

# The Salt Lake Tribune

<http://www.sltrib.com>

Article Last Updated: 8/11/2005 01:13 AM

## Who built rural roads and when?

Backcountry: Environmentalists challenge state claims on two more Utah areas

**By Joe Baird**  
**The Salt Lake Tribune**  
**Salt Lake Tribune**

Utah officials expected that challenges would be mounted to rural road claims they are making under an agreement signed by former Gov. Mike Leavitt and Interior Secretary Gale Norton in 2003.

They are getting them.

Last year the state was forced to abandon its initial claim to a 99-mile road in Juab County known as the Weiss Highway after research revealed that the road was, in fact, built by federal road crews during the Great Depression. Now an environmental group is challenging two more backcountry roads the state is claiming in Millard County, for many of the same reasons.

The Washington D.C.-based Wilderness Society says the Bureau of Land Management should reject Utah's claims to the roads - Alexa Lane and Snake Pass - because it cannot conclusively prove that it constructed the roads.

"We have concluded that both of them, like the Weiss Highway, were built by the [Civilian Conservation Corps]," Wilderness Society spokeswoman Kristen Brengel said. "Both were constructed near reservoirs that were built to allow stockmen to graze their sheep out there. It wouldn't seem out of the ordinary for the federal government to identify these areas for range improvements.

"We don't understand," she continued, "why the state has not done its homework, and looked at the BLM and county files that we have. They don't even seem to be looking at their own records, which we found in Salt Lake City and Fillmore."

Utah is making the road claims under a Civil War-era mining law known as RS2477, which granted local governments rights-of-way across federal land. The law was repealed by Congress in 1976, but existing roads were grandfathered in.

Whether constructed by federal crews or not, state and county officials are adamant that the two roads in question predate 1976 in terms of their use. They say they have done their diligence.

"Whether the road was built by the [Civilian Conservation Corps] or federal contractors, that has no bearing on its RS2477 status," said Lynn Stevens, the state's public lands policy coordinator.

Added Millard County Commissioner Daron Smith: "The roads we've submitted we've been out on and looked at. And we have a [former] road supervisor who has a 50-year history of managing these roads. We picked these two roads because we did do our homework on them and the state did its homework."

But Brengel says the evidence does not add up. According to the state's application, both roads were in use at their current location in the 1920s. But she charges that a state highway map doesn't show the Snake Pass road, and reveals only 11 miles of the Alexa Lane road. Nor has the state furnished construction or funding records for either road.

"What this boils down to is that Utah is trying to set an extremely low bar to prove its claims," Brengel said.

Said Stevens: "Not every road is on every map at the time the map is published. That does not mean the road does not exist. The BLM relies on affidavits and the testimony of eyewitnesses. And it's fair to say the state has been far more diligent in all aspects of collecting this evidence than may have been done on the first

submission."

***[jbaird@sltrib.com](mailto:jbaird@sltrib.com)***