Kentucky Waterways Alliance
Healthy waterways.
Healthy communities.

330 N. Hubbards Lane
Louisville, KY 40207

(502) 589-8008

Working to Protect, Restore, and Celebrate Kentucky's Waterways

www.KWAlliance.org

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Brad Kinder
Acting Director
Ecosystem Management Coordination
Forest Service
U.S. Department of Agriculture
201 14th St., SW, Mailstop 1108
Washington, DC 20250-1154

Submitted via: www.regulations.gov, Docket FS-2025-0001-0001

RE: Comments on the U.S. Department of Agriculture's Proposed Rule Rescinding the 2001 Roadless Area Conservation Rule

Dear Acting Director Brad Kinder,

Kentucky Waterways Alliance respectfully submits these comments opposing the U.S. Department of Agriculture and U.S. Forest Service proposal to completely rescind the 2001 Roadless Area Conservation Rule. KWA requests the Forest Service retain the rule and address demonstrated management needs through narrower, targeted measures.

KWA is a statewide nonprofit organization dedicated to protecting, restoring, and celebrating Kentucky's rivers, streams, wetlands and watersheds. We work with public agencies, local governments, landowners and communities to improve water quality and restore impaired waters.

The Roadless Rule supports those efforts by limiting road construction, road reconstruction and timber harvesting in Inventoried Roadless Areas, subject to specific exceptions. These protections help prevent disturbance in relatively undeveloped forests and protect waters flowing beyond their boundaries.

KWA recognizes the Forest Service's responsibility to manage wildfire risk, forest health and public safety. Complete rescission, however, would remove an established layer of protection across lands covered by the national rule. KWA believes the agency should demonstrate why particular management needs require this broad change and why narrower measures would be insufficient.

Roadless protections help protect downstream waters

A forest road changes how water moves across the landscape. Road surfaces, cuts and drainage ditches can concentrate runoff and deliver sediment to streams. Poorly designed or maintained crossings can disrupt stream channels and restrict the movement of aquatic organisms. These effects can persist long after construction ends.

Past Forest Service research identifies changes in drainage, stream sedimentation and aquatic connectivity among the environmental impacts of rural roads.

For KWA, the concern extends downstream. Sediment and pollutants entering a headwater stream can move through connected waters, affecting aquatic habitat and water quality beyond the road itself. Evaluating only the acreage disturbed by development would miss much of the potential harm. The analysis should also identify downstream drinking water uses and potential treatment costs from increased sediment and pollutants. KWA requests particular attention to headwaters and connected aquatic habitat in the Daniel Boone National Forest and the Red River watershed.

KWA and its partners have invested substantial resources in the Red River watershed, including septic system repair and replacement, stream restoration, erosion reduction and removal of illegally dumped tires and other waste. These efforts address existing pollution and help restore waters used and valued by Kentucky communities.

The Forest Service should account for the consequences of allowing additional disturbance within watersheds where public agencies, conservation organizations and residents are already working to repair damage. Protecting intact areas helps preserve the value of those investments. In eastern Kentucky, the agency should evaluate how roads on steep slopes, drainage concentration and stream crossings could affect erosion and runoff during heavy rainfall. This evaluation should account for local soils, slope stability and crossing capacity without assuming forest protection alone can prevent extreme flooding.

Road access can expose waterways to more trash and dumped tires

Roads also create access for activities unrelated to the management purpose used to justify their construction. In secluded locations, vehicle access can make it easier to dump tires, household trash, appliances and other waste near streams.

EPA identifies roadsides and stream banks as common settings for illegal dumping and recognizes its potential to impair water quality. Forest Service guidance identifies remote locations with easy access as particularly vulnerable to dumping, including scrap tires and bulky waste. The availability of more roads may therefore provide additional easy access and potentially lead to increased dumping.

Where roads approach or cross waterways, discarded materials can enter the water directly or reach it through runoff. EPA identifies trash and illegal dumping among the sources of pollutants transported by stormwater. This provides a practical reason to evaluate road access near streams as a potential source of additional waterway waste.

KWA's work removing tires and other waste from the Red River watershed makes this concern directly relevant to our mission. Our partner Friends of Red River have removed dozens of tires annually from the same stretch of river over multiple years. Repeated removals demonstrate a continuing cleanup burden and warrant investigation of ongoing dumping and movement of older waste through the river. Cleanup requires funding, equipment and volunteer effort. Preventing new dumping opportunities should be part of the agency's consideration of additional road access.

The Forest Service should evaluate how roads made possible by rescission could affect dumping risk, particularly near stream crossings and secluded waterways. It should also identify how access restrictions, enforcement and cleanup would be funded and maintained. A road's environmental cost includes the foreseeable activities it makes possible through its use.

Wildfire analysis must account for human ignitions near roads

Roads can provide access for firefighting and fuel treatments. They can also bring ignition sources into forests. Both effects should be considered in evaluating this proposal.

Research examining forest roads and wildfire found human ignitions concentrated near roads and in areas with higher road density. This human ignition issue is particularly relevant in Kentucky. The Kentucky Division of Forestry reports humans cause approximately 99 percent of the state's wildland fires. This figure does not establish how many fires occur near roads in Kentucky, but national studies have found as much as 95% of forest fires start within a half of mile from roads, underscoring the importance of evaluating how increased vehicle access could affect opportunities for accidental and intentional ignition. The proposed rule itself acknowledges greater public access can increase human ignition potential in some locations. KWA asks the agency to reconcile this risk with its claimed wildfire benefits.

The Forest Service should evaluate the expected benefits of management access alongside the potential for additional human ignitions. It should explain how those competing effects vary with local conditions, road use and access controls. KWA also requests consideration of the resulting watershed risks, including erosion and sediment delivery following fire.

A wildfire rationale for complete rescission should address this full relationship. Increased access alone does not establish a net reduction in wildfire risk.

Specific management needs warrant specific solutions

The existing Roadless Rule contains exceptions. The proposed rescission acknowledges those exceptions while arguing their use has been limited and inconsistent. The Forest Service should identify the particular activities affected, explain the practical barriers and evaluate whether targeted changes could address them while retaining watershed protections.

KWA understands rescission would not itself approve a particular road or timber project. Forest plans and applicable project review requirements would remain. The policy change would nevertheless remove a national safeguard from future decisions affecting these lands. A national rule also guards against incremental losses across separate forest and project decisions. Connected waters and downstream communities can be affected by several decisions whose combined consequences exceed the footprint of any one project.

Deferring decisions to individual projects does not resolve whether removing the existing safeguard is justified. The agency should evaluate the combined consequences of reasonably foreseeable road construction, associated land disturbance and expanded access across connected watersheds.

KWA supports addressing demonstrated management problems with measures proportionate to those problems. Complete rescission goes further by removing protections from covered areas regardless of whether a specific management need has been established. KWA requests a meaningful comparison with an alternative that retains national protections while addressing documented boundary errors, necessary restoration of existing road damage and specific wildfire management constraints. Any additional exceptions should have clear eligibility standards and safeguards for headwaters and aquatic habitat.

New roads create continuing public obligations

Road construction creates responsibilities extending well beyond the initial project. Drainage systems and stream crossings require inspection, maintenance and repair. Access restrictions require enforcement. Roads that are no longer needed may require decommissioning and restoration.

The Forest Service should evaluate whether adequate funding will be available to meet those obligations. Its analysis should include the potential costs of sediment control, waste removal, damaged crossings and restoration of affected streams. The proposed rule identifies a $6.9 billion deferred maintenance backlog for roads and bridges. The agency should explain how additional obligations would be funded without diverting resources from existing maintenance and restoration needs.

These expenses can fall on public agencies and downstream communities long after the activity prompting construction has ended. KWA believes they should be considered alongside the anticipated benefits of additional management access.

Retain the Roadless Rule

KWA supports responsible forest management and the protection of communities from wildfire. We also support maintaining safeguards which prevent avoidable damage to healthy watersheds.

Complete rescission would remove protections relevant to clean water, aquatic habitat and downstream restoration efforts. Additional roads can introduce sediment, create opportunities for illegal dumping and bring human ignition sources into previously less accessible areas. Those consequences warrant direct consideration in the agency's decision.

KWA respectfully requests the Forest Service withdraw the proposal for complete rescission and retain the 2001 Roadless Area Conservation Rule. Where the agency identifies a demonstrated management constraint, it should pursue a targeted solution supported by local conditions and a full evaluation of watershed impacts. Before a final decision, the agency should address these concerns in its environmental analysis and explain why any selected alternative provides adequate protection for downstream communities.

Respectfully,

Nick Hart, Water Policy Director
Kentucky Waterways Alliance