

Rights-of-way detour

<http://www.eenews.net/Landletter/2007/06/28/#9>

A second Udall amendment eagerly anticipated by environmentalists would have prevented Interior from spending money on state and federal claims of public lands under provisions of the 1866 mining law known as R.S. 2477. However, Udall chose to withdraw the amendment in favor of a colloquy with Interior Appropriations Subcommittee Chairman Norm Dicks (D-Wash.).

Had the House voted on the amendment, Udall would have won, said Kristen Brengel of the Wilderness Society. "I feel pretty good we would have won on the issue," she said.

R.S. 2477 allows states to claim rights-of-way that existed before land was designated as federal property, but environmentalists fear the law would be used to increase motor vehicle use and degrade environmental protections on federal lands.

Udall's amendment would address a last-minute policy change from Interior Secretary Gale Norton just before she resigned in March 2006 that allows counties to perform maintenance on roads and trails on federal lands, something critics say will lead to dubious rights-of-way claims. BLM is considering 12 claims under the Norton policy in California, Colorado and Utah. The National Park Service faces two suits in California (Land Letter, June 21).

"They want to do an end run" around Congress, Udall said on the House floor, calling for members to consider a permanent solution for the issue.

In their discussion, Dicks agreed to ask for quarterly reports on R.S. 2477 issues from Interior and increase oversight of the department on the rights-of-way claims, noted Heidi McIntosh of the Southern Utah Wilderness Alliance. "We've got meaningful oversight on something that's a real threat to public lands," she said.

"Chairman Dicks committing to oversight on the issue will be a problem for the administration," Brengel added. "The claims being made on wilderness study areas and on public lands will be watched like a hawk by this Congress."

Udall's office did not return phone calls or e-mails regarding the amendment.