

The Salt Lake Tribune

<http://www.sltrib.com>

Article Last Updated: 6/08/2005 07:51 AM

Senate Democrat weighs in on fight over Kane signs

Durbin of Illinois: The assistant leader hints at blocking a nominee to the Interior Department

By Robert Gehrke
The Salt Lake Tribune
Salt Lake Tribune

WASHINGTON - A leading Democratic senator is pressing the Interior Department on its plan to deal with Kane County's defiant posting of road signs on federal lands around the Grand Staircase-Escalante National Monument, and he could block a nominee to a top Interior post if he doesn't get answers.

Sen. Dick Durbin, D-Ill., said in a recent letter to Interior Secretary Gale Norton that Kane County officials who posted road signs across federal lands are openly defying her department's land management authority.

The dispute began in 2003 when Kane County tore down BLM signs banning off-road vehicles from the Grand Staircase-Escalante National Monument. No action was taken against the county at the time, but tensions escalated again earlier this year after the county began placing signs designating off-road vehicle routes on land managed by the Bureau of Land Management, including inside the monument and in a wilderness study area.

Durbin said the current conflict is a result of a similar dispute two years ago, when Kane County tore down the BLM signs.

"The department's lack of enforcement of BLM policy has emboldened the county and these individuals to increase their defiance of federal law," he wrote.

Durbin asked the department to report what legal steps it intends to take to force the county to remove the signs, when the action will take place and what consequences will face those "who remain in defiance of federal law."

State BLM Director Sally Wisely sent a letter to the Kane County Commission last month that gave the county two weeks to remove its signs from federal land or face a lawsuit. Many of the signs were removed, but others remain four weeks later. Wisely has requested action, but no lawsuit has been filed or settlement reached.

Interior spokesman John Wright declined to comment on the letter or Interior's response to Kane County's continued defiance, citing the sensitivity of the situation.

In addition, 58 residents of Kane County recently wrote to Norton, disagreeing with their commissioners' actions and urging her to take quick action in the dispute.

"As local citizens, we believe that the scenic and natural resources of public lands in Kane County are being put at risk of irreparable damage by the intemperate actions of the Kane County Commission," they wrote.

"The economy of Kane County is largely dependent upon the scenic beauty of the nearby public lands, and we want to protect the goose that lays the golden egg for our economy."

Representatives of Kane County, the Utah Attorney General's Office and the BLM met last week at the Utah Capitol at the behest of Lt. Gov. Gary Herbert to discuss their differences over the road issue.

The discussions were deemed productive by both sides, but Kane County Commissioner Mark Habbeshaw said afterward that he welcomes litigation to solve the dispute.

Kane County has claimed all of the roads in question as part of its countywide transportation system, and cites as the foundation of its claim a Civil War-era law known as RS 2477 that grants rights-of-way to local governments across federal land for roads.

Durbin's spokesman, Joe Shoemaker, said the senator, who is assistant Democratic leader in the Senate, visited

Utah's redrock country several years ago and was struck by the beauty.

"This is one of the things he feels in his bones," Shoemaker said. "He just feels this is a national treasure and he feels it should be protected."

"Every administration selectively interprets law to sort of mesh with the overriding philosophy of the White House. But he sees this as a step beyond selective interpretation. He sees this as selectively ignoring the law," Shoemaker said.

Durbin noted in his letter that the nomination of Lynn Scarlett to the department's No. 2 position is pending in the Senate.

He requested answers before her nomination proceeds.

Durbin has not put a hold on Scarlett's nomination, but he reserves the right to block it.

Sen. Bill Nelson, D-Fla., has already put a hold on Scarlett's nomination, seeking assurances from the department on its plans for oil development off the Florida coast.