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More Than Lines on a Map

CONGRESS SOUGHT to promote westward expansion a century ago by encouraging the construction of highways across federal land. It granted rights of way to put roads through federal territory, in a statute that stayed on the books until 1976, when lawmakers decided that the disposition of remaining federal lands deserved more scrutiny. They repealed the rights of way for new roads, but left intact those already created under the old law. Seems simple enough, but the action opened the door for disputes that have been boiling ever since. Local and state officials, some eager to preserve access to federal lands that might otherwise be placed off limits, have sparred with environmentalists and federal officials over exactly what constitutes a road created under the old law. Some states have filed claims for thousands of miles of rights of way across federal land, including old trails and cow paths. This is more than just lines on a map: Recognizing some of those rights of way could open to vehicles areas now protected from such intrusion, and could disqualify some lands from permanent protection as wilderness.

Interior Department officials are considering a rules change that advocates say could open the door to even more claims. They are also negotiating behind closed doors with Utah to head off a threatened lawsuit over that state's broad right-of-way claims on federal holdings. The disposition of those

claims will have a significant effect on the future of federal lands in Utah, where conservationists are seeking federal wilderness protections for roughly 9 million acres, and could affect claims in other western states as well. Administration spokesmen said in the talks with Utah officials that they are trying to work out a mechanism to resolve a divisive issue, and that no final action will be taken without public input. But the way they've chosen to work so far has shut out other interested parties, including advocates for more protection. This process ought to be more open to scrutiny and participation from all sides.

An Interior spokesman says the department is trying to apply common sense to public land management. But the administration's zeal for accommodating multiple uses of federal property outruns its willingness to protect those areas that ought to be preserved on behalf of all Americans. There have been some good steps, including a wilderness proposal for 1.4 million acres in the Chugach National Forest in Alaska and shielding some lands bordering the Everglades from oil exploration. But overall, as the department slides backward on protecting roadless national forest areas and works to remove barriers to energy exploration on federal lands, the trend has been to erode protections, not build them up. If its actions on the road claims follow that course, future generations will be the losers.