

Wilderness imperiled

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Abstract:

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In a letter to Utah Sen. Robert Bennett, written April 11, Norton engages in some rhetorical gymnastics to make a distinction between designating an area a national wilderness as opposed to deciding that a portion of a large tract of land is an area of "environment concern" that "can be managed for wilderness characteristics." Norton says, in effect, that this distinction was blurred in the so-called Wilderness Handbook, a policy document approved in the waning days of the Clinton administration. The management practices contained in that document evidently were acceptable until earlier this month, when Norton decided otherwise.

Full Text:

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An agreement between the state of Utah and the dense bureaucracy that manages federal lands evidently will throw a monkey wrench into the creation of new wilderness areas. The agreement is the handiwork of Interior Secretary Gale Norton, the nation's chief steward of federal lands, who evidently never encountered a wilderness area that wasn't worth exploiting and developing (The Arctic National Wildlife Refuge is the most recent case in point).

About a week ago, the Interior Department signed a memorandum of understanding which opens a process enabling counties in Utah to make claims to very old, obscure road rights-of-way. The agreement creates the potential for road construction in nearly 6 million acres of Bureau of Land Management lands that are now roadless, as well as some 4 million acres of lands in national forests.

The nucleus of the issue is an obscure section of the nation's first general mining law, the Mining Act of 1866. That law, and its replacement in 1870 and 1872, contained a section saying "The right of way for construction of highways across public lands not otherwise reserved for public purposes is granted."

As we noted in an editorial in January, the law was designed to encourage miners to go out and look for minerals and in the process settle the West. They needed roads to do that, and built them, though these early routes were typically nothing more elaborate than burro paths or wagon routes. In more recent times, debates arose between states and the federal government over access to these old, and sometimes difficult to identify, mining routes. The resolution of these disputed road claims has, for nearly 30 years, been a political and ideological football.

The Wilderness Society and conservation-minded members of Congress have steadfastly advocated that access to these old routes, some of which may now be in national forests and national parks, remain tightly in federal control. The new agreement with Utah uses the Bush administration's controversial "disclaimer of interest rule" as the basis for conveying a right-of-way to the state. The "disclaimer of interest" is a document that essentially says to an applicant that the government makes no claim to the property in question. At present, the state of Utah alone has an estimated 10,000 to 15,000 claims saying that routes through federal lands - old mining roads, washes that may have been wagon routes - were

"constructed roads" before they became federal lands and therefore are not subject to federal closure.

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Norton's policies statements will grease the track for companies in the oil and mineral extraction industries. The short-sighted shift away from wilderness is a shift toward commercial exploitation of public national resources.

It's a policy shift that is sure to warm the hearts of the energy companies that invested so heavily in the political fortunes of the Republicans who now dominate the national agenda.

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