

Submitted via Regulations.gov

U.S. Forest Service

Department of Agriculture



Attention: RIN 0596-AD66

Docket No: FS-2025-0001

Comments of Taxpayers for Common Sense on the Proposed Rule “Special Areas; Roadless Area Conservation”

Taxpayers for Common Sense (TCS) appreciates the opportunity to comment on the U.S. Forest Service’s (USFS) proposed rule regarding the 2001 Roadless Area Conservation Rule. Since 1995, TCS has served as a nonpartisan budget watchdog dedicated to ensuring that federal resources are managed responsibly and that taxpayers receive a fair return on public assets.

The National Forest System (NFS) covers approximately 193 million acres across the United States.¹ These lands are important to our rural communities and must be managed responsibly. The proposed rule would repeal the 2001 Roadless Area Conservation Rule (Roadless Rule), which limits road construction, road reconstruction, and timber harvesting on approximately 44.7 million acres of NFS land.²

TCS has long been engaged on issues relating to our public lands, federal spending at the USFS, and the Roadless Rule. In the early 2000s, TCS was among the first to raise the alarm on the rising taxpayer costs of timber road construction and the growing maintenance backlog. Our 2019 report *Cutting Our Losses: Twenty Years of Money-Losing Timber Sales in the Tongass* examines two decades of timber sales in the Tongass National Forest—more than half of which is covered by the Roadless Rule—and their lack of fiscal return for federal taxpayers.³ We also testified before the U.S. House Natural Resources Committee, National Parks, Forests and Public Lands Subcommittee on the issue of the Roadless Rule later that year.⁴

TCS is strongly opposed to the proposed rule. Roadless areas in our national forests directly impact federal taxpayers and local communities. Fully repealing the Roadless Rule could cost taxpayers billions in subsidized road construction and maintenance, exacerbate taxpayer losses from money-losing timber sales, increase wildfire risks and the associated costs borne by taxpayers, and weaken the health of roadless areas that provide important commercial and recreational benefits to the American public.

¹ U.S. Forest Service (USFS), “About the Agency,” accessed October 5, 2026. <https://www.fs.usda.gov/about-agency>

² USFS, “2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement,” August 2026. <https://www.regulations.gov/document/FS-2025-0001-224064>

³ Taxpayers for Common Sense (TCS), “Cutting Our Losses,” October 1, 2019. <https://www.taxpayer.net/energy-natural-resources/new-report-taxpayers-losing-hundreds-of-millions-of-dollars-on-tongass-timber-sales-over-last-two-decades/>

⁴ TCS, “TCS Testimony to House Natural Resources Subcommittee,” November 13, 2019. <https://www.taxpayer.net/energy-natural-resources/tcs-testimony-to-house-natural-resources-national-parks-forests-and-public-lands-and-subcommittee/>

Background

The U.S. Forest Service (USFS), within the Department of Agriculture, manages 193 million acres of public forests and grasslands collectively known as the National Forest System (NFS).⁵ The 2001 Roadless Area Conservation Rule limits road construction, road reconstruction, and timber harvesting in inventoried roadless areas (IRAs), covering approximately 44.7 million acres of NFS lands.⁶ This area includes 56 percent of Alaska's Tongass National Forest.⁷

The Roadless Rule supersedes individual land management plans where a provision of the rule is more restrictive than a plan. 77 of the 126 current land management plans across the National Forest were developed or revised after the 2001 Roadless Rule was issued.⁸ Any state may petition for a rulemaking to establish roadless management provisions specific to their state. Colorado and Idaho have state-specific roadless rules that manage a combined 13.5 million acres of IRAs.⁹ USFS's proposed rule would not affect the existing roadless rules in Colorado and Idaho.

The Roadless Rule allows exceptions for road construction in specified circumstances, including protection of public health and safety in cases of imminent flood, fire, or other catastrophic events threatening life or property; realignment of essential roads to prevent irreparable resource damage that cannot be addressed through maintenance; natural resource restoration under specified federal environmental laws; or needs in conjunction with the continuation, extension, or renewal of mineral leases existing as of January 12, 2001, or their immediate replacement.¹⁰ The rule also permits maintenance of existing roads in IRAs. It allows cutting and removing generally small-diameter timber to maintain or restore ecosystem composition and structure, including reducing the risk of uncharacteristic wildfire effects, or to improve habitat for threatened, endangered, proposed, or sensitive species, provided these activities maintain or improve roadless area characteristics.¹¹

Prior to 2012, exceptions were reviewed and authorized by the Secretary of Agriculture and Chief of the USFS. In 2012, approval of certain exceptions was delegated to the applicable regional forester. In 2018, approval of all exceptions was delegated to regional foresters, with some exceptions.¹²

During the first Trump Administration, roadless protections were removed in the Tongass National Forest through the 2020 Alaska Roadless Rule and then reinstated by the Biden Administration in 2023. In June 2025, the Administration announced its intention to fully repeal the 2001 Roadless

⁵ U.S. Forest Service (USFS), "About the Agency," accessed October 5, 2026. <https://www.fs.usda.gov/about-agency>

⁶ USFS, "2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement," August 2026. <https://www.regulations.gov/document/FS-2025-0001-224064>

⁷ U.S. Department of Agriculture (USDA), "Questions Regarding Inventoried Roadless Areas," December 2014. <https://www.fs.usda.gov/sites/nfs/files/r10/publication/Roadless%20QA%20December%202024.pdf>

⁸ USFS, "2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement," page 8, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224064>

⁹ USFS, "2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement," page 9, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224064>

¹⁰ USFS, "Special Areas; Roadless Area Conservation," January 2001. <https://www.federalregister.gov/d/01-726/p-393>

¹¹ USFS, "Special Areas; Roadless Area Conservation," January 2001. <https://www.federalregister.gov/d/01-726/p-403>

¹² USFS, "2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement," page 6, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224064>

Rule—including the Tongass in Alaska and national forests across the country. The notice of intent was issued in August 2025, and the formal proposed rule was issued August 2026.

Description of the Proposed Rule

USFS considered three alternatives in its Draft Environmental Impact Statement and selected Alternative 2, Full Repeal, for the proposed rule. The following alternatives were reviewed:¹³

Alternative 1: This alternative would retain the 2001 Roadless Rule.

Alternative 2: This alternative would rescind the 2001 Roadless Rule in its entirety.

Alternative 3: This alternative would continue current management on 13 million acres and remove roadless rule prohibitions and designation on 31.7 million acres:

- 4.5 million acres of non-NFS lands and congressionally designated areas
 - 4 million acres in congressionally designated areas have more restrictive and more permanent mandates than the Roadless Rule
 - 0.4 million acres of lands have had land ownership change since the 2001 Roadless Rule
- 17.9 million acres that are within ½ mile on either side of existing roads and/or within the wildland-urban interface, outside of the Tongass National Forest
 - 5.1 million acres within the wildland-urban interface only
 - 6.3 million acres within one-half mile of existing roads only
 - 4.7 million acres that fall within both categories
 - Other small, isolated areas that would not meet the mapping criteria applied under this alternative
- 9.3 million acres of inventoried roadless area within the Tongass National Forest

Comments on the Proposed Rule

I. Full Repeal of Roadless Area Protections Increases Costs and Liabilities for Taxpayers

A. Proposed Rule Will Increase Taxpayer Costs of Road Construction and Maintenance

Repealing the Roadless Rule would expose taxpayers to additional road construction and maintenance costs—federal spending that would come at the expense of addressing the existing \$11 billion maintenance backlog¹⁴ and other high-priority needs such as wildfire risk reduction, watershed restoration, insect and disease prevention, and recreation.

¹³ USFS, “2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement,” August 2026.
<https://www.regulations.gov/document/FS-2025-0001-224064>

¹⁴ USFS, “Fiscal Year 2026, Quarter 2 Deferred Maintenance Needs,” accessed October 2026.
<https://www.fs.usda.gov/sites/default/files/fy26-q2-deferred-maint-report.pdf>

USFS already manages more than 368,000 miles of roads across the NFS,¹⁵ many built to enable timber access.¹⁶ Taxpayers frequently shoulder the costs of building and maintaining roads in the USFS system, along with the long-term liabilities they create. The cost of road construction ranges from \$80,000 per mile for dirt roads to \$2,000,000 per mile for asphalt paved roads in the lower 48, with costs four to five times higher in Alaska. And the cost of road maintenance ranges from \$5,000 to \$50,000 per mile annually.¹⁷

When taxpayers cover roadbuilding costs, it improves the economics of timber sales for logging companies but significantly increases the overall cost of the USFS's timber program and to U.S. taxpayers. And once the roads are built, they continue to cost taxpayers as liabilities because they need to be maintained—as USFS notes in its Cost Benefit Analysis, “roads that are added to the NFS road system after use for their initial purpose such as timber harvest, are considered permanent and there are costs to the agency to maintain these roads in perpetuity.”¹⁸ Taxpayer-subsidized roadbuilding is not uncommon. For example, in the Tongass National Forest, roadbuilding and maintenance accounted for roughly 40 percent of USFS timber-related expenses between fiscal years 2000 and 2019.¹⁹

At the same time, USFS lacks the resources to maintain its existing road system. USFS reported an \$11.4 billion deferred maintenance backlog for Fiscal Year 2026, Quarter 2,²⁰ including \$6.12 billion for roads and \$951 million for bridges.²¹ Its Draft Environmental Impact Statement cites a 2024 backlog of \$6.9 billion for roads and bridges.²² Adding new roads without dedicated funding would only deepen this backlog and divert resources from higher-priority needs.

B. Proposed Rule Will Exacerbate Taxpayer Losses from Federal Timber Sales

Historically, many federal timber sales have cost more to administer than they generate—particularly in the Tongass National Forest—offering little prospect of meaningful or sustained revenue from expanded roadbuilding. Many IRAs are undeveloped and lack access roads for large-scale logging. If these areas were developed, the costs of administering timber sales would fall to American taxpayers.

¹⁵ USFS, “National Forest System Statistics Fiscal Year 2024,” April 2025.

https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/FY24-forest-system-stats.pdf

¹⁶ The Forest Service may require timber purchasers to perform or pay for construction of roads for the timber harvest. Source: 16 U.S.C. § 535(2)

¹⁷ USFS, “Proposed Rule: Special Areas; Roadless Area Conservation; National Forest System Lands Cost Benefit Analysis and Consideration of Impacts on Small Entities,” page 27, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224067>

¹⁸ USFS, “Proposed Rule: Special Areas; Roadless Area Conservation; National Forest System Lands Cost Benefit Analysis and Consideration of Impacts on Small Entities,” page 27, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224067>

¹⁹ TCS, “Cutting Our Losses after 40 Years of Money-Losing Timber Sales in the Tongass,” September 2020.

<https://www.taxpayer.net/energy-natural-resources/cutting-our-losses-tongass-timber-2/>

²⁰ USFS, “Fiscal Year 2026, Quarter 2 Deferred Maintenance Needs,” accessed October 2026.

<https://www.fs.usda.gov/sites/default/files/fy26-q2-deferred-maint-report.pdf>

²¹ USFS excludes deferred maintenance needs for high clearance vehicle roads and roads maintained as basic custodial level, including closed roads, because those needs cannot be estimated with a suitable degree of confidence. Estimates for passenger car roads and trails are based on statistically significant random samples of these assets to generate a national deferred maintenance cost per mile.

²² USFS, “2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement,” page 43, August 2026.

<https://www.regulations.gov/document/FS-2025-0001-224064>

USFS spends substantial time and resources selecting suitable stands, thinning them when necessary, analyzing environmental effects of various harvest options, calculating financial viability, advertising sales, and evaluating bids from logging companies. In many cases, the agency must also construct or reconstruct roads to access timber. These costs—spread across multiple budget line items, including the Forest Product budget line item, Roads Capital Improvements & Maintenance budget line item, and mandatory spending on K-V Projects, Reforestation Trust Fund, and Salvage Sales—directly reduce the net return from timber sales.

After a successful sale, the winning logging company will harvest the timber and transport it to a sawmill, or when allowed, prepare it for export. When the volume of the cut timber is determined at the sawmill, the logging company pays USFS the set amount per board foot agreed to during the timber sale. Total revenue generated by USFS timber program includes receipts from commercial timber sales, salvage sales, and amounts deposited into certain trust funds—National Forest Fund, Knutson-Vandenberg Fund, and Salvage Sales Fund.

USFS does not report how much it spends to prepare and administer timber sales individually or collectively. But TCS’s analysis of USFS records shows many of these sales have long been money-losing propositions. In the Tongass National Forest, the agency spent \$1.96 billion on its timber sale program from FY1980 to 2019 but collected only \$227 million in receipts, resulting in a net loss of \$1.73 billion, in inflation-adjusted 2019 dollars.²³ Much of the timber in other IRAs is located in remote, inaccessible landscapes, where logging would be costly and difficult—meaning sales are likely to require road construction and other subsidies. Repealing the Roadless Rule would only deepen these losses across the NFS.

C. Proposed Rule Will Increase Wildfire Risks and Suppression Liabilities

Evidence suggests that eliminating the Roadless Rule and expanding roadbuilding in currently roadless areas would likely increase wildfire ignition risks and associated federal spending, while doing little to improve mitigation or suppression outcomes.

Human activity accounted for 84% of all government-recorded wildfires in the contiguous United States in a study covering 1992-2012.²⁴ Because roads increase human access, wildfire ignition density is higher near road networks. An analysis of wildfire ignitions on national forests in the contiguous United States between 1992 and 2024 found more than three times ignitions within 0–250 meters of roads as more than 2,000 meters away. Overall wildfire frequency follows a similar pattern, with four times as many wildfires occurring within 50 meters of roads compared to designated wilderness and inventoried roadless areas.²⁵ USFS’s own research has also found that roads are strongly associated with the spread of invasive plant species—which can increase both

²³ TCS, “Cutting Our Losses after 40 Years of Money-Losing Timber Sales in the Tongass,” September 2020. https://www.taxpayer.net/wp-content/uploads/2020/09/TCS-Cutting-Our-Losses-40-yrs.-of-Tongass-Timber-Sales_Sept.-2020.pdf. Excluding FY1991, as budget data was not available.

²⁴ Cattau M E, Wessman C, Mahood A and Balch J K, “Anthropogenic and lightning-started fires are becoming larger and more frequent over a longer season length in the U.S.A.,” *Glob. Ecol. Biogeogr.* 29 668–81, April 2020. https://scholarworks.boisestate.edu/hes_facpubs/43/

²⁵ Aplet, G.H., Hartger, P. & Dietz, M.S. Three-decade record of contiguous-U.S. national forest wildfires indicates increased density of ignitions near roads. *fire ecol* 22, 8 (2026). <https://doi.org/10.1186/s42408-026-00450-2>

fire frequency and the risks of high-intensity fires—across all national forests, which are twice as common within 500 feet of a road as farther away.²⁶ Any additional advantage roadbuilding might provide for firefighter access must also be weighed against the higher risks of human-caused ignitions near roads and the long-term liabilities taxpayers must absorb for road construction and maintenance.

The Roadless Rule has not prevented wildfire mitigation activities. The rule includes exceptions allowing road construction and other actions when necessary to protect public health and safety from imminent wildfire threats. It also allows thinning and removal of small-diameter trees to restore forest structure or reduce wildfire risk. The lack of roads has not prevented or slowed fire management activities. USFS research found more fuel management activities per square kilometer in inventoried roadless areas than elsewhere in the NFS.²⁷ In recent years, nearly 2 million acres of roadless areas have been treated to reduce fire risk.²⁸

While the proposed rule would provide increased opportunities for wildfire risk mitigation, USFS anticipates that overall increase in treatment to be modest due to the high cost of road building and declining budgets for road construction and maintenance. Specifically, USFS writes:

“Of particular concern is the potential effect of wildfire in the wildland–urban interface (WUI), where communities and infrastructure are most vulnerable. With increased road construction, there could be increased hazard from human-caused ignitions and increased opportunities for wildfire risk mitigation (see Fire and Fuels Management section). Although lifting restrictions on road construction could expand treatment options in the WUI, the high cost of road building and declining budgets for road construction and maintenance mean the overall increase in treatment capacity would be modest.”²⁹

D. Proposed Rule Will Have No impact on Existing and Future Energy and Mineral Development in Roadless Areas

The Roadless Rule does not prevent the development of taxpayer-owned energy and mineral resources. There are currently 13,050 acres leased for coal³⁰ and 542,000 acres leased for oil and gas³¹ within existing IRAs — and the Roadless Rule provides broad exemptions for roadbuilding activities related to existing leases. These leases on NFS lands produced commodities worth over \$4.8 billion and generated \$533 million in royalty and other payments to the U.S. Treasury in 2024.³²

²⁶ Healey, Sean, “Long-term forest health implications of roadlessness,” Rocky Mountain Research Station, Environmental Research Letters, September 2020. <https://doi.org/10.1088/1748-9326/aba031>

²⁷ Ibid.

²⁸ Dombeck, Bosworth, Tidwell, & Christiansen, September 2025 <https://subscriber.politicopro.com/eenews/f/eenews/?id=00000199-5913-d7f0-ab99-7ddb30c0000>

²⁹ USFS, “2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement,” page 225, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224064>

³⁰ USFS, “Proposed Rule: Special Areas; Roadless Area Conservation; National Forest System Lands Cost Benefit Analysis and Consideration of Impacts on Small Entities,” page 13, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224067>

³¹ USFS, “Proposed Rule: Special Areas; Roadless Area Conservation; National Forest System Lands Cost Benefit Analysis and Consideration of Impacts on Small Entities,” page 14, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224067>

³² USFS, “Proposed Rule: Special Areas; Roadless Area Conservation; National Forest System Lands Cost Benefit Analysis and Consideration of Impacts on Small Entities,” page 13, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224067>

Under the proposed rule, USFS anticipates no net change in domestic energy and mineral production.³³

E. Proposed Rule Will Put Forest Health and Outdoor Recreation Economy at Risk

Inventoried roadless areas play an integral role in supporting ecosystem health and the communities that depend on them. These areas help maintain high-quality watersheds that protect downstream communities from flooding, provide public drinking water, and supply clean water for agricultural and industrial uses—all of which provide substantial economic benefits.

They also sustain fish and wildlife populations and preserve biodiversity. For example, in Utah, over 99% of roadless areas are designated by the state as crucial or substantial habitat for mule deer and nearly 87% for elk.³⁴ These landscapes also support local economies. In Southeast Alaska, sport, commercial, and subsistence fishing and hunting contribute about \$1 billion dollars annually, while tourism adds another \$1 billion, according to Trout Unlimited.³⁵

Increased road construction and timber harvesting can also damage watersheds, introduce invasive species, fragment habitats, and disrupt overall forest health, potentially increasing long-term costs and liabilities for taxpayers down the road.

II. USFS's Own Analysis Finds the Proposed Rule Would Increase Taxpayer Costs

USFS's own economic analysis of the proposed rule shows that full repeal of the Roadless Rule would put additional costs onto taxpayers.

A. USFS Calculates Significant Losses to the Outdoor Recreation Industry

USFS estimates potential annual losses of \$6.1 million in recreation benefits and a separate \$9 million loss in recreation visitor spending, including \$7 million from trail-based and dispersed recreation and \$2 million from wildlife-related recreation.³⁶ These costs include short-term impacts from noise, visible infrastructure, and temporary closures, as well as longer-term reductions in opportunities for “quiet, remote and self-reliant recreation.”³⁷ While USFS notes that the proposed rule could expand recreation opportunities that require roads or accessibility improvements, those impacts are “uncertain and anticipated to be limited.”

B. USFS Fails to Quantify Taxpayer Costs of Wildfire, Ecological Impact, and Agency Road Maintenance Burden

USFS also fails to quantify a number of other potential negative impacts, including “degraded recreation quality; ecological and water impacts; increased ignition risk; agency road maintenance

³³ USFS, “Proposed Rule: Special Areas; Roadless Area Conservation; National Forest System Lands Cost Benefit Analysis and Consideration of Impacts on Small Entities,” page 30, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224067>

³⁴ Trout Unlimited, “Roadless: America’s Sporting Lands,” March 2026. <https://www.tu.org/roadless-report/>

³⁵ Ibid.

³⁶ USFS, “Proposed Rule: Special Areas; Roadless Area Conservation; National Forest System Lands Cost Benefit Analysis and Consideration of Impacts on Small Entities,” page 36, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224067>

³⁷ USFS, “2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement,” page 193, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224064>

burden.”³⁸ USFS acknowledges these risks carry direct taxpayer costs yet fails to quantify them. For example, USFS states that “the construction of roads also contributes to soil erosion, sedimentation, risk of invasive species and habitat fragmentation, potentially impacting water quality, fisheries, and wildlife.”³⁹ It further specifies that there “would also likely be an increased cost associated with detecting and treating new invasive plant populations” under the proposed rule. However, the agency does not quantify this cost.⁴⁰

C. USFS Estimated Benefit of the Proposed Rule Relies on Unrealistic Timber Assumptions and Disregards Historic Losses

USFS makes the case that the increased taxpayer costs can be offset by revenue from increased timber production on federal land—the only benefit USFS quantifies and monetizes in the proposed rule. However, a closer look at USFS’s analysis shows that these low-end estimates are overly ambitious.

USFS expects the proposed rule to open 4.8 million acres that are potentially suitable for timber harvest under current land management plans, which could result in a maximum 4-10% increase in annual sawtimber harvest on NFS lands.⁴¹ Per USFS estimates, this would generate \$9.9 to \$22.0 million in “annual timber benefit to society”⁴²—\$5.2 to \$11.4 million in annual revenue to the Treasury and USFS and \$4.6 to \$10.6 million in annual revenue to the timber industry.⁴³

USFS estimates that potential annual revenue from “likely operable areas” is \$2.2 to \$5.2 million, whereas “operable but complex areas” could generate an additional \$3.1 to \$6.2 million. It is only in assuming *all estimated potential annual harvest occurs* that USFS reaches its estimate of \$5.2 to \$11.4 million in taxpayer revenue. USFS’s revenue estimate also fails to account for the costs of preparing for these timber sales, which often exceed the revenues these sales generate, especially in the Tongass National Forest.⁴⁴ From FY1980 to FY2019, USFS has lost approximately \$1.7 billion from timber sales in Tongass alone.⁴⁵ USFS’s rosy production estimate is further undermined by decreasing demand for federal timber from the timber industry, as overall timber demand has remained sluggish and mostly supplied by private timber.⁴⁶ Timber production on federal lands has declined from its peak of 12.7 billion board feet in 1987 to a low of 1.7 billion board feet in 2002.⁴⁷ A

³⁸ USFS, “Proposed Rule: Special Areas; Roadless Area Conservation; National Forest System Lands Cost Benefit Analysis and Consideration of Impacts on Small Entities,” page 30, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224067>

³⁹ USFS, “Proposed Rule: Special Areas; Roadless Area Conservation; National Forest System Lands Cost Benefit Analysis and Consideration of Impacts on Small Entities,” page 28, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224067>

⁴⁰ USFS, “2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement,” page 107, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224064>

⁴¹ USFS, “Proposed Rule: Special Areas; Roadless Area Conservation; National Forest System Lands Cost Benefit Analysis and Consideration of Impacts on Small Entities,” page 22, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224067>

⁴² USFS, “Proposed Rule: Special Areas; Roadless Area Conservation; National Forest System Lands Cost Benefit Analysis and Consideration of Impacts on Small Entities,” page 30, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224067>

⁴³ USFS, “Special Areas; Roadless Area Conservation,” August 20, 2026. <https://www.federalregister.gov/d/2026-16965/p-23>

⁴⁴ TCS, “Cutting Our Losses after 40 Years of Money-Losing Timber Sales in the Tongass,” September 2020. <https://www.taxpayer.net/energy-natural-resources/cutting-our-losses-tongass-timber-2/>

⁴⁵ Ibid. Calculation is inflation adjusted to 2019 dollars and excludes FY1991, as budget data was not available.

⁴⁶ Congressional Research Service, “Timber Harvesting on Federal Lands,” October 2022. <https://www.congress.gov/crs-product/R45688>

⁴⁷ Craig Welch, “Old-growth logging nearing a standstill in dramatic shift,” The Seattle Times, April 11, 2004. <https://archive.seattletimes.com/archive/20040411/forestplan11m/old-growth-logging-nearing-a-standstill-in-dramatic-shift>

4-10% increase in annual sawtimber harvest, driven solely by potentially opening new lands for harvest, is far from assured.

III. USFS Fails to Provide Evidence to Support Its Stated Justifications for the Proposed Rule

USFS's own analysis fails to make the case that full repeal of the rule is in the best interest of taxpayers, communities, and our national forests. Not only is USFS's justification for full repeal unsupported, but the proposal also leaves critical questions about taxpayer impacts, risks, and costs unanswered.

A. Proposed Rule Fails to Validate That Use of Available Exceptions Has Been Limited in Scope and Inconsistent

The Roadless Rule contains flexibility, and there is little evidence to support the claim that local officials have been unable to get exceptions when requested and unable to get them in a timely manner.

In its proposed rule, USFS states that the Roadless Rule “constrains responsible officials from exercising the timely, place-based discretion needed to meet the USFS's multiple-use mission,” specifically citing obstacles in securing needed exceptions.⁴⁸ This claim does not justify full repeal of the Roadless Rule.

While there is no national-level tracking of the review, approval, or implementation of 2001 Roadless Rule exceptions, USFS states that it analyzed regional level exception tracking from 2018 to 2025 in its preparation of the proposed rule. The agency reported compiling “188 documented proposals, about 10 percent involved road related activities and 96 percent involved tree cutting.”⁴⁹ USFS later states that “since 2018, agency records indicate that regional foresters reviewed and approved 168 exceptions that involved some level of forest management and an additional 14 with tree cutting in association with a roads-related activity,”⁵⁰—implying that 168 of 188, nearly 90%, of documented proposed exemptions were approved. However, the agency acknowledges that the data does not include approvals below the regional level and the agency “does not track when requests for exceptions were abandoned or not approved.”⁵¹ These incomplete records do not establish how frequently the exceptions process prevents projects from moving forward or demonstrate that full repeal is necessary.

USFS fails to even provide anecdotal evidence of requests being denied or where the length of the review process hindered USFS's ability to fulfill its mission. Instead, anecdotal evidence supports the opposite conclusion—in its 2023 rulemaking, the U.S. Department of Agriculture reported that

⁴⁸ USFS, “Special Areas; Roadless Area Conservation,” August 20, 2026. <https://www.federalregister.gov/d/2026-16965/p-14>

⁴⁹ USFS, “2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement,” page 7, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224064>

⁵⁰ USFS, “2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement,” page 68, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224064>

⁵¹ USFS, “2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement,” page 7, footnote 7, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224064>

all 59 proposed projects in Tongass inventoried roadless areas since 2009 had been approved, most within one month.⁵²

B. Proposed Rule Fails to Demonstrate That Rising Wildfire Risks and Changing Forest Conditions Require Full Repeal of the Roadless Rule

Conditions have undeniably changed since the rule was first promulgated 25 years ago. It is good governance to regularly evaluate longstanding policies and closely examine what is and isn't working. But a rushed, full abandonment of the Roadless Rule without a thorough examination of policies that have worked for the last two decades puts taxpayers at risk.

The agency cites “increasing drought, extreme temperatures, wildfire frequency and severity, and insect and disease outbreaks,” alongside shifting national policy, as a justification for the proposed rule.⁵³ Yet despite being a substantial argument in defense of the proposed rule, the agency fails to quantify the impacts of the proposed rule regarding these concerns and, in many cases, identifies that the proposed rule would *worsen* risks.

1. USFS Fails to Demonstrate Proposed Rule Will Reduce Wildfire and Other Natural Disasters Risks

As discussed in previous sections, USFS fails to demonstrate that the proposed rule is necessary to address the increasing risks of wildfire. In fact, increased roadbuilding and human activities could *increase* ignitions and wildfire frequency. While the proposed rule would provide increased opportunities for wildfire risk mitigation, USFS anticipates that the overall increase in treatment capacity would be modest due to the high cost of road building and declining budgets for road construction and maintenance.

2. USFS Fails to Demonstrate Proposed Rule Will Reduce Risks of Insect and Disease Outbreaks

In its analysis, USFS states that “increased active management that is reasonably foreseeable in alternatives 2 and 3, could provide opportunities to promote increased timber production, forest health, and resilience to insects and disease, consistent with land management plans.”⁵⁴ However, USFS provides no evidence to substantiate that claim. To the contrary, USFS notes in its analysis that in western forests, “the percent of forests at risk is similar or lower in potentially affected IRAs when compared to NFS forests outside of designated areas,”⁵⁵ raising questions regarding the impact or lack of impact of current implementation of the Roadless Rule on a forest's risk of insect and disease outbreak. As discussed in previous sections, USFS's own research noted that roads are strongly associated with the spread of invasive plant species—which can increase both fire

⁵² USFS, “Special Areas; Roadless Area Conservation; National Forest System Lands in Alaska,” 36 CFR 294, January 2023. <https://www.federalregister.gov/documents/2023/01/27/2023-01483/special-areas-roadless-area-conservation-national-forest-system-lands-in-alaska>

⁵³ USFS, “Special Areas; Roadless Area Conservation,” August 20, 2026. <https://www.federalregister.gov/d/2026-16965/p-16>

⁵⁴ USFS, “2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement,” page 23, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224064>

⁵⁵ USFS, “2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement,” page 67, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224064>

frequency and the risks of high-intensity fires—across all national forests, which are twice as common within 500 feet of a road as farther away.⁵⁶ Both the Draft Environmental Impact Statement and Cost Benefit Analysis concurred, stating that increased roadbuilding and timber harvesting will increase the risk of invasive plant species, potentially increasing the risk of outbreak.⁵⁷

C. USFS Fails to Show That the Proposed Rule Would Reduce Regulatory Burden

The Roadless Rule provides a clear, national baseline that avoids repetitive analysis and litigation across individual forests. Without it, every national forest may be forced to revisit roadless area evaluations in their land management plans, a process that consumes time, money, and staff resources—duplicating work already completed at the national level. The additional workload created by rescinding the Roadless Rule would magnify existing weaknesses with USFS management and oversight.

Conclusion

The record is clear—roadless areas in our national forests benefit federal taxpayers and local communities. Fully repealing the Roadless Rule would cost taxpayers billions in subsidized road construction and maintenance, exacerbate taxpayer losses from money-losing timber sales, increase wildfire risks and the associated costs borne by taxpayers, and weaken the health of roadless areas that provide important commercial and recreational benefits to the American public.

TCS urges USFS to abandon the proposed rule and instead consider selecting “no action” alternative that would retain the 2001 Roadless Rule. The 2001 Rule established the durable framework of baseline roadless protections that benefit taxpayers, our national forests, and the communities that depend on our forests, while allowing the development of state-specific, more tailored approaches. While we welcome a review of the 2001 Roadless Rule and discussion on how it can better address local landscape, wildfire, outdoor recreation, and other needs, it must be done through an open and collaborative process. A fast-tracked blanket repeal of the Roadless Rule does not address or replace the need for more localized forest management approaches and will result in significant costs and impacts on federal taxpayers and local communities.

Thank you for your attention to this matter. We look forward to continued engagement on this important issue.

⁵⁶ Healey, Sean, “Long-term forest health implications of roadlessness,” Rocky Mountain Research Station, Environmental Research Letters, September 2020. <https://doi.org/10.1088/1748-9326/aba031>

⁵⁷ USFS, “2001 Roadless Area Conservation Rule Rescission Draft Environmental Impact Statement,” p. 107, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224064>; USFS, “Proposed Rule: Special Areas; Roadless Area Conservation; National Forest System Lands Cost Benefit Analysis and Consideration of Impacts on Small Entities,” page 28, August 2026. <https://www.regulations.gov/document/FS-2025-0001-224067>