

March XX, 2009

The Honorable Tom Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave, SW
Washington, DC 20250

Dear Secretary Vilsack:

We write to urge you to ensure that inventoried roadless areas in our national forests are not harmed while legal challenges over their status are being resolved. We are pleased that President Obama has supported the Roadless Area Conservation Rule in the past to keep over 58.5 million acres of national forests pristine, and has demonstrated this previous commitment by cosponsoring legislation (S. 1478) in the 110th Congress to codify the rule into law when he served in the U.S. Senate. We look forward to working with President Obama and the administration with hope he will continue his support and leadership on this vital conservation policy.

The Roadless Area Conservation Rule was issued by President Clinton in January of 2001, after the most extensive public involvement process in federal rulemaking history. Unfortunately, the Bush administration repeatedly undercut its protections, failed to defend it against legal challenges, and ultimately sought to replace it with a discretionary state petition process in 2005.

Today, the status of the Roadless Rule is uncertain. Conflicting court decisions have been issued for and against the rule by courts in California and Wyoming, and appeals are pending in the Ninth and Tenth Federal Circuits. Under the terms of the latest court decisions, the majority of the 58.5 million acres of inventoried roadless areas are at risk from development that would be prohibited by the rule.

We believe the uncertainty surrounding the Roadless Rule calls for prompt administrative action to ensure that national forest roadless areas are not harmed in the short term. We urge you to direct the Forest Service to not propose or implement any projects that would be inconsistent with the Roadless Rule without prior approval from your office. There is recent precedent for such an administrative directive, as a similar approval process for roadless area activities was adopted by former Forest Service Chief Dale Bosworth in 2001. Such action would also be consistent with President Obama's past support for the roadless rule and the protections it affords our last undeveloped national forestlands.

We look forward to working with you and President Obama to ensure that the remaining roadless areas in our National Forests will not be threatened while the federal courts' conflicts are resolved and more permanent protections can be implemented.

Sincerely,

Senator Maria Cantwell

Senator Jeff Bingaman