



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

SEP 6 2007

The Honorable Arnold Schwarzenegger
Governor
State of California
Sacramento, California 95814

Dear Governor Schwarzenegger:

Thank you for your letter dated August 3, 2007, requesting the Forest Service honor its commitment to ensure that California's inventoried roadless areas remain protected. First and foremost, I want to assure you that the Department of Agriculture remains committed to protecting the important environmental values contained in the 4.4 million acres of inventoried roadless areas in the State of California. Furthermore, this Department continues to be willing to work cooperatively with you to ensure mutually acceptable protections are established.

As you are aware, the District Court for the Northern District of California has enjoined the 2005 State Petitions Rule and ordered the 2001 Roadless Rule reinstated nationwide. See *California ex rel Lockyer v. United States Dept. of Agric.*, 459 F.Supp.2d 874 (N.D. Cal 2006). For now, that injunction answers the California Resource Agency's appeal issue of how these lands will be managed. What the injunction does not answer is how these lands should be managed into the future, given the uncertainty of the current legal situation.

I believe the best way to resolve concerns over the protection of California's inventoried roadless area is through cooperatively developed State-specific rulemaking. The Department also believes that the 2005 State Petition Rule was properly promulgated and is the appropriate means to assure conservation and management of inventoried roadless areas. Accordingly, we are pursuing an appeal to the ruling of the District Court. Unfortunately, consideration of your July 12, 2006, petition submitted under the 2005 State Petition Rule was disrupted by the injunction, and the Roadless Area Conservation National Advisory Committee was unable to report on your petition. However, the State remains free, and is encouraged, to submit a petition seeking California-specific refinement to the generic 2001 Roadless Rule as provided under 5 U.S.C. 553(e) of the Administrative Procedure Act and the administrative regulations of the Department of Agriculture at 7 C.F.R. 1.28. Should the State so decide, I will ask the Forest Service to give the petition expedited consideration.

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Please accept my personal assurance that, if the State submits a petition, the Department and the Forest Service will work diligently, cooperatively, and expeditiously with the State to find lasting protection for these inventoried roadless areas that is acceptable to the State of California.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Johanns". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Mike Johanns
Secretary