



FORESTS FOREVER

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Bush administration appeals roadless decision

Federal courts had thrown out Forest Service repeal of rule

San Francisco – On the last day possible, attorneys for the Bush administration filed an appeal with the 9th Circuit Court of Appeals in San Francisco, asking the court to overturn the Feb. 7 decision by U.S. District Court Judge Elizabeth Laporte that had rejected the administration’s repeal of the 2001 Roadless Area Conservation Rule.

Judge Laporte also had enjoined the U.S. Forest Service from carrying out any projects that violated the provisions of the original, protective roadless rule.

“The Bush administration’s attempt to get rid of the popular and effective roadless rule has been thrown out by the courts, and the original rule is back in force, protecting our last roadless, untrammled forests,” said Paul Hughes, executive director of Forests Forever.

“The administration’s willingness to fight this to the bitter end shows once again that we need to codify the roadless rule’s provisions into federal law.”

The Bush administration gave no explanation of the grounds for its appeal.

Twenty conservation groups including Forests Forever filed a lawsuit in October 2005, seeking to overturn the Forest Service’s repeal of the original Roadless Area Conservation Rule. Earlier, in August 2005, the attorneys general of California and New Mexico (joined later by Oregon and Washington) had filed a similar lawsuit. Both suits asked the court to reinstate the original roadless rule.

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In September 2006, Laporte ruled that the Forest Service had acted illegally by repealing the original roadless rule without first conducting an environmental review as required by the National Environmental Policy Act, and for failing to consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, as required by the Endangered Species Act.

Laporte ruled that the Forest Service's repeal of the Roadless Rule was overturned and the original rule reinstated, except in Alaska's Tongass National Forest, which had been exempted from the roadless rule previously by the Bush administration.

Laporte issued a final injunction order in the repeal litigation on Feb. 7, halting all federal projects in roadless areas. The injunction applied to projects that had been approved before her initial ruling in the case on Sept. 20, 2006.

The period for filing an appeal expired on April 9.

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