal Register notices
- Consideration of negotiated rulemaking per DR 1350-002

B. Timeline Inadequacy

The 21-day comment period is grossly inadequate for the following reasons:

Capacity Constraints:

- Many Tribal Governments lack dedicated NEPA staff to analyze complex federal actions
- Tribal Councils meet monthly or bi-monthly, preventing timely review
- Cultural protocols require elder consultation and community input
- Geographic isolation and limited internet access and cell phone service impede participation

Complexity of Issues:

- Eliminating management direction across 44.7 million acres across multiple states require site-specific analysis
- Interconnected impacts requiring holistic analysis - Treaty rights, cultural resources, and subsistence uses overlap within the same landscapes, making it impossible to assess impacts to one without understanding effects on all three, requiring extensive internal Tribal consultation and coordination that cannot be completed in 21 days

- Need to coordinate with multiple Tribal Governments sharing ancestral territories
- Requirement to analyze interactions with existing forest plans and agreements

Precedent and Fairness:

- Original 2001 Rule provided multiple comment periods over 18 months
- State-specific rules (Idaho, Colorado) included extended consultation
- Environmental justice requires additional time for affected communities
- Complexity exceeds typical NEPA actions warranting extended timeline

Minimum Requirements:

- Extend scoping comment period to at least 90 days
- Provide 120-day formal consultation period before proposed rule
- Schedule regional consultation sessions in culturally appropriate venues
- Fund Tribal participation including travel and technical assistance

C. Conflicts with Existing Agreements and Laws

The proposed rescission creates unresolved conflicts with multiple existing authorities:

Tribal Forest Protection Act (TFPA):

- Existing TFPA agreements addressing fire and forest health in IRAs
- Tribal proposals pending for managing threats across boundaries
- No analysis of how rescission affects TFPA implementation

National Historic Preservation Act:

- Section 106 requirements for undertakings affecting historic properties
- Programmatic agreements covering TCPs and TCDs in roadless areas
- Landscape-level impacts cannot be mitigated through project consultation

Cultural Heritage Cooperation Authority:

- Temporary closures for traditional and cultural purposes under 25 U.S.C. §3054
- Reburial sites protected under 25 U.S.C. §3053
- Confidentiality protections that would be compromised by development

2012 Planning Rule:

- Areas of Tribal Importance designated under 36 CFR §219.10(b)(1)
- Plan components specifically referencing Roadless Rule protections
- Integration of Indigenous Knowledge requirements

Recent Forest Plan Revisions:

- Modoc, Shasta-Trinity, Lassen and Klamath National Forest Plan components dependent on roadless protections
- Co-stewardship agreements assuming continued IRA designations

- Monitoring commitments based on roadless area baseline conditions

The Pit River Nation unequivocally opposes the proposed rescission of the 2001 Roadless Rule. This action represents an unconscionable breach of trust responsibilities, a violation of our inherent rights, and an existential threat to our cultural survival. We demand:

1. **Immediate Withdrawal** of the proposed rescission based on failure to conduct required Tribal consultation
2. **Full Compliance** with all consultation requirements before any further action
3. **Comprehensive Analysis** of impacts to treaty rights, cultural resources, and trust responsibilities
4. **Alternative Development** including Tribal co-management and enhanced protection options
5. **Free, Prior, and Informed Consent** for any changes affecting our ancestral territories

The Roadless Rule has provided essential protections for the lands and resources that sustain our people. We will utilize all available means—legal, political, and social—to prevent this destructive reversal of three decades of conservation policy. We stand ready to work with the Administration on genuine forest management improvements that respect Tribal sovereignty and enhance ecological resilience, but wholesale rescission is unacceptable.

The Pit River Nation requests written acknowledgment of receipt of these comments and a detailed response addressing each concern raised. We further request designation as a cooperating agency under NEPA and inclusion in all government-to-government consultation sessions.

Any failure to adequately address these concerns will be considered a violation of federal trust responsibilities and may result in administrative appeals, litigation, and requests for congressional intervention. We look forward to meaningful engagement that honors our government-to-government relationship and protects the irreplaceable natural and cultural heritage of these lands for future generations.

Sincerely,



Yatch Bamford, Pit River Tribal Chairman

Chickaloon Village Traditional Council

(Nay'dini'aa Na' Kayax)

Chief Gary Harrison, *Chairman/Elder*

Rick Harrison, *Vice-Chair*

Larraine "Rain" Wade, *Secretary/Elder*

Cheryl Sherman, *Treasurer*

Philip Ling, *Member*

Emily Peterson, *Member*

Doug Wade, *Member/Elder*

Lisa Wade, ***Executive Director***

Serena Martino, ***Executive Assistant***

VIA the Federal e-Rulemaking Portal at https://www.regulations.gov

September 17, 2025

Mr. Brad Kinder
Acting Director
Ecosystem Management Coordination
201 14th Street SW
Mailstop 1108
Washington, DC 20250-1124

RE: FS-2025-0001-0001 – Retain the 2001 Roadless Rule

Dear Mr. Kinder,

Chickaloon Native Village (CNV) is a federally-recognized Ahtna Dene Tribal government in southcentral Alaska, governed by Chickaloon Village Traditional Council (CVTC). CNV's ancestral territory includes much of southcentral Alaska including upper Cook Inlet and the Susitna Watershed, and our traditional area of influence overlaps neighboring Dena'ina Dene and Ahtna Dene Tribal governments. Actions that occur within CNV's traditional ancestral territory and customary area of use may impact our environment, our cultural resources, and the health of our Tribal citizens and community members. CVTC opposes the repeal of the 2001 Roadless Area Conservation Rule. Rescinding this rule would open public lands up to harmful development and road construction, decreasing the amount of habitat for wildlife, and increasing wildfire risk.

The 2001 Roadless Rule protects 58 million acres of forested lands throughout the United States, including 14.7 million acres in Alaska alone. 99% of the Chugach National Forest, located in southcentral Alaska, within CNV's traditional Tribal territory, is included in the inventoried Roadless Area. The Chugach National Forest contains salmon habitat for five species of Pacific salmon: chum, pink, coho, Chinook, and sockeye salmon. These salmon populations support commercial, subsistence, sport, and personal use fisheries that benefit all Alaskans. Chickaloon Native Village stewards salmon populations in Cook Inlet, which will be affected by development to lands currently protected by the Roadless Rule. In particular, lands protected under the Roadless Rule in Turnagain Arm include salmon-bearing Resurrection Creek, Sixmile Creek, and Twentymile River. Resurrection Creek was degraded by historic placer mining in the early 20th century, but a 20 year, $10+ million partnership between federal, local, and non-government partners has restored salmon habitat. Repealing the Roadless Rule will open the door for future development to degrade these salmon habitats.

Wildfire is a natural and essential process for keeping Alaska's forests healthy, yet proposals to repeal the federal Roadless Rule—often justified by claims that more roads

PO BOX 1105 Chickaloon, Alaska 99674 **Phone (907) 745-0749 Fax (907) 745-0709**
e•mail: cvadmin@chickaloon-nsn.gov **Home Page: http://www.chickaloon-nsn.gov**

are needed for fire suppression—do not match how fire is managed in the state. Across much of Alaska, wildfires are monitored and frequently allowed to burn because they recycle nutrients, reduce pests and disease, and create a mosaic of habitats that supports biodiversity and forest resilience, especially in Interior Alaska. In contrast, Southeast Alaska's cool, wet coastal rainforest rarely experiences large or frequent burns. Building roads in currently undeveloped areas would fragment habitat, increase erosion, and invite more human-caused ignitions without meaningfully improving fire control. Maintaining the Roadless Rule therefore safeguards the ecological benefits of natural fire and the long-term health and productivity of Alaska's forests.

In fact, roads can increase the risk and number of wildfires in Alaska. A study of Interior Alaska from 1988–2005 showed human-caused fire ignitions were 11 times higher within 5 km of highways, and 6-fold between 5–10 km, compared to farther away. Areas within 10 km of roads and settlements have many more fire starts by people than do remote areas. Roads facilitate access by people—more chance of campfires, discarded cigarettes, equipment sparks or other ignition sources. They also alter the landscape: creating edges where vegetation dries faster, accumulating flammable fuel in road verges, and increasing wind exposure. These combined factors make roads a significant contributor to wildfire risk, especially when fire suppression is cited as a reason for building more roads. Another study by the U.S. Forest Service Rocky Mountain Research Station (2020) found that "non-native plants are twice as common within 500 feet of a road as they are farther away" and found that "speculation that eliminating road prohibitions would improve forest health is not supported by nearly twenty years of monitoring." In other words, increased development and expansion including road construction would lead to detrimental effects to our protected forested lands, increasing non-native plant species and wildfire risk.

Furthermore, granting more land access allows for permissive activities without responsibilities. Alaskan communities are often faced with access that is not consented causing deleterious effects to the environment and wildlife. Tribes, especially, feel development projects acutely in their care for land and waters, as opening more land leads to more vulnerability of the land and waters in which they steward.

In conclusion, we urge the U.S. Department of Agriculture to retain the 2001 Roadless Area Conservation Rule. We thank you for the opportunity to submit these comments.

May Nek'eltaeni (Creator) Guide our Footsteps,

Chief Gary Harrison (Sep 18, 2025 11:33:16 AKDT)

Traditional Chief Gary Harrison
Chairman

PO BOX 1105 Chickaloon, Alaska 99674 **Phone (907) 745-0749 Fax (907) 745-0709**
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Ketchikan INDIAN COMMUNITY

OFFICE OF THE PRESIDENT

September 17, 2025

Director, Ecosystem Management Coordination
U.S. Department of Agriculture
Office of the Secretary & U.S. Forest Service
201, 14th Street SW, Mailstop 1108
Washington, DC 20250-1124
bradley.kinder@usda.gov

Re: Comment of the Ketchikan Indian Community (KIC) on USDA Forest Service Proposal to Rescind the National Roadless Rule Protections on the Tongass National Forest, Docket No. FS-2025-0001 (filed electronically at: https://www.regulations.gov/commenton/FS-2025-0001-0001).

Dear Secretary Rollins and Acting Director Kinder,

On behalf of the Ketchikan Indian Community (KIC), we submit these comments in strong opposition to the rescission of the 2001 Roadless Rule as it applies to the Tongass National Forest[1], especially in regards to the rights of indigenous people in Southeast Alaska to exercise their rights and sovereignty in connection with the land.

Our Homeland and Connection to the Tongass

KIC's traditional homelands span what is now known as the Tongass National Forest (or "Tongass"). Our rights to self-determination are intertwined with the resources the Tongass provides, as an inextricable means to practice, preserve and exercise our culture as a sovereign Tribe. Our people have been here for more than 10,000 years. Roadless areas are integral to our identity and our survival. We hunt, fish, gather medicines, and harvest spruce root and cedar bark from old growth trees to weave hats and baskets and build canoes to revitalize our traditional practices and ways of life. This interdependence cannot be separated from our culture and is embedded in our exercise of sovereignty as a federally recognized Tribe. Healthy old-growth forests are our churches, our classrooms, and our grocery stores. They heal us. When they are logged, we lose that connection and our health suffers.

In a 1977 interview with attorney Mr. Ellis, Tlingit Elder Albert Shields (Teikweidi, Taanta Kwaan) recounted the Forest Service's seizure of his ancestral land within now Ketchikan Indian Community jurisdiction. Mr. Shields described how his family had a smokehouse and a log cabin

[1] Special Areas; Roadless Area Conservation, 66 Fed. Reg. 3244 (Jan. 12, 2001) (codified at 36 C.F.R. pt. 294)

near the mouth of Thorne Arm, by a creek and lake, the Forest Service arrived, burned their structures, and forcibly removed them. The agency's stated reason was to install a water gauge.According to Mr. Shields, the Forest Service proceeded to sell some of the ancestral land and clear-cut the old-growth trees. This was the same land where his family had hunted deer and fished for coho salmon, since the beginning of his time and his grandfather's time and before that. He lamented the resulting devastation, stating that after the timber was removed, only stumps remained where they once hunted, leaving nothing, meaning there is no longer deer in the area. Mr. Shields stressed that this was his grandfather's land and expressed his desire to see it preserved. Mr. Shields was filing a claim to get his families land back. The old growth forest of the Tongass is essential to sustaining our ecosystem. It preserves carbon, maintains necessary temperatures and habitat for salmon to spawn and return to our oceans (where we remind you, aboriginal rights remain intact) and provide livelihood for the animals, plants and traditional medicine indigenous peoples of these lands have stewarded for thousands of years as part of a reciprocal existence.

We would like to specifically voice the impact of Senate Bill 2554[2] — the Alaska Native Landless Equity Act in the 119th Congress (introduced July 30, 2025 by Sen. Lisa Murkowski, with Sen. Dan Sullivan as cosponsor) currently reviewed in the Senate Committee on Energy and Natural Resources. It recognizes the Southeast Alaska Native communities of Ketchikan, Haines, Petersburg, Tenakee Springs, and Wrangell as "landless" under the Alaska Native Claims Settlement Act[3] and authorizes equitable land conveyances from the Tongass National Forest by amending ANCSA to include newly formed Alaska Native urban corporations. Should Roadless rescission proceed, the status quo of these lands currently preserving indigenous interests will be detrimentally altered from the risk of being logged, mined or degraded before transfer, destroying their value and violating the promise of equity embedded in the bill. Because the bill may pass by the end of the 119th Congress (January 3, 2027), any administrative move that undermines land conditions prejudices Congressional intent and violates principles of fairness and trust. This will cause undue burden on the Tribe to spend unnecessary time, funds and resources to mitigate these risks from this federal action.

Tribal Consultation Failures

We must place on the record that there has been no meaningful Tribal consultation in this process. The July forum was canceled without notice after we engaged our Tribal Council, who were on call and in anticipation of immediate engagement, but received none. Additionally, the August 5th meeting was, in fact, nothing more than a Tribal forum—a setting where the Forest Service talked at Tribes instead of a government-to-government dialogue, as required by law.

[2] Alaska Native Landless Equity Act, S. 2554, 119th Cong. (2025)

[3] Pub. L. No. 92-203, 85 Stat. 688 (1971) (codified as amended at 43 U.S.C. §§ 1601–1629h)

That is not consultation. It violates Executive Order 13175[4], USDA's Tribal Consultation policy, and the federal trust responsibility. Since then, we have communicated our request for formal consultation but have had no material action taken by the forest service. This procedural failure alone provides grounds for legal challenge. It is also important to note that this expedited timeline of 21 days between USDA's notice of rulemaking on the Environmental Impact Statement (EIS) reflects inconsistent federal policy and does not provide sufficient time for Tribe's to adequately be engaged on the matter or for the federal government to provide the required analysis by the laws this decision implicates.

Procedural & Legal Concerns with Rescission

- NEPA (National Environmental Policy Act[5]) Violations: The Forest Service must analyze the cumulative, site-specific, and cultural impacts of rescinding the Roadless Rule, including harm to Tribes, their subsistence rights and impacts on federally protected waters (such as the inter-continental shelf where aboriginal rights are implicated, and is directly and indirectly impacted by changes to the Tongass) and congressional actions. A draft EIS cannot lawfully proceed without this analysis.
- NHPA (National Historic Preservation Act[6]) violations: The NHPA mandates meaningful government-to-government consultation and an evaluation of the impacts to areas covered within the Tongass National Forest. Namely, Duke Island, which has been formally recognized as Traditional Cultural Property. This requires a consideration of the cultural significance of this land by the USDA prior to any rule making. This cannot occur without required consultation with Tribes.
- ANILCA (Alaska National Interests Land Conservation Act[7]) & Rural Subsistence Rights: Under ANILCA, rural and Alaska Native subsistence[8] uses must be prioritized. Logging roads fragment deer habitat and salmon watersheds, directly undermining KIC's subsistence rights. This burdens KIC and its Citizens by forcing them to pursue longer distances and expend more energy and funds to steward and reach their dwindling wildlife and ecosystems that are currently available in their immediate surroundings.

[4] 65 Fed. Reg. 67,249 (Nov. 6, 2000) and U.S. Dep't of Agric., Departmental Regulation 1350-002, Tribal Consultation, Coordination, and Collaboration (Dec. 1, 2021)
[5] 42 U.S.C. §§ 4321–4370h
[6] 54 U.S.C. §§ 300101–320303
[7] The Alaska National Interest Lands Conservation Act, Pub. L. No. 96-487, 94 Stat. 2371 (1980) (codified as amended at 16 U.S.C. §§ 3101–3233)
[8] Alaska Native subsistence (16 U.S.C. § 3114)

- Landless Communities: KIC is a landless community under ANCSA. The Alaska Delegation's bill would allow for the creation of a Ketchikan Native corporation and transfer of lands from the Tongass. Some of those lands are within areas protected by the roadless rule. With rescission occurring while the bill is being passed, these lands could be logged, destroying their value and violating the trust obligation to transfer intact, viable lands. This creates a legal conflict between these congressional efforts and administrative agency action.

- Irreparable Harm: Once old-growth is logged, it cannot be restored for centuries[9]. That irreparable harm would form the basis for seeking injunctive relief if USDA proceeds without resolving these conflicts. Clearing trees impede the sustainability of inter-connected ecosystems that indigenous people preserve by simply practicing their ways of life. Any further removal from these systems will exacerbate the loss of culture.

Practical Realities of Nonexistent Infrastructure

Repealing the Roadless Rule will not bring jobs or community stability. The pulp mills have been closed for decades, shipping costs are prohibitive, and trained timber personnel are gone. Most raw logs are shipped overseas, often to China, rather than supporting local housing. By contrast, the Roadless Rule already contains exceptions for genuine community infrastructure needs. With it in place, KIC has successfully partnered with the Forest Service on restoration work—bringing jobs, restoring watersheds, and supporting Tribal citizens.

Our Position and Request

- KIC reaffirms our opposition to rescission of the Roadless Rule.
- We demand government-to-government consultation[10]—not forums, not webinars, but consultation in the meaning of federal law for each statute and federal trust responsibility that has been implicated.
- We ask the Forest Service to halt this process until Congress resolves the Landless issue. Until then, the lands in question remain in dispute and must be protected.

Legal Foundation Prompting Injunctive Relief

KIC reserves the right to pursue injunctive relief before or after the draft EIS. Grounds include:

- Failure to conduct lawful Tribal consultation (E.O. 13175, APA (Administrative Procedure Act), NEPA, NHPA).
- Failure to consider subsistence rights (ANILCA § 810).
- Risk of irreparable harm to disputed lands concerning congressional action (equitable settlement for communities unjustifiably left out by ANCSA).
- Arbitrary and capricious agency action under the APA by ignoring cultural, environmental, and economic realities.

[9] Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008)
[10] Administrative Procedure Act, 5 U.S.C. § 706(2)(A)

Conclusion

Until the land dispute is resolved, those are our Trees. They are part of our homeland, our health, and our future. We ask USDA and the Forest Service to keep the Roadless Rule in place in the Tongass and respect our rights as a sovereign Tribal government.

The Forest Service's proposed timeline issuing a Draft Environmental Impact Statement (EIS), is expected by March 2026, and a final decision by late 2026, demonstrates an expedited process that fails to honor the depth of consultation and analysis required under federal law and EO 14153[11], which only authorizes agencies to only take "legal actions." Compressing review into this shortened window undermines the government's obligations under NEPA, which requires a thorough and good-faith analysis of impacts and alternatives, and under the NHPA, which demands early, meaningful engagement with Tribes to protect cultural and historic resources. Moreover, proceeding on the accelerated track while Senate Bill 2554 is legislated in Congress prejudices the legislative process and risks irreparable harm to lands that would soon, and of right ought to be conveyed to landless Alaska Native communities. This creates a violation of both federal trust responsibilities and the APA, as it would be arbitrary and capricious to finalize a rule that overlooks legal requirements and ignores unresolved land claims by foreclosing on Congress' ability to deliver a just remedy. Coupled with the federal government's inconsistent policy on this rule and the undue burden imposed on Tribes to navigate this shifting framework, is an illegal exercise of federal action.

We request a review and adjustment to the current course of action and urgently petition the federal government to uphold these federal trust responsibilities to Tribal Nations.

Respectfully submitted,

Gloria Burns

Gloria Ilsxileé Sáng Burns, President
Ketchikan Indian Community

[11] 89 Fed. Reg. 33,583 (Apr. 21, 2024)



Image Courtesy of Ketchikan Museums: Totem Heritage Center Collection, KM 81.30.14

To whom it concerns:

I appreciate the US Department of Agricultural (USDA), Forest Service (FS) for contacting the Moapa Band of Paiutes Tribal Historic Preservation Officer (THPO). Currently, THPO has reviewed the report and has comments: USDA FS Rollback on the 2001 Roadless Area Conservation Rule (36 CFR Part 294).

- Moapa Band of Paiutes "Traditional Ecological Knowledge" of the "Salt Song Trail" which the Southern Paiutes and Chemehuevi tribes still practice today is going to be impacted by the "Roadless Rule." Go to nativeland.org to view the Salt Song Trail map to see our ancestral lands which encompass the following states: Southern Nevada, Southern California, Northern Arizona, and Southern Utah. The Salt Song is a "Cry Landscape Song" for the final journey to the afterlife for our tribal people. Economic Development under the Trump Administration provides deception to stop the healing process for our Salt Song Singer to continue to sing from sunset to sunrise. The holistic approach to protect these areas without offering to bless our sacred sites and traditional areas to collect and gather food and medicinal plants but impacting directly or indirectly the headwater system the life blood for our creation stories.
- Another concern THPO has with FS which still has not done a complete "Class III Cultural Inventory Report" for Cultural Resources on lands managed by FS.
- Without the FS notifying the tribes concerning Tribal Consultation and participating as "Tribal Monitors" to work on the Class III Cultural Inventory Report under the Roadless Rule. There is a major concern about "Unanticipated Discovery Plan" taking place within the footprint of new road construction.
- Will there be opportunities to have FS to budget funds for "Tribal Monitors" under the new road construction under the Roadless Rule.
- Will there be opportunities to have FS to budget funds under the Roadless Rule to collaborate with affiliated tribes on developing "Ethnographic Study."
- Will be opportunities for affiliated tribes to offer blessing the lands for new road construction under the Roadless Rule.
- The impacts of "Traditional Cultural Properties" unseen from overgrowth of trees and other obstructions will be impacted by Roadless Rule. The Impacts of our ancestral trails system being destroyed from the development to construction of new roads under the Roadless Rule.
- Issues of "Noxious Weeds" concerning the development of new road construction under the Roadless Rule. Causing the environment to change by having more issues to managing noxious weeds for FS to maintain with "Noxious Weed Management Plan." Concerns of native plants competing to survive with more noxious weeds growing faster than native plants and changing the ecosystem.
- "Wildfires" under the new road construction under the Roadless Rule makes it easier to access areas not able to go to in the past. Statically most fires are within 150 feet of road systems. Allowing ecosystem to have noxious weeds for more fuel for Wildfire to burn delicate ecosystem.
- Concerns of "Flash Flooding" with the development of new road construction under the Roadless Rule. The ecosystem is delicate in pristine areas and in the Southwest once you break the crust of the surface the area becomes "Dust Abatement" issue which allows people to make new sides trails along the road to avoid damaged roads from flood events.

We, however, THPO would like to stay informed/contacted if there are any adverse effects or finding of cultural significance during construction within the APE.

If you have any questions, please contact Darren Daboda, THPO at (702) 865-2787 ext. 92 or by email at moapathpo@moapabandofpaiutes.org.

Respectfully,

DARREN DABODA

Tribal Historic Preservation Office

Moapa Band of Paiutes

1 Lincoln St

P.O. Box 340

Moapa, NV 89025

Docusign Envelope ID: 92E68F39-32BB-46B7-B51B-B169864B05FD

September 17th, 2025

Secretary Brooke L. Rollins
United States Department of Agriculture
1400 Independence Avenue SW
Washington DC 20250

RE: Rescinding the 2001 Roadless Area Conservation Rule (2001 Roadless Rule) (66 FR 3244, 36 CFR Subpart B (2001)), Docket No. FS-2025-0001-0001

Dear Secretary Rollins,

The Snoqualmie Indian Tribe ("Snoqualmie Tribe"), a federally recognized sovereign Indian tribe and signatory to the Treaty of Point Elliott of 1855 with reserved rights thereunder, appreciates the opportunity to provide comments on the proposal to rescind the 2001 Roadless Area Conservation Rule ("Roadless Rule").

The Snoqualmie Tribe, known as the People of the Moon - sduk^{w}albix^{w} in our Native language – is a federally recognized tribe in the Puget Sound region of Washington State. When our ancestors signed the Treaty of Point Elliott, trading our former lands for the right to continue our culture and our way of life, they did so with the understanding that all those things that support and sustain us and our culture would remain available to us. Specifically, as a signatory to the Treaty, the Tribe reserved to itself, among other things, the right to fish at usual and accustomed areas and the "privilege of hunting and gathering roots and berries on open and unclaimed lands" off-reservation throughout the modern-day state of Washington (Treaty of Point Elliott, art. V, 12 Stat. 928). To this end, the government of the United States, with whom we made that agreement, has a trust responsibility to ensure that we continue to have access to clean water, land and air across our traditional lands in perpetuity.

We write in a spirit of partnership, but with a firm expectation that the United States will honor its obligations to respect Tribal sovereignty, include tribes as co-equal decision-makers, and uphold the trust duty in all actions. The proposal to rescind the 2001 Roadless Rule directly threatens the rights guaranteed under treaties by opening up to destruction the lands and habitats that support the species and practices that comprise our cultural inheritance. We ask that the proposal to rescind the 2001 Roadless Area Conservation Rule be withdrawn and the Rule remain in place as currently written. Tribal Consultation with the Snoqualmie Indian Tribe did not occur prior to the announcement that the Roadless Rule would be rescinded, and the Tribe requests a suspension of the rescission and meaningful government-to-government consultation.

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Environmental Impacts

The 2001 Roadless Area Conservation Rule restricts road construction and development across approximately 60 million acres of national forests and grasslands, 2 million of which is located in Washington State. Roadless areas protect fish and wildlife habitats, clean drinking water, and wild forests. Road construction and logging have been shown to have significant negative environmental impacts by fragmenting ecosystems, disrupting wildlife migration and negatively impacting biodiversity, allowing for the spread of invasive species, and degrading water quality with road run off and increased erosion and sedimentation[1,2]. Furthermore, logging can lead to increased flood severity and landslides, creating large-scale negative impacts on watershed health[1]. Intact forests also provide valuable ecosystem services, serving to regulate temperature and mitigate climate change.

National Forests in Washington support more than 1,600 plants and animal species, 39 of which are endangered[3]. Lack of adequate habitat is a major limiting factor in recovering these species, which are not only central to Tribal cultural practices and ways of life but many of which, such as Pacific Salmon, support billion-dollar commercial and recreational industries. Protecting these areas is necessary for species recovery and sustaining the culture and lives of the Snoqualmie people.

Wildfire hazard management

The argument that rescinding the Roadless Rule will lead to reduced wildfire risk and increased protection for surrounding communities and infrastructure is flawed. Approximately 85% of all wildfires are human-caused[4,5] and the majority of human-caused fires on National Forests start within a half a mile of a road[2, 6]. Fire suppression activities are already explicitly allowed in roadless areas and there is no evidence that fires spread more quickly in roadless areas than managed forests[2,6]. Rescinding the Roadless Rule will not lead to a reduction in wildfire threat nor the protection of neighboring communities and will instead create additional risk by increasing opportunity for the leading driver of wildfires, human activity.

Economic impacts

Areas protected under the Roadless Rule generate significant and sustainable economic benefits for local communities through outdoor recreation. These areas contain pristine and high-quality fishing and hunting grounds and are popular for other types of backcountry recreation. In Washington state, an estimated $290 million is spent annually

[1] Gucinski et al. 2001
[2] Healey 2020
[3] USFS Pacific Northwest Region
[4] Washington State DNR
[5] Balch et al. 2017
[6] Earth Justice 2025

Docusign Envelope ID: 92E68F39-32BB-46B7-B51B-B169864B05FD

in communities around national forests lands[7]. The economic benefits of rescinding the Roadless Rule and increasing industry will largely be concentrated with private companies, while tribes and tribal environmental and cultural resources and local communities will bear the costs.

Expanding Forest Service Roads throughout roadless areas is also not economically viable. The U.S. Forest Service already manages a 380,000-mile road system with an estimated $8.6 billion backlog, largely due to dilapidated roads[8]. New construction of roads in roadless areas will just further add to the maintenance issues and financial burden of the Forest Service.

Impacts on Tribal Rights and Usual and Accustomed Places
National Forest lands hold culturally significant areas, including sacred sites, ancient trail networks and travel routes, and usual and accustomed hunting, fishing, and gathering areas. Roadless areas help to protect these places; allowing new construction and increased industry could lead to their destruction and disrupt access to tribal members, and thus the ability to exercise treaty-protected rights.

It is both fiscally and environmentally responsible to protect these roadless areas and undeveloped forest lands. This proposed recission is a step backwards and will not only threaten the tribe's hard-earned progress to restore local habitats and preserve Tribal ways of life for future generations but will also compromise the ecological advancements gained from federal, Tribal, state, and local agencies who have dedicated time and resources to serve their communities for the benefit of all Americans.

Alternatives to the Roadless Rule
If the process to rescind the Roadless Rule moves forward, alternatives to replace the rule already exist. The U.S.D.A. Forest Service and Department of Interior sign co-management and co-stewardship agreements with tribes for federal lands and waters[9]. The federal trust and treaty responsibility to tribal nations includes co-management of tribal ancestral homelands. For example, through the Tribal Consultation process, the areas that were previously protected by the Roadless Rule can be discussed with co-management as a viable alternative framework. Both tribal and federal governments can discuss how to prevent foreseeable hazards, while protecting, restoring, and respecting lands for the benefit of all.

[7] USDA 2018
[8] USFS 2023
[9] National Congress of American Indians 2020

Docusign Envelope ID: 92E68F39-32BB-46B7-B51B-B169864B05FD

Please listen to the science and indigenous knowledge gained from the stewardship of these lands from time immemorial and keep the 2001 Roadless Rule in place as it is currently written. Thank you for considering these comments.

Sincerely,

DocuSigned by:
Michael Ross
E0D26BDD350B44F...

Michael Ross
Deputy Executive Director of Government Affairs and Special Projects

ANTHONY WILLIAMS
TRIBAL CHAIRPERSON

BIG PINE PAIUTE TRIBE OF THE OWENS VALLEY

Big Pine Paiute Indian Reservation
P.O. BOX 700 · 545 BUTCHER LANE · BIG PINE, CA 93513
(760) 938-2003 · FAX (760) 938-2942
www.bigpinepaiute.org

September 18, 2025

Brooke L. Rollins, Secretary, Department of Agriculture
Submitted to: https://www.federalregister.gov/documents/2025/08/29/2025-16581/special-areas-roadless-area-conservation-national-forest-system-lands#open-comment docket number FS-2025-0001.

Subject: Comments on Notice of intent to prepare an Environmental Impact Statement on a proposed rule to rescind the 2001 Roadless Area Conservation Rule

Dear Mrs. Rollins:

The Big Pine Paiute Tribe of the Owens Valley ("Tribe"), a federally recognized tribe, respectfully requests that the federal government keep the 2001 Roadless Area Conservation Rule ("2001 Roadless Rule") intact. There is no need to rescind it or prepare an Environmental Impact Statement ("EIS").

The 2001 Roadless Rule has served the Tribe well for more than two decades. Owens Valley is almost completely surrounded by lands managed by the Inyo National Forest. These lands span the Tribe's traditional territory and remain extremely important as places of cultural preservation, watershed health, good air quality, and more. Tribal members frequently visit nearby Forest lands to access food (such as pinenuts and game), medicines, fiber, fuelwood, and places of spiritual renewal. When the rule was introduced, Tribal leaders and staff worked with Forest Service staff to advise on roads important for Tribal access as well as on "roads" and routes that were redundant and difficult (and expensive) to maintain. The Tribe desires access to Forest lands, but too many roads leads to too many recreationalists gaining access to remote areas where mischief—or worse--may occur. Although modern people need roads, all roads alter the natural ecosystem. Roads change the patterns of wildlife, emit dust (such as particulate matter that degrades air quality and human health), collect and channel water thus increasing soil erosion, cause pollution in creeks, and damage plant roots sometimes leading to plant and tree death. Roads lead vehicles to places where people knowingly or carelessly damage archaeological sites, pillage artifacts, leave waste, trample vegetation, risk starting fires, disturb wild creatures, collect rocks and crystals, and more. On poor or unmaintained roads, vehicles get stuck or damaged, and this typically leads to road widening, which leads to further erosion, dust, and ecological degradation.

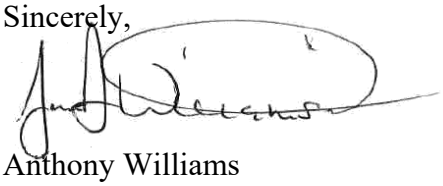
Rescinding the 2001 Roadless Rule would be an affront to the people who, two decades ago, worked long and hard on this challenging project. The rule was controversial when introduced, but once the stakeholders looked more closely at the problems and potential solutions, people went to work studying, mapping, and evaluating. For the Inyo National Forest, the result was a satisfactory balance between conservation objectives and the desire for access. Now, there are ample roads used by Tribal members, and there are fewer redundant, resource-damaging roads. Many of the unnecessary routes

have been obscured and have gradually recovered from past use. In fact, volunteers, including some Tribal youth, helped to obscure illegal routes and tracks by scattering downed wood or dead vegetation debris to make them less obvious, thereby allowing recovery to begin.

The 2001 Roadless Rule is compatible with the need to manage forest fuels, and it serves to lessen the chances of igniting a forest fire. Many fires start when vehicles come in contact with dry plant material, and a high percentage of fires result from improperly extinguished campfires or other human actions. Obviously, these chances are reduced if sites cannot be reached by roads. There are many effective methods for fuels reduction that do not require "roads" in the true sense. Fire can help renew most forest ecosystems, so wildfires that burn in roadless areas should be allowed to burn, within reason, because if there are no roads, there are unlikely to be structures in need of protection. Airborne methods and other fire-fighting approaches may be deployed if there are concerns. More roads are not the solution to protect the Wildland Urban Interface ("WUI") from wildfire, and legal roads typically already exist within these edges. There is no need to rescind the 2001 Roadless Rule to protect the WUI; rather, appropriate fuel management should be implemented, and communities must refrain from allowing further encroachment into wild lands.

The Tribe hopes your agency will drop the idea of rescinding the 2001 Roadless Rule rather than waste the time and money to prepare an EIS to arrive at the obvious conclusion that roads damage the environment. Should an EIS or other National Environmental Policy Act ("NEPA") process commence, it is imperative that your agency conduct early and meaningful consultation with tribes.

Sincerely,



Anthony Williams
Tribal Chairperson

C: Lesley Yen, Supervisor, Inyo National Forest (by email)

HOOPA VALLEY TRIBAL COUNCIL
Hoopa Valley Tribe
Post Office Box 1348 Hoopa, California 95546
PH (530) 625-4211 • FX (530) 625-4594
www.hoopa-nsn.gov

Chairman Joe Davis

VIA ELECTRONIC MAIL
September 18, 2025

Director, U.S Forest Service,
Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108,
Washington, DC 20250-1124

Attn: US Forest Service Roadless Area Conservation Rule Comments

Subject: Hoopa Valley Tribe's Comments on the Proposed Roadless Area Conservation Rule

The Hoopa Valley Tribe appreciates the opportunity to comment on the proposed Roadless Rule. Portions of the land that could be impacted by this action are adjacent to the Hoopa Valley Indian Reservation which are within our ancestral territory. Forest Management Decisions by the Federal Government in our ancestral territory must be justified by sound science and by meaningful Government to Government consultation. Our people have stewarded these lands for millennia and our knowledge of this unique ecosystem is based upon management principles that have insured the Hupa Peoples survival.

The Hoopa Valley Tribe is opposed to any Federal actions that would rescind the existing Federal Roadless Conservation Rule. The current proposal would circumvent the NEPA process, and the proposed timeline will not allow for meaningful consultation on actions that will affect the Hupa people and our way of life.

Existing Scientific data demonstrates that intact, roadless landscapes provide significant ecological benefits. These areas protect headwater streams and reduce fine sedimentation, critical for sustaining anadromous fish populations central to our culture, ecosystem health, and survival of our people. Roadless areas also serve as important wildlife corridors, help to preserve biodiversity and support sensitive species like Northern Spotted Owl (*Strix occidentalis*) and Northern Harrier (*Circus hudsonius*) on the landscape. Further, these landscapes contribute to carbon sequestration helping to mitigate the effects of accelerating climate change.

We support adaptive management as defined in the US Department of Interior handbook and we are currently partnered with the US Forest Service, Six Rivers National Forest to be

co-stewards of significant portions of these landscapes. This collaboration has the potential to promote forest health, enhance ecosystem resilience, and reduce wildfire risk.

The Tribe urges the Forest Service to engage us as co-equal partners in all aspects of roadless area management. Doing so ensures that roadless designations integrate both indigenous knowledge ecological science and that policies remain flexible enough to address site-specific conditions while safeguarding the health of forests and watersheds for generations to come.

Sincerely,

Joe Davis

Joe Davis, Chairman
Hoopa Valley Tribe

CC: Local US Forest Service Offices
Honorable Jared Huffman, US Congressman
Honorable Doug LaMalfa, US Congressman.
Honorable Alex Padilla, US Senator
Honorable Adam Schiff, US Senator
Honorable Bruce Westerman, US Congressman
Honorable Tom Vilsack, USDA Secretary of Agriculture

Lac Vieux Desert Band Of Lake Superior Chippewa Tribal Government

N4698 US 45 P.O. Box 249 • Watersmeet, Michigan 49969
Phone: 906-358-4577 • Fax: 906-358-4785

Executive Officers:
James Williams Jr., Tribal Chairman
Samuel Klingman, Tribal Vice-Chairman
Patrick Garrison, Tribal Treasurer
Roxann McGeshick, Tribal Secretary

Council Members:
Patrick Hazen II
Jeffery McGeshick
Tyrone McGeshick
Henry Smith
Keith Williams

September 18, 2025

Submitted via https://www.regulations.gov
USDA Forest Service
Attn: Acting Director Brad Kinder, Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124
SM.FS.otrtribalcon@usda.gov

Re: LVD Comments on Notice of Intent to Prepare Environmental Impact Statement for Rescission of 2001 Roadless Area Conservation Rule (Docket No. FS-2025-0001)

Dear Director,

The Lac Vieux Desert Band of Lake Superior Chippewa Indians, a federally recognized Indian Tribe (Tribe) located in Watersmeet, Michigan, submits this letter in response to the Notice of Intent to rescind the 2001 Roadless Area Conservation Rule (Proposed Recission). This Proposed Recission directly affects the Ottawa National Forest, among many other forests located within the Tribe's treaty-ceded territories under the Treaties of 1842 and 1854. These forests hold sacred sites, traditional use areas, and treaty-reserved resources that are central to our survival, identity, and responsibilities as a sovereign Nation.

The Tribe carries out stewardship in these forests through Manoomin restoration, water quality monitoring, cultural site protection, native plant cultivation and monitoring and fisheries management. Any reduction in roadless protections would damage these responsibilities. New road construction and logging would fragment wildlife habitat, increase sediment in rivers and streams, and degrade the clean water and medicines our people depend on. Scientific evidence shows that forest roads are the single greatest source of sediment pollution in streams, contributing up to 90 percent of sediment loads and seriously disrupting the safety and stability of watersheds[1]. Intact forests also serve as carbon sinks, storing an estimated 445 million tons of

[1] Yu, J., Zhao, Q., Yu, Z., Liu, Y., & Ding, S. (2024). A review of the sediment production and transport processes of forest road erosion. *Forests*, *15*(3), 454.

carbon across inventoried roadless areas[2], which are critical for climate resilience and for the survival of fish, wildlife, and people in a changing world.

Roadless areas safeguard treaty-reserved hunting, fishing, and gathering. Their destruction would reduce the abundance and accessibility of traditional foods and medicines, introduce invasive species, contaminate subsistence resources, and disrupt ecological relationships that our knowledge systems have stewarded for generations. These areas also contain sacred sites, burial places, ceremonial grounds, and cultural landscapes that cannot be replaced. Increased roads and industrial activity threaten these sites with desecration, looting, loss of privacy for ceremonies, and greater fire risk.

These ecological and cultural harms are inseparable from the process failures we are now witnessing, because rushing this decision without full Tribal input compounds the risks to our people and our homelands. The Forest Service sent an email to Tribal leaders on July 22, 2025, regarding this Proposed Recission. However, email notice does not constitute Tribal consultation. Government-to-government consultation must be meaningful, timely, and respectful of our sovereignty. Proceeding without such consultation violates Executive Order 13175, USDA Departmental Regulation 1350-002, Forest Service Manual 1563, Secretarial Order 3403, and the federal government's trust and treaty responsibilities.

The Tribe formally requests immediate in-person, government-to-government consultation related to the Proposed Rescission. Consultation must occur at our Tribal headquarters in Watersmeet, Michigan, with our Tribal leadership. We request a minimum 120-day consultation period, consistent with the Forest Service's "Strengthening Tribal Consultations and Nation-to-Nation Relationships Action Plan." The scope must include impacts to treaty rights, trust resources, cultural and sacred sites, water resources, fish and wildlife, and climate. Alternatives to full rescission, opportunities for co-management, and mitigation measures must all be part of the discussion. If this Proposed Rescission proceeds, we also require a commitment that every individual road construction or logging project will trigger separate project-level Tribal consultation.

Furthermore, we request designation as a cooperating agency pursuant to National Environmental Policy Act of 1969 (NEPA) is 42 U.S.C. § 4321 et seq., Public Law 91–190 for the Environmental Impact Statement. The current 21-day comment period is wholly inadequate. Tribal governments cannot analyze complex federal actions within this timeframe, especially when our Tribal leadership manages so many additional responsibilities, cultural protocols require community and elder input, and multiple Tribes must coordinate to assess the individual impacts on their Tribal communities. The original 2001 Roadless Rule involved extended comment and consultation periods; this process demands no less.

The Tribe unequivocally opposes the Proposed Rescission. This action represents an unconscionable breach of trust responsibilities, a violation of our treaty rights, and an existential threat to our cultural survival.

---

[2] Long, E. (2013). Wyoming v. USDA: A Look Down the Road at Management of Inventoried Roadless Areas for Climate Change Mitigation and Adaptation. *Ecology LQ*, *40*, 329.

The Tribe demands:

1. Full compliance with all consultation requirements pursuant to Executive Order 13175, USDA Departmental Regulation 1350-002, Forest Service Manual 1563, Secretarial Order 3403, and the federal government's trust and treaty responsibilities before any further action on the Proposed Rescission.
2. Immediate withdrawal of the Proposed Rescission based on failure to conduct required Tribal consultation.
3. Comprehensive analysis of impacts to treaty rights, cultural resources, and trust responsibilities implicated by the implementation of the Proposed Rescission.
4. Alternative development of enhanced protection option including Tribal co-management as it relates to implementation of the Proposed Rescission.
5. Free, Prior, and Informed Consent for any changes affecting Tribal ancestral territories.

The 2001 Roadless Rule has provided essential protection for the lands and resources that sustain our people. We stand ready to work with the Administration on genuine forest management improvements that respect Tribal sovereignty and enhance ecological resilience, but wholesale rescission is unacceptable.

Our point of contact for consultation on this matter is:

Dr. Lara A. Jacobs
Natural Resources Director
Lac Vieux Desert Cultural Preservation and Natural Resources Divisions
Lara.Jacobs@LVD-nsn.gov

We expect written confirmation of receipt of this letter within 14 days, along with proposed dates for initiating in-person consultation with our Tribal Council.

Sincerely,

James Williams, Jr.
Tribal Chairman

cc:

Tribal Council
Tribal Legal
Michigan Congressional Delegation
Regional Forester, Eastern Region (USFS Region 9)
National Congress of American Indians
Great Lakes Indian Fish and Wildlife Commission (GLIFWC)
Inter-Tribal Council of Michigan
Midwest Alliance of Sovereign Tribes Executive Director (MAST)
United Tribes of Michigan Executive Director (UTM)
Governor Gretchen Whitmer

Chilkoot Indian Association, Craig Tribal Association, Douglas Indian Association, Hoonah Indian Association, Ketchikan Indian Community, Klawock Cooperative Association, Metlakatla Indian Community, Organized Village of Kake, Organized Village of Kasaan, Petersburg Indian Association, Skagway Traditional Council, Central Council of Tlingit & Haida Indian Tribes of Alaska

SUBMITTED VIA FEDERAL REGISTER DOCKET & ELECTRONIC SUBMISSION

Attn: Roadless Rule EIS Comments
Director, Ecosystem Management Coordination
United States Forest Service
201 14th Street SW, Mailstop 1108,
Washington, DC 20250-1124

RE: Technical Comments on the Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS) for the Proposed Rescission of the 2001 Roadless Rule Reinstatement – Tongass National Forest

Dear Secretary Rollins and Forest Service Planning Staff:

The undersigned Southeast Alaska Tribal Governments, as federally recognized sovereign nations whose ancestral homelands encompass what is now known as the Tongass National Forest, respectfully submit the following technical comments on the Notice of Intent (NOI) issued by the U.S. Department of Agriculture (USDA) to develop an Environmental Impact Statement (EIS) concerning the proposed rescission of the 2001 Roadless Area Conservation Rule (2001 Roadless Rule) as applied to the Tongass National Forest.

For the Tribes of the Tongass, these forests are not merely resources—they are our homelands. Our communities rely on them for cultural, nutritional, spiritual, and economic sustenance. Accordingly, any federal proposal that alters the management regime of these lands, particularly one involving the potential expansion of industrial-scale development into currently protected areas, constitutes a matter of significant tribal concern. We therefore offer the following comments in three primary domains:

I. **Priority Considerations and Alternatives to the Proposed Recission of the 2001 Roadless Rule**
II. **Effects That Should Be Analyzed in the EIS and Relevant Scientific Studies, Indigenous Knowledge, and Local Data Legal and Procedural Concerns Affecting Tribal Rights and Interests**
III. **Legal and Procedural Concerns Affecting Tribal Rights and Interests**

I. Priority Considerations and Alternatives to the Proposed Recission of the 2001 Roadless Rule

A central shortcoming of the NOI is its apparent framing of management options through a limited and binary lens—one that positions the complete rescission of the 2001 Roadless Rule as necessary to facilitate economic vitality and the development of a sustainable forest-based economy within the Tongass National Forest (Green, 2007; Trump, 2025). Such framing fails to reflect the range of scientifically and culturally grounded management strategies that have emerged from decades of tribal, regional, and intergovernmental planning efforts (Organized Village of Kasaan et al., 2020; Portner, 2021; Sustainable Southeast Partnership, 2020). Additionally, the continued reliance on timber-volume mapping as the primary means of measuring forest diversity, ecosystem function, conservation priorities, and potential effects is fundamentally flawed. Accordingly, the following alternatives and priority issues must be fully developed, considered, and analyzed within the EIS process:

Priority Consideration

A. Transition to Culturally Aligned Young-Growth Forestry in Previously Logged Areas

- Focus considerations on restoration-based second-growth timber harvest within the existing road matrix (Hanley, 2005; Sustainable Southeast Partnership, 2020).
- Avoid expansion into roadless or unfragmented old-growth areas (Carroll et al., 2025; DellaSala et al., 2022; Martin et al., 2021).
- Implement Indigenous Knowledge and science-based restoration forestry to improve habitat quality and connectivity, and understory diversity (Garibaldi & Turner, 2004; Kübler & Günter, 2024; Lee et al., 2021; Long et al., 2020; Wickham et al., 2022).
- Support the continued work of regional working groups (Southeast Alaska Sustainability Strategy, Tongass Transition Collaborative) whose efforts have resulted in planning frameworks that have garnered community support (Portner, 2021).

B. Investment in Deferred Maintenance and Existing Infrastructure to Support Regional Economic Objectives

- Allocate funding toward backlogged maintenance of existing forest roads, culverts, and bridges, particularly for fish passage and erosion control, and towards the development of durable, culturally aligned young growth active management. Currently, there are approximately 5,000 miles of roads within the National Forest system, approximately 3,100 miles of which are not maintained for passenger vehicles (Escamilla, 2024) and a $10.8 billion dollar backlog in deference maintenance costs.

- Develop funding strategies, allocations, and mechanisms that do not rely on the sale of timber to maintain infrastructure maintenance and invest in restoration.
- Prioritize contracting for upgrades using Good Neighbor Authorities with southeast Alaska Native Tribes, 638 contracting and compacting mechanisms, and the Tribal Forest Protection Act to ensure tribal involvement in project development, oversight, and implementation.

C. Indigenous-Led Forest Stewardship

- Establish a co-management framework in which federally recognized tribes assume lead roles in determining local land use designations, consistent with principles of Indigenous self-determination (Johnson et al., 2021; Mills & Nie, 2021, 2022).
- Embed Indigenous Knowledge and cultural-use mapping in the development of adaptive management zones and protected areas (Berkes et al., 2000; Blevins, 2024; Cuerrier et al., n.d.; Fatorić & Seekamp, 2017; Johnson et al., 2021; Lander & Mallory, 2021).

These priorities reflect our traditional cultural values, ecological imperatives, and durable regional consensus on economic trajectories that should be given full analytical weight in the scoping and subsequent NEPA phases of this rulemaking.

Alternatives to the Proposed Rescission of the 2001 Roadless Area Conservation Rule

Tribal Alternative for the Protection of Traditional Homelands In the Tongass National Forest

Overview

In recognition of the inherent sovereignty and government-to-government relationship between federally recognized Tribes and the United States, and in light of the longstanding, well-documented traditional and customary uses of the Tongass National Forest by the indigenous peoples, we propose the development and adoption of a Tribal Alternative as part of the Environmental Impact Statement (EIS) process for the proposed rescission of the 2001 Roadless Rule. This alternative is rooted in the protection of tribal homelands, cultural lifeways, and ecological stewardship responsibilities.

Purpose and Need

One of our sovereign Tribes' highest priorities is the protection and continuation of traditional and customary hunting, fishing, and gathering practices within our traditional tribal territories. These lifeways are directly threatened when large-scale industrial activities—such as road construction, logging, mining, and mineral leasing—are allowed

to further degrade the lands and waters of the Tongass, especially without the informed consent or full participation of affected Tribes.

Despite participating in consultations and serving as cooperating agencies during the Alaska Roadless Rulemaking processes, our sovereign input has been repeatedly ignored or marginalized (Organized Village of Kasaan et al., 2020). This failure amounts to collective disenfranchisement and undermines the federal government's trust responsibility and its obligations under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), among others.

Core Components of the Tribal Alternative

1. **Creation of a Traditional Homelands Conservation Rule**
   The USDA and U.S. Forest Service (USFS), in partnership with the sovereign Tribal governments of Southeast Alaska, shall initiate an independent rulemaking process to establish a Traditional Homelands Conservation Rule that is:
   - Separate from the Alaska Roadless Rule and any current or future efforts to modify or rescind the 2001 Roadless Rule.
   - Centered on protection of areas identified as critical to traditional and customary tribal use.
   - Structured around co-management principles that fully integrate Tribal ecological knowledge, cultural priorities, and land stewardship values.
2. **Identification and Mapping of Traditional and Customary Use Areas**
   This process shall include:
   - Development of a transparent and culturally appropriate methodology for the identification, documentation, and protection of traditional and customary use areas.
   - Direct participation of Tribal knowledge-holders and governments in the designation of these areas.
   - Ensuring that identified areas are permanently protected from industrial-scale logging, roadbuilding, mining, and other extractive practices.
3. **Implementation of Forest-Wide Conservation Measures**
   - Prohibit large-scale industrial development in identified traditional and customary use areas.
   - Maintain and expand roadless protections within the Tongass National Forest in areas of Tribal significance.
   - Promote restoration of previously impacted sites in partnership with Tribal governments, utilizing Indigenous stewardship principles.
4. **Government-to-Government Consultation and Mutual Concurrence**
   - Enforce the established formal government-to-government consultation framework based on mutual concurrence, ensuring that no major decision affecting traditional lands proceeds without the informed agreement of affected Tribes.
5. **Utilization of Existing Authorities and Cooperative Agreements**

- Expand the use of stewardship contracting, cooperative agreements, and other authorities to empower Tribal co-management of lands and resources.
- Fund Tribal natural resource departments to carry out ecological monitoring, cultural site management, and sustainable development planning.
- Authorize tribes to assume the development of the environmental impact statement for the Tongass National Forest Plan Revision and associated NEPA processes with predicted impacts to homeland forests.

6. **Cultural and Environmental Justice Protections**
    - Recognize and address the disproportionate impacts of environmental degradation on Alaska Native communities.
    - Embed principles of Tribal cultural continuity, ways of life, and subsistence rights into all planning and decision-making related to the Tongass.

Conclusion

The Tribal Alternative represents a path forward that honors the sovereignty, culture, and deep ecological knowledge of the Indigenous peoples of Southeast Alaska. It seeks to ensure that any changes to federal land management policies in the Tongass do not replicate the historic injustices of exclusion, exploitation, and environmental harm. We call on the USDA and USFS to adopt this alternative in good faith, and to begin a new chapter of respectful, collaborative, and government-to-government partnership in the stewardship of our shared forest homeland.

Additional Proposed Alternatives and Considerations

The ultimate test of any policy is its durability. While this NOI requests input on national alternatives, one of the primary justifications for the proposed rescission is the desire for decision-making power to be placed in the hands of regions and communities. On this front, the Idaho Roadless Rule has proven remarkably successful. Following its promulgation, the rule was challenged in federal court by a coalition of conservation groups who argued that it illegally weakened the protections of the 2001 rule and failed to comply with environmental laws. These groups pointed to Forest Service projections that the Idaho rule would triple road construction and nearly double logging compared to the 2001 rule.

Despite these objections, the rule was upheld first by the U.S. District Court for Idaho and then, in 2013, by a unanimous (3-0) decision from the Ninth Circuit Court of Appeals. This legal validation, from a court often seen as environmentally leaning, is a powerful testament to the rule's sound legal and procedural construction.

Politically, the rule has been equally resilient. Because it was forged through a state-led, collaborative process with broad stakeholder and tribal buy-in, it has not faced the persistent threats of administrative reversal that have plagued the national rule. Idaho Senator Jim Risch continues to champion it as a successful, common-sense model that other states should emulate to resolve their own public land disputes.

The Idaho rule's success demonstrates a critical principle: by localizing the decision-making process, as this proposal claims it wants to do, it transforms the debate from a national, ideological conflict to a series of local, community-based and science-based evaluations. The Idaho rule itself does not authorize a single project; it establishes a rigorous but workable framework for evaluating projects that would have been non-starters under the 2001 rule, including all of the fire management issues the Administration now claims are necessary to address with the current proposal.

Still, more than 95% of the roadless acres under the Idaho Roadless Rule enjoy similar or stronger protections than under the 2001 national rule while still providing the management flexibility this Administration claims to want. This shift in the locus of conflict resolution is perhaps its most important and replicable feature, and it should get serious consideration here with this current proposal. If this Administration truly believes in solutions for our National Forests, its preservation of the Idaho Roadless Rule is definitive as to what does, and does not, work on our public lands.

A Tribal and State co-led process could have equally similar successful results for all parties involved as the Idaho Roadies Rule. Failure to consider an "Idaho Rule”-like solution for the Tongass would be a grave violation of the APA, NEPA and common sense. Doing so would be a triumph of this Administration’s wisdom.

Per the extensive tribal and community engagement during the 2020 Alaska rulemaking process, which advocated for “long-term, durable approach to roadless areas management...that accommodates the unique biological, social, and economic situation found in and around the Tongass”. We submit the proposed alternatives taken verbatim from the Alaska Roadless Rulemaking Regulatory Impacts Assessment and Cost Benefit Assessment (2020) for consideration. The proposed alternatives reflect the results of extensive public engagement and alternative building work that took place during the development of the Alaska Roadless Rule. While these alternatives are specific to Alaska, we submit them as durable, community-developed alternatives that can be scaled up to accommodate the multiple uses under which National Forests are managed or reconsidered as components of an updating of the 2020 Alaska Roadless Rule under one of the community-supported alternatives which would advance national strategy.

Alternative 1 (Southeast Tribes Alternate Priority)

Maintain and strengthen the 2001 Roadless Rule (No Action Alternative)

- Retain all current protections for inventoried roadless areas (IRAs) in the Tongass.
- Strengthen conservation provisions by identifying ecologically critical and culturally significant subunits (e.g., karst, high-volume stands, cultural and sacred sites) for enhanced protection (Betts et al., 2018; Birdsey et al., 2025; Carroll et al., 2025; DellaSala et al., 2022).

Alternative 2 (Watershed Priority)

Alternative 2 maximizes roadless area protection, by adding an additional 133,000 acres as Alaska Roadless Areas, while providing for additional timber harvest opportunities by removing areas generally known as “roaded roadless” areas but also include additional areas considered to be substantially altered. Alternative 3 provides more timber harvest opportunities than Alternative 2 by removing substantially-altered roadless areas (including roaded roadless, similar to Alternative 2) and extending the bounds of these areas to logical end points of existing road and timber harvest systems (212,000 acres), generally defined as the nearest watershed boundary (i.e., ridgeline of 14th-field hydrologic unit) from an existing road system. Removing these areas from the roadless inventory represents the logical extensions of substantially altered acres from existing infrastructure and likely encompasses the more economically feasible locations for future timber harvest with the least impact to roadless characteristics.

Alternative 3 (Community Priority + Watershed Priority)*

Alternative 3 also provides additional timber harvest opportunity by designation of Community Priority areas around affected communities. Community Priority areas allow for small-scale timber harvest and associated road construction and reconstruction.

*This management category was developed to address specific desires of some communities to retain roadless protections while also allowing for small timber operators in the community, infrastructure development to support the communities, and provide for traditional Alaska Native cultural uses. The provision allows for road building to accommodate small commercial sale less than one million board feet (which does not exclude larger operators but designed to reduce barriers to entry for smaller operators). The Forest Service is seeking public input on this management category, specifically with respect to whether this designation should be applied to other communities/areas. The Forest Service proposes to consider applying the Community Priority land management category to ARAs either adjacent to communities or within Community Priority areas as requested by non-profit community associations organized under State of Alaska law (Alaska Statute 10.20.005), municipal governments, or tribal governments.

II. Effects That Should Be Analyzed in the EIS and Relevant Scientific Studies, Indigenous Knowledge, and Local Data

Any serious examination of the implications of rescinding the 2001 Roadless Rule must include comprehensive and interdisciplinary analyses of cumulative, long-term, and place-based effects. The following categories of impacts are of relevance:

A. Impacts to Alaska Native Ways of Life and Subsistence Resources

- Diminished access to and availability of subsistence resources such as Sitka black-tailed deer, anadromous fish, berries, and food, fiber, and medicinal plants

due to habitat fragmentation, loss of old-growth, and the degradation of productive understory (Buonanduci et al., 2025; Johnson et al., 2021; Long et al., 2020; Shanley et al., 2021; Ulaski et al., 2025).
- Disruption of spiritual and ceremonial use areas embedded in intact forest landscapes (Dixon et al., 1997; Freedman & Fridgen, 2007; Isa, 2018).
- Declining intergenerational transmission of traditional knowledge due to ecological degradation of culturally vital gathering and hunting grounds and associated learning opportunities (Bussey et al., 2016; Chamley et al., 2008; Charnley et al., 2007; Cheveau et al., 2008; Huntington, 2000; Kimmerer, 2002; Todd et al., 2023).

Federal law (Section 810 of ANILCA) requires that federal agencies specifically consider these impacts. See 16 U.S.C. § 3120(a). Thus, as in the promulgation of Alaska-specific roadless rules in 2020 and 2023, the USDA must conduct such analysis, as noted below.

B. Biodiversity, Wildlife, and Forest Integrity

- Loss of contiguous habitat for endemic, threatened, and culturally critical wildlife species, including but not limited to the Chinook, Sockeye, Coho, Pink, and Chum salmon (*Oncorhynchus tshawytscha, O. nerka, O. kisutch, O. gorbuscha, O. keta*), Sitka Black-Tailed Deer (*Odocoileus hemionus sitkensis*), the Alexander Archipelago wolf (*Canis lupus ligoni*), and the Queen Charlotte goshawk (*Accipiter gentilis laingi*) (Brooks et al., 2024; Flitcroft et al., 2022; Haddad et al., 2015; Hanley, 2005; Kravitz & Blair, 2019; Moore et al., 2024).
- Reduction of critical ecosystem functions such as nutrient cycling, watershed regulation, and the maintenance of robust populations of ANILCA-protected traditional and customary use species, habitats, and Alaska Native lifeways (Brandt et al., 2014; DellaSala et al., 2011; Dietz et al., 2021; Healey, 2020; Lader et al., 2023; Loucks et al., 2003; Seiler, n.d.; Talty et al., 2020; Tanyaş et al., n.d.; Van Der Ree et al., 2011).
- Edge effects, habitat fragmentation, and microclimate alterations due to increased road density and canopy removal (Rykken et al., 2007; Sperry et al., 2008; Valente et al., 2023).

C. Climate Change Resilience and Carbon Accounting

- Net increase in carbon emissions due to removal of large-diameter, high-carbon-value old-growth trees (Besnard et al., 2025; Birdsey et al., 2025; Buotte et al., 2020; Farinacci et al., 2024; Law et al., 2023; Leighty et al., 2006).
- Loss of carbon storage capacity in soils and hydrological systems affected by road building (Booth et al., 2023; Dellasala et al., 2022; Fellman et al., 2017; McNicol et al., 2023).
- Reduced climate buffering capacity of intact forests under intensifying regional precipitation events and landslide risks (Betts et al., 2018; Frey et al., 2016; Lindenmayer & Laurance, 2017; Wolf et al., 2021).

D. Geophysical and Hydrological Risk Factors

- Increased landslide and sedimentation risk associated with road construction on steep, rain-saturated slopes (Tanyas et al. 2022; Lader et al. 2023).
- Disruption of fish habitat and passage due to road stream crossings (Kravitz 2019).
- Accelerated deterioration of karst hydrology systems and groundwater-dependent ecosystems (Bryant et al., 1998; Dixon et al., 1997; Hendrickson & Groves, 2011).

Our tribes emphasize that Indigenous Knowledge is best available science and must be used as the foundation on which assessments are based (Blevins 2024). Indigenous Knowledge recognizes and safeguards the integrity of ecological systems over generational timeframes and thus must be integrated into baseline condition assessments and scenario modeling. Community-level data should be integrated to construct an accurate picture of environmental and cultural consequences (Blevins, 2024). Please reference the bibliography at the end of this letter for a full list of the specific citations used to inform our comments.

E. Indigenous Knowledge (IK)

- Community documentation and oral histories identifying:
    - Seasonal migration patterns of culturally significant wildlife.
    - Long-term observations of forest health and change.
    - Indigenous management, harvest, and land-use practices adapted to the specific ecology of homeland forests which encompass and include the Tongass National Forest.

F. Local and Tribal Data

- Harvest monitoring reports from tribal and state subsistence programs especially as information relates to effects observed in proximity to roads and roaded areas vs those less proximate to roads and roaded areas.
- Where available and allowable, maps of traditional use areas and cultural and sacred sites within tribal homelands.
- Road maintenance and cost data by district.

Each of these impact domains and knowledge sources requires thorough spatial, temporal, and cumulative analysis under NEPA, including disclosure of mitigation measures, tradeoffs, and irretrievable losses. A thorough ANILCA 810 analysis is a required component of the evaluation of environmental impacts. Taken together this information significantly contributes to our tribes' ability to understand the effects of federal actions on traditional ways-of-life and subsistence resources. We strongly urge that these sources inform both the selection of alternatives and the EIS analytical framework.

III. Legal and Procedural Concerns Affecting Tribal Interests

A. Inadequate Consultation and Federal Trust Responsibility

The NOI does not satisfy the consultation requirements outlined in Executive Order 13175 and the USDA's Departmental Regulation 1350-002, which requires early and substantive tribal engagement in policy development. Various other federal laws, such as the National Historic Preservation Act (NHPA, National Environmental Policy Act, and ANILCA, also require consultation and engagement. Despite these requirements, our current experience of recent consultation processes continues to appear more procedural than meaningful. Per a June 26th comment letter from Tlingit & Haida:

> "This decision was made without tribal consultation and therefore violates the federal government's legally mandated trust responsibility to tribal nations. As such, we do not recognize the legitimacy of this action until meaningful, government-to-government consultation has occurred. This unilateral rescission disregards the inherent sovereignty of tribes, undermines the rights of the Indigenous peoples of Southeast Alaska, threatens the health of the land that our communities have stewarded for millennia, and disregards the foundational government-to-government relationship that should guide all federal actions involving tribal homelands".

This follows an unfortunate pattern of failed communication and breaches of trust articulated in the 2020 APA Tribal Homelands Petition submitted by twelve federally recognized Alaska Native tribes (Organized Village of Kasaan et al., 2020).

We therefore request:

- Co-development opportunities on topics of tribal priority (see above) during the development of the EIS.
- Formal, government-to-government consultation prior to finalization of the environmental impact statement, and written documentation articulating how our points have been included in the final EIS.
- A detailed and comprehensive analysis of potential impacts on subsistence resources, pursuant to ANILCA Section 810.
- Co-development of project-level consultation protocols tied to proposed road construction or timber sales.
- Regular tribal briefings, including both consultation and engagement, during the EIS process and inclusion of tribal representatives on interdisciplinary review teams.

B. Potential Violations of Environmental and Cultural Protection Statutes

The proposed action may implicate several statutes, including:

- **National Environmental Policy Act (NEPA)** – Incomplete scoping, failure to consider reasonable alternatives, and insufficient cumulative impact analysis.
- **Endangered Species Act (ESA)** – Inadequate consideration of the effects of habitat loss on listed species and their critical habitat.
- **National Historic Preservation Act (NHPA)** – Risk to unrecorded sacred and cultural sites.
- **ANILCA Section 810** – Consideration and priority of traditional and customary use species and the potential impacts of federal actions.

Failure to address these concerns in the EIS may render the final rule legally vulnerable.

V. Conclusion and Requests for Follow-Up

The undersigned Tribes urge the USDA to reconsider the rationale and direction of this rulemaking. The proposed rescission appears to privilege extractive economic interests and broad generalizations about wildfire risk—conditions that are inapplicable to the temperate rainforest systems of the Tongass. Our forest requires management grounded in place-based knowledge, tribal sovereignty, and a recognition of the ecological complexity of the Tongass, not administrative uniformity. While this is the ostensible motivation behind the proposed recission, we submit that federal oversight and standardization of environmental review is still urgently needed: Despite the multiple use mandate and reliance on forest plans for direction and governance, the USFS still affords a privileged position to the timber industry via agency reliance on timber receipts to complete mandated work including restoration actions and infrastructure maintenance.

We request:

1 Full development and consideration of the alternatives outlined above.
2 Comprehensive ecological, cultural, and climate-related impact analysis including indirect and cumulative impacts.
3 Integration of TEK and tribal data as required by NEPA and Executive Orders.
4 In addition to the consultation-specific requests listed above, clear timelines for ongoing consultation and co-development opportunities with tribal governments.
5 Formal documentation of how tribal comments will be addressed and incorporated into the Draft EIS.

The undersigned tribes stand ready to support a collaborative and scientifically grounded planning process—one that respects Indigenous governance, sustains local communities, and ensures the integrity of the Tongass for future generations.

By signing below, the undersigned Tribe affirms support for these technical comments on the proposed rescission of the 2001 Roadless Rule as applied to the Tongass National Forest.

Signature: _____ Title: President

Tribe: Central Council of Tlingit & Haida Indian Tribes of Alaska Date: 9/15/2025

Signature: _____ Title: Tribal Administration

Tribe: Hoonah Indian Association Date: 9/15/2025

Signature: _____ Title: President

Tribe: Craig Tribal Association Date: 9/16/2025

Signature: Joel M. Jackson Title: President

Tribe: Organized Village of Kake Date: 9/17/2025

Signature: _____ Title: Tribal President

Tribe: Klawock Cooperative Association Date: 16-Sept-25

Signature _____ Title: Tribal Council President

Tribe: The Organized Village of Kasaan Date: 9/16/2025

Signature: _____ Title: President

Tribe: Petersburg Indian Assoc. Date: 9/17/25

Signature: Gloria Burns Title: President

Tribe: Ketchikan Indian Community Date: 9/19/2025

Signature: Jaime Bricker Title: President
Jaime Bricker (Sep 17, 2025 18:51:35 AKDT)

Tribe: Skagway Village dba Skagway Traditional Council Date: 17/09/2025

Signature: James Hart Title: President

Tribe: Chilkoot Indian Associan Date: 9/18/2025

Signature: [signature] Title: President

Tribe: Douglas Indian Association Date: 9/19/2025

Signature: [signature] Title: Mayor

Tribe: Metlakatla Indian Community Date: 9-19-25

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The Tulalip Tribes are federally recognized successors in interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.

Secretary Brooke L. Rollins
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington DC 20250

September 18, 2025

Re: Notice of Intent to prepare an Environmental Impact Statement on Rescinding the 2001 Roadless Rule (Docket Number FS-2025-0001)

The Tulalip Tribes of Washington (Tulalip) is a federally recognized sovereign Indian government, successor in interest to the Snohomish, Snoqualmie, and Skykomish, and as well as other allied tribes and bands, signatory to the 1855 Treaty of Point Elliott. Members of Tulalip, together with other Coast Salish tribes, have strong historical and spiritual ties and treaty reserved rights to hunt, fish and gather in all usual and accustomed places and on all opened and unclaimed land, which includes the forest lands and waters that comprise what is now a part of the National Forest system managed by the U.S. Forest Service (USFS). The Mt. Baker-Snoqualmie National Forest (MBS) lies entirely within the Treaty of Point Elliott area.

As their original stewards, we have nurtured these forest landscapes for millennia, maintaining balance and resilience through our deep connection to and reliance on these lands. Lands within the MBS constitute some of the last undeveloped areas within the Pt. Elliot Treaty tribes territory, where tribes like Tulalip, can exercise our treaty-reserved fishing, hunting, and gathering rights. These lands continue to provide water, foods, medicines, and places that sustain our people, our lifeways, and livelihoods. As such, we have a profound interest in how these federal forest lands are managed and protected for future generations.

In 2007, Tulalip and the MBS entered into a Memorandum of Agreement (MOA) to serve as an ongoing framework for our government-to-government relationship and partnership in forest stewardship. Through an amendment to this MOA, we most recently incorporated Tulalip's Uplands Strategic Plan (2023),[1] which speaks to our historical and continued connection to and reserved treaty rights on these forest lands, our vision for their future, and the strategic actions we believe are needed to sustain them. It is through this lens that we offer our comments, which are summarized below and expanded upon later in this letter.

[1] *Uplands Strategic Plan*, Tulalip Tribes (2023) NR-Tulalip-Tribes-Uplands-Strategic-Plan-20230428

The Tulalip Tribes is opposed to the Notice of Intent to prepare an Environmental impact Statement on rescinding the 2001 Roadless Rule (Docket Number F-2025-0001)(NOI) which proposes to rescind the 2001 Roadless Rule in its entirety.

However, if the Forest Service moves ahead with the creation of an EIS to analyze its proposed action to rescind the 2001 Roadless Rule, Tulalip requests that the Forest Service engage in meaningful consultation to address the concerns stated herein on a government-to-government basis. This will allow for, among other things, engagement at a local level with Tulalip, which is one of the goals and purposes stated in the NOI. When analyzing the various alternatives, Tulalip urges the Forest Service to address the lack of consultation leading to the 2001 Roadless Rule and the current rulemaking process and ensure access to treaty resources, cultural sites, and sacred areas for federally recognized treaty tribes, including Tulalip. The Forest Service must engage at the local level with those treaty tribes that have management authority as secured through a treaty, to determine impacts to natural and cultural resources and their habitats, and for which roadless areas shall remain so as not to diminish treaty-reserved resources. Finally, if any alternative other than the "no action" alternative, *i.e.*, maintaining the 2001 Roadless Rule, is selected, the Forest Service must ensure that future actions in these roadless areas only occur upon the informed and express consent of federally recognized treaty tribes, such as Tulalip, with federally protected property rights within such areas.

I. THE 2001 ROADLESS RULE AND TREATY RIGHTS

When promulgated, the 2001 Roadless Rule noted that inventoried roadless areas often encompass traditional cultural properties and sacred sites[2] but, the Environmental Impact Statement prepared (EIS) for the 2001 Roadless Rule provided relatively little discussion or analysis of tribal issues. Indeed, the EIS and mostly recited background information about legal status and consultation requirements, for which tribes were minimally consulted with outside of the public comment period.

Reflective of this general approach, the language of the 2001 Roadless Rule exception allows that road construction when a "road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty."[3]

The Kootenai Tribe of Idaho was a lead plaintiff challenging the 2001 Roadless Rule, based in part on the Forest Service's failure to engage in substantive tribal consultation.[4] A central concern consistently expressed by tribes was that "traditional uses of the land and access to

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[2] Fed. Reg. 3245, 3272 (Jan. 12, 2001) (36 C.F.R. § 294.11 of the 2001 Roadless Rule).
[3] 66 Fed. Reg. 3244, 3272 (36 C.F.R. 294.12(3)).
[4] *Kootenai Tribe of Idaho v. Veneman*, 142 F. Supp. 1231, 1245 (D. Idaho 2001).

cultural and sacred sites be allowed to continue."[5] The Forest Service responded to this concern by pointing to the flexibility of the 2001 Roadless Rule, including the exception quoted above.[6]

Therefore, it is absolutely crucial to leave the 2001 Roadless Rule untouched, in place, and engage in meaningful consultation, as a legal obligation of the Forest Service for its current rulemaking.

The 2001 Roadless Rule is not otherwise outdated as stated in the NOI. In fact, it is crucial in upholding the inherent rights recognized by and explicitly reserved in the 1855 Treaty of Point Elliott; which created a trust responsibility that the Forest Service, as our federal trustee, is legally required to protect. While the Forest Service has a trust obligation to all federally recognized Indian tribes, the Forest Service has a unique fiduciary duty to treaty tribes to protect tribal rights reserved by treaty—*a treaty right without the resources to support it, is an abrogation of the right.*

Many non-timber and timber products on National Forest lands are incredibly important resources to the culture of tribes such as Tulalip. Our culture depends on their abundance, and our ability to access them at sustained levels. However, the impacts of growing public use, commercial practices, and recreation are taking their toll on these significant cultural resources and properties, and thus, tribal member access for the exercise of treaty and other tribal rights and traditional, cultural, and religious practices.

Rescinding the Roadless Rule will diminish natural and cultural resources, leading to abrogation of these rights.[7]

The NOI's proposed recission will diminish and in some cases, eliminate these natural and cultural resources on which our treaty-reserved rights depend on because:

1. Roads encourage industrial encroachment on treaty rights and the landscape.
2. Roadless areas are critical for ecological integrity in the landscape setting:
    A. Salmon habitat is negatively impacted by roads due to the amplification of magnitude, frequency, and duration of sediment and hydrology delivery to stream channels.
    B. Roads severely fragment already declining wildlife habitat.
    C. Roads play an enormous role in creating hydraulic repercussions on the landscape in terms of continuity, magnitude, frequency, and amplification of flood events. All of which are exacerbated by environmental shifts and climate change.
    D. Roads, via harvest and other land use impacts, increase the effects of soil desiccation during extreme heat events, compounding the impacts of drought and impacting forest health.

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[5] *Id.*

[6] 66 Fed. Reg 3244, 3253.

[7] *See Washington v. Washington State Com. Passenger Fishing Vessel Ass'n*, 443 U.S. 658, 690, *modified sub nom. Washington v. United States*, 444 U.S. 816, (1979); *United States v. Washington*, 853 F.3d 946, 964–65 (9th Cir. 2017).

Further, the recission of the 2001 Roadless Rule does not and cannot meet its stated goals because:

3. The recission is fiscally irresponsible- the Forest Service already struggles to maintain its existing road system- which is the largest for any federal agency- and increasing the miles of road will exacerbate this problem, at great cost to the federal government;
4. The recission exacerbates wildfire risk. Roads are a source of ignition, not a solution; and
5. This will not lead to the local prescription that addresses wildfire abatement, forest health, or upholding trust responsibilities, but instead nationally directs the Forest Service to prioritize timber production exacerbating risks on public lands.

Finally, we request clarity about opportunities to engage in the consultation process. Tribes must be consulted with in accordance with Executive Order 13175 and USDA's Tribal Consultation Policy. The Forest Service is legally obligated to engage in early and meaningful government-to-government consultation with federally recognized tribes that affect tribal resources. To date, the Forest Service has failed to engage in meaningful consultation with the Tulalip Tribes, which contravenes federal law and trust obligations. Further, no clear or meaningful plan for consultation has been otherwise outlined or communicated to tribes.

1. EXPANDING ROADS FOR PURPOSE STATED IN THE NOI ENCOURAGES AND FACILITATES INDUSTRIAL ENCROACHMENT ON TREATY RIGHTS & THE LANDSCAPE

Continuation and/or expansion of extractive economies should be based on ecological sustainability, to allow otherwise, is to facilitate the abrogation of treaty-reserved rights.

Despite the NOI stating that recission will allow for local direction of land use, the Forest Service has been given the directive to "exploit our domestic timber supply" and "full[y] utilize[e] these resources…and increase domestic timber production"[8] as well as other mineral exploration directives on forest service land in Executive Orders regarding energy development.[9] This is explicitly a call to allow industrial encroachment upon treaty rights and the landscape that those rights depend upon. It contradicts a "local direct of land use" within treaty territories.

Opening roadless areas encourages damaging extractive industries. The expansion of roads facilitates industrial logging, mining, and other large-scale uses that threaten the ecological integrity of forests, rivers, and uplands. Such industrial encroachment directly conflicts with and diminishes the exercise of treaty-reserved hunting, fishing, and gathering rights, and irreparably harms the cultural and spiritual connections that Tulalip maintains with these lands.

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[8] Secretary's Memorandum 1078-006 April 3, 2025, *Increasing Timber Production and Designating an Emergency Situation On National Forest System Lands*; Presidential Executive Order 14225, *Immediate Expansion of American Timber Production* (March 1, 2024).

[9] Presidential Executive Order 14156, *Declaring a National Energy Emergency* (January 20, 2025); Presidential Executive Order 14154, Unleashing American Energy (January 20, 2025).

2. ROADLESS AREAS ARE CRITICAL FOR ECOLOGICAL INTEGRITY IN THE LANDSCAPE SETTING

The MBS roadless areas are among the last intact ecosystems within the Treaty of Point Elliott territory. These areas function as interconnected systems of plants, animals, waters, and uplands that sustain both natural and cultural resources. Rescinding the 2001 Roadless Rule in its entirety would repeatedly expose natural and cultural resources to ecological degradation in perpetuity, abrogating our treaty rights.

These natural and cultural resources impacts include critical treaty resources such as salmon, wildlife, various plants, and their habitats.

A. Severe Impacts on Anadromous Salmon and Aquatic Habitats.

Roadless areas protect cold, clean water, intact riparian forests, and stable stream networks—conditions essential to the survival of salmon throughout their life cycles. By contrast, roads increase water run-off and sedimentation, impede fish migration, and degrade water quality through road stabilization additives. The Forest Service itself has acknowledged these impacts for decades.[10] Expanding the road network exponentially increases both ecological harm and the fiscal burden of attempting to mitigate it—mitigation that is already lagging behind on the roads that currently exist.

B. Creating Roads Severely Fragments Already Rapidly Declining Wildlife Habitat

Creating roads also fragments wildlife habitat, which is particularly devastating in the Pacific Northwest where certain species have already lost much of their historical range. Research demonstrates that wildlife species including elk, mountain goat, bear, lynx, and wolverine avoid roads, even little-used ones, altering movement patterns and reducing available habitat.[11] Large, connected tracts of roadless forest are critically important and increasingly rare refuges for these species, and their continued existence is essential to maintaining healthy ecosystems essential to upholding treaty rights.

C. Hydraulic & Hydrologic Repercussions: Flood Frequency, Magnitude, and Continuity

Roads profoundly alter natural water flow, increasing the risk, frequency, and severity of flooding, risks that will only be magnified under drought conditions, transcontinental atmospheric events, and other environmental shifts. Forest roads, have highly compacted surfaces with very low infiltration rates. These surfaces generate overland flow—even under

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[10] *Influence of Forest and Rangeland Management on Anadromous Fish Habitat in Western North America, Planning Forest Roads to Protect Salmonid Habitat*. USDA Forest Service (1980) https://www.fs.usda.gov/pnw/pubs/pnw_gtr109.pdf

[11] *Degradation of Natural Habitats by Roads: Comparing Land-take and Noise Effect Zone*, Environmental Impact Assessment Review, Volume 65, Pages 147-155, Madadi et al. (2017) Degradation of natural habitats by roads: Comparing land-take and noise effect zone - ScienceDirect

moderate rainfall—rather than allowing water to soak into soils, slowing it, or spreading it across the landscape.[12]

Roads also intercept subsurface flow: cuts and fills transform how groundwater moves, often diverting it toward the surface or into roadside ditches, which then deliver large pulses of water quickly into streams. This increases peak stream discharge, erodes stream banks, incises channels, amplifies sediment delivery, and worsens flood peaks. All of which increase risk to downstream communities; human and ecological alike. In Western Washington and similar forested mountain landscapes, studies show that when forest roads are directly hydrologically connected to streams (via ditches, gullies, or through road-stream crossings), there is a measurable increase in flood flows—sometimes on the order of 10-12% increase in annual discharge in certain catchments.[13]

Further, during high-rain events or extreme storms, roads act to concentrate runoff. Natural terrain spreads and slows water; roads collect it, route it, sometimes block its natural pathways, leading to abrupt overflow, greater erosion, and downstream flooding. The severity and frequency of such flood events are exacerbated by local environmental shifts: more intense precipitation, more rapid snowmelt, and more frequent storms. Without the buffering effect of undisturbed, roadless terrain, communities, aquatic habitats, and treaty-protected resources downstream will be increasingly at risk.

D. Soil Desiccation, Extreme Heat & Land Use Impacts

Roads via harvest and land use impacts, significantly contribute to soil desiccation during extreme heat events.

Heavy machinery compacts soils, reducing their porosity and water-holding capacity; as a result, infiltration rates drop and soils dry out more quickly during heat or drought.[14]At the same time, canopy and vegetative cover are removed, eliminating the shade and evapotranspiration functions that moderate soil temperatures. Without this protection, soils are exposed to greater

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[12] *Impact of Forest Roads on Hydrological Processes*, Kastridis (2020), cross referenced footnotes 4-14. https://www.researchgate.net/publication/345842501_Impact_of_Forest_Roads_on_Hydrological_Processes

[13] *Physical Hydrology and the Effects of Forest Harvesting in the Pacific Northwest: A Review*, LaMarche and Lettenmaier, (2001) *https://www.fs.usda.gov/pnw/pubs/journals/pnw_2005_moore001.pdf*; *The Effects of Forest Roads and Harvest on Catchment Hydrology in a Mountainous Maritime Environment*, Bowling and Lettenmaier (2001) https://agupubs.onlinelibrary.wiley.com/doi/10.1029/WS002p0145; and *The Hydrologic Impacts of Roads at Varying Spatial and Temporal Scales" A review of Published Literature as of April 2004*, Coe, Nooksack Indian Tribe for the Upland Processes Science Advisory Group of the Committee for Cooperative Monitoring, Evaluation, and Research (CMER) (2004) https://dnr.wa.gov/sites/default/files/2025-05/fp_cmer_04_410.pdf

[14] *Soil Compaction*, University of Minnesota Extension https://extension.umn.edu/soil-management-and-health/soil-compaction

solar heating, further accelerating moisture loss which leads to further heating of the air and even to deadly heat domes, as happened in our region in 2021.[15]

In addition, roads create "edge effects," where adjacent soils develop warmer and drier microclimates compared to interior forest soils. These altered conditions extend outward from roads, disrupting soil moisture, organic matter decomposition, and the ecological functions of plants and microbes.[16]

Taken together, these processes reduce the resilience of forest soils under environmental stress, threatening the survival of culturally significant plants, berries, roots, and medicines relied upon by the Tulalip Tribes. Under extreme heat, soils that are already compromised (compacted, exposed, with lower organic matter) dry out faster, which reduces resilience: plants cannot access deep water, seedlings and understory species suffer, riparian zones may lose moisture, and overall landscape recovery is harder after disturbances. For treaty-reserved resource plant and animal species, these changes threaten medicinal plants, roots, berries, and undergrowth that depend on stable moisture, and exacerbate heat stress in aquatic systems (e.g., by reducing shading), which further impact fish and stream organisms.

3. FISCAL MANAGEMENT OF ROAD SYSTEMS

The recission is fiscally irresponsible. The Forest Service manages more roads than any other federal agency,[17] and fails to maintain them, facing chronic shortfalls in both staffing and financial resources.

In the 2026 Forest Service budget, appropriations for roads are down $23,000,000 and are completely cut for legacy roads and trails.[18] Adding more roads to the forest system does not make economic sense and can lead to taking funds from critical habitat, treaty rights, fire management, and other forest management. Moreover, the current rule already allows road-building and logging of smaller trees to reduce fire risk and protect public safety. Allowing the expansion of roads will only deepen that burden while diverting scarce resources away from habitat protection, treaty obligations, and wildfire management.

Given the Forest Service's directive to "exploit our domestic timber supply" and "full utilization of these resources…and increase domestic timber production"[19] there is concern that road construction may increasingly be financed through timber company activities. Such an approach risks prioritizing industrial access over treaty-reserved rights and could effectively sideline the

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[15] Zhang, K. et al., *A westward shift of heatwave hotspots caused by warming-enhanced land-air coupling*. Nature Climate Change. (2025) DOI https://doi.org/10.1038/s41467-023-37309-y

[16] *Assessment of Grassland Ecosystem Conditions in the Southwestern United States*, USDA Forest Service Rocky Mountain Research Station, pages 68-71 (vol 1) (2004) https://www.fs.usda.gov/rm/pubs/rmrs_gtr135_1.pdf .

[17] Roads webpage, U.S. Forest Service https://www.fs.usda.gov/science-technology/infrastructure/roads.

[18] U.S. Forest Service FY 2026 Budget Justification (June 2025) 2026 USDA Explanatory Notes, page 29a-82.

[19] Secretary's Memorandum 1078-006 April 3, 2025, *Increasing Timber Production and Designating an Emergency Situation On National Forest System Lands*

federal government's trust responsibility to uphold those rights, a violation of the United States Constitution.

4. WILDFIRE MANAGEMENT AND RESPONSE

The NOI suggests that rescission will support wildfire management. In reality, the opposite is true. The 2001 Roadless Rule already contains an exception to construct roads for wildfire (and other emergency) response, negating the need to rescind the 2001 Roadless Rule in its entirety to address this growing need.[20]

Further, roadless areas experience fewer human-caused ignitions, which account for approximately 80% of all wildfires—and 90% of those begin within a half-mile of a road.[21] Increasing road density, will increase ignition risk and the costs of fire suppression. Roadless areas also provide the safest settings for allowing natural wildfire to play its ecological role in restoring forest structure and composition. Rescission would diminish this natural resilience, undermining forest health and adaptation to changing conditions.

Moreover, the 2026 Forest Service budget slashes agency funding by more than 60%, and zeroes out funding for Wildland Fire Management, the Wildfire Suppression Operations Reserve Fund, and State, Private, and Tribal Forestry.[22] USDA's stated rationale for rescission—addressing wildfire risk and giving states more decision-making power—rings hollow when no funding is allocated to meet those goals.

5. REPEALING THE 2001 ROADLESS RULE IN ITS ENTIRETY WILL NOT LEAD TO LOCAL CONTROL.

The NOI states that "the Department believes that the 'one-size-fits-all' approach to roadless area management is no longer appropriate and proposes to use local land management planning processes to administer inventoried roadless areas," and that rescinding the 2001 Roadless Rule would allow local land managers to tailor management to local conditions. However, this rings hollow because: (1) recent actions directly contradict this stated commitment to locally based decision-making; (2) the Forest Service is approaching the Roadless Rule in another "one-size-fits-all" approach with an all or nothing recission proposal; and (3) there are exceptions in the 2001 Roadless Rule which allow for local land management control.

The Executive Order establishing a national policy of Immediate Expansion of American Timber Production, together with the Secretarial Memo on Increasing Timber Production, reflect a national, top-down directive that prioritizes resource extraction at the expense of treaty-reserved rights and healthy forests. Such a mandate undermines any discretion of local managers and

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[20] 66 Fed. Reg. 3244, 3272 (36 C.F.R. 294.12(1)).

[21] *Three-decade Record of Contiguous-U.S. National Forest Wildfires Indicates Increased Density of Ignitions Near Roads*, Earthjustice (2025) https://earthjustice.org/wp-content/uploads/2025/06/updated-summary-roads-and-fire-.pdf

[22] U.S. Forest Service FY 2026 Budget Justification (June 2025) 2026 USDA Explanatory Notes

threatens the values safeguarded by the 2001 Roadless Rule including clean water, ecosystem services, and forest habitats. Rather than advancing local interests and values, the proposed action would impose a national policy that abrogates treaty rights.

We reiterate that the 2001 Roadless Rule should not be rescinded. However in preparing an EIS, in order to truly meet the "local decision-making" directive stated in the NOI and consultation requirements, the Forest Service must engage in meaningful consultation with the treaty tribes with management authority for those lands, to determine impacts on natural and cultural resources and their habitats and for which roadless areas shall remain so as not to diminish treaty-reserved resources. .

Further, this EIS should conduct a thorough analysis of what specific, targeted changes might improve the balance between ecological protection, treaty-reserved rights, and multiple uses of National Forest System lands. This would be more consistent with the Forest Service's obligations which require the Forest Service to identify tribal interests and impacts to them than wholesale rescission, which jeopardizes both ecological integrity and treaty rights.

The Draft EIS should carefully assess the anticipated impacts and benefits of any future action, including those reasonably foreseeable at both the project and landscape scale on treaty resources and the habitats that support them. While site-specific analysis is essential, it is not sufficient: fish, wildlife, water, and other ecological systems do not observe forest or project boundaries. For example, salmon populations are affected by activities across watersheds, meaning that road building in one area, such as the Tongass, can have consequences for fisheries and tribal treaty rights in Washington state.

In short, the Forest Service should not rescind the 2001 Roadless Rule or continue the NEPA process to do so, however, if an EIS is pursued it should look to thoughtful, targeted adjustments that protect treaty rights and ecological integrity, rather than a broad recission. Also, the Forest Service must ensure that future actions in these roadless areas only occur upon the informed and express consent of federally recognized treaty tribes, such as Tulalip, with federally protected property rights within such areas.

Thank you again for allowing us to comment on this Notice of Intent. Please contact Libby Nelson at lnelson@tulaliptribes-nsn.gov with any questions.

Sincerely,



Teri Gobin
Chair
Tulalip Tribes

Docusign Envelope ID: 98F3F9AF-E95B-4A9E-89DC-73C04AE1DB31

BISHOP TRIBAL COUNCIL

To: Department of Agriculture- Forest Service

Re: Strong Opposition to FS-2025-0001– Rescinding the 2001 Roadless Area Conservation Rule (2001 Roadless Rule) (66 FR 3244, 36 CFR Subpart B (2001)) (Submitted on Behalf of the Bishop Paiute Tribe)

September 19th, 2025

Manahuu (Hello),

The Bishop Paiute Tribe submits this comment in strong opposition to the proposed rescission of the 2001 Roadless Area Conservation Rule (2001 Roadless Rule) as proposed in docket number FS-2025-0001. The Bishop Paiute Tribe's ancestral homeland and present-day reservation border the Inyo National Forest. We submit this formal comment in **strong opposition** to any proposal to rescind or weaken the 2001 Roadless Area Conservation Rule. The protection of these roadless areas is not merely an environmental issue; it is a matter of cultural survival, indigenous rights, and environmental justice for our people.

The Inyo National Forest, at approximately 2.1 million acres, is not a separate entity from our community; it is an extension of our homeland. For generations, our people have maintained a deep, reciprocal relationship with these lands. Proposals to open these areas to road construction, logging, and industrial development directly threaten this relationship in the following critical ways from disrupting our cultural practices of gathering pine nuts and hunting our traditional foods as well as threatening the quality and quantity of our already limited waters. Increased road access, habitat fragmentation, noise, and pollution from industrial activity would severely degrade the quality and productivity of the pinion trees and would displace wildlife by disrupting migration patterns, and diminishing the populations we depend on, violating our reserved hunting rights on our ancestral homelands. These operations also have the potential to violate our established Water Quality Standards [Clean Water Act §303(c)].

This proposal claims that this recission of the 2001 Roadless Rules is meant to reduce decades and, in turn, centuries of fire suppression which has been the direct result of taking native peoples away from these lands and stalling cultural fire practices. The Bishop Paiute Tribe agrees that the forests

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are unhealthy, however, it is also evident that opening these lands to private, for-profit logging and mining companies reduces transparency, and threatens tribal sovereignty. There are ways to go about enhancing forest health and increasing climate resiliency, for instance, the ongoing Eastern Sierra Climate and Communities Resilience Project (ESCCRP) project in the Inyo National Forest aims to manage 65,000 acres for wildfire resiliency. This project is in collaboration with the tribes of the Owens Valley and the greater Eastern Sierra, as well as other partners. Crucially, the 2001 Roadless Rule already contains provisions allowing for road construction to address emergencies [36 CFR § 294.12(b)(1)], demonstrating that rescinding the rule is not required to protect public safety.

Furthermore, the headwaters of Bishop Creek originate in the roadless areas of the Inyo National Forest and flow directly onto our reservation. This water is essential for our people for ceremonial use, and agriculture. The Roadless Rule is a key tool in protecting the integrity of these waters.

- **CWA Section 303(c):** Our Tribe has established its own Water Quality Standards under the authority of the Clean Water Act. Road construction, logging, and associated erosion would lead to significant sedimentation, polluting our waters and violating these designated uses.
- **CWA Section 401:** The Tribe asserts its authority under Section 401 of the Clean Water Act. Any federal permit or license that may result in a discharge into our waters (such as a permit for road construction or a timber sale) requires a certification from our Tribe that the activity will comply with our Water Quality Standards. We will not certify any project that jeopardizes the purity of our waters, and the Roadless Rule is the most effective preventative measure to avoid such conflicts.

The 2001 Roadless Rule functions as an essential buffer, protecting our cultural practices, subsistence resources, and water quality from irreversible harm. It aligns most with our Tribe's long-held ethic of stewardship and respect for the land.

Thank you for your attention to this significant matter.

Sincerely,

Signed by:
Steven Orihuela
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9/19/2025 | 4:15 PM PDT

Steven Orihuela
Tribal Chairman
Bishop Paiute Tribe

BLACKFEET NATION

P.O. BOX 850 BROWNING, MONTANA 59417
Telephone (406) 338-7521 Fax: (406) 338-7530

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September 19, 2025

Director, Ecosystem Management Coordination
201 14th St. SW,
Mailstop 1108
Washington, DC 20250-1124

Re: Public Comment from the Blackfeet Nation Opposing the Repeal of the Roadless Rule

To whom it may concern:

The Blackfeet Nation stands in firm opposition to any effort to repeal or weaken the 2001 Roadless Area Conservation Rule. This policy has been a critical safeguard for our sacred lands, including the Badger-Two Medicine region, which holds profound cultural, spiritual, and ecological significance for our people.

For over 18,000 years, our ancestors have lived in harmony with the mountains, rivers, and forests of what is now called Montana. These lands are not merely wilderness—they are living cultural landscapes, home to our origin stories, ceremonial sites, traditional medicines, and the spirits of our people. The Roadless Rule has helped protect these areas from fragmentation, industrialization, and desecration. Repealing this rule would open the door to roadbuilding, logging, and energy development that threaten to destroy irreplaceable cultural heritage. It would violate our treaty rights, undermine federal trust responsibilities, and disregard the principle of free, prior, and informed consent that is essential to tribal sovereignty.

Moreover, more roads, means more noxious weeds being spread throughout the National Forests and beyond. At a meeting on August 28, 2025, representatives from the United States Forest Service met with the Blackfeet Tribal Business Council and representatives from various Blackfeet Nation departments at Blackfeet Nation headquarters in Browning, Montana and stated that the most concentrated areas of noxious weeds in the Lewis and Clark National Forest (Badger Two-Medicine region) are on the roadways. Noxious weeds outcompete native vegetations for sunlight, water, nutrients and space that leads to a decline or extinction of native plant species, some of which are used for traditional medicines. Further, native animals often depend on native plants for food, nesting and shelter. When noxious weeds takeover food sources disappear, habitat quality declines and some species may be forced to migrate or die out. Noxious weeds also alter soil and water supply systems, and lead to an increase in wildlife. Therefore, lifting the Roadless Rule will ultimately lead to a spread of noxious weeds, devastating the environment.

We call on the United States Department of Agriculture and all federal agencies to uphold their legal and moral obligations to Indigenous Nations. The Roadless Rule must remain intact—not only to protect wildlife and clean water, but to honor the sacred relationship between Native peoples and the land.

Sincerely,

Rodney Gervais, Jr., Chairman
Blackfeet Tribal Business Council

Comments on 2001 Roadless Rule Rescission, FS-2025-0001-0001
Submitted by: Chugach Regional Resources Commission (CRRC)
Date: 9/19/2025

To:
Forest Service, Agriculture (USDA)

RE: Tribal Comments on the Environmental Impact Statement (EIS) for the 2001 Roadless Rule Rescission

The Chugach Regional Resources Commission (CRRC) submits these comments in response to the U.S. Department of Agriculture initiating an environmental impact statement (EIS) and rulemaking concerning management of inventoried roadless areas on approximately 44.7 million acres of National Forest System lands, including the Chugach National Forest. CRRC is an inter-Tribal natural resource organization representing the seven Tribes of the Chugach Region. Our mission is to protect, maintain, and enhance the natural resources of the region to support subsistence practices, food security, cultural continuity, and Tribal sovereignty. Cook Inlet and its marine and coastal ecosystems are deeply tied to the lifeways of our member Tribes. Natural resource extraction and development such as logging and mining pose serious risk to these interconnected systems and the people who rely on them.

Background:

Chenega, a sovereign federally recognized tribe in the Chugach Region, is a coastal community on Evans Island in Prince William Sound. Eyak, a federally recognized tribe based in Cordova, represents descendants of the Eyak people whose traditional homelands extend across the Copper River Delta and eastern Prince William Sound. Qutekcak, a federally recognized tribe located in Seward at the head of Resurrection Bay, is part of the Chugach Region and maintains deep ties to both land and sea resources. Tatitlek, another sovereign federally recognized tribe in the Chugach Region, is a small Native village on Prince William Sound accessible only by boat or plane. Valdez, home to the federally recognized Valdez Native Tribe, is at the head of Prince William Sound, where coastal resources have long supported subsistence lifeways. For members of Chenega, Eyak, Qutekcak, Tatitlek, and Valdez, their culture and survival remain rooted in the continued health of traditional resources that have sustained them for generations.

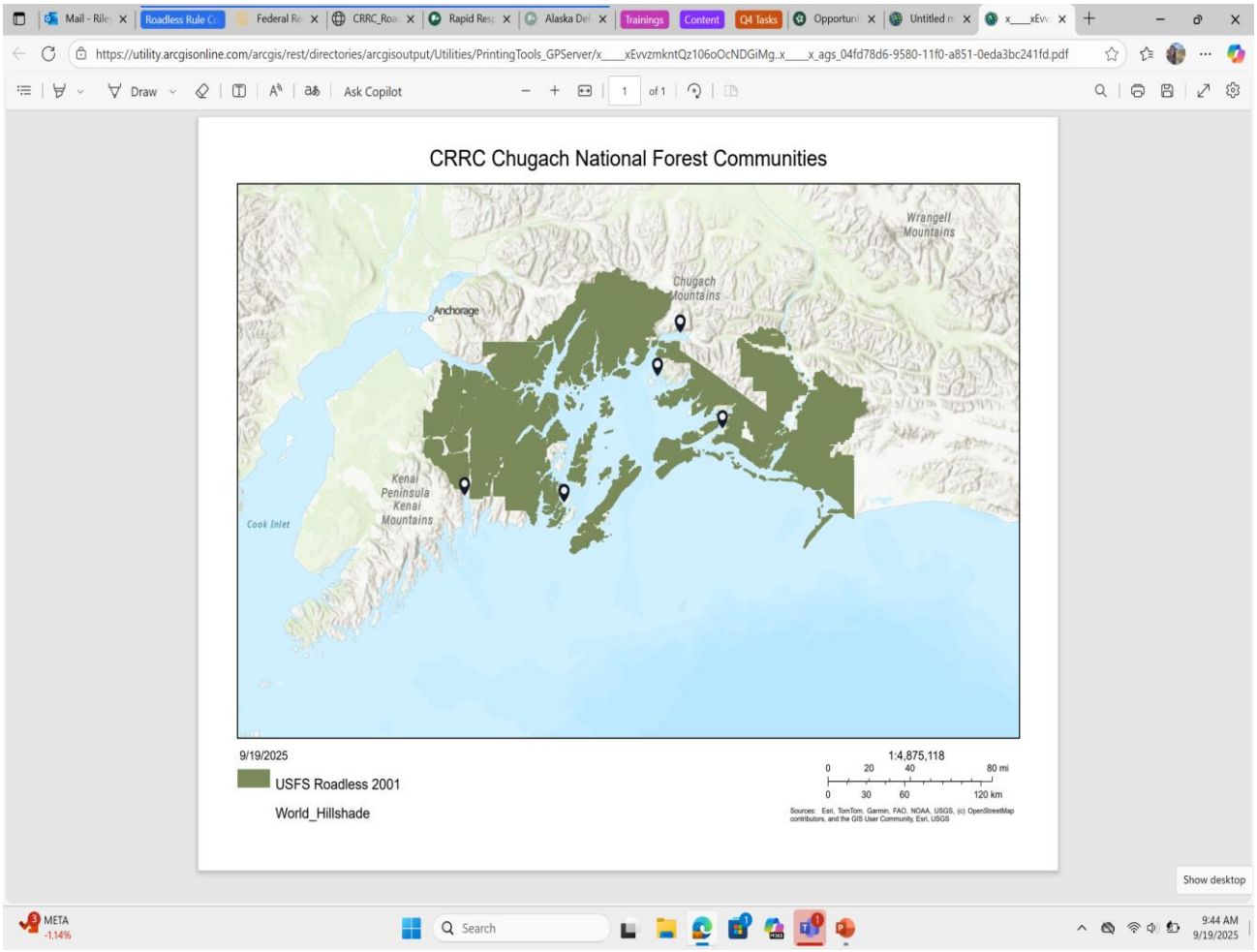


Figure 1: Chugach Region roadless area and CRRC Communities (Left to right: Qutekcak, Chenega, Tatitlek, Valdez, and Eyak) Qu. **Source:** Esri, TomTom, Garmin, FAO, NOAA, USGS, OpenStreetMap contributors, and the GIS User Community, Esri, USGS.

We offer the following comments and recommendations:

1. Subsistence Harvest and Food Security

CRRC is deeply concerned about the potential impacts of logging on subsistence resources that are central to the health and cultural survival of our communities.

- The EIS must fully assess how equipment installation, vehicle traffic, and habitat fragmentation may disrupt the timing, abundance, and accessibility of subsistence species.
- The cumulative effects of industrial development and climatic stressors must be integrated into any analysis of subsistence impacts.

Subsistence Species of Concern:

Mammals:

- Moose
- Deer
- Beaver
- Porcupine
- Mountain Goats
- Dall Sheep
- Lynx
- Wolf
- Wolverine
- Coyote
- Brown Bear
- Black Bear
- Small Furbearers (rabbit, marten, mink, ermine)

Fish:

- Salmon (Sockeye, Pink, Chinook, Coho, Chum)

Plants:

- Wild Mustard
- Blueberry
- Huckleberry
- Dandelion
- Bedstraw
- Willow (all species)
- Nettle
- Pineapple Weed/Chamomile
- Plantain

- Puff Ball
- Wormwood
- Yarrow
- Spruce (all species)
- Devil's Club
- Currant
- Highbush Cranberry
- Salmonberry
- Fiddle Head Fern
- Watermelon Berry
- Violet
- Chocolate Lily
- Columbine
- Wild Celery
- Elder
- Fireweed
- Geranium
- Golden Rod
- Nagoonberry
- Raspberry Rose (all species)
- Shooting Star
- Strawberry
- Wild Chive
- Skunk Cabbage
- Lupin
- Bog Cranberry
- Sweet Gale
- Marsh Marigold
- Dock

Birds:

- Cassin's Auklet
- Least Auklet
- Rhinoceros Auklet
- Magpie
- Crow
- Raven
- Sandhill Crane

- Long-billed Dowitcher
- American Wigeon
- Black scoter
- Bufflehead
- Canvasback
- Common Eider
- Eurasian Wigeon
- Gadwall
- Barrow's Goldeneye
- Common Goldeneye
- Harlequin duck
- Hooded Merganser
- King eider
- Lesser Scaup
- Long-tailed duck
- Mallard
- Common Merganser
- Red-breasted Merganser
- Northern Pintail
- Northern Shoveler
- Redhead
- Ring-necked Duck
- Greater Scaup
- Spectacled Eider
- Steller's Eider
- Surf Scoter
- Blue-winged Teal
- Green-winged Teal
- White-winged scoter
- Bald Eagle
- Common Eider
- King Eider
- Northern Fulmar
- Brant
- Canada Goose
- Emperor Goose
- Greater white-fronted Goose
- Snow Goose
- Pomarine Jaeger

- Common loon
- Horned Grebe
- Tule Goose
- Ivory Gull
- Cackling Goose
- Parasitic Jaeger
- Long-tailed Jaeger
- Pacific Loon
- Red-throated Loon
- Yellow-billed Loon
- Arctic Loon
- Great Horned Owl
- Snowy Owl
- Common Ringed Plover
- Ruffed Grouse
- Spruce Grouse
- Rock Ptarmigan
- Willow Ptarmigan
- Baird’s Sandpiper
- Least Sandpiper
- Crested Auklet
- Parakeet Auklet
- Black-legged kittiwake
- Bonaparte's gull
- Brandt’s Cormorant
- Double-crested Cormorant
- Pelagic Cormorant
- Red-faced Cormorant
- Glaucous Gull
- Glaucous-winged Gull
- Black Guillemot
- Pigeon Guillemot
- Herring Gull
- Mew Gull
- Common Murre
- Thick-billed Murre
- Red-legged Kittiwake
- Sabine's Gull
- Aleutian Tern

- Arctic Tern
- Black Oystercatcher
- Dunlin
- Bar-tailed Godwit
- American golden
- Black-bellied plover
- Greater Yellowlegs
- Lesser Yellowlegs
- Red Phalarope
- Red-necked Phalarope
- Semipalmated Plover
- Black Turnstone
- Ruddy Turnstone
- Western Sandpiper
- Whimbrel
- Red-necked Grebe
- Tule Goos
- Wilson's Snipe
- Common Snipe
- Trumpeter Swan
- Tundra Swan

2. Protection of Cultural Resources

Prince William Sound is home to ancestral village sites, travel routes, and areas of deep cultural and spiritual significance. These sites are not always documented in federal or state registries but are known through oral history and continued use.

- USDA and USFS must consult directly with the CRRC and its member Tribes to identify cultural resources.
- Archaeological sites that may be impacted by logging or associated activities should be surveyed in collaboration with Tribal Historic Preservation Officers.
- Risk assessments should be conducted for flooding and associated land/rock/mud slides from logging and associated development plans.

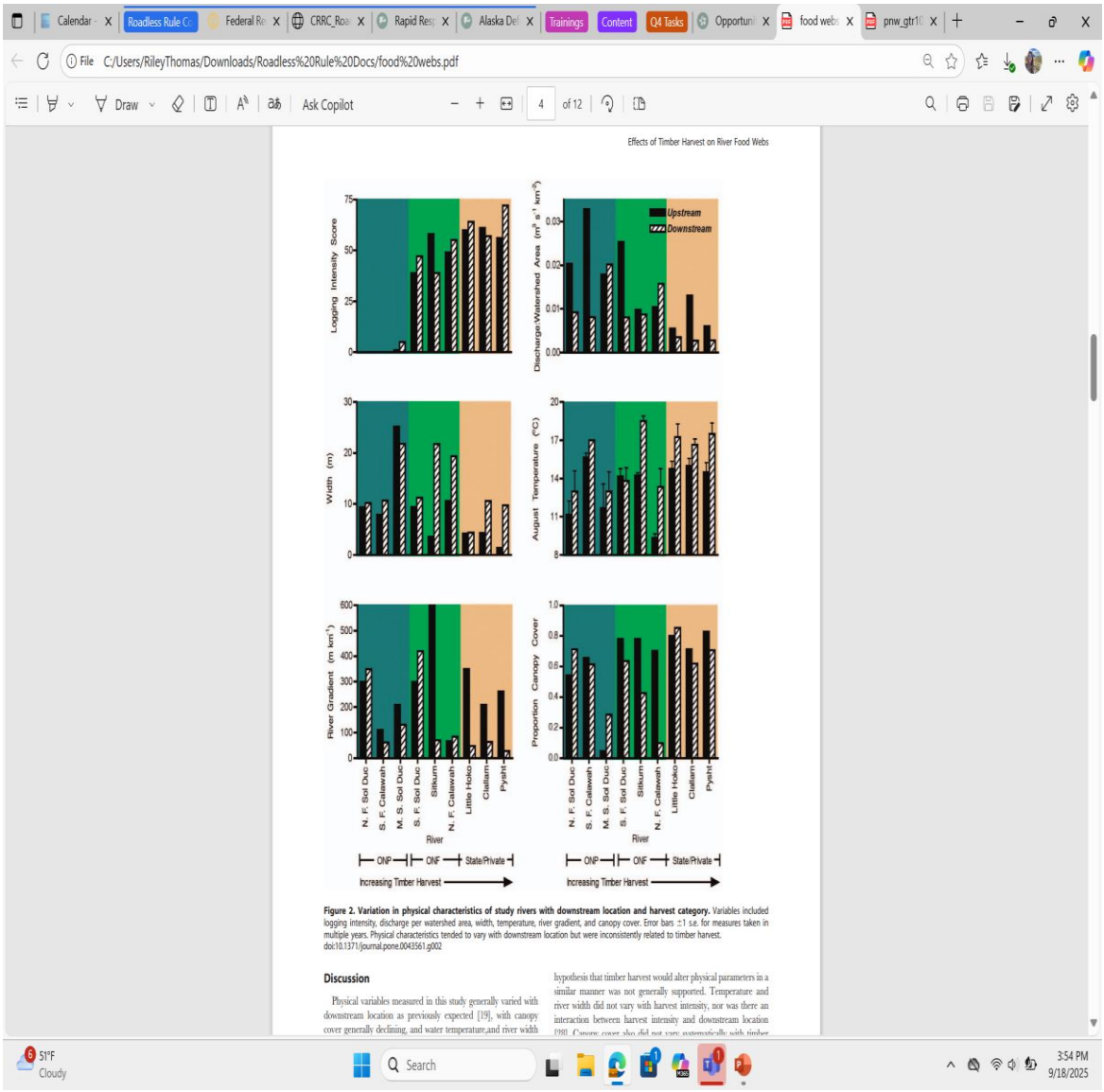


Figure 2. Variation in physical characteristics of study rivers with downstream location and harvest category. Variables included logging intensity, discharge per watershed area, width, temperature, river gradient, and canopy cover. Error bars ±1 s.e. for measures taken in multiple years. Physical characteristics tended to vary with downstream location but were inconsistently related to timber harvest.
doi:10.1371/journal.pone.0043561.g002

Discussion

Physical variables measured in this study generally varied with downstream location as previously expected [19], with canopy cover generally declining, and water temperature,and river width hypothesis that timber harvest would alter physical parameters in a similar manner was not generally supported. Temperature and river width did not vary with harvest intensity, nor was there an interaction between harvest intensity and downstream location [28]. Canopy cover also did not vary systematically with timber

Figure 2: Variation in physical characteristics of rivers due to logging activity. **Source:** Wootton JT (2012) Effects of Timber Harvest on River Food Webs: Physical, Chemical and Biological Responses. PLoS ONE 7(9): e43561. doi:10.1371/ journal.pone.0043561

5. Cumulative Impacts

The EIS must provide a realistic and community-centered analysis of cumulative effects, including:

- Long-term impacts to food sovereignty, cultural practices, and community health that are often not captured by narrow technical assessments.

- The impact on natural resources throughout the Chugach National Forest. These locations are extremely important to the livelihood of Tribal members from Chenega, Eyak, Qutekcak, Tatitlek, and Valdez.

6. Consultation and Tribal Co-Stewardship

Consultation must be more than procedural and with the capability of influencing outcomes.

- We urge the USDA and USFS to establish formal co-stewardship agreements with Chugach region Tribes and CRRC as a regional coordinating body.
- The USDA and USFS should support capacity-building for Tribal governments to meaningfully participate in environmental reviews, data collection, and monitoring efforts tied to any lease activities.

7. **Economic Impacts**

- USDA and USFS should conduct economic impact assessments regarding the impact of logging, mining, damming, and other development activity on the communities along and neighboring the roadless area in Chugach National Forest.
- These Tribal communities directly and indirectly depend upon tourism and fishing to support themselves, both sectors are intertwined with natural resource health.
- The USDA and USFS must also assess the impact of development to the greater Alaska and United States economy. This assessment must touch on how degrading Pacific salmon rearing and breeding grounds located within the Chugach National Forest will alter the quality and quantity of fishing yields.

<u>Recommendations Summary:</u>

1. **Fund a Traditional Knowledge study** in collaboration with Chugach Tribes to inform EIS revisions and future management decisions.
2. **Establish a Tribal Co-Stewardship Working Group** with representation from CRRC and our member Tribes.
3. **Invest in Tribal-led baseline and ongoing environmental monitoring** to safeguard resources within the Chugach National Forest.

4. **Assess the Economic, Cultural, and Ecoligical Impacts of Natural Resource Development and Extraction** on the Tribal communities surrounding and within the Chugach National Forest.

References:

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Wootton, T. (2012). Effects of Timber Harvest on River Food Webs: Physical, Chemical and Biological Responses. Public Library of Science. https://doi.org/10.1371/journal.pone.0043561.

Stednick, J.D., Kern, T.J. Risk assessment for salmon from water quality changes following timber harvesting. *Environ Monit Assess* **32**, 227–238 (1994). https://doi.org/10.1007/BF00546278

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
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Pablo, Montana 59855
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A People of Vision

A Confederation of the Salish,
Pend d' Oreille
and Kootenai Tribes

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Tom McDonald– Vice Chair
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James Steele Jr – Treasurer
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Len Twoteeth
Jim Malatare
Jennifer Finley
Danielle Matt

September 19, 2025

Mr. Brad Kinder; Acting Director
Ecosystem Management Coordination
Attn: FS-2025-0001
U.S. Department of Agriculture
U.S. Forest Service
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

RE: FS-2025-0001-0001 EIS Rescind of 2001 Roadless Area Conservation Rule

Dear Mr. Kinder:

Please accept this letter as the written comments of the Confederated Salish and Kootenai Tribes of the Flathead Reservation (CSKT or Tribes) regarding the proposed federal decision to rescind the 2001 Roadless Area Conservation Rule (Roadless Rule) and a request from the CSKT to engage in formal government-to-government consultation. The Tribes are aware that the US Department of Agriculture-Forest Service (USFS or Forest Service) will initiate an Environmental Impact Statement (EIS) to evaluate impacts a rescission of the rule would have upon public access, forest health and management, and local and regional economies. The Tribes are more specifically concerned with how rescinding the Roadless Rule will impact the Forest Services' ongoing federal trust responsibility to recognize and safeguard tribal reserved treaty rights, and preserve and protect the natural and cultural resources located within areas of national forests currently designated as roadless under the current rule.

CSKT Treaty Reserved Rights

From time immemorial the aboriginal homeland of the CSKT reached from what is now British Columbia, down through parts of what are now the states of Washington, Idaho, Montana and Wyoming. A large portion of the aboriginal lands the Tribes once inhabited are now public lands managed under the national forest system. As a federal agency, the USFS has a unique trust obligation to Indian tribes as a matter of federal Indian law. *Cherokee Nation v. Georgia,* 30 (Pet) 1, 19 (1831). This trust obligation carries with it a duty to consult with Indian tribes when a

federal action could impact tribal interests. Over the years this duty has been recognized through Executive Orders and agency policy documents (*See, e.g.* E.O. 13175 (Nov. 9, 2000) stating federal agencies should "ensure meaningful and timely input by tribal official in the development of regulatory policies that have tribal implications"; USDA Departmental Regulation N. DR 1350-002, *Tribal Consultation* (issued April 30, 2024); Forest Service Manual 1563.01, *Tribal Relations*, describing authorities that support agencies' consultation requirements; *See also,* Professors Monte Mills and Martin Nie, *Potential Tribal Implications of the Proposed Rescission of 2001 Roadless Rule,* included as an attachment to this letter). The duty to consult in a government-to-government manner between two sovereigns is a key component of the CSKT goal of protecting treaty reserved access to, and use of, the natural and cultural resources located on the national forests land the Tribes utilize.

There are no rights more profound in the field of federal Indian Law, and no rights have come at more of a cost to Indian Nations then the rights guaranteed by treaties. In exchange for the promise of an exclusive homeland and other rights retained through the treaty process, tribes ceded vast tracts of lands to the United States. As the courts have observed, treaties are not grants of rights from the United States to Indian Tribes. They are agreements negotiated between sovereign nations. Treaties are grants of rights *from* tribes, *to* the United States, with a *reservation* of rights – often a homeland and other rights expressly held by a tribe. The importance of treaty rights to an Indian Nation cannot be understated. Tribes may hold their treaty as a sacred connection to their history and traditional lifeways. Tribal treaty rights are the cornerstone of federal Indian Law and serve as the documents upon which the federal government's relationship and trust duty to Indian Nations was established.

The CSKT have reserved (among other things) hunting, fishing, and gathering rights, both on and off the Flathead Reservation. These rights have been secured through the "Treaty with the Flatheads, Etc." 12 Stat. 975 (The Hellgate Treaty). The Hellgate Treaty was signed near present day Missoula, Montana on July 16, 1855. The Hellgate Treaty is a "Stevens Treaty" negotiated by Governor and Superintendent for Indian Affairs for the Washington Territory, Isaac I. Stevens. Governor Stevens was tasked with making peace with the tribal nations along the Oregon Trail. He negotiated a majority of the treaties with Indian Nations throughout the northwest, and those treaties contain similar language securing off-reservation rights. In exchange for accepting what were often smaller reservations, the Stevens Treaty tribes reserved to themselves significant rights to hunt, fish, and gather off-reservation in the places they traditionally pursued those activities. The Flathead Reservation in northwest Montana was created through the Hellgate Treaty.

The specific language in the Hellgate Treaty reserving the right to hunt, fish, and gather is found in Article III, which states in relevant part:

> The exclusive right of taking fish in all the streams running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places, in common with all citizens of the Territory, and of erecting temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses on all open and unclaimed lands.

Stevens Treaty language has been the subject of much litigation, and has resulted in some of the landmark cases of federal Indian Law. The courts have recognized the term "open and unclaimed" to include federal public lands such as USFS national forest system lands now located within the CSKT aboriginal territory. The roadless areas within these national forests remain some of the last places Tribal members can exercise their treaty rights to hunt, fish, and gather on lands that are undisturbed or undeveloped, providing prime habitat for game the Tribes rely upon for subsistence and protection for cultural sites.

While ensuring the Tribes have access and use of these roadless areas in order for Tribal members to exercise their treaty reserved rights, and protecting resources is a critical interest for the CSKT, the Tribes have other concerns with the proposal to rescind the Roadless Rule. The Tribes are prepared to discuss these concerns in detail at a formal government-to-government consultation on this matter, but the Tribes include the following points in our written comment letter.

Cultural Resource Management & Religious Practices

This proposal endangers natural and cultural resources of fundamental importance to our people. The United States is obligated to protect those resources as part of its treaty-based trust responsibilities to the CSKT. Past failures to meet those trust responsibilities have resulted not only in the government having to compensate the CSKT, but also—far worse from our perspective—the permanent degradation of irreplaceable resources of importance to our people and all Americans. We appeal to you to reconsider this unwise, destructive proposal, which would reverse decades of incremental progress in our government-to-government relations and our ability to work together to ensure the health and well-being of our shared environment.

Outside of wilderness areas and other places given the strongest protections, the great majority of the federal lands within our aboriginal territories have already been roaded, and many of them logged, with most of those impacts having occurred since World War II.

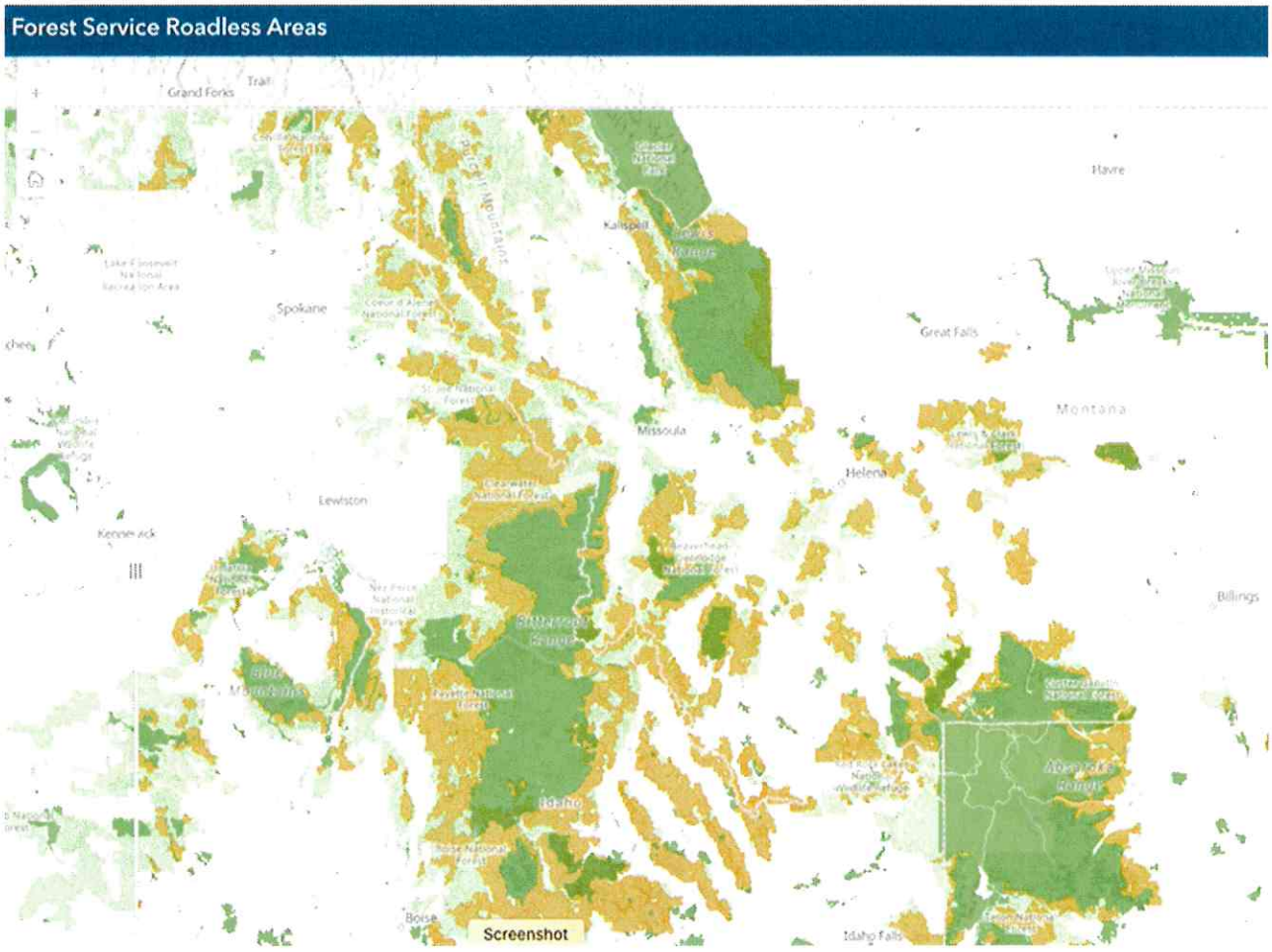
The 2001 Roadless Rule has given protection to a relatively small percentage of remaining roadless federal lands. Those lands hold an outsized importance to the CSKT and our ability to continue to exercise our rights, guaranteed in the 1855 Treaty of Hellgate, to practice our cultural ways in "open and unclaimed" parts of our ceded territories. Inherent in those reserved rights is the continued health and well-being of the lands and waters, and the native plants, animals, fish, birds, and other resources of cultural importance. For our continued ability to practice our cultural and spiritual traditions, it is also crucial that these places provide quiet and solitude, qualities that are directly harmed by road-building. Roads also harm the connectivity of wildlife habitat and the health of wildlife populations, many of which are already declining or imperiled.

To illustrate the direct threat to our people posed by the proposed rescission, we offer maps of the aboriginal territories of two of our three tribal groups (the Salish and Kalispel or Pend d'Oreille) and of USFS roadless areas within that area.

Territories of the Salish, Kalispel, and related nations:



USFS roadless areas (indicated in brown):



These maps clearly indicate that the impacts of this proposed rescission on the CSKT would be massive. For many thousands of years, our people have held an intimate knowledge and understanding of these places. We continue to use them for many purposes, including hunting, fishing, gathering plants, and spiritual practices. They are places that bear Salish place-names referring to certain resources of cultural importance or even to our Creation stories, reflecting the depth of our connection to these areas.

According to oral history, our CSKT aboriginal territory extends from the northern plains to present-day Edmonton, Alberta, Yellowstone Park, Lake Pend Oreille in north Idaho, parts of British Columbia, and to the west coast. The mountains and forests are essential to the CSKT, not only for harvesting wildlife, food, and medicines, but also as the heart of our spiritual way of life. The rescission of Roadless Rule would have a direct impact on all these elements that are integral to tribal lifeways.

Our right to practice our religion and our existence as a people depend on our ability to preserve and nurture this relationship with the land. A vast majority of the Selis, Ksanka, and Qlispe people continue to practice their traditional religions and maintain a deep, sacred connection to the land. Our religion is at the heart of our sovereignty as Indian people. The U.S. Department of

Agriculture, as a federal agency, has a responsibility under the American Religious Freedom Act (AIRFA) to ensure that Tribal spiritual places are kept in their natural condition and that our religious practices are not interfered with. The rescission of Roadless Rule would open up pristine lands that otherwise remain untouched by modern development, which would have a direct effect on Tribal spiritual and religious practices.

Since 2001, the Roadless Rule, implemented by the Forest Service, has protected undeveloped roadless regions within National Forests by banning logging and road construction. There are approximately 6 million acres of uninhabited and undeveloped areas in Montana forests that are protected under the Roadless Rule. These areas are vital for conserving natural habitats and preserving the wilderness character, as well as for maintaining habitats of old-growth forests, which hold significant ecological and cultural value. For example, portions of the Yaak Valley, located within the Kootenai National Forest, remain wild and undeveloped, with at least 15 areas protected from road development and logging, preserving essential natural resources. Among these resources are sacred sites to the CSKT people. These sites are vital for the well-being, cultural preservation, and sometimes even the survival of our communities. Any disruption to these pristine wilderness areas could harm the health and well-being of our people.

Rescission of the Roadless Rule will not only have a direct impact on the resources that the tribes of the CSKT utilize, including wildlife, medicinal, and food plants, but also will affect areas that hold religious and spiritual significance. It is important to acknowledge that these places cannot be replicated, and opening them up to development, including the construction of roadways and the exploitation of natural resources, will cause detrimental impacts in these areas.

Ongoing Forest Planning and Budget Concerns

Rescinding the 2001 Roadless Rule at this point is poor timing. Many national forests are still carrying out needed revisions to their current land use planning documents and are doing so with reduced staff capacity. The CSKT is currently consulting with national forests located within the Tribes' ceded lands and traditional use area (such as the Lolo National Forest) that are in the process of updating their forest plans. Many of the roadless areas have been incorporated under management plans for uses consistent with roadless designations. As the forest planning processes reach their conclusions, the Tribes want to see the forest planning documents and management projects continue to recognize the roadless designation within each national forest plan. Changing the Roadless Rule at this point in the planning process will upend years of consultation between the Tribes and national forests.

Furthermore, the 2001 Roadless Rule was developed primarily because of budget concerns and the ballooning cost of road constructions and maintenance.

> From 1992 to 1997, the Forest Service's timber program cost taxpayers over $2 billion. The Forest Service's system of forest roads operated as a major subsidy for the timber industry--on average, timber sale revenues totaled only eighty-three cents for each dollar spent because of road construction and maintenance costs, which the Forest Service shouldered. In the 1990s, the Forest Service became known as the largest road-building entity in the world, maintaining over 380,000 miles of forest roads. Despite its

> efforts to reduce the mileage of forest roads—the Forest Service decommissioned 2,700 miles per year between 1991 and 1997—the demand for new road construction continued....[T]he costs of constructing and maintaining so many forest roads took its toll on the Forest Service budget. With an annual road maintenance budget of about $90 million, the Forest Service's backlog for road projects ballooned to over $8.4 billion by 1996. New road construction became unsustainable from an economic perspective, and officials in the Clinton Administration began to examine ways to stop new road construction completely in roadless areas across the country.[1]

Rolling back the 2001 Roadless Rule, a measure that was designed primarily to address the burgeoning cost of road maintenance and construction, would undoubtedly increase the Forest Service's budget. Yet, the current Administration recently proposed a budget that would cut the Forest Service's budget by 65%.[2] Proposing a measure that will dramatically increase costs for the Forest Service while at the same time proposing to greatly reduce the Forest Service budget is not fiscally responsible, and will undoubtedly result in fewer resources for other important Forest Service programs, and will ultimately lead to an increased burden on taxpayers.

Wildlife and Conservation Implications

For two and a half decades, the Roadless Rule has protected undeveloped, unroaded national forest lands from development and disturbance such as logging and road construction. These roadless areas span over 58.2 million acres of national forest lands. This is a significant amount of critical habitat for species listed under the Endangered Species Act, 16 U.S.C. 1531, et seq. (ESA) and other sensitive wildlife (*see, e.g.* North American wolverine, Canada lynx, grizzly bear, mountain goat and big horn sheep).

Roadless areas also provide habitat for a variety of important wildlife species, including species that are important to the Tribes for subsistence hunting or their cultural significance. Elk, grizzly bear, lynx, and wolverine are a few species that are directly impacted by road density. Increased road density and reduced or fragmented habitat resulting from commercial use and development requiring road construction would be harmful to the conservation of these species.

Habitat fragmentation occurs when large expanses of habitat are intersected and/or removed by activities such as road building, human development and habitat manipulation, all of which can have negative impacts to a wide range of wildlife species. Increased road densities and timber harvest operations reduce the total area of continuous habitat and creates barriers to wildlife movement between habitats. While areas that have been logged may provide temporary benefits for some wildlife species, the great majority of wildlife is negatively impacted by these activities. Important high-quality habitat for ESA listed species is often directly related to overall road density in a particular area, or distance to open roads. Species sensitive to the impacts of roads within national forest lands are already pushed to the brink. Rescinding the Roadless Rule would

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[1] Michael C. Blumm & Andrew B. Erickson, Federal Wild Lands Policy in the Twenty-First Century: What A Long, Strange Trip It's Been, 25 Colo. Nat. Resources, Energy & Envtl L. Rev. 1, 17–18 (2014).

[2] Taxpayer's for Common Sense, President Trump's FY 2026 Forest Service Budget Request: Administration's proposal would cut USFS funding by 65%, June 10, 2025, https://www.taxpayer.net/budget-appropriations-tax/president-trumps-fy2026-forest-service-budget-request/.

only serve to reduce critical habitat and increase the jeopardy to many ESA listed species, setting back decades of recovery efforts while ensuring those species remain listed.

Along with ESA listed species, road densities can influence the distribution of big game during certain seasons. Rocky Mountain Elk in particular are a species negatively impacted by the density of roads during hunting season. CSKT Tribal members exercising treaty reserved subsistence hunts could experience big game displacement throughout their aboriginal territory if the Roadless Rule is rescinded.

Summary

Land use planning and development, along with natural and cultural resource management are matters the Tribes undertake through a staff of committed professionals dedicated to keeping the Tribes' history and values in mind. The Tribes are equally invested in the management of public lands and resources off-Reservation where CSKT members have exercised their right to hunt, fish, gather, and conduct cultural activities for generations. Any impacts to the Tribes' treaty reserved rights and resources located on lands managed by the USFS require formal government-to-government consultation with the CSKT. Thus, the CSKT urges that the proposed rescission be retracted or at least paused, and that we are afforded the opportunity to have formal government-to-government consultations on this matter.

Please consider this letter as the written comments of the Confederated Salish and Kootenai Tribes in opposition to the proposed rescission of the 2001 Roadless Rule, and a request to engage in formal consultation with Agriculture Secretary Brooke L. Rollins and U.S. Forest Service Chief Schultz, and surrounding regional Forest Supervisors. The Tribes invite the federal team to the CSKT Tribal Complex in Pablo, Montana to meet with the CSKT Tribal Council and staff at a time that is mutually workable but timely enough to be meaningfully considered prior to finalization of the proposed Roadless Rule decision. Please feel free to direct any questions or begin setting a date for formal consultation with Katie MacDonald, CSKT Tribal Relations Specialist, Kathryn.McDonald@cskt.org, (406) 675-2700 ext. 1082.

Thank you for your time and we look forward to our meeting.

Lemlmtš | Hu sukiłq̓ukni | Thank you

Sincerely,

CONFEDERATED SALISH & KOOTENAI TRIBES

Michael Dolson

Michael Dolson
Chairman, Tribal Council

The Confederated Tribes of the Grand Ronde Community of Oregon

Ceded Lands Department
Phone (503) 879-1316
1-800-422-0232

9615 Grand Ronde Road
Grand Ronde, OR 97347

September 19, 2025

United States Department of Agriculture (USDA)
U.S. Forest Service (USFS)
Attn: Brooke Rollins, Secretary of Agriculture

Submitted via Regulations.gov website

RE: Proposed rescinding of the 2001 Roadless Rule, FR Document No. 2025-16581

Dear Secretary Rollins,

On behalf of the Confederated Tribes of the Grand Ronde Community of Oregon ("Grand Ronde" or "Tribe"), thank you for the opportunity to comment on the proposed rescinding of the 2001 Roadless Rule. As a Sovereign Nation, the Tribe reserves the right to consult government-to-government with the United States Department of Agriculture (USDA) and the United States Forest Service (USFS) regarding this proposed action and future Environmental Impact Statement (EIS) on an ongoing basis, and to make additional and/or updated comments at any time. Grand Ronde Tribal Council reserves the right to make and/or update statements of Tribal policy or position on an ongoing basis.

Grand Ronde is a Tribal nation made up of more than 30 antecedent tribes and bands with homelands in western Oregon, southwest Washington, and northern California. Much of the 2 million acres of Roadless Rule designated forests in Oregon lie within the Tribe's 14 million acres of ceded land, including sacred forests in the Mt. Hood N.F., Willamette N.F., Umpqua N.F., Siuslaw N.F., and Rogue River-Siskiyou N.F. Since time immemorial, the Tribe's ancestors have hunted, fished, and gathered cultural resources and First Foods in this area. Today, Tribal members maintain a strong connection to their homelands through traditions, lifeways and practices that remains unbroken.

The Tribe wishes to consult with the USFS on the 2001 Roadless Rule for the following reasons:

1. The Roadless Rule protects important Tribal hunting, fishing, and cultural gathering areas that need protection.
2. The most common cause of fires are human activities which are co-located with roads.
3. Adding roads increases the risk of introduction of invasive plants and insects traveling and dispersed by human activities.
4. Adding roads poses more risk to streams from erosion and turbidity, resulting in long term negative impacts to threatened and endangered salmonids and steelhead. Moreover, roads must be maintained, or they pose even higher risk to streams and the USFS does not currently have the resources to effectively manage the roads within its control.[1]
5. Adding roads poses risks to sacred areas and cultural resources by opening areas to vandalism and illegal artifact gathering.

1 Dodson, Elizabeth M. Challenges in Forest Road Maintenance in North America. 2020. https://doi.org/10.5552/crojfe.2021.777

6. Tribal ancestors evolved with fire as a natural function of the ecosystem and have continually utilized cultural burns to sustainably manage the landscape, as we still do today. U.S. fire suppression strategies over the past 150 years have artificially depressed the natural fire regime; studies have found that commercial timber intensively managed forests are more prone to extreme fire hazard. The Tribe does not support unsustainable practices and does not agree that current strategies are optimizing fire risk reduction where it is most needed in the urban-rural interface[2].
7. Roadless Rule areas already allow for forest health treatments such as thinning out small trees. These practices are occurring widely in the Pacific Northwest. Further, the Tribe supports sustainable timber harvesting and replanting with diverse tree species, leaving unfragmented forests that support biodiversity.

Grand Ronde welcomes collaboration with the U.S. Forest Service to sustainably co-manage forests within the Tribe's ceded homelands and encourages the U.S. Forest Service to host conversations about what sustainable planning and co-management should look like in national forests, including the roadless areas, into the future.

Thank you again for the opportunity to comment on this critically important process in the Tribe's ceded lands.

hayu-masi (Many thanks),

Michael J. Karnosh

Michael Karnosh
Ceded Lands Manager
Ceded Lands Department

Cc: Stacia Hernandez, Tribal Council Chief of Staff
Bryan Langley, Interim General Manager
Colby Drake, Natural Resources Department Manager
Briece Edwards, Manager, Tribal Historic Preservation Office
Keri Handaly, Environmental Policy Analyst

2 DellaSala, Dominick A. and Evan Frost. "An Ecologically Based Strategy for Fire and Fuels Management in National Forest Roadless Areas" Fire Management Today. Volume 61, No 2, Spring 2001. https://geosinstitute.org/wp-content/uploads/2010/08/FireManagementRoadless.pdf#page=12

Confederated Tribes of Siletz Indians
Tribal Council
P.O. Box 549 Siletz, Oregon 97380
(541) 444-8203 • 1-800-922-1399 ext. 1203 • FAX: (541) 444-8325

September 19, 2025

Brooke L. Rollins
Secretary of Agriculture
United States Department of Agriculture
1400 Independence Ave., SW
Washington, D.C. 20250-0100

Comments of the Confederated Tribes of Siletz Indians on the Proposed Termination of the 2001 Roadless Rule

The Confederated Tribes of Siletz Indians respectfully submits the following comments in **strong opposition** to the proposed termination of the 2001 Roadless Rule.

The Roadless Rule prohibits road construction, timber harvest, and oil and gas exploration in many of this country's last wild forests and grasslands. It safeguards nearly 30 percent of national forest lands from damaging extractive enterprises, resulting in significant ecological benefits—cleaner air, protected drinking water sources, carbon storage, and critical wildlife refuges for species requiring large, unfragmented habitats to sustain viable populations. Once these areas are opened to roads and industrial extraction, their wilderness character is lost forever, along with the material, cultural, and spiritual benefits they provide.

One rationale cited for rescinding the rule is wildfire prevention. Yet research shows that more than 80 percent of wildfires occur within 800 meters of roadways. Expanding road construction and timber harvest in these areas would only increase risk and accelerate the loss of high-value old-growth trees—the very trees most resilient to wildfire. Another justification advanced is economic benefit through new opportunities for timber companies. However, this view ignores the broader economic and societal benefits these ecosystems provide, including carbon sequestration, clean water, clean air, biodiversity, and recreation—benefits that serve all Americans, not just the timber industry.

In Oregon alone, the Roadless Rule protects nearly 2 million acres of national forest land managed by the U.S. Forest Service. Many of these Inventoried Roadless Areas—including Mt. Hebo, Drift Creek, Tahkenitch, Tenmile, and Woahink Creeks on the Siuslaw National Forest, and Shasta Costa, Copper Mountain, North and South Kalmiopsis, and Mt. Emily on the Rogue-Siskiyou National Forest—are part of the ancestral homelands of the Siletz Tribe. These areas are central to our mission to care for, protect, enhance, and provide for the wise use of our natural resources in a way that ensures all future generations will benefit. They provide not only physical sustenance and spiritual grounding but also maintain the ecological balance of the region. Our stewardship practices have preserved these ecosystems for millennia, and our continued involvement is essential to their resilience.

The federal government's trust responsibility, as affirmed in **Secretarial Order 3403, Executive Order 14072, USDA Departmental Regulation 1350-002, and the U.S. Forest Service Manual (FSM 1563)**, obligates the Forest Service to treat Tribes as full partners in managing ancestral lands and resources. Weakening the Roadless Rule undermines that responsibility.

For these reasons, the Confederated Tribes of Siletz Indians strongly oppose the rollback of protections for Inventoried Roadless Areas. We urge the U.S. Forest Service to keep the Roadless Rule in place, ensuring that these irreplaceable wilderness areas—and the cultural, ecological, and spiritual values they embody—are protected for all future generations.

Sincerely,

Delores Pigsley
Tribal Chairman

cc: Senator Ron Wyden
Senator Jeff Merkely

COW CREEK BAND OF UMPQUA TRIBE OF INDIANS
GOVERNMENT OFFICES
2371 NE STEPHENS STREET, SUITE 100
ROSEBURG, OR 97470-1399
Phone: 541-672-9405
Fax: 541-673-0432

September 19, 2025

Brad Kinder
Acting Director, Ecosystem Management Coordination
U.S. Forest Service
201 14th Street SW, Mailstop 1108
Washington, D.C. 20250-1124

Submitted through the Federal rulemaking Portal, https://www.regulations.gov

Notice of Intent to Prepare an Environmental Impact Statement, Special Areas; Roadless Area Conservation; National Forest System Lands

Dear Mr. Kinder:

On behalf of the Cow Creek Band of Umpqua Tribe of Indians, we submit the following comments on the Department of Agriculture's proposal regarding management of Inventoried Roadless Areas (IRAs). Our Tribe has deep ancestral, cultural, and contemporary connections to the forests within what is now the Umpqua National Forest and Rogue River–Siskiyou National Forest. These lands hold sacred sites, subsistence resources, and cultural use areas that remain vital to our people.

Protection of Cultural Resources and Tribal Access

The Cow Creek Tribe emphasizes that IRAs in the Umpqua and Rogue River–Siskiyou National Forests often overlap with areas of profound cultural, spiritual, and subsistence importance. Policies must ensure continued Tribal access for hunting, fishing, gathering, and ceremonial uses. Road decommissioning, neglect, and categorical restrictions have already impaired Tribal member access to important cultural sites. Any proposed rulemaking must prioritize Tribal rights to access, utilize, and steward these lands in accordance with treaty obligations and federal trust responsibilities.

Road Maintenance and Legacy Road Impacts

In both the Umpqua and Rogue River–Siskiyou National Forests, legacy road systems are deteriorating, creating significant sedimentation, water quality, and habitat impacts. Neglected roads also impede safe access for Tribal members and land managers. Road maintenance, repair, or strategic decommissioning must be included as part of the environmental review. A comprehensive assessment of road-related environmental impacts is necessary, including the

costs of repairing or removing failing infrastructure. Without investment in road system sustainability, both cultural access and ecological health will remain at risk.

Fire Prevention and Fuels Management

The Cow Creek Tribe has long recognized that proactive forest management is essential to reduce the growing threat of catastrophic wildfire. The creation and maintenance of strategic fuel breaks, hazardous fuels reduction, and prescribed burning, particularly in the Umpqua and Rogue River–Siskiyou National Forests, are necessary to protect Tribal cultural resources, nearby communities, and ecosystem integrity. We urge the Forest Service to explicitly include Tribal-led or co-managed fuels management projects within IRAs as allowable activities under any revised rule.

Financial Costs and Resource Needs

Too often, policies are crafted without a clear recognition of the financial burden associated with deteriorating conditions on the ground. Addressing the backlog of road maintenance, implementing fuels management strategies, and restoring legacy impacts will require substantial, dedicated funding. We urge the agency to assess and disclose the true financial costs of inaction versus proactive management, and to dedicate the necessary resources to improve conditions in IRAs for the benefit of Tribes, local communities, and the environment.

Tribal Partnership and Co-Management

Finally, the Cow Creek Tribe requests that the Forest Service establish a formal mechanism for Tribes to propose alternative management approaches or co-management arrangements for IRAs within the Umpqua and Rogue River–Siskiyou National Forests. This would allow Tribes to bring traditional knowledge, cultural priorities, and place-based expertise into federal land management decisions, consistent with the federal trust responsibility and Departmental Regulation 1350-002 on Tribal Consultation.

For questions regarding these comments, please contact Jason Robison, Land and Resources Officer, at Jrobison@cowcreek-nsn.gov.

The Cow Creek Tribe calls for policies that protect cultural resources, secure Tribal access, address deteriorating infrastructure, reduce wildfire risk, and provide adequate financial and operational resources to improve conditions on the ground. We urge the Forest Service to meaningfully engage with our Tribe in shaping the future of IRAs in the Umpqua and Rogue River–Siskiyou National Forests.

Thank you for considering these comments.

Sincerely,



Carla Keene, Chairman
Cow Creek Band of Umpqua Tribe of Indians

THE HOPI TRIBE

Timothy L. Nuvangyaoma
CHAIRMAN

Craig Andrews
VICE-CHAIRMAN

September 19, 2025

Secretary Brooke Rollins
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

Dear Secretary Rollins,

The Hopi Tribe's Tribal Historic Preservation Office (THPO) submits the following comments regarding the U.S. Department of Agriculture's (USDA) initiation of an environmental impact statement (EIS) and rulemaking concerning management of inventoried roadless areas on approximately 44.7 million acres of National Forest System lands.

The Hopi Tribe supports the United State Forest Service's (USFS) longstanding commitment to consultation with the Hopi Tribe on projects to determine the potential impacts on cultural resources and sacred places. These efforts reflect USDA's commitment to upholding the United States government-to-government relationships with Tribal Nations.

The Hopi Tribe is concerned that the proposed rescission of the Roadless Rule is a federal agency action that may adversely impact historic properties, including sacred sites, traditional cultural places, and other properties of religious and cultural significance to Indian Tribes. The NHPA requires consultation on such federal agency actions to avoid and mitigate such potential impacts.

Many Hopi Tribal ancestral lands are located in National Forest boundaries that contain numerus tribal cultural historic properties. It is imperative that the USFS follow the law and consult with the Hopi Tribes about activities in these forests. The Roadless Area Conservation Rule, was established to protect unnecessary road development and to protect cultural resources important to tribes and citizens of the United States, including the Hopi people. Many of these resources are only located on National Forest lands. Development and increase access in these areas may adversely impact these resources. Any proposed work in National Forests should be conducted with the utmost respect that reflects the importance of these lands to the Hopi Tribe with an aim to avoid unnecessary destruction of important cultural resources.

The importance of engaging in consultation regarding the management of inventoried roadless areas is a reminder that the Hopi Tribe and indigenous communities have used resources in the National Forests long before the establishment of the National Forests.

Consistency and certainty are important for projects that are essential for all Americans, including members of Tribal Nations. We are confident that with nation-to-nation consultation and proper funding for THPOs, the project permitting process can be efficient, while at the same time guaranteeing that Tribal Nations' cultural resources are protected.

Thank you for considering our comments. Please do not hesitate to contact me if you would like to discuss this matter.

Sincerely,

Stewart B. Koyiyumptewa
Tribal Historic Preservation Officer
The Hopi Tribe
skoyiyumptewa@hopi.nsn.us

Inter Tribal Association of Arizona
21 TRIBAL NATIONS

September 19, 2025

Via Regulations.gov (Docket ID No. FS-2025-0001)

USDA Forest Service
Director, Ecosystem Management Coordination
201 14th St. SW, Mailstop 1108
Washington, DC 20250-1124

Re: Comments of the Inter Tribal Association of Arizona, Inc. (ITAA) on the USDA Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Proposed Rulemaking to Rescind 2001 Roadless Area Conservation Rule, FS-2025-0001

To Whom It May Concern:

This letter is submitted by the Inter Tribal Association of Arizona, Inc. (ITAA) regarding the USDA Forest Service's Notice of Intent to Prepare an Environmental Impact Statement (EIS) on the proposed rulemaking to rescind the 2001 Roadless Area Conservation Rule (2001 Roadless Rule), as published in the Federal Register on August 29, 2025.[1]

ITAA is an inter-tribal consortium of 21 federally recognized Indian Tribes with lands in Arizona, California, Nevada, and New Mexico. The Member Tribes of ITAA have advocated together since 1952 on issues of common interest and concern across Indian Country. ITAA is governed by the highest elected Tribal officials from each Tribe, including Tribal chairpersons, presidents, and governors.

The proposal to rescind the 2001 Roadless Rule is of particular concern to our Member Tribes in Arizona, as Arizona contains 1.174 million acres of designated inventoried roadless areas.[2] In total, there are nearly 60 million acres of designated roadless areas in our nation, and these areas are overwhelmingly concentrated in the western states. As a result, many if not all of the ancestral homelands of ITAA's Member Tribes within Arizona and the nearby states include designated inventoried roadless areas.[3]

Ak-Chin Indian Community
Cocopah Tribe
Colorado River Indian Tribes
Fort McDowell Yavapai Nation
Fort Mojave Indian Tribe
Gila River Indian Community
Havasupai Tribe
Hopi Tribe
Hualapai Tribe
Kaibab Band of Paiute Indians
Pascua Yaqui Tribe
Pueblo of Zuni
Quechan Tribe
Salt River Pima-Maricopa Indian Community
San Carlos Apache Tribe
San Juan Southern Paiute Tribe
Tohono O'odham Nation
Tonto Apache Tribe
White Mountain Apache Tribe
Yavapai-Apache Nation
Yavapai-Prescott Indian Tribe

[1] 90 Fed. Reg. 42179 (August 20, 2025).

[2] CRS Report No. R46504: https://www.congress.gov/crs-product/R46504 (Table A-1).

[3] *See* Tribal Homelands Map, available at: http://itcaonline.com/?page_id=16.

2214 North Central Avenue, Phoenix, Arizona 85004 | p 602.258.4822 | f 602.258.4825

The 2001 Roadless Rule has endured for nearly 25 years and it reflects important ongoing actions by the U.S. Forest Service to protect undeveloped areas on our public Forest Service lands. Since 2001, the rule has provided much-needed protections for animal and plant habitats and ecosystems, waters, and numerous traditional ancestral areas used by tribal members for traditional, cultural, and religious practices. The consequences of rescinding the Rule could be significant, as it will open millions of acres of our national forests to road construction, logging, mining, and oil and gas drilling, among other purposes, forever changing the character and health of these wild areas.

Accordingly, because the USDA's proposed rule to rescind the 2001 Roadless Rule has the potential to directly implicate the ancestral lands or resources of nearly all of ITAA's Member Tribes in some way, ITAA has been directed to submit these comments.[4]

USDA <u>Must</u> Engage in Tribal Consultation On This Matter

ITAA, along with other commenting tribes and tribal organizations, reminds USDA that it has a trust obligation to engage in advanced, direct government-to-government Tribal consultation with each of our Member Tribes on the EIS and all other activities related to the proposed rescission of the 2001 Roadless Rule, since this action will have differing but specific impacts on the lands and water resources adjacent to and surrounding our Member Tribes' reservation lands, including to our Member Tribes' ancestral homelands and the traditional, religious and cultural sites and practices which are inherently connected to and associated with these homelands.

Consultation with Indian Tribes fulfills the United States' trust responsibilities and is required by numerous existing laws and policies, including Secretary's Order 3175 (November 8, 1993) (requiring all agencies, bureaus, and offices within the Department of the Interior to identify potential impacts of Departmental activities upon Indian Trust resources and mandating meaningful consultation with Tribes where activities directly or indirectly affect such resources); Presidential Memorandum of April 29, 1994 titled "Government-to-Government Relations with Native American Tribal Governments" (also requiring proper consultation with Indian tribes to the greatest extent practicable prior to taking any actions that affect such tribes); Department of the Interior Manual Part 512 (discussing and embodying these same requirements in the Department Manual); Executive Order 13175 (November 6, 2000) (requiring all agencies, bureaus, and offices within the Federal Government to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications); Memorandum for

[4] The comments provided here are intended to address certain overarching concerns of the ITAA Member Tribes. These comments are not intended to speak on behalf of any one Member Tribe or to address those particularized concerns that any one of our Member Tribes may have on this topic.

the Heads of Executive Departments and Agencies on Government-to-Government Relationship with Tribal Governments (September 23, 2004); Sec. 106 of the NHPA, 16 U.S.C. § 470(f); Memorandum for the Heads of Executive Departments and Agencies on Tribal Consultation (November 5, 2009) (supplementing Executive Order No. 13175); *see also* Presidential Memo titled Tribal Consultation and Strengthening Nation-to-Nation Relationships Memorandum for the Heads of Executive Departments and Agencies (January 26, 2021); Uniform Standards for Tribal Consultation, Memorandum for the Heads of Executive Departments and Agencies (November 30, 2022), to name a few.

In short, the extremely short 30-day comment period on this consequential EIS and Rule change, coupled with the lack of any informational or stakeholder webinars or meetings, and the overall accelerated proposed rulemaking timeline is grossly insufficient to ensure real Tribal and public input or meaningful tribal consultation. As you may know, early and meaningful tribal consultation on issues potentially impacting Indian Tribes is a legal requirement, not an afterthought.

On behalf of our 21 Member Tribes, ITAA respectfully request that you suspend further action on this EIS and the proposed rulemaking until an opportunity for legally compliant, meaningful, and robust tribal consultation can be fulfilled with all impacted tribes, including the Member Tribes of ITAA.

Thank you for your consideration of the ITAA's comments. Any questions regarding these comments may be directed to ITAA Executive Director, Maria Dadgar at (480) 258-4822.

Sincerely,

INTER TRIBAL ASSOCIATION OF ARIZONA

Maria Dadgar, MBA
Executive Director
Inter Tribal Association of Arizona, Inc.

CC: ITAA Executive Committee
Tribal Leaders

The Mashantucket Pequot
Tribal Nation
Tribal Historic
Preservation Office

September 19, 2025

The Honorable Brooke L. Rollins

Secretary of Agriculture

U.S. Department of Agriculture

1400 Independence Avenue, S.W.

Washington, D.C. 20250

Re: Comments on the Rescission of the Roadless Rule

Dear Secretary Rollins,

On behalf of the Mashantucket Pequot Tribal Nation (MPTN), I submit these comments regarding USDA's decision to rescind the Roadless Rule and to initiate new rulemaking on the management of inventoried roadless areas.

As one of the original peoples of the Northeast, our relationship to the land is fundamental to our cultural identity, spirituality, and sovereignty. Forests, waters, and ecosystems across this country are interwoven with our histories, sacred places, and traditional practices. Any federal action that alters protections for these landscapes must fully account for its impact on Tribal Nations.

Thank you for your attention to these comments. We welcome the opportunity to meet with you or your staff to ensure that the management of roadless areas reflects both environmental stewardship and respect for Tribal sovereignty.

Sincerely,

Michael Kickingbear Johnson

Tribal Historic Preservation Officer

Mashantucket Pequot Tribal Nation

Nez Perce

TRIBAL EXECUTIVE COMMITTEE
P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

September 19, 2025

Submitted via the Federal eRulemaking Portal, Docket ID FS-2025-0001

Brad Kinder
Acting Director, Ecosystem Management Coordination
United States Forest Service
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

Re: Request for Extension of Public Comment Period for Notice of Intent to Prepare an Environmental Impact Statement Concerning Rescission of the 2001 Roadless Area Conservation Rule (90 Fed. Reg. 42,179 (Aug. 29, 2025))

Dear Acting Director Kinder,

I am writing on behalf of the Nez Perce Tribe ("Tribe") requesting an extension of the comment period for the Notice of Intent to Prepare an Environmental Impact Statement concerning the proposed rescission of the 2001 Roadless Area Conservation Rule ("2001 Roadless Rule"), as announced on August 29, 2025, in the Federal Register. The current comment period, which is set to close on September 19, 2025, provides insufficient time for the Tribe to thoroughly consider, analyze, and respond to the notice.

The 2001 Roadless Rule applies to hundreds of thousands of acres of the Tribe's homelands now administered by the U.S. Forest Service in the states of Washington, Oregon, Montana, and Wyoming. The proposed recission of the 2001 Roadless Rule will have significant implications not only for these lands, but for rights and resources the Tribe reserved by Treaty with the United States.[1] They include rights to hunt, fish, gather, and pasture, as well as the wildlife, fisheries, and plant resources necessary for the exercise of the rights.[2]

The Tribe engaged extensively with the Forest Service in support of the 2001 Roadless Rule, including through government-to-government consultation, and knows well the complexity and potential impacts of the proposed recission. It is thus essential that the Forest Service invite government-to-government consultation on the proposal and allow the Tribe adequate time to

[1] Treaty with the Nez Perces, June 11, 1855, 12 Stat. 957.
[2] *See id.* Art. III.

provide comprehensive feedback. The Tribe's governmental processes require necessary review and coordination among various departments and officials, including technical staff, and legal counsel prior to formal action by the Nez Perce Tribal Executive Committee, the governing body of the Tribe. This ensures that our comments are well-informed and reflect the collective input of our community.

The provided comment period of just fourteen business days does not allow for meaningful participation during this early and critical stage of the decision-making process and is inconsistent with the Forest Service's "Strengthening Tribal Consultations and Nation-to-Nation Relationships Action Plan;" which specifies a minimum 120-day Tribal consultation period for national-level action. Therefore, we request an extension of the comment period to December 29, 2025. This additional time will enable the Tribe to engage with the Forest Service in a thorough and effective review process and to provide detailed and constructive comments on the Notice of Intent and proposed rescission of the 2001 Roadless Rule.

We request a written response approving the extension. Please do not hesitate to contact me directly at (208) 621-4781 or angelab@nezperce.org should you have any questions or require further information.

We appreciate your consideration of this request and look forward to your favorable response.

Thank you for your attention to this matter.

Sincerely,

Angela R. Jackson

Angela R. Jackson
Project Coordinator
Nez Perce Tribe
Communications Department

September 19, 2025

U.S. Department of Agriculture
Secretary Brooke L. Rollins
1400 Independence Ave SW
Washington, DC 20250

U.S. Forest Service
Chief Tom Schultz
1400 Independence Ave SW
Washington, DC 20250

RE: Nooksack Tribe comment on the Notice of Intent to prepare an EIS for rescission of the 2001 Roadless Area Conservation Rule (Docket No. FS-2025-0001)

Dear Secretary Rollins and Chief Schultz:

On behalf of the Nooksack Indian Tribe, I respectfully submit these comments on the proposed rescission of the 2001 Roadless Area Conservation Rule. As a sovereign nation with a long history of use of the forest lands affected by this project, we have a strong interest in federal management of forest lands within our traditional area. The Nooksack Tribe retains constitutionally protected, treaty-reserved rights to harvest, hunt and gather, and otherwise manage fish, shellfish, and other treaty reserved resources within their usual and accustomed areas, and on all open and unclaimed lands- both on and off reservations. These rights and resources require intact habitat and functioning ecosystems. Federal public lands, and roadless areas in particular, contain the last best remaining habitats in Washington State and are critical for maintaining ecosystem function for treaty resources, including fish, wildlife and culturally important plant species.

The exercise of Treaty rights is a trust responsibility of the Forest Service and must be a primary consideration in the evaluation of the impacts of rescinding the Rule. Consistent with this responsibility and Executive Order 13175, the federal government must engage in timely, substantive, and meaningful consultation with tribes and proactively ensure that their rights and interests are fully respected in all federal decisions. To this end, the Nooksack Tribe entered into a *Memorandum of Understanding* with the Mt. Baker-Snoqualmie National Forest in 2022 to further co-stewardship on Federal lands in the tribe's traditional areas. Meaningful consultation with the Nooksack Tribe and tribal participation in and review of any proposed changes are critical to protecting our resources.

Further opening roadless areas to increase the lumber supply is short sighted. The Forest Service already manages a road system that they cannot bring up to a modern standard and maintain. According to the 2024 Deferred Maintenance Report, this maintenance backlog currently exceeds $5 billion. In 2000, the National Forests in Washington State agreed to adopt the forest road standards met by private and state landowners, but they so far have not begun

to meet that commitment. In the Nooksack Watershed, we have seen continued environmental damage caused by forest road failure, fish passage obstructions and sediment delivery to our aquatic resources. We believe that extending the road network into steeper, more challenging ground will only further degrade our treaty resources. This threatens not only tribal treaty reserved rights and treaty trust resources but would also undermine decades-long work to recover salmon and steelhead populations in these watersheds, many of which are home to species already threatened or endangered.

The claim presented in the Federal Register Notice that new roads reduce wildfire risk is counter to the fire statistics. Roads contribute to higher ignition risk, while roadless areas experience significantly fewer ignitions. About nine in ten fires on national forest lands are caused by people, and 80% of those occur nears roads. Building more roads will only increase the likelihood of human-caused fires. Further, the Roadless Rule does not hinder firefighting; agencies retain authority to cut temporary fire breaks or develop emergency access roads. It also allows for forest health treatments, such as thinning and undergrowth control, that can help reduce fire risk and restore healthy forests. This work in roadless areas has already been ongoing across western states in compliance with the existing Rule.

For these reasons, the Nooksack Tribe firmly opposes rescission of the Roadless Rule. Its protections are essential to supporting tribal treaty rights, sustaining salmon populations, preventing invasive species spread, reducing wildfire ignitions, and ensuring responsible management of public lands. The Nooksack Tribal Council will follow this correspondence with a letter seeking leadership-level consultation on the potential impacts to treaty rights and trust resources, including cultural resources.

Sincerely,

Gary Kentner
Natural Resources Director
Nooksack Indian Tribe
garyk@nooksack-nsn.gov

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
PHONE (208) 478-3700
FAX (208) 237-0797

FORT HALL BUSINESS COUNCIL
P.O. BOX 306
FORT HALL, IDAHO 83203

September 19, 2025

The Honorable Brooke L. Rollins
Secretary, US Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

Re: FS-2025-0001 – Response to notice of intent to prepare an environmental impact statement to rescind the 2001 Roadless Area Conservation Rule – Shoshone-Bannock Tribes

Dear Secretary Rollins,

On behalf of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes (Tribes) of the Fort Hall Indian Reservation, I write to express the Tribes' opposition to USDA's notice of intent to prepare an environmental impact statement (EIS) and conduct rulemaking to rescind the 2001 Roadless Area Conservation Rule (Roadless Rule). The Tribes acknowledge that this action would not affect state-specific roadless rules for Idaho, to which the Tribes voiced opposition in 2008. However, with our vast homelands that include parts of Wyoming, Montana, Washington, Oregon, and Idaho, the recission will have impacts on our Treaty rights, our traditional cultural practices, and our rights reserved in land cessation agreements.

The designation of inventoried roadless areas (IRAs) within a less protective theme than they currently receive under the Roadless Rule will result in unacceptable management practices of public lands and violate mandates of the USDA to preserve the national forests' biological diversity and ensure a truly 'sustainable yield' of the resources within a forest ecosystem. Under legislation and acts of Congress, the Forest Service (FS) must maintain biological diversity within any given forest system. Thus, the agency must refrain from approving activities that will diminish the capacity of the system to maintain native plant and animal species. Likewise, the FS has an obligation to provide habitat for wildlife and watershed health. Rescinding the Roadless Rule will undo FS actions to meet these mandates and provide a physical path to harm delicate ecosystems.

It is clear that the underlying intent of the recission of the 2001 Roadless Rule is to enhance the economic opportunities for a select group of interests at the expense of the nation's roadless areas. The Tribes can easily see that USDA's emphasis on rescinding the Roadless Rule stated in Release No. 0141.25, "…for fire prevention," and to give, "…more flexibility to take swift action to reduce wildfire risk…" is a literal 'smokescreen' to justify rescinding the rule to enable economic development of public lands.

The Tribes oppose development within an IRA because of the unique characteristics found in each roadless area. These remaining parcels of forest provide countless opportunities for ecosystem sustainability, refuge for wildlife, habitat for fish, solitude, and botanical diversity. They also hold the memories of the past generations for the future. The opportunities for exercising treaty rights and ceremony, while preserving watershed health, ecological diversity and wildlife habitat far outweigh the fleeting benefits that would be realized from the unscrupulous practices of development.

To: The Honorable Brooke L. Rollins
Re: FS-2025-0001 – Response to notice of intent to prepare an environmental impact statement to rescind the 2001 Roadless Area Conservation Rule – Shoshone-Bannock Tribes

Of note, notice 2025-16581 (90 FR 42179) states, "No Cooperating or Participating Agencies have been designated. The USDA Forest Service does not anticipate designating any Federal, State, Tribal, or local agencies as cooperating or participating agencies." **Tribes and other stakeholders must be designated as participating organization in any rulemaking. This goes beyond consultation. Tribes must have a seat at the table in the rulemaking process to provide our expertise on how to best manage the land. The Shoshone-Bannock Tribes are ready and willing to participate.**

Also of grave concern are the recent changes to National Environmental Policy Act (NEPA) policies and rules to conform to Executive Order 13175. NEPA historically served as a vital tool to ensure that the voices of Tribal communities are heard in the federal decision-making process, and enabled Tribes to advocate for our rights and interests in relation to environmental protection and sustainability. USDA's new NEPA rules represent a severe rollback of environmental protections, and is a direct threat to our Tribal sovereignty, environment, lands, natural resources, cultural heritage, and public health. It also reduces government transparency.

The NEPA process approved and authorized prior to Executive Order 13175 is also critical in ensuring that archaeological resources that are of historic, religious, and cultural significance to Indian tribes are protected in accordance with the National Historic Preservation Act (NHPA). Moreover, the Native American Graves Protection and Repatriation Act (NAGPRA) requires agencies to consult with Indian Tribes regarding planned activities on Federal and Tribal lands that might result in the excavation of Native American human remains or other cultural items. These are essential provisions of the NEPA process. Opening up IRAs to roads will require adherence to NHPA and NAGPRA, while new NEPA regulations do not have sufficient emphasis to ensure NHPA, NAGPRA, and other provisions are followed. Likewise, shortened timelines for response are impossible to meet. **No rulemaking should marginalize the importance of NHPA and NAGPRA. Furthermore, the Tribes require 90 days to respond to USDA's draft EIS projected to be released in March of 2026.**

The roadless areas of the United States are among the last features that are still intact and functioning as a reminder of the world that pre-dated the United States. From time immemorial the Shoshone and Bannock peoples utilized the forests of our ancestral homelands for subsistence. The Tribes continue to hunt salmon and game and to gather medicinal plants for sustenance and ceremony. IRAs are key components of the ecosystem. They play a pivotal role in the holistic relationship we have with our ancestors. **The Tribes expect our Trustees at the USDA and FS to uphold their Trust responsibilities, and to utilize the highest standard in determining what are acceptable levels of the IRAs.**

Please acknowledge receipt of these comments. We look forward to your response. If you have any questions, please contact our Tribal Policy Analyst, Michael Steele at michael.steele@sbtribes.com.

Donna Thompson
Chairwoman
Fort Hall Business Council
Shoshone-Bannock Tribes

Main Office: 360.466.3163
Facsimile: 360.466.5309

Swinomish Indian Tribal Community

A Federally Recognized Indian Tribe Organized Pursuant to 25 U.S.C. § 476
* 11404 Moorage Way * La Conner, Washington 98257 *

September 19, 2025

Secretary Brooke Rollins
U.S. Department of Agriculture
Submitted via www.regulations.gov online portal

Chief Tom Schultz
U.S. Forest Service

Re: Comments on Proposed 2001 Roadless Rule Recission, 90 Fed. Reg. 42179 (August 29, 2025) ("Proposed Rule") and Government-to-Government Consultation

Dear Secretary Rollins and Chief Schultz,

The Swinomish Indian Tribal Community ("Swinomish" or the "Tribe") **strongly objects to the proposal to rescind the 2001 Roadless Rule** because it amounts to a wholesale reversal in federal policy that would remove long-standing protections within the Tribe's Treaty area resulting in catastrophic effects on Swinomish Treaty natural and cultural resources, rights and practices as described below. These potential direct, indirect, individual and cumulative impacts must be avoided to the maximum extent practicable and must be accounted for in the EIS.

It is unclear why neither the Department of Agriculture nor the U.S. Forest Service adhered to their tribal consultation policies and regulations, and it is concerning. **Swinomish respectfully requests a formal government-to-government consultation with you** so that Swinomish Tribal Leaders have the opportunity to meaningfully consult on this natural and cultural resource priority for salmon recovery, hunting, gathering, and other Treaty-protected rights and practices.

I. The Swinomish Tribe Has a Long History as a Leader on Salmon Recovery and Reliance on Inventoried Roadless Areas For Fishing, Hunting and Gathering In the Skagit River Watershed.

The Swinomish Indian Tribal Community is a federally recognized Indian tribe and political successor in interest to certain tribes and bands that signed the 1855 Treaty of Point Elliott, which among other things reserved fishing, hunting and gathering rights and established the Swinomish Reservation on Fidalgo Island in Skagit County, Washington. The Swinomish Reservation sits at the mouth of the Skagit River, the largest river system draining to Puget

Sound and the only river in the Lower 48 states that still has all species of wild Pacific salmon and steelhead spawning in its waters.

Since time immemorial, the Swinomish Tribe and its predecessors have occupied and utilized vast areas of land and water to live, hunt, fish and gather to support the Swinomish Tribe's cultural and traditional lifeways. In the Treaty, Swinomish reserved its right to take fish at its usual and accustomed fishing places in perpetuity, including throughout the entirety of the Skagit River watershed and beyond and to hunt and gather on open and unclaimed lands, including Federal- and state-owned forest lands and private industrial timberlands. These reserved rights are to be treated as the "supreme Law of the Land" pursuant to U.S. Constitution Art. 6, Cl. 2. They function akin to easements running with the lands or places they attach to, and are protected from federal, state, and private interference. *See United States v. Winans*, 198 U.S. 371, 381 (1905); *United States v. Oregon*, 718 F.2d 299, 304 (9th Cir. 1983); *United States v. Washingto*n, 20 F. Supp. 3d 828, 889 (W.D. Wash. 2007). These are not privileges granted by the federal government but rather were and are retained sovereign rights that predate the United States itself.

The Mt. Baker – Snoqualmie National Forest has Inventoried Roadless Areas ("IRAs") all across the Tribe's adjudicated Treaty area in the Skagit River watershed, including along the mainstem Skagit River, Baker River, Cascade River, and the Suiattle River that drains into the Sauk River. Removal of IRA protections over these important salmon rivers and their many tributaries, and over ecologically important wildlife corridors that connect public lands for wildlife migration could result in catastrophic direct, indirect, individual and cumulative impacts to the Tribe's Treaty rights and Traditional Cultural Properties – all of which must be accounted for in the EIS.

The rescission of the Roadless Rule would undermine the Tribe's Treaty rights by:

- Reversing long-standing federal rule protections for wildlife habitat and corridors, including salmon streams for ESA-listed species;
- Opening Treaty-protected areas to road construction and industrial logging that would fundamentally alter and harm ecosystems upon which the Tribe's Treaty resources depend;
- Degrading, destroying and fragmenting habitat for Treaty-reserved species, including salmon, steelhead, lamprey, deer, elk, and traditional plants and foods;
- Restricting access to traditional use areas through privatization and industrialization; and
- Violating the federal government's obligation to protect Treaty resources in perpetuity.

The EIS must provide a comprehensive assessment of the direct and indirect individual and cumulative effects of the Proposed Rule to the exercise of these Treaty protected rights that are essential to the Tribe's cultural lifeways and identity.

The 2001 Rule's exception allowing roads "needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty" has provided essential flexibility while maintaining baseline protections. The Proposed Rule's complete rescission eliminates this balanced approach. In fact, the Federal Register notice announcing the Proposed Rule states that "flexibility to respond to local land and resource conditions is paramount."[1] **The Proposed Rule's blanket approach to drastically opening all IRAs across the country fails to make any mention of tribal treaty rights and cannot be adopted in its current form. The Tribe strongly urges the USFS <u>not</u> to adopt the Proposed Rule, and assess an alternative in the EIS to remove all IRAs from the final rule that include lands and waters where Treaty tribes have adjudicated treaty rights.**

II. <u>The U.S. Department of Agriculture and the U.S. Forest Service Violated Their Formally-Adopted Tribal Consultation Policies and Regulations</u>.

Both the U.S. Department of Agriculture ("USDA") and the U.S. Forest Service ("USFS") ignored their tribal consultation policies ahead of publishing the Proposed Rule. The Tribe was not provided advanced notice of 2001 Roadless Rule nor was it provided with the opportunity for consultation prior to the issuance of the Proposed Rule. *See* Attachment A.[2] Swinomish filed a request for a 30-day extension of time to submit comments on September 8th which was rejected without any explanation. *See* Attachment B. This is very concerning.

The USDA issued Departmental Regulation 1350-002 last year regarding Tribal Consultation.[3] That regulation defines consultation as "the timely, meaningful, and substantive dialogue between USDA officials who have delegated authority to consult, and the elected leadership of federally recognized Tribes or their designated representative(s), *pertaining to USDA policies that may have Tribal implications*."[4]

The regulation continues by defining "Policies with Tribal Implications" as "*Regulations*, legislative comments or proposed legislation, and other policy statements or actions *that have substantial direct effects on one or more Indian Tribes*, on the relationship between the Federal Government and Indian Tribes, *treaty rights*, Tribal jurisdiction, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes."[5]

Consistent with these definitions, the regulation requires that:

> [w]hen formulating and implementing policies that have Tribal implications, the

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[1] 90 Fed. Reg. at 42181.
[2] Email correspondence between Swinomish Tribe staff and U.S. Forest Service Office of Tribal Relations making clear that the U.S. Forest Service sent the July 22nd correspondence to the incorrect email address.
[3] U.S. Department of Agriculture, *Departmental Regulation: Tribal Consultation*, DR 1350-002 (April 30, 2024), *available at* https://www.usda.gov/directives/dr-1350-002 (last visited September 14, 2025).
[4] *Id.* at Appx. B, Definitions. (Emphasis added).
[5] *Id.* (Emphasis added).

Department will, to the extent practicable and permitted by law:

1) Encourage Tribes to develop their own policies to achieve program objectives;
2) Where possible, defer to Tribes to establish standards;
3) Honor Tribal treaty rights, respect Tribal sovereignty and Tribal jurisdiction; and
4) In determining whether to establish Federal standards, consult with Tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Tribes.[6]

At the sub-Department level, agencies, including the USFS, are directed to collaborate with Tribes at the state and regional level to "establish regular, meaningful consultation and collaboration relationships."[7] In addition, where issues arise that implicate important tribal interests, such as "Tribal treaty and other rights," agencies are to "explore where appropriate and in consultation with the Office of the General Counsel, *using consensual mechanisms for developing regulations, including negotiated rulemaking*."[8]

The regulation also prohibits agencies from:

> promulgat[ing] any regulation or policy that has Tribal implications … unless
> …
> (b) The … agenc[y] …, prior to the formal promulgation of the regulation or policy, has:
>
> 1) *Consulted with Tribal officials early in the process of developing the proposed regulation or policy*;
> 2) Provided a Tribal summary impact statement in a separately identified portion of the of the preamble to the regulation as it is to be issued in the Federal Register, which consists of a description of the … agency's … prior consultation with Tribal officials, a summary of their concerns, the … agency's… position supporting the need to issue the regulation or policy, and a statement of the extent to which the concerns of Tribal officials have been met; and
> 3) Made available to the Secretary and the Director of OMB any written communications submitted to the … agency … by Tribal officials.

The regulation also prescribes specific standards for how consultation is to occur, who is authorized to consult on the part of the Department and agencies, how conflicts are to be resolved, and, for regulations, what must be published with regard to the consultation when the rule is published.[9] These standards include additional specifics, such as requiring that Tribes be

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[6] DR 1350-002, at 3-4.
[7] *Id.* at 4.
[8] *Id.* at 5. (Emphasis added).
[9] *Id.* at 6-8.

given one month after consultation occurs to submit additional information for the record.[10]

USDA and USFS purportedly sent an email notification on July 22, 2025, regarding the Proposed Rule, but as my staff recently discovered, **Swinomish did not receive the notification** because the USFS sent it to the wrong email address. Even if we had received the July 22nd email notification, an email does not constitute meaningful consultation as required by federal law and policy. The USDA and USFS ignored, and thus violated, their own tribal consultation regulations and policies to the detriment of Swinomish because no consultation was offered or held prior to the publication of the Proposed Rule.

As a result, of particular concern is the truncated 21-day comment period ending September 19, 2025. As I noted in my September 8th letter requesting an extension of time to comment until October 12th, the USDA published the Proposed Rule on the Friday of a federal holiday weekend, the practical effect of which is a two-and-a-half (2.5) week comment period. This greatly reduced public notice period – on top of the failure to offer consultation – is wholly inadequate for meaningful Tribal engagement and consultation on this massive reversal of federal policy that will affect tens of thousands acres of the Swinomish Tribe's ancestral territories and adjudicated Treaty area. The Proposed Rule includes a vague statement that "Tribal governments and Alaska Native Corporations will have an opportunity to be engaged during rulemaking and EIS development" but this provides no concrete timeline, no details about the process, nor any actual commitment to substantive government-to-government consultation as required by law and policy. The USDA and USFS have a trust responsibility to Swinomish - this is the U.S. government's permanent legal obligation to exercise statutory and other legal authorities to protect tribal land, assets, resources, and treaty rights, as well as a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native tribes.[11] The EIS must address how and to what extent the USDA and USFS believe that they have fulfilled their legal trust responsibility to Swinomish, and how they intend to do so throughout the rest of the rulemaking process.

The Tribe believes that because the USDA and USFS failed to adhere to the basic tenets of their own tribal consultation policies and regulations, these agencies have completely failed in their trust responsibility to Swinomish and other Tribes. **The Inventoried Roadless Areas ("IRAs") within the Mt. Baker – Snoqualmie National Forest overlap with areas where the Swinomish people have hunted, fished and harvested plants and other resources to meet their subsistence, ceremonial, spiritual, cultural, and medicinal needs, and for the purposes of trade and commerce, since time immemorial.** With significant recent changes to USFS NEPA regulations, deferring these questions would delay, if not sidestep, further and more detailed consideration of the impacts of rescinding protections mandated by the 2001 Roadless Rule.

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[10] *Id.* at 9.
[11] USDA Forest Service Publication FS-600.

Because the USDA and USFS did not engage Swinomish or other Tribes prior to publishing the Proposed Rule on August 29th as required by their own tribal consultation policies, the Proposed Rule does not include any consideration of its impacts on Treaty rights and resources – a clear violation of USDA and USFS adopted policies and regulations. The complete lack of tribal consultation results in the failure to assess compliance with the Protection of Historic Properties under 36 CFR 800. These regulations implement the National Historic Preservation Act Section 106 and define how federal agencies take into account the effects of their undertakings on historic properties. These regulations identify consulting parties, and identify the goal of consultation: to identify historic properties potentially affected by the undertaking, assess its effects, and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. The EIS must address the lack of acknowledgement of NHPA Section 106 and include specific and comprehensive plans to fully adhere to it.

The USDA has conveniently determined that "the 2001 Roadless Rule is no longer the best approach to managing inventoried roadless areas" and proposes to return management authority to local decision-makers. The forthcoming EIS will analyze only two alternatives: the proposed rescission and a "no action" alternative maintaining current protections.

This limited scope fails to consider reasonable alternatives that would address stated management concerns while preserving critical protections for Tribal Treaty rights and interests. As a result, Swinomish strongly objects to the adoption of the Proposed Rule and believes that unless and until the USDA and USFS honor their trust responsibility to Swinomish and other tribes by following long-standing tribal consultation policies and regulations that require meaningful involvement in federal regulation and policy changes like the Proposed Rule, the "no action" alternative must be adopted.

In addition, the EIS must assess to what extent are Tribally-focused designations, such as areas of tribal importance, found within IRAs covered by the 2001 Roadless Rule? The EIS should also assess how the rescission of the 2001 Rule would impact Tribal treaty-based resources, areas of tribal importance, or other areas of tribal interest—and the related plan components in revised forest plans—especially where those plans and the relevant components cross-reference or rely upon the protections provided by the 2001 Rule?

III. The Proposed Rule Violates the Terms and Spirit of the 2013 Memorandum of Agreement Between the U.S. Forest Service and the Swinomish Tribe.

In 2013, Swinomish and the USFS entered into a Memorandum of Agreement ("MOA") to facilitate their shared responsibility to protect and enhance the USFS lands, especially the traditional aboriginal territories and treaty protected use areas of Swinomish within the boundaries of the lands administered by the USDA's Forest Service within the Mt. Baker –

Snoqualmie National Forest.[12] *See* Attachment C. The MOA acknowledged that Swinomish are "successors in interest to signators of the Treaty of Point Elliott of 1855" and that:

> The Tribe views the continued availability and use of resources within the Mt. Baker – Snoqualmie National Forest as critical to perpetuating its culture and identity as a distinct Tribe. The water, the plants and the trees all serve a purpose that helps the Swinomish people, as a distinct tribe, to continue their cultural life ways that have been rooted for thousands of years upon this land and waters flowing through and adjacent thereto. The Swinomish Tribe understands that this land and waters, this place, as well as its language connect it and its people to all things and must be conserved and nurtured. The Swinomish Tribe and the Forest Service also recognize that the Tribe's cultural continuity is tied to the constant ebb and flow of natural resources. Therefore, this Agreement is much more than a piece of paper when it comes to the Swinomish peoples' historical relationship to the land, waters and resources within the Mt. Baker – Snoqualmie National Forest as understood and valued by their ancestors. It is an instrument to acknowledge their historical legacy of respect for the lands, waters and resources.[13]

Regarding the USFS trust responsibility to Swinomish, the MOA acknowledges that:

> The Forest Service shares in the United States Government's trust responsibilities to protect the rights of federally recognized Indian Tribes. Facilitating the exercise of treaty-reserved rights on National Forest System lands is a part of the overall management function of the agency under the broad range of federal laws that authorize National Forest ("NF") activities and programs.[14]

In the MOA, the Tribe and USFS agreed, among other things, that:

> 1.1 The predecessors to the present day Swinomish Tribe entered into a treaty with the United States by which they reserved tribal hunting, fishing and gather rights in lands that include the Mt. Baker – Snoqualmie National Forest, and the waters and resources therein. Since time immemorial, the Swinomish people have hunted, fished and harvested plants and other resources found on lands, and in waters flowing through lands, now managed by the Forest Service to meet their subsistence, ceremonial, spiritual, cultural, and medicinal needs, and for the purposes of trade and commerce. The Forest Service recognizes the Swinomish Tribe's rights to continue to practice these treaty-reserved rights within the boundaries of the Mt. Baker – Snoqualmie National Forest.[15]

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[12] Memorandum of Agreement to Establish a Framework for a Cooperative Government-to-Government Relationship As Pertains to the Administration of the Mt. Baker – Snoqualmie National Forest. (July 2013).
[13] MOA at 2.
[14] *Id.* at 3.
[15] *Id.*

1.2 The Swinomish Tribe has a continuous interest in the activities taking place within the Mt. Baker – Snoqualmie National Forest that affect the Tribe's cultural and archeological resources. A significant portion of the Tribe's traditional aboriginal territory and areas used for the exercise of treaty-reserved rights overlap the boundaries of the Mt. Baker – Snoqualmie National Forest.[16]

1.3 Further, the Forest Service recognizes a) The Tribe's inherent sovereignty and retained regulatory authority regarding its treaty-reserved rights; and b) The Tribe's ability to implement and administer a system of effective tribal self-regulation regarding tribal member exercise of those rights.[17]

1.4 The Tribe and the Forest Service have an ongoing government-to-government relationship pursuant to federal Indian law and policy, including but not limited to the trust responsibility of federal agencies to tribes to protect the Tribe's rights.[18]

The MOA included agreement that the Parties would "[i]mplement Forest Service programs and activities consistent with and respecting Indian treaty rights and fulfilling the Federal government's legally mandated trust responsibility with Tribes," as well as "[m]anage NFS-administered lands and resources on which tribal treaty rights exist in coordination with Tribes."[19] In the MOA, the USFS agreed to consult with the Tribe in order to "[c]omply with laws and regulations in a manner consistent with the special and unique legal and political relationship with Tribes" and to "[c]ollaboratively involve Tribes, as early as possible, in the development of regulatory and management policies . . . plans and actions that may have tribal implications."

The "Objectives" in the MOA include, among other things, to:

3.2 Facilitate consistent and timely communication between Parties at the appropriate levels of government;

3.3 Provide for the effective participation by the Tribe in the management of the Mt. Baker – Snoqualmie National Forest, including . . . all other proposed activities within the National Forest that may affect the Tribe, and the natural and cultural resources of interest to the Tribes;

3.4 Facilitate the exercise of the Tribe's treaty hunting, fishing and gathering rights.

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[16] *Id.*
[17] *Id.*
[18] *Id.*
[19] *Id.* at 4.

3.5 Facilitate through collaboratively developed management plans access to NF lands within the Mt. Baker – Snoqualmie Forest to enable the exercise of the Tribe's treaty hunting, fishing and gathering rights as well as the protection and conservation of natural and cultural resources as well as the habitats of these resources subject to the Tribe's treaty rights.

3.7 Ensure that Forest Service officials, programs and activities respect tribal self-government and sovereignty and honor tribal rights and interests.

These and other Objectives are reaffirmed in the "Commitments" section of the MOA. Since 2013 the USFS has worked in good faith to implement the MOA to honor, uphold, protect and enhance Swinomish Community Members' exercise of Treaty rights to hunt, fish, gather and practice cultural and spiritual ceremonies throughout the Mt. Baker – Snoqualmie National Forest. Unfortunately, the Proposed Rule completely disregards this good faith effort and work, including the significant substantive and procedural commitments to Treaty resource protection that implementation of the MOA has accomplished.

The EIS must address and account for the Tribe's Treaty rights in and to the Mt. Baker – Snoqualmie National Forest as well as the numerous natural and cultural resources that the Proposed Rule would put at immeasurable risk. **The EIS must address and account for the direct and indirect individual and cumulative impacts of the Proposed Rule on the Mt. Baker – Snoqualmie National Forest staff's ability to continue to facilitate the exercise of treaty-reserved rights on National Forest System lands that is a part of the overall management function of the USFS.**

IV. <u>The Proposed Rule Lacks Any Credible Scientific Basis and Would Result in Significant Harm to Treaty Protected Natural and Cultural Resources</u>.

For Swinomish, the IRAs within Mt. Baker – Snoqualmie National Forest provide important ecological functions, including landscape habitat connectivity for wide-ranging terrestrial species, clean cold water for salmon and downstream communities, and the ability to exercise traditional cultural ceremonies and visit sacred sites. <u>The Proposed Rule would eliminate the protections to IRAs and usher in a wholesale policy reversal to allow new roads in sensitive ecological areas. The Proposed Rule thus directly undermines the Tribe's Treaty rights to the continued existence and protection of these natural and cultural resources. The EIS must address the direct and indirect individual and cumulative adverse impacts to these resources</u>.

A. New Roads Cause Harmful Impacts to Skagit Watershed Salmonid Species.

Native salmonid species, including ESA-listed threatened Puget Sound Chinook salmon and steelhead trout, are extremely sensitive to habitat conditions in the freshwater stages of their

life cycles.[20] Excess sedimentation due to the failure of forest roads is a primary cause of aquatic habitat destruction in forest lands.[21] [22] Habitat destruction, in turn, results in severe impacts to the persistence and recovery of salmon and trout.

Excess sediment from new roads has a multitude of harmful effects, including that it:

- fills spawning gravels,[23]
- restricts the flow of oxygenated water around incubating eggs,[24]
- fills and simplifies pools which are critical for salmon rearing,[25]
- widens channels and destroys riparian vegetation,[26] which leads to increased stream temperature hazards,[27] and
- scours and destroys in-channel structures formed by wood,[28] which are critical habitat elements for a range of life history stages of salmon and trout.

Expanding the USFS road network in Mt. Baker – Snoqualmie National Forest will lead to further habitat destruction, degradation and fragmentation, threatening the recovery of ESA-listed species. The experiment invited by the Proposed Rule has already been run and we have

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[20] Hicks, B. J., Hall, J. D., Bisson, P. A., & Sedell, J. R. (1991). Responses of Salmonids to Habitat Changes. In *Influences of Forest and Rangeland Management on Salmonid Fishes and Their Habitats, American Fisheries Society Special Publication* (Vol. 19, pp. 483–518).

[21] Furniss, M. J., Roelofs, T. D., & Yee, C. S. (1991). Road construction and maintenance. In *Influences of Forest and Rangeland Management on Salmonid Fishes and Their Habitats: American Fisheries Society Special Publication 19* (pp. 297–323).

[22] Shah, N. W., Baillie, B. R., Bishop, K., Ferraz, S., Högbom, L., & Nettles, J. (2022). The effects of forest management on water quality. *Forest Ecology and Management*, *522*, 120397.

[23] Tripp, D. B., & Poulin, V. A. (1986b). *The Effects of Mass Wasting on Juvenile Fish Habitats in Streams of the Queen Charlotte Islands*.

[24] Jensen, D. W., Steel, E. A., Fullerton, A. H., & Pess, G. R. (2009). Impact of fine sediment on egg-to-fry survival of pacific salmon: A meta-analysis of published studies. *Reviews in Fisheries Science*, *17*(3), 348–359. https://doi.org/10.1080/10641260902716954

[25] Lisle, T. E. (1982). Effects of Aggradation and Degradation on Riffle-Pool Morphology in Natural Gravel Channels, Northwestern California. In *WATER RESOURCES RESEARCH* (Vol. 18, Issue 6).

Madej, M. A., & Ozaki, V. (1996). CHANNEL RESPONSE TO SEDIMENT WAVE PROPAGATION AND MOVEMENT, REDWOOD CREEK, CALIFORNIA, USA. *EARTH SURFACE PROCESSES AND LANDFORMS*, *21*, 911–927.

[26] Bennett, G. L., Panici, D., Rengers, F. K., Kean, J. W., & Rathburn, S. L. (2025). Landslide-channel feedbacks amplify channel widening during floods. *Npj Natural Hazards*, *2*(1). https://doi.org/10.1038/s44304-025-00059-6; Miller, D. J., & Benda, L. E. (2000). Effects of punctuated sediment supply on valley-floor landforms and sediment transport. *GSA Bulletin*, *13*, 1814–1824.

[27] Seixas, G. B., Beechie, T. J., Fogel, C., & Kiffney, P. M. (2018). Historical and Future Stream Temperature Change Predicted by a Lidar-Based Assessment of Riparian Condition and Channel Width. *Journal of the American Water Resources Association*, *54*(4). https://doi.org/10.1111/1752-1688.12655; White, S. M., Justice, C., Kelsey, D. A., McCullough, D. A., & Smith, T. (2017). Legacies of stream channel modification revealed using General Land Office surveys, with implications for water temperature and aquatic life. *Elementa*, *5*. https://doi.org/10.1525/elementa.192

[28] Tripp, D. B., & Poulin, V. A. (1986b). *The Effects of Mass Wasting on Juvenile Fish Habitats in Streams of the Queen Charlotte Islands*.

seen the results: the existing road network is already oversized relative to USFS's maintenance capacity, resulting in road failures and aquatic habitat destruction. Each year, road washouts occur that go unfixed due to a lack of funding and staffing capacity. These road washouts restrict treaty-protected access to Tribal hunting, gathering and ceremonial practices and sites. High-risk road segments remain on the landscape in an un-decommissioned state,[29] waiting for the next large storm to send overwhelming sediment volumes into creeks and rivers below. To fully comply with its trust responsibilities to Tribes for access and environmental protection, the USFS should be developing a plan to fix all remaining high- and medium-hazard road segments and maintain access throughout the remaining network, not paving the way for an unmanageable expansion of risky roads.

The EIS must address how these scientifically-based direct and indirect individual and cumulative adverse impacts to salmon habitat would affect the recovery of both ESA-listed and non-listed salmonids in the Skagit River watershed from the new road building impacts listed above.

B. The Tribe Has Significant Economic, Subsistence and Cultural Interests in Protecting the Inventoried Roadless Areas that ESA-listed Salmonids and the SRKW that Rely Upon Them Need to Recover.

Anadromous fish, and particularly Chinook salmon, have played a central role in the Tribe's subsistence, economic, cultural, spiritual lifeways, and day-to-day existence for thousands of years. The Tribe has witnessed the precipitous decline of Puget Sound Chinook salmon even before they were listed in 1999. Even though the Tribe has been a leader in responsibly managing and using the threatened salmon resource, it has watched its members' livelihoods deteriorate as fishing runs have plummeted and fishing seasons have been shortened and closed.

What harms salmon harms Swinomish. The loss of fishing opportunities has strained the Tribe's cultural lifeline and diminished Tribal members' economic opportunities and overall well-being. To Swinomish members, fewer Chinook salmon means less harvest for subsistence, ceremonial, and commercial purposes. With salmon populations plummeting since the 1990s, some of the Tribe's children are no longer following in the footsteps of their fathers, uncles and mothers as fishers – with the result that we, as a Tribe, as People of the Salmon, are threatened with losing a way of life that has been with us for thousands of years.

Swinomish is a primary guardian of the Skagit and Samish River basins and surrounding coastal areas. For decades, the Tribe has invested in scientific research which increasingly indicates that without reversing some of the past degradation to salmon habitat, and without protecting the remaining intact, functioning habitat, recovery of ESA-listed salmonids and the Southern Resident Killer Whale ("SRKW") that depend upon them is not possible. Among other efforts, Swinomish has advocated for decades to protect instream river flows, ensure federal,

[29] U.S. Forest Service. (2015). *Mt. Baker-Snoqualmie National Forest Forest-wide Sustainable Roads Report*.

state and local regulations are enforced and policies and plans adhere to best scientific and technical data, including to restore riparian, floodplain and estuary habitats, remove roads causing harm to salmon and hunting habitat within the Mt. Baker – Snoqualmie National Forest, and protect nearshore habitat for salmon recovery in the Skagit basin, through significant policy, scientific, and legal efforts.

The Tribe is an adjudicated co-manager of Washington fisheries along with the Washington Department of Fish and Wildlife (WDFW) and in this capacity has worked with WDFW and NOAA Fisheries for decades to ensure protection and restoration of fishery habitats and resources in the Skagit and Samish basins, as well as shellfish resources in Washington's coastal zone. The Tribe was a founding member of the Skagit River System Cooperative ("SRSC") (established as the Skagit System Cooperative in 1976 and renamed in 2003), a fisheries and environmental science and research consortium between Swinomish and the Sauk-Suiattle Indian Tribes. SRSC is considered a center of excellence in fisheries science, research and restoration. It has more than 25 highly qualified scientists and biologists with expertise in fish biology, hydrology, hydrogeology, restoration ecology and environmental permitting and regulatory compliance and works closely with Swinomish staff to pursue salmon recovery goals.

As explained in the attached declaration of Tandy Wilbur,[30] Swinomish is today, and always has been, very much a fishing community. For context, in 2023, 101 members registered for salmon fishing, and 187 for Dungeness crab. In 2024, 93 members registered for salmon fishing, and 275 for Dungeness crab. That is around 20% of the Swinomish membership, one in five of every Swinomish man, woman and child. Some of the fishers are engaged full time in the various tribal fisheries, while others fish part time during certain seasons to supplement their income. Most hire deckhands, who must be Swinomish members. The total income to the Tribe from commercial, ceremonial and subsistence finfish fisheries was $1,035,522 in 2022; $484,956 in 2023; and $584,748 in 2024. The total income to the Tribe from commercial, ceremonial and subsistence shellfish fisheries was $8,904,014 in 2022; $6,864,508 in 2023; and $7,522,739 in 2024.

The act of fishing, the circulation of harvest within the community, the dietary reliance upon the harvest, and the importance of salmon and other species to the Swinomish culture and spiritual life, give treaty fishing rights a value that far transcends the economic value as a commodity. The treaty fishing right was meant to preserve our culture and way of life revolving around fishing and the fish harvest. However, since 1978, the Tribe has not issued a regulation opening a direct wild spring Skagit Chinook fishery because of the severe decline in Skagit Chinook populations and the concomitant need for a conservation closure. As a result, tribal members have been unable to harvest the prize of all salmon species.

The tribes have a right to engage in subsistence fishing, meaning fishing for personal or household consumption and not for sale. Commercial fishing has a subsistence component, since all commercial fishers reserve from their catches fish for their families and to distribute to extended family, elders and others in need in the community. Sharing of the bounty of the sea

[30] *See* Attachment D, Declaration of Tandy Wilbur, Swinomish Senator and Fisheries Manager.

is a deeply ingrained cultural tradition of the Coast Salish tribes. It is particularly strong at Swinomish, where the bounty of the Skagit River, the adjacent tidelands, and the strong marine fisheries close to the Swinomish Reservation presented an abundance of fisheries riches. The people thrive as a community around the sharing of fish.

The Treaty fishing right also includes the right to take fish for ceremonial purposes. This harvest directly addresses the ceremonial, religious and spiritual values of the treaty fishing right. The Swinomish Fisheries Manager also manages these fisheries. They take place under permit and the catch counts toward our allocation share. As a community member and leader, I greatly appreciate the significance of the ceremonial fishery.

The Tribe has taken an important leadership role in working to maintain and recover salmon stocks in the region through habitat protection and restoration efforts because the best available science from the 2005 Skagit Chinook Recovery Plan ("Recovery Plan") over two decades ago made clear that habitat degradation and destruction have caused the decimation of our ESA-listed Chinook and other salmon runs. Degradation to these habitats affects Chinook recovery directly as well as the entire food web that they depend upon to feed and grow strong enough before they journey to the ocean. The Tribe is very concerned that the Proposed Rule would remove these key habitat protections in IRAs for ESA-listed Chinook, Steelhead, and Bull trout, among other salmon species.

There are many Treaty resources that the Tribe depends upon for its commercial, subsistence and ceremonial fisheries, including sockeye, coho, pink and chum salmon that depend upon the same habitats in the Skagit River as ESA-listed species. The Tribe has benefited from the 2001 Roadless Rule protections against habitat degradation in the upper portions of the Skagit watershed. The Tribe is very concerned that if the Proposed Rule is adopted, and these important protections are diminished or eliminated, many ESA-listed and non-listed species may suffer and decline.

The Swinomish community also benefits from the tribal commercial fishery in another way. Since 1968 a fish processing plant has been operating on the Swinomish Reservation. The plant began as a tribal operation, but after a few years was leased out to a private operator. In 2009, Swinomish formed the Swinomish Fish Company and took over operation of the plant. Swinomish Fish Co. is also major producer of salmon roe caviar primarily for export to Europe and Asia. The plant purchases crab and other local harvests as well. It is a major purchaser of tribal member harvest, and its wholesale purchasing activities help to support the price fishers obtain for their fish. The plant also purchases fish from other sources, tribal and non-tribal alike, including fish from British Columbia. Swinomish Fish Company generated several million dollars in sales in recent years. The plant would most likely close if there were no tribal treaty harvest to process.

We know that scientifically, roadless areas protect the headwaters and riparian systems that sustain our treaty-reserved fisheries and provide clean water for our communities. The Skagit River watershed contains tens of thousands of acres of IRAs that are critical for:

- Spawning and rearing habitat for salmon, steelhead, bull trout;
- Cold, clean water essential for fish survival in a warming climate;
- Intact riparian vegetation maintaining stream temperatures and preventing sedimentation;
- Natural hydrology supporting traditional and subsistence fishing;
- Water quality for ceremonial and cultural practices; and
- Protection of medicinal plant habitats that require pristine water sources.

The EIS must provide a comprehensive assessment of the direct and indirect individual and cumulative effects to these ecological functions that are essential to protect and recover the Tribe's Treaty resources and rights.

Scientific evidence demonstrates that road construction is the primary source of sediment pollution in forest streams, with roads contributing up to 90% of total sediment yield. The Proposed Rule would:

- Increase sedimentation, destroying spawning gravels and smothering eggs
- Elevate stream temperatures beyond tolerance levels for cold-water species
- Fragment aquatic habitats through culverts and stream crossings
- Introduce pollutants from vehicle traffic and industrial operations

The EIS must provide a comprehensive assessment of these direct and indirect individual and cumulative effects resulting from the Proposed Rule that would remove long-standing protections against road building in sensitive ecological systems and allow the impacts above to the Tribe's Treaty resources and rights.

In summary, the Swinomish treaty fishery generates significant economic, subsistence and spiritual value for tribal members and our tribal community, but would be far less if current protected IRAs become open to the substantial amount of direct and indirect individual and cumulative adverse effects from new roads that will degrade, fragment and diminish key salmon habitat. Since almost every Swinomish household includes a fisher, that income is diffused through the whole tribal community. A decline in tribal fishing would cause serious and immediate adverse effects on the tribal economy and community.

C. The Proposed Rule Threatens the Tribe's Treaty Right to Hunting and Would Cause Immeasurable Harm to the Tribe's Ability to Protect Cultural Resources, Exercise Cultural and Spiritual Ceremonies, and Protect Sacred Sites.

As explained in the attached declaration of Valentino "Tino" Villaluz,[31] Swinomish's Wildlife Program Manager, there has been a continued struggle to exercise Swinomish's Treaty-protected hunting and gathering rights throughout the Skagit River watershed, including the

[31] *See* Attachment E, Declaration of Valentino "Tino" Villaluz, Swinomish Tribal member and Wildlife Program Manager.

IRAs, because of current levels of human impact.

Mr. Villaluz and Tribal members are familiar with the Inventoried Roadless Areas (IRAs) in the Mt. Baker – Snoqualmie National Forest, especially the IRAs surrounding Baker Lake, those northeast of Concrete and along the mainstem Skagit River, those bordering North Cascades National Park, the Cascade River and the Suiattle River. They have regularly practiced their Treaty rights to hunt, gather and practice spiritual ceremonies in these IRAs. There is serious concern that numerous Swinomish tribal members who also engage in the exercise of their Treaty rights in these areas will be substantially harmed by the removal of Roadless Rule protections. The EIS must account for the impacts to the exercise of these rights.

Today, Swinomish can harvest far fewer plants and animals than previous generations, which impacts my and the Tribal Community's ability to feed our families and practice our cultural lifeways. Recovering native plant and animal populations is high on the Tribe's list of priorities because we are starting to lose hunters and gatherers as opportunities to hunt and gather decline. This loss breaks the generational cycle that has existed for millennia. Before, our earliest thoughts were on the water, with our parents, uncles and grandparents catching salmon, and also on the land, hunting and gathering. If our children are no longer following in our footsteps, we—as a Tribe, as a people—are threatened with losing a way of life that has been with us for thousands of years.

Equally impactful, habitat degradation, fragmentation and destruction already represent an existential threat to the plants and animals that form part of the foundation of the Tribe's Treaty rights. Simply put, our fish, plants, and animals are experiencing a homelessness crisis. After more than a century of population growth, recreational impacts and resource extraction in the greater Skagit River watershed, as well as the Mt. Baker - Snoqualmie National Forest and its IRAs, overall the remaining habitat does not come close to meeting conservation needs, much less meeting the Tribe's needs in terms of access to and availability of multiple species. Recreational impacts are finally beginning to be studied and understood, but without question, shifting from a federal policy of having tens of thousands of acres of IRAs in the watershed to a wholesale removal of those protections will absolutely bring more impacts, including from more recreation, which has direct and indirect, as well as individual and cumulative, impacts to the Tribe's ability to exercise Treaty rights to hunt and gather.[32]

This level of habitat degradation is also harmful on a cultural level to a people whose teachings and beliefs are so tied to the land. From an early age Swinomish youth are taught that life begins in the Upper Watershed—fishing, hunting, and everything else depends on the cold, clean water of the Skagit River flowing downstream from the Cascade Mountains. We have a saying that our existence occurs "from whitecap to whitecap"—meaning, from the snow and glaciers atop the Cascade mountains to the whitecaps of waves breaking in the Salish Sea. We

[32] See *The "Recreation Boom" on Public Lands in Western Washington: Impacts to Wildlife and Implications for Treaty Tribes: A Summary of Current Literature.* The Tulalip Tribes, Treaty Rights Office. (February 20210). Included as **Attachment H**.

may be the "People of the Salmon," but we are not just that—for example, the Swinomish story pole features a mountain goat, a species only found in the alpine and sub-alpine areas of the Upper Watershed. The purpose of a roadless area is a vital one: maintaining connectivity and species diversity in critical habitats. Rescission would paint a target on the remaining untrammeled critical habitat when the species dependent on that habitat are already desperate for more.

Swinomish has a system of issuing permits and tags to Tribal members for the subsistence harvest of game. These harvests are small due to conservation needs and the dwindling availability of many species for harvest, but are nonetheless very important to Tribal members' health, tradition, and cultural practices. In the 2024-2025 subsistence and ceremonial hunting season, Tribal hunters harvested 16 deer (approximately 800 pounds), 27 elk (approximately 7,290 pounds), one bear (approximately 100 pounds), and an estimated 200 geese (approximately 1200 pounds) and 500 ducks (approximately 1500 pounds).

Subsistence hunting and gathering is much more important to Swinomish and other treaty tribes than it is to the general population. Game and harvested foods like berries, in addition to fish and shellfish, have been a major part of the Swinomish diet since time immemorial. All of these foods, and in particular game, have declined as a share of Swinomish member's diets due lack of access, fragmented habitat, falling abundance due largely to inadequate or degraded habitat, and harvest time restraints.

The IRAs within the Mt. Baker Snoqualmie National Forest, particularly in the Skagit River Watershed, encompass numerous Traditional Cultural Properties (TCPs), sacred sites, and cultural landscapes integral to our identity and spiritual practices. These areas include:

(1) ceremonial and prayer sites,
(2) traditional gathering areas for medicines, foods, and materials, and
(3) cultural landscapes that embody our stories and oral traditions.

The EIS must provide a comprehensive assessment of the direct and indirect individual and cumulative effects to the exercise of these Treaty protected rights that are essential to the Tribe's cultural lifeways and identity.

The Proposed Rule does not, but the EIS must, address how these irreplaceable Tribal cultural resources would be protected from:

- Physical destruction through road construction and logging operations;
- Desecration through increased public access and industrial activity;
- Loss of privacy and sanctity necessary for ceremonial practices;
- Looting, vandalism, and unauthorized artifact collection; and
- Increased wildfire risk from human-caused ignitions that threaten cultural, sacred sites and culturally modified trees.

Existing protections under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, and Cultural Heritage Cooperation Authority (CHCA) are

insufficient without the baseline protections provided by the Roadless Rule. Project-level consultation cannot replace landscape-level protection of interconnected cultural resources. The EIS must address the direct and indirect individual and cumulative impacts to Treaty-protected sacred cultural sites and resources.

Section 101(b)(4) of the National Environmental Policy Act ("NEPA") declares that one objective of the environmental policy is to "preserve important historic, cultural, and natural aspects of our national heritage." Accordingly, NHPA Section 106 studies are coordinated with the NEPA process. Identification and evaluation of historic properties and determination of effects on them takes place as NEPA documents are developed. How will the EIS account for the preservation of the important historic, cultural and natural aspects of the nation's heritage that are fundamentally part of the Tribe's Treaty rights and resources? How will the EIS account for compliance with the American Indian Religious Freedom Act of 1978 (AIRFA), that protects the rights of American Indian people to believe, express, and exercise their traditional religions? AIRFA allows access to sites, use and possession of sacred objects, and freedom of worship through traditional ceremonies and practices. **The EIS must provide a comprehensive assessment in response to these questions and applicability of these important tribal cultural laws**.

V. The Proposed Rule Is Economically Illogical, Subjects National Forest Lands to Undue Pressure Based on H.R. 1, and Not Supported by the USFS's Own Research and Monitoring.

A. The Proposed Rule is Economically Illogical Because it Does Not Account for the Financial Inability of National Forests to Currently Manage Their Current Extensive Road Systems.

For decades, there have been more roads in national forests than can be maintained by the USFS. The USFS has a massive 380,000-mile road system and a growing $10.8 billion dollar maintenance backlog that has persisted for decades. The Forest Service receives funding to maintain only a fraction of their road system. Roads are expensive to build and maintain, fragment and degrade wildlife habitat, serve as vectors for human fire ignitions, and annually dump many tons of sediment onto fish habitat and breeding sites. The EIS must assess this multi-billion dollar backlog in existing road maintenance and explain in detail how it proposes to allow new road development without externalizing significant costs onto local communities and tribes like Swinomish.

The USFS has already expended significant resources to successfully reduce its road network, and it makes no economic sense to redo these past failings. Largely in response to the overwhelming evidence linking forest road building and clearcutting to landslides and aquatic habitat destruction, the USFS initiated a program of road improvements and decommissioning that was most active during the lead up to and directly following the enactment of the Roadless

Rule in 2001. Similarly, the 2005 Travel Management Rule[33] required National Forests to specify a 'minimum road system' which would be both financially sustainable and environmentally sound. The bottom line was that, in addition to the aquatic hazards explained above, the USFS recognized it could not adequately maintain its road network or ensure public safety and resource protection. Therefore, protections afforded to habitat by regulating roadless areas have been complementary to an active program of reducing past harms in watersheds that already contained forest roads. Road decommissioning projects implemented during this period of road network reduction, many of which cost millions of dollars and took years to plan and complete, were hugely successful at reducing road failures and sedimentation impacts.[34]

In the local process to satisfy the requirements of the Travel Management Rule, the Mt. Baker – Snoqualmie National Forest ranked 41% of its road network as medium or high from a resource concern perspective.[35] The data used to support that finding were derived in part from multiple watershed analyses conducted to support NEPA review for specific project areas, which focused on road decommissioning and improvements as integral components of the action alternatives.[36] [37] These action alternatives used a risk-based framework in which the highest-risk road segments were targeted for decommissioning, closure or improvements, with the goal being reducing or eliminating the risk of failure and damage to aquatic habitats while simultaneously bringing the USFS road network to a more manageable size.

As a result of this work by the USFS, the Tribe has seen few landslides originating from USFS roads following the completion of many of these decommissioning projects, leading to a quantifiable reduction in sediment delivery to salmon streams.[38] We commend the USFS for the good work it has completed over multiple decades to mitigate damage to aquatic resources from USFS roads within the Mt. Baker – Snoqualmie National Forest. We believe that the tenets of good government should be adhered to so that the real risks and consequences of road building in sensitive habitats does not resurrect the harmful impacts to the Skagit River watershed and beyond.

The EIS must provide a comprehensive analysis of the current inability of the USFS to manage and maintain its vast network of roads based on the lack of federal appropriation for such work and the lack of staff resources for such work due to this Administration's budget cuts. The EIS must provide a comprehensive financial analysis of

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[33] 36 CFR part 212.

[34] Harr, D. R., & Nichols, R. A. (1993). Stabilizing forest roads to help restore fish habitats: a northwest Washington example. *Fisheries*, *18*(4), 18–22.

[35] U.S. Forest Service. (2015). *Mt. Baker-Snoqualmie National Forest Forest-wide Sustainable Roads Report*.

[36] U.S. Forest Service. (2005). *Environmental Assessment for the Baker Lake and South Fork Nooksack River Access and Travel Management Plan*. https://www.fs.usda.gov/r06/mbs/projects/archive/5293

[37] U.S. Forest Service. (2010). *Environmental Assessment for the Suiattle River Access and Travel Management Plan*. https://www.fs.usda.gov/r06/mbs/projects/archive/24529

[38] Seixas, G. B., & Veldhuisen, C. N. (2023). Forest management history influences eight decades of shallow landsliding in the northwest Cascade Mountains, USA. *Earth Surface Processes and Landforms*, *48*(14), 2716–2736. https://doi.org/10.1002/esp.5656

the how the Proposed Rule will open millions of acres of sensitive habitat to new roads, including the standards those new roads will be held to, particularly if non-governmental entities could be given authority for new road construction.

B. The USDA and USFS Must Provide an Economic and Legal Analysis of How the Proposed Rule Intersects with the Mandates for Substantially Increased Timber Harvest on USFS Lands in H.R. 1.

On July 4, 2025, H.R. 1 was signed into law.[39] Section 50301, sub-section (a) of H.R. 1 contains the following language:

> (2) Timber sales on public domain forest reserves.--
> (A) In general.--For each of fiscal years 2026 through 2034, **the Secretary shall sell timber annually on National Forest System land in a total quantity that is not less than 250,000,000 board-feet greater than the quantity of board-feet sold in the previous fiscal year.**
> (B) Limitation.--The timber sales under subparagraph (A) shall be subject to the maximum allowable sale quantity of timber or the projected timber sale quantity under the applicable forest plan in effect on the date of enactment of this Act.
> (3) Long-term contracting for the forest service.--
> (A) Long-term contracting.--For the period of fiscal years 2025 through 2034, the Secretary shall enter into not fewer than 40 long-term timber sale contracts with private persons or other public or private entities under subsection (a) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) for the sale of national forest materials (as defined in subsection (e)(1) of that section) in the National Forest System.

(Emphasis added).

This section of H.R. 1, read in conjunction with the Proposed Rule, would add significant new pressure for vastly increased timber harvest on national forest lands, potentially in sensitive IRAs. The EIS must provide a comprehensive assessment of how the Proposed Rule intersects with the new mandates in H.R. 1 that the USFS must sell a minimum of 250,000,000 board-feet greater quantity than it sold in the previous fiscal year. In the Mt. Baker – Snoqualmie National Forest, the applicable forest plan has timber harvest targets, not maximum allowable amounts, and so to the extent the Proposed Rule would seek to utilize this new mandate for timber harvest, the EIS must address and account for impacts to the above-mentioned Treaty rights to natural and cultural resources.

[39] H.R. 1, 119th Congress. https://www.congress.gov/bill/119th-congress/house-bill/1/text

C. The USFS's Own Research and Monitoring Supports Maintaining Roadless Protections.

The USFS has published research that completely contradicts the claims made in the Proposed Rule notice of intent that the Proposed Rule is necessary "to achieve its multiple use conservation mission, including timber production, recreation, wildfire suppression and fuel reduction treatments."[40] As summarized in the "Long-term forest health implications of roadlessness," a USFS published research paper, concludes that:

> Agency management records show that a lack of roads has not stopped fire prevention measures; fuel management activities in roadless areas have actually been more numerous on a per-square kilometer basis than elsewhere in the National Forest System, although activities in areas with roads cover larger areas. Historical fire maps indicate that forests with and without roads have burned at similar rates since the Rule took effect. The apparent neutrality of roads with respect to fire occurrence may be due to higher rates of human caused ignition near roads offsetting advantages related to more agile positioning of fire-fighting assets. Beyond the fire dimension of forest health, analysis of over 15 000 inventory plots showed that while tree root disease is only weakly correlated with proximity to roads, roads are strongly associated with the spread of invasive plant species in national forests. Non-native plants are twice as common within 152 meters (500 feet) of a road as farther away. Speculation that eliminating road prohibitions would improve forest health is not supported by nearly twenty years of monitoring data.[41]

It is clear that the Proposed Rule would not be beneficial to the overall health of national forest lands based on the USFS's published research. The EIS must address and account for the direct and indirect individual and cumulative impacts to the health of national forest lands in general, and the Mt. Baker – Snoqualmie National Forest specifically, should the Proposed Rule be adopted in its current form.

VI. Conclusion

The Swinomish Tribe unequivocally opposes the proposed rescission of the 2001 Roadless Rule. Removing roadless protections in the Mt. Baker – Snoqualmie National Forest will, without a doubt, allow more roads, which leads to innumerable adverse impact from increased human impact and habitat fragementation, and thus impairs the Tribe's ability to exercise its Treaty rights to hunt, fish, gather and practice cultural and spiritual ceremonies. The

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[40] 90 Fed. Reg. at 42181 (August 29, 2025).
[41] Healey, Sean P. Long-term forest health implications of roadlessness. 2020 *Environ. Res. Lett.* 15 104023. https://doi.org/10.1088/1748-9326/aba031

Proposed Rule represents a substantial breach of trust responsibilities, a violation of Swinomish's Treaty rights, and an existential threat to the Tribe's cultural survival.

The Tribe respectfully requests and demands the following:

1. **Immediate Withdrawal** of the proposed rescission based on failure to conduct required Tribal consultation;
2. **Full Compliance** with all consultation requirements before any further action is taken;
3. **Comprehensive Analysis** of the numerous impacts to the Tribe's Treaty rights, cultural resources, and USDA and USFS trust responsibilities to Swinomish;
4. **Alternative Development** including Tribal co-management and enhanced protection options; and
5. **Negotiated Rulemaking** for any specific changes proposed in the Mt. Baker - Snoqualmie National Forest.

The Roadless Rule has provided essential protections for the lands and resources that sustain the Swinomish Tribe's people and way of life since time immemorial. We stand ready to work with the Administration on genuine forest management improvements that respect Tribal sovereignty and enhance ecological resilience, but the Proposed Rule's wholesale rescission and reversal of federal policy is simply unacceptable.

Thank you for your consideration of our comments. We look forward to having a government-to-government consultation with you. Please contact the Tribe's environmental policy direct, Amy Trainer [atrainer@swinomish.nsn.us] to schedule it.

Sincerely,



Steve Edwards, Chairman
Swinomish Indian Tribal Community

Cc: Washington Congressional Delegation
Mt. Baker – Snoqualmie National Forest Supervisor

IN THE MATTER OF THE

SWINOMISH INDIAN TRIBAL COMMUNITY'S COMMENTS REGARDING

RESCINDING THE 2001 ROADLESS AREA CONSERVATION RULE: 90 FED. REG. 42179 (AUGUST 29, 2025)

List of Attachments

Attachment A Email correspondence between Swinomish Tribe staff and U.S. Forest Service Office of Tribal Relations making clear that the U.S. Forest Service sent the July 22nd correspondence to the incorrect email address.

Attachment B September 8, 2025 letter from Swinomish Tribal Community Chairman Steve Edwards to USDA Secretary Rollins requesting time extension and government-to-government consultation.

Attachment C Memorandum of Agreement to Establish a Framework for a Cooperative Government-to-Government Relationship As Pertains to the Administration of the Mt. Baker – Snoqualmie National Forest. (July 2013).

Attachment D Declaration of Tandy Wilbur, Swinomish Senator and Fisheries Manager

Attachment E Declaration of Valentino Villaluz, Swinomish Tribal Member and Wildlife Program Manager

Attachment F Healey, Sean P. Long-term forest health implications of roadlessness. 2020 *Environ. Res. Lett.* **15** 104023. https://doi.org/10.1088/1748-9326/aba031

Attachment G Text of H.R. 1, Section 50301. (119th Congress)

Attachment H *The "Recreation Boom" on Public Lands in Western Washington: Impacts to Wildlife and Implications for Treaty Tribes.* The Tulalip Tribes, Treaty Rights Office. (February 20210).