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Judge halts all development in roadless areas

Federal court grants injunction against Forest Service projects

San Francisco – Federal District Court Judge Elizabeth Laporte yesterday issued a final injunction order in the Roadless Rule repeal litigation, halting all federal projects in roadless areas not already under way. The new injunction applies to projects that had been approved before her initial ruling in the case on Sept. 20.

“This ruling makes the judge’s intentions crystal clear,” said Paul Hughes, executive director of Forests Forever. “The roadless rule is back in force, and the Forest Service’s invasive projects will have to stop.”

Twenty conservation groups filed a lawsuit last October, seeking to overturn the U.S. Forest Service’s repeal of the original Roadless Area Conservation Rule. Earlier, in August 2005, the attorneys general of California and New Mexico 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 ruled that the Forest Service’s repeal of the Roadless Rule should be overturned and the original rule reinstated.

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Laporte's final injunction will apply from the Roadless Rule's effective date of January 12, 2001. This means that the Roadless Rule prohibits all oil and gas leases issued in inventoried roadless areas over the past five years. The Forest Service had argued that these projects should be allowed to proceed, since the leases were issued before the court's reinstatement of the original rule.

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.

The judge asked attorneys for the plaintiffs to confer with the government and report back to her by Dec. 11 on any needed changes in the oil and gas leasing and Idaho road projects.

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