



The Ledger (Lakeland, FL)

March 17, 2003, Monday

LIP SERVICE FOR WILDLIFE REFUGES; EDITORIAL

U.S. Secretary of the Interior Gale Norton was in Florida last week to celebrate the National Wildlife Refuge System's 100th anniversary.

She was at Pelican Island, in the Indian River near Sebastian, with its pelicans, egrets, herons and other showy birds -- the nation's first wildlife preserve. It was set aside on March 14, 1903, by President Theodore Roosevelt to offer protection from hunters who sought the colorful plumage. Roosevelt would set aside 55 other refuges -- a number that has increased since tenfold and covers more than 95 million acres.

"The refuge system is a gift that America has given to itself," Eric Jay Dolin, author of *The Smithsonian Book of National Wildlife Refuges*, told *The Washington Post*. "You walk into a refuge and you're struck by the tranquility of it and you're thinking, 'This is mine.'"

Of the hundreds of species of plants, animals and birds in them, more than 250 are on protected or endangered lists.

"President Bush is committed to carrying on the 100-year conservation legacy of President Roosevelt," Norton said. "On this historic occasion, we invite every American to discover a wildlife refuge near their home and join with us in protecting these treasures for the next 100 years."

That sounds good, but let's talk about the department's action on Revised Statute 2477 instead.

It's a 137-year-old mining law that was repealed by an environmentally sensitive Congress in 1976. Under it, local and state governments could claim rights-of-way through refuges to build roads. It didn't matter if the rights-of-way amounted to nothing more than a little-used footpath -- one of the reasons the law was repealed.

In January, RS 2477 was given new life by the Interior Department when it issued a "disclaimer of interest" rule. Rights-of-ways could be claimed by a state, local government or special interest such as lumbering or mining. The National Forest Service has compounded the error by proposing a rule to allow the rights-of-way to be maintained without special permits or public review.

There are about two dozen wildlife refuges in Florida, protecting wetlands, pine plantations, barrier islands, sawgrass sloughs, estuaries, hardwood hammocks, mangroves and cypress swamps.

The claims under RS 2477 are being filed mostly in western states, but could be used in Florida as well. "The scope of these claims is frightening," said a spokeswoman for The Wilderness Society. "Some local jurisdictions have announced they intend to claim road-building rights-of-way on everything from cow paths, jeep trails and riverbeds to wagon routes." New roads could be developed in the Mojave National Preserve and Dinosaur National Monument.

Utah has plans to assert nearly 10,000 claims to paths across Zion and Canyonlands National Parks and other areas in the state.

"Without sound policy or strong criteria in place to determine fairly the validity of these assertions, many of America's most scenic landscapes are threatened by these bogus road claims," said Heidi McIntosh of the Southern Utah Wilderness Alliance.

"Unsubstantiated claims could lead to the construction of hundreds of thousands of miles of new highways on sensitive public and private lands. It is highway robbery."

Courtney Cuff, director of the National Parks Conservation Association's Pacific Regional Office, an area already overrun with rights-of-way claims, said the new rule "should be seen for what it is -- a blatant land grab that defies public interest."

U.S. Sens. Dianne Feinstein and Barbara Boxer, both Democrats from California, a state heavily affected by the new ruling, have asked Norton to withhold any processing connected with RS 2477 claims. "We are disappointed that the department developed this rule without greater consultation with congressional members from impacted states," they wrote.

In a related matter, the Fund for Animals filed a lawsuit Thursday in U.S. District Court challenging the opening or expansion of sport hunting in 39 refuges since 1997.

The U.S. Fish and Wildlife Service violated federal law, the suit contends, by not analyzing the impact of its decision, and ignored its own documents showing sport hunting had adverse effects on migratory bird populations, refuge habitats and refuge visitors.

To quote Norton: "President Bush is committed to carrying on the 100-year conservation legacy of President Roosevelt."

It will take more than lip service to do that.