



U.S. Department of Justice

Office of Legislative Affairs

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Office of the Assistant Attorney General

Washington, D.C. 20530

October 18, 2005

The Honorable Richard J. Durbin  
United States Senate  
Washington, D.C. 20510

Dear Senator Durbin:

This responds to your letter to United States Attorney Paul M. Warner concerning the situation in Kane County, Utah.

The United States Attorney's Office (USAO) in the District of Utah is aware of the action of county officials in removing federal signs and placing unauthorized road signs at various locations within public lands in Kane County. The USAO supports the Interior Department (DOI) land managers in their difficult task of protecting public lands, even while county officials attempt to assert self-executing easements across public lands without allowing DOI public land managers to make initial determinations of the existence of the easements, as the law requires.

Within this difficult framework, the USAO has been actively working in concert with the local DOI Solicitor, the DOI Solicitor's Office in Washington, the State Director of the Bureau of Land Management, and with other officials to reach a measured, appropriate response. All options, both civil and criminal, have been carefully explored. In consultation with the Solicitor's Office, the matter was referred to the Environment and Natural Resources Division (ENRD) of the Department of Justice on August 30, 2005. As of this date, ENRD is awaiting further instruction from the Solicitor's Office.

We hope this information is helpful to you. Please do not hesitate to contact this office if we can be of assistance in other matters.

Sincerely,

William E. Moschella  
Assistant Attorney General