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No-bid lands job attacked in filing

Perfect fit or nepotism? Opponents say the post must be open to outside candidates

Perfect fit or nepotism? Opponents say the well-paid public-land post must be open to outside candidates

By Matt Canham
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Utah's public lands coordinator says he needs more help preparing for a series of legal clashes over roads through federal land.

And Lynn Stevens knows just the man for the job.

He has offered a no-bid \$175,000 one-year contract to former Assistant Attorney General John Boyden, who is also the brother of Stephen Boyden, the state's deputy public lands coordinator.

The proposed contract has not gone unchallenged.

Heidi McIntosh, conservation director of the Southern Utah Wilderness Alliance, filed a response demanding the contract go through the competitive bidding process, just hours before the comment period ended Friday evening.

Her letter claims the no-bid explanation is so vague it fails to meet the requirements necessary to avoid the open process. She also said Boyden's familial relationship to the deputy public lands coordinator raises "questions of nepotism."

"This is an example of how some officials have overstepped their boundaries at the expense of the taxpayers - and public lands as well," she said in an interview with *The Salt Lake Tribune*.

The wilderness alliance has been at odds with the state for years over the use of Revised Statute 2477, an 1866 law granting rights of way across federal land. The statute was repealed in 1976, but existing roads were grandfathered in, sparking a highly politicized battle to determine which rural tracks are roads and if the land around them still qualifies as wilderness.

A 10th Circuit Court ruling in September broadened the definition of a county back road, and Stevens' office responded by unveiling a new initiative to identify and map county roads in order to claim them.

Stevens promised in early November to provide county commissioners with technical assistance.

That's where John Boyden comes in.

During his four-year tenure at the Attorney General's Office - where he also worked with his brother on public lands issues - John Boyden created a state database of such roads, including satellite coordinates.

Counties in need of technical information would contact Boyden.

The no-bid notice, which must include a justification of why the contract is not going out to bid, does not mention the database or Boyden's expected role specifically.

Rather, it says, Boyden's job would be to "provide technical implementation assistance to the state in solving the multitude of issues" surrounding Utah law governing Utah's assessment of the roads.

The notice mentions Boyden's role in drafting that legislation and his ability to advise Stevens on "the various aspects of the effort."

Stevens said Boyden's brother, Stephen, had nothing to do with the contract offer and he rejected any criticism that the contract should have been open to other potential, and possibly cheaper, advisers.

"It is my judgment that there is no one else capable of doing it the way I need it done in the time I need it done other than John Boyden," Stevens said.

McIntosh countered: "It must be nice to be the king. There are statutes that apply to this kind of decision to make sure people don't act like they are the king. This is taxpayer money we are talking about."

John Boyden left the Attorney General's Office because of frustrations with the often-times heated politics surrounding these road claims. He has since opened a private legal practice and consulting firm.

He says he does not want to be employed by the state again, but is willing to help out on a contract basis because "this is an item of unfinished business for me."

Boyden, who would work solely for Stevens, touted his "very substantial expertise on how to prove these cases." But he says he won't provide legal advice, which the public lands coordination office will continue to get from the Attorney General's Office.

The no-bid notice does not specify when the contract would go into effect, though Stevens wants Boyden to start soon.

He said: "The urgency is to take advantage of the information available and minimize the controversy over what is really a valid county-owned RS2477 road and what isn't."

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