



Chris Wood
Vice President for Conservation

July 14, 2003

Congressman Mark Udall
115 Cannon House Building
Washington, D.C. 20515

Dear Congressman Udall:

We are writing on behalf of 130,000 members of Trout Unlimited (TU) that fish on public lands. We support your efforts to prevent old livestock trails, footpaths, and streambeds on our public lands from being converted to public roads.

Under the Mining Act of 1866, States and counties were able to "claim" public roads through a RS 2477 process that recognized travel-ways that pre-dated federal land reserves. Passage of the Federal Land Policy and Management Act in 1976 repealed the 1866 statute, and should have ended the problems associated with a 137 year old law. In January 2003, however, the Department of Interior re-opened the controversy by establishing a "disclaimer process" whereby States, counties and individuals could file for expedited RS 2477 rights.

The net effect of these new "disclaimer" proceedings by Interior could be the claiming, and re-opening, of thousands of miles of new "roads" through public lands including wildlife refuges, national parks, wilderness areas, and roadless areas. The effects of these new roads on fish and wildlife and water resources could be profoundly negative.

Roads, although essential to providing public access to public lands, can be among the most disruptive management activities on wildlife and fish. For example:

- In the Columbia River Basin, more than 70 percent of key wildlife species are negatively affected by roads.
- Erosion and water quality degradation associated with roads, and the failure to properly maintain roads, degrades important habitat for trout and salmon.

Trout Unlimited: America's Leading Coldwater Fisheries Conservation Organization
Washington, D.C. Headquarters: 1500 Wilson Boulevard, Suite 310, Arlington, VA 22209-2310
(703) 284-9409 • FAX: (703) 284-9400 • email: wfosburgh@tu.org • <http://www.tu.org>

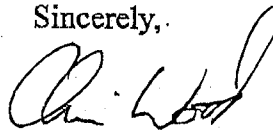
- Loss of large trees, snags, and logs in areas adjacent to roads through commercial harvest or firewood cutting have adverse effects on cavity dependent birds and mammals.
- Fisher, marten, and lynx populations are negatively affected by habitat fragmentation and loss of connectivity due to timber harvest and roads in forested areas.
- Loss of interior forest habitat associated with new roads have adverse effects on numerous bird species including some neotropical migratory birds, such as the cerulean warbler, hooded warbler, and wood thrush.

In addition, failure to adequately maintain existing roads are the leading cause of lost access to public lands for recreational purposes. For example, between 1990 and 1998 nearly 9,200 miles of access to National Forest land hunting and fishing opportunities was lost because roads became unusable to cars due to the Forest Service's \$10 billion road maintenance and reconstruction backlog.

Finally, Trout Unlimited's opposition to the give-away of RS 2477 rights-of-way stems from more than the potential effect on fish and wildlife habitat. Behind this debate on arcane issues of transportation, rests the question of who owns the public lands. Congress and the Supreme Court have repeatedly held that the public lands are to be managed in trust for the American people by federal land management agencies. This tradition has withstood repeated efforts by the Wise Use Movement, the Sagebrush Rebellion, and the County Supremacy Movement to divest public lands for state, county or private control.

We urge you and other Members of Congress to resist this latest effort to wrest control of the public lands from public ownership.

Sincerely,



Chris Wood