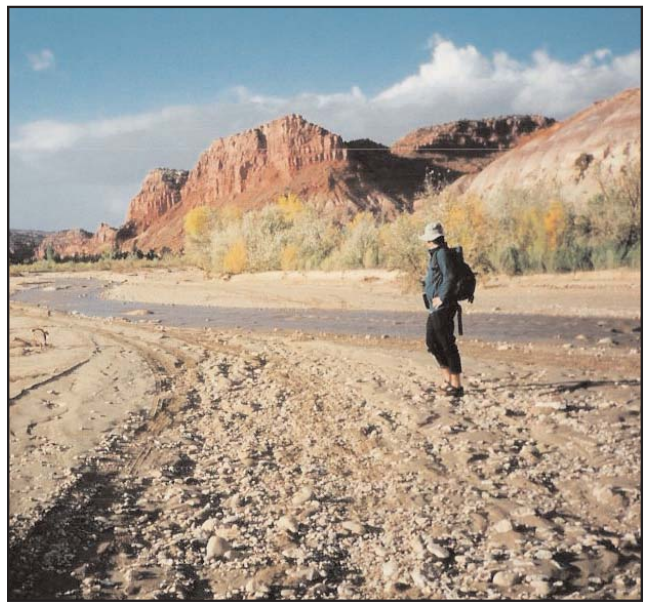


THE FACTS ABOUT R.S. 2477

Some of our nation's most cherished wild public lands proposed in America's Red Rock Wilderness Act are at risk of being disqualified for wilderness designation because of a loophole known as "Revised Statute 2477" (R.S. 2477). This defunct law from the 1860s is now being used to undercut potential protection for wilderness. Congress repealed R.S. 2477 when it passed the Federal Land Policy and Management Act (FLPMA) of 1976. While this repeal prevented the establishment of new R.S. 2477 routes, the repeal did not abolish rights-of-way for legitimate "highways over public lands" that existed prior to 1976. Unfortunately, Western states, counties, and special interests are now exploiting this defunct law to claim title to federal land and create a spiderweb of roads and highways across some of our most cherished wild public lands. Most recently, a new "Instruction Memo" issued in 2006 by the Department of the Interior (DOI) would take advantage of this loophole by making it easier to allow bulldozing and blading of "highways" across public lands based only on a more informal, lax review of the claims by the BLM. Congress should work to stop this policy before it is implemented.

- **R.S. 2477 overwhelming wilderness:** In just seven southern Utah counties, officials claim at least 10,000 R.S. 2477 routes, and Utah BLM sources say there could be as many as 20,000 claims statewide.
- **Threat to wilderness:** Places that would be protected under America's Red Rock Wilderness Act have been targeted using R.S. 2477. Particularly, R.S. 2477 claimants have sought R.S. 2477 claims in the heart of the Grand Staircase-Escalante National Monument; in the fragile bed of the Paria River; and within the boundaries of a protected Wilderness Study Areas throughout the state.
- "Interior Secretary Gale A. Norton, who gave notice of her resignation two weeks ago, could simply have ridden off quietly into the sunset. Instead, she chose to launch one final, potentially devastating assault on the vast and precious public lands within her domain." *Baltimore Sun*, March 24, 2006.



An R.S. 2477 claim in the streambed of the Paria River. © SUWA.



An R.S. 2477 claim in the Grand Staircase-Escalante National Monument. © SUWA.

A study of over a thousand R.S.2477 claims overwhelmingly shows that:

1. Many of the claimed "highways" are illegitimate all-terrain vehicle tracks leading across desert flats or along dry washes. Others are the remnants of faint trails made and then abandoned by prospectors during old mining booms or by ranchers seeking access to range improvements.
2. Few if any of the routes have been regularly maintained for public use. Some continue to exist only because of the occasional passage of off-road vehicles. Many show vegetation growing back between the tire tracks—and often, in the wheel ruts themselves.
3. A substantial number of the claimed "highways" are so eroded that they are impassable to all but the most ambitious ATV rider. Some are passable only on foot.

CASE STUDY:

R.S. 2477 Claims Used in Attack on Grand Staircase-Escalante National Monument

In a controversy that began in 2003 yet continues to this day, a county in southern Utah (Kane County) has claimed R.S. 2477 as its justification for defying BLM protections for areas of the Grand Staircase Escalante National Monument. The county unilaterally removed dozens of BLM signs limiting off-road vehicle use in sensitive landscapes within the Monument, claiming that faint trails and other tracks are actually county highways. Later, in 2005 Kane County posted over eighty of their own signs, all specifically inviting ORV use on these trails. Some of these signs are placed next to existing BLM closure signs, creating unnecessary confusion for monument visitors, placing monument resources at risk, and undermining land managers.



One of many scenic vistas in the Grand Staircase-Escalante National Monument. © James Kay.



A grand jury was convened after the county removed BLM signs, and former Utah BLM state director Sally Wisely issued a cease and desist order to the county. After the County refused to remove its signs, Ms. Wisely requested the Justice Department to take action. On July 7, 2005, Senator Richard Durbin wrote the Interior Department asking, "[w]hy has the BLM allowed the present violation of federal law to continue. . . ?" Still, no formal complaint has been filed and the BLM has not removed the county signs.



An R.S. 2477 claim in the Grand Staircase-Escalante National Monument. © SUWA.

"Kane County's commissioners are in a land war with the government, claiming ownership of hundreds of miles of dirt roads, dry washes and riverbeds on the 1.7 million-acre [Grand Staircase Escalante] monument and adjoining federal lands. The more vestigial rights-of-way they own, the commissioners believe, the more they can control what happens on the land around them."

—*New York Times*, "In Utah, Trying to Undo a Federal Claim Bit by Bit," November 24, 2005.

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