



FORESTS FOREVER

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Final judgment issued in roadless lawsuit *Federal court restores the original roadless rule*

San Francisco – Federal District Court Judge Elizabeth Laporte yesterday issued her final injunction order and judgment in the lawsuit to overturn the repeal of the roadless rule. This confirms her earlier order reinstating the original Roadless Area Conservation Rule.

The judge's ruling declares the May 2005 repeal of the roadless rule to be illegal, and halts the state petition process instituted by the Bush administration.

This ruling means that the original roadless rule is now the law of the land. The U.S. Forest Service may not authorize any projects in roadless areas that would have been forbidden by the original rule.

The final ruling also marks the start of the appeals period. The Forest Service now has 60 days to file an appeal. Attorneys in the case expect that the administration will appeal the ruling.

“Even though the fight to restore the roadless rule is not over,” said Paul Hughes, executive director of Forests Forever, “this ruling has given us the relief we sought– the restoration of the original rule that protects nearly 60 million acres of roadless federal forest.”

(The Tongass amendment to the roadless rule, however, was upheld by the ruling, which means that Alaska's Tongass National Forest is still subject to logging and roadbuilding in its roadless areas.)

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Twenty conservation groups, including Forests Forever, filed a lawsuit last October seeking to overturn the Bush administration's repeal of the original Roadless Area Conservation Rule. Earlier, in August 2005, the attorneys general of California, New Mexico and Oregon had filed a similar lawsuit. Both suits asked the court to reinstate the original roadless rule.

In September, Judge Laporte ruled that the Forest Service had acted illegally by repealing the original roadless rule without conducting an environmental review as required by the National Environmental Policy Act (NEPA), and for failing to consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, as required under the Endangered Species Act.

Laporte's final injunction applies from the roadless rule's effective date of January 12, 2001.

The Forest Service had argued that drilling on oil and gas leases that had been granted on federal land in Idaho should be allowed to proceed, since the leases were issued before the court's reinstatement of the original rule. Laporte's final ruling means that no drilling or roadbuilding can take place on these projects.

The injunction also specifically halted a road-building project in Salmon-Challis National Forest, Idaho, that had been approved prior to Laporte's earlier ruling.

"Forests Forever has fought to restore the roadless rule for three years," Hughes said. "Now that the original, protective rule is back in force, we intend to see that it stays that way."

For more information on the Roadless Rule and its repeal, please visit www.earthjustice.org/campaign/display.html?ID=4.