

**Board of Supervisors
County of San Bernardino**



DENNIS HANSBERGER
CHAIRMAN
SUPERVISOR, THIRD DISTRICT

May 14, 2004

Mr. Howard Gross
P. O. Box 1836
Yucca Valley, CA 92286-1836

Dear Mr. Gross: *Howard*

Thank you for your comments concerning R.S. 2477 and the Mojave National Preserve. I am always grateful hearing from residents in the 3rd Supervisorial District about issues which concern them.

San Bernardino County contains nearly 10 million acres of public lands managed by a variety of federal agencies consisting primarily of Bureau of Land Management (BLM), National Park Service (NPS), and the U. S. Forest Service (USFS). Approximately 8.9 million acres is made up of Public Domain lands (approximately 7 million acres) managed by the BLM and National Parks lands (approximately 1.89 million acres) managed by the National Park Service (collectively referred to as the public lands). With the vast amount of federal public lands within our County, access to these lands is an important issue for both County residents and visitors.

The County has much at stake with regards to the public lands access issue and has a responsibility to ensure that there is an adequate public road network to meet the current and future interests of its residents. The Board of Supervisors has generally considered the need to ensure reasonable access to private property within the public lands and the need to provide access for economic pursuits as an important role of local government.

Because of the large number of routes on public lands in the County, during the 1990's the Board of Supervisors reserved all rights under the statue within lands managed by the BLM and the NPS to preserve the County's rights to maintain important access routes. In fact, when Congress established the National Parks and Preserve within the California Desert Conservation Area, it specifically provided for the preservation of "valid existing rights."

Rights-of-way established under R.S. 2477 have been clearly recognized as being one of the rights protected.

While the federal government provided the opportunity to local government to assert certain rights, there was no mechanism in place to make the appropriate determinations on individual

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routes of concern. In 2003, the U. S. Department of the Interior (DOI) adopted a process and regulations for handling specific claims for rights-of-way. Review of road rights-of-way could result in the granting of a "recordable disclaimer". The regulations to implement this process call for an application to be submitted to obtain the disclaimer.

The Department's procedure has two fundamental requirements: the route must have existed prior to October 21, 1976; and any right-of-way established and formalized is limited to the size that existed at that time.

Thus, even for backcountry routes, no rights can be acquired beyond what exists now, and no new routes can be considered nor can any expansion take place without separate application and consideration under a different set of statutes and regulations.

Under this new procedure, the County has chosen to pursue only a single route at this time. The route of concern is not in the Mojave Preserve. The route, commonly known as Camp Rock Road, is a prominent local road and very important for travel between Lucerne Valley and Daggett in addition for access to extensive areas of public lands managed by the BLM. This road has been maintained by San Bernardino County for more than 70 years due to its significance to local residents and visitors alike. I believe that Camp Rock Road is an excellent example of the type of access routes that the County has interest in preserving.

The Board of Supervisors recognizes the value of the Mojave Preserve and continues to work with the NPS on issues of mutual interest. I can assure you that the Board will be very judicious in making decisions to pursue additional County rights-of-way over federal public lands.

Again, thanks for writing me about this important local and federal government issue. If you have any questions, please contact me.

Sincerely,



DENNIS HANSBERGER
Chairman
Supervisor, Third District