

Mark Habbeshaw
Kane County Commissioner

John Howe-Interviewer

Mark what is the purpose of the parade and rally today?

Mark Habbeshaw

I think it's a fairly complex purpose. The genesis of the rally was a rally that was held at the capitol associated with this past year's legislature that had a tremendous support by the public primarily because of the gas and oil restrictions that were applied Uintah County. Recent events under the Obama administration involving taxes and increased spending programs, public land decisions regarding restrictions to public land use. I'm not an organizer of the rally I'm a participant but I believe the purpose is to send a message to our state legislature, to the Governor and his administration, to have the confidence to do the right thing. To send a message to the Obama administration and public land managers that public access and balance and use of our public lands is important and there's a lot of representation from the tea party members that we don't want to carry the burden of additional taxation.

John Howe-Interviewer

What was the purpose of the Paria Canyon protest strike?

Mark Habbeshaw

The Paria Canyon is an interesting story because that road was a public highway before the turn of the century. There were communities in that Canyon under revised statute 2477, a public highway right of way established years and years ago. When there was a little bit of controversy about the Paria about a year and a half ago the county requested administrative determination as to the right of way before the federal government took any adverse action. That request, although it was appropriate under the law, was ignored by the BLM. However, after Obama was elected President and two environmental organizations, SUWA and the Wilderness Society submitted to the BLM a petition to close it, the BLM closed it. It was to protest that unfair action.

John Howe-Interviewer

What kind of problems is Kane County having regarding road closures?

Mark Habbeshaw

Kane County was the first local entity in the nation that the BLM took over our transportation system, Kane County and Garfield County. There was a difference between the two because the old Kane County commission allowed the Federal Government to put federal signs up with road numbers so that people could find their way was the reason he'd given. Shortly after that however restrictive and closure implementation started appearing on Kane County roads. Garfield County told the BLM to take down what few signs they had put up. The BLM has no signs in Garfield County and so there's a drastic difference between Kane and Garfield. That allowed the Federal Government to implement its closure restrictions only in Kane County and so we've had

to fight in the courts to try to take our roads back and we're still in that process.

John Howe-Interviewer

How does wilderness designation affect Kane County?

Mark Habbeshaw

Wilderness designation is extremely restrictive regarding multiple uses of our public lands, which is important both economically and culturally because it's our rural way of life. The monument tried to eliminate livestock grazing and we litigated all the way to the tenth circuit court of appeals on that issue. We technically lost that decision but we won the war in retaining grazing on the monument. Wilderness although it purports to allow grazing if you look at the history of most wilderness areas grazing is phased out at some point. Wilderness allows hiking by a few people, and that's really about it.

John Howe-Interviewer

What did you think about the creation of a grand staircase national monument? Was it done directly?

Mark Habbeshaw

I wasn't here but I've done quite a bit of studying on it. I lived in the area prior to the designation; I was in Montana when it was designated. But obviously a large portion of congressional membership disagreed with it because they issued a paper about how in their opinion it was illegal. The Utah Association of Counties and some of the Counties including Kane County litigated against the monument, but when it was denied at the tenth circuit level the counties dropped the lawsuit. That doesn't mean it was the right thing to do. It was done for political purposes. A two million acre monument, to protect the things that it protects was serious overkill.

John Howe-Interviewer

Who owns the public land?

Mark Habbeshaw

You know the lands of Utah and all the western states were slated for disposal to become private lands over a period of time. In nineteen seventy-six the Federal Land Policy and Management Act changed that. And Congress decided to retain those lands instead of dispose them. But in creating FLPMA-Federal Land Policy and Management Act, there were promises made. For instance to grandfather in all RS2477 rights of way. To be consistent with local planning. To continue the other traditional uses such as grazing as it was established by the Taylor Grazing Act. What's happened is every one of the promises to balance out the retention of the lands as opposed to disposal every one of those promises has been broken since nineteen seventy six.

John Howe-Interviewer

If you had an audience with Secretary Salazar what would you say to him?

Mark Habbeshaw

Well interestingly we just emailed a letter from the Kane County Commissioner to Secretary Salazar specifically about the RS 2477 rights of way. That's the predominant issue right now in Kane County. And in February Secretary Salazar issued a directive that his administration was not going to administratively recognize RS 2477 rights of way as they were granted by Congress, and the policy encouraged states and local counties to accept FLPMA title 5 permitted use rights of way which is a far lesser highway right. And we wrote him a letter pointing out the unfairness of that policy and asking him to reconsider that policy and consider the validity of those congressionally granted rights for counties to operate public highways across federally managed lands.

John Howe-Interviewer

How is the environmental community to work with?

Mark Habbeshaw

We can't work with them. When the monument management collaborated with the Grand Canyon Trust to permanently eliminate livestock grazing in the monument, although the proclamation pledged to protect existing levels of grazing. That's the lawsuit that went all the way to the tenth circuit. The Grand Canyon Trust and the monument changed their position from permanently eliminating grazing to saying that the Grand Canyon Trust was an exemplary new breed of rancher and that they intended to use those grazing permits for grazing purposes. That's how we lost the lawsuit but retained the grazing. SUWA and the Wilderness Society brought a lawsuit against Kane County over our efforts to protect our roads. Judge Campbell, US District Court Judge ruled against us in that case. We had our oral arguments before the tenth circuit on May 6th and we're awaiting a decision from the tenth circuit that will hopefully overturn the Campbell decision that temporarily ejected us from our historical county highways.

John Howe-Interviewer

Discuss the proposed Red Rock Wilderness Bill, and your reaction to it. Does more wilderness lead it?

Mark Habbeshaw

Well that proposes I guess over nine million and perhaps approaching ten million acres of wilderness in Utah. Under the auspices of congress the BLM inventoried the lands in Utah they identified 3.2 million acres that were worthy of wilderness preservation.

Mark Habbeshaw

The Wilderness Society and SUWA would like to see somewhere around 10 million acres in Utah. That's certainly not warranted. Wilderness is a reservation of the public lands and as I mentioned earlier, the limits are that you can hike it and that's really about it. Grazing is phased out, there's no motorized access, the handicapped, and the elderly can't enjoy those lands. The number of hikers as opposed to the number of Americans that want to visit those lands by a multitude of access means favors a wider access to those lands. Significantly wilderness doesn't protect the lands, in fact it endangers the

lands because the only way you can go in and protect the lands from beetle infestations or fuel overloads is with hand tools and we need to be able to get in with a multitude of tools to manage and protect those lands for the best benefit of our future generations. You know the wilderness advocates say that we need to protect those lands for future generations. What they're actually doing is locking those lands up from future generations and there are other designations that can keep those lands open and still protect them from abuse. I should also add Kane County has frankly given enough. We have about eighty percent, close to eighty percent of our public lands in Kane County are reserved and restricted. That only leaves a balance of slightly over twenty percent of our lands that we can use for multiple use economic benefit. Balance doesn't cry for additional wilderness so we would absolutely oppose additional wilderness in Kane County, not because we're against wilderness, but because there are already wilderness, study areas that we wouldn't necessarily object to becoming permanent wilderness but not at the figures that the environmentalists would like. We have the Glen Canyon NRA we have Zion National Park, we have Bryce Canyon and we have the Vermillion Cliffs Paria Canyon wilderness in Kane County. What few lands are remaining we need to keep open in a balanced way for a multiple use benefit of the public.

John Howe-Interviewer

What do you think should happen in the future and what will your course of action be?

Mark Habbeshaw

Well frankly, it may sound harsh, but this is a war for rural people, for state and local sovereignty, to protect what little sovereignty we have left as a rural people, to protect our traditions, our culture, and our ability to manage our lives with a diversified economy. You know the environmentalists have invested in some studies that say tourism is all we need and if we have a 9/11, tourism is a problem. With high gas taxes tourism is a problem. We need energy in America, we can safely extract energy and so an economy that is based on multiple use of our public land resources is appropriate and, and it's frankly a war to make the federal government accountable to our local needs and our local rights as an American people.

John Howe-Interviewer

Is wilderness important?

Mark Habbeshaw

Well wilderness is important. You know the folks that generated the idea of wilderness envisioned about a hundred thousand acres that would be set aside untrampled by man for a solitary experience with a backpack on your back, to feel nature as it was before Columbus came to America. And that level of wilderness is certainly appropriate but the level of wilderness that they're striving for now borders on ridiculous. Well that's-say it like it is.