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September 23, 2026

Chief Tom Schultz
U.S. Forest Service
1400 Independence Avenue, SW
Washington, DC 20250

Re: National Forest System Lands Travel Management Notice of Intent to Prepare an Environmental Impact Statement

Dear Acting Director Bacon and Chief Shultz,

I. Introduction

The undersigned organizations, on behalf of our millions of members and supporters across the country, strongly urge the U.S. Department of Agriculture and U.S. Forest Service to retain the existing Travel Management Rule (TMR) and continue to invest in the current management framework. The current TMR is widely acknowledged to be a fair and feasible approach to managing motorized use of forest lands, and the proposed changes would undermine locally driven travel management decisions and threaten public access, wildlife, clean water, cultural resources, and the many ways the public uses and enjoys our national forests and grasslands.

The TMR is the term used to refer collectively to the regulations at 36 CFR 212 and associated sections of 36 CFR 261. These regulations are composed of three subparts. Subpart A addresses the management of the Forest Service road system while subparts B and C address the use of motorized vehicles in the summer (non-snow seasons) and winter, respectively. Collectively, the three subparts provide a framework for managing motorized vehicles – e.g., dirt bikes, 4x4s, ATVs, snowmobiles, and ebikes – within our national forests and grasslands that is designed to maintain recreational and commercial access to national forests while preventing excessive erosion, water pollution, and destruction of fish and wildlife habitat.

Critically, the TMR establishes a consistent approach across all National Forest System (NFS) units that motor vehicles must remain on a designated system of roads, trails, and areas denoted on motor vehicle use maps (MVUMs). Winter and summer designated

transportation systems are established through local planning processes with robust public engagement and can be revised and amended to meet changing needs and conditions. Designations are informed by application of criteria for ORV trail and area designations designed to minimize impacts to specific resources (e.g., wildlife, watersheds, vegetation) and other forest uses (e.g., grazing, wildlife watching, hunting and fishing, hiking, skiing).

The Forest Service promulgated the TMR in response to widespread concern that unmanaged recreation and the proliferation of roads was causing significant damage to wildlife and forest ecosystems, escalating conflict among outdoor recreationists, and increasing costs. Before the TMR, there was no consistency – and few constraints – on road-building or on off-road vehicles. In some national forests, dirt bikes, 4x4s and other motorized vehicles could be driven anywhere, leading to significant habitat fragmentation and degradation and conflict between recreational users. In others, motorized vehicles were limited to undefined existing routes. Definitive maps did not exist, so even the most well-intentioned off-road vehicle drivers couldn't tell where they should or should not drive their vehicles, and Forest Service law enforcement officers couldn't hold bad actors accountable for their misbehavior.

In fact, Dale Bosworth, the former chief who finalized Subpart B of the TMR under President George Bush, identified unmanaged outdoor recreation as one of the four leading threats to our national forests. In a 2003 speech to the Izaak Walton League, Bosworth explained: "Each year, the national forests and grasslands get hundreds of miles of unauthorized roads and trails due to repeated cross-country use. We're seeing more and more erosion, water degradation and habitat destruction. We're seeing more and more conflicts between users. We're seeing more damage to cultural sites and more violation of sites sacred to American Indians. And those are just some of the impacts. We've got to get a handle on that."[1]

Similarly, in launching the Subpart A rulemaking, the Forest Service explained that a new management framework was required in order to reduce the serious and widespread issues surrounding the road system. Specifically, the size and configuration of the road system was not meeting public needs for safe and reliable access and was not commensurate with available funding and resources. The road system was causing significant resource issues such as landslides and mass wasting, flooding, exotic species invasions, increased wildfire starts, loss of fish habitat and aquatic integrity, and fragmentation and degradation of wildlife habitat.[2]

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[1] *See* Ex. 1 - Greenwire article entitled "Forest Service, BLM working on national recreational vehicle strategies." (January 22, 2004)

[2] *See e.g.*, 65 Fed. Reg. 11680 (2000); 66 Fed. Reg. 3206 (2001); USDA Forest Service. *Forest roads: A synthesis of scientific information*. General Technical Report PNW-GTR-509. Portland, Oregon (2001a).

The TMR is as relevant and important today as it was when promulgated. Forest managers continue to need consistent and effective tools for managing motorized vehicles and travelways in a way that upholds the agency's statutory obligations while at the same time providing rewarding and sustainable recreational experiences. The framework of closed unless marked open on a map, which replaced a chaotic, unit-by-unit ad hoc approach, provides essential consistency for forest visitors — both motorized and non-motorized — regardless of the NFS units where they recreate. The current framework is also critical for protecting resources and values including wildlife, watersheds, and forests, especially in the context of increasing stressors from climate change, invasive species, upscaled resource extraction, and recreation pressures.

Specific to the NFS road system, while some progress has occurred (as described later in this letter), much work remains to achieve a sustainable road system that serves the public well and minimizes the potential for resource damage. The Forest Service official road system remains oversized and too costly to maintain. It totals 368,102 miles, over seven times the total length of the US Interstate System.[3] The unofficial system—consisting of, for example, user-created routes or ineffectively closed logging or temporary roads—likely adds tens of thousands of miles more.[4] This astounding volume of roads has resulted in road densities outside of Inventoried Roadless Areas and Wilderness Areas that routinely, and sometimes substantially, exceed ecological thresholds for wildlife.[5] Further, the deferred road maintenance backlog is currently estimated at $9 billion and continues to grow.[6] The rate of growth will likely increase with intensifying storms and shifting hydrographs resulting from climate change.[7] All of this tells us that not only is the roads

[3] U.S. Forest Serv., FS-905, National Forest System Statistics—Fiscal Year 2024 (2025),

[4] *See e.g.* 70 Fed. Reg. 68264 (Nov. 9 2005) ("There has been no comprehensive national inventory of user-created routes (and continuing proliferation of such routes has made a definitive inventory difficult), but they are estimated to number in the tens of thousands of miles.").

[5] *See* Ex. 2 - WildEarth Guardians. *The Environmental Consequences of Forest Roads and Achieving a Sustainable Road System.* (2020). *Also see:* Robinson, C., P.N. Duinker, and K.F. Beazley. 2010. A conceptual framework for understanding, assessing, and mitigation effects for forest roads. Environmental Review 18: 61-86; and USDI Fish and Wildlife Service. 1999. Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Bull Trout in the Coterminous United States; Final Rule. Federal Register Volume 64, Number 210 (Monday, November 1, 1999). p. 58922 (citing Quigley and Arbelbide 1996: "when average road densities were between 0.4 to 1.1 km/km2 (0.7 and 1.7 mi/mi2) on USFS lands, the proportion of subwatersheds supporting "strong" populations of key salmonids dropped substantially."). The roaded matrix lands in the National Forest System have an average road density of 2.41 miles per square miles. This figure is calculated by subtracting the acreages of NFS wilderness areas, wilderness study areas, and inventoried roadless areas from the total NFS acreage (97.56 million acres); converting that figure to square miles (152,437.5 sq mi); and then dividing the miles of NFS roads (368,000) by the square miles of roaded matrix. The average open road density (calculated using the same method with 264,516 miles of open roads) is 1.74.

[6] *See* Ex. 3 - WildEarth Guardians and Defenders of Wildlife. *Deferred Maintenance of the National Forest Road System* [White paper]. 2026.

[7] *See e.g.*, Halofsky, Jessica E.; Peterson, David L.; Ho, Joanne J.; Little, Natalie, J.; Joyce, Linda A., eds. 2018a. Climate change vulnerability and adaptation in the Intermountain Region. Gen. Tech. Rep. RMRS-GTR-375. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. Part 2. pp. 199–513. https://www.fs.usda.gov/rm/pubs_series/rmrs/gtr/rmrs_gtr375_2.pdf.

component (Subpart A) of the TMR needed, but that it should be strengthened to accelerate progress toward a sustainable road system.

For all of these reasons, the current TMR remains widely popular. Organizations and entities representing, among others, motorized recreation, mountain biking, hiking, running, horseback riding, grazing permittees, hunting, fishing, and birdwatching have all expressed support for the TMR's overarching framework.[8]

Despite the clear continued need for the current TMR, the Forest Service issued a Notice of its Intent (NOI) to prepare an environmental impact statement and rulemaking that would upend the TMR without a rational justification.[9] As described in the NOI, the proposed rule would replace the critical "closed unless open" paradigm with a presumption that existing roads, trails, airfield, and trailheads in national forests and grasslands are generally open to motorized use unless they are specifically closed, and jettison the requirement to locate trails and areas to minimize impacts to resources and others. It would set up a one-way ratchet such that every year managers would need to consider new routes, while problematic routes would be difficult to remove. And, it creates undefined and potentially large exemptions for certain uses or vehicle types. The proposed revisions will run the risk of turning back the clock to an era of unmanaged recreational use, ballooning maintenance and management costs, impassable roads, and extensive habitat damage and social conflict.

The NOI was published two working days after the Forest Service released its draft environmental impact statement for the proposed repeal of the Roadless Area Conservation Rule[10] establishing virtually identical overlapping 30-day comment periods. This places a significant burden on governments, Tribes, NGOs and members of the public to provide meaningful comments on both.[11] The aggregate effect of these two regulatory changes alone will have significant adverse effects on wildlife, wildlife habitats, watershed health, the quality of outdoor recreation, and the agency's capacity and costs. Further, the NOI comes on the heels of other dramatic shifts in Forest Service policy and direction[12] and a significant downsizing and reorganization. This NOI must be evaluated in the context of

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[8] *See Ex. 4* - Earthjustice media release. *Recreation, Conservation Groups Unite Against Forest Service Travel Rule Rollback*, (Aug. 25, 2026).

[9] *See* Travel Management; National Forest System Lands, 91 Fed. Reg. 54686 (Aug. 24, 2026) (to be codified at 36 C.F.R. pts. 212, 261); *see also FCC v. Fox Television Stations, Inc..,* 556 U.S. 502, 515 (2009) (an agency changing course must show "that the new policy is permissible under the statute, that there are good reasons for it, and that the agency *believes* it to be better, which the conscious change of course adequately indicates").

[10] 91 Fed. Reg. 53,827 (Aug. 20, 2026)

[11] *See* Ex. 5 - Letter to Sec. Rolling & Chief Schultz on behalf of 28 Conservation Organizations, *Request to Extend the Comment Period for the Travel Management Rulemaking Notice of Intent* (Sept. 1, 2026).

[12] *See* 91 Fed. Reg. 39948 (July 1, 2026); *See also,* U.S. Dep't. of Ag., *Secretary's Memorandum 1078-006: Increasing Timber Production and Designating an Emergency Situation on National Forest System Lands* (2025); Memo. from Christopher B. French to Regional Foresters and Deputy Chiefs, Implementation of Secretarial Memo 1078-006 (2025).

these other changes, as well as ongoing resource trends such as climate change, invasive species, and directed increases in timber production and oil and gas leasing.[13]

For all of the reasons set forth in this letter, we oppose the proposed revision of the TMR and urge the Forest Service to keep investing in the current TMR, which is widely acknowledged to be a fair and feasible approach to managing motorized use in the NFS. It is essential that the Forest Service retain a closed-unless-marked-open-on-a-map framework, maintain the enforceability of the maps and the depicted motorized designations and prohibitions, retain balancing access with resource protection when making designations, ensure public notice and comment opportunities for designation decisions, and not expand cross-country motorized travel.

II. Travel Management Rule History

A. Subpart A

In 1998, the Forest Service announced its intent to revise regulations managing its transportation system after finding the current road system was no longer serving the public well. Specifically, the road system was too large and expensive to maintain, leading to compromised safety and access and increasing damage to wildlife and watersheds.[14] Over the course of three years, the Forest Service proceeded to develop and finalize new regulations to better manage its official road system culminating in the promulgation of a final rule entitled *Administration of the Forest Development Transportation System* (also known as the 2001 Roads Rule).[15] In its analysis of the proposed rule, the agency explained its need for the regulations:

> The Forest Service is proposing to revise its policy concerning the management of the National Forest Transportation System to address a growing maintenance backlog on its existing road system, adverse environmental and social effects of old roads and some new roads, and public demand for improved access within the capabilities of the land.[16]

Notably, the agency's analysis disclosed that on National Forest System lands, there were "approximately 463,000 miles of classified roads, including public roads (54,600 miles), private roads (22,400 miles), and National Forest System roads (386,000 miles). In

[13] *See e.g.* Exec. Order 14225, *Immediate Expansion of American Timber Production* (Mar. 1, 2025); One Big Beautiful Bill Act, Pub. L. No. 119-21, § 50101, 139 Stat. 72, 137 (2025).
[14] *See* 63 Fed. Reg. 4350 (1998).
[15] *See* 65 Fed. Reg. 11680 (2000); 66 Fed. Reg. 3206 (2001).
[16] U.S. Forest Service. *National Forest System Road Management Strategy Final Environmental Assessment.* January, 2001b at 14.

addition, the Forest Service estimates that there are at least 60,000 miles of unclassified roads, although the number could be substantially higher."[17] To better manage its vast road network and precisely determine which roads were truly needed, the 2001 Roads Rule directed the following:

> For each national forest, national grassland, experimental forest, and any other units of the National Forest System (§ 212.1), the responsible official must identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands. In determining the minimum road system, the responsible official must incorporate a science-based roads analysis at the appropriate scale and, to the degree practicable, involve a broad spectrum of interested and affected citizens, other state and federal agencies, and tribal governments.[18]

The Roads Rule also directed the responsible official to identify roads "no longer needed to meet forest resource management objectives and that, therefore, should be decommissioned or considered for other uses, such as for trails."[19] With the growth of the Forest Service's deferred road maintenance backlog (see III.D, V.C.1.b below) and the resulting negative natural resource impacts, the need to both identify and implement a minimum road system has only increased since 2001.

B. Subpart B

In response to the growing use of dirt bikes, snowmobiles, all-terrain vehicles, and other off-road vehicles (ORVs) and corresponding environmental damage and conflicts with non-motorized users, Presidents Nixon and Carter issued Executive Orders 11644 and 11989 in 1972 and 1977, respectively.[20] These executive orders require federal land management agencies to plan for ORV use to protect resources and other recreational uses. Specifically, the executive orders required that, when designating areas or trails available for ORV use, the agencies locate them to:

> (1) minimize damage to soil, watershed, vegetation, and other resources of the public lands;
> (2) minimize harassment of wildlife or significant disruption of wildlife habitats; and
> (3) minimize conflicts between off-road vehicle use and other existing or proposed

[17] *Id.* at 20.
[18] 66 Fed. Reg. 3217 (2001).
[19] 66 Fed. Reg. 3217 (2001).
[20] Council on Environmental Quality. *Off-Road Vehicles on Public Lands* (1979) pp. 93.

recreational uses of the same or neighboring public lands.

In 1999, Wildlands CPR and The Wilderness Society recognized the need for uniform and consistent travel management rules in order to fulfil the Executive Order mandates, and filed an APA petition for the promulgation of new rules that was signed by roughly 100 organizations.[21]

In 2003, the National Association of Counties (NACO) formally requested that the Secretaries of Agriculture and Interior, the Chief of the Forest Service, and the Director of Bureau of Land Management expedite the development of new travel policies and plans requiring Off-Highway Vehicles to stay on designated roads, trails or in limited off-road use areas.[22] This request came as counties struggled with the increased resource impacts and user conflicts on public lands resulting from the growing use of ORVs on public lands. In the resolution, NACO stated that "[t]he range and ability of ORV to access remote public lands have placed demand on local search and rescue teams, helped to spread noxious and invasive weeds, have resulted in conflicts with other recreational users, ranchers, hunters, wildlife, and have caused environmental damage."[23]

Also in 2003, Dale Bosworth, the head of the U.S. Forest Service at the time under President George W. Bush, identified four major threats facing national forests one of which was unmanaged outdoor recreation. Bosworth said: "My belief is the day that we can take off-highway vehicles across the national forest, across the country, wherever you want, is over. Motorized vehicles need to be limited to designated roads and trails or areas."[24] This sentiment helped catalyze the shift to a "closed unless designated open" management paradigm.

In 2005, the Forest Service promulgated a final rule entitled *Travel Management; Designated Routes and Areas for Motor Vehicle Use*[25] to govern the management of off-road vehicle use. The rule prohibited wheeled vehicles from traveling off designated motorized

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[21] *See* Ex. 6 - Wildlands CPR & The Wilderness Society. "Petition To Enhance And Expand Regulations Governing The Administration Of Recreational Off-Road Vehicle Use On National Forests. (1999).

[22] *See* Ex. 7 - National Association of Counties. "Resolution Passed By The National Association Of Counties In July 2003 Regarding Off-Highway Vehicle Management On Public Lands." (2003) (stating, "NACo requests that the Secretaries of Agriculture and Interior and the Chief of the Forest Service and the Director of Bureau of Land Management expedite the development of new travel policies and plans, as well as interim site-specific plans, in conjunction with local governments and community-based partnerships, that require Off-Highway Vehicles (ORV) to stay on designated roads, trails or in limited off-road use areas. Sufficient resources should be available to local district offices to publish maps, place signs on routes, and to effectively monitor and manage off-highway vehicles in the areas that they are allowed.").

[23] *Id.*

[24] U.S. Forest Service. Speech by Chief Bosworth, *Managing the National Forest System: The Great Issues and Great Diversions*. (April 22, 2003).

[25] 70 Fed. Reg. 68264.

roads, trails and areas (reflecting the "closed unless designated open" paradigm, as discussed above) and required the agency to minimize impacts to resources and other uses when designating motorized trails and areas (the "minimization criteria").[26]

When promulgating the 2005 rule, the agency explained that existing regulations at 36 CFR part 295, which provided for allowing, restricting, or prohibiting motor vehicle travel, no longer met the needs of the agency in a time when ORVs had become more widely available, more powerful, and more capable of cross-county travel since the promulgation of 36 CFR 295.[27] Likewise, the agency determined that regulations prohibiting trail construction (§ 261.10(a)) and operation of vehicles in a manner damaging to the land, wildlife, or vegetation (§ 261.13(h)) were insufficient to control the proliferation of ORV routes or limit environmental damage from unmanaged ORV use, and had proven difficult or impossible for law enforcement officers to enforce.[28] The agency also cited the advanced technology and increased popularity of off-road vehicles as a reason the Rule was needed.[29] During the 60-day comment period for the proposed rule, the Forest Service received 81,563 comments, including over 9,300 from individuals.[30]

C. Subpart C

The 2005 Rule specifically exempted over-snow vehicles (OSVs) from the mandatory requirement to designate areas and trails in accordance with the criteria.[31] In 2010, Winter Wildlands Alliance submitted an Administrative Petition to the Chief of the Forest Service on behalf of 90 recreation and conservation organizations representing almost 1.3 million members and 178 outdoor industry companies. The petition asked for the removal of the OSV exemption from the 2005 TMR. The Forest Service denied the petition and Winter Wildlands Alliance subsequently challenged the OSV exemption in federal court and secured a decision directing the agency to correct the deficiency. The revised TMR was promulgated in January 2015.

The 2015 revised Subpart C requires "the Responsible Official to designate NFS roads, NFS trails, and areas on NFS lands where OSV use is allowed in administrative units or Ranger Districts, or parts of administrative units or Ranger Districts, where snowfall is adequate for OSV use to occur."

Today, of the approximately 75 national forests that receive adequate snow to support winter

[26] *Id.* at 68289–90.
[27] *Id.* at 68264–65.
[28] *Id.*
[29] *Id.* at 68265.
[30] *Id.* at 68265.
[31] 36 C.F.R. §§ 212.51(a)(3), 212.55(b).

recreation and are thus required to conduct winter travel planning, only six have forest-wide Over Snow Vehicle Use Maps (OSVUMs): the Stanislaus (CA), Lassen (CA), Tahoe (CA), White River (CO), Bitterroot (MT/ID), and Helena-Lewis and Clark (MT). Two other forests–the Nez Perce-Clearwater (ID) and Custer Gallatin (MT)–have OSVUMs for a portion of the forest, because winter travel planning was conducted prior to forest mergers. Additionally, the northern portion of the Idaho Panhandle has completed winter travel planning but publication of the OSVUM has been delayed due to the need to consult with Fish and Wildlife Service. Winter travel planning, either forest-wide or at a smaller scale, is ongoing on 7 additional forests: the Plumas (CA), Eldorado (CA), Lake Tahoe Basin Management Unit (CA), Inyo (CA), Rio Grande (CO), Kootenai (MT), and Flathead (MT). Most, if not all, other National Forests have some level of OSV management that can provide a starting point for winter travel planning but are not currently in compliance with the OSV Rule's requirements.

III. The proposal's core changes are inappropriate, unwarranted, and inadequately explained.

As discussed above, the Forest Service developed the current TMR over many years to provide ample access to the national forests while addressing specific concerns, including resource damage, user conflicts, and increasing costs. To make substantive revisions to the longstanding TMR, the Forest Service must show that the new policy is permissible under the agency's governing statutes and that there are good reasons for it that are supported in the record.[32] The agency must provide a "reasoned explanation" if in its rule revision it "disregard[s] facts and circumstances that underlay or were endangered by the prior policy."[33] As described in more detail below, the NOI fails to meet this standard. The NOI offers no explanation for how the proposed changes are consistent with the Forest Service's governing statutes, including the Organic Act and the National Forest Management Act (NFMA). And there is no reasoned explanation for any of the NOI's core proposed changes including the open-unless-closed presumption, eliminating the minimization criteria, streamlining process requirements, consideration of increased access, decision-making at the implementation level, vehicular exemptions, and allowing broad e-bike use on trails.

A. The proposed open-unless-closed approach is an infeasible management framework that will lead to confusion, resource damage, and less quality access.

The proposed rule as described in the NOI would establish an open-unless-closed presumption under which "existing roads, trails, airfields, trailheads, and other access

[32] *Fox Television Stations, Inc..,* 556 U.S. at 515.
[33] *Id.* at 515–16; *Motor Vehicle Mfrs. Ass'n v. State Farm*, 463 U.S. 29, 57 (1983) ("[A]n agency changing its course must supply a reasoned analysis.").

routes and points on NFS lands are open to appropriate public use unless closure or restriction is required by applicable law, valid existing rights, or another governing instrument, or is supported by specific, documented and justifiable reasons based on science-based resource conditions, public safety, conflicts among uses, or maintenance and administrative capacity."[34] The NOI contains no reasoned or supported explanation for departing from the current closed-unless-designated open practice. In fact, the proposed open-unless-closed approach will make it extremely difficult for forest managers to manage for sustainable and high quality recreation and access and protect forest resources. It will also lead to conflict among users and visitor dissatisfaction. The reality is that more access does not equate to quality access, and in fact the opposite is true.[35]

To start, the presumption language is vague and undefined. It is unclear to which "public uses" the open-unless-closed presumption applies. Does the term "existing" refer to currently designated motorized roads and trails, all designated roads and trails, or all tracks on the ground (that is, designated roads and trails plus non-system routes)? What is the definition of an "access point" and what does it mean for an access point to be open? What is "appropriate public use" and what criteria inform an appropriateness determination? For instance, is appropriateness determined by alignment with desired recreational settings and experiences, fragility of the resources, resistance and resilience of the landscape, sustainability of the infrastructure, or other factors?

In the context of wheeled vehicles, establishing a management framework that limits access to roads, trails, and tracks that "exist" on the ground is an infeasible construct. It is functionally equivalent to allowing open, unrestricted travel. Even with the expectation that forest visitors stay on established routes, once one user diverts off the established route, later users will presume the new route is valid and use it.[36] The inevitable outcome over time is a spiderweb proliferation of routes disrupting habitats, soils, and native vegetation as well as areas intended for quiet recreation. This leads to widespread resource damage and user conflict and makes enforcement extremely difficult. This is exactly what the Forest Service experienced before the existing TMR was put into place and was a major driver for the current closed-unless-marked–open on-a-map approach.[37]

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[34] 91 Fed. Reg. 54687.

[35] The Forest Service acknowledged this reality in the final rule for subpart B where it affirmed that the regulations at 36 CFR 295 were inadequate for providing quality recreation and meeting resource conservation obligations, stating "The growing popularity and capabilities of OHVs demand new regulations, so that the Forest Service can continue to provide [OHV recreational] opportunities while sustaining the health of NFS lands and resources." 70 Fed. Reg. 68264.

[36] 70 Fed. Reg. 68265 ("However, [the prior] regulations have not proven sufficient to control proliferation of routes or environmental damage. This insufficiency is due in part to the nature of OHV travel. The first vehicle driving across a particular meadow may not harm the land. The first vehicle driving across a particular meadow may not harm the land. However, by the time 50 vehicles have crossed the same path, there may be a user-created trail and lasting environmental impacts.").

[37] 70 Fed. Reg. 68264.

The NOI states that "[c]ommonly available public data sets, including aerial imagery, may be used as evidence that a physical route or airfield exists or existed at a time relevant under the definition adopted in the proposed rule." This implies that the Forest Service may be contemplating categorizing a variety of historical and existing tracks as existing routes that would be presumed open under the revised rule's framework. Attempts to use aerial imagery or historical records to expand the current designated motorized route network, which was established precisely after evaluating existing features and resource conditions, will lead to unnecessary resource damage and conflict. Linear features identified on aerial imagery can represent features other than travel routes.[38] For instance, they can represent fence lines, game trails, fire suppression lines, fuel breaks, or stock trails. They can also represent user-created routes, temporary forest roads, administrative routes, or legacy forest roads that were not engineered for sustained or public use, or routes that have been closed, decommissioned or reclaimed to safeguard resources, public safety, or recreation settings.[39]

The NOI's "open unless specifically closed approach" presents a dramatic departure from the long-established practice established under the 2005 TMR that areas and routes are closed unless marked open on a map and that it is unlawful to operate a motorized vehicle not in accordance with the designated system. The public has grown accustomed to this nationally-consistent approach that provides reasonable access while also safeguarding resources and recreational experiences and settings. Upending it will cause considerable confusion and dissatisfaction among the visiting public.

Further, this presumption is inconsistent with best practices for recreation and access planning. Best practices stress the importance of locating routes to reduce impacts to resources and managing (including separating) uses to reduce conflict and optimize benefits,[40] and recognize that effects vary between types of recreation. ORVs, for instance, are powerful machines that can travel at high speeds and deep into un-tracked terrain and have different effects than hikers or cross-country skiers.[41] The open unless closed presumption is also inconsistent with how western states manage state forests, trust lands,

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[38] *See* Pub. L. 106-554, § 515. The Forest Service is obligated to ensure and maximize the quality, objectivity, utility, and integrity of information that it disseminates and thus must rigorously evaluate data acquired through image analysis or other data sources.

[39] The Forest Service has documented that linear feature detection from aerial images can considerably overestimate on-the-ground routes. *See e.g.*, *N.M. Off-Highway Vehicle All. v. U.S. Forest Serv.*, 645 F. App'x 795 (10th Cir. 2016) ("...[T]he agency found that its database of available routes in the forest was inadequate because, under the open-use regime, it had not kept a detailed record of roads and trails. For example, while it attempted to conduct an inventory using aerial photographs in 1992, this process proved over-inclusive: 'fence lines and other features that appeared to be roads' were counted as roads and no follow-up verification was conducted.").

[40] Switalski, T. & Jones, Allison. (2012). Off-road vehicle best management practices for forestlands: A review of scientific literature and guidance for managers.

[41] U.S. Forest Service. *Effects of All-Terrain Vehicles on Forested Lands and Grasslands*. (2008) at 1.

and wildlife areas, which they govern almost entirely by frameworks that restrict motorized (and, in some cases, mechanized) vehicles to designated routes.[42]
For all these reasons, we strongly urge the Forest Service to maintain its current closed-unless-marked-open-on-a-map approach and prohibit motorized vehicle use not in accordance with the designated system.

B. The proposed elimination of the minimization criteria will increase conflict between motorized vehicles users and other uses and resources.

In its NOI, the Forest Service "proposes to remove the national minimization criteria."[43] But the NOI fails to grapple with the extensive record showing that the proposed elimination of the minimization criteria would remove a critical safeguard for assuring that ORV access and the infrastructure that supports it does not cause unnecessary damage or disruption to forest resources and other uses. The minimization criteria, as explained above, were initially described in the now rescinded Executive Orders from the 1970s in response to growing and widespread damage from off-road vehicles to national forest resources and uses.[44] While these Executive Orders have been rescinded, the need for substantive regulatory language providing for resource protection, public safety, and social conflict management when managing ORV access and infrastructure remains.[45] The adverse effects of ORVs and the infrastructure that they utilize to resources and other users is widely documented, as described elsewhere in these comments. Without this substantive obligation, the Forest Service risks opening the door to widespread and increasing resource damage and social conflict. For this reason, we strongly urge the Forest Service to maintain, and strengthen, the minimization criteria.

C. The proposed goal of "streamlin[ing] . . . process requirements" risks violating statutory duties and degrading agency decisionmaking.

The Forest Service proposes to "streamline specified process requirements" by distinguishing "clerical corrections and minor designation revisions" from more substantial

[42] *See* Ex. 8 – Defenders of Wildlife, *A Compilation of State Statutes and Regulations Requiring Off-Road Vehicles to Remain on Designated Roads and Trails on State-Managed Lands* (2026).
[43] 91 Fed. Reg. 54688.
[44] Exec. Order No. 11644, § 1, 37 Fed. Reg. 2877 (Feb. 8, 1972), as amended by Exec. Order No. 11989, 42 Fed. Reg. 26,959 (May 24, 1977); Ex. 10– The Wilderness Society, *Achieving Compliance with Executive Order "Minimization Criteria" for Off-Road Vehicle Use on Federal Public Lands: Background, Case Studies, and Recommendations for CEQ Engagement*, Jan. 2015.
[45] In promulgating subpart B, the Forest Service acknowledged the need for substantive direction for balancing ORV access with resource protection and other uses, independent of the Executive Order direction. For example, see: 70 Fed. Reg. 68266 ("The Department believes that National Forests should provide access for both motorized and nonmotorized users in a manner that is environmentally sustainable over the long term."); and 68271 ("National Forests are popular with many Americans for many uses. It is not possible to accommodate all user demands on all National Forests while also protecting water quality, wildlife habitat, and other natural resources that people come to enjoy. Forest Service managers must balance user interests against the other criteria for designating routes and areas under the final rule."

changes. This proposed change is based on the agency's view that applying standard review procedures to minor revisions may impose disproportionate burdens. Although the NOI states, confusingly, that a clerical map correction would not itself change lawful public use, it does not define "clerical correction" or "minor designation revision," identify the substitute procedures (if any) applicable to either category, or explain how the Forest Service would ensure that consequential changes are not improperly characterized as minor.

This proposed streamlining is inappropriate and risks violating procedural requirements under statutes like the National Forest Management Act (NFMA) and National Environmental Policy Act (NEPA). Whether a designation revision is "minor" cannot reasonably be determined from the revision's apparent geographic size or administrative label alone. A seemingly slight change may substantially alter motorized use patterns, enforcement demands, conflicts among users, and effects on wildlife, water, cultural resources, and other forest values. A categorical assumption that small revisions will have insignificant consequences risks overlooking such effects. Indeed, the whole purpose of environmental review and public processes is to help ensure that all effects and concerns are identified and analyzed, including those that may not be obvious.

For example, adding a short trail connection may help link previously separate motorized routes and thereby open a much larger area to motorized use and its associated effects. Treating such a change as "minor" could allow decisions with significant practical consequences to proceed without adequate public engagement, environmental analysis, consultation, or compliance with other applicable requirements.[46] The rule therefore should not exempt "minor" revisions from otherwise applicable safeguards based merely on their length, mapped footprint, or administrative characterization. At a minimum, any streamlined category must be narrowly and objectively defined, limited to corrections that cannot alter lawful use or on-the-ground access, and still be accompanied by public notice and an opportunity to evaluate whether the proposal may have broader effects.

D. The proposed affirmative requirement to consider increasing access will add enormous costs to an already overburdened system.

In revising the TMR, the Forest proposes "a new regulatory framework governing local decision-making" that "would establish a requirement to consider new roads, trails, airfields, trailheads, and other access routes and points where appropriate to increase access."[47] Such a direction will add enormous costs to an already overburdened, under-maintained transportation and recreation system that will result in further

[46] *See Washington Trails Ass'n v. U.S. Forest Serv.*, 935 F.Supp. 1117 (W.D. Wash. 1996).
[47] 91 Fed. Reg 54689.

ecosystem degradation and reduction in quality recreational opportunities (see III.D, V.C.1.b below). If the local land managers expand motorized use as proposed, the cost burden will substantially increase through growth in annual maintenance costs and the deferred maintenance backlog, as well as in administrative costs required to actually "consider" and manage increasing motorized use. As it stands, the Forest Service manages 164,360 miles of system trails of which, 100,034 miles (roughly 61%) are non-motorized that could fall under the direction described on the NOI that they be considered for motorized use, resulting in a potentially substantial increase in costs for both conversion and ongoing maintenance.[48]

As mentioned, the Forest Service official road system remains oversized and too costly to maintain. It is aggregately 368,102 miles,[49] over seven times the total length of the US Interstate System. The unofficial system – consisting of, for example, user-created routes or ineffectively closed logging or temporary roads – likely adds tens of thousands of miles more. This astounding volume of roads has resulted in road densities outside of Inventoried Roadless Areas and Wilderness Areas that routinely, and sometimes substantially, exceed ecological thresholds for fish and wildlife.[50] Further, the deferred road maintenance backlog is currently estimated at $9 billion and continues to grow.[51] The massive backlog demonstrates that not only is the roads component (Subpart A) of the TMR needed, it should be strengthened to accelerate progress toward achieving a sustainable road system. Yet, the Forest Service proposes the opposite, specifically "to replace the current minimum-road-system requirement with criteria for determining an adequate and appropriate forest transportation system,"[52] without acknowledging or providing direction to address the ever-increasing maintenance backlog and ledger.

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[48] U.S. Forest Serv., FS-905, National Forest System Statistics—Fiscal Year 2024 (2025), https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/FY24-forest-system-stats.pdf

[49] *Id.*

[50] Robinson et al. 2010. "A conceptual framework for understanding, assessing, and mitigating ecological effects of forest roads." Environmental Reviews. 18. 61-86. 10.1139/A10-002; *Also see:* USDI Fish and Wildlife Service. 1999. Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Bull Trout in the Coterminous United States; Final Rule. Federal Register Volume 64, Number 210 (Monday, November 1, 1999). p. 58922 (citing Quigley and Arbelbide 1996: "when average road densities were between 0.4 to 1.1 km/km2 (0.7 and 1.7 mi/mi2) on USFS lands, the proportion of subwatersheds supporting "strong" populations of key salmonids dropped substantially."). *See also* our comments below in Sec. V. C. 2. g. The roaded matrix lands in the National Forest System have an average road density of 2.41 miles per square miles. This figure is calculated by subtracting the acreages of NFS wilderness areas, wilderness study areas, and inventoried roadless areas from the total NFS acreage (97.56 million acres); converting that figure to square miles (152,437.5 sq mi); and then dividing the miles of NFS roads (368,102) by the square miles of roaded matrix. The average open road density (calculated using the same method with 264,516 miles of open roads) is 1.74.

[51] *See* Ex. 3 - WildEarth Guardians and Defenders of Wildlife. *Deferred Maintenance of the National Forest Road System* [White paper]. 2026.

[52] 91 Fed. Reg. 54689.

When considering maintenance capacity, it is essential that the agency carefully consider how its combined $9.63 billion dollar deferred maintenance backlog for roads, trails, bridges and other recreation features will affect the Forest Services determination of "an adequate and appropriate forest transportation system." It is unclear what specific criteria the Forest Service may propose in making this determination, but the requirement to consider expanding public motorized use beyond currently designated roads appears to be in direct conflict with an appropriate transportation system, especially if it includes adding non-system roads and trails at a time when the agency cannot afford the current system.

Altogether, the proposed mandate that forest officials must consider expanding access at a time when the agency cannot afford to maintain its current transportation system will lead to further ecosystem degradation and will diminish quality access and public safety. The agency instead should focus on maintaining designated roads and trails to standard, which will improve recreational experiences and reduce safety hazards. Under-maintained infrastructure leads to habitat and watershed degradation[53] and can create dangerous conditions for forest visitors; maintaining infrastructure to standard contributes to ecological sustainability.[54]

E. The proposed role of land management plans and travel management plans in travel management related decision-making is unclear and potentially problematic.

The NOI speaks to how the proposed rule would address the relationship of travel management planning and land management planning and states that the rule would establish that travel management decisions are made in implementation level plans and not in land management plans:

> Experience implementing the 2005 TMR demonstrates that unnecessarily linking travel management decisions to land management planning can reduce the flexibility necessary to respond to changing access needs, recreation demands, resource conditions, wildfire and other disturbances, public safety concerns, maintenance capabilities, and available funding…
>
> Accordingly, the proposed rule would acknowledge the need to remain consistent with the National Forest Management Act but would clarify that travel management or access decisions are not land management planning decisions and need not be made through the procedures governing development, amendment, or revision of

[53] Ex. 10 - Frissell et al. (2026). Importance of the Roadless Area Conservation Rule for Conservation and Recovery of At-Risk Fish. A report prepared for the Defenders of Wildlife, August 21, 2026. *See also,* USFS 2001.
[54] *See* 36 CFR §§ 219.8 & 219.10(a)(3).

land management plans, unless a plan amendment or revision is required to resolve inconsistency with an applicable plan component.[55]

We agree that decisions regarding the designation, management, modification, or discontinuation of specific roads, trails, and *small play* areas are best made at the project level. However, land management plans also have a role in travel management and that role is to provide constraints, desired conditions, objectives, and suitability determinations related to access, infrastructure and recreation. Importantly, land management plans must include plan components to provide for sustainable recreation including settings, opportunities, access and scenic character.[56] This direction should flow from the articulation of the unit's distinctive role and contribution[57] and the Forest Service's obligations to provide for diversity of plant and animal communities[58] and not exceed the fiscal capability of the unit,[59] among other things. Further, in the context of these substantive obligations, forest supervisors in land management plans are required to consider appropriate placement and sustainable management of infrastructure.[60]

NFMA also requires that "[r]esource plans and permits, contracts, and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans."[61] This means that any road-related project-level decisions must comply with the applicable land management plan.[62] Hence, we recommend that any revised rule clarify that land management plans provide the guardrails and rulesets under which travel management plans are developed, and that any projects that implement travel management plans or other road-related decisions must comply with the operable forest plan. If the Forest Service chooses a different approach, it must explain how its rule is consistent with current Forest Service statutory and regulatory direction.[63]

F. The proposed broad vehicular exemptions will swamp agency management capacity, damage resources, and lead to user conflict.

The NOI states that the proposed rule would establish exemptions from the designation and prohibition framework for specified categories of vehicles or uses.[64] It also says that the

[55] 91 Fed. Reg. 54688.
[56] 36 CFR § 219.10(b). Recreation opportunities are defined as "Recreation Opportunities: An opportunity to participate in a specific recreation activity in a particular recreation setting to enjoy desired recreation experiences and other benefits that accrue." 36 CFR § 219.19.
[57] 36 CFR § 219.7(f)(1)(ii).
[58] 16 U.S.C. § 1604(g)(3)(b); 36 CFR § 219.9.
[59] 36 CFR § 219.1(g).
[60] 36 CFR § 219.10(a)(3).
[61] 16 U.S.C. § 1604(i).
[62] *Native Ecosystems Council v. United States Forest Service*, 418 F.3d 953 (9th Cir. 2005).
[63] *Fox Television Stations, Inc..*, 556 U.S. at 515.
[64] 91 Fed. Reg. 54690.

proposed rule would establish conditions for authorizing limited cross-country motor vehicle use for various activities like (but not limited to) dispersed camping and retrieving downed game animals.[65] The NOI provides scant information on what the Forest Service is contemplating in regard to the types of vehicles, uses, and categories that would be exempt from complying with travel management designations and prohibitions, and it is conceivable that the contemplated exemptions could be very broad.[66] It also fails to explain why the provisions for exceptions for motorized vehicles in the current TMR are not sufficient.

Allowing for more than very limited exceptions for vehicular access would defeat the purpose of having travel management designations and would invite widespread resource damage and conflict. Further, allowing widespread cross-country vehicular access puts a real burden on forest managers and local government agencies (e.g., law enforcement and search & rescue) to provide for resource management and public safety.

The current TMR provides for limited travel off designated routes by motorized vehicles for dispersed camping and the retrieval of downed game. However, appropriately, it does not do this categorically but requires that the specifics of this exception (specified distance and times of year) be determined in a local travel management planning process.[67]

For these reasons, we urge the Forest Service not to expand cross-country vehicular exemptions.

G. The proposed allowance of e-bike use broadly on trails will increase conflict and resource damage, and instead should be contemplated on a case-by-case basis consistent with land management plans.

The NOI suggests that class 1 ebikes would be exempted from motor vehicle use designation requirements and generally be allowed on trails where human-powered bicycles are allowed. Class 1 ebikes have a pedal assisted motor, are heavier than traditional bicycles, and enable riders to go further and faster than is feasible on human-powered bicycles. It is not prudent to categorically grant ebike access on backcountry trails, especially on shared trails. Instead, class 1 ebike use should be managed as a motorized vehicle and decided on a case-by-case basis as currently is Forest Service practice to

[65] *Id.* at 54687.
[66] Likewise, the NOI states that the proposed rule may include objective criteria to define additional categorical authorization for low-powered electric mobility devices used by persons with mobility disabilities, including the covered devices and the scope and conditions of the authorization, and coordinated with applicable disability-access requirements. It is unclear what the agency intends here. The Americans With Disabilities Act already defines and provides an individualized-assessment standard for use of power driven mobility devices (OPDMDs) that the Forest Service could adopt.
[67] 36 CFR § 212.51.

provide for public safety, sustainable recreation settings, and resource protection. This suggested approach also accounts for operational and enforcement difficulties that arise from allowing one type of ebike even though distinguishing ebike classes in the field may not be possible,[68] and for the fact that ebike technologies continue to evolve and, as they do, trail designations need to be reconsidered.

IV. The NOI fails to address key questions and issues.

A. The role and enforceability of designated systems is unclear.

The NOI lacks clarity about whether the maps showing designated roads, trails, airfields, trailheads, and other access routes and points would be enforceable, and whether vehicles would be prohibited off routes designated for their use beyond the potential exemptions discussed above. The NOI states that "maps showing designated roads, trails, airfields, trailheads, and other access routes and points would continue to be published and periodically updated for each NFS administrative unit" even though the Forest Service does not currently publish authoritative recreation maps, only MVUMS and OSVUMs.

The notice goes on to state that the rule "would require integrated digital maps to be made available to the public that show access rules for all trails, roads, airfields, trailheads, and other access routes and points and would be the authoritative public source for designations made under the revised regulations." The notice, however, does not explicitly say whether the maps would be enforceable or whether motorized vehicles would be prohibited outside of the designated motorized system. Lastly, the notice states that Section 261 will be revised to "streamline specified process requirements" but does not describe how revising Section 261, which provides authority to enforce travel management designations, would streamline the process or why the current process is burdensome.

In other words, the NOI is vague about whether the Forest Service is intending to maintain the current TMR's vitally important prohibition of motorized vehicles outside of the designated motorized system or instead is intending to publish maps showing designated routes but not make it unlawful for motor vehicles to travel off the designated motorized system.

[68] *See* Cong. Research Serv., *Electric Bicycles (E-Bikes) on Federal Lands* (April 2, 2025), ("E-bikes also have raised safety concerns among some users and land managers due in part to their high-speed capabilities. Possible issues could include increases in collisions and injury rates due to e-bikes sharing trails with pedestrians or other users, as well as increased severity of injuries. In addition, the potential for e-bikes to allow visitors to travel greater distances and access more remote areas could result in more complex and dangerous search and rescue efforts.").

B. The immediate effect of the agency's proposal is unclear.

The NOI states that: "With regard to subparts B and C, the proposed action would establish an access-planning process and would not itself authorize construction or other ground-disturbing activities or projects. The access presumption set forth in the national policy would guide future decisions and would not itself open a currently closed route, airfield, trailhead, or other access point except to the extent that the amended regulations expressly make a specified vehicle- or use-specific exemption self-executing."[69] While this statement makes it sound as if changes in vehicular travel management designations would occur through future travel management planning processes, it is possible, especially if the exemptions are broad (see discussion above), that immediate changes to travel management following promulgation of the final rule could be significant and have significant effects on the environment, other recreationists and other uses. Any such impacts must be disclosed and evaluated in the EIS.

Further, the NOI fails to address whether the immediate effect of the rule may be different across units. For instance, what is the impact for units with land management plans or travel plans that do not expressly restrict motorized vehicles to a designated system because the plan decisions rely on the TMR's requirements and prohibitions. And how will the Forest Service address reliance interests such as Section 7 Endangered Species Act consultations that are based on the existence of the current TMR framework?

Also, what will be the immediate effect to non-motorized trails, both those open to mechanized vehicles along with hiking and horses and those just open to a subset of those uses? Since the rule will adopt a presumption that trails are open to all uses unless specifically closed, does this mean that horse and hiking trails are immediately open to mountain bikes including ebikes? Does it mean that non-motorized trails will immediately be open to motorized vehicles?

C. The NOI's treatment of over-snow travel, including designation of over-snow routes, is unclear.

The NOI is unclear on how or whether the revised rule would designate OSV areas and routes or make it unlawful to operate an OSV off the designated system.

If the proposed rule were to address cross-country OSV travel in a similar manner to downed big-game retrieval, firewood collection, and dispersed camping, what would that look like? Would the proposed rule establish unique processes and conditions for

[69] 91 Fed. Reg. 54690.

authorizing these very different activities? Notably, the agency has previously recognized that these various forms of cross-country travel are significantly different from one another in terms of where and why they occur and resultant physical and social impacts.[70] Currently, the TMR addresses big-game retrieval and dispersed camping at 36 CFR 212.51(b) and specifies that firewood gathering be managed through forest-specific firewood programs.[71] Meanwhile, designation of cross-country ORV areas is addressed at 36 CFR 212.55 and designation of cross-country OSV areas is addressed at 36 CFR 212.81(d).[72]

The NOI states that the proposed rule would authorize these disparate activities through a route or area designation, a written authorization, or a categorical exemption. This gives no indication as to what approach the Forest Service is considering for any of the listed activities, nor does it indicate that the agency recognizes that the potential impacts of or considerations for these different activities are vastly different. OSV travel planning, and authorization of cross-country ORV use, are major issues that demand to be addressed separately from big-game retrieval, dispersed camping, and firewood gathering.

The 2015 OSV Rule represented a significant shift in Forest Service OSV management, towards thoughtful and proactive winter travel planning. The planning processes that have occurred under this rule have repeatedly documented and affirmed the myriad reasons why it is necessary to designate and limit motorized use to OSV areas and trails rather than manage OSVs under the presumption that the forest is unilaterally open to OSV travel outside of specifically closed trails or areas.[73] These processes have also documented the unique circumstances that affect OSV use such as snowfall patterns, avalanche hazard, and "differences in their associated settings, activities, environmental impacts, and public preferences."[74] The final rule must acknowledge the agency's previous conclusions and, if the final rule diverges, must explain a rational justification for doing so.[75] In addition, given that the vast majority of eligible forests have yet to conduct winter travel planning or publish over-snow vehicle use maps, it is essential that any revisions to the TMR continue to provide clear direction for designating routes and areas for OSV use comporting with best available science and practices.[76]

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[70] 80 Fed. Reg. 4501
[71] 36 CFR § 212.51.
[72] *Id.* § 212.55; *Id.* § 212.81(d).
[73] U.S. Forest Service. *Stanislaus National Forest Over-Snow Vehicle Use Designation Final Environmental Impact Statement, Volume 1.* (2019); *See also* U.S. Forest Service. "Tahoe National Forest Over-snow Vehicle Use Designation Final Environmental Impact Statement, Volume 1. (2024).
[74] 80 Fed. Reg. 4501
[75] *Fox Television Stations, Inc..,* 556 U.S. at 515.
[76] Switalski, Adam. "Snowmobile Best Management Practices for Forest Service Travel Planning: A Comprehensive Literature Review and Recommendations for Management." *Journal of Conservation Planning*, vol. 12, 2016, at 10-11. For example, best practices require that OSV designations area boundaries are delineated to the degree possible by obvious landscape features (i.e. ridges, bodies of water that do not freeze over, and plowed roads). Abstract lines, section boundaries, and digital coordinates create unenforceable and essentially invisible boundaries to users making it difficult

D. The NOI's treatment of airfields and aircraft landings is unclear.

The NOI states that the proposed rule would address Forest Service management of NFS airfields and the use of NFS lands for aircraft landing and takeoff. The NOI states that the agency proposes to identify the regulations and existing airfield or aircraft restrictions proposed for amendment and the criteria and process for opening, restricting, or closing an airfield.[77] This is paired with the NOI's underlying presumption that existing airfields are open to appropriate public use unless closure or restriction is required by applicable law, valid existing rights, or another governing instrument, or supported by specific, documented and justifiable reasons based on science-based resource conditions, public safety, conflicts among uses, or maintenance and administrative capacity.

It is not clear what the agency intends to do in regards to airfields and aircraft landing and takeoff in the revised TMR. This must be described in detail in the proposed rule. While physically straightforward, airfields are more complex than other Forest Service infrastructure given the liability and maintenance concerns associated with them.

The revised TMR should not permit non-emergency aircraft landing or takeoff outside of designated airfields. For the purposes of public safety and resource protection, forest lands cannot be managed under a presumption that they are open and available for aircraft landing and takeoff unless designated closed.

E. The NOI's reference to North Dakota section lines is unclear.

In its NOI, the Forest Service inexplicably calls out one particular region of the NFS, stating that the presumption of open unless closed "would include access along section lines in certain national grasslands in North Dakota."[78] The Forest Service must explain how or why it is addressing these North Dakota section lines separately and distinctly from the rest of the lands under its jurisdiction.[79]

The Forest Service's NOI also discusses the role of aerial imagery in establishing physical routes, stating that "aerial imagery[] may be used as evidence that a physical route or airfield exists or existed at a time relevant under the definition adopted in the proposed

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to impossible to expect user compliance and complicating agency enforcement. Further, the rule should require that OSV use only occur in areas that receive sufficient snow throughout the winter season and that have terrain and vegetation cover that is amenable to OSV use. Pages 10, 11, and 26.

[77] 91 Fed. Reg. 54689.

[78] 91 Fed. Reg. at 54689.

[79] To the extent that this language signals the Forest Service's intent to override the Eighth Circuit decision in *North Dakota ex rel. Wrigley v. United States*—in which the Circuit affirmed the district court's dismissal of North Dakota's Quiet Title Act claims concerning asserted R.S. 2477 rights-of-way along those section lines based on statute of limitations considerations, *see* 31 F.4th 1032 (8th Cir. 2022)—the Forest Service is cautioned that it is prohibited from doing so.

rule."[80] The Forest Service must explain how, if at all, it intends to use aerial imagery with respect to these North Dakota section lines.

V. The Forest Service's proposed amendments to the TMR must comply with NEPA.

Before revising the TMR, the Forest Service must fully and adequately comply with NEPA. NEPA fosters informed decisionmaking by federal agencies and promotes informed public participation in government decisions.[81] To meet these goals, NEPA requires that the Forest Service "consider every significant aspect of the environmental impact of a proposed action" and inform the public of those impacts.[82] In the forthcoming DEIS, the Forest Service must (1) identify a purpose and need that fulfills its statutory obligations and has a rational basis, (2) develop a reasonable range of alternatives, (3) take a "hard look" at the important environmental and socioeconomic concerns discussed below, and (4) evaluate the cumulative impacts of revisions to the TMR and other reasonably foreseeable actions.

A. The NOI's purpose and need statement is irrational and improperly constrained.

Despite the Forest Service's decision to upend decades of travel management policy and practice, the NOI fails to identify a compelling purpose or need for the proposed changes. Indeed, the NOI improperly disregards the Forest Service's affirmative duty to improve and protect forests in exchange for unfounded deregulatory efforts.

1. The stated purpose and need disregards the Forest Service's statutory stewardship obligations.

Although the NOI makes passing reference to the fact that the proposed TMR changes will be "grounded in applicable statutory authorities," the NOI is noticeably silent with respect to those authorities.[83] The Forest Service has wide-ranging statutory obligations to steward forests. First, the Organic Administration Act is the foundation for these affirmative

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[80] 91 Fed. Reg. at 54687.
[81] *See* 42 U.S.C. §§ 4331-4347; *Balt. Gas & Elec. Co. v. NRDC*, 462 U.S. 87, 97 (1983).
[82] *Id.* (internal quotation marks and citation omitted); *see also Vt. Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978); *Kleppe v. Sierra Club*, 427 U.S. 390, 410, 413 (1976); *City of Rochester v. U.S. Postal Serv.*, 541 F.2d 967, 973–74 (2d Cir. 1976); *Concerned About Trident v. Rumsfeld*, 555 F.2d 817, 825 (D.C. Cir 1976); *City of Davis v. Coleman*, 521 F.2d 661, 666-677 (9th Cir. 1975); *Brooks v. Coleman*, 518 F.2d 17, 18 (9th Cir. 1975); *NRDC v. Callaway*, 524 F.2d 79, 89 (2d Cir. 1975); *Envtl. Def. Fund, Inc. v. Corps of Eng'rs of U.S. Army*, 492 F.2d 1123, 1135 (5th Cir. 1974); *Swain v. Brinegar,* 517 F.2d 766 (7th Cir. 1975); *Minn. Public Interest Rsch. Grp. v. Butz*, 498 F.2d 1314, 1322 (8th Cir. 1974); *NRDC v. Morton*, 458 F.2d 827, 834–36 (D.C. Cir. 1972); *Hanly v. Kleindienst*, 471 F.2d 823, 830–31 (2d Cir. 1972); *Calvert Cliffs' Coordinating Comm., Inc. v. U.S. Atomic Energy Comm'n*, 449 F.2d 1109, 1114 (D.C. Cir. 1971).
[83] 91 Fed. Reg. at 54688.

stewardship duties, requiring the agency to improve and protect national forests, regulate their occupancy and use, and preserve them from destruction.[84] Second, NFMA governs how the Forest Service manages national forests, requiring resource planning consistent with multiple use, sustainable yield, soil and watershed protection, and biological diversity.[85] Further, the Multiple-Use Sustained Yield Act (MUSYA) requires coordinated management of all uses without impairing the long-term productivity of the land.[86] The NOI fails to explain how its deregulatory approach advances these statutory duties.

These statutory obligations must be the starting point if the Forest Service truly intends to achieve its stated goal to "establish a modern access and travel-management framework that addresses current needs and changing conditions."[87] For example, an appropriate purpose and need would be to improve travel management and benefit all forest users and resources consistent with the Forest Service's affirmative duties to protect national forest resources and provide for multiple use and sustainable yield. Importantly, the stated purpose and need must not be so narrowly written that it predetermines a deregulatory approach.[88]

2. The NOI does not provide a rational and supported "purpose and need" for the proposed changes to the TMR.

The NOI offers a litany of arguments as to the purpose and need for the proposed changes to the TMR. Yet, it fails to identify specific problems with the TMR. In fact, the proposed rule, as described in the NOI, will undermine the Forest Service's stated goals.

First, the NOI is based on a fundamentally flawed assumption that there is a need to "deregulate" in order to "increase access and recreational opportunities on Federal lands."[89] But the NOI provides no support for why the longstanding TMR does not serve these needs. The TMR establishes a consistent approach aimed at reducing conflicts between different kinds of users of national forests and preventing resource damage. The NOI makes no showing that these procedures have unnecessarily limited recreational access, resource protection or cost management (while also failing to explain why the original basis for implementing those procedures—conflict reduction—no longer applies).[90]

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[84] 16 U.S.C. §§ 475, 551.
[85] 16 U.S.C. §§ 1600, 1604.
[86] 16 U.S.C. §§ 528-531.
[87] 91 Fed. Reg. at 54688.
[88] *High Country Conservation Advocates v. U.S. Forest Serv.*, 951 F.3d 1217 (10th Cir. 2020) (citing *Wyoming v. U.S. Dept. of Agric.,* 661 F.3d 1209, 1244 (10th Cir. 2011).
[89] 91 Fed. Reg. at 54689.
[90] 70 Fed. Reg. 68264-5 (Nov 9, 2005); *see also* 66 Fed. Reg. 3206-7 (Jan 12, 2001).

Second, the NOI claims that it is necessary to amend the TMR due to "administrative costs and challenges" and "unnecessary regulatory burdens."[91] But the NOI provides no support for the vague claims that the Forest Service's longstanding travel management procedures are unnecessary and burdensome. Paradoxically, the proposed changes detailed in the NOI likely will have higher administrative requirements for maintenance, monitoring, conflict mitigation, enforcement, planning, and restoration. Higher administrative requirements come from the presumptive open-unless-closed policy which requires local officials to develop "specific, documented, and justifiable reasons" to retain current access restrictions. It also arises from the need to conduct project level planning to incorporate new access routes initially and then subsequently following annual reviews. Increased workload from monitoring arises from the direction for annual review of every closed or highly restricted road, trail, airfield, trailhead, route, and access point. Enforcement burdens rise with the requirement to consider new access points and allowances for motorized cross-country travel for activities such as game retrieval, firewood collection, and dispersed camping.

Third, the NOI claims its goal is to "establish a modern access and travel-management framework that addresses current needs and changing conditions."[92] But the Forest Service offers no explanation for why the current TMR does not meet these needs. In fact, the proposed rule is a step backwards, away from modernized approaches to managing outdoor wildland recreation. The current TMR relies on intentionally designated systems of roads, trails and areas based on site-specific conditions, data and monitoring, and adaptive revision to provide access to users while minimizing conflict and resource damage. Further, it applies minimization criteria, channels motorized use into designated roads, trails, and areas, and publishes enforceable maps to reduce user conflicts, establishes a baseline for monitoring, and supports enforcement and resource conservation. By contrast, the NOI's proposed open unless closed presumption, annual reconsideration of restrictions, and potential exemptions, shifts management toward a reactive approach where impacts occur before restrictions can be considered. Further, it is out of sync with how neighboring state agencies manage ORVs[93] and with best practices for motor vehicle use.[94]

Fourth, the NOI points to changed conditions as a justification for amending the TMR. Yet it fails to explain how the changed conditions it identifies—including an expanding wildland-urban interface, growing impacts from climate change such as extended wildfire seasons and drought, increasing public recreation and access needs, and changing recreation technology— justify increasing motorized use and eliminating requirements to minimize impacts. Instead, the proposed rule will exacerbate impacts resulting from these

[91] 91 Fed. Reg. at 54688.
[92] 91 Fed. Reg. at 54688.
[93] *See* Ex. 8– Defenders of Wildlife, *A Compilation of State Statutes and Regulations Requiring Off-Road Vehicles to Remain on Designated Roads and Trails on State-Managed Lands* (2026).
[94] Switalski & Jones, 2012.

changed conditions, not improve them. For example, these conditions *increase* the likelihood that additional or redistributed motorized use will damage soils and watersheds, disturb wildlife, intensify conflicts, and increase fire, maintenance, and enforcement risks. In fact, the NOI references expected impacts related to "forest health and management, including timber management, fuels management, and fire suppression."[95]

Fifth, the NOI points to Executive Order 14408 to claim that "technological, operational, and land-management developments support replacing the [minimization criteria]."[96] Again, the NOI offers no explanation for what these terms mean or how they raise concerns with application of the minimization criteria. As discussed above, the Forest Service must do more than simply mimic conclusory language in an Executive Order to change its longstanding policy.[97] The Forest Service adopted the minimization criteria specifically to address "growing off road-vehicle use and the need to protect natural resources from the proliferation of user-created routes and to reduce conflicts among uses"—as the NOI itself recognizes.[98] Yet, the NOI offers no explanation, much less a reasoned one, for disregarding the "facts and circumstances that underlay or were engendered by [this] prior policy."[99]

Sixth, the NOI claims that the TMR "*may* overlap with requirements imposed by other authorities or may unnecessarily delay some designation revisions."[100] But the NOI provides no support for these claims. Indeed, as the NOI points out, NEPA and land management plans "do not themselves establish all substantive or procedural standards for motor vehicle use designations," so the revised regulations will still need to "identify the standards and procedures that will govern future designation and closure decisions." Yet, the NOI offers no details on what the replacement standards will be or how they will differ from the current TMR.

Finally, the NOI claims that "applying the same TMR-specific procedures to every designation revision, regardless of scale, may impose time and analytical burdens disproportionate to minor or iterative adjustments."[101] The NOI then considers, based on this unsupported claim, distinguishing clerical map corrections, minor designation revisions, and more substantial changes. However, it does not define those categories or identify the procedures that it would apply to each and therefore does not provide support for such an assertion. The agency should disclose what it considers "minor" and further

[95] 91 Fed. Reg. 54690.
[96] 91 Fed. Reg. at 54688.
[97] *See* Section III above; *Fox Television Stations, Inc.*., 556 U.S. at 515.
[98] 91 Fed. Reg. 54687.
[99] *Fox Television Stations, Inc.*., 556 U.S. at 515.
[100] 91 Fed. Reg. 54688 (emphasis added).
[101] 91 Fed. Reg. at 54688.

explain how it will ensure distinguishing minor revisions will nevertheless fulfill statutory obligations.[102]

Moreover, categorical exclusions already exist for actions such as minor additions to the transportation systems and restoration of closed routes.[103] Where categorical exclusions don't already apply, it is because even allegedly "small" revisions can have big implications and should not be exempted from public engagement, analysis, and other compliance duties.

B. The Forest Service should evaluate a full range of reasonable alternatives.

The Forest Service must also evaluate a range of reasonable alternatives.[104] The range of alternatives is the heart of a NEPA document because "[w]ithout substantive, comparative environmental impact information regarding other possible courses of action, the ability of [a NEPA analysis] to inform agency deliberation and facilitate public involvement would be greatly degraded."[105] NEPA analysis must cover a reasonable range of alternatives so that an agency can make an informed choice from the spectrum of reasonable options.

The NOI briefly discusses alternatives including a no-action alternative that would retain the TMR in its current form, in addition to several policy choices the agency may develop into alternatives. These include when the open-unless-closed presumption would take effect; what counts as an existing route; how much of the current procedural framework to retain; and how e-bikes, exemptions, cross-country travel, over-snow travel, and airfields would be treated. These proposed alternatives are inadequate, however, because they do not provide a meaningful range of management approaches that balances increased motorized use with forest resource protection. Rather, the proposed alternatives seemingly only modify the proposed open-unless-closed presumption.

Instead, the agency must provide a full range of alternatives that fulfills, rather than circumvents, its statutory and regulatory obligations to protect National Forest System lands and provide for multiple use and sustained yield. The alternatives must meaningfully address the protection of forest resources, along with the interest of forest users, and the protection of vegetation, wildlife, wildlife habitat, soils, watersheds, and air quality. Alternatives that contemplate only deregulation violate NEPA.

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[102] *See* Sec. VI below.
[103] *See* 7 C.F.R. § 1b.4.
[104] *See* 42 U.S.C. § 4332(2)(F) (requiring agencies to "study, develop, and describe technically and economically feasible alternatives").
[105] *New Mexico ex rel. Richardson v. BLM*, 565 F.3d 683, 708 (10th Cir. 2009).

To that end, the Forest Service must consider a range of reasonable alternatives that will "foster informed decision making" such that the agency and the public have a basis for comparing different actions and their respective environmental consequences.[106] As a part of a reasonable range of alternatives, the Forest Service should consider the following non-exhaustive list of options that meet the purpose and need.

First, the agency should consider alternatives that strengthen the minimization criteria (or similarly protective regulatory requirements). Specifically, the agency should consider an alternative that expands the application of the minimization criteria to roads so that it applies to roads, trails, and areas.[107] This alternative meets the proposed purpose and need both to reduce regulatory burdens, and to modernize the travel management framework. First, having one process for evaluating and addressing impacts to resources and other uses (instead of one process for roads and another for ORV trails and areas) would reduce regulatory burdens and administrative costs. Second, it would contribute to modernizing the travel management framework by considering the benefits (e.g., recreational benefits) and costs (maintenance, user conflicts, adverse resource effects) of the transportation system comprehensively.

Second, the Forest Service should consider an alternative that provides clear direction for OSV designations. Such an alternative would modernize the travel management framework by promoting consistency with best management practices.[108] Further, the alternative meets the agency's statutory objectives by promoting quality access for both non-motorized and motorized users while protecting forest resources. This alternative would require that:

- OSVs are not allowed to be driven outside of the designated system of roads, trails and areas.

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[106] 40 C.F.R. § 1502.14(a).

[107] *See* 36 CFR § 212.55(b) (applying the minimization criteria to trails and areas); *compare* 36 CFR § 212.55(c) (applies to roads).

[108] Switalski, 2016 (listing best practices including allowing OSV use only "when snow depths are sufficient to protect the underlying vegetative cover and soil or trail surface" and restricting use "on wetlands, riparian areas, and sensitive meadows and buffer snowmobile trailheads and routes 45 m (150 ft) from these areas"; "locat[ing] motorized routes and areas where disturbance is unlikely to significantly affect viability or recovery of listed or petitioned threatened or endangered species . . . outside proposed Wilderness Areas, Wilderness Study Areas and Research Natural Areas…in discrete, specified areas bounded by natural features (topography and vegetative cover) to provide visual and acoustic barriers and to ensure that secure habitat is maintained for wildlife… and outside critical ungulate wintering habitat"; "sett[ing] dates for snowmobile season opening and closure, and adjust[ing] based upon seasonal wildlife needs"; "Maintain[ing] large unfragmented, undisturbed, and connected blocks of forestland and alpine habitat where no snowmobile routes are designated"; "limit[ing] the number of routes and restrict off-trail use in key wildlife corridors"; "Monitor[ing] closed and open areas to ensure they are effectively mitigating impacts to wildlife, and not being used illegally"; and "establish[ing] an adaptive management framework using monitoring to determine efficacy of current management).

- OSV area and trail designations are constrained to places that receive sufficient snow throughout the winter season and that have terrain and vegetation cover that is amenable to OSV use (e.g., excludes cliffs and slopes steeper than 45 degrees; low-elevation south-facing slopes characterized by inconsistent snowpack, on wetlands, riparian areas and sensitive meadow; or in dense forests).
- Designated OSV areas are delineated, as much as possible, by obvious landscape features (e.g., ridges, bodies of water that do not freeze over, and plowed roads). Abstract lines, section boundaries, and digital coordinates create unenforceable and essentially invisible boundaries to users in the field, making it virtually impossible to expect user compliance and complicating agency enforceability.
- OSV designations are limited seasonally and spatially as appropriate to protect wildlife and resources.
- In determining OSV designations, the responsible official must incorporate a science-based analysis at multiple scales, involving a broad spectrum of interested and affected citizens, other state and federal agencies, and tribal governments, to identify a designated system that minimizes impacts to resources and other uses.
- The responsible official will monitor the effects of OSV designations and use that data to inform regular (no less than every five years) adjustments necessary to minimize effects to resources and other uses.

Third, the Forest Service should consider non-regulatory alternatives that strengthen and modernize the travel management framework, decrease burden, and increase access. For example, the agency should consider an alternative that directs additional funding, staff, and other resources to comprehensive recreation planning, infrastructure maintenance, ranger presence, and visitor education. By allocating more resources to recreation planning and implementation, while maintaining the TMR requirements around designations, prohibitions, and minimization, the Forest Service will increase quality access and modernize the travel management framework. Forest visitors will be able to travel on well-maintained trails and roads, park in maintained parking lots, acquire important safety information from maintained kiosks, and choose appropriate recreational pursuits based on up-to-date and accurate information on conditions, level of difficulty, and recreational settings. Comprehensive recreation plans that focus on benefits, settings, opportunities, and resource protection will result in improved opportunities for a broad spectrum of recreationists. Well-informed visitors are less likely to engage in behavior that adversely affects wildlife, other users, or forest resources, or leads to public safety threats (e.g., failing to fully extinguish a campfire; having dangerous wildlife encounters). Higher ranger presence yields similar benefits. Further, through comprehensive recreation planning, the Forest Service can achieve administrative efficiencies and plan a system that is commensurate with the fiscal capability of each unit.

The Forest Service should consider these and other reasonable alternatives that meaningfully address the Forest Service's affirmative duties to protect National Forest System lands and provide for multiple use and sustained yield, and contemplate alternatives beyond deregulatory actions.

C. The DEIS must consider and evaluate effects on numerous social, environmental, economic, and administrative resources and values.

Before revising the TMR, the Forest Service must fully and adequately comply with NEPA. NEPA fosters informed decisionmaking by federal agencies and promotes informed public participation in government decisions.[109] To meet these goals, NEPA requires that the Forest Service "consider every significant aspect of the environmental impact of a proposed action" and inform the public of those impacts.[110]

To satisfy NEPA's requirements, the Forest Service must fully evaluate all reasonably foreseeable effects of revising the TMR, including "ecological . . . aesthetic, historic, cultural, economic . . . social, or health effects."[111] The Forest Service must take a "hard look" at the environmental effects of revision, ensuring "that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts."[112] Environmental "[e]ffects are reasonably foreseeable if they are sufficiently likely to occur that a person of ordinary prudence would take [them] into account in reaching a decision."[113]

The duty to evaluate foreseeable effects certainly includes any immediate, on-the-ground changes that the rule effectuates, without the need for further Forest Service action or decisionmaking. For example, there may be immediate, on-the-ground impacts for certain newly exempted vehicles or uses. Critically evaluating effects from any immediate, self-executing provisions of the rule is integral to a legally compliant NEPA analysis.

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[109] *See* 42 U.S.C. §§ 4331-4347; *Balt. Gas & Elec. Co. v. NRDC*, 462 U.S. 87, 97 (1983).
[110] *Id.* (internal quotation marks and citation omitted); *see also Vt. Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978); *Kleppe v. Sierra Club*, 427 U.S. 390, 410, 413 (1976); *City of Rochester v. U.S. Postal Serv.*, 541 F.2d 967, 973–74 (2d Cir. 1976); *Concerned About Trident v. Rumsfeld*, 555 F.2d 817, 825 (D.C. Cir 1976); *City of Davis v. Coleman*, 521 F.2d 661, 666-677 (9th Cir. 1975); *Brooks v. Coleman*, 518 F.2d 17, 18 (9th Cir. 1975); *NRDC v. Callaway*, 524 F.2d 79, 89 (2d Cir. 1975); *Envtl. Def. Fund, Inc. v. Corps of Eng'rs of U.S. Army*, 492 F.2d 1123, 1135 (5th Cir. 1974); *Swain v. Brinegar,* 517 F.2d 766 (7th Cir. 1975); *Minn. Public Interest Rsch. Grp. v. Butz*, 498 F.2d 1314, 1322 (8th Cir. 1974); *NRDC v. Morton*, 458 F.2d 827, 834–36 (D.C. Cir. 1972); *Hanly v. Kleindienst*, 471 F.2d 823, 830-31 (2d Cir. 1972); *Calvert Cliffs' Coordinating Comm., Inc. v. U.S. Atomic Energy Comm'n*, 449 F.2d 1109, 1114 (D.C. Cir. 1971).
[111] 7 C.F.R. § 1b.11 (a)(12)(i).
[112] *Robertson v. Methow Valley Citizens Council,* 490 U.S. 332, 349-50 (1989).
[113] *Sierra Club v. Fed. Energy Regul. Comm'n*, 867 F.3d 1357, 1371 (D.C. Cir. 2017) (internal quotation marks and citation omitted).

However, the foreseeable effects of the rule also include programmatic effects that will ultimately be effectuated through more granular agency decisions. Because the proposed rule as described in the NOI would dramatically alter the Forest Service's decisionmaking outcomes across the country, this rule—and not just subsequent decisions—is responsible for immense environmental effects on a wide range of resources. To comply with NEPA, the draft environmental impact statement (DEIS) must disclose and evaluate those effects now; it cannot defer analysis to later decision processes.

Relatedly, the DEIS must evaluate impacts on resources for which other decisional documents and interagency agreements assumed that existing travel planning regulations would provide adequate protection. For example, numerous ESA consultations, logging project approvals, road construction permits, etc. may have assumed that travel management rules would minimize harm to species or other resources. With those protections lost, those assumptions are undermined. The EIS here must assess the resulting effects, and it must assess whether supplemental NEPA analysis will now be required for countless prior decisions and agreements.

Here, the Forest Service must consider all reasonably foreseeable effects of the impacts of its proposed action on (at least) the following areas.

1. The Forest Service must evaluate costs and administrative burdens.

a. The Forest Service must evaluate effects in the context of staffing losses and other budget and reorganization-driven structural changes.

Due to a combination of deferred resignation and early retirement incentives, the Forest Service has experienced significant staff reductions over the past 18 months. The agency lost nearly 6,000 employees in the first 6 months of 2025 alone, a reduction of approximately 16 percent.[114] Further losses have occurred since then, driven by early retirement incentives, and staff departures ahead of or in response to agency restructuring and more are expected.[115] The agency is offering early retirement incentives and voluntary separation incentives to employees impacted by the agency's upcoming reorganization.[116]

[114] USDA Office of the Inspector General. December 17, 2025. U.S. Department of Agriculture Staffing Levels, OAI Report 25-064-01.
[115] *See* US Forest Service FY 2027 budget justification at 29a-14 that estimates a workforce reduction of 68% between the end of year 2027 and the end of year 2024.
[116] *See* Ex. 11 - Heckman, Jory. June 2, 2026. Forest Service offers separation incentives to employees ahead of relocations. *Federal News Network*.

The upcoming/ongoing reorganization is causing significant disruptions across the agency. Regional and Washington Office staff, as well as many research station employees, have yet to receive clear direction on whether, or how, their jobs and duty stations will be affected by the reorganization. Structure and staffing of state director offices remains unclear, and the roles and associated staffing of the new "service centers" is equally unclear.

The agency intends to close many facilities as part of its ongoing reorganization efforts and to cut costs.[117] Facilities ranging from forest district and headquarters offices to research stations and the headquarters in D.C. have appeared on and off of lists of buildings slated for closure, leaving agency staff and partners in the dark about the future of these facilities and those who work at them. Meanwhile, just recently, the agency implemented a fleet reduction across district offices as a cost-saving measure.[118] These drastic actions impair the agency's ability to conduct its work by dint of significantly lower capacity to plan, monitor, enforce, educate, restore and perform other vital functions by driving employees to leave the agency out of frustration, by taking away access to work spaces, and by physically preventing them from getting into the field.

The agency's rationale for many of these changes is that reductions are needed to address budget shortfalls. While it is indisputable that the Forest Service needs significantly more funding than Congress has appropriated for many, many years, this reality does not align with the needless increases in agency costs and administrative burdens that would be associated with the proposed rule. The agency does not have the staff, or the budget, to sustainably or responsibly administer and manage an expanded motorized system and new airfields, to reconsider hundreds of existing travel management plans and countless decisions, or to annually review all of its travel management actions. Given the state of the Forest Service's budget, the Forest Service must disclose the effects of instituting a revised travel management rule that increases costs and burdens.

b. The Forest Service must evaluate the effect on and in the context of its already massive road, trail and recreation maintenance backlog.

As we noted in these comments, the Forest Service has a massive deferred maintenance backlog for its transportation system and recreation infrastructure. Specifically, the Forest Service manages 164,360 miles of system trails that include 7,428 bridges, which together has a deferred maintenance backlog of $302 million dollars representing the "funds needed to preserve proper function and usable condition, excluding work to increase capacity or

[117] *See* Ex. 12 - Schultz, Tom. September, 2026. "Update On Our Facilities Review."
[118] *See* Ex. 13 - Schultz, Tom. February 2026. "Optimizing our fleet to reduce costs."

alter use."[119] Of these trails, 100,034 miles (roughly 61%) are non-motorized that could fall under the proposed rule's direction that they be considered for motorized use, resulting in a substantial increase in costs for both conversion and ongoing maintenance. In addition, the Forest Service has a $329 million deferred maintenance backlog of other recreational features.[120] Looking again at the Forest Service road system, it is aggregately 368,102 miles,[121] which omits non-system roads that include remnants of decommissioned system roads, temporary roads, or routes created illegally through unauthorized use – likely adding tens of thousands of miles more. The deferred road maintenance backlog for the road system stands at an estimated $9 billion and continues to grow.[122] The rate of that growth will likely increase with intensifying storms and shifting hydrographs resulting from climate change.[123] Together with the maintenance backlog for trails, trail bridges and miscellaneous recreation infrastructure, the amount reaches a combined $9.63 billion dollars.

The massive backlog most certainly contributes to resource damage and ecosystem degradation.[124] The Forest Service must disclose how the current backlog contributes to existing conditions and how those conditions may change under each alternative. The agency must be clear-eyed regarding its capacity to manage an expanded recreation footprint.

c. The Forest Service must evaluate its capacity to manage existing and new airfields, and rehabilitate those no longer in use.

In regards to airfields, the DEIS should disclose how many new backcountry airfields have been designated on Forest Service land since 2005, what responsibilities the Forest Service has to work with other agencies (such as the Federal Aviation Administration) when designating new airfields, how many defunct backcountry airfields (or other existing but not designated airfields) exist on Forest Service lands, and the foreseeable public need for new airfields. This information is necessary to disclose current costs to maintain airfields,

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[119] U.S. Forest Service. *National Forest System Statistics—Fiscal Year 2024* FS-905 (2025).
[120] *Id.*
[121] *Id.*
[122] *See* Ex. 3 - WildEarth Guardians and Defenders of Wildlife. *Deferred Maintenance of the National Forest Road System* [White paper]. 2026.
[123] U.S. Forest Service. *U.S. Forest Service Transportation Resiliency Guidebook: Addressing Climate Change Impacts on U.S. Forest Service Transportation Assets*. John A. Volpe National Transportation Systems Center. (2018b), pp. 94.
[124] U.S. Forest Service 2001a at 14 (explaining, "Raw ditch lines and roadbeds are continuing sources of sediment (Miller and others 1985), usually because of lack of maintenance, inadequate maintenance for the amount of road use, excessive ditch line disturbance, or poorly timed maintenance relative to storm patterns (Swift 1984, 1988)); *see also*, U.S. Forest Service. Roads Analysis Report Helena-Lewis & Clark 2002-2004 at 92. (stating, "The Helena National Forest road maintenance budget has been seriously under-funded for many years. The result is a deteriorated road system with poor drainage that is causing impacts to other resources, especially aquatic resources. Unless road management strategies change, deferred maintenance costs will continue to mount as the road system continues to deteriorate.").

rehabilitate those no longer in use, and the agency's capacity to meaningfully evaluate and sustainably manage new airfields.

2. The DEIS must consider and evaluate effects of the alternatives on the following ecological conditions and processes.

The Forest Service must carefully consider a range of ecological factors, conditions and processes as it develops the environmental impact statement, and demonstrate that the proposed rule will align with maintaining or restoring ecosystem integrity.[125]

a. Climate Resilience & Sustainability

The Forest Service has long recognized the importance of considering and adapting to changing climate conditions, including to its transportation system.[126] The agency's Office of Sustainability and Climate produced climate change vulnerability assessments for several regions of the Forest Service discussing near-term consequences for managers to consider.[127] One such assessment explained that "[r]oads and other infrastructure that are near or beyond their design life are at considerable risk to damage from flooding and geomorphic disturbance (e.g., debris slides). If road damage increases as expected, it will have a profound impact on access to Federal lands and on repair costs."[128]

Climate change will also amplify the fundamental need to manage winter motorized use. Across the United States, anthropogenic climate warming has reduced seasonal snowpacks over the past four decades.[129] This inevitably shrinks winter landscapes and can lead to population decline among certain threatened species. For example, extreme midwinter thaws, which are increasing in frequency due to climate change, can drastically reduce caribou cow survival rates.[130] Additionally, as winter landscapes shrink, wildlife that

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[125] *See* 36 C.F.R. § 219.19 ("The quality or condition of an ecosystem when its dominant ecological characteristics (for example, composition, structure, function, connectivity, and species composition and diversity) occur within the natural range of variation and can withstand and recover from most perturbations imposed by natural environmental dynamics or human influence.).

[126] U.S. Forest Service (2018b).

[127] Halofsky, Jessica E., et al. "Assessing and Adapting to Climate Change in the Blue Mountains, Oregon (USA): Overview, Biogeography, and Climate." Climate Services, vol. 10, Apr. 2018, pp. 1–8. DOI.org (Crossref), https://doi.org/10.1016/j.cliser.2018.03.002; U.S. Forest Service. *Climate change vulnerability and adaptation in the Northern Rocky Mountains Part 1*. Gen. Tech. Rep. RMRS-GTR-374. Rocky Mountain Research Station (2018c); U.S. Forest Service. *Climate change vulnerability and adaptation in the Intermountain Region [Part 1]*. Gen. Tech. Rep. RMRS-GTR-375. Rocky Mountain Research Station (2018a); and U.S. Forest Service. C*limate Change Vulnerability and Adaptation in South-Central Oregon*. Gen. Tech. Rep. PNW-GTR-974. Pacific Northwest Research Station (2019).

[128] U.S. Forest Service *Climate change vulnerability and adaptation in the Northern Rocky Mountains Part 1* (2018c) at viii.

[129] Gottlieb, A.R., Mankin, J.S. "Evidence of human influence on Northern Hemisphere snow loss." Nature 625, 293–300 (2024). https://doi.org/10.1038/s41586-023-06794-y

[130] Gunn, Anne, et al. "NOAA Arctic Report Card 2024 : Migratory Tundra Caribou in a Warmer Climate." NOAA Technical Report OAR ARC ; 24-10 (Arctic Report Card), 2024. DOI.org (Datacite), https://doi.org/10.25923/QN4A-TD90.

depend on these landscapes are increasingly compressed into smaller and smaller areas. Shrinking winter landscapes can also intensify the natural resource impacts of winter recreation and increase the risk of recreational use conflicts. Winter travel planning under subpart C of the TMR currently provides an opportunity to step back and assess where OSV use is appropriate while accounting for changes in winter landscapes, seasonal snowpack, and other climate impacts that have changed the characteristics of winter in specific places, creating a management system that works to balance recreation with wildlife habitat and natural ecosystem conservation.

The Forest Service must consider how climate change effects may be exacerbated under the proposed rule, particularly in relation to the agency's ability to maintain its transportation system and ensure compliance with other statutory and regulatory requirements.

b. Wildfire

The best available scientific information is unequivocal that human-caused fires dominate natural-caused ones and that roads increase fire ignitions.[131] Across the western United States, human-ignited wildfires are estimated to represent 84% of all fires, 44% of total area burned, and have tripled the length of the fire season.[132] These human-ignited fires are spatially correlated with infrastructure, including roads, railroads, and powerlines.[133] Further, motorized use has been correlated with the number of fire ignitions.[134] A recent study found that humans ignited four times as many fires as lightning. This represented 92% of the fires in the eastern United States and 65% of the fire ignitions in the western U.S.[135] Another study that reviewed 1.5 million fire records over 20 years found human-caused fires were responsible for 84% of wildfires and 44% of the total area burned.[136] In addition to changes in frequency, human-caused fires change the timing of fire

[131] Aplet, G.H., Hartger, P. & Dietz, M.S. (2026). Three-decade record of contiguous-U.S. national forest wildfires indicates increased density of ignitions near roads. fire ecol 22, 8. https://doi.org/10.1186/s42408-026-00450-2; Balch J.K. et al., "Human-started wildfires expand the fire niche across the United States." *Proceedings of the National Academy of Sciences*. (2017) 11(114): 2946–2951. https://doi.org/10.1073/pnas.1617394114; Ricotta C. et al. "Assessing the influence of roads on fire ignition: Does land cover matter?" *Fire*. (2018) 1(2): 24. https://doi.org/10.3390/fire1020024; Syphard A.D. et al. "Predicting spatial patterns of fire on a southern California landscape" *International Journal of Wildland Fire*. (2008) 17(5): 602–613. https://doi.org/10.1071/WF07087. *See also* https://www.nifc.gov/fire-information/statistics/human-caused (last accessed 9/22/2026)

[132] Balch et al. 2017.

[133] *Id.*

[134] Syphard et al. 2008, Yang, J., et al., (2007). Spatial patterns of modern period human-caused fire occurrence in the Missouri Ozark Highlands. Forest Science. 53(1): 1-15., Narayanaraj, G. & Wimberly, M. (2012). Influences of forest roads on the spatial patterns of human- and lightning-caused wildfire ignitions. Applied Geography. 32. 878–888. 10.1016/j.apgeog.2011.09.004; Nagy, C. et al. (2018). Human-Related Ignitions Increase the Number of Large Wildfires across U.S. Ecoregions. Fire. 1. 4. 10.3390/fire1010004.

[135] Nagy et al., 2018.

[136] Balch et al., 2017.

occurring when fuel moisture is significantly higher than lightning-started fires.[137] Roaded areas create a distinct fire fuels profile which may influence ignition risk and burn severity.[138] Specifically, forest roads create linear gaps with reduced canopy cover, and increased solar radiation, temperature, and wind speed. Invasive weeds and grasses common along roadsides also create fine fuels that are highly combustible. These edge effects can change microclimates far into the forest.[139] Areas with few or no roads, such as Inventoried Roadless Areas have demonstrably fewer ignitions than roaded lands,[140] and increasing access through new road construction or expanding ORV use can be reasonably expected to increase fire ignitions.

c. Invasive species

The spread of noxious weeds is also associated with ORV use. The Forest Service provided the following explanation in its analysis of the Williams Ranger District Travel Management Project located on the Kaibab National Forest:

> Most new invasive exotic weed infestations have been found next to or near roads. Vehicles are the most common cause of weed introduction and spread. Road density, road locations, and the location of new ground disturbances can be used to predict the location and rate of spread of many invasive exotic weeds. Many exotic invasive weed seeds and plant parts are spread by muddy vehicle tires. A dense road network increases the risk that existing weeds will be spread further and that new weeds will be introduced.[141]

Researchers also note that "With knobby tires and large undercarriages, ORVs can unintentionally transport invasive non-native species deep into forestlands. For example, one study found that in a single trip on a 16.1 km (10 mi) course in Montana, an ORV dispersed 2,000 spotted knapweed (*Centaurea stoebe*) seeds (Montana State University 1992)."[142] The Forest Service must carefully consider how the proposed rule will affect the prevalence non-native, invasive plants.

d. Watersheds, Soils & Aquatic Resources

[137] Nagy et al. 2018.
[138] Narayanaraj and Wimberly 2012.
[139] *Id.*; *See also* Ricotta et al. 2018
[140] Aplet, Hartger, & Dietz 2026.
[141] USDA FS Kaibab National Forest Williams Ranger District Travel Management Project Environmental Assessment Noxious and Invasive Exotic Weeds Specialist Report at 5.
[142] Switalski & Jones, 2012.

Forest road networks have been shown to have detrimental effects on water and aquatic resources in forested landscapes.[143] "Many of these roads have been identified as causing significant impacts to streams and riparian systems through changes in hydrology, mass wasting and sediment delivery, and riparian degradation (Jones et al. 2000; Trombulak & Frissell 2000)."[144] The construction and presence of forest roads can change the hydrology and geomorphology of a forest system leading to reductions in the quantity and quality of aquatic habitat.[145] "Roads can affect natural sediment and hydrologic regimes by altering stream flow, sediment loading, sediment transport and deposition, channel morphology, channel stability, substrate composition, stream temperatures, water quality, and riparian conditions in a watershed (USDA FS 2000)."[146] In fact, roads contribute more sediment to streams than any other land management activities on Forest Service lands.[147] Surface erosion rates from roads can be up to three orders of magnitude greater than erosion rates from undisturbed forest soils.[148] Every time it rains, sediment from the road surface and from cut-and fill-slopes is picked up by rainwater that is then transported often via road ditches and culverts into streams. Closed roads produce significantly less sediment than open drivable roads.[149]

Roads on hillsides affect hydrographs (e.g., peak and base flows) by intercepting groundwater flow paths and diverting slowly-moving groundwater flow to surface quickflow that runs off rapidly in the wet season. Frissell (2026)[150] summarizes the effect on hydrographs and fish:

> Roads traversing hillslopes typically intercept groundwater flow paths, thus diverting slowly-moving groundwater flow to surface quickflow that runs off rapidly in the wet season (Wemple et al. 1996). More precipitation input is routed quickly to surface streams and discharged as high flood flows, and less precipitation enters the ground to be stored and released gradually through the year to sustain low summer base flows. By altering flow paths in this way, roads can cause headwater streams

[143] For a comprehensive discussion, *see* Ex. 10 - Frissell et al. (2026).
[144] Al-Chokhachy et al. "Linkages between unpaved forest roads and streambed sediment: why context matters in directing road restoration: Unpaved roads and streambed sediment linkages." Restoration Ecology. 24. (2016) at 1. 10.1111/rec.12365.
[145] Trombulak & Frissell 2000.
[146] U.S. Forest Service. 2024. *Gila National Forest Revised Forest Plan Final Environmental Impact Statement* at 312.
[147] U.S. Forest Service 2001a. *See also* U.S. Forest Service. 2011. *Watershed Condition Classification Technical Guide* at 27.
[148] Endicott, D. 2008. "National level assessment of water quality impairments related to forest roads and their prevention by best management practices." Environmental Protection Agency Great Lakes Environmental Center Office of Water, Traverse City, MI. https://www.regulations.gov/document/EPA-HQ-OW-2015-0668-0005.
[149] Sosa-Pérez, G. & MacDonald, L. (2017). Effects of closed roads, traffic, and road decommissioning on infiltration and sediment production: A comparative study using rainfall simulations. Catena. 159. 93-105. 10.1016/j.catena.2017.08.004.; Foltz, R.B. N.S. Copeland, and W.J. Elliot. 2009. Reopening abandoned forest roads in northern Idaho, USA: Quantification of runoff, sediment concentration, infiltration, and interrill erosion parameters. Journal of Environmental Management 90: 2542–2550.
[150] Ex. 10 - Frissell et al. (2026).

> that previously flowed year-around to become intermittently dry, reducing available fish habitat. The resultant loss of summer and fall streamflow can be compounded by increased road-related erosion and sediment accumulation that causes further loss of surface flow. Increased evapotranspiration demand by rapidly-growing forest plantations following logging (Perry and Jones 2017) further contributes to depletion of late summer streamflow. The cumulative effects of these hydrologic changes can be to degrade, eliminate or greatly diminish trout habitat and further hinder movement and migration in small streams. Such small headwater streams on federal lands are extremely important for survival and reproduction of many interior trout species nationwide (Colvin et al. 2019, Meyer et al. 2007, Adams et al. 2001), including brook trout, bull trout, cutthroat trout subspecies, redband trout, some rainbow trout populations, and steelhead such as those that reproduce in the interior Columbia River Basin and other semiarid forest ecoregions in California and elsewhere.

Roads also precipitate catastrophic failures of road beds and fills (mass wasting) during large storm events leading to substantial amounts of sediment moving into waterways.[151] This typically occurs when culverts are undersized and cannot handle the volume of water funneled through them, or they simply become plugged with debris and sediment. The saturated roadbed can fail entirely and result in a landslide, or the blocked stream crossing can erode the entire fill down to the original stream channel.

In addition, ORV use can degrade watershed, aquatic and soil conditions. The weight of ORVs compact soils and reduces water infiltration that increases surface runoff leading to higher rates of erosion and sedimentation, "which degrades water quality, buries fish eggs, and generally reduces the amount and quality of aquatic habitat (Newcombe and MacDonald 1991)."[152] ORV use on trails is a significant sediment source in streams, especially since trails often lack drainage features or bridges leading to vehicles driving directly through creeks.[153] These impacts are also compounded by the proliferation of user-created roads and trails. Because these non-system routes are not constructed to prevailing engineering, erosion control, and water protection standards, they are especially vulnerable to erosion and related harms and can contribute disproportionately to the deterioration of habitat.[154]

Soil compaction and disturbance also has the potential to affect soil biota, specifically mycorrhizae that serve an essential function in forest ecosystems. Study after study has

[151] U.S. Forest Service 2001a; *See also*, Endicott 2008.
[152] Switalski and Jones, 2012 at 14.
[153] *Id.* at 15.
[154] *See e.g.*, Ex. 10 - Frissell et al. (2026) at 9–10.

revealed that soil biota, particularly fungi that form symbioses with plant roots (mycorrhizae), provide a suite of ecosystem services that support the integrity and resiliency of natural and human communities, especially forests.[155] Mycorrhizae are known to reduce erosion and nutrient loss,[156] increase plant water use efficiency and water retention and cooling capacity in the landscape,[157] store carbon in the ground,[158] help plants adapt changes in climate,[159] and resist pests and pathogens.[160] The Forest Service must carefully consider how the proposed rule may affect mycorrhizae, mycorrhizal networks and the potential harm to these resources from increased road construction and particularly cross-country motorized use.

In the wintertime, OSVs can also negatively impact watershed conditions. Direct impacts on soil and vegetation from OSV use include retarded growth, erosion, and physical damage.[161] These impacts are exacerbated on steep slopes[162] or in areas with inadequate snow cover.[163] Soil compaction caused by OSV use can also increase soil density, reducing the permeability

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[155] Markovchick, Lisa M., et al. "The Gap between Mycorrhizal Science and Application: Existence, Origins, and Relevance during the United Nations Decade on Ecosystem Restoration." Restoration Ecology, vol. 31, no. 4, May 2023, p. e13866. DOI.org (Crossref), https://doi.org/10.1111/rec.13866 at 2.

[156] Burri, K., et al. "Mycorrhizal Fungi Protect The Soil From Wind Erosion: A Wind Tunnel Study." Land Degradation & Development, vol. 24, no. 4, July 2013, pp. 385–92. DOI.org (Crossref), https://doi.org/10.1002/ldr.1136.at 385-86; *See also* Mardhiah, Ulfah, et al. "Arbuscular Mycorrhizal Fungal Hyphae Reduce Soil Erosion by Surface Water Flow in a Greenhouse Experiment." Applied Soil Ecology, vol. 99, Mar. 2016, pp. 137–40. DOI.org (Crossref), https://doi.org/10.1016/j.apsoil.2015.11.027 at 137.

[157] Wu, Qiang-Sheng, and Ren-Xue Xia. "Arbuscular Mycorrhizal Fungi Influence Growth, Osmotic Adjustment and Photosynthesis of Citrus under Well-Watered and Water Stress Conditions." Journal of Plant Physiology, vol. 163, no. 4, Mar. 2006, pp. 417–25. DOI.org (Crossref), https://doi.org/10.1016/j.jplph.2005.04.024 at 423; Querejeta, J. I., et al. "Differential Modulation of Host Plant δ13 C and δ18 O by Native and Nonnative Arbuscular Mycorrhizal Fungi in a Semiarid Environment." New Phytologist, vol. 169, no. 2, Jan. 2006, pp. 379–87. DOI.org (Crossref), https://doi.org/10.1111/j.1469-8137.2005.01599.x at 385; Gehring C.A., et al. (2017) Tree genetics defines fungal partner communities that may confer drought tolerance. Proceedings of the National Academy of Sciences 114: 11169–11174. www.pnas.org/cgi/doi/10.1073/pnas.1704022114 at 11172-73.

[158] Orwin, Kate H., et al. "Organic Nutrient Uptake by Mycorrhizal Fungi Enhances Ecosystem Carbon Storage: A Model-Based Assessment: Organic Nutrient Uptake Enhances Soil C." Ecology Letters, vol. 14, no. 5, May 2011, pp. 493–502. DOI.org (Crossref), https://doi.org/10.1111/j.1461-0248.2011.01611.x at 493 & 500; Nautiyal, Prachi, et al. "Role of Glomalin in Soil Carbon Storage and Its Variation across Land Uses in Temperate Himalayan Regime." Biocatalysis and Agricultural Biotechnology, vol. 21, Sept. 2019, p. 101311. DOI.org (Crossref), https://doi.org/10.1016/j.bcab.2019.101311 at 101311.

[159] Gehring et al. at 11173 (2017). Patterson, Adair, et al. "Common Garden Experiments Disentangle Plant Genetic and Environmental Contributions to Ectomycorrhizal Fungal Community Structure." New Phytologist, vol. 221, no. 1, Jan. 2019, pp. 493–502. DOI.org (Crossref), https://doi.org/10.1111/nph.15352 at 499-500.

[160] Reddy BN, Raghavender CR, and Sreevani A. (2006) Approach for enhancing mycorrhiza - mediated disease resistance of tomato damping-off. Indian Phytopathology 59 at 299; Rinaudo, Valeria, et al. "Mycorrhizal Fungi Suppress Aggressive Agricultural Weeds." Plant and Soil, vol. 333, nos. 1–2, Aug. 2010, pp. 7–20. DOI.org (Crossref), https://doi.org/10.1007/s11104-009-0202-z at 16.

[161] Baker, E. and Bithmann, E. 2005. Snowmobiling in the Adirondack Park: Environmental and Social Impacts. St. Lawrence University, Department of Biology

[162] Olliff, T., K. Legg, and B. Kaeding, editors. 1999. Effects of winter recreation on wildlife of the Greater Yellowstone Area: a literature review and assessment. Report to the Greater Yellowstone Coordinating Committee. Yellowstone National Park, Wyoming at 120.

[163] Baker and Buthman (2005); Olliff and Kaeding. (1999).

of water and air and increasing erosion.[164] This erosion can lead to increased soil runoff resulting in sedimentation and turbidity in the immediate area and throughout the watershed.[165] Snow compaction caused by OSV use also affects soil, lowering soil temperatures and reducing the survival of plants and soil microbes.[166] Additionally, snowmobiles can alter snow and water chemistry. Snowmobiles with combustion engines (which accounts for most modern snowmobiles) emit polycyclic aromatic hydrocarbons (PAH), which are highly persistent in the environment and can readily accumulate in the snowpack, lakes, streams, and surface water. Many PAHs are considered carcinogens, mutagens, and teratogens and thus this class of chemical has significant implications for human health. McDaniel and Zielinska (2015) found that PAH loadings in snowpack were 8-20 times greater than background levels in areas with concentrated snowmobile traffic. Additionally, exhaust emissions and leaked fuels from OSV's can contaminate soils and local bodies of water, degrading the quality of these resources and affecting the biodiversity that depends on them.[167]

In sum, the presence and use of roads and motorized trails degrades watershed conditions by polluting waterways and altering hydrology, increasing erosion and sedimentation, which harms aquatic habitats and fisheries. OSV use likewise can cause similar effects, but given the propensity for large area designations, the impacts occur across large landscapes.

e. Vegetation

Vegetative removal and alteration has long been associated with road construction and motor vehicle use. During construction, vegetation is completely removed within the road's width, but the effects extend to the adjacent areas as well. "[A] road may be 30 feet wide, but it may influence an additional 80 feet of adjacent land because of disturbance during construction…"[168] In addition, "Roads change forest spatial patterns by slicing the forest into pieces, but they also establish new habitats within the forest matrix. This can affect plant species composition by changing soil and habitat properties, and by altering biotic interactions and population dynamics (Forman and Alexander, 1998, Trombulak and Frissell, 2000)."[169] Further, "[b]y displacing vegetation with bare ground or pavement, roads alter the temperature, humidity, amount of incoming solar radiation, light reflectance, and wind speed of the immediate area."[170]

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[164] Eisen, H et al. 2021. Environmental Impacts of Winter Recreation. Winter Wildlands.
[165] Olliff and Kaeding. (1999).
[166] Fassnacht, S.R. et al. (2018).
[167] *Sierra Snowmobile Foundation, et al. v. United States Forest Service, et al.,* No. 2:21-cv-01913-DJC-SCR, (United States District Court for the Eastern District of California, 2025).
[168] U.S. Forest Service, 2001a at 6.
[169] Avon C. et al. (2013). Management practices increase the impact of roads on plant communities in forests. Biological Conservation. 159. 24–31. 10.1016/j.biocon.2012.10.008.
[170] Coffin, A. et al., 2021.The Ecology Of Rural Roads: Effects, Management & Research. Issues in Ecology.

Motor vehicle use off of roads and trails directly harms vegetation. "Wilshire et al. (1978) first described the direct effects of ORVs on vegetation, such as crushing and uprooting of foliage and root systems, as well as the indirect effects caused by the concomitant erosion."[171] The Forest Service acknowledged the harmful effects in its analysis of the Cutster National Forest's Beartooth Travel Plan stating, "[d]irect impacts of vehicle activities on vegetation include reduced vegetation cover and growth rates, and increased potential for non-native and pioneering species to become established, thus altering vegetation communities."[172]

OSVs cause significant damage to vegetation through direct physical injury as well as indirectly through snow compaction. Snowmobiles riding over snow commonly lead to abrasion and breakage of seedlings, shrubs, and other exposed vegetation.[173] Snowmobile activity has also been shown to reduce plant growth (measured through stem height and abundance) with greater impacts at lower snow depths (less than 50cm).[174] Compaction from OSV use may also affect early spring germination and growth, seed dispersal, and may modify seed predation patterns by subnivian rodents.[175]

f. Air Quality

The Forest Service recognizes that summer motorized recreation and road use has the potential to negatively affect air quality, primarily through fugitive dust and air pollution, noting the following:

> Vehicle emissions include nitrogen oxides, volatile organic compounds, fine particulate matter (PM2.5), and carbon monoxide. These pollutants, particularly nitrogen oxides and volatile organic compounds, contribute to the formation of ozone in the atmosphere in the presence of sunlight.
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> Vehicle travel on roads and trails is a source of particulate matter, particularly on unpaved roads and trails. The amount of dust generated depends on the property of the soils, including the silt content and moisture levels, weather conditions at the time of use, road surface material, vehicle speeds, vehicle weights, and the amount of use (vehicle miles traveled). Fine particles (PM2.5) can remain airborne for long

[171] Switalski & Jones, 2012.
[172] U.S. Forest Service Custer National Forest, Beartooth District. (2008). Beartooth Travel Management Final EIS – Chapter 3 at 3-182
[173] Eisen, H. et al. (2021)
[174] Mullet, Timothy & Morton, John. (2020). Snowmobile effects on height and live stem abundance of wetland shrubs in south-central Alaska. Journal of Outdoor Recreation and Tourism. 10.1016/j.jort.2020.100347.
[175] Eisen, H. et al. (2021)

periods and travel hundreds of miles (EPA 2015). Larger particles (PM10) produce more localized and temporary impacts because they do not remain airborne as long as fine particles (EPA 2015).[176]

Wintertime OSV use also contributes to the degradation of air quality. The vast majority of OSV use on National Forest lands is by machines with two-stroke engines. One of these older snowmobiles can emit as many hydrocarbons and nitrogen oxides as 100 cars and release up to 1,000 times more carbon monoxide.[177] Starting in 2006, the EPA set emissions standards for snowmobiles to reduce engine emissions (primarily hydrocarbons and carbon monoxide).[178] However, these standards only lessen pollutants but do not eliminate them. In the early 2000s, a study on the Medicine-Bow National Forest found that air quality declines with increased snowmobile activity and is attributable to snowmobile exhaust.[179]

The TMR provides clear direction not to damage "other forest resources," when designating ORV use on trails and in areas, which includes air quality.[180] The Forest Service must carefully consider the potential environmental effects of removing or weakening this provision as it develops its proposed rule and supporting analysis.

g. Biodiversity and Wildlife

Biological diversity ("biodiversity") refers to the variety of life at all levels: genes, species, and ecosystems. It includes every lifeform from tiny, meltwater snowflies to threatened grizzly bears. Biodiversity underpins the ecosystem services to which our economy, food systems, water sources, and well-being are inextricably linked. As such, there is no common interest more widely shared and inclusive than healthy natural systems founded on thriving, native biodiversity.

Nature and humanity face a biodiversity crisis, which revision of the TMR will foreseeably worsen. Threats to the diversity of life on earth have been accelerating since the onset of the industrial revolution, with significant implications for society through a degradation of nature's benefits to people—from disease buffering to pollination.[181] The world's human population represents just 0.01% of all living creatures, but humanity has already

[176] U.S. Forest Service. 2018. Pike and San Isabel National Forests Public Motor Vehicle Use Environmental Impact Statement Air Quality and Climate Change Report Pike and San Isabel National Forests.
[177] Eisen, H. et al. 2021.
[178] McDaniel, M. and Zielinska, B. 2015.
[179] Musselman, R. and Korfmacher, J. 2007.
[180] 36 C.F.R. 212.55
[181] Díaz, S., et al. 2020. Set ambitious goals for biodiversity and sustainability. *Science,* 370(6515), 411-413 https://doi.org/10.1126/science.abe1530; Dinerstein, E., et al. (2019). A global deal for nature: Guiding principles, milestones, and targets. *Science Advances*, 5(4), eaaw2869 https://doi.org/10.1126/sciadv.aaw2869.

instigated the loss of over 80% of all wild mammals and half of plants.[182] We are witnessing extinction rates unprecedented in human history.[183] Global trends indicate that vertebrate populations are declining by 73% on average.[184] In the United States, 34% of our plants and 40% of our animals are at risk of extinction.[185]

Habitat loss and degradation is among the most significant contributors of these catastrophic species declines. The construction, presence and use of roads and motorized use "cause a wide variety of impacts on wildlife populations, including migration disruption, increased physical stress, direct habitat loss, and habitat fragmentation."[186] More specifically, these impacts occur through a number of mechanisms including: direct mortality (poaching, hunting/trapping), changes in movement and habitat-use patterns (disturbance/avoidance), as well as indirect impacts including altering adjacent habitat and interference with predator/prey relationships.[187] Some of these impacts result from the road itself, and some result from the uses on and around the roads (access). One major issue caused by road use is the resulting recreation noises, which causes major habitat avoidance, making habitat functionally unavailable to wildlife for long periods of time.[188] Impacts to species also occur at the landscape scale and are reflected in metrics such as increased fragmentation, reduced connectivity and more edge effects.[189] Studies show that

[182] Carrington, D. (2018). Humans just 0.01% of all life but have destroyed 83% of wild mammals–study. *The Guardian*, 21, 2018.
[183] Barnosky, A., et al. Has the Earth's sixth mass extinction already arrived?. *Nature* 471, 51–57 (2011). https://doi.org/10.1038/nature09678; Ceballos, G., Ehrlich, P. R., & Raven, P. H. (2020). Vertebrates on the brink as indicators of biological annihilation and the sixth mass extinction. *Proceedings of the National Academy of Sciences*, 117(24), 13596-13602 https://doi.org/10.1073/pnas.1922686117; De Vos, Jurriaan M., et al. "Estimating the Normal Background Rate of Species Extinction." *Conservation Biology*, vol. 29, no. 2, Apr. 2015, pp. 452–62, https://doi.org/10.1111/cobi.12380.
[184] WWF (2024) Living Planet Report 2024 – A System in Peril. WWF, Gland, Switzerland.
[185] NatureServe (2023) Biodiversity in Focus: United States Edition. Available from: https://www.natureserve.org/sites/default/files/NatureServe_BiodiversityInFocusReport_medium.pdf (last visited Feb. 27, 2026).
[186] USDA Forest Service. 2001. Roads Rule Final Environmental Assessment at 61; *See also:* Trombulak and Frissell, 2000.
[187] Coffin et al., 2007; Fahrig, L., and T. Rytwinski. 2009. "Effects of roads on animal abundance: an empirical review and synthesis." Ecology and Society 14(1): 21; Robinson et al. 2010; Rosa, Clarissa & Bager, Alex. (2013). "Review Of The Factors Underlying The Mechanisms And Effects Of Roads On Vertebrates." Oecologia Australis. 17. 6-19. 10.4257/oeco.2013.1701.02. Trombulak, S.C. and Frissell, C.A. (2000) "Review of Ecological Effects of Roads on Terrestrial and Aquatic Communities." Conservation Biology, 14, 18-30. http://dx.doi.org/10.1046/j.1523-1739.2000.99084.x; Daniell, Julia N. D., et al. "Experimentally Quantifying How Long Recreation Noise Displaces Mammals: Recovery over Weeks to Months Varies by Disturbance Type and Species Tolerance." Biological Conservation, vol. 323, Nov. 2026, p. 112084. DOI.org (Crossref), https://doi.org/10.1016/j.biocon.2026.112084.
[188] Daniell et al., 2026. H.E. Ware et al., *A phantom road experiment reveals traffic noise is an invisible source of habitat degradation*, 112 Proc. Natl. Acad. Sci. U.S.A, 12105-12109 (2015), https://doi.org/10.1073/pnas.1504710112.
[189] Fahrig and Rytwinski. 2009; Pocock, Z., & Lawrence, R. E. (2005). How far into a forest does the effect of a road extend? Defining road edge effect in eucalypt forests of South-Eastern Australia. *UC Davis: Road Ecology Center*. Retrieved from https://escholarship.org/uc/item/4q576877

roads reduce the abundance, diversity, and distribution of several forest species.[190] Notably, "[n]etworks of roads and trails fragment habitat, reduce patch size, increase the ratio of edge-to- interior, reduce habitat connectivity, and are a source of noise and other stimuli that can disturb wildlife."[191] The Forest Service must carefully consider these harmful effects as it develops its proposed rule and action alternatives, particularly in regards to at-risk species and wildlife that is particularly vulnerable to road construction and motorized use.

i. At-risk species

Road and motorized trail presence and use affects a range of species considered to be at-risk, including those threatened or endangered under the Endangered Species Act, as well as declining species that are not yet listed.[192] The Forest Service must carefully consider how the proposed rule may affect currently listed species, those being considered for listing, species of conservation concern and sensitive species.[193] Some listed species are particularly vulnerable to motorized disturbances and road construction, presence and use. Notably, grizzly bears, Canada lynx, wolverine,[194] spotted owls,[195] bull trout[196] and Chinook salmon[197] among numerous other species. For example, wolverines primarily give birth to their offspring in the middle of winter during the month of February. Biologists have suggested that human activity can be particularly disruptive for wolverine reproduction.[198] Studies on wolverines found that females are especially sensitive to disturbance, documenting female wolverines altering their movements and avoiding areas due to high

[190] *Id.;* Benítez-López et al. (2010). The impacts of roads and other infrastructure on mammal and bird populations: A meta-analysis. Biological Conservation. 143. 1307-1316. 10.1016/j.biocon.2010.02.009; Tamayo et al. (2014). Effects of roads on insects: a review. Biodiversity and Conservation. 24. 659-682. 10.1007/s10531-014-0831-2.

[191] U.S. Forest Service. 2015. Bitterroot National Forest Travel Management Planning Project Final Environmental Impact Statement at 3.5-8. (also noting, "Since a motorized rider can cover a much greater distance than a hiker, horseback rider, or mountain biker during a day, and the area disturbed extends further from the source for motorized vehicles due to noise, the disturbance zone created by an ATV or motorcycle rider is much larger than that created by any non-motorized recreationist." at 3.5-9).

[192] Robinson, C., et al. (2010), pp. 61–86, and Table 4.

[193] This includes the Regional Forester Sensitive Species (RFSS) as defined in Forest Service Manual Chapter 2670. Management of sensitive species must not result in a loss of viability or create significant trends toward federal listing. The Forest Service must disclose and carefully consider how the proposed rule will affect RFSSs through a Biological Evaluation.

[194] Heinemeyer et al. 2019. Wolverines in winter: indirect habitat loss and functional responses to backcountry recreation. Ecosphere 10(2):e02611. 10.1002/ecs2.2611

[195] Lesmeister, Damon B. et al. "Chapter 4: Northern spotted owl habitat and populations: status and threats." (2018).

[196] Dunham, J. B., and B. E. Rieman. "Metapopulation Structure of Bull Trout: Influences of Physical, Biotic, and Geometrical Landscape Characteristics." *Ecological Applications*, vol. 9, no. 2, May 1999, pp. 642–55. *DOI.org (Crossref)*, https://doi.org/10.1890/1051-0761(1999)009%5B0642:MSOBTI%5D2.0.CO;2 at 647; Isaak, Daniel J., et al. "Do Metapopulations and Management Matter for Relict Headwater Bull Trout Populations in a Warming Climate?" *Ecological Applications*, vol. 32, no. 5, July 2022, p. e2594. *DOI.org (Crossref)*, https://doi.org/10.1002/eap.2594 at pgs. 1, 8; Ex. 10 - Frissell et al. (2026) at 11–12.

[197] Czuba et al. Geomorphic analysis of the river response to sedimentation downstream of Mount Rainier, Washington: U.S. Geological Survey Open-File Report (2012) https://doi.org/10.3133/ofr20121242.

[198] Eisen, H. et al. (2021)

recreation use, and even moving kits and abandoning dens when human use occurred near the den.[199]

ii. Other species

In addition to the harmful effects roads and motorized disturbance have on threatened, endangered and sensitive species (i.e. at-risk), other wildlife are also particularly susceptible. In Arkansas and Oklahoma, the Forest Service analyzed designating summer ORV use on the Ouachita National Forest, and specifically considered effects on quail hunting opportunities, which was negatively affected by cross-country motorized travel.[200] Big game hunting occurs across numerous national forests, including elk hunting popular in many western states. "Research has found that increased motorized access results in decreased elk habitat and security, and increased elk mortality from hunter harvest both legal and illegal (Hayes et al. 2002, McCorquodale et al. 2003, see Rowland et al. 2005 for review)."[201] The Forest Service must disclose and carefully consider how the proposed rule will affect hunting opportunities across the country.

Further, OSV use also has impacts on other wildlife. For many species, winter is already a challenging season where food availability is scarce, food quality is low, and cold temperatures create considerable additional stress. Different species take different approaches to surviving winter, with some species hibernating while others migrate to areas with less snow. Winter recreation (motorized and human-powered) can increase wildlife stress, which can have significant consequences during the winter as many animals are working extra hard to survive. In particular, studies of observable wildlife responses to OSVs have found elevated heart rates, elevated glucocorticoid stress leaves, increased flight distance, habitat fragmentation, and community and population disturbance.[202]

In ungulates, there has been wide documentation that OSV activity causes physiological stress. A study in Minnesota found that even low intensity snowmobile activity impacted white-tailed deer, displacing deer from areas near OSV trails and increasing home range sizes.[203] Other ungulates, such as bighorn sheep and mountain goats, may be particularly susceptible to disturbance from winter recreation due to the more severe winter habitats they tend to occupy and more limited habitat.[204] Animals that are displaced from preferred habitat by OSV use may end up using lower quality habitat that has poorer food and hiding cover, making it more difficult to persevere through the winter.

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[199] Heinemeyer et al. 2019.
[200] USDA FS. 2009. Ouachita National Forest Environmental Assessment For Travel Management Project at 241.
[201] Switalski & Jones, 2012.
[202] Baker and Buthman (2005)
[203] Eisen, H. et al. (2021)
[204] Eisen, H. et al. (2021)

While OSV use affects wildlife distribution and habitat utilization above the snow surface, there are also animals that live underneath the snow. These subnivean mammals are able to remain active and alive during the winter by taking advantage of the snow's insulation. Snow compaction due to OSV activity greatly impacts the ability of small mammals to use the subnivean zone and can also lead to direct mortality. One study found a significant decline in small mammals following snowpack compaction.[205] Because small mammals are important dietary sources for other predator species such as hawks, owls, and foxes, ensuring these species can survive and thrive through the winter is important for the entire food chain.

3. The Forest Service must consider and evaluate social and cultural issues.

a. Public Safety

Public safety was among the major issues addressed when the Forest Service wrote the TMR in 2005 and accompanying directives in 2008. This topic takes many forms, from ensuring the Forest Service can maintain its road and trail network, to ensuring motor vehicle routes are constructed and maintained to standard, and addressing dangerous or potentially dangerous use conflict. While the TMR has not been perfect at addressing these issues, it has had a significantly positive impact in doing so.

Restricting motor vehicle use to a designated system of roads, trails and areas built and maintained to Forest Service standards reduces strain on local search and rescue teams. Although Forest Service's road and trail system suffers from a significant deferred maintenance backlog, the agency and volunteer partners are far more able to maintain a designated system of routes than they would be able to maintain, or keep track of, an ever-growing network of system and non-system routes. ORV recreationists using poorly maintained designated routes, unauthorized routes or traveling cross-country have greater likelihood of encountering dangerous conditions, getting injured, and requiring the assistance of Search and Rescue. And, if search and rescue teams must then also travel cross-country, or on poorly maintained roads or trails, or on non-system routes encountering these same dangerous conditions, these teams are placed at higher risk. Additionally, designating motorized use helps separate incompatible users, thereby minimizing safety concerns associated with incompatible use. Just as pedestrians and motor vehicles are generally separated in urban settings to minimize the possibility of

[205] Sanecki, G. et al. 2006. The implications of snow-based recreation for small mammals in the subnivean space in south-east Australia. Biological Conservation 129:511–518. https://www.sciencedirect.com/science/article/abs/pii/S0006320705005069

collisions, pedestrian and motor vehicle traffic are often incompatible in backcountry settings.

The DEIS must evaluate public safety under each of the alternatives utilizing quantifiable data. As part of this analysis, the Forest Service should examine how public safety–as quantified by search and rescue calls or other data–has improved, or not, following implementation of Subpart B or C travel plans under the current TMR.

b. Nonmotorized recreation and use conflict

By restricting motor vehicle use to designated roads, trails, and areas, the TMR establishes an invaluable framework for improving public safety, addressing conflict, and protecting natural resources. This "closed unless designated open" framework, paired with meaningful designation criteria, necessitates thoughtful consideration of where ORV or OSV use occurs, *before* resource damage or use conflict escalates or becomes irreversible. It helps communities, the Forest Service, and cooperating agencies be proactive, not reactive, in managing motor vehicle recreation on national forests.

Separating motorized and non-motorized uses when appropriate, or other means of minimizing use conflict, is an essential element of travel management planning.[206] As one recent literature survey of recreation conflict has noted, "conflict is most frequently understood as a result of goal interference among users, but it is also attributed to differences in social values, the subjective emotional state of the user, or sense of place."[207] There are many legitimate recreational uses of National Forest lands. However, the fundamental objectives and expectations (goals) for one legitimate use (e.g., solitude, quiet) are sometimes fundamentally incompatible with those of another legitimate use (speed, thrill). The survey authors continue: "[t]here is a wide range of possible interactions amongst recreational users and groups that can represent both positive and negative outcomes. Conflict occurs when the interaction leads to negative outcomes for at least some of the participants." Addressing and minimizing use conflict in travel management planning is integral to ensuring motorized recreation on National Forest lands occurs in a manner that is socially sustainable and contributes to quality access for all.

Over the decades, as demand for dispersed recreation has continued to grow on public lands, and as new forms of recreation and new technologies emerge, the potential for conflicts between the increasing variety of different recreational uses—not just between recreation and other public lands uses—has increased. The TMR gives local Forest Service

[206] Switalski and Jones, 2012 at 20.
[207] Marcouiller, D. et al. 2005. "Addressing recreation conflict: Providing a conceptual basis for management", https://dpla.wisc.edu/wp-content/uploads/sites/1021/2017/06/Introductoryfactsheetv6_0.pdf

line officers a critical tool for addressing potential or realized use conflict, offering a playbook through which to draft a travel plan while keeping decisions and processes local.

The DEIS must evaluate the impacts on recreation benefits and outcomes, including conflict, under each of the alternatives.

c. Reducing conflicts with populated areas

There are many populated areas—towns, rural residential areas, and/or concentrations of recreation residences—abutting or surrounded by National Forest lands. Compatibility of these populated areas with ORV use varies by location, by intensity of use, and, in some cases, by season. Currently, the TMR's "closed unless designated open" paradigm, coupled with the minimization criteria, gives communities and local line officers the ability to create travel management plans that fit the needs of local communities. The DEIS must evaluate conflict with populated areas under each of the alternatives.

d. Cultural and Heritage Resources

Motorized recreation has the potential to harm cultural properties and traditional values, specifically archeological, historic or architectural sites and/or a place of traditional cultural use.[208] In its analysis of the Rico-West Dolores Travel Management Plan, the Forest Service stated that:

> "Road and trail use can affect sites either directly or indirectly. Examples of direct effects are ground disturbance of surface of sub-surface deposits that would have otherwise remained intact. Indirect effects can be caused by erosion due to down-cutting in a road or trail surface that exposes site deposits (deflation), or by erosional movement of soil that covers an adjacent site (deposition) affecting future discovery and/or management."[209]

Notably, the agency also explained the benefits to heritage resources by designating specific roads and trails for ORV use:

> The restriction of motorized travel to designated routes (as opposed to open or unrestricted cross-country travel) would greatly reduce heritage resource damage by limiting the number of areas affected by routes, and by limiting access for vandals and looters into some sensitive areas. By changing management to designated routes only, there should be no increase in disturbance as can be caused by

[208] USDA FS. 2009. Environmental Assessment Rico-West Dolores Travel Management Plan at 39.
[209] *Id.* at 40.

> 'pioneered' or user-made trails or roads, and existing disturbances will have a chance to re-vegetate which will help to control erosion of sites. Implementation of any of the action alternatives would accomplish this.[210]

The TMR, by the Forest Service's own acknowledgement, provides a clear and effective mechanism to reduce threats to important cultural and heritage resources, and the travel planning process ensures forest staff consult with Tribes to make informed decisions toward this end.

The DEIS must evaluate impacts to cultural resources under each of the alternatives, and as the Forest Service develops the DEIS, it must consult with affected Tribal governments as explained below in Sec. VII.

D. The Forest Service must consider and evaluate the potential cumulative impacts of revising the TMR and other actions the federal government is pursuing related to federal forest management.

This proposed revision to the TMR is not occurring in a vacuum. The federal government is simultaneously dismantling many of the regulatory and procedural safeguards that have historically constrained the environmental harms of Forest Service decisions. Agencies must consider the "cumulative or synergistic environmental impact[s]" of their proposals.[211] Therefore, the Forest Service must disclose and analyze the collective potential impacts on the resources and values discussed above in the context of the following non-exhaustive list of policy changes and their potential intersection with the proposed TMR revision.

1. Roadless Area Conservation Rule

The USDA proposed to rescind the 2001 Roadless Rule on August 20, 2026, which broadly prohibits road construction, reconstruction, and timber harvesting within roughly 44.7 million acres of Inventoried Roadless Areas (IRA).[212] The rescission would eliminate the national-level restrictions, and management decisions would be reverted to local land management processes at the individual national forest level.[213]

Together with the proposed revision to the TMR, the Roadless Rule rescission is a one-two punch that would open national forest lands to new roads while simultaneously allowing

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[210] *Id.* at 41.
[211] *Kleppe v. Sierra Club*, 427 U.S. 390, 410 (1976).
[212] U.S. Dept. of Agriculture, Special Areas; Roadless Area Conservation, 91 Fed. Reg. 53827(Aug. 20, 2026).
[213] *Id.*

more motorized use across the national forest system. The Roadless Rule rescission would enable roadbuilding in areas where roads are currently generally prohibited, while the proposed revisions to the TMR would promote re-opening legacy roads (e.g., closed, partially decommissioned), and overall increase public presence, in IRAs. This greater public access can increase human-caused wildfire ignitions, disturb habitat, displace sensitive wildlife, and threaten watersheds, vegetation, and air quality, and lead to more unauthorized routes, and maintenance and enforcement burdens.

The Forest Service offers inconsistent rationales for the two deregulatory proposals. The Roadless Rule rescission is "intended to return primary authority" of management to the local level.[214] In doing so, the Forest Service argues that the "one-size-fits-all national mandate" fails to consider the unique social, economic, and ecological needs of communities.[215] The TMR revision NOI takes the opposite view, characterizing its proposal as a "uniform national policy," and a "national access policy." The two proposals create a tension where the TMR revision would allow access decisions to be dictated nationally, while local officials would gain flexibility to authorize and maintain roads.

Further, the two proposals create confusion and ambiguity regarding whether certain new roads would be open for public use. On the one hand, the Roadless Rule contemplates that roads could be constructed for a variety of administrative or multiple use benefits, but may still include restrictions on when, where, and how activities may be carried out.[216] On the other hand, the TMR revisions establish a presumption that these roads and other access routes will be open to the public unless closures are affirmatively justified. Thus, the Forest Service must analyze whether and how the TMR revision may authorize use of roads that the Roadless Rule proposal assumes would be closed – and the environmental consequences of that effect.

Finally, the NOI identifies an affirmative mandate to "consider new roads, trails, airfields, trailheads, and other access routes and points where appropriate to increase access." Because the Roadless Rule rescission would remove existing national restrictions on road construction in roadless areas, huge tracts of national forest land may become newly eligible for potential road-building under this provision. The Forest Service must evaluate whether this affirmative mandate thus facilitates construction of new roads and trails in areas currently protected by the Roadless Rule, thus increasing environmental harm caused by the two rules' synergistic effects.

[214] *Id.* at 53828.
[215] *Id.*
[216] *Id.* at 53829.

2. Endangered Species Act "Harm" Rescission

On July 14, 2026, the U.S. Fish and Wildlife Service and National Marine Fisheries Service rescinded the regulatory definition of "harm" within the broader definition of prohibited "taking" of endangered species under Section 9 of the ESA.[217] The rescinded definition had for decades clarified that "harm" in this context includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering."[218] The Services sought to justify this rescission by asserting that the ESA "take" prohibition, and the concept of "harm" in that context, applies only to affirmative acts directed immediately and intentionally against an individual member of a wildlife species, and thus excludes harms arising from destruction of a species' essential habitat.[219] This regulatory rescission has significant implications for the management of national forests containing endangered and threatened species, and these implications must be carefully considered, given that habitat modification, including that caused by road and motorized trail networks, is one of the primary ways that USFS decisions impact such species.

3. Engagement and Analysis Requirements

In early 2026, the Department of Agriculture finalized a new approach to NEPA; these revisions remove scoping requirements, omit public notice and comment for projects occurring under EAs and CEs, and diminish public engagement opportunities for projects occurring under EISs, among other changes.[220] In March 2026, the Forest Service also significantly revised its Section 218 regulations, limiting public comment timelines, page length, and substance, as well as truncating the objection process.[221] Additionally, the agency has adopted rafts of new CEs and is defaulting to "emergency" procedures and consultation on the projects that cannot be approved under CEs. In addition to these regulatory changes, the Forest Service is also getting rid of other important policy directives that might otherwise have influenced forest management for the better.[222] Separately, forthcoming proposed rollbacks to the National Historic Preservation Act Section 106 regulations would eliminate public input opportunities and curtail state and tribal consultation requirements.[223]

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[217] 91 Fed. Reg. 43300 (2026).U.S. Fish & Wildlife Serv. & Nat'l Marine Fisheries Serv., Rescinding the Definition of "Harm" Under the Endangered Species Act,
[218] 50 C.F.R. § 17.3.
[219] 91 Fed. Reg. at 43300–02.
[220] U.S. Dep't of Agric., National Environmental Policy Act, 91 Fed. Reg. 17062 (Apr. 3, 2026).
[221] See U.S. Dep't of Agric., Project-Level Predecisional Administrative Review Process, 91 Fed. Reg. 5387 (2026).
[222] *See e.g.*, Organization, Functions, and Procedures; Public Notice and Comment for Standards, Criteria, and Guidance Applicable to Forest Service Programs, 91 Fed. Reg. 39948 (July 1, 2026).
[223] *See* Ex. 14 - Amendments to the Implementing Regulations for Section 106 of the National Historic Preservation Act, ACHP, Pending EO12866 Regulatory Review (received July 28, 2026), https://www.reginfo.gov/public/do/eoDetails?rrid=1487665; ACHP Votes to Move Forward with Notice of Proposed

The proposed revisions to the TMR, including provisions that would allow exceptions to and changes in travel management decisions based on limited analysis and reduced public and Tribal engagement, must be evaluated alongside the concurrent changes to engagement requirements.

4. Expanded Use of Emergency Provisions

The Agriculture Secretary's April 3, 2025 Memorandum, "Increasing Timber Production and Designating an Emergency Situation on National Forest System Lands," specifically directed the Forest Service to expedite logging activities through, among other actions, use of "[e]mergency consultation to comply with the Endangered Species Act."[224] To implement that mandate, the Acting Associate Chief of the Forest Service sent a memo to Regional Foresters and Deputy Chiefs on that same date likewise directing "all Line Officers" to use emergency ESA authorities to increase national forest logging.[225] The emergency consultation process referenced in these directives allows agencies to implement projects before completing formal consultation with an expert federal wildlife agency under ESA Section 7, so long as such consultation is "initiated as soon as practicable after the emergency is under control."[226] When the alleged "emergency" underlying use of this procedure affects broad swaths of habitat for listed species, this standard becomes easily malleable to skirt applicable ESA requirements. Not surprisingly, then, local Forest Service officials are currently making aggressive use of this emergency consultation procedure to enable implementation of numerous national forest projects before completing the Section 7 formal consultation process that is designed to identify and mitigate impacts to ESA-listed species. As this continues, the result is a growing volume of projects and new road construction for projects proceeding within the National Forest System with minimal environmental analysis and reduced ESA consultation. The Forest Service must contemplate how increasing the scale and scope of projects in the National Forests will interact on the ground with the proposed rule for managing motorized use.

5. Agency Reorganization and Reduced Capacity

The Forest Service is also currently undergoing a substantial reorganization. In addition to concerns with the capacity and resources necessary to carry out successful travel management, as discussed above in Section V(c)(1), the reorganization may also have

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Rulemaking, Advisory Council on Historic Preservation (July 24, 2026), https://www.achp.gov/news/achp-votes-move-forward-notice-proposed-rulemaking.

[224] U.S. Dep't. of Agric., Secretary's Memorandum 1078-006: Increasing Timber Production and Designating an Emergency Situation on National Forest System Lands 4 (2025).

[225] Memo. from Christopher B. French to Regional Foresters and Deputy Chiefs, Implementation of Secretarial Memo 1078-006 (2025).

[226] 50 C.F.R. § 402.05(b).

substantive implications for overall ecological integrity and forest management that need to be considered in any future management framework.[227]

6. Increasing Opportunities for Development and Land Use Authorizations

This revision to the TMR is occurring alongside other administrative and legislative changes aimed at expanding development and consumptive uses of National Forest System lands, including increased mining, oil and gas leasing, and grazing permitting.[228] Increased authorizations of these uses is likely to compound the effects of any TMR alternative that increases motorized use, particularly where new or retained routes serve to facilitate these activities.

Taken together, the legal and procedural safeguards that have historically mitigated the environmental harms of significant Forest Service travel management decisions are being removed in parallel with the proposed TMR revision. In its subsequent analysis, the Forest Service must account for the cumulative and synergistic effects of these concurrent policy changes, rather than analyzing the proposed rule revision as an isolated action.

7. Forest Plan Revisions

In addition to the foregoing nationwide policy and administrative changes, the Forest Service is also actively revising or amending a number of its land management plans, including for the Tongass, Blue Mountains (Malheur, Umatilla, Wallowa-Whitman), Lolo, and Northwest Forest Plan-area Forests, among others. While these changes are not yet final, many involve weakened forest plan components that fail to protect natural and cultural resources from unmanaged motorized recreation and other stressors. Revising the TMR will have cumulative and synergistic effects on those national forests. The Forest Service must assess those effects in the forthcoming DEIS analyzing the consequences of the revised TMR.

E. Public participation

To meet NEPA's goal of informed public participation, the Forest Service must provide robust opportunities for the public and all stakeholders to provide meaningful public comment. The 30 days that the Forest Service is providing for comments on the NOI is

[227] *See e.g.*, *supra* Section III.D (discussing the existing Forest Service deferred maintenance backlog).
[228] See e.g., Locatable Minerals, Forest Service, 91 Fed. Reg. 8316 (Feb. 20, 2026); Oil and Gas Resources, Forest Service, 91 Fed. Reg. 3643 (Jan. 28, 2026); One Big Beautiful Bill Act, Pub. L. No. 119-21, § 50101, 139 Stat. 72, 137 (2025); *See also* Ex. 15 - A Plan to Fortify the American Beef Industry: Strengthening Ranches, Rebuilding Capacity, and Lowering Costs for Consumers ("Grazing Action Plan"), Dep't of Agric. & Dep't of Interior (Oct. 20, 2025).

insufficient for interested members of the public to have their voices heard at the early stages of this rulemaking.[229] By failing to provide adequate time for public comment, the Forest Service is reducing the possibility for receiving factual or scientific information that may improve its ultimate decisionmaking.

At the DEIS and proposed rule stage, the Forest Service should provide at least 90 days for public comment. Even if it believes that 30 days was sufficient for the NOI, the proposed rule and DEIS will present significantly more information, requiring significantly more time to respond.

VI. FS must comply with its consultation and other statutory obligations in this rulemaking.

In moving forward with this rulemaking process, the Forest Service must ensure that it is complying with all of its requisite statutory and consultation requirements. In addition, because the TMR works in tandem with numerous statutes to support those statutory obligations, this potentially significant revision of the TMR puts compliance with those statutes in jeopardy. The Forest Service must ensure that it adequately grapples with all relevant statutes in its rulemaking to ensure its continued compliance with them.

A. The Forest Service must comply with Section 7 of the Endangered Species Act.

The Forest Service must comply with its obligations under Section 7 of the Endangered Species Act (ESA), including consultation with the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service ("the Services") to ensure that its proposed rule is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of critical habitat. The Forest Service must ensure that its proposed rule is consistent with the ESA and engage in required consultation to protect listed species. Congress enacted the ESA to establish a "program" and a "means" of conserving endangered and threatened species and the ecosystems on which they depend.[230] The statute, which recognizes the "incalculable" value of these species, "represent[s] the most comprehensive legislation for the preservation of endangered species ever enacted by any nation."[231] The ESA has a proven track record of bringing imperiled species back from the brink. Some 95-99% of the species ever protected under the Act still exist today. This includes successfully recovered species, like our national symbol, the bald eagle.

Section 7 of the ESA directs federal agencies, including USFS, to affirmatively take action to conserve listed species, and requires consultation with expert wildlife agencies to ensure that federal actions are not likely to jeopardize species or adversely modify their critical

[229] *See* 42 U.S.C. §§ 4332, 4336a(c).
[230] 16 U.S.C. § 1531(b).
[231] *Tenn. Valley Auth. v. Hill*, 437 U.S. 153, 180, 187–88 (1978).

habitat.[232] Under Section 7 of the ESA, each federal agency, in consultation with the Services, must insure that any action authorized, funded, or carried out by the agency is not likely to (1) jeopardize the continued existence of any threatened or endangered species or (2) result in the destruction or adverse modification of the critical habitat of such species.[233] The procedural mechanism for ensuring this substantive duty is fulfilled is a Section 7(a)(2) consultation with the appropriate wildlife agency on any agency "action" that "may affect" listed species or designated critical habitat.

To begin the consultation process, the action agency must contact the appropriate wildlife agency (FWS and/or NMFS) to determine if listed species or critical habitat "may be present" in the area affected by the proposed action.[234] "Action area" is defined by regulation to include "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action."[235]

Further, once consultation has been initiated, Section 7(d) of the ESA prohibits the action agency from making any "irreversible or irretrievable commitment of resources" that would foreclose modifying the action to avoid jeopardy or adverse modification.[236] This provision "clarifies the requirements of section 7(a), ensuring that the status quo will be maintained during the consultation process."[237]

Section 7(a)(1) of the ESA, codified at 16 U.S.C. § 1536(a)(1), provides that the Secretary of the Interior shall review other programs administered by him and utilize such programs in furtherance of the purposes of the Act, and that all other federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of the Act by carrying out programs for the conservation of endangered and threatened species. Under Section 3(3) of the Act, codified at 16 U.S.C. § 1532(3), conservation is defined as the use of all methods and procedures necessary to bring any endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. As the Fifth Circuit explained in *Sierra Club v. Glickman*, 156 F.3d 606, 616 (5th Cir. 1998), Section 7(a)(1) imposes an affirmative, recovery-oriented duty on each federal agency to conserve listed species, creating a substantive statutory command distinct from, and more demanding than, Section 7(a)(2)'s negative prohibition against taking actions likely to jeopardize listed species or adversely modify their critical habitat.

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[232] 16 U.S.C. § 1536(a)(1), (2).
[233] 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402.14(a); *see also Lane Cty. Audubon Soc. v. Jamison*, 958 F.2d 290 (9th Cir. 1992).
[234] 16 U.S.C. § 1536(c)(1); *see also, e.g.*, *Forest Guardians v. Johanns*, 450 F.3d 455, 457 (9th Cir. 2006).
[235] 50 C.F.R. § 402.02.
[236] 16 U.S.C. § 1536(d).
[237] *Conner v. Burford*, 848 F.2d 1441, 1405 n.34 (9th Cir. 1988).

The changes contemplated in the NOI could profoundly affect endangered and threatened species and critical habitat both directly and indirectly. The NOI applies to the entire National Forest System of which roughly 27.9 million acres is designated as critical habitat and is utilized by or affects at least 470 listed species, some of which are sensitive to excessive noise, disturbance, and habitat fragmentation and degradation.[238]

B. The Forest Service must comply with NFMA.

The FS proposed changes may undermine NFMA compliance by, among other things, harming numerous forest resources. The TMR facilitates the Forest Service's compliance with the NFMA. NFMA speaks directly to motorized transportation on national forestlands and invokes Congress' intent regarding the nature of the transportation system:

> The Congress declares that the installation of a proper system of transportation to service the National Forest System . . . shall be carried forward in time to meet anticipated needs on an economical and environmentally sound basis, and the method chosen for financing the construction and maintenance of the transportation system should be such as to enhance local, regional, and national benefits....[239]

The TMR, in part, addresses congressional intent that the road system on national forestlands be constructed and maintained in "an economically and environmentally sound basis" that provides "local, regional, and national benefits." Weakening the TMR thus leaves a void that is inconsistent with congressional intent.

NFMA also requires the Forest Service to promulgate regulations implementing the statute. 16 U.S.C. § 1604(g). Those regulations must address numerous issues, including (among others) the development and revision of forest plans; facilitation of "outdoor recreation (including wilderness), range, timber, watershed, wildlife, and fish"; "plant and animal communities"; and protections for "soil, slope, or other watershed conditions" and "streams, streambanks, shorelines, lakes, wetlands, and other bodies of water." *Id.* at §§ 1604(g)(2)(C)--(E). All of these statutory requirements implicate the transportation system on the National Forest System and limit the Forest Service's discretion in attempting to weaken the TMR.

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[238] *See* Ex. 16 - *Tackling the Extinction Crisis: Increasing Appropriations to the U.S. Forest Service and Bureau of Land Management to Save Endangered Wildlife*, Defenders of Wildlife Report (2022); U.S. Fish and Wildlife Service (USFWS). 2026. *Critical Habitat for Threatened & Endangered Species*. U.S. Fish and Wildlife Service Environmental Conservation Online System (ECOS). Available online: https://ecos.fws.gov/ecp/report/table/critical-habitat.html.

[239] 16 U.S.C. § 1608(a) ("National Forest Transportation System").

NFMA also requires the development of land and resource management plans (forest plans).[240] These plans must "provide for multiple use and sustained yield of the products and services obtained therefrom in accordance with the Multiple-Use Sustained-Yield Act of 1960 [MUSYA] . . . includ[ing] coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness," 16 U.S.C. § 1604(e)(1), as well as to "determine forest management systems, harvesting levels, and procedures in the light of all of the [multiple] uses," *id.* at § 1604(e)(2), enumerated in NFMA and MUSYA.

The Forest Service must also comply—and explain its compliance—with all regulatory provisions that implement NFMA. For example, the proposed weakening of the TMR will have numerous harmful effects on wildlife.[241] These effects interfere with NFMA's mandate that the Forest Service, through its forest plans, maintain and restore healthy ecological conditions[242] and ensure viable populations of species of conservation concern[243], or, in the case of units with land management plans developed under the 1982 planning rule, ensure that Forest Service actions do not contribute to the loss of viable populations of any Regional Forester sensitive species and not create significant trends toward federal listing.[244] Similarly, the proposed rule will adversely affect the ability to adequately maintain infrastructure, address maintenance backlogs, and adequately manage expanded recreational access and ensuing resource impacts.[245] This interferes with NFMA's requirement to not make decisions that will exceed the fiscal capability of the unit.[246]

The Forest Service must explain how weakening the TMR complies with this and all other regulatory obligations, in addition to explaining compliance with NFMA itself.

C. The proposed changes require NHPA and Tribal consultation.

The National Historic Preservation Act of 1966 (NHPA)[247] provides for enhanced consideration of potential impacts to historic, architectural, and archeological resource values through a cooperative federal-state program. The TMR acts complementarily with the NHPA by contributing to the protection of historic and cultural resources from ORV damage on federal lands.

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[240] *See* section V.D.7 above.
[241] *See* V.C.2.g above.
[242] 36 CFR 219. 8(1-3).
[243] 36 CFR 219.9
[244] U.S. Forest Serv., Forest Service Manual 2600, Wildlife, Fish and Sensitive Plant Habitat Management Ch. 2670 (Sept. 23, 2005), https://www.usda.gov/sites/default/files/guidance-documents/ForestService.Manual%202600%202670-71%20Threatened%20Endangered%20and%20Sensitive%20Plants%20and%20Animals.pdf.
[245] *See* Sections V.C.1.
[246] 36 CFR § 219.1(g).
[247] 16 U.S.C. § 470 et seq.

Indiscriminate motor vehicle use can have considerable adverse effects to historic and cultural resources. As noted in these comments, the regulatory framework of the TMR helps reduce potential conflicts between ORV use and the protection of archaeological resources.

Amending the TMR requires NHPA Section 106 consideration and consultation. Section 106 of the NHPA provides that agencies "shall take into account the effect of [an] undertaking on any historic property" and "shall afford the [Advisory Council on Historic Preservation] a reasonable opportunity to comment with regard to the undertaking."[248] The NHPA requires that, in carrying out its responsibilities under the Section 106 review process, a federal agency must "consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance" to historic properties that may be affected by the agency's undertakings.[249] An "undertaking" is defined as "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval,"[250] which courts have interpreted to mean that only a Federal permit, license or approval is required.[251]

Here, given the protection that the TMR affords to historic and cultural resources and the ensuing adverse effects that the proposed weakening could have, the agency must "develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate [those] adverse effects on historic properties."[252]

The Forest Service's requirement to engage in adequate consultation with Tribal Nations extends beyond its NHPA obligations. Federal agencies are required to consult with Tribes regarding any policies with Tribal implications based on the United States' government-to-government relationship with Tribal Nations, as well as to fulfill the United States' treaty obligations and trust responsibility to Tribal Nations.[253] The consultation must be meaningful, and it must take place "early in the process of developing the proposed

[248] 54 U.S.C. § 306108.
[249] 54 U.S.C. § 302706(b).
[250] 36 CFR § 800.16(y).
[251] *United Keetoowah Band of Cherokee Indians in Oklahoma v. Fed. Commc'ns Comm'n*, 933 F.3d 728, 734 (D.C. Cir. 2019) (quoting *CTIA-Wireless Ass'n v. FCC*, 466 F.3d 105, 112 (D.C. Cir. 2006)).
[252] 36 C.F.R. § 800.6(a); *Tohono O'odham Nation v. U.S. Dep't of the Interior*, 138 F.4th 1189, 1194 (9th Cir. 2025) (noting that NHPA Section 106 applies where "an undertaking . . . will have adverse effects on historic properties"). The fact that the relevant action is a repeal is immaterial, because a repeal can constitute an action for purposes of the NHPA. *See Sac & Fox Nation of Mo. v. Norton*, 240 F.3d 1250, 1263 (10th Cir. 2001) ("Because of the operational similarity between the two statutes, courts generally treat 'major federal actions' under the NEPA as closely analogous to 'federal undertakings' under the NHPA.); *California ex rel. Lockyer v. U.S. Dep't of Agric.*, 575 F.3d 999, 1018 (9th Cir. 2009) (holding that repeal of the Roadless Rule constituted a major federal action for purposes of NEPA).
[253] These obligations are codified in Executive Order 13175. 65 Fed. Reg. 67,249 (Nov. 9, 2000).

regulation."[254] Consultation with all Tribal Nations is also required, as a matter of right, under the United Nations Declaration on the Rights of Indigenous Peoples.[255]

The proposed revision of the TMR could affect Tribal Nations due to increased risk of vandalism and looting; resource damage to culturally and spiritually significant sites and/or landscapes; trampling and over-harvesting of medicinal plants and first foods; noxious weed dispersal and habitat damage; disruption of ceremonies and solitude; and increased disturbance to wildlife. Accordingly, the Forest Service has an obligation to consult meaningfully with Tribal Nations, as well as to adhere to all applicable treaties, agreements, rules, regulations, and laws.

D. The Forest Service must comply with the Clean Water Act.

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The Forest Service is obligated to comply with all procedural and substantive requirements of the CWA.[256] In practice, however, the agency already lacks the resources to comply with the minimum requirements of the CWA across the Forest Service's vast and under-maintained existing road system,[257] over 80% of which is unpaved.[258]

The TMR complements the statutory obligations of the CWA by requiring that the Forest Service minimize damage to soil and watersheds when designating areas or trails available for ORV and OSV use.[259] The Environmental Assessment and Record of Decision for the 2001 Road Management Policy (Subpart A of the TMR) concluded that this policy would "result in additional protection of watersheds"[260] and was overall "likely to result in better water and air quality."[261] More recent travel planning decisions have affirmed that the TMR

[254] 65 Fed. Reg. at 67,250.
[255] *See* UN Declaration on the Rights of Indigenous Peoples, G.A . Res. 61/295, U.N. Doc. A/RES/61/295, art. 19 (Sept. 2007).
[256] 33 U.S.C. § 1323.
[257] *See* Ex. 17 – Natural Resource Defense Council (NRDC) et al, *Comments on Notice of Intent to Prepare an Environmental Impact Statement and Initiate a Rulemaking on the Roadless Area Conservation Rule*, (Sept. 19, 2025), Docket No. FS-2025-0001, https://www.regulations.gov/comment/FS-2025-0001-203802. We incorporate by reference NRDC et al.'s comments and all references therein.
[258] U.S. Forest Serv., FS-905, National Forest System Statistics—Fiscal Year 2024 (2025), https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/FY24-forest-system-stats.pdf (last visited Nov. 24, 2025).
[259] 36 CFR § 212.55 (b)(1); 36 CFR § 212.81(d).
[260] U.S. Forest Service (2001). Road Management Policy Of January 2001 Finding Of No Significant Impact, pg. 4.
[261] U.S. Forest Service (2001). National Forest System Road Management Strategy Environmental Assessment and Civil Rights Impact Analysis, at E19.

and associated Travel Management Plans contribute to improving conditions of State-listed impaired streams on National Forest System lands.[262]

The existing road network has a significant impact on water quality through both catastrophic and chronic sources of water pollution, primarily from sediment.[263] Roads are the dominant source of sediment from forest management activities[264] and sediment is a leading source of water quality impairment to rivers and streams nationwide.[265]

Likewise, motorized use can be a significant source of pollution reaching the surrounding waterways.[266] A recent investigation on ORV use in the central Rocky Mountains concluded that many headwater streams that contribute to municipal water supplies may be at risk where high clearance roads allow public ORV use.[267] Another study from the Chattahoochee-Oconee National Forest in Georgia compared streamflow, turbidity, and sediment discharge in two forested watersheds that were similar in all aspects, except one watershed had ORV trails and the other did not.[268] Researchers found that the suspended sediment concentration (or "total suspended solids," TSS) and turbidity were greater in the watershed containing the ORV trail system. Both turbidity and TSS increased after the ORV trails were opened for the season in the ORV watershed. TSS increased by 7-fold in the ORV watershed compared to when the trails were closed, while a significant increase was not detected in the reference watershed.[269] This study demonstrates a significant and direct relationship between management of ORV trails and water quality.

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[262] *See*, *e.g.*, U.S. Forest Service (2011). Record of Decision, White River National Forest Travel Management Plan, at 25,https://www.fs.usda.gov/r02/whiteriver/planning/white-river-national-forest-travel-management-plan.
[263] *See*, e.g., Boston, K. (2016). The potential effects of forest roads on the environment and mitigating their impacts. *Current Forestry Reports*, 2(4), 215-222, https://doi.org/10.1007/s40725-016-0044-x; Al‐Chokhachy, R., et al. (2016). Linkages between unpaved forest roads and streambed sediment: why context matters in directing road restoration. *Restoration Ecology*, 24(5), 589-598, https://doi.org/10.1111/rec.12365.
[264] The Forest Service's Watershed Condition Classification Guide states that "[r]oads affect watershed condition because more sediment is contributed to streams from roads and road construction than any other land management activity" (emphasis added). *See* U.S. Forest Service 2011 at 27. *Also see*, U.S. Environmental Protection Agency (2005). National Management Measures to Control Nonpoint Source Pollution from Forestry at 2-4, https://www.epa.gov/sites/default/files/2015-10/documents/ch2.pdf.
[265] U.S. Environmental Protection Agency (2017). National Water Quality Inventory: Report to Congress. https://www.epa.gov/sites/default/files/2017-12/documents/305brtc_finalowow_08302017.pdf.
[266] *See*, *e.g.*, Ayala, R.D., et al. (2005). Modeling sediment transport from an off-road vehicle trail stream crossing using WEPP model. 2005 ASAE Annual International Meeting. American Society of Agricultural and Biological Engineers, St. Joseph, MI, pp. 1–10, https://www.srs.fs.usda.gov/pubs/ja/ja_ayala002.pdf; Marion, D. A., et al. (2014). Stream channel responses and soil loss at off-highway vehicle stream crossings in the Ouachita National Forest. Geomorphology, 216, 40-52. https://doi.org/10.1016/j.geomorph.2014.03.034.
[267] Fairchild, M. P., et al. (2025). Off‐Highway Vehicle Use Degrades a Mountain Stream: A Case Study Evaluating Recreation Impacts, Restoration Efficacy, and Assessing Vulnerability of Headwater Streams in the Central Rocky Mountains. *River Research and Applications*, *41*(5), 1044-1057 https://doi.org/10.1002/rra.4433.
[268] Miniat, C. F., Clinton, P. P., & Everage, L. K. (2019). The effects of off-highway vehicle trails and use on stream water quality in the north fork of the broad river. *Transactions of the ASABE*, 62(2), 539–48, https://doi.org/10.13031/trans.13098.
[269] *Id.*

Similarly, a study from the Pike-San Isabel National Forest in Colorado found that sediment production from ORV trails was an average of six times higher per unit surface area compared to native-surface forest roads.[270] This greater sediment delivery from the ORV trails was because of "the lack of design standards for ORV trails at the time of their construction," leading to more ORV trails in valley bottoms.[271] The TMR helps prevent these issues by requiring that agencies apply and implement the "minimization criteria"[272] when the agency designates each area or trail.

The NOI's proposed changes will increase total motorized vehicle use in our national forests, enable motor vehicle use in areas that did not previously have it, and incentivize more user-created, unplanned roads and trails. Removing the requirement to minimize damage to soil and watersheds will undermine efforts to reduce harm to those watersheds. All of those consequences will increase pollution to our water, which implicates legal duties under the Clean Water Act.

E. The Forest Service must comply with the Clean Air Act.

The Clean Air Act (CAA) is the comprehensive federal law that regulates air emissions from stationary and mobile sources, including motor vehicles. Along with other air quality acts, the CAA authorizes the U.S. Environmental Protection Agency to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. The TMR complements the statutory obligations of the CAA by minimizing damage to air resources when designating areas or trails available for ORV and OSV use. The Record of Decision for the 2001 Road Management Policy (Subpart A of the TMR) concluded that the policy would have long-term beneficial effects on air quality,[273] primarily by directing increased road decommissioning and by reconstructing roads previously maintained below standard.[274]

One effect of Subpart A of the TMR, which directs toward the minimum road system, is reduced probability of human-ignited fires.[275] As described further above in Section V.C.2.b, human-caused fires dominate natural-caused ones, and roads demonstrably increase fire

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[270] Welsh, M.J. (2008). Sediment production and delivery from forest roads and off-highway vehicle trails in the upper South Platte River watershed, Colorado. (M.S. thesis) Colorado State University, Fort Collins, CO. https://www.nrel.colostate.edu/assets/nrel_files/labs/macdonald-lab/dissertations/Welsh-2008-thesis.pdf.
[271] *Id.* at 150–51.
[272] Exec. Order No. 11644, § 1, 37 Fed. Reg. 2877 (Feb. 8, 1972), as amended by Exec. Order No. 11989, 42 Fed. Reg. 26,959 (May 24, 1977).
[273] U.S. Forest Service (2001). *Road Management Policy Of January 2001 Finding Of No Significant Impact*, at 3–4.
[274] U.S. Forest Service (2001). *National Forest System Road Management Strategy Environmental Assessment and Civil Rights Impact Analysis*, at E18-E19.
[275] *Id.* at 46.

ignitions.[276] While wildland fire is an essential ecological process, wildfires are also a significant source of fine particulate matter (diameter <2.5 μm; $PM_{2.5}$). $PM_{2.5}$ is a health hazard subject to the CAA's NAAQS. Wildland fires frequently cause large exceedances of the PM2.5 daily standard, as well as other pollutants such as ozone (O_3) that are more challenging to document.[277] A significant portion of wildfire emissions are due to anthropogenic factors including climate change and human-started ignitions.[278] As one study concludes, "[t]he ability of U.S. forests to continue to provide clean air is potentially threatened by climate change and associated increases in extreme weather events and wildfire."[279] Human land use and ignitions, including how the travel system is managed, are an integral piece of the interactive climate–wildfire–air quality system.[280]

Subparts B and C of the TMR also contribute to airshed protection by preventing unmanaged off-road and over-snow vehicle use. ORVs and OSVs are a significant source of air pollution nationwide, with very high emission rates on an individual basis.[281] A two-stroke snowmobile, for example, can emit as much hydrocarbons and nitrogen oxides as 100 cars and create up to 1,000 times more carbon monoxide.[282] While technological advances have produced cleaner four-stroke engines (and even zero emission electric snowmobile prototypes), the vast majority of snowmobiles still use highly polluting two-stroke engine technology. Two-stroke engines emit dangerous levels of airborne toxins including nitrogen oxides, carbon monoxide, ozone, aldehydes, butadiene, benzenes, and others.[283] Concerns over human health related to snowmobile emissions have led to

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[276] Aplet, G. et al., "Three-decade record of contiguous-U.S. national forest wildfires indicates increased density of ignitions near roads." *Fire Ecology* 22, 8 (2026), https://doi.org/10.1186/s42408-026-00450-2; Balch, J.K. et al., "Human-started wildfires expand the fire niche across the United States." *Proceedings of the National Academy of Sciences* (2017) 11(114): 2946–51, https://doi.org/10.1073/pnas.1617394114; Ricotta, C. et al. "Assessing the influence of roads on fire ignition: Does land cover matter?" Fire (2018) 1(2): 24. https://doi.org/10.3390/fire1020024; Romero-Calcerrada, R. et al. "GIS analysis of spatial patterns of human-caused wildfire ignition risk in the SW of Madrid (Central Spain)." *Landscape Ecology* (2008) 23: 341–54. https://doi.org/10.1007/s10980-008-9190-2; Syphard, A.D. et al. "Predicting spatial patterns of fire on a southern California landscape." *International Journal of Wildland Fire* (2008) 17(5): 602–13.

[277] Jaffe, D. A., et al. (2020). Wildfire and prescribed burning impacts on air quality in the United States. *Journal of the Air & Waste Management Association*, *70*(6), 583-615 https://doi.org/10.1080/10962247.2020.1749731.

[278] McClure, C. D., & Jaffe, D. A. (2018). US particulate matter air quality improves except in wildfire-prone areas. *Proceedings of the National Academy of Sciences*, *115*(31), 7901–06 https://doi.org/10.1073/pnas.1804353115.

[279] Jaffe, D. A., et al. (2020), supra, at 611.

[280] Stavros, E. N., et al. (2014). The climate–wildfire–air quality system: interactions and feedbacks across spatial and temporal scales. *Wiley Interdisciplinary Reviews: Climate Change*, *5*(6), 719–33 https://doi.org/10.1002/wcc.303.

[281] Environmental Protection Agency (2002). Environmental Impacts of Newly Regulated Non-road Engines:Frequently Asked Questions. Office of Transportation and Air Quality. https://nepis.epa.gov/Exe/ZyPDF.cgi/P1009Z04.PDF?Dockey=P1009Z04.PDF.

[282] *Id.* at 2. For a more comprehensive review of TMR subpart C benefits to air quality, *also see* Winter Wildlands Alliance et al., Petition to Amend the 2005 Travel Management Rule by Removing the Over-Snow Vehicle Exemption and Remedying the Discretionary Management of Over-Snow Vehicles on National Forest Lands, Aug. 2010, Appendix C Environmental Impacts From Over-Snow Vehicle Use, at 2-6.

[283] Environmental Protection Agency (2002), supra.

extensive research on snowmobile pollution in Yellowstone National Park.[284] Conclusions from these studies led to a ban of older technology two-stroke engines in the Park's Winter Use Plan.[285] Travel management planning can therefore help reduce local air quality impacts.

Another form of air pollution produced by ORVs is fugitive dust. Fugitive dust is composed primarily of soil minerals with particulate material sizes lower than 10 μm (PM10), a health hazard subject to the CAA's NAAQS.[286] Nationally, about 35% of PM10 comes from unpaved roads.[287] During dry conditions, traffic on unpaved roads can generate copious quantities of fugitive dust, with health, safety, and environmental impacts.[288] One of the objectives of the TMR is to help avoid and mitigate such impacts.[289] For example, the Travel Analysis Process for the Sandia Ranger District on the Cibola National Forest concluded that increased motor vehicle use and proliferation of unauthorized routes on the District led to increased complaints by adjacent landowners about fugitive dust.[290] This prompted the Forest Service to coordinate with the Bernalillo County Air Quality Control Board on fugitive dust control regulations when identifying the designated motorized route system.[291] In this way, the TMR aids cooperative travel planning to minimize user conflicts and air pollution.

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[284] *See*, *e.g.*, USDI National Park Service (NPS). (2000). Air Quality Concerns Related to Snowmobile Usage in National Parks. Washington, D.C.: Feb. 2000. 22. https://npshistory.com/publications/air-quality/snowmobile-air-quality.pdf; Bishop, G.A., et al. (2001). Snowmobile contributions to mobile source emissions in Yellowstone National Park. Environmental Science and Technology 35: 2874–81. https://doi.org/10.1021/es010513l; Kado, N.Y., et al. (2001). Environmental and Occupational Exposure to Toxic Air Pollutants from Winter Snowmobile Use in Yellowstone National Park. Prepared for the Yellowstone Park Foundation and National Park Service. 152.; Janssem, S., and T. Schettler (2003) Health Implications of Snowmobile use in Yellowstone National Park. 27. https://npshistory.com/publications/yell/snowmobile-health-implications-2003.pdf; Bishop, G. A., et al. (2006). Winter motor-vehicle emissions in Yellowstone National Park. Environmental Science and Technology 40(8): 2505-2510 https://doi.org/10.1021/es0626685; Bishop, G. A., et al. (2009). Portable emission measurements of Yellowstone Park snowcoaches and snowmobiles. Journal of the Air & Waste Management Association, 59(8), 936–42 https://doi.org/10.3155/1047-3289.59.8.936; Ray, J. D. (2010). Winter Air Quality in Yellowstone National Park: 2009-2010, Natural Resource Technical Report. National Park Service, Fort Collins, Colorado. https://www.snowmobileinfo.org/snowmobile-access-docs/Winterair-quality-Yellowstone-2009-2011.pdf; Zhou, Y., D. et al. (2010). Air toxic emissions from snowmobiles in Yellowstone National Park. Environmental Science and Technology 44(1): 222-228 https://doi.org/10.1021/es9018578.

[285] USDI National Park Service (NPS) (2013). Yellowstone National Park Winter Use Plan, Supplemental Environmental Impact Statement February 2013. Yellowstone National Park, WY. 384.

[286] Parvej, S., Naik, et al. (2021). Fugitive dust suppression in unpaved roads: State of the art research review. Sustainability, 13(4), 2399 https://doi.org/10.3390/su13042399.

[287] *Id.*

[288] Padgett, P. E., et al. (2008). Monitoring fugitive dust emissions from off-highway vehicles traveling on unpaved roads and trails using passive samplers. *Environmental monitoring and assessment*, *144*(1), 93–103 https://doi.org/10.1007/s10661-007-9948-z.

[289] 36 CFR § 212.55(b).

[290] U.S. Forest Service (2005). Cibola National Forest Sandia Ranger District Travel Analysis Process. Sandia Ranger District. Albuquerque, NM at 20.

[291] Rose, N. (2007, July 3) Letter from Nancy Rose to Billy Gallegos regarding Fugitive Dust Issue/Air Quality Enforcement.

By weakening the TMR, the Forest Service will increase numerous forms of air pollution. The Forest Service must carefully evaluate and comply with its obligations under the Clean Air Act.

F. The Forest Service must comply with the Explore Act and Mapland Act.

The Expanding Public Lands Outdoor Recreation Experiences (EXPLORE Act) and the Modernizing Access to our Public Land Act (MAPLand Act) impose substantive requirements on the Forest Service related to travel management that are achieved by maintaining the current "closed unless marked on a map" approach utilized by the TMR, including identifying the types of vehicles and seasonality of use allowed on each route.

Section 127 of the EXPLORE Act mandates the completion of "a ground transportation linear feature map" for each district administered by the Director of the Bureau of Land Management or a motor vehicle use map "in accordance with existing law" for each unit of the National Forest System no later than 5 years from the date of enactment.[292] It also mandates the publication of "an over-snow vehicle-use map for each unit of Federal recreational lands and waters administered by the Chief of the Forest Service or Director of the Bureau of Land Management on which over-snow vehicle-use occurs, in accordance with existing law" "in a printed and publicly available format that is compliant with the format for geographic information systems" no later than 10 years from the date of enactment.[293] Sub-section (c) of Section 127 mandates that the Forest Service seek to review and update its Motor Vehicle Use Maps and Over-Snow Vehicle Use Maps "through public notice and comment."

MAPLand requires federal land management agencies to digitize and publish mapping data to improve public land access.[294] Section 5 of the MAPLand Act requires that the Department of Interior, the Forest Service, and the Corps of Engineers "to the maximum extent practicable" make geographic information system data publicly available beginning no later than 5 years after the law's enactment. The geographic information system data is directed to include (1) status information about whether roads and trails on Federal land are open or closed; (2) the date of seasonal road and trail closures; (3) the vehicle classes and types of recreation uses that are allowed on each segment of roads and trails on Federal land, including ORVs, motorcycles, bicycles, electric bicycles, passenger vehicles, non-mechanized transportation, and OSVs; and (4) the boundaries of areas where hunting or recreational shooting is permanently restricted or prohibited.[295] Much of the information

[292] Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act, Pub. L. No. 118-234, § 127, 138 Stat. 2836 (2025).
[293] *Id.*
[294] Modernizing Access to Our Public Land (MAPLand Act), Pub. L. No. 117-114, 136 Stat. 1175 (2022).
[295] *Id.*

required under Section 5 of MAPLand is established (and updated) under the framework established in the TMR.

G. The Forest Service must comply with the Alaska National Interest Lands Conservation Act.

The Forest Service must ensure that any revised TMR also complies with the requirements of section 810 of the Alaska National Interest Lands Conservation Act (ANILCA).[296] Congress enacted ANILCA section 810 "to protect Alaskan subsistence resources from unnecessary destruction."[297] To accomplish this purpose, section 810(a) creates a process for evaluating and minimizing impacts to subsistence resources and practices whenever an agency is "determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands."[298] The Forest Service must comply with section 810's requirements because modifying the TMR could affect the Tongass and Chugach national forests, the first and second largest forests in the national forest system, and could permit the use, occupancy, or disposition of lands in manners not currently authorized under the Rule. A revised TMR could negatively affect resources like salmon fisheries if it allowed unfettered motor vehicle use and unmaintained open roads. Once salmon populations are diminished, subsistence harvest of salmon would be limited, placing significant restrictions on subsistence uses.

VII. Conclusion

For all of these reasons, the undersigned groups oppose the unfounded proposed revision of the TMR and urge the Forest Service to continue investing in the current TMR, which is widely acknowledged to be a fair and feasible approach to managing motorized use across the National Forest System and which aligns with best practices and scientific understanding.

[296] 16 U.S.C. § 3120(a).
[297] *Amoco Prod. Co. v. Vill. of Gambell*, 480 U.S. 531, 544 (1987).
[298] 16 U.S.C. § 3120(a).

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