

County seeking easements on forest roads

Approval would quiet dispute over ownership

Alan Wartes
Times Staff Writer

Gunnison County Commissioners have approved a plan to seek limited easements from the U.S. Forest Service — under the Forest Roads and Trails Act (FRTA) of 1964 — on five roads in the county. They include Brush Creek Road, Gothic (or Schofield Pass) Road, Quartz Creek Road, Slate River Road and Waunita Road.

“These are roads that we believe are county roads and that they predated the Forest Service (claim of ownership),” said Gunnison County Manager Matthew Birnie. “It’s a dispute, but not an acrimonious one, at least not for us. Other counties have lawsuits against the Forest Service over similar situations.”

According to Birnie, there are two paths available to counties wishing to claim ownership or control over disputed roads. The first is to make use of Revised Statute 2477 — which allows counties to regain a road presently owned by the federal government, provided they can prove it existed as a public road prior to the creation of federal boundaries.

That approach has significant disadvantages, Birnie said.

“The problem with that is even if we prevail in court —



Times file

Gothic Road is among routes for which Gunnison County is seeking easements from the U.S. Forest Service that would codify the county’s right to maintain the road and manage traffic.

“The easements would not allow the county to substantially change the road as far as where it lies right now. The Forest Service still retains ownership of the underlying property, but (with an approved easement) the county now has authority to operate and maintain the surface.”

Ben South

and prevailing has not been very common for local governments — you have to prove what the historic profile of the road was, and then that’s all you can claim ownership of now,” said Birnie. “So for instance, for Gothic Road we’ve got maps showing that it predated the national forest creation, but it’s a two-track wagon road. So we’d

be able to claim eight feet of an easement, but not the width of the road as it exists today.”

The other approach is to seek FRTA easements — which essentially “codifies” the county’s right to maintain the current road and to manage traffic, without transferring actual ownership. Such an agreement can achieve most of what the

county desires — and avoid a lengthy, costly and potentially unsuccessful legal battle with the Forest Service. The easement also does not prevent the county from asserting RS 2477 rights in the future.

Ben South, an easements specialist at the Forest Service Gunnison Ranger District, said FRTA easements are com-

mon on Forest Service lands. According to South, FRTA easements grant wide authority to maintain and manage the roads, but specifically do not allow the county to significantly alter them.

“The easements would not allow the county to substantially change the road as far as where it lies right now,” said South. “The Forest Service still retains ownership of the underlying property, but (with an approved easement) the county now has authority to operate and maintain the surface.”

Birnie said the easements will not create additional local obligations or expense, since the county already maintains the roads in question. However, in the case of Gothic Road — where travel management in response to overcrowding has recently been an issue of public concern — the easement could allow the county greater flexibility in crafting solutions.

“I don’t know that it gives us any new tools, but it at least clarifies that we have the tools we thought we had, which is, we can manage that road,” said Birnie.

“These easements are a good way for the service and counties to cooperate on road management and traffic management,” said South. “The service likes to do this as much as possible, to have citizens involved in how these roads are used.”

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Pathway to Abundant Life

Priorities

We have all struggled with the demands of a hectic schedule. How do we find time to meet all of the competing interests in our lives? In an attempt to accomplish an increasing number of activities and tasks, we examine our calendars hoping to locate some yet undiscovered time slot. Can we really juggle everything?

When it comes to money, it really is no different. How do we make ends meet financially? Is there ever enough cash in hand to do everything we desire? Just as with our calendars, so too our cash flow seems to be strained to the max. Can we really “have it all”?

In reality, the perceived lack of time and money in our lives is often the result of failing to set and keep priorities. Just as an archer tends to hit their intended target, we also can intentionally find time for the activities and expenditures that truly matter to us. Once we have determined what is most important to us, with a little practice, we can begin to align both our

time and financial resources in a way that brings significance to our lives.

The Bible says that there is a time for every purpose under heaven. Balance between rival interests is found by discerning what the priorities are for the season in which we are living and setting boundaries that allow us to keep those priorities at the forefront of our lives. Old or young, rich or poor, we all have to develop an understanding of and a focus upon the aspects of our lives that are most meaningful to us. Once we do that, we are much better able to insure our time and our money go where we want them to go.

How about you? Have you set priorities for this season of your life? If not, consider stepping out of the busyness and reflect on what you really value. The time you take to step back, focus your aim, and follow through on what brings meaning to your life will be time well spent.

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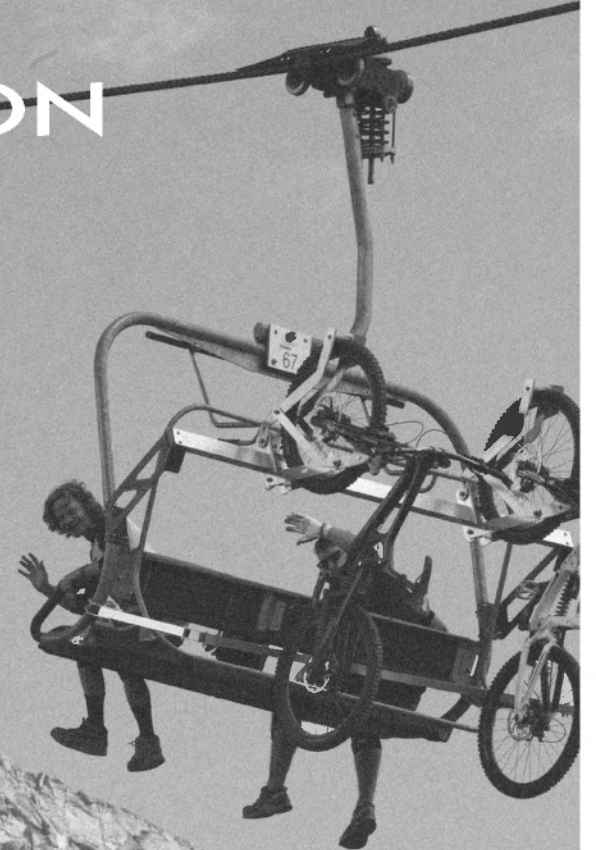


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