



For Immediate Release

June 28, 2001

COURT URGED TO UPHOLD INJUNCTION AGAINST ROADLESS AREA RULES

(Kootenai Tribe of Idaho v. Veneman; State of Idaho v. U.S. Forest Service)

The Washington Legal Foundation (WLF), on behalf of itself and United States Senators Larry E. Craig of Idaho and Mark Dayton of Minnesota, filed a brief with the U.S. Court of Appeals for the Ninth Circuit in consolidated appeals urging the court to uphold a district court ruling that enjoined the implementation of the Roadless Area Conservation Rules. Those rules, promulgated by the Clinton Administration on January 12, 2001, would prevent road construction, timber harvesting, and other activities in over 25 percent of the National Forest System, or about 50 million acres of forests.

In the consolidated cases, *Kootenai Tribe of Idaho v. Veneman* and *State of Idaho v. U.S. Forest Service*, the U.S. District Court of Idaho issued a preliminary injunction last month, holding that the Forest Service woefully failed to comply with procedural requirements of the National Environmental Policy Act (NEPA) by failing to properly consult with state, local, and Indian tribe governments, and to consider the cumulative impacts of the rule and reasonable alternatives. The rules as promulgated are seriously flawed and will have catastrophic environmental impacts, such as increase risk of insect infestation and forest fires, as well as needlessly preventing public access to the forests.

The Bush Administration did not appeal the adverse ruling, but certain environmental groups which intervened in the cases did appeal, including the Idaho Conservation League, Natural Resources Defense Council, Sierra Club, and Earthjustice Legal Defense Fund. In its brief, WLF argued that the intervenors lacked standing to appeal because under Ninth Circuit precedent, only the federal government or those with a legally protected property interest can appeal the merits of NEPA compliance. WLF also argued that the National Forest Management Act should be considered in resolving these appeals. The cases are on expedited appeal; a ruling is expected later this summer.

Senator Craig is the ranking member of the Subcommittee on Forests and Public Land Management of the Senate Energy and Natural Resources Committee, and Senator Dayton is a member of the Subcommittee on Forestry, Conservation, and Rural Revitalization of the Senate Agriculture Committee.

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