

PROTECT PRIVATE PROPERTY – SUPPORT THE UDALL AMENDMENT

July 11, 2003

Dear Member of Congress:

I am writing to ask you to help me defend my family's private property in Boulder County, Colorado by supporting the Udall Amendment to the Interior Appropriations bill which will de-fund the use of the modified 'disclaimer rule' to push R.S. 2477 claims.

It is a sad fact that off-road recreation clubs have declared war on western landowners in an attempt to increase the number of loop roads and hard-core 4x4 courses over routes that have not been used in many decades. Many of these routes cross private ranches and mineral patents like my family's land.

We have tried to be good stewards of our land, and have spent thousands of dollars and hundreds of hours of labor improving our creek, our forest and the rare wetlands habitat on our property. Much of this effort has been destroyed by off-road recreationists who believe that an R.S. 2477 road follows Balarat Creek, which flows through the homestead that my wife's family has owned for 43 years.

A 1.5 mile pedestrian trail (known as the "Barking Dog Trail" after a nearby rock formation) follows the route of a private drive that had been built with private funds across our private property by a previous owner who operated a mine. We and our neighbors, as well as previous owners, have encouraged hikers to cross our property as long as they are on foot and stay on the trail.

The trail is not an R.S. 2477 route by any means. It crosses a property that was patented in the year 1878. It was first shown on a map in the year 1957. There is no recorded easement or right-of-way for a public highway.



Caravan of about 15 Jeeps from the Mile-Hi Jeep Club drove up Balarat Creek in May, 1999. They lost a drain plug and dumped a load of oil. They justified this joy ride by their theory that our creek is an R.S. 2477 road. (from the Hobo Jeepers website).

Sometime in the 1980's, souped-up Jeeps that were capable of "rock-crawling" on formerly impassible routes became popular, and the trail was discovered by local 4x4 clubs. A neighboring landowner (a hard-rock miner in his 80's) put up a gate to keep them from vandalizing his mining equipment. The off-roaders tore his gate down.

In the 1990s, organized jeep clubs continued trespassing on the Barking Dog Trail, driving through the creek, destroying vegetation, and even dumping oil into the stream. We posted signs to keep

motorized trespassers out, but they were torn down. I was forced to close the trailhead to further motorized trespassing with physical barriers.

On June 25, 2000, a group of vandals in jeeps trespassed on the trail, removed obstructions, tore down signs, spray-painted rocks, and purposefully ripped out seedling trees and shrubs that I (working with the local soil conservation district) had recently spent hundreds of dollars planting as part of our watershed restoration project.

Vernon Brandt, a member of the Trailridge Runners 4WD Club and representative of the Mile-Hi Jeep Club, has posted threatening emails on a website in which others have tried to intimidate my family and even threatened me with physical violence. This year, Mr. Brandt has solicited funds to obtain heavy equipment to bulldoze through our private property sometime in the near future.

The off-road vandals claim that their attacks on private property are justified because they say Barking Dog Trail is open as a public highway under R.S. 2477. They make this allegation despite the fact the county records, historic maps, and statements by prior property owners make clear that the trail was never constructed over public land - which is a requirement for an R.S. 2477 right-of-way to exist. The very existence of R.S. 2477 has emboldened these law-breakers to trash private lands.



Balarat Creek today, at the site of an alleged R.S. 2477 road on private property. After four years of protection from motorized recreation, vegetation is finally returning. But Vernon Brandt, a representative of the Mile-Hi Jeep Club, has threatened to bulldoze it.

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