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GAO SAYS INTERIOR UTAH LAND DEAL IS ILLEGAL *Udall calls on Congress to pass legislation to settle old road claims*

(Washington, D.C.) - The General Accounting Office has concluded that a 2003 agreement between the Department of the Interior and the State of Utah to settle old road claims on public lands is illegal. Colorado Congressman Mark Udall (D-CO), who led an effort last year to block the department's ability to give away federal public lands to states and counties so that they can build roads through national parks, wildlife refuges and wilderness areas, today urged Congress to pass legislation which would establish a fair and uniform process for settling old road claims.

In its opinion, GAO states that a 2003 Memorandum of Understanding between the Bush Administration and Utah is illegal but that federal law does permit Interior to issue "disclaimers of interest" and end federal ownership of rights-of-way across public lands under an 1866 mining law, also known as R.S. 2477. Udall said that while he is pleased that GAO concluded that the Utah agreement is illegal, the rules upon which the agreement was made are also illegal.

"It's hard to understand how GAO can think the law against new R.S. 2477 regulations doesn't apply here. After all, the Interior Department has said these regulations would be applied to R.S. 2477 claims. And I think it's clear that issuing the regulations was the first step in their plan for dealing with those claims," said Udall. "The point of the Utah MOU is to end-run Congress and to cut out the public, and that's why in 1997 Congress prohibited Interior from establishing regulations to settle R.S. 2477 claims. From the beginning, I've said that the Bush Administration is off-course on this issue and that they are steering straight into a legal morass. The GAO opinions confirm that."

The GAO opinion may affect Colorado since state officials in Colorado have been in talks with Interior to enter an agreement similar to the one with Utah. Udall said that the GAO report confirms that federal legislation is needed to finally settle old road claims on federal lands.

"The GAO report confirms what I've been saying all along - we must address this issue on a national basis and put an end to all the controversy and litigation. I have sponsored a bill, H.R. 1639, which would allow counties four years for filing claims and would provide for a fair and expedited resolution of R.S. 2477 claims. I believe it makes better sense and urge Congress to support it as a reasonable solution to this long-standing issue."

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