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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, et al., ) Case No. 05-04038-EDL  
2 )  
3 Plaintiffs, )  
4 ) [PROPOSED] FINAL INJUNCTION  
5 v. ) ORDER  
6 )  
7 UNITED STATES FOREST SERVICE, et al., )  
8 )  
9 Defendants. )  
10 )  
11 )  
12 )

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13 Having considered the briefs and arguments of the parties, and the entire record in this  
14 matter, and based on the Court's orders dated September 20, 2006; October 3, 2006; November 29,  
15 2006; and December 28, 2006 and the hearings held on August 1, 2006; September 25, 2006; and  
16 February 5, 2007, the Court GRANTS plaintiffs injunctive relief as follows.

17 INJUNCTION

18 I. STATE PETITIONS RULE

19 The State Petitions Rule, adopted at 70 Fed. Reg. 25,654, 25,661-62 (May 13, 2005), is set  
20 aside, and the Roadless Rule, adopted at 66 Fed. Reg. 3,244, 3,272-73 (January 12, 2001), including  
21 the Tongass Amendment, adopted at 68 Fed. Reg. 75,136, 75,146 (December 30, 2003), is  
22 reinstated.

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

24 As the Court previously ordered, federal defendants are enjoined from taking any further  
25 action contrary to the Roadless Rule without first remedying the legal violations identified in the  
26 Court's opinion of September 20, 2006. Such further actions by the Forest Service include, but are  
27 not limited to, approving or authorizing any management activities in inventoried roadless areas that  
28 would be prohibited by the 2001 Roadless Rule, including the Tongass Amendment, and issuing or  
awarding leases or contracts for projects in inventoried roadless areas that would be prohibited by  
the 2001 Roadless Rule, including the Tongass Amendment. The effective date of this injunction is  
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 5<sup>th</sup> day of February, 2007.

23  
24   
25 HONORABLE ELIZABETH D. LAPORTE  
26 United States Magistrate Judge  
27  
28

1 Presented by:

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