

STATE OF COLORADO

EXECUTIVE CHAMBERS

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Roy Romer
Governor

September 19, 1994

Bruce Babbitt
Secretary
U.S. Department of the Interior
1849 C St., N.W.
Washington, DC 20240

Dear Bruce:

I want to express my support of the Department of the Interior's proposed regulations regarding Revised Statute (R.S.) 2477 Rights-of-Way. I also want to bring to your attention a few concerns I have about the regulations.

I support the proposed regulations for a number of reasons. First, I am concerned that the current Interior policy, adopted by Secretary Hodel in 1988, might be overly permissive in its interpretation of rights-of-way granted by R.S. 2477. Although Colorado has not seen the rush to assert R.S. 2477 rights-of-way that some of our Western neighbors have, I am concerned that a precedent may be set which will lead to similar actions here in Colorado.

Second, I agree that federal, state and local land managers need a consistent interpretation of R.S. 2477 in order to effectively do their jobs. The proposed regulations clearly define the statutory language and set up a timetable for claiming rights-of-way under R.S. 2477. This will allow validly acquired rights-of-way to be recognized and will ensure that all claims go through a standard administrative process.

Third, I share your concern that claims may be made under R.S. 2477 in an attempt to bypass the more stringent environmental requirements of other federal laws. Similarly, it is important that R.S. 2477 claims not be allowed to single-handedly defeat the designation of potential wilderness areas. Since other methods of obtaining access to or across federal lands do exist, I believe the proposed regulations are a fair and reasonable way to ensure that valid rights-of-way can be claimed while protecting our natural heritage.

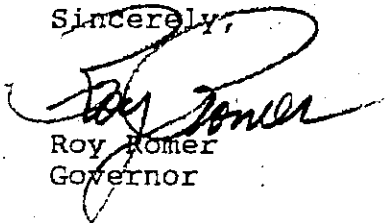
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I would also like to comment on a couple of my concerns about the proposed regulations. First, while I appreciate the effort the department made to receive public input on the draft regulations, it is also important that the administrative procedures to determine the validity of R.S. 2477 claims provide adequate opportunity for public participation.

In addition, it is important that the federal agencies continue to educate and assist local and state governments as the proposed regulations move forward. I hope you will direct the federal agencies involved with R.S. 2477 rights-of-way to coordinate with each other and with state and county governments.

Again, let me express my support of the proposed regulations regarding R.S. 2477 rights-of-way. Thank you for your consideration of my comments on this matter.

Sincerely,



Roy Romer
Governor

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