

## “PAVE THE PARKS” ROAD RULE – RS 2477 IN CALIFORNIA

In California, an increasing number of RS 2477 “highway” claims have been asserted over the past 18 months – including thousands of miles of claims in the Mojave National Preserve, Death Valley National Park, numerous congressionally designated Wilderness Areas, and other environmentally sensitive and protected areas.

136 years after RS 2477 was enacted as part of the Mining Law of 1866, and almost three decades after its repeal by the Federal Lands Policy and Management Act (FLPMA) of 1976, claimants today are using this antiquated statute to thwart conservation of federal lands and to re-open protected lands to which motorized access has been closed. In January 2003, the U.S. Department of the Interior published a new rule making it easier for the federal government to abandon federal lands claimed by RS 2477 claimants.

The California Wilderness Coalition has documented and mapped RS 2477 claims in seven counties and numerous National Parks, Preserves, Wilderness Areas, Wilderness Study Areas, and areas proposed for wilderness designation in the California Wild Heritage Act. To date, six southern California counties have passed resolutions asserting RS 2477 rights-of-way, including San Bernardino, Kern, Imperial, Riverside, Inyo, and San Diego.

The most threatening claims to be asserted thus far are those in designated wilderness areas managed by the National Park Service and the Bureau of Land Management (BLM) in the California Desert Conservation Area. County governments, off-road vehicle interest groups, and individuals in this region have claimed thousands of miles of jeep trails, cowpaths, footpaths, wagon roads, and wash bottoms as “highways” across federal public lands.

San Bernardino County, which currently maintains 2,341 miles of roadways, has thus far claimed 4,986 miles of RS 2477 “highways” – more than twice the mileage of the county’s actual road network. Of the 4,968 miles of “highway” claims, 2,567 miles crisscross the Mojave National Preserve, which was protected by Congress in the California Desert Protection Act of 1994. 2,341 miles of these claims have been formally asserted with the BLM. More than 800 miles of claims are asserted in congressionally designated Wilderness Areas, including more than 600 miles inside the Mojave National Preserve Wilderness, and additional miles within Death Valley National Park Wilderness. And the county is only 80 percent of the way through its survey. In commenting on the disclaimer rule, the San Bernardino County Department of Public Works in California criticized any potential cost recovery that the rulemaking may impose because “the number of claims the county might potentially file could create a financial burden on San Bernardino County.”

The following is a list of areas currently threatened by RS 2477 claims. These are places that the American public and U.S. Congress have seen fit to protect in a pristine state in

order to sustain the wild ecosystems, plant and animal species, habitat, and water resources they harbor.

### *Wilderness Areas:*

Chemehuevi Mountains Wilderness  
Cleghorn Lakes Wilderness  
Dead Mountains Wilderness  
Death Valley National Park Wilderness  
Kingston Range Wilderness  
Mesquite Wilderness  
Mojave National Preserve Wilderness (11 areas)  
Orocopia Mountains Wilderness  
Palen McCoy Wilderness  
Palo Verde Wilderness  
Sheephole Valley Wilderness  
Siskiyou Wilderness

### *Parks and Monuments:*

Death Valley National Park  
Giant Sequoia National Monument  
Jedediah Smith Redwoods State Park  
Joshua Tree National Park  
Mojave National Preserve  
Redwood National Park  
Sequoia National Park

### *Proposed Wilderness Areas:*

Avawatz Mountains Wilderness Study Area  
Cady Mountains Wilderness Study Area  
Denning Springs Wilderness Study Area  
Kingston Range Wilderness Study Area  
Siskiyou Proposed Wilderness Additions  
Soda Mountains Wilderness Study Area  
Death Valley National Park Proposed Wilderness Additions

### *Other Potential Wilderness Areas:*

Sleeping Beauty Potential Wilderness Area

### *BLM Areas of Critical Environmental Concern (ACEC):*

Chuckwalla Bench ACEC  
Cronese Lakes ACEC  
Denning Springs ACEC  
Dos Palmas Preserve/ACEC

### *National Conservation Areas*

California Desert Conservation Area  
King Range National Conservation Area

CWC is organizing volunteers to field-check and inventory RS 2477 claims in wilderness and other sensitive areas. We have received valuable information about specific claims – including testimonials and histories, current route conditions and uses – which is helping to identify the most bogus and harmful claims in our state. CWC intends to prevent illegal abuse of these public lands and defend the original intent of wilderness designation in threatened areas for generations to come.

For more information, please contact: California Wilderness Coalition,  
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