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## County lobby to push road claims on federal land

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Theo Stein

Denver Post Environment Writer

A statewide lobby for county governments overwhelmingly approved a plan that would allow its members to claim rights of way through national parks, monuments, wilderness areas and Indian reservations.

The land use committee of Colorado Counties Inc. approved the plan, developed by Moffat County, brushing aside a request to delay the vote for further study.

Moffat County has claimed more than 2,000 miles of road rights across 1.4 million acres of federal land to secure access for energy companies.

And San Juan County wants to solidify its claims to routes across federal land to support a burgeoning ecotourism economy, said county attorney Paul Sunderland.

County road crews have been threatened with prosecution by the Bureau of Land Management for doing maintenance without federal permits, he said.

"If we lose these routes, it will probably be the death knell for the county, because we need access to the high country," he said.

Increasing development of private homes around federal land is also limiting access for rescue crews and firefighters. The Moffat County proposal will allow continued use of routes across private property, he said.

"It seems to me that's the lurking giant people aren't thinking about," said Mark Pearson, director of the San Juan Citizens Alliance. "That right of way won't just stop at your ranch fence. The jeeps and motorcycles will be coming right through."

Moffat County Commissioner Les Hampton said the rights of way were granted to the public by a 19th-century mining law. Revised Statute 2477 gave the public the right to construct highways across most federal land, but Hampton said that before 1976, mere passage of vehicles was enough to establish right of way under Colorado law.

Under the Moffat plan, a county would not need a federal permit to upgrade a road through a national park or wilderness area.

In April, Interior Secretary Gale Norton announced the government was developing a process to turn some disputed routes in Utah over to state control.

But Utah Gov. Mike Leavitt agreed the state would not claim road rights through parks, monuments or wilderness study areas, something Colorado's county officials think is critical.

Pitkin County Commissioner Dorothea Farris asked CCI members to consider a settlement process proposed by U.S. Rep. Mark Udall of Boulder, but the idea had little support.

Environmental lawyers say Norton cannot conclude any agreements because of a 1997 law Congress passed when her predecessor, Bruce Babbitt tried to limit such road claims.

Ted Zukoski, an attorney with Earthjustice, said the Moffat County plan relies on legal opinions that the Bush administration has already rejected.

"It's extreme, it's illegal, and it's out of step with Colorado," he said. "Most Coloradans don't want county bulldozers crashing through national parks and wilderness along thousands of old, forgotten hiking trails and horse paths. But that's what CCI's approach could lead to."

The CCI plan will be forwarded to Colorado's natural resources director, Greg Walcher, with a request that he negotiate formally with Norton.

But Interior Department spokesman John Wright said Friday that Norton isn't accepting any settlement proposals right now.