UTAH PUBLIC LANDS ALLIANCE

Together We Will Win,
But We Can't Do It Without You

March 9, 2026

Director, Ecosystem Management Coordination
Attn: Joshua White, Acting Director
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Tom Schultz, Chief, US Forest Service
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Submitted electronically via https://www.regulations.gov/docket/FS-2026-0001, and via email to addressees and CC recipients noted.

RE: Proposed Rule: Project-Level Predecisional Administrative Review Process (Docket Document ID: FS-2026-0001-0001)

RECOMMENDED ACTION: Withdraw the Proposed Rule, Consider for Recirculation Following Substantial Revision

Dear Chief Schultz & Acting Director Joshua White,

Utah Public Lands Alliance (UPLA) is writing to provide public comment on the Proposed Rule: Project-Level Predecisional Administrative Review Process, hereto forward referred to as "Rule." The entirety of our membership live near and/or recreate throughout the 8.2 million acres of public land that is managed by the U.S. Forest Service (USFS) in Utah, as well as USFS-managed public lands throughout the rest of the USA. Our members are directly impacted by the framework of Project-Level, Administrative Review, along with all components and phases of public engagement in National Environmental Policy Act (NEPA) procedures and decision making as related to USFS public land management. Thus, our members are among the hundreds of millions of people who will be impacted by the outcome of this Rule. This letter of comment shall not supersede the rights of other UPLA agents, representatives, or members from submitting their own comments; the USFS should consider and appropriately respond to all comments received for the Rule.

UPLA is a non-profit organization representing over 5,800 members, in addition to speaking out for 69 OHV clubs and organizations. We advocate for responsible outdoor recreation, active stewardship of public lands, and encourage members to exercise a strong conservation ethic including "leave no trace" principles. We champion scrupulous use of public lands for the benefit of the general public and all recreationists by educating and empowering our members to secure, protect, and expand shared outdoor recreation access by working collaboratively with public land managers, all recreationists, and other public land stakeholders. Our members participate in outdoor recreation of all forms to enjoy federally and state managed lands throughout Utah, including USFS managed public lands. UPLA members visit public lands to participate in motorized and human-powered activities such as off-roading, camping, hiking, canyoneering, horseback riding, sightseeing, photography, wildlife and nature study, observing cultural resources, and other similar pursuits on a frequent and regular basis throughout every season of the year. UPLA members and supporters have concrete, definite, and immediate plans to continue such activities in USFS-managed public lands throughout Utah and the USA for the indefinite foreseeable future.

I, Rose Winn, am an avid outdoor recreation enthusiast and anthropologist; hiking, backpacking, backcountry horseback riding, camping, rock climbing, off-roading, fishing, forage of wild herbs and plants for medicinal uses, and exploration of cultural and archeological sites and artifacts on public lands are among my core areas of activity and interest. I serve as the Natural Resources Consultant for Utah Public Lands Alliance (UPLA), a non-profit organization dedicated to keeping offroad trails open for all recreation users. While my profession allows me to advocate to protect public access to public lands for all stakeholders and multiple-uses, I also work as a volunteer on conservation, mitigation, and restoration projects on public lands.

As a joint writer of this comment letter, Loren Campbell is a Jeeper and UTV enthusiast from Virgin, Utah. Loren serves as the President of Utah Public Lands Alliance (UPLA). We share a strong interest in maximizing opportunities for offroad motorized recreation. Loren works full time as a volunteer advocate to protect access for all users, and also organizes and works as a volunteer on projects on public lands. UPLA, Loren, and I are also members of BlueRibbon Coalition. These comments are submitted on behalf of both myself and Loren Campbell, as well as our members and followers from within and outside of Utah.

Please note our support and agreement with the comments submitted by BlueRibbon Coalition.

GENERAL COMMENTS

UPLA members regularly participate in Forest Service planning and NEPA processes across Utah's National Forests by submitting substantive comments, attending public meetings, and engaging in collaborative processes intended to improve agency decisions. The current administrative review framework under 36 C.F.R. Part 218 has provided an essential mechanism through which the public can meaningfully engage with the Forest Service before implementation of project decisions.

We are deeply concerned about the changes in NEPA process that would result from this Rule given that as currently written, the proposed rule would significantly narrow opportunities for public participation in Forest Service decision-making processes by compressing timelines, reducing public notice mechanisms, limiting access to supporting documentation, and removing procedural safeguards that ensure independent review of objections. These changes undermine the fundamental purpose of NEPA and conflict with the Forest Service's statutory obligation to manage National Forest System lands under the multiple-use mandate for the benefit of the American people.

For the reasons discussed in detail below, **UPLA urges the Forest Service to withdraw or substantially revise the proposed rule and instead pursue reforms that expand and strengthen public engagement, rather than restrict it**.

THE CONGRESSIONAL MANDATE FOR MEANINGFUL PUBLIC PARTICIPATION

The National Forest System is not simply federal property managed for agency convenience; it is public land held in trust for the American people. Congress has repeatedly emphasized that management of these lands must incorporate meaningful public involvement. The Multiple-Use Sustained-Yield Act (MUSYA), 16 U.S.C. §528, directs the Forest Service to administer National Forest lands for a broad array of uses including recreation, grazing, timber, watershed protection, and wildlife habitat. By definition, the multiple-use mandate requires consideration of diverse public interests. That statutory framework presumes that affected stakeholders have the opportunity to participate meaningfully in agency decision-making processes.

Similarly, the National Environmental Policy Act (NEPA), 42 U.S.C. §4321 et seq., establishes that federal agencies must involve the public in evaluating environmental impacts of federal actions. NEPA's implementing regulations emphasize that agencies must make "diligent efforts to involve the public" in preparing environmental analyses and must ensure that environmental information is available to public officials and citizens before decisions are made.

Courts have repeatedly affirmed that public participation is not a procedural formality, but rather a core element of NEPA's purpose.

- In Robertson v. Methow Valley Citizens Council, 490 U.S. 332 (1989), the Supreme Court emphasized that NEPA is intended to ensure that both agencies and the public have access to environmental information before decisions are finalized. The Court recognized that public participation allows citizens to contribute expertise, identify overlooked impacts, and hold agencies accountable.
- Similarly, the Ninth Circuit has consistently held that meaningful public participation is central to NEPA compliance. In California v. Block, 690 F.2d 753 (9th Cir. 1982), the court ruled that the Forest Service violated NEPA by failing to adequately disclose roadless area decisions to the public during planning processes. The court emphasized that NEPA requires agencies to disclose information in a manner that allows meaningful public review before decisions are made.

- Likewise, in Citizens for Better Forestry v. U.S. Department of Agriculture, 341 F.3d 961 (9th Cir. 2003), the court invalidated Forest Service rulemaking that limited opportunities for public participation, finding that reducing public engagement undermined the core purposes of NEPA.

The proposed rule moves in precisely the opposite direction of these judicial precedents. Rather than strengthening opportunities for meaningful public participation, it compresses the timeframe and visibility of those opportunities in ways that would systematically reduce public involvement.

COMPRESSION OF PUBLIC COMMENT AND OBJECTION PERIODS

Perhaps the most consequential change proposed in this rule is the drastic reduction of comment and objection timelines. Under the current administrative review process:

- Environmental Assessments generally provide **30-day public comment periods**.
- Environmental Impact Statements provide **45-day comment periods** following publication of the draft EIS.
- Objection periods typically allow **45 days for filing objections**, with additional time for agency review and response.

The proposed rule would reduce those timelines dramatically:

- **10 days for comments on Environmental Assessments**
- **20 days for comments on Environmental Impact Statements**
- **10 days to file objections to draft FONSI decisions**
- **20 days to file objections to draft ROD decisions**

These compressed timelines represent reductions of more than fifty to sixty percent compared to current practice. Such drastic reductions would fundamentally impair the ability of stakeholders to review technical documents, analyze environmental impacts, consult subject-matter experts, and prepare substantive comments. NEPA processes often involve documents that exceed several hundred pages, including appendices containing scientific analyses, wildlife studies, transportation network maps, hydrological modeling, and socioeconomic assessments. Expecting the public to review such material and prepare meaningful feedback within ten days is neither realistic nor consistent with NEPA's purpose.
In practical terms, these shortened timelines would function as an extreme barrier to participation for the vast majority of stakeholders.

ELIMINATION OF TRADITIONAL PUBLIC NOTICE REQUIREMENTS

The proposed rule also removes longstanding requirements for legal notice of comment and objection opportunities in newspapers of record and, in some cases, the Federal Register. Instead, the agency proposes to rely primarily on posting notices on agency websites. While digital communication can improve accessibility for some users, exclusive reliance on online postings creates substantial risks that many stakeholders will not receive timely notice of projects affecting them. Many rural communities adjacent to National Forest lands, including hundreds of communities in Utah, continue to rely on local newspapers and traditional communication channels for information regarding public land management.

Broadband access remains inconsistent in many areas, and many rural residents do not routinely monitor agency websites for updates.

Under the existing rule, the Forest Service must not only publish legal notice but must also provide notice to individuals who have requested it and to those who have participated in project development. The proposed rule would reduce this proactive notification requirement, further diminishing the likelihood that interested stakeholders will be informed in time to participate.

The combined effect of shortened comment periods and reduced public notice would significantly increase the probability that affected stakeholders simply will not learn about projects until after the window for participation has closed. This is an egregious and avoidable harm to the citizens of the United States who are the primary vested stakeholder of Forest Service-managed public lands. **We urge the Forest Service to retain the requirement for public notice publication in the newspaper of record, while also expanding digital access to public notices through the improvements noted for posting notices on agency websites. Additionally, we urge that the Forest Service retain the requirement to provide notice to individuals who have requested it and to those who have participated in project development.**

REMOVAL OF INDEPENDENT OBJECTION REVIEW

The current administrative review framework includes a reviewing officer separate from the responsible official who made the project decision. This structure provides an important procedural safeguard by ensuring that objections receive review by an official who was not directly responsible for the original decision.

We are extremely concerned that the proposed rule eliminates this role and allows the responsible official or their immediate team to handle objections. While this change may improve administrative efficiency, it undermines the perception… and potentially the very reality… of independent review. The objection process exists precisely to provide an opportunity for reconsideration of decisions before implementation. Removing structural independence from that process diminishes public confidence in the fairness of administrative review.

REMOVAL OF STRUCTURED RESOLUTION MEETINGS

The current Part 218 process allows for resolution meetings between objectors and agency officials to discuss issues raised in objections and explore potential solutions. These meetings have historically provided valuable opportunities for collaboration, clarification, and conflict resolution. In many cases, issues raised by stakeholders have been addressed through these discussions, **thereby avoiding unnecessary litigation and improving project outcomes.**

The proposed rule removes this structured opportunity for dialogue. Although the Forest Service indicates that meetings could still occur at agency discretion, converting a defined procedural opportunity into a purely discretionary option reduces the likelihood that meaningful engagement will occur.

STAKEHOLDER IMPACT ANALYSIS

The cumulative impacts of the proposed rule would not fall evenly across all participants. Instead, the rule would disproportionately affect stakeholders who rely on volunteer capacity, rural communication networks, or complex technical review to participate in planning processes. As advocates for public access to public lands for all forms of recreation and multiple-uses, UPLA has considered the impacts of this proposed rule on many of the members and partner organizations that we represent and collaborate with. The following matrix demonstrates a selection of stakeholders who will be significantly adversely affected by the Rule:

Stakeholder Category	Primary Role in Forest Planning	Impact of Proposed Rule
OHV recreation groups and trail organizations	Provide route inventory data, mapping corrections, recreation impact analysis	Ten-day comment periods prevent route-level analysis and coordination among volunteer groups
Hunters, anglers, and wildlife conservation organizations	Provide wildlife habitat observations and species management input	Short timelines limit ability to review biological assessments and habitat models
Grazing permittees and ranching organizations	Review allotment management changes and infrastructure impacts	Reduced notice and compressed timelines prevent coordination with permittees and grazing associations
Rural residents and gateway communities	Provide local economic and social impact information	Website-only notice reduces visibility in rural communities with limited broadband access
Small recreation businesses and outfitters	Assess impacts to trailheads, access roads, and recreation infrastructure	Limited time and visibility prevents business operators from evaluating project implications
Volunteer-based conservation and stewardship groups	Provide on-the-ground knowledge and restoration expertise	Short timelines undermine volunteer coordination and collaborative engagement

These impacts would disproportionately affect precisely the stakeholders that MUSYA and NEPA were designed to include: the citizens and communities most directly connected to the land.

EXTENDED PUBLIC COMMENT PERIODS ARE ESSENTIAL

Numerous Forest Service projects in Utah have demonstrated the importance of allowing sufficient time for public review. One example is the Dixie National Forest Pine Valley Landscape Restoration Project, which involved extensive vegetation treatments, wildlife habitat considerations, and recreation access impacts across a large landscape. The project generated substantial public interest, and extended comment periods allowed stakeholders – which included recreation groups, conservation organizations, and local governments – to analyze the proposal and provide detailed input.

Similarly, the Uinta-Wasatch-Cache National Forest Central Wasatch Vegetation Management Project required extended comment periods due to the complexity of the analysis and the number of stakeholders involved. Public review involved coordination among multiple user groups, local governments, and technical experts. The Ashley National Forest Ashley National Forest Plan Revision also relied on extended engagement timelines to allow diverse stakeholders (tribal governments, recreation groups, conservation organizations, and grazing permittees) to evaluate complex planning documents and provide meaningful feedback.

Had these projects been constrained by 10-day or 20-day comment windows, it is highly unlikely that the level of public engagement ultimately achieved would have been possible. This is common to all projects within the Forest Service's purview; reduced public comment periods will disenfranchise all stakeholders from meaningful and relevant participation in public land management.

UNREASONABLE PAGE LIMITS ON OBJECTIONS

The proposed rule would impose strict page limits on objection submissions:

- 15 pages for objections to projects documented with an Environmental Assessment (EA)
- 30 pages for objections to projects documented with an Environmental Impact Statement (EIS)

We strongly opposes the imposition of these arbitrary limits. Environmental analyses prepared by the Forest Service frequently involve highly technical documentation addressing a wide range of disciplines, including wildlife biology, range management, transportation system planning, hydrology, vegetation management, wildfire risk mitigation, cultural resource protection, recreation infrastructure, and socioeconomic impacts. In many cases, Environmental Impact Statements and supporting technical appendices span hundreds, if not thousands, of pages. Meaningful review of such analyses requires careful examination of scientific studies, spatial mapping data, modeling assumptions, and the agency's application of governing statutes and regulations.

Objectors are therefore often required to respond not only to the core environmental document but also to extensive supporting analyses contained within appendices, specialist reports, and technical memoranda. Limiting objections to a fixed number of pages would create artificial constraints that prevent stakeholders from presenting comprehensive, well-supported arguments regarding deficiencies in the agency's analysis.

These limitations would disproportionately disadvantage stakeholders who seek to provide substantive, evidence-based objections supported by scientific research, legal analysis, or detailed site-specific information. For example, objections concerning transportation system management frequently require route-by-route evaluation of impacts, mapping references, and citations to existing travel management decisions. Similarly, objections involving grazing management, wildlife habitat analysis, or vegetation treatment proposals often require discussion of complex technical material that cannot reasonably be addressed within a rigid page limit.

The purpose of the objection process under 36 C.F.R. Part 218 is to allow the public to identify errors, omissions, or concerns in agency analyses **before** a decision is finalized and implemented. Artificially constraining the length of objections undermines that purpose by limiting the ability of stakeholders to fully document and explain their concerns.

UPLA therefore urges the Forest Service to remove these proposed page limits entirely. Stakeholders must be allowed to submit objections of sufficient length to fully address complex planning issues, provide supporting evidence, and ensure that the agency has the benefit of complete and substantive information during its administrative review process.

MORAL AND DEMOCRATIC IMPERATIVES FOR PUBLIC ENGAGEMENT

Beyond statutory and legal requirements, there are fundamental democratic reasons for ensuring broad public participation in management of America's public lands. National Forest lands belong to the American people. Citizens who recreate, hunt, ranch, work, and live near these lands possess invaluable knowledge about their conditions and uses. Their participation strengthens agency decision-making by bringing forward local expertise, identifying overlooked impacts, and building public trust in government processes. **Restricting opportunities for participation does not eliminate public concern; it merely shifts that concern into litigation and conflict. A process that invites meaningful engagement early and often is more likely to produce durable decisions that withstand legal scrutiny and maintain public confidence.**

Given the severe detrimental impacts that would be inflicted on UPLA members, all stakeholders of Forest Service-managed public lands, and the general public, through implementation of this proposed rule, we subsequently urge the Forest Service to either abandon this proposed rule in full, or comprehensively revise it to retain:

- Existing public comment periods including:
    - Environmental Assessments: minimum **30-day public comment periods**
    - Environmental Impact Statements: minimum **45-day comment periods** following publication of the draft EIS
    - Objection periods: minimum **45 days for filing objections**, with additional time for agency review and response
- Requirement for public notice publication in the newspaper of record, while also expanding digital access to public notices through the improvements noted for posting notices on agency websites

- Requirement to provide notice to individuals who have requested it and to those who have participated in project development.
- Requirement for an independent reviewing officer separate from the responsible official who made the project decision to facilitate Objection Resolution
- Consistent requirement for Objection Resolution Meetings as part of the required process for all planning actions
- Zero limitations on page number / volume for Objection comment submissions

CLOSING

We strongly urge the Forest Service to reconsider the proposed rule. The changes proposed would substantially restrict opportunities for meaningful public participation in National Forest decision-making processes. Such restrictions are inconsistent with the statutory mandates of NEPA and MUSYA, contrary to judicial precedent emphasizing the importance of public involvement, and detrimental to the collaborative stewardship of America's public lands. **Rather than compressing timelines and narrowing notice requirements, the Forest Service should pursue reforms that expand transparency, improve accessibility, and maximize public engagement.** The American people deserve a management process for their public lands that welcomes their participation, respects their knowledge, and honors Congress's directive that these lands be managed for the benefit of all. **UPLA respectfully requests that the Forest Service withdraw the proposed rule or substantially revise it to ensure that meaningful public participation remains a central pillar of National Forest management.**

Utah Public Lands Alliance would like to be considered an interested public for the Rule. Information can be sent to the following address and email address:

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Sincerely,

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cc: Senator Mike Lee, Senator John Curtis, Congresswoman Celeste Maloy, Congressman Blake Moore, Congressman Burgess Owens, Governor Spencer Cox, PLPCO Director Redge Johnson, UPLA Trustees and Members