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16
17 UNITED STATES DISTRICT COURT
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA

19 PEOPLE OF THE STATE OF CALIFORNIA,) Case No. 05-03508-EDL
et al.,) consolidated with
20)
Plaintiffs,)
21)
v.)
22)
23 UNITED STATES DEPARTMENT OF)
AGRICULTURE, et al.,)
24)
Defendants.)
25)

1	THE WILDERNESS SOCIETY, <u>et al.</u> ,)	Case No. 05-04038-EDL
)	
2	Plaintiffs,)	
)	[PROPOSED] FINAL INJUNCTION
3	v.)	ORDER
)	
4	UNITED STATES FOREST SERVICE, <u>et al.</u> ,)	
)	
5	Defendants.)	
6)	

7

8 Having considered the briefs and arguments of the parties, and the entire record in this

9 matter, and based on the Court’s orders dated September 20, 2006; October 3, 2006; November 29,

10 2006; and December 28, 2006 and the hearings held on August 1, 2006; September 25, 2006; and

11 February 5, 2007, the Court GRANTS plaintiffs injunctive relief as follows.

12 INJUNCTION

13 I. STATE PETITIONS RULE

14 The State Petitions Rule, adopted at 70 Fed. Reg. 25,654, 25,661-62 (May 13, 2005), is set

15 aside, and the Roadless Rule, adopted at 66 Fed. Reg. 3,244, 3,272-73 (January 12, 2001), including

16 the Tongass Amendment, adopted at 68 Fed. Reg. 75,136, 75,146 (December 30, 2003), is

17 reinstated.

18 II. NEW FOREST SERVICE ACTIONS AND ACTIONS IN ROADLESS AREAS

19 As the Court previously ordered, federal defendants are enjoined from taking any further

20 action contrary to the Roadless Rule without first remedying the legal violations identified in the

21 Court’s opinion of September 20, 2006. Such further actions by the Forest Service include, but are

22 not limited to, approving or authorizing any management activities in inventoried roadless areas that

23 would be prohibited by the 2001 Roadless Rule, including the Tongass Amendment, and issuing or

24 awarding leases or contracts for projects in inventoried roadless areas that would be prohibited by

25 the 2001 Roadless Rule, including the Tongass Amendment. The effective date of this injunction is

26 September 20, 2006.

1 III. SPECIFIC ACTIVITIES IN ROADLESS AREAS

2 A. Oil and Gas Leases

3 The 2001 Roadless Rule (including the Tongass Amendment) shall apply to all activities
4 and any step of the leasing process commenced after the May 13, 2005 unlawful repeal of the
5 Roadless Rule on any and all mineral leases of National Forest lands that issued after January 12,
6 2001. The Forest Service is enjoined from approving any surface use of a mineral lease issued after
7 January 12, 2001, that would violate the Roadless Rule (including the Tongass amendment), if such
8 approval occurs after May 13, 2005. This order shall apply to prohibit any surface use that would
9 violate the Roadless Rule (including the Tongass Amendment) in connection with drilling permits
10 authorized after May 13, 2005 on oil and gas leases that were issued between January 12, 2001 and
11 May 13, 2005, as well as on leases that were issued on or after May 13, 2005. This order does not
12 apply to roads that have already been constructed or reconstructed on lease parcels pursuant to
13 approved surface use plans of operation, nor does it apply to leases that include a strict “no surface
14 occupancy” condition that already prohibits road construction that would violate the Roadless Rule.

15 B. Coal Creek-Big Creek Road Project, Salmon-Challis NF, Idaho

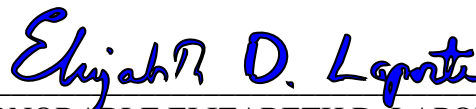
16 The Forest Service is enjoined from proceeding with the Coal Creek-Big Creek Road
17 Project as to any portion of the project that is not permitted under the exception to the Roadless Rule
18 for road realignment of classified roads. See 66 Fed. Reg. 3,244, 3,273 (§ 294.12(b)(4)).

19 * * *

20 This order supersedes the Court’s prior orders granting injunctive relief.

21 IT IS SO ORDERED.

22 Entered on this 5th day of February, 2007.

23
24 

25 HONORABLE ELIZABETH D. LAPORTE
26 United States Magistrate Judge

1 Presented by:

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