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## Kane County ups ante in road feud with feds

Dueling directions: Signs indicating off-road paths are posted in wild areas closed to vehicles

**By Joe Baird and Mark Havnes The Salt Lake Tribune  
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One month after erecting a series of signs designating off-road vehicle routes on federal land, Kane County is now posting the signs in a Wilderness Study Area.

Photographs show the new county signs posted next to Bureau of Land Management signs prohibiting motorized traffic in a study area several miles northeast of Coral Pink Sand Dunes State Park. They signal the most recent attempt by Kane County to assert its control of local roads under the so-called RS 2477 statute.

The Civil War-era law granted broad rights of way across public land until it was repealed by Congress in 1976, with existing roads being grandfathered in.

Neither Kane County nor BLM officials were available for comment Friday afternoon. But word of the new sign postings drew a swift response from environmentalists.

"This is a huge line to cross," said Liz Thomas, a Southern Utah Wilderness Alliance attorney. "The BLM has a duty to protect these [Wilderness Study Areas], so I think the situation has changed. The county is clearly pushing the edge here."

The road in question leads to an old windmill used by ranchers to pump water. It is also the site of a rare grove of aspen trees along with manzanita brush and a variety of grasses.

Earlier this week, Kane County Commissioner Mark Habbeshaw reiterated the county's position in posting the road signs. He argues that it is protecting vital local interests.

"We're signing what we believe to be our county transportation system," he said. "If we're wrong, we'll remove them, but we think we're on pretty solid ground."

"We are trying to work with the BLM, and I think that's been demonstrated in a number of instances," he continued. "At the same time, we can't let them dictate over our property rights."

But BLM officials remain vexed over the county's actions. The agency's Kanab Field Office is in the early stages of crafting a new resource management plan for the area. OHV access and route planning will make up a significant portion of the plan.

"The travel plans we do are the result of an open, transparent public process that many people have participated in, including state and county governments," Don Banks, the BLM's state chief of external affairs, said earlier this week.

Kane County, he added, "is acting as if the federal planning process has no standing as to how federal lands will be managed. I sure hope that isn't true."

A little less than two years ago, Kane County officials removed nearly three dozen BLM signs in the Grand Staircase-Escalante National Monument that either prohibited or restricted OHV use. That incident prompted a grand jury investigation of Habbeshaw and Kane County Sheriff Lamont Smith, though no charges have ever been filed.

The U.S. Attorney's Office declined comment this week about the sign postings, or the status of the earlier sign-removal investigation.

"However," said spokeswoman Melodie Rydalch, "that shouldn't be construed to mean there isn't anything going on."

Habbeshaw says county road crews are moving west to east across BLM land as they post the OHV signs, though they have been slowed recently by wet, muddy conditions. The plan, he adds, is to eventually post signs on all roads the county claims under RS 2477.

That sign-posting process may eventually include neighboring Garfield County, which has had discussions with Kane County about coordinating mileage markers as roads and trails cross the county line.

Garfield County engineer Brian Bremner says the county is working with the BLM and the Forest Service on a trail plan that would take in OHV routes and hiking, biking and horseback trails. But he says the county and the federal agencies are still at loggerheads over several RS 2477 claims. And he doesn't rule out Garfield County acting unilaterally if things can't be worked out.

"We agree with about 90 percent of what needs to be done. It's when you get into what's mine and what's yours that conflicts happen. The roads exist on the ground. The question is, how do you manage them?"

While waiting on the U.S. Attorney's Office, BLM officials also have lodged a protest with the state's new rural lands coordinator, former Lt. Gov. Gayle McKeachnie. He says any action on the state's part will have to wait for May 1, when a bill creating a new state Office for Rural Affairs takes effect. But even then, he doubts much can be done.

"We could say 'cease and desist,' but it wouldn't do any good," said McKeachnie. "County officials are elected by their people. What we need to do is find out why they're doing it and see if there's a way to help resolve the issue."

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