



**2026 Annual Convention
Snoqualmie, Washington**

RESOLUTION # 2026 – 054

**“OPPOSING RESCISSION OF THE 2001 ROADLESS AREA
CONSERVATION RULE AND BOTH ACTION ALTERNATIVES, AND
DEMANDING FULL CONSULTATION AND ANALYSIS OF TRIBALLY
REQUESTED ALTERNATIVES ACROSS THE AFFILIATED TRIBES OF
NORTHWEST INDIANS (ATNI) REGION”**

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties and benefits to which we are entitled under the laws and Constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following Resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are the representatives and advocates for national, regional, and specific Tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and Indian Tribal governments in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, the 2001 Roadless Area Conservation Rule protects approximately 44.7 million acres of National Forest System lands, and this region carries most of what is at stake: of 40.06 million potentially affected acres, the Alaska Region holds 12,565,348, the Northern Region 5,950,570, and the Pacific Northwest Region 3,729,978, together more than half the national total before northern California is counted (DEIS at 89, Table 20); and

WHEREAS, those acres lie on the Tongass, Colville, Okanogan-Wenatchee, Gifford Pinchot, Mt. Hood, Willamette, Rogue River-Siskiyou, Klamath, Six Rivers, Flathead, Lolo, and Kootenai National Forests, among others, and they hold ancestral territories, treaty-reserved hunting, fishing, and gathering areas, sacred sites, burial grounds, ancestral trails, and subsistence resources of ATNI member Tribal Governments; and

WHEREAS, ATNI and Tribal Governments nationally have opposed this course before: Resolution #19-58 supported the no-action alternative in the Tongass rulemaking; Resolution #2025-49, NCAI Resolutions #ABQ-19-029, #AK-21-010, and #SEA-25-102, and resolutions of the Rocky Mountain Tribal Leaders Council and the Coalition of Large Tribes opposed rescission and demanded meaningful government-to-government consultation; and NCAI Resolution #MEM-26-040 opposed repeal by Congress; and

WHEREAS, each spoke before this rulemaking had a proposal to answer. When they were adopted there was no proposed rule, no range of alternatives, no Draft Environmental Impact Statement, no draft Tribal Summary Impact Statement, no biological assessments, and no consultation record to measure. All of that now exists, the comment period closing October 6, 2026, is the only stage at which the Department must consider and respond to what Tribal Governments place before it, and objections not raised in that record may not be available later; and

WHEREAS, this rescission is not an isolated act but one of a set of Departmental actions, so the question is not only what the rule does to these lands, but what remains of government-to-government consultation and the trust responsibility once those actions are taken together; and

WHEREAS, on August 20, 2026, the U.S. Department of Agriculture (Department) published a proposed rule to rescind the 2001 Roadless Rule (RIN 0596-AD66; 91 Fed. Reg. 53,827), signed by Deputy Secretary Stephen Vaden, together with a Draft Environmental Impact Statement (DEIS), a cost-benefit analysis, a draft Tribal Summary Impact Statement, and draft biological assessments posted outside the rulemaking docket, and gave 32 days to respond to a record of thousands of pages, later extended to October 6, 2026 (91 Fed. Reg. 57,841); and

WHEREAS, the DEIS studies only three alternatives: no action; full rescission; and a modified rule that strips roadless designation from 31.7 million acres, including every acre of the Tongass, keeps prohibitions on roughly 13 million acres, all of it outside the Tongass, and lifts prohibitions from 60 percent of roadless acres in the Northern Region; and

WHEREAS, that modified alternative is no middle course: the Tongass loses all protection under both action alternatives; the land it removes is largely wildland-urban interface and ground within a half mile of existing roads, where new access most directly exposes sacred sites, ancestral trails, burial grounds, and gathering areas; and its locally led boundary process invites further reductions once the rule is final; and

WHEREAS, the Department found that removing the Rule “would have substantial direct effects on Indian Tribes ... and therefore warrants consultation under E.O. 13175” (91 Fed. Reg. 53,831), while USDA Departmental Regulation 1350-002 requires consultation “with Tribal officials early in the process of developing the proposed regulation,” and the Secretary announced his intent to rescind on June 23, 2025, before any consultation began; and

WHEREAS, against the standard the Department set for itself, the record shows 64 requests for consultation, 34 scheduled, and 29 held, fewer than half, and those were run by local and regional line officers rather than the officials who will decide (91 Fed. Reg. 53,831); and the draft Tribal Summary Impact Statement closes its record of Tribal feedback on December 5, 2025, more than eight months before the alternatives were published (draft Tribal Summary Impact Statement at 2, n.1); and

WHEREAS, that statement reports “the majority sentiment among Tribal governments consulted is opposition to the proposed rescission of the 2001 Roadless Rule,” names Tribal Governments in Southeast Alaska and Puget Sound among those opposed, and records support from a single entity, an Alaska Native Corporation rather than a Tribal Government; and

WHEREAS, Tribal Governments and inter-tribal organizations asked the Department to study a traditional homelands conservation rule proposed jointly by Southeast Alaska Tribal Governments, an “Idaho-like” rule for the Tongass, a strengthened roadless rule, a wider range of intermediate Tongass alternatives, the roaded-roadless alternatives from the 2020 Alaska rulemaking, co-stewardship and co-management with mutual concurrence, Indigenous Knowledge as best available science, and a western Montana Tribal Government’s proposal to write a roadless rule for its aboriginal territory, and the Department eliminated every one (draft Tribal Summary Impact Statement at 3 to 5; DEIS at 28 to 29); and

WHEREAS, it dismissed them on the reasoning that co-stewardship is “better addressed through local land management planning or site-specific project level planning” (DEIS at 29), and screened protective alternatives out as unresponsive “to the deregulatory executive orders” (DEIS at 27 to 28), a purpose and need drawn from those orders themselves, while adding a third alternative at the request of commenters seeking fewer prohibitions in roaded-roadless areas and the wildland-urban interface, leaving a range responsive to every interest but that of Tribal Governments; and

WHEREAS, this rulemaking leaves the Idaho state-specific roadless rule untouched, roughly 9 million acres in this region, which the State secured through a petition for rulemaking, so a State here keeps protections built for its own conditions while Tribal Governments are offered a petition process open to any interested entity and the assurance that records of consultation “will be retained and may be referenced in future rulemaking”; and

WHEREAS, the DEIS concedes that harvest and road construction in roadless areas “could significantly alter Tribal access to treaty-reserved resources, sacred sites, and other culturally significant areas,” that new roads “may fragment or obscure ancestral trails” and “may lead to unauthorized public access, vandalism, or desecration of sacred sites,” that both bear directly on “fisheries that are central to Tribal diets, economies, and ceremonies,” and that under both action alternatives they “could have long-term negative effects on Tribal rights and interests” (DEIS at 201 to 202), and then leaves every one of those harms to future project-level review; and

WHEREAS, the DEIS reaches “may affect, likely to adversely affect” determinations for 327 listed and proposed species and 71 designated critical habitats (DEIS at 161), among them every one of the 27 Pacific salmon and steelhead runs in the action area, most of which spawn in the Columbia Basin, Puget Sound, and the Oregon and northern California coasts, and bull trout, the fish on which treaty-reserved and subsistence harvest in this region depends; and

WHEREAS, the Forest Service reaches “may effect [sic] individuals or habitat” determinations for 3,490 sensitive species and presents no Alaska Region analysis at all (DEIS at 162, Table 40), concluding the rescission has “no effect” on listed species in Alaska by leaning on the 2016 Tongass Forest Plan Amendment as summarized in the 2020 Alaska Final EIS (DEIS at 235), while saying only that it “anticipate[s] initiating” consultation under Section 7(a)(2) and that cooperation is “ongoing and will be completed prior to a final decision,” with no biological opinion issued (DEIS at 159 to 160); and

WHEREAS, deferring treaty, sacred site, and subsistence protection to project-level review moves the cost of defending those interests from the federal government onto Tribal Governments, project by project and forest by forest, at the very moment the environmental review where those defenses would be raised has already been shortened and historic preservation review is under revision; and

WHEREAS, the promise that forest plans will provide that protection must be weighed against what the plans say: 108 of 126 were written under the 1982 planning regulations, and of the 77 revised after the Rule issued, 45 came during the 2001 to 2011 litigation, plans the DEIS calls “less likely to have incorporated IRAs into their management areas or provided specific direction for these areas” (DEIS at 8), while analysis of the Forest Service’s own plan database finds all 108 give no substantive recognition or meaningful protection of Tribal rights, and even the plans written under the 2012 Planning Rule rely on desired conditions and discretion rather than enforceable standards (Mills and Nie, August 28, 2026); and

WHEREAS, the Department reached that conclusion when it adopted the Rule, finding roughly 34.3 million of 58.5 million roadless acres under plan prescriptions allowing road construction, and protections in the rest liable to “change after future forest plan amendments or revisions” (66 Fed. Reg. 3,246), which is why it placed the Rule’s prohibitions beyond the reach of later amendments, the protection this rescission removes while handing back the process the Rule was written to fix, now subject to the nationwide analysis of land management plans that

the Department's National Active Forest Management Strategy directs to identify and remove obstacles to timber harvest (Mills and Nie, August 28, 2026); and

WHEREAS, those actions close, one by one, the openings where a Tribal Government could raise treaty rights, sacred sites, and subsistence in a project decision:

- A Tribal Government may never learn a project is proposed in its homelands, because final National Environmental Policy Act regulations (91 Fed. Reg. 17,062) make scoping discretionary for categorical exclusions and environmental assessments and rescind the requirement to publish a Schedule of Proposed Actions;
- Forest plan direction won through years of consultation would become optional, because a proposed rule (91 Fed. Reg. 39,948) would let officials depart from mandatory direction in the Directives System;
- Consultation itself would be compressed across 59 percent of National Forest System lands, where an emergency situation determination (Secretary's Memorandum 1078-006) says Tribal consultation time frames may need to be expedited;

and the DEIS lists none of these among the reasonably foreseeable actions in Table 4, never analyzes their combined effect on Tribal rights, and applies NEPA regulations that have since been superseded (DEIS at 1, 34 to 35); and

WHEREAS, the DEIS claims no evaluation under Section 810 of the Alaska National Interest Lands Conservation Act is required because the rescission is programmatic, and treats hearings held in 2019 as adequate to a 2026 decision, while the four announced on August 24, 2026, include a single one in Southeast Alaska, against the 18 Southeast Alaska communities that hosted hearings in 2019 (85 Fed. Reg. 68,688), the last of them five days before the record closes, with no written comments taken at any; and

WHEREAS, the 2001 Rule does not restrict fire suppression; it permits roads to meet an imminent fire threat and roads needed under reserved rights or treaty, and allows small diameter cutting to restore ecosystem function (DEIS at 14, Table 1), and the Department records hazardous fuels reduction across 1.8 million acres inside roadless areas under it, roughly a quarter of that prescribed burning (DEIS at 7), so where Tribal Governments meet obstacles to suppression, fuels reduction, cultural burning, or management for resiliency, the obstacle is the Department's exception process and its own capacity, not the Rule, and the answer is Tribal authority, not rescission; and

WHEREAS, the wildfire rationale does not survive the Department's own data, which records 12.0 ignitions per million acres a year inside roadless areas against 41.8 elsewhere on National Forest System lands (DEIS at 87, Table 18), while conceding that ignitions rise with road density (DEIS at 101), and these same lands hold the headwaters and cold-water refugia that treaty-reserved fisheries and subsistence harvest across this region depend on; and

WHEREAS, the Department allowed 21 days of comment on the Notice of Intent and 47 in all on this proposal, and has offered no consultation period approaching the 120 days the Forest Service Handbook sets for widely applicable national issues (FSH 1509.13), while

roughly 129 days of comment and some 430 public meetings preceded adoption of the Rule in 2001; and

WHEREAS, the comment period closes October 6, 2026, nineteen days after this Convention adjourns, consultation stays formally open through the rulemaking, and a final Tribal Summary Impact Statement is due with the final rule, so the assertion of Tribal rights here is immediate and does not end at the deadline; now

THEREFORE, BE IT RESOLVED, that ATNI opposes the proposed rescission of the 2001 Roadless Area Conservation Rule and both action alternatives, and supports Alternative 1, no action, as the only alternative before the Department consistent with treaty rights, the federal trust responsibility, and ANILCA subsistence protections; and

BE IT FURTHER RESOLVED, that ATNI calls on the Department to withdraw the proposed rule and, if it proceeds, to circulate for comment a supplemental Draft Environmental Impact Statement studying the alternatives Tribal Governments asked for, including a traditional homelands conservation rule for the Tongass, a strengthened roadless rule, co-stewardship and co-management with mutual concurrence, Indigenous Knowledge as best available science, and a Tribally initiated mechanism providing expressly for Tribally led fire suppression, fuels reduction, prescribed and cultural burning, and management for resiliency at the direction of the Tribal Government whose homelands are affected; and

BE IT FURTHER RESOLVED, that ATNI demands a comment period of no fewer than 120 days from publication; a Tribal consultation period of no fewer than 120 days, the Forest Service's own standard for widely applicable national issues (FSH 1509.13) and the commitment in its 2023 Tribal consultation action plan; and full compliance with USDA Departmental Regulation 1350-002; and

BE IT FURTHER RESOLVED, that ATNI demands consultation conducted by the Departmental officials who will decide this rulemaking, the Secretary and Deputy Secretary, not local or regional line officers, with sessions accessible across this region, funding for Tribal participation, written documentation of outcomes, and cooperating agency status for any Tribal Government that asks; and

BE IT FURTHER RESOLVED, that ATNI demands the Department complete and publish a full ANILCA Section 810 evaluation on current information before any Record of Decision, hold additional in-person subsistence hearings in Southeast Alaska communities beyond the one now scheduled, and keep the written record open at least 30 days after the final hearing; and

BE IT FURTHER RESOLVED, that ATNI calls on the Department to treat Tribal Governments as sovereigns holding treaty-reserved rights and a trust relationship, not as interested parties, to answer a Tribal Government's request for roadless management in its homelands through government-to-government consultation and agreement, to use Tribal Forest Protection Act authority and Secretarial Order 3403 fully, and to build the mechanism NCAI called for in Resolution #SEA-25-102 by which a Tribal Government may name roadless areas

of concern and seek management or co-management, the petition process under 5 U.S.C. 553(e) remaining open but no substitute for consultation; and

BE IT FURTHER RESOLVED, that ATNI rejects the deferral of treaty rights, sacred sites, cultural resources, water quality, and subsistence protections to future project-level review, and demands that the Department:

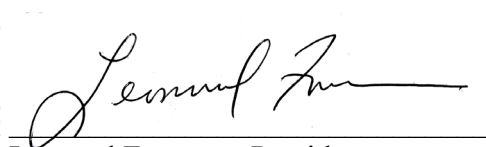
- Analyze those effects in the Final Environmental Impact Statement at the scale the decision is being made, and produce a complete consultation log at least 30 days before it issues;
- Analyze how its concurrent changes to environmental review, objection, travel management, and directives rules affect the project-level review it offers in the Rule's place;
- Finish formal consultation on treaty-reserved and culturally significant species, and issue no Record of Decision before the biological opinions are disclosed; and
- Record in the final Tribal Summary Impact Statement all Tribal input through the close of comment, and state how that input changed the decision; and

BE IT FURTHER RESOLVED, that ATNI directs this Resolution be filed in the rulemaking record at regulations.gov under Docket FS-2025-0001 (RIN 0596-AD66) before the comment period closes October 6, 2026, and transmitted to the Secretary of Agriculture, Deputy Secretary Vaden, the Chief of the Forest Service, the USDA Office of Tribal Relations, the Regional Foresters for Regions 1, 4, 5, 6, and 10, the Northwest and Alaska delegations, and NCAI; and

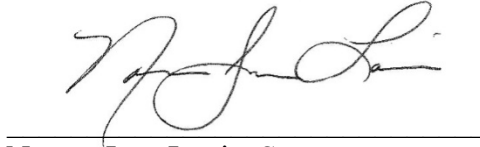
BE IT FINALLY RESOLVED, that this will be the policy of ATNI until it is withdrawn or modified by subsequent resolution(s).

CERTIFICATION

The foregoing Resolution was adopted at the Affiliated Tribes of Northwest Indians 2026 Annual Convention held at the Snoqualmie Casino and Hotel in Snoqualmie, Washington, on September 13-17, 2026, with a quorum present.



Leonard Forsman, President



Norma Jean Louie, Secretary