



Memorandum

TO: Environment Committee
Lands Committee
Coal Policy Task Force
Minerals Policy Task Force

FROM: Katie Sweeney, Executive Vice President & COO
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DATE: August 29, 2025

SUBJECT: Forest Service Announces Notice of Intent to Prepare an EIS for Roadless Areas

Today, the U.S. Forest Service published a [notice](#) announcing its intent to initiate an environmental impact statement (EIS) and rulemaking concerning management of inventoried roadless areas. The proposed rule would rescind the [2001 Roadless Area Conservation Rule](#) (2001 Roadless Rule), which prohibits road construction, road reconstruction, and timber harvesting in inventoried roadless areas, with limited exceptions. State-specific roadless rules for [Idaho](#) and [Colorado](#) will remain in effect. The goal of rescinding the rule is to return decision making for road construction, road reconstruction, and timber harvesting in inventoried roadless areas to local officials. Though broader in scope than Alaska, this action was foreshadowed by Executive Order 14153 that addressed management of roadless areas in Alaska. Importantly, the EIS will evaluate the impacts of the proposed rule rescission and study alternatives for roadless area conservation on National Forest System lands, including the Tongass National Forest, in the context of multiple use resource management.

Comments are due by Sept. 19, 2025. The National Mining Association (NMA) has scheduled a Teams meeting for **Sept. 4, 2025, at 4 p.m. (Eastern)** to develop the association's comment strategy. Click [here](#) to add the meeting to your calendar.

Background

The 2001 Roadless Rule established prohibitions on road construction, road reconstruction, and timber harvesting in nearly 60 million acres of inventoried roadless areas, with limited exceptions. Since its proposal, the NMA has been a vocal critic of the 2001 Roadless Rule as rushed and based on inadequate information. In [comments](#) provided by the NMA, we highlighted a myriad of

concerns with the rule, including the failure to acknowledge the agency's multiple use mandate and various statutes governing access to minerals on national forest lands.

The rulemaking has a lengthy and complicated history spurring litigation, legislation and subsequent rulemaking efforts to provide states a larger voice in the process. After the 2001 Roadless Rule was finalized under President Clinton, nine separate lawsuits were filed in six judicial districts and in four Federal circuits challenging the legality of the rule.

In a bid to bring stability and acquiesce to the concerns of local communities, tribes, states, and others impacted stakeholders, the Forest Service under President George W. Bush issued an [advanced notice of proposed rulemaking](#) (ANPRM) requesting comment on how to "best proceed with long-term protection and management of inventoried roadless areas." Due to overwhelming response from nearly 726,000 commenters and intervening litigation, a second ANPRM was published on July 15, 2003, with a proposed rule following on July 16, 2004. In the proposed rule the Forest Service replaced the 2001 rule with a process allowing governors to petition to establish management requirements for National Forest System inventoried roadless areas within their states.

The NMA provided [comments](#) on the proposal highlighting the benefits of modifying the previous approach from a one-size-fits-all, to a more localized and cooperative approach. Additionally, the NMA stated that while the 2001 rule was incongruous with statutory authority, the 2004 rule was consistent with statutory authorities, like the Multiple-Use-Sustained-Yield Act of 1960.

The Forest Service [finalized](#) the rule on May 13, 2005, allowing Idaho and Colorado to petition to develop state-specific roadless rules. Thus, the 2001 Roadless Rule no longer applied to more than 9 million acres in Idaho and more than 4 million acres in Colorado. Litigation over certain aspects of the 2001 and 2005 rules, especially applicability in Alaska, continued for two decades. Twice the U.S. Supreme Court rejected petitions to determine the 2001 Roadless Rule's legality.

Next Steps

The Forest Service has only given 30 days to comment on the notice to facilitate a scheduled release of the proposed rule, accompanied by a draft EIS, for public comment in March 2026. As noted above, comments on this initial notice are due on **Sept. 19, 2025**. The Forest Service intends to issue a final rule, EIS, and record of decision by late 2026.

The NMA would appreciate your company's feedback on the notice during our scheduled Sept. 4 meeting. If you have any questions please contact Katie at ksweeney@nma.org or Dominique at dchristianson@nma.org.

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