

ROADLESS AREA CONSERVATION RULE

TIMELINE

- Roadless Rule Published in the Federal Register on January 12, 2001, with an effective date of March 13, 2001.
- Effective date extended to May 12, 2001, to allow for incoming Administration review.
- May 4, 2001, Secretary announces that USDA would implement the Roadless Rule but because of concerns expressed about it by local communities, tribes, and States, would consider making amendments to it.
- The Roadless Rule has been challenged by nine lawsuits in federal district courts in Idaho, Utah, North Dakota, Wyoming, Alaska, and the District of Columbia.
- On May 10, 2001, the Idaho Federal District Court issued a preliminary injunction order prohibiting USDA and the Forest Service from implementing the Roadless Rule. This action was appealed to the Ninth Circuit Court of Appeals by interveners in the Idaho cases.
- On June 7, 2001, in order to bring some stability to roadless area management given the legal uncertainties of implementing the roadless rule, and to protect roadless values, Chief Dale Bosworth instituted interim protection measures for inventoried roadless areas, and on July 27, 2001, interim agency directives were issued to that effect. These were updated on December 14, 2001, and are scheduled to expire on June 14, 2003.
- On July 10, 2001, the Forest Service published an Advance Notice of Proposed Rulemaking in the Federal Register requesting public comment on the long-term protection and management of roadless areas within the National Forest System. Over 726,000 comments were received and a summary report of these public comments was prepared in May of 2002.
- On December 12, 2002, the Ninth Circuit Court of Appeals issued a split 2-1 decision on the appeal of the Idaho District Court's preliminary injunction reversing and remanding that action. Plaintiffs in the Idaho cases requested that the Ninth Circuit reconsider this decision utilizing the full 10 judge panel. The Ninth Circuit declined this request on April 4, 2003, and issued its mandate to the Idaho District Court reversing and remanding the lower court's action on April 14, 2003.
- On April 14, 2003, the Ninth Circuit Court of Appeals issued a mandate to the Idaho Federal District Court to dissolve its preliminary injunction and proceed to a trial on the merits. This event actually made the roadless rule effective for the first time.

- On June 9, 2003, USDA announced that it would implement the roadless rule but would be proposing an amendment to it to identify how Governors may seek relief from the prohibitions of the rule for limited exceptional circumstances within their State.
- On June 9, 2003, USDA settled a lawsuit with the State of Alaska on the roadless rule by agreeing to publish a proposed rule to temporarily exempt the Tongass National Forest from the prohibitions of the rule. This proposed rule was published for public notice and comment on July 15, 2003.
- On July 14, 2003, the U.S. District Court for the District of Wyoming found the roadless rule to be unlawful and ordered that the rule “be permanently enjoined”. That ruling has been appealed to the Tenth Circuit by intervenors.
- On December 30, 2003, the Department adopted a final rule to amend the roadless rule to temporarily exempt the Tongass National Forest from the prohibitions of the rule.
- On May 11, 2004, the Tenth Circuit Court of Appeals agreed to hear the appeal of the Wyoming District Court’s July 14, 2003, order to permanently enjoin and set aside the roadless rule.
- On July 12, 2004, USDA announces that it is publishing for public review and comment a proposed rule that would replace the 2001 roadless rule with a petitioning process that would allow Governors an opportunity to seek establishment of or adjustments to management requirements for National Forest System inventoried roadless areas within their States. In addition, the Forest Service announces that it is reinstating the interim protection measures for inventoried roadless areas that expired on June 14, 2003.
- On July 16, 2004, the proposed rule was published in the Federal Register for a 60-day public review and comment period to end September 14, 2004. Due to public requests for additional time, an additional 62 days were added for the public to comment. In addition, on July 16, 2004, the Forest Service reinstated the interim directive for the management of inventoried roadless areas.
- On September 9, 2004, a notice in the Federal Register extended the comment period for the proposed rule until November 15, 2004, for a total of 122 days.
- After review and consideration of public comment received on the proposed rule, USDA is publishing the final rule and simultaneously announcing the establishment of an advisory committee to assist the Secretary in implementing the rule. Members of the advisory committee will represent national organizations with an interest in the conservation and management of inventoried roadless areas. This committee will assist the Secretary by providing advice and recommendations on petitions submitted by Governors and on any subsequent State-specific rulemakings. The Forest Service interim directive on the protection and management of inventoried roadless areas will remain in effect.