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USDA RETAINS NATIONAL FORESTS ROADLESS AREA CONSERVATION RULE

DOJ and State of Alaska Reach Roadless Agreement

WASHINGTON, June 9, 2003 – Agriculture Secretary Ann M. Veneman today said the U.S. Department of Agriculture will retain the Roadless Area Conservation Rule (Roadless Rule) that protects millions of acres of critical watersheds, wildlife habitat and unique ecosystems.

The U.S. Department of Justice also announced that the State of Alaska has agreed to settle its legal challenge to the application of the Jan. 12, 2001 Roadless Rule in Alaska. The settlement will be filed tomorrow.

“We will move forward with a responsible and balanced approach that protects the environment and is responsive to the needs of rural communities,” Veneman said. “We are committed to maintaining the character of designated, authentic roadless areas.”

The USDA Forest Service will propose for public review an amendment to the rule to identify how Governors may seek relief for exceptional circumstances, such as to protect public health and safety or reduce wildfire risks to communities and critical wildlife habitat. These exceptions will clarify and augment exceptions already present in the rule. The rule will remain unchanged in states where Governors choose not to seek relief for exceptional circumstances.

Relief for exceptional circumstances identified in the proposed amendment would be limited to:

- protecting human health and safety,
- reducing hazardous fuels and restoring essential wildlife habitats,
- maintaining existing facilities such as dams, or to provide reasonable access to private property or privately owned facilities, and
- making technical corrections such as boundary adjustments to remove existing roaded areas.

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Exceptions under the proposed amendment will be prohibited in critical areas such as:

- National Monuments, National Recreation Areas, Wilderness Study Areas, Wild and Scenic Rivers, National Scenic and Historic Trails and Research Natural Areas;
- critical roadless habitat for species listed under the Endangered Species Act;
- roadless habitat for other species of concern identified through National Forest Management Act regulations;
- areas of ecological concern such as karsts topography identified as needing protection under the Federal Cave Protection Act;
- sites listed under the National Historic Preservation Act;
- sites identified through consultation with Federally Recognized Tribes under the Indian Religious Freedom Act; and
- critical watersheds identified in forest plans for roadless status.

This decision follows the completed evaluation of comments received on a July 10, 2001 Advanced Notice of Proposed Rule Making (ANPR) for a new Roadless Rule and the recent Ninth Circuit Court of Appeals decision upholding the rule.

The proposed amendment will be consistent with the five principles announced by USDA on May 4, 2001 to guide any changes to the rule: (1) informed decision making, (2) working together, (3) protecting forests, (4) protecting communities, homes, and property, and (5) protecting access to private property.

The proposed amendment to the rule will be published for public comment in the fall with the goal of finalizing the amendment before the end of the calendar year.

Alaska Roadless Agreement

The settlement of the State of Alaska's case resolves litigation over the application of the Roadless Rule in Alaska. Under the agreement, the vast majority of Alaska National Forests will remain off limits to development. Timber harvest will be prohibited on more than 95 percent of Alaska National Forests as required under existing forest plans.

The state challenged the application of the Roadless Rule as violating, among other laws, the Alaska National Interest Lands Conservation Act (ANILCA).

ANILCA, passed overwhelmingly by Congress in 1980, sets aside millions of acres in Alaska for the National Park Service, Forest Service, National Monuments, National Wildlife Refuges and Wilderness Areas with the understanding that sufficient protection and balance would be insured between protected areas and multiple-use managed areas, and that there would be no more administrative land withdrawals. The State's challenge maintained that the economic and social needs for the State of Alaska and its people would be jeopardized if the Roadless Rule were implemented.

Consistent with the recently approved Revised Land Management Plan for the Tongass, the settlement will maintain existing protections on 15.6 million acres of the Forest's 16.9 million acres. The settlement will make available for forest management approximately 300,000 roadless acres identified as suitable for harvest in the approved forest plan.

The settlement commits the Forest Service to publish a proposed rule for public comment ensuring that management of the Tongass National Forests will be consistent with the requirements of ANILCA and all other applicable laws.

The proposed rule would not change any old-growth reserves, riparian buffers, beach fringe buffers, roadless areas and other protections of the 1997 Tongass Forest Plan that was recently upheld by the District Court of Alaska. The Forest Service expects to complete the proposed rule by September 2003.

A total of nine lawsuits involving seven states were filed challenging the Roadless Rule over the past two years. Most recently, the ninth Circuit Court of Appeals on April 14, 2003, reversed the Idaho District Court Judge's May 10, 2001, preliminary injunction against implementing the Jan., 2001 rule. The other lawsuits are currently pending.

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