

# **Stop the Public Lands Giveaway Support the Mark Udall Amendment on Interior Appropriations**

## **Humboldt-Toiyabe National Forest, Nevada** (managed by the U.S. Forest Service)

The 6.3 million acre Humboldt-Toiyabe National Forest is the largest National Forest outside of Alaska, with spectacular basin and range country that covers northern Nevada and part of eastern California. Flowing through the Humboldt-Toiyabe National Forest is the Jarbidge River, which provides critical habitat for the bull trout, a native trout that once flourished across the Pacific northwest and Canada. In 1999, the U.S. Fish and Wildlife Service listed the Jarbidge River population of bull trout as “threatened” under the Endangered Species Act because of “habitat degradation from past and ongoing land management activities such as road construction and maintenance.”



**The “Jarbridge Shovel Brigade” at work.**

## **What's at Stake at Humboldt-Toiyabe**

In 1995, a segment of South Canyon Road near the Jarbridge Wilderness Area was washed out in a storm. The Elko County Commissioners wanted the road reopened, but in September 1997 the Forest Service decided to leave the road closed pending further study of its environmental impact. The Forest Service was particularly concerned about the impact that rebuilding the road might have on the Jarbridge River's imperiled bull trout.

In 1998, the Forest Service decided to construct a trail through the area instead of rebuilding the road. Elko County defied the Forest Service's decision, with county employees illegally attempting to reconstruct the road themselves. At this time Elko County asserted the existence of an RS 2477 right-of-way to legitimize their land grab. Although the U.S. government sued the County for trespass and violations of the Endangered Species Act, the Forest Service agreed that it would not contest Elko County's RS 2477 claim.

With Elko County now effectively in control of the route, environmental resources may not be protected. It is not clear now whether the Forest Service or the County will ensure that laws that normally apply to and protect federal land – the Clean Water Act, the National Environmental Policy Act, Endangered Species Act – would apply to efforts to reconstruct the road.

The Forest Service's settlement is particularly difficult to justify given that the County has no evidence that the South Canyon Road was a "constructed highway" prior to the establishment of the National Forest, calling into question the key element required to establish a valid RS 2477 right-of-way.

### **For more information, contact:**

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