

Singel, Wenona

From: Singel, Wenona
Sent: Friday, August 28, 2026 9:29 AM
To: 'SM.FS.WOFOIA@usda.gov'
Subject: Freedom of Information Act Request — Records Concerning Tribal Consultations on the Proposed Rescission of the 2001 Roadless Area Conservation Rule (Docket No. FS-2025-0001; RIN 0596-AD66); Request for Expedited Processing and Fee Waiver

August 28, 2026

VIA EMAIL

USDA Forest Service, Washington Office
FOIA Service Center
1400 Independence Avenue, SW, Code 1123
Washington, DC 20250

SM.FS.WOFOIA@usda.gov

Re: Freedom of Information Act Request — Records Concerning Tribal Consultations on the Proposed Rescission of the 2001 Roadless Area Conservation Rule (Docket No. FS-2025-0001; RIN 0596-AD66); Request for Expedited Processing and Fee Waiver

Dear FOIA Officer:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, and its implementing regulations, 7 C.F.R. Part 1, Subpart A, and 36 C.F.R. Part 200 (or successor USDA/Forest Service FOIA regulations).

I am the Director of the Indigenous Law & Policy Center at Michigan State University College of Law. On August 28, 2026, I wrote to the Forest Service Office of Tribal Relations requesting the same records described below on an informal basis. This FOIA request covers the identical records and is being submitted to establish a statutory processing timeline given the urgency described below. I have not received a substantive response to the earlier informal request as of the date of this letter.

Records Requested

I request copies of all records, in whatever format maintained (including electronic records, email, and attachments), created or received between July 1, 2025, and the date this request is processed, concerning government-to-government consultations conducted with federally recognized Tribes and Alaska Native Corporations regarding the proposed rescission of the 2001 Roadless Area Conservation Rule, Docket No. FS-2025-0001. Specifically:

1. **Consultation log or roster.** A complete log or roster of all consultations conducted in connection with this rulemaking, identifying for each: the Tribe or Alaska Native Corporation; the date; whether conducted virtually or in person (and location, if in person); the Forest Service consulting

official and responsible unit/region; and, to the extent releasable, the participating Tribal officials or representatives.

2. **Consultation records.** For each completed consultation, all agendas; meeting notes, minutes, memoranda, summaries, or consultation reports; transcripts or recordings, if any exist; presentation or briefing materials; written comments, letters, position papers, maps, or other materials submitted by the Tribe or Alaska Native Corporation before, during, or after the consultation; materials provided by USDA or the Forest Service to the consulting Tribe or Alaska Native Corporation; follow-up correspondence; and any documentation of outcomes, agreements, disagreements, commitments, or requested follow-up.
3. **Records showing how consultation input was used.** Any records, memoranda, or internal analyses describing how input received through this consultation process informed, or was considered in connection with, the August 20, 2026 proposed rule, the Draft Environmental Impact Statement, the alternatives analyzed or eliminated from detailed study, or the Tribal Summary Impact Statement.
4. **Records postdating the Tribal Summary Impact Statement's stated cutoff.** All consultation-related records — including records of any consultations completed, scheduled, or held — created after December 5, 2025 (the date through which the August 20, 2026 Tribal Summary Impact Statement states its summary of Tribal input extends), through the date this request is processed.
5. **Record custodian information.** To the extent responsive records are maintained by individual regions, national forests, or consulting officials rather than centrally by the Office of Tribal Relations, records sufficient to identify the appropriate custodian for each consultation identified in Item 1, so that a supplemental request may be directed to the correct office if necessary.

If the Forest Service maintains a webpage, SharePoint site, or other repository where any of these records are already posted, I would appreciate a link to that repository in lieu of, or in addition to, a document production for those specific records.

I am not requesting the disclosure of culturally sensitive, sacred, or confidential Tribal information. If any portion of a responsive record is withheld on that basis or any other, please release all reasonably segregable non-exempt portions, as required by 5 U.S.C. § 552(b), and identify the specific exemption(s) claimed and the general nature of the information withheld for each withholding.

Format Requested

I request that responsive records be provided electronically, in their native or PDF format, and in a reasonably segregated and organized manner (for example, grouped by consultation).

Request for Expedited Processing

I request expedited processing of this request under 5 U.S.C. § 552(a)(6)(E) and the Forest Service's implementing regulations, on the ground that there is an urgency to inform the public concerning actual Federal Government activity, and that the Indigenous Law & Policy Center is an organization primarily engaged in disseminating information to inform the public on matters of Indian law and policy, including through its August 29, 2026 white paper analyzing the Tribal administrative record on this rulemaking, and through public-facing legal commentary such as Turtle Talk, a widely read blog covering federal Indian law.

The urgency here is concrete and time-limited: USDA has established a public comment deadline of September 21, 2026, for the proposed rule and Draft Environmental Impact Statement described above. Both documents rely on and characterize the substance of the consultations that are the subject of this request. Absent expedited processing, the standard statutory response period will leave Tribal governments, Tribal organizations, and the public with little or no opportunity to review the underlying consultation record before the comment period closes, defeating the purpose of the request and materially impairing the public's ability to evaluate USDA's characterization of Tribal input in a rulemaking of substantial and immediate public interest.

I certify that the foregoing statement is true and correct to the best of my knowledge and belief, as required by 5 U.S.C. § 552(a)(6)(E)(vi).

If expedited processing of the full request cannot be granted, I ask that the consultation log described in Item 1 be processed and released on an expedited basis, with the remaining records to follow under standard processing, consistent with the same request I made to the Office of Tribal Relations.

Request for Fee Waiver, or in the Alternative, Fee-Category Determination

I request a waiver of all fees associated with this request under 5 U.S.C. § 552(a)(4)(A)(iii), on the ground that disclosure of the requested records is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the Forest Service, and is not primarily in my commercial interest. Specifically:

- The records concern identifiable, discrete operations of the Forest Service: the government-to-government consultation process conducted for a specific, currently pending rulemaking.
- Disclosure will contribute to public understanding: the Indigenous Law & Policy Center has demonstrated capacity and intent to analyze and publicly disseminate findings concerning this rulemaking, as reflected in its August 29, 2026 white paper analyzing the Tribal comment record, and intends to make comparable use of the requested consultation records to inform Tribal governments, policymakers, and the public.
- I have no commercial interest in these records; my interest is exclusively in the Indigenous Law & Policy Center's public-interest research, education, and public-information mission at Michigan State University College of Law.

If a full fee waiver is not granted, I request that this request be processed under the "educational institution" fee category, 5 U.S.C. § 552(a)(4)(A)(ii)(II), given that it is made on behalf of Michigan State University College of Law for scholarly research and public-education purposes and not for commercial use. Under that category, I understand only reasonable duplication fees apply. I agree to pay duplication fees up to \$100. If you estimate that fees will exceed that amount, please contact me before proceeding so that I may narrow the request or authorize the additional cost.

Requester Contact Information

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I would appreciate written acknowledgment of receipt of this request, including the tracking number assigned, and a determination on expedited processing at the earliest possible time given the time-sensitive nature of the underlying rulemaking. Given the September 21, 2026 comment deadline, a prompt response, even a rolling or partial production beginning with the consultation log, would be of significant help.

Thank you for your attention to this request.

Sincerely,

Wenona T. Singel

Director, Indigenous Law & Policy Center

Associate Professor, Michigan State University College of Law