



Forest  
Service

Washington  
Office

1400 Independence Avenue, SW  
Washington, DC 20250

File Code: 1570  
Route To:

Date: **AUG 18 2008**

**Subject:** Recent Adverse District Court Decision Concerning 2001 Roadless Area Conservation Rule in Wyoming v. USDA, No. 2:07-cv-00017-CAB (D. Wyoming, August 8, 2008)

**To:** Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs and WO Directors

The Federal District Court for the District of Wyoming has again held that the 2001 Roadless Area Conservation Rule was unlawfully promulgated in violation of the National Environmental Policy Act and the Wilderness Act. The Wyoming court rejected the Forest Service's request for narrowly tailored relief and instead declared that "the roadless rule must be set aside" and that "[t]herefore, the Court **ORDERS** that the Roadless Rule, 36 CFR §§ 294.10 to 294.14, be permanently enjoined, for the second time."

As you are aware, on February 6, 2007, another Federal district court, in State of California v. USDA, 3:05-cv-03508-EDL (N. D. Cal.), reinstated the 2001 Roadless Rule (including the Tongass-specific amendment) and specified that "federal defendants are enjoined from taking any further action contrary to the Roadless Rule..."

We are actively seeking advice and counsel from the Office of the General Counsel and Department of Justice on how to proceed in light of these two orders.

Additional information will be provided as it becomes available. Right now, please defer taking action that would have the potential to create a conflict with either court's order. Where action cannot be deferred, please contact the Washington Office for instructions. Any requests for instructions will be coordinated through both Ecosystem Management Coordination's Planning Specialist Bill Supulski at (202) 205-0948 and the applicable Washington Office program staff. Please be sure that all line officers are made aware of the existing orders and these instructions.

*Gloria Manning*

For JOEL D. HOLTROP

Deputy Chief for National Forest System



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