

# OUTDOOR ALLIANCE

August 4, 2025

Secretary Brooke Rollins  
Department of Agriculture  
1400 Independence Ave SW  
Washington, DC. 20250

Chief Tom Schultz  
United States Forest Service  
201 14th St SW  
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*Submitted via <https://www.regulations.gov/document/USDA-2025-0008-0001>*

## **RE: Comments on USDA-2025-0008, Department of Agriculture Interim Final Rule implementing the National Environmental Policy Act**

Secretary Rollins and Chief Schultz,

On behalf of the human-powered outdoor recreation community, we write to provide our perspectives on the United States Department of Agriculture's (USDA) Interim Final Rule (IFR) implementing the National Environmental Policy Act (NEPA). These comments primarily relate to the United States Forest Service (USFS), which is directly responsible for managing millions of acres of outdoor recreation opportunities valued by our community.

Outdoor Alliance is a coalition of nine member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.



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The interim final rule would dramatically change the USDA's approach to implementing NEPA in a manner that would greatly scale back our community's ability to collaborate with the USFS on a variety of land management issues, as we have done successfully for decades. We have significant concerns with both the content of the IFR and with the process employed by USDA in adopting it. These concerns include:

- The process employed by USDA in adopting the IFR is rushed, confusing, and adds unnecessary complexity to longstanding NEPA policies and practices;
- The IFR reduces and eliminates essential public comment opportunities that enable recreationists to work with the USFS to improve project outcomes;
- The IFR inappropriately applies Categorical Exclusions (CEs) for activities that may have significant environmental impacts;
- The IFR narrows the types of federal decisions where NEPA applies and encourages less rigorous levels of NEPA analysis; and
- The IFR reduces the quality and integrity of NEPA analysis by removing requirements to consider cumulative impacts and climate change.

It is imperative that USDA work with stakeholders and Tribes to address these deficiencies and develop a final rule through proper notice and comment procedures that meets NEPA's mandate to consider environmental impacts and involve the public in environmental analysis.

## **Outdoor Recreation Community's Perspective on the NEPA Process**

Outdoor recreationists are highly familiar with the environmental review process that NEPA facilitates, and our community deeply values the law's core tenets of government transparency and reasoned decision-making informed by science and robust public input. In the context of National Forest management, we have significant experience working with the USFS at multiple levels of the NEPA process providing input on individual projects as well as on multi-year forest plan revisions. In these settings, the NEPA process is the primary way that members of our community provide input on (or sometimes become aware of) projects and proposals that affect outdoor recreation access and conservation values on National Forests.



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We also regularly engage in the NEPA process as proponents of recreation infrastructure projects, such as trail systems, and are familiar with the frustrations around delays and resource investments that can accompany NEPA from that perspective. The outdoor community supports making the NEPA process more efficient and responsive to stakeholder input, and we are open to an honest dialogue with USDA about where these efficiencies can be found. These reforms should be targeted, collaboratively developed, and based in sound science and Tribal consultation, while still meeting NEPA's statutory requirements

We are concerned that, rather than pursuing these sorts of thoughtful reforms, USDA is instead rushing to finalize an IFR that undermines public participation in the NEPA process. Unless corrected, this process is likely to increase frustration among public lands stakeholders and cause projects to move forward without public support, ultimately causing more controversy, delays, and litigation related to federal decisions.

## **Comments on the Administration's Approach to Revising NEPA Regulations**

For decades, the outdoor recreation community has navigated the NEPA process in accordance with the Council on Environmental Quality's (CEQ) regulations that were common to all federal agencies prior to this year. As visitors to public lands managed by multiple federal agencies, outdoor recreationists benefited from the consistency that the CEQ regulations provided regarding how NEPA is applied to decisions relating to federal public lands and waters. CEQ's decision to rescind its NEPA regulations earlier this year and instead instruct federal agencies to develop their own regulations now adds a new and unnecessary layer of complexity for stakeholders engaged in the NEPA process. Despite the Administration's direction to prioritize "efficiency and certainty over any other objectives,"<sup>1</sup> this new patchwork of regulations is inefficient and confusing for stakeholders and land managers alike and will likely lead to further project delays related to environmental analysis.

The process that multiple agencies are now employing in issuing IFRs is both rushed and inadequate. Multiple federal agencies have concurrently issued IFRs

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<sup>1</sup> Exec. Order No. 14154, 90 Fed. Reg. 8353 (Jan. 29, 2025).



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with just thirty days for stakeholders to submit comments. Asking stakeholders to submit detailed comments on multiple sweeping new policies upending decades of precedent on NEPA application is unreasonable and does not allow for meaningful public engagement under such a short timeframe. The USDA should remedy this issue by developing a final rule through normal notice and comment procedures that allow for adequate public participation.

Additionally, USDA's decision to implement a comprehensive change to its NEPA regulations through this IFR comes at a time of dramatic change for the agency and its subcomponents. In recent months, the agency has lost approximately 16,000 employees as part of a broader effort to downsize the federal workforce,<sup>2</sup> and the agency recently announced a large-scale reorganization plan that will reshape how USDA subcomponents interact with and provide services to the public.<sup>3</sup> In this context, we are concerned that complying with NEPA via an entirely new set of procedures adds a new layer of uncertainty for USDA staff. We are concerned that increasingly limited staff capacity at USDA will lead to deficiencies in the NEPA process whereby staff are pressured to shortcut important elements of NEPA required by statute.

## Comments Specific to USDA's Interim Final Rule

### *Public Input*

The IFR narrows, and in many cases eliminates, longstanding public comment opportunities during the NEPA process. Public input is the cornerstone of federal decision making under NEPA and is the primary avenue by which members of the outdoor community help ensure that federal actions do not unnecessarily degrade recreation resources and landscapes that we value, or find important efficiencies through recreation co-benefits. We are extremely concerned that the elimination of public input in multiple stages of the NEPA process will lead to projects that degrade recreation resources and public access, and that there will be no clear

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<sup>2</sup> Hannah Northey, Heather Richards & Sean Reilly, *Trump Buyouts Drive Brain Drain At Federal Agencies*, E&E NEWS (Apr. 30, 2025), <https://www.eenews.net/articles/trump-buyouts-drive-brain-drain-at-federal-agencies/>.

<sup>3</sup> Secretary of Agriculture Brooke Rollins, *Secretary Memorandum: SM 1078-015 – Department of Agriculture Reorganization Plan* (July 24, 2025).



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avenue by which members of our community can bring these issues to land managers' attention.

Outdoor recreation activities like climbing, paddling, mountain biking, and backcountry skiing are defined by the opportunity to interact with highly specific recreational resources and attributes of the landscape. Outdoor Alliance and our member organizations' experience has often been that unless a particular line officer holds a personal enthusiasm for and interest in outdoor recreation—maybe even a specific activity—local USFS staff may not be aware of the full range of recreation values that exist on a particular forest or ranger district and are thus unable to fully understand how proposed actions might affect these recreation values. Public comment opportunities during the NEPA process provide our community with a critical forum to bring issues around a project or plan's potential recreation impacts to the USFS's attention in an official capacity. We are extremely concerned that, in the absence of these opportunities, the agency will approve projects under NEPA reviews that fail to consider how a project might affect outdoor recreation values in a particular area, ultimately causing harm to outdoor recreation resources or missing opportunities for their enhancement. Specific examples include:

- Schedule of Proposed Actions: The IFR does not require agencies to post upcoming projects on a Schedule of Proposed Actions, as was required by the USFS's former regulations at 36 CFR § 220.4(d). This change will make it more difficult for recreationists to understand which projects the USFS plans to analyze in a particular quarter.
- Scoping: The IFR removes the requirement that USDA subcomponents conduct scoping, stating that "[s]coping is not a statutorily required step in the NEPA review procedures and there is no prescribed process or procedure required for scoping."<sup>4</sup> Subcomponents *may* conduct scoping prior to issuing an EIS, but this is not required.<sup>5</sup> This change eliminates an essential up-front opportunity for our community to identify issues relevant to outdoor recreation that may merit further analysis or changes to project design, for example to support recreation outcomes through a vegetation

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<sup>4</sup> 7 CFR § 1b.7(c).

<sup>5</sup> *Id.*



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management project where objectives and analysis could be efficiently combined.

- Categorical Exclusions: The IFR does not require public comment on the creation of new CEs by USDA subcomponents. Developing categorical exclusions without public input risks ignoring potential significant impacts to public lands resources, including outdoor recreation.
- Environmental Assessments (EA): The IFR does not require USDA subcomponents to solicit public comment for Draft EAs, as was formerly required by CEQ. EAs are often used to analyze highly complex projects that may have a wide variety of potential impacts on outdoor recreation and important recreation landscapes. The loss of this comment opportunity prevents recreationists and other stakeholders from identifying issues related to project design and environmental analysis early in the NEPA process—a key opportunity for dialogue that can correct agency errors and prevent litigation.
- Draft Environmental Impact Statements (EIS): For EISs, agencies are required to hold public comment periods along with the release of the Notice of Intent (NOI). USDA subcomponents may solicit public comments on draft EISs, but are not required to do so.<sup>6</sup> As with EAs, this potentially removes an essential avenue by which stakeholders can identify NEPA deficiencies, improve project outcomes, and prevent litigation.

Cumulatively, these changes eliminate most comment opportunities that members of the public have come to expect and rely on in the NEPA process. These changes undercut stakeholders' ability to collaborate with the USFS through the NEPA process and will reduce transparency in federal decisionmaking.

## *Categorical Exclusions*

The IFR would expand the use of CEs by USDA subcomponents and increase the USFS's ability to create and adopt new CEs. While we are comfortable and

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<sup>6</sup> 7 CFR § 1b.7(d)(2).





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accustomed to certain categories of projects without significant environmental effects being analyzed through CEs, some of these changes are inappropriate in the context of the USFS and will lead to significant environmental impacts. Examples include:

- Adoption of Subcomponent CEs: The IFR allows USDA subcomponents to apply CEs developed by other USDA subcomponents.<sup>7</sup> This practice ignores the context in which CEs were developed. For example, the Natural Resource Conservation Service (NRCS) has developed a number of CEs related to land management activities that were developed in the context of the agency's work to assist private land managers in managing their land. When applied over thousands of acres of public lands by an agency like the USFS, these same activities may have significant environmental impacts and thus require more rigorous NEPA analysis. This distinction is particularly important in the context of outdoor recreation, which is often not allowed on private lands managed by NRCS.
- Forest Planning: The multi-year forest planning process guided by 36 CFR part 219 is among the most consequential decisions made by the USFS. Members of the outdoor community invest significant time and resources in these plan revisions, which guide decisionmaking related to a wide variety of land management activities—many with significant environmental impacts—across individual forests for decades as a plan is implemented. The IFR includes a CE that would apply to USFS land management plan revisions and amendments.<sup>8</sup> Considering that forest plans make decisions that affect where logging, infrastructure development, wildfire mitigation, and other activities with significant environmental impacts can and cannot occur, plan revisions are not appropriate for analysis through a CE. Additionally, applying a CE to forest planning clearly conflicts with public participation requirements in both the National Forest Management Act and the USFS 2012 Planning Rule.

## *Narrowing Where and How NEPA Applies*

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<sup>7</sup> 7 CFR § 1b.3(e).

<sup>8</sup> 7 CFR § 1b.4(d)(38).



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Several provisions in the IFR will affect USDA subcomponents' decisions regarding the level of review appropriate to a particular project, as well as the decision to undergo NEPA analysis at all. Examples include:

- Definition of "Significance": The IFR replaces the detailed "context and intensity" factors that agencies formerly used to determine when to prepare an EIS with a requirement that agencies "consider and analyze the potentially affected environment and degree of the effects of the action" along with a vague list of considerations that do little to establish a threshold for significance.<sup>9</sup> Importantly, the new definition excludes the requirement that agencies consider cumulative impacts (see below).
- Definition of "Major Federal Action": The IFR establishes that the terms "major" and "federal action" each have independent force, and that both thresholds must be met for NEPA to apply.<sup>10</sup> This differs from the definition recently provided by Congress in the Fiscal Responsibility Act as "an action that the agency carrying out such action determines is subject to substantial Federal control and responsibility."<sup>11</sup>
- Other statutes: The IFR states that NEPA analysis is not required when the proposal "is an action for which another statute's requirements serve the function of the Federal agency's compliance with the Act."<sup>12</sup> Given NEPA's role as the primary statute guiding environmental decisionmaking across the federal government, it is unclear what other statutes might satisfy NEPA's requirements.

## *Quality and Integrity of NEPA Analysis*

The IFR removes reference to a number of requirements intended to ensure the quality and integrity of NEPA analysis. In particular, we are extremely concerned to see the requirement that USDA subcomponents consider a project's cumulative impacts removed entirely. This change runs counter to NEPA's mandate to consider

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<sup>9</sup> 7 CFR § 1b.2(f)(3).

<sup>10</sup> 7 CFR § 1b.2(e)(1).

<sup>11</sup> 42 U.S.C. § 4336e(10).

<sup>12</sup> 7 CFR § 1b.2(e)(6).





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“reasonably foreseeable environmental effects,”<sup>13</sup> which in many cases accumulate between projects.

We also strongly oppose the elimination of requirements to consider climate change that were included in the now-rescinded CEQ regulations. Outdoor recreationists are profoundly affected by the climate crisis, which increasingly affects recreation on National Forests through closures, lack of snowfall, extreme floods, uncharacteristic wildfire, heat waves, and other impacts. Addressing the climate crisis is one of the foremost environmental challenges of our time and clearly falls within the spectrum of environmental impacts that agencies must consider through NEPA. We are dismayed to see no reference to climate change whatsoever in the IFR.

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For more than half a century, NEPA has guided federal decisionmaking in a way that has enabled the outdoor recreation community to work closely with federal agencies to achieve beneficial project outcomes that protect and enhance recreation access on public lands and waters. As USDA works to comply with recent direction from Congress, the Supreme Court, and CEQ, it is critical that the agency work to sustain this sort of beneficial collaboration with the public. This IFR, which has been pursued through a rushed and inadequate process, fails to provide our community with assurance that USDA will move forward in a way that protects NEPA’s integrity or meets society’s needs around outdoor recreation. We offer our support and collaboration in improving these deficiencies in a final rule.

Thank you for considering our community’s input.

Best regards,



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<sup>13</sup> 42 U.S.C. § 4332(C).



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## Outdoor Alliance

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