



NATURAL RESOURCES DEFENSE COUNCIL

July 8, 2003

VIA FACSIMILE: 303-866-2003

The Honorable Bill Owens
 Governor, State of Colorado
 136 State Capitol
 Denver, CO 80203-1792

Re: Right-of-Way Proposal Threatens Rocky Mountain Treasures

Dear Governor Owens:

I write on behalf of NRDC – the Natural Resources Defense Council – a national, non-profit environmental advocacy organization and our more than 550,000 members nationwide, almost 16,500 of whom live in Colorado, to express our grave concern about a proposal from your Administration that threatens the wildlife, water quality, and wilderness lands of Colorado.

The National Forests, National Parks, National Wildlife Refuges, National Monuments and wilderness lands in Colorado protect some of our country's great biological and recreational treasures. These lands, held in trust for all Americans, are extremely important to NRDC's members, who are among their joint owners.

We were alarmed to learn recently of your Administration's secret negotiations with the Department of the Interior that could turn cow paths, hiking trails, and jeep tracks into highways across unspoiled parts of these special lands. We urge you to rethink your current course and request that you halt closed-door negotiations over the fate of these lands. Rather, we respectfully request that you meet with interested members of the public to discuss an open, lawful process for addressing right-of-way claims on America's federal public lands.

I understand that your Director of Natural Resources, Greg Walcher, has proposed to the Interior Department a plan to resolve claims under the 150-year-old law known as R.S. 2477. According to Director Walcher's May 15th letter to Interior Secretary Gale Norton, the State of Colorado intends to press claims to highways through National Parks, National Monuments, National Wildlife Refuges and Wilderness lands as well as National Forests and Bureau of Land Management lands. Additionally, the State will claim rights-of-way for constructed highways that include cattle trails, hiking trails, riverbeds, and jeep trails. The State asserts that the "mere passage of vehicles" — or even no surface treatment whatsoever — could constitute "construction" of a "highway." Such definitions of

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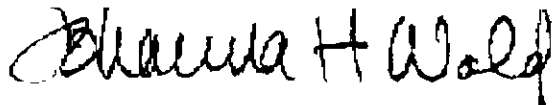
“highway construction” defy not only common sense but also the language of R.S. 2477 itself. The State also asserts that the State should not be subject to environmental permitting requirements when a hiking trail is “bulldozed” into a two-lane highway across a National Park, through a sensitive wildlife area, or other protected land.

One county – Moffat – has already asserted more than 2,000 miles of claims through Dinosaur National Monument, Browns Park National Wildlife Refuge, and every Wilderness Study Area, citizen-proposed Wilderness, and Forest Service Roadless Area within its borders. Your proposal could result in the granting of many such claims, even where they serve no legitimate transportation need, and even where evidence of the supposed “highway” cannot be found on the ground.

Your Administration’s approach threatens Colorado’s majestic lands, its critical wildlife habitat, its drinking water, its quality of life, and its economy, which is based in part on the state’s scenic beauty. Scientific evidence shows that new roads can cause habitat loss and fragmentation, decreased wildlife security, lost hunter and other recreational opportunities, the spread of invasive exotic species, erosion, degradation of water quality, increased risk of human-caused wildfire, and increased opportunity for illegal, damaging off-road vehicle use.

On behalf of NRDC and its members, I therefore urge you to abandon this approach, to instead involve the public in any subsequent effort to resolve R.S. 2477 claims in the State, and to place the highest priority on protecting the special places in Colorado that are managed to benefit all Americans.

Sincerely,



Johanna H. Wald
Director, Land Program