

PLANNING DEPARTMENT

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RESOURCE MANAGEMENT AGENCY

DAVID PRICE III, RMA DIRECTOR

Community Development Program Department

Engineering & Survey Services Department

Environmental Health Services Department

Planning Department

Roads Department

dm 4

February 19, 2002

DOCKET	
09-AFC-09	
DATE	FEB 19 2010
RECD.	MAY 21 2010

TO THE BOARD OF SUPERVISORS

RE: Resolution Asserting County Road Rights-of-Way created under United States Revised Statute 2477 throughout Kern County

Dear Members of the Board of Supervisors:

On January 23, 2002, The Board of Supervisors referred a letter from a Mr. Dave Molinari to the County Administrative Office for response. Mr. Molinari was requesting that the County assert its United State Revised Statute (R.S.) 2477 rights to protect various roads and trails on federal public lands that are used by the public and others in Kern County. The Planning Department is responding to this referral and other requests received from the public in the administration of the County's Home Rule Program.

R.S. 2477 was passed by Congress in the Act of July 26, 1866 to encourage settlement and development in the Western States. This statute granted rights-of-ways for roads/highways over public land that had not been reserved for public uses. In this County, predominately in desert areas, numerous road rights-of-way were acquired between 1866 and October 21, 1976, when the statute was repealed by the Federal Land Policy and Management Act (FLPMA). These routes have been essential for transportation and public access. Search and Rescue, fire protection, resource management, health and law enforcement personnel have relied upon these access routes to carry out their respective important public functions. Public access along these desert and forest routes of travel are important for economic viability as they provide access for mining, mineral extraction, and various recreational uses.

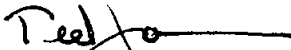
As the Bureau of Land Management and the U.S. Forest Service have formulated large-scale regional planning efforts, such as the West Mojave Plan and amendments to the Sequoia National Forest Plan, they have proposed closure for routes that have valid R.S. 2477 rights. This is contrary to the County's Home Rule Resolution that was adopted by the Board in 1994 to protect the rights of the users of public lands. The attached resolution is intended to assert and affirm to the Bureau of Land Management, the U.S Forest Service and others, the County's

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position that R.S. 2477 rights-of-way exist for many traveled routes in the County and should, accordingly, be kept open for travel for the same necessary purposes and uses that have taken place for many years.

IT IS RECOMMENDED that your Board adopt the attached resolution

Sincerely,



TED JAMES, AICP, Director
Planning Department

TJ:LHO:jb

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Attachments

cc County Administrative Office
County Counsel
Roads Commissioner
Sheriff
Fire Chief
Senator Boxer
Senator Feinstein
Congressman William M Thomas
Congressman Calvin M Dooley
BLM, California State Office
BLM California District Office
Secretary Norton
Secretary Veneman
Forest Supervisor Gaffrey
Resource Management Agency
Grand Jury

From: Bill Maddux <maddux@ridgenet.net>
To: <jonm@co.kern.ca.us>
Date: Tue, Feb 12, 2002 8:26 PM

To: Supervisor Jon McQuiston
Subject: Request to Kern County Board of Supervisors

<i>Received by Clerk of the Board</i>	
<i>Additional Material for</i>	
<i>Board Agenda Date of:</i>	<i>Item No.</i>
<i>Tues. Feb. 19, 2002</i>	<i>PM 4</i>
SD 1 ✓	CAO ✓
SD 2 ✓	County Counsel ✓
SD 3 ✓	<i>Planner</i>
SD 4 ✓	_____
SD 5 ✓	_____

Dear Supervisor McQuiston and members of the Kern County Board of Supervisors,

I have lived in the Ridgecrest area since 1960. With an increasing frequency, more roads are being close to public access. Without a doubt, some areas should be close to protect truly endanger species. But too often, faulty science is being used to close roads. I am rapidly approaching the age of 66 and due to two knee operations and a back operation, I can no longer backpack nor hike for an extended period. I would like to take my grand children to the places I have enjoyed, but can no longer access due to road closures. The extreme environmental groups say that they are protecting areas for future generations. How about my generation, my children's generation and my grand children's generation? The radicals want the roads closed for all times.

The so called California Desert Protection Act (CDPA) is a travesty. At present there are many areas which has not see mankind since 1994 when the CDPA was passed. This is due to the simple fact that a person cannot carry adequate water to hike in and out of some of these wildernesses.

The State of Utah, numerous counties in New Mexico and Idaho, and San Bernardino County has asserted their R.S. 2477 Rights of Way. I urge you to press for Kern County to assert our R.S. 2477 Rights of Way. Public lands must be returned to the people.

Thank you

William R. Maddux
 2029 So. Downs

CC: Congressman Bill Thomas
 Ron Schiller, HDMUC

From: "Merk, Sophia A" <MerkSA@navair.navy.mil>
To: "jonm@co.kern.ca.us" <jonm@co.kern.ca.us>
Date: Wed, Feb 13, 2002 4:43 PM
Subject: Request

<i>Received by Clerk of the Board</i>	
Additional Material for	
Board Agenda Date of:	Item No.
<i>Wed, Feb. 19, 2002</i>	<i>PM 4</i>
SD 1 ✓	CAO ✓
SD 2 ✓	County Counsel ✓
SD 3 ✓	<i>Planning</i> ✓
SD 4 ✓	_____
SD 5 ✓	_____

Date: 13 Feb 02 To: Supervisor Jon McQuiston jonm@co.kern.ca.us From: samiam@iwvisp.com Subject: Request to Kern County Board of Supervisors Dear Supervisor McQuiston and members of the Kern County Board of Supervisors, Everyday I am reading that this trail, or road, or section of land, or thousands of acres of public land are being closed. These closures are being justified by the extreme environmental community to be protecting these areas for future generations, or to protect an endangered or threatened species, or to protect a bio region, when in fact they are only promoting their main agenda of closing all recreation off of the public lands. Many of the endangered or threatened species on federal or state lists are not based in good science, and are merely surrogates to further that agenda. I have been a responsible vehicle based recreationist for over 30 years. When my elderly father was dying his wish was to see the desert flowers. So a toyota camry became the vehicle of choice for what "armchair environmentalists" call an off road vehicle. The wholesome picture of a family out camping, hiking, fishing, exploring, and spending quality time together is becoming endangered. There are now roads and trails on the public lands with closed signs in the middle of the road, because the area behind that sign is now wilderness, and I'd like to know for what? The California Desert Protection Act was a death blow to recreation on the desert, and yet the environmental community was not happy with that large land grab. They are now trying to fill in the gaps, and are also working towards getting more land into wilderness in the Sierras and other mountain ranges. Roads and trails that suddenly end at a wilderness boundary need to be taken back. Responsible recreation needs to be taught. Getting along with other users needs to be taught. We don't need and don't want more road and land closures. I hereby am asking that you follow the lead of the State of Utah, and the California County of San Bernardino and file for all of Kern County's R.S.2477 Rights of Way. The only way I can see that the recreating American public can ever slow down this environmental juggernaut of land closures and ever increasing wilderness areas, is for all states and all counties to file assertions on these R.S.2477 Rights of Way. I am hoping that Kern County will be a leader for other counties in our state to assert their R.S.2477 Rights of Way. I would appreciate being advised of the progress of the Supervisors on this matter, when they decide to proceed, and of any public meetings that might be of interest. If you need more letters requesting or supporting the assertions, please advise me, and I will help out in any way that I can. Thank you for your valuable time. I will also mail you a hard copy of this letter. Sincerely, Sophia Anne Merk (SAM) 2062 Mikes' Trail Road Ridgecrest, CA 93555 760-375-3181 CC: Congressman Bill Thomas Ron Schiller, HDMUC



RESOURCE MANAGEMENT AGENCY	
<i>Additional Material</i>	
for	
<i>B/S Agenda Date</i>	<i>Issue No.</i>
<i>February 19, 2002</i>	<i>4</i>
Clerk of the Board	S.D.1
CAO	S.D.2
County Counsel	S.D.3
Grand Jury	S.D.4
Media	S.D.5

CALIFORNIA ASSOCIATION OF 4 WHEEL DRIVE CLUBS, INC.

NATURAL RESOURCES CONSULTANT

Jeri Ferguson
9835 Duncan Rd
Victorville, CA 92392
760-956-2783/Jeriferg@aol.com

Kern County Planning Department
Lorelei H. Oviatt, AICP
2700 "M" Street
Bakersfield, Ca 93301

Dear Lorelei,

2-18-01

As the Natural Resources Consultant for the California Association of Four Wheel Drive Clubs (CA4WDC), would like to thank you for letting us know that there is a proposal for Kern County to make a resolution for Asserting County Road Rights-of-Way created under United States Revised Statute 2477 throughout Kern County.

Roads are very important to our sport/hobby and we have been fighting as an organization since 1952 to keep roads open. The potential loss of county ownership and interest in lands with out compensation to your county is a great concern to your constituents. Federally owned lands constitutes as much as 90% or more in some counties, the loss of access rights have had substantial impacts on the day-to-day activities of citizens and visitors. The loss of recreational opportunities is of utmost importance to our organization, with 3.9 million California families involved in OHV activities.

CA4WDC supports your resolution to Assert County Road Rights-of-Way under RS2477 and will help in anyway we can to proceed with your process.

Respectfully yours,

Jeri Ferguson

CC: Dave Douglas, CA4WDC President