

NEWS

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SAN BERNARDINO COUNTY

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Landmark pact secures access to roads on federal lands

In a groundbreaking legal victory more than five years in the making, the County of San Bernardino this week secured public access on roads in and around the Mojave National Preserve.

The County sued the federal government in October 2006 to establish rights-of-way on 14 roads maintained by the County for decades to ensure they would remain open to public use. The federal government eventually agreed to keep the roads open for vehicular traffic as well as assume maintenance for roads located within the preserve consistent with the preserve's General Management Plan. The County will continue to maintain two roads on the edges of the preserve located on U.S. Bureau of Land Management property – Nipton Road and Goffs Road.

The agreement also met with the approval of three environmental advocacy groups that had joined the suit as interested parties by protecting resources the groups claimed are rare and threatened, including the desert tortoise, the Kelso Dunes, and bighorn sheep.

"This landmark decision ensures public access to our beautiful desert," said Board of Supervisors Chair Josie Gonzales. "We greatly appreciate the federal government and the environmental community for their cooperation in this matter. Together we have created a legacy for the people who live in the County as well as those who come here to enjoy our natural treasures."

The vast Mojave National Preserve takes in 1.6 million acres between Interstates 15 and 40 just west of the Nevada State Line.

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The basis of the County's lawsuit was an 1866 law known as R.S. 2477, which was intended to ensure public access through federally owned land. The law was repealed in 1976, so the County had to demonstrate that it had held and maintained the roads prior to that date.

The County and federal government negotiated for several years before the federal government agreed to the settlement, which recognizes that the County has established RS2477 rights over nearly all the roads at issue in the lawsuit. The settlement acknowledges the existence of County rights of way as the roads presently exist, not as they did in 1976. The federal government also agreed to enter into talks with the County to discuss safety improvements to the roads, most-significantly the installation of call boxes in areas where wireless telephone reception is poor.

The parties believe that this is the first such negotiated settlement of an RS 2477 lawsuit in the nation.

The County did not seek any monetary damages. However, the County expects to save \$53,000 per year by no longer having to maintain roads within the preserve.