ON BEHALF OF THE ATTORNEYS GENERAL OF WASHINGTON, CALIFORNIA, ARIZONA, MASSACHUSETTS, MINNESOTA, NEW MEXICO, OREGON, AND VERMONT

September 19, 2025

BY REGULATIONS.GOV
Brad Kinder, Acting Director
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201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

Re: Comments on the United States Department of Agriculture, Forest Service Notice of Intent to Prepare an Environmental Impact Statement for its Proposal to Rescind the 2001 Roadless Area Conservation Rule, 90 Fed. Reg. 42179 (Aug. 29, 2025) (Docket FS-2025-0001)

Mr. Kinder:

On behalf of the Attorneys General of the undersigned States of Washington, California, Arizona, Massachusetts, Minnesota, New Mexico, Oregon, and Vermont, please accept the attached comments in response to the United States Department of Agriculture, Forest Service ("Agency") notice of intent to prepare an environmental impact statement ("notice of intent") for its proposal to rescind the 2001 Roadless Area Conservation Rule ("Roadless Rule"), 66 Fed. Reg. 3244 (Jan. 12, 2001), 36 C.F.R. Subpart B. 90.

In June 2025, the Agency announced its intent to rescind the Roadless Rule, a hard-won environmental safeguard that prohibits the construction or reconstruction of roads and timber harvesting, with limited exceptions, in inventoried roadless areas in National Forests (designated federal lands managed by the Agency). At the time it was proposed, the Roadless Rule was the most commented-on rule in U.S. history, with 95% of the 1.6 million comments received in support of protecting our National Forests from development. The Roadless Rule has become one of our country's most consequential conservation policies ever.

The Agency's proposal to rescind the Roadless Rule would open up nearly 45 million acres of National Forest land to road construction, commercial logging, mining, and other industrial activity. New road development will increase the risk of wildfire, pollute our waters, threaten and destroy wildlife habitat, and increase road maintenance costs. Millions of campers, hikers, climbers, paddlers, anglers, and hunters could be locked out of areas they have enjoyed access to for decades, and impacts to the recreation industry will have significant adverse impacts on the economy. The outdoor recreation industry, which accounts for $1.2 trillion in economic output, relies on access to these areas to do business. So too do the rural communities that surround them. An estimated 158 million visitors to National Forests contributed $13.7 billion to the economy and helped support 161,000 related jobs. Moreover, new roads and logging resulting from rescission of the Roadless Rule are expected to degrade water quality in watersheds found in inventoried roadless areas that provide a clean, reliable source of drinking water to millions of Americans.

The global climate crisis is intensifying, and protecting our forests, which are the largest carbon sinks in the world, must be part of the solution. Inventoried roadless areas in the National Forests alone capture more than 15 million tons of carbon per year in the American West, 43.4 million tons in the Interior West, and almost 4 million tons in the East. At a time when we should be doing everything in our power to combat climate change, rescinding the Roadless Rule would only serve to hinder these efforts. Thus, before the Agency makes a final decision on whether to

rescind the Roadless Rule, it must consider these and the other adverse consequences of rescission.

Thank you for considering these comments.

Sincerely,

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I. Management of National Forests and Development of the Roadless Rule

Congress promulgated the National Forest Management Act ("NFMA") of 1976 to govern the administration of national forests, and directed the U.S. Forest Service ("Agency") to "assess[] the Nation's renewable resources, and develop[] and prepar[e] a national renewable resource program."[1] NFMA requires the Agency to develop and periodically revise an integrated land and resource management plan, commonly known as a "forest plan," for each unit of the National Forest System.[2] The main objectives of NFMA are to require the Agency to assess the "present and anticipated uses, demand for, and supply of the renewable resources" within the National Forest System,[3] to develop plans for national forests,[4] provide budgeting for Agency activities,[5] and to set standards to regulate timber harvesting.[6]

Beginning in the 1970s, the Agency began to study, evaluate, and inventory "roadless areas" in the national forests.[7] As a result of these reviews in the 1970s, subsequent large-scale assessments, and land and resource planning for individual forest units, there are now 58.5 million acres of national forest lands identified as "inventoried roadless areas," which are largely undeveloped, but not entirely without roads.[8] From the late 1970s through the late 1990s, inventoried roadless areas were governed primarily by individual forest plans developed under NFMA.[9] Most forest plans provided for extractive uses, including logging, mining, oil and gas development, and construction of off-road vehicle routes on at least some portion of what are classified as inventoried roadless areas.[10] But in the late 1990s, the Agency began to reevaluate its approach to roadless area management, and in October 1999, President Clinton directed the Agency to develop a nationwide plan to protect the roadless areas in the national forests.[11]

In January 2001, the Agency promulgated the "Special Areas; Roadless Area Conservation" final rule ("Roadless Rule").[12] Subject to limited exceptions, the Roadless Rule prohibits road construction and reconstruction and timber harvesting in roadless areas.[13] As explained by the Agency at the time, the intent of the Roadless Rule "is to provide lasting protection for inventoried roadless areas within the National Forest System in the context of multiple-use management."[14]

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[1] 16 U.S.C. § 1600(2). Prior to the passage of NFMA, Congress promulgated the Multiple-Use Sustained-Yield Act of 1960, intended to administer the national forests "for outdoor recreation, range, timber, watershed, and wildlife and fish purposes." 16 U.S.C. § 1528.
[2] 16 U.S.C. § 1604(a), (f).
[3] 16 U.S.C. § 1601(a)(1).
[4] 16 U.S.C. § 1604(a).
[5] 16 U.S.C. § 1606(a).
[6] 16 U.S.C. § 1611(a).
[7] *See Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1104 (9th Cir. 2002), *abrogated by Wilderness Soc. v. U.S. Forest Serv.*, 630 F.3d 1173 (9th Cir. 2011).
[8] *See id.*; *Cal. ex rel. Lockyer v. U.S. Dep't of Agric.*, 575 F.3d 999, 1006 (9th Cir. 2009); Special Areas; Roadless Area Conservation, 66 Fed. Reg. 3244, 3245 (Jan. 12, 2001).
[9] For a description of NFMA as it relates to inventoried roadless areas, *see Cal. ex rel. Lockyer v. U.S. Dep't of Agric.*, 575 F.3d at 1006 (9th Cir. 2009).
[10] *Id.*
[11] *Id.*
[12] 66 Fed. Reg. at 3244. For a discussion of the Agency's development of the Roadless Rule, *see Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1104.
[13] 66 Fed. Reg. at 3244.
[14] 66 Fed. Reg. at 3244.

The Roadless Rule grew out of a need for a "whole picture" approach to forest management.[15] In promulgating the Roadless Rule, the Agency recognized that local planning efforts "may not always recognize the national significance of inventoried roadless areas and the values they represent in an increasingly developed landscape."[16] Through a national-level rule, the Roadless Rule was designed to reduce "a major point of conflict" in roadless area management.[17]

As discussed in more detail below, the Roadless Rule improves ecosystem health and provides recreational opportunities:

> Inventoried roadless areas provide clean drinking water and function as biological strongholds for populations of threatened and endangered species. They provide large, relatively undisturbed landscapes that are important to biological diversity and the long-term survival of many at risk species. Inventoried roadless areas provide opportunities for dispersed outdoor recreation, opportunities that diminish as open space and natural settings are developed elsewhere. They also serve as bulwarks against the spread of non-native invasive plant species and provide reference areas for study and research[18]

The Roadless Rule also acknowledged the high costs of forest road maintenance. As discussed in more detail below, when the Roadless Rule was promulgated, there was a backlog of about $8.4 billion in deferred maintenance and reconstruction costs on the more than 386,000 miles of roads within the forest transportation system.[19] The Agency found that allowing additional roadbuilding in inventoried roadless areas "makes little fiscal or environmental sense" when the Agency is "struggling to maintain its existing extensive road system."[20]

The Roadless Rule has withstood multiple challenges to its implementation.[21] In addition to legal challenges to the Roadless Rule,[22] in 2005 the Agency promulgated the "Special Areas; State Petitions for Inventoried Roadless Area Management" rule (the "State Petitions Rule").[23] The State Petitions Rule attempted to replace the Roadless Rule with a process under which the "Governor of any State or territory that contains National Forest System lands" could "petition the Secretary of Agriculture to promulgate regulations establishing management requirements for all or any portion of National Forest System inventoried roadless areas within that State or territory."[24] Several of the states joining this comment letter challenged the State Petitions Rule.[25] The district court found the State Petitions Rule violated the National Environmental Policy Act ("NEPA") and the Endangered Species Act ("ESA"), and reinstated the Roadless Rule.[26] The Ninth Circuit affirmed.[27]

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[15] 66 Fed. Reg. at 3246.
[16] *Id.*
[17] *Id.*
[18] 66 Fed. Reg. at 3245.
[19] 66 Fed. Reg. at 3245. This backlog has only increased. *See* Section II.C.5.
[20] *Id*. at 3246.
[21] *See, e.g., Organized Vill. of Kake v. U.S. Dep't of Agric.*, 795 F.3d 956, 961–962 (9th Cir. 2015) (describing the Roadless Rule's litigation history).
[22] *See id.*
[23] Special Areas; State Petitions for Inventoried Roadless Area Management, 70 Fed. Reg. 25654-01 (May 13, 2005).
[24] *Id*. at 25661.
[25] *California ex rel. Lockyer v. U.S. Dep't of Agric*., Case No. 05-03508 (N.D. Cal.).
[26] *California ex rel. Lockyer v. U.S. Dep't of Agric.*, 459 F. Supp. 2d 874, 909, 912 (N.D. Cal. 2006), *aff'd,* 575 F.3d 999 (9th Cir. 2009).
[27] 575 F.3d at 1021.

II. Inventoried Roadless Areas in Our States

Collectively, there are approximately 58.5 million acres of inventoried roadless areas in our national forests. Over 11.2 million acres (19% of the total) of inventoried roadless areas can be found within the boundaries of the undersigned States alone. These inventoried roadless areas are part of an overall network of federal and state lands providing for contiguous habitat, recreation, and ecological resources to the benefit of the whole country.

Washington

Washington State contains 9.2 million acres of National Forest land, about one-fifth of the State's total land mass.[28] Of those 9 million acres, two million acres are inventoried roadless areas, and 716,000 acres would be open to road construction and timber harvest if the Agency rescinds the Roadless Rule.[29] The remaining inventoried roadless areas in Washington State are currently protected under existing forest plans. However, should the Agency proceed with the rescission of the Roadless Rule, these forest plans could be amended to allow for road construction and timber harvest.

Roadless areas within Washington State are located in the Olympic, Mount-Baker Snoqualmie, Gifford Pinchot, Wenatchee, Okanogan, Colville, and Umatilla National Forests.[30] The inventoried roadless areas connect to and expand upon habitat located in all three national parks in Washington: Olympic National Park, North Cascades National Park, and Mount Rainier National Park. The inventoried roadless areas also border multiple wilderness areas, and either contain portions of or affect water bodies throughout the State, such as Lake Chelan, Quinault Lake, Baker Lake, the Snake River, the Hood Canal, the Columbia River, the Upper Willamette River, and ultimately Puget Sound.

Washington's state-owned forest properties border many of the national forest properties in Washington. These lands include the Washington State Department of Natural Resources' timberlands adjacent to the Olympic National Forest, the Gifford Pinchot National Forest, the Mount Baker-Snoqualmie National Forest, the Okanogan National Forest, and the Colville National Forest.[31]

Roadless areas in Washington provide opportunities to enjoy scenic vistas, hunting, camping, fishing, and hiking, all of which attract business development within the State. Washington State sees billions of dollars' worth of benefit from recreation in the forest system. This includes the economic benefit the State sees from recreational and commercial fishing of anadromous fish, such as salmon, that spawn in forested lands. More broadly, outdoor recreation in Washington supports $26.5 billion in annual expenditures from residents and tourist on trips, fishing, boating, and outdoor recreation gear.[32] This amounts to over $40 billion in total economic contributions, about $400 million of which are tied directly to U.S. Forest Service lands.[33] Rescission of the

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[28] *See* U.S. Dep't of Agric., Forest Serv., Forest Service Roadless Area Conservation, Final Environmental Impact Statement ("2000 FEIS"), Vol. 1 at A-4.
[29] 2000 FEIS, Vol. 1 at A-4.
[30] 2000 FEIS, Vol. 2 at 197.
[31] Washington State Trust Lands Map, *available at* https://dnr.wa.gov/sites/default/files/2025-03/eng_rms_state_trust_lands_map_sm2.pdf
[32] Earth Economics, Economic Analysis of Outdoor Recreation in Washington State, 2020 Update, at 13, available at https://rco.wa.gov/wp-content/uploads/2020/07/EconomicReportOutdoorRecreation2020.pdf, hereinafter Economic Analysis.
[33] Economic Analysis at 15.

Roadless Rule would allow development in these areas that could reduce recreation and impact fish harvests.

Additionally, the inventoried roadless areas and adjoining areas support an abundance of wildlife, including endangered wildlife. Multiple fish species native to Washington that are listed as threatened or endangered under the ESA have habitat in the inventoried roadless areas, including sockeye, chum, and chinook salmon, steelhead trout, and bull trout.[34] Terrestrially, the Canada lynx, the grizzly bear, the gray wolf, the woodland caribou, the marbled murrelet and the northern spotted owl are all endangered species with habitat in or affected by the inventoried roadless areas.[35] Washington State has invested significant resources, time, and money into recovery of these listed species. Under Washington law, wildlife, fish, and shellfish are property of the State.[36]

The Agency already operates an extensive network of over 22,000 miles of roads within the National Forests in Washington. However, the Agency has not historically had the resources to maintain these roads and this continues to be true today where "it is clear that current funding levels are not keeping pace with operation and maintenance needs of the road system."[37] This has led to erosion and the deposition of sediments into the State's waters, including areas that provide habitat to threatened and endangered species.[38]. Washington State Sees a "significant backlog of maintenance … which now exceeds $236 million across more than 8,500 miles of road" in Western Washington.[39] For instance, repairs have been needed to the Dosewallips road since at least 2016.[40] However, NPS and the USFS did not conduct the needed repairs. The areas continued to erode and a storm washed out the road in 2022 and the road has been closed ever since.[41] Any plan to systematically allow for more road construction must assess the additional cost of maintaining new roads and sources of funding to maintain both existing and new roads.

Construction and maintenance of roads also impacts water quality for drinking water. Seattle and Tacoma rely on watersheds that lie largely within and are fed by snowmelt from the Mount Baker-Snoqualmie National Forest.[42] Over two million people rely on this high-quality water source which could be improved by decommissioning of surplus roads, not building of additional roads.[43]

Protection of inventoried roadless areas has been an important issue for Washingtonians since the introduction of the Roadless Rule. Washington's congressional delegation, led by Senator Maria Cantwell, has pushed for legislation to codify the Roadless Rule into law. Most recently Senator Cantwell introduced the Roadless Area Conservation Act of 2025 to protect roadless areas in Washington state and beyond.[44]

<u>California</u>

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[34] 2000 FEIS Appendix C, C-3 to C-18.
[35] *Id.*
[36] Wash. Rev. Code § 77.04.012.
[37] Roadmap for Increased Investment in Western Washington's National Forest Road Network, U.S. Dept. Of Transp. Volpe Center, at 2, July 2025.
[38] *Id.* at 10, 11.
[39] *Id.* at 2.
[40] *Id.* at 5.
[41] *Id*. at 5
[42] *Id.* at 10.
[43] *Id.*
[44] Press Release, Senator Maria Cantwell, June 11, 2025, available at https://www.cantwell.senate.gov/news/press-releases/-sens-cantwell-and-gallego-reps-salinas_ansari-lead-bicameral-legislation-to-permanently-preserve-last-remaining-wild-forest-lands

California has 4,416,000 acres of inventoried roadless areas, the fifth highest of any State in the United States when the Agency promulgated the Roadless Rule.[45] Because the Agency no longer considers the Roadless Rule to apply to Colorado and Idaho, which have their own state-specific roadless rules, California now has the third largest acreage of inventoried roadless areas covered under the Roadless Rule.[46] California's 20 National Forests are home to a panoply of iconic flora and fauna, many of which are listed as threatened or endangered under the federal and California Endangered Species Acts. Among them are the California condor, the California coastal gnatcatcher, the California red-tailed frog, the marbled murrelet, the Santa Ana sucker, the Southern Oregon/Northern California coast's evolutionary significant unit ("ESU") of coho salmon, the Southern California ESU of steelhead, the San Joaquin kit fox, the Santa Monica Mountains dudleya, the San Bernardino Mountains bladderpod, the San Francisco Peaks groundsel, the California dandelion, the desert tortoise, and others.[47] Several threatened or endangered species in California have habitat within and/or affected by inventoried roadless areas and some of these habitats are designated as critical habitats.[48]

In addition to providing important habitats for wildlife, inventoried roadless areas in thirteen of California's National Forests—Shasta-Trinity, Modoc, Plumas, Tahoe, Mendocino, Six Rivers, Eldorado, Sierra, Inyo, Sequoia, Cleveland, San Bernardino, and Los Padres—include sensitive watersheds and waterways that are important sources of water for multiple uses, including drinking water and recreation. For example, the inventoried roadless areas in the southern portion of the Cleveland National Forest include headwaters and tributaries that feed into the San Diego River, which is a source of drinking water for the City of San Diego.[49] As it discharges into the Pacific Ocean, the San Diego River forms an estuary that is home to many birds, fish, and reptiles. The river also provides access to numerous forms of recreation, such as wildlife observation and photography, hiking, and dog walking at an adjacent dog beach.[50] Similarly, the inventoried roadless areas in the Angeles National Forest and Los Padres National Forest include headwaters and tributaries that feed Castaic Lake and Lake Piru, respectively, two important recreation areas in Los Angeles and Ventura Counties.[51] In Northern California, inventoried roadless areas, such as those in the Eldorado National Forest, also include headwaters and tributaries of important water resources like Lake Tahoe, the Sacramento River, and San Francisco Bay.[52] Several of these watersheds are listed as impaired waters under section 303(d) of the Clean Water Act. For example, the Santa Clara, Santa Ana, San Gabriel, and San Diego rivers in Southern California are listed as impaired for nutrients and sedimentation. And in

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[45] 2000 FEIS, Appendix B at B-3.

[46] Special Areas; Roadless Area Conservation; National Forest System Lands, 90 Fed. Reg. 42179, 42180 (Aug. 29, 2025).

[47] 2000 FEIS, Appendix C, C-3 to C-18.

[48] *Id.*

[49] *See* The City of San Diego, El Capitan Reservoir, https://www.sandiego.gov/reservoirs-lakes/el-capitan-reservoir; *see also*, The City San Diego Pub. Utilities Dep't, Source Water Sys. Map, https://www.sandiego.gov/sites/default/files/source_water_system_director_map_no_table_2019.pdf (last visited Sept. 17, 2025).

[50] *See* San Diego River Park Foundation, Recreation Areas, https://sandiegoriver.org/discover/recreation-areas/ (last visited Sept. 17, 2025).

[51] *See* generally U.S. Forest Service, Roadless Area: 2001, Idaho, and Colorado Rules Combined (Roadless Area Map), https://usfs.maps.arcgis.com/apps/mapviewer/index.html?layers=f6bcf18fe98441dead07c08d44a0cbdb (last visited Sept. 17, 2025); Friends of Castaic Lake, Castaic Lake Recreation Area, https://www.castaiclake.com/ (last visited Sept. 17, 2025); United Water Conservation District, Lake Piru Recreation Area, https://explorelakepiru.com/(last visited Sept. 17, 2025).

[52] *See* Roadless Area Map, https://usfs.maps.arcgis.com/apps/mapviewer/index.html?layers=f6bcf18fe98441dead07c08d44a0cbdb (last visited Sept. 17, 2025).

Northern California, the South Fork Trinity, North Fork Eel, and Scott rivers are impaired for elevated temperature, sediment, and low dissolved oxygen. These Northern California rivers are critical for salmonid habitat and support threatened and endangered species. Rescinding the Roadless Rule may further impair these waters, threatening municipal water supplies, recreation, and cold freshwater habitat.

Other types of recreation that benefit from roadless area protection include hiking the Pacific Crest Trail, camping at sites like the Ponderosa and Nacimiento campgrounds in the Los Padres National Forest, and hiking up to overlooks near the Convict Flat campground in the Sequoia National Forest, among others.[53]

California has a goal to protect 30% of California's lands and coastal waters by 2030 ("30x30 goal").[54] The aim of the 30x30 goal is "to help accelerate conservation of [California's] lands and coastal waters through voluntary, collaborative action with partners across the state to meet three objectives: conserve and restore biodiversity, expand access to nature, and mitigate and build resilience to climate change."[55] California did not start its 30x30 effort by itself; it was part of a national and global effort.[56] Currently, California has classified approximately 26.5 million acres (26.10% of California) of terrestrial area as acres conserved.[57] This conservation area includes inventoried roadless areas; therefore, a rescission of the Roadless Rule may impact California's ability to achieve the 30x30 goal.[58]

California has greatly invested in additional conservation projects such as Redwoods Rising. In partnership with Save the Redwoods League and the National Park Service, California is restoring previously logged forests, protecting old growth forests, and ensuring the long-term health of forests and the flora and fauna that depend on them.[59] As part of the project, legacy logging roads have been repaired and reused "to facilitate access for forest restoration, restore historical drainage patterns by removing fill from eroded stream crossing, and remove malfunctioning structures such as culverts to improve stream flow and remove barriers to fish passage."[60] Once forest treatments and aquatic restoration work is complete, most logging haul roads will be removed and reforested.[61] Doing this type of conservation and restoration work is of great benefit to California as "[l]ogging not only took away huge, old trees. It also left behind heavily damaged streams and hundreds of miles of old, failing roads and stream crossings."[62]

California's regional water boards have jurisdiction over large areas of federal forest land and regulate the Agency's land management activities through their federal nonpoint source general permits. The increased land disturbance activities in National Forests that is likely to result from rescinding the Roadless Rule will increase the workloads of the State and its regional water

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[53] *Id.*
[54] Cal. Nat. Res. Agency, Conserving 30 percent of California's lands and coastal waters by 2030, https://www.californianature.ca.gov/ (last visited Sept. 17, 2025).
[55] *Id.*
[56] *Id.*
[57] *See* Cal. Nat. Res. Agency, Conserved Areas Explorer, https://experience.arcgis.com/experience/83b5c08cae8b47d3b7c623f2de1f0dcc (last visited Sept. 17, 2025).
[58] *See* Cal. Nat. Res. Agency, Conserved Areas Explorer, https://experience.arcgis.com/experience/83b5c08cae8b47d3b7c623f2de1f0dcc (last visited Sept. 17, 2025).
[59] Save the Redwoods League, Redwoods Rising, https://www.savetheredwoods.org/project/redwoods-rising/ (last visited on Sept. 17, 2025).
[60] Save the Redwoods League, Redwoods Rising Overview, https://www.savetheredwoods.org/project/redwoods-rising/overview/ (Jan 9, 2023).
[61] *Id.*
[62] Save the Redwoods League, Redwoods Rising, https://www.savetheredwoods.org/project/redwoods-rising/ (last visited on Sept. 17, 2025).

boards, requiring them to conduct more field inspections, respond to complaints and investigate incidents for actual and threatened discharges, and file more enforcement actions, where appropriate. The Agency must consider how rescinding the Roadless Rule will affect States like California, as well as its relationships with States and local agencies.[63]

California also has a strong interest in preventing damage to people and property from catastrophic wildfires, and the Roadless Rule is not an impediment to such prevention efforts. While active forest management can reduce fire hazards, in general, heavily managed lands have burned as severely or more severely as unmanaged lands during the past decade of fires in California. Indeed, high severity wildfire incidence in the State was greater in areas adjacent to private industrial land.[64]

In addition, the Roadless Rule does allow for forest management, including timber harvesting of smaller diameter trees as well as other fire prevention activities, such as prescribed fires. California is continuing to improve practices in the wildland-urban interface as well as in inventoried roadless areas. In February 2023, the Agency conducted a prescribed fire east of the South Fork Middle Fork Tule River in an inventoried roadless area in the Sequoia National Forest.[65] Later that year, in June 2023, the Agency conducted piling work[66] near the Lion Canyon Trail in the Los Padres National Forest.[67] More than 2,000 vegetation management and wildfire resilience projects have been completed or are underway across California.

The Roadless Rule confers tangible benefits to California, which is why it has fought so hard to preserve it.[68] The rule helps protect California's wildlife, natural environment, and social and recreational benefits for residents and visitors. It also allows for adequate forest management to protect people and property. California has a strong interest in maintaining the Roadless Rule.

Arizona

Arizona has over 11 million acres of national forest land, including nearly 1.2 million acres of inventoried roadless areas. Thus, Arizona has the 12th-most inventoried roadless areas in the US.[69] Arizona's inventoried roadless areas span parts of six distinct and ecologically diverse national forests: Apache-Sitgreaves, Coconino, Coronado, Kaibab, Prescott, and Tonto. Should such biodiverse and popular destinations be left unprotected, the negative impact to Arizona's outdoor recreation industry and the state's tourism revenue would be immense. In 2023, the outdoor recreational economy accounted for $14 billion of Arizona's GDP.[70] New roads and

[63] 66 Fed. Reg. at 3246 (managing roadless-area issues on a case-by-case basis through localized processes, prior to promulgating the Roadless Rule, had been "costly in terms of both fiscal resources and agency relationships").
[64] Jacob I. Levine et al., Higher incidence of high-severity fire in and near industrially managed forests, 20 Frontiers in Ecology and Environment 7, 397-404 (2022).
[65] *See* California Wildfire & Forest Resilience Task Force, Interagency Treatment Dashboard (Dec. 13, 2024), https://interagencytrackingsystem.org/.
[66] "Piling work" is the collection of debris that is then placed into piles. When the weather is favorable, the piles of debris are burned in a controlled setting. The purpose is to remove flammable debris from the forest floor. *See* U.S. Forest Service, U.S. Dep't of Agric., Pile Burning (Mar. 10, 2025), https://www.fs.usda.gov/r02/arp/fire/management/pile-burning.
[67] *Id.*
[68] *See, e.g., California ex rel. Lockyer v. U.S. Dep't of Agric.*, 459 F. Supp. 2d 874, 909, 912 (N.D. Cal. 2006
[69] United States Forest Service (USFS), *Appendix A: Inventoried Roadless Area Acreage: Categories of NFS Lands Summarized by State*, https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsm8_037652.htm (last visited Sept. 19, 2025).
[70] U.S. Bureau of Economic Analysis, *Outdoor Recreation Satellite Account, U.S. and States, 2023* https://www.bea.gov/sites/default/files/2024-11/orsa1124_0.pdf (November 20, 2024).

logging resulting from rescission of the Roadless Rule would also degrade water quality in watersheds found in inventoried roadless areas, threatening clean, reliable sources of drinking water to Arizonans.

Should the rescission of the Roadless Rules proceed, the following inventoried roadless areas—as well as the local economies that depend on them—would be at risk.

Apache-Sitgreaves National Forest

The Apache-Sitgreaves National Forests in east-central Arizona are known for their extensive water resources, including over 680 miles of rivers and streams and 34 lakes and reservoirs. This makes the area a leading destination for fishing, boating, and other water-based activities. The area's high elevation provides a cool respite during the hot summer months and is home to a diverse range of wildlife, including elk, black bears, and the endangered Mexican gray wolf. The following are a few destinations that would be impacted by the Roadless Rule rescission: Escudilla Mountain, The Blue Range, Bear Wallow Wilderness Buffers, and Hells Hole and Campbell Blue.

Coconino National Forest

The Coconino National Forest is celebrated for its dramatic and varied landscapes, most notably the iconic red rock formations of Sedona. This allows for a unique combination of recreational activities, from exploring desert canyons to skiing in the winter. The following are a couple destinations that would be impacted by the Roadless Rule rescission: Padre Canyon and Barbershop Canyon (East Clear Creek).

Coronado National Forest

The Coronado National Forest is famous for its "sky islands," which are isolated mountain ranges known as biodiversity hotspots and world-renowned destinations for birdwatching. Species found in the sky islands are not seen anywhere else in the United States. Portions of the Chiricahua Mountains and Mount Lemon would no longer be protected should the Roadless Rule be rescinded, as well as access to Romero Pools (within Catalina State Park), which often receives more than 360,000 visitors annually combined. [71] [72] [73]

Kaibab National Forest

Adjacent to both the north and south rims of the Grand Canyon, the Kaibab National Forest is renowned for its vast stands of ponderosa pine tree, which are part of the largest contiguous ponderosa pine forest in the United States. The following are a few destinations that would be impacted by the Roadless Rule rescission: Sheridan Mountain and Ash Creek, Willis Canyon, Burro Canyon, and Coconino Rim.

Prescott National Forest

[71] Arizona State Parks and Tracks, *available at* https://azstateparks.com/about/park-visitation-data.
[72] National Parks Service, *Welcome to Visitor Use Statistics, available at* https://irma.nps.gov/Stats/ (last visited Sept. 19, 2025).
[73] U.S. Department of Agriculture, *Welcome to Coronado National Forest*, https://www.fs.usda.gov/coronado (last visited Sept. 19, 2025).

Nestled in the central mountains of Arizona, the Prescott National Forest is a popular destination for a wide array of outdoor recreation. It is well-known for its extensive network of over 450 miles of trails, catering to hikers, mountain bikers, and equestrians. The forest is also home to several scenic lakes, including Lynx Lake and Granite Basin Lake, which are popular for fishing, boating, and picnicking. The following are a couple destinations that would be impacted by the Roadless Rule rescission: Sheridan Mountain and Ash Creek.

Tonto National Forest

As the largest national forest found in Arizona, the Tonto National Forest is one of the most visited urban forests in the United States, receiving approximately 3 million visitors annually.[74] Two lakes within Tonto that will be affected by the rescission of the Roadless Rule would be Canyon Lake and Saguaro Lake, which captures a significant portion of annual visitation, as they are easily accessible from the Phoenix area.

Massachusetts

Although Massachusetts has no inventoried roadless areas within its borders, rescinding the Roadless Rule, which will impact our neighboring states' National Forests, and therefore could result in harmful impacts to Massachusetts' natural resources. For example, Vermont's Green Mountain National Forest abuts Massachusetts and its inventoried roadless areas provide and protect habitat for essential flora and fauna, including fish, bear, moose, otter, and more.[75] These forested resource areas and habitats extend over the border into Massachusetts.[76]

Additionally, inventoried roadless areas in the Green Mountain National Forest host headwaters for several tributaries to the already impaired Connecticut River that runs through Massachusetts.[77] The Connecticut River is a vital natural resource that supports Massachusetts biodiversity.[78] It is particularly important for its richness of federal and state-listed species, as well as the state's economy including industry, agriculture, and recreation.[79]

[74] *See* U.S. Department of Agriculture, *Welcome to Tonto National Forest*, https://www.fs.usda.gov/r03/tonto (last visited Sept. 19, 2025).
[75] *See, e.g.*, Forest Service, *Green Mountain and Finger Lakes National Forests*, https://www.fs.usda.gov/r09/gmfl/recreation/george-d-aiken-wilderness (Describing wildlife protected by the inventoried roadless area-surrounded Aiken Wilderness).
[76] *See* Massachusetts Department of Conservation and Recreation, Maps of State Forests in Northern Berkshire and Western Connecticut Valley, Forest Resource Management Plans, https://www.mass.gov/lists/forest-resource-management-plans.
[77] *See* Massachusetts Department of Environmental Protection, *Water Quality Data Viewer*, https://arcgisserver.digital.mass.gov/MassDEPWaterQuality/Home/Index (Integrated List of Waters tab, polygons at the MA/VT border show a large number of "Critical Natural Landscape" and "Core Habitat" areas.); MassGIS Data: *MassDEP 2022 Integrated List of Waters (305(b)/303(d))* (August 2023), https://www.mass.gov/info-details/massgis-data-massdep-2022-integrated-list-of-waters-305b303d.
[78] *See* https://biomap-mass-eoeea.hub.arcgis.com/.
[79] *See* New Hampshire Department of Environmental Services, *Environmental Fact Sheet: The Connecticut River* (2023), https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/rl-4.pdf.

The inventoried roadless areas in White Mountain National Forest in New Hampshire protect the Pemigewasset River, the headwater of the Merrimack River.[80] The Merrimack is an irreplaceable source of drinking water for over half a million Massachusetts residents and visitors.[81] The river and its tributaries also support countless fish, migratory birds, and approximately 75 federally or state-listed species (e.g. Shortnose Sturgeon), as well as recreation, cultural identity, and the economy in Massachusetts cities like Lowell and Lawrence.[82]

Existing logging activities are already problematic in the Merrimack River watershed, impairing a number of waterbodies and stream segments within the Merrimack River watershed.[83] Additional logging and road building would likely accelerate water quality issues in Massachusetts, and pass along roadway construction and maintenance costs to taxpayers.

Minnesota

The rescission of the Roadless Rule would directly undermine Minnesota's climate goals, environmental health, and public interest. Minnesota has committed to reducing greenhouse gas emissions by 50% by 2030 and achieving net-zero emissions by 2050.[84] These goals, established through the Minnesota Climate Action Framework, rely heavily on the conservation of natural and working lands—especially forests—which act as vital carbon sinks.[85] The Roadless Rule protects some of the most ecologically intact areas within our National Forests, including over 60,000 acres in Minnesota's Superior National Forest.[86] These lands are critical not just for carbon sequestration, but also for safeguarding our water quality, protecting wildlife habitats, and building climate resilience. Rescinding the Roadless Rule threatens to increase carbon emissions by opening old-growth forests to roadbuilding, logging, and extractive industries; degrading water quality in vulnerable watersheds that feed the Boundary Waters Canoe Area Wilderness and Lake Superior; and undermining ecosystem resilience at a time when Minnesota is investing in climate-smart land management and biodiversity conservation.[87]

Superior National Forest is the eighth most visited national forest in the U.S., and it includes over 445,000 acres of water and extensive fish habitat for species like walleye, northern pike,

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[80] *See U.S. Army Corps of Engineers, Merrimack River Navigation Project*, https://www.nae.usace.army.mil/Missions/Civil-Works/Navigation/Massachusetts/Merrimack/#:~:text=Merrimack%20River%20Navigation%20Project,in%20the%20river%20at%20Haverhill.

[81] *See* U.S. Environmental Protection Agency, *About the Merrimack*, https://www.epa.gov/merrimackriver/about-merrimack.

[82] *See* Massachusetts Division of Fisheries and Wildlife, *Shortnosed Sturgeon*, https://www.mass.gov/info-details/shortnose-sturgeon (found in both Connecticut and Merrimack rivers).

[83] *See* Society for the Protection of New Hampshire Forests, *The Merrimack River: How Revisiting its History Helps to Renew Action*, https://www.forestsociety.org/blog-post/merrimack-river-how-revisiting-its-history-helps-renew-action.

[84] Minnesota Pollution Control Agency, "Minnesota's Climate Action Framework," at pg. 13, available at https://climate.state.mn.us/sites/climate-action/files/Climate%20Action%20Framework.pdf.

[85] *Id.*

[86] USDA Forest Service, "Roadless Areas – Appendix A," available at https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsm8_037652.htm

[87] Cheuk, K., "Trump's plan to strip protections from federal forests affects 62K acres in Minnesota," The Minnesota Star Tribune, June 26, 2025; *see also* Climate Action Framework, *supra* fn. 1 at pg. 15.

bass, and trout.[88] The outdoor recreation economy in Minnesota—including paddling, camping, hiking, and ecotourism—relies on the wilderness character of public lands, like Superior National Forest.[89] Minnesota's outdoor recreation sector supports nearly 96,000 jobs and generates $5.9 billion in wages and compensation.[90] Many roadless areas in northern Minnesota are key corridors for wolves, moose, black bears, and migratory birds.[91] Opening these areas to development would reduce opportunities for wildlife viewing, tracking, and photography, and diminish the "wild" qualities that draw millions of visitors to the region each year and support rural livelihoods.[92]

Higher road densities can displace elk and deer, and hunting can be affected by fragmenting critical wildlife habitats. Hunters in Minnesota spend approximately $733 million annually on things like gear, lodging, food, and travel. This includes both in-state and out-of-state hunting expenditures.[93] This spending supports over 12,400 jobs, generating around $417 million in salaries and wages.[94] Hunting contributes roughly $93 million in state and local taxes, plus around $106 million in federal taxes.[95]

Several endangered, threatened, and sensitive species live in or near the Superior National Forest—including inventoried roadless areas that could be affected if the rule is rescinded. These species rely on the intact, roadless, and relatively undisturbed habitat found in these parts of northeastern Minnesota. Those include the gray wolf, Canada lynx, and the northern long-eared bat.[96] Rescinding the Roadless Rule in these areas opens the door to habitat fragmentation, noise, and pollution. It also encourages motorized access to previously remote areas, and creates pathways for invasive species, including predators and competitors.[97]

New Mexico

New Mexico is home to approximately 9.3 million acres of National Forest, of which over 1.5 million acres are inventoried roadless areas.[98] These inventoried roadless areas are within the Carson, Cibola, Coronado, Gila, Lincoln, and Santa Fe National Forests, and the Kiowa National

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[88] USDA Forest Service, "Superior National Forest – About the Area," available at https://www.fs.usda.gov/r09/superior/about-area (last updated March 5, 2025).
[89] Explore Minnesota & MN Department of Employment & Economic Development, "Minnesota's Outdoor Recreation Economy Shows Resilience with Steady Growth," Dec. 5, 2024, *available at* https://www.exploreminnesota.com/media-room/news-releases/minnesotas-outdoor-recreation-economy-shows-resilience-steady-growth.
[90] *Id.*
[91] Discover the Range (Iron Range), "Superior National Forest Wildlife Guide," available at https://ironrange.org/superior-national-forest-wildlife.
[92] H.R. REP. 115-422 – Minnesota's Economic Rights in the Superior National Forest Act, 115th Congress (2017-2018).
[93] "Economic Date – Hunting Works for Minnesota," available at https://huntingworksformn.com/economic-data. *See also* U.S. Fish & Wildlife Service, "2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation," available at https://www.fws.gov/sites/default/files/documents/2024-04/1691.pdf.
[94] *Id.*
[95] *Id.*
[96] U.S. Fish & Wildlife Service, Minnesota-Wisconsin Ecological Services Field Office, "Featured Species," available at https://www.fws.gov/office/minnesota-wisconsin-ecological-services/species.
[97] U.S. Government Accountability Office, "Forest Service Roadless Areas: Potential Impact of Proposed Regulations on Ecological Sustainability" (Letter Report, Nov. 8, 2000), GOA/GOA-01-47, available at https://www.govinfo.gov/content/pkg/GAOREPORTS-GAO-01-47/html/GAOREPORTS-GAO-01-47.htm;
[98] United States Forest Service (USFS), *Appendix A: Inventoried Roadless Area Acreage: Categories of NFS Lands Summarized by State*, https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsm8_037652.htm (last visited Sept. 11, 2025).

Grassland.[99] Under the Roadless Rule, these areas have enjoyed significant protection from additional human activity and resource extraction, and from concomitant ecological and environmental harms. If the Agency rescinds the Roadless Rule, New Mexico could suffer enormous negative impacts from additional road construction, logging, mining, and other industrial activity. Not only could removing these protections negatively affect New Mexico's ecology and environment, but rescinding the Roadless Rule could also impair New Mexico's economy by compromising its already scarce drinking water and destroying the backdrop of unspoiled natural beauty on which much of New Mexico's tourism industry depends. It would also likely rob future generations of New Mexicans of the pristine natural resources that the Roadless Rule protects.

New Mexico is an arid state, characterized by high temperatures and low precipitation. As such, New Mexico's water resources are precious, especially those used to provide clean, safe drinking water. For example, nearly 6 million people rely on the Rio Grande, New Mexico's largest river, for drinking water.[100] Multiple tributaries to the Rio Grande—including the Pecos, Santa Fe, and Jemez Rivers—have their headwaters in roadless or otherwise protected areas.[101] In addition to water from tributaries and precipitation, the Rio Grande transports water from the San Juan–Chama Project, which diverts water from the San Juan River basin into the Rio Grande watershed for downstream use.[102] Any increase in soil runoff and sedimentation in the Rio Grande's tributaries would contribute directly to a decline in water quality, decreasing the overall availability of clean water and increasing infrastructure costs related to water treatment.[103] Because the Rio Grande is used to deliver water from the San Juan–Chama Project to multiple municipalities in New Mexico, failing to protect the Rio Grande's water quality would compromise the effectiveness of the Project and waste taxpayer dollars.

Inventoried roadless areas also protect threatened and endangered species. According to the U.S. Fish and Wildlife Service, New Mexico is home to 38 listed or endangered species, including the Mexican wolf, the jaguar, the dunes sagebrush lizard, the New Mexico meadow jumping mouse, the Mexican long-nosed bat, the Mexican spotted owl, and the Southwestern willow flycatcher, to name just a few.[104] New Mexico's forests comprise a diverse set of ecological zones, including mountainous subalpine forests and alpine tundra, luscious ponderosa pine forests, and riparian ecosystems.[105] These zones support a plethora of species in addition to those listed above, including black bears, mountain lions, big horn sheep, elk, and mule deer.[106] Some, like the

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[99] USFS, Map of New Mexico showing inventoried roadless area on National Forest System Lands, https://www.fs.usda.gov/sites/default/files/roadless-map-newmexico-high-resolution-fsmrs-072364.pdf (last visited Sept. 11, 2025).

[100] U.S. EPA, *Climate Change Connections: New Mexico (Rio Grande)* (Aug. 11, 2025), https://www.epa.gov/climateimpacts/climate-change-connections-new-mexico-rio-grande.

[101] Office of the State Engineer, *Interstate Stream Commission: Rio Grande Basin* https://www.ose.nm.gov/Basins/RioGrande/index.php (last visited Sept. 11, 2025); *compare* Map of New Mexico showing Inventoried roadless area.

[102] U.S. Bureau of Reclamation, *San Juan-Chama Project*, https://www.usbr.gov/projects/index.php?id=521 (last visited Sept. 11, 2025).

[103] *See, e.g.*, J.H. Patric, *Soil Erosion in the Eastern Forest*, 74 J. FORESTRY 671 (1976); Egan et al., *Forest Roads in West Virginia, USA: Identifying Issues and Challenges*, 7 J. FOREST ENG'G 33 (1996).

[104] U.S. Fish and Wildlife Service, *Environmental Conservation Online System: Listed Species with Spatial Current Range Believed to or Known to Occur in New Mexico*, https://ecos.fws.gov/ecp/report/species-listings-by-state?stateAbbrev=NM&stateName=New%20Mexico&statusCategory=Listed (last visited Sept. 11, 2025).

[105] *See generally* N.M. Dep't Game & Fish, *Ecoregions*, https://nmswap.org/ecoregions (last visited Sept. 11, 2025).

[106] Andrew Black, National Wildlife Federation, *From Sacred Majesty to Sound Management*, https://blog.nwf.org/2019/10/from-sacred-majesty-to-sound-management/.

endangered Mexican spotted owl, are dependent on untouched forest habitat, relying on old growth trees in mountainous areas.[107]

Rescinding the Roadless Rule would directly harm these species. Road construction and resulting deforestation lead to habitat fragmentation, where a species' habitat is bifurcated by roads, leading to an overall decrease in habitat.[108] Additionally, some species actively avoid roads, even when disturbances are irregular and isolated.[109] This has been shown to lead to a decrease in population abundance or density of breeding individuals in habitats adjacent to roads.[110] An increase in vehicle traffic necessarily increases the number of animals hit and killed on those roads.

Additionally, New Mexico has numerous aquatic and semi-aquatic species that are endangered due to drought and habitat loss. These include the Chiricahua leopard frog, the desert pupfish, the Rio Grande silvery minnow, the Jemez Mountains salamander, and the Gila chub, among many others.[111] If the Roadless Rule is rescinded, these species would be at risk of habitat degradation due to road runoff and increased sedimentation.[112] The biological effects of excess sediments in streams and rivers are well established and include lowered water quality, displacement of habitat space, limitation on water movement and flows, disruption of normal behavior due to visual impairment, decreased primary productivity, abrasion, smothering, and increased uptake of sediment-bound toxicants.[113]

Many of New Mexico's inventoried roadless areas are near or adjacent to pueblos, tribal lands, and lands with historical, religious, and cultural significance. For example, inventoried roadless areas help protect sacred sites in the Cibola National Forest such as Mount Taylor, which is a sacred pilgrimage site for the Acoma, Zuni, Jemez, and Laguna Pueblos, and the Navajo Nation, among others.[114] Inventoried roadless areas also flank and protect the Wheeler Peak Wilderness, which is home to Blue Lake, sacred to Taos Pueblo.[115] Inventoried roadless areas also protect much of the Valles Caldera National Preserve, a sacred site and place of pilgrimage for many New Mexico pueblos.[116]

Similarly, inventoried roadless areas help to protect and preserve historic and cultural sites in the Gila National Forest such as the Gila Cliff Dwellings National Monument.[117] The Gila Cliff

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[107] U.S. Fish & Wildlife Service, *Mexican Spotted Owl*, https://www.fws.gov/species/mexican-spotted-owl-strix-occidentalis-lucida (last visited Sept. 11, 2025).
[108] U.S. Dep't of Transp., Pub. No. FHWA-CFL/TD-11-003, *Wildlife Crossing Structure Handbook Design and Evaluation in North America* at 11–16 (Mar. 2011), https://www.fhwa.dot.gov/clas/ctip/wildlife_crossing_structures/.
[109] *Id.*
[110] *Id.*
[111] *Listed Species*.
[112] *See* Patric.
[113] New Mexico Environment Department, *Sediment in New Mexico Streams: Existing Conditions and Potential Benchmarks* at 1 (Aug. 2010), https://www.env.nm.gov/wp-content/uploads/sites/25/2019/04/Jessup-NMSedimentation2010.pdf.
[114] National Trust for Historic Preservation, *Mount Taylor*, https://savingplaces.org/places/mount-taylor (last visited Sept. 11, 2025); U.S. Nuclear Regulatory Commission, *Mt. Taylor Traditional Cultural Property: Determination of Eligibility* at 15–28 (Feb. 13, 2009), https://www.nrc.gov/docs/ML0904/ML090440287.pdf.
[115] Taos Pueblo, *The Return of Blue Lake*, https://taospueblo.com/blue-lake/ (last visited Sept. 11, 2025); *see also* H.R. REP. No. 104-7 (1995) (recommending passage of bill to return 764 acres of the Wheeler Peak Wilderness to Taos Pueblo).
[116] U.S. National Park Service (USNPS), *Valles Caldera: History & Culture*, https://www.nps.gov/vall/learn/historyculture/index.htm (last visited Sept. 11, 2025); *see also Pueblo of Jemez v. United States*, 63 F.4th 881, 885–86 (10th Cir. 2023).
[117] *See* Map of New Mexico showing Inventoried roadless area, *supra*.

Dwellings were settled by the Tularosa Mogollon people,[118] who are believed to be the ancestors of the Acoma, Hopi, and Zuni Pueblos, among others.[119] Inventoried roadless areas and wilderness areas around and en route to the Gila Cliff Dwellings preserve and protect this important cultural site. Inventoried roadless areas also protect cultural and religious heritage sites in the Santa Fe National Forest such as Bandelier National Monument and Kasha-Katuwe Tent Rocks National Monument.[120] Inventoried roadless areas also run adjacent to the Old Spanish Trail, an ancient trade route used for centuries by Native Americans and Spanish settlers, which connected Santa Fe, New Mexico, with Los Angeles, California.[121] Rescinding the Roadless Rule would needlessly endanger many historic, religious, and cultural sites in New Mexico.

Rescinding the Roadless Rule would also endanger New Mexico's tourism revenue. New Mexico attracts millions of visitors each year, and those numbers have been climbing steadily.[122] Outdoor recreation contributes approximately $1.2 billion to New Mexico's gross domestic product, the majority of which occurs in nature-based settings, such as hiking, skiing, fishing, and hunting.[123] For example, hunting and fishing alone support nearly 8,000 jobs and provide more than $51 million in state and local taxes.[124] Many of these activities occur on New Mexico's 35.5 million acres of public lands—the majority of which are managed by the federal government.[125] Increasing roads and human activity in or near these areas would decrease water quality and contribute to the deterioration of hunting and fishing habitat, among other impacts.

Inventoried roadless areas attract significant numbers of hikers who backpack in these unspoiled areas. For example, 820 miles of the Continental Divide Trail ("CDT") traverse New Mexico, and this trail alone attracts hundreds of hikers to New Mexico every year.[126] Much of the CDT crosses through inventoried roadless areas and wilderness areas: in New Mexico, the CDT runs through or adjacent to inventoried roadless areas in the Gila National Forest, the Gila Wilderness, the Aldo Leopold Wilderness, the Santa Fe National Forest, the Carson National Forest, and the Rio Chama.[127]

Apart from the CDT, New Mexico has hundreds of miles of hiking areas in wilderness and roadless areas. For example, there are over 1,000 miles of hiking trails in roadless and non-motorized wilderness areas in the Gila National Forest alone (which contains America's first

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[118] USNPS, *Gila Cliff Dwellings National Monument: The Mogollon*, https://www.nps.gov/gicl/learn/historyculture/the-mogollon.htm (last visited Sept. 11, 2025).
[119] USNPS, *Science of the America Southwest: Mogollon*, https://www.nps.gov/subjects/swscience/mogollon.htm (last visited Sept. 11, 2025).
[120] *See* Map of New Mexico showing Inventoried roadless area, *supra*.
[121] USNPS, *Old Spanish National Historic Trail: A Brief History*, https://www.nps.gov/olsp/learn/historyculture/index.htm (last visited Sept. 11, 2025).
[122] New Mexico Tourism Department, *Economic Impact of Tourism in New Mexico* at 7 (2023), https://assets.simpleviewinc.com/simpleview/image/upload/v1/clients/newmexico/Economic_Impact_of_Tourism_in_New_Mexico_2023_7d36f19d-9a9b-4853-b200-6374b6beb6d8.pdf.
[123] State of New Mexico, Economic Development Department, *Outdoor Recreation and New Mexico's Economy* at 3 (Winter 2020), https://edd.newmexico.gov/wp-content/uploads/2021/06/20HE_NM_Outdoor_Rec_Report_R3_BP_web-1.pdf
[124] *Id.* at 5.
[125] *Id.* at 7.
[126] U.S. Bureau of Land Management, *State Land Office, BLM New Mexico Announce Partnership to Improve Continental Divide Trail Access* (Feb. 7, 2023), https://www.blm.gov/press-release/state-land-office-blm-new-mexico-announce-partnership-improve-continental-divide.
[127] Continental Divide Trail Coalition, *CDT in Inventoried roadless area*, https://cdtc.maps.arcgis.com/apps/instant/basic/index.html?appid=ff89664f33264a5ab0a90e8375eaf4d4&center=-107.2411;37.8404&level=11&hiddenLayers=198c93e8f55-layer-4 (last visited Sept. 11, 2025).

wilderness, the Gila Wilderness).[128] In the Carson National Forest, there are over 500 miles of hiking trails ranging from 6,000 to over 13,000 feet in elevation at the top of New Mexico's tallest mountain, Wheeler Peak.[129] Many of these trails traverse Carson's 110,662 acres of wilderness.[130] New Mexico's allure to hikers and outdoor enthusiasts would be irreparably diminished if those areas were exploited by mining, timber, and other industrial activity facilitated by rescinding the Roadless Rule. In addition to protecting hiking, hunting, and fishing in New Mexico, inventoried roadless areas flank and protect ski areas such as the Taos Ski Valley, which boasts world class skiing and attracts over one million visitors a year.[131]

Oregon

In the State of Oregon, there are roughly two million acres of inventoried roadless areas. These roadless areas are located throughout the following National Forests: Deschutes, Malheur, Mt. Hood, Ochoco, Rogue River-Siskiyou, Siuslaw, Umatilla, Umpqua, Wallowa-Whitmen, Willamette, and Fremont-Winema. Many of these inventoried roadless areas contain old-growth forests; provide important habitat for mammals, birds, and fish; protect water quality for municipal water supplies; and provide significant recreational opportunities throughout the State. In general, the State of Oregon contains 15.6 million acres of National Forest land, representing one-quarter of the State's total acreage. Approximately 1,965,000 acres of those National Forest lands are inventoried roadless areas.

If the Roadless Rule is rescinded, management of these roadless areas will revert to an unspecified designation and will be subject to existing land management plans within each National Forest. While most activities and projects in each of these National Forests will be required to undergo their own planning processes and analyses, the land management plans in each of Oregon's National Forests have specific prescriptions that dictate how these forests are managed at the site-specific level. The specific prescriptions in each of the land management plans will have site-specific effects throughout each National Forest and in turn will have significant, immediate effects on the State of Oregon. Accordingly, the State of Oregon urges the Agency to thoroughly examine the following effects, among others

Roughly 800,000 acres of conifer old-growth forests (more than 150 years old) are in Oregon's inventoried roadless areas and could be subject to road construction and harvest upon rescission of the Roadless Rule.[132] Road construction and harvest of old-growth forests should be evaluated closely and specifically within each of Oregon's affected National Forests. Particular attention should be paid to decreasing carbon capture and exacerbation of climate change from potential timber harvest.

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[128] USFS, *Gila National Forest: Biking*, https://www.fs.usda.gov/r03/gila/recreation/opportunities/biking (last visited Sept. 11, 2025) (stating that 891 of 1,927 miles are trails *outside* of wilderness areas); New Mexico Tourism Department, *The Gila: America's First Designated Wilderness*, https://www.newmexico.org/the-gila/ (last visited Sept. 11, 2025).

[129] National Forest Foundation, *Carson National Forest*, https://www.nationalforests.org/our-forests/find-a-forest/carson-national-forest (last visited Sept. 11, 2025); USFS, *Welcome to Carson National Forest*, https://www.fs.usda.gov/r03/carson (last visited Sept. 11, 2025); USFS, *Carson National Forest: Hiking*, https://www.fs.usda.gov/r03/carson/recreation/opportunities/hiking (last visited Sept. 11, 2025).

[130] USFS, *Carson National Forest: Wilderness* https://www.fs.usda.gov/r03/carson/wilderness (last visited Sept. 11, 2025).

[131] Town of Taos, *Taos Destination Stewardship Plan: Situation Analysis Report* at 57 (2023), https://taos.org/wp-content/uploads/2024/03/Town-of-Taos-DSP-Situation-Analysis-Report-Final.pdf.

[132] James R. Strittholt et al., Oregon's Legacy Wild Forests 7 (Conservation Biology Institute, 2022), *available at*: https://consbio.org/wp-content/uploads/2022/05/Oregon_Legacy_Wild_Forests.pdf (last visited Sept. 12, 2025).

Rescinding the Roadless Rule would directly impact Oregon's wildlife. Imperiled species in Oregon that the Agency previously determined are likely to be adversely affected by increased road building in inventoried roadless areas include, but are not limited to, the following: the bald eagle, the brown pelican, the northern spotted owl, marbled murrelet, the Southern Oregon/Northern CA ESU of coho salmon, the Lower Columbia River ESU of steelhead, the Middle Columbia River ESU of steelhead, the Snake River Basin ESU of steelhead, the Upper Willamette ESU of steelhead, the Lower Columbia River ESU of chinook salmon, the Snake River fall-run ESU of chinook salmon, the Snake River spring/summer-run ESU of chinook salmon, the Upper Willamette River ESU of chinook salmon, and bull trout.

Road construction could also fragment habitat that is relied upon by Oregon's wildlife, increasing the chance that invasive species will be introduced into these areas. Some of the inventoried roadless areas also overlap with designated critical habitat under the ESA and may be adversely modified upon rescission of the Roadless Rule, including, but not limited to, designated critical habitats for northern spotted owl, salmon, and steelhead.

Inventoried roadless areas help protect water supplies throughout Oregon. There are several cities in Oregon in which roadless areas comprise a significant portion of the municipal drinking watersheds, including Bend, Ashland, and Pendleton. Many of the inventoried roadless areas, like these municipal drinking watersheds, are in steep terrain. Road construction and timber harvesting in these areas has the potential to lead to significant landslides, which can have dramatic impacts on water quality within a particular watershed and beyond, potentially impacting Oregon's drinking water.

Oregon's inventoried roadless areas provide significant recreational opportunities. As demand for recreational opportunities increases within Oregon's National Forests, inventoried roadless areas become more important. For example, some of the National Forests are located near major population centers, like Portland and Mt. Hood National Forest, which continue to experience increasing demand for recreational opportunities. Rescinding the Roadless Rule could limit opportunities for recreation within Oregon at a time when demand is increasing.

The Roadless Rule provides an exception for fuel reduction projects. This exception has been utilized often, and many of these fuel reduction projects have occurred within Oregon's inventoried roadless areas. It is unclear whether these fuel reduction projects would have been able to move forward under existing land management plans, and it is also unclear whether currently proposed fuel reduction projects will now be delayed if the Roadless Rule is rescinded.

Vermont

In Vermont's Green Mountain National Forest, road construction is prohibited on approximately 16,000 acres of inventoried roadless areas. These areas include high priority wildlife habitat, endangered species, significant wetlands and vernal pools, and recreational trails. The scenic beauty, wildlife habitat, sensitive resource protection, and important recreational and tourism opportunities these areas provide make them environmentally, socially, and economically significant in Vermont. Rescission of the Roadless Rule could result in degradation of the unique wildlife habitats, natural resources, and recreational and tourism opportunities in these areas.

III. NEPA Scoping Comments

NEPA establishes a national policy "to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man."[133] NEPA's

[133] 42 U.S.C. § 4321.

analysis and disclosure goals are two-fold: (1) to ensure informed agency decision making, and (2) to ensure public involvement.[134] NEPA requires that agencies prepare a detailed environmental impact statement (EIS) for any major federal action that may significantly affect the quality of the human environment.[135] By focusing an agency's attention on the environmental consequences of its proposed action, NEPA "ensures that important effects will not be overlooked or underestimated only to be discovered after resources have been committed or the die otherwise cast."[136] NEPA "is not designed to postpone analysis of an environmental consequence to the last possible moment"; it is "designed to require such analysis as soon as it can reasonably be done."[137]

A. The Agency Must Include a Clear and Unambiguous Statement of Purpose and Need

The Agency's statement of purpose and need for the proposed rescission of the Roadless Rule in its notice of intent is vague and overly generalized. To the extent any "purpose and need" beyond changes in administration policy priorities and the need to follow Presidential directives can be deduced, the Agency's "purpose and need" to rescind the Roadless Rule appears to be management flexibility and discretion,[138] which already exist within the Roadless Rule. That "purpose and need" is insufficient to serve as the basis for identifying reasonable alternatives that meet the purpose and need of the proposed action, especially in light of the existing flexibility and discretion in the rule.[139] The identification and evaluation of alternative ways of meeting the purpose and need of the proposed action is the heart of NEPA analysis and the Agency's current statement of purpose and need lacks meaningful criteria to guide the development of alternatives for comparison with the Agency's proposal.

The Agency does not adequately explain why additional management flexibility and discretion are needed and does not provide sufficient information to evaluate whether any alternative other than the proposed rescission would meet the purpose and need. Nor does the Agency provide data to support its statements that the Roadless Rule is "no longer appropriate," or what managing "roadless areas to maintain their roadless character…no longer facilitates," and why.[140] More importantly, the Agency purports a needs to respond to wildfire risk in inventoried roadless areas by rescinding the Roadless Rule, but it fails to provide sufficient factual information to connect the Roadless Rule with increased wildfire risk to assist in the development of alternatives.

Instead, the Agency states that "[m]anagement flexibility is needed for the Agency to achieve its multiple use conservation mission, including timber production, recreation, wildfire suppression, and fuel reduction treatments."[141] And the Agency reveals its true purpose in the very next

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[134] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).
[135] 42 U.S.C. § 4332.
[136] *Robertson*, 490 U.S. at 349; *see also Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 371 (1989).
[137] *Kern v. U.S. Bureau of Land Mgmt.*, 284 F.3d 1062, 1072 (9th Cir. 2002).
[138] 90 Fed. Reg. 42181.
[139] 7 C.F.R. § 1b.5(c). ("When a USDA subcomponent is the lead agency, the subcomponent may use an early and open process to determine the scope of issues and alternatives for analysis in an environmental impact statement, including identifying substantive issues (see § 1b.11(23) and (53)) and eliminating from further study non-substantive issues and action alternatives that are not technically or economically feasible or do not meet the purpose and need of the proposal (NEPA section 102(2)(C)(iii), 42 U.S.C. 4332(2)(C)(iii)).
[140] *See* 90 Fed. Reg. 42,181. Here, the only time in its notice of intent the Agency attempts to explain why national management is inappropriate, the Agency's reason makes little sense. The Agency states: "The proposed rule responds to the need for national forests to take swift action and immediate action to reduce wildfire risk and help protect surrounding communities and infrastructure." *Id*.
[141] 90 Fed. Reg. at 42181.

breath, in which it makes abundantly clear that its objective is to satisfy the President's deregulatory agenda and to develop these protected areas, stating, "[t]hese needs are amplified" by President Trump's "emphasis on timber and energy production" and "deregulation."[142] The Agency reiterates its goal several more times, including stating it is "reviewing regulations that pose an undue burden on production of the Nation's timber and identification, development, and use of domestic energy and mineral resources," and that the rescission is "also being proposed in accordance with Executive Order 14153, *Unleashing Alaska's Extraordinary Resource Potential*."[143] Because these policy changes alone are insufficient reasons to rescind the Roadless Rule,[144] the Agency attempts to offer the need for wildfire management as a basis for its proposal,[145] but its statements about wildfire risk in roadless areas are unsupported and untethered from the facts and science. In short, the statement of purpose in the Agency's notice of intent does not provide a rational basis for its proposed rescission or sufficient criteria to develop alternatives or compare them to the Agency's proposal. The Agency must do so in proposed rule so the public can compare the alternatives against the Agency's proposed rescission.[146]

B. The Agency Must Consider a Reasonable Range of Alternatives

NEPA embodies a "national policy which will encourage productive and enjoyable harmony between man and his environment."[147] NEPA requires that a detailed EIS be prepared for "major Federal actions significantly affecting the quality of the human environment. . . ."[148] The EIS serves two purposes, to "provide decision-makers with an environmental disclosure sufficiently detailed to aid in the substantive decision whether to proceed with the project in light of its environmental consequences," and to "provide the public with information and an opportunity to participate in gathering information."[149]

In fulfilling this requirement, the responsible agency must consider a "reasonable *range* of alternatives" to the proposed agency action.[150] "Reasonable alternatives means a reasonable range of alternatives that are technically and economically feasible, meet the purpose and need for the proposal, and, where applicable, meet the goals of the applicant."[151] "To be adequate, an environmental impact statement must consider every reasonable alternative."[152] "Failure to consider reasonable alternatives thwarts the goals of informed decisionmaking and meaningful

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[142] 90 Fed. Reg. at 42181.
[143] 90 Fed. Reg. at 42181.
[144] Such proposals cannot withstand legal scrutiny. First, they are procedurally deficient under the Administrative Procedure Act because they fail to give the public adequate notice and an opportunity to comment. 5 U.S.C. § 553(c). Second, if such proposals are finalized in anything resembling their proposed form, they would violate the APA's requirements that an agency explain the reasons for its rule, grapple with relevant evidence, and justify any departure from prior policy. *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009).
[145] 90 Fed. Reg. at 42,181. The only time in its notice of intent that the Agency attempts to state what the rescission responds to lacks factual support and makes little sense. The Agency states: "The proposed rule responds to the need for national forests to take swift action and immediate action to reduce wildfire risk and help protect surrounding communities and infrastructure." *Id*.
[146] Should the Agency attempt to evade arbitrary-and-capricious review by featuring new analysis in a final rule, it would violate the critical factual material doctrine, which requires that the agency provides, and the public have an opportunity to comment on, the factual information that justifies a final rule. 5 U.S.C. § 553(b)(3); 553(c); *Portland Cement Ass'n v. Ruckelshaus*, 486 F.2d 375 (D.C. Cir. 1973).
[147] 42 U.S.C. § 4321.
[148] 42 U.S.C. § 4332(2)(C).
[149] *Methow Valley Citizens Council v. Reg'l Forester*, 833 F.2d 810, 814 (9th Cir. 1987), rev'd sub nom. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332 (1989) (citations and internal quotations omitted).
[150] 42 U.S.C. § 4332(2)(C)(iii) (emphasis added); *see also* 42 U.S.C. § 4336(b)(3).
[151] 7 C.F.R. § 1b.11(42).
[152] *Methow Valley Citizens Council*, 833 F.2d at 815 (citations omitted).

public comment before the environmental die is cast."[153] "Thus, the range of alternatives considered must be sufficient to permit a reasoned choice."[154]

The range of reasonable alternatives derives from NEPA's requirement that an EIS describe the "purpose and need" for the proposed agency action (see above).[155] Notably, "[t]he NEPA alternatives requirement must be interpreted less stringently when the proposed agency action has a primary and central purpose to conserve and protect the natural environment, rather than to harm it."[156] But here, the primary and central purpose of the proposed rescission of the Roadless Rule is not to conserve and protect the natural environment, but to exploit its natural resources.[157] A more robust alternatives analysis is therefore required.

The notice of intent indicates that, "[i]n addition to the proposed action, the EIS will analyze a 'no action' alternative that would retain the 2001 Roadless Rule."[158] But as set forth above, NEPA requires that the Agency propose a reasonable *range* of alternatives. The Agency must address alternatives other than the proposed rescission and the no action alternative.[159] And although the notice of intent indicates it will rely on commenters to identify potential alternatives,[160] that alone does not satisfy the Agency's obligations to the public.[161] The Agency must address alternatives other than the proposed rescission and the no action alternative.[162] For example, an alternative that expands the existing exceptions within the 2001 Roadless Rule would provide some reasonable comparison. In promulgating the Roadless Rule, the Agency identified multiple alternatives, including various combinations of prohibitions, procedures, and exemptions.[163] At a minimum, the Agency should review its prior analysis as it develops alternatives to rescinding the Roadless Rule.

C. The Agency Must Consider All Reasonably Foreseeable Impacts at an Appropriate Scale of Assessment

The Agency must conduct an in-depth analysis of all reasonably foreseeable impacts of rescinding the Roadless Rule, including direct, indirect, and cumulative environmental, social, and economic impacts.[164]

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[153] *Cal. ex rel. Lockyer*, 459 F. Supp. 2d at 905 (citing *Robertson v. Methow Valley Citizens Council*, 490 U.S. at 349).
[154] *Methow Valley Citizens Council,* 833 F.2d at 815.
[155] *See City of Carmel-By-The-Sea v. U.S. Dep't of Transp.*, 123 F.3d 1142, 1155; *see* 7 CFR §§ 1b.7(b)(1)(i), 1b.11(42).
[156] *Kootenai Tribe of Idaho*, 313 F.3d at 1120–1121 (three action alternatives sufficient when the policy objective in promulgating the Roadless Rule was to protect the environment).
[157] 90 Fed. Reg. at 42181 (stating the purpose and need for the Agency's action, as "examining regulations that pose undue burden on production of the Nation's timber and identification, development, and use of domestic energy and mineral resources.").
[158] 90 Fed. Reg. at 42182.
[159] S*ee* 7 C.F.R. § 1b.7(h)(3); 42 U.S.C. § 4332(2)(C)(iii).
[160] *Id*. ("The Agency is requesting comments on alternatives or effects and on relevant information, studies, or analyses with respect to the proposal.").
[161] *See Cal. ex rel. Lockyer,* 459 F. Supp. 2d at 907 (noting the Agency's failure "to address reasonable alternatives that were considered internally in the decisionmaking process but were not presented to the public.").
[162] S*ee* 7 C.F.R. § 1b.7(h)(3); 42 U.S.C. § 4332(2)(C)(iii).
[163] *See* 2000 FEIS, Vol. 2 at 2-1.
[164] Effects or impact "means changes to the human environment from the proposed action or action alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives. Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment),

The Agency should specifically identify which environmental, social, or economic resources it analyzes, which ones it does not, and why to foster informed decision-making and provide sufficient notice to the commenting public.[165] For each resource analyzed, the Agency should identify the current condition of the resource as a measure of past impacts; identify the trend in the condition of the resource as a measure of present impacts (e.g., the health of the resource is improving, declining, or in stasis); identify all reasonably foreseeable actions in inventoried roadless areas if the rescission is finalized that may contribute to cumulative impacts; identify the future condition of the resource based on an analysis of impacts from reasonably foreseeable actions added to existing conditions and current trends; assess the cumulative impacts contribution of the proposed alternatives to the long-term health of the resource; and provide a specific measure for the projected impact from the proposed alternatives.

The Agency should clearly describe the scale it uses to evaluate and categorize the extent of potential impacts to specific resources. The scale should consider the context and intensity of the impact based on four parameters: detectability, duration (i.e., short-term, or long-lasting), spatial extent (i.e., localized, or widespread), and magnitude (i.e., less than severe or severe, where the term "severe" refers to impacts with a clear, long-lasting change in the resource's function in the ecosystem or cultural context). To ensure transparency for the understanding of decision-makers and the public, the Agency should transparently explain how it applied these criteria to categorize impacts to resources. The Agency should provide a breakdown for each resource and impact illustrating how each resource was assigned a category, including negligible, minor, moderate, and major.

In its cumulative impacts analysis, the Agency must identify how resources, ecosystems, and communities in and around inventoried roadless areas have already been, or will be, affected by past, present, or future activities. The Agency must characterize these resources in terms of their response to change and capacity to withstand stresses. Trends data should be used to establish a baseline for the affected resources, to evaluate the significance of historical degradation, and to predict the environmental impacts of all reasonably foreseeable future activities. For example, the Agency should conduct, at a minimum, a thorough assessment of the cumulative impacts associated with reasonably foreseeable proposed actions, including but not limited to road building and timber harvesting, to wildfire frequency and intensity, air quality, species and habitat, water resources, economic and cultural resources, and to climate change resulting from changes in carbon sequestration and storage capacity. *See infra*, Section II.C.6. The Agency must quantify cumulative impacts across resource areas, as well as describe and evaluate practicable mitigation measures to avoid and minimize the identified adverse cumulative impacts.

In its notice of intent, the Agency implies it will not evaluate impacts associated with reasonably foreseeable projects that would be facilitated by rescinding the Roadless Rule.[166] This is impermissible under NEPA. The Agency may not defer analyses of certain environmental impacts until it receives specific development proposals. "NEPA is not designed to postpone analysis of an environmental consequence to the last possible moment."[167] Instead, the Agency

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social, or health effects. Effects may also include those resulting from actions that may have both beneficial and detrimental effects, even if on balance the [Agency] believes that the effect will be beneficial. CFR 1b.11(a)(12). Cumulative impact analyses describe the threat to resources as a whole, presented from the perspective of the resource instead of from the individual project. Cumulative impacts can result from individually minor, but collectively significant, actions taking place over a period of time. Cumulative impacts are reasonably foreseeable and thus the Agency must take them into account.

[165] *California v. Block*, 690 F.2d 753 (9th Cir. 1982) (Courts must judge whether an EIS's "form, content and preparation foster both informed decision-making and informed public participation.").

[166] 90 Fed. Reg. at 42181.

[167] *Kern,* 284 F.3d at 1072.

must analyze the environmental consequences of a broadly applicable rule or policy when such impacts are "readily apparent at the time the EIS was prepared."[168] There are direct impacts, if not reasonably foreseeable indirect impacts, for future projects and activities that can be analyzed now. If the Roadless Rule is rescinded, roadless areas will revert to the status designated in each management plan in each National Forest. The Forest Service can easily examine each of these management plans and give an assessment of the changes that will occur upon recission by applying those management plan proscriptions in roadless areas and closely examining what will reasonably occur in those areas. This will include reasonably foreseeable projects and activities that are customarily proposed in each National Forest and those proposals that were previously withdrawn as a result of the Roadless Rule.

The Agency can examine the general extent of such impacts that will result from rescinding the Roadless Rule or weakening its protections.[169] For example, the Agency may not be able to determine at this time whether building a specific road will result in the filling of any specific wetland. Nevertheless, it has adequate information from existing management plans and each National Forest's history to determine how many wetlands are likely to be filled if the Roadless Rule is rescinded. Similarly, although the Agency may not be able to predict at this time the exact locations where roads will be constructed and whether and which rivers or streams will suffer degradation in water quality as a result, the Agency certainly can estimate the extent to which river and stream water quality throughout inventoried roadless areas will be impacted, because the Agency is aware that roadbuilding near waters and wetlands requires fill and leads to sediment discharges and other impacts.[170] Similarly, although the Agency cannot predict the specific locations where logging will occur, it is nevertheless aware that logging activities increase the risk of landslides and other environmental impacts. The Agency may not defer analysis of these impacts, which are a "readily apparent" consequence of the proposed rescission, on the basis that no site-specific projects have been proposed.[171]

1. Wildfire Risk

The Agency asserts that wildfire risk is an underlying reason for rescinding the Roadless Rule. Secretary Rollins, in a press release announcing the Agency's intent to rescind the Roadless Rule, remarked that "properly managing our forests preserves them from devastating fires."[172] According to the press release, "[o]f the 58.5 million acres of inventoried roadless areas covered under the Roadless Rule, 28 million acres are at high or very high risk of wildfire," and rescinding the Roadless Rule will allow "more flexibility to take swift action to reduce wildfire risk and help protect surrounding communities and infrastructure."[173]

In its notice of intent, the Agency similarly highlighted select wildfire statistics in National Forests, stating:

> Between 1984 and 2024, 13 percent of inventoried roadless areas (5.5 million acres) experienced high or moderate severity wildfire. The occurrence of

[168] *Id.* at 1073.
[169] Recognizing this, the Agency conducted such analysis of the no action alternative during the NEPA review process for the Roadless Rule. *See Generally* 2000 FEIS.
[170] *See* 2000 FEIS at 3-54 to 3-62.
[171] *Kern*, 284 F.3d at 1072-73; *Ctr. for Biological Diversity v. Bureau of Land Mgmt*., 422 F. Supp. 2d 1115, 1165 (N.D. Cal. 2006) (agency unlawfully "deferred any consideration of the environmental impact" of a management plan on endemic invertebrates).
[172] Press Release, U.S. Dep't of Agric., June 23, 2025, available at https://www.usda.gov/about-usda/news/press-releases/2025/06/23/secretary-rollins-rescinds-roadless-rule-eliminating-impediment-responsible-forest-management.
[173] *Id.*

> moderate- to high-severity wildfire in inventoried roadless areas has increased in recent decades, especially since 2000, consistent with trends throughout the National Forest System. Currently, forty percent of lands within inventoried roadless areas have a high or very-high wildfire hazard potential, ranging from 5 percent in the Eastern Region to 60 percent in California.[174]

The Agency also notes that an expansion of the area making up the wildland-urban interface along with "increased wildfire activity throughout the National Forest System . . . affects important resources, neighboring infrastructure, and communities."[175]

However, the Agency makes no connection between any of its unsupported statistics and the protections of the Roadless Rule. The statistics are provided as background and the statement of purpose and need only briefly mentions preventing and/or managing wildfires. As described above, the Agency contends that management flexibility is needed for the Agency to achieve, among other things, "fire suppression, and fuel reduction treatments."[176] Similarly, the Agency asserts the rescission is "needed for national forests to take swift and immediate action to reduce wildfire risk…to build roads and implement active forest management practices (for example, timber sales and thinning) in inventoried roadless areas."[177] But the Agency clearly indicates in its notice of intent that the increases in moderate- to high-severity fire in inventoried roadless areas, as well as wildfire activity in roadless areas, are consistent with trends throughout the National Forest System,[178] suggesting that the increases in fire activity and severity are related to factors other than whether the land is protected by the Roadless Rule. The Agency does not explain why an increase in wildfires broadly justified its proposed rescission, which focuses solely on developing inventoried roadless areas. Factors that influence fire regime, fire behavior, and fire ecology include, for example, local weather and climate. "An understanding of the ecological consequences of fire, the risk of fire, and the implications to inventoried roadless areas involves sorting out the relative importance of these factors."[179]

As wildfires increase in frequency and intensity due to climate change, the undersigned States recognize the need to protect our forests and our communities and support proven solutions, such as home hardening, defensible space, and near-community vegetation management to make homes more fireproof.[180] But neither the Secretary's nor the Agency's wildfire-related rationalizations for rescinding the Roadless Rule hold water. They fail to account for existing procedures for wildfire management and response that are built into the Roadless Rule.[181]

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[174] 90 Fed. Reg. at 42180. These statistics are misleading for several reasons, including, but not limited to, the inclusion of data from decades before the implementation of the Roadless Rule and its specific protections. These statistics also appear to include roadless areas in Colorado and Idaho, which have state-specific roadless rules not proposed for rescission. Colorado and Idaho data is therefore not relevant to any analysis the Agency conducts as part of this rulemaking, and the Agency may not rely on such data to support its proposal to rescind the Roadless Rule. The Agency also may not rely on data associated with the wildland-urban interface areas in Colorado or Idaho.

[175] 90 Fed. Reg. at 42180.

[176] 90 Fed. Reg. at 42181.

[177] 90 Fed. Reg. at 42181.

[178] 90 Fed. Reg. 42,179.

[179] 2000 FEIS 3-73.

[180] *See* Zamanialaei, M., San Martin, D., Theodori, M. *et al.* Fire risk to structures in California's Wildland-Urban Interface. *Nat Commun* 16, 8041 (2025). https://doi.org/10.1038/s41467-025-63386-2.

[181] *See* 36 C.F.F § 294.12 (providing "a road may be constructed or reconstructed in an inventoried roadless area if the Responsible Official determines that," among other reasons, a "road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property"); see also 2 C.F.R. §294.13(b)(1), which provides that "timber may be cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that," among other things, "cutting, sale, or

Moreover, contrary to what the Agency contends, extending and expanding roads into forested areas would likely increase rather than decrease the risk to human structures from wildfire.

Eighty-four percent of wildfires are started by humans, and more roads will only lead to more wildfires by facilitating easier access for humans.[182] Recent research, which analyzed three decades' worth of wildfire ignition density data across all eight contiguous Forest Service regions, indicates that wildfire is lowest in wilderness areas, followed closely by inventoried roadless areas.[183] The highest wildfire ignition density was in areas within 50 meters of roads. For human-caused, natural, and fires of undetermined cause, wildfire ignition density decreased as distance to roads increased.[184] These findings align with those of a 2022 study on cross-boundary wildfires: wildfires on Forest Service lands are more likely to originate on private land, with ignition rates rising in step with road density.[185] Most high-loss cross-boundary fires (those destroying 50 or more buildings) begin on private land near roads.[186]

Roads also create pathways for invasive plant species that pose a long-term threat to forest health and may exacerbate fires. A study by the USFS's Rocky Mountain Research Station found that non-native plants are twice as common within 500 feet of a road as they are farther away.[187] The study, which aimed to address the broader assertion that roads are needed to prevent fires, concluded: "[s]peculation that eliminating road prohibitions would improve forest health is not supported by nearly twenty years of monitoring."[188] Moreover, it is important to look at other dimensions of forest health. The ecological effects of fire tend to be transient; most western tree species are adapted to either survive fires or to rapidly re-colonize burned areas.[189] Other effects of roads, as observed in streambed sediment loads and wildlife movement patterns, are more permanent.[190] The Agency must address the reasonably foreseeable increase in wildfires from the construction of new roads and the resulting introduction of invasive plants. The Agency also must consider wildfire risk as only one factor in overall forest health.

As for wildfire mitigation, experts say that cutting old trees and building roads through forests is more likely to increase wildfire strength because old-growth forests are more resilient against

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removal of generally small diameter timber is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics as defined in § 294.1" to "improve threatened, endangered, proposed, or sensitive species habitat" or to "maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period." In addition, 2 C.F.R. §294.13(b)(2)-(3) provides that the "cutting, sale, or removal of timber…incidental to the implementation of a management activity not otherwise prohibited" is not prohibited nor is the "cutting, sale, or removal of timber [] needed and appropriate for personal or administrative use, as provided for in 36 CFR part 223; *see also* Sean P. Healey, *Long-term Forest Health Implications of Roadlessness*., 15 Environmental Research Letters 10, 1-6, 6 (2020).

[182] Healey 2020.

[183] Gregory Aplet, et al., FIRE ECOLOGY, *Three-decade record of contiguous-U.S. national forest wildfires indicates increased density of ignitions near roads* (in review)).

[184] *Id.*

[185] William M. Downing, et al., SCIENTIFIC REPORTS, *Human Ignitions on Private Lands Drive USFS Cross-Boundary Wildfire Transmission and Community Impacts in the Western US* (2022), https://www.nature.com/articles/s41598-022-06002-3.

[186] *Id.*

[187] Healey 2020.

[188] *Id.*

[189] *Id.*

[190] *Id.*

fires, while the younger trees, brush, and needles that would be left behind create more wildfire fuel—essentially acting like kindling—thus increasing the rate and spread of wildfires.[191]

The Agency must evaluate the impacts of rescinding the Roadless Rule on wildfire risk and management. Specifically, the Agency must conduct an in-depth analysis, using the best available science, of the current wildfire risk in inventoried roadless areas (excluding Colorado and Idaho) as compared to National Forest areas outside inventoried roadless areas and areas within the wildland-urban interface under each alterative. The Agency must evaluate and disclose the impacts an increase in roads will have on the frequency, severity, and duration of wildfires. The Agency must evaluate how an increase in roads in inventoried roadless areas will impact wildfire risk, management, and response, and must consider all available scientific literature in its analysis. Specifically, the Agency must address whether any potential increase in wildfire response will outpace and/or outweigh the increased risk of wildfire likely to result from rescinding the Roadless Rule, in light of documented evidence that increased human access results in an increase in wildfire ignitions and wildfire.

The Agency must evaluate and explain the need to rescind the Roadless Rule to facilitate fuel reduction in inventoried roadless areas. The Agency maintains a spatially referenced management activity record that can be used to compare fuel reduction efforts inside and outside of inventoried roadless areas.[192] Those records indicated that a lack of roads did not prevent fuel reduction efforts in inventoried roadless areas between 2001 and 2019.[193] Inventoried roadless areas contain approximately 21% of the total tree cover across the National Forest System; those areas accounted for 34% of the total fuel treatment activities and 8% of the total area treated.[194] A lack of roads in inventoried roadless areas has not implied passive fire risk management.[195] In short, the Agency must explain and support with data its position that roads are required to address wildfires in inventoried roadless areas.

The Agency also must evaluate the success of fire suppression in inventoried roadless areas, as well as the anticipated impacts on fire suppression that rescinding the Roadless Rule, and any proposed alternatives, would have on its ability to suppress wildfires. When the Agency promulgated the Roadless Rule, it recognized its "long history of successfully suppressing fires in inventoried roadless areas,"[196] and the Agency has so far provided no information to demonstrate its ability to suppress wildfires has changed since that time. The Agency also acknowledged in 2001 that it "rarely builds new roads to suppress fires" and that "[b]uilding roads into inventoried roadless areas would likely increase the chance of human-caused fires due to the increased presence of people."[197] Moreover, the Roadless Rule does not prohibit management actions that do not require the construction of new roads, including, among other things, activities such as timber harvesting for clearly defined, limited purposes like "improving threatened, endangered, proposed, or sensitive species habitat or maintaining or restoring the characteristics of ecosystem composition and structure, such as reducing the risk of uncharacteristic wildfire effects."[198]

The Agency must also clarify what role the wildland-urban interface areas play in its decision. The Agency should provide the public with maps identifying the areas within the wildland-urban

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[191] Managing the Impact of Wildfires on Communities and the Environment, August 20, 2001, *available at* https://www.forestsandrangelands.gov/documents/resources/reports/2001/8-20-en.pdf
[192] Healey 2020
[193] *Id.*
[194] *Id.*
[195] *Id.*
[196] 66 Fed. Reg. at 3253.
[197] 66 Fed. Reg. at 3253.
[198] 66 Fed. Reg. at 3250.

interface that overlap with inventoried roadless areas. It is unclear from the Agency's notice what connection, if any, it draws between the Roadless Rule and an increase in wildfire activity in the wildland-urban interface areas.[199] To the extent the Agency asserts there is any connection between the Roadless Rule and an increase in wildfire activity in these overlapping areas, the Agency must be transparent about its analysis. The Agency's evaluation must account for factors independent of the Roadless Rule, including, at a minimum, the passage of time, the expansion of wildland-urban interface areas, and the increase of wildfires across the National Forest System as a whole as a result of climate change, and other non-regulatory factors. The Agency also must explain, through in-depth analysis, how building more roads will affect the protection of communities and infrastructure in wildland-urban interface areas.

The Agency cannot reasonably evaluate wildfire risk, especially within the wildland-urban interface, without evaluating proven community protection solution alternatives, such as home hardening, defensible space, and near-community vegetation management to make homes more fireproof.[200] Community protection from wildfire depends on dedicated programming, funding for such solutions, and emergency planning. Building roads and backcountry logging for the purposes of "fuel reduction" are an often-ineffective wildfire management solution that can increase fire risk, lack durability, jeopardize our healthiest forests, and divert resources from more effective approaches. Roads create more opportunities for wildfire, logging does not protect against wildfires, and logging old-growth forest in the roadless areas makes them less fire-resilient. To comply with NEPA, the Agency must, at a minimum, explain why it proposes to act in direct contradiction of the clear and well-established scientific consensus that building more roads increases the number of wildfires.

2. Impacts to Species and Habitat

The Agency must consider the impacts of rescission of the Roadless Rule, and any other alternatives identified, on wildlife, plants, and ecosystems. Removal of protections from inventoried roadless areas is likely to negatively impact our native fish, wildlife, and plants, as well as ecosystem health, due to the anticipated construction of new roads, which can impact species and their habitat in numerous ways. For example, building roads can directly destroy or fragment habitat, cause direct wildlife mortality from collisions with vehicles, spread invasive plant species, and degrade water quality through sedimentation and runoff.[201] These species are further likely to be negatively impacted by opening inventoried roadless areas to the potential for commercial logging, as well as other activities such as natural resource extraction that are likely to increase with easier access from new or improved roads in inventoried roadless areas.

Roadless areas contribute to the preservation of ecosystems and are important to the conservation of biodiversity.[202] In promulgating the Roadless Rule, the Agency recognized that "[r]oadless areas are more likely than roaded areas to support greater ecosystem health," sustaining the diversity of plant and animal communities, due to the absence of disturbances caused by roads

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[199] *See* 90 Fed. Reg. 42180. The Agency also makes a one-off reference to "increased insect and disease . . . activity." To the extent the Agency intends to rely on insect and disease activity as a basis to support rescission of the Roadless Rule, it must conduct an in-depth analysis of, and explain, the impact of the Roadless Rule on insect and disease activity during the EIS process.

[200] *See*, *e.g.*, Zamanialaei, M., San Martin, D., Theodori, M. *et al.* Fire risk to structures in California's Wildland-Urban Interface. *Nat Commun* 16, 8041 (2025). https://doi.org/10.1038/s41467-025-63386-2.

[201] Matthew S. Dietz et. al., *The Importance of US National Forest Roadless Areas for Vulnerable Wildlife Species*, 32 Glob. Ecology and Conservation e01943, 1-12 (2021); Alisa W. Coffin, *From Roadkill to Road Ecology: a Review of the Ecological Effects of Roads*, 15 J. of Transport Geography 5, 396-406 (2007).

[202] Nuria Selva et al., *Why keep areas road-free? The importance of roadless areas*, *in* Handbook of road ecology 16, 17 (Rodney van der Ree et al. eds., 2015).

and accompanying activities.[203] The Agency also acknowledged that inventoried roadless areas fill an important role, "both individually and cumulatively, in maintaining species viability and biodiversity in all parts of the country."[204]

Roadless areas provide connectivity between habitats and moderate the rate of change of local environmental conditions, supporting plants and animals by providing protected spaces for them to adapt and shift their ranges in response to climate change.[205] Roadless areas are also an important tool to preserve intact, functioning ecosystems in the face of climate change.[206]

By contrast, roads contribute to the spread of invasive, non-native plant species.[207] The link between roads and invasive species was definitive across national forests in a survey of nine States, with an apparent envelope of about 500 feet around roads in national forests where the risk of invasive species is significantly higher, posing long-term threats to ecosystem health.[208] Invasive plant species can impair the regeneration of native plants; invasive grasses typically increase the frequency of fires; and some invasive woody species can increase the risk of high-intensity fire.[209]

Inventoried roadless areas provide important habitat for species listed as threatened or endangered under the ESA, as well as other rare species. In promulgating the Roadless Rule, the Agency classified inventoried roadless areas as "biological strongholds for populations of threatened and endangered species."[210] The Agency found that, as of 2000, 220 threatened or endangered species or species proposed for ESA listing, representing approximately 25% of all animal species and 13% of plant species listed under the ESA within the United States, rely on habitat within inventoried roadless areas.[211] Additional species have been listed under the ESA or proposed for ESA protections in the past 25 years that may also benefit from current and continued protections of the Roadless Rule, and may be at risk should the Roadless Rule be rescinded. For example, the relictual slender salamander, proposed for listing as an endangered species in 2022, has over 50% of its suitable habitat in inventoried roadless areas.[212] And the Kern Canyon slender salamander, proposed for listing as a threatened species under the ESA in 2022, has almost 40% of its suitable habitat in inventoried roadless areas.[213]

In its 2000 FEIS, the Agency determined that a decision not to adopt the Roadless Rule "would result in a greater likelihood of measurable losses of habitat quality and quantity in inventoried roadless areas, with the increased potential for adverse effects to some [threatened, endangered, and proposed] species."[214] The Agency must assess the anticipated habitat losses and adverse effects on species, including species listed or proposed for listing under the ESA, that would result from rescinding the Roadless Rule, or any other alternative analyzed.

Research conducted since the adoption of the Roadless Rule continues to provide support for the importance of inventoried roadless areas to threatened and endangered and other rare species. One study assessed the overlap of inventoried roadless areas with species listed as threatened or

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[203] 66 Fed. Reg. at 3245.
[204] 2000 FEIS at 3-179.
[205] Selva et al., *supra* note 171, at 17.
[206] *Id.* at 24.
[207] Healey 2020.
[208] *Id*. at 6.
[209] *Id*.
[210] 66 Fed. Reg. at 3245.
[211] 66 Fed. Reg. at 3247.
[212] Matthew S. Dietz et. al., *supra* n.170, at 7.
[213] *Id*. at 4.
[214] 2000 FEIS at 3-182.

endangered under the ESA or classified as critically imperiled by NatureServe, based on documented occurrences of the species, and found that 77% of inventoried roadless areas have the potential to conserve these species.[215] Another study found that inventoried roadless areas within the contiguous United States are important for what the authors term wildlife species of conservation concern ("wildlife SCC"), defined as terrestrial vertebrate species that are listed under the ESA, or that are classified by the International Union for Conservation of Nature or NatureServe to be endangered, imperiled, or vulnerable.[216] Out of 537 species identified as wildlife SCCs by the authors, they found that 308 species, or 57%, have at least some suitable habitat in inventoried roadless areas, even though inventoried roadless areas only cover 2% of the area of the contiguous United States.[217] In addition, every single inventoried roadless area contains suitable habitat for at least 2 wildlife SCCs, 99% of the land area of inventoried roadless areas contains suitable habitat for at least one wildlife SCC, and 81% of the land area of inventoried roadless areas is suitable habitat for at least 5 wildlife SCCs.[218] The authors found that inventoried roadless areas are important for all types of terrestrial vertebrates of conservation concern: of the 308 wildlife SCCs with suitable habitat in inventoried roadless areas, 30% are mammals, 25% are birds, 25% are amphibians, and 20% are reptiles.[219] The Agency must consider the importance of inventoried roadless areas to threatened and endangered and other rare species.

The Agency also considered waters in inventoried roadless areas "to function as biological strongholds and refuges for many fish species,"[220] and found that "[a] substantial amount of inventoried roadless areas provide important habitat for Pacific anadromous fish species," with considerable overlap between inventoried roadless areas and the habitat ranges of Pacific salmonids—including habitat ranges for chinook, chum, coho, and sockeye salmon, as well as steelhead and coastal cutthroat trout.[221] Significant efforts have been made by the federal government, West Coast States, and tribes to restore and preserve anadromous fisheries, including fish species listed under the ESA.[222] If the Agency rescinds the Roadless Rule, and inventoried roadless areas can no longer serve as fishery strongholds, efforts to restore salmon and trout fisheries in connected areas with high road densities will be diminished.[223] The Agency must evaluate the impacts of rescinding the Roadless Rule on restoration efforts for anadromous fisheries.

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[215] Colby Loucks et al., *USDA Forest Service roadless areas: potential biodiversity conservation reserves*. 7 Conservation Ecology 2:5, [online] (2003).
[216] Matthew S. Dietz et. al., *supra*, at 4.
[217] *Id*. at 5.
[218] *Id*.
[219] *Id*. at 9.
[220] 2000 FEIS at 3-160.
[221] 2000 FEIS at 3-161, Table 3-34 at 3-162.
[222] *See e.g.,* NOAA Fisheries, *Saving Pacific Salmon and Steelhead*, *available* at: https://www.fisheries.noaa.gov/west-coast/endangered-species-conservation/saving-pacific-salmon-and-steelhead (last visited Sept. 14, 2025); Wash. State Dep't of Nat. Res., *Watershed Resilience Program*, *available at*: https://dnr.wa.gov/aquatics/watershed-resilience-program (last visited Sept. 14, 2025); CalFish: A Cal. Coop. Anadromous Fish and Habitat Data Program, *Fisheries Restoration Grant Program*, *available at*: https://www.calfish.org/ProgramsData/ConservationandManagement/RestorationProjects.aspx (last visited Sept. 14, 2025); Or. Dep't of Fish and Wildlife, *Native Fish Conservation and Recovery*, https://www.dfw.state.or.us/fish/CRP/ (last visited Sept. 14, 2025); Or. Dep't of Fish and Wildlife & the Klamath Tribes, *Implementation plan for the reintroduction of anadromous fisheries into the Oregon portion of the Upper Klamath Basin* (2021); The Columbia Basin Tribes and First Nations, *Fish passage and reintroduction into the U.S. and Canadian Upper Columbia Basin* (2015).
[223] Dominick A. DellaSala et al., *Roadless areas and clean water*, 66 Journal of Soil and Water Conservation, 78–84, 80 (2011).

The Agency also determined that maintaining the status quo, and not adopting the Roadless Rule, would increase the potential for "additional aquatic habitat loss, degradation, and disturbance associated with roads, timber harvest, and other activities."[224] The 2000 FEIS contained a discussion of the numerous potential adverse effects on aquatic systems and the species they support from road construction, maintenance, and use, and from activities associated with timber harvesting.[225] Similar adverse effects are likely to occur if the Roadless Rule is rescinded, degrading aquatic habitats and the fish and other aquatic species that rely on them. In addition to the importance of maintaining, and ideally working to improve, aquatic habitats for the preservation of aquatic species, aquatic habitat quality is important for salmon and other fisheries and for the tribes and fishermen that rely on them. The Agency must assess the anticipated loss and degradation of aquatic habitat that would result from rescinding the Roadless Rule.

The Agency must also consider how inventoried roadless areas operate as part of the larger landscape, accounting for the fact that many inventoried roadless areas are adjacent to National Parks, Wilderness Areas, and other protected lands. Inventoried roadless areas contribute to the preservation of larger, connected landscapes, supporting migratory species and species that require large, isolated habitats, and allowing species to expand their ranges in response to climate change and other factors. The Agency must consider how rescinding the Roadless Rule will impact these adjacent protected areas, the larger landscapes, and the species that rely on them, just as it considered these types of impacts in the 2000 FEIS for the Roadless Rule.[226]

Roadless areas can be especially important for the persistence of top carnivore species, like the threatened grizzly bear, that need large, contiguous blocks of habitat and landscape connectivity among core areas to ensure sufficient habitat to maintain populations.[227] Piecemeal management of National Forests, rather than the broad-scale protections provided by the Roadless Rule, is less likely to support maintenance of these types of contiguous blocks of habitat. Wildlife do not recognize state lines or forest boundaries and are thus better protected through broad-scale protections. For example, the viability of some salmonid populations in Oregon would be affected not only by the application of the rescission of the Roadless Rule to forests in Oregon, but also by its application to forests in other States. Removal of Roadless Rule protections from a roadless area that abuts Oregon in the Klamath National Forest in California could affect the ESA-threatened Southern Oregon/Northern California ESU of coho salmon.

3. Impacts to Water Resources

The Agency must consider the impacts of rescinding the Roadless Rule, and other alternatives, on watershed protection. The Agency identified the importance of watershed protection as one of its main justifications for promulgating the Roadless Rule in 2001.[228] Despite making up only 2% of the land base of the continental United States, inventoried roadless areas are found within 661 of the nation's approximately 2,000 major watersheds (~30%).[229] Inventoried roadless areas are disproportionately important to the small percentage of land they occupy.[230]

In promulgating the Roadless Rule, the Agency acknowledged that inventoried roadless areas are characterized by healthy watersheds, which are important because they catch, store, and release water over time, providing numerous benefits, including "protecting downstream communities from flooding; providing clean water for domestic, agricultural, and industrial uses; helping

[224] 2000 FEIS at 3-163.
[225] 2000 FEIS at 3-160 to 3-169.
[226] 2000 FEIS at 3-136 to 3-142, 3-189 to 3-191, 3-237 to 3-246.
[227] Loucks et al. 2003, *supra*, at 10-11.
[228] 66 Fed. Reg, at 3246.
[229] 66 Fed. Reg. at 3245-46.
[230] 66 Fed. Reg. at 3245-46.

maintain abundant and healthy fish and wildlife populations"; and serving as a basis for many forms of outdoor recreation.[231] The Agency must take these benefits of healthy watersheds into account when evaluating its proposal to rescind the Roadless Rule, or any alternative.

Studies conducted since the adoption of the Roadless Rule continue to find that inventoried roadless areas play an important role in providing clean and abundant water and healthy aquatic ecosystems.[232] A recent study found that inventoried roadless areas protect watersheds that deliver drinking water to hundreds of thousands of people.[233] Inventoried roadless areas provide significant protection to watersheds that are important for delivering clean drinking water to people.[234]

Inventoried roadless areas provide water-related benefits at national, local, and regional levels. Specifically, they provide "a valuable and increasingly rare natural supply of abundant, clean, and naturally reliable water; affordable drinking water for municipal and rural communities; water for agricultural and industrial uses; flood control; in-stream aquatic recreation; aquifer recharge; flood protection; reliable water supply; diverse and productive fisheries; healthy aquatic ecosystems; resident and migratory waterfowl habitat; recovery of endangered species; and, increasingly, the vitality and sustainability of local economies."[235]

Approximately 350 major watersheds found in inventoried roadless areas serve as a source of drinking water for millions of people across the United States.[236] Because many inventoried roadless areas are distributed across headwaters and upper watersheds, they are especially valuable for providing a reliable supply of clean water.[237] Many inventoried roadless areas are considered to be hydrologic hotspots, i.e., "areas with relatively small spatial extent that have a disproportionately important role in producing abundant and reliable clean water."[238] Inventoried roadless areas comprise all, or a considerable portion of, municipal drinking watersheds for a number of cities in Oregon.[239] For example, the sources of drinking water for Bend, Oregon, one of the fastest growing cities in the State, are entirely contained within the Bend Watershed Roadless Area.[240]

Roadless Rule protections "save[] downstream communities millions of dollars in water filtration costs."[241] Inventoried roadless areas similarly save communities, state, and local governments money by saving water treatment plants and highway departments approximately $18 billion annually by avoiding sedimentation caused by logging in inventoried roadless areas.[242] Annually, inventoried roadless areas provide approximately $490 million worth of waste treatment services by "recovering mobile nutrients and cleansing the environment, both processes that involve water flow through intact watersheds."[243]

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[231] 66 Fed. Reg. at 3245.
[232] DellaSala at al., *supra*, at 81; McKinley J. Talty et al., *Conservation value of national forest roadless areas*, 2 Conservation Science and Practice 11, e288, 11 (2020).
[233] Talty at al., *supra*, at 1.
[234] *Id*. at 11.
[235] DellaSala at al., *supra*, at 78 (citations omitted); i*d*. at 79 (providing a detailed list of off-stream and in-stream benefits of inventoried roadless areas in Table 1).
[236] 66 Fed. Reg. at 3245.
[237] DellaSala et al., *supra*, at 80.
[238] *Id.*
[239] Strittholt et al., *supra*, at 16.
[240] *Id.*
[241] 66 Fed. Reg. at 3245.
[242] DellaSala et al., *supra*, at 79.
[243] DellaSala et al., *supra*, at 79-80.

Roads impact water quality, hydrology, the mechanics of sediment and debris transport, and the morphology of stream and river channels.[244] The Agency acknowledged that "[r]oads have long been recognized as the primary human-caused source of soil and water disturbances in forested environments."[245] Logging roads and logging can increase erosion and deposition rates of sediments in stream channels.[246]

Deteriorating roads can have even more significant impacts on watersheds and water quality than newer roads, through increased erosion and sedimentation. Poorly maintained roads, especially, result in both acute and chronic erosion, leading to sediment discharges into surface waters, alteration of stream channels, degradation of aquatic habitat, and impacts to fish spawning grounds. Failure of a single poorly placed, designed, or maintained watercourse crossing in steep terrain can release hundreds of cubic yards of sediment to surface waters; multiple failures can result in thousands of cubic yards being released to sensitive water bodies. These impacts are compounded during severe storm events, which can cause wholesale road failures and significant degradation of rivers and lakes.

Since, as discussed below, the Agency already has—and has had historically—a large ongoing backlog of roads that need maintenance, and has insufficient funds to keep up with the maintenance required, it is foreseeable that the Agency will have difficulty maintaining new roads that are expected to be built in inventoried roadless areas if the Roadless Rule is rescinded. Moreover, the timber harvest that may occur in roadless areas is insufficient to adequately pay for the costs of roads in these areas further exacerbating deficits with the Agency's yearly budget and expenses. Thus, the Agency must consider not only the environmental impacts of potential new roads, but the expected longer-term impacts of the predictable deterioration of those roads and costs associated with that deterioration.

Logging also increases the likelihood of a mass movement of sediment, and these sediment pulses result in changes to stream morphology, with deposition of sediment in channels, creating shallower pools and increasing turbidity.[247] Logging roads are linked to major increases in erosion rates and delivery of sediment to streams, which can be up to 850% over rates in undisturbed habitat.[248] Increased erosion and sedimentation are likely to impact fish and other aquatic life, aquatic ecosystems, and water quality.[249] Sedimentation has contributed to long-term declines in salmonid populations, affecting commercial fisheries and rural economies.

In addition, road construction and logging that are expected to occur if the Agency rescinds the Roadless Rule are likely to increase landslides, resulting in further impacts to aquatic habitats and water quality. In the Agency's 2000 FEIS for the Roadless Rule, it summarized "available research on the effects of road construction and logging on the likelihood of increased risk of landslide activity in areas prone to such activity. The majority of studies conclude that the construction, reconstruction, and maintenance of roads and timber harvest activities in areas with high landslide potential increase the probability of accelerating the occurrence of these events, with the risk of detrimental effects of increased sedimentation in water bodies, aquatic habitats, and drinking water supplies."[250] The Agency must evaluate the impact of building roads, and the increase in commercial logging that rescinding the Roadless Rule would facilitate, on landslide risk.

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[244] Coffin, *supra*, at 397; Talty et al., *supra*, at 11.

[245] 2000 FEIS at 3-44.

[246] Coffin, *supra*, at 398.

[247] *Id*,

[248] DellaSala et al., *supra*, at 80.

[249] Coffin, *supra*, at 398; DellaSala et al., *supra*, at 80.

[250] 2000 FEIS, Volume 3 at 210 (citing DEIS at 3-36 to 3-40).

The protected watersheds of inventoried roadless areas "are especially important for ameliorating the frequency and intensity of flooding, saving millions of dollars annually from averted floods and associated sedimentation, a service that will only increase in value as climate change drives more floods."[251] The Agency must consider that road building, logging, and other intensive management in inventoried roadless areas that will result from rescission of the Roadless Rule are likely to lead to more frequent and more intensive floods.[252]

4. Impacts to Recreation

Rescinding the Roadless Rule will have adverse impacts on outdoor recreational activities throughout the country and could have significant economic consequences that the Agency must consider. National Forest lands protected by the Roadless Rule offer pristine wilderness for outdoor recreational activities, including hiking, hunting, and camping. These recreational activities provide major economic benefits to nearby communities and collectively contribute significantly to the U.S. economy. Rescission of the Roadless Rule will likely cause a substantial negative economic impact to the outdoor recreation industry that the Agency must carefully consider.

Public lands currently protected by inventoried roadless areas include over 26,000 miles of trails, more than 8,500 rock climbing routes, and over 750 miles of whitewater rafting runs.[253] Some of the most popular hiking trails in the country pass through inventoried roadless areas, including segments of the Pacific Crest Trail, the Continental Divide Trail, and the Appalachian Trail.[254] These three trails alone host millions of hikers every year and draw tourists from around the globe. Many of the towns found along these trails have developed economies reliant on the tourism that scenic trails like these bring to these areas. A decline in the number of hikers could be devastating to the economies of these small trail towns.

Backpacking and hiking are not the only forms of outdoor recreation activities that benefit from inventoried roadless areas. Wildlife watching, hunting, and fishing are all nationwide industries that could be adversely affected by the rescission of the Roadless Rule. Wildlife watching contributed over $250 billion to the economy in 2022, supporting over 2.7 million jobs.[255] The United States Fish and Wildlife Service reported there were over 35 million anglers engaged in freshwater fishing in 2022.[256] Recreational fishing alone generates $99 billion in economic output.[257] One of the primary justifications for promulgating the Roadless Rule was the importance of protecting water quality. In addition to the impacts to watersheds, important fish habitat, and the fish species that thrive in inventoried roadless areas, as described above, the Agency must consider the significant potential impacts to the recreational freshwater fishing industry. The Agency also must consider the impacts to the 14.4 million hunters who collectively

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[251] DellaSala et al., *supra*, at 80.
[252] *Id.*
[253] Outdoor Alliance**,** *USDA Plans to Rescind the Roadless Rule, Putting Backcountry Recreation at Risk* (June 24, 2025), https://www.outdooralliance.org/blog/2025/6/24/usda-plans-to-rescind-the-roadless-rule-putting-backcountry-recreation-at-risk.
[254] Larabee, *Scrapping the Roadless Rule Will Harm the PCT*, PCTA Blog (Aug. 29, 2025), https://www.pcta.org/2025/scrapping-the-roadless-rule-will-harm-the-pct-96600.
[255] U.S. FISH AND WILDLIFE SERVICE, 2022 ECONOMIC CONTRIBUTIONS OF WILDLIFE WATCHING IN THE UNITED STATES, at 9 (2022), https://www.fws.gov/sites/default/files/documents/2024-06/2022-economic-contributions-of-wildlife-watching-in-the-united-states.pdf.
[256] U.S. FISH AND WILDLIFE SERVICE, 2022 NATIONAL SURVEY OF FISHING, HUNTING, AND WILDLIFE -ASSOCIATED RECREATION, at 8, 47 (2022), https://www.fws.gov/sites/default/files/documents/Final_2022-National-Survey_101223-accessible-single-page.pdf.
[257] *Id.*

spend more than 240 million days annually pursuing game.[258] If the Agency rescinds the Roadless Rule, there will be fewer opportunities for hikers, campers, climbers, and water sport enthusiasts, as well as hunters, fishermen, and bird and wildlife watchers, to have unique experiences in remote wilderness areas.

Outdoor recreation is an important segment of the U.S. economy, generating $1.2 trillion in economic output in 2023, and representing 2.3% of total gross domestic product ("GDP").[259] Outdoor recreation plays a similarly important role in the economies of States. For example, more than 2% of the GDPs of the States of California, Minnesota, New Mexico, and Oregon, Washington are dependent on outdoor recreation.[260] Growth in this sector has outpaced the national economy, with employment and wage growth both exceeding overall averages.[261] The economic benefits of recreational areas are most prominent at the county and local levels. Rural counties with outdoor recreation-dependent economies are also more successful at attracting new residents, while those without strong outdoor recreation opportunities generally struggle to retain residents.[262]

In promulgating the Roadless Rule, the Agency recognized that "roads are rarely constructed into inventoried roadless areas for recreation purposes,"[263] and the Agency has so far provided no information to indicate that this has changed. Instead, it is the logging industry that has traditionally demanded construction of new roads. The Agency acknowledges in its notice of intent that rescinding the Roadless Rule is intended to expand timber production in National Forest lands, in accordance with Executive Orders 14225, *Immediate Expansion of American Timber Production*, and Executive Order 14154, *Unleashing American Energy*.[264] Studies have found that logging can have a negative impact on total recreation activity in areas where it occurs.[265] The impact of a logging operation on recreation can be as high as 1.5 million displaced activities in a single year, depending on the type and scope of logging that has occurred.[266] The Agency thus must consider that increases in logging in inventoried roadless areas will be detrimental to the outdoor recreation industry in nearby areas, and particularly economically damaging to rural areas.[267]

5. Economic Impacts of Constructing and Reconstructing Roads

The Agency asserts that rescission of the Roadless Rule will comport with Executive Order 14225 and 14154. These Executive Orders, and the proposed Roadless Rule rescission, aim to facilitate domestic production of timber, energy, and minerals. The proposed rescission would allow local forest managers to build new roads and implement other resource extraction practices such as timber sales.

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[258] *Id.* at 18.
[259] Bureau of Econ. Analysis, U.S. Dep't of Com., Outdoor Recreation Satellite Account, U.S. and States, 2023 (Nov. 20, 2024), https://www.bea.gov/sites/default/files/2024-11/orsa1124_0.pdf.
[260] *Id.*
[261] *Id.*
[262] Headwaters Economics, Recreation Counties Attracting New Residents and Higher Incomes (Jan. 2019), https://headwaterseconomics.org/wp-content/uploads/recreation-counties-attract-report.pdf
[263] 66 Fed. Reg. at 3244.
[264] 90 Fed. Reg. at 42181.
[265] Zander S. Venter, *et al.*, *Impacts of forest clear-cutting on recreational activity: Evidence from crowdsourced mobility data*, 258 Landscape and Urban Planning, 105332 (2025).
[266] *Id.*
[267] Wallace, K., et al. *Camping in clearcuts: The impacts of timber harvesting on USFS campground utilization*, 44 J. of Outdoor Recreation and Tourism 100690, (Dec. 2023)

The Agency is already responsible for maintaining more than 360,000 miles of roads, 65,000 miles of which are for passenger vehicles.[268] According to the Agency, this includes "thousands of miles of existing roads within lands designated under the Roadless Rule[.]"[269] The agency has a long history of failing to maintain these roads due to insufficient allocations of funds.[270] Moreover, "the cost of fixing deteriorating roads increases exponentially every year."[271] When the Agency promulgated the Roadless Rule, there was approximately $8.4 billion in total deferred maintenance in the Forest Transportation System.[272] By fiscal year 2024, that figure had grown to $10.8 billion.[273] For roads in particular, total deferred maintenance in fiscal year 2024 was $5.98 billion. The backlog has continued through fiscal year 2025 (almost $5 billion).[274] This maintenance backlog contributed to the failure of the Dosewallips road in the Olympic National Forest in Washington State in 2022.[275] Importantly, "deferred maintenance for roads only includes roads classified for passenger car use and does not include roads for high-clearance vehicles" or roads "in storage" that have future needs but no current needs.[276] Therefore, true deferred road maintenance costs may be much higher.

Some funding for the construction or reconstruction of Forest Service roads may come from the use that most benefits from the initial access, for example, "timber harvest by timber purchasers, mining operations by mining claimants, and special use permit access by permittees."[277] However, funding may also come from taxpayers through congressionally appropriated dollars.[278] Whatever the funding source, the Agency "is responsible for planning, design, and construction oversight" of these roads and associated costs.[279] To better understand the fiscal impacts of rescinding the Roadless Rule, the Agency must consider and evaluate all potential funding sources for road construction and reconstruction and estimate the costs associated with constructing and/or reconstructing roads in inventoried roadless areas to support the development directed by the President.

In considering these costs, the Agency must consider the costs associated with addressing the current backlog of deferred maintenance and the costs of maintaining, or failing to maintain, new roads. When the Agency promulgated the Roadless Rule in 2001, the cost of "[a]nnual maintenance on new roads [], on average, [was] approximately $1,500 per mile[.]"[280] Yet "[i]n fiscal year 2000, the Forest Service received less than 20% of the estimated funding needed to maintain its existing road infrastructure[.]"[281] The Agency's deferred maintenance backlog is likely to increase with increasing cuts to federal funding. Yet the Agency requested just $50 million for road maintenance for fiscal year 2026, significantly less than the already insufficient $73 million requested each year from 2023 to 2025.[282] Whether the Agency plans to maintain or

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[268] Forest Serv., U.S. Dep't of Agric., FY 2026 Budget Justification (2026 Budget Justification), at 29a-87 (June 2025).
[269] 90 Fed. Reg. at 42180.
[270] *See, e.g.*, Figures 1 and 2.
[271] 66 Fed. Reg. at 3246.
[272] 2000 FEIS, Vol. 1, 1-5; 66 Fed. Reg. at 3245.
[273] U.S. Dep't of Agric., National Forest System Statistics (2024 NFS Statistics), Fiscal Year 2024 (Apr. 2025), https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/FY24-forest-system-stats.pdf.
[274] Forest Serv., U.S. Dep't of Agric., FY 2025 Budget Justification (2025 Budget Justification), at 29a-1120 (Mar. 2024).
[275] *See* Figure 3. Roadmap for Increased Investment in Western Washington, at 5.
[276] 2024 NFS Statistics.
[277] 2000 FEIS at 3-22.
[278] *Id.*
[279] *Id*.
[280] *Id.*
[281] *Id.*
[282] 2026 Budget Justification at 29a-82.

fails to maintain new roads, there will be additional costs that the Agency should consider in light of its historical failure to adequately maintain the existing roads.

The decommissioning of roads is also an important factor to analyze and consider, as it too has significant fiscal impacts. Road decommissioning may involve actions such as "blocking the entrance, water barring, removing culverts, reestablishing drainage ways, removing unstable fills, pulling back road shoulders, restoring natural contours and slopes, or other methods designed to meet specific conditions and objections associated with the unneeded roads."[283] All these actions require a considerable investment of financial and human resources—in 1999, the cost of decommissioning roads varied from a few hundred dollars per mile up to $50,000 or more per mile. These costs are likely significantly higher in 2026, and will only continue to increase over time.

The indirect fiscal impacts that stem from the construction and reconstruction of roads, maintenance, and decommissioning, are many, including the need to construct and maintain additional bridges, buildings, and recreation features, all of which are already suffering from a backlog of deferred maintenance.[284] Constructing, reconstructing, operating, maintaining, and decommissioning roads also requires Agency personnel. Yet the Agency has made, and seemingly may continue to make, significant reductions in its workforce: "[t]he Forest Service lost about 5,000 employees, or roughly 15% of its staff[,]" in 2025.[285] Additional indirect fiscal impacts may include negative impacts to other Forest Service programs, such as Vegetation and Watershed Management, which may require additional funding if poorly maintained new roads cause watershed damage caused .[286] The Agency must consider the impacts on the Agency's budget and personnel that will result from rescission of the Roadless Rule, or any alternative.

[283] *Id*.
[284] 2024 NFS Statistics.
[285] Kurtis Alexander, *Here's what's really going on at the Forest Service as wildfire season ramps up,* S.F. Chronicle (Sept. 2, 2025), https://www.sfchronicle.com/california-wildfires/article/forest-service-firefighter-staffing-21020765.php.
[286] *See* 2026 Budget Justification (decreasing budget from $30 million in 2025 to $20.5 million in 2026).

Figure 1. Failure on Klamath National Forest Road 44N45 (Lovers Camp Road)

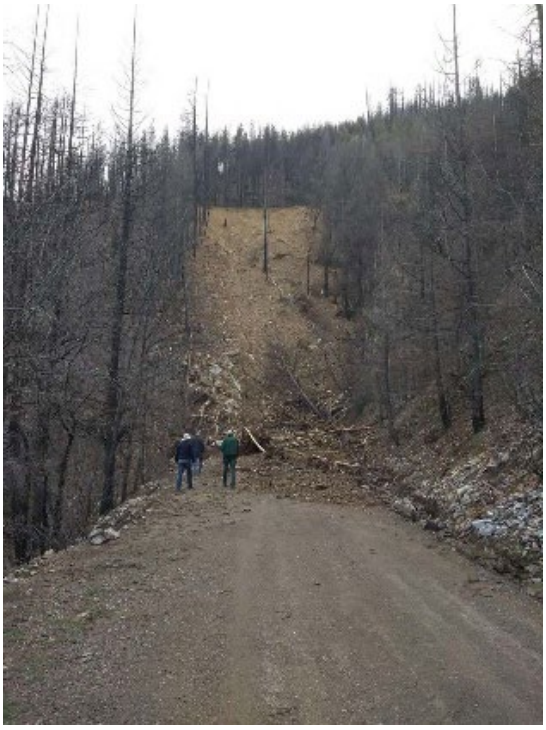

Figure 2 Fillslope failure from a road higher in the watershed onto a road in the Walker Creek watershed in Klamath National Forest, winter of 2015 after the 2014 Happy Camp Complex Fire

Analyzing and considering the potential fiscal impacts likely to result from rescinding the Roadless Rule is critical. The existing Forest Service deferred maintenance has already resulted in significant environmental pressures. Understanding the foreseeable negative impacts from an increase in new road construction or reconstruction, as well as increased timber logging and energy and mineral extraction, is vital.

6. Climate Impacts

Rescinding the Roadless Rule risks one of our most cost-effective climate mitigation solutions we have—intact forests. Forests are the largest terrestrial carbon sinks in the world, absorbing carbon dioxide and storing it as carbon in soils and woody plants.[287] Inventoried roadless areas alone capture more than 15 million tons of carbon per year in the American West, 43.4 million tons in the Interior West, and almost 4 million tons in the East.[288] As the Agency recognized in the 2000 FEIS, forests and forest management can play a role in addressing climate change, and forests can be managed to maximize carbon accumulation (sink enhancement) and minimize carbon loss (emission reduction).[289] Simply put, trees are without a doubt the best carbon capture technology we have—they capture and store carbon for us for free—all we need to do is leave them standing. But rescinding the Roadless Rule will open up huge swaths of our national forests, allowing construction and reconstruction of roads for logging, mining, and other industrial activities, and increasing the risk of more frequent and more intense wildfires,[290] all of which will exacerbate the adverse effects of climate change and contribute to the global climate crisis.

Climate change is a fundamental environmental issue, and its impacts fall squarely within the purview of NEPA. Consistent with the President's policies, the Agency's notice of intent does not include a single reference to climate change or greenhouse gas emissions, but the Agency must not ignore the impacts of rescinding the Roadless Rule on climate change. It must identify and evaluate the climate impacts of rescinding the Roadless Rule, including but not limited to the reasonably foreseeable loss of multiple major carbon sinks, and the reasonably foreseeable increase in greenhouse gas emissions from roadbuilding and reconstruction, increased logging, mining, and other industrial activity, as well as the increase in wildfire. To comply with NEPA, the Agency must utilize "public comment and the best available scientific information."[291]

The Agency must recognize and evaluate the global importance of intact roadless areas for carbon sequestration and storage. Specifically, the Agency must estimate the amount of carbon storage in inventoried roadless areas and conduct an in-depth evaluation of the potential impacts—at appropriate scales—of rescinding the Roadless Rule, and any alternatives, on carbon sequestration and storage capacity. The Agency's analysis must reflect peer-reviewed, published estimates of the sequestration and storage potential of the inventoried roadless areas (or ecological equivalents such as other U.S. public timberlands when such estimates are

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[287] Forest Carbon Status and Trends. https://research.fs.usda.gov/sites/default/files/2022-04/hot-topic-carbon-status.pdf

[288] Talty, M. J., Mott Lacroix, K., Aplet, G. H., and Belote, R. T. (2020). Conservation value of national forest roadless areas. *Conserv. Sci. Pract.* 2:e288. doi: 10.1111/csp2.288.

[289] FEIS 3-65.

[290] *See* Section II.C.1

[291] *Biodiversity Cons. All. v. Jiron*, 762 F.3d 1036, 1086 (10th Cir. 2014) (internal citation omitted). The Agency "shall consider and should address in writing comments that raise substantive issues and/or recommendations. 7 C.F.R. § 1b.7 (f). Regulations implementing the planning provisions of NFMA require the use of "the best available scientific information." 36 C.F.R. § 219.3. The Agency must "document how the best available scientific information was used," and such documentation must "identify what information was determined to be the best available scientific information, explain the basis for that determination, and explain how the information was applied to the issues considered. *Id.*

unavailable), and estimated emissions from logging, road building, mining, and other industrial activities. Because agencies and academics have quantified and compared the carbon emissions of alternative logging proposals, the Agency cannot fail to undertake a similar analysis on the basis that it is too complex or complicated.[292]

The Agency must consider that old-growth forests, in general, accumulate and store massive amounts of carbon in trees, foliage, and soil, and must evaluate the impacts of the reduction in carbon sequestration and storage potential, as well as emissions of other greenhouse gases in forests, due to logging-caused soil compaction and nutrient loss. A study of 673,046 trees across six countries and 403 species found large, old trees do not act simply as senescent carbon reservoirs but actively fix large amounts of carbon compared to smaller trees; at the extreme, a single big tree can add the same amount of carbon to the forest within a year as is contained in an entire mid-sized tree.[293]

Another study in which an international team of scientists reviewed 519 published forest carbon-flux estimates from stands 15 to 800 years old found that net carbon storage was positive for 75% of the stands over 180 years old, and the chance of finding an old-growth forest that was carbon neutral was less than 1 in 10.[294] The study found that the largest 1% of trees in old-growth forests worldwide store approximately 50% of the total stand level carbon and that old-growth forests are substantial carbon sinks, steadily accumulating carbon over centuries and containing vast quantities of it in relatively stable form.[295] In sum, old trees store a disproportionate amount of carbon over time.[296]

In its analysis of the carbon sequestration capacity of inventoried roadless areas and the impacts of rescinding the Roadless Rule, the Agency must consider carbon storage in soils. Although soil carbon levels in old forests are generally thought to be in a steady state, climate change induced temperature increases will lead to soil exposure, increased drying, reduced snowpack, and ultimately release of methane.[297]

Research on carbon isotope labeling has shown that trees exchange carbon below ground.[298] Aided by networks of mycorrhiza fungi, interspecific transfer among trees accounts for 40% of the fine root carbon.[299] Research also indicates that mycorrhiza fungal networks become more

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[292] *See, e.g.*, Dominick. DellaSala, *The Tongass Rainforest as Alaska's First Line of Climate Change Defense and Importance to the Paris Climate Change Agreements* (2016) at 14, https://geosinstitute.org/wp-content/uploads/2016/01/tongass-report-emissions-2016-01.pdf (addressing carbon stores from wood products and concluding that logging Tongass old-growth forest under the 2016 Forest Plan would result in net annual CO2 emissions totaling between 4.2 million tons and 4.4 million tons, depending on the time horizon chosen); U.S. Bureau of Land Mgmt., Western Oregon Proposed RMP Final EIS (2009) at 165-181 (addressing climate change impacts including carbon storage and emissions for Western Oregon Resource Management Plan).

[293] N.L. Stephenson et al., *Rate of tree carbon accumulation increases continuously with tree size*. Nature (Jan. 15, 2014), doi: 10.1038/nature12914.

[294] James A. Lutz, et al. *Global importance of large-diameter trees*. 27 Glob. Eco. and Biogeo. 849-864, (2018), https://doi.org/10.1111/geb.12747.

[295] *Id*.

[296] *Id.* ("Because large-diameter trees constitute roughly half of the mature forest biomass worldwide, their dynamics and sensitivities to environmental change represent potentially large controls on global forest carbon cycling. We recommend managing forests for conservation of existing large-diameter trees or those that can soon reach large diameters as a simple way to conserve and potentially enhance ecosystem services.")

[297] Gavin McNicol et al., *Large, climate-sensitive soil carbon stocks mapped with pedology-informed machine learning in the North Pacific coastal temperate rainforest*. Environ. Res. Lett. 14 014004 (2019), https://iopscience.iop.org/article/10.1088/1748-9326/aaed52.

[298] Tamir Klein et al., *Belowground carbon trade among tall trees in a temperate forest*. 352 Science 342-344 (2016), 10.1126/science.aad6188.

[299] *Id.*

connected and take up more carbon with forest succession even without major changes in dominant species composition.[300] Notably, old-growth forests compared to young growth contain more complex below-ground processes that connect trees at the subsurface level.[301] The Agency must evaluate the impacts of logging on soil microbial and mycorrhizae carbon exchange before drawing any conclusions about the impacts of rescinding the Roadless Rule on carbon storage capacity.

The Agency must also provide a comparison of the reasonably foreseeable emissions from rescinding the Roadless Rule, and each alternative, so the public and decision-makers can compare the greenhouse gas contributions of each. To provide a meaningful basis of comparison, the Agency must compare emissions at local, regional, and national levels, not only on a global scale or on particular sector emissions.[302]

The Agency must fully disclose reliable estimates of how much carbon is emitted by clearcutting to meaningfully inform decision-makers and the public of the true costs of rescinding the Roadless Rule. For example, because much of the carbon in logs hauled to mills becomes waste, only a relatively minor portion of the total tree carbon ultimately ends up in wood products.[303] Up to 40% of the harvested material does not become forest products and is burned or decomposes quickly on site, and a majority of manufacturing waste is burned for heat. One study found that 65% of the carbon from West Coast forests logged over the past 100 years is still in the atmosphere, with just 19% stored in long-lived products.[304] The remainder is in landfills.[305] The same study noted that state and federal reporting of emissions has erroneously excluded some product-related emissions, resulting in a 25-55% underestimation of total carbon dioxide emissions from logging, which the Agency must account for in its analysis of reasonably foreseeable climate impacts.[306]

Similarly, the Agency must calculate the carbon debt created by logging (past, present, and future) using reliable and accurate estimates via a carbon life cycle analysis that accounts for

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[300] Elly Morriën et al. *Soil networks become more connected and take up more carbon as nature restoration progresses*. Nat Comm.(2017), https://doi.org/10.1038/ncomms14349.
[301] *Id.*
[302] *See High Country Conservation Advocs. v. United States Forest Serv.,* 52 F. Supp. 3d 1174, 1190 (D. Colo. 2014) ("Beyond quantifying the amount of emissions relative to state and national emissions and giving general discussion to the impacts of global climate change, [the agencies] did not discuss the impacts caused by these emissions."); Mont. Envtl. Info. Ctr. v. U.S. Office of Surface Mining, 274 F. Supp. 3d 1074, 1096–99 (D. Mont. 2017) (rejecting the argument that the agency "reasonably considered the impact of greenhouse gas emissions by quantifying the emissions which would be released if the [coal] mine expansion is approved, and comparing that amount to the net emissions of the United States"); *WildEarth Guardians v. Zinke*, 368 F. Supp. 3d 41, 76-78 (D.D.C. 2019) (holding BLM's conclusion that the emissions from oil and gas leases "represent an incremental contribution to the total regional and global GHG emissions level" was arbitrary and capricious because it was not supported by any data).
[303] *See, e.g.*, Mark E. Harmon, *Have product substitution carbon benefits been overestimated? A sensitivity analysis of key assumptions*. Environ. Res. Lett. 14 065008 (2019), https://iopscience.iop.org/article/10.1088/1748-9326/ab1e95; Atsushi Sato et al., *Assessing the contribution of harvested wood products under greenhouse gas estimation: accounting under the Paris Agreement and the potential for double-counting among the choice of approaches*. *Carbon Bal. and Mgmt.* (2019). https://doi.org/10.1186/s13021-019-0129-5; Jyri Seppälä et al., *Effect of increased wood harvesting and utilization on required greenhouse gas displacement factors of wood-based products and fuels*, 247 J. of Environ. Mgmt., 580-587 (2019), https://www.sciencedirect.com/science/article/pii/S0301479719308333.
[304] Tara W. Hudiburg et al., *Meeting GHG reduction targets requires accounting for all forest section emissions*, Environ. Res. Lett. 14 095005 (2019), https://iopscience.iop.org/article/10.1088/1748-9326/ab28bb.
[305] *Id.*
[306] *Id.*

how long carbon remains in the atmosphere.[307] At a minimum, the Agency must conduct a carbon life cycle analysis using published sources and Forest Inventory and Analysis/timber stand data on estimated carbon uptake and stores in old growth vs. young growth to calculate age-related differences in carbon stores and associated emissions from logging at the regional scale. To construct a proper life cycle analysis that provides a science-based assessment of carbon stocks and flows in roadless areas, the Agency should utilize a method similar to the approach used by Hudiburg et al. in their 2019 life cycle analysis of emissions from logging.[308]

Logging also involves transportation of trucks and machinery across long distances between the forest, the mill, and the point of distribution. The Agency must estimate, disclose, and evaluate the impacts of these emission sources. In doing so, the Agency must consider state emissions data to obtain reliable estimates of emissions from transport and manufacturing of wood products, including transporting logs long distances to other countries for manufacturing, as well as shipping manufactured products to retail and distribution areas.

The Agency also must estimate and disclose the economic value of old-growth forests in inventoried roadless areas for carbon sequestration and storage, which is relevant to the analysis of alternatives to rescinding the Roadless Rule.[309] Similarly, the Agency also must estimate and disclose the socioeconomic costs and environmental damage from increased carbon emissions that will result from reasonably foreseeable roadbuilding, logging, and other industrial activities if the Roadless Rule is rescinded in sufficient detail to allow decision-makers and the public to evaluate potential economic tradeoffs.[310] Courts have rejected agency refusals to properly quantify the costs of greenhouse gas emissions,[311] and identify and disclose to the public the actual climate impacts caused by greenhouse gas emissions, such as property loss or damage from sea-level rise; changes in energy demand; loss of or reduction in productivity and other impacts to agriculture; and human health impacts, such as cardiovascular and respiratory

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[307] This carbon debt is not trivial. Approximately 60% of the carbon lost through logging since 1700s has not yet been recovered by the land sector. Duncan C. McKinley et al. *A synthesis of current knowledge on forests and carbon storage in the United States*. 21 Ecological App. 1902-1924 (2011), https://esajournals.onlinelibrary.wiley.com/doi/abs/10.1890/10-0697.1. 81% of carbon previously stored in West Coast forests has been returned to the atmosphere via logging since 1900. Hudiburg, et al., supra note 291. These centuries-long atmospheric carbon emissions amidst a worsening global climate crisis illustrate why scientists continue to call for policies that avoid emissions and store more carbon in forests. William J. Ripple et al. *World Scientists' Warning of a Climate Emergency*. 70 BioScience,8-12 (2020), 10.1093/biosci/biz088.; Law et al. 2018 Land use strategies to mitigate climate change in carbon dense temperate forests.

[308] Hudiburg et al., supra note 291.

[309] *See Nat. Res Def. Council v. U.S. Forest Service*, 421 F.3d 797 (9th Cir. 2005).

[310] *See id.*

[311] *See, e.g.*, *Montana Env't Info. Ctr. v. U.S. Office of Surface Mining*, 274 F. Supp. 3d 1074, 1094–99 (D. Mont. 2017) (rejecting agency's failure to incorporate the federal SCC estimates into its cost-benefit analysis of a proposed mine expansion); *see also Zero Zone, Inc. v. U.S. Dep't of Energy*, vcv, 679 (7th Cir. 2016) (holding estimates of the social cost of carbon (SCC) used to date by agencies were reasonable); *High Country Conservation Advocates v. U.S. Forest Serv*., 52 F. Supp. 3d 1174, 1190–93 (D. Colo. 2014) (holding the SCC was an available tool to quantify the significance of GHG impacts, and it was "arbitrary and capricious to quantify the benefits of the lease modifications and then explain that a similar analysis of the costs was impossible") (emphasis in original). An agency may not assert that the social cost of fossil fuel development is zero: "by deciding not to quantify the costs at all, the agencies effectively zeroed out the costs in its quantitative analysis." *High Country Conservation Advocates*, 52 F. Supp. 3d at 1192; *see Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin*., 538 F.3d 1172, 1200 (9th Cir. 2008) (holding that while there is a range potential social cost figures, "the value of carbon emissions reduction is certainly not zero").

mortality; and changes in associated pollution.[312] These impacts are all included, to some degree, in the different assessment models that comprise the widely accepted social cost of greenhouse gas estimates.[313]

Roadless areas, which have existing old-growth forests, are thus uniquely valuable as a long-term stable carbon sink, especially compared to logged areas that emit most of their carbon. Unlogged forests store 30-50% more carbon than logged forests and up to half of the carbon stored in a forest is represented by the largest/oldest 1% of trees at the stand level as noted above.[314] Logging primary forests results in a net carbon debt and other irreplaceable losses that are not made up for via reforestation or wood product stores, as the carbon present in primary forests and soils takes centuries to accumulate. Keeping carbon in forests is a fundamental climate mitigation strategy directly responsive to the climate emergency[315] and essential to offsetting some of the emissions from the energy sector. By maximizing carbon storage in roadless areas and old-growth (the scientifically recommended climate strategy), the entire national forest system benefits through the maintenance of linked ecosystem services and biodiversity (i.e., multifunctionality of forests maintained via carbon management).[316] Research suggests this strategy is the most cost-feasible option by a large margin,[317] and it should receive highest priority as a policy consideration. Old-growth forests may also act as a climate buffer,

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[312] *NRDC v. NRC*, 685 F.2d 459, 486–87 (D.C. Cir. 1982), rev'd on other grounds, *Baltimore Gas & Elec. Co. v. NRDC*, 462 U.S. 87, 106–07 (1983). Merely listing the quantity of emissions is insufficient if the agency "does not reveal the meaning of those impacts in terms of human health or other environmental values," since "it is not releases of [pollution] that Congress wanted disclosed" but rather "the effects, or environmental significance, of those releases." *Id.*

[313] *See, e.g.*, U.S. Env't Prot. Agency, *Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances*, 47-62 (2023), https://www.epa.gov/system/files/documents/2023-12/epa_scghg_2023_report_final.pdf. Even in combination with a general, qualitative discussion of climate change, by calculating only the tons of GHGs emitted, an agency fails to meaningfully assess the actual incremental impacts to property, human health, productivity, and so forth. *See Ctr. for Biological Diversity*, 538 F.3d at 1216–17 (rejecting analysis under NEPA when agency "quantifie[d] the expected amount of [carbon dioxide] emitted" but failed to "evaluate the incremental impact that these emissions will have on climate change or on the environment more generally," noting that this approach impermissibly failed to "discuss the actual environmental effects resulting from those emissions" or "provide the necessary contextual information about the cumulative and incremental environmental impacts" that NEPA requires); *California v. Bernhardt*, 472 F. Supp. 3d 573, 623 (N.D. Cal. 2020) ("[F]raming sources as less than 1% of global emissions is dishonest and a prescription for climate disaster . . . Mere quantification [of greenhouse gas emissions] is insufficient."); *Montana Env't Info. Ctr.*, 274 F. Supp. 3d at 1096–99 (rejecting the argument that the agency "reasonably considered the impact of greenhouse gas emissions by quantifying the emissions which would be released if the [coal] mine expansion is approved, and comparing that amount to the net emissions of the United States"); *High Country Conservation Advocates*, 52 F. Supp. 3d at 1191 ("Beyond quantifying the amount of emissions relative to state and national emissions and giving general discussion to the impacts of global climate change, [the agencies] did not discuss the impacts caused by these emissions."). An agency therefore falls short of its legal obligations and statutory objectives by disclosing only volume estimates. To take an analogous example, courts have held that just quantifying the acres of timber to be harvested or the miles of road to be constructed does not constitute a "description of actual environmental effects," even when paired with a qualitative "list of environmental concerns such as air quality, water quality, and endangered species," when the agency fails to assess "the degree that each factor will be impacted." *Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt*., 387 F.3d 989, 995 (9th Cir. 2004) ("A calculation of the total number of acres to be harvested in the watershed is . . . not a sufficient description of the actual environmental effects that can be expected from logging those acres."); *see also Oregon Nat. Res. Council v. Bureau of Land Mgmt*., 470 F.3d 818 (9th Cir. 2006).

[314] Lutz, et al., supra.

[315] *See* Moomaw 2019, Ripple et al. 2019.

[316] In addition to carbon, old forests also build soil, cycle nutrients, mitigate pollution, purify water, release oxygen, and provide habitat for wildlife at much higher levels than logged forests.

[317] Moomaw et al. 2019.

helping stabilize seasonal temperature shifts,[318] which are becoming more extreme under climate change conditions. Studies comparing logged vs. old-growth forests in the Oregon Cascades found that old-growth reduced maximum spring and summer air temperatures as much as 2.5º C.[319] Thus, scientists have repeatedly acknowledged the superior climate benefits inherent in old-growth forests that are irreplaceable in human lifetimes. Rescinding the Roadless Rule would open huge swaths of our national forests to commercial logging, which most often targets bigger, older trees that provide cool, shady microclimates for people and wildlife, and capture and store more carbon than their smaller, younger counterparts.[320] Even if forests are replanted after logging, it can take 20 years or more for a young forest to stop emitting more carbon from its soils than it captures with its leaves.[321]

The Agency must not ignore the incremental nature of carbon emissions and impacts, recommendations of the Intergovernmental Panel on Climate Change to avoid additional emissions, or the broader scientific consensus on the need to fully protect carbon sinks.[322] The global community has also signaled its intent to protect carbon sinks under Article 5 of the Paris Climate Agreement. While the President is—for the second time—irresponsibly withdrawing from the Paris Climate Agreement,[323] it would be equally irresponsible for the Agency to discount the impact of emissions from old-growth logging and other industrial activities that would result from rescinding the Roadless Rule, especially at a time the rest of the world is determined to reduce and avoid emissions at all scales. More to the point, ignoring these impacts would render the Agency's analysis insufficient under NEPA. To comply with NEPA, the Agency must, at a minimum, grapple with the accepted science and explain why it is choosing to ignore the conclusions and recommendations of experts.

IV. The Agency Must Comply with Other Statutory Requirements

A. Endangered Species Act

In addition to evaluating the impacts of rescission of the Roadless Rule on species that are listed as threatened or endangered under the ESA, the Agency must consult with the U.S. Fish and Wildlife Service ("FWS") and the National Marine Fisheries Service ("NMFS"), the expert wildlife agencies, because the rescission may affect numerous threatened and endangered species.[324] The ESA requires that every federal agency "insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species . . . or result in the destruction or adverse modification of [the designated critical] habitat of such species."[325] To that end, agencies must engage in a consultation process with FWS and/or NMFS to determine the effects of their actions

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[318] Alkama and Cescatti 2016. Biophysical climate impacts of recent changes in global forest cover https://www.science.org/doi/10.1126/science.aac8083.
[319] McNicol et al. 2019.
[320] Mildrexler, D.J. (2020) Large Trees Dominate Carbon Storage in Forests East of the Cascade Crest in the United States Pacific Northwest. Front. For. Glob. Change 3:594274. doi: 10.3389/ffgc.2020.594274 https://www.frontiersin.org/journals/forests-and-global-change/articles/10.3389/ffgc.2020.594274/full
[321] Law, B. E. 2001 Carbon storage and fluxes in ponderosa pine forests at different developmental stages https://doi.org/10.1046/j.1354-1013.2001.00439.
[322]Law et al. 2018 Land use strategies to mitigate climate change in carbon dense temperate forests.
[323] On January 20, 2025, shortly after his second inauguration, President Trump signed Executive Order 14162, titled *Putting America First In International Environmental Agreements*, to withdraw the United States from the agreement for a second time. 902 Fed. Reg. 8455 (Jan. 20, 2025). The United States' withdrawal will be effective in January 2026, one year after the formal notification was submitted to the United Nations Secretary-General.
[324] *See Cal. ex rel. Lockyer*, 575 F.3d at 1019 (Forest Service was required to engage in ESA consultation before promulgating new rule replacing Roadless Rule).
[325] 16 U.S.C. § 1536(a)(2).

on listed species.[326] ESA consultation is required whenever a federal action "*may affect* listed species or critical habitat,"[327] and the threshold for meeting this "may affect" standard is relatively low.[328] A rule rescinding the Roadless Rule would easily meet this threshold, triggering the requirement that the Agency consult with FWS and NMFS. This is because rescinding or amending the Roadless Rule will result in a new land designation for roadless areas, and this change in designated status will affect listed species. Moreover, while NFMA requires that site-specific activities are consistent with a land management plan, there are instances where land management plans specify how site-specific activities shall be conducted. For example, land management plans include timber harvest schedules or pre-project survey requirements. Thus rescinding the Roadless Rule would revert management back to each National Forest's land management plan with specific prescriptions, like pre-project surveys, for certain activities and how(?) those prescriptions will adversely affect listed species. Rescinding the Roadless Rule would also change the environmental baseline for existing consultations for land management plans and/or the old consultations are stale and do not reflect the best available science, and this may require reinitiation of consultation.

As discussed above, there are hundreds of threatened and endangered species and species proposed for ESA listing that rely on habitat in inventoried roadless areas, including some species that have designated critical habitat within inventoried roadless areas. These include species like the endangered California condor, threatened Santa Ana sucker, endangered southwestern willow flycatcher, threatened Mexican spotted owl, threatened northern spotted owl, and numerous threatened and endangered populations of coho and chinook salmon and steelhead.[329] When the Agency previously attempted to rescind the Roadless Rule and replace it with the State Petitions Rule, the Ninth Circuit held that the Agency was required to engage in ESA consultation before rescinding the Rule.[330] Similarly here, the Agency must consult with FWS and NMFS on the potential impacts to threatened and endangered species, and their critical habitats, that may result from the rescission of, or changes to, the Roadless Rule.

B. National Historic Preservation Act

The Agency must work with States and tribes to evaluate, under both NEPA and the National Historic Preservation Act ("NHPA"), the potential for impacts to historic and cultural resources from the rescission of the Roadless Rule.[331] The NHPA directs federal agencies, including the Agency, to "take into account the effect of [an] undertaking on any historic property.[332] The Agency must conduct a process under Section 106 of the NHPA if the undertaking has the "potential to cause effects on historic properties."[333] The Agency must follow the elements of this process, including state and tribal consultation requirements, as specified in the implementing regulations found at 36 C.F.R. § 800.3. Additionally, agencies are responsible for inventorying the historic and prehistoric sites located on the lands they manage under Executive Order 11593, *Protection and Enhancement of the Cultural Environment*.

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[326] *See id.*; *Karuk Tribe of Cal. v. U.S. Forest Serv.*, 681 F.3d 1006, 1020 (9th Cir. 2012).
[327] 50 C.F.R. § 402.14(a) (emphasis added).
[328] *See Cal. ex rel. Lockyer*, 575 F.3d 1018-19 ("*any possible effect*, whether beneficial, benign, adverse or of an undetermined character, triggers the formal consultation requirement.") (quoting 51 Fed. Reg. 19926, 19949 (June 3, 1986)).
[329] FEIS Appendix C.
[330] *Cal. ex rel. Lockyer*, 575 F.3d at 10268-69.
[331] 54 U.S.C. § 3006101 *et seq*.
[332] 54 U.S.C. § 306108.0.
[333] 36 C.F.R. § 800.3(a).

The Agency assessed the potential for effects to historic property in its 2001 FEIS for the Roadless Rule,[334] noting that '[a]gencies must identify any historic or cultural properties that will potentially be affected by the preferred alternative, assess the effects of that action on those properties, and seek ways to avoid, minimize, and mitigate any adverse effects."[335] The Agency conducted this analysis because "[m]any heritage sites that have not been inventoried probably exist in inventoried roadless areas, where development has been relatively minimal."[336]

This analysis is especially relevant for an action related to road building. The Agency previously recognized that roads tend to be "built in locations that have the highest likelihood of containing historic or prehistoric sites, such as along rivers and creeks, or through open areas."[337] Even if roads are not built directly on historic sites, they can "cause increased erosion of historic or cultural sites."[338]

V. The Agency Must Ensure Adequate Opportunity for Public Engagement Throughout the Rulemaking Process

Rescinding the Roadless Rule and removing protections from approximately 45 million acres of inventoried roadless areas will have nationwide impacts. Such far-reaching impacts call for significant and consistent public involvement in the NEPA process.

NEPA prioritizes democratic values by providing a central role for public participation in the environmental review process.[339] In particular, NEPA directs agencies to "utilize a systematic, interdisciplinary approach" in their decision-making, and to make their decision-making process transparent and accessible to states, local governments, and the public, including through making available "information useful in restoring, maintaining, and enhancing the quality of the environment."[340] NEPA thus envisions public participation in the federal planning process,[341] providing a benefit to federal decision making.[342]

The Agency must provide sufficient time for the public to meaningfully participate in the Agency's NEPA review process, as well as at all stages of its rulemaking process. Feedback at the NEPA scoping stage, especially for a proposal of this magnitude, is critically important because it provides stakeholders with an opportunity to identify issues, including environmental, social, and economic impacts, and other factors, the Agency should consider in its NEPA review process. Yet the Agency provides only a brief 21-day comment period for its notice of intent. This stands in stark contrast to the Agency's process when it promulgated the Roadless Rule. Then, the Agency provided a 60-day public comment period to respond to its notice of intent to

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[334] *See* 2000 FEIS at 3-232 through 3-237.
[335] *Id.* at 3-232.
[336] *Id*.
[337] *Id.*
[338] *Id*.
[339] *See, e.g*., 42 U.S.C. § 4332(2)(C).
[340] 42 U.S.C. § 4332(2)(A), (C), (G).
[341] *Id*. § 4332(2)(C).
[342] *See e.g.* ENV'T. LAW INST., NEPA SUCCESS STORIES: CELEBRATING 40 YEARS OF TRANSPARENCY AND OPEN GOVERNMENT, at 6 (Aug. 2010) [hereinafter NEPA Success Stories], https://ceq.doe.gov/docs/get-involved/NEPA_Success_Stories.pdf; CEQ, EXAMPLES OF BENEFITS FROM THE NEPA PROCESS FOR ARRA FUNDED ACTIVITIES (May 2011) [hereinafter Examples of NEPA Benefits], https://ceq.doe.gov/docs/get-involved/ARRA_NEPA_Benefits_List_May122100.pdf (last visited Sept. 18, 2025); CEQ, A CITIZEN'S GUIDE TO THE NEPA: HAVING YOUR VOICE HEARD, at 24 (Dec. 2007) [hereinafter Citizen's Guide to the NEPA], https://ceq.doe.gov/docs/get-involved/Citizens_Guide_Dec07.pdf (noting, in a specific example, that "[t]hrough NEPA, citizens were able to educate and assist the decision-makers in developing their alternatives.").

prepare an EIS,[343] held over 187 public meetings across the country prior to publishing its Draft EIS.[344] Here, the Agency offers no public meetings, and the paltry 21-day public comment period for the notice of intent does not provide sufficient time for key stakeholders, including but not limited to states and scientists, to prepare meaningful NEPA scoping comments to effectively "guide the development of the EIS" as solicited.[345] Washington, California, New Mexico, Oregon, and Wisconsin, with millions of acres of inventoried areas within their boundaries requested an extension to this comment period.[346] The Agency did not grant this request.

The Agency must continue to solicit, provide adequate time for, and respond to public input throughout the NEPA and rulemaking process. The States urge the Agency to provide additional time for NEPA scoping comments and for a robust comment period when it publishes the proposed rule and draft EIS. The Agency should hold public meetings across the country to solicit local feedback, as it did when promulgating the Roadless Rule. In addition to the 187 meetings the Agency held during the NEPA scoping period for the Roadless Rule, it held over 430 additional public meetings after publishing the Draft EIS to solicit feedback on its analysis.[347] Over 23,000 people attended these meetings.[348]

Rescinding the Roadless Rule will undoubtedly have as many, if not more, significant and far-reaching impacts than promulgating it, and the Agency's proposal to rescind the Roadless Rule thus warrants a similarly robust public engagement process.

VI. CONCLUSION

As discussed above, rescinding the Roadless Rule will have significant and nationwide impacts. Under NEPA, the Agency must conduct an in-depth analysis of all reasonably foreseeable impacts of rescinding the Roadless Rule, including direct, indirect, and cumulative environmental, social, and economic impacts and must provide for robust public participation throughout the rulemaking process. The Attorneys General of the undersigned States urge the Agency to maintain the Roadless Rule and the necessary and effective protections it provides.

[343] National Forest System Roadless Areas, 64 Fed. Reg. 56306 (October 19, 1999).
[344] *Id.*; 2000 FEIS at S-2.
[345] 90 Fed. Reg. at 42182
[346] *See* previously filed extension request letter. *See* Docket FS-2025-0001.
[347] 2000 FEIS at Vol. 1, 1-7.
[348] 2000 FEIS at Vo. 1, 1-7.