

It's our land: Court confirms that the public has a voice in road dispute

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Not only governments, but groups interested in the environment and even ordinary people have a right to join in lawsuits that will decide ownership of roads on public lands.

Seems like a no-brainer, but it took a ruling of the 10th U.S. Circuit Court of Appeals to explain to San Juan County and the state of Utah that the public has a legitimate interest in how land owned by all Americans is used, and often abused.

The state and county are suing the National Park Service because it closed Salt Creek Road in Canyonlands National Park to four-wheelers that were damaging park land. The Southern Utah Wilderness Alliance tried to join the lawsuit, but government lawyers argued that only the two parties laying claim to the road had that right.

Excuse us, but to imply that ordinary citizens, the taxpayers who fund the federal and local agencies, have no legal interest is patently ludicrous. The public, and, by extension, the advocacy groups that go to court to protect the public's land, should not be excluded from seeking judicial redress.

We understand why some rural Utah counties see SUWA as the enemy in their fight to control the federal land that comprises so much of central and southern Utah. For its part, the environmental advocacy group rightly worries about overuse by motorized recreationists and overgrazing by ranchers. Too often, the battle is fought at the expense of a fragile desert landscape that is a national treasure.

Fortunately, the 10th Circuit ruled in favor of the public, the real owners of national park land.

The state and county have argued for the road to be reopened, based on Revised Statute 2477, a Civil War-era mining law that granted rights of way across public lands. Congress repealed the law in 1976, but existing claims were grandfathered in, setting the stage for road disputes that have raged ever since.

Courts have since ruled that roads consistently used before 1976 may be recognized as legitimate rights of way, but each individual roadway dispute must be resolved in court.

This ruling is important, because it can protect all Americans' right to help decide the future of the land that we all have a stake in protecting.

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