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BLM: Opening closed road would improve access to 50,000-plus acres

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A Bureau of Land Management official has testified that if a road west of De Beque is opened to the public, it would improve access to more than 50,000 acres of BLM-managed land.

Wayne Werkmeister, associate field manager for the BLM's Grand Junction Field Office, offered the estimate last week in a federal trial to determine whether Garfield County Road 200 is a public or private road.

A locked gate on the road has been in place for decades. After the county ordered the High Lonesome Ranch in 2015 to unlock it, the ranch sued the county. The case was transferred to federal court after a state 9th Judicial District Court judge ruled that the BLM should be made a party to the case because the road would provide access to public land. It also would access BLM roads.

Although the ranch named the BLM as a defendant in the federal suit, the agency hasn't taken a position on whether the road in the Dry Fork Valley near the Mesa/Garfield county line should be reopened to the public.

"It is not our authority to have a position on private property, your honor," Werkmeister told Judge R. Brooke Jackson of the U.S. District Court of Colorado during testimony last week.

Werkmeister had told Jackson the BLM has a mission of getting the public as much access to public lands as possible while protecting resources, leading Jackson to ask if would be good thing for public-land access for County Road 200 to be public.

“Absolutely,” Werkmeister said.

But he said the view of courts and Congress is that the BLM doesn’t have authority over to take a position on such matters.

The BLM acreage Werkmeister referred to can currently be reached by nonmotorized means such as on foot or horseback, but a lot of the access is via steep and rugged terrain.

“If somebody wanted to drive in there and have a picnic, no luck?” Jackson asked Werkmeister.

“It’s currently not acceptable,” Werkmeister said.

The trial took place all last week with testimony ending Friday. Attorneys will be making written filings with Jackson in coming weeks before he makes a decision in the case.

Garfield County maintains the road historically long was used as a public road, and Jackson said that in his view the evidence overwhelmingly supports that.

“The question to my mind is did the county somehow by its conduct abandon the public nature of that road,” he said.

An attorney for the ranch argues that the county showed intention to abandon the road. The ranch maintains opening it would expose the ranch to trespassing and possible legal liabilities.

Although Jackson seems persuaded that the road was long used by the public at one time, he also alluded to how long it took for the county to act on the matter once public access was barred beyond the locked gate.

“Your client is a bit of a Johnny-come-lately,” he told an attorney for the county. “They’re like Rip Van Winkle, and now they have awakened.”

He also alluded to the role Mesa County resident and public-access advocate Brandon Siegfried played in helping persuade Garfield County to push for the road’s opening.

“Mr. Siegfried poked the bear, the hibernating bear,” Jackson said.

Siegfried said in an interview the evidence is overwhelming that to abandon the road the county would have to go through a road-vacation procedure, which it hasn’t done.

Having visited the BLM acreage in question the hard way, on foot, he looks forward to the prospect of it possibly becoming easier for the public to see it.

“It’s awesome scenery up there, there’s some unbelievable views that every Mesa and Garfield County resident should be able to enjoy. It’s a really neat area back there,” he said.

Dennis Webb