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### Activists win right to view records in rural road claims

Public lands: The environmentalists fear a loss of wilderness status

*Brent Israelsen The Salt Lake Tribune*

Environmental groups have won a major round in their quest to shine more light on the state's secretive process for claiming ownership to **roads** across federal lands. The State **Records** Committee on Thursday granted the Southern Utah Wilderness Alliance (SUWA) and the Wilderness Society access to documents the Utah Attorney General's Office has gathered to support rural counties' claims to 20 routes on public lands managed by the U.S. Department of the Interior.

In a 6-0 decision, the committee agreed with the Attorney General's Office that the **records** in question are protected under an attorney-client privilege exemption in the open-**records** law, but ruled that disclosure of the **records** would serve the public interest more than restricting them would.

Assistant Attorney General Ralph Finlayson said his office has not decided whether to comply with the decision or appeal it.

Joro Walker, an attorney for the environmental groups, said the state should comply.

"It's difficult to imagine an issue that is of more concern to the public," said Walker.

The **records** committee, however, denied the groups' broader request for other "potential" road-claim applications beyond the 20 already specifically identified by the state.

Those 20 road claims were to be made as part of an agreement former Utah Gov. Mike Leavitt reached with Interior Secretary Gale Norton in April 2003 to avoid litigation that Leavitt had threatened three years earlier.

The dispute centers on rural counties' claims to between 10,000 and 20,000 dirt **roads**, trails and other routes on 22 million acres of land administered by Interior's Bureau of Land Management, which generally does not recognize the **roads** as belonging to state or counties.

Saying the routes are vital to rural economic survival, the counties argue they are entitled to own them under a 19th century law known as RS2477.

But environmentalists fear the routes, if deemed to qualify under RS2477, could thwart plans for congressionally designated wilderness, which by definition must be free of **roads**.

SUWA attorney Heidi McIntosh said her group is trying to ensure that the evidence used to support RS2477 claims is legitimate.

Environmentalists discovered last month that the Weiss Highway, contrary to the state's claim, was originally constructed by the federal government and, therefore, may not belong to the state.

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