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EDITORIAL

Reject Moffat's road grab

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Colorado's counties should reject a radical plan that could harm public lands, undermine private-property rights and hurt relations with Indian tribes.

Today, a key committee of Colorado Counties Inc., (CCI), which represents 61 of the state's 64 counties, will hear a Moffat County proposal about claims to roads across federal lands. A vote won't carry legal force but could prove politically important in the ongoing national debate about such roads.

Moffat County's plan absurdly asserts that counties should claim rights for roads across national parks, monuments, wildlife refuges, wilderness areas - even over Indian reservations.

Moffat's leaders base their ideas on a 19th-century federal law called RS 2477, which says "the right of way for the construction of highways across public lands, not reserved for public uses, is hereby granted." The law didn't define highway, but in the 19th century, the word generally meant a public road connecting towns. The term construction in the 19th century - an era that saw remarkable civil engineering achievements - clearly referred to something more elaborate than a cow path.

Although Congress repealed RS 2477 decades ago, counties are still able to assert rights to existing roads. But Moffat County's plan would run roughshod over public lands and threaten private property. If a county succeeds in claiming a route that crosses both federal and private land, the route could become a public highway through both the private and the public lands - and private landowners might be unable to close the road through their property.

In addition, Moffat slaps Colorado's two main Indian tribes in the face by demanding that counties also be allowed to claim roads through Indian reservations. Both the Southern Utes and Ute Mountain Utes have worked hard to maintain good relations with their neighbors in La Plata, Montezuma and Archuleta counties. Before CCI votes on Moffat County's plan, the organization should at least have the good manners to invite Indian leaders to speak at the meeting.

It is impossible to fathom that the people of 61 Colorado counties would ever want their leaders to endorse such an outrageous assault on our public lands.

By pushing such a radical and overreaching agenda, Moffat County could, in the long run, make it harder for other counties to pursue legitimate claims to genuine roads through federal land.

U.S. Rep. Mark Udall, a Democrat who represents Boulder and several mountain counties, has a better approach. Udall's recently introduced HR 1639 would set nationwide standards for how counties can claim highway rights on federal land. It also would prohibit such roads through national parks, wildlife refuges and other federal lands.

CCI should reject Moffat County's plan and endorse Udall's bill.

CCI's Public Lands Committee Hearing will be today at 9 a.m. at CCI's offices, 1700 Broadway, Suite 1510 in Denver. Members of the public should attend and politely make their opposition known.