

The Salt Lake Tribune

Assaulting Wilderness

April 20, 2003

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-- Two-pronged assaults seem to be in fashion these days. First, the U.S. Army and Marines launched one against Baghdad. Then, Mike Leavitt and Gale Norton mounted another against wilderness in Utah.

But while Utahns rejoice in the success of their troops in Iraq, they should not celebrate the double-barreled attack on wilderness undertaken by their governor and the U.S. Secretary of the Interior. Most Utahns recognize that the jewels of the magnificent federal lands in this state -- the towering red rock fins and canyons, the alpine fastnesses and the stark Great Basin vistas -- should be protected. Any maneuvers that undermine that protection should be viewed with alarm.

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The first attack is fairly simple. In 1976, the Federal Land Policy and Management Act set up a 15-year process for federal agencies to identify federal lands eligible for Congress to protect as wilderness. The Bureau of Land Management totted up a list of 3.2 million acres of wilderness study areas in Utah. After that 15-year period expired, the BLM added another 2.6 million acres to its inventory of wilderness study areas, relying on a different section of the law.

In the 1990s, Utah sued Interior, arguing that the designation of the 2.6 million acres was illegal and that it damaged the state's ability to raise revenues from things like oil and gas leases on its adjoining school trust lands.

This month, attorneys for Leavitt and Norton announced a settlement of the lawsuit in which the state and federal governments agree that the designation of the 2.6 million in study areas was illegal. If that settlement stands, it will eliminate those lands from congressional consideration for wilderness designation.

The second attack on wilderness, the agreement between Leavitt and Norton on roads, is supposed to simplify the resolution of disputes over old rights of way for state and county roads on federal land. According to Leavitt and Norton, the agreement should clear away legal clouds that threaten state and federal land management.

But there's a catch. Any new agreement that makes it easier for the state and counties to assert local ownership of rights of way on thousands of dirt roads and trails on federal land also will make it easier for local interests to block wilderness designation.

The reason is that under federal law, wilderness must be roadless. And since wilderness must be designated in 5,000-acre chunks of contiguous land, real estate that is carved into smaller pieces by dirt roads is not eligible.

Leavitt says the agreement simply sets up a procedure so that the federal government can more easily acknowledge county rights of way that are well established and that any fair-minded person would concede are maintained roads.

Though the governor's argument makes good sense, the secrecy that shrouded the state-federal negotiations has raised suspicions. The governor is not willing to disclose what rights of way in which counties will be the subjects of the new process, although the state has established an elaborate computer database to document them.

The agreement does not apply to roads that lie within existing wilderness areas set aside by Congress, or the 3.2 million acres of wilderness study areas that were designated before October 1993. However, wilderness advocacy groups have pushed Congress to set aside about three times that much wilderness in