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OHV group drops suit over roads

By Brent Israelsen The Salt Lake Tribune

An off-highway-vehicle group has dropped its lawsuit against Emery County and Utah, which the group accused of shirking their duty to protect road rights of way on federal lands.

The Utah Shared Access Alliance (USA-ALL) filed a lawsuit May 3 in 7th District Court to force the county and state to open routes in the San Rafael Swell that the U.S. Bureau of Land Management (BLM) had closed to motor vehicles.

The group last week withdrew its action, apparently after becoming satisfied that the state and county are doing their jobs.

Neither side in the dispute would elaborate, citing attorney-client privilege and the fact that the litigation could be rekindled.

USA-ALL's lawsuit claimed that the county and state, in agreeing to the BLM's closures, "wrongly failed" to assert ownership to so-called "RS 2477 highways" in the San Rafael Swell.

RS 2477 is a 19th-century law that granted states and counties the right to construct roads across federal lands. The law was repealed in 1976, but roads created up to that time were valid.

The problem, though, is that there was no inventory of such routes, so today there is considerable dispute over what constitutes an RS 2477 road.

USA-ALL's lawsuit asked that the state and Emery County identify all of the county's RS 2477 claims, demand that the BLM recognize them and ensure that the roads remain open.

USA-ALL attorney Paul Mortensen hinted that the state and county agreed to do that.

"We wouldn't be backing off if we felt we weren't having some assurance our concerns in that area we're being addressed," Mortensen said.

The state recently renewed its threat to sue the Interior Department over an unspecified number of RS 2477 road claims around the state.