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DATE: March 28, 2022

TO: Staff, Colorado State Land Board, attn: Greg Ochis, Assistant Director, Chris Smith, Real Estate Section Manager, *submitted via electronic mail, return receipt requested, at [greg.ochis@state.co.us](mailto:greg.ochis@state.co.us) and [christopher.smith@state.co.us](mailto:christopher.smith@state.co.us)*, courtesy hard copy via U.S. mail

RE: Federal In-Lieu Lands Resolution, identification of designated rights-of-way in Ouray County, following December 9 State Land Board meeting

Dear Mr. Ochis and Mr. Smith,

This informational memorandum from Ouray County is prepared in response to the [State Land Board Order 2021-067](#), which states:

After consideration of the materials presented and testimony given at its regular meeting of December 9, 2021, the [State Land] Board determines that it is in the best interest of the trusts to accept the transfer of ownership of 17,732.79 +/- acres of land and associated minerals statewide and subject to existing designated rights of way from the Bureau of Land Management as full settlement of the Federal In Lieu Lands debt incurred at statehood.

The Board delegates authority to the Director to draft an order and take appropriate action consistent with the Board's decision.

As you know, Ouray County presented extensive written and oral comments regarding preservation and recognition of existing designated rights-of-way at the December 9, 2021 State Land Board meeting. I wanted to thank you both for your suggestions during

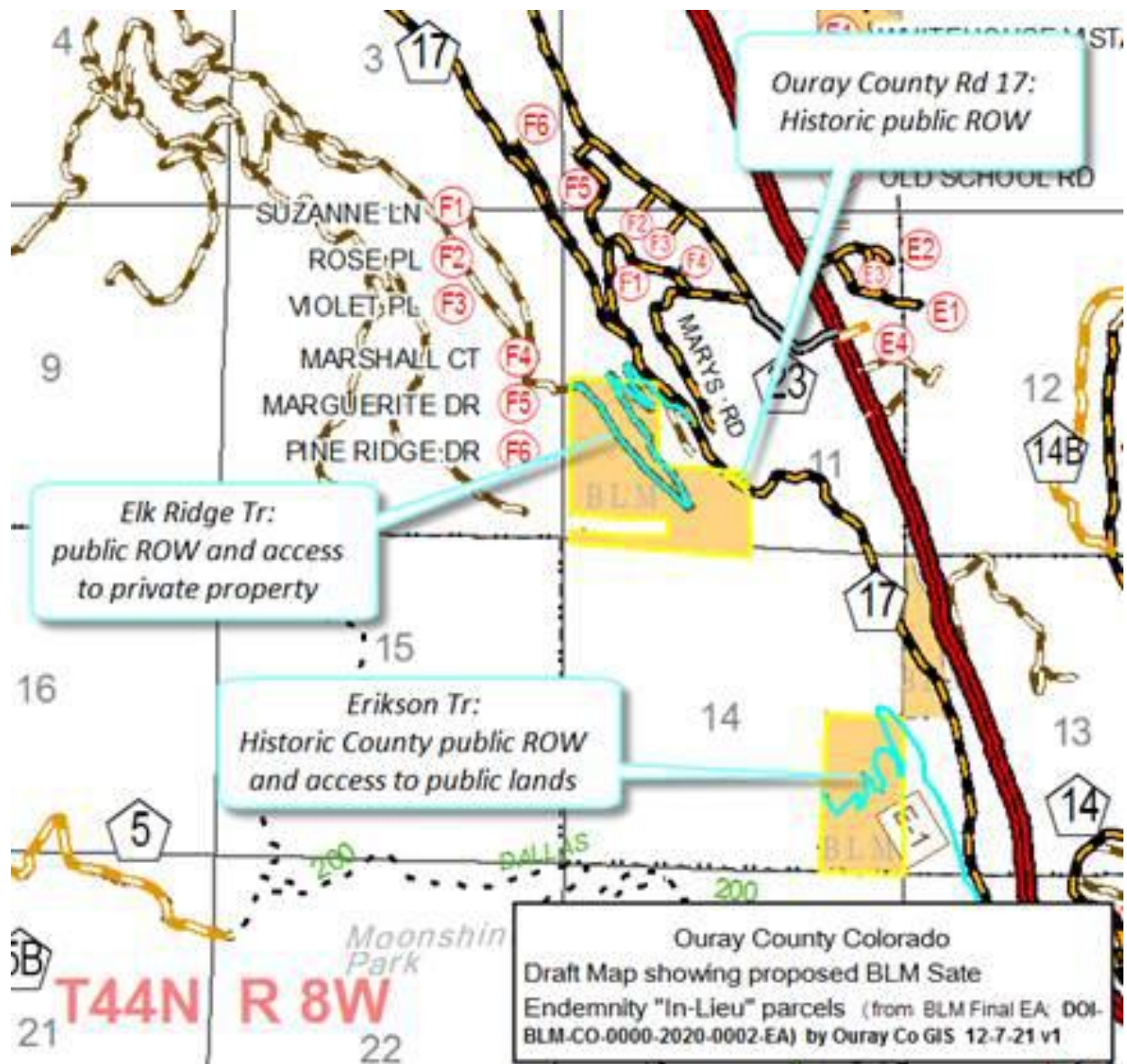
that meeting which ultimately produced such a great collaborative resolution, without any kind of BLM appeal process from Ouray County. This was a good result for both the State's system of school trust lands, along with Ouray County's citizens who rely on existing designated rights-of-way. I have been authorized to present additional information regarding designated rights-of-way in Ouray County.

#### General Designations of Rights-of-Way subject to Indemnity Transfer

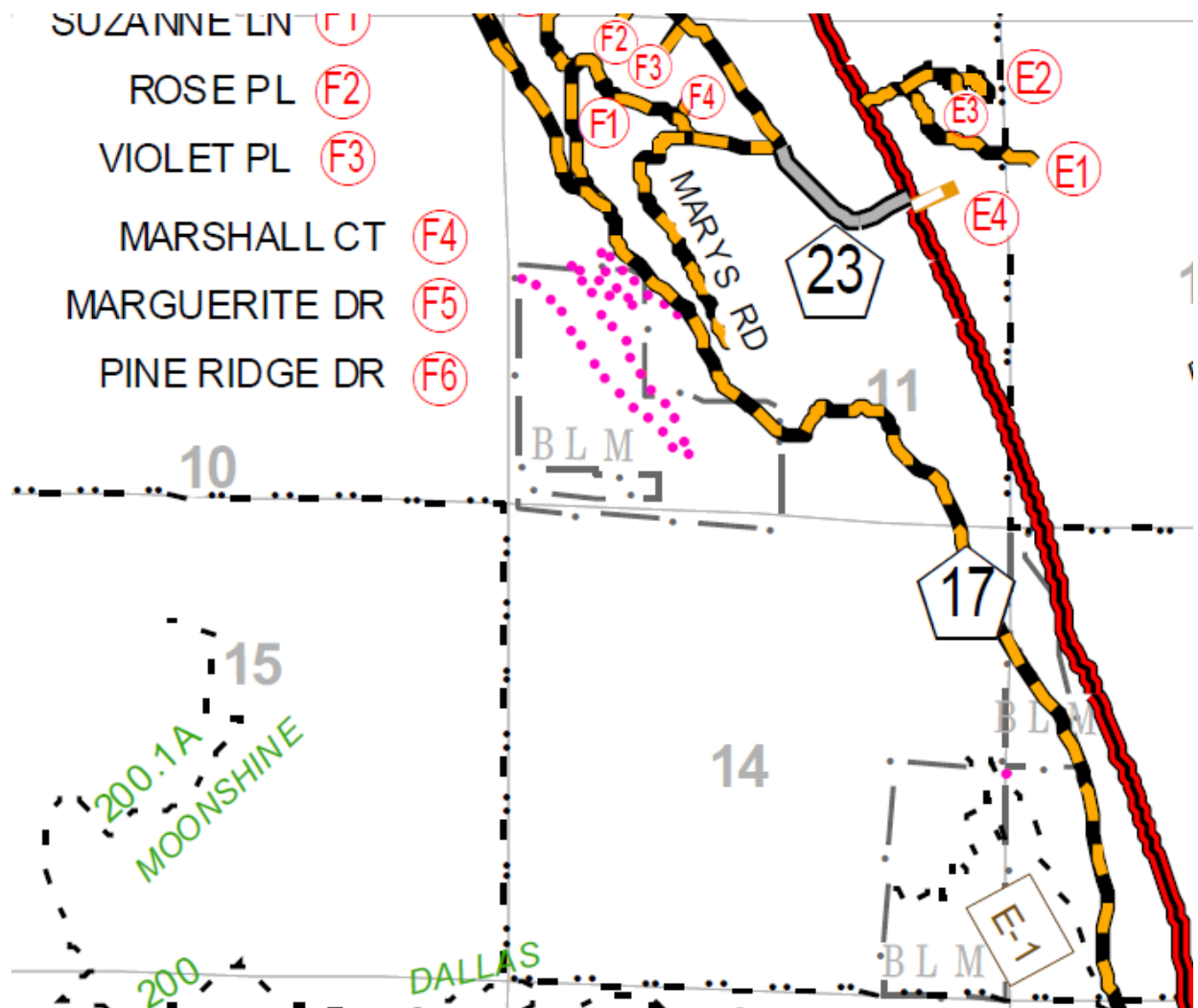
Ouray County has generally designated public roads or public highways with [Ouray County Resolution 2008-024](#) titled "...Defining Public Roads within Ouray County, Colorado." That resolution generally stated, "All public roads or public highways located within Ouray County, Colorado that have not previously been formally vacated or abandoned by the Board of County Commissioners of Ouray County, Colorado are hereby designated as public highways and are open to the public." The resolution included "highways, roads, mining roads, logging roads, wagon roads, trails, horse trails, hiking trails and foot paths" as "public roads and public highways." It also stated that Ouray County is "committed to working with ... public land management agencies and user groups in the identification and preservation, of all public roads and public highways that access public lands. Public roads or public highways, as defined herein, that cross public lands shall be fully subject to the terms of this Resolution and Ouray County's jurisdiction, notwithstanding the concurrent jurisdiction of a public agency."

The materials that Ouray County presented during the December 9, 2021 State Land Board meeting specifically identified the Section 11 and 14 parcels at issue in Ouray County, subject to the indemnity transfer. These two affected parcels include three existing designated rights-of-way at issue: County Road 17, Elk Ridge Trail, and Erikson Trail. Continued access to these three rights-of-way are absolutely critical to Ouray County and its citizens, in order to ensure continued necessary access to private parcels, access to a historical public right-of-way including recreational uses, access to a declared public right-of-way for a historic trail corridor, and necessary access to surrounding BLM lands

Please refer to the unofficial draft informational map on following page, with identified designated rights-of-way identified in turquoise, and transferred parcels in orange:



These three rights-of-way were also officially designated by [Ouray County Resolution 2014-014, Adopting a County Road Map](#) [Official County Road Map], which was filed with the Colorado Department of Transportation and recorded with the Ouray County Clerk at Reception #212508 [excerpt and limited selection below]:



Most importantly, County Road 17, the Erikson Trail, and the Elk Ridge Trail were all labeled to be included within the [Official County Road Map](#) legend as “Public Routes” [excerpt of map legend below]:

# OURAY COUNTY COLORADO COUNTY ROAD MAP JULY 1, 2014 EXHIBIT A, RESOLUTION 2014- 014

## Public Routes

Pursuant to C.R.S. 43-2-110 and other governing statutes:



**Primary County Roads**  
(all numbered roads)



Road name ID tag  
(for map use only, not  
'official' or otherwise  
meaningful)

All others are **Secondary  
County Roads**

ROAD NAME  
(LABEL OFFSET EXAMPLE)



Road: Paved



Road: Gravel, Graded & Drained



Road: Natural Surface, Graded & Drained



Road: Unimproved Surface, maintained



Historic Silverton Railroad Grade ROW



Trail - use  
not specified



Forest Service #



'Map Identifier' route ID tag  
(for map use only; see column 2,  
Exhibit B, Historic Route Index)

The width of any road, trail, easement or right of way is not specified or implied,  
and cannot be inferred from the symbol width on this map (not to scale).



**Forest Service Roads (2012 MVUM) -**  
seasonal and other restrictions may apply



BLM routes - use not specified (BLM inventory 2009)

BLM routes - Ridgway Travel Management Plan area (2013)  
Designated use and seasonal closures apply

## Other Roads



Highways - US 550 & CO 62 (CDOT, public, not Ouray County)



OTHER LOCAL ROADS for reference only (many not shown)

(NOT COUNTY ROADS, MAY BE CITY/TOWN, PRIVATE,  
MAY BE IMPASSABLE, GATED, etc.)



According to the above map legend, the specific colored labeling designation in the Official 2014 County Road Map, and additional research:

#### County Road 17, Section 11

County Road 17 is numbered and identified by its numbering and orange-and-black-dotted-lines as a "Primary County Road," and intersects briefly with the portion of the Section 11 parcel subject to the indemnity transfer. It is fully graded and maintained by Ouray County, and also serves as a primary emergency evacuation route in the event of any closure of Highway 550, also known as the Million-Dollar Highway.

#### Elk Ridge Trail, Section 11:

Elk Ridge Trail is identified on the Official 2014 County Road Map by its pink-dotted-lines as "BLM routes- use not specified (BLM inventory 2009)." The pink-dotted-line (which is also highlighted in turquoise on the first map in this memorandum), is from a set of GIS data obtained from BLM, specifically for the purposes of showing all BLM inventoried "public routes" for a local advisory group's previous mapping process, which Ouray County then carried over to the Official 2014 County Road Map. The road is in Section 11, T44N, R8W, NMPM, NW1/4 SW1/4 (Lot 12). From the intersection with County Road 17 (not on BLM), this road goes in and out of the Idlewild Planned Use Development (PUD), Filing 4, accessing several lots in that PUD and also crossing BLM land. It also provides the main (and likely, only) access to the 35+ acre parcels, comprising the "Park Estates." Based on the BLM data provided to Ouray County in 2012, and from historic use, this road is shown as a public route on the Official 2014 County Road Map, up to the point where it leaves Section 11, and enters Section 10, and "Lot 6" of the Park Estates parcels. In the BLM Master Title Plat and the Historic Index, there are entries for BLM actions within Section 11, and sometimes even Lots 12-14 (the BLM lots in the exchange proposal), that refer to a Road and a Pipeline. However, there is nothing specific, and no details, just a "serial or file number," which is for a set of BLM records that may still be available on microfiche at the BLM office. Supporting reference documents for Elk Ridge Trail are available at the following link, and Ouray County may be able to provide additional archived data upon request:

<https://drive.google.com/drive/folders/1TKouXgl8Z7NubQkNgmdzhEZ5roNyZAQU?usp=sharing>

#### Erikson Trail, Section 14:

Erickson Trail is identified by its single-black-dotted-lines on the Official 2014 County Road Map as a "Trail - use not specified." The historical basis for this trail is a collection of official county records, dating back to the early 20th century, showing the county

directed and paid for the construction of this route. The trail has also been shown on historic (1957) maps by the USGS. The trail has been used by the public since its creation, and currently accesses the Section 14 BLM parcel subject to the indemnify transfer, which borders Forest Service lands to the south. The trail has potential to be used in the future to tie into the more heavily used trails across Forest Service lands (mainly the Dallas Trail identified on the Official 2014 County Road Map), to provide an alternate route around the very steep switchbacks on the Dallas Trail, right above the trailhead on County Road 17 which is very steep and prone to wash-outs. Additional supporting reference documents for Erikson Trail are available here:

<https://drive.google.com/drive/folders/1K-7qGa2FASZeIq2GTU4jcVTM8xm3gvyu?usp=sharing>

Conclusion:

At this time, Ouray County is not requesting an additional appearance before the State Land Board, and is simply providing this memorandum to document existing designated rights-of-way subject to “appropriate action” by the State Land Board’s staff under State Land Board Order 2021-067. This memorandum, including its hyperlinked reference documents such as the Official 2014 County Road Map, should provide the State Land Board’s staff with sufficient information on designated rights-of-way in Ouray County preserved as part of the State Land Board’s formal acceptance of the indemnity transfer. If you need additional information, please don’t hesitate to contact me at any time. Please also do not hesitate to contact our IT and GIS manager, Jeff Bockes, at 801-699-8967 or [jbockes@ouraycountycolorado.gov](mailto:jbockes@ouraycountycolorado.gov) , or feel free to have your GIS staff contact him directly for any potential data migration or other technical assistance as part of the indemnity transfer. Ouray County sincerely appreciates the official recognition of continued public access rights for these two parcels, and thank you again for your consideration.

Sincerely,

\_\_\_\_\_/s  
Leo Caselli, CO. Bar. # 45410  
Ouray County Attorney

Copies to: County Administrator, County IT & GIS Manager, County Road & Bridge Superintendent