



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov>



IN REPLY REFER TO:

1864
(UT-921)

Office of the Attorney General
State of Utah
Attn: Roger Fairbanks
PO Box 142477
Salt Lake City, Utah 84114-2477

Dear Mr. Fairbanks:

The Bureau of Land Management is reviewing comments relative to the State of Utah's applications for recordable disclaimers of interest on six claimed roads in Daggett, Beaver, Iron and Millard Counties. Your applications were submitted pursuant to the Memorandum of Understanding (MOU) between the State of Utah and the Department of the Interior on State and County Road Acknowledgment, dated April 9, 2003.

You were copied on the comment packages submitted by Earth Justice, on behalf of The Wilderness Society, Wild Utah Project, and the Southern Utah Wilderness Alliance. The comments and supplemental letters are dated June 24, 2005, June 27, 2005, and August 10, 2005, for the Daggett, Beaver and Iron County roads, and dated August 5, 2005, for the Millard County roads.

The subject comment packages raise several issues that are substantive in accordance with our guidance for processing applications to implement the MOU, and we request your input for our further analysis of the sufficiency of your applications relative to these roads. The State and/or Counties are encouraged to supplement the six applications with all available records and other documentation.

Based on the issues identified, we request the following additional documentation be supplied where possible to better support your applications:

1. Description of the title to the lands claimed as required by 43 CFR 1864.1-1(a).

2. Additional supporting evidence to demonstrate that the road existed pre-FLPMA (before October 21, 1976) including historic and current maps and photographs of the claimed right-of-way, county resolutions for funding proposals, county commission meeting notes, current and past photos of the road, county surveys and plans, etc.
3. The State relies heavily upon affidavits for its documentation. However, discrepancies were noted in some affidavits the State provided, regarding road right-of-way widths, and other information provided in the applications. The State should respond to these discrepancies by providing supplemental information, especially to clarify the claimed representative road widths.
4. Further documentation is requested on how the roads are/were "highways".
5. Any supporting documentation specifically about when, who, and for what purposes the roads were constructed.
6. Specific records which demonstrate some sort of periodic maintenance. The MOU describes the types of information that would be helpful, including county or other entities' maintenance records, contracts for maintenance, and maps that contain further evidence of maintenance before October 21, 1976.

We would appreciate this necessary feedback to help us address the public comments as well as to strengthen your disclaimer applications overall. Any information you provide will be considered as a supplement to your application package(s) for the pertinent roads.

We would be happy to discuss these issues further if you desire.

Please respond back to our office regarding these questions by September 9, 2005. Contact Joe Incardine at (801) 539-4118 if you have any questions regarding the content of this letter.

Kent Hoffman
Deputy State Director,
Lands & Minerals

cc:
UT-010
UT-040
UT-080