

Summary: Roadless Rule Litigation

Active Cases

Wyoming – July 14, 2003 Order finding that the Roadless Rule was promulgated in a manner that was illegal, both procedurally and substantively. The Court ruled against the government on 5 of 6 claims under NEPA. The court also found that Rule violated the Wilderness Act because the timber and roading prohibitions constitute establishment of *de facto* wilderness in violation of the Wilderness Act. As relief, the court determined that Roadless Rule must be "set aside" and ordered that the Rule "be permanently enjoined." The Court held that claims against the NFMA planning regulations, Road Management Rule, and the Transportation Policy were not ripe for judicial review and that other claims had been waived or need not be addressed. The ruling was appealed.

Stayed Cases

Idaho – Two consolidated cases have been administratively closed by order of the court pending resolution of the 10th Cir. appeal (11/07/03).

District of Columbia – Two consolidated cases filed by American Forests & Paper Assn. and Communities for a Great Northwest, with environmental group interveners, have been administratively closed by order of the court (2/11/05)

North Dakota – Two stayed cases (State of North Dakota, Billings County, et al.), settlement discussions proceeding.

Utah – Action stayed by stipulation pending resolution of Idaho litigation.

Closed Cases

Alaska – July 24, 2003 Settlement Order Granting Joint Motion for Voluntary Dismissal Without Prejudice. Per settlement agreement, USDA published proposed rule to exempt Tongass NF from roadless rule prohibitions during examination of roadless rule. USDA published final rule on December 30, 2003.

May 3, 2005