

## Three Western States Sue Over Forest Rules

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California, New Mexico and Oregon sued the Bush administration over the government's decision to allow road building, logging and other commercial ventures on more than 90,000 square miles of untouched forests.

In the lawsuit filed Tuesday, attorneys general for the three states challenged the U.S. Forest Service's repeal of the Bill Clinton administration's "roadless rule" that banned development on 58.5 million acres of national forest, mostly in western states.

The administration's move puts at risk "some of the last, most pristine portions of America's national forests," California Attorney General Bill Lockyer said. "Road building simply paves the way for logging, mining and other kinds of resource extraction."

In January 2001, just eight days before he left office, Clinton put almost one-third of the nation's 192 million acres of national forest off-limits to road construction, winning praise from conservation groups and criticism from the timber industry.

But in May, the Bush administration replaced the regulation with a new policy requiring states to work with the Forest Service to decide how to manage individual forests. Governors were given 18 months either to petition the agency to keep

their states' forests protected or to open the undeveloped areas to roads and development.

The lawsuit, filed in federal court in San Francisco, alleges that the Bush administration's repeal of the roadless rule violated federal law because the government did not conduct a complete analysis of the new regulation's environmental impact.

The attorneys general who filed the suit are all Democrats.

Mark Rey, the Agriculture Department's undersecretary for natural resources and environment, called the lawsuit "unfortunate and unnecessary."

"The quickest way to provide permanent protection is through the development of state-specific rules, not by resuscitating the 2001 rule," Rey said.

He pointed out that the Clinton-era rule has been struck down in federal court. In 2003, a federal judge in Wyoming ruled that the executive branch had overstepped its authority by effectively creating wilderness areas on U.S. Forest Service land. In July, the 10th U.S. Circuit Court of Appeals dismissed environmentalists' appeal of that ruling, saying the new Bush rule made the issue moot.