

RE: Urgent Request for Roadless Rule Tribal Consultation Records and Consultation Log

From: FS-OTR-Tribal-Consultation SM.FS.otrtribalcon@usda.gov

To: Singel, Wenona singel@law.msu.edu

Cc: FS-OTR-Tribal-Consultation SM.FS.otrtribalcon@usda.gov, Robinson, Reed - FS, DC
Reed.Robinson@usda.gov

Date: Mon, Aug 31, 2026, 9:02 AM

Greetings Ms. Singel,

Thank you for the request regarding Tribal consultation associated with the proposed rescission of the 2001 Roadless Area Conservation Rule.

The Forest Service would like to clarify an important distinction concerning the September 21 public comment deadline referenced in the request. Public notice and comment and government-to-government Tribal consultation are separate processes, each offering different opportunities for participation. Public notice and comment provides the general public an opportunity to submit comments during an established comment period. Tribal consultation, by contrast, is a distinct government-to-government process conducted in recognition of Tribal sovereignty and the Federal Government's unique political relationship with Federally Recognized Tribes.

Importantly, Tribal consultation was not, and is not, limited to the public comment period and remains available. Accordingly, the September 21 public comment deadline does not establish a corresponding deadline for Tribal governments to engage the Forest Service through government-to-government consultation. Therefore, the stated need to obtain records before the close of the public comment period does not create the same urgency with respect to participation in Tribal consultation.

Similarly, information, concerns, and recommendations provided by Tribes through consultation are not public comments and are not automatically placed in the public rulemaking archive. Whether particular consultation records are publicly releasable is a separate determination made under applicable disclosure law.

The Office of Tribal Relations maintains publicly available consultation information and related materials on its website (<https://www.fs.usda.gov/working-with-us/tribal-relations/national-consultation>) additionally much of the information requested is already publicly available in the Tribal Summary Impact Statement of the DEIS (<https://www.regulations.gov/document/FS-2025-0001-224068>).

Because the request also seeks a substantial collection of existing agency records, including

consultation logs, correspondence, meeting records, Tribal submissions, and documentation related to agency decision-making, the Forest Service is referring that portion of the request to the appropriate Forest Service FOIA program for review and processing. The FOIA referral encompasses all categories of agency records identified in the request, including the requested consultation log and underlying consultation records, records concerning how consultation informed agency decision-making, and responsive records created after December 5. For future reference, the Freedom of Information Act Forest Service website can be found here: <https://www.fs.usda.gov/about-agency/foia>.

With respect to the specific questions concerning the reported 29 consultations and whether that figure includes ANC consultation (government-to-corporation not government-to-government) and the August 5 forum: no, the 29 consultations do not include ANC's as that is categorized as government-to-corporation consultation. Government-to-government consultation was conducted with FRT's, including Tribes whose communities are served by ANC's.

The August 5 Tribal Forum is not considered formal consultation. The agency hosts many Tribal Forums, and while these sessions provide opportunities for information sharing, they are not formal government-to-government consultation and are available only to Federally Recognized Tribes and Alaska Native Corporations.

Thank you for your inquiry and interest in the Forest Service's Tribal consultation process.

Respectfully,

Summer



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Date: Mon, Aug 31, 2026, 9:17 AM

Dear Summer,

Thank you very much for the helpful clarification. I appreciate your confirming that the 29 consultations were government-to-government consultations with federally recognized Tribes, did not include Alaska Native Corporations, and were separate from the August 5 Tribal Forum.

I also appreciate your referring the records portion of my request to the Forest Service FOIA program. My interest in obtaining the consultation log and related nonconfidential records is principally to better understand the consultation record underlying the Tribal Summary Impact Statement and Draft EIS, particularly as Tribes and other commenters evaluate those materials during the current public comment period.

I will look for the FOIA acknowledgment and tracking information. Thank you again for your assistance and for taking the time to answer these questions so clearly.

Best regards,
Wenona T. Singel

Director, Indigenous Law & Policy Center
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