

THE NATION'S NEWSPAPER

 **USA  
TODAY**

NO. 1 IN THE USA

Wednesday, March 6, 2002

# Proposal would ease way for roads in wilds

By Tom Kenworthy  
USA TODAY

DENVER — The Bush administration has proposed making it easier for Western states and local governments to claim road rights of way across federal land, potentially opening millions of pristine acres to development.

The proposed rule could result in large areas of the West being ineligible for congressional designation as wilderness areas where hiking, horseback riding and other forms of recreation are permitted but oil and gas drilling, logging, off-road vehicles and other activities are prohibited.

The issue is particularly heated in Utah, where Gov. Mike Leavitt and the state's largely Republican political establishment have battled conservation groups over wilderness designations and pressed for road rights of way so more land can be available for commercial development and motorized use.

At stake are thousands of right-of-way claims by states and counties under an 1866 law that was passed to spur settlement across the West. The law granted broad rights to construct roads across federal lands not otherwise set aside for specific purposes such as national parks and wildlife refuges. Legislation in 1976 repealed the law but grandfathered in existing claims.

Some environmentalists view the claims for road rights of way as a backdoor way to disqualify areas from consideration by Congress as wilderness. Many of the roads in question amount to little more than dirt trails in the desert.

County officials in Utah also have pressed claims for roads across national parks and monuments. Upholding those claims could jeopardize sensitive wetland areas, soils and archaeological resources in places such as Canyonlands and

Arches national parks, environmentalists say.

"In Utah, the counties have claimed over 10,000 rights of way," said Pam Eaton, western regional director for The Wilderness Society. "They are in parks, national monuments and proposed wilderness areas."

But Jeff Holdren, a land and realty specialist with the federal Bureau of Land Management (BLM), said the agency's proposed rule would merely provide another method of settling right-of-way claims. Road proponents "would still have to show they have a valid claim," Holdren said. To do so, they

would have to meet legal tests in a court decision last year that roads along such rights of way be deliberately constructed and maintained.

The proposed rules are subject to public hearings and won't take effect for several months.

Still unclear is how the rules will affect closed-door negotiations between Leavitt and the federal government over the state's right-of-way

claims. The rules could provide a foundation for settling the claims on terms favorable to Utah.

"I think what they are looking for is a very easy, unreviewable way for the Department of Interior to give away all these right-of-way claims to the state and the rural counties," said Heidi McIntosh of the Southern Utah Wilderness Alliance.

The BLM manages 3.3 million acres of land in Utah as "wilderness study" areas. They are managed as wilderness pending congressional action on whether the lands should be permanently protected or opened to other uses.

Environmentalists have proposed that about 9 million acres in Utah be given wilderness designation. The national wilderness system contains more than 100 million acres.

**"In Utah, the counties have claimed over 10,000 rights of way. They are in parks, national monuments and proposed wilderness areas."**

— Pam Eaton, western regional director, The Wilderness Society