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# SOUTHERN UTAH NEWS - May 4, 2005

#### **NEWS**

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## Signs of the times? BLM orders removal of road signs by Ka

By Dixie Brunner

Another volley has been made in the ongoing stand-off between the Kane Count federal government. On April 26, the Bureau of Land Management gave Kane Count the road signs it has posted on federal lands or face legal ramifications.

But this is not the first time there has been threatened legal action. Road signal become a constant bone of contention to pick on both sides, with no clear resolution the roads. An issue that has been discussed in court and on the ground, the quesseems far from resolution even with the latest action.

"I'm concerned about it from a resource protection perspective, as well as pub Staircase-Escalante National Monument manager Dave Hunsaker. "They are mark haven't been driven on for many years. My main concern is the public's safety."

The county claims ownership of the roads under Revised Statute RS2477, an old I law granted rights of way for construction of highways over federal lands, and was settlement of more remote areas in the west. While the law was repealed in 197 governments are allowed to claim a road if they can show it existed prior to the repeal.

The original road signage dispute dates back to 2000 when then-Grand Staircas manager Kate Cannon began posting signs across some roads within the monumer "no-ATV's" or "roads closed," were met with outrage from the Kane County Commis county citizens. Disagreements over the signs, as well as grazing issues between Cannon, ended in Cannon being "reassigned" to Grand Canyon National Park.

Road ownership has shown no "sign" of being resolved under the current Washi President George Bush, Utah native and national BLM director Kate Clark, State BLN or the current GSENM manager Dave Hunsaker.

The issue has been presented as a four-way stop...with a number of Utah counties of way.

In order to prove RS2477 claims, the State of Utah has spent over eight milli counties document that roads that existed prior to 1976, through numerous methods histories. Two years ago, Commissioner Mark Habbeshaw and County Sheriff Lam BLM signs designating routes inside the GSENM off limits to off-road vehicles. The signs to the monument offices, saying the government had no authority to prohibit t transportation routes within the county.

That action resulted in a grand jury investigation. The county hired Salt Lake powe on a \$1500 retainer to defend them, but no charges were ever filed.

The latest round in the controversy began back in February when Kane County signs designating off-highway vehicle (OHV) routes across BLM-administered land Habbeshaw said the actions were initially borne out of frustration over the limbo-status

"Garfield County had passed an OHV ordinance allowing use on what they believe explained Habbeshaw. "We felt it would be good to simply begin managing the roac system. We've got to find resolution. It's (our actions) going to get us into court and get

"Let me make it very clear, we'll continue to review documentation," said Habbe sign if we determine it to be too near a sensitive habitat or on a road we don't claim."

Habbeshaw said the county's latest actions were not undertaken in haste. "Th rights. We bring solutions to the table. They deny the existence of any of our (RS: We've always been willing to sit down and negotiate with them. The BLM and cou agreement to maintain the roads."

State BLM director Sally Wisely disagrees, however. In her letter to the commiss wanted to work with Kane County, but that officials had failed to cooperate.



"Please be aware that in the event the county fails to take these steps within two letter," Wisely wrote, "the BLM is prepared to initiate appropriate legal action against the Kane County's response apparently is, "bring it on."

The commission released a statement last Friday after an executive session to litigation, that they would "stay the course" and retain Attorney Shawn Welch to representer.

"The county has chosen an impractical position," said GSENM manager Hunsaki action by the county. We worked on a land use plan process, and what they did sentiment from across the country who felt differently."

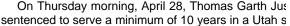
Commissioner Habbeshaw said the Utah Attorney General's Office, Governo committee, other counties and Constitutional Defense Committee, were all inforr intentions prior to the posting of the new signs. In addition, he said the legal ramificate been discussed with attorneys.

"We're concerned with the public's safety," said Hunsaker. "The proliferation of habitat has been significant. I honestly hope they (Kane County) will comply with the letter and avoid unneeded legal battles. We'd all like a resolution without legal action."

"We're not out to fight everything the federal government does," commented Com but we may very well be at the day that we really need to go to court and get it resolves

### Judge sentences Orderville man to prison

By Robert Cook



On January 15 Justet sodomized a seven year-ok Orderville. The crime came to the attention of the Office on April 22. Justet was immediately arrested ar

Thursday morning Kane County Public Defender Justet and asked if he would like an attorney to declined.

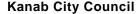
At 10:30 a.m. Justet appeared before Judge Particle Court. Kane County Attorney Eric Lind stood Attorney Barry Huntington, the prosecutor for the state of town, but he negotiated the guilty plea.

Once in court, Justet waived his right to counsel ar first-degree felony counts of sodomy of a child under

The court asked if Justet wanted to make a staten Justet told the court that he just wanted to get this ov

family through any more than it has already had to deal with. He went on to say that I inherited. Judge Lyman told Justet that his sickness wasn't hereditary and c recommendation of two 10-year minimum sentences, to run concurrently, and a \$10,00 km and the concurrent of the concur

"The victim was a very solid witness," said Tracy Glover, Chief Deputy of the Kane "We knew we had a solid case."



By Robert Cook

Like a finely-tuned automobile, the Kanab City Council moved through their ager than an hour.

After a work meeting, Mayor Kim Lawson called the city council meeting to or members Carol Sullivan and Steve Mower were excused.

•A public hearing was held to consider the approval of Jesse Johnson's request this 1.43 acres. Johnson's property is located at 25 South 300 East.

"I came to Kanab 17 years ago," said Johnson. "I'd like to see Kanab stay the way i The council unanimously voted to allow the zone change from a single far residential. Mayor Lawson stated that the request by Shirrel Robinson Young for a a withdrawn at this time.

- •Julie Ingersoll asked the council for a donation of \$500 for the Kanab Women's Forheld on September 10, 2005. The council approved the request.
- •Marietta Eaton, chairperson of the Kanab City Library Board, gave an update on Eaton provided the council with a number of issues facing the library, including a sho storage room, and the ever-present need for more money.

Mayor Lawson explained that the only real avenue for securing more funds wo generated by tourism. "We have a limited amount of property tax dollars," said Lawsor through tourism is our only real money maker."

Shauna Cox asked the council for a \$250 donation for the Kanab 10K race. The □

on May 7. The council approved the request.

- •The city has secured a \$200,000 loan for improvements to the Coral Cliffs Golf Cc years at two and a half percent interest.
- •Second public hearing on the Community Development Block Grant. The hearin funding and progress on the Kanab City/ Color Community Housing Project. The 42 s being built on 13 acres located at Chinle and Hillside Drive.

Project supervisor Spencer Jones gave a presentation on the development to the c involved with other low-income housing projects in Cedar City and Enoch. Jones expers available to families who have never owned a home or who have not owned a vears.

Qualified applicants must also work on the project for 40 hours a week until the Typically homes take about eight months to complete. The homes will be built seven a

"This is a great opportunity for the community to bond," said Jones. He said by rec week of work, it will help to instill pride in home ownership.

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