

STATE OF UTAH
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June 14, 2000

Honorable Bruce Babbitt
Secretary of the Interior
United States Department of the Interior
1849 "C" Street, N.W.
Washington, D.C. 20240

Re: Utah R.S. 2477 Rights-of-Way – Notice of Intention to File Suit

Dear Secretary Babbitt:

Pursuant to 28 U.S.C.A. § 2409a (m) [Real property quiet title actions], the State of Utah, on behalf of itself and its political subdivisions (hereinafter collectively referred to as the State), hereby gives you notice, in your official capacity as Secretary of the U.S. Department of the Interior with jurisdiction to manage federal lands within the State of Utah, of the State's intention to file suit with regard to the ownership and scope of certain highway rights-of-way acquired pursuant to R.S. 2477 (43 U.S.C. § 932).

The basis for the action is the continuing dispute by the Department of the Interior of the State's R.S. 2477 highway rights and the Department's policies and actions adverse to those rights. Federal officials under your jurisdiction have closed or attempted to close highways which are part of the State's highway system across federal lands and interfered with the actions of State and local officials and personnel in connection with maintenance, improvement, construction, management and other normal highway activities. Historically, approval by the Federal Government has never been required to exercise rights granted by R.S. 2477. Officials in your administration are now claiming that R.S. 2477 rights-of-way require their official recognition and maintenance activities require their permission. This situation is intolerable and amounts to a federal claim of interest adverse to that of the State and a usurpation of property rights vested in the State.

Congress also has failed to resolve the issue, and the State has no alternative to litigation.

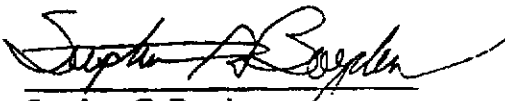
The State gives notice at this time of intent to file suit on those highways appearing in red on the attached twenty-nine maps representing the geographic jurisdictions of all twenty-nine

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Counties located within the State of Utah. The lands included for each highway are those which are reasonable and necessary for highway construction and maintenance, with a minimum width of 100 feet on either side of the center line.

Highways appearing in red on the maps do not represent the entire universe of R.S. 2477 highways within the State. The State does not waive any rights to highways not appearing in red on the attached maps, and intends to file subsequent notices and complaints, as necessary, until such time as title to all R.S. 2477 highways has been quieted.

Sincerely,



Stephen G. Boyden
Assistant Attorney General