



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov>



IN REPLY REFER TO:
9113
(UT-910)

APR 26 2009

Commissioner Mark Habbeshaw
Kane County
76 N. Main
Kanab, UT 84741

Dear Mr. Habbeshaw:

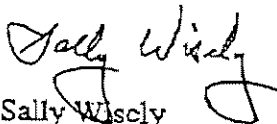
I would like to thank you for taking the time to meet with us on February 1st to discuss the Lower Podunk, Hole-in-the Rock and "Sand Dunes" roads. I greatly appreciated your interest in identifying and developing measures under which Kane County and the Bureau of Land Management may temporarily set aside any differences concerning the status of the roads and find a workable common ground for implementing improvements to them. I am hopeful that we can continue to move forward with these cooperative efforts. However, I am very concerned that the County's recent placement of road signs on BLM-administered public lands is counterproductive to the cooperative efforts you have encouraged and may result in the litigation you have indicated you wish to avoid.

As you may recall, the County's signage project was just getting underway around the time of our meeting and, at that time, I inquired about the County's plans. When you acknowledged that the project was getting underway, I suggested that, in the spirit of the cooperative efforts we were discussing regarding the Lower Podunk and the other roads, it made sense for the County and the BLM to work together to identify those routes which are undoubtedly County roads and those for which we have differences about their status under R.S. 2477. I requested that the County refrain from posting signs on the latter group of routes until we could resolve, or at least clearly identify, the issues specific to those routes. I also requested information about the routes the County intended to sign. You declined my suggestion to work cooperatively on route and issues identification, and you indicated that the County's signage project would move forward from the west side of the County to the east side until completed. You also declined to provide information as to which routes would be signed. That response was quite disappointing, since your intent to unilaterally proceed with the signage project seemed both inconsistent with the cooperative efforts you espoused on the road improvements and would very likely result in conflict between the County and the BLM.

Since our meeting, BLM's Field Offices have confirmed that County road signs have in fact been placed on numerous routes across BLM-administered public lands. These signs have been placed without proper authorization and most are in conflict with current management plans and direction. I am very concerned that such actions, which result in conflicting management directives, may likely present serious safety issues to members of the public, possibly subject them to legal exposure, and cause resource damage. I believe it is incumbent on us as public servants to resolve our respective issues without causing undue hardship to our constituents, and in a manner that, if possible, avoids litigation.

Regardless of the status of the routes that Kane County believes comprise its road system, the County lacks the authority to unilaterally remove BLM signs from, or place County road signs on BLM-administered public lands without first coordinating its activities with BLM. Consequently, we request that the County immediately refrain from removing BLM signs from, or placing County road signs on, public land administered by the BLM. Further, the County must immediately remove the signs that it has placed on such lands. If the County still wishes to go forward with its project, it must coordinate its activities with BLM before placing any signs on public land. Please be aware that in the event the County fails to take these steps within two weeks of receipt of this letter, the BLM is prepared to initiate appropriate legal action against the County. Please contact me at your earliest convenience (801) 539-4010 if you have any questions or wish to further discuss this matter.

Sincerely,


Sally Wisely
State Director

cc: Commission Chairman Ray Spencer