



**L.I.G.H.T. Foundation**  
**Elmer City, WA 99124**  
*Indigenous conservation nonprofit*  
<https://thepnwl.org/>

19 September 2025

USDA Forest Service  
Attn: Director, Ecosystem Management Coordination  
201 14th Street SW, Mailstop 1108  
Washington, DC 20250-1124

Comment submitted electronically to

<https://www.federalregister.gov/documents/2025/08/29/2025-16581/special-areas-roadless-area-conservation-national-forest-system-lands#open-comment>

***RE: Comments on Notice of Intent to Prepare Environmental Impact Statement for Rescission of 2001 Roadless Area Conservation Rule (Docket No. FS-2025-0001)***

## **I. Introduction**

The [L.I.G.H.T. Foundation \(LF\)](#) is an independent, Indigenous-led, conservation 501(c)(3) nonprofit established on the Colville Indian Reservation in the traditional territory of the Nespelem Tribe within Washington State. We support the restoration and cultivation of native **Plant and Pollinator Relatives**<sup>1</sup> and the culturally respectful conservation of habitats and ecosystems which are climate resilient and adaptive. We provide this letter in response to the Notice of Intent (NOI) published by the U.S. Department of Agriculture (USDA) in the Federal Register on August 29, 2025, initiating an environmental impact statement (EIS) and rulemaking concerning the proposed rescission of the 2001 Roadless Area Conservation Rule (Roadless Rule).

We are honored and humbled to support the advancement of USDA-Tribal government relations to build resilience, equity, and sustainability for future generations by respectfully requesting the consideration of these comments and recommendations. This letter highlights the areas where the proposed rescission raises profound concerns regarding impacts to Tribal sovereignty, Treaty and reserved rights, cultural resources and sacred sites, water resources and aquatic ecosystems, subsistence and traditional use areas, climate and ecological resilience, and Tribal environmental justice.

---

<sup>1</sup> There are countless terrestrial and aquatic native plant species, fungi, and lichens used for food, medicine, cultural, spiritual, fabric, fiber, artistic, and construction purposes which are important to Indigenous Peoples. The LF refers to these inclusively as "Plant Relatives" and recognizes that several of them rely upon the health and abundance of "Elder" trees (commonly referred to as mature and old-growth trees) and "Pollinator Relatives" like bees, birds, bats, butterflies, beetles, other insects, and small mammals. In this comment, LF also may refer to "Animal Relatives" which may include salmon, steelhead, trout, crayfish, deer, elk, moose, grouse and other aquatic and terrestrial species. Many Plant and Animal Relatives are referred to as "First Foods" by Indigenous Peoples.



This proposed action would affect approximately 44.7 million acres of the National Forest System, all ancestral lands of **Tribal Nations**<sup>2</sup> and **Indigenous Peoples (TIP)**<sup>3</sup> who remain **rightsholders**<sup>4</sup> to homeland territories and usual and accustomed areas across the continent.

The ecosystems stewarded by TIP for time immemorial have been adversely impacted by the industrialization and privatization of resources for commodification, commercialization, and extraction. This has manifested in many forms since European and other immigrants migrated to this continent, and has resulted with fractionated lands, piecemeal protections for environmental and public health, and reduced the resiliency of TIP socio-cultural ecologies, economies, and food systems.

The current U.S. management framework of lands, watersheds, and waterways throughout the National Forests and Inventoried Roadless Areas (IRAs) have direct, indirect, and cumulative impacts on sacred sites, traditional use areas and **Spirit Relatives**<sup>5</sup> essential to TIP cultural, spiritual, and physical survival. As the original stewards of the lands and waters now managed by the USDA, we as TIP have nurtured these ecosystems with **Indigenous Knowledges (IK)**<sup>6</sup> practices and structures for millennia, maintaining reciprocal balance and resilience with the Spirit Relatives that sustain our worldviews and ways of life. It was our management which first maintained the ecological integrity and bounty that the Roadless Rule recognized and has protected since 2001.

## II. Government-to-Government Tribal Consultation

We note that Tribal leaders were sent an email notification on July 22, 2025, regarding this significant federal action. An email does not constitute meaningful consultation as required by federal law and policy. The NOI indicates that the USDA has determined "the 2001 Roadless Rule is no longer the best approach to managing inventoried roadless areas" and proposes to

---

<sup>2</sup>Tribal Nation or Tribe: An Indian or Alaska Native Tribe, Band, Nation, Pueblo, Village, or community that the Secretary of the Interior acknowledges as a federally recognized Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. § 5130.

<sup>3</sup>Indigenous Peoples: Native Americans, Alaska Natives, Native Hawaiians, Pacific Islanders (e.g., American Samoans, Chamorros and Carolinians of Guam and the Northern Mariana Islanders, and others), and Caribbean Islander (e.g., Taino and others) descent, and others whose ancestors have occupied what is now known as the United States and its territories since time immemorial, including citizens of Tribal Nations and non-federally recognized Tribes. See Department of the Interior (DOI) Part 301 Department Manual Chapter 7 (301 DM 7) at: <https://www.doi.gov/document-library/departmental-manual/301-dm-7-departmental-responsibilities-consideration-and>

<sup>4</sup>Rightsholder: An individual or group (formally or informally organized) which retains rights unceded to existence, governance, social organization, ancestral lands, natural resources, cultural expressions, historic properties, Indigenous Knowledges, and ways of life. See Advisory Council on Historic Preservation (2013) at <https://www.achp.gov/indigenous-peoples/un-declaration-indigenous-peoples>, United Nations (2007) at [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf), and Fox Rushing & Thomsen (2023) at [https://www.fs.usda.gov/rm/pubs\\_journals/2023/rmrs\\_2023\\_rushing\\_i001.pdf](https://www.fs.usda.gov/rm/pubs_journals/2023/rmrs_2023_rushing_i001.pdf).

<sup>5</sup>Spirit Relatives: Traditional foods and First Foods; sacred and spiritual plants, animals, and places; medicinal plants and animals; and fibers and materials. See: 2024 LF Annual Report at: <https://thepnwl.org/2022-annual-report-1>.

<sup>6</sup>Indigenous Knowledges (IK)": A body of observations, oral and written knowledge, innovations, technologies, practices, and beliefs developed by Indigenous Peoples through interaction and experience with the environment. It is applied to phenomena across biological, physical, social, cultural, and spiritual systems. IK can be developed over millennia, continues to develop, and includes understanding based on evidence acquired through direct contact with the environment and long-term experiences, as well as extensive observations, lessons, and skills passed from generation to generation. IK is developed, held, and stewarded by Indigenous Peoples and is often intrinsic within Indigenous legal traditions, including customary law or traditional governance structures and decision-making processes. Other terms such as Traditional Knowledge(s), Traditional Ecological Knowledge, Genetic Resources associated with Traditional Knowledge, Traditional Cultural Expression, Tribal Ecological Knowledge, Native Science, Indigenous Applied Science, Indigenous Science, and others, are sometimes used to describe this knowledge system. See also Note 3 at 301 DM 7.



return management authority to local decision-makers. The forthcoming EIS will analyze only two alternatives: the proposed rescission and a "no action" alternative maintaining current protections. This limited scope fails to consider reasonable alternatives that would address stated management concerns while preserving critical protections for TIP interests.

Of particular concern is the abbreviated 21-day comment period ending September 19, 2025, which is wholly inadequate for meaningful TIP engagement on a decision affecting millions of acres of ancestral territories. The NOI's vague promise that "Tribal governments and Alaska Native Corporations will have an opportunity to be engaged during rulemaking and EIS development" provides no concrete timeline, process, or commitment to substantive consultation as required by law and policy.

The exclusion of leadership-level and programmatic-level consultation with TIP for this rulemaking lacks meaningful commitments the USDA and Forest Service have to **Tribal Sovereignty**<sup>7</sup> and co-stewardship. The federal government's **trust responsibility**<sup>8</sup>, as enshrined in **Tribal treaties**<sup>9</sup> and **reserved rights**<sup>10</sup>, Executive Order 13175<sup>11</sup>, Secretarial Order (S.O.) 3403<sup>12</sup>, USDA Departmental Regulation (DR) 1350-002<sup>13</sup>, and the U.S. Forest Service Manual (FSM 1563)<sup>14</sup>, obligates the U.S. Forest Service (USFS) to ensure that Tribes are full partners in managing the lands and resources that are the ancestral inheritance and responsibility of TIP.

---

<sup>7</sup>Tribal Sovereignty: The most basic principle of all Indian Law, that which Tribal Nations retain the right to self-government as inherent powers which have never been extinguished. See also Library of Congress, American Indian Law: A Beginner's Guide at: <https://guides.loc.gov/american-indian-law/Federal-Law>.

<sup>8</sup>Trust Responsibility: The legal obligation of the federal government, including all departments and agencies, to ensure the protection of Native American Tribes and Tribal lands, assets, resources, treaty, and reserved rights. Given the fiduciary obligation, agency officials must advocate for the Tribe, act in good faith towards the Tribe, and seek to make Tribal resources under the agency's control productive and profitable (Cherokee Nation v. Georgia, 30 U.S. 1, 16 [1831], Seminole Nation v. United States, 316 U.S. 286, 296-97 [1942], United States v. Jicarilla Apache Nation, 131 S. Ct. 2313, 2324-25 [2011], Secretarial Order 3335).

<sup>9</sup> See: American Indian Treaties: Catalog Links 1722-1868, National Archives at: <https://www.archives.gov/research/native-americans/treaties/catalog-links>. See also: Bureau of Indian Affairs: List of Indian Treaties, Department of the Interior (DOI) at: [https://www.bia.gov/sites/default/files/media\\_document/vol\\_ii\\_appendix\\_j\\_list\\_of\\_indian\\_treaties\\_508\\_final.pdf](https://www.bia.gov/sites/default/files/media_document/vol_ii_appendix_j_list_of_indian_treaties_508_final.pdf)

<sup>10</sup>Reserved Rights: Rights not addressed by Tribal treaty provisions are presumptively reserved, so long as the rights retained are consistent with federal law and the Tribe's sovereign status, agencies should generally interpret silence in a Tribal treaty in accordance with the reserved-rights doctrine. Tribal treaties are to be interpreted as a grant of rights from the Tribes, and a reservation of those rights not granted; thus, Tribes possess proprietary and use rights and sovereign control not conveyed away by the Tribal treaty or other federal law. See: *Best Practices for Identifying and Protecting Tribal Treaty Rights, and Other Similar Rights in Federal Regulatory Actions and Federal Decision-Making* (30 November 2022) at: [https://www.bia.gov/sites/default/files/media\\_document/best\\_practices\\_guide.pdf](https://www.bia.gov/sites/default/files/media_document/best_practices_guide.pdf).

<sup>11</sup>Executive Order (EO) 13175 on Consultation and Coordination with Indian Tribal Governments (9 November 2000) at: <https://www.federalregister.gov/documents/2000/11/09/00-29003/consultation-and-coordination-with-indian-tribal-governments>.

<sup>12</sup>DOI and USDA Joint Secretarial Order (S.O.) 3403 on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters (15 November 2021) at: <https://www.doi.gov/media/document/joint-secretarial-order-3403>.

<sup>13</sup>USDA Departmental Regulation 1350-002 Tribal Consultation (30 April 2024) at: <https://www.usda.gov/directives/dr-1350-002>.

<sup>14</sup>USDA FSM 1500 External Relations, Chapter 1560 State, Tribal, County and Local Agencies; Public and Private Organizations; 1563 Tribal Relations (WO 1500 a 2016-1) at: [https://www.fs.usda.gov/cgi-bin/Directives/get\\_dirs/fsm?1500](https://www.fs.usda.gov/cgi-bin/Directives/get_dirs/fsm?1500). See also: USDA Forest Service Handbook 1509.13 American Indian and Alaska Native Relations Handbook (9 March 2016) at: [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd517668.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd517668.pdf).



Meaningful, **government-to-government (G2G) consultation**<sup>15</sup> is not merely a procedural requirement, but a cornerstone of federal trust responsibilities and the protection of Tribal sovereignty. Executive Order 13175, S.O. 3403, and USDA DR 1350-002 stipulate that consultation must be timely, transparent, and substantive, with the intent to reach mutual understanding and agreement.

While LF acknowledges both positive and negative experiences by TIP with the USDA regarding consultation, we encourage the USDA to engage TIP in ways which advance positive precedence for meaningful and good faith engagement and consultation. It is recommended that this process shall ensure consultation is comprehensive, ongoing, and respectful. To better help the federal government meet the Tribal consultation standards noted above, we recommend a format that provides:

- Initial Tribal consultation sessions within 30 days at Tribal government headquarters or a mutually agreed upon location
- Individual 1:1 follow-up sessions as needed to address complex issues with regular communication throughout all phases of planning, implementation, and monitoring;
- Written documentation of all consultation outcomes with individual Tribal Nations
- Adequate time between follow-up sessions for Tribal government leadership review and Tribal community input, respecting Tribal schedules and resource constraints;
- Consultation support, including but not limited to:
  - Funding for Tribal participation (e.g., travel, technical assistance, and capacity building)
  - Access to all relevant documents and analyses
  - Appropriate maps and geographic information system (GIS) data for affected areas and potential hazards
  - Translation services, if needed

Additionally, we recommend that the scope of the Tribal consultation include addressing:

- Designating interested Tribal governments as a cooperating agency under the National Environmental Policy Act (NEPA) for the EIS development
- Impacts to treaty rights, reserved rights, and trust resources
- Effects on cultural resources and sacred sites
- Alternatives to complete rescission
- The incorporation of TIP input into policy, project or regulatory plans and implementation, including providing funding for collaborative activities;
- Ensuring consultation outcomes are actionable and enforceable, with commitments formalized through agreements and protocols co-developed with TIP
- Potential co-management opportunities
- Mitigation measures, in the event rescission proceeds
- Monitoring and adaptive management provisions

---

<sup>15</sup>Government-to-Government (G2G) Consultation: A formal component of the Tribal consultation process that engages federally-recognized Tribal leaders and incorporates their input into decisions. A formal G2G meeting, between Tribal leaders and similarly high-level federal or state decision makers, is customarily part of this process, and may include multiple meetings, discussions, and the reciprocal sharing of information. More than one formal G2G meeting among decision makers may be required in a G2G consultation. Also referred to as "Nation-to-Nation" consultation. See: West Coast Ocean Tribal Caucus (WCOTC) for more information:

[https://www.oregon.gov/lcd/Commission/Documents/2022-03\\_Item-4\\_TSPPart3\\_Attachment-B\\_West-Coast-Tribal-Engagement-Guidance-March-2020.pdf](https://www.oregon.gov/lcd/Commission/Documents/2022-03_Item-4_TSPPart3_Attachment-B_West-Coast-Tribal-Engagement-Guidance-March-2020.pdf)



- Development of a consultation requirement at both the programmatic level for this rulemaking and a commitment that every individual road construction project that may follow will require separate, project-specific consultation

### III. Potential Impacts and Concerns

This process could be an opportunity to expand upon the robust consultation and public involvement activities used to develop the original 2001 Roadless Rule and to reaffirm existing agreements with TIP, like those established with Alaska Native, Idaho, and Colorado Tribal Governments. Additionally, this process could be an opportunity to engage in activities and projects related to co-stewardship, restoration, species, and cultural resource protection objectives, including IRAs which may coincide with the 2004 authorities of the Tribal Forest Protection Act (TFPA)<sup>16</sup> and/or Traditional Cultural Properties/Districts under the National Historic Preservation Act (NHPA)<sup>17</sup>.

However, much work remains to fully address the negative impacts these colonialist and capitalistic structures embedded in Western legal frameworks have had on TIP socio-cultural ecologies, economies, and food systems.

#### A. Treaty Rights and Reserved Rights

LF unequivocally supports the sovereign status of TIP to hunt, fish, gather, and protect Spirit Relatives within all IRAs. These treaty rights and reserved (TRR) rights, enshrined in treaties, case law, and federal documents previously cited, represent legal and moral commitments that are integral to the cultural, spiritual, and economic well-being of TIP. These are not privileges granted by the federal government, but retained sovereign rights that predate the United States itself. Federal trust responsibilities, including those reinforced by S.O. 3403, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)<sup>18</sup>, demand that the federal government prioritize and uphold these rights in all forest management decisions.

The rescission of the Roadless Rule threatens TRR rights by:

- Opening TRR areas to road construction and resource extraction that would fundamentally alter ecosystems upon which TRR resources depend
- Degrading habitat for TRR species including Spirit Relatives like salmon, lamprey, steelhead, bulltrout, bitterroot, biscuitroot, camas, huckleberry, service berry, chokecherry, elderberry, mariposa lily, tiger lily, black tree lichen, Western red cedar, white pine, Pacific Yew, deer, elk, bighorn sheep, and countless others
- Restricting access to traditional and subsistence use areas through privatization and industrialization
- Violating the federal government's obligation to protect TRR in perpetuity

---

<sup>16</sup>Tribal Forest Protection Act (TFPA): Allows federally recognized Tribes to propose projects to be conducted on Forest Service land to reduce threats to adjacent Tribal lands, trust resources, and values. Pub. L. No. 108-278. (22 July 2004).

<sup>17</sup>National Historic Preservation Act Amendments of 1992, Pub. L. No. 102-575, 106 Stat. 4753, 4757 (codified at 54 U.S.C. §302706) (b) (2020)). See also National Park Service, Guidelines for Evaluating and Documenting Traditional Cultural Properties 1 (1990, revised 1992, 1998).

<sup>18</sup>United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Department of Economic and Social Affairs, see:

<https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples>.



The 2001 Rule's exception allowing roads "needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty" has provided essential flexibility while maintaining baseline protections. Complete rescission eliminates this balanced approach.

## B. Cultural Properties, Historic Properties, and Sacred Sites

Sacred sites, cultural landscapes, and archaeological resources within the IRA areas are vital to our **Intangible Cultural Heritage (ICH)**<sup>19</sup>. Importantly, IK is indispensable for informed and sustainable forest management, yet the Roadless Rule fails to provide clear mechanisms for its respectful application and integration. The IRAs encompass numerous Traditional Cultural Properties (TCPs), Traditional Cultural Districts (TCDs), sacred sites, and cultural landscapes integral to TIP identity and spiritual practices protected under TRR, the First Amendment of the U.S. Constitution and the American Indian Religious Freedom Act (AIRFA)<sup>20</sup>. These areas include, but are not limited to:

- Ceremonial and prayer sites used for specific spiritual practices (e.g., coming of age ceremonies, hunting and gathering rites, spirit and vision questing sites, etc.)
- Traditional gathering areas for Spirit Relatives (e.g., medicines, foods, and materials, etc.)
- TIP graves, cemeteries, and ancestral village sites
- Cultural landscapes that embody TIP creation stories, oral traditions, IK, and ICH

The proposed rescission fails to address how these irreplaceable cultural resources would be protected from:

- The loss of ICH and IK practices which foster ecological stewardship and cultural preservation of oral traditions and expressions, performing arts, social practices, rituals and ceremonies, and traditional craftsmanship<sup>21</sup>
- Physical destruction through road construction, reconstruction, and extractive operations
- Desecration through increased public access and industrial activity
- Loss of privacy and sanctity necessary for confidential and sacred ceremonial practices;
- Looting, vandalism, and unauthorized artifact collection
- Increased wildfire risk from human-caused ignitions that threaten cultural and sacred sites

Existing promises of protections under AIRFA, NHPA, and the Cultural Heritage Cooperation Authority (CHCA)<sup>22</sup> are insufficient without the baseline protections provided by the Roadless Rule. Project-level consultation cannot replace landscape-level protection of interconnected cultural resources.

---

<sup>19</sup>Intangible Cultural Heritage (ICH): The practices, representations, expressions, knowledge, skills (as well as the instruments, objectives, artifacts, and cultural spaces associated therewith) that communities, groups, and in some cases, individuals recognize as part of their cultural heritage. It is transmitted from generation to generation, constantly evolved by communities and groups in response to their environment, interactions with nature and unique histories, and provides identity and continuity. See: United Nations Educational, Scientific, and Cultural Organization (UNESCO) Intangible Cultural Heritage at: <https://ich.unesco.org/en/home>.

<sup>20</sup>U.S. Constitution, Amendment I. See also American Indian Religious Freedom Act (AIRFA) Pub. L. No. 103-344, 42 U.S.C. 1996. (Amend. 8 August 2004).

<sup>21</sup>Ryser, R. Marchand, A., Parker, D. (2020). *Cultural Genocide: Destroying Fourth World People*. In Fourth World Journal. Summer V20, N1. Pp 82-83. Available at: <https://www.cwji.org/fwj/volume-20-number-1/>.

<sup>22</sup>Cultural and Heritage Cooperation Authority (CHCA). 25 U.S.C. Ch. 32A (22 May 2008). See also: USDA FS-1137 (2019) at [https://www.fs.usda.gov/sites/default/files/fs\\_media/fs\\_document/tribal-authority-guide.pdf](https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/tribal-authority-guide.pdf).



## C. Water Resources and Aquatic Ecosystems

Roadless areas protect the headwaters and riparian systems that maintain and perpetuate Tribal water rights, sustain TRR fisheries and provide clean water for TIP communities. Specifically, IRAs within Alaska, Washington, Oregon, Idaho, Montana, and California are critical for:

- Spawning and rearing habitat for salmon, lamprey, steelhead, bull trout and other aquatic species
- Cold, clean water essential for fish survival in a warming climate
- Intact riparian vegetation maintaining stream temperatures and preventing sedimentation
- Natural hydrology supporting traditional and subsistence fishing for First Foods
- Clean drinking water for Tribal and downstream communities, many of which lack adequate water infrastructure
- Water quality for ceremonial and cultural practices
- Protection of Plant Relatives that require pristine water sources

Scientific evidence demonstrates that road construction is the primary source of sediment pollution in forest streams, with roads contributing up to 90% of total sediment yield. The proposed rescission would:

- Increase sedimentation, destroying anadromous species' spawning gravels and smothering eggs
- Elevate stream temperatures beyond tolerance levels for cold-water species
- Fragment aquatic habitats through culverts and stream crossings
- In some places introduce, and in others substantially increase, pollutants and contaminants from vehicle traffic and industrial operations

## D. Subsistence and Traditional Use Resources

The rescission of the Roadless Rule also threatens TRR Rights of TIP through disregard for functioning, healthy, and intact ecosystems. In particular, under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA)<sup>23</sup>, Alaska Tribal governments possess federally protected subsistence rights which are dependent upon ecosystems of that classification. The proposed rescission threatens these rights without Section 810 analysis or consultation.

TIP food access, security, and sovereignty depend on roadless areas for:

- Spirit Relatives and First Foods of the soil, surface, waters, and air
- Plant and Pollinator Relatives requiring undisturbed forest conditions
- Materials for traditional crafts, regalia, and ceremonial items
- First Foods central to our nutritional, cultural, and spiritual health

Road construction, resource extraction, and development in these areas would:

- Reduce abundance and accessibility of subsistence resources and First Foods

---

<sup>23</sup> Alaska National Interest Lands Conservation Act (ANILCA). Pub. L. No. 96-487, 16 U.S.C. 3101 (2 December 1980).



- Introduce invasive and noxious weed species through roads and ground-disturbing activities, which harm Spirit Relatives and their homes
- Introduce competition from non-Tribal commercial and recreational users
- Contaminate First Foods through chemical applications, pollutants, and contaminants
- Disrupt traditional harvest cycles, ICH, and ecological relationships TIP have with IRAs
- Directly threaten the access, availability, security, and sovereignty of TIP First Foods and Spirit Relatives

## **E. Climate and Ecological Resilience**

Tribes have long observed the impacts of climate change on ecosystems, including shifts in species distributions, increased wildfire, flooding and windstorm events. IRAs serve as critical climate refugia and carbon sinks, storing approximately 445 million tons of sequestered carbon. For TIP, climate resilience is inseparable from physical and cultural survival. The proposed rescission would:

- Release stored carbon through the logging of Elder Relatives and soil disturbance
- Reduce forest resilience to climate impacts, including drought, fire, and disease
- Eliminate migration corridors essential for species adaptation
- Undermine TIP climate adaptation strategies

## **F. Environmental Justice**

The proposed rescission raises serious environmental justice concerns, as TIP would bear disproportionate impacts to the action while receiving no sustainable economic benefits that align with our values and priorities. TIP already face substantial disparities and disadvantages, including but not limited to:

- Higher rates of poverty and unemployment
- High risk of developing cancer and other chronic health and reproductive issues due to disproportionate exposure to pollutants from industrial facilities, waste disposal sites, and extractive practices near TIP lands
- Limited access to healthcare and clean drinking water
- Cumulative impacts from historical and ongoing environmental degradation
- Loss of ICH, IK, and traditional lifeways from past federal actions
- Direct threats to food and water security through degradation of First Foods and Spirit Relatives

## **IV. Expectations and Requirements**

### **A. Government-to-Government Consultation Requirements**

The announced decision to rescind the Roadless Rule without prior TIP consultation violates multiple legal and policy requirements, including but not limited to the following legal obligations:

- Executive Order 13175 requiring “meaningful and timely input by Tribal officials”



- USDA DR 1350-002 mandating consultation “early in the process”
- S.O. 3403 on fulfilling trust responsibilities
- Forest Service Manual 1563 on Tribal Relations
- ANILCA requiring consultation with Alaska Natives and the Canadian government

USDA's April 2024 DR 1350-002 specifically prohibits promulgating any regulation with Tribal implications without first consulting “with Tribal officials early in the process of developing the proposed regulation.” The June 2025 announcement and August 2025 NOI were issued without any documented Tribal consultation, representing a fundamental breach of trust responsibilities. The consultation standards required include:

- Nation-to-nation engagement at the leadership level, not merely staff briefings
- Minimum 120-day consultation period as specified in USFS Action Plan
- Regional and local consultation sessions accessible to affected Tribal governments
- Written documentation of how Tribal input influenced decision-making
- Tribal summary impact statement in Federal Register notices
- Consideration of negotiated rulemaking per DR 1350-002

## B. Timeline Inadequacy

The 21-day comment period is grossly inadequate for the following reasons:

- Capacity constraints:
  - Many Tribal governments lack capacity of dedicated NEPA and NHPA staff to analyze multiple complex federal actions
  - Tribal government leaders are often scheduled to meet monthly or bi-monthly, preventing timely review and response to federally-imposed timelines
  - TIP cultural protocols require Elder consultation and community input
  - Geographic isolation and limited internet access impede participation
- Complexity of issues:
  - Eliminating management direction of 44.7 million acres across multiple states requires site-specific analysis
  - Interconnected impacts require holistic analysis - TTR, cultural resources, and subsistence uses overlap within the same landscapes, making it impossible to assess impacts to one without understanding effects on all three, requiring extensive internal Tribal consultation and coordination that cannot be completed in 21 days
  - Need to coordinate with multiple Tribal governments sharing ancestral territories and species management plans
  - Requirement to analyze interactions with existing forest plans and agreements
- Precedent and fairness:
  - Original 2001 Rule provided multiple comment periods over 18 months
  - State-specific rules in Idaho and Colorado included extended consultation opportunities



- Environmental justice requires additional time for affected TIP communities
- Complexity exceeds typical NEPA actions warranting extended timeline
- Minimum requirements:
  - Extend scoping comment period to at least 90 days
  - Provide 120-day formal consultation period before proposed rule
  - Schedule regional consultation sessions in culturally appropriate venues
  - Fund Tribal participation, including travel and technical assistance

## C. Conflicts with Existing Agreements and Laws

The proposed rescission creates unresolved conflicts with multiplying existing authorities:

- Tribal Forest Protection Act (TFPA):
  - Existing TFPA agreements addressing fire and forest health in IRAs
  - Tribal proposals pending for managing threats across boundaries
  - No analysis of how rescission affects TFPA implementation
- National Historic Preservation Act (NHPA):
  - Section 106 requirements for undertakings affecting historic properties
  - Programmatic agreements covering TCPs and TCDs in roadless areas
  - Landscape-level impacts cannot be mitigated through project consultation
- Cultural Heritage Cooperation Authority (CHCA):
  - Temporary closures for traditional and cultural purposes under 25 U.S.C. §3054
  - Reburial sites protected under 25 U.S.C. §3053
  - Confidentiality protections that would be compromised by development
- 2012 Planning Rule:
  - Areas of TIP importance designated under 36 CFR §219.10(b)(1)
  - Plan components specifically referencing Roadless Rule protections
  - Integration of IK requirements
- Recent Forest Plan Revisions:
  - Various Forest Service Plan components dependent on roadless protections
  - Co-stewardship agreements assuming continued IRA designations
  - Monitoring commitments based on roadless area baseline contributions

## V. Conclusion

The L.I.G.H.T. Foundation recognizes that individual Tribal governments reserve the right to oppose this action if their concerns are not adequately addressed through meaningful consultation and substantive changes to protect their Treaty rights and reserved (TRR) rights, cultural resources, and trust assets. We believe that the federal government must demonstrate how any changes to roadless area management will uphold trust responsibilities and honor TIP sovereignty.

For these reasons, we unequivocally oppose the proposed rescission of the 2001 Roadless Rule. This action represents an unconscionable breach of trust responsibilities, a violation of TIP Treaty rights and reserved rights, and an existential threat to TIP sovereignty and cultural survival. We urge:



1. **Immediate withdrawal** of the proposed rescission based on failure to conduct required Tribal consultation
2. **Full compliance** with all consultation requirements before any further actions
3. **Comprehensive analysis** of impacts to Treaty rights and reserved rights, cultural resources, and trust responsibilities of TIP and the American people
4. **Alternative development** including meaningful Tribal co-stewardship and co-management opportunities and enhanced protection options
5. **Free, prior, and informed consent** for any changes affecting TIP ancestral territories

The Roadless Rule has provided essential protections for the Spirit Relatives, lands, and waters that sustain Tribal Nations and Indigenous Peoples. Thank you for this opportunity to provide comments to this proposal, which threatens the destructive reversal of three decades of conservation policy.

The L.I.G.H.T. Foundation appreciates your consideration and is committed to working with all government entities, partners, and allies to ensure that the Plant, Pollinator, and Animal Relatives associated with TIP traditional homelands remain resilient and strong for the next Seven Generations.

Limlmt, qeciiyew'yew', thank you,



Amelia AM Marchand, MELP  
Executive Director  
[L.I.G.H.T. Foundation](http://L.I.G.H.T. Foundation)

