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Congress of the United States
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AND THE INTERNET
SUBCOMMITTEE ON COMMERCE, TRADE,
AND CONSUMER PROTECTION

June 16, 2003

Governor Bill Owens
136 State Capitol Building
Denver, Colorado 80203

Dear Governor Owens:

I am writing to express my concern regarding recent news stories and a letter from the Executive Director of the Colorado Department of Natural Resources, Greg Walcher, dated May 15, 2003, regarding processing rights of way claims (RS 2477 claims) on public land in Colorado.

I am disappointed that you have taken the position that the Memorandum of Understanding (MOU) Department of Interior Secretary Norton reached with Utah Governor Mike Leavitt is legally applicable in Colorado. Further, the letter asserts that your Administration supports the most extreme interpretation of legal rights-of-way claims across federal land of any Western state.

I find it especially disturbing that your Administration feels the State has a right to claim routes across National Parks, National Monuments, National Wildlife Refuges, and proposed wilderness areas. This is a radical construction and is clearly contrary to the broad support these lands enjoy in Colorado and across the nation.

As you may know, I have introduced the Colorado Wilderness Act of 2003 (H.R. 2305), which proposes to protect 1.6 million acres of wilderness-quality public land throughout Colorado. Many of these proposed areas have a number of highly suspect RS 2477 routes claimed by Colorado counties, including Vermilion Basin and Skull Creek in northwest Colorado. With a large proportion of these claims in proposed wilderness areas, this clearly a blatant attempt by these counties to attempt to disqualify wilderness protection for or consideration of the proposed areas.

I believe that your efforts and my efforts would be better spent engaging in an honest and open debate about the wilderness quality of the lands in question – rather than engaging in a legalistic defense of Civil War-era rights-of-way claims that were designed to facilitate settlement and economic development of the 19th Century West.

Until the debate is settled whether these lands either deserve wilderness protection or are left open to road building and development, the wilderness status of these lands will forever be uncertain. Moreover, depending on the policies of changing federal administrations, the status of RS 2477 claims and the management of these lands will most likely be in constant flux.

Instead, I would ask you to join me in constructing a process whereby all Coloradoans can have a say in the wilderness character and quality of these lands on their merits, as described in the Wilderness Act of 1964. In this way, Coloradoans could drive the debate on whether these lands deserve wilderness protection. I believe that would be better than subjecting the people of our state and the lands they use and love to the ever-changing political winds of federal land management policy.

I look forward to your response to my suggestions and to working with you in the future on these critical issues.

Sincerely yours,



Diana DeGette
Member of Congress