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## Land assault

RS 2477 DISPUTE Wild lands threatened by questionable state claims

### Salt Lake Tribune

Gov. Jon Huntsman Jr. portrayed himself as a moderate on issues of land use and the environment. But as governor he has solidly aligned himself with those who seek broader use of federal lands, including access via questionable "roads" into wilderness study areas.

With Huntsman's assent, the state has filed five road claims under a deal struck by former Gov. Mike Leavitt and Secretary of Interior Gale Norton to broker conflicting claims to roads on federal lands. Environmental groups successfully challenged one of those claims and are questioning the others, pointing to aerial photographs, maps and historical records that would seem to indicate they, too, fail to meet the criteria.

On another front, the Utah Attorney General's Office has filed suit to regain access to five roads that were closed by the Bureau of Land Management as part of a much-discussed travel plan for off-highway vehicles in the San Rafael Swell that was put in place in 2003, as well as access to two others in a congressionally established wilderness study area.

The state has also joined a San Juan County lawsuit that seeks ownership of an undeveloped road, essentially a stream bed, in Canyonlands National Park. And it has filed a friend-of-the-court brief in a Mountain States Legal Foundation lawsuit aimed at shrinking the Grand Staircase-Escalante National Monument.

This campaign for more open access being championed by the governor, Attorney General Mark Shurtleff and politically powerful rural counties even has a name: Public Roads Over Public Lands Project. Shurtleff gave it an informal motto: It's time for Utahns to get their roads back.

But a road on federal land does not belong to the state or to a county just because the state says so; calling a Jeep track or trail a road does not, necessarily, make it one. Proposed road designations must meet specific definitions set by Congress, some of which multiple-use advocates, and the Huntsman administration, seem determined to erase, circumvent or reshape to their local-control liking.

The current road war is rooted in the 19th century law, RS 2477, that granted rights of way for highways across federal lands. When Congress repealed RS 2477 in 1976, prior state and county claims were grandfathered, but only if they met construction and usage criteria. The common cause struck by the state and the counties for "getting the roads back" would bolster development of oil and gas drilling, encourage mining and timber harvesting and expand the playgrounds open to off-highway vehicles.

The preservation of Utah's natural treasures, largely achieved by controlling access, is a federal mandate that the state should emulate in something like the true "balance" touted by Huntsman the candidate last year.

However, since the freewheeling policy of Huntsman the governor appears aimed at tipping the balance against land protection and preservation, it will be up to Congress, the courts and the majority of Utahns who favor preservation to put a stop to the road war that threatens Utah's wild lands with lasting collateral damage.