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Removal of signs reignites road war

Right of way: BLM officials aren't amused by Kane County leaders' uprooting restrictive route markers in Grand Staircase; Kane County, BLM at odds over road signs

Brent Israelsen The Salt Lake Tribune

Copyright 2003, The Salt Lake Tribune The U.S. Bureau of Land Management has initiated a criminal investigation of two elected Kane **County** leaders who uprooted numerous signs inside a controversial federal reserve in southern Utah.

Kane **County Commissioner** Mark Habbeshaw and Sheriff Lamont Smith removed at least 31 Carsonite signs -- thin,

floppy 4-foot-tall markers -- from routes in the Grand Staircase-Escalante National Monument, created by President Clinton in 1996.

All of the signs indicated prohibitions of all-terrain vehicles and motorcycles.

Habbeshaw and Smith took the signs to monument headquarters in Kanab on Aug. 13, along with a letter defending their actions and ordering the BLM to remove additional signs on the **county's** purported roads.

BLM officials are not amused.

"It's definitely something we are looking into. We are concerned about it," said Keith Aller, special agent in charge of BLM law enforcement in Utah.

Removing or destroying federal signs on federal lands is a crime. But Assistant U.S. Attorney Richard Lambert would not speculate on whether charges would be filed in this case.

Habbeshaw could not be reached for comment, but Smith said he and the **commissioner** were within their legal authority to remove the signs.

"These roads have been used for years and years and years," said Smith, an all-terrain vehicle enthusiast. "The roads we took signs off of are roads that definitely have the history to be" **county** rights of way.

State officials who are trying to resolve the sticky issue of road ownership on federal lands condemned

Kane **County's** actions.

The sign removal comes four months after Gov. Mike Leavitt penned a "memorandum of understanding" with U.S. Interior Secretary Gale Norton that outlined a process for determining which routes across federal lands legally qualify as rights of way under a 19th century law called RS 2477.

Kane **County's** recent provocation does not help that process, said Leavitt aide Randy Johnson.

"It is very unfortunate," said Johnson, who is meeting today with **county** officials from around the state to discuss the Norton-Leavitt agreement. "We have a cooperative process going on here to identify roads. I just think it is not good timing to be doing things outside of that effort."

Leavitt's chief counsel, Gary Doxey, said the state will not defend or financially support Kane **County** in this case.

In the Aug. 13 letter to the BLM, Habbeshaw, writing on behalf of the **County** Commission, asserts that the 31 BLM trail signs were placed on the **county's** RS 2477 routes, and he cites a Utah law that allows removal of unauthorized signs on state and **county** rights of way.

"It is believed that additional [Grand Staircase-Escalante National Monument] signs are obstructing public access upon **county** roads in violation of state law," states the letter.

Monument manager Dave Hunsaker countered that the legality of the **county's** RS 2477 claims within the monument has never been established.

"Just because they claim it doesn't mean it is so," Hunsaker said.

The signs were put up three years ago during the tenure of Hunsaker's predecessor, Kate Cannon. But Smith said the signs were to have contained only route numbers, not restrictions.

The sheriff said the **county** asked Hunsaker twice in recent months to remove the signs but no action was taken.

"As usual, we have been totally ignored," Smith said. "We felt this was the only way to let them know we are serious."

Hunsaker said his office was working to address the **county's** concerns.

"They wanted [the signs] out. I didn't want them out. So they went and took them out."

The sign removal is one of several provocative actions taken by Kane **County** officials and residents since the monument was created in September 1996.

* In October 1996, Kane **County** bladed roads inside several wilderness study areas within the monument's boundaries. The U.S. Attorney's Office filed a civil complaint against the **county**, but the case, in which a district judge narrowly defined what constitutes an RS 2477 right of way, is still pending.

* In November 2000, a group of Kane **County** ranchers traveled to Sevier **County** and coerced the sheriff there to release about 50 head of cattle that the BLM had impounded from the monument. U.S. Attorney Paul Warner initially expressed outrage over the incident but in the end filed no charges.

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