

Utah sues BLM over roads closed on San Rafael Swell

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SALT LAKE CITY (AP) -- Utah Attorney General Mark Shurtleff filed suit Wednesday in a bid to reopen dirt roads closed by the Bureau of Land Management on the San Rafael Swell in central Utah.

Utah's lawsuit, joined by Emery County, challenges a travel plan adopted by BLM in 2003 that designated some routes for all-terrain vehicles while closing others across environmentally sensitive lands.

Gov. Jon Huntsman said Utah and Emery County own seven roads closed by the federal government on the San Rafael Swell -- "roads that have been built and used by Utahns," Shurtleff added in a joint statement. They said those routes should be reopened.

The claims involve Revised Statute 2477, the Civil War-era law that assured states and counties use of roads they built across federal lands.

The law was repealed in 1976 with protection for existing roads, but sorting through countless wandering dirt paths across the West has led to protracted disagreements about which roads qualify for state control.

The San Rafael Swell travel plan was adopted after a dozen years of "exhaustive public input. We were in agreement" with Emery County "and everything was working well," BLM spokesman Don Banks said Wednesday.

The BLM seemed surprised by the lawsuit. The federal agency had agreed with former Utah Govs. Mike Leavitt and Olene Walker to sort out road claims amicably in out-of-court settlements, although Banks said state lawyers had always reserved the right to sue.

Utah encountered trouble early on proving its first RS2477 claims. The state claimed many roads that conservation groups say were built by the federal government.

Last year, Utah withdrew its claim to the 99-mile Weiss Highway, a mostly gravel road that runs through the heart of Utah's west desert, after records showed it was built by workers hired by the federal government and that Juab County had signed away rights to it for \$1 in 1936. The road was named after the Interior Department supervisor who oversaw its construction.

Other dirt paths claimed by Utah and counties couldn't be found on aerial photographs or weren't blazed until after 1976, when they lost RS2477 protection, say groups including The Wilderness Society and Southern Utah Wilderness Alliance.