

June 22, 2007

Support the Mark Udall Amendment on Interior Appropriations Concerning R.S. 2477 Rights-of-Way

Dear Representative:

We Colorado local elected officials write to urge you to support Representative Mark Udall's amendment to the Interior, Environment, and Related Agencies Appropriations bill to prevent the implementation of Administration policies concerning R.S. 2477 highway claims across federal lands.

The issue of R.S. 2477 rights-of-way is a contentious one in the West, one that raises questions about how to best protect public lands, pure water, and wildlife, how to balance local transportation needs, and how to protect private property rights. It is an issue that has led to considerable debate and misunderstanding in the more than four decades since the law was repealed. As part of that debate, a bipartisan group representing nearly every county in our State – Colorado Counties, Inc. (CCI) – came together in 2004 to reach agreement on how to best resolve the issue of rights-of-way over public lands. We believe that the best way to address the R.S. 2477 issue once and for all is for Congress to adopt substantive legislation to establish a federal standard that is uniform among all federal land management agencies.

The current administration has adopted two measures – regulations concerning recordable disclaimers of interest in 2003 and a policy concerning 'non-binding determinations' issued by Secretary Gale Norton just days before she left office in 2006 – which are inadequate in our view because they fail to address key issues such as those Colorado's counties could agree on.

Both of the Administration's measures fail to provide for sufficient public input, or ensure an appeals process. The Administration's measures also do not ensure that all claims will be determined because neither sets a deadline for filing claims. Neither recognizes or protects the importance and value of special areas of public land, including national parks, wilderness, national wildlife refuges and roadless areas, where a higher burden of proof is appropriate. In all of these ways, the Administration's approaches fall short of the bipartisan approach a diverse group of Colorado counties came together to endorse. The Administration's approaches also fail to provide the certainty that local governments and landowners are demanding in the face of thousands of claimed highways.

Rather than spend taxpayer dollars on either of the Administration's deeply flawed approaches, we urge Congress to support Mark Udall's amendment, and then to move on to the tough but necessary job of creating a balanced process for resolving all R.S. 2477 claims in a way that protects private property, safeguards the transportation needs of local governments, and conserves America's public lands that are so important to the West's quality of life.

Sincerely,

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