

For Immediate Release

July 31, 2003

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MOFFAT PUSHES OTHER COUNTIES TO SUPPORT 'PAVE THE PARKS' PLAN

*Private Property Also at Risk in Proposal That Is at Odds
With Bush Administration, Recent Colorado House Delegation Vote*

Moffat County will press 60 other Colorado counties Friday to endorse a process that could have serious and widespread consequences to our National Parks, Wildlife Refuges, Wilderness areas, National Forests and private lands. On August 1st, the Public Lands Committee of Colorado Counties, Inc. (CCI), will consider endorsing a 10-page set of complex recommendations on the implementation of Revised Statute 2477, a repealed federal statute from the Civil War era dealing with rights-of-ways over America's public lands.

Moffat County sent the letter to the member counties of CCI on July 16th asking them to endorse the detailed recommendations at the August 1st meeting, precluding opportunities for public participation in an issue that has enormous implications to public and private lands, county budgets, recreation, and wildlife.

“Moffat County's proposal is not a balanced, common-sense approach. Instead of contributing positively to discussions on the management of federal lands, they are trying to convince the rest of the counties to adopt their extreme approach,” said Vera Smith, Conservation Director of the Colorado Mountain Club. “Moffat County is simply not entitled to build highways through our National Parks, Monuments, Wildlife Refuges, and Forests - lands that protect our wildlife, water quality, scenic beauty, and ancient Indian ruins.”

The Moffat County proposal concerns alleged rights-of-way obtained under an 1866 law known as R.S. 2477. That law reads in its entirety: “the right-of-way for the construction of highways across public lands, not reserved for public uses, is hereby granted.” The purpose of the law was to protect public investments in transportation infrastructure. It was repealed by Congress in 1976, and replaced with a modern law for granting permission to build new roads over public lands. But roads previously constructed by states or counties could still be recognized.

Moffat County's July 16 proposal provides suggestions related to a possible “RS 2477 acknowledgment agreement” between the State of Colorado and the Department of the Interior, to ease the granting of R.S. 2477 right-of-way proposals in our state. The proposal calls for turning over to counties rights-of-way for highways across National Park lands, wilderness, and other public lands for what are now only cow paths, hiking trails or even invisible routes where no construction ever took place.

“Saying that old trails used a few times a century ago in the wild heart of Rocky Mountain National Park or Dinosaur National Monument are ‘constructed highways’ defies common

sense,” said Jen Seidenberg of the Colorado Wilderness Network. “But Moffat County’s proposal would let counties get the rights to such paths, and then bulldoze the bogus highways into real ones -- at the expense of our wildlife, ancient archeological treasures, and even water quality.” Seidenberg added that Moffat County made just such claims through Dinosaur, Vermillion Basin, and Browns Park National Wildlife Refuge in January.

Moffat County’s proposal has serious implications for private landowners as well as for public land health. If a county succeeds in claiming a route that crosses both federal and private land, the route becomes a public highway through both the private and the public lands. A private landowner cannot close the road through his or her property.

A coalition of recreation and conservation organizations says that there is a better way to resolve the RS 2477 issue than Moffat County’s proposal, which they contend does not comply with current federal case law or a 1997 Congressional law, and will inevitably lead to a tangle of litigation. They point to H.R. 1639 introduced by Mark Udall into the House of Representatives as a reasonable attempt to provide a fair, public, and consistent process for addressing claimed rights-of-ways.

“Any process that is crafted to address this complex issue must involve the public, establish criteria, be consistent with current federal law, and have defined timelines,” said Michael Saul of the National Wildlife Federation. “While each county will have their own ideas about their current highway system needs, it’s just common sense that consistent national standards should apply when public lands owned by all Americans are at stake.”

The coalition also notes that Moffat County’s recommendations is contrary to a vote cast earlier this month by all Colorado’s Congressional representatives and to positions taken by the Bush Administration in federal court.

“We clearly need to put the 2477 issue to bed once and for all. And the counties have a role to play in that,” said the Mountain Club’s Smith. “But applying different standards among counties or states will just make for more litigation, more conflict, and more harm to wildlife, rivers, and special places. CCI should recognize that Moffat County’s approach is not the answer and, instead, should commit to assisting our Congressional representatives craft a solution in a public forum that is fair to all.”

“At a minimum,” Smith added, “this is a complex, controversial issue that’s tied up counties, states and federal land managers for decades. It deserves more than just a cursory look from CCI with almost no public input.”

A copy of Moffat County’s proposal is available from Vera Smith at 303-996-2746.

CCI’s Public Lands Committee Hearing is on August 1, 2003 at 9 am at CCI’s offices, 1700 Broadway, Suite 1510 Denver, Colorado. The public is welcome.

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