

DESERET
Morning News

BLM urged to deny Kane County access to route

By **Nancy Perkins**

Deseret Morning News

Published: October 31, 2007

A national coalition of environmentalists charged the Bureau of Land Management on Tuesday with conspiring to "surrender control" of a road that crosses federal land in Kane County.

The coalition, comprised of The Wilderness Society, Southern Utah Wilderness Alliance, Wild Utah Project and Center for Biological Diversity, object to the BLM's preliminary non-binding determination that Bald Knoll Road is a valid R.S. 2477 public right-of-way.

"Kane County's application (to designate Bald Knoll Road as an R.S. 2477 route) contains illegible aerial photos, an undated map, and contradictory stories from a few residents," said Ted Zukoski of Earthjustice, another environmental group voicing opposition to the BLM's proposal. "Kane County admits that it has no official records concerning highway construction or maintenance during the years necessary to prove its claim. For this reason alone, the BLM must reject the county's application."

Kane County Commissioner Mark Habbeshaw said the county has "followed to the letter" what was required of it by the federal government's designation procedure.

"All that is required for a non-binding designation on Bald Knoll Road is for the county to submit a preponderance of evidence," he said. "We think we have far exceeded that burden."

Rep. Mike Noel, R-Kanab, said the coalition is spreading "bald-faced lies."

"There's no question that road has always been maintained by the county. There is a good, solid record of that," Noel said. "There is no question in my mind, or anyone who understands what R.S. 2477 is all about, that the BLM did an excellent job evaluating the data and coming to the conclusions that they did. This road belongs to the citizens of this county and sovereign state of Utah."

An attorney for the Southern Utah Wilderness Alliance said the BLM's decision in Kane County on Bald Knoll Road could set a national precedent.

"If the Interior Department approves Kane County's flawed application, it will set a national precedent that will open the door to thousands of claims through wildlife habitat, rivers, and near archeological treasures. This is just the proverbial camel's nose poking under the tent."

Mike DeKeyrel, realty specialist with the BLM's Salt Lake City office, said while he hasn't had an opportunity to review in detail the coalition's voluminous comments, he does not agree with the group's premise.

"The BLM does not consider it (the Bald Knoll Road decision) as precedent-setting and a portend that would lead to thousands of such determinations," DeKeyrel said. "The BLM intends to review each right-of-way claim separately through the administrative process. It is important to note that the BLM's review is an internal, administrative one for its own management purposes."

Bald Knoll Road is a dirt road about nine miles in length. It crosses public lands administered by the BLM in western Kane County, approximately 20 miles north-northeast of Kanab. A review period for

public comment expired Tuesday, the same day that the coalition filed a lengthy objection to the proposal and asked the BLM to deny the designation.

Roadways designed as R.S. 2477 routes remain open as a right of way to various forms of public access. Roads that fail to meet the specifications for the designation, which includes proof that the road was used and maintained by a county prior to 1976, are closed to public use.

"The Bald Knoll Road is not located in any identified sensitive area, wilderness area, or potential wilderness area, and in fact was of apparently little concern to interest groups until it became the first non-binding determination," DeKeyrel said.

A separate national campaign that urges the Department of the Interior to protect Utah's archaeological artifacts and roadless areas from off-road vehicles is also gathering steam.

In a bipartisan letter signed by 93 members of the U.S. House and sent to Interior Secretary Dirk Kempthorne on Tuesday, the BLM is chastised for proposing off-road, public access to millions of Utah's back roads.

"The BLM currently recognizes 3.3 million acres of Utah BLM roadless areas as possessing important wilderness characteristics," the letter states. "These ORV plans will be devastating to some of the most magnificent public lands and prehistoric cultural resources in the country."

The congressional members urge Kempthorne to intervene and restrict off-road vehicle use on any Wilderness Character Areas in Utah.

E-mail: nperkins@desnews.com

© 2007 Deseret News Publishing Company | All rights reserved