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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: 2001 Roadless Area Conservation Rule;
FS-2025-0001

Dear Secretary Rollins and Chief Schultz,

Thank you for the opportunity to comment on the U.S. Department of Agriculture proposed rule to rescind the 2001 Roadless Area Conservation Rule (2001 Roadless Rule), which established baseline constraints on road construction, road reconstruction, and timber harvesting within inventoried roadless areas on National Forest System lands, as published on August 20, 2026 [hereinafter the Proposed Rule or Proposal]. We write to express our strong opposition to this action.

We are members of 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.

These comments represent the Center's input to inform the Agency's approach and highlight several important issues and omissions in the proposed rule. Given that the proposal will likely result in multifaceted impacts, our comments focus on a subset of the expected impacts associated with the rescission. The list provided here is not exhaustive, and we urge the agency to take these into account to assess how the justification provided and the scope of impacts assessed fall far short of what's needed to support the 2001 Roadless Rule's rescission.

1. The Agency's main justifications are inadequate to justify the agency's abrupt change of policy.

The Forest Service provides two main justifications for its proposed rescission of the Roadless Rule. First, the preamble to the proposed rule repeatedly refers to the agency's intent to "reduce regulatory burden."[1] Similarly, the preamble refers to the Agriculture Department's "priorities for . . . deregulation," which allegedly "diminish the basis for a national prohibition."[2] The agency never explains what these alleged burdens are, however, or why they would be alleviated by replacement of the Roadless Rule with an approach based on forest-by-forest implementation of land use plans. The preamble also invokes another clichéd but empty justification for deregulatory initiatives, denigrating the ""one-size fits all' national mandate reflected in the Roadless Rule."[3] These justifications are meaningless; they do not explain how the current rule creates burdens for the agency or national forest users that the proposed rescission would alleviate, why the benefits of deregulation (which are not explained) would exceed its costs, or why "reducing regulatory burdens" is a legitimate objective of the Forest Service's management of the national forests under the National Forest Management Act (NFMA).

Second, the proposed preamble relies on the Forest Service's desire to "return management of inventoried roadless areas to the land management process at the individual national forest level.[4] Doing so, the agency claims, would provide "increased management flexibility in the administration of these lands."[5] This justification is the same one manufactured to support a previous, failed effort to rescind the Roadless Rule. During the George W. Bush administration, the Forest Service adopted a rule (later invalidated by the courts) that replaced the Roadless Rule with a rule that relied on state-by-state petitions whose approval would govern management of the relevant national forests. The Forest Service offered its belief at the time that "in most cases the land management planning process represents the

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[1] Special Areas; Roadless Area Conservation, 91 Fed. Reg. 53827, 53827 (Aug. 20, 2026). *See also id.* ("The Department is proposing this rule rescission to reduce regulatory burden . . ."); *id.* at 53828 ("This proposed rule . . . would relieve regulatory burden relative to management of the National Forest System lands.").
[2] *Id.* at 53828.
[3] *Id.*
[4] *Id.* at 53827. *See also id.* ("The Department is proposing this rule rescission to . . . return land management decisionmaking for inventoried roadless areas to local Forest Service officials.")
[5] *Id.*

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best approach for addressing the challenges of natural resource management on units of the National Forest System."[6] It added that "[m]anagement requirements established through the land management planning process represent the results of a collaborative process that included many groups and individuals, and also represent a balanced approach for the integrated management for that NFS unit."[7]

That justification was inadequate to justify the agency's abrupt change of policy concerning management of inventoried roadless areas in 2005 and it remains so today.[8] As the Supreme Court has made clear, when an agency reverses one of its previous policy positions, it must "show that there are good reasons for the new policy," be cognizant of reliance interests engendered by the initial policy, and provide "a reasoned explanation . . . for disregarding facts and circumstances that underlay or were engendered by the prior policy."[9] The Forest Service's cursory and conclusory reliance on reduction of regulatory burdens and the alleged superiority of the land use planning process to a nationally applicable set of restrictions on road building and timber harvesting in roadless areas provides no explanation at all, no less a reasoned one.

When the Forest Service first proposed the Roadless Rule in 2000, it described the important functions served by roadless areas:

> While National Forest System inventoried roadless areas represent only about two percent of the United States' land base, they provide significant opportunities for dispersed recreation, sources of public drinking water, and large undisturbed landscapes that provide privacy and seclusion. In addition, these areas serve as bulwarks against the spread of invasive species and often provide important habitat for rare plant and animal species, support the diversity of native species, and provide opportunities for monitoring and research. Roadless areas remain roadless due to the difficulties in developing facilities, roads, and trails in rugged terrain; the high cost of development; the environmental sensitivity and high ecological values of roadless areas; low suitability for timber production; designated use for unroaded forms of recreation; controversy associated with development of roadless areas; and other factors.[10]

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[6] Special Areas; State Petitions for Inventoried Roadless Area Management, 70 Fed. Reg. 25654, 25657 (May 13, 2005).
[7] *Id.* at 25658.
[8] *See* Robert L. Glicksman, *Traveling in Opposite Directions: Roadless Area Management Under the Clinton and Bush Administrations*, 34 Env't L. 1143, 1198 (2004) (arguing that the Forest Service did not substantiate its claim that a shift from a nationally applicable rule to an approach based on land management planning would provide superior management of affected areas of the national forests).
[9] Encino Motorcars, LLC v. Navarro, 579 U.S. 211, 221-22 (2016). *See also* Food & Drug Admin. v. Wages & White Lion Invs., L.L.C., 604 U.S. 542, 916-17 (2025) (explaining that an agency's failure to provide the explanation required by the Court's "change of position doctrine" renders its decision arbitrary and capricious).
[10] Special Areas; Roadless Area Conservation, 65 Fed. Reg. 30276, 30277 (May 10, 2000) (proposed rule).

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When it issued the final rule, the Forest Service explained that road construction and timber harvesting "have the greatest likelihood of altering and fragmenting landscapes, resulting in immediate, long-term loss of roadless areas values and characteristics."[11] Adoption of the Roadless Rule would help protect watershed health and prevent fragmentation of important habitat for wildlife and plants (including threatened and endangered species), and, by doing so, sustain the value of roadless areas "now and for future generations."[12] The NFMA declares that the Forest Service "has both a responsibility and an opportunity to be a leader in assuring that the Nation maintains a natural resource conservation posture that will meet the needs of our people in perpetuity."[13]

In the following sections, we detail the myriad ways in which the Draft Environmental Impact Statement (DEIS) and the Cost-Benefit Analysis fail to account for environmental, economic, and social impacts, highlighting the discrepancy between the agency's claim for the need for the regulation and the full picture of what this recission would entail.

2. Impacts on biodiversity, conservation loss, and their relationship to local planning

Inventoried roadless areas provide intact habitat disproportionate to their footprint, a small share of land supporting habitat for a majority of species of conservation concern. A 2026 analysis in *Biological Conservation* found that roadless areas rank among the highest-integrity forests in the country, often rivaling formally protected wilderness.[14] According to the authors, building roads into these areas would degrade clean water and wildlife habitat, making the case—in alignment with our own conclusion—that a repeal of the Roadless Rule would be fiscally misguided (see sections above) and ecologically flawed.

Habitat loss, degradation, and fragmentation are an ongoing and ever-increasing challenge across the U.S.[15] They do not represent speculative harms, but rather a pressing issue that policymakers, scientists, and land managers must deal with on a daily basis. Regardless, the Cost-Benefit Analysis for the proposed rule appears to completely ignore these impacts, and weights them—-as "unquantified"—against a modest projected timber revenue increase. A 2010 review of road-ecology literature suggests that impacts of forest roads on species and ecosystems begin during the road construction phase, but persist and accumulate well after a road is no longer in use.[16] Instead of the current conclusory and incomplete treatment afforded to the impacts of building roads in forested areas in both the DEIS and

[11] Special Areas; Roadless Area Conservation, 66 Fed. Reg. 3244, 3244 (Jan. 12, 2001).
[12] *Id.* at 3247.
[13] 16 U.S.C. § 1600(6).
[14] Mildrexler, D. J., Berner, L. T., Law, B. E., … Booth, M. S., *Roadless rule rescission threatens highest integrity forest ecosystems in the United States.* Biological Conservation, 321, 111950 (2026).
[15] Theobald, David M., Kevin R. Crooks, and John B. Norman, *Assessing effects of land use on landscape connectivity: loss and fragmentation of western US forests*. Ecological Applications 21, no. 7: 2445-2458 (2011).
[16] Robinson, C., P. N. Duinker, and K. F. Beazley, *A conceptual framework for understanding, assessing, and mitigating ecological effects of forest roads*. Environmental Reviews 18: 61-86 (2010).

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Cost-Benefit Analysis, those documents should account (even with a high degree of uncertainty) for how increased road density affects canopy cover and landscape connectivity, which will in turn degrade the economic, ecologic, and cultural value of public lands.

Impacts also follow complex pathways ending in diminished species persistence, something that is reflected in the DEIS but ignored in the Cost-Benefit Analysis. According to an analysis from Dietz et al. (2021), inventoried roadless areas (IRAs) provide a larger proportion of suitable habitat for multiple wildlife species of conservation concern than non-IRA conterminous United States lands, despite their similarity (geographic and elevational clustering and predominance of a single biome type).[17] Furthermore, the Center for Biological Diversity recently found that scrapping the rule would put 7.4 million acres (3 million hectares) of designated endangered species critical habitat and nearly 1,800 miles (2900 kilometers) of protected rivers and streams at risk.[18]

Proposed mitigation of impacts on biodiversity and conservation via local management plans

The Forest Service responded to comments on the proposal that culminated in the 2001 Roadless Rule that had claimed that unit-by-unit implementation of the land use planning process would better conform to the NFMA's goals. It concluded that:

> At the national level, Forest Service officials have the responsibility to consider the "whole picture" regarding the management of the National Forest System, including inventoried roadless areas. Local land management planning efforts may not always recognize the national significance of inventoried roadless areas and the values they represent in an increasingly developed landscape. If management decisions for these areas were made on a case-by-case basis at a forest or regional level, inventoried roadless areas and their ecological characteristics and social values could be incrementally reduced through road construction and certain forms of timber harvest. Added together, the nation-wide results of these reductions could be a substantial loss of quality and quantity of roadless area values and characteristics over time.[19]

The current proposed rule fails to explain why local land use planning efforts are now capable of recognizing the national significance of inventoried roadless areas and the values they represent and why the aggregate impact of devolving responsibility for management of roadless areas now would not result in the same degradation of the environmental quality of these areas that concerned the agency in 2001. That result is almost certain to occur if the Roadless Rule were rescinded.

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[17] Dietz, Matthew S., Kevin Barnett, R. Travis Belote, and Gregory H. Aplet. "The importance of US national forest roadless areas for vulnerable wildlife species." *Global Ecology and Conservation* 32:e01943 (2021).
[18] Spivak, Randi (2026). "Deadly Incursions". Center for Biological Diversity. Available at: https://biologicaldiversity.org/programs/public_lands/pdfs/Deadly-Incursions-report.pdf
[19] 66 Fed. Reg. at 3224

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An approach that relies on the land management planning process, rather an providing an assurance that forest resources would not be impaired by road-building and timber harvesting, opens the door to unsupportable inter-forest inconsistencies, lack of oversight and accountability by agency leadership, and resource constraints that cast serious doubt over the viability of the claim that elimination of the 2001 Roadless Rule in favor of exclusive reliance on land use planning would better promote the NFMA's goals. The proposal assumes that individual forest-level planning adequately replaces nationally applicable protections, which is a fallacy. Shifting management decisions entirely to individual forest planning processes could result in a patchy set of protections across the National Forest System. Devolving decisions to the forest-plan level invites piecemeal degradation.

There are multiple reasons for this. Individual forest plans are revised on different timelines, are subject to political and budgetary pressures, and are adopted after widely varying levels of public engagement. Removing the national baseline means roadless character can be lost incrementally, without the cumulative landscape-scale analysis the 2001 Rule was designed to ensure. Removing the national baseline does not create local management capacity that budget and staffing curtailments under this administration have simultaneously reduced.

The claim that the NFMA planning is an "effective mechanism" for conforming to the NFMA's multiple use, sustained yield mandate overlooks the fact that forest plans must reconcile many competing priorities and are far more susceptible to long-term resource protection being outweighed by the desire to increase short-term extraction revenues than a rule specifically protecting roadless areas. The ecological and recreational value of these lands is not *only* local — thus warranting a national standard.

Critically, the proposed rule concedes that subsequent forest management plan amendments and revisions could increase the area where timber harvest and road construction would be allowed, declares changes to plans beyond the scope of the proposal, and then requests public comment on them. By framing the proposed rule and its analysis in these terms, *the agency is effectively asking the public to comment on a scenario it has simultaneously placed outside its own analysis.* This strategy amounts to avoidance rather than thorough analysis of the impact of the rule. The agency must address the foreseeable plan-amendment scenario (given its acknowledgment that unit-level planning will lead to expanded road building, timber harvesting, and mineral extraction) as part of this action, not defer it to a subsequent proceeding the public cannot yet see or contest.

Scale mismatches and the impact on ecological processes

The proposed rule also fails to appreciate the mismatch between administrative and institutional boundaries and ecological processes. The proposed rule assumes that local forest management plans will provide equivalent benefits to the current national standard, but this approach completely ignores the fact that wildlife habitat, watersheds, firesheds, and ecosystems extend across administrative jurisdictions

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and the boundaries of the lands covered by individual forest management plans. *Mismatches* occur when the scale of environmental processes or structures and the scale of the administrative organization or institution responsible for management are aligned in such a way that one or more functions of the ecological system are disrupted, inefficiencies occur, and/or important components of the system are lost.[20] This is a well understood phenomenon, yet the agency did not review any of the available scientific evidence in reaching its conclusions.[21]

Scale mismatches between social and ecological systems may be spatial, temporal, or functional. Spatial mismatches happen when the spatial scales of management, like boundaries of administrative units and the spatial scales of ecosystem processes, like forest boundaries, do not align appropriately. Temporal mismatches happen when the temporal scales of management and the temporal scales of ecosystem processes do not align appropriately, such as development of management plans that fail to account for rapid environmental change. Finally, functional mismatches will occur when the functional scales of management do not align appropriately with the functional scales of ecosystem processes, such as when authority over a landscape and species movements or migration patterns is fragmented.

All three of these forms of mismatch are likely to happen as a result of the proposed rule. A broad mandate to conserve roadless areas does not seek to protect individual patches of forest, but rather *ecosystem connectivity, integrity, and biodiversity*, among other forest functions. The scale of these processes exceeds individual IRAs, thus requiring an institutional or policy solution that accounts for the scale. It would be enormously difficult for individual forest management plans to protect healthy resource functioning in the same way the 2001 Roadless Rule has been able to accomplish. It would require a degree of coordination and collaboration across individual Forest Service units that seems extremely improbable[22] under current personnel reductions, budget cuts, and decreased agency capacity. The

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[20] Cumming, G. S., D. H. M. Cumming, and C. L. Redman, *Scale mismatches in social-ecological systems: causes, consequences, and solutions*. Ecology and Society 11(1): 14 (2006).

[21] Bodin, Örjan, *Collaborative environmental governance: Achieving collective action in social-ecological systems.* Science 357, no. 6352 (2017): eaan1114. *See also* Bodin, Örjan, Beatrice Crona, Matilda Thyresson, Anna-Lea Golz, and Maria Tengö, *Conservation success as a function of good alignment of social and ecological structures and processes.* Conservation Biology 28, no. 5: 1371-1379 (2014); Bodin, Örjan, Steven M. Alexander, Jacopo Baggio, Michele L. Barnes, Ramiro Berardo et al., *Improving network approaches to the study of complex social–ecological interdependencies*. Nature sustainability 2, no. 7: 551-559 (2019); Sayles, Jesse S., and Jacopo A. Baggio, *Social–ecological network analysis of scale mismatches in estuary watershed restoration*. Proceedings of the National Academy of Sciences 114, no. 10: E1776-E1785 (2017); Wang, Shuai, Bojie Fu, Yongping Wei, and Clive Lyle, *Ecosystem services management: an integrated approach*. Current Opinion in Environmental Sustainability 5, no. 1: 11-15 (2013); Armitage, Derek R., Ryan Plummer, Fikret Berkes, Robert I. Arthur, et al., *Adaptive co-management for social–ecological complexity*. Frontiers in Ecology and the Environment 7, no. 2: 95-102 (2009); Bergsten, Arvid, Diego Galafassi, and Örjan Bodin, *The problem of spatial fit in social-ecological systems: detecting mismatches between ecological connectivity and land management in an urban region*." Ecology and Society 19, no. 4 (2014); Ostrom, Elinor, Joanna Burger, Christopher B. Field, Richard B. Norgaard, and David Policansky, *Revisiting the commons: local lessons, global challenges*. Science 284, no. 5412: 278-282 (1999); Ostrom, Elinor*, A general framework for analyzing sustainability of social-ecological systems.* Science 325, no. 5939: 419-422 (2009); Folke, Carl, Thomas Hahn, Per Olsson, and Jon Norberg, *Adaptive governance of social-ecological systems*. Annu. Rev. Environ. Resour. 30: 441-473 (2005).

[22] Courtney, K., Rabung, E., Brousseau, J., Cheng, A. S., Fischer, A. P., Holm, F., … Walker, S. E., *Application of Participatory Process Mapping to Evaluate Environmental Decision-Making and Implementation.* Society & Natural Resources, 37(12), 1627–1634 (2024).

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potential impact of these mismatches is not accounted for in any way in the DEIS or the Cost-Benefit Analysis

Another cost that escapes mention in the proposed rule's Cost-Benefit Analysis relates to the increased likelihood of dispersal of non-native species due to expanding road networks and timber operations. Roads are one of the primary vectors through which non-native and invasive species move to a previously uninvaded environments. Invasive species occurrence is often related to human actions and movement in a given area.[23] Road use is known to be a key driver of the presence of invasives along roadsides and poses a large threat to the forest interior.[24] Researchers have confirmed this dynamic, finding that spread rates are higher in roadsides than in forested and undisturbed ecosystems, across the U.S.[25]

The DEIS acknowledges the increased likelihood of invasive species dispersal related to roads. However, these costs are also left unquantified in the Cost-Benefit Analysis. The agency must account for these costs before reaching a final estimate of the expected damage that would result from adoption of the proposed rule. Much like costs associated with increased invasive species dispersal in proximity to roads (which are expected to increase as the road networks make way into IRAs and non-fragmented forests under the proposed rule), the associated risk of wildfire ignitions also climbs with an expanded road network and timber extraction activities. We turn our attention to these next.

3. Wildfire management and risk reduction

The Forest Service relies heavily on the need to carry out wildfire risk management activities (primarily mechanical treatments such as mechanical thinning, mastication, chipping, fuel piling and breaks, and pruning, but also prescribed burns). However, both the available scientific evidence and the agency's own research undermines this justification.

For example, relying on wildfire ignitions on national forest lands in the contiguous US using the InFORM Fire Occurrence Data Records, Aplet et al. (2026) find strong evidence on wildfire ignition

[23] Riitters, Kurt, Kevin Potter, Basil V. Iannone III, et al., *Landscape correlates of forest plant invasions: A high-resolution analysis across the eastern United States*. Diversity and Distributions 24, no. 3: 274-284 (2018).
[24] Rauschert, E.S.J., Mortensen, D.A. & Bloser, S.M., *Human-mediated dispersal via rural road maintenance can move invasive propagules*. Biol Invasions 19, 2047–2058 (2017).
[25] Mortensen DA, Rauschert ESJ, Nord AN, Jones BP., *Forest Roads Facilitate the Spread of Invasive Plants*. Invasive Plant Science and Management. 2(3):191-199 (2009); *See also* Brothers, Timothy S., and Arthur Spingarn, *Forest fragmentation and alien plant invasion of central Indiana old-growth forests*. *Conservation Biology* 6, no. 1: 91-100 (1992); Collier, Matthew H., John L. Vankat, and Michael R. Hughes, *Diminished plant richness and abundance below Lonicera maackii, an invasive shrub*. The American Midland Naturalist 147, no. 1: 60-71 (2002); Forman, Richard TT, and Lauren E. Alexander, *Roads and their major ecological effects*. Annual review of ecology and systematics 29, no. 1: 207-231(1998); Christen, D.C., Matlack, G.R., *The habitat and conduit functions of roads in the spread of three invasive plant species*. Biol Invasions 11, 453–465 (2009); Manier, Daniel J., Cameron L. Aldridge, M. O'Donnell, and S. J. Schell, *Human infrastructure and invasive plant occurrence across rangelands of southwestern Wyoming, USA. Rangeland Ecology & Management* 67, no. 2: 160-172 (2014).

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patterns that undermine the underlying logic of the proposed rule. The authors find that, as related to fires, the "[h]ighest wildfire-ignition density was always in lands within the 50-m buffer, and the second highest wildfire-ignition density was always in non-wilderness and non-roadless areas outside of the 50-m road buffer."[26] Human-caused fires are the main driver of these ignitions across all regions, showing the enormous risk of the proposed policy. These results track the wider wildfire literature, which has documented a similar relationship between roads and fire ignitions.[27]

In addition to the scientific literature, the agency's own record undercuts this wildfire mitigation justification. A 2020 Forest Service analysis drawing on nearly twenty years of monitoring data found that increased road density does not produce better forest health outcomes through expanded fire management activity.[28]. The rule's Draft Environmental Impact Statement (DEIS) states plainly: "Consistent with other research findings, these analyses indicate that human caused ignitions increase in abundance with proximity to roads, supporting the notion that roads facilitate human access, which can in turn result in more human caused fires."[29]. The proposal, however, invokes "fuels management" as one of—if not the main—reason for opening these areas to road construction.

Based on the increased likelihood of human-driven fire ignitions in proximity to roads, the agency must explain why this proposal departs both from its own prior findings on fire occurrence in roadless areas as well as the consistent findings in the scientific literature. The DEIS should be required to reconcile its wildfire rationale with these findings rather than assert a relationship that the evidence does not support. If it is not able to do so, it is a clear sign of the agency's defective logic. A rule justified as fire mitigation should not expand the primary ignition vector.

Increased wildfire ignition risks are not accounted for in the Cost-Benefit Analysis

Increased risks of ignitions associated with an expanded road network are not accounted for in the Cost-Benefit Analysis either. Instead, these risks are lumped into the category of 'Qualitative

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[26] Dietz et al., *supra* note 17

[27] Yang, J., H. S. He, H. S. He, S. R. Shifley, and E. J. Gustafson, *Spatial patterns of modern period human-caused fire occurrence in the Missouri Ozark Highlands*. Forest Science 53 (1): 1–15 (2006). *See also* Brosofske, K.D., D.T. Cleland, and S.C. Saunders, *Factors influencing modern wildfire occurrence in the Mark Twain National Forest, Missouri*. Southern Journal of Applied Forestry 31 (2): 73–83 (2007); Maingi, J.K., and M.C. Henry, *Factors influencing wildfire occurrence and distribution in eastern Kentucky, USA,* International Journal of Wildland Fire 16: 23–33 (2007); Morrison, P. H. (2007). *Roads and wildfires*. Winthrop, WA: Pacific Biodiversity Institute (2007); Arienti, M.C., S.G. Cumming, M.A. Krawchuk, and S. Boutin, *Road network density correlated with increased lightning fire incidence in the Canadian western boreal forest*. International Journal of Wildland Fire 18: 970–982 (2009); Narayanaraj, G., and M.C. Wimberly, *Influences of forest roads on the spatial patterns of human- and lightning-caused wildfire ignitions*. Applied Geography 32: 878–888 (2012); Ricotta, C., S. Bajocco, D. Guglietta, and M. Conedera, *Assessing the influence of roads on fire ignition: Does land cover matter?* Fire 1: 24 (2018); Stevens, J.T., Kling, M.M., Schwilk, D.W., Varner, J.M., and Kane, J.M., *Biogeography of fire regimes in western U.S. conifer forests: A trait-based approach*. (T. Gillespie, Ed.): Global Ecology and Biogeography (2020).

[28] Healey, Sean P., *Long-term forest health implications of roadlessness,* Environmental Research Letters 15, no. 10: 104023 (2020).

[29] Special Areas; Roadless Area Conservation*: Draft Environmental Impact Statement, Nationwide – National Forest System Inventoried Roadless Areas Managed Under the 2001 Roadless Rule,* at 90.

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(unquantified) costs', alongside 'degraded recreation quality", "ecological and water impacts"; "increased ignition risk"; and "agency road maintenance burden." It appears to be the case that the agency did not bother to actually take the steps to approximate the costs and benefits of the status quo or proposed alternatives across a wide array of well-known impacts—all of which are acknowledged in the DEIS.

USDA already has tools to estimate these impacts,[30] which can be quantified as expected annual loss ($ yr^{-1} or $ yr^{-1} ac^{-1}), where fire loss is assumed to be a function of fire behavior characteristics. By incorporating this information with a range of distributions of possible wildfire and climate scenarios as well as a range of road construction associated with the proposed rule, USDA could establish lower and upper ranges for the expected losses associated with increased wildfire ignition risk related to roads. Instead, the agency decided to ignore them altogether. The agency should quantify the expected increase in human-caused ignitions from new road access and weigh that increase against the claimed reduction in wildfire hazard (fuel-treatment benefit) before this rule advances any further. It should also identify how much claimed treatment need actually requires rescission versus what is already allowed under the 2001 Rule's exceptions.

The Agency claims that the Roadless Rule obstructs wildfire risk reduction

The proposed rule rests heavily on the claim that the Roadless Rule obstructs wildfire risk reduction. The agency's own DEIS does not support this. The existing rule already permits cutting generally small diameter timber to maintain or restore ecosystem composition and structure, expressly including reducing the risk of uncharacteristic wildfire effects, under 36 CFR 294.13(b)(1). Small-diameter material is precisely what hazardous-fuels reduction targets, and prescribed fire is not restricted at all. The practice of thinning (collection of small-diameter trees) in combination with low-severity prescribed or naturally-occurring fires has been shown to be the most promising long-term strategy for fuel reduction and ancillary ecosystem benefits.[31] Mature, larger-diameter trees are not recommended for wildfire risk

[30] Calkin, David E.; Hyde, Kevin D.; Robichaud, Peter R.; Jones, J. Greg; Ashmun, Louise E.; Loeffler Dan, *Assessing post-fire values-at-risk with a new calculation tool*. Gen. Tech. Rep. RMRS-GTR-205. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 32 p. (2007); Houtman, Rachel M.; Riley, Karin L.; Finney, Mark A.; Ager, Alan A., *Spatial datasets of wildfire risk to forest carbon for the conterminous United States (30m) circa 2014 landscapes*. Forest Service Research Data Archive (2026); Zimmer, Scott N.; Riley, Karin L.; Reeves, Matthew C; Urbanski, Shawn P., *Spatial datasets of wildfire risk to rangeland carbon for the conterminous United States (30m) circa 2014 and 2020 landscapes*, Forest Service Research Data Archive (2026); Lila Leatherman, Nicholas Storey, Karin Riley, *TreeMap at a glance,* (2024).; Karin Riley, Isaac C. Grenfell, John D. Shaw, Mark A. Finney, *TreeMap 2016 dataset generates CONUS-wide maps of forest characteristics including live basal area, aboveground carbon, and number of trees per acre* (2022); Karin Riley, Isaac C. Grenfell, Mark A. Finney, Jason M. Wiener, *TreeMap, a tree-level model of conterminous US forests circa 2014 produced by imputation of FIA plot data* (2021).

[31] Christopher E Looney, Martin W Ritchie, *Evaluating the efficacy of thinning and prescribed fire for restoring mature forest characteristics in the Eastern Cascades, USA*, Forestry: An International Journal of Forest Research, Volume 99, Issue 1, cpaf039 (2026). *See also* Longeard P, Santonja M, Morandini F, Gibernau M, Nadarajah S, Belliard P, Feignier N, Massaiu A, Andrei-Ruiz MC, Ferrat L., *Combinative effects of thinning and prescribed burning on fuel reduction and soil arthropods: A case study in a Mediterranean pine forest*. *Ecol Evol.* 14(9):e70141 (2024).

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reduction actions, as they tend to be more fire-adapted.[32] The fire resistance trait data for a vast number of species is already well documented.[33] If the binding constraints are funding, workforce, and operability, rescission does not address the stated need. As presented, the Cost-Benefit Analysis is severely lacking on this front, and given that the need for fuel management is hailed as one of the primary reasons for this proposed rule, this absence is especially problematic.

The agency's own assessment also casts doubt on its argument that roadless designation impedes fire management or forest health treatments, as the 2001 Roadless Rule already contains exceptions for fire, insect, and disease management activities. The majority of inventoried roadless acreage is remote, high-elevation terrain — not the wildland-urban interface (WUI) where fuels reduction produces the greatest community benefit. If targeted fuels treatment in the WUI is the goal, the agency should provide a targeted alternative that focuses on the WUI within the existing exception framework rather than eliminating national protections across 44.7 million acres.

On this issue, and based on an assessment of the public input received during an earlier stage of this rulemaking, the range of alternatives considered by the Forest Service appears inadequate. Intermediate options that would serve the stated purpose with less environmental effect also warrant detailed analysis, including broadening the existing § 294.13(b) exception near the WUI. Additionally, Idaho and Colorado negotiated state-specific roadless rules through a rigorous, transparent process under the existing framework. That precedent shows that a path already exists for legitimate state-level flexibility without eliminating national protections altogether. A wholesale rescission is not necessary to achieve calibrated local management.

4. Economic impacts and the overall cost of road infrastructure

Another justification for the proposed rule rests on the need to boost national timber production, in line with Executive Order 14225 (Immediate Expansion of American Timber Production).[34] However, the economic benefits of the amount of increased timber production predicted to result from the rescission are marginal by the agency's own accounting. That same analysis projects timber revenue to the Forest Service of $5.2 to $11.4 million a year against recreation losses of at least $6.1 million a year, with a net present value discounted at 3 percent over 15 years is estimated to be -$92 to $199 million (-$70 to $152

[32] Kitzberger, T., Aráoz, E., Gowda, J.H. et al., *Decreases in Fire Spread Probability with Forest Age Promotes Alternative Community States, Reduced Resilience to Climate Variability and Large Fire Regime Shifts*. Ecosystems 15, 97–112 (2012)*;* Peter M. Brown, Benjamin Gannon, Mike A. Battaglia, Paula J. Fornwalt, Laurie S. Huckaby, Antony S. Cheng, and L. Scott Baggett, *Identifying old trees to inform ecological restoration in montane forests of the central Rocky Mountains, USA*, Tree-Ring Research 75(1), 34-48 (2019).
[33] Stevens, J.T., Kling, M.M., Schwilk, D.W., Varner, J.M., and Kane, J.M.*, "Biogeography of fire regimes in western U.S. conifer forests: A trait-based approach"* (T. Gillespie, Ed.): Global Ecology and Biogeography (2020).
[34] Exec. Order No. 14225, *Federal Register* 90, no. 43 (March 6, 2025): 11365–11367, accessed September 1, 2025.

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million discounted at 7 percent)[35]. This means that, when evaluating the total economic value of the proposed regulation in today's dollars, the agency's estimation shows that the financial outcome is uncertain and could range from a minor loss to a major gain. Depending on how future cash flows (or benefits and costs) take place out over 15 years, the project will either destroy up to $92 million in value or create up to $199 million in net value, when adjusted for the time value of money (or -$70 to $152 million, discounted at 7 percent).

This analysis demonstrated that the agency cannot credibly establish a net benefit for the American public or for the country's economy from the proposed rule's adoption. The agency's present estimates do not justify the rule in purely economic terms. We've pointed out above the glaring omissions that exist in the Cost-Benefit Analysis itself, but even if we considered that the agency's analysis is sound—which it is certainly not—it is impossible to substantiate the assertion that the proposed rule will yield a net benefit.

From a budgetary and agency capacity perspective, things make even less sense. For example, the road system that any new project would expand already carries a backlog that the agency's own Cost-Benefit Analysis estimates to be $6.9 billion in deferred maintenance. How will the agency be able to manage an even larger road network? The record also states that the agency receives less than 20% of the funds needed annually to maintain the existing road infrastructure. This means that as funding needs remain unmet, the cost of fixing deteriorating roads increases every year. Building new roads and bridges into forested and wilderness areas that have so far remained roadless, in the face of a $6.9 billion deferred-maintenance backlog, compounds a problem the agency's own record acknowledges it cannot resolve with current financning. The agency must explain how expanding a road system it already cannot maintain is consistent with responsible stewardship.

There are other economic impacts that are either missing or that have been inaccurately assessed in the proposal. The Cost-Benefit Analysis fails to properly account for the impact of rescission on recreation. The draft EIS estimates $6.1 million in annual losses to recreationists, but this figure is tied narrowly to operable timber areas and does not account for the broader degradation of backcountry character across adjacent and connected landscapes. Associated impacts related to land degradation, noise pollution, habitat fragmentation, and increased human presence compound to create an overall degradation of the landscape that goes beyond the timber areas and associated roads.

Road construction and commercial timber harvesting change the experience of the surrounding terrain, far beyond the physical limits of a given project. The analysis treats developed recreation gains and backcountry recreation losses as comparable trade-offs. These, however, are not the same: road-accessible recreation is abundant on National Forest System lands: approximately 380,000 total miles of

[35] Forest Service, *2001 Roadless Area Conservation Rule Rescission: Draft Environmental Impact Statement, 29* (2026)

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roads, with roughly 290,000 to 300,000 miles of that system generally open or available for public and recreational highway or vehicle use (as about 22% are designated for passenger cars, 55% for high-clearance vehicles, and 23% are closed to public highway use). Quiet, remote, self-reliant recreation depends on exactly the areas this rule protects. Roaded acres are not at risk under any scenario, roadless acres are. Critically, under this proposal, the supply of roadless areas would shrink with no mechanism or agency capacity to restore them.

5. Watersheds and municipal water systems impacts

The DEIS acknowledges and addresses the potential impact on water resources, including water quality, water yield and runoff timing, and municipal watersheds. The expected causal links between the proposed rescission and negative impacts on water resources are clear and well documented, yet completely absent from the Cost-Benefit Analysis. Forest Service data indicates there are over 7,000 individual municipal water intakes located within or downstream of IRAs.

Road construction increases sedimentation and degrades water quality in ways that are not easily reversed, a point the agency's own assessment recognizes. Abundant scientific evidence makes these links clear. For example, a recent study published in *Forests* found that forest roads contribute up to 90% of sediment loads in streams and are seriously disrupting the safety and stability of watersheds.[36] These impacts are felt throughout the watershed, severely increasing the risk for human consumption and municipal water systems.

In a July 2026 study in *PLOS Water,* researchers estimated that about 25 million Americans draw drinking water from watersheds fed by roadless areas (for reference, this is approximately equal to the population of Florida, or the states of Illinois and Pennsylvania combined). The researchers found that IRAs protect over 130,000 kms of streams and rivers, representing 2.5% of total river length within the coterminous U.S., and serve as the primary protection mechanism for more than 100,000 kms of rivers (1.9%) when accounting for other regulatory and conservation frameworks.[37]

When analyzed locally, potential impacts on water systems are even worse. In Colorado, New Mexico, and Montana, roadless-related watersheds supply drinking water for more than 30% of the population. Southern California's Angeles National Forest alone serves more than 4 million customers.[38] Looking at aggregated figures when assessing the impacts of the proposed rule masks the localized impacts of a rule rescission.

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[36] Yu, Jinhai, Qinghe Zhao, Zaihui Yu, Yi Liu, and Shengyan Ding, *A review of the sediment production and transport processes of forest road erosion.* Forests 15, no. 3: 454 (2024).
[37] Olden, J. D., Postel, S. L., Dombeck, M. P., Kesting, H., Freeman, P., … Comte, L., *Assessing the value of the US Roadless Rule for people and nature*. PLOS Water, *5*(7), e0000538 (2026).
[38] *Id.* 37

The agency should properly assess and estimate the local and regional impacts of the policy, instead of the current treatment, which passes them off as 'unquantified costs', thus excluding them altogether from the rule's cost-benefit calculus (see Table 4. Benefits and Costs of the Proposed Rule, Cost-Benefit Analysis). Inability to quantify costs does not make them disappear.

6. Impact on small entities

The proposed rule certifies no significant impact on small entities while the DEIS names outfitters, guides, and tour operators as affected. and The Cost-Benefit Analysis also estimates lost recreation benefits at a minimum of $6.1 million a year and states that total additional impacts could exceed $100 million. Taking the $6.1 million figure as a benchmark, the assessment of no significant impact is reached by spreading losses across every small firm in the sector nationally rather than examining the outfitters and guides who are active in the affected areas.

In that sense, the agency has failed to account for the localized impacts on small entities when conducting its Cost-Benefit Analysis, which is in direct contradiction of the geographically localized impacts of the recission. Based on these facts, it's unclear how the agency reached the conclusion of no significant impact. Outfitters, guides, lodges, and rural recreation businesses are overwhelmingly small entities under 5 U.S.C. § 601(6). The agency should assess the actual impact on small entities operating in the affected areas instead of assuming them out of existence.

Conclusion

The proposed rule makes it clear that the upshot (and intended purpose) of the rescission will be increased timber harvesting[39] and leasable mineral development,[40] and the road construction necessary to support those activities. The agency predicts that these activities would affect a whopping 45.5% of areas currently affected by the Roadless Rule.[41] The agency concedes that it cannot predict "the potential impact rule rescission may have on timber harvest,"[42] raising the possibility that incursions into roadless

[39] "Rescinding the 2001 Roadless Rule would expand opportunities for active forest management" in 16% of inventoried roadless areas. 91 Fed. Reg. at 53829.
[40] "Under this proposed rule, there is additional flexibility for potential future leasable mineral development (primarily oil, gas, and coal) opportunities and it is reasonably foreseeable that some development could occur in potentially affected inventoried roadless areas, resulting in associate costs and benefits). *Id.* at 53830. The preamble does not indicate what those costs and benefits are or why the agency believes (if it does) that the benefits would exceed the costs.
[41] *Id.* More than 358,000 miles of roads already run through the national forests. Patrick Parenteau, *Why Trump's plan to rescind the Roadless Rule protecting national forests will struggle in court*, The Conversation (Aug. 26, 2026), https://theconversation.com/why-trumps-plan-to-rescind-the-roadless-rule-protecting-national-forests-will-struggle-in-court-290496.
[42] 91 Fed. Reg. at 53830.

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areas in which timber harvesting is now prohibited would not provide any significant assistance in "meet[ing] our domestic timber production needs."[43] The Forest Service claims that elimination of the Roadless Rule's prohibitions on road building and timber construction will mitigate wildfire risks, but the Forest Service itself has admitted that road construction increases rather than decreases opportunities for wildfire activity.[44] The Forest Service also describes the adverse impacts on recreational opportunities in the national forests that will result from rescission of the roadless rule, including increased noise, visible infrastructure, temporary closures, lost opportunities for quiet, remote, and self-reliant recreation, increased user conflict, and "lost economic benefits" to tourism and recreation industries.[45] Finally, the agency's draft environmental impact statement admits that the rescission "may affect" more than 300 endangered and threatened species and more than 70 critical habitat for those species.[46]

This recitation of the adverse impacts of rescinding the Roadless Rule refute the agency's claim that rescission and devolution of roadless area management to the land use planning process is justified, and demonstrates the agency's failure to explain why the deficiencies of that process in protecting roadless area ecological benefits and values that it identified when it adopted the Roadless Rule in 2001 have been or would be resolved by the rescission. As a result, the Forest Service's explanation falls woefully short of what the justification required to support the dramatic policy reversal that this proposal represents. We strongly urge the agency not to move forward with the rescission of the 2001 Roadless Rule.

Sincerely,

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[43] *Id.* at 53828.
[44] Andrew Avitt, *The Fire that Never Starts: Reducing Roadside Ignitions* (Mar. 9, 2026), https://www.fs.usda.gov/about-agency/features/fire-never-starts. *See also* Gregory H. Aplet, Phil Hatrger & Matthew S. Dietz, *Three-decade record of contiguous-U.S. national forest wildfires indicates increased density of ignitions near roads*, 22 Fire Ecology # 8 (2026).
[45] 91 Fed. Reg. 53829-30.
[46] 2001 Roadless Area Conservation Rule Rescission: Draft Environmental Impact Assessment 25 (Aug. 2026), https://aboutblaw.com/bmA9.