

## 1. Land Access

### a. County Policy:

- i. Washington County strives to balance land access and respects private property rights.
- ii. Washington County encourages federal land management agencies to ensure maximum access to public lands within the county.
- iii. Washington County maintains recognized roads within the county to ensure adequate access to private property and to protect the health, safety, and welfare of its residents.
- iv. Determinations about what constitutes a road or what roads will be maintained within the county will be made by the county public works director in consultation with the county commission and in accordance with county code, state law and federal law.
- v. Washington County supports state efforts to establish title to RS2477 rights-of-way.
- vi. Washington County urges the protection of historic livestock trails in accordance with state law.
- vii. Washington County considers historic roads and trails to be part of the culture and heritage of the county and wants them preserved when doing so will not interfere with private property rights. However, the county will zealously protect roads where public use has been established.

### b. Desired Future Conditions:

- i. RS2477 rights-of-way are considered open and maintained to the extent necessary to provide access to the public.
- ii. County roads are maintained to protect the health, safety, and welfare of the individuals within the county.
- iii. Public lands are managed in coordination with the county to meet the demands for public access for multiple use.

### c. Management Actions:

- i. The county will develop and adhere to a county road maintenance schedule that ensures access to lands within the county.
- ii. The county will support and facilitate efforts of state and federal partners to provide access through road construction and maintenance.

### d. Background of resource use and development:

- i. Property necessarily includes access. Livestock trails, historic trails, historic roads, and any other similar access routes should be maintained wherever they don't interfere with private property rights. However, the county will zealously protect roads where public use has been established.
- ii. The county and the state have worked together to protect the RS2477 rights-of-way within the county. It is important that the county establish title to the rights of way that were created prior to the passage of the Federal Land Policy Management Act ("FLPMA").

### e. Detailed explanations as needed:

- i.** RS2477 was a provision in the 1866 Mining Act that provided for the creation of public rights-of-way across the public lands. It was repealed in 1976 by FLPMA, but existing RS2477 roads were to be considered valid. However, adjudication of the roads is necessary for the federal government to fully recognize the public right-of-way. In order to establish a public right-of-way across the public lands, a road needed to be used for at least 10 years before the statute was repealed. Washington County is involved in an ongoing lawsuit with the BLM to establish which routes in the county are RS2477 rights-of-way.
- ii.** Utah Code Part 72-3-1 governs highways in the state including county roads.