

September 10, 2015

**Notice of Appeal-BLM Grand Junction, CO RMP/TMP**

BLM, Colorado State Office  
Division of Energy, Lands, and Minerals (CO-920)  
2850 Youngfield Street  
Lakewood, CO 80215

**Statement of Reason**

The attached recorded access easement (Latham/Willow Spring) is from the Colorado Parks and Wildlife and was recorded in 1966. The public access easement provides motorized access to the routes the Grand Junction BLM is calling G142, G148 and G150. The BLM is proposing closing G148 and G150 by converting them to Administrative or Closed routes. The routes are located in Mesa and Garfield County.

These routes were clearly built prior to the passage of FLPMA in 1976. Additionally, these motorized routes are a legal public highway based on Colorado Revised Statutes 43-2-201, 29-20-104, and 43-1-202. Closing/restricting these routes would be a violation of Section 509 and 701 of FLPMA, as it would be a **limitation** on State Statutes and is **depriving** the County (political subdivision) its jurisdictional rights. These actions by the BLM are amending, limiting, and infringing the existing laws providing grants or Rights of Way across our public lands.

Section 701 (g) (h) "All actions by the Secretary concerned under this Act shall be subject to valid existing rights. Please also refer to the 1997 Appropriations Act passed by Congress. This Act limits the BLMs ability to manage RS 2477 granted routes, closing a RS 2477 route would be a management decision and violation of the 1997 Act.

The BLM tells us based on the United States Court of Appeals 2005 decision, in SUWA vs BLM, that the County/State must take the BLM to court to reopen an RS 2477 route. This is not accurate; here is the judge's quote from the case pertaining to the BLM's ability to make "administrative decisions" regarding RS 2477 grants. "This does not mean that the BLM is forbidden from determining the validity of R.S. 2477 rights of way for its own purposes. The BLM has always had this authority. It exercises this authority in what it calls "administrative determinations." By ignoring the state/federal laws in place the BLM is acting in an arbitrary and capricious manner.

Colorado BLM public lands are not a Federal Enclave and the BLM holds only a Proprietary Interest level of legislative jurisdiction over 97.2% of the state's public lands. All routes established on unreserved public lands prior to the passage of FLPMA, that meet the definition of a public highway based on state law, are under the authority and jurisdiction of the State and County.

Respectfully,



Recorded at 9:40 A.M.  
Reception No. 236035

September 26, 1966  
Chas. S. Keegan, Recorder.

RIGHT-OF-WAY EASEMENT

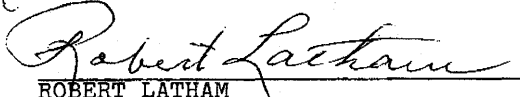
THIS INDENTURE, made this 19<sup>th</sup> day of Sept, 1966  
between John Harvey Latham and Robert Latham of DeBeque,  
Colorado, being the owners of the hereinafter described parcel  
of land in Garfield County, State of Colorado, for and in con-  
sideration of the sum of One Dollar (\$1.00); do hereby give,  
grant and quit-claim unto the State of Colorado for the use and  
benefit of the Game, Fish and Parks Commission, an easement or  
right-of-way, thirty (30) feet in width for access by the public  
during open hunting seasons to the public domain, upon and across  
the presently existing road located on the following described  
lands, lying and being situated in Garfield County, Colorado,  
to-wit:

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ )  
of Section Thirteen (13) in Township Eight (8) South,  
Range Ninety-nine (99) West of the Sixth Principal  
Meridian.

TO HAVE AND TO HOLD the said easement or right-of-way unto  
the said State of Colorado for the use and benefit of the Game,  
Fish and Parks Commission, for public road or highway purposes  
so long as the same shall be so used by the State of Colorado for  
the use and benefit of the Game, Fish and Parks Commission, or  
its successors.

IN WITNESS WHEREOF, the parties have hereunto set their  
hands and seals the day and year first above written.

  
JOHN HARVEY LATHAM

  
ROBERT LATHAM

STATE OF COLORADO )  
COUNTY OF Meas ) ss.

The foregoing right-of-way easement was acknowledged

me this 19<sup>th</sup> day of September, 1966

John H. Latham

Witness my hand and official seal.



Maxine A. Allen  
Notary Public

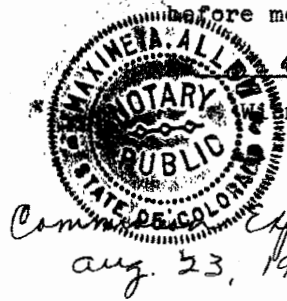
STATE OF COLORADO )  
COUNTY OF Meas ) ss.

The foregoing right-of-way easement was acknowledged

before me this 19<sup>th</sup> day of September, 1966

Robert Latham

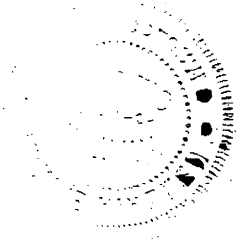
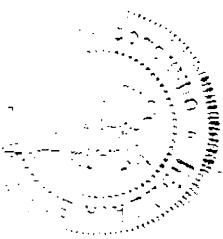
Witness my hand and official seal.



Maxine A. Allen  
Notary Public

236035

*D*



STATE OF COLORADO }  
County of Garfield }

This instrument was filed for record in  
my office at 9:45 o'clock A M.  
SEP 26 1966 and is duly  
recorded in Book No. 379 Page No. 179

Oliver S. Kelley  
Recorder

Don A. Bess Deputy

Department of Game Fish  
and Parks,  
6060 Broadway  
Denver - Colo. 80216