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Deseret Morning News, Thursday, September 08, 2005

BLM queries Utah about road claims

Associated Press

WASHINGTON — The Bureau of Land Management wants the state of Utah to answer several "substantive" questions about six roads on public land that the state wants to control.

In a recent letter to the Utah Attorney General's Office, Kent Hoffman, BLM deputy state director for lands and minerals, asks for more information the state's claim, including clarification on how and why the roads were built and on discrepancies over details in state documents.

BLM officials in Utah said the questions were routine. But environmental groups fighting the requests said the letter was a good sign.

The groups fear that if the roads are turned over to the state, it will set a precedent eliminating thousands of acres from wilderness protection.

"Clearly Utah's applications are lacking the basic information required to show they can take these lands away from the American people," said Ted Zukoski, staff attorney for Earthjustice, one of the groups opposing the state's claim.

The state is asking for control of the roads under Revised Statute 2477, a Civil War-era federal law that assured states and counties use of roads across federal lands.

The law was repealed in 1976, though existing roads were grandfathered in. Figuring out which of the countless wandering routes across the West should be controlled by the state has led to bitter disagreements.

The six Utah roads the BLM is considering are in Beaver, Iron, Daggett and Millard counties.

The BLM letter asks the state to provide maps, photographs or other evidence that the road existed before 1976 and to produce records showing periodic maintenance was done on the roads.

Roger Fairbanks, assistant Utah attorney general, said he is working with the BLM, which asked the state to respond to the questions by Sept. 9.

Fairbanks the six roads are "just rights of way in rural Utah" used by residents to access grazing land or oil and gas wells.

"They're legitimate rights of way used by Utahns," he said.

Environmental groups say the land should be protected from development that could pollute

rivers or disturb wildlife habitat. But they say a larger concern is the standard the BLM uses to determine state claims.

"The concern is the state is going to get something for nothing — they're going to get control of these lands showing almost no evidence," Zukoski said.

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