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Illinoisan gets involved in Kane road dispute

Senator demands federal action to remove signs placed by county

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WASHINGTON — A prominent Democratic senator from Illinois is demanding that Secretary of the Interior Gale Norton intervene in a long-running road dispute between Kane County and the Bureau of Land Management.

Bring it on, responds Kane County Commissioner Mark Habbeshaw. "I fully support intervention at the highest levels, including the Congress and Secretary Norton. That's what we've been asking for."

Sen. Richard Durbin, whose motives for intervention are opposite to Habbeshaw's, hinted that he will hold up the Senate confirmation of Patricia Lynn Scarlett to be deputy secretary if Norton doesn't get involved.

"The action taken by Kane County officials defies the authority and responsibility of the department to manage the federal lands entrusted to your stewardship," Durbin wrote. "This current situation is a direct consequence of the department's failure to take action against Kane County when the county removed over 30 BLM route signs nearly two years ago."

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

Durbin's May 26 letter is the latest salvo in a two-year feud between Kane County and the BLM, which manages the Grand Staircase-Escalante National Monument and numerous proposed wilderness areas in the county.

In August 2003, the BLM put up 31 signs closing off certain dirt roads in the monument. And that prompted Habbeshaw and Sheriff Lamont Smith to take the signs down, saying the county owned the routes under a 19th-century law known as RS2477.

The county then began putting up its own "road open" signs in areas the BLM had designated closed.

"The county's placement of more than 100 illegal road signs throughout the monument directing ORVs to areas formally closed to ORV use directly contradicts the county's earlier agreement, and indicates that a binding, permanent resolution to this issue is now required," Durbin wrote.

Earlier this year, the county began posting signs designating off-road vehicle routes in a

wilderness study area, setting off another round of charges and accusations. Habbeshaw said the county plans to eventually post signs on all roads the county claims under RS2477, according to Associated Press.

Durbin wants answers from Norton as to what specific legal steps the department intends to take to force Kane County to permanently remove all road signs illegally placed on BLM lands in the county.

And he wants to know when this action will take place and the consequences for those "individuals who remain in defiance of federal law."

In the past, Durbin wrote, "the department has found it convenient to settle contentious land management issues in the state of Utah on terms favorable to local and state positions. Such a result in this instance is not acceptable."

The Department of Interior confirmed it has received the letter, but indicated it does not respond to congressional letters through the media. "But we plan an expeditious response to the senator's letter," said spokesman John Wright.

Habbeshaw, reached by telephone on Wednesday, said an investigation would uphold the county's position, not the BLM's.

Durbin may be reacting to a local petition circulated by an environmental organizer among "local residents, those with environmental slants," he said.

Years ago, a survey conducted on the road sign issues showed overwhelming support among local residents for the position that any signing be done by Kane County, he said.

"It was supported by far more than the 58 people that were mentioned in relation to this petition," he said.

"Our roads are very important to our residents."

The three members of the present county commission "were all elected on a platform of protecting our county's public lands needs and our road rights and continued grazing," he said.

He is glad to see the petition for intervention by higher levels of the federal government, he said.

"In fact, we'd like to see this issue go to court."

Habbeshaw said he may write to Durbin, sending him information about the dispute.

"These roads that we're currently signing have been on the ground, used by the public, for at least 30 years, more likely 40 years, and in many cases over 100 years."

According to the commissioner, one of the routes involved is the Hole in the Rock Trail that was used by Mormon Pioneers to reach the Bluff region before Utah became a state. The

county has placed signs on the road but the BLM doesn't like it, he said. The agency says the signs are on public lands.

Durbin should consider that the signs are on RS2477 interests granted to Kane County by the Congress over the years, he said. The BLM is trying to terminate the county's rights, an interest forbidden by the Federal Land Management and Policy Act, which governs the BLM's actions, he said.

Kane County residents are convinced that if the case goes to federal court, Habbeshaw said, "we'll prevail."

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