



NATIONAL  
WILDLIFE  
FEDERATION®  
[www.nwf.org](http://www.nwf.org)®

## NATIONAL WILDLIFE FEDERATION®

*People and Nature: Our Future Is in the Balance*

Rocky Mountain Natural Resource Center



Colorado  
Wildlife  
FEDERATION

October 15, 2003

The Honorable Wayne Allard  
United States Senate  
525 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Allard:

We are writing on behalf of the National Wildlife Federation (NWF), the nation's largest member-supported conservation group with over four million members and supporters nationwide; and the Colorado Wildlife Federation (CWF), which for 50 years has provided credible leadership in promoting the conservation, sound management, and sustainable use of Colorado's fish and wildlife and their habitats. NWF and CWF are both deeply concerned by potential threats of irresponsible road construction and irreversible losses to our nation's wildlife resources, and we urge you to take action to legislate a comprehensive solution to the controversy involving road rights-of-way across the public lands.

Our nation's public wild lands and wildlife are precious natural resources. Road construction can result in numerous, documented, harmful impacts to wildlife and outdoor recreation. Such impacts can include direct loss of habitat; increased habitat fragmentation; lost hunter opportunity; decreased quality of recreational experience; spread of noxious weeds; decreased water quality; and increased illegal activity such as wildlife poaching. Our members and supporters use federal lands for wildlife viewing, photography, hunting, hiking, fishing and other activities. They have a deep appreciation for the recreational opportunities and the wildlife habitat provided by our nation's remaining, roadless, un-fragmented public lands. For example, many species of wildlife (e.g., lynx) are very sensitive to human disturbance and need large blocks of quality habitat to survive, and other species such as elk survive much better if their wintering and calving areas are adequately buffered from noise and traffic such as that caused by snowmobiles and all terrain vehicles.

We recognize the importance of access to public lands and the legitimate transportation needs of local communities, but an overly broad approach to the question of road rights-of-way could allow a massive number of unwarranted and unnecessary roads all across the public lands. Specifically, we are concerned that recent actions by the Department of the Interior may lead to unchecked and unjustified giveaways of rights-of-way for road

The Honorable Wayne Allard

October 15, 2003

Page 2

construction across sensitive lands pursuant to the antiquated statute known as R.S. 2477. This 1866 statute, repealed in 1976, predates Congress' direction to the Department of the Interior to retain and manage the federal public lands to realize multiple benefits. Current law and policy and our collective memberships place a high value on maintaining places for hunters, anglers, bird watchers, and others to enjoy. The Department of the Interior's regulation on the use of recordable disclaimers threatens to undermine these goals by forfeiting public lands to unsubstantiated claims and permitting road construction despite unacceptable impacts to natural resources and public lands recreation.

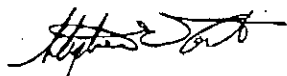
Colorado's communities have legitimate transportation and economic development needs, but the indiscriminate use of R.S. 2477 to give rights-of-way across sensitive public lands is not a proper means of addressing those needs. A flourishing future scenario for our communities is one that makes room both for legitimate transportation needs, as provided for by more modern public land law, and protection of un-roaded areas for wildlife habitat, recreation, and aesthetic values.

We urge all members of Colorado's Congressional delegation to work together to develop a balanced solution to the R.S. 2477 controversy -- one that provides reasonable standards for evaluation of road claims and furnishes adequate protection for sensitive public lands. Any such solution should (1) codify the standards for R.S. 2477 that have been upheld by the courts that will result in consistent, national standards for assessing claims that recognize only true "highways" that were truly "constructed;" (2) define a deadline by which claims must be asserted; and (3) provide a high level of protection for National Parks, National Monuments, National Wildlife Refuges, Wilderness Areas, and Wilderness Study Areas and other proposed wilderness areas until a final decision has been made regarding their wilderness designation. CWF and NWF support Congressman Udall's H.R. 1639 as such a comprehensive solution.

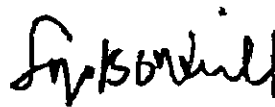
We also urge you to support, as an interim measure in the final interior appropriations conference package, a prohibition on any spending by the Department of Interior to process R.S. 2477 rights-of-way under the "disclaimer rule." During the House debate on Interior Appropriations, Rep. Udall offered an amendment to prevent implementation of the "recordable disclaimer of interest" regulation that would enable a potentially massive public lands giveaway. A substitute amendment that only protects National Parks, Wildlife Refuges, National Monuments, Wilderness Study Areas, and Wilderness Areas from the disclaimer rule was passed in its place. While we believe the disclaimer rule must be eliminated, we ask you to support the current House language, which at the very least will protect some of the most sensitive public lands from widespread road building and development. In addition, we urge you to cosign Congressman Udall's letter to the Interior Appropriations Conference Committee that requests maintaining language (Sec. 337) that protects National Monuments.

The Honorable Wayne Allard  
October 15, 2003  
Page 3

Sincerely,



Stephen C. Torbit, Ph.D.  
Center Director, RMNRC  
National Wildlife Federation



Suzanne O'Neill  
President  
Colorado Wildlife Federation

MS/DB

jca

c: Ben Nighthorse Campbell, U.S. Senator  
Bob Beauprez, U.S. Representative  
Diana DeGette, U.S. Representative  
Joel Hefley, U.S. Representative  
Scott McInnis, U.S. Representative  
Marilyn Musgrave, U.S. Representative  
Tom Tancredo, U.S. Representative  
Mark Udall, U.S. Representative  
Gale Norton, U.S. Secretary of the Interior  
Bill Owens, Governor of Colorado  
Greg Walcher, Colorado Department of Natural Resources