



## Public Lands Foundation

P.O. Box 7226

Arlington, Virginia 22207

For America's Heritage

July 10, 2003

Representative Mark Udall  
115 CHOB  
Washington, DC 20515

Dear Congressman Udall:

We are writing to support your amendment to the Department of the Interior 2004 Appropriations bill language regarding the implementation of amendments to BLM regulations regarding Recordable Disclaimers of Interest in Land (part 1864 of title 43 CFR)

The Public Lands Foundation, now in operation for 17 years, is a national non-profit organization whose members are primarily retired former BLM employees. As such our membership represents a very valuable information source due to substantial hands-on federal land management experience. Based on that experience, we believe that your amendment is justified. We will reserve our judgment for now about the need for the regulations until we fully understand the total impact of the agreement between the State of Utah and the Interior Department as explained below.

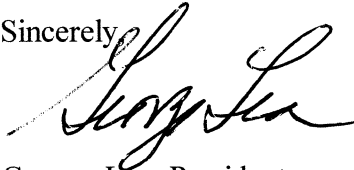
The subject regulations of the Udall amendment relate to handling of Recordable Disclaimers of Interest in Land and the acknowledgement of rights-of-way (ROW) claims across public lands under Revised Statute 2477. RS2477 was enacted in 1866 to enable miners to attain access to their mining claims at a time when mineral development was encouraged. BLM has seldom used the RS2477 provisions in the past several decades particularly, both prior to and since passage of the Federal Land Policy and Management Act (FLPMA) of 1976. Because RS2477 was so seldom in use at that time Congress, rescinded the authority of RS2477 with the passage of FLPMA, subject to those few pending valid applications existing in 1976. FLPMA, however, added a new section, Title V, of FLPMA to provide a broad modern authority for the issuance of ROWs by BLM. These FLPMA ROWs fully accommodate State and local needs for road ROWs and also provide for full NEPA review and public involvement in the processing of FLPMA ROWs applications.

The 43 CFR 1864 regulations add a new provision recognizing that a State may be recognized as an applicant to have a disclaimer of interest issued and BLM intends to use this new authority to issue RS2477 rights-of-way to Utah over public lands. Previously only individuals who were "present owners of record" could apply for a disclaimer. These disclaimers of interest to private individuals were used to resolve title dispute issues and were not used to inappropriately authorize ROWs across the public lands.

The new regulations followed a highly controversial MOU between the Secretary of Interior and the State of Utah destined to accommodate Utah's needs. This MOU has raised a controversy across the western states with many unanswered questions about the use of RS2477 and the Recordable Disclaimer of Interest regulations.

We are unaware of any emergency needs for ROWs by Utah or other states and therefore there is no urgency for implementation of the new BLM regulations until these questions are answered, the controversy has subsided, and the general public understands fully the implications of using an old 1866 statute and the new regulations. Meanwhile the existing ROW provisions of FLPMA are available to accommodate all current needs.

Sincerely,

A handwritten signature in black ink, appearing to read "George Lea", written over a horizontal line.

George Lea, President