

A shoe drops in the forest

Randy Johnson dropped the other shoe this week.

He said that by year's end, Utah may attempt to put in place a process to settle disputed state road claims on U.S. Forest Service lands. The state would do that by negotiating an agreement similar to the one Gov. Mike Leavitt signed in April with Interior Secretary Gale Norton to resolve disputed state road claims on federal lands administered by the Bureau of Land Management.

Johnson, who is Leavitt's deputy director of planning for public lands, said that the state might pursue the Forest Service deal if the BLM agreement holds up.

This creates new urgency for Salt Lake County to reveal to the public what rights of way the state and county may claim across Forest Service lands, particularly those in the Salt Lake City watershed. City water managers are concerned that if the county were to claim trails in the Big Cottonwood Canyon area as rights of way, those trails eventually could be paved, degrading water quality.

Johnson says that is not a realistic fear.

Certainly, it is less of a concern under the Leavitt-Norton deal, which does not cover Forest Service lands. But if a second agreement is struck with the Agriculture Department to manage claims on Forest Service lands, then the potential threat to the Salt Lake City watershed rises, at least theoretically, because much of that land is managed by the Forest Service.

If these fears are groundless, as state officials claim, then they should dispel them by abandoning the secrecy that is causing all the speculation. If the public and public officials knew for certain which trails and other rights of way were in play, and why the county might claim them, there would be less suspicion and confusion.

But state officials refuse to reveal what roads and trails the counties have submitted for evaluation as claims. The governor's and attorney general's offices say they do not want to give away their legal strategy in possible lawsuits against the federal government and environmental groups.

The problem of disputed claims is rooted in a 19th-century law called Revised Statute 2477. It granted rights of way for construction of highways across federal lands that were not reserved for other public uses. When R.S. 2477 was repealed in 1976, prior state and county claims were grandfathered, but often they had not been well documented.

The Leavitt-Norton agreement creates a process for the federal government to acknowledge rights of way that unquestionably are part of the state's transportation system. It sets out specific criteria for what constitutes a road.

But the process must be open, because federal wilderness designation depends on lands being roadless. We and other Utahns are deeply concerned that the process could be abused to halt wilderness designation on BLM lands beyond the 3 million-plus acres that Leavitt concedes should be protected.

That is why secrecy is not the best policy. Now that Forest Service as well as BLM lands may soon be on the table, that is doubly the case.