



Docket No. FS-2025-0001  
U.S. Forest Service  
U.S. Department of Agriculture

**Green Climate Comments on Special Areas;  
Roadless Area Conservation; National Forest System Lands  
Notice of Intent to Prepare an Environmental Impact Statement.**

**A. Green Climate**

Green Climate is a 501(c)(3) non-stock corporation organized under the laws of the Commonwealth of Virginia. Green Climate has nine members who are committed to the protection and conservation of our National Forests. Our members deeply appreciate, recreate and enjoy trees, plants, insects and animal life in our National Forests. One of our members studies all aspects of national forest ecology including in-depth research on the health of National Forests and the capture and sequestration of greenhouse gas emissions by trees in these forests. Much if not all of these forest areas are inventoried roadless areas under the 2001 Roadless Rule. Our members spend their time in the George Washington National Forest and adjacent forest land.

**B. Scope of EIS Review Must Assess the Impacts of Elimination of Entire Inventory of Roadless Areas**

For nearly a quarter-century, the 2001 Roadless Area Conservation Rule barred road construction and timber harvest in IRAs. 66 Fed. Reg. 3244 (Jan. 12, 2001). The Notice of Intent (90 Fed. Reg. 66013, Aug. 29, 2025) (NOI) suggests that, if the 2001 Roadless Rule is rescinded, road construction in Inventoried Roadless Areas (IRAs) will be governed by existing land management plans and site-specific NEPA review. 90 Fed. Reg. 42181. This approach impermissibly fragments environmental impact analyses and

evades NEPA's requirement for comprehensive review of all major federal actions—in this case the nationwide elimination of IRAs.

The Roadless Rule is a longstanding policy baseline against which new decisions must be justified. Agencies cannot depart from entrenched protections through a piecemeal amendment. Under *FCC v. Fox Television Stations*, 556 U.S. 502, 515 (2009), an agency reversing established policy must provide a reasoned explanation and a detailed justification. A simple land management plan amendment cannot satisfy this heightened burden.

CEQ regulations require agencies to evaluate connected, cumulative, and similar actions together in a single EIS. 40 C.F.R. § 1501.9(e) (1-3). Courts have consistently held that agencies cannot defer or segment review of a programmatic decision by pushing environmental impact analyses down to smaller, subsequent actions. See *Kleppe v. Sierra Club*, 427 U.S. 390, 410 (1976) (requiring program-level review of regional coal development); *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1215 (9th Cir. 1998) (rejecting segmentation that ignored cumulative impacts).

Here, the elimination of uniform roadless protections represents a programmatic shift in national policy. Once rescinded, the legal floor that currently prohibits roads and timber harvest in 44.7 million acres disappears. Environmental assessments of land management plan revisions for or project-level analyses of new road construction cannot substitute for an EIS that evaluates the nationwide cumulative impacts of the elimination of IRAs. To do so would unlawfully segment the action and obscure the full scope of environmental impacts.

The draft EIS must therefore:

1. Analyze the environmental consequences of rescission itself, not just subsequent road construction and other projects.
2. Include a cumulative, program-level evaluation of the impacts of road building and timber harvest across the full IRA inventory.
3. Reject reliance on environmental reviews of forest plan amendments to facilitate road construction and other projects in roadless areas as a substitute for this comprehensive analysis.

Without such programmatic review, the agency will violate NEPA's mandate to provide decisionmakers and the public with a hard look at the real, nationwide consequences of rescinding the Roadless Rule.

### **C. Road Construction in IRAs Cannot Be Authorized Through Land Management Plan Amendments**

The National Forest Management Act (NFMA) requires that each unit of the National Forest System be managed under a land and resource management plan. 16 U.S.C. § 1604(a). While NFMA permits amendments to plans, National Forest Service (NFS) regulations make clear that amendments are intended for targeted, minor changes, whereas a “revision” is required when there are significant changes in overall management direction. 36 C.F.R. § 219.13(a)–(b).

NFMA requires land management plans to “provide for diversity of plant and animal communities” and to maintain “ecological integrity.” 16 U.S.C. § 1604(g)(3)(B); 36 C.F.R. § 219.9. Road building in IRAs undermines species viability by fragmenting habitat, spreading invasive species, and degrading watershed conditions. These effects extend across the forest and region, and thus demand revision-level analysis. A routine land management plan amendment process lacks the scope to meet NFMA’s viability mandates.

### **D. The Draft EIS Must Include an Assessment of Required Revisions to National Forest Management Act Plans**

The draft EIS must also examine how rescission of the Roadless Rule will alter compliance with the National Forest Management Act (NFMA), 16 U.S.C. § 1604, in specific forest units like the George Washington National Forest (GWNF). When the GWNF’s 2014 Revised Forest Plan was adopted, the Forest Service explicitly recognized the overlay of the 2001 Roadless Rule as part of the governing management framework. The Plan placed most IRAs into management categories like Backcountry–Non-Motorized (MP 12) and Recommended Wilderness (MP 12A), both of which prohibit road construction and commercial timber harvest. Other IRAs were assigned to Special Biological Areas or Scenic Corridor prescriptions, which impose additional restrictions. These allocations, and the viability analysis underlying them, were made with the assumption that the nationwide Roadless Rule would continue to prohibit road building in all IRAs. [https://www.fs.usda.gov/sites/nfs/files/r08/gwj/publication/George Washington National Forest Land Management Plan 508c.pdf](https://www.fs.usda.gov/sites/nfs/files/r08/gwj/publication/George%20Washington%20National%20Forest%20Land%20Management%20Plan%20508c.pdf)

If the Roadless Rule is rescinded, the GWNF plan’s viability analysis will no longer be valid. Specifically:

- Ecological Integrity & Species Viability (36 C.F.R. § 219.9): Road construction in GWNF IRAs would fragment some of the last remaining large tracts of interior forest habitat in the Southern Appalachians, undermining viability for sensitive

species such as the cerulean warbler, cow knob salamander, and brook trout. The 2014 Plan's diversity analysis assumed those areas would remain roadless.

- **Multiple-Use Balance (16 U.S.C. § 1604(e)):** The GWNF Plan balanced timber, recreation, and conservation in part by allocating roadless areas to categories that limited development. Without the Roadless Rule's overlay, the agency could attempt to amend these prescriptions to permit roads and timber harvesting, dramatically shifting the balance away from backcountry recreation, biodiversity, and climate resilience toward commodity uses.
- **Amendment vs. Revision:** Because the GWNF Plan integrated the Roadless Rule into its forest-wide analysis, rescission would invalidate key assumptions of the Plan itself. Under NFMA and the 2012 Planning Rule, this type of change is not a "minor amendment" but a fundamental revision requiring a full EIS. See 36 C.F.R. § 219.13; *Sierra Club v. Martin*, 168 F.3d 1 (11th Cir. 1999).

The draft EIS cannot treat rescission of the Roadless Rule as a simple overlay removal. It must analyze how rescission will undermine NFMA compliance in forest plans such as the GWNF's 2014 Plan, which explicitly relied on Roadless Rule protections in its management prescriptions and viability analyses. Unless the draft EIS discloses and addresses these impacts, it will fail NEPA's requirement to consider significant indirect and cumulative effects of policy change.

#### **E. Need for a Full Range of Alternatives**

The EIS must analyze not just rescission versus no-action, but a full suite of reasonable alternatives. These should include:

- Retaining protections in high-value watersheds and biodiversity hotspots;
- Limiting new road authorizations to existing transportation corridors;
- Regional modifications only where state-specific rules (Idaho, Colorado) have proven workable; and
- Hybrid options that preserve national-level consistency while addressing site-specific management needs.

Without these alternatives, the forthcoming draft EIS risks violating NEPA's core requirement to "rigorously explore and objectively evaluate all reasonable alternatives." 42 U.S.C. § 4332(2)(C)(iii); 40 C.F.R. § 1502.14.

#### **F. Secretary of Agriculture Memorandums Bypass Land Management Plans**

It is deliberately misleading for the NOI to assert that the agency will move forward with road building and timber harvesting under normal NFS regulations and

Land Management plans. The NOI specifically cites Secretary's Memorandum 1078-006. Issued on April 4, 2025, the Memorandum makes a final Emergency Situation Determination (ESD) for 59% of National Forest land. As a result of the ESD, NFS is authorized to harvest up to 112,646,000 acres of NFS forest land at a discount price in violation of NFS regulations and guidance. The Memorandum directs NFS to implement timber harvesting on NFS lands, substantially altering the scope and scale of federal land management actions without following NFS rules or guidance and without public input. The Memorandum and subsequent implementation do not require an initial environmental impact assessment. The NOI assertion that all required environmental impact assessments can be handled at the local level is false and consistent with USDA's attempt to illegally narrow the scope of the draft and final EIS.

## **Conclusion**

For these reasons, Green Climate urges USDA and NFS to ensure that the forthcoming draft EIS fully considers the nationwide impacts of rescission of the Roadless Rule and the elimination of the IRAs, evaluates the legality of plan amendments affecting IRAs, and develops a robust set of alternatives. Anything less will fall short of NEPA's statutory requirements and the public's expectation of transparent, science-based forest management.

Respectfully submitted,



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