

**Alaska Wilderness League \* American Hiking Society \* American Lands Alliance \* American Rivers  
Arizona Wilderness Coalition \* Biodiversity Conservation Alliance \* California Wilderness Coalition  
Center for Biological Diversity \* Colorado Environmental Coalition \* Colorado Mountain Club  
Colorado Wild \* Defenders of Wildlife \* Earthjustice \* Friends of Arizona Rivers \* Friends of the Inyo  
Grand Canyon Trust \* Grand Canyon Wildlands Council \* Great Old Broads for Wilderness  
High Country Citizens' Alliance \* Lower Rio Grande Chapter-Back Country Horsemen of America.  
National Audubon Society \* National Trust for Historic Preservation \* National Wildlife Federation  
Natural Resources Defense Council \* New Mexico Wildlife Federation  
Oregon Natural Desert Association \* Public Employee for Environmental Responsibility SW & CA  
Republicans for Environmental Protection \* San Juan Citizens Alliance  
San Luis Valley Ecosystem Council \* Save Our Canyons \* Sierra Club \* Sinapu \* Sky Island Alliance  
Soda Mountain Wilderness Council \* Southern Rockies Ecosystem Project  
Southern Utah Wilderness Alliance \* The Horsemen's Voice \* The Wilderness Society  
Tule River Conservancy \* Western Environmental Law Center  
Wilderness Workshop \* Wildlands CPR**

June 14, 2007

Dear Member of Congress:

**Stop the Public Lands Giveaway!  
Support the Mark Udall Amendment on Interior Appropriations**

Our organizations support Representative Mark Udall's amendment to the Interior, Environment, and Related Agencies Appropriations bill to prevent the implementation of the Administration's policies concerning R.S. 2477 highway claims across federal lands. The Administration's policies for approving R.S. 2477 highway claims are legally questionable and could allow damaging road development and off-road vehicle use across National Parks, Wildlife Refuges, Wilderness, National Forests, Wild and Scenic Rivers, and sensitive lands across the West. The policies are so broad that even military installations and private lands could be affected by their implementation.

The Administration's policies invite a land rush, offering valuable land that belongs to all Americans to states, local governments and private interests without environmental review or meaningful public input. Many of these so-called highway claims cross wild, untouched lands treasured for their natural qualities, quiet recreation opportunities, and historic and cultural resources. The Administration could have limited these claims to actual roads and highways and refused to validate claims over sensitive lands, military lands, and private property, but its policies do not. In fact, this Administration's initial policy would have made it difficult for federal agencies to recognize claims within Wilderness, National Parks, Wildlife Refuges, and Wilderness Study Areas. But it recently revoked those limitations and ordered the Park Service and Fish and Wildlife Service to establish policies to recognize claims across wildlife refuges and parks. The policies could also recognize claims on cattle paths, streambeds, and little-used or long-abandoned jeep tracks that have little connection to legitimate transportation needs.

The Administration has developed two ways to give away highway rights-of-way under R.S. 2477. First, on January 6, 2003, the Administration revised the Interior Department's disclaimer of interest regulations as a way to validate and turn over title to R.S. 2477 highway rights-of-way to states, counties, and interest groups. The disclaimer rule skirts environmental review and expands the list of who can make right-of-way claims. In addition, the disclaimer rule could be illegal under a legislative restriction on new regulations concerning R.S. 2477. The FY 1997 Omnibus Appropriations measure (P.L. 104-208) states that "no final rule or regulation of any agency of the Federal Government pertaining to the recognition, management or validity of a right-of-way pursuant to R.S. 2477 shall take effect unless expressly authorized by an Act of Congress[.]" The Administration may be in violation of this provision, but has not been challenged since it has not yet validated an R.S. 2477 claim under the disclaimer rule.

Second, on March 22, 2006, former Interior Secretary Gale Norton – in her final days in office – released a hastily-crafted policy that appears to be another attempt to promote road development across federal lands with perfunctory agency oversight rather than establish a thoughtful process for validating R.S. 2477 rights-of-way claims. She specifically included non-motorized routes meaning cattle tracks and hiking trails for consideration as R.S. 2477 "highways."

Secretary Norton's policy would make it easier for states or counties to perform landscape-changing highway construction on public lands. In certain cases, that construction could directly conflict with long-standing federal protections for national parks and other Western public lands, with devastating impacts on rivers, streams, and historic and cultural resources. It could also disqualify deserving places from protection as Wilderness Areas. Once a federal agency has determined a route is an R.S. 2477 highway pursuant to the Norton policy, the claimant may allow vehicle use there even on routes previously closed by the land management agency. The claimant may also conduct road maintenance work on these routes without further consulting the affected agency. This undermines the agency's continuing duty to manage and protect the adjoining public lands for a broad range of uses such as the protection of wildlife habitat, access to quiet recreation sites, protection of water quality, and the preservation of historic and cultural resources, and gives the erroneous impression that the presence of an R.S. 2477 claim trumps the agency's protection mandates.

Currently, the Interior Department and Bureau of Land Management are taking action on a dozen or so applications to determine the validity of R.S. 2477 claims that cross BLM lands, a Wildlife Refuge, wilderness study areas, and private lands in the West. We strongly believe the Administration must be stopped before they legitimize some of these questionable claims. Please vote "yes" on Rep. Mark Udall's amendment to the Interior Appropriations bill to stop these potentially damaging policies from implementation.

Sincerely,

Kristen Miller  
Legislative Director  
Alaska Wilderness League

Celina Montorfano  
Vice President for Programs  
American Hiking Society

Caitlin Love Hills  
National Forest Program, Director  
American Lands Alliance

Peter Raabe  
Policy Director for Budget and Appropriations  
American Rivers

Kevin Gaither-Banchoff  
Executive Director  
Arizona Wilderness Coalition

Erik Molvar  
Executive Director  
Biodiversity Conservation Alliance

Karen Schambach  
Director  
California PEER

Mary Wells  
Executive Director  
California Wilderness Coalition

Michael Finklestein  
Executive Director  
Center for Biological Diversity

Elise Jones  
Executive Director  
Colorado Environmental Coalition

Clare Bastable  
Conservation Director  
Colorado Mountain Club

Ryan Bidwell  
Executive Director  
Colorado Wild

Mary Beth Beetham  
Director of Legislative Affairs  
Defenders of Wildlife

Martin Hayden  
Legislative Director  
Earthjustice

Tim Flood  
Friends of Arizona Rivers

Paul McFarland  
Executive Director  
Friends of the Inyo

Bill Hedden  
Executive Director  
Grand Canyon Trust

Kelly Burke  
Executive Director  
Grand Canyon Wildlands Council

Veronica Egan  
Executive Director  
Great Old Broads for Wilderness

Wendy D. McDermott  
Executive Director  
High Country Citizens' Alliance

Don Patterson  
Vice President  
Lower Rio Grande-Back Country Horsemen of America

Brian Moore  
Director, Budget and Appropriations  
National Audubon Society

Patrick Lally  
Director of Congressional Affairs  
National Trust for Historic Preservation

Adam Kolton  
Sr. Director, Congressional and Federal Affairs  
National Wildlife Federation

Karen Wayland  
Legislative Director  
Natural Resources Defense Council

Oscar Simpson  
Conservation & Policy Chair  
New Mexico Wildlife Federation

Bill Marlett  
Executive Director  
Oregon Natural Desert Association

Daniel Patterson  
Director  
PEER SW

David Jenkins  
Government Affairs Director  
Republicans for Environmental Protection

Mark Pearson  
Executive Director  
San Juan Citizens Alliance

Chris Canaly  
Director  
San Luis Valley Ecosystem Council

Lisa H. Schmidt  
Executive Director  
Save Our Canyons

Debbie Sease  
Legislative Director  
Sierra Club

Wendy Keefover-Ring  
Conservation Director  
Sinapu

Matt Skroch  
Executive Director  
Sky Island Alliance

Dave Willis  
Chair  
Soda Mountain Wilderness Council

Michelle Zimmerman  
Executive Director  
Southern Rockies Ecosystem Project

Scott Groene  
Executive Director  
Southern Utah Wilderness Alliance

Catherine Logan-Carrillo  
Editor  
The Horsemen's Voice

Linda Lance  
Vice President, Public Policy  
The Wilderness Society

Carla Cloer  
Tule River Conservancy

Greg Costello  
Executive Director  
Western Environmental Law Center

Sloan Shoemaker  
Executive Director  
Wilderness Workshop

Sarah Peters  
Wildlands CPR