

## **AG McGrath urges court to reinstate roadless area protections** **Bozeman Daily Chronicle**

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Montana Attorney General Mike McGrath has filed legal documents urging a federal court to reinstate roadless area protections installed by the Clinton administration but later dropped by the Bush administration.

Known as the "roadless rule," the Clinton-era initiative sought to ban road building and other industrial activity on 192 million acres of designated roadless lands on national forests across the country.

That total includes 6.4 million acres in Montana and 488,000 acres in the 1.8 million-acre Gallatin National Forest.

The Clinton rule was finalized in the last days of that administration, after a two-year process that included hundreds of public meetings and attracted 517,000 public comments, the majority of which favored protecting roadless areas.

The Bush Administration later replaced the rule with its own, a plan that calls on all affected governors to petition the federal government with detailed lists of which roadless areas they want left alone and which should allow some development.

That decision was illegal, McGrath, a Democrat, wrote in a document filed Friday.

The Clinton rule followed a public process that was "nothing short of exemplary," he wrote, while the Bush administration's repeal "consists of nothing more than talking points, public notices and press releases."

California, New Mexico, Oregon and Washington have sued the Bush Administration, seeking to overturn its decision. McGrath's filing, which was cowritten by the Maine attorney general, supports those efforts in a document known as a "friend of the court" brief.

Hal Harper, policy advisor for Gov. Brian Schweitzer, also a Democrat, said Monday that, if the roadless repeal is illegal, his office wants to know about it "sooner rather than later."

County commissions around the state have been compiling recommendations to Schweitzer, who must submit his petition to the federal government in November.

"We're going to continue our actions unless we're told the process is illegal and stop spending time on it," Harper said.

The Montana Wildlife Federation, Montana Trout Unlimited and the Theodore Roosevelt Conservation Partnership supported McGrath's move, citing benefits to wildlife.

"All that comment and effort by the public shouldn't just get thrown by the wayside," said MWF president Chris Marchion, adding that the Bush administration repeal "had no public input on their process, so we wind up in court."

McGrath's brief noted that 67 percent of the 17,000 Montanans who commented supported the Clinton protection or wanted something even stronger. Roadless areas provide clean water for fish and cities, plus refuges for wild animals, including endangered species, he wrote.

"The protection of the unique and treasured characteristics of the roadless areas in Montana and other states is critical" for the state's economic and environmental well being, he wrote.

Harper said that, of the reports filed so far by county commissioners, none have requested new roads.

"The status quo, the way things are right now, seems to be the way most people want things to stay," Harper said.

Counties have until Wednesday to file their preferences with the governor's office.