



County Commissioners:

Keenan G. Ertel
Jim Candelaria
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County Administrator:

Shak Powers

Board of County Commissioners

December 29, 2020

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Connie Clementson
Tres Rios Field Manager
29211 Highway 184
Dolores CO. 81323.

Dear Mrs. Clementson;

The Montezuma County Board of County Commissioners is notifying you better to facilitate agency coordination regarding public lands access and management. Multiple historic public Right-of-Ways (ROW's) that traverse public lands within Montezuma County exist.

Montezuma County and the agencies share many common objectives concerning access to public lands. We believe that both parties are generally interested in expanding and improving public access to meet public demand and expectations. Interest in perfecting entry especially holds wherever private lands restrict public access.

The Board of County Commissioners has identified numerous routes under Revised Statute 2477 (Section 8 of the Mining Act of 1866) across Montezuma County. Montezuma County has been inventorying public ROW's since the county was founded in 1889, as documented through the Official Montezuma County Road Map. Green signed roads on the Official County Road Map today are recognized as official public ROW, and RS 2477 created most of those ROWs.

RS 2477 was a self-executing law. When the conditions were met, the right-of-way grant was made. No further action by the grantee or by Congress was necessary to validate it. Congress included no requirement for surveys, legal descriptions, or even maps.

Congress granted "public right-of-ways" under RS 2477, not roads. RS 2477 rights-of-way include many transportation routes besides roads. The legal definition of "highway" in the law means the frequently-traveled, periodically-maintained roads as we commonly associated with it and other kinds of public right-of-ways, including carriage-ways, bridle-ways, footways, trails, bridges, and even railroads, canals, ferries, and navigable rivers. The essential element in defining "highway" is that the public has the right to come and go at will, regardless of the

manner. Montezuma County affirms that the inventory of historic public ROW's, absent formal abandonment process, is still considered a public highway today

The Montezuma County Road Map provides the most current inventory of public ROWs recognized and accepted by Montezuma County and identifies the underlying administrative agency, entity, or individual. The Montezuma County Road Map is updated and revised annually based upon the best information available. There may be additional routes in Montezuma County, across public and private lands not represented on the current Official Montezuma County Road Map and its amendments. Research on Historic public ROW's will continue to be conducted as necessary or as new information is uncovered.

On June 18, 2018, the Montezuma County Commissioners adopted Resolution 8-2018; County rights-of-ways established over public lands under R.S. 2477. Resolution 8-2018 inventoried, formally recognized, and accepted 20 historic public rights-of-ways across lands administered by the United States Forest Services et al.

On December 15, 2020, under Resolution 24-2020, the Board of County Commissioners inventoried, formally recognized, and accepted an additional 105 historic public rights-of-ways across lands administered by the BLM, and 33 routes over lands administered by the USFS et al.

Resolution 24-2020 amends Resolution 8-2018 and adopts the map entitled; Exhibit-1 Montezuma County Rights of Ways over Public Lands under R.S. 2477 as an amendment to the Official Montezuma County Road Map.

The Historic Public Rights-of-Ways established under RS 2477 include many well-known and well-traveled routes that the BLM and USFS will surely recognize. The inventory also includes many lesser-known, lesser-used routes, which are never-the-less still public rights-of-way. Frequently used or not, the routes identified should be considered public rights-of-way, and The agencies should consider routes indicted on the map Exhibit 1 as essential to Montezuma County and the general public.

Under the Federal Lands Management Act federal land management agencies are directed to do the following;

1. Keep appraised of State, local and tribal land use plans;
2. Assure that consideration is given to local plans when developing a federal plan, policy or management action;
3. Provide early notification (prior to public notice), to local government of the development of any plan, policy or Action;

4. Provide opportunity for meaningful input by local government into development of the plan, policy or Action; and
5. Make all practical effort to resolve conflicts between federal and local policy, and reach consistency.

Resolution 24-2020 identifies public ROWs that are important to Montezuma County and require an agency to agency coordination when making management decisions on the specified routes to resolve conflicts and reach consistency between our respective plans.

It is our hope that identifying the important Historic Public ROWs in Montezuma County will lead to more thorough and meaningful coordination effort with the federal agencies, and ensure that valid existing rights are respected and protected as directed by Congress.

The Montezuma County Board of County Commissioners

Keenan G. Ertel

Larry Don Suckla

Jim Candelaria

Attachments;

1. Resolution 8-2018
2. Resolution 24-2020
3. Exhibit 1; Montezuma County Rights of Ways over Public Lands under R.S. 2477 (map)
4. Exhibit 2; Rights of Way over USFS Lands under RS 2477 (table)
5. Exhibit 3; Rights of Way over USFS Lands under RS 2477 (table)
6. Exhibit 4; Rights of Way over USFS Lands per Res. 8-2018 (table)