

A letter in the DENVER POST

Roadless rule guidelines

Re: "Norton's late road order is out of line," March 25 editorial.

Interior Secretary Gale Norton shares The Post's concern that Revised Statute 2477 not be used to degrade sensitive federal lands. But contrary to your editorial, her guidelines will only help federal land managers protect those lands. Her memorandum repeatedly emphasizes that the department has a "right and obligation to reasonably regulate \ for the protection of the underlying and surrounding federal lands." To do so, the secretary seeks to develop a collaborative, cooperative approach so land managers work with local governments and the public.

The concept that the federal government should respect valid existing rights of the public is hardly a "loophole." Respect for valid rights of the public, we believe, is a fundamental obligation of the government. It is simply false to state, as The Post did, that Congress "failed to say what should be done about roads" already in existence when RS 2477 was repealed. Rather, as the 10th Circuit declared, Congress "specified that any 'valid' R.S. 2477 rights of way 'existing on \ would continue in effect.'" The court went on to state that the department "may not use its authority, either by delay or by unreasonable disapproval, to impair the rights of the holder of the RS 2477 right of way."

But as your final paragraph seems to recognize, Congress simply has not given the department the power to unilaterally deny the public access to valid rights of way.

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