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September 23, 2026

Jim Bacon, Acting Director
Public Benefits
USDA Forest Service
201 14th Street SW
Washington, DC 20250

Submitted electronically via www.regulations.gov, Docket No. FS-2026-0100

Re: Comments of Forest Service Employees for Environmental Ethics (FSEEE) and Public Employees for Environmental Responsibility (PEER) on the Notice of Intent to Prepare an Environmental Impact Statement, *Travel Management; National Forest System Lands*, 91 Fed. Reg. 54686 (Aug. 24, 2026), Docket No. FS-2026-0100

Dear Acting Director Bacon:

I. Introduction and Summary

Forest Service Employees for Environmental Ethics (FSEEE) and Public Employees for Environmental Responsibility (PEER) submit these comments on the Department of Agriculture's Notice of Intent to prepare an environmental impact statement and to revise the Forest Service's travel management regulations at 36 C.F.R. parts 212 and 261. FSEEE is a national nonprofit organization of current and former Forest Service employees, scientists, and citizens dedicated to protecting our national forests and to holding the agency accountable to the environmental laws Congress wrote for administering our public lands. PEER is a national nonprofit organization that supports current and former public employees who seek a higher standard of environmental ethics and scientific integrity within their agencies. It does this by defending whistleblowers, shining the light on improper or illegal government actions, working to improve laws and regulations, and supporting the work of other organizations. Members from both groups have spent significant amounts of their careers working on the Travel Management Rule, implementing it, mitigating impacts from motorized use, building, maintaining, closing, and analyzing the very road system this rulemaking addresses. We write from that experience.

FSEEE and PEER oppose the proposed action. Our objection is not to modernization, to better maps, or to reducing genuinely duplicative paperwork. It is to the three substantive changes at the core of the proposal: (1) removal of the minimization criteria at 36 C.F.R. § 212.55(b); (2) replacement

of the minimum road system requirement at 36 C.F.R. § 212.5(b)(1) with an undefined “adequate and appropriate” standard; and (3) creation of a national presumption that existing routes are open, coupled with an affirmative duty to consider new routes and an annual duty to reconsider closures. Together these changes would remove the only national standards that require the agency to site motorized use where it does the least damage, and would replace them with a directional thumb on the scale in favor of a single use.

We summarize our principal points here, as the Notice requests.

- The statutory authority the Department invokes will not support the action it proposes. The Department relies on the Organic Administration Act, 16 U.S.C. § 551, which authorizes rules “to regulate their occupancy and use and to preserve the forests thereon from destruction.” The proposed action would repeal the only national criteria directing the agency to minimize damage to soil, watersheds, vegetation, and wildlife habitat. The cited authority and the proposed action point in opposite directions – the first directs the Secretary to preserve the forests from destruction; the second removes the national criteria that carry out that direction.
- A presumption favoring one use is not multiple use. The Multiple-Use Sustained-Yield Act requires “harmonious and coordinated management of the various resources, each with the other.” 16 U.S.C. § 531(a). The Department said so itself in 2015: national forest uses “must be balanced, rather than given preference.” 80 Fed. Reg. 4500, 4504 (Jan. 28, 2015). The proposed presumption gives preference.
- The changed conditions the Notice identifies argue for the opposite conclusion. An expanding wildland-urban interface, more severe wildfire, drought, insect and disease outbreaks, record recreation demand, and faster, longer-range off-highway vehicles all increase resource impacts from poorly sited motorized use. They are reasons to strengthen travel management, not to remove it.
- Roads and motorized routes fragment habitat and isolate wildlife populations, and the damage is cumulative and difficult to reverse. Peer-reviewed genetic evidence shows roads dividing wildlife into separate gene pools, and the broader literature shows that barrier effects scale with traffic volume and the density of open routes — variables the current designation criteria require managers to weigh, and variables a policy “favoring increased access” would raise. The Forest Service's own planning regulations define connectivity to include “the dispersal and genetic interchange between populations.” 36 C.F.R. § 219.19. Section VI.B explains why this evidence applies across the National Forest System.
- The Department's own analysis documents the harm. The August 2026 draft environmental impact statement for rescission of the Roadless Rule finds that roads are a substantial human-caused source of soil and water disturbance, that elk survival rose when roads were closed and fell when the gates were removed, that managing motorized access reduces grizzly bear impacts, and that increased public road access could increase wildfire. It relies on the travel management framework and the Forest Service directives to contain those harms — the same safeguards the Department is proposing, in this rulemaking and a separate one, to remove. Sections VII and VIII expand on this.
- The proposal is fiscally indefensible on the agency's own numbers. The Forest Service reported \$11.44 billion in deferred maintenance in the second quarter of fiscal year 2026, of

which \$6.12 billion is roads — and that road figure excludes maintenance level 1 and 2 roads entirely because it “cannot be estimated with a suitable degree of confidence.” The proposed action would expand a system the agency already cannot maintain, and would do so through recurring annual review obligations “subject to available appropriations” that will not be appropriated.

- The record contradicts the premise that travel management closes public lands. The Superior National Forest's forest-wide travel analysis — included in the record accompanying these comments — examined all 2,499 miles of system road and identified 16 miles, six-tenths of one percent, as likely not needed. Ninety-nine percent of the road system was found necessary. Travel analysis under the current rule is not a closure program. It is an inventory.
- The environmental effects are not speculative, and the Notice cannot both claim the rule will increase access and claim it cannot estimate the effects of doing so.

We ask the Department to select the no-action alternative, or in the alternative to develop and analyze the modified alternatives described in Section X.D. Sections II through XIII supply the legal, scientific, and fiscal basis for that request, and respond to each rationale the Notice offers.

II. The Legal Framework This Rulemaking Must Satisfy

The Department frames the proposal as an exercise of “independent statutory discretion.” 91 Fed. Reg. at 54688. That framing is correct and it is consequential: because Executive Order 14408 supplies no independent legal authority, every element of the proposed rule must be defensible under the statutes that govern the National Forest System. Those statutes impose substantive obligations, not merely procedural ones.

A. The Forest Reserve Act of 1891 and the Organic Administration Act of 1897: watershed protection is a founding purpose, not a competing interest

The forest reserves that became the National Forest System were created under section 24 of the Act of March 3, 1891, ch. 561, 26 Stat. 1095, 1103. Congress supplied their purposes six years later in the Organic Administration Act: no national forest may be established “except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber.” 16 U.S.C. § 475. The Supreme Court has confirmed that these were the only two purposes for which Congress originally reserved the forests. *United States v. New Mexico*, 438 U.S. 696, 707–08 (1978).

Watershed protection is therefore not one value among many that the agency may trade away in favor of access. It is one of the two reasons the National Forest System exists. Roads are the dominant human-caused source of sediment delivery to streams on National Forest System lands. The Forest Service has itself acknowledged that roads “have long been recognized as the primary human-caused source of soil and water disturbances in forested environments.” USDA Forest Service, Roadless Area Conservation Draft Environmental Impact Statement, vol. 2, at 3-44 (2000) (quoted in Talty et al. 2020). A rule that removes the national requirement to minimize damage to watersheds, and that simultaneously creates pressure to reopen and add routes, operates directly against the purpose for which these lands were reserved.

The Department's cited rulemaking authority makes the tension unavoidable. Section 551 authorizes the Secretary to “make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction.” Organic Administration Act, 16 U.S.C. § 551. That grant is expressly instrumental — it is a power to make rules that insure the objects of the reservations. The Department cites it as authority to repeal the rules that do exactly that. Following *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), a reviewing court will read § 551 for itself, without deference, and, we believe, will conclude that § 551 cannot be read to authorize its own defeat.

B. The Multiple-Use Sustained-Yield Act of 1960: balance, without impairment of the productivity of the land

The Multiple-Use Sustained-Yield Act (MUSYA) declares that the national forests “are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes,” and that these purposes are “supplemental to, but not in derogation of” the Organic Act purposes. 16 U.S.C. § 528. Congress also declared in the same section that the establishment and maintenance of wilderness areas is consistent with the Multiple-Use Sustained-Yield Act. 16 U.S.C. § 529.

MUSYA defines the terms it uses, and the definitions are directive. “Multiple use” means “the harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.” 16 U.S.C. § 531(a). “Sustained yield” means “the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land.” *Id.* § 531(b).

Three features of these definitions bear directly on the proposal. First, MUSYA requires coordination among resources, not the elevation of one. Second, it twice conditions management on the absence of impairment to the productivity of the land — a substantive ceiling, not a procedural step. Third, it expressly rejects maximization of a single output as the governing objective. A national presumption that routes are open unless the agency can affirmatively justify closure, paired with an annual duty to identify closures for reconsideration and an affirmative duty to consider new routes, is a maximization directive for one use. The Notice describes it in exactly those terms: “a uniform national policy favoring increased access.” 91 Fed. Reg. at 54686.

The Department's own prior construction of MUSYA in this regulatory context is directly to the contrary. In the 2015 over-snow vehicle rule, responding to comments about the minimization criteria, the Department wrote that national forest uses “must be balanced, rather than given preference,” and that the minimization criteria of § 212.55 are the mechanism by which managers minimize effects on forest resources including wildlife. 80 Fed. Reg. 4500, 4504 (Jan. 28, 2015). An agency may change its mind, but it must acknowledge the change and give good reasons for it, and must supply a more detailed justification where the new policy rests on factual findings that contradict those underlying the prior policy. *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515–16 (2009). The Notice does neither.

C. The National Forest Management Act: diversity, watershed protection, and plan consistency

The National Forest Management Act (NFMA) requires plans that “provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives.” 16 U.S.C. § 1604(g)(3)(B). The 2012 Planning Rule implements that duty through requirements for ecological integrity and for maintaining viable populations of species of conservation concern. 36 C.F.R. §§ 219.8, 219.9. The Planning Rule requires plan components to maintain or restore ecological integrity, including connectivity, *id.* § 219.8(a)(1), and defines connectivity as ecological conditions providing landscape linkages that permit, among other things, “the daily and seasonal movements of animals within home ranges; the dispersal and genetic interchange between populations; and the long-distance range shifts of species.” *Id.* § 219.19. Maintaining gene flow among wildlife populations is thus not an extrinsic scientific preference; it is an element of the diversity obligation as the agency itself has defined it, and road and motorized route networks are a well-documented cause of its loss. See Section VI.B.

NFMA further directs the Secretary to insure protection for “streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment.” 16 U.S.C. § 1604(g)(3)(E)(iii). Although that provision is framed as a timber harvest standard, it expresses Congress's substantive judgment about the aquatic resources the agency must protect — and sediment deposition from roads is the single largest source of the harm it names.

Critically, NFMA provides that “permits, contracts, and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans.” 16 U.S.C. § 1604(i). The 2012 Planning Rule likewise requires that projects and activities be consistent with plan components. 36 C.F.R. § 219.15(d). A motor vehicle use designation is an instrument governing the use and occupancy of National Forest System lands. Consistency is therefore not optional, and it is not something this rulemaking can streamline away.

This matters for the “duplication” rationale in Section V.C below. The Notice proposes to clarify that travel management decisions “are not land management planning decisions and need not be made through the procedures governing development, amendment, or revision of land management plans.” 91 Fed. Reg. at 54688. So far as it goes, that is unremarkable — no one has contended that publishing a motor vehicle use map requires a plan amendment. But the clarification eliminates no actual obligation, because § 1604(i) and § 219.15(d) continue to require consistency. The proposal therefore removes the substantive designation criteria while leaving the procedural consistency duty in place. That is the reverse of the efficiency the Notice claims.

D. Other governing authorities the proposed rule must satisfy

- Clean Water Act. Federal agencies must comply with state and federal water quality requirements to the same extent as any person. Clean Water Act § 313, 33 U.S.C. § 1323(a). States identify impaired waters and establish total maximum daily loads under Clean Water Act section 303(d), 33 U.S.C. § 1313(d). Where roads are a listed sediment source, an open-unless-closed presumption perpetuates sediment loading rather than resolving it.
- Endangered Species Act. Promulgation of this rule is agency action subject to consultation under section 7(a)(2) of the Endangered Species Act, 16 U.S.C. § 1536(a)(2), and the

Department also bears an affirmative conservation obligation under Endangered Species Act § 7(a)(1), 16 U.S.C. § 1536(a)(1). Programmatic documents that set the framework for later site-specific decisions require consultation. See *Cottonwood Environmental Law Center v. U.S. Forest Service*, 789 F.3d 1075 (9th Cir. 2015). The Notice does not describe any consultation.

- Wilderness Act. Motorized use is prohibited in designated wilderness. Wilderness Act § 4(c), 16 U.S.C. § 1133(c). Where system routes terminate at or near wilderness boundaries, an open-unless-closed presumption and expanded off-route allowances increase motor trespass pressure on areas Congress placed off limits.
- ANILCA. In Alaska, Title VIII gives subsistence uses by rural residents priority over other consumptive uses of fish and wildlife, 16 U.S.C. § 3114, and Titles VIII and XI protect access for subsistence and traditional activities, *id.* §§ 3121(b), 3170(a). Section 810 requires the agency to evaluate the effect on subsistence uses and needs of any decision to permit the use, occupancy, or disposition of public lands, and adds notice, hearing, and findings requirements where a decision would significantly restrict subsistence uses. ANILCA § 810, 16 U.S.C. § 3120. The Notice mentions subsistence only as a beneficiary of access and does not mention ANILCA at all. Section X.F explains why that is inadequate.
- National Historic Preservation Act. Increased and less-supervised motorized access is a well-documented vector for damage to archaeological sites and traditional cultural properties. National Historic Preservation Act § 106, 54 U.S.C. § 306108.
- Administrative Procedure Act. Rescinding an existing rule requires the same reasoned analysis as adopting one, *Motor Vehicle Manufacturers Association v. State Farm Mutual Automobile Insurance Co.*, 463 U.S. 29, 41–43 (1983), including consideration of the reliance interests the existing rule engendered, *Department of Homeland Security v. Regents of the University of California*, 591 U.S. 1, 30 (2020); *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221–22 (2016).

III. Executive Order 14408 Does Not Supply Legal Authority for the Proposed Action

The Notice states that Executive Order 14408 rescinded Executive Orders 11644 and 11989 and “directs agencies to rescind or revise regulations previously adopted to implement those Orders.” 91 Fed. Reg. at 54688. Two points follow, and the Department has already conceded the first.

First, an executive order is not a source of authority to act contrary to statute, and the Department does not claim otherwise. It states that it is “exercising its independent statutory discretion” and “independent statutory authority.” *Id.* That concession is necessary and correct — but it means the executive order cannot supply the reasoned explanation the APA requires. The agency must. Everything the Notice offers by way of justification must therefore stand on the administrative record, not on the direction it received.

Second, and more fundamentally: the minimization criteria were prompted by Executive Order 11644, but the duty they operationalize does not come from the executive order. It comes from the Organic Act's command to preserve the forests from destruction, from MUSYA's prohibition on impairing the productivity of the land, and from NFMA's diversity and watershed provisions. Rescinding the executive order removes the proximate historical occasion for the criteria. It does not remove the statutory obligations they serve. If the Department repeals § 212.55(b) without replacing it with a

comparably operative substantive standard, it will have removed the mechanism by which it demonstrates compliance with duties it still owes.

We note the practical consequence. For two decades, the minimization criteria have been the standard against which courts have reviewed travel management decisions, and the record on which the agency has defended them. See, e.g., *Idaho Conservation League v. Guzman*, No. 4:10-cv-00026-REB (D. Idaho Feb. 4, 2011) (Salmon-Challis travel plan); *Friends of the Clearwater v. U.S. Forest Service*, No. 3:13-cv-00515-EJL, 2015 WL 1119593 (D. Idaho Mar. 11, 2015) (remanding for reconsideration of minimization criteria compliance and forest plan consistency). Removing the criteria does not remove the litigation. It removes the standard the agency has been able to point to when it prevails, and substitutes an undefined obligation to give “specific, documented and justifiable reasons” whose contours no court has ever construed. The Department should not expect this change to reduce its legal exposure. We expect it to increase it substantially.

IV. Inconsistencies Between the Stated Intent of the Proposed Action and the Agency's Legal Mandates

The Notice asks commenters to clearly articulate their contentions. We identify eight specific inconsistencies between what the proposal says it will do and what the law requires. Each is independently disqualifying; together they indicate that the proposed action as described cannot be finalized in its present form.

#	Stated intent of the proposed action	Legal mandate in tension
1	Invokes the Organic Administration Act, 16 U.S.C. § 551, as authority to remove the criteria requiring minimization of damage to soil, watershed, vegetation, and wildlife habitat.	The Organic Administration Act grants rulemaking power “to insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction.” 16 U.S.C. § 551.
2	Establishes “a uniform national policy favoring increased access” through an open-unless-closed presumption.	MUSYA requires “harmonious and coordinated management of the various resources, each with the other,” and “not necessarily the combination of uses that will give... the greatest unit output.” 16 U.S.C. § 531(a).
3	Replaces the “minimum road system” standard with “adequate and appropriate,” removing the tie between system size and funding.	MUSYA requires management “without impairment of the productivity of the land.” 16 U.S.C. § 531(a), (b). Unmaintained roads impair that productivity.
4	Declares travel decisions are not planning decisions and need not follow plan procedures, while removing the substantive designation criteria.	NFMA requires that instruments for the use and occupancy of NFS lands be consistent with land management plans. 16 U.S.C. § 1604(i); 36 C.F.R. § 219.15(d).
5	Creates an affirmative duty to consider new routes and an annual duty to reconsider closures, “subject to available appropriations.”	The Organic Administration Act makes securing favorable conditions of water flows a founding purpose of the National Forest System. 16 U.S.C. § 475. NFMA requires protection of streams and other waters from deposits of sediment. 16 U.S.C. § 1604(g)(3)(E)(iii). The Clean Water Act requires federal compliance with state and federal water quality requirements. 33 U.S.C. § 1323(a).
6	Relies on rescission of E.O.s 11644 and 11989 as the occasion for removing the criteria.	The duty the criteria operationalize arises from statute, not from executive order, and the Department itself invokes “independent statutory” authority. 91 Fed. Reg. at 54688.

#	Stated intent of the proposed action	Legal mandate in tension
7	Cites EXPLORE Act section 127 in support of the deregulatory action.	Section 127 of the EXPLORE Act directs the Secretary to provide GIS-compatible motor vehicle use maps “in accordance with existing law,” and those maps exist only because of the Travel Management Rule – the rule being repealed. Pub. L. No. 118-234, § 127.
8	Asserts the rule will increase access while asserting its site-specific effects are “highly speculative.”	NEPA requires analysis of reasonably foreseeable effects of the agency's own action. 42 U.S.C. § 4332(2)(C); 7 C.F.R. § 1b.7(h)(5).

We elaborate on the three we regard as most serious.

A. “Adequate and appropriate” abandons the only regulatory link between system size and funding

Section 212.5(b)(1) requires identification of the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands. The word “minimum” is not a closure directive. It is a solvency directive. It exists because Congress has never appropriated enough money to maintain the system the agency built, and because a road that is not maintained does not merely fail to serve the public — it fails downhill, into streams.

The Notice would replace “minimum” with “adequate and appropriate,” listing access needs, resource protection, safety, maintenance capacity, and plan components as criteria. 91 Fed. Reg. at 54689. The listed criteria are unobjectionable in themselves. The problem is that “adequate and appropriate” has no ceiling. “Minimum” is a constraint; “adequate” is a floor. Coupled with an affirmative duty to consider new routes and an annual duty to reconsider closures, the change removes the only regulatory provision that requires the agency to size its transportation system to the money it actually has. Section IX sets out what that money is.

B. The proposal simultaneously claims it will increase access and that its effects are unknowable

The Notice states that the purpose of the proposed action is “deregulatory,” that the amended regulations “would also support the Administration's focus on increasing access,” and that the proposed rule would establish “a requirement to consider new roads, trails, airfields, trailheads, and other access routes and points where appropriate to increase access.” 91 Fed. Reg. at 54689. It then states that “estimating site-specific effects of local changes would be highly speculative.” Id. at 54690.

These propositions cannot both be true of the same rule. If the rule is designed to produce more open routes, more reopened routes, and more new routes — and the Notice says it is — then more open, reopened, and new routes are the rule's reasonably foreseeable programmatic effect, and the agency possesses the data to characterize that effect. It knows the mileage by maintenance level on every unit. It knows which routes are currently closed. It knows, because its own travel analyses tell it, how many of those routes cross unstable soils, exceed forest plan road density guidelines, or lie within 100 feet of water. Section VI supplies an example drawn from one forest's own analysis.

The Supreme Court's decision in *Seven County Infrastructure Coalition v. Eagle County*, 605 U.S. ____ (2025), does not assist the Department here. *Seven County* concerns the attenuation between an agency's approval and effects of separate projects by separate actors outside the agency's regulatory authority. The effects at issue in this rulemaking are the effects of the Forest Service's own subsequent decisions,

made by Forest Service officials, under the framework this very rule would install, and which this rule is expressly designed to produce. Those effects are proximate to the rule in every sense the Court's analysis requires. An agency may not design a rule to generate a class of decisions and then decline to analyze the effects of the decisions it designed the rule to generate.

C. A rule justified by administrative burden creates a large new recurring administrative burden

The Notice's central efficiency premise is that TMR procedures impose disproportionate time and analytical burdens. The proposed remedy includes a requirement that every unit conduct “an annual unit-level process to identify closed or highly restricted trails, roads, airfields, trailheads, and other access routes and points that may warrant reconsideration,” with the responsible official conducting the review and indicating which routes may be reconsidered. 91 Fed. Reg. at 54689.

Consider the scale on a single forest. The Superior National Forest carries 1,168 roads at maintenance level 1 (912 miles, 36 percent of system mileage) and 860 roads at maintenance level 2 (984 miles, 39 percent). That is roughly 2,000 road records requiring annual screening on one of 154 forest units, before any grassland, trail, airfield, or trailhead is counted. Multiplied across the System, the proposed annual review is among the largest recurring administrative obligations the Forest Service would carry — imposed by a rule whose stated purpose is to reduce administrative obligation, and conditioned on appropriations the agency does not have. In practice the review will either be performed as a paper exercise with no analytical content, in which case it satisfies nothing and invites challenge, or it will consume the field capacity that currently goes to maintenance.

V. Response to Each Rationale Offered in the Notice

We address each justification the Notice advances, in the order presented.

A. “The TMR established an inflexible, nationally-driven framework”

91 Fed. Reg. at 54687. The record does not support the characterization, and the Notice cites none. Subpart B has always been implemented unit by unit. Designations are made by local responsible officials, based on local conditions, through local NEPA processes, and are published on unit-specific maps. Section 212.55 supplies criteria, not outcomes; it tells the responsible official what to consider, and leaves the balance to local judgment. The Superior National Forest's travel analysis is a representative illustration: a local interdisciplinary team of fourteen resource specialists, local data, local public involvement, and recommendations tailored to individual road segments by name and milepost.

What is nationally uniform under the current rule is the set of things a manager must think about before opening a route to motor vehicles. That is precisely the feature a national rule should have, and precisely what the proposal would remove while retaining national uniformity for mapping, publication, vehicle class, transition, and enforcement. The proposal is not a shift from national to local. It is a shift from national resource standards to a national access presumption.

B. “Specified TMR requirements may overlap with requirements imposed by other authorities”

91 Fed. Reg. at 54687. They do not. The Notice's own list of other authorities — NEPA, the Clean Water Act, the Clean Air Act, the ESA, the National Trails System Act, NHPA, and the Wilderness Act — does not include a single provision that requires a responsible official to minimize damage to soil, watershed, vegetation, and other forest resources; to minimize harassment of wildlife and significant disruption of wildlife habitats; to minimize conflicts between motor vehicle use and existing or proposed recreational uses; and to minimize conflicts among different classes of motor vehicle use, when designating trails and areas for motor vehicle use — or that requires an official designating roads to consider the speed, volume, composition, and distribution of traffic. 36 C.F.R. § 212.55(b), (c). The Notice concedes as much four paragraphs later: “land management plans and NEPA do not necessarily supply all of the substantive designation criteria or public-participation procedures currently contained in part 212.” *Id.* at 54688.

The overlap rationale and that concession cannot coexist. If the other authorities supplied the criteria, no gap would need filling. Because they do not, the proposal creates one.

NEPA in particular is not a substitute. NEPA is procedural; it requires analysis and disclosure, not any substantive outcome. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350–51 (1989). Section 212.55(b) is substantive. Replacing a substantive minimization duty with a procedural disclosure duty is a reduction in protection, not a consolidation of duplicative ones.

C. “Linking travel management to land management planning reduces necessary flexibility”

91 Fed. Reg. at 54688. As explained in Section II.C, this rationale attacks a requirement that does not exist. Nothing in part 212 requires a plan amendment to revise a motor vehicle use designation. The consistency requirement that does exist — NFMA, 16 U.S.C. § 1604(i), and 36 C.F.R. § 219.15(d) — is statutory and survives this rulemaking untouched. The proposed clarification therefore yields no flexibility gain, while the accompanying removal of § 212.55 yields a real protection loss.

There is also a substantive problem with decoupling. Forest plan components — road density standards in lynx analysis units, riparian management zone widths, scenic integrity objectives, semi-primitive recreation opportunity spectrum allocations — are the local, science-based, publicly adopted expressions of exactly the balance MUSYA requires. They are the agency's own best evidence that it is managing for multiple use. Loosening the tie between travel decisions and those components while removing the national criteria leaves the responsible official with a presumption and a duty to write down reasons, and nothing else.

D. “TMR procedures unnecessarily delay some designation revisions” and impose burdens “disproportionate” to minor revisions

91 Fed. Reg. at 54687–88. FSEEE and PEER agree that clerical map corrections should not require the full designation process, and we support that portion of the proposal (see Section XII). But the Notice supplies no data — no median processing time, no backlog count, no comparison of unit workloads — to support the delay rationale generally. A rulemaking premised on administrative burden must quantify the burden. *State Farm*, 463 U.S. at 43.

More importantly, the proposal's remedy is not proportionate to the problem it identifies. If the concern is that minor revisions carry disproportionate process, the remedy is a defined, bounded

category of minor revisions with retained resource screening. The Notice instead pairs that narrow fix with removal of the substantive criteria for all revisions, major and minor alike. The Department should define “minor designation revision” by objective limits — mileage, vehicle class, absence of overlap with riparian areas, unstable soils, inventoried roadless areas, listed species habitat, and cultural resources — and should retain full procedure and full criteria for everything else.

E. “Changed conditions” justify replacing the designation criteria

91 Fed. Reg. at 54688. The Notice identifies an expanding wildland-urban interface; growing impacts of extreme wildfire, drought, and insect and disease infestations; increasing public recreation and access needs; and changing recreation technology. FSEER and PEER agree that all four conditions have changed as described. Every one of them argues for retaining and strengthening travel management. We take them in turn.

- Expanding wildland-urban interface. Increased access does not reduce wildfire risk; the evidence shows that ignitions concentrate where access is greatest. Human-caused ignitions accounted for 84 percent of more than 1.5 million U.S. wildfires analyzed from 1992 to 2012 (Balch et al. 2017, as reported in Mildrexler et al. 2026). From 1992 to 2024, wildfire-ignition density was highest on lands within 50 meters of roads — 7.4 fires per 1,000 hectares, compared with 1.9 in inventoried roadless areas and 1.7 in designated wilderness (Olden et al. 2026); Mildrexler et al. (2026), reporting Aplet et al. (2026), describe the same pattern across all eight contiguous-U.S. Forest Service regions. Forest Service research found that forests in roadless areas burned at rates similar to the rest of the National Forest System from 1985 to 2016 (19.0 versus 17.7 percent cumulatively), in part because higher rates of human-caused ignition near roads offset the firefighting advantages roads provide (Healey 2020). The Superior National Forest's own analysis lists “increased risk of human-caused fire” among the primary road-related risks, observing that greater public use of an area equates to a higher probability of human-caused fire starts. Expanding access into a growing WUI increases ignition exposure at precisely the interface where consequences are highest.
- Extreme wildfire, drought, insect and disease. These conditions degrade the vegetation and soil structures that buffer road-derived sediment, and they raise post-disturbance erosion rates for years. Roads are the principal chronic sediment source on forested public lands. Roads are also a key vector for invasive plants: across 15,267 Forest Inventory and Analysis plots on national forests in nine western states, inventoried invasive species occurred on 8.6 percent of land within 152 meters (500 feet) of a road, twice the 4.3 percent rate farther away (Healey 2020), and roadside invasive plants add flammable fuels precisely where human ignitions are most frequent (Mildrexler et al. 2026). A landscape more vulnerable to hydrologic disturbance is a landscape in which route siting matters more, not less.
- Increasing recreation demand. Rising visitation increases both user conflict and traffic volume. The peer-reviewed literature is consistent that road mortality of wildlife rises with traffic volume across taxa, and that wildlife avoidance of roadside habitat increases with traffic volume. Bennett (2017) found 22 of 64 road-mortality studies reporting a positive correlation with traffic volume across all taxonomic groups, and reported research finding grizzly bears more likely to use areas near roads carrying fewer than 20 vehicles per day. Bennett also reported that in some national parks, increases in traffic driven by rising tourism have

produced equivalent increases in wildlife-vehicle collisions. Growth in use is a reason for careful designation, not for a presumption of openness.

- Changing recreation technology. This is the Notice's strongest factual premise and its weakest inference. Modern off-highway vehicles are faster, more powerful, and capable of penetrating terrain that was effectively self-protecting in 2005. A rule calibrated to 2005 technology is under-protective today. The correct response to more capable machines is a designated system with meaningful criteria, not an expansion of undefined off-route allowances.

F. “The rule will increase access”

This is the proposal's animating claim, and it is the one the record contradicts most directly. Access on the National Forest System is not constrained today by the Travel Management Rule. It is constrained by deferred maintenance.

The Forest Service's own public statement of the problem is unambiguous: the road system exceeds 371,000 miles, and “funding for maintenance of these roads has declined over the last 20 years while public demand for these roads has escalated, causing the aging network to deteriorate.” Nothing in the proposed rule addresses that. Removing the minimization criteria does not grade a road, replace a culvert, or repair a bridge. A commenter on the Superior National Forest's travel analysis put the point more economically than we can: “No maintenance on a road is a closure by default.”

If the Department's objective is genuinely to increase public access, the proposal is aimed at the wrong target. The interventions that would actually increase access — appropriations for deferred maintenance, jurisdictional transfers to counties and states for roads primarily serving local traffic, cost-share agreements, stewardship and timber sale contract maintenance provisions, adjusted special use fees, road maintenance associations for private landowners — are precisely the actions the current travel analysis process was designed to identify, and which the Superior National Forest's analysis in fact identified. The proposal does none of them.

G. The class 1 electric bicycle exemption

91 Fed. Reg. at 54690. FSEEE and PEER support retaining all electric bicycles, including class 1, as motor vehicles subject to the designation requirements of subpart B. The Notice proposes instead to exempt class 1 e-bikes from the designation requirement of § 212.51(a) and the prohibition of § 261.13 on any National Forest System trail where bicycle use is allowed. *Id.* That would be a self-executing, nationwide change in use imposed on every mile of the 67,819 miles of trail restricted to non-motorized use outside wilderness where bicycles are now allowed, USDA Forest Service, 2001 Roadless Area Conservation Rule Rescission, Draft Environmental Impact Statement at 178 (Aug. 2026), adopted without any unit-level analysis of the trails affected.

Most Americans already know the experience this would bring to the woods. Quiet electric scooters and bicycles now overtake pedestrians on sidewalks, paths, and greenways with little warning, and surprising encounters with them have become an ordinary feature of life in town. There is no reason to extend that experience onto forest trails, where a startled horse, a blind corner, or a steep and narrow tread raises the stakes of every surprise. A class 1 e-bike is nearly silent, sustains higher speeds on climbs, and extends a rider's range deeper into the backcountry in a day. The people who bear the consequences are the hikers who make up nearly half of all national forest visitors and whose activity is the primary purpose of more than a quarter of all visits (Section X.C); equestrians, whose stock may

spook at a fast, quiet approach; hunters and wildlife viewers, who depend on quiet and undisturbed game; and riders of unpowered bicycles who share the same singletrack. FSEEE and PEER have an equally strong concern for wildlife, trail tread, vegetation, and soils. The EIS must analyze how higher sustained speeds, longer range, and increased use would change tread wear and erosion, trail widening and vegetation loss, wildlife flushing and displacement, and encounter rates on trails never designed or evaluated for motorized-assist travel.

The current rule already provides the right mechanism. Because electric bicycles are motor vehicles under 36 C.F.R. § 212.1, a responsible official may designate particular trails for class 1 e-bike use through the travel management process, after considering the trail's design, use levels, user mix, and resources. That is a case-by-case approach with a protective default: no e-bike use on non-motorized trails unless a trail has been evaluated and designated for it. FSEEE and PEER urge the Department to keep it. If the range of alternatives includes one that would allow class 1 e-bikes on trails where bicycles are now allowed, we accept that such an alternative may be analyzed. But the default adopted in the final rule should be that e-bikes are not allowed on non-motorized trails, with class 1 use considered only case by case, through site-specific designation, and with particular caution in semi-primitive non-motorized settings, recommended wilderness, and trails adjacent to designated wilderness.

We separately and affirmatively support the Notice's proposal to define, by objective criteria, categorical authorization for low-powered electric mobility devices used by persons with mobility disabilities. That accommodation is overdue and should not be delayed by the broader e-bike question.

H. Off-route motor vehicle use for game retrieval, firewood collection, and dispersed camping

91 Fed. Reg. at 54689. The Notice proposes processes and conditions for limited off-route use but supplies no limits — no distance, no vehicle class, no seasonal or soil-moisture condition, no exclusion for riparian areas or unstable soils. Without those limits the proposal cannot be meaningfully evaluated, and the EIS cannot analyze it.

Off-route travel is the specific activity the 2005 rule was adopted to address. The Notice itself recounts that subparts B and C “responded to growing off-road vehicle use and the need to protect natural resources from the proliferation of user-created routes,” and that map publication “helped deter user-created routes and associated adverse environmental impacts.” 91 Fed. Reg. at 54687. The science on user-created route proliferation is settled: repeated off-route travel on a single line creates a visible track, a visible track recruits further use, and the resulting route becomes a de facto part of the network without ever having been sited, analyzed, or maintained. The scale of the problem is documented. When the Roadless Rule was adopted, the Department estimated some 60,000 miles of unauthorized roads on National Forest System lands in addition to the system road network (USDA 2001, as reported in Mildrexler et al. 2026), and off-road vehicle use in natural areas has fragmented landscapes into destructive trail networks (Olden et al. 2026, citing Ploughe and Fraser 2022). A national off-route allowance with undefined limits will produce user-created routes at scale.

If the Department proceeds, we urge that any off-route allowance be constrained by hard numeric limits stated in the regulation itself — a specified maximum distance from the designated route, restriction to specified vehicle classes, a prohibition on off-route travel within riparian management zones and on soils rated as poorly drained or shallow, a prohibition on cross-country travel to create

the retrieval or camping route, and a prohibition where the underlying forest plan allocates the area to non-motorized recreation. Limits stated only in directives rather than in the rule are not enforceable in the same way and are not subject to notice and comment.

I. “Local officials would decide based on documented local conditions”

91 Fed. Reg. at 54688. FSEEE and PEER support local decision-making. The question is not who decides but against what standard. Under the proposal, the responsible official who wishes to keep a damaging route open need do nothing; the presumption does the work. The official who wishes to close it must assemble “specific, documented and justifiable reasons.” That asymmetry is the entire operative content of the rule.

Our members know from experience what a documentation burden placed on only one side of a decision produces in a field organization with no analyst capacity and no funds. It produces the outcome that requires no documentation. The Superior National Forest went from 9.4 full-time road operations and maintenance employees in 2004 to 2.4 in 2015 — a 74 percent reduction — and the agency's staffing position has not improved since. A rule that assigns the burden of proof to the resource-protective outcome, in an organization without the capacity to carry that burden, is a rule that decides the outcome nationally while claiming to leave it local.

The pressure this creates is documented. Research on Forest Service field offices has found that local decisions about extractive actions, and the rigor of the environmental review applied to them, are strongly associated with the positions of the local member of Congress. Struthers et al. 2022. National standards are what allow a district ranger or resource specialist to decline a locally popular but damaging designation by pointing to a requirement the employee did not write. A presumption that must be overcome route by route removes that protection from the employees who most need it — at the same time that the Roadless Rule rescission, the directives proposal (Section VIII), and the staffing reductions (Section IX.E) compound the pressure. Protecting public employees who exercise independent professional judgment is central to FSEEE and PEER's missions, and it is the reason national criteria matter. The EIS's description of the no-action alternative should account for that protective function.

J. The Purpose and Need, “required by applicable law,” and unauthorized routes

The Notice justifies the proposal “in light of the administrative costs and challenges associated with implementing the TMR.” 91 Fed. Reg. at 54688. Administrative cost is a legitimate reason to streamline procedure. It is not a reason to relax the protections the Organic Act, MUSYA, and NFMA require for watersheds, wildlife, and fish, and the Notice identifies no statute permitting resource protection to be traded for administrative convenience. The cost premise itself is examined in Sections IV.C and IX.

The Purpose and Need promises increased access “while retaining legally required protections,” and the proposed presumption yields only where closure or restriction “is required by applicable law, valid existing rights, or another governing instrument,” or is supported by “specific, documented and justifiable reasons.” Id. at 54688, 54689. Neither phrase is defined, and the first invites a reading that would make it a dead letter. No statute identifies particular national forest routes for closure. No statute specifically requires closing a route that displaces elk from winter range, kills amphibians in breeding habitat, or delivers sediment to a trout stream. MUSYA and NFMA state their resource-

protection duties as principles, and those principles are carried out through professional judgment informed by science — the judgment the minimization criteria now require. If “required by applicable law” means that a closure must be traceable to a specific statutory command, the condition will rarely, if ever, be met, and the only path to closure will be the one-sided documentation burden described in Section V.I. The final rule must define the phrase to include closures and restrictions needed to meet the resource-protection requirements of the Organic Act, MUSYA, NFMA, and the governing land management plan, as determined through the responsible official's interdisciplinary analysis. And because species-specific science does not exist for most species in most settings, the rule must allow established ecological and conservation principles to inform that determination.

The asymmetry runs in both directions. No law requires that system roads and trails be open to public motor vehicles, that closed routes be reopened, or that additional motorized routes be designated — and no law requires that user-created routes be open at all. Yet the Notice reserves its legal-requirement test for closures alone. Routes that are closed or seasonally restricted today are, in most cases, closed for reasons documented in forest plans, travel management decisions, and motor vehicle use maps. Those reasons should carry forward, rather than becoming a burden the resource must carry again every year.

The Notice also states that, except as expressly identified in the proposed rule, the proposed action “would not alter requirements imposed by other statutory authorities for environmental review, public involvement, or administrative review.” Id. at 54688. That commitment is limited to procedure. The final rule should state the equally important substantive point: any access presumption operates subject to the requirements of MUSYA, NFMA, the Clean Water Act, and the Endangered Species Act described in Section II, which the Department cannot waive by regulation. Faithfully applied, those requirements will substantially constrain how far the presumption can reach.

Finally, the presumption would apply to “existing roads, trails, airfields, trailheads, and other access routes and points on NFS lands.” Id. at 54689. It does not say “system.” The Notice itself lists as an alternative “limiting ‘existing’ routes and airfields to features in the forest transportation atlas or using a broader evidentiary definition.” Id. at 54690. A broader evidentiary definition would extend a presumption of openness to user-created routes — routes made in violation of existing designations and plan direction, never analyzed, and the very problem subparts B and C were adopted to solve. See Section V.H. The final rule must limit “existing” to National Forest System roads and trails in the forest transportation atlas and must expressly exclude unauthorized routes.

VI. The Scientific Record on Road Effects

The Notice states that the EIS will evaluate effects on soil, water, air, plant and animal communities, threatened and endangered species, scenic integrity, recreation settings, and cultural resources. FSEEE and PEER submit the following literature and analysis for that evaluation, and ask that it be treated as “relevant information, studies, or analyses” within the meaning of the Notice's request.

A. Direct and indirect effects of roads on wildlife

Bennett (2017) systematically reviewed 215 peer-reviewed studies published between 2011 and 2015 on the effects of roads and road networks on wildlife, spanning mammals, birds, reptiles, amphibians, invertebrates, and fish, with 57 studies addressing species of conservation concern and 26 addressing

listed species. We submit that review with these comments. Its principal findings bearing on this rulemaking are these.

- Direct mortality is taxon-specific and can be severe. Multiple-taxa studies found amphibians constituting as much as 80 percent of recorded roadkill. Road mortality rose with traffic volume in 22 of 64 mortality studies, across all taxonomic groups, and increased with proximity to protected areas.
- Roads reduce landscape permeability. Barrier effects vary by species, sex, age, and life-history stage. Unpaved and low-standard roads are not benign: one study found gopher tortoises physically unable to cross a sand road with deep vehicle ruts — the condition of a great many under-maintained maintenance level 2 roads.
- The road-effect zone extends well beyond the roadbed. Nineteen studies confirmed displacement of birds, mammals, reptiles, and invertebrates from habitats near roads. One study found tawny owl density affected up to two kilometers from a major road. Grizzly bears were more likely to use areas near roads carrying fewer than 20 vehicles per day.
- Noise, dust, salt, light, and chemical pollution degrade habitat within the road-effect zone. Of 23 pollution studies, roughly 70 percent addressed noise; documented consequences included reduced avian diversity, smaller clutch sizes, reduced longevity, impaired anuran mate attraction, and reduced bat foraging efficiency from echolocation masking.
- Road networks compound these effects. Networks isolate populations, disconnect resource networks, and cause irreversible habitat degradation at landscape scale. Predators use roads as movement corridors, reducing calf survival in caribou. Multiple studies found that as road networks increase landscape accessibility, hunting and poaching pressure increases and the proportion of the landscape available as wildlife refuge decreases.

This last finding deserves emphasis in a rulemaking premised on increasing access, because it identifies a mechanism the Notice does not consider: road density affects wildlife not only through the physical road but through the human activity the road delivers. Expanding the effectively accessible fraction of a landscape reduces security habitat even where no additional habitat is physically converted.

B. Habitat fragmentation and genetic isolation: effects that apply System-wide

Direct mortality and displacement are the most visible effects of roads and motorized routes. The most consequential are slower and harder to see: the division of continuous wildlife populations into smaller, isolated fragments between which animals no longer move and genes no longer flow. Isolated populations lose genetic diversity, become more vulnerable to inbreeding, and are less able to recolonize, adapt, or shift their ranges as conditions change. These effects accumulate across route networks rather than at any single route, they unfold over generations rather than seasons, and once established they are difficult — in some cases impossible — to reverse. They are therefore the class of effect a national designation standard is best suited to prevent, and the class a route-by-route presumption of openness is least equipped to detect. The studies below are drawn from different taxa, regions, and road types; FSEEE and PEER offer them as examples of a mechanism that operates wherever roads and motorized routes cross habitat.

Roads divide populations into separate gene pools. Bushar et al. (2015) provide an unusually clean demonstration. The New Jersey Pine Barrens are physiographically uniform — minor elevation

change, no major rivers, and consistent forest structure — so natural barriers cannot account for genetic differences among the region's timber rattlesnake populations. Using microsatellite DNA from all six known Pine Barrens populations and two northern New Jersey populations, the authors identified four genetically distinct subgroups. Geographic distance accounted for only a small share of the differentiation. The number of intervening paved roads accounted for much of it: genetic subdivision between population pairs was strongly correlated with the number of paved roads separating them ($r = 0.84$, $P = 0.0001$), and in a multiple regression explaining 76 percent of the variation, paved roads were the dominant predictor while geographic distance was not significant. The two populations separated by 6 kilometers and no paved roads grouped together in every analysis; the most genetically distinct population lay 14 kilometers from its nearest known neighbor across 15 paved roads. The highways separating the three Pine Barrens subgroups carried 10,672 to 18,479 vehicles per day, above the approximately 9,000 vehicles per day at which prior modeling predicted a nearly 100 percent probability of mortality for a crossing timber rattlesnake (Andrews and Gibbons 2005, as reported in Bushar et al. 2015). The authors concluded that paved roads were likely the most restrictive barrier to dispersal between subgroups, and that long-term conservation might need to consider assisting these populations in maintaining gene flow.

The mechanism is not confined to one species. Bushar et al. note that roads have been shown to be effective barriers to gene flow for a broad variety of animals, citing work on ground beetles, pygmy rabbits, European tree frogs, and American black bears in the Rocky Mountains, as well as earlier findings that roads reduced gene flow among timber rattlesnake populations separated by five kilometers or less. Bennett's (2017) review found that roads reduce landscape permeability by acting as barriers or filters to movement; that barrier effects are a particular concern for migratory species; that simulation work has begun to model the genetic consequences of road barrier effects across networks; and that the more roads an individual must cross within its home range, the greater its probability of a fatal collision, even where its behavior and habitat use are unchanged. Talty et al. (2020) state the landscape-scale consequence directly: protected areas that are not connected can become isolated, resulting in the loss of genetic diversity and, ultimately, the loss of species.

The limits of this evidence point toward the current rule, not away from it. FSEEE and PEER do not overstate these findings, and the Department should not understate them. In the Pine Barrens, unpaved sand roads and off-road vehicle trails were not correlated with genetic subdivision, and Bennett reports five studies finding that paved roads impeded wildlife movement more than unpaved roads. Most National Forest System routes are unpaved. The lesson of this literature, however, is not that low-standard routes are harmless. It is that barrier effects scale with how a route is built and how heavily it is used, and that the point at which a route becomes a barrier differs by species. Gopher tortoises could not physically cross a sand road with deep vehicle ruts; grizzly bears were more likely to use areas near roads carrying fewer than 20 vehicles per day; and nine studies found that species diversity and abundance near roads declined as traffic volume increased (Bennett 2017). A route that functions as a permeable filter at low use can become a barrier as its traffic grows, as it is improved, or as the network around it densifies.

Those are the variables the current rule directs managers to weigh. Section 212.55(a) requires a responsible official to consider effects on National Forest System natural resources in every designation. Section 212.55(b)(2) requires an official designating trails and areas to consider effects on wildlife “with the objective of minimizing” harassment of wildlife and significant disruption of wildlife habitats. Section 212.55(c)(1) requires an official designating roads to consider the “speed, volume,

composition, and distribution of traffic.” The proposed action, by contrast, is oriented toward raising those same variables — through a presumption “favoring increased access,” an annual process to identify closed routes for reopening, and an affirmative duty to consider new routes — while removing the minimization criteria and leaving undescribed what, if anything, would remain of the balance of § 212.55. The foreseeable risk is a framework that moves individual routes, and route networks, toward the thresholds at which they begin to fragment populations, while eliminating the record that would show whether anyone considered it.

The Forest Service's own research shows how site-specific these thresholds are, and where the proposal would press on them. Grubb et al. (2013), a Rocky Mountain Research Station study on the Kaibab National Forest, found that nesting northern goshawks 78 to 167 meters from a maintenance level 3 gravel road did not flush or show agitated movement in response to experimental logging truck passes, and concluded that restricting log hauling on similar roads within post-fledging family areas appeared unnecessary. FSEER and PEER cite that result deliberately. It demonstrates that site-specific, science-based analysis can support relaxing a restriction where the evidence warrants — the opposite of the inflexibility the Notice attributes to the current rule. But the same study found that alert responses rose as nests were closer to the road, from 57 percent at 167 meters to 91 percent at 78 meters; that nearly a third of Kaibab goshawk nests used since 1991 lie within 75 meters of unused maintenance level 1 and 2 roads; and that log hauling on those roads would very likely increase the frequency and severity of goshawk responses, “resulting in potentially serious detrimental impacts.” The authors attributed the lack of response on level 3 roads in part to acclimation to current, comparatively low traffic on a remote plateau; cautioned that their sample was small and unreplicated; and noted research in the Lake Tahoe Basin finding that frequently occupied goshawk territories had about half the extent of roads and trails within 800 meters as infrequently occupied territories (Morrison et al. 2011, as reported in Grubb et al. 2013). Maintenance level 1 roads are, by definition, closed. They are among the routes the proposed annual review of “closed or highly restricted” routes would place before responsible officials for reconsideration.

The National Forest System's connectivity network is anchored in its roadless lands. Talty et al. (2020) found that 58 percent of inventoried roadless area acreage in the contiguous United States directly borders a protected area and 93 percent lies within 10 kilometers of one, so that inventoried roadless areas enlarge protected cores, reduce isolation between them, and serve as stepping stones for wildlife movement. Mildrexler et al. (2026) found that inventoried roadless areas contain among the highest-integrity forests in the nation — a median Forest Landscape Integrity Index score of 9.5, comparable to or higher than protected areas, against 8.0 for unprotected national forest lands — and that large roadless areas serve as source populations for wide-ranging carnivores including grizzly bear, wolverine, Canada lynx, and fisher. Olden et al. (2026), whose authors include former Forest Service Chief Michael Dombeck, identified increased use of forest roads by all-terrain vehicles and motorcycles under the agency's travel management framework as a potential pathway to aquatic biodiversity loss, and observed that off-road vehicle use has fragmented natural areas into destructive trail networks.

Two facts give these findings direct bearing on this rulemaking. First, the Roadless Rule prohibits road construction and commercial timber harvest but does not prohibit motorized recreation, which remains permitted in inventoried roadless areas (Talty et al. 2020). The travel management designation criteria are therefore the only national standard governing where motor vehicles may travel within the lands that hold the System's connectivity network together. Second, the Department's concurrent

proposal to rescind the Roadless Rule would apply to nearly 45 million of the approximately 58 million acres of inventoried roadless areas (Mildrexler et al. 2026). Taken together, the two proposals would remove at the same time both the national prohibition on new road construction in those areas and the national criteria governing motorized use within them. Section X.B addresses the cumulative-effects analysis that follows.

This evidence supports three conclusions that apply across the National Forest System.

- Fragmentation is cumulative, and a criteria-based framework is needed to detect it. On National Forest System lands, fragmentation is rarely the product of a single route; it is the product of networks and the traffic they carry. Under the proposed presumption, the official who leaves a route open need document nothing, and the framework has no mechanism for recognizing when the next opened, reopened, or added route is the one that severs a corridor. The minimization criteria require the question to be asked at every designation.
- Fragmentation is difficult to undo, so prevention must occur at the siting stage. Genetic structure, once imposed, tends to persist across generations; Bushar et al. saw little possibility of reestablishing natural gene flow between the isolated Pine Barrens populations and those elsewhere in the species' range. The hydrologic effects of roads can persist for years even after closure (Sosa-Pérez and MacDonald 2017, as reported in Talty et al. 2020). And, as Section VI.D explains, crossing structures and fencing are partial, variable, and dependent on maintenance the agency cannot fund. Criteria applied before a route is opened remain the most reliable protection.
- The obligation is statutory and regulatory, not executive. NFMA's diversity requirement, 16 U.S.C. § 1604(g)(3)(B), the Planning Rule's ecological integrity, connectivity, and species-viability provisions, 36 C.F.R. §§ 219.8(a)(1), 219.9, 219.19, and the plan components adopted under them remain fully in force after Executive Order 14408. The minimization criteria are the designation-stage mechanism by which the agency demonstrates that motorized route designations are consistent with those plan components. See 36 C.F.R. § 219.15(d).

C. Off-highway vehicle effects specifically

A substantial and consistent body of work addresses off-highway vehicle effects apart from roads generally. The U.S. Geological Survey's literature synthesis for BLM lands assembled approximately 700 studies and sources on OHV effects to soils, vegetation, water, wildlife, air quality, and cultural resources. Ploughe and Fraser (2022) systematically reviewed 105 studies on off-road vehicle impacts to soil, vegetation, and wildlife. Forest Service research has documented soil displacement and erosion from all-terrain vehicles (Foltz), ATV effects on stream sediment and channel condition (Chin et al. 2004), and degradation of mountain stream habitat and aquatic communities from OHV use (Fairchild et al. 2025). Switalski (2018) and Switalski & Jones (2012) synthesize best management practices. The consistent finding across this literature is that impacts are highly sensitive to siting, soil type, moisture condition, and season — which is to say, to exactly the variables the minimization criteria require managers to consider.

D. Mitigation is not a substitute for siting

The Notice proposes to rely on “design criteria, where appropriate, to avoid or minimize adverse effects” under 7 C.F.R. §§ 1b.7 and 1b.11 in place of the minimization criteria. 91 Fed. Reg. at 54688. The scientific record does not support that substitution.

Bennett's review of 58 mitigation studies found that crossing structures alone were less effective than expected, with reported road-mortality reductions typically in the range of 10 to 20 percent, and highly variable — one amphibian study reported a 79 percent reduction while another found no difference at all. Fencing performed better, at 50 to 98 percent, but two studies specifically cautioned that fencing is ineffective unless continuously maintained and breaches repaired promptly. Traffic calming outperformed signage alone.

Two conclusions follow. First, mitigation is partial: even effective structures do not restore unmitigated conditions, and route siting remains the controlling variable. Second, and decisively for this agency, mitigation effectiveness is maintenance-dependent — in an organization carrying \$11.44 billion in deferred maintenance. Design criteria that the agency cannot fund the upkeep of are design criteria on paper. Courts have already rejected reliance on optional post-designation mitigation as a substitute for compliance with route designation criteria in the analogous BLM context.

E. A worked example from the agency's own record: the Superior National Forest

The Superior National Forest's Forest-Wide Roads Study (Travel Analysis Report, August 2015) evaluated 2,813 road segments against thirteen resource risk questions and ten access benefit questions. Its results demonstrate concretely what “science-based resource conditions” means in practice, and what an open-unless-closed presumption would apply to.

Table 1. Resource risk findings, Superior National Forest travel analysis (2,813 road segments assessed).

Resource condition	Segments	Percent
Crosses somewhat poorly, poorly, or very poorly drained or shallow soils	1,672	59%
Within a lynx analysis unit where road and trail density exceeds the forest plan guideline of 2 mi/mi ²	1,054	37%
Stream, lake, or reservoir within 100 feet of the road segment	795	28%
Within a unique biological area, research natural area, eligible wild and scenic river segment, roadless area, or forest plan inventoried roadless area	205	7%
Crosses a designated trout stream	144	5%
Threatened, endangered, or sensitive plant population within 25 feet	52	2%
Falls, crosses, or ends within 200 feet of the Boundary Waters Canoe Area Wilderness boundary	47	2%
Crossing characterized as a barrier to aquatic passage	33	1%
High-priority non-native invasive plant within 50 feet	22	1%

These are not exceptional figures; they are typical of a northern-tier forest with extensive wetlands. They mean that on this one forest, an open-unless-closed presumption would apply to approximately 1,672 road segments crossing poorly drained or shallow soils, 1,054 segments in lynx analysis units already exceeding the forest plan road density guideline, and 795 segments within 100 feet of surface water. Canada lynx is listed as threatened under the Endangered Species Act. The forest plan guideline

of two miles of road and trail per square mile in lynx analysis units exists because road density is the operative variable for lynx and its prey.

The point generalizes. In Southeast Alaska, where FSEEE's Executive Director is based, road density is likewise the operative variable for the Alexander Archipelago wolf, because roads determine human access and human access determines harvest mortality. Forest plan road density standards in wildlife analysis areas exist for that reason. Under the current rule, a manager evaluating whether to keep a route open in such an area must consider the resource consequence. Under the proposed rule, the manager who leaves it open need consider nothing.

F. Watershed and aquatic effects

Roads affect aquatic systems through four principal mechanisms: chronic surface erosion and sediment delivery; interception and rerouting of subsurface flow, which extends the effective drainage network; mass wasting at fills and stream crossings; and passage barriers at culverts. Gucinski et al. (2001), the Forest Service's own synthesis of the scientific information on forest roads, remains the authoritative treatment and should anchor the EIS's aquatic analysis. Trombulak & Frissell (2000) and Forman & Alexander (1998) supply the broader ecological framing.

The Superior analysis identified 795 segments within 100 feet of water, 144 roads crossing designated trout streams, and 33 crossings characterized as barriers to aquatic passage. Each of those is a Clean Water Act and NFMA § 1604(g)(3)(E)(iii) exposure that the minimization criteria currently require a manager to weigh at the moment of designation. Removing that requirement does not remove the exposure; it removes the record demonstrating that the agency considered it.

The exposure is national, and it reaches the public water supply. Of the 17,598 HUC-12 watersheds that intersect National Forest System lands, 58 percent include drinking water protection areas, supplying water for more than 48 million people (Talty et al. 2020). Watersheds influenced by inventoried roadless areas alone supply public drinking water to an estimated 25 million Americans, including more than one-third of the populations of Colorado, New Mexico, and Montana, and inventoried roadless areas are the primary protection mechanism for more than 100,000 kilometers of rivers (Olden et al. 2026). Roads elevate erosion and sediment delivery to streams and disrupt the subsurface flows that sustain baseflows (Mildrexler et al. 2026), and their hydrologic effects can persist for years after closure (Sosa-Pérez and MacDonald 2017, as reported in Talty et al. 2020). The aquatic stakes are correspondingly broad: 21 percent of freshwater fish species in the conterminous United States are forest-associated (Olden et al. 2026).

VII. The Department's Own Roadless Rule Analysis Documents the Degradation This Proposal Invites

In August 2026 the Department published its draft environmental impact statement for rescinding the 2001 Roadless Area Conservation Rule. USDA Forest Service, 2001 Roadless Area Conservation Rule Rescission, Draft Environmental Impact Statement (Aug. 2026), Docket No. FS-2025-0001 ("Roadless DEIS"). It is the agency's most recent nationwide assessment of what roads do to the National Forest System, prepared by the same Department in the same year. Its findings are not limited to new construction: it attributes adverse aquatic effects to road "construction, reconstruction, maintenance, use, and even the presence of roads in a watershed." Roadless DEIS at 151. Use is

precisely what a presumption of open routes, an annual review of closures, and a duty to consider new routes would increase.

A. Watersheds, soils, and water quality

The Roadless DEIS acknowledges that roads “have long been recognized as a substantial human-caused source of soil and water disturbances in forested environments,” and that “[l]ack of maintenance commonly has detrimental effects on water quality,” with insufficient maintenance funding a key reason. Roadless DEIS at 108. It finds that roads route water and sediment directly into stream channels, that landslides and debris flows are six to nine times more likely adjacent to forest roads, *id.* at 112, and that design and maintenance “can limit but not eliminate these effects,” *id.* at 111. Its condition data are sobering: less than 10 percent of paved and less than 30 percent of gravel passenger car roads are in good condition, and 18,709 miles of passenger car roads have native (dirt) surfaces. *Id.* at 40. Maintenance is what reduces the concentration of runoff, minimizes road surface erosion, filters ditch water before it enters streams, and decreases the risk of culvert failure during peak flows. *Id.* at 41. None of these figures includes motorized trails. It then documents the funding reality: the roughly \$270 million the agency received for road maintenance in fiscal year 2023 was less than 20 percent of the \$1.6 billion needed annually; annual road appropriations fell from \$234 million in 2004 to \$73 million in 2024; and much of the remaining funding came from programs that have expired or, in the case of the Infrastructure Investment and Jobs Act, expire on September 30, 2026. *Id.* at 42–43. “Each new mile of road competes for limited road maintenance funding.” *Id.* at 42. A rule that reopens and adds routes under those conditions expands the unmaintained mileage the Department's own analysis identifies as a source of water quality harm.

B. Wildlife and habitat

The Roadless DEIS catalogs road effects on terrestrial wildlife — fragmentation and edge effects, invasive species, recreational disturbance, human-wildlife conflict, barriers to movement, physiological stress, direct mortality, loss of genetic connectivity, and declines in abundance — in terms that could serve as a statement of reasons for the current minimization criteria. Roadless DEIS at 141–45. Four findings speak directly to this proposal.

- Closures work, and reopening reverses them. Elk survival increased during a period of road restriction and decreased again when the closure gates were removed. *Id.* at 141 (citing Cole 1997). That is the effect of the reopening the proposed annual review is designed to facilitate.
- Low-standard roads kill wildlife and divide populations. Of 54 Canada lynx road mortalities in Maine from 2010 to 2015, 22 occurred on low-traffic, low-speed dirt forestry roads, and roads reduced genetic connectivity for females in the endangered southern Sierra Nevada fisher population where even the most heavily used roads are two-lane mountain roads. *Id.* at 144–45. These are the Department's own findings on the mechanism Section VI.B describes.
- Managing motorized access is the remedy. Quoting the grizzly bear recovery plan, the Roadless DEIS finds that bear-human conflict and mortality risk increase “with the use of even secondary, unpaved roads by humans,” *id.* at 143, that “reducing vehicle access would likely reduce impacts,” and that negative road impacts “can be moderated through managed access of motorized access.” *Id.* at 145. Managed motorized access is what the travel management criteria provide.

- Winter motorized use matters. Wolverine distribution is negatively correlated with forest roads used by winter snowmachines, *id.* at 142, a finding that bears directly on the over-snow vehicle provisions of subpart C.

C. Fisheries and aquatic habitat

For aquatic species, the Roadless DEIS finds that roads fragment habitat, increase sediment, alter flows, temperatures, and channel form, and degrade water quality, causing loss of genetic fitness in isolated subpopulations, loss of spawning and rearing habitat, mortality of eggs and young, and barriers to passage; it notes studies finding spawning bull trout abundance negatively correlated with road density. Roadless DEIS at 151–52. Again, it attributes these effects to the use and presence of roads, not to construction alone. *Id.* at 151.

D. Vegetation, invasive species, and wildfire

The Roadless DEIS finds that the use of roads facilitates the spread of invasive plants, that non-native plants are twice as common within 500 feet of a road (citing the same Forest Service research discussed in Section V.E), and that many invasive species, once established, “are extremely difficult or impossible to eradicate.” Roadless DEIS at 134, 142. It identifies vehicles traveling open roads as a continuing vector. *Id.* at 107. On wildfire, it reports human-caused ignition density on other National Forest System lands of 22.4 fires per million acres per year, against 3.0 in inventoried roadless areas and 2.7 in wilderness; finds that human-caused ignitions increase with proximity to roads; and concludes that “if there is an increase in public road access, the number and frequency of wildfires could rise.” *Id.* at 90, 105. Its answer to that risk is that public access “can be limited to minimize fire hazard in high-risk areas.” *Id.* at 105. Limiting motorized access where it causes harm is what the travel management criteria this proposal would remove are for.

E. Recreation opportunities

Ninety percent of the inventoried roadless areas the Roadless DEIS analyzes are primitive or semi-primitive settings, and 82 percent are non-motorized. Roadless DEIS at 164. The DEIS explains that a new road’s setting “could change from non-motorized to motorized if the road is designated as available for public motorized access on motor vehicle use maps,” and assumes that effects on designated public motorized access “would be consistent with recreation-related land management plan direction.” *Id.* at 165. It thus places the protection of non-motorized settings in the travel management designation decision — the very decision this proposal would weight toward access.

F. The Department is relying on safeguards it proposes to remove

Throughout, the Roadless DEIS concludes that these effects will be avoided or minimized through plan standards, project-level planning, and agency policy, while acknowledging that “complete avoidance of adverse effects may not be possible.” Roadless DEIS at 140–41. It states that transportation network changes “would follow law, regulation and policy found at 16 USC 1608, FSM/FSH 7700,” which “can minimize, but not eliminate, some adverse environmental effects,” *id.* at 44; relies on FSM 2900 to screen projects for invasive plant risk, *id.* at 106; and describes the Travel Management Rule, accurately, as seeking “an environmentally and financially sustainable transportation system” through “a science-based roads analysis,” *id.* at 37.

That is the Department's August 2026 description of the rule it now proposes to dismantle, and its reliance on directives it has separately proposed to make advisory or freely deviable. The Department cannot tell the public in one environmental impact statement that travel management and the Directive System will contain the harms of road access while proposing, in two other rulemakings, to remove them. The travel management EIS must analyze the proposed action against the Roadless DEIS's own findings, and each of the three analyses must account for the others' effects on the safeguards it assumes.

VIII. The Directive System Proposal Would Strip Field Staff of the Tools to Assess and Mitigate These Effects

On July 1, 2026, the Department proposed to amend 36 C.F.R. § 200.4 and part 216 so that the Forest Service Handbooks would become advisory guidance from which employees could deviate without documenting or justifying the alternate action; officials could depart from mandatory Manual direction whenever an alternative is “in the public interest”; and directives could be rescinded without public notice or comment. 91 Fed. Reg. 39948 (July 1, 2026) (proposed 36 C.F.R. §§ 200.4(b)(1), 216.1(b)). FSEEE's comments on that proposal address its effects provision by provision. FSEEE, Comments on RIN 0596-AD74 (July 31, 2026). The statutory duties survive both proposals. What the two USDA proposals remove together is the mechanism by which field staff carry those duties onto the ground: this proposal removes the national criteria, and the directives proposal makes the methods for applying them optional.

A. Travel analysis and the designation criteria

The Manual directs responsible officials to use travel analysis under FSH 7709.55, Chapter 20, both to identify the minimum road system required by 36 C.F.R. § 212.5(b) and to consider and document application of the § 212.55 designation criteria. FSM 7712. The Manual states the duty; the Handbook supplies the method. This proposal would remove the minimization criteria and the minimum road system standard; the directives proposal would make the travel analysis method advisory. A responsible official would be left with neither a national standard nor a required method for evaluating a route's effects on soils, water, wildlife, and recreation settings. The Superior National Forest analysis in Section VI.E, which identified 1,672 road segments on poorly drained or shallow soils and 1,054 in lynx analysis units exceeding the plan guideline, is the kind of analysis that method produces.

B. Stored roads and maintenance standards

The routes the proposed annual review would reconsider are overwhelmingly stored or lightly maintained roads — some 103,000 miles, 28 percent of the system, are in storage. Roadless DEIS at 36. FSH 7709.59, section 62.32, requires basic custodial maintenance of stored roads to prevent damage to adjacent resources, with emphasis on drainage facilities and runoff patterns. That custodial maintenance is what stands between a stored road and the culvert and fill failures the Roadless DEIS describes, *id.* at 108, 112, and under the directives proposal it would become advisory. So would the FSH 7709.58 condition surveys on which the agency's deferred maintenance reporting to Congress depends. See Section IX.A.

C. Soil, watershed, and riparian standards

MUSYA forbids impairment of the productivity of the land, but does not define impairment. The Directive System does: FSM 2550 supplies the national soil quality framework, and regional FSH 2509.18 supplements set numeric thresholds for detrimental compaction, displacement, and erosion. Riparian delineation methods, from which the riparian management zones of 36 C.F.R. § 219.8(a)(3) are measured, are likewise directive-based, as are the water resource inventory methods of FSH 2509.16. Under the directives proposal the Handbook thresholds and methods would become advisory and the Manual framework deviable on a “public interest” finding. That matters most for the off-route allowances this Notice proposes for game retrieval, firewood collection, and dispersed camping (Section V.H), which would disturb soils and riparian ground outside the designated route prism — the disturbance those standards exist to measure.

D. Wildlife, fisheries, and sensitive species

No national wildlife or fisheries Handbook remains in the Directive System. The sensitive species program exists only in the Manual, and the criteria for identifying species of conservation concern under 36 C.F.R. § 219.9(c) are in FSH 1909.12. Under the directives proposal, the former could be departed from on a “public interest” finding, the latter would become advisory, and either could be rescinded without notice — while this proposal removes the national criterion requiring minimization of “harassment of wildlife and significant disruption of wildlife habitats.” 36 C.F.R. § 212.55(b)(2). The Roadless DEIS relies on plan components and project-level evaluation to avoid the wildlife and aquatic effects it catalogs. Roadless DEIS at 140–41, 151. With both proposals adopted, little would remain to assure that the effects of route designations on at-risk species not listed under the Endangered Species Act are consistently examined.

E. Mitigation and the record

The Notice proposes to replace the minimization criteria with “design criteria, where appropriate, to avoid or minimize adverse effects.” 91 Fed. Reg. at 54688. Design criteria are carried from a NEPA document into implementation and monitoring through FSH 1909.15, Chapter 70, and the documentation of categorical exclusion decisions, including the screening for extraordinary circumstances, is likewise Handbook direction. The substitute this rulemaking offers for the minimization criteria would thus rest on procedures the Department has separately proposed to make optional. NEPA binds the agency either way; what is at risk is the record showing whether its requirements were met — and, as Section IX.E explains, the staff who would create that record.

IX. Fiscal Responsibility

FSEEE and PEER regard this as the strongest practical argument against the proposal, and the one least susceptible to characterization as an environmental objection. The proposed rule would enlarge the obligations attached to a transportation system that the Forest Service is already, by its own accounting, unable to sustain.

A. The national picture

The Forest Service's Fiscal Year 2026, Quarter 2 Deferred Maintenance report, prepared for the Appropriations Committees, reports the following.

Table 2. Forest Service deferred maintenance, FY 2026 Quarter 2.

Asset type	Deferred maintenance
Road (excludes maintenance levels 1 and 2)	\$6,120,000,000
Building	\$2,917,313,249
Road bridge	\$951,164,255
Minor constructed features	\$352,837,745
Trail	\$347,209,770
Dam	\$309,588,530
Drinking water system	\$213,556,986
Wastewater system	\$99,987,931
Trail bridge	\$81,443,900
Heritage	\$38,687,750
Communication system	\$9,406,661
Grand total	\$11,441,196,777

Two features of this table matter more than the totals. First, roads alone account for 53 percent of all Forest Service deferred maintenance. Adding road bridges, trails, and trail bridges brings transportation infrastructure to \$7.50 billion, or 66 percent of the agency-wide backlog. Second, and critically, the report's own footnote states that deferred maintenance values for high clearance vehicle and basic custodial care roads — maintenance levels 2 and 1 — “cannot be estimated with a suitable degree of confidence and are therefore not included.” The \$6.12 billion figure therefore covers only maintenance level 3 through 5 roads. On the Superior National Forest, maintenance levels 1 and 2 constitute 75 percent of system mileage. The true road backlog is unknown and is materially larger than the reported figure.

The trajectory matters as much as the total. When the Department adopted the Roadless Rule in 2001, it estimated that the agency received less than 20 percent of the funds needed annually to maintain its existing road system, and agency deferred maintenance stood at \$8.4 billion; by 2025 it exceeded \$10.8 billion (Mildrexler et al. 2026). The second-quarter fiscal year 2026 figure of \$11.44 billion continues that climb.

An agency that cannot estimate the maintenance liability on three-quarters of its road mileage is not an agency positioned to adopt a rule directing it to consider adding more.

B. What the shortfall looks like on one forest

The Superior National Forest's travel analysis quantifies the gap at unit scale, and its arithmetic is representative.

Table 3. Superior National Forest annual road maintenance requirement, before and after implementation of travel analysis recommendations.

Maintenance level	Miles (before)	Miles (after)	Annual cost/mile	Annual cost (before)	Annual cost (after)
5 — High degree of user comfort	72	31	\$8,000	\$576,000	\$248,000

Maintenance level	Miles (before)	Miles (after)	Annual cost/mile	Annual cost (before)	Annual cost (after)
4 — Moderate degree of user comfort	315	313	\$2,725	\$858,375	\$852,925
3 — Suitable for passenger cars	216	182	\$1,533	\$331,128	\$279,006
2 — High clearance vehicles	984	949	\$300	\$295,200	\$284,700
1 — Basic custodial care (closed)	912	951	\$13	\$11,856	\$12,363
Total	2,499	2,426		\$2,072,559	\$1,676,994
Appropriated budget (FY15)				\$617,000	\$617,000
Annual deficit				\$1,455,559	\$1,059,994

- Annual maintenance need for the 2,499-mile system: \$2,072,559. Appropriated road maintenance budget: \$617,000. Annual deficit: \$1,455,559 — the forest receives approximately 30 percent of its basic maintenance need.
- Separate from annual maintenance, the forest carried an aggregate surfacing replacement backlog of approximately \$15,000,000, and would require roughly \$1,000,000 per year thereafter to resurface 30 miles annually.
- Road maintenance funding declined by more than 60 percent from 2000, with no corresponding reduction in mileage. Road operations and maintenance staffing fell from 9.4 full-time employees in 2004 to 2.4 in 2015.
- Of 46 road bridges, more than half were over fifty years old, and at least 15 were projected to require replacement or closure within ten years.

The forest's own conclusion was that it could not meet its forest plan desired conditions — including the desired condition of providing safe travel and reasonable access to private and other public land — because of funding. More than half the public comments the forest received during the analysis concerned the poor condition of roads serving private property and requested more maintenance.

C. Travel analysis under the current rule reduces cost; the proposal increases it

This is the fiscal fact that most directly refutes the proposal's premise. The Superior National Forest's travel analysis, conducted under 36 C.F.R. § 212.5(b) as it exists today, identified changes that would reduce the annual maintenance requirement from \$2,072,559 to \$1,676,994 — a 19 percent reduction in annual cost — and would reduce the annual deficit from \$1,455,559 to \$1,059,994, a 27 percent reduction. It achieved that while retaining 97 percent of system mileage and while identifying only 16 miles as likely not needed.

In other words: the current rule's analytical requirement is the mechanism by which the agency identifies cost reduction without access reduction. It works. The proposal would replace the “minimum road system” standard that drives that analysis with an “adequate and appropriate” standard that has no cost discipline in it, and would layer on an annual obligation to identify closures for reopening and a standing obligation to consider new construction.

D. “Subject to available appropriations” is not a fiscal plan

The Notice conditions the annual review, the new-route consideration, and reopening decisions on “available appropriations.” 91 Fed. Reg. at 54689. We take the Department at its word that no funds are being committed. That is precisely the difficulty. The proposal creates public expectation of expanded access, creates a recurring administrative obligation to identify candidates for reopening, and creates a duty to consider new routes — while funding none of it and while the underlying maintenance liability grows. The predictable result is a rule that generates route reopenings without the corresponding maintenance, which is the specific condition under which roads deliver the most sediment and pose the greatest public safety risk.

The Regulatory Impact Analysis accompanying the proposed rule should quantify, at minimum: (1) the annual agency cost of the proposed unit-level review across all 154 forest and 20 grassland units; (2) the projected change in deferred maintenance liability under the proposed action and each alternative over ten and twenty years; (3) the incremental maintenance cost of each mile reopened or added; and (4) the cost to units of revisiting travel plans completed under the current rule, including the sunk analytical cost of the 148 units that have completed motor vehicle use maps. We request that these figures be published for comment with the draft EIS rather than reserved to the final rule.

E. The FY 2027 budget eliminates the workforce the rule requires

Table 4. Forest Service permanent positions by grade, FY 2024–FY 2027 (USDA, FY 2027 Explanatory Notes, Table FS-5).

FY 2027 USDA EXPLANATORY NOTES – FOREST SERVICE												
PERMANENT POSITIONS BY GRADE AND FTEs												
Table FS-5. Permanent Positions by Grade and FTEs ^{a/}												
Item	HQ	Field	2024 Actual Total	HQ	Field	2025 Actual Total	HQ	Field	2026 Estimated Total	HQ	Field	2027 Estimated Total
SES	31	36	67	33	26	59	30	23	53	12	9	21
SL		1	1			-	-	-	-	-	-	-
GS-15	78	398	476	63	350	413	57	314	370	22	122	144
GS-14	124	712	836	106	620	726	95	556	651	37	217	254
GS-13	111	2,933	3,044	92	2,742	2,834	83	2,459	2,542	32	960	992
GS-12	59	4,299	4,358	48	4,041	4,089	43	3,625	3,668	17	1,414	1,431
GS-11	44	5,432	5,476	35	5,413	5,448	31	4,855	4,887	12	1,894	1,906
GS-10		613	613		677	677	-	607	607	-	237	237
GS-9	33	5,365	5,398	23	5,216	5,239	21	4,679	4,699	8	1,826	1,834
GS-8	2	1,926	1,928	3	1,923	1,926	3	1,725	1,728	1	673	674
GS-7	13	4,449	4,462	8	4,495	4,503	7	4,032	4,039	3	1,573	1,576
GS-6	2	2,554	2,556	1	2,588	2,589	1	2,321	2,322	0	906	906
GS-5	4	3,823	3,827	5	3,152	3,157	4	2,827	2,832	2	1,103	1,105
GS-4	3	2,045	2,048		1,777	1,777	-	1,594	1,594	-	622	622
GS-3		454	454		235	235	-	211	211	-	82	82
GS-2		9	9		8	8	-	7	7	-	3	3
Total												
Permanent	505	35,048	35,553	417	33,263	33,680	375	29,835	30,210	146	11,641	11,787
Total Perm. FT												
EOY	505	35,048	35,553	417	33,263	33,680	375	29,835	30,210	146	11,641	11,787

a/ Funding for Other FTEs is provided through reimbursable funds and the allocation of funds from other agencies. The discrepancy between the project statement and Max schedule X is reimbursable funding.

The Forest Service's own fiscal year 2027 congressional budget justification reveals staffing reductions of historic magnitude that are fundamentally incompatible with the agency's simultaneous proposal to overhaul travel management across all National Forest System lands. See USDA Forest Service, FY 2027 USDA Explanatory Notes, Table FS-5, Permanent Positions by Grade and FTEs (above). **According to the Forest Service, total permanent positions are projected to fall from 35,553 in**

FY 2024 to 11,787 in FY 2027 — a reduction of 23,766 positions, or a 67 percent cut of the agency's permanent workforce. Field positions, which constitute the vast majority of the workforce responsible for on-the-ground land management, are set to decline from 35,048 to 11,641 over the same period. Headquarters staff would be cut even more severely in proportional terms, from 505 to just 146 positions. These are not speculative figures; they are the agency's own estimates as presented to Congress.

Those staffing reductions are significant because the proposed rule does not simply declare previously closed routes open. Rather, it would establish a presumption favoring access while requiring local units to annually identify and re-evaluate closed and restricted roads, trails, airfields, trailheads, and other access points. This requires staff. Every closed and highly restricted route would be screened through the annual unit-level process, and any route identified for reconsideration could be reopened only through a prescribed process consistent with applicable law, valid existing rights, other governing instruments, available appropriations, and the governing access and closure criteria. 91 Fed. Reg. at 54689. Site-specific decisions would require analysis of land and resource conditions, public engagement, governmental coordination, Tribal consultation, updated digital mapping, maintenance, and enforcement. The Forest Service identifies **“mapping, maintenance, enforcement, [and] annual-review workload”** as implementation issues the EIS must address. Id. at 54690. **A rule that substantially expands the universe of routes that must be regularly considered and potentially managed for motorized access creates a new and recurring workload for field employees.** The Forest Service will rely on the recreation specialists, engineers, biologists, hydrologists, archaeologists, GIS staff, law enforcement personnel, and line officers whose numbers are being dramatically cut. See also Section IV.C.

The Notice makes the annual review process and individual reopening decisions dependent on **available appropriations** and identifies “maintenance and administrative capacity” as a legitimate basis for maintaining a closure. 91 Fed. Reg. at 54689. The agency's proposed changes to staffing bear directly on administrative capacity and must be considered in the EIS. Without that analysis, the agency risks adopting a nationwide access policy that its own staffing designs sabotage, establishing an expansive rule that a skeletal workforce cannot administer safely and responsibly.

The Forest Service cannot credibly pursue a sweeping, resource-intensive policy change that demands more staff capacity at the very moment its budget proposes to eliminate two-thirds of its workforce. The planned staff reductions would occur at precisely the time the Forest Service anticipates preparing the proposed rule and draft EIS in spring 2027 and moving toward a final rule in early 2028, 91 Fed. Reg. at 54691, so the staffing issue goes directly to the proposal's own terms. Proceeding with the rulemaking under these circumstances raises serious questions about whether the resulting environmental review can satisfy NEPA's “hard look” requirement, and whether the agency can fulfill its obligations under the Organic Administration Act, the Multiple-Use Sustained-Yield Act, the National Forest Management Act, the Endangered Species Act, the Clean Water Act, and other laws should the rule be implemented.

When staffing is considered, the practical effect of the rule may simply be to open lands to motorized use without meaningful management or environmental safeguards. An agency without the personnel to administer the rule would be overwhelmed by it. The foreseeable result is degradation of watersheds, wildlife habitat, fisheries, recreation opportunities, and heritage sites; repeated findings that the agency has failed to meet the legal standards that govern it; and lasting harm to the public

lands legacy these laws exist to protect. **The proposed travel management rule presupposes an agency with the personnel to plan, analyze, designate, and enforce travel decisions forest by forest. The FY 2027 budget tells Congress and the public that no such agency will exist.**

F. Reliance interests and sunk public investment

One hundred forty-eight of 154 national forest units and all 20 national grasslands have completed motor vehicle use maps. Those plans took years, cost tens of millions of dollars in aggregate, and were built through extensive local public involvement, government-to-government consultation, and in many cases litigation and settlement. Motorized and non-motorized users, counties, states, tribes, permittees, outfitters, and adjacent landowners have all ordered their affairs around them.

An agency changing course must consider these reliance interests, and must explain why it is disregarding facts and circumstances that underlay the prior policy. *Regents*, 591 U.S. at 30; *Fox*, 556 U.S. at 515–16. The Notice does not mention them. The draft EIS must, and the Department should quantify the public and private investment in completed travel plans as part of the no-action baseline.

X. NEPA Adequacy and Scope of Analysis

A. The comment period is inadequate to the scope of the action

The Department opened a 30-day comment period on a nationwide rulemaking affecting motorized use across the entire National Forest System, announced that no separate public scoping process or scoping meetings are planned, and published no regulatory text. 91 Fed. Reg. at 54691. This is the only opportunity the public will have to shape the scope of the EIS before a proposed rule and draft EIS appear in spring 2027.

We request a 90-day extension of the comment period, and 120 days for federally recognized Tribes and Alaska Native Corporations. We further request that the Department hold public scoping meetings in each Forest Service region, including at least one in Alaska, and that it publish preliminary regulatory text or a detailed description of the intended provisions before the comment period closes. The absence of regulatory text is not a formality: several of the proposal's most consequential elements — the definition of “minor designation revision,” the limits on off-route use, and the categories of exempt vehicles and uses — cannot be evaluated at all in their current form, and comment on them cannot be meaningful.

B. The EIS must analyze programmatic effects, not defer them

For the reasons in Section IV.B, the Department's position that site-specific effects would be “highly speculative” cannot support deferring the analysis. The agency holds the data required to bound the effects. At minimum, the EIS should quantify, nationally and by region: currently closed and highly restricted mileage by maintenance level; mileage within riparian management zones, on soils rated poorly drained or shallow, within inventoried roadless areas, within recommended wilderness, within semi-primitive non-motorized allocations, and within designated critical habitat; and the mileage in units where forest plan road density standards are currently exceeded. Those figures define the population of routes the presumption would apply to and are the appropriate basis for scenario analysis.

The EIS should likewise analyze effects on habitat connectivity and gene flow, which the agency's own regulations make an element of ecological integrity, 36 C.F.R. §§ 219.8(a)(1), 219.19, and which Section VI.B shows are among the least reversible effects of route networks. At minimum, the EIS should quantify, nationally and by region, open and closed route mileage and route density within inventoried roadless areas; within wildlife movement corridors or linkage areas identified in forest plans or by state wildlife agencies; and within lynx analysis units, Tongass wildlife analysis areas, and other units where forest plans tie species persistence to road density. It should then use the landscape connectivity and population persistence models increasingly applied in road ecology (Bennett 2017) to evaluate how scenarios of reopened and newly designated routes under the proposed presumption would change landscape permeability for representative focal species.

We note also the cumulative relationship between this rulemaking and the concurrent rescission of the 2001 Roadless Area Conservation Rule (RIN 0596-AD66, Docket FS-2025-0001). The two actions interact directly: this proposal would create an affirmative duty to consider new roads and trails “where appropriate to increase access,” while the roadless rescission would remove the prohibition that currently forecloses road construction in inventoried roadless areas. Neither EIS can lawfully treat the other as absent. Because the Roadless Rule does not govern motorized recreation, the combined effect of the two actions would be to remove, simultaneously, the national prohibition on road construction in inventoried roadless areas and the national criteria governing motorized use within them. See Section VI.B. On the Superior National Forest alone, 205 road segments fall within unique biological areas, research natural areas, eligible wild and scenic river segments, or roadless areas. The draft EIS must analyze the combined effect of both rulemakings.

The Affected Environment must describe the existing effects of the open road and motorized trail network — not only the effects of changes to it — and must identify the resource-protection requirements of the Organic Act, MUSYA, and NFMA against which effects will be measured. Several baseline conditions deserve particular attention: main access roads and a large share of recreation use are concentrated in and next to riparian areas, which occupy a small fraction of the landscape but support a disproportionate share of wildlife and fish species; big-game winter ranges and high-elevation habitats are especially sensitive to disturbance; and national forest route networks sit within larger regional road networks whose cumulative effects must be counted. The effects analysis should address, at a minimum, big game (elk, moose, mule and white-tailed deer, and bighorn sheep), grizzly bear, wolverine, Canada lynx, forest raptors such as northern goshawk and great gray owl, greater sage-grouse, waterfowl, songbirds, and amphibians, and each mechanism by which reopened routes affect them: direct mortality; disturbance that alters habitat use, habitat effectiveness, and movement; physiological stress, body condition, reproductive output, and late-season weight gain; and transport of invasive plant seed, including cheatgrass, and of disease agents.

C. The EIS must analyze the social and economic environment

The Roadless DEIS analyzed the social and economic environment, and the travel management EIS must as well. The agency's own visitor data should anchor that analysis. Of roughly 159 million annual national forest visits, hiking or walking is the most common activity — reported by 49.6 percent of visitors and the primary activity for 28.9 percent — followed by viewing natural features (38.3 percent) and viewing wildlife (26.9 percent). Off-highway vehicle use is reported by 3.7 percent of visitors and is the primary activity for 1.9 percent. USDA Forest Service, National Visitor Use Monitoring Survey Results, National Summary Report (Sept. 2023) (FY2018–FY2022 data). Nearly half of visits come

from people living within 50 miles of the forest they visit, and a bit over one-fifth from people traveling more than 200 miles, so national forests matter to distant as well as local communities. *Id.* Recreation visitor spending contributes about \$13.7 billion to the national economy and sustains about 161,000 jobs; wildlife-related visits alone number some 17 million a year. *Id.* The Forest Service's national surveys of public values point the same way: the public regards protection of ecosystems and habitats as an important objective, does not support developing new paved roads, and treats managing motorized recreation — rather than motorized recreation itself — as a high-priority objective. Shields et al. 2002; Shelby et al. 2008. When the Department sought comment on rescinding the Roadless Rule, approximately 99 percent of comment letters opposed it. Roadless DEIS at 19.

To the extent the proposal expands motorized trail and off-route use, it serves the primary activity of 1.9 percent of visits while bearing on the experience, safety, and resources of the far larger share who hike, view wildlife, hunt, fish, and ride horses. The EIS must also account for values that extend beyond national forest boundaries: fish and wildlife produced on national forests support hunting, fishing, and wildlife viewing downstream and along migration routes, and water originating on national forests supplies municipal systems, irrigation, and hydropower far from the forests themselves (Section VI.F).

D. Alternatives that must be analyzed

In addition to the no-action alternative and the alternatives the Notice identifies, we request analysis of the following.

- Alternative A — Retain § 212.55(b) in full; adopt only the mapping modernization, the clerical correction process, a bounded minor-revision category, and the mobility-device accommodation. This alternative achieves every efficiency the Notice identifies without any resource protection loss, and should be analyzed as the environmentally preferable action alternative.
- Alternative B — Retain the minimization criteria and additionally require that units demonstrate financial sustainability of the designated system, tying system size to five-year appropriations history. This alternative directly addresses the deferred maintenance liability that constrains access.
- Alternative C — Retain § 212.5(b)(1) minimum road system identification and retain § 212.55(b), while adopting the proposed annual review in a modified form that identifies routes for maintenance investment or for decommissioning as well as for reopening.
- Alternative D — The proposed action with hard regulatory limits on off-route use and without categorical exemptions, so that the resource consequences of each exemption are analyzed separately rather than in aggregate.
- Alternative E — A bounded presumption. If the Department retains any presumption, analyze an alternative that (1) applies it only to National Forest System roads and trails in the forest transportation atlas and expressly excludes unauthorized routes; (2) provides a one-year transition period during which no designations change; (3) replaces “required by applicable law” with closures or restrictions needed to meet the requirements of MUSYA and NFMA for watersheds, water, wildlife, fish, and plant and animal diversity, or to provide for non-motorized recreation, as determined through a coordinated interdisciplinary process; and (4)

replaces the annual review of closed routes with a review, every five to ten years, of all routes — open, closed, and restricted — so that the review can identify routes for closure, maintenance investment, or decommissioning as well as for reopening. NFMA already conditions timber harvest on protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, 16 U.S.C. § 1604(g)(3)(E), (F)(v); that structure is a sound model for conditioning motorized access.

E. Consultation obligations

The Department should initiate programmatic consultation with the Fish and Wildlife Service and the National Marine Fisheries Service under ESA § 7(a)(2) before publishing the proposed rule, not after. A rule that establishes a national presumption governing motorized access across designated critical habitat for numerous listed species is agency action with effects that must be evaluated before the framework is fixed.

We further urge that government-to-government consultation with federally recognized Tribes and engagement with Alaska Native Corporations begin immediately and on a schedule that permits substantive influence over the proposed rule, rather than reaction to it. Treaty-reserved rights of access, hunting, fishing, and gathering, and ANILCA Title VIII subsistence priorities, are directly implicated by changes to the travel management framework. The Superior National Forest's own analysis records tribal concerns that changes in access opportunities affect the exercise of treaty rights, and identifies access to lakes for fishing and wild rice harvesting as a specific interest.

F. Subsistence uses and ANILCA Title VIII

The Notice mentions subsistence twice, and both times treats it only as a beneficiary of access. It observes that updated motor vehicle use maps have been important to “provide access for a broad range of recreational, subsistence, and other uses,” 91 Fed. Reg. at 54689, and it lists among the issues for the EIS “[p]ublic access to NFS lands, including for recreation, to facilitate subsistence or other uses,” describing the potential impacts as “changes in access opportunities, use patterns, and conflicts among uses.” *Id.* at 54690. The Notice does not mention ANILCA, the rural subsistence priority, or section 810, and it does not identify the effect of increased motorized access on subsistence resources and uses as an issue for analysis.

That framing inverts the relevant concern. Access for subsistence and traditional activities is already protected by statute, 16 U.S.C. §§ 3121(b), 3170(a), and the existing travel management framework accommodates it. What ANILCA requires the agency to evaluate is broader. The Department's own Roadless DEIS identifies the three factors by which effects on subsistence are measured: “abundance and distribution, access, and competition.” Roadless DEIS at 238. Increased motorized access bears on all three. Roads and motorized routes affect the abundance and distribution of subsistence species through the habitat, disturbance, and mortality effects described in Sections VI and VII. And they increase competition: routes open to the general public bring non-local hunters, anglers, and gatherers into areas rural residents depend on, placing added pressure on the very resources ANILCA gives rural residents priority to use. 16 U.S.C. § 3114. The Forest Service's own August 2025 subsistence assessment for the Tongass plan revision confirms the point. It finds that roads “provide access for hunting, which improves subsistence users' ability to harvest animals, but has also led to increased hunting, overharvest or increased illegal harvest in some areas.” USDA Forest Service, Subsistence and Other Non-Commercial Harvest Resource Assessment, Tongass National Forest Plan Revision

16 (Aug. 2025) (“Tongass Subsistence Assessment”) (citing Person and Russell 2008). It reports that the Southeast Alaska Subsistence Regional Advisory Council considers roads generally detrimental to deer, deer habitat, fish, and subsistence uses, and, along with timber harvest, one of the major factors in deer population declines on Prince of Wales Island, *id.*; that habitat models show declining deer habitat there “mainly due to timber harvest, road building, and loss of habitat connectivity,” *id.* at 30; and that subsistence users report “increasing problems with accessing subsistence resources” because of competing uses, *id.* at 14. Among the potential impediments to subsistence, its key findings list “disruption of hunting and gathering activities from increased use of the forest.” *Id.* at 43. The Assessment is balanced: it also records hearing testimony that maintaining existing roads can distribute harvesters and reduce competition. *Id.* at 16. That is precisely why these effects must be weighed route by route rather than presumed away. The same dynamic underlies the road-density standards for the Alexander Archipelago wolf discussed in Section VI.E. The Roadless DEIS itself recognizes that subsistence use of fish and wildlife “has been and continues to be an important component of the economies of Southeast Alaska communities.” Roadless DEIS at 238. And the Tongass Subsistence Assessment reports an estimate that 66 percent of the average annual subsistence harvest in Southeast Alaska relies directly on national forests. Tongass Subsistence Assessment at 12 (citing Chamberlain et al. 2025).

The Department should not expect to rely here on the position it took in the Roadless DEIS — that a rulemaking is a programmatic decision to which section 810 does not apply. Roadless DEIS at 238. Even there, the Department acknowledged that its 2020 Alaska Roadless Rule analysis voluntarily included a forest-wide section 810 evaluation, with subsistence hearings held in 2019. *Id.* at 238–39. More to the point, when the Alaska Region implemented this very rule, it told the public that Tongass travel management analyses “will evaluate the effects on subsistence uses (Section 810 of ANILCA) and subsistence access (Section 811 of ANILCA),” with section 810 and 811 notice and hearings running concurrently with the NEPA comment period, and that its NEPA documents would “clearly display and analyze subsistence uses and access, and the effects of route and area designations.” Status of Travel Management Planning and Providing Access for Subsistence Purposes Within the USDA Forest Service, Alaska Region, 73 Fed. Reg. 40845 (July 16, 2008). The Forest Service has thus already treated travel management designations in Alaska as decisions subject to section 810. This proposal presents a stronger case for evaluation still. The travel management rule governs the use of public lands directly: a presumption that routes are open, and categorical exemptions for classes of vehicles and uses, would operate on the ground without any later site-specific decision to which a section 810 evaluation could attach. If the rule itself permits the use of public lands, section 810's evaluation requirement applies to the rule. If it does not, the rule must ensure that every reopening, new designation, and exempted use in Alaska receives a section 810 evaluation before it takes effect. The procedures for those evaluations are set out in the Alaska Region's Subsistence Management and Use Handbook, FSH 2090.23, which implements ANILCA's subsistence requirements for land management decisions and NEPA. Tongass Subsistence Assessment at 6, 8. Depending on how the directives proposal treats regional issuances — a question it leaves unanswered — that Handbook could itself become advisory (Section VIII).

FSEEE and PEER therefore ask that the Department (1) identify effects on subsistence resources and uses — abundance and distribution, access, and competition — as an issue for analysis in the EIS; (2) conduct a forest-wide section 810 evaluation for the Tongass and Chugach National Forests, with notice to the State and the regional advisory councils and hearings in affected communities, as it did

in 2019; (3) provide in the rule that any route reopening, new designation, or categorical exemption applied in Alaska is subject to section 810 before it takes effect; and (4) consult with federally recognized Tribes and engage Alaska Native Corporations on these questions before the proposed rule is published. Outside Alaska, the same care is owed to treaty-reserved rights of hunting, fishing, and gathering (Section X.E).

XI. Enforcement and Public Safety

The Notice proposes changes to the designation and prohibition framework in 36 C.F.R. parts 212 and 261 without providing regulatory text, and states that uniform enforcement requirements would be retained. 91 Fed. Reg. at 54687–88. We are unable to evaluate the enforcement consequences of the proposal on this record, which is itself a reason to extend the comment period.

We flag the structural concern. The enforceability of 36 C.F.R. § 261.13 rests on the clarity of the underlying designation: use is prohibited if it is not on the map. A shift to an open-unless-closed presumption, combined with categorical vehicle and use exemptions, undefined off-route allowances, and streamlined revision procedures, replaces a single bright-line question with a multi-part inquiry that a law enforcement officer must resolve in the field and a court must resolve afterward. Officers, prosecutors, and the public all lose the clarity the current framework provides.

The same clarity problem affects search and rescue, wildfire response, and public safety generally. A route network whose legal status varies by vehicle class, by exemption category, by season, and by whether an annual review has yet reconsidered it is harder to map, harder to sign, and harder to navigate in an emergency. The draft EIS should analyze enforcement and emergency response effects explicitly, with input from Forest Service law enforcement and from county sheriffs' offices that conduct search and rescue on National Forest System lands.

XII. Elements of the Proposed Action That FSEEE and PEER Support

Consistent with our practice, we identify the portions of the proposal we regard as sound and urge the Department to carry them forward regardless of what it does with the balance of the rulemaking.

- Preparation of a full environmental impact statement. The Department could have attempted this revision on a thinner record. Committing to an EIS with a no-action alternative is the correct procedural choice and we commend it.
- Integrated, authoritative digital maps. Consolidating motor vehicle use maps and over-snow vehicle use maps into integrated, publicly available, GIS-compatible digital maps that serve as the authoritative source for designations is a genuine improvement for every user of the National Forest System. It also serves EXPLORE Act section 127. We support it without reservation.
- A defined clerical correction process. Distinguishing clerical map corrections that do not alter a designation from substantive revisions is sensible and long overdue. Corrections of mapping errors should not require the full designation process.
- Retention of uniform mapping, publication, vehicle-class, transition, and enforcement requirements. National consistency in these areas benefits the public and the agency.

- Objective criteria for low-powered electric mobility devices used by persons with mobility disabilities. This accommodation is important, is properly addressed by objective national criteria, and should not be delayed.
- Retention of over-snow vehicle use maps and the subpart C framework. The 2015 subpart C rule closed a real gap and should be preserved.
- Analysis of an alternative retaining class 1 e-bikes as motor vehicles. We appreciate that the Department has committed to analyze this alternative and urge the Department to adopt it (Section V.G).

We would support a rulemaking limited to these elements, and we believe such a rule could be finalized far faster than the schedule the Notice contemplates.

XIII. Requested Actions

FSEEE and PEER respectfully request that the Department:

1. Select the no-action alternative with respect to 36 C.F.R. § 212.55(b), retaining the minimization criteria in full.
2. Retain the minimum road system requirement at 36 C.F.R. § 212.5(b)(1), and if the provision is revised, retain an express requirement that system size be commensurate with reasonably anticipated funding.
3. If any presumption is retained, define “required by applicable law” to include closures and restrictions needed to meet the resource-protection requirements of the Organic Act, MUSYA, NFMA, and land management plans, and limit “existing” routes to National Forest System roads and trails in the forest transportation atlas, expressly excluding unauthorized routes (Section V.J).
4. Withdraw the open-unless-closed presumption, or in the alternative structure it so that the presumption does not apply to routes within riparian management zones, on poorly drained or shallow soils, within inventoried roadless or recommended wilderness areas, within semi-primitive non-motorized allocations, within designated critical habitat, within wildlife movement corridors or linkage areas identified in forest plans, or in units where forest plan road density standards are exceeded.
5. Extend the comment period by 90 days, and by 120 days for federally recognized Tribes and Alaska Native Corporations; hold scoping meetings in each region including Alaska; and publish preliminary regulatory text before the comment period closes.
6. Analyze Alternatives A through E described in Section X.D, and identify the environmentally preferable alternative.
7. Publish a Regulatory Impact Analysis quantifying the items in Section IX.D for public comment with the draft EIS.
8. Initiate programmatic ESA section 7 consultation and Tribal consultation before publication of the proposed rule.
9. Analyze the cumulative effects of this rulemaking together with the rescission of the 2001 Roadless Area Conservation Rule (RIN 0596-AD66).

10. Identify effects on subsistence resources and uses as an issue for analysis, conduct a forest-wide ANILCA section 810 evaluation for the Tongass and Chugach National Forests, and require section 810 evaluation before any route reopening, new designation, or categorical exemption takes effect in Alaska (Section X.F).
11. Analyze the proposed action against the findings of the Department's own Roadless Rule draft EIS, and against the Directive System as it would exist if the proposed amendments to 36 C.F.R. § 200.4 and part 216 are adopted, rather than assuming safeguards those rulemakings would remove. See Sections VII and VIII.
12. Analyze the programmatic effects of the proposed action on habitat connectivity and gene flow, as described in Sections VI.B and X.B.
13. Retain all electric bicycles, including class 1, as motor vehicles under 36 C.F.R. § 212.1, with class 1 use on non-motorized trails authorized only through site-specific designation (Section V.G).
14. State any off-route use limits, minor revision definitions, and categorical exemptions in regulatory text subject to notice and comment, rather than in agency directives.
15. Address deferred maintenance directly. If the Department's objective is increased public access, the rulemaking that would accomplish it is one that aligns system size with funding, expands jurisdictional transfer and cost-share authority, and supports appropriations sufficient to maintain what the agency already has.

XIV. Conclusion

The national forests were reserved to secure favorable conditions of water flows and to furnish a continuous supply of timber. Congress added outdoor recreation, range, wildlife, and fish to those purposes in 1960, and directed that all of them be managed harmoniously, without impairment of the productivity of the land, and expressly not for the greatest unit output of any one of them. In 1976 Congress added a duty to sustain the diversity of plant and animal communities. None of those obligations was created by executive order, and none of them was rescinded by one.

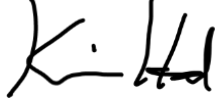
The minimization criteria at 36 C.F.R. § 212.55(b) are how the Forest Service has demonstrated, for twenty years, that it takes those obligations seriously when it decides where motor vehicles may go. They ask a manager to consider damage to soil, watershed, vegetation, and other resources; harassment of wildlife and disruption of habitat; and conflicts among users. Those are not bureaucratic obstacles. They are the statutory duties, written down in operational form.

Removing them will not open a single additional mile of road that is not already opened by the maintenance the agency cannot afford. It will not shorten a single planning process that is not already shortened by the staff the agency no longer has. What it will do is remove the record that shows the agency considered the consequences — at the moment when faster machines, more visitors, drier forests, and \$11.44 billion in deferred maintenance make those consequences larger than at any time since the rule was written. Some of those consequences — the gradual division of wildlife populations into isolated fragments that no longer exchange genes — accumulate across networks and generations and are difficult to reverse once established. They are precisely the kind of harm a national standard applied at the moment of designation exists to prevent.

FSEEE and PEER urge the Department to retain the Travel Management Rule's substantive protections, to proceed with the mapping and administrative improvements the proposal correctly identifies, and to direct its energy toward the deferred maintenance backlog that is the actual constraint on public access to the national forests.

Thank you for considering these comments. We would welcome the opportunity to discuss them further, and we intend to submit additional comment on the proposed rule and draft environmental impact statement when they are published.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Hood'.

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