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THIS IS A GRAMA REQUEST

September 13, 2007

File: 1197

Certified Mail/Return Receipt Request

No. 7005 1160 0004 1390 2382

Mark Habbeshaw, Chair
Kane County Commission
76 North Main
Kanab, Utah 84741
Fax: 435-644-2052

Certified Mail/Return Receipt Request

No. 7005 1160 0004 1390 2399

Jim Scarth
Kane County Attorney
76 North Main
Kanab, Utah 84741
Fax: 435-644-8156

Certified Mail/Return Receipt Request

No. 7005 1160 0004 1390 2405

Kane County Roads Department
76 North Main
Kanab, Utah 84741
Fax: 435-644-5314

Re: GRAMA Request Concerning "Bald Knoll Road"

Dear Commissioner Habbeshaw, Mr. Scarth and Mr. Pratt:

Pursuant to the Government Records Access and Management Act (GRAMA), Utah Code Ann. § 63-2-101 *et seq.*, on behalf of Southern Utah Wilderness Alliance and The Wilderness Society, I request the records¹ identified below in the possession of the Kane County Commission, the Kane County Clerk, the Kane County Roads Department, the Kane County Attorney, or any other office or department of Kane County.

1. All road and/or highway maps published by, for, or of Kane County between January 1, 1920 and October 21, 1976 that depict the following townships and ranges in the Salt Lake Base Meridian: Township 40 South, Range 4 ½ West, and Township 40 South, Range 5 West.
2. All records concerning to maintenance or construction (including funding of such maintenance or construction) of roads in Kane County dated before October 21,

¹ Please note the term "record" is defined in Utah Code § 63-2-103(19) as "all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, electronic data, or other documentary materials regardless of physical form or characteristics, which is prepared, owned, received, or retained by a governmental entity or political subdivision" and are reproducible. Record thus clearly includes meeting minutes of the County Commission.

1976. We limit our request to only those records for routes located within the following townships and ranges in the Salt Lake Base Meridian: Township 40 South, Range 4 ½ West, and Township 40 South, Range 5 West.

3. All records – including but not limited to use, maintenance, construction, and funding of such maintenance or construction – concerning the “Bald Knoll road,” also known as Kane County route K3935. See http://www.blm.gov/ut/st/en/prog/more/lands_and_realty/rs2477_rights-of-way/bald_knoll_road_non/news_release__9-12-07.html. We specifically omit from this request any information available as “supporting information” to the County’s application where that information is available on BLM’s “Supporting Information” webpage. See http://www.blm.gov/ut/st/en/prog/more/lands_and_realty/rs2477_rights-of-way/bald_knoll_road_non/supporting_informatiion.html).

This request is made on behalf of The Wilderness Society (TWS) and the Southern Utah Wilderness Alliance (SUWA). TWS is a national not-for-profit membership organization with approximately 200,000 members nationwide. TWS is devoted to preserving wilderness and wildlife; protecting America's forests, parks, rivers, and shorelands; and fostering an American land ethic. SUWA is a Utah-based, national non-profit organization with thousands of members in Utah and elsewhere throughout the United States. SUWA’s overarching goal is to protect Utah’s remaining wildlands - lands owned by the American public and administered on our behalf by the Bureau of Land Management (BLM). TWS, SUWA and their members have a long-standing interest in the management of public lands, including public lands in Utah now impacted by R.S. 2477 claims.

Please note that if it is more convenient, representatives of SUWA or TWS would be happy to be provided with electronic copies of the requested records (on a CD-ROM, for example).

Release of the records described in this request will primarily benefit the public and substantially contribute to its understanding of the government's policies and activities concerning management of roadless areas, wildlife, and the destruction of roadless areas and wildlife habitat on Bureau of Land Management (BLM) land, as well as policies and activities concerning environmental protection. TWS and SUWA make information concerning management of BLM lands available to their members and members of the public through publications, public meetings, electronic and printed action alerts, press releases, phone calls, administrative appeals, and litigation, among other means. TWS and SUWA have participated in the public involvement opportunities on numerous BLM proposed actions in Utah, and in litigation relating to R.S. 2477 claims. TWS and SUWA have made information about threats to wilderness-character and roadless lands and other BLM lands across the nation through the presentation of public comment, the preparation of action alerts, press releases, their newsletters, the filing of administrative appeals, and the preparation of reports. For example, last year TWS and SUWA helped publish and disseminate a report entitled “Highway Robbery,” which

includes a description of threats posed by R.S. 2477. This report has been disseminated to the media nationwide and is available on the web at www.rs2477.com/documents/Robbery.pdf. TWS and SUWA will make the information obtained from this request available to their members and other groups, including but not limited to the Sierra Club. TWS and SUWA will also make available to the media newsworthy summaries of the requested documents, as well as newsworthy documents themselves. Finally, release of the information may empower SUWA, TWS or other organizations or citizens to present comment on proposed agency or state or county actions concerning R.S. 2477 claims in Utah.

Release of the information will empower members of TWS and SUWA, and members of the public, to engage in public advocacy efforts to protect and conserve BLM wildlands, and will enable TWS, SUWA, their members, and the public to more effectively evaluate the need for appeal and litigation. TWS and SUWA, both not-for-profit corporations, do not seek these documents for commercial use.

Accordingly, TWS and SUWA request that all copy and research fees be waived pursuant to Utah Code Ann. § 63-2-203(4)(a). A fee waiver is justified because the information requested is likely to contribute significantly to public understanding of the operations of the government, and is not primarily in TWS's or SUWA's commercial interest, as described above. We fully expect that such a waiver will be granted. However, if a waiver is not granted, please inform the undersigned of the cost of disclosing the above-described records if such fees are likely to exceed \$15.00.

In the event that your office intends to withhold any records or portions thereof, state law requires that we receive an index of such documents, identifying each document and explaining the alleged legal grounds for withholding. See Utah Code § 63-2-205(2).

Thank you for your prompt attention to this request. As provided by Utah Code § 63-2-204, I look forward to your response within ten working days. Please feel free to call me at 303-623-9466 with any questions or concerns.

Sincerely,



Edward B. Zukoski, Staff Attorney

Attorney for Southern Utah Wilderness Alliance and
The Wilderness Society

cc: Heidi McIntosh, Esq., SUWA
Suzanne Jones, TWS-Denver
Kristen Brengel, TWS-DC