

Federal Court Reinstates Roadless Rule Landmark Ruling on wild National Forest protections

Denver, CO – The Tenth Circuit Court of Appeals issued a long-awaited, landmark decision on October 21st, securing critical legal protections for nearly 50 million acres of pristine National Forest lands. These forests offer outstanding opportunities for hunting, fishing, and hiking, produce clean water for thousands of communities nationwide, and provide irreplaceable habitat for imperiled wildlife species including grizzly bears, lynx, and Pacific salmon. The appellate court reversed a lower court decision and affirmed the validity of the Roadless Rule – a 2001 federal rule that protects wild national forests and grasslands from new road building, logging, and development.

The appellate court ruled against the State of Wyoming and industry intervenors and in favor of conservation groups, the Forest Service, and the States of California, Oregon, and Washington. This decision formally ends an injunction against the Rule's enforcement imposed by a Wyoming federal district court in 2008.

“The native forests we've fought so hard to protect, are now safe,” said Tim Preso, an Earthjustice attorney representing the conservation groups. “All Americans can now know that a key part of our nation's natural heritage won't be destroyed.”

The 2001 Roadless Area Conservation Rule was the product of the most comprehensive rulemaking process in the nation's history, including more than 2 million comments from members of the public, hundreds of public hearings and open houses, and a detailed environmental review. The rule came under relentless attack by logging and resource extraction interests, certain states, and the Bush administration.

“This is a great victory for the American people who have spoken out, time and again and in record numbers, for protection of these wild public lands,” said Mike Francis with The Wilderness Society.

“Roadless areas protect our rivers and streams – protect our salmon, trout, drinking water,” said Mary Scurlock of Pacific Rivers Council. “The Roadless Rule is common-sense, and finally the question of its legality is settled.”

“Roadless areas are valuable and irreplaceable places for hikers, campers, hunters, anglers, and families; they protect our water supplies; they provide room for wildlife to live and raise their young; and they will be increasingly important as safe havens for plants and animals in the face of rising temperatures and other impacts of climate change,” said Frances Hunt, Director of the Sierra Club's Resilient Habitats Campaign.

“Roadless Areas represent the last of our wild and natural National Forest lands, providing multiple benefits including outstanding wildlife habitat, important supplies of clean water, and some of the best recreation lands in the country,” said Erik Molvar, Wildlife Biologist with Biodiversity Conservation Alliance of Laramie, Wyoming.

Lisa McGee of Wyoming Outdoor Council stressed the importance of this decision to her state. “The people of Wyoming love the outdoors – we’re hunters, fishermen, hikers, and campers -- and roadless areas give us the best recreation anywhere. This decision ensures that our outdoor heritage will be safeguarded.”

Earthjustice has led the legal defense of the Roadless Rule since the first attacks under the Bush/Cheney administration. Against all odds, this critical legal work has kept the Roadless Rule alive and prevented destruction of our national forests’ last great wild places.

Now, conservation, faith, and recreation groups trust that the Obama administration will support and enforce the 2001 Roadless Rule as the law of the land, including defending its protections for all 58.5 million acres of roadless lands in the country. That includes national forests in Alaska, currently subject to a separate legal challenge and national forests in Idaho, whose roadless area protections were weakened in 2008.

As a candidate, President Obama said:

“Road construction in national forests can harm fish and wildlife habitats while polluting local lakes, rivers, and streams. The Roadless Area Conservation Rule—which was made on the basis of extensive citizen input—protects 58.5 million acres of national forest from such harmful building. I will be proud to support and defend it.”

- Sen. Barack Obama, LCV

questionnaire

<http://presidentialprofiles08.com/Obama/tab4.html>

Background on today’s decision

In 2008, the State of Wyoming sued the Forest Service for a second time to invalidate the Roadless Rule (the rule had been reinstated by a federal court in California in 2006). A Wyoming federal district court enjoined the Rule; Earthjustice and the Forest Service appealed that injunction to the 10th Circuit. The 10th Circuit today joins the 9th Circuit in finding the Roadless Rule legal.

In this appeal to the 10th Circuit, Earthjustice represented Wyoming Outdoor Council, The Wilderness Society, Sierra Club, Biodiversity Conservation Alliance, Pacific Rivers Council, Natural Resources Defense Council, National Audubon Society, and Defenders of Wildlife. The States of California, Oregon, and Washington submitted legal papers in support of the Roadless Rule and the conservation groups’ appeal.

Two other legal actions to protect roadless areas remain pending: (1) a lawsuit challenging application of the Roadless Rule to national forests in Alaska, and (2) a lawsuit challenging a separate, less protective rule that applies only to federal roadless areas in Idaho.

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