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## What part of 'no': Kane County should remove signs as fed court orders

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What part of "no" doesn't Kane County understand?

Last year, U.S. District Judge Bruce Jenkins told the county: No, you cannot lay claim to any trail or roadway through federal land simply by telling the Bureau of Land Management you have a right of way.

Still, Kane County refused to remove its road signs encouraging off-highway vehicle use on trails in the Grand Staircase Escalante National Monument and other public land where the BLM had prohibited OHVs in order to protect fragile areas. The county claimed to own the "roads," some of which are little more than cowpaths, but had failed to prove those claims.

Last week, U.S. District Judge Tena Campbell said "no" again to Kane County's illegal signs. She ruled that the 39 signs violate the Supremacy Clause of the U.S. Constitution which states that federal law supercedes local law. The signs must come down in 20 days.

It's time for Kane County Commission Chairman Mark Habbeshaw and his fellow commissioners to comply. After years of quixotic legal challenges, funded by all Utah taxpayers, enough is enough.

The county disputed the authority of the BLM and said it owned the roads by virtue of a 2005 federal judge's ruling that made state law the standard for deciding ownership of roads on federal land. But state law dictates that each and every road claim under RS2477, the Civil War-era mining law that gave local governments the right to build roads over federal lands, must be proven in court.

When RS2477 was repealed in 1976, the repeal contained a grandfather clause protecting "existing rights of way." Utah law requires proof of "continuous use and maintenance" for 10 years prior to 1976 on each road claim to prove the county's right of way.

Kane County argued that the BLM must recognize "valid existing rights" without the county presenting proof of those rights in court. Judge Campbell's answer? Once again, for what should be the last time: "No."

The ruling is unequivocal. And, while it did not specifically address the potential damage OHVs can do to scenic but delicate areas, those who enjoy hiking, cycling and horseback riding on public lands should be relieved by this ruling. Wildlife habitat, clean water and quiet recreation are threatened by destructive off-roaders who show no reverence for nature.

Kane County should respect the court's decision, or appeal it on its own dime. These public lands are not the county's to do with as it pleases.