

AGRICULTURE
NATURAL RESOURCES
SMALL BUSINESS

Congress of the United States
House of Representatives
Washington, DC 20515-0603

June 23, 2014

Lisa Eckert, Superintendent
Mark Davidson, Chief Ranger
Colorado National Monument
United States Department of Interior
National Park Service
1750 Rim Rock Drive
Fruita, Colorado 81521

Dear Ms. Eckert and Mr. Davidson:

I am writing to express my dismay over the lack of public involvement and notice in the sudden closure of the East Hill, locally referred to as Monument Road, to vehicles transporting fuel to Glade Park. It is my understanding that Mesa County residents learned of the "official 60-day notice" after it was disseminated by a local constituent, rather than receiving notification from your office directly. It's deeply concerning that local government officials and Glade Park residents were not consulted in advance of this far-reaching, and legally questionable, decision that has significant implications for the Grand Junction and Glade Park communities.

This rule will result in detrimental impacts on the community of Glade Park as well as Mesa County. In addition to increasing fuel costs and decreasing accessibility for Glade Park residents, this new rule will create an additional financial burden on Mesa County. Increased winter and road maintenance will likely be required as a result of increased commercial traffic on Little Park Road, which will negatively impact the County's road and bridge operations as well as the Glade Park Fire Department. Little Park Road is narrow and has limited sight distance in sections where it intersects with other roadways. New construction projects would likely be necessary to utilize Little Park Road as a commercial access route to Glade Park, the cost of which will fall on the county and taxpayers.

Furthermore, this is not the first time members of the community, specifically Glade Park residents, have been forced to push back against unilateral decisions made by the local National Park Service (NPS) office. A similar issue was addressed nearly 30 years ago when the NPS attempted to assess fees and disallow commercial vehicle access through the Colorado National Monument which resulted in litigation. The NPS is attempting to circumvent legal precedent that established permanent access to Monument Road for vehicles traveling to Glade Park.

On May 2, 1986, the United States District Court issued its decision in the *Wilkenson vs. Department of the Interior of United States* (Case No. Civ. A. Nos. 81-M-1825, 82-M-2) which resulted in the resolution of Glade Park access issues. Specifically, the Court ruled that Rim Rock Drive was the only all-weather access to Glade Park and Piñon Mesa and it was "wholly

impracticable" to daily assess the condition of Little Park Road. Additionally, the Court held that since the court already recognized the public right-of-way in that region, the NPS's imposition of commercial vehicle restrictions was "contrary to the public's right-of-way." Right of access, according to the Court applied to commercial traffic as much as it did to Glade Park residents. Due to the Court's ruling that a public right of way existed, the issue of commercial vehicles traveling through the Monument, regardless of the load they were hauling, gave ranchers and Glade Park residents full and permanent access to Monument Road as the main route to their homes. This ruling raises serious questions into the legality of your overreaching, unilateral, decision to restrict Glade Park residents from accessing fuel shipments vital to their livelihoods.

I will also note that there have been no known fuel transport or commercial vehicle accidents causing hazardous materials to be spilled while en route on the Colorado National Monument. As I can tell, there is no immediate threat or rational basis to establish a ban on the commercial transportation of fuel and/or hazardous materials to Glade Park by way of the East Hill.

I had been hopeful that when the NPS began holding by open house sessions, which allow NPS officials to facilitate conversation with the community, that communication would improve. However, recent listening sessions revealed no mention of this rule's pending issuance, nor was there any opportunity for public comment. Many residents did not receive notification until weeks after the issuance of the rule on May 1, 2014.

This top-down, unilateral decision does nothing to further the NPS's mission of "enhancing and maintaining relationships with local communities," as is stated in the mission statement of the agency.

I encourage your office to expeditiously review this rule in consultation with both Mesa County officials and affected residents, and request expedient responses to the following questions:

How does the NPS reconcile its action to unilaterally block the transport of vital fuels to Glade Park residents via Monument Road with the May 2, 1986, United States District Court decision in *Wilkenson vs. Department of the Interior of United States* (Case No. Civ. A. Nos. 81-M-1825, 82-M-2)?

Why were local officials and residents not provided with proper notice from the NPS and an opportunity for public comment on this rule?

Thank you for your time and I appreciate your due diligence on this important matter.

Sincerely,



Scott Tipton
Member of Congress