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Government secrecy about road claims has to stop

By Gale Dick

Six months ago a bombshell exploded in Utah. It was revealed that Gov. Mike Leavitt and Interior Secretary Gale Norton had secretly agreed on a process whereby the federal government would acquiesce to the state's pursuit of so-called RS 2477 claims to a vast number of "highway rights of way" throughout Utah.

The Utah Attorney General's Office sent maps of many thousands of potential claims to the Department of the Interior in June 2000, but only a handful of claims have been made public since the Leavitt-Interior deal in April.

At least one of these is highly controversial and also shrouded in stealth. A letter sent in May of 2003 from the Salt Lake County District Attorney's Office to a developer has recently come to light (Tribune, Nov. 11).

The letter states that the primitive Mill D (Cardiff Fork) road is currently being claimed jointly by Salt Lake County and the state of Utah as a RS 2477 right of way, information that was provided to a developer at a time when the county refused to give the same information to the general public. There has been much confusion, especially in Salt Lake County, surrounding the whole RS 2477 issue, fueled in great measure by the extraordinary secrecy and the private leaking of partial information about the agreement.

What roads are being claimed in Salt Lake County? That's hard to say. There were 15 claims made by the county in September 2000. But the map sent by the Utah Attorney General's Office to Interior earlier in June 2000 had scores and scores of potential claims on behalf of the county, many of them absurd, such as a road to the saddle south of the peak of Mt. Olympus!

Nobody is willing to fess up to adding the incredible number of additional claims. Then rumors began to circulate about a list of some nine more Salt Lake County claims in Big Cottonwood Canyon. County government officials are supposedly forbidden by the Utah Attorney General's Office from revealing the identity of these additional county claims.

It now appears that this prohibition extends only to the general public. The list of claims has been relatively easy to find and reportedly includes Willow Heights, Honeycomb Canyon, Silver Fork, Mill D North and Mill D South (Cardiff Fork), Mineral Fork and Days Fork. Highways in any of these canyons would be threats to the Salt Lake watershed, to wildlife and to non-motorized recreational use of the Wasatch.

The RS 2477 claims in the Wasatch have, of course, nothing to do with Gale Norton or Interior. They are on Forest Service lands under the Department of Agriculture. The governor's office has assured the Salt Lake County Council, however, that once Utah has settled matters with the BLM, Forest Service lands will be next.

What purpose is served by all the secrecy? Or, for that matter, what public purpose is served by making the claims at all. There is little mystery about the purpose of the claims. To the unconcealed joy of some county governments, they stymie the long-standing efforts to create congressionally designated wilderness areas in most of the qualifying lands in Utah. In that sense the claims amount to a state and county land grab of federal lands.

And this giveaway is sanctioned, astonishingly, by the current Interior secretary.

As to the secrecy: It certainly has the effect of preventing public participation in decisions about the future use of public lands. This, alone, is reason enough to lift the veil. The secrecy has also emboldened Kane County officials in their scofflaw removal of BLM signage of what they seem to think are already established county rights of way.

Secrecy also encourages skullduggery. And state or county officials secretly informing developers of pending rights of way claims certainly does nothing to allay these suspicions.

Justice Louis Brandeis once said, "Sunlight is the best disinfectant." Secret government is government out of control and open to misuse. The secrecy and confusion have to stop. Public participation must be restored.

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