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SOUTHERN UTAH NEWS - May 4, 2005

NEWS

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Signs of the times? BLM orders removal of road signs by Ka

By Dixie Brunner

Another volley has been made in the ongoing stand-off between the Kane County federal government. On April 26, the Bureau of Land Management gave Kane County the road signs it has posted on federal lands or face legal ramifications.

But this is not the first time there has been threatened legal action. Road signs become a constant bone of contention to pick on both sides, with no clear resolution the roads. An issue that has been discussed in court and on the ground, the question seems far from resolution even with the latest action.

"I'm concerned about it from a resource protection perspective, as well as public Staircase-Escalante National Monument manager Dave Hunsaker. "They are marks haven't been driven on for many years. My main concern is the public's safety."

The county claims ownership of the roads under Revised Statute RS2477, an old law granted rights of way for construction of highways over federal lands, and was settlement of more remote areas in the west. While the law was repealed in 1976, governments are allowed to claim a road if they can show it existed prior to the repeal.

The original road signage dispute dates back to 2000 when then-Grand Staircase manager Kate Cannon began posting signs across some roads within the monument "no-ATV's" or "roads closed," were met with outrage from the Kane County community citizens. Disagreements over the signs, as well as grazing issues between Cannon, ended in Cannon being "reassigned" to Grand Canyon National Park.

Road ownership has shown no "sign" of being resolved under the current Washington President George Bush, Utah native and national BLM director Kate Clark, State BLM or the current GSENM manager Dave Hunsaker.

The issue has been presented as a four-way stop...with a number of Utah counties of way.

In order to prove RS2477 claims, the State of Utah has spent over eight million counties document that roads that existed prior to 1976, through numerous methods histories. Two years ago, Commissioner Mark Habbeshaw and County Sheriff Lam BLM signs designating routes inside the GSENM off limits to off-road vehicles. The signs to the monument offices, saying the government had no authority to prohibit transportation routes within the county.

That action resulted in a grand jury investigation. The county hired Salt Lake power on a \$1500 retainer to defend them, but no charges were ever filed.

The latest round in the controversy began back in February when Kane County signs designating off-highway vehicle (OHV) routes across BLM-administered land Habbeshaw said the actions were initially borne out of frustration over the limbo-status

"Garfield County had passed an OHV ordinance allowing use on what they believe explained Habbeshaw. "We felt it would be good to simply begin managing the road system. We've got to find resolution. It's (our actions) going to get us into court and get

"Let me make it very clear, we'll continue to review documentation," said Habbeshaw sign if we determine it to be too near a sensitive habitat or on a road we don't claim."

Habbeshaw said the county's latest actions were not undertaken in haste. "The rights. We bring solutions to the table. They deny the existence of any of our (RS: We've always been willing to sit down and negotiate with them. The BLM and county agreement to maintain the roads."

State BLM director Sally Wisely disagrees, however. In her letter to the commission wanted to work with Kane County, but that officials had failed to cooperate.





"Please be aware that in the event the county fails to take these steps within two weeks," Wisely wrote, "the BLM is prepared to initiate appropriate legal action against the county." Kane County's response apparently is, "bring it on."

The commission released a statement last Friday after an executive session on the litigation, that they would "stay the course" and retain Attorney Shawn Welch to represent the county.

"The county has chosen an impractical position," said GSENM manager Hunsaker. "We worked on a land use plan process, and what they did is different from across the country who felt differently."

Commissioner Habbeshaw said the Utah Attorney General's Office, Governor's committee, other counties and Constitutional Defense Committee, were all in favor of the intentions prior to the posting of the new signs. In addition, he said the legal ramifications have been discussed with attorneys.

"We're concerned with the public's safety," said Hunsaker. "The proliferation of habitat has been significant. I honestly hope they (Kane County) will comply with the letter and avoid unneeded legal battles. We'd all like a resolution without legal action."

"We're not out to fight everything the federal government does," commented Commissioner Habbeshaw "but we may very well be at the day that we really need to go to court and get it resolved."

Judge sentences Orderville man to prison

By Robert Cook



On Thursday morning, April 28, Thomas Garth Justet was sentenced to serve a minimum of 10 years in a Utah state prison.

On January 15 Justet sodomized a seven year-old child in Orderville. The crime came to the attention of the police on April 22. Justet was immediately arrested and taken to the jail.

Thursday morning Kane County Public Defender Robert Cook met with Justet and asked if he would like an attorney to represent him. Justet declined.

At 10:30 a.m. Justet appeared before Judge Peter Lyman in District Court. Kane County Attorney Eric Lind stood for the state and Attorney Barry Huntington, the prosecutor for the state of Utah, stood for the state, but he negotiated the guilty plea.

Once in court, Justet waived his right to counsel and pleaded guilty to first-degree felony counts of sodomy of a child under 12 years of age.

The court asked if Justet wanted to make a statement. Justet told the court that he just wanted to get this over with and get back to his family.

Justet told the court that he just wanted to get this over with his family through any more than it has already had to deal with. He went on to say that he inherited the property. Judge Lyman told Justet that his sickness wasn't hereditary and his recommendation of two 10-year minimum sentences, to run concurrently, and a \$10,000 fine.

"The victim was a very solid witness," said Tracy Glover, Chief Deputy of the Kane County Sheriff's Office. "We knew we had a solid case."

Kanab City Council

By Robert Cook

Like a finely-tuned automobile, the Kanab City Council moved through their agenda in less than an hour.

After a work meeting, Mayor Kim Lawson called the city council meeting to order. Council members Carol Sullivan and Steve Mower were excused.

- A public hearing was held to consider the approval of Jesse Johnson's request for a zoning change on his 1.43 acres. Johnson's property is located at 25 South 300 East.

"I came to Kanab 17 years ago," said Johnson. "I'd like to see Kanab stay the way it is. The council unanimously voted to allow the zone change from a single family residential to a medium density residential. Mayor Lawson stated that the request by Shirrel Robinson Young for a zoning change was withdrawn at this time.

- Julie Ingersoll asked the council for a donation of \$500 for the Kanab Women's Fund. The council approved the request.

- Marietta Eaton, chairperson of the Kanab City Library Board, gave an update on the library. Eaton provided the council with a number of issues facing the library, including a sho storage room, and the ever-present need for more money.

Mayor Lawson explained that the only real avenue for securing more funds was generated by tourism. "We have a limited amount of property tax dollars," said Lawson "through tourism is our only real money maker."

- Shauna Cox asked the council for a \$250 donation for the Kanab 10K race. The council approved the request.

on May 7. The council approved the request.

- The city has secured a \$200,000 loan for improvements to the Coral Cliffs Golf Course for 10 years at two and a half percent interest.

- Second public hearing on the Community Development Block Grant. The hearing discussed funding and progress on the Kanab City/ Color Community Housing Project. The 42 homes are being built on 13 acres located at Chinle and Hillside Drive.

Project supervisor Spencer Jones gave a presentation on the development to the council. He was involved with other low-income housing projects in Cedar City and Enoch. Jones explained that the homes were available to families who have never owned a home or who have not owned a home in 10 years.

Qualified applicants must also work on the project for 40 hours a week until the homes are completed. Typically homes take about eight months to complete. The homes will be built seven a week.

"This is a great opportunity for the community to bond," said Jones. He said by the end of the week of work, it will help to instill pride in home ownership.

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