

Historic Roadways Protection Act

Utah is home to some of the most strikingly beautiful landscapes in the United States. Much of the land is owned and managed by the Bureau of Land Management (BLM) under the authorization of the Federal Lands Policy Management Act (FLPMA). The BLM is required by FLPMA to develop, maintain, and revise resource management plans (RMPs) and the associated travel management plans (TMPs) periodically to ensure ongoing effective land management strategy.

In 2008, the BLM updated Utah's RMPs, laying out the federal management strategy across the state for mineral development, recreation access, conservation, and resource use. Several groups challenged the 2008 RMPs over the BLM's off-road vehicle use and other land-use practices. A settlement reached in 2017 required the BLM to revise thirteen travel management plans throughout Utah. In September 2023, the BLM released a new TMP for the Labyrinth Canyon and Gemini Bridges area near Moab that closes 317 miles of roads.

Revised Statute 2477 (R.S. 2477, Section 8 of the Mining Act of 1866) authorized the construction of roads across federal public lands to encourage Western settlement. Although this law was repealed in 1976, Section 701 of FLPMA preserved all R.S. 2477 rights-of-way (ROWS) for public use. 114 miles of the 317 miles of roads closed by the Labyrinth Canyon TMP are R.S. 2477 roads.

Twenty-two counties in Utah filed lawsuits claiming title to R.S. 2477 ROWs to ensure these roads stay open for public use and cannot be closed by new TMPs. However, there are over 12,500 ROW claims to process. The Federal District Court for Utah ordered the adjudication of 15 roads in Kane County in 2020 to set the precedent for the remaining cases, and the State is awaiting final decisions. Until the right-of-way status of thousands of miles of R.S. 2477 roads can be determined, the BLM should not be able to implement or revise travel management plans that close R.S. 2477 roads it may have no jurisdiction over.

Senator Lee introduced the Historic Roads Preservation Act to ensure that Utahns have access to the roads that helped settle the West and their home state. This bill prevents the BLM from closing any R.S. 2477 roads until all legal actions have been resolved. The BLM cannot be allowed to close historically significant roads while the jurisdiction of the roads is in question.

Bill Specifics

- Prohibits the use of federal funds to finalize and implement the specified travel management plans in the State of Utah until all R.S. 2477 cases have been fully adjudicated
- Prevents the implementation of the already published revised travel management plans required by the 2017 settlement agreement until the R.S. 2477 cases can be adjudicated
