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Environmentalists denied in appeal for lawsuit documents

Environmentalists lose appeal over documents in roads suit

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The Utah Records Committee on Thursday rejected an appeal by two environmental groups to force the state to release documents related to its threatened lawsuit over claims to roads on federal lands in the San Rafael Swell.

The Southern Utah Wilderness Alliance and Western Resources Advocates appealed to the Records Committee after being rejected twice by the Attorney General's Office and the state's Geographic Reference Center in a bid to gain access to maps and other information connected to the state's so-called RS2477 claims against the Department of the Interior.

The committee rejected the appeal by a 3-2 vote in a meeting at the state Archives Building in Salt Lake City.

"This continues to create a wall between what the state is doing on the public's behalf and the ability of the public to have open discourse on the validity of these RS2477 claims," said Western Resources attorney Sean Phelan.

"These are records of public road claims across federal public lands made with public money. The public has a right to a discussion."

Revised Statute 2477 is a Civil War-era law that granted broad rights of way across federal land. The statute was repealed in 1976, but existing roads were grandfathered in.

State attorneys argued that the RS2477 documents in question are proprietary, given that they were prepared due to pending litigation. The state filed notice of its intent to sue over the claims in November.

"The [Records Committee] ruling essentially upholds that these documents are protected under litigation protections," and therefore, not applicable to the state's open records laws, said Assistant Attorney General Ed Ogilvie.

But those seeking the RS2477 documents argue that the state and the Records Committee are interpreting their request way too broadly.