



Press Release

BLM Should Deny Precedent-Setting Utah Road Give-away

County has been illegally posting road signs across federal public lands

October 30, 2007

Washington, DC -- Today, conservation groups asked the Bureau of Land Management to deny a Utah county's attempt to take control of a rough, rarely maintained route on federal lands under the repealed law known as R.S. 2477. This is a first test of a controversial policy hastily issued by former Interior Secretary Gale Norton just days before she left office.

BLM is proposing to surrender control of the route, known as the "Bald Knoll" road, to Kane County -- the same county that ripped down federal road signs in the Grand Staircase-Escalante National Monument in 2003. Then, in 2005, the county illegally posted road signs in areas the BLM closed to damaging off-highway vehicle use including sensitive wildlife habitat in the Monument. At the time, BLM's state director, Sally Wisely, demanded that the county remove its signs because they "...likely present serious safety issues to members of the public, possibly subject them to legal exposure, and cause resource damage."



An illegal road sign in Kane County, UT
Photo by Jill Ozarski / TWS

BLM has done nothing over the past two years to respond to the county threat. BLM failed to take down the county signs or take action to protect lands where Kane County has invited illegal and destructive off-road vehicle use. In a letter delivered to BLM today, conservationists criticized BLM for essentially rewarding Kane County for its past bad behavior by proposing to give away the Bald Knoll route without taking action to protect the Monument and other federal public lands.

"National Parks, National Monument, Wilderness Areas, and other scenic Western lands are threatened when the Interior Department lets itself get run over by a trespasser," stated Kristen Brengel at The Wilderness Society. "BLM needs to resolve the trespassing issue and under no circumstance should reward the county for its previous illegal actions."

Conservationists also emphasized that even under the relaxed standards of the Norton policy, the application submitted by Kane County fails to supply the required evidence to show the route was constructed under R.S. 2477.

"Kane County's application contains illegible aerial photos, an undated map, and contradictory stories from a few residents," said Ted Zukoski of Earthjustice. "Kane County admits that it has no official records concerning highway construction or maintenance during the years necessary to prove its claim. For this reason alone, BLM must reject the county's application."

Kane County failed to submit, and BLM failed to look for, easily obtainable evidence that undermines a finding that the route was an established right-of-way in 1976, the year R.S. 2477 was repealed. The information -- including aerial photos, Kane County maps, Utah maps, and even BLM maps -- fails to show the entirety of the route existed before then. The evidence obtained by conservationists and submitted to the BLM includes:

- 1960 aerial photos that don't show a significant portion of the route;

- County highway maps before 1961 that show none of the route;
- County highway maps from 1965 to the present that don't show the entire route;
- BLM maps from the 1970s that don't show the route;
- A letter from Kane County admitting that it doesn't have any files that indicate it maintained or constructed the Bald Knoll route before October 21, 1976; and
- BLM files that show a fence crossing the route at two locations, but don't show the road or a cattle guard where the road would be.

"Kane County did not even delineate the exact location of the right-of-way it wishes to have validated as an R.S. 2477 claim," said Brengel.

Several western states and counties assert R.S. 2477 claims by the thousands across places like the Mojave National Preserve in California, Dinosaur National Monument in Colorado, and Utah's canyon country. Conservation groups say that the relaxed standards of the 2006 Norton policy could open these areas to a spiderweb of roads and ATV trails.

"This is a precedent-setting moment," said Heidi McIntosh of the Southern Utah Wilderness Alliance. "If the Interior Department approves Kane County's flawed application, it will set a national precedent that will open the door to thousands of claims through wildlife habitat, rivers, and near archeological treasures. This is just the proverbial camel's nose poking under the tent."

Groups signing on to the letter included The Wilderness Society, Southern Utah Wilderness Alliance, Wild Utah Project, and Center for Biological Diversity.

[More information about the Bald Knoll claim](#), including photos and a copy of the conservation groups' letter.

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