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County wins, judge orders ranch to open road outside De Beque

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A federal judge has ordered a guest ranch to remove a locked gate on Garfield County Road 200 outside De Beque after agreeing with the county that it is a public road, a decision that improves public access to tens of thousands of acres of federal land.

Judge R. Brooke Jackson with the U.S. District Court of Colorado has sided with Garfield County in its effort to get the High Lonesome Ranch to unlock the gate on the road, also called North Dry Fork Road, about 20 miles northwest of De Beque. He ruled that road, and Middle Dry Fork Road, also accessed beyond the locked gate, are public roads.

Jackson's ruling follows a recently concluded trial. He said in his ruling that virtually all of the land situated on each side of the disputed parts of the roads is owned by the ranch, but there are between 50,000 and 90,000 acres of Bureau of Land Management beyond that private land. While the BLM land can be reached via a four-wheeler route heading from Fruita or a hike of 45 to 90 minutes up a ridge, it is far more accessible via the roads, Jackson indicated in his ruling.

High Lonesome Ranch is a high-end recreational operation offering hunting, fishing, horseback riding and other activities. It has kept a locked gate across North Dry Fork Road since at least 1996. Garfield County commissioners in 2015 ordered the ranch to unlock the gate, having been encouraged by Mesa County public-access advocate Brandon Siegfried. The ranch then sued to challenge the county's order.

It says it is worried about potential trespassing and legal liability issues if the gate is unlocked.

Reflective of much of the trial testimony, Jackson's 68-page ruling offers a detailed history of the area in question, including activity by homesteaders and the mining industry. Jackson agreed with the county that based on their early use, the roads became public rights of way under provisions of Revised Statute 2477, an 1866 federal law. Though R.S. 2477 was repealed in 1976, rights of way established based on the statute before then are preserved, Jackson wrote.

He also ruled that the roads long ago became public based on a state law through their use for at least 20 consecutive years. Jackson also found that the county never acted to abandon the roads.

"This may seem a counterintuitive outcome for those observing that the High Lonesome Ranch and its more recent predecessors, not the county, have controlled, improved, and maintained the roads over the last few decades," Jackson wrote. "But law often runs contrary to our modern expectations. In Colorado it is far easier for a road to become public than for it to cast off its public status. This reality in part reflects the historic importance of public land, and the right of everyday citizens, not just the privileged, to travel freely and to enjoy the great landscapes of this state."

Garfield County Attorney Tari Williams said in an email she is gratified with the result of the trial "and pleased about what this means for the citizens and visitors to Garfield County. Credit has to go to the commissioners who stood by their commitment to public access to public lands and in so doing revived the rich and interesting history of the Dry Fork Valley. Although use of the land has changed over the past 100-plus years, its beauty remains. Going forward, we are confident that the public will be able to enjoy this asset while observing and respecting the interests of the adjacent private property owners."

Grand Junction attorney Sam Starritt, who represented the ranch in the trial, said he thinks the ruling “is a problematic decision for landowners across the West.”

“We’re very seriously considering our appellate rights,” he said.

As for what that could mean for the order to remove the gate, Starritt said the ranch will be allowed “a reasonable period of time to comply with the court order,” and could ask for a stay of any order on appeal.

Siegfried, “Personally I think it would be a waste of time to appeal, but that’s their right.”

He credited Garfield’s commissioners, and particularly Commissioner John Martin, who testified in the trial, for their efforts in the case. “Without Garfield County’s leadership this does not happen at all, so congrats to them and much appreciation,” Siegfried said.

Dennis Webb