



**Public Employees for Environmental Responsibility**

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## **STOP THE PUBLIC LANDS GIVEAWAY – SUPPORT THE UDALL AMENDMENT**

Dear Member of Congress:

On behalf of Public Employees for Environmental Responsibility (PEER), a private, non-profit organization that protects the government employees who protect our environment, I urge you to vote FOR the Udall Amendment to the Interior Appropriations bill.

For 24 years I helped manage some of the West's most spectacular wild places, including 12 million acres of Bureau of Land Management (BLM) land in Idaho, where I was State Director from 1995-2002. I experienced first hand the tremendous challenges faced by hard-working employees at the Park Service and BLM as they care for some of our country's natural treasures. Thus, it is with dismay that I watch Interior Secretary Gale Norton make the land manager's job of protecting these special places far more difficult. As an example, she has done so by reviving a 137-year-old repealed right-of-way law known as R.S. 2477.

Under the old law, states and counties could obtain rights-of-way where they constructed highways across federal lands not set aside for other uses, such as forests and parks. The law was repealed in 1976, but highways built before then can still be claimed as rights-of-way.

Simply put, the Secretary's quiet maneuvering and backroom deals have created an almost impossible job for public servants to protect the West's public lands, streams, wildlife, scenic vistas and archeological wonders. The mere existence of even bogus rights-of-way claims can cast a cloud on a manager's ability to make sound land-use decisions, for who can predict when or whether the bogus claims will be granted? When foot trails that run through pristine streams, fragile tundra and imperiled wildlife habitat are claimed as highways, the integrity of the land is threatened. When they are granted to those who have pressed such claims with the express purpose of destroying public values and preventing effective land management, the impact is even more devastating.

Interior Secretary Norton announced amendments to the obscure "Disclaimer Rule" on Christmas Eve last year to revive the old law by making it easier for right-of-way claims to be turned over to counties or anyone else. Her first test of this new process is in Utah, where she and Governor Mike Leavitt have signed an agreement to speed the giveaway of these contested rights-of-way. In the haste of the agreement, however, it is the local land manager who now must shift priorities and act on very little guidance to balance the inconsistent use of the public lands. And it is the land manager who is blamed when sound decisions rub some interests the wrong way.

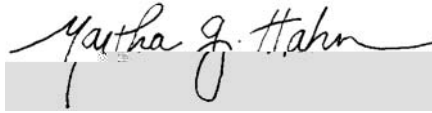
While those touting the deal say it protects National Parks, Wildlife Refuges, and wilderness study areas, in reality it does not. The State of Utah, counties and off-road vehicle groups can still press highway claims to these areas in court. In fact, in a pending court case, the State of Utah claims the existence of supposed "highways" inside wilderness study areas to justify illegal vehicle use, reinforcing their stance against Congressional designation as Wilderness. As well, granting a right-of-way claim that runs up to a park or refuge boundary will negatively impact those areas even without technically crossing their boundaries. In addition, the process Secretary Norton has adopted has no end-date for resolving highway claims. That means that the cycle of claim, counterclaim, and lawsuit could bedevil the land manager and America's public lands for another decade—or another century.



If we are to ensure that land managers have the tools to make sound land-use decisions and protect national parks, refuges, monuments and wild lands for all Americans, Congress should act to recognize the tiny minority of real highways, and put the bogus ones to bed once and for all.

In the short term, Congress must stop the public lands giveaway proposed by the Disclaimer Rule amendments. I, on behalf of PEER, therefore strongly urge you to support Rep. Mark Udall's amendment to the Interior Appropriations bill.

Sincerely,

A handwritten signature in black ink, reading "Martha J. Hahn". The signature is written in a cursive style. Below the signature is a solid grey rectangular box, likely a placeholder for a stamp or seal.

Martha Hahn, PEER Board Member