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May 26, 2005

The Honorable Gale A. Norton  
Secretary, U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Norton:

I am writing to express my concern about the situation unfolding in Kane County, Utah where officials have placed county off-road vehicle (ORV) route signs within areas of the Grand Staircase-Escalante National Monument, Bureau of Land Management wilderness study areas and other sensitive public lands outside of the Monument. These routes have been closed to ORV use by the BLM to protect the land from ORV damage and to fulfill the BLM's mandate to protect these unique, scenic areas. The action taken by Kane County officials defies the authority and responsibility of the Department to manage the federal lands entrusted to your stewardship.

This current situation is a direct consequence of the Department's failure to take action against Kane County's when the County removed over 30 BLM route signs nearly 2 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.

Therefore, I would like to know:

- (a) what specific actions and legal steps the Department intends to take to compel Kane County officials to permanently remove all road signs illegally placed upon BLM lands in Kane County, both within the Grand Staircase-Escalante National Monument and elsewhere;
- (b) when this action will take place; and
- (c) the consequences for those individuals who remain in defiance of federal law in this regard. I am especially concerned that the Department remedies the situation as soon as possible and with finality.

As you know, in 1998 Kane County submitted a letter to the BLM concurring with the proposed ORV routes designated by the BLM in the Monument. The county's placement of more than 100 illegal road signs throughout the Monument directing ORVs to areas

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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. Furthermore, in the past 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.

I understand that the nomination of Ms. Patricia Lynn Scarlett to serve as Deputy Secretary at the Department of Interior is pending before the Senate. I would appreciate a satisfactory response from your office regarding this important matter prior to the consideration of this nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "Dick Durbin". The signature is written in a cursive, slightly slanted style.

Richard J. Durbin  
United States Senator