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## Kane County: U.S. Attorney should take action in road-sign dispute

### Salt Lake Tribune

A request for legal action against Kane County has languished in the office of U.S. Attorney for Utah Paul Warner long enough. It's time for an accounting.

Kane County officials, fighting for greater access to public lands, defied federal law in 2003 when they posted signs directing off-highway vehicles to trails that are off-limits inside the Grand Staircase-Escalante National Monument and tore down signs that closed roads on federal lands to OHV use.

Kane County Commissioner Mark Habbeshaw says he wants a court to settle the two-year dispute, and we agree that there is no other way to deal with it, as Habbeshaw and his county cohorts apparently do not intend to comply with the law.

After Bureau of Land Management Director Sally Wisely ordered the county to remove its signs from federal land or face a lawsuit, Habbeshaw and the county commission removed 52 signs, but they left others in place and put up some new ones on roads the county considers easiest to defend in court. The U.S. Attorney's Office has been investigating the illegal removal of BLM signs for two years now.

Several weeks ago, the U.S. Interior Department asked Warner's office to deal with the situation, but, so far, the response has been no response at all. The mildest action warranted is an injunction against the county to prohibit it from trespassing further on BLM land to post illegal signs or to tear down any more federal ones.

Habbeshaw says he is prepared to face charges of criminal trespass and destruction of property and believes he would be acquitted because the roads for which the county claims rights of way are not actually BLM property. Kane County claims all the roads are historically part of its transportation system, predating the 1976 repeal of an old federal statute called RS 2477, which gave states and counties rights of way through public land.

Warner probably is hesitant to further inflame an already tense situation. He may have hopes that a meeting last month of Lt. Gov. Gary Herbert, BLM officials, Kane and Garfield county commissioners and members of the state attorney general's staff will yet yield some settlement short of filing charges.

We are not so optimistic. It appears both sides are ready to present their cases in court. The U.S. Attorney's Office should give them the chance to do that.