

August 29, 2026

The Tribal Administrative Record on the Roadless Rule

What Tribal Nations Told USDA in 2025, How USDA Responded in 2026, and What Remains at Issue

Table of Contents

Executive Summary

I. The Two Comment Periods Serve Different Functions

II. Methodology

- A. Identifying the written Tribal comment corpus
- B. Inductive coding
- C. Fixed code second pass
- D. Separate treatment of consultation evidence

III. What the Written Tribal Record Shows

- A. Ecological resources: 37 of 38 commenters (97.4%)
- B. Cultural, religious, and relational interests: 36 of 38 commenters (94.7%)
- C. Subsistence and traditional lifeways: 30 of 38 commenters (78.9%)
- D. Consultation and process: 27 of 38 commenters (71.1%)
- E. NEPA, legal, and analytical requirements: 25 of 38 commenters (65.8%)
- F. Environmental justice and economic issues: 21 of 38 commenters (55.3%)
- G. Wildfire rationale challenged: 20 of 38 commenters (52.6%)
- H. Enhanced Tribal authority: 19 of 38 commenters (50.0%)
- I. Fragmentation, stability, and reliance: 19 of 38 commenters (50.0%)
- J. Sovereignty and self-determination: 18 of 38 commenters (47.4%)
- K. Federal trust responsibility: 18 of 38 commenters (47.4%)
- L. Active management affirmatively supported: 13 of 38 commenters (34.2%)
- M. Treaty-reserved rights: 12 of 38 commenters (31.6%)
- N. Treaty resource base and right to habitat: 9 of 38 commenters (23.7%)

IV. From Recognition to Response: The Central Analytical Finding

V. Local Decision-making, But Local to Whom?

VI. Opposition to Rescission Was Not Opposition to Management

VII. Economic analysis

Executive Summary

On August 20, 2026, the U.S. Department of Agriculture proposed rescinding the 2001 Roadless Area Conservation Rule, which generally prohibits road construction, road reconstruction, and timber harvesting, subject to exceptions, across approximately 44.7 million acres of National Forest System lands. Under USDA's proposal, the national prohibitions would disappear and management of currently protected inventoried roadless areas would principally return to individual forest land-management plans and future site-specific decision-making. The separate Idaho and Colorado roadless rules would remain in effect.

The proposal follows a September 2025 public-comment period initiated by USDA's Notice of Intent to prepare an environmental impact statement. Unlike the current comment period, which asks the public to evaluate an actual proposed rule and Draft Environmental Impact Statement, the 2025 proceeding was principally a scoping process. USDA requested information concerning potential effects, reasonable alternatives, studies, and other matters that should inform the EIS. USDA states that the comments received during that process informed the range of alternatives and environmental analyses in its August 2026 Draft EIS.

This white paper examines the Tribal component of that administrative record. The Indigenous Law & Policy Center independently reviewed 42 qualifying written submissions filed by Tribal governments and Tribal organizations during the 2025 NOI comment period, representing 38 distinct commenting entities. Rather than imposing predetermined categories, the review first identified themes inductively from the submissions themselves, developed a fixed codebook, and then conducted a second review to measure the prevalence of those themes across the 38 distinct commenters.

The results demonstrate both substantial convergence and considerable diversity. Ecological-resource concerns appeared in 37 of 38 comments (97.4%), and cultural, religious, or relational interests appeared in 36 of 38 (94.7%). Subsistence, traditional foods, medicines, or material lifeways appeared in 30 of 38 (78.9%). Consultation and process concerns appeared in 27 of 38 (71.1%). But the comments were not limited to requests for consultation: 19 of 38 commenters (50%) sought or invoked forms of Tribal governmental authority beyond ordinary consultation, including co-management, co-stewardship, cooperating-agency status, co-development of alternatives, Tribal-specific management regimes, mutual concurrence, consent, or negotiated rulemaking. Federal trust responsibility and sovereignty/self-determination each appeared expressly in 18 of 38 comments (47.4%), while treaty-reserved rights appeared in 12 of 38 (31.6%).

The comments also complicate any characterization of Tribal opposition as opposition to forest management. Thirteen of 38 commenters (34.2%) affirmatively supported some form of active management, including prescribed or cultural fire, restoration, fuels treatment, sustainable forestry, or management concentrated on previously disturbed areas. Twenty commenters expressly challenged USDA's wildfire rationale for wholesale rescission. A recurring Tribal

distinction was therefore not between “management” and “no management,” but between targeted stewardship and the removal of a durable national protection against new industrial access to intact landscapes.

USDA's 2026 Draft EIS reflects much of this record with notable specificity. Its Tribal Rights and Interests analysis recognizes inherent Tribal sovereignty, federal trust responsibility, treaty rights, co-stewardship, sacred sites, Indigenous Knowledge, subsistence, cultural continuity, and the relationship between resource condition and the exercise of Tribal rights. USDA concludes that the proposed full-rescission alternative would present the greatest potential for adverse effects on Tribal rights and interests of the three alternatives analyzed.

The principal divide between USDA and the Tribal written record therefore is not simply whether USDA recognized Tribal concerns. It frequently did. The more significant divide concerns the level and structure at which those concerns should be addressed.

Numerous Tribal commenters sought durable protections or Tribal governmental authority at the national, landscape, traditional-homelands, or rulemaking level. USDA instead proposes eliminating national protection and responding to many Tribal concerns through future forest planning, project-specific environmental review, consultation, and locally negotiated co-stewardship arrangements. The Draft EIS makes that choice explicit when it acknowledges proposals for Tribal-specific roadless management and co-stewardship but concludes that such matters are “better addressed through local land management planning or site-specific project level planning than through National Rulemaking.”

That reliance on future project-level safeguards raises an additional question because one of those safeguards is itself undergoing potentially significant change. On July 24, 2026, the Advisory Council on Historic Preservation voted to advance proposed revisions to the regulations implementing Section 106 of the National Historic Preservation Act at 36 C.F.R. Part 800; the draft Notice of Proposed Rulemaking is currently undergoing review by the Office of Information and Regulatory Affairs. The National Association of Tribal Historic Preservation Officers has identified proposed changes that could narrow what qualifies as an undertaking and historic property, narrow the effects considered, reduce Tribal and THPO participation, and expand federal-agency control over the process. Although those revisions have not been adopted and may change, they complicate any assumption that the project-level safeguards on which USDA relies will necessarily remain available in their present form.

This produces the central question raised by the Tribal administrative record:

When Tribal rights, cultural landscapes, watersheds, subsistence systems, and treaty resources operate across project and administrative boundaries, can a series of future localized decisions adequately replace a durable national protective baseline, and what role should Tribal governments exercise in making those decisions?

That question is particularly important during the current comment period. The most useful comments now will generally do more than repeat concerns placed in the record in 2025. They can identify the concern previously raised, examine USDA's specific response in the proposed rule and Draft EIS, explain why that response is adequate or inadequate for the commenting Tribe, supply Tribe-specific evidence, and identify a concrete change the Tribe seeks in the final rule or Final EIS.

I. The Two Comment Periods Serve Different Functions

Understanding the procedural posture is essential to interpreting the 2025 comments.

On August 29, 2025, USDA published a Notice of Intent to prepare an EIS concerning possible rescission of the Roadless Rule. The agency opened a 21-day public-comment period and requested information concerning potential effects, alternatives, studies, and analyses that should inform the environmental review. USDA received more than 220,000 comment letters during that period and reports that approximately 99 percent of the comments generally opposed rescission. The agency states that substantive comments informed its alternatives and environmental analysis.

The August 2026 proceeding occurs at a materially different stage. USDA has now published an actual proposed rule and a 333-page Draft EIS. The Draft EIS analyzes three alternatives: continuation of the existing Roadless Rule; full rescission; and a modified-rule alternative that would remove protections in certain areas, including areas near existing roads and within wildland-urban-interface areas, while retaining protections elsewhere.

The distinction matters for this white paper. A statement submitted in September 2025 asking USDA to “consider” treaty impacts, cumulative effects, Tribal co-management, or a particular alternative cannot simply be reproduced as an optimal 2026 comment. USDA now claims to have considered those matters. The current task is therefore more precise: how did USDA characterize the issue, what analysis did it perform, what response did it adopt, and does that response adequately address the concern raised?

For that reason, this paper uses the 2025 comments not as a template for comments that Tribes might reproduce in 2026, but as an empirical baseline against which the proposed rule and Draft EIS can be evaluated.

II. Methodology

This study uses an inductive qualitative coding methodology followed by a prevalence analysis.

A. Identifying the written Tribal comment corpus

The initial review identified 42 qualifying docket submissions filed during the September 2025 NOI comment period by Tribal governments, a joint group of Tribal governments, and Tribal organizations. Four commenting entities submitted more than one docket entry. For prevalence

purposes, repeat submissions by the same commenting entity were therefore consolidated, producing a principal dataset of 38 distinct commenting entities.

The principal prevalence denominator in this paper is accordingly 38, not 42.

One joint Southeast Alaska filing represents twelve federally recognized Tribal governments. For purposes of the principal statistical analysis, that joint filing counts as one distinct commenting entity so that one coalition submission does not mechanically receive twelve times the statistical weight of another filing. Where relevant, however, the paper separately identifies the number of Tribal governments represented by coalition submissions.

The study excluded commenters incorrectly classified as “Tribal” in docket metadata where the filer did not qualify as a Tribal government or Tribal organization for purposes of this analysis. Alaska Native corporations were also not included in the 38-commenter prevalence dataset because they are legally and institutionally distinct from federally recognized Tribal governments. This does not imply that their views are irrelevant to the rulemaking; it preserves a coherent unit of analysis for examining Tribal governmental input.

B. Inductive coding

The study did not begin with USDA's Tribal Summary Impact Statement or its characterization of Tribal concerns.

Instead, the first review proceeded comment by comment and identified recurring arguments directly from the primary submissions. Codes were added or refined as new concepts appeared. Importantly, legally distinct concepts were maintained separately even where commenters frequently discussed them together. For example:

- sovereignty was not treated as synonymous with consultation;
- treaty rights were distinguished from the federal trust responsibility;
- sacred and cultural resources were distinguished from subsistence resources;
- co-stewardship was distinguished from co-management;
- consultation was distinguished from consent or shared decisional authority; and
- ecological fragmentation was distinguished from the governmental burden of repeated project-level participation.

This distinction proved important because superficially similar comments often made materially different legal or governmental claims.

C. Fixed code second pass

After the inductive review, the codebook was frozen and the full corpus was reviewed a second time. A code was marked present only where the written submission or an incorporated attachment affirmatively supported it. No argument was inferred from a Tribe's identity, treaty status, geography, or presumed interests.

Multiple codes could apply to the same commenter.

For prevalence reporting, the analysis uses the following descriptive categories:

- Universal: 100%
- Near-universal: 80–99%
- Very common: 60–79%
- Common: 40–59%
- Recurring: 20–39%
- Distinctive: below 20%

These categories are descriptive rather than statistical claims concerning the views of Tribal Nations generally. The dataset consists of those Tribal governments and organizations that submitted qualifying written comments during this particular rulemaking period.

D. Separate treatment of consultation evidence

The written-comment dataset does not presently include statements made only during government-to-government consultation.

USDA reports that the Forest Service received 64 consultation requests, scheduled 34 consultations, and had completed 29 consultations as of the period reflected in its Tribal Summary Impact Statement. Those consultations occurred either virtually or in person with local or regional Forest Service line officers.

The public record currently available to the authors does not identify all 29 consultations, their dates, or the full records generated through those consultations. Because USDA's Tribal Summary Impact Statement draws on consultation input in addition to the written docket, this paper does not assume that differences between the TIS and the written-comment dataset constitute inaccuracies.

If sufficiently complete consultation records become available, they will be coded as a second and separate dataset using the same substantive codebook. Consultation prevalence will not be merged mechanically with the 38-comment written dataset.

III. What the Written Tribal Record Shows

The written record demonstrates that Tribal commenters were not making a single argument against the proposed rescission. Instead, the submissions describe an interlocking set of governmental, legal, cultural, ecological, economic, and institutional concerns. The following fourteen theme families capture the principal areas of convergence. Because a single commenter could raise multiple themes, the percentages are not mutually exclusive.

The prevalence of the principal theme families is listed in the summary table below and described in more detail in the paragraphs that follow the table:

Theme family	Commenters	%
Ecological resources	37/38	97.4%
Cultural/religious/relational interests	36/38	94.7%
Subsistence/traditional lifeways	30/38	78.9%
Consultation/process	27/38	71.1%
NEPA/legal/analytical requirements	25/38	65.8%
Environmental justice/economic issues	21/38	55.3%
Wildfire rationale challenged	20/38	52.6%
Enhanced Tribal authority	19/38	50.0%
Fragmentation/stability/reliance	19/38	50.0%
Sovereignty/self-determination	18/38	47.4%
Federal trust responsibility	18/38	47.4%
Active management affirmatively supported	13/38	34.2%
Treaty-reserved rights	12/38	31.6%
Treaty resource base/right-to-habitat	9/38	23.7%

A. Ecological resources: 37 of 38 commenters (97.4%)

Ecological-resource concerns were the most prevalent theme in the written Tribal record, appearing in all but one of the 38 distinct comments. This near-universal parent theme encompasses concerns about the ecological systems and natural resources protected by inventoried roadless areas, including intact forests, biodiversity, wildlife habitat and migration corridors, fish and aquatic habitat, watersheds, climate functions, invasive species, and geomorphic risks associated with roads and resource extraction. Tribal commenters frequently connected these ecological conditions directly to treaty rights, subsistence, traditional foods and medicines, cultural practices, and the continued usability of ancestral homelands.

Related themes included:

- Ecological integrity, biodiversity, or intact ecosystems (identifying the value of relatively undisturbed ecological systems or arguing that roads, logging, mining, or fragmentation would impair ecosystem function or biological diversity): 27/38 (71.1%)
- Wildlife habitat, migration, and fragmentation (identifying effects on habitat availability, connectivity, migration corridors, displacement, population viability, or fragmentation caused by roads and development): 27/38 (71.1%)

- Fish, salmon, and aquatic habitat (identifying effects on salmonids, other fish species, spawning or rearing habitat, riparian systems, fish passage, or aquatic food webs): 26/38 (68.4%)
- Water quality, watersheds, and hydrology (identifying sedimentation, erosion, altered stream temperature or flow, degraded riparian conditions, drinking-water impacts, or other changes to watershed function): 26/38 (68.4%)
- Climate, carbon storage, and ecological resilience (identifying intact forests as carbon stores or sinks, linking roadless protection to climate adaptation or resilience, or identifying climate change as a factor increasing the importance of intact ecosystems): 15/38 (39.5%)
- Already-degraded conditions or ecological tipping points (arguing that relevant species, habitats, watersheds, or ecological systems are already impaired and that additional degradation could undermine recovery or push them beyond a meaningful threshold): 13/38 (34.2%)
- Invasive or noxious species (identifying roads, vehicle access, soil disturbance, logging, or other development as pathways for the introduction or spread of invasive species): 10/38 (26.3%)
- Slope, landslide, and avalanche risks (identifying road construction, logging, or other disturbance as increasing slope instability, mass wasting, landslide, erosion, or avalanche risks): 7/38 (18.4%)
- Tribal water regulatory authority (identifying the Tribe's own governmental authority to establish or enforce water-quality requirements, rather than merely identifying water as an affected resource): 1/38 (2.6%)

Although these themes are separated analytically, the comments frequently present them as interconnected ecological systems rather than isolated resource categories. The Chugach Regional Resources Commission, for example, begins from the relationship among terrestrial, coastal, and marine systems in the Chugach region. Representing seven Tribes, CRRC explains that logging and mining can affect interconnected ecosystems on which subsistence, food security, cultural continuity, and Tribal communities depend. The Organized Village of Kasaan similarly connects road construction and logging to wildlife corridor fragmentation, erosion and pollution, impacts on salmon-bearing streams, deer habitat, predators, riparian buffers, and ultimately Tribal food security.

The wildlife and fisheries comments are unusually concrete. Kasaan identifies particular species, including the Alexander Archipelago wolf, Sitka black-tailed deer, bears, eagles, and salmon, and explains the ecological mechanisms through which roadbuilding and forest conversion could affect them. Nooksack focuses on a different landscape and evidentiary record, reporting that existing Forest Service road failures in the Nooksack watershed have already produced fish-passage obstructions and sediment delivery into aquatic resources, while threatened and endangered salmon and steelhead populations remain the subject of decades of recovery efforts.

The Tribe argues that extending the road network into steeper terrain risks compounding those existing harms.

Chickaloon Village Traditional Council provides a particularly useful example of how a Tribe can connect ecological effects to an established baseline and prior restoration work. Its comment identifies five species of Pacific salmon using the Chugach National Forest and discusses Resurrection Creek, where historic placer mining degraded salmon habitat before a twenty-year, more-than-\$10-million restoration partnership. Chickaloon's concern is therefore not simply that future development could harm “the environment”; it is that rescission could jeopardize a specific ecological recovery in which substantial public and community resources have already been invested.

The already-degraded conditions/tipping-point theme is especially significant for current commenting. A Swinomish wildlife declaration describes declining fish and game populations across nearly all Tribal harvests and concludes that the system may already have reached a “tipping point.” It connects further habitat degradation to the recovery prospects of fish, wildlife, and culturally important plants. The same declaration identifies the interaction among slope instability, landslide and avalanche risk, water quality, sediment, stream temperature, and ESA-listed salmonids. This type of evidence can materially change an effects analysis because the impact of additional disturbance may be very different where a resource is already impaired than where the agency assumes a healthier baseline.

Climate arguments likewise often connect global-scale processes to specific Tribal resources. Lac Vieux Desert cites carbon storage in roadless forests but does not treat carbon as an abstract climate metric. Its comment links intact forests to climate resilience, fish and wildlife survival, clean water, medicines, invasive-species risks, treaty harvesting, and ecological relationships maintained through Tribal knowledge systems.

The single Tribal water-regulatory-authority comment is particularly instructive because it shows how an ecological concern can implicate independent Tribal governmental authority. Bishop Paiute Tribe explains that the headwaters of Bishop Creek originate in roadless areas of the Inyo National Forest and flow onto the reservation. It then identifies its own EPA-approved or federally recognized regulatory role under Clean Water Act §§ 303(c) and 401, explaining that road construction, logging, erosion, and sedimentation could impair Tribal water-quality standards and that federal permits potentially resulting in discharges may require Tribal §401 certification. The comment therefore moves from “roads may harm water” to the more concrete claim that rescission may increase activities affecting waters that are subject to the Tribe's own regulatory authority.

These examples also suggest an important lesson for Tribes preparing comments during the current proposed-rule and Draft EIS period. A strong ecological comment need not attempt to address every environmental resource. It can identify the specific ecological system relevant to the Tribe, describe its present condition, explain the causal mechanism through which rescission

and foreseeable subsequent activities may affect it, connect that effect to Tribal rights or uses, and place Tribe-specific evidence into the record.

The current Draft EIS now gives Tribes something much more concrete to evaluate than they had at the 2025 scoping stage. For example, a Tribe can compare USDA's characterization of existing watershed condition, road density, wildfire risk, habitat connectivity, or species condition against its own monitoring and experience. Where USDA relies on future project-level analysis, a commenter can also explain why watershed function, migratory habitat, salmon recovery, or other ecological processes require analysis at a broader spatial or cumulative scale. In other words, the current question is no longer simply whether USDA should analyze ecological effects, but whether the analysis it has now produced accurately captures the ecological conditions, causal pathways, and Tribal resource dependencies that commenters placed in the 2025 record.

B. Cultural, religious, and relational interests: 36 of 38 commenters (94.7%)

This near-universal theme captures arguments that roadless areas are not merely environmental resources but culturally constituted landscapes tied to identity, religion, history, ceremony, ancestral presence, and continuing relationships between Tribal peoples and place. Several submissions expressly resisted treating cultural resources as isolated archaeological sites or discrete objects; instead, they described cultural and religious relationships as extending across landscapes, watersheds, travel routes, plant and animal communities, and places used continuously across generations.

Related themes included:

- People-place relationships (describing land, water, forests, or other resources as bound up with Tribal identity, spirituality, culture, existence, or peoplehood): 25/38 (65.8%)
- Intergenerational transmission of knowledge, practices, and relationships to place: 17/38 (44.7%)
- Religious exercise and sacred sites (describing religious, ceremonial, prayer, or spiritual practice or use): 14/38 (36.8%)
- Cultural survival or continuity: 13/38 (34.2%)
- Living ceremonial landscapes (describing ceremonial or spiritual relationships as embedded in the larger landscape): 10/38 (26.3%)
- Looting, vandalism, or desecration: 8/38 (21.1%)
- Cultural privacy and confidentiality (describing concern about ceremonial privacy, sensitive cultural information, confidentiality, closures, or comparable protections): 6/38 (15.8%)
- Burials and ancestral remains: 5/38 (13.2%)
- Oral history used as evidence: 4/38 (10.5%)

Several submissions provide concrete illustrations of what these categories mean in practice:

Organized Village of Kasaan described the Tongass as a “living, breathing extension of our people”: a place where children learn the stories of their ancestors, elders gather traditional medicines, and families harvest foods that nourish both “bodies and spirits.” Elsewhere, Kasaan described culturally significant places as “living archives” of history, spirituality, and identity, and characterized the forest itself as a teacher, provider, and sacred relative. The comment therefore ties people-place relationships directly to intergenerational knowledge transmission, spirituality, subsistence, and cultural continuity.

The Moapa Band of Paiutes THPO offered one of the clearest examples of a living ceremonial landscape. Its comment described the Salt Song Trail, extending across parts of Nevada, California, Arizona, and Utah, as a landscape through which Southern Paiute and Chemehuevi people continue to practice the Salt Song, associated with a person’s final journey to the afterlife. The same comment connected sacred sites, food and medicinal-plant gathering areas, ancestral trails, and headwaters with creation stories. In this account, the relevant cultural resource is not one isolated “site,” but an interconnected ceremonial geography.

Pit River Tribal Nation likewise described roadless areas as containing interconnected Traditional Cultural Properties and districts, ceremonial and prayer sites, traditional medicine, food, and material-gathering areas, burial grounds, ancestral village sites, and cultural landscapes embodying creation narratives and oral traditions. Pit River identified increased public access as creating risks of desecration, looting, artifact collection, and the loss of privacy and sanctity necessary for ceremonies, and argued that project-level consultation cannot substitute for landscape-level protection of those interconnected resources.

Lac Vieux Desert Band described forests within its treaty-ceded territory as containing sacred sites, traditional-use areas, and treaty resources “central to our survival, identity, and responsibilities as a sovereign Nation.” It specifically identified sacred sites, burial places, ceremonial grounds, and irreplaceable cultural landscapes, warning that new roads could expose them to desecration, looting, and loss of ceremonial privacy.

Swinomish supplied especially strong evidence of the intergenerational dimension of cultural continuity. Its Wildlife Program Manager explained that declining opportunities to hunt and gather are causing the Tribe to lose hunters and gatherers and thereby “break[] the generational cycle that has existed for millennia.” Earlier generations’ childhood memories were formed alongside parents, uncles, and grandparents fishing, hunting, and gathering; when children can no longer follow those footsteps, the comment explained, the Tribe risks losing a way of life maintained for thousands of years. The declarant also described personally hunting, gathering, and practicing spiritual ceremonies within inventoried roadless areas.

The submissions also illustrate less visible dimensions of cultural protection. Sitka Tribe of Alaska, for example, requested nondisclosure agreements for contractors participating in Tribal engagement when sensitive information may be shared. And a Southeast Alaska joint submission specifically asked USDA to incorporate community documentation and oral histories concerning

culturally significant wildlife migration, long-term forest change, and Indigenous management, harvest, and land-use practices into the EIS evidentiary record.

Taken together, these comments describe the cultural value of roadless areas as simultaneously spatial, relational, intergenerational, and ongoing. The concern is therefore not limited to whether a road or timber sale would physically destroy an identified archaeological site. Commenters also described potential losses arising when development fragments a ceremonial landscape, changes the character or privacy of a sacred place, separates cultural practices from the plants and animals that sustain them, interrupts transmission of knowledge between generations, or transforms an ancestral homeland in ways that make an existing relationship with place more difficult to continue.

C. Subsistence and traditional lifeways: 30 of 38 commenters (78.9%)

This theme covers the use of roadless landscapes for hunting, fishing, gathering, traditional foods, medicines, materials, ceremonial harvests, and other practices through which communities sustain themselves materially and culturally. The submissions repeatedly demonstrate that “subsistence” cannot be reduced to caloric consumption. Hunting, fishing, and gathering also sustain kinship obligations, ceremonies, intergenerational knowledge, community sharing, spirituality, health, and continuing relationships with ancestral homelands.

Related themes included:

- Traditional plants, medicines, and materials: 21/38 (55.3%)
- Subsistence expressly invoked: 17/38 (44.7%)
- First or traditional foods (identifying food resources as traditional, culturally significant, spiritually significant, or part of a continuing Indigenous food relationship): 10/38 (26.3%)
- Food security or food sovereignty: 8/38 (21.1%)
- ANILCA subsistence-priority analysis: 5/38 (13.2%)
- Community sharing or ceremonial harvest: 1/38 (2.6%)

The strongest examples show the breadth of the practices encompassed within this theme family:

Organized Village of Kasaan provided perhaps the clearest example of the material importance of subsistence. Kasaan noted that the community qualifies as a USDA-defined food desert and that the nearest grocery store is in Thorne Bay. It described hunting, fishing, and gathering as essential rather than optional, specifically identifying salmon, crab and shrimp, deer, and berries as important foods. The same submission connected those harvests to cultural continuity and described elders gathering traditional medicines and families harvesting foods to nourish both body and spirit.

Pit River Tribal Nation described dependence on traditional foods; medicinal plants requiring undisturbed forest conditions; and materials used for traditional arts, utilitarian objects, crafts,

regalia, and ceremonial items. It specifically identified First Foods as central to nutritional, cultural, and spiritual health, and warned that industrial development could contaminate traditional foods, disrupt traditional harvest cycles and ecological relationships, and directly threaten Tribal food security and sovereignty.

Big Pine Paiute Tribe gave a particularly concrete account of everyday gathering practices in the Inyo National Forest. Tribal members use nearby Forest lands for foods including pinenuts and game, as well as medicines, fiber, fuelwood, and places of spiritual renewal. Its comment also linked increased road access with damage to archaeological sites and other resources in remote gathering areas.

Bishop Paiute Tribe similarly described the Inyo National Forest as an extension of its homeland and identified pine-nut gathering and hunting traditional foods as continuing cultural practices threatened by road construction and industrial development. It also emphasized that water flowing from roadless headwaters onto the reservation is used ceremonially as well as agriculturally.

Sitka Tribe of Alaska expressly rejected a purely nutritional understanding of subsistence. Although wild foods provide physical sustenance, Sitka explained, traditional foods are also a spiritual connection to land and the past. The Tribe identified the Redoubt Lake sockeye salmon harvest as a concrete subsistence resource and advocated management that would preserve and expand Tribal harvest opportunities.

Confederated Tribes of Grand Ronde described ancestors hunting, fishing, and gathering cultural resources and First Foods throughout its ceded lands since time immemorial. Tribal members continue those traditions today, maintaining an “unbroken” connection with their homelands through contemporary traditions, lifeways, and practices. The Tribe specifically identified roadless areas as protecting hunting, fishing, and cultural gathering areas.

Swinomish provided the most detailed evidence of how harvested foods circulate through a Tribal community. Hunters reserve harvests for immediate and extended family, elders, and community members in need; designated hunters hunt on behalf of other people and families; ceremonial harvests support community, cultural, and religious events; and harvest is also shared between Tribes. One declarant explained, “I always hunt for others before hunting for myself.” In the 2024–25 subsistence and ceremonial hunting season alone, Swinomish hunters harvested 16 deer, 27 elk, one bear, approximately 200 geese, and approximately 500 ducks. The comment further explains that ceremonial food is essential to ceremonies and gatherings, and that the circulation of harvested foods through the community gives hunting and gathering a value that exceeds their treatment as commodities.

Finally, the Southeast Alaska joint submission illustrates the distinct Alaska statutory dimension of the theme. It requested a thorough ANILCA § 810 analysis, supported by Tribal harvest-

monitoring data and community documentation, to evaluate effects on subsistence resources, access, and traditional ways of life before a final decision.

These examples also demonstrate the substantial overlap between this family and the cultural and relational interests described above. In the Tribal submissions, a salmon, deer, pinenut, medicinal plant, or other harvested resource is frequently at once food, medicine, cultural practice, ecological relationship, ceremonial resource, means of transmitting knowledge, and basis for reciprocal obligations within the community. Treating “subsistence” solely as a question of the quantity of food available would therefore omit much of the injury the commenters say could result from loss or degradation of roadless landscapes.

D. Consultation and process: 27 of 38 commenters (71.1%)

This very common theme encompasses objections to the timing, authorized participants, institutional capacity, adequacy, form, governmental character, influence over outcomes, and accountability for what USDA ultimately does with Tribal input. The comments frequently distinguished legally meaningful government-to-government consultation from ordinary public participation.

Related themes included:

- Inadequate consultation generally (express consultation was absent, inadequate, untimely, perfunctory, or otherwise deficient; not merely a request that consultation occur): 12/38 (31.6%)
 - Examples: Swinomish, Snoqualmie, Lac Vieux Desert, Moapa Band of Paiutes, Organized Village of Kasaan, Hammawi Band, CRRC, ITAA, Intertribal Timber Council, NCAI, Pit River, and the Southeast Alaska Tribal Governments joint filing
 - NCAI argued that Executive Order 13175 required consultation before USDA made a decision; that announcing an NOI proposing complete rescission was itself a decision point; and that relegating Tribal participation to the public-comment process did not satisfy that obligation. NCAI added that later “engagement events” could not cure the failure to consult before the decision point.
 - Strategy point: Tribes should go beyond invoking consultation to identify exactly what was missing and when. For example, was the Tribe consulted before USDA selected rescission as its proposed action? What information was provided beforehand? Was there an actual exchange, or only notice? Were alternatives genuinely open for discussion? Was the Tribe given enough time to develop a governmental position?
- Pre-decisional or sufficiently early consultation (consultation must occur before USDA commits to rescission, selects an outcome, or otherwise effectively makes the decision): 10/38 (26.3%)

- Public comment, webinars, or similar participation are not substitutes for consultation: 7/38 (18.4%)
- Federal timelines fail to accommodate Tribal governmental review processes (need time for Tribal Council meetings, legal/technical review, elders, cultural protocols, community input, or inter-Tribal coordination): 7/38 (18.4%)
- Funding, technical assistance, or other capacity support for participation: 6/38 (15.8%)
- Leadership-level government-to-government consultation (consultation specifically with elected Tribal leadership or properly authorized federal/Tribal officials, rather than ordinary staff-level engagement): 5/38 (13.2%)
 - Strong comment examples: Pit River (requesting “Direct consultation between Tribal Council leadership and the Secretary of Agriculture and/or Chief of the Forest Service, not delegation to staff-level briefings”; at least 120 days; an initial session followed by additional sessions; time between sessions for Tribal Council and community review; and identified Tribal points of contact.); Lac Vieux Desert requested *in-person* government-to-government consultation at Tribal headquarters with Tribal leadership, a minimum 120-day process, and an identified substantive agenda covering treaty rights, sacred sites, water, wildlife, climate, alternatives, co-management, and mitigation; Nooksack stated its Tribal Council would seek “leadership-level consultation” concerning treaty rights and trust resources.
 - Intertribal Timber Council quoted USDA’s own definition of consultation as dialogue between USDA officials with delegated authority to consult and the elected leadership of federally recognized Tribes or their designated representatives, versus a process in which “tribal participation is being relegated to public comments.”
- Consultation must be capable of influencing the outcome (cannot merely occur procedurally; Tribal input must be able to affect the decision): 4/38 (10.5%)
 - Examples: CRRC, Pit River, Kasaan, and the Southeast Alaska Tribal Governments joint filing
 - Southeast Alaska joint filing calls for government-to-government decision making based on mutual concurrence, not just consultation
 - Pit River demanded “[w]ritten documentation of how Tribal input influenced decision-making.”
 - Kasaan asks USDA to make Tribes co-developers of EIS alternatives, rather than merely sources of information after alternatives have already been chosen.
- Documentation of consultation results/agency response (written documentation of outcomes, responses to Tribal concerns, or explanation of how Tribal input was incorporated): 3/38 (7.9%)
 - Examples: Organized Village of Kasaan, Pit River, and the Southeast Alaska Tribal Governments joint filing

- Kasaan says USDA should “follow up in writing detailing how tribal comments will be included in assessments and planning trajectories.”
- Pit River asks both for written documentation of consultation outcomes and, at the end of its comment, a “detailed response addressing each concern raised.”
- Strategy: “request Tribal consultation” is only the beginning of a strong comment. The strongest 2025 submissions operationalized the request. For the current period, a Tribe could make the record considerably stronger by stating when and how it was notified; whether and when consultation actually occurred; who participated and whether they possessed decision-making authority; whether consultation occurred while alternatives were still genuinely open; what information and time the Tribe needed; what specific matters consultation must address; what changes the Tribe asked USDA to make; and, critically, a request for a written explanation identifying how each substantive Tribal concern affected the Draft EIS, proposed rule, alternatives, mitigation, or final decision, or why USDA declined to act on it.
- Strategy: compare what the Tribe told USDA with what appeared in the August 2026 Draft EIS and proposed rule. Instead of saying only “consult with us,” Tribes can say, in substance: *we raised A, B, and C; the Draft EIS and proposed rule did X, omitted Y, and substituted Z; explain how our consultation influenced the agency's decision.* That turns consultation from an abstract procedural complaint into an auditable administrative record issue.
- Access to GIS data, maps, analyses, or other agency information necessary for meaningful participation: 2/38 (5.3%)
- Defective or inaccessible notice (concrete failure of the notice mechanism itself): 2/38 (5.3%)
 - Swinomish attached the actual email chain establishing that Forest Service sent the July 22 consultation notice to an incorrect email address. Tribal staff then put the correct address into the record and expressly noted that this explained why neither the Chairman nor staff knew about the proposal or consultation period.
 - Pit River said it never received the July 22 email, that the Tribe requires hard-copy correspondence for consultation, and that an email in any event does not itself constitute meaningful consultation.
 - Strategy for Tribal comments: document process failures rather than merely characterize them; attach correspondence and put dates, names, and addresses into the record.

E. NEPA, legal, and analytical requirements: 25 of 38 commenters (65.8%)

This very common family includes arguments concerning the adequacy of USDA's environmental analysis, alternatives, evidentiary basis, administrative law obligations, and compliance with other federal statutes protecting Tribal, cultural, and environmental interests.

The comments vary substantially in legal specificity. Some identify resources and impacts that USDA should analyze under NEPA, while others challenge the adequacy of USDA's proposed analytical framework, identify particular statutory duties, submit evidence for inclusion in the administrative record, propose specific alternatives, or preserve potential administrative and judicial remedies.

Related themes included:

- Indigenous Knowledge, Traditional Ecological Knowledge, or Indigenous Science (requesting that Indigenous knowledge systems, Tribal expertise, or long-term place-based observations inform USDA's analysis or management decisions): 14/38 (36.8%)
- NHPA/Section 106 (invoking the National Historic Preservation Act, Section 106 consultation, historic properties, Traditional Cultural Properties, or related cultural-resource duties): 11/38 (28.9%)
- Reasonable alternatives (arguing that USDA must consider alternatives beyond the binary choice between wholesale rescission and retaining the existing rule): 9/38 (23.7%)
- Specifically Tribal-designed alternatives (proposing a concrete alternative management structure developed from Tribal governmental, cultural, treaty, or stewardship interests rather than merely requesting a broader alternatives analysis): 7/38 (18.4%)
 - Examples include Snoqualmie, Lac Vieux Desert, Intertribal Timber Council, Cow Creek, Pit River, Swinomish, and the Southeast Alaska Tribal Governments joint filing.
 - These proposals included co-management frameworks, Tribe-specific management mechanisms, protection of treaty areas, and the Southeast Alaska Tribes' proposed Traditional Homelands Conservation approach.
- Cumulative effects (requesting analysis of the combined effects of rescission together with other past, present, or foreseeable activities rather than viewing future projects in isolation): 7/38 (18.4%)
- Outdated or inadequate science or evidentiary basis (challenging the factual assumptions, datasets, scientific literature, geographic generalizations, or evidentiary support underlying USDA's rationale): 7/38 (18.4%)
- Endangered Species Act: 7/38 (18.4%)
- CHCA and/or AIRFA (invoking the Cultural Heritage Cooperation Authority and/or the American Indian Religious Freedom Act as part of the federal legal framework governing effects on Tribal cultural and religious interests): 7/38 (18.4%)
- Landscape- or watershed-scale analysis (arguing that connected ecological, cultural, treaty, or subsistence systems must be evaluated at a scale larger than an individual project or administrative unit): 6/38 (15.8%)
- Litigation, administrative appeals, or preservation of legal remedies: 6/38 (15.8%)

- Tribal-generated evidence (submitting or expressly relying upon maps, declarations, monitoring data, planning documents, studies, cultural-use information, or other evidence generated by a Tribe or Tribal organization): 5/38 (13.2%)
 - Examples include Swinomish, Sitka Tribe of Alaska, Southeast Alaska Tribal Governments, Chugach Regional Resources Commission, and Inter Tribal Association of Arizona.
 - Swinomish provides a particularly strong example. Its submission incorporated declarations from Tribal officials and resource personnel, an existing Forest Service-Tribe agreement, documentation concerning consultation notice, and additional technical materials.
- Direct and indirect effects (expressly requesting analysis of consequences caused directly by rescission as well as effects occurring through subsequent changes in access, development, land management, or resource conditions): 4/38 (10.5%)
 - Clear examples include Ketchikan Indian Community, Organized Village of Kasaan, Swinomish, and the Southeast Alaska Tribal Governments joint filing.
- APA arbitrary-and-capricious arguments (expressly arguing that rescission, the agency's rationale, or the decision-making process would be arbitrary, inadequately reasoned, or otherwise vulnerable under the Administrative Procedure Act): 4/38 (10.5%)
- Tribal Forest Protection Act: 3/38 (7.9%)
- NEPA prejudgment or predetermination (arguing that USDA committed itself to rescission or announced the desired outcome before completing the required environmental review and consideration of alternatives): 3/38 (7.9%)

A subsequent development gives the NHPA/Section 106 theme additional significance for the current comment period. The 11/38 prevalence figure above measures only what Tribal commenters raised in the 2025 written record; it has not been altered to account for events occurring after that record closed. In July 2026, the Advisory Council on Historic Preservation voted to advance a substantial revision of the regulations implementing Section 106 at 36 C.F.R. Part 800. The draft remains under federal review and has not yet been adopted. NATHPO reports that the proposed revisions could, among other things, narrow the activities treated as federal undertakings, exclude some noncompact natural and ethnographic landscapes from the definition of historic property, narrow the effects considered, reduce Tribal and THPO participation, and give federal agencies greater control over identification, effects determinations, and resolution of adverse effects.

Those potential changes are especially relevant to the Tribal record examined here. As Section 2 demonstrates, commenters frequently described culturally significant places not as isolated archaeological sites or discrete objects but as interconnected landscapes, watersheds, travel routes, gathering areas, ceremonial settings, and continuing relationships among people, land, water, plants, and animals. If the operative Section 106 regulations were subsequently narrowed in ways that made some such landscapes, effects, or Tribal participation less cognizable at the

project level, that development would bear directly on USDA's reliance on future project-specific review as a substitute for protections presently supplied by the national Roadless Rule.

Several aspects of this theme are particularly relevant to the current comment period. The 2025 comments show that Tribal commenters did not simply identify subjects that USDA should “consider.” Some placed Tribe-specific evidence into the administrative record, identified the scale at which impacts should be analyzed, and proposed concrete alternatives for USDA to evaluate. At the NOI stage, those comments helped define what USDA should analyze. During the current proposed-rule and Draft EIS comment period, Tribes are positioned to ask the next question: whether USDA actually performed that analysis and adequately responded to the evidence and alternatives placed before it.

For example, a Tribe that supplied Indigenous Knowledge, monitoring information, maps, declarations, or other evidence in 2025 can now identify where that evidence appears or does not appear in the Draft EIS and explain whether USDA's treatment of it was adequate. Likewise, a Tribe that proposed a particular management alternative can compare its proposal with the alternatives USDA ultimately analyzed and explain whether USDA meaningfully considered the Tribal proposal or substituted a materially different approach. This makes the current comment period an important opportunity not simply to reiterate the 2025 record, but to document with specificity where USDA's proposed rule and Draft EIS do or do not respond to it.

F. Environmental justice and economic issues: 21 of 38 commenters (55.3%)

This theme encompasses both distributive objections to rescission and competing conceptions of economic value. Commenters addressed who would receive the economic benefits of increased logging, mining, road construction, or other development; who would bear the environmental, cultural, subsistence, and governmental costs; the fiscal consequences of adding roads to an already underfunded Forest Service system; and the economic benefits associated with intact landscapes, Tribal stewardship, fisheries, recreation, and restoration.

Related themes included:

- Extraction or economic-development motive (arguing that the asserted forest-management rationale obscures or is accompanied by a purpose of increasing commercial logging, mining, energy development, or other industrial access): 9/38 (23.7%)
- Economic or fiscal argument against additional roads (arguing that new road construction would impose substantial construction, maintenance, repair, or deferred-maintenance costs on an already underfunded Forest Service road system): 9/38 (23.7%)
- Environmental justice expressly invoked (expressly characterizing the proposal as raising environmental-justice concerns or imposing disproportionate environmental, cultural, health, or subsistence harms on Tribal communities): 6/38 (15.8%)

- Distribution of benefits and burdens (expressly contrasting those likely to receive economic benefits from rescission with Tribes, Tribal resources, or local communities likely to bear its costs): 5/38 (13.2%)
- Tribal or local economic benefits of stewardship (identifying economic benefits associated with intact forests, restoration, fisheries, recreation, Tribal stewardship, or other forms of conservation-based management): 5/38 (13.2%)
- Industrial or infrastructure feasibility (questioning whether extending roads or industrial development into currently roadless areas is economically or practically viable): 1/38 (2.6%)
 - Snoqualmie argued that expanding the Forest Service road system into roadless areas “is also not economically viable,” citing the existing 380,000-mile system and an estimated \$8.6 billion maintenance backlog.

Several submissions provide particularly useful models for current commenters. Snoqualmie made all three parts of an economic argument visible: roadless lands generate sustainable recreation benefits; the economic benefits of increased industry would be concentrated in private companies while Tribes and local communities bear the costs; and new roads would aggravate an enormous existing maintenance liability. Pit River similarly framed the issue as one of environmental justice, emphasizing that Tribal communities would bear disproportionate effects while receiving none of the economic benefits, against a backdrop of existing economic, health, infrastructure, and environmental burdens. Chickaloon supplied a different kind of economic evidence by identifying more than \$10 million and twenty years of restoration investment in Resurrection Creek salmon habitat that renewed development could place at risk.

For current commenters, the 2026 economic analysis creates an opportunity to make these arguments considerably more concrete. USDA now assigns dollar values to some consequences of the rule while acknowledging that many ecosystem services are not traded in markets. Its economic analysis estimates additional timber benefits but also discusses road-maintenance costs and nonmarket “passive use” values. A Tribe can therefore identify costs that are missing or inadequately represented in that framework, including subsistence harvests, treaty resource availability, restoration expenditures, Tribal staff time, monitoring obligations, traditional foods and medicines, cultural use losses, or other Tribe-specific consequences. The strongest current comments can supply data where quantification is appropriate while also explaining why some Tribal interests should not be reduced to willingness-to-pay measures.

G. Wildfire rationale challenged: 20 of 38 commenters (52.6%)

More than half of the written commenters expressly disputed USDA's reliance on wildfire risk or forest health as a justification for wholesale rescission. These comments did not dispute the need for wildfire management. Rather, they challenged the inference that wildfire concerns require removing the Roadless Rule's national prohibitions across all affected inventoried roadless areas.

Related themes included:

- Existing Roadless Rule already provides management flexibility (pointing out that the Rule already permits prescribed fire, emergency access, certain tree cutting and removal, fire-suppression activities, or other forest-health treatments): 9/38 (23.7%)
- Cultural fire (identifying Indigenous burning practices or cultural fire as an appropriate or historically important forest-management tool): 2/38 (5.3%)
 - Bishop Paiute and Grand Ronde. Bishop Paiute links present forest conditions to removal of Native peoples from the landscape and interruption of cultural fire practices, while Grand Ronde states that its ancestors used fire as an ecological management practice and that the Tribe continues cultural burning today.
- Federal fire suppression contributed to present forest conditions (arguing that current fuel conditions are partly the product of historic federal suppression policies rather than a consequence of roadlessness itself): 2/38 (5.3%)
 - Grand Ronde expressly attributes altered natural fire regimes to approximately 150 years of U.S. fire-suppression strategies.

Another important variant of the wildfire argument was geographic mismatch. Commenters questioned whether a generalized national wildfire rationale adequately describes dramatically different forest systems. Chickaloon, for example, explained that Southeast Alaska's cool, wet coastal rainforest rarely experiences the kind of large or frequent wildfire that might support a western dry-forest rationale and argued that new roads could instead increase human-caused ignitions. The Southeast Alaska Tribal Governments joint filing makes the same broader point about the Tongass, asserting that a national rationale should not substitute for analysis of the ecological conditions of the particular landscape.

Grand Ronde provides another useful model because its comment simultaneously challenges the wildfire justification and supports active management. It points to human ignition associated with roads, the historic consequences of fire suppression, current cultural burning, existing Roadless Rule treatment authority, and sustainable timber harvesting and replanting. That combination is important; a Tribe need not argue that forests should remain unmanaged in order to argue that wholesale rescission is an overbroad response to wildfire.

That distinction is particularly useful in the current comment period because USDA's Draft EIS now supplies substantially more detailed wildfire analysis. The agency itself acknowledges that the existing Rule does not prohibit prescribed fire, contains exceptions for certain fuel-reduction activities, and has not prevented all hazardous fuels treatment. It also reports that the proportion of human-caused fires is substantially lower in IRAs and wilderness than on other National Forest System lands and that human-caused fire incidence generally increases with proximity to roads.

Current commenters can therefore move beyond the 2025 proposition that “the wildfire rationale is flawed.” They can ask whether USDA's own 2026 analysis supports the scope of the remedy it proposes. Which IRAs actually overlap high-risk firesheds or wildland-urban-interface areas?

What treatments are currently unavailable because of the Roadless Rule? Which require new permanent roads? How much of the asserted management need could be addressed through existing exceptions, cultural or prescribed fire, temporary access, or targeted modification rather than nationwide rescission?

H. Enhanced Tribal authority: 19 of 38 commenters (50.0%)

Half of the commenters sought or invoked a governmental role for Tribes extending beyond conventional consultation. This is one of the most important findings in the submitted comments because it demonstrates that many were concerned not simply with whether Tribes would have an opportunity to provide information, but with who would possess authority over decisions affecting Tribal homelands, treaty resources, sacred places, and trust resources.

Related themes included:

Co-stewardship and/or co-management (seeking an ongoing institutional role for Tribal governments in stewardship or management of affected federal lands): 12/38 (31.6%)

Free, prior, and informed consent; express consent; concurrence; or informed Tribal agreement (conditioning important decisions on a stronger form of Tribal assent than ordinary consultation): 6/38 (15.8%)

Formal NEPA cooperating-agency status: 4/38 (10.5%)

Tribal co-development of alternatives (asking Tribes to participate in constructing the alternatives USDA evaluates, rather than merely commenting on agency-created alternatives): 3/38 (7.9%)

Tribe-specific opt-in or variance mechanism (proposing a process through which an affected Tribe could request a particular management regime for IRAs within its ancestral or treaty-related lands): 3/38 (7.9%)

Co-equal or full governmental partnership: 3/38 (7.9%)

Negotiated rulemaking: 2/38 (5.3%)

No other organization, Tribe, corporation, or governmental body may serve as a proxy for direct engagement with the affected sovereign Tribe: 2/38 (5.3%)

Treaty-area carveout from rescission (retaining Roadless Rule protection in areas subject to adjudicated treaty rights even if USDA rescinds the Rule elsewhere): 1/38 (2.6%)

These categories overlap substantially, and they represent a spectrum of governmental authority rather than interchangeable terminology. Co-stewardship need not confer the same decision-making authority as co-management; cooperating-agency status is different from consent; and mutual concurrence is stronger still. The combined prevalence figure therefore captures a shared

demand for something more than ordinary consultation without implying that the 19 commenters sought the same institutional arrangement.

The comments also provide concrete models. Snoqualmie expressly asked the United States to include Tribes as “co-equal decision-makers.” Cow Creek requested a formal mechanism through which Tribes could propose alternative management or co-management arrangements for IRAs within the Umpqua and Rogue River-Siskiyou National Forests. Intertribal Timber Council proposed a mechanism analogous to the state-specific roadless process allowing Tribes to request management or co-management treatment for roadless areas within their ancestral lands. Pit River combined co-management, cooperating-agency participation, and FPIC-based concepts. Swinomish proposed negotiated rulemaking and a treaty-area protection mechanism.

The Southeast Alaska Tribal Governments filing goes still further. Its Traditional Homelands approach ties place-specific management to Tribal governmental participation and proposes mutual concurrence for significant decisions. That example is especially useful because it shows that “local control” and continued national protection are not necessarily opposites. Tribes can favor localized management while insisting that localization include Tribal decisional authority and durable protections rather than simply transferring discretion from Washington to a local Forest Service official.

This distinction is central to evaluating USDA's 2026 response. The Draft EIS acknowledges that Tribal letters and consultations proposed mechanisms through which Tribes could request specific management regimes, cooperative agreements, co-stewardship, and incorporation of Indigenous Knowledge. USDA nevertheless concludes that broad co-stewardship matters are generally better addressed through local land-management planning or site-specific project processes than through national rulemaking.

For a Tribe commenting now, the important question is therefore not simply “Will USDA consult with us later?” It is: What governmental role will the Tribe possess when the later decision is made? A current submission can identify the mechanism it seeks, whether cooperating-agency status, co-management, co-stewardship, Tribal-specific standards, co-development of alternatives, concurrence, consent, or another structure, and then explain why ordinary project-level consultation is or is not an adequate substitute.

I. Fragmentation, stability, and reliance: 19 of 38 commenters (50.0%)

This theme captures structural objections to replacing a durable national rule with a more fragmented system of forest-level planning and project-specific decisions. The comments raised concerns about changes in policy across administrations, reliance on existing Forest Service-Tribal agreements and planning frameworks, ecological and cultural systems that cross administrative boundaries, investments made in reliance on existing protections, and the institutional consequences of moving protection from a national rule to future local processes.

Related themes included:

- Policy whipsaw or instability across administrations (identifying repeated changes in roadless policy or federal land policy as themselves disruptive to long-term stewardship, Tribal planning, or resource protection): 9/38 (23.7%)
- Reliance on existing agreements or planning arrangements (identifying co-stewardship agreements, forest plans, programmatic agreements, TFPA arrangements, or other existing institutional relationships that rescission could disrupt or alter): 9/38 (23.7%)
- Ecological or landscape-scale resources cannot adequately be addressed through isolated project decisions (arguing that watersheds, habitat, cultural landscapes, subsistence systems, or other connected resources operate at a scale larger than individual project boundaries): 6/38 (15.8%)
- Protection of prior restoration or recovery investments (arguing that rescission could jeopardize ecological, financial, or institutional investments already made to restore affected resources): 5/38 (13.2%)
- Disruption of ongoing forest planning: 5/38 (13.2%)
- Need for a national protective baseline (arguing that a durable nationwide regulatory floor performs a function that later discretionary decisions do not): 4/38 (10.5%)
- Geographic or jurisdictional mismatch (arguing that Forest Service, state, project, or other administrative boundaries do not correspond to Tribal homelands, treaty areas, watersheds, cultural landscapes, or other relevant systems): 3/38 (7.9%)
- Regional differential treatment: 2/38 (5.3%)
- Unresolved land claim or pending conveyance: 1/38 (2.6%)
- Equal-protection or discrimination argument: 1/38 (2.6%)
- Express project-by-project governmental burden (specifically arguing that loss of the national rule would force Tribes to repeatedly defend the same resources through separate forest-plan, project, permit, or consultation processes): 1/38 (2.6%)

The last figure requires particular care. The broader fragmentation/stability/reliance family is substantial with 19 of 38 commenters, but the literal argument that rescission would impose a repeated project-by-project governmental burden is rare in the written 2025 Tribal comments.

That does not make the fragmentation concern unimportant. Several comments reach a closely related structural point through different routes. Pit River, for example, argues that landscape-level effects on cultural resources cannot adequately be resolved through later project consultation and identifies existing TFPA agreements, NHPA programmatic agreements, Tribal-important areas under the Planning Rule, forest-plan provisions, and co-stewardship commitments that form the existing institutional baseline. Chickaloon identifies a twenty-year, \$10-million-plus restoration effort at Resurrection Creek and argues that reopening currently protected lands to development could undermine that investment. Swinomish's attachments document an existing Forest Service-Tribal relationship and provide a particularly strong basis for asking how rescission interacts with established commitments rather than analyzing the rule in institutional isolation.

The Southeast Alaska filing adds another dimension: durability itself is a management value. The Tribes' concern is not simply that local decision-making is undesirable. Their submission supports considerable place-specific and Tribal management authority. The distinction is between localized management operating within a durable protective framework and localization produced by eliminating that framework and relying on ordinary future forest- and project-level processes.

This theme family has become particularly important in light of USDA's 2026 response. USDA's proposed approach expressly relies on future land-management planning and site-specific project review to address many matters now protected by the national rule. The Draft EIS explains that future projects will be reviewed by local Forest Service officials under applicable forest plans, environmental laws, and Tribal consultation requirements. In effect, part of USDA's answer to concerns about removing the national protective baseline is that legal and procedural safeguards will remain available when individual projects are later proposed.

The stability of that premise warrants closer examination. Section 106 provides a particularly important example. On July 24, 2026, the Advisory Council on Historic Preservation voted to advance proposed revisions to 36 C.F.R. Part 800, and the draft Notice of Proposed Rulemaking is presently undergoing OIRA review. NATHPO has identified potential changes that could narrow what qualifies as an undertaking and historic property, narrow the range of effects considered, reduce Tribal and THPO participation, expand exemptions and other procedural off-ramps, and give federal agencies greater control over the Section 106 process. The proposal has not been adopted and may change through OIRA review and public rulemaking. The point therefore is not to assume what the eventual Section 106 regulations will provide. It is that USDA is relying on future project-level review at a time when the regulatory architecture governing one of the principal project-level protections for Tribal cultural places is itself unsettled.

The interaction raises two distinct concerns: multiplication and diminution. Rescission of the Roadless Rule could multiply the number and geographic spread of future projects that Tribes and THPOs must monitor and participate in, while revisions to Part 800 could simultaneously diminish the categories of projects, cultural places, effects, or Tribal participation encompassed within Section 106 review. The resulting question is therefore not merely how many future local processes a Tribe will have to navigate. It is also what substantive and procedural protection those future processes will provide.

For current commenters, that creates a more concrete set of issues to address: Which protections disappear immediately upon rescission? Which Tribal interests would thereafter depend on future forest planning, project-level NEPA, Section 106, or consultation? How would those interests be affected if the rules governing one or more of those processes change? How many separate Forest Service units or future projects implicate the Tribe's homeland, treaty resources, sacred places, or cultural landscapes? What existing agreements or investments depend on the current

baseline? And what durable mechanism ensures that protection of those interests does not vary with changes in forest leadership, presidential administration, or the procedural rules governing future project review?

An additional caution is important. USDA's Tribal Summary Impact Statement places considerable emphasis on Tribes' concern that rescission would create an “unsustainable burden of project-level review.” The written 2025 comments raise concerns about fragmentation, stability, reliance, and landscape-scale concerns but do not offer widespread concern for the USDA’s precise formulation. This discrepancy is not necessarily a contradiction, however, since USDA's account also draws on government-to-government consultations that are not fully represented in the written comment dataset. The consultation records we have requested may show that this particular concern was expressed much more frequently in those conversations. Until those records are available, this paper notes the distinction between what the written record establishes and what USDA reported hearing through consultation.

J. Sovereignty and self-determination: 18 of 38 commenters (47.4%)

Nearly half of the commenters expressly situated the Roadless Rule within the sovereign-to-sovereign relationship between Tribal Nations and the United States. These comments did more than identify the commenter as a federally recognized Tribe. They invoked inherent sovereignty, governmental authority, self-government, or self-determination as a reason why decisions affecting National Forest lands within Tribal homelands cannot be treated as ordinary public-land stakeholder questions.

Related themes included:

- Sovereign status or inherent governmental authority (expressly invoking inherent sovereignty, self-government, sovereign territory, governmental authority, or a Tribe's status as a political sovereign): 18/38 (47.4%)
- Self-determination (expressly connecting Tribal authority over land or natural-resource management to Indigenous or Tribal self-determination): 2/38 (5.3%)

The narrower self-determination count is intentionally conservative. A comment was not coded merely because it invoked sovereignty or asked for consultation. It had to make the additional connection between Tribal control or participation in land management and the Tribe's capacity to determine its own cultural, governmental, or stewardship future.

Sitka Tribe of Alaska provides one of the clearest sovereignty examples in the record. In material incorporated into its submission, Sitka explains that although its ancestral territory is presently divided among municipal, state, federal, and private ownership, the Tribe considers those lands its “sovereign territory under its authority as a federally recognized Tribal government.” That formulation makes an important conceptual point: federal ownership of National Forest land does not erase the continuing Tribal governmental relationship to that landscape.

The Chugach Regional Resources Commission, representing seven Tribes, uses sovereignty somewhat differently. It describes protection of regional natural resources as necessary to sustain “subsistence practices, food security, cultural continuity, and Tribal sovereignty,” thereby connecting governmental continuity to the continued ecological productivity of traditional territories.

The strongest self-determination example comes from the Southeast Alaska Tribal Governments joint filing. Their proposed Indigenous-led stewardship framework would place federally recognized Tribes in lead roles in local land-use designations and expressly describes that arrangement as consistent with principles of Indigenous self-determination. The point is not simply that USDA should listen to Tribal views; it is that Tribal governmental authority should help structure the management regime itself.

This distinction matters in the current rulemaking because USDA's Draft EIS expressly recognizes that Tribal sovereignty is inherent, rather than authority delegated by the United States. A current commenter can therefore move past merely reciting that principle and ask what follows from it. If an affected Tribe possesses an inherent governmental relationship to lands now administered by the Forest Service, what authority, institutional role, or substantive protection does USDA believe that status requires after the national Roadless Rule disappears? That question connects the sovereignty theme directly to the enhanced-authority issues discussed in Section 8.

K. Federal trust responsibility: 18 of 38 commenters (47.4%)

The same number of commenters expressly invoked the United States' trust, trustee, or fiduciary responsibilities toward Tribal Nations, Tribal rights, or Tribal resources. The comments varied significantly, however, in what they claimed the trust responsibility required. Some invoked it as a general federal obligation to protect Tribal interests and engage meaningfully with Tribal governments. A much smaller subset articulated a stronger legal theory under which trust obligations actually constrain the choices otherwise available to the agency.

Related themes included:

- Federal trust responsibility generally: 18/38 (47.4%)
- Trust responsibility characterized as a controlling or constraining legal duty rather than merely another interest to balance: 1/38 (2.6%)

Organized Village of Kasaan illustrates the more common formulation. Its comment argues that USDA must “uphold its trust responsibility” while protecting the ecological and cultural integrity of the Tongass, incorporating Tribal knowledge, co-developing alternatives with Tribal governments, and preserving the forest for future generations. In that formulation, trust responsibility operates as an overarching obligation connecting consultation, cultural protection, stewardship, and resource conservation.

Lac Vieux Desert gives the duty more concrete content. Its comment identifies National Forest lands within the Tribe's 1842 and 1854 treaty-ceded territories, describes the Tribe's own stewardship work in manoomin restoration, water-quality monitoring, fisheries management, native plants, and cultural-site protection, and characterizes wholesale rescission as a breach of federal trust responsibilities as well as treaty rights. The Tribe asks USDA to analyze trust-resource impacts and develop enhanced protection and co-management alternatives. That illustrates how a Tribe can use trust responsibility not as a stand-alone slogan but as an organizing principle tied to particular lands, resources, and requested agency actions.

The outlier is NCAI. Its comment states that the trust responsibility is “not a matter of policy preference” but a “binding, judicially enforceable fiduciary duty.” It then states that federal trust and treaty obligations are “not merely another factor to be weighed in a multiple-use analysis” but a “preeminent, controlling legal duty” that must guide and constrain USDA's discretion. That is why only one commenter satisfied the narrower code. Many comments demanded that USDA honor the trust responsibility; NCAI expressly argued that the duty changes the legal structure of the agency's decision.

For current commenters, the distinction is useful. Merely stating that USDA has a trust responsibility places the issue in the record, but a stronger comment can identify what the asserted duty requires in this rulemaking, such as protection of a particular trust or treaty resource, avoidance of a particular form of degradation, consultation before a decision is made, a particular alternative, maintenance of a substantive protective floor, or some other concrete consequence. USDA's Draft EIS itself recognizes the existence of particular federal fiduciary obligations. The sharper administrative record question is therefore not whether a trust relationship exists, but what duties attach to the particular rights and resources affected by this action.

L. Active management affirmatively supported: 13 of 38 commenters (34.2%)

More than one-third of the commenters affirmatively supported some form of active forest management. This is one of the most useful findings for understanding the record because it undermines a binary framing in which preserving roadless protections means opposing forest management. The comments instead describe a range of management practices that can coexist with protection of intact roadless landscapes, including hazardous-fuels reduction, prescribed and cultural fire, restoration, sustainable forestry, investment in existing infrastructure, and Tribal-led stewardship.

Related themes included:

- Active management expressly supported: 13/38 (34.2%)
- Management concentrated on degraded or previously disturbed lands rather than expansion into intact roadless lands: 2/38 (5.3%)
- Tribal-led management or implementation: 4/38 (10.5%)

- Cultural fire: 2/38 (5.3%)

The commenters also demonstrate that “active management” is not a single prescription. Cow Creek is among the clearest examples of affirmative fuels management. It states that proactive forest management is essential to reducing catastrophic wildfire risk and specifically supports strategic fuel breaks, hazardous-fuels reduction, and prescribed burning. But it couples that position with a request that Tribal-led or co-managed fuels projects be expressly allowed within IRAs. Thus, the comment's answer to forest health concerns is not simply deregulation; it is targeted management with a Tribal governmental role.

Grand Ronde provides a different model. The Tribe explains that its ancestors used cultural burning as an ecological management practice and that Tribal members continue that practice today. It also expressly supports sustainable timber harvesting and replanting with diverse tree species while leaving unfragmented forests intact. The comment therefore rejects both unmanaged-land and unrestricted-development extremes.

Bishop Paiute similarly accepts the underlying forest-health problem while contesting USDA's proposed solution. The Tribe agrees that forests are unhealthy, but traces current conditions in part to the removal of Native peoples and interruption of cultural fire and points to collaborative forest-health work as an alternative to opening roadless lands broadly to logging and mining.

The Southeast Alaska Tribal Governments make the distinction particularly concrete for the Tongass. They propose restoration-based young-growth forestry in previously logged areas within the existing road matrix, while avoiding expansion into roadless or unfragmented old-growth forest. They pair this with Indigenous-led restoration, Tribal contracting, §638 mechanisms, and Tribal involvement in implementation. The Organized Village of Kasaan compresses essentially the same principle into a memorable formulation: “No to the rescission. Yes, to tribal stewardship.”

The Intertribal Timber Council is also important because its institutional mission makes its position particularly revealing. ITC acknowledges that rescission could permit increased management activity where existing forest plans allow it, but rejects forcing Tribes to make a categorical nationwide choice for or against restrictions. Instead, it proposes a process through which Tribes can seek alternative management or co-management directions for particular IRAs within ancestral homelands.

Taken together, these comments suggest that the relevant policy spectrum is not Roadless Rule versus management. It is closer to what management, where, for what purpose, using what access, and with whose authority. For current commenters, that creates a useful way to engage USDA's forest health justification without conceding that full rescission is necessary by identifying the management activities the Tribe actually supports, the landscapes in which those activities are appropriate, whether permanent roads are needed, and the governmental role the Tribe should possess in carrying them out.

M. Treaty-reserved rights: 12 of 38 commenters (31.6%)

Twelve commenters expressly relied on treaty-reserved rights. This theme is deliberately narrower than general references to ancestral homelands, traditional practices, or reserved Indigenous rights. A commenter had to affirmatively invoke treaty-based rights such as fishing, hunting, gathering, access, or use of usual and accustomed places or open and unclaimed lands.

The comments illustrate several different ways to build a treaty-rights record. Lac Vieux Desert anchors its argument in the Treaties of 1842 and 1854 and identifies affected National Forests as lying within treaty-ceded territory. It then connects those treaties to concrete contemporary uses, stating that roadless areas safeguard treaty-reserved hunting, fishing, and gathering and that degradation would affect the abundance and accessibility of traditional foods and medicines.

Northwest Indian Fisheries Commission, representing twenty western Washington treaty Tribes, frames the issue through treaty-reserved rights and the continuing exercise of fishing, hunting, and gathering rights. Its comment emphasizes that roadless-area management affects resources on which those off-reservation rights depend and expressly grounds federal obligations in the treaty relationship.

The Snoqualmie Tribe gives particularly accessible historical context. It explains that when its ancestors signed the Treaty of Point Elliott, they ceded lands while reserving, among other things, fishing rights at usual and accustomed places and hunting and gathering rights on open and unclaimed lands. The Tribe then ties those reserved rights to present-day National Forest habitat and argues that opening those lands to development threatens the species and practices comprising the Tribe's cultural inheritance. Although Snoqualmie is not necessary as the principal example here, the comment is an excellent model for current filers because it explains both what the treaty reserved and why the present federal action matters to the exercise of that right.

This is also an area where current comments can become substantially more specific than the 2025 scoping record. A Tribe can identify the treaty provision; the geographic extent of the ceded, usual-and-accustomed, or open-and-unclaimed area; the affected National Forest units and IRAs; the species or resources exercised under the treaty; present conservation constraints; and the mechanism through which additional roads, timber harvest, or other development could affect access or harvest opportunities.

USDA's Draft EIS now expressly recognizes that treaties may secure rights to lands, fishing, hunting, water, and other resources and that those rights are reserved rather than granted by the United States. That recognition means the current analytical question can be more pointed, focusing on whether USDA has adequately evaluated the specific treaty rights affected by full rescission, rather than merely acknowledging treaty rights as a general category of Tribal interest.

N. Treaty resource base and right to habitat: 9 of 38 commenters (23.7%)

Nine commenters went a significant step beyond identifying the existence of treaty-reserved rights. They argued, expressly or functionally, that the treaty right cannot remain meaningful if the federal government permits degradation of the ecological resource base necessary to exercise it.

Related themes included:

- Protection of the treaty resource base (connecting the continuing exercise of treaty rights to preservation of adequate fish, wildlife, plants, water, habitat, or other ecological conditions): 9/38 (23.7%)
- Specific legal right-to-habitat argument (expressly asserting that treaty rights encompass a legal right to habitat protection or protection against habitat degradation): 1/38 (2.6%)

That distinction is important. A comment was counted in the broader resource-base category when it made the substantive connection between the right and the habitat or resource needed to exercise it. The narrower right-to-habitat code required the commenter to formulate that connection as a legal component of the treaty right itself.

NCAI supplies a particularly clear resource-base argument. It explains that treaty hunting, fishing, and gathering rights are vested rights that the federal government may not render meaningless and argues that rescission “threatens the very existence of the habitats and resources upon which the exercise of these rights depends.” It characterizes protection of the resource base as an affirmative aspect of federal treaty obligations. That is more than saying environmental damage might incidentally affect Tribal interests; it makes ecological condition part of the government's treaty analysis.

The strongest and clearest version of the narrower doctrine comes from the Northwest Indian Fisheries Commission. NWIFC expressly states that protecting habitat is a “necessary component of treaty rights to hunt, fish and gather” and relies on the *United States v. Washington* treaty-rights litigation in support. Under our strict coding rule, NWIFC is the one commenter that squarely formulated a specific legal right-to-habitat claim rather than merely making the resource-dependence argument.

The distinction can also be seen in the evidentiary material submitted by treaty Tribes. Swinomish's incorporated wildlife declaration, for example, explains that Tribal members' ability to exercise treaty hunting and gathering rights has declined as access and abundance have declined because of habitat loss, fragmentation, and degradation. It describes recovery of native plant and animal populations as necessary to preserving Tribal identity and lifeways. Even when a commenter does not label this a “right to habitat,” this kind of evidence explains concretely how habitat condition determines whether the reserved right remains exercisable in practice.

For current commenters, this may be one of the most consequential opportunities created by the Draft EIS. USDA's Tribal Rights and Interests analysis now evaluates alternatives in terms of access, resource usability, and disturbance and recognizes that the quantity, quality, and

ecological integrity of fish, wildlife, plants, and water affect the exercise of reserved rights. A Tribe can therefore test USDA's own framework against Tribe-specific evidence. If a treaty species is already depressed, if harvest is already conservation-limited, if a watershed is already sediment-impaired, or if additional fragmentation would affect migration or spawning habitat, does the Draft EIS accurately describe the consequences for the usability of the treaty resource?

That is a more precise argument than saying simply that rescission threatens treaty rights. It asks whether USDA has analyzed the environmental conditions necessary for those rights to remain meaningful rather than merely nominal.

IV. From Recognition to Response: The Central Analytical Finding

The 2026 Draft EIS frequently recognizes the Tribal record with considerable sophistication.

It describes Tribal sovereignty as an original and inherent governmental authority rather than a power delegated by Congress. It recognizes the trust relationship, reserved treaty rights, Tribal co-stewardship and Indigenous Knowledge. It acknowledges clear and consistent opposition to rescission among Tribal input, subject to exceptions. And it ultimately concludes that the full-rescission alternative presents the greatest potential adverse effects on Tribal rights and interests.

Accordingly, an assessment focused only on whether USDA mentioned Tribal concerns would miss the more consequential issue.

The recurring divide is between recognition and institutional response.

The proposed rule's stated purpose is to “return land management decision-making” to local Forest Service officials. USDA presents the 2012 Planning Rule and forest-level planning as capable of addressing conservation objectives formerly protected by the national rule while allowing more flexible, place-based decisions.

Tribal commenters did not uniformly oppose place-based management. Some affirmatively requested more locally tailored approaches. But many coupled that preference with demands for Tribal governmental authority, durable substantive protections, or both.

USDA expressly acknowledges that Tribal letters and consultations proposed mechanisms allowing Tribes to request particular management regimes for IRAs; non-rescission alternatives encouraging cooperative Tribal-Forest Service agreements; and incorporation of Indigenous Knowledge. USDA nevertheless eliminates these concepts as national rule alternatives on the ground that broad matters such as Tribal co-stewardship are “better addressed through local land management planning or site-specific project level planning than through National Rulemaking.”

That passage captures the central disagreement in the administrative record.

The Tribal comments frequently ask: what protection and governmental authority will exist before an individual project is proposed?

USDA frequently answers: those interests can be addressed when the individual forest plan or project is considered.

The distinction is not semantic. It allocates legal protection, governmental burden, and decisional authority differently. It also shifts Tribal interests from a national substantive protection to future procedural and planning regimes whose scope and durability are themselves subject to change.

V. Local Decision-making, But Local to Whom?

USDA's case for rescission relies heavily on “local” and “place-based” decision-making. But the administrative record reveals competing meanings of those concepts.

For USDA, localization principally means transferring the operative decision from a national regulatory prohibition to a local Forest Service responsible official, acting pursuant to a forest plan and informed by Tribal, state, local-government, community, and other input.

For many Tribal commenters, localization meant something materially different. It included Tribal-specific rules, co-management, co-stewardship, formal governmental partnership, incorporation of Indigenous Knowledge, mutual concurrence, or management tailored to a Tribe's ancestral homelands and treaty resources.

This is particularly visible in the comments asking USDA to avoid the false choice between retaining every aspect of the existing national rule and simply rescinding it.

USDA did respond to that broader criticism in part. Alternative 3 addresses recommendations for tiered protections and greater flexibility in areas near existing roads and in the wildland-urban interface. USDA explicitly explains that the alternative responds to comments seeking modifications to where the existing prohibitions apply.

But USDA's response separates the management flexibility component from the Tribal governance component. The former received a detailed national alternative. The latter was largely assigned to later local processes.

That asymmetry deserves close attention in evaluating whether the alternatives analysis fully responds to Tribal input.

VI. Opposition to Rescission Was Not Opposition to Management

The written Tribal record undermines a simple binary between the existing Roadless Rule and active forest management.

Thirteen of the 38 commenting entities expressly supported some form of active management. Commenters discussed prescribed burning, cultural fire, fuels reduction, habitat restoration, sustainable timber activity, existing-road investment, management of previously disturbed lands, and Tribal-led stewardship.

USDA's own environmental analysis likewise recognizes that the existing Roadless Rule permits some management activities. Its biodiversity discussion states that agency records show that lack of roads has not prevented fire-prevention or protection measures, particularly prescribed fire and managed wildfire, although road restrictions can constrain mechanical thinning and some fire-control opportunities.

The salient Tribal-policy question is therefore not necessarily whether active management should occur. It is whether the need for particular management activities justifies removing the national prohibition across approximately 44.7 million acres, including intact landscapes where the asserted need may differ substantially, and whether alternatives could preserve a national protective floor while expanding targeted Tribal-led or locally appropriate stewardship.

VII. Economic analysis

USDA's economic analysis illustrates another difference between recognition and measurement.

The agency estimates that rescission could produce annual timber benefits to society of approximately \$9.9 million to \$22 million. It also quantifies lost recreation benefits of up to \$6.1 million annually and forgone passive use values of approximately \$5.3 million to \$11.5 million annually.

Those figures should not be mistaken for a complete valuation of the rule's effects.

The 2025 Tribal record identifies categories of value and loss that do not map readily onto USDA's principal quantified categories: subsistence harvests, treaty resource availability, traditional foods, medicines, cultural landscapes, ceremonial practice, intergenerational transfer of knowledge, sacred site integrity, Tribal government staff capacity, restoration investments, and the governmental costs associated with participation in future planning and project processes.

This does not mean that every such interest can or should be translated into dollars. It does mean, however, that the apparent precision of quantified timber benefits can coexist with much less quantitatively legible Tribal costs.

For current commenters, that asymmetry creates an opportunity to supplement the administrative record with Tribe-specific information: not only economic valuations where appropriate, but harvest data, replacement costs, staff hours, restoration expenditures, monitoring costs, cultural use information capable of public disclosure, and other evidence demonstrating the practical consequences of the proposal.