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A wrong road: Norton policy would open up lands to overuse

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As she departed her post as secretary of the U.S. Department of the Interior last month, Gale Norton left behind a new policy for deciding what constitutes a road on public lands.

It is, unfortunately, a policy that could seriously endanger fragile wilderness, wilderness study areas, wildlife refuges and even national parks and national monuments by allowing vehicles to roam over trails and dirt tracks into wild places across the country that have so far been protected by federal agencies.

Because of the policy's national scope and destructive potential, Congress should hold the feet of Interior Secretary-designee Dirk Kempthorne to the fire during confirmation hearings and demand that, if confirmed, he reject this unnecessary and overly broad policy.

Norton rationalized her lame-duck action as necessary in light of a 10th U.S. Circuit Court of Appeals decision last fall. But the court ruling did not require any change in Interior policy and clearly stated that federal courts should decide road claims under a Civil War-era law giving local governments rights of way across federal lands.

When the law, RS 2477, was repealed in 1976, Congress allowed existing roads to be "grandfathered in." That has led to decades of debates among county and state governments, federal agencies and conservation groups over what constitutes a road. Anti-federal officials in Kane County even took down Bureau

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of Land Management signs restricting use of trails in the Grand Staircase-Escalante National Monument and put up their own signs, allowing off-road vehicle use.

Norton's policy, which defines a highway more



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broadly than the court ruling and revokes Norton's pact with former Utah Gov. Mike Leavitt to exempt national parks and wilderness from RS 2477 claims, would encourage such disregard for federal conservation and encourage recreational traffic on disputed RS 2477 roads and trails. It could allow roads and ORV access in such

national treasures as Canyonlands National Park, Zion National Park, the Mojave National Preserve and Dinosaur National Monument.

The Norton policy should be replaced with a more thoughtful and public process that protects these irreplaceable wild lands.

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