



Tribal Summary Impact Statement

Proposed Rule to Rescind the 2001 Roadless Area Conservation Rule

August 20, 2026

This Tribal summary impact statement has been prepared to meet the requirements of Executive Order (E.O.) 13175, which requires that “each agency shall have an accountable process to ensure meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications.” Under sections 5(b) and 5(c) of E.O. 13175, to the extent practicable and permitted by law, no agency shall promulgate any regulation that has Tribal implications, that imposes substantial direct compliance costs on Indian Tribal governments, that is not required by statute, and that preempts Tribal law unless the agency consulted with Tribal officials early in the process of developing the proposed regulation. In a separately identified portion of the preamble to the regulation, the agency must also provide to the Director of the Office of Management and Budget a Tribal summary impact statement, which consists of a description of the extent of the agency’s prior consultation with Tribal officials, a summary of the nature of Tribal concerns, the agency’s position supporting the need to issue the regulation, and a statement of the extent to which the concerns of Tribal officials have been met.

Background

The U.S. Department of Agriculture (Department) is proposing to rescind the 2001 Roadless Area Conservation Rule (2001 Roadless Rule), which established broad prohibitions on road construction, road reconstruction, and timber harvesting within inventoried roadless areas on National Forest System lands. This action would remove subpart B of 36 CFR part 294. The state-specific roadless rules for Idaho and Colorado, at subparts C and D, respectively, would remain in effect. The intent of this proposed action is to reduce regulatory burden and return decision-making for the management of inventoried roadless areas to the land management planning process at the individual national forest level. Rescission of the national-level prohibitions provides flexibility for allowing responsible officials to better tailor management direction to local resource conditions and community needs. A notice of intent to prepare an environmental impact statement for this rulemaking was published on August 29, 2025, and the comment period closed on September 19, 2025.

Tribal Consultation and Collaboration

On July 22, 2025, the Forest Service notified federally recognized Tribes (Tribes) and Alaska Native Corporations of the opportunity to consult on the rulemaking to rescind the 2001 Roadless Rule, with a summary analysis of proposed changes and an invitation to a Tribal forum engagement session. This information was also emailed to Regional Foresters on July 25, 2025. The Office of Tribal Relations held a Tribal forum engagement session on August 5, 2025.

To date, the Forest Service received 64 requests for consultation, 34 consultations have been scheduled, and 29 consultations have been held.¹ Tribal consultations were held either in person or virtually with local or regional Forest Service line officers serving as consulting officials. Some Tribes submitted letters in lieu of, or in addition to, consultations. Consultations will be ongoing throughout the rulemaking process, and a final Tribal impact summary statement will be included with the final rule. In addition, many Tribes submitted comment letters during the public comment period on the notice of intent published on August 29, 2025. The comment letters received from Tribes or Tribal organizations during the comment period (via hardcopy or the regulations.gov comment portal) were included in the public comment summary and considered in the development of the draft environmental impact statement and proposed rule. The summary below includes the input received to date through the consultation process.

Tribal Input Received

The majority sentiment among Tribal governments consulted is opposition to the proposed rescission of the 2001 Roadless Rule, viewing it as a threat to inherent rights, Tribal sovereignty, cultural survival, and the ecological health of ancestral homelands. Support for the proposed rescission of the 2001 Roadless Rule was received from an Alaska Native Corporation, which asserted that the national rule limits their economic and legal rights to access and develop lands. According to the majority of Tribal sentiment, a central procedural concern is the Federal Government's failure to fulfill its trust responsibilities by proceeding without adequate government-to-government consultation. Tribes consistently argued that removing this layer of national protection shifts the unsustainable burden of project-level review onto their limited resources and exposes previously untouched areas to industrial activity, mining interests, and destructive recreational access, all of which threaten sacred sites, traditional gathering areas, water quality, and subsistence resources. Proposed alternatives that were frequently requested included retaining the existing rule ("No Action") or establishing new co-management structures, such as a "Strengthened Roadless Rule Alternative" or a "Traditional Homelands Conservation Rule" that integrates Traditional Ecological Knowledge, Tribal co-stewardship, and Tribal consent for major decisions. For ancestral lands in Alaska, representatives stressed the need for a comprehensive Alaska National Interest Lands Conservation Act (ANILCA) Section 810 subsistence analysis prior to any decision, and noted the global climate significance of the forest as a critical carbon sink. Specific feedback received during consultations included the following:

Primary Opposition and Key Concerns

The majority of Tribal governments consulted strongly oppose the rescission, arguing that removing the rule endangers critical cultural, environmental, and subsistence resources.

- **Cultural and Spiritual Integrity:** Rescinding the rule removes a vital layer of protection for undeveloped ancestral lands, raising immediate concerns about increased risks of physical destruction, vandalism, and desecration of sacred sites and archaeological sites due to new road construction and public access. For example, the Monacan Indian Nation and the Yavapai-Apache Nation highlighted that roadless areas contain sites integral to their cultural identity. The Hopi Tribe noted that removing prohibitions, in itself, has an impact.

¹ This Tribal summary impact statement captures feedback received from Tribes through consultations as of December 5, 2025. Consultations are ongoing, and feedback will continue to be considered and incorporated, as appropriate, until the final rule is published. A final Tribal summary impact statement will be produced along with the final rule.

- **Environmental and Subsistence Impacts:** Tribes, particularly those in Alaska (Organized Village of Kake, Ketchikan Indian Community) and the Pacific Northwest (Puyallup, Swinomish), warned that rescission threatens the health and availability of traditional foods. Road construction is linked to chronic erosion and sedimentation, which directly impacts headwater streams and fish spawning/rearing habitat. In Alaska, the rule's protection is credited with the recovery of deer and moose populations by preserving old-growth winter shelter. Disturbing these forests also releases sequestered carbon, undermining climate resilience.
- **Future Management Burden:** Tribes, including the Hualapai and Yavapai-Prescott Indian Tribes, expressed concern that rescission would shift the burden of protection to individual Tribes by requiring them to fight proposed projects through the time-consuming National Environmental Policy Act and Section 106 processes. The current national protection is seen as vital because future regulatory protections (like Section 106) may be vulnerable to streamlining efforts.

Procedural Failures and Sovereignty Demands

Tribes widely criticized the consultation process itself:

- **Lack of Meaningful Consultation:** Several Tribes noted that the Department announced its intent to rescind the rule before initiating government-to-government consultation and that more time is needed for internal review and technical analysis.
- **Sovereignty and Consent:** Multiple Tribes emphasized that they are sovereign governments, not mere stakeholders. They requested consultation based on mutual concurrence or free, prior, and informed consent for any actions affecting their ancestral territories or treaty rights.
- **Limited Alternatives:** Concerns were raised that the notice of intent only considers rescission or no action, failing to analyze reasonable alternatives that could strengthen protection or incorporate Tribal interests, such as developing a Tribal alternative for traditional homelands conservation.

Support for Rescission

The Chugach Alaska Corporation (CAC) affirmed its position to support rescinding the Roadless Rule. The CAC views the rule as obstructing sustainable economic development and restricting their access to and development of their lands.

Specific Input for the Environmental Impact Statement

Tribes suggested several alternatives for analysis in the environmental impact statement that go beyond the “No Action” and “Proposed Rescission” alternatives. The suggested alternatives generally focus on enhancing protective measures, establishing Tribal co-management frameworks, and pursuing region-specific rules.

- **Alternatives Focused on Enhanced Protection and Stewardship**
 - The Upper Mattaponi Tribe requested the inclusion of a “Strengthened Roadless Rule Alternative.” This alternative should enhance protections, integrate Rights of Nature principles, incorporate Traditional Ecological Knowledge, and include binding Tribal co-stewardship and consent mechanisms.

- The Monacan Indian Nation proposed an alternative specifically focused on improving the protection of roadless lands.
- The Tule River Indian Tribe of California requested that alternatives formally integrate Traditional Ecological Knowledge and include specific plans for co-stewardship and co-management.
- The Enterprise Rancheria of Maidu Indians of California suggested an alternative intended to maintain prohibitions on tree cutting and road building/rebuilding in areas away from existing roads and outside the wildland-urban interface. The Rancheria views Tribal co-management as the preferred overall alternative.
- The Red Cliff Band of Lake Superior Chippewa Indians (Gaa-Miskwaabikaang) urged the Forest Service to conduct a robust alternatives analysis beyond merely considering the no action and rescission options.
- **Alaska-Specific Tribal Homelands Alternatives** – A major theme proposed by Southeast Alaska Tribes is the creation of an alternative dedicated to protecting ancestral territories, often referencing previous administrative efforts:
 - Multiple Southeast Alaska Tribes (12 Tribes) collectively proposed a Tribal alternative for the protection of traditional homelands. This alternative includes the creation of a traditional homelands conservation rule centered on traditional use areas. This rule would enforce permanent protection from industrial development and establish government-to-government consultation based on mutual concurrence. They also requested that the environmental impact statement analyze an “Idaho-like” rule solution specifically tailored for the Tongass National Forest.
 - The Central Council of the Tlingit and Haida Indian Tribes of Alaska similarly called for a full analysis of a Tribal alternative, including the creation of a traditional homelands conservation rule, and emphasized the need for true mutual concurrence in decision-making.
 - The Ketchikan Indian Community supported analyzing a wider range of intermediate alternatives for the Tongass.
 - The Organized Village of Kasaan requested that the Forest Service incorporate alternatives previously analyzed in the 2020 roadless rulemaking process, such as “roaded-roadless or roaded-roadless with extensions,” to enhance planning stability.

- **Regional Sovereignty Alternatives**

- The Confederated Salish and Kootenai Tribes proposed exploring the feasibility of promulgating their own roadless rule for aboriginal territory located within Montana.

Specific Input for the Rulemaking Process

Key feedback for the rulemaking process includes:

- **Procedural Requirements:** Guarantee project-specific government-to-government consultation for *every* individual road construction or timber project that may occur following rescission.
- **ANILCA Compliance:** Alaska Native entities demanded assurance that the ANILCA Section 810 subsistence evaluation is performed and disclosed *prior* to a Record of Decision.
- **Mitigation:** Adopt the Tonto National Forest Land Management Plan model, which requires a plan amendment when roads are proposed in inventoried roadless areas, providing a local safeguard.

Agency Response

The Forest Service takes seriously its commitment to and responsibility for consultation. We recognize the significance of the concerns raised regarding potential impacts to treaty rights, cultural sites, and the integrity of these important landscapes. Specific input on, and our response to, alternatives to consider can be found in the draft environmental impact statement.

The rationale for the proposed rescission is grounded in the goal of removing national regulatory burdens and facilitating localized, responsive management. Furthermore, the agency seeks to implement Executive Direction, specifically Executive Order 14192, "Unleashing Prosperity Through Deregulation".

The nationwide nature of the 2001 Roadless Rule has been identified as a "one-size-fits-all" policy that may not adequately address local needs or conditions. The proposed rescission aims to alleviate unnecessary regulatory burden and to allow the Agency, the public, and Tribes greater flexibility to make decisions on a forest-by-forest level. The 2001 Roadless Rule rescission would return decision-making authority for roadless areas to the local forest level. This approach empowers the forest supervisors to work directly with communities and with Tribes to make local decisions. Returning management authority to this level enhances local collaboration and ensures that land and resource management better aligns with regional and local economic and environmental goals.

Once the national restriction is removed, the management of inventoried roadless areas will revert to existing land management plans. These plans already contain specific management prescriptions, standards, and guidelines for resource protection, especially in areas designated as Recommended Wilderness, Remote Backcountry, or containing special management areas.

It is vital to clarify that rescission of the 2001 Roadless Rule is the removal of a national prohibition; it does not authorize any specific ground disturbing activities or mandate timber planning. The Forest Service remains committed to upholding all existing legal and regulatory protections:

- **Environmental Review:** The National Environmental Policy Act framework remains in place, meaning that any proposed action (such as road construction) following the rescission will be analyzed on a project-by-project basis.

- **Cultural and Historic Sites:** Compliance with Section 106 of the National Historic Preservation Act continues. A full consultation is required for any proposed action that could affect Traditional Cultural Properties or cultural resources.
- **Existing Designations:** Special management areas, designated wilderness areas, wild and scenic river corridors, and land management plan standards (such as soil and water protections) will remain in place and are not impacted by the rescission.

The Forest Service commits to continued government-to-government consultation throughout the rulemaking timeline and beyond for any subsequent plan revisions or amendments, or projects that may be proposed in these areas. This is an opportunity to strengthen co-stewardship efforts and create formal agreements that ensure Tribal input remains central to local forest management decisions, regardless of changing legal requirements or personnel.