

Tina Kreisher
04/08/2003 08:33 PM

To: Ex. 6 Eric Ruff/OCO/OS/DOI@DOI
CC:
Subject: talking points RS2477

4

**Talking Points for Secretary Gale Norton
Meeting with media and Gov. Leavitt
April 9, 2003**

- Good afternoon and thank you for coming here today. Governor Leavitt, thank you for taking us through the Utah R.S. 2477 experience. Your presentation really captures the issue and how your state and the Department of the Interior are trying to bring some resolution to R.S. 2477 ownership disputes.
 - For more than 25 years R.S. 2477 disputes have strained relations between primarily western states and the federal government. It is time to find solutions. We are doing that in Utah with this agreement.
 - As a former Attorney General in Colorado, I am well aware of the problems related to R.S. 2477. I came to my job as Secretary of the Interior determined to bring resolution to R.S. 2477 as well as some other long-standing issues.
 - To do nothing would be completely inconsistent with my 4 C's approach to resolve disputes with state and local governments.
 - The agreement we are signing (have signed) today brings clarity and understanding for Utah as well as other states that may wish to look at what we are announcing today.
 - This agreement helps Utah, but it also helps America's taxpayers.
 - The U.S. government does not have the resources to defend the thousands of federal court quiet title actions that western states and
-

counties are threatening to file if the Department does not try to resolve R.S. 2477 disputes.

- The Memorandum of Understanding establishes a dispute resolution process while protecting environmentally sensitive areas like refuges and wilderness areas.
 - Interior and Utah agree to focus their limited resources on acknowledging those rights-of-way that are unquestionably part of the State's transportation infrastructure.
 - The MOU sets forth a process to acknowledge existing roads that were and continue to be publicly traveled and regularly maintained.
 - The State of Utah has spent many years and millions of dollars cataloguing, photographing, documenting, and verifying the history and use of many roads in the State. Through this process, the State has filtered out some RS 2477 proposed claims and developed the evidence that will be used to submit acknowledgement requests for well-documented roads under the terms of the MOU.
 - The MOU protects national parks, refuges, and wilderness areas by excluding them from acknowledgement under the agreement. The State of Utah has also agreed to work cooperatively to minimize trespass situations on roads outside the scope of the MOU.
 - Clearly identified public roads will be acknowledged on an "as is, where is," basis that incorporates the "maintenance status quo" for the road.
 - As is, means that if a road currently disturbs the ground to a width of twenty feet, Interior will acknowledge that width. If it is currently a gravel road, we will acknowledge it as such.
 - Then a gravel road could not be paved under the terms of the agreement without additional Interior approval.
 - Where is, means that a road cannot be expanded or moved without
-

additional approval from the Department.

- Finally, "maintenance status quo" means the State agrees to limit its maintenance to what has taken place over time.
 - We believe this is clear and understandable and will help resolve the issues.
 - Because this MOU is a cooperative effort between Utah and Interior to settle litigation over RS 2477 rights-of-way, it is not the result of a public process.
 - Some have suggested that environmental groups have not been heard. To the contrary, we have met with them and listened to them.
 - They wanted parks excluded, we did that. They wanted refuges and wilderness excluded, we agreed. They wanted to make sure there were no expansions or widening of roads—that is part of the MOU.
 - The Department will use the recordable disclaimer of interest to acknowledge asserted rights under the MOU. This process, which includes an opportunity for public participation, provides a mechanism for acknowledging claims.
 - Gov. Leavitt and I will take your questions.
-
-