



EDITORIAL

Saturday, December 28, 2002

## **Bush's real nowhere plan**

Cow paths and stream beds aren't highways, but the Bush administration wants to let local governments claim they are. The likely outcome will be more damage done by off-road vehicles to federal lands.

The U.S. Department of Interior soon will propose rules allowing local governments, mostly counties, to claim thousands of miles of travel rights-of-way across U.S. Bureau of Land Management property.

However, the proposal could be the proverbial camel's nose under the tent, signaling the Bush administration's intent to give county governments a future right to bulldoze roads through other kinds of federal lands. In the past, counties have claimed such rights in Denali National Park in Alaska, Canyonlands National Park in Utah and proposed wilderness areas in Colorado.

The amount of federal land at stake is mind-boggling. Sparsely populated counties in Utah claim 15,000 such routes are "highways," while a handful of Colorado counties claim hundreds more.

The issue underscores the Bush administration's weird 19th-century attitude that our magnificent, pristine public lands aren't valuable unless paved and developed.

In 1866, Congress wanted to encourage settlement of the West, so it passed Revised Statute 2477, which let local governments claim rights-of-way across federal lands that hadn't been set aside for other purposes. Then in 1976, recognizing that the West had been settled, Congress repealed RS 2477. Congress still let local governments go to court to claim rights to RS 2477 highways that were constructed before the law was repealed.

Now the Bush administration wants to eliminate any need for the counties to go to court or even follow an open administrative process. All the counties need do under the proposal is assert a right, without having to show that a highway really had been constructed before 1976. The Bush crew has invented yet another way to deny the public meaningful input into how federal lands are managed.

If the counties were seeking rights to roads that were really highways and had a true economic purpose, there would be much less opposition to the administration's plan. But in truth, most RS 2477 claims are primitive and little-used paths across largely undisturbed federal lands. Local governments from Alaska to Utah have asserted that cow paths, wagon ruts, mud tracks and even submerged river beds are "highways."

By letting counties get away with such nonsense, the Bush administration will permit increasing numbers of motor vehicles to tear across fragile tundra and delicate deserts. County commissioners, not Congress, will decide what public lands should be removed from future consideration for wilderness designation.

The administration pretends its plan isn't really about RS 2477 (it clearly is) by letting counties claim rights-of-way through a quiet title process. Yet the very word "title" implies that the Bush team is surrendering valuable federal property without compensating Uncle Sam for the loss.

At the very least, counties should have to pay Uncle Sam for every inch of new road they claim. And Congress should withhold federal funding from states proportional to the number of right-of-way miles their counties are claiming across public lands.

If counties have money to waste constructing highways to nowhere, they clearly don't need federal tax subsidies.