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THE NATION

## Utah County Looks at Nature and Sees a Way to Get There

**The local government sues for the right to build a road  
in a national park.**

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Invoking an obscure 19th century law, officials of a rural Utah county have announced their intention to establish a road to a scenic rock formation through a remote part of Canyonlands National Park.

It is the first time a local government has formally laid claim to a right of way in a national park in the lower 48 states, though authorities in other western states, including California, have indicated a similar intent.

If successful, they could open up vast areas of parks and wilderness to motorized transportation.

San Juan County in southeast Utah this week filed a lawsuit against the National Park Service that claimed a 10-mile stretch of streambed leading to Angel Arch as a "highway" belonging to the county.

The Clinton administration had sought to nullify most claims made under the 19th century statute known as RS2477, which granted broad rights of way across federal land.

But when Bush administration officials signaled a willingness to revisit the issue, Utah revived a lawsuit against the federal government.

A settlement brokered last year by Interior Secretary Gale A. Norton with then-Utah Gov. Mike Leavitt opened the door for states, counties and even individuals to claim rights of way along old livestock trails and abandoned wagon routes on federal land.

However, the settlement specifically barred road claims in national parks and monuments, state parks and wilderness areas, and was binding only for claims made by the state of Utah.

While the Department of Interior described the deal as a template for resolving all such claims, independent-minded counties around the region made it clear they would pursue rights-of-way cases.

For example, San Bernardino County has identified hundreds of miles of potential roadways in the Mojave National Preserve and Joshua Tree National Park that it contends belong to the county. Likewise, a motorized recreation group has identified routes it wants opened on federal lands in parts of the state.

In Utah, San Juan County seeks control of a stretch of Salt Creek Canyon, along a rocky stream that for some years was open to four-wheel-drive vehicles. In 1995, the park came out with a plan that restricted the number of vehicles that could use the route. It leads to a towering sandstone arch.

Environmentalists sued, opposing the plan and arguing that the vehicles seriously damaged one of only three permanent water sources in the park. The groups prevailed, and this week Canyonlands announced Salt Creek would be permanently closed to off-roaders.

San Juan County filed its suit the same day.

The Norton-Leavitt agreement, environmentalists say, was bound to spawn this kind of challenge.

"It in no way binds or controls some of the more radical RS2477 proponents, who are eager to use the statute in places like this — a national park," said Heidi McIntosh, conservation director of the Southern Utah Wilderness Alliance, which sued to force the park to close Salt Creek Canyon to motorized travel.

Lynn Stevens, chairman of the San Juan County Commission, said his group had 'no hesitation' in laying claim to a road in a national park. But he said it was a special case and would be the only right of way the county would make in areas that the Norton-Leavitt agreement put off-limits.

Stevens said the creek had been used for generations as a path by cattle ranchers and uranium prospectors and should be reopened to allow more tourists a chance to see Angel Arch.

"We have every intention of working with the National Park Service," Stevens said.

"We will use their cooperation and advice as to what would be the least damaging ... and still improve the road so that jeeps could still traverse it," he said. "We don't plan to go in there with a bunch of bulldozers and graders and reconstruct a road in the canyon."

San Juan County has asserted another RS2477 claim in nearby Arch Canyon, on land managed by the federal Bureau of Land Management. In April, Stevens helped lead a group of vehicles up the canyon for an event that had not been permitted by the BLM. The BLM said the group broke the law but took no action. Stevens maintains the canyon is part of his county's 4,000-mile road system.

Canyonlands is Utah's largest national park and already has extensive four-wheel-drive trails. Angel Arch is in its southern reaches, in an area known as the Needles, a popular backpacking destination, accessible to people on foot or on horseback.

For park officials, the county's suit comes near the end of a protracted legal battle over the management of Salt Creek. Canyonlands spokesman Paul Henderson said that in a way the park welcomed the suit as a means of finally resolving the issue. "We've been expecting this," Henderson said. "This is where we want to be. Let's end this dance."

Henderson said that since the number of vehicles was reduced, streamside vegetation had regrown. He also said that preserving the creek was important to the semiarid park, where the Colorado and Green Rivers are the only other permanent water sources.

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