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Wilderness dispute

Activists assail Kane road signs

Action is sparked by latest BLM decision to hand over Bald Knoll

By **Patty Henetz**
The Salt Lake Tribune

Article Last Updated: 09/25/2007 02:52:04 AM MDT

Conservationists are demanding that federal officials ensure illegal road signs in Kane County are removed before handing over to the county a dirt track that has become a lightning rod.

The Wilderness Society and the Southern Utah Wilderness Alliance on Thursday sent letters to Interior Secretary Dirk Kempthorne and Selma Sierra, director of the Utah state office of the U.S. Bureau of Land Management, demanding that they not give Kane County even conditional ownership of Bald Knoll Road until the county takes down signs staking illegal road claims.

At issue are vertical brown signs emblazoned with a number beginning with the letter K the county stuck in the ground two years ago alongside back-country dirt roads.

While they don't look like much, to the county they are as important as fence lines around private property. To conservationists, they are as objectionable as a no-trespassing sign in front of the Capitol.

The Interior Department and the BLM have repeatedly promised to get Kane County to remove the signs until ownership of the web of contested roads is determined under a landmark 10th U.S. Circuit Court of Appeals ruling issued two years ago.

The county has refused. Nevertheless, the BLM two weeks issued a non-binding preliminary decision to give Bald Knoll Road to Kane County - the first time in the nation such a road claim has been deemed valid since the appeals court ruling.

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That's a reward instead of a deserved stick, said Wilderness Society spokeswoman Kristen Bregel.

"The onus here is really on the BLM office. I understand they have to work with the county on a host of issues. But on this specific issue they should not cede any ground," Bregel said Monday. "Allowing this trespass to continue for over two years now is ridiculous."

Mary Wilson, spokeswoman for the state BLM office, said Monday that her agency and the county have worked cooperatively toward a resolution.

"We didn't require them to take down signs where it was a matter of public safety," Wilson said. "It keeps people on a path rather than out there wandering aimlessly. That's not a horrible thing. Common sense has to come in here somewhere."

Kane County Commissioner Mark Habbeshaw said he knew SUWA and other conservation organizations would fight the BLM's non-binding designation of Bald Knoll as a valid road claim.

"But it is disappointing nonetheless," he said. "That road doesn't cross any special places. They're fighting a road in a non-special place because they don't like roads."

The dispute rests on Revised Statute 2477, a Civil War-era mining law that allowed counties and cities to construct roads across federal land. The open-ended language was repealed three decades ago but existing rights of way were grandfathered in. Ownership disputes can be resolved with documentation of 10 years of continuous public use prior to 1976.

Road claims are part of the ongoing battle over mechanized access to federal land in Utah that has pitted environmental organizations seeking to keep roads out of possible designated wilderness against local officials who fear wilderness restrictions will harm their economies.

Habbeshaw acknowledged that the county refused to heed a suggestion from former interim state office director Henri Bisson that the signs be removed, in part because the county believes two federal judges who

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have ruled the county must make their claims road-by-road misinterpreted the 10th Circuit Court ruling. If a federal court issues an injunction demanding the signs come down, the county will comply, Habbeshaw said. If that happens, Kane County will consider the roads federal, and will discontinue maintaining and repairing them.

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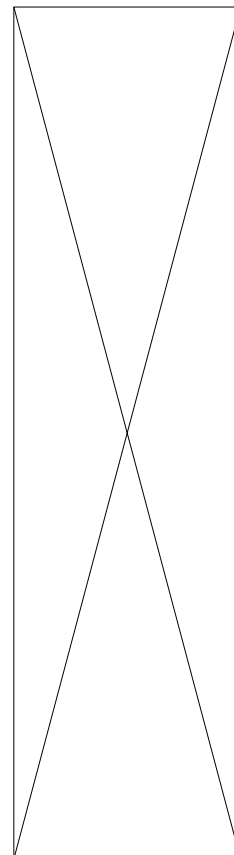
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