



July 31, 2026

Board of Directors

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Submitted via Regulations.gov

Secretary of Agriculture Brooke Rollins and Forest
Service Chief Tom Schultz
U.S. Forest Service
1400 Independence Ave., SW,
Washington, D.C. 20250-0003

Re: Organization, Functions, and Procedures;
Public Notice and Comment for Standards, Criteria,
and Guidance Applicable to Forest Service
Programs; FS-2026-0067-0001

Dear Secretary Rollins and Chief Schultz,

Thank you for the opportunity to comment on the U.S. Department of Agriculture proposed rule to amend regulations governing the Directive System for the United States Forest Service (Forest Service or Agency); the scope of notice and comment requirements for the formulation of standards, criteria, and guidelines applicable to Forest Service programs; and associated agency procedures, as published on July 1, 2026 [hereinafter the Proposed Rule or Proposal]. I write to express our strong opposition to this action.

I am research scientist at the Center for Progressive Reform (Center), a nonprofit research and advocacy organization that conducts independent scholarly research and policy analysis, and advocates for effective, collective solutions to our most pressing societal challenges. Guided by a national network of scholars and professional staff with expertise in environmental governance and regulation, the Center convenes policymakers and advocates to shape legislative and agency policy at the state and federal levels and advance the broad interests of today's social movements for the environment, democracy, and racial justice and equity.

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These comments represent the Center's input to inform the Agency's approach and assist in the development of this proposed rule. Given that the proposal will likely result in multifaceted impacts, these comments focus on two key aspects that will be severely undermined by the rule, namely evidence-based decision-making and public scrutiny and participation. Finally, in line with the Agency's request, we highlight which sections and provisions of the Forest Service Handbooks should be retained and moved into the Code of Federal Regulations (the list provided is not exhaustive).

1. These changes will adversely impact how the Forest Service uses scientific knowledge and adheres to best-management practices

In line with the Agency's request, this section addresses two key points highlighted in the Docket as of special interest for the proposal: (a) the definitions of key terms that affect the scope of a statute or regulation, and (b) requirements for external parties to collect, monitor, or report data; requirements to publish specific data or documents.

Context and background

The U.S. Forest Service is proposing revisions to the rules governing its Manual and Handbooks, which set out policy and procedures for managing the more than 193 million acres of national forests across the country. The Manual and Handbooks cover a host of topics, from grazing permits and timber sales, to pesticide use, special-use permits, road designations and rights-of-way, land-management planning, health and safety, firefighting, and the comment and appeal process. Simply put, the Manual sets out what the Forest Service must do to manage national forests. The Handbooks provides technical expertise and guidelines for how to accomplish those things. For example, the Handbooks includes instructions for measuring timber stands, calculating board feet, and setting the price and value.

According to the Docket, "(t)he Forest Service Manual would be redefined as the sole source of continuing, mandatory direction for the Agency. Certain Agency officials would be authorized to depart from mandatory direction in the Manual when alternate actions are in the public interest, consistent with law, and the justification for that departure is promptly documented. This exception would be codified at 36 CFR 200.4(b)(1)¹ and would replace Forest Service Manual 1103(6), which allows Forest Service officials to deviate from mandatory direction in "extreme or highly unusual circumstances." The Forest Service Handbooks would be redefined as advisory and informational guidance that Agency employees may deviate from without documenting or justifying alternate actions. This rulemaking would also clarify the process for providing public

¹ 36 CFR 200.4

notice when formulating standards, criteria, or guidelines applicable to Forest Service programs”.²

Implications

This paragraph represents the core of the proposal: a redefinition of the Forest Service Directive System, which traditionally comprised both the Forest Service Manual (FSM) and Forest Service Handbooks (FSH). Under the proposed change, the Manual will remain the only mandatory direction for the Agency. The Handbooks, on the other hand, are scheduled for a substantial downgrade in authority. They would be reclassified as purely "advisory and informational guidance," from which agency employees could deviate without any requirement for documentation or justification. This reclassification removes the Handbooks from the realm of binding directives, asserting they "do not hold the force of law and are not enforceable against non-Agency parties."

Crucially, the proposal introduces a significant license: authorized officials could deviate from FSM mandates if an alternate action serves the public interest, is consistent with existing law, and the departure is promptly documented. This replaces the existing, more restrictive provision in FSM 1103(6), which currently permits deviations only under "extreme or highly unusual circumstances." This shift signals a move towards empowering field-level decision-makers with greater autonomy, but it also incorporates greater risk.

The Agency has framed these changes as a tool to “to modernize its directives system – the agency’s internal documentation that guides how employees carry out their work”.³ The changes are justified under the supposed need to “reduce procedural burdens, encourage innovation and return decision-making authority to employees closest to the land.” These changes, however, rather than improve decision-making, will likely backfire yielding an agency that oversees vast amounts of land in the country beyond public scrutiny and will open the door to arbitrary decisions without accountability.

Arguably the most fundamental change is that the Manual would become the sole source of binding information, *with the Handbooks used in an advisory role*, opening the door to routine deviation from established practices based in scientific knowledge and expertise. Despite the claim from the agency that the changes are meant to bring decision-making closer to those managing the land, the main consequence of the change will be the lack of oversight and accountability. The proposed relocation of the Forest Service headquarters along with the closure of regional offices and research stations⁴ directly contradicts this claim, making it hard to understand how these two trends work together, if the goal is to improve context-based decision-making.

The redefinition of the status of the Handbooks as advisory and informational guidance that

² 91 FR 39950

³ USDA Forest Service press release from June 30, 2026. Available at <https://www.fs.usda.gov/about-agency/newsroom/releases/forest-service-publishes-proposed-rule-redefine-streamline-guidance>

⁴ USDA Forest Service press release from March 31, 2026. Available at <https://www.usda.gov/about-usda/news/press-releases/2026/03/31/usda-prioritizing-common-sense-forest-management-moves-forest-service-headquarters-salt-lake-city>

agency employees can deviate from without documenting or justifying alternate actions. Deregulation would give officials more latitude in making decisions, which could streamline operations, but it would also allow officials to make deals or decisions without a formal process for employee input or public oversight. This risk is neither addressed directly nor is it explained which mechanisms will be put in place to avoid this from happening.

The ability to make individual decisions without having to adhere to the stipulations included in the Handbooks also mean that standards and procedures, oversight, and quality assurance, for example, could be cast aside under the guise of “efficiency” or “flexibility”. The agency has said that these changes would avoid delays and ensure streamlined implementation.

Additionally, the current Handbooks also specify the type of environmental review required — for example, whether a proposal is exempt from review (Categorical Exclusion) or requires an Environmental Assessment (EA) or a more detailed Environmental Impact Statement (EIS). It also provides clear guidelines for deviations from the manual, by specifying the circumstances in which it is acceptable to do so. This guidance would, under the proposal, become a suggestion for conduct rather than a binding document.

Finally, the changes would also affect laws that protect sacred and cultural resources, which could have devastating effects over culturally and historically sensitive sites and artifacts across the country. This has deep equity and justice implications, as these laws have been developed with the express goal of providing safeguards that protect tribal cultural and historical resources.

2. These changes will severely constraint the ability of the public to comment and participate in the rulemaking process

In line with the Agency’s request, this section addresses two key points laid down in the Docket as particularly important: (a) minimum timeframes for the submission of comments or the filing of objections or appeals; and (b) methodologies or standards for environmental review and analysis; requirements to provide non-Forest Service parties with notice and opportunities to comment on Agency actions.

Context and background

According to the Docket, “(t)his rulemaking also amends the Department’s interpretation of the statutory phrase “standards, criteria, and guidelines” under 16 U.S.C. 1612(a) as including only binding direction that employees are generally expected to follow. Therefore, subsequent changes to Handbooks (those occurring after the initial Handbooks revisions described in the prior paragraph are complete) would not be subject to notice and comment requirements since advisory and informational guidance is not “standards, criteria, or guidelines” under 16 U.S.C. 1612(a). Additionally, the Department proposes amending 36 CFR 216.1(b)⁵ to state that the removal or rescission of Forest Service Directives is not “formulation” of standards, criteria, or

⁵ 36 CFR 216.1

guidelines and therefore is not subject to notice and comment.”⁶

Implications

These changes represent a stark and contradictory departure from the Agency’s own findings: In 2018, the Forest Service concluded that its Handbooks contain standards and guidelines that *directly* affect the public⁷, and it expanded public comment to cover them. Critically, the Forest Service confirmed the need for public notice and comment on directive changes “regardless of whether they are published in the Forest Service Manual or Handbooks.” Changes to those guides benefit greatly from public notice and comment, as they provide vital specialized knowledge as well as ensuring public input in decision-making.

Moreover, public participation (especially in the form of notice and comment) is how Forest Service management actions stay accountable to the people. That accountability is worth protecting. If the Forest Service narrows what counts as a directive subject to comment, the cascading effects mean in a very real sense that the Agency will be undermining public accountability on everything the Handbooks govern.

The proposed rule also specifies that “statutorily required notices associated with the formulation of standards, criteria, or guidelines applicable to Forest Service programs can be made via any broadly accessible public forum, including but not limited to an Agency website. Use of additional notices, such as notices in the Federal Register or newspaper(s) of record, are permitted but not required by 36 CFR 216.3. Similarly, this rulemaking would remove the requirement in 36 CFR 216.3 for the Agency to provide a physical mailing address for submission of comments. Electronic submission would become the default means for the Agency to solicit comments. Use of a physical mailing address for this purpose would be at the Agency's discretion.”⁸

The proposed changes would ease notification requirements and allow the USFS to fulfill publication requirements by posting proposals to a government website, instead of publishing them in a newspaper of record or providing additional notice to interested parties. Much like some of the other provisions included in this proposal, the changes would give the public less opportunity to provide input on forest management decisions.

Fundamentally, this proposal continues a trend that has seen public participation rights diminished over the last year. This includes the gutting of the National Environmental Policy Act (NEPA) by to revoking the NEPA regulations that have long guided federal agencies. This trend represents a blatant assault on public scrutiny and evidence-based decision-making.

⁶ 91 FR 39951

⁷ 36 CFR Part 216

⁸ 91 FR 39950

3. Sections of the Forest Service Handbooks that should be retained and moved into the Code of Federal Regulations

In line with the specific requests laid down in the Docket, this section specifies which sections or chapters of the Forest Service Handbooks (FSH) should be retained and moved into the Code of Federal Regulations, including the reason for their retention.

FSH 1909.15 Chapter 10 – Environmental Analysis

The core focus of this chapter is detailing the operational mechanics of the initial phase of project design and review. It mandates a formal scoping process to identify public and agency issues, dictates how to form and manage an interdisciplinary team, establishes rules for developing a reasonable range of action alternatives, and standardizes how to estimate and measure direct, indirect, and cumulative environmental effects. **This section is one of the cornerstones of the environmental analysis system that the Forest Service needs to abide by and should be kept as mandatory.**

FSH 1909.15 Chapter 20 – Environmental Impact Statements (EIS) and Related Documents

The core focus of this chapter is Environmental Impact Statements or EIS, the highest, most detailed level of environmental review for major federal actions. It specifies formal document structures, standardizes the legal filing processes with the Environmental Protection Agency (EPA), outlines explicit timelines for public comment periods, and provides rules for creating the final Record of Decision (ROD). **Given its importance in the environmental review process, this section should also be kept as mandatory.**

FSH 1909.15 Chapter 30 – Categorical Exclusions (CE) from Documentation

This section outlines the strict rules for routine actions that do not individually or cumulatively have a significant effect on the human environment. Importantly, Chapter 30 lists all established agency-specific categories of exclusion (e.g., routine trail maintenance, low-acreage salvage logging), details the mandatory "extraordinary circumstances" review (checking for endangered species, wilderness areas, or sacred sites), and sets the documentation standards for Decision Memos. Without clear guidelines of which actions can be labeled as categorical exclusions, there is an increased risk of defaulting to this category in those circumstances in which another, more stringent category of assessment would be better, solely with the goal of speeding up actions. **Given its importance in the environmental review process, this section should also be kept as mandatory.**

FSH 1909.15 Chapter 40 – Environmental Assessments (EA) and Related Documents

Chapter 40 establishes workflows for projects where the significance of the environmental impact is unknown, and a more detailed assessment is required to explore the degree to which the actions may impact ecosystems and communities. This chapter outlines the streamlined

structure of an EA, specifies public notification requirements, and details the exact criteria a responsible official must meet to issue a Finding of No Significant Impact (FONSI) and a Decision Notice (DN) instead of elevating the project to a full Environmental Impact Statements. **Given its importance in the environmental review process, this section should also be kept as mandatory.**

FSH 1909.15 Chapter 70 – Oversight and Quality Assurance

The core focus of Chapter 70 is ensuring that agency actions remain legally defensible, consistent, and compliant with evolving Council on Environmental Quality (CEQ) regulations. It establishes standard internal review processes, outlines post-decision monitoring requirements, sets rules for reviewing new information or changed circumstances to determine if a project analysis must be supplemented, and defines roles for maintaining the official NEPA administrative record. **Although the impact of this section has suffered greatly from other actions taken by the administration related to CEQ and the application of NEPA to Forest Service decision-making, this section should also be kept as mandatory.**

Conclusion

I appreciate your attention to this input on the U.S. Department of Agriculture proposed rule to amend regulations governing the Directive System for the United States Forest Service. Taken altogether, the United States Department of Agriculture has unveiled a proposed rule aiming to fundamentally restructure the Forest Service's internal guidance system, recalibrate public engagement for policymaking, and undermine the guardrails that ensure that agency actions follow evidence-based procedures that would reduce arbitrary decisions and special interest capture. Although this action has been publicly defended as seeking to grant greater discretion to agency employees in program execution, fostering innovation tailored to diverse ecological conditions and evolving societal needs, in reality, it intends to redefine the scope of public notice and comment requirements for the agency's standards, criteria, and guidelines, sparking debate over administrative flexibility versus transparency and evidence-based policymaking in federal land management. I urge the Forest Service to withdraw this proposal and preserve public scrutiny over Agency actions, whether they appear in the Manual or the Handbooks, in line with the Agency's own findings and recommendations from 2018.

If you have any questions about any of the ideas raised in this comment, please do not hesitate to reach out.

Sincerely,

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