

Short Summary of the Roadless Rule's Long History

(Greenpeace, Larry Edwards – work in progress – March 2011)

1998

Under the Clinton administration, preparation of a transportation policy for the National Forest System was announced by Forest Service Chief Michael Dombeck.

1999

February: The Forest Service put a temporary road-building moratorium on the national forests, pending completion of the transportation policy. The Wyoming timber industry immediately sued to cancel the moratorium, and environmental organizations intervened. The state of Idaho filed a second suit to block roadless area protections.

October: President Clinton announced commencement of a more comprehensive rulemaking process to protect the remaining unprotected roadless areas in the national forest system. This began a public process that included about 600 public hearings and ultimately resulted, through 2001, in an outpouring of over 2 million comments -- a record in U.S. history. The comments solidly favored protecting the remaining roadless areas from development.

2000

January: The Wyoming timber industry lawsuit was dismissed in January.

May: The Forest Service issued a draft environmental impact statement for the Roadless Rule, proposing protection of 43 million roadless acres.

November: A nearly final version of the Roadless Rule was released which would immediately end roading and commercial logging on 49 million acres, and deferring a decision until 2004 on whether to protect roadless areas in the 17-million acre Tongass National Forest, located in Alaska and by far the largest national forest.

2001

January: One week before President Clinton left office, his administration published the final Roadless Rule. It protected 58 million roadless acres, including most of the ones on the Tongass. The Tongass provision excluded timber sales sold or in planning which had already progressed at least to the issuance of a draft environmental impact statement.

January to March: As soon as George Bush became president his Chief of Staff directed all cabinet secretaries to delay implementing all federal rules (including the Roadless Rule) that had been issued during the prior 60 days, the regular period between a rule's publication in the Federal Register and its effective date. In March, the Secretary of Agriculture extended the Roadless Rule's implementation delay an additional 60-days, into May.

May: Federal Judge Lodge (in Idaho) issued a preliminary injunction blocking the Roadless Rule from taking effect, in litigation filed by Boise Cascade, a timber company. Environmental organizations intervened in the case.

2002

Summer: Bills were introduced in both houses of Congress to put the Roadless Rule in law.

December: The 9th Circuit Court of Appeal reversed Judge Lodge's 2001 injunction, thus reinstating the Clinton Roadless Rule.

2003

July: In a suit by the state of Wyoming to invalidate the Roadless Rule, federal Judge Brimmer issued an injunction invalidating the Rule nationwide. Interveners appealed his order, but the government did not defend the Roadless Rule.

August: Using the Greenpeace ship M/V Esperanza for access, Greenpeace campaigners and other activists visited roadless areas of the Tongass National Forest that had approved but not yet executed timber sales. During port calls citizen petitions were compiled to support roadless area protection.

November: << meeting with Rey. Greenpeace layed sod on USDA driveway. >>

December: The Bush administration settled a suit filed recently by the state of Alaska, agreeing to temporarily exempt the Tongass National Forest from the rule.

2004

July: The Bush administration proposed a new Roadless Rule to replace Clinton's 2001 rule. The proposal included a "petitioning process," whereby governors could request state-specific rules for management of roadless areas. The administration apparently presumed that most states would opt for development of forest lands, rather than protection.

July: Greenpeace established a "forest rescue station" in a national forest roadless area in Oregon, and blockaded a road to stop the Biscuit timber sale.

August: On the Tongass, Greenpeace established another forest rescue station and blocked road access to the roadless portion of the Finger Point Timber sale. The road was being built at a federal expense of \$681,000, to access timber sold at auction for only \$74,000. Also, the Greenpeace ship M/V Arctic Sunrise continued reconnaissance of Tongass roadless areas that we began the previous year, and garnered public support for them during port calls.

2005

May: The Bush administration adopted its new, substitute Roadless Rule, concluding the process it initiated the previous July.

July: Because the Bush Roadless Rule mooted the appeal of Judge Brimmer's decision on the Clinton Roadless Rule, the 10th Circuit dismissed the appeal of intervening environmental organizations and also vacated Brimmer's earlier ruling. In the US House, a bill to reinstate the Clinton Roadless Rule was introduced by 146 congressmen.

August and into 2006: Oregon's governor and attorneys general of California and New Mexico sued to invalidate the Bush Roadless Rule and reinstate the Clinton Rule. The following February the state of Washington joined, the suit and Montana and Maine intervened in support of those other states. The Blue Ribbon Coalition (a motorized recreation organization) and its allies intervened in opposition to the suit.

October: Greenpeace and 19 other environmental organizations sued to invalidate the Bush Roadless Rule and reinstate the Clinton Rule. We were represented by EarthJustice attorneys.

December: The state of Virginia filed the first state "petition" under the Bush Roadless Rule, asking for protection of all national forest roadless areas in the state.

2006

State "petitions" filed: Five additional states filed for national forest lands within their boundaries to be protected under the Roadless Rule: North Carolina, South Carolina, New Mexico, California, and Colorado. Bill Owens was governor of Colorado; in 2007 Governor Ritter took other action.

March: Citizen petitions with 265,000 signatures were presented to the Bush administration by environmental groups, asking for reinstatement of the Clinton Roadless Rule. Legislation to do so was also reintroduced in the US House on the same day.

April: The Nez Perce Tribe (in Washington) petitioned for protection of traditional use areas and tribal lands under the Bush Roadless Rule.

June to August: Governor Kulongowski of Oregon announced he would seek to enjoin logging in the state's largest unprotected roadless area. Logging began in August, despite his objections.

September: Judge LaPorte ordered reinstatement of the Clinton Roadless Rule, in a case that consolidated the suits by environmentalists (including Greenpeace) and the several states. Plaintiffs requested clarification of an ambiguity in the ruling.

September: Idaho became the first state to submit a state "petition" that opposed roadless area protection. There were 9.3 million acres of national forest roadless acres in Idaho.

2007:

February: Judge LaPorte issued a final injunction, clarifying that oil and gas drilling permits and leases issued since May 2005 are enjoined.

April: In a lawsuit filed earlier over problems with the Tongass Forest Plan, a settlement was reached that ordered a revision of the plan and the protection of all roadless areas in the Tongass in the interim. The Forest Plan revision was completed the next January.

April: The Bush administration and the timber industry appealed Judge LaPorte's decision to the 9th Circuit.

April: Idaho-specific roadless area rulemaking was initiated with notice in the Federal Register of a public scoping comment period.

April: Colorado's Governor Ritter petitioned for a roadless rule exemption for ski areas, grazing, and coal mining.

May: Once again, bills to legislate the Clinton Roadless Rule were introduced in Congress.

June and July: In the state of Wyoming's suit, Judge Brimmer denied the state's request for reinstatement of his 2003 decision which enjoined the Clinton Roadless Rule. This case had been reactivated because of Judge LaPorte's which reinitiated Clinton's rule. In July, on appeal, the 10th circuit also denied Wyoming's request. Subsequently, Wyoming filed a new lawsuit challenging the reinstated Clinton rule.

December: A draft EIS was issued for public comment, for the Bush Roadless Rule implementation in Idaho.

2008

January: The Tongass Forest Plan amendment was adopted, ending the temporary moratorium on development on roadless areas there which had been put in place the previous April, in a court settlement over the prior plan.

February: California sued over federal failure to protect roadless areas in four national forests.

July, August and October: The draft and final EISs for Colorado's roadless rule were issued, and the rule was adopted in October.

August and December: Judge Brimmer made a decision invalidating and enjoining the Clinton Roadless Rule (the one generally in force after LaPorte's ruling) nationwide. The Bush administration requested that Brimmer and LaPorte lift their conflicting injunctions. In

December, Judge LaPorte partially stayed her injunction of the Bush Roadless Rule, so that the Clinton Roadless Rule now applies only within the 9th Circuit (except Idaho and Alaska) and in New Mexico.

December: Colorado and the Bush administration agreed to postpone finalizing the Colorado Roadless Rule until spring 2009.

2009

January: Environmentalists sued over Idaho's Roadless Rule.

March: Letters from 131 congressmen and 25 senators asked USDA Secretary Vilsack to provide interim protection of all national forest roadless areas.

May: Secretary Vilsack announced that for the next year he will review all road building and logging plans in designated roadless areas in national forests. However, this excluded Idaho and would not automatically stop timber sales on the Tongass.

July: Secretary Vilsack authorized roadless area logging and road building for the Orion North timber sale, on the Tongass; the first authorized sale since his May directive.

August: A decision from the 9th Circuit of the administration's and timber industry's appeal of Judge LaPorte's 2006 decision affirmed protection of 40 million roadless acres. The ruling covers national forests in 9th Circuit states except Idaho and Alaska, plus New Mexico.

August: The Obama administration appealed Judge Brimmer's decision of the pervious August, which had invalidated the roadless rule nationwide except where LaPorte's decision conflicts.

December: Judge Sedwick enjoined the Orion North timber sale, and it may not proceed unless another environmental impact statement is prepared. Plaintiffs had been unable to obtain a preliminary injunction in either district court or the 9th Circuit, so some roading had proceeded in the interim.

December: Environmentalists (including Greenpeace), the Organized Village of Kake (a Native village) and tourism businesses sued the Obama administration, claiming that the exemption of the Tongass National Forest was illegally adopted by the previous administration. The current administration had refused requests to lift the exemption.

2011

February: The Forest Service issued its decision on the Central Kupreanof timber project, with all logging units and roads in the roadless portion of the project area dropped. Secretary Vilsack had for many months been sitting on the agency's proffered decision which included that activity, and apparently decided against that.

March: Judge John Sedwick, in U.S. District Court (Anchorage, Ak) made a sweeping decision in the Organized Village of Kake v. USDA case which had been filed in December 2009. The strongly worded decision was a win on every point. "Because the reasons proffered by the Forest Service in support of the Tongass Exemption were implausible, contrary to the evidence in the record, and contrary to Ninth Circuit precedent, the court concludes that promulgation of the Tongass Exemption was arbitrary and capricious."