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## Kane road resolution will include the public's input

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WASHINGTON - Interior Secretary Gale Norton has agreed to a public process to resolve a battle in Kane County over ownership of a series of roads across federal land, including tracking the impacts of travel on the disputed roads.

Norton's commitment satisfied Sen. Richard Durbin, prompting the Illinois Democrat to allow the Senate confirmation last Friday of the department's No. 2 official, Lynn Scarlett, which he had been blocking.

Durbin had been frustrated by the department's response since Kane County posted 268 signs, including as many as 80 in the Grand Staircase-Escalante National Monument, that commissioners say belong to the county, but that the department had closed to off-road vehicle traffic.

Durbin and Norton met last Wednesday to discuss the issue, and Norton agreed to monitor the effects of traffic on the disputed roads and make monthly reports on the status of the dispute to Durbin and the Utah delegation.

In a letter to Durbin on Friday, she also agreed to allow environmental groups to take part in the discussion over the roads and hold a public meeting on the roads standoff. Environmental groups filed suit against Kane County over road issues in October.

"With those things together it at least satisfied Senator Durbin that the department was going to act in good faith and they did commit to these things in writing as the next steps," said Durbin's spokesman, Joe Shoemaker.

Messages seeking comment from Kane County Commissioner Mark Habbeshaw were not returned Monday.

The showdown stems from Kane County's claims of ownership of numerous roads in the county through a Civil War-era mining law, Revised Statute 2477.

The statute was repealed in 1976, but counties can make claims to roads that existed before its repeal.

The Interior Department had threatened to take legal action against the county if it failed to remove the signs. Habbeshaw welcomed a lawsuit at the time, believing the claims were valid and would hold up in court.

A ruling by the 10th U.S. Circuit Court of Appeals this year set new standards for valid road claims, strengthening the county's hand and leaving the Interior Department on uncertain footing. Kane County filed its own lawsuit Nov. 14 against the Interior Department.

Now, the Interior Department is seeking negotiations.

Its regional solicitor, Larry Jensen, is scheduled to begin meeting with Kane County commissioners on Nov. 30 in talks aimed at addressing the county's claims and resolving the fracas.

In an interview last week, Deputy Assistant Interior Secretary Chad Calvert said removing the signs will be the first issue addressed when they meet.

Norton also committed in her letter to Durbin that any meeting where two Kane County commissioners are present would be subject to Utah's open-meeting laws.