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BLM asks Utah about its road claims

Rural inquiry: The federal agency wants information about roads the state says should not be closed

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WASHINGTON - The Bureau of Land Management has asked the state for more information on Utah's claims to six rural roads and requested it answer questions raised by environmental groups over the disputed paths.

In a letter to the state, the BLM requested additional evidence that the state's claims to roads in Daggett, Beaver, Iron and Millard counties fit the criteria of roads that the federal government can transfer to the state.

Assistant Utah Attorney General Roger Fairbanks said the state is working to dig up the additional information and plans to submit as much as possible by the Friday deadline.

"We think the information we have given the BLM is adequate," Fairbanks said. "That being said, we will cooperate the best we can to get additional information to the BLM to the extent that its available."

The BLM is seeking information to address arguments put forward by several environmental groups - The Wilderness Society, Earthjustice and the Southern Utah Wilderness Alliance - that the state's claims to the six Utah roads lacked the necessary proof to justify giving up a right-of-way across federal land.

"They don't even need to take a microscope to these comments and applications. They're so bad on their face," said Kristen Brengel of The Wilderness Society. "At least [the BLM is] doubling back right now and rethinking their approach. That's healthy and good."

In his letter sent Aug. 26 and received last week, deputy state BLM director Kent Hoffman requested, in part, proof of who constructed the disputed roads and for what purpose. Also requested were maps, photographs, county records or road surveys to prove that the roads existed before 1976. That is the year that Revised Statute 2477, the law giving states continued use of constructed highways across federal lands, was repealed.

"We've given them what we feel is the best evidence available on these roads," said Fairbanks. In some cases there was photographic evidence submitted and maps, but other material is harder to come by.

The state's claims were filed under a Memorandum of Understanding signed in 2003 by former Gov. Mike Leavitt and Interior Secretary Gale Norton designed to transfer title to the roads to the state or counties.

Environmentalists fear the agreement could be used to give counties ownership of roads in wilderness study areas, parks or other sensitive regions, although none of the six at issue is in such terrain.

The state withdrew its first claim to the Weiss Highway in Juab County after environmental groups showed that it was the federal government, and not the county, that built that road.