

# The Salt Lake Tribune

<http://www.sltrib.com>

Article Last Updated: 6/30/2005 08:26 AM

## Utah sues feds over Emery County road closures

Long road: This latest action is part of a dispute over access that is more than a decade old

**By Joe Baird**  
**The Salt Lake Tribune**

**Salt Lake Tribune**

State, county lay claim to these roads

The state of Utah and Emery County are suing the federal government to gain ownership of these roads:

1 Mexican Mountain Road in eastern Emery County is 16 miles long.

1 Seeger's Hole Road is an 11-mile stretch in southwest Emery County.

1 Sid's Leap Road spans 6 miles in eastern Emery County.

\* Red Hole Draw Road is 2 miles long and located in western Emery County.

\* Link Flat Road stretches 3 miles in southwest Emery County.

\* June's Bottom Road is 6 miles long and located in southeastern Emery County near a scenic and historic part of the Green River.

\* Copper Globe Road spans 14 miles near Interstate 70 in southwest Emery County.

-

Add yet another installment to the ongoing battle between the state and the federal government over who controls Utah's back roads.

The Utah Attorney General's Office on Wednesday filed suit against the Department of Interior over seven road closures imposed by the Bureau of Land Management in and around the San Rafael Swell in Emery County.

Two of the roads were closed more than a decade ago because they were in a wilderness study area established by Congress in 1991. The other five were closed as part of the San Rafael Swell travel plan, a designated route system for off-highway vehicles (OHVs) that was finalized by the BLM in 2003.

The state and the county are claiming the roads under the federal law known as Revised Statute 2477, which dates back to 1866 and granted public rights-of-way across federal land. The law was repealed in 1976, but existing roads were grandfathered in.

"The state and Emery County already own these roads, and we are simply asking the courts to remind the federal government of this fact," Gov. Jon Huntsman Jr. said in a statement.

Added Attorney General Mark Shurtleff: "We are talking about roads that have been built and used by Utahns. It's time for Utahns to get their roads back."

BLM officials say they were aware the suit was coming - notice was filed last summer - but remain puzzled by the action.

"This was something we studied for more than a dozen years, with the participation by the county government and a review by the state," said Don Banks, the BLM's state chief of external affairs. "We put the plan in three years ago and have been implementing it ever since, with a great deal of success."

The Southern Utah Wilderness Alliance, which lobbied for the Swell travel plan to curb OHV-related damage,

calls the state's claims disingenuous.

"First of all, these aren't roads - they're dirt tracks and trails. So this is not about transportation or highways, said Heidi McIntosh, conservation director for the Southern Utah Wilderness Alliance. "This is a public land grab for the [OHV] groups, who are about the only ones who can access these routes."

Officials with the Shared Access Alliance, the state's largest OHV organization, were unavailable for comment.

State officials call the lawsuit the latest effort in their Public Roads Over Public Lands Project, a joint effort between the Governor's Office, the Attorney General's Office and the counties to assert state and local ownership over what they define as "established public roads" over federal land. The project has filed suits over seven other roads, and is working with the BLM on six other claims under the Memorandum of Understanding signed between the state and the Interior Department in 2003.

In its claims, the state says the roads in question were used for sightseeing, recreation, search-and-rescue efforts, mineral exploration and livestock management, among other purposes, before being closed by the BLM.

"In talking to people in Emery County, they said they considered the [Swell] travel plan a starting point, but they also told the BLM that there were still some RS2477 issues that needed to be resolved," said Assistant Attorney General Jaysen Oldroyd.

The state's suit "is disappointing," said McIntosh. "And it's a real missed opportunity for the governor, who we hoped would bring some rationality to these RS2477 claims."

**[jbaird@sltrib.com](mailto:jbaird@sltrib.com)**