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Utah Chapter

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Sally Wisely, State Director
Bureau of Land Management, Utah St. Office Attn: RS 2477
PO Box 45155
Salt Lake City, Utah 84145-0155

Dear Ms. Wisely:

Please consider these comments concerning an application by the State of Utah and Juab County for a recordable disclaimer of interest concerning the proposed Weiss Highway. This application is identified by BLM under Serial Number UTU-81100. The Utah Chapter of the Sierra Club has a long and rich history of using Utah's BLM lands including those directly related to the claimed Weiss Highway. The Chapters members regularly use this area for recreation having participated in a number of decision processes relating to public land management in this area. BLM's decision to issue a right of way for a highway is a significant federal action that affects the interests of Club members. We are a long time interested party in public land's decisions.

These comments focus on making public decisions and the need for land use planning to identify highways. The Sierra Club also supports more detailed technical comments prepared by The Wilderness Society.

BLM has been approached by the state to establish as a highway right of way a dirt road in Juab County. The issue is not over vehicle access since this decision will not affect use of the area. The issue is whether BLM should change what is today a dirt road into a highway under state control.

Today, travel between the Snake Valley with its two small communities and other major towns uses part of this proposed Weiss Highway, the western half. But most use today does not use the eastern half of the Weiss route. Travelers mainly use a paved road to Delta that joins the proposed Weiss Highway in the middle. The map in Figure 1 (attached to this file) shows that the proposed Weiss Highway is not the only way to serve these western communities. There are routes to the north along the Pony Express Trail now a major dirt road and to the south. At a time of scarce resources, which is the best most efficient way to make a choice?

Utah has a proud history of making public decisions in open democratic processes. The disclaimer of interest process avoids the open discussion of alternatives needed. The State admits that in the future there will be a growing number of similar applications for highway rights of way without considering alternatives and public planning. Millions of dollars have been spent promoting this process and thousands of applications are promised in the future.

The Sierra Club believes that we have a better way to make public decisions on major transportation issues. To provide the transportation needs we need to make decisions over new highways in a public manner with equal consideration to all the options. Today, the Weiss road is not a highway. More is said about this later. In order to make the decision to establish a highway that serves these communities, BLM is required to revise their land use plan for this area. In addition to planning promoting a public process, this should cost the tax payer less. [Note that one of the declarations says the road was claimed on the class D map in the 1970s - the URL for the Declaration is

The remainder of these comments focus on the relevant BLM land use plans and their role in highway rights of way. Agency actions are required to be consistent with the current active land use plan. The proposed Weiss highway lies entirely within the House Range Resource Area. BLM's Resource Management Plan for this area was prepared in October 1987.

Decisions on the management of rights of way concerning highways are made in BLM's land use planning process. Section 503 of the Federal Land Policy and Management Act FLPMA states

"... Utilization of rights-of-way in common shall be required to the extent practical ..."

Deciding the how to utilize rights of way in common requires looking at all the needs at the same time and chose the most efficient means to meet those needs with the fewest rights of way. BLM makes these decisions by identifying in the planning process corridors for highways and for utilities.

The House Range Resource Management Plan established corridors for major rights of way. The section titled Lands in the House Range RMP covers rights of ways including highways. Page 75 of this plan requires that BLM will manage existing and new requests for rights of way with the following guidance: "The utilization of existing corridors, whether designated or not, will be standard procedure." The plan continues, "Existing major rights-of-way are designated as corridors (see Table 2-4)

Table 2-4 in this RMP the plan then describes those routes that are considered highways in this planning area. Those include U.S. Highway 50 and 6 and Interstate 15. No other routes are identified as highways in this plan.

Map 7 at the end of this plan presents these rights of way and other utility corridors. Note that the Proposed Weiss Highway is not identified as a highway in this land use plan.

Both state and federal highways are included in BLM's land use plan transportation corridors. Other land use plans in other areas identify state highways on BLM lands in their decisions for transportation and utility corridors. For example the RMP for the BLM resource area immediately to the south identifies a state highway as a corridor. Table 2-11 in the Warm Springs Resource Area Resource Management Plan, in April of 1987, describes a highway corridor for State Highway 257.

The current land use plan did not identify the Weiss route as a highway. This route also fails to meet Utah Department of Transportation standards as a highway. The eastern half of the route would be classified as an "undeveloped" road. In order to be considered a developed road under state standards, the route must consist of imported material from appropriate road material usually taken from a borrow pit. While there are many criteria, a road must meet to qualify as a highway, one is that the route must be a developed road.

The records do not identify the Weiss route as a highway. We could find no document published by either BLM or the state prior to 1976 that identifies the Weiss route as a highway. In fact current highway maps from the state do not show this route as a highway. Yes, there are maps that display this route, but these maps classify this route is a dirt road like many others in this region. There is no prior to 1976 that uses the name "Weiss Highway." This appears to be a name created by the applicants for their purposes. We suggest that the BLM refer to this route as the "claimed Weiss Highway."

For this reason, issuing a highway right of way for the Weiss route constitutes a significant change from the transportation system described in the relevant resource management plan. As a result, the decision to issue a right of way for the Weiss route conflicts with the current land use plan and, for this reason, this decision would violate BLM's requirement for actions to be consistent with land use plans. In order to establish a highway right of way for the Weiss route, BLM will need to revise its land use plan. We support this approach for establishing highways.

Should the land use plan be revised more contemporary approaches to highway planning would apply. For example the Resource Management Plan for the St. George Field Office dated 1999, addresses future needs for highways.

St. George Field Office (Formerly the Dixie Resource Area) Record of Decision and Resource Management Plan provides the following planning objectives for transportation:

"It is also BLM's objective to work with municipalities, Washington County, the Utah Department of Transportation, and other affected parties in defining and planning for future transportation needs, locating environmentally compatible route alternatives, and resolving land use conflicts related to transportation systems where public lands are involved."

This land use plan goes on to describe how BLM will handle R.S. 2477 highway claims. Under planning objectives, this resource management plan states:

"TR-04 Upon application from Washington County, BLM will grant FLPMA Title V rights-of way in perpetuity on existing, uncontested roads asserted by the county to be highways under R.S. 2477. Rights-of-way width and standards will be commensurate with the class and purpose of each road."

BLM has the methods for making decisions for new highways through the planning process.

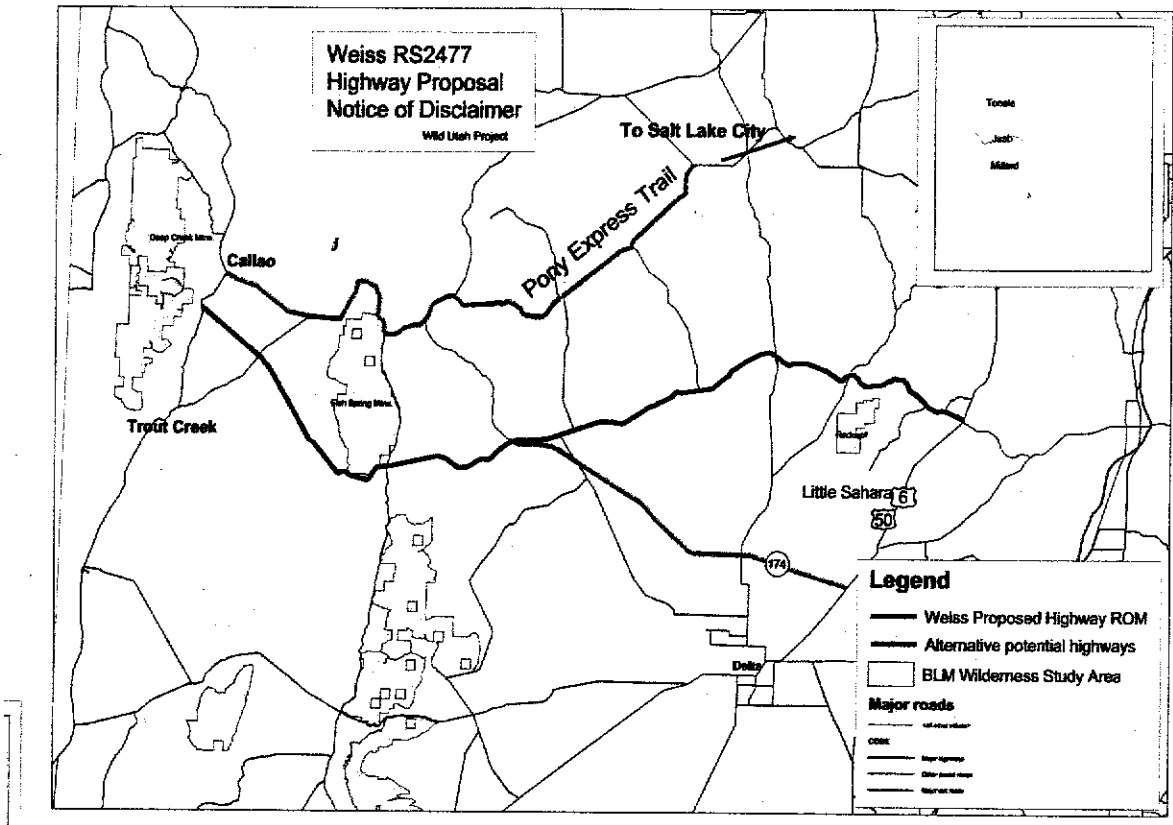
In conclusion, the evidence provided and facts on the ground establish beyond a reasonable doubt that the route claimed as the Weiss Highway. Utah Chapter of the Sierra Club believes that there is a better way to make decisions on the establishment of highways. If a highway is needed to serve the destinations in Juab County, an open public process is needed. In order to meet BLM's legal requirements, BLM should conduct consideration for a highway through a land use plan revision or amendment. We request notification in writing of any decision.

Respectfully,

Ann Weckler

Utah Chapter Conservation Chair

Figure 1
 Proposed Weiss Highway, shown in red and alternative routes, shown in green.



Dear Mrs. Wisely,

Please add this to the comments mailed Sat. 5/8, from the Sierra Club. It was inadvertently left out of the envelope.

Thank you,
 Ann Wechsler
 Conservation Chair

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 STATE DIRECTOR'S OFFICE

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