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Road warriors

The Salt Lake Tribune

Kane County's version of road rage is not a productive way to settle an argument. When **Commissioner** Mark Habbeshaw and Sheriff Lamont Smith uprooted 31 federal government signs that closed routes within the Grand Staircase-Escalante National Monument that the **county** claims as its own,

they tore up the goodwill that will be necessary to resolve this dispute amicably. They also may have acted illegally.

If **county** officials resort to provocations like this to push their side of the argument, federal officials will be obliged to push back. An intergovernmental shoving match is not going to serve the interests of anybody, least of all the people that all of these public officials are supposed to represent.

Of course, provocation, like beauty, is in the eye of the beholder. From the **county's** perspective, officials of the federal Bureau of Land Management landed a low blow when they installed the signs that closed the disputed routes to all-terrain vehicles and motorcycles. But the BLM, not the **county**, manages the monument.

Habbeshaw and Smith's retaliation looks like vandalism, even though they claim to have state law on their side.

What's more, it was ill-timed, because Gov. Mike Leavitt and Interior Secretary Gale Norton had just worked out a deal that gives the **counties** a way to assert and document the rights of way that they long have claimed across federal lands. Critics of that agreement, including this newspaper, worry that it may give **counties** opportunity to cement dubious claims with a compliant Interior Department. In that context, **Kane County's** sign provocation makes little sense.

The disputed claims arise from a 19th-century federal law, Revised Statute 2477, that granted state and local governments rights of way to construct highways across federal lands that had not been reserved for other public purposes. Congress repealed that law in 1976, but the highway claims arising from it were grandfathered. The state and its **counties** have been trying to assert certain rights of way ever since, but they have been stymied by lawsuits filed by environmentalists.

Environmental groups are rightly concerned that ATVs and motorcycles will damage sensitive federal lands and that spurious **county** rights of way, sometimes amounting to little more than dirt tracks, if recognized, could prevent the Congress from designating scenic and wild federal lands as official

wilderness. By legal definition, wilderness must be roadless, and motorized transportation generally is prohibited within it.

Tearing up BLM road signs is a way for **Kane County** officials to say they are mad as hell and they're not going to take it anymore. But that's no way to try to settle a complex legal dispute. This battle will be won or lost in the courts, and adopting the tactics of a scofflaw doesn't do anybody any good.

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