

NEWS RELEASE



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California Department of Justice

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FOR IMMEDIATE RELEASE
August 30, 2005 05-072

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Attorney General Lockyer Challenges Bush Administration Repeal of “Roadless Rule” That Protects Forests *New Mexico, Oregon Join Suit Alleging Threat to Forests, Fisheries and Drinking Water*

(SAN FRANCISCO) – Attorney General Bill Lockyer today filed suit against the Bush Administration for dismantling restrictions on road-building and logging in nearly 60 million acres of the country’s remaining backcountry and undeveloped forests.

“Road-building simply paves the way for logging, mining and other kinds of resource extraction. Far too much of our national forests have been trampled and overlogged because of the maze of logging roads that have been bulldozed over the years by timber companies.” said Lockyer. “I am filing this lawsuit because the Bush Administration is putting at risk some of the last, most pristine portions of America’s national forests.”

Lockyer was joined in the lawsuit by Patricia Madrid, Attorney General of New Mexico and Ted Kulongsoki, Governor of Oregon. The complaint was filed in U.S. District Court for the Northern District of California.

“This Administration made great promises to the states about working as partners when it comes to managing and protecting our national forestlands – however its action has yet to match its rhetoric,” Governor Ted Kulongsoki said. “The 2005 rule turns the clock back on years of work, including millions of public comment and millions of taxpayers’ dollars, and the end result is greater *uncertainty* about the protection of our special roadless areas – not greater *security*.”

“Our water supply comes from our forests and depends upon those forests remaining healthy,” said Madrid. “The federal government acknowledges that road-building and timber harvest will result in decreased water quality, increased sediment and pollutants, yet they refuse to protect our state’s few remaining pristine areas.”

On May 13, 2005, the Bush administration repealed the so-called “roadless rule,” a wide-ranging regulation issued under President Clinton that prohibits road-building and logging in large, currently roadless areas of the National Forest System. The Bush administration replaced Clinton’s rule with a controversial regulation that requires states to work with the U.S. Forest Service (USFS) to determine the fate of individual forests rather than managing forests as a whole.

States have 18 months from the repeal date to petition the federal government to open the lands to roads and development or to keep them protected. States have expressed concern over the administrative burdens of participating in the petition process, and voiced uncertainty about whether the USFS will grant petitions requesting high levels of protection for roadless areas.

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Lockyer said California, Oregon, and New Mexico joined forces to challenge the repeal because the states have a common interest in protecting pristine national forest lands, declining fish runs dependent on unaltered streams, and the quality and quantity of drinking water. Water flowing from national forest lands provides one-third of the West's fresh water.

During its public comment period, Clinton's proposed Roadless Rule generated the largest public response in U.S. Forest Service history, with over 90 percent of comments supportive of the road-building ban. The Bush proposed "Roadless Repeal" generated an even greater volume of comment, most of it critical.

The lawsuit alleges that in rescinding the road ban and replacing it with a state-by-state petition process, the USFS violated the National Environmental Policy Act (NEPA) by failing to conduct a full environmental impact analysis. The complaint argues the USFS unlawfully claimed a NEPA exemption for the Roadless Repeal by characterizing it as a "procedural rule" despite its real-world consequences. Additionally, according to the complaint, the USFS improperly relied on earlier environmental documents produced to support the original Roadless Rule. Those documents do not justify the policy change, the complaint alleges.

The complaint states that undeveloped lands in national forests not only are critical to a healthy California ecosystem, but are of "enormous national importance."

California has 4.4 million acres of national forest lands that would be protected under Clinton's rule, more than 1.1 million acres of which lie in the Sierra Nevada. In Northern California, roadless areas are threatened by timber road building; in Southern California, they often are threatened by expansion of off-road vehicle road networks. California's roadless areas are vital to the survival and recovery of numerous rare and endangered species, including the recently reintroduced California Condor, the complaint alleges.

The USFS has 60 days to respond to the lawsuit.

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