

Stop the Public Lands Giveaway Support the Mark Udall Amendment

America's National Parks, Refuges, Forests, Monuments and Wilderness -- even private lands-- are at risk. Unless Congress acts, these treasures could be carved up by roads due to a recent Interior Department regulation.

What the Udall amendment does: The Udall amendment prohibits the Department of the Interior from using funds appropriated for fiscal year 2004 to implement its new "disclaimer of interest" rule. This rule opens the door to illegitimate "RS 2477" rights-of-way claims across federal lands. Simply put, under the amendment no American's tax dollars could be used to allow this massive giveaway of public lands.

The Udall amendment would **not** affect states' and counties' ability to obtain necessary rights-of-way across federal lands via legitimate procedures that already exist. For example, Title V of the Federal Land Policy and Management Act and other legal authorities have enabled the federal government to issue tens of thousands of miles of right-of-way permits across federal lands via this and other legal authorities during the past two decades. The Udall amendment would **not** affect this process.

The harm caused by the amended "disclaimer" rule without the Udall amendment:

In January 2003, the Department of Interior amended an existing rule to facilitate right-of-way claims under Revised Statute 2477 (RS 2477), a long ago repealed provision of the Mining Law of 1866. The adverse environmental consequences of this new rule are potentially enormous.

The new regulation allows any entity to file claims against federal lands, yet the new rule lacks any standard for determining the legitimacy of these claims. As a result of this and other changes, the amended disclaimer rule could be used to establish thousands of new roads without any consideration for Congressional designations, the resulting environmental degradation, conflicts with federal and community planning, or whether there is an actual need for additional road construction across National Parks, Refuges, Forests, Monuments, or designated Wilderness. If not halted, the new rule would allow a single individual to unilaterally override decisions made by Congress, agency professionals and communities to protect watersheds, critical wildlife habitat, sensitive soils, agricultural areas, archeological sites or recreation areas.

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