

**Board of Supervisors  
County of San Bernardino**



49305

**BILL POSTMUS**  
CHAIRMAN  
SUPERVISOR, FIRST DISTRICT

RECEIVED

06 APR 10 PM 3:42

OFFICE OF THE  
EXECUTIVE SECRETARIAT

April 4, 2006

Honorable Secretary  
United States Department of the Interior  
1849 C Street, NW  
Washington, DC 200240

Re: County of San Bernardino, California: RS2477 Rights of Way-Notice of  
Intention to File Suit

Dear Secretary:

Pursuant to 28 U.S.C.A. Section 2409a (m) [Real Property Quiet Title Actions], the County of San Bernardino on behalf of itself and its citizens (hereinafter referred to as "County") hereby gives you notice, in your official capacity as Secretary of the U.S. Department of the Interior with jurisdiction to manage federal lands within the county, of the County's intention to file suit with regard to the ownership, control and scope of highway rights of way acquired pursuant to RS 2477 (43 U.S.C. Section 932).

The basis for the action is the continuing dispute between the Department of the Interior and the County of San Bernardino regarding the County's RS 2477 highway rights and the Department's policies and actions adverse to those rights (including but not limited to actions ensuing from and pursuant to the Federal Land Policy Management Act 43 USC 1701 *et seq.* and the California Desert Protection Act of 1994 16 USC 410aaa *et seq.*). Federal officials under your jurisdiction have closed or attempted to close highways, which are part of the County's highway system across federal lands and interfered with the actions of the County and its authorized agents in conjunction with the regulation, operation and management of these highways. Historically, approval by the federal government has never been required to exercise rights granted by RS 2477. Officials in your administration are now claiming that RS 2477 rights of way require their official recognition and maintenance activities require their permission. This action on behalf of the federal agents amounts to a federal

San Bernardino County Government Center • 385 North Arrowhead Avenue, Fifth Floor • San Bernardino, CA 92415-0110 • (909) 367-4830  
District Office • 13911 Park Avenue, Suite 204 • Victorville, CA 92392 • (760) 955-5400 • (800) 472-8597  
Barstow Office • 301 East Mt. View • Barstow, CA 92312 • (760) 256-4746  
Twenty-nine Palms Office • 6136 Adobe Road • Twenty-nine Palms, CA 92277 • (760) 361-8577

claim of interest adverse to that of the County. Various interactions between the County and federal officials have failed to resolve the situation.

Each of the rights herein described was established prior to 1976 over unreserved federal land in a manner consistent with law as recognized and set out in Southern Utah Wilderness Alliance v. Bureau of Land Management, et al., 425 F. 3<sup>rd</sup> 735 (10<sup>th</sup> Cir. 2005).

The roads and highways subject to this notice are those set forth in Exhibit A. This claim includes for each highway sufficient width which is reasonable and necessary for the type of use to which the road has been put including but not limited to sufficient area for maintenance, drainage, ditches, culverts, shoulders, and cut slopes as existed on or before October 21, 1976.

The County does not waive any rights to roads and highways not identified in this notice and may file additional notices and make subsequent claims as necessary until such time as title to all RS 2477 highways are resolved.

Sincerely,

BILL POSTMUS, Chairman  
Board of Supervisors  
County of San Bernardino

BP/cs:jt

cc: Hon. Dianne Feinstein  
Hon. Jerry Lewis  
Hon. Howard P. "Buck" McKeon  
Assistant Secretary/Acting Secretary

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County of San Bernardino**



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Sincerely,

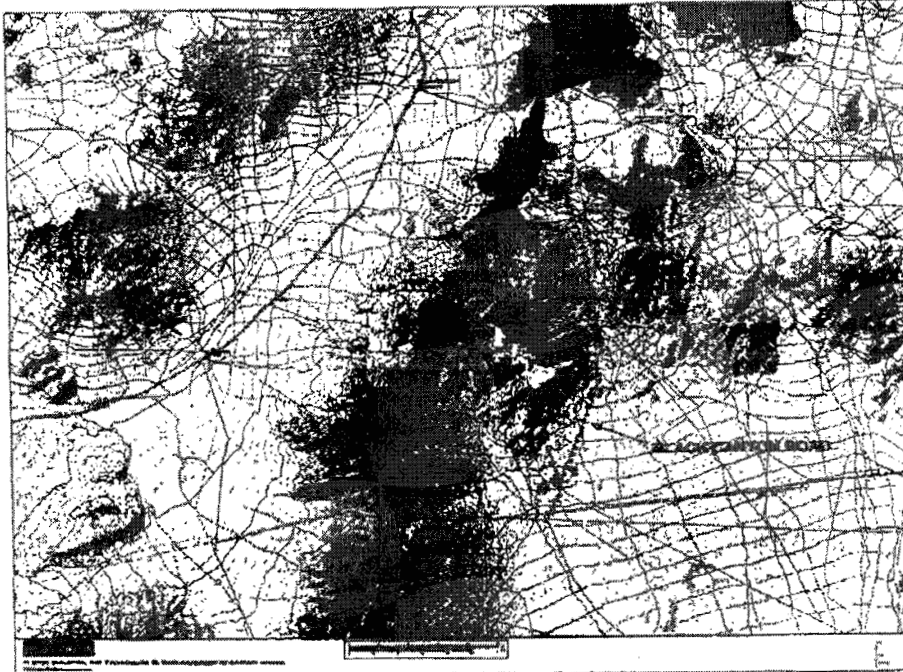
BILL POSTMUS, Chairman  
Board of Supervisors  
County of San Bernardino

BP/cs:jt

cc: Hon. Dianne Feinstein  
Hon. Jerry Lewis  
Hon. Howard P. "Buck" McKeon  
Assistant Secretary/Acting Secretary

04/21/2006 16:06 FAX  
04/19/2006 18:34 FAX

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007/020



**BLACK CANYON ROAD:**

**Description:**

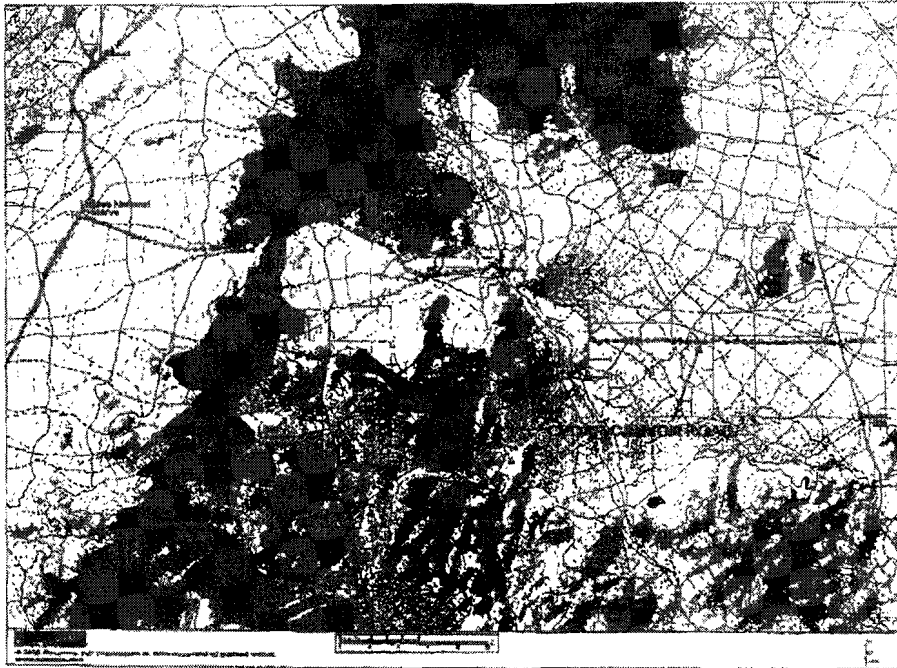
Black Canyon Road is a County Maintained Road System Road (CMRS) just over 20 miles long from the intersection with Essex Road on the bajada near the Providence Mountains State Park entrance, trending essentially north to the intersection with Cedar Canyon Road north of Round Valley. Black Canyon Road is first listed as maintained by the County of San Bernardino under the name "Black Canyon Road" in the 1936 Road Maintenance Book, indicating that it was adopted into the county system at some point between July of 1935 and May of 1936. The maintained alignment varies in length and description from 1936 to 1951. By 1951, however, the present alignment/mileage from Essex Road north to Cedar Canyon Road was firmly established.

The general alignment now known as Black Canyon Road has, in fact, been an important transportation link for at least 100 years.

04/21/2006 FRI 16:03 [TX/RX NO 8939] 008

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#### **CEDAR CANYON ROAD:**

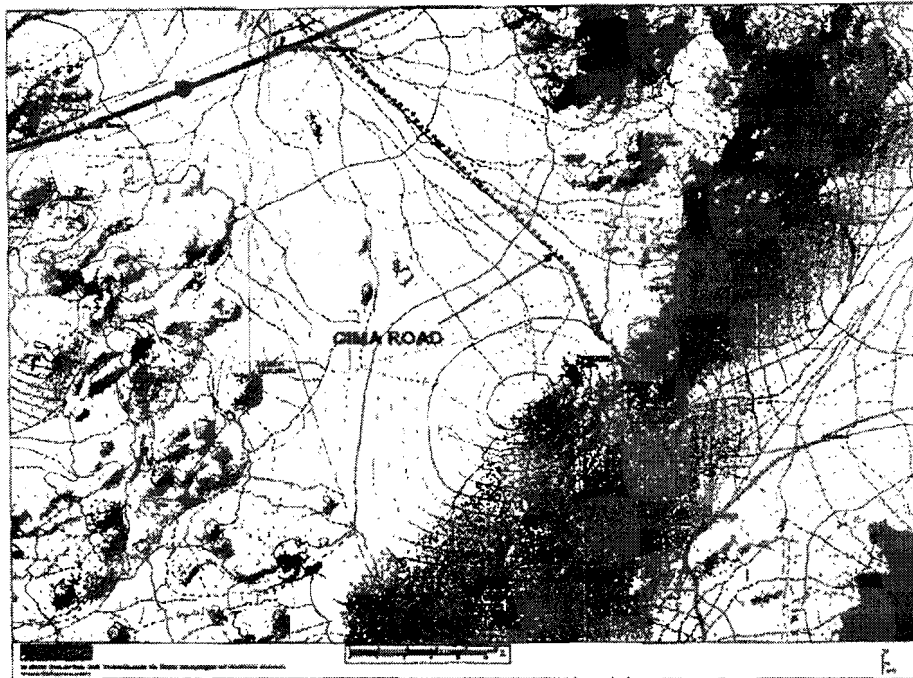
##### **Description:**

Cedar Canyon Road is a County Maintained Road System Road (CMRS) just over 21 miles long from the intersection with Kelso-Cima Road east to Lanfair-Ivanpah; 2.36 miles of Cedar Canyon is paved from Kelso-Cima Road east, the rest is graded native soils. By 1946/1947, the County maintained a named Cedar Canyon Road alignment from "Goff Rd. W. to Cima Rd. via Govt Holes." Cedar Canyon Road is, in fact, first listed as being maintained under this name in the 1948 Road Maintenance Book. Prior to 1941, the same alignment (Cima to Lanfair via Govt. Hole) was maintained by the County under the generic name of "Cima Roads."

As early as 1860, much of the alignment now known as Cedar Canyon Road served as an important interstate transportation link. This truly historic transportation route is most appropriately known as the Mojave Road, and it was carefully mapped by Thompson in 1921 as the "Old Government road to Old Fort Mohave."

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04/19/2008 18:35 FAX

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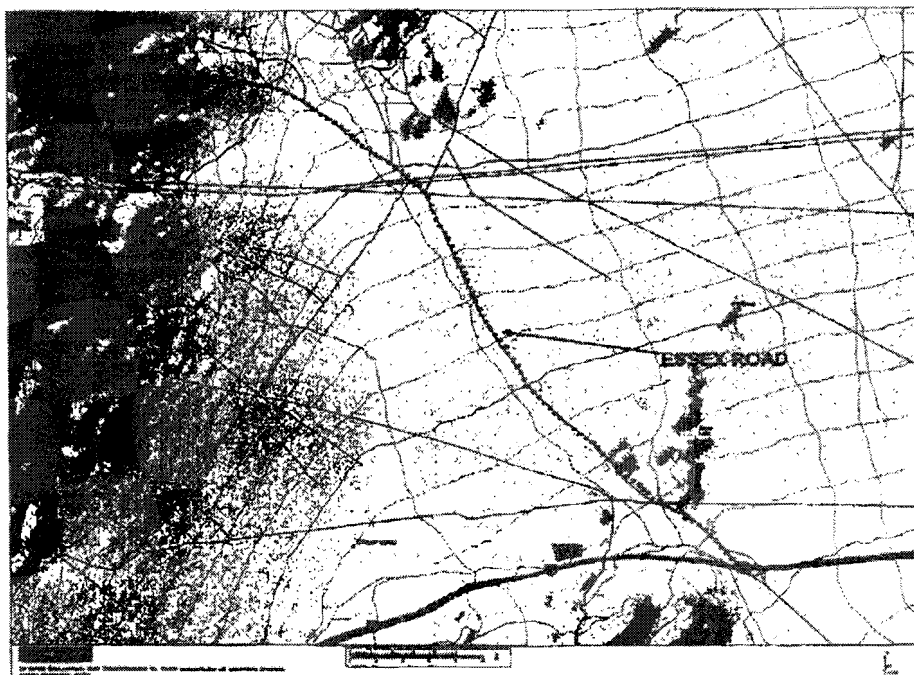


**CIMA ROAD:**

**Description:**

Cima Road is a paved County Maintained Road System Road (CMRS) just over 17¼ miles long from the intersection with Kelso-Cima Road on the flanks of the Cima Dome, trending essentially north-west to the intersection with Interstate 15 east of the town of Baker near Valley Wells.

By 1928, an alignment (including the existing alignment) known as "Cima Road" leading from State Highway #91 (now the I-15) to Kelso by way of Cima was being maintained by the County of San Bernardino.



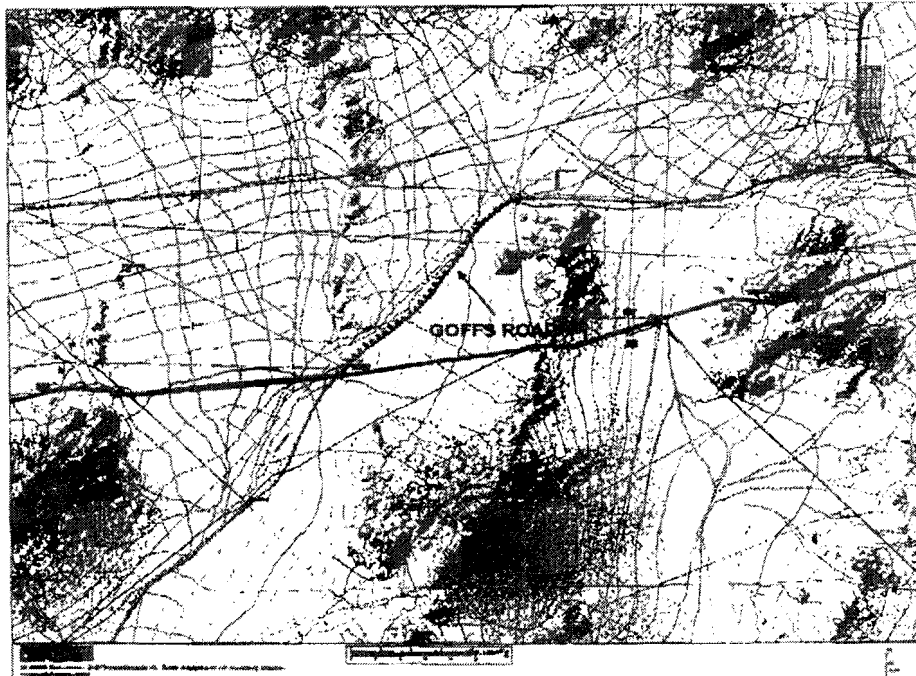
**ESSEX ROAD:**

**Description:**

Essex Road is a County Maintained Road System Road (CMRS) paved road just over 14 miles long from the intersection with Interstate 40 north and west to the Providence Mountains State Park. The road follows the native terrain with only minor cut and fill, mainly long straight segments with several relatively steep curves. The County of San Bernardino began maintaining the entire length of roadway known today as Essex Road by 1933 (the first appearance of this named alignment in a County Road Maintenance Book). This road led from Essex North to Caves."

In addition, a small portion of what is now maintained by the County of San Bernardino as Essex Road has existed for over 100 years.





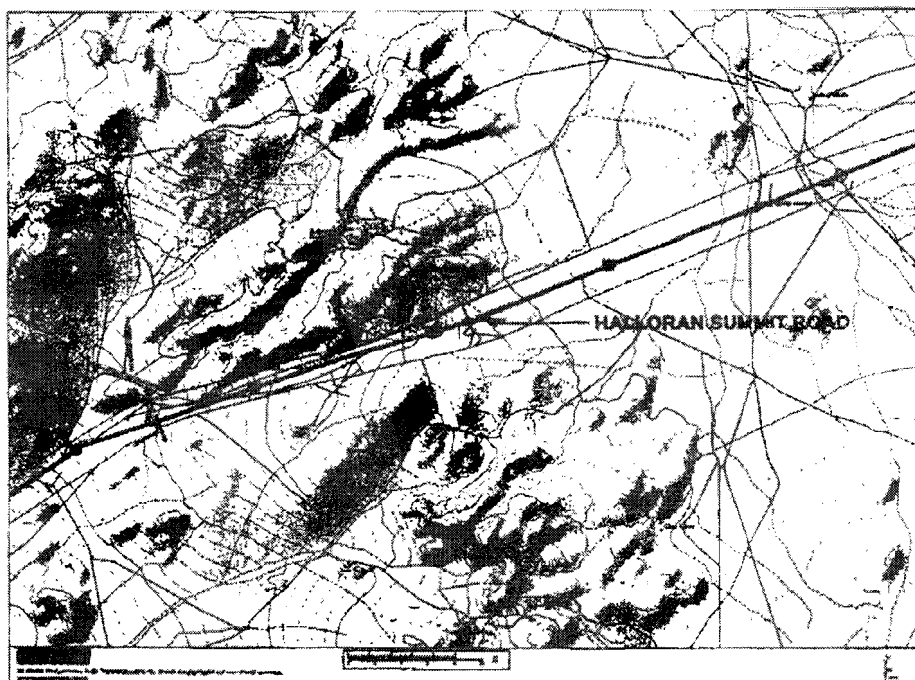
**GOFFS ROAD:**

**Description:**

Goffs Road is a County Maintained Road System Road (CMRS) paved road just under 29.5 miles long from the intersection with National Trails Highway north and east to the junction with State Highway 95. A significant portion of the alignment between Interstate 40 north and east to Goffs, parallels the rail tracks and provides the boundary road for the Mojave Preserve; a distance of approximately ten miles. There are two major roadway alignments, "Historic" and "Present," known as and/or identified as Goffs Road. Today, the southern section (South of Cedar Canyon Road) of the "Historic" Goffs Road is known as Lanfair Road, and the northern section (North of Cedar Canyon Road) is known as Ivanpah Road. The "Present" Goffs Road alignment extends from National Trails Highway (Old Route 66) on the south to Arrowhead Junction on the north.

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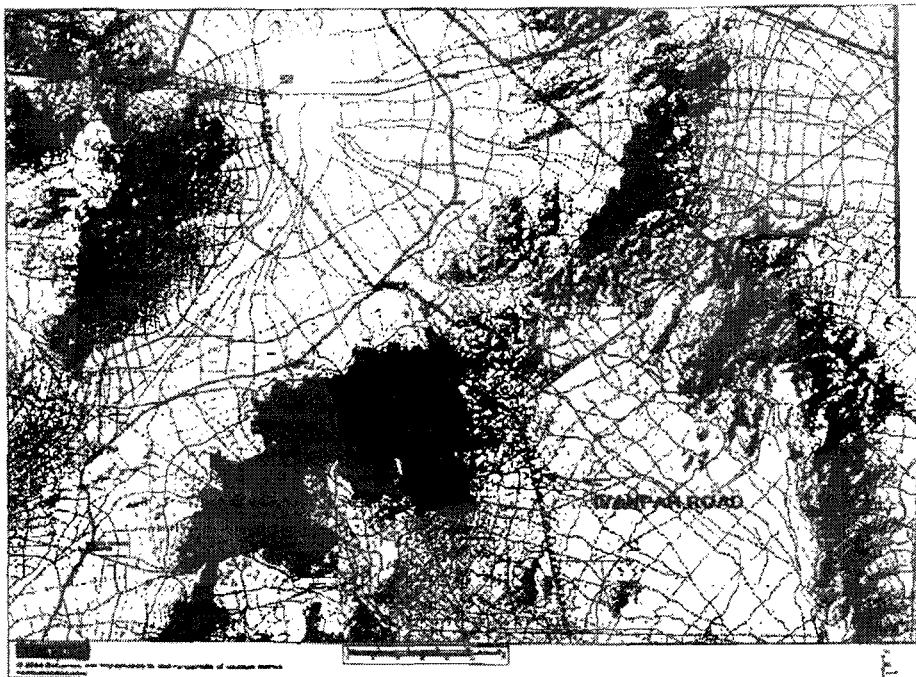
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**HALLORAN SUMMIT ROAD:**

**Description:**

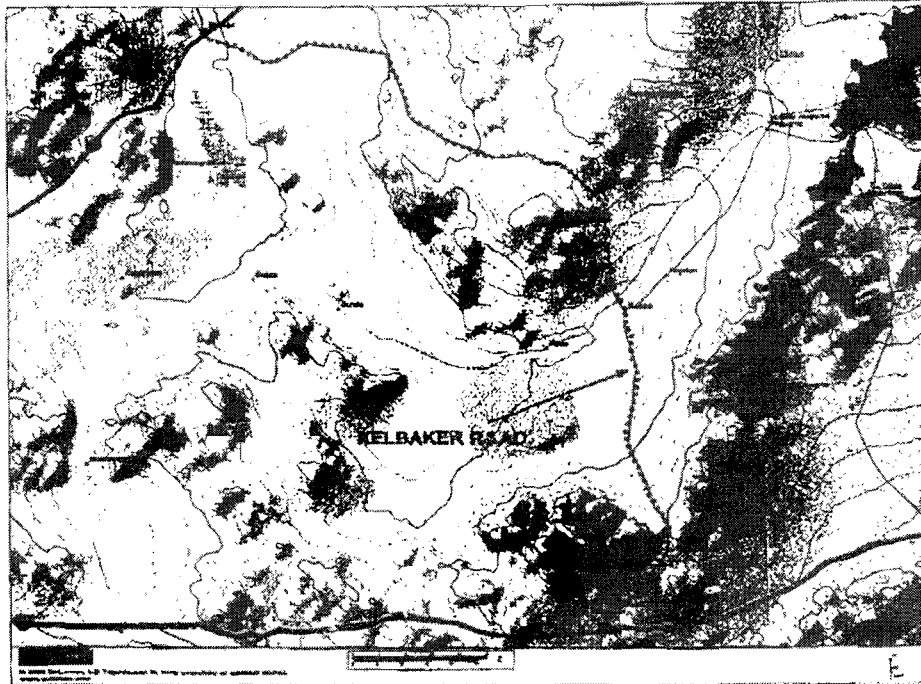
Halloran Summit Road is a short section as County Maintained Road System Road (CMRS) paved road just under 0.25 miles long from the intersection with Interstate 15 north and south. The Halloran Summit Road alignment, like Halloran Springs Road, was created in 1960/1981, during construction of the I-15 Freeway from Baker to Cima Road.



#### IVANPAH ROAD:

##### Description:

Ivanpah Road is a County Maintained Road System Road (CMRS) just under 30 miles long; an extension of the alignment of Lanfair Road from the "T" intersection with Cedar Canyon Road, the site of the now vanished settlement of Lanfair, north to the intersection with Nipton Road. Approximately 12 miles of Ivanpah Road is graded dirt, the remaining 17.71 miles of Ivanpah Road is paved from south of the rail tracks to the intersection with Nipton Road. Ivanpah Road has been maintained by the County of San Bernardino for over 75 years. Historically, today's Ivanpah Road was part of a much longer alignment maintained by the County of San Bernardino under the name "Goffs Road." Today, this "Historic" section of Goffs Road is known as Ivanpah Road (north end) and Lanfair Road (south end), and it extends from Goffs Road north to Nipton Road. The oldest known name for this alignment is the "Goodsprings - Goffs road" (Thompson-1921).



#### KELBAKER ROAD:

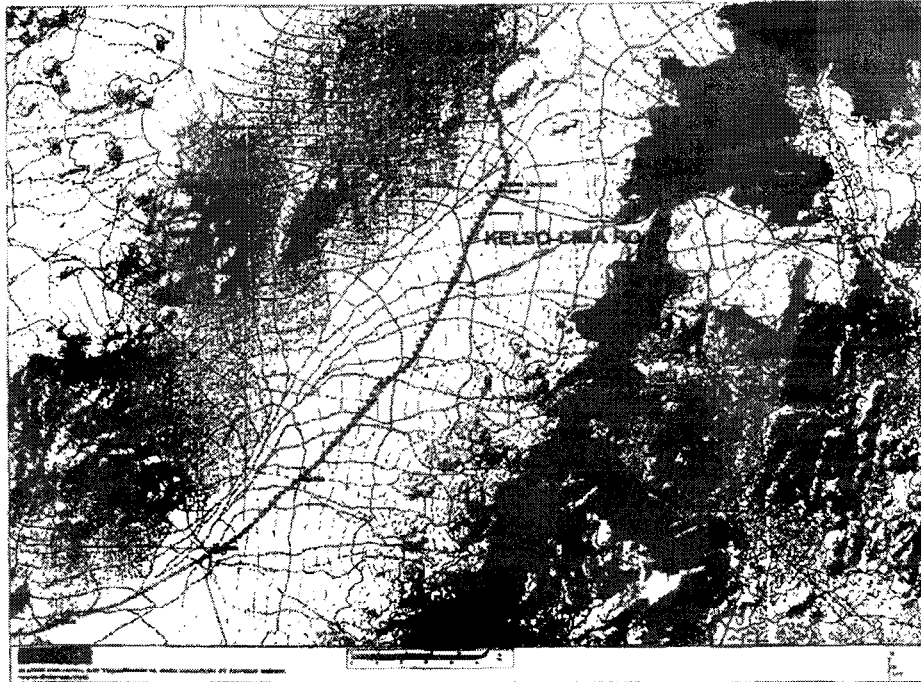
##### Description:

Kelbaker Road is a County Maintained Road System Road (CMRS) over 60 miles in length that originates on National Trails Highway and trends north to traverse the heart of the Mojave Preserve. For this description Kelbaker Road enters the Mojave Preserve north from Interstate 40 trends east and north to the Kelso Depot, crosses the rail tracks, then north over the saddle of the mountains whose highest point is Kaleo Peak then north and west past cinder cones and lava flows down to the Mojave wash/Soda Lake intersecting with Interstate 15 and the junction with the road to Death Valley, SH 127 at Baker.

Today's Kelbaker Road is actually an amalgam of several earlier roads and road systems, several of which were maintained by both the County of San Bernardino and/or private enterprises over different periods of time. Roads of interest include Kelso Road, Cliff-Barnes Road, Vulcan Mine Road, "Old Government road to Old Fort Mohave" (Mojave Road), the road to Silver Lake, and an unnamed road leading from Bagdad on the A.T. & S.F. railroad northwards to Kelso. These disparate road alignments were combined by the County of San Bernardino into the present Kelbaker Road alignment in 1958, including a section of newly constructed roadway.

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**KELSO-CIMA ROAD:**

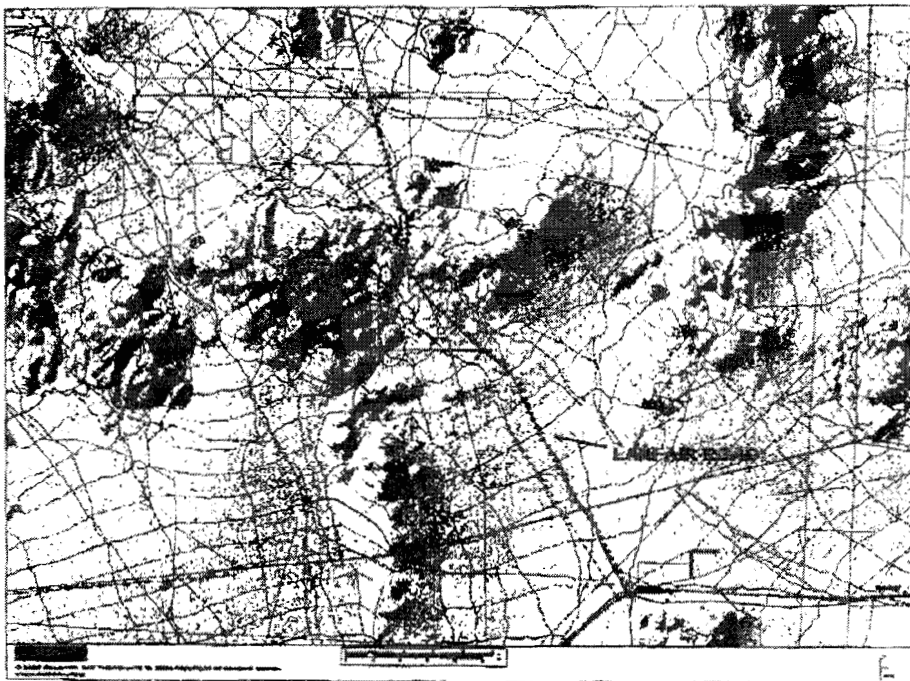
**Description:**

Kelso-Cima Road is a County Maintained Road System Road (CMRS) paved road just under 10 miles long from the intersection with Kelbaker Road north and east to the junction with Cima Road and Morning Star Mine Road near the watershed between the Kelso Valley and the Ivanpah Valley. A significant portion of the alignment between Kelbaker Road north and east to Cima, parallels the rail tracks. Kelso Cima Road has been continuously maintained by the County of San Bernardino since prior to 1929. It was built circa 1906 as a construction road adjacent to the U.P.R.R tracks.

04/21/2006 PRI 15:03 [TX/RS NO 6959] 017

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04/18/2006 18:37 FAX

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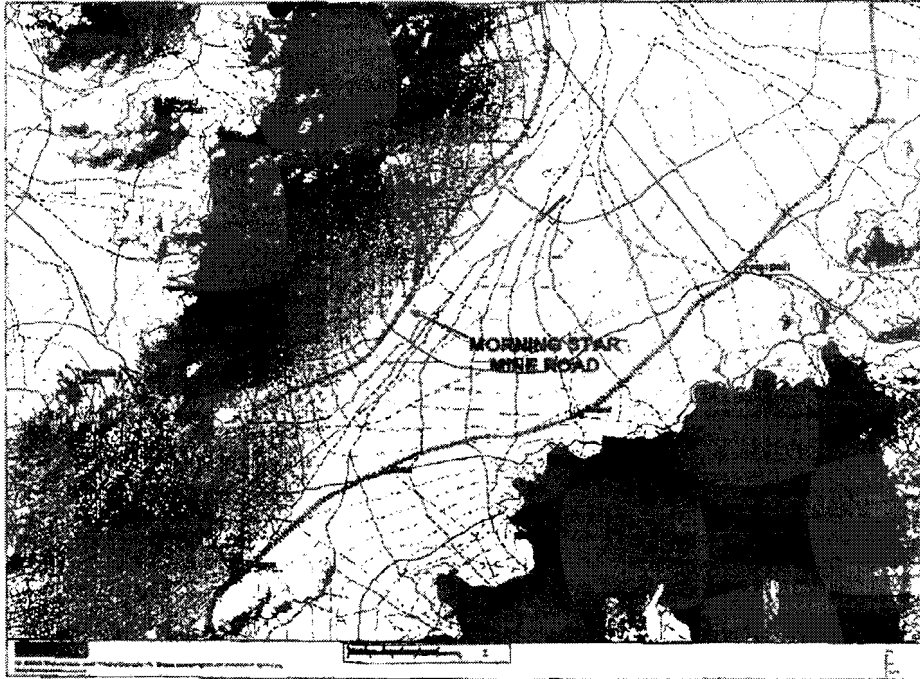


#### **LANFAIR ROAD:**

##### **Description:**

Lanfair Road is a County Maintained Road System Road (CMRS) just over 16 miles long from the "T" intersection with Goffs Road northwest to the intersection with Cedar Canyon-Ivanpah Roads; 10.33 miles of Lanfair Road is paved from Goffs Road north, the rest is graded dirt.

Lanfair Road has been maintained by the County of San Bernardino for over 75 years. Historically, today's Lanfair Road was part of a much longer alignment maintained by the County under the name Goffs Road. Today, this "Historic" section of Goffs Road is known as Ivanpah Road (north end) and Lanfair Road (south end), and it extends from Goffs Road north to Nipton Road.



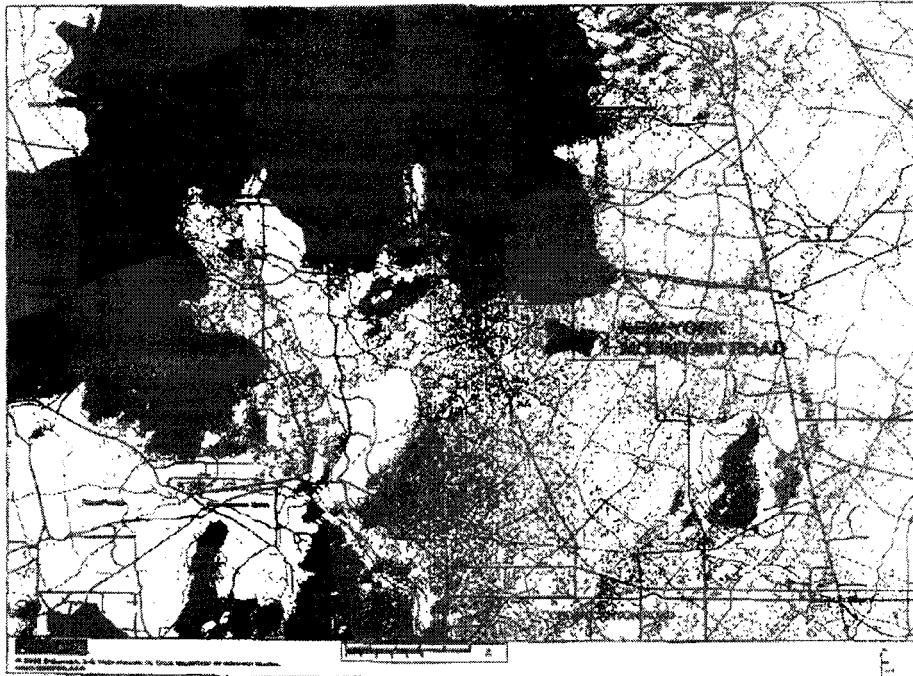
#### **MORNING STAR MINE ROAD:**

##### **Description:**

Morning Star Mine Road is a paved County Maintained Road System Road (CMRS) just over 15 miles long from the intersection with Kelso-Cima/Cima Road north and east to Ivanpah Road which it intersects as a "T". Portions of what is now known as Morning Star Mine Road have served as a traveled way for over 100 years. The alignment is depicted, at least in part, on the 1896 *Perris' Miners Map*.

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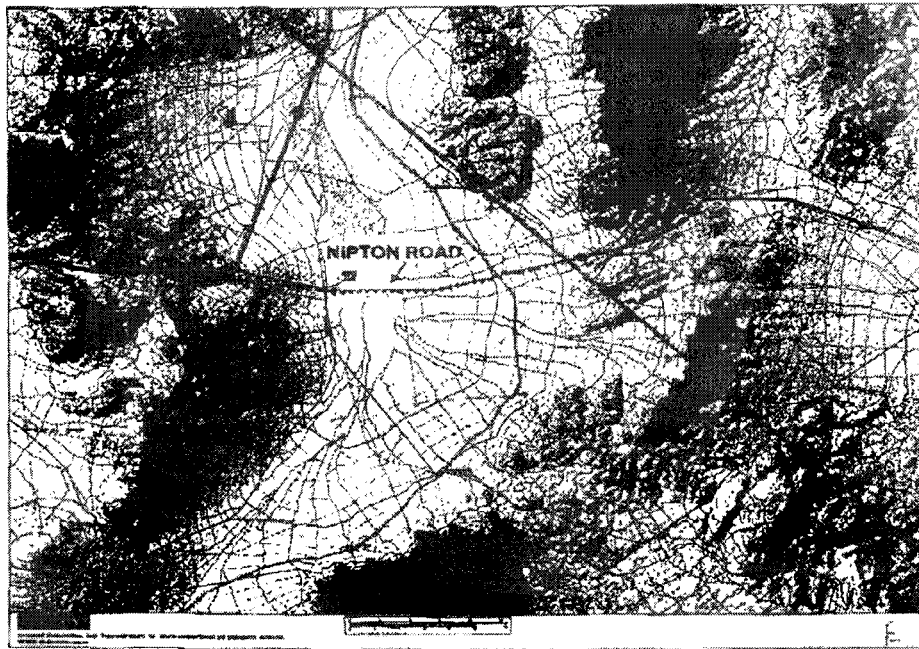


#### **NEW YORK MOUNTAIN ROAD:**

##### **Description:**

New York Mountain Road is an unpaved County Maintained Road System Road (CMRS) just over six miles long from the intersection with Ivanpah Road which it intersects as a "T" west to where it provides access to a series of non-maintained trails and roads. New York Mountain Road is first listed in the 1935 Road Maintenance Book. There is no listing for New York Mountain Road in the 1934 Road Maintenance Book.





**NIPTON ROAD:**

**Description:**

Nipton Road is a paved County Maintained Road System Road (CMRS) just over 13 miles long from the intersection with Interstate 15 east to the Nevada State Line Ivanpah Road intersects as a "T" approximately five miles east of I-15. Nipton Road may be considered a boundary Road for the Mojave Preserve, separating the Preserve from the Ivanpah Dry Lake. The County of San Bernardino has maintained portions of that section of roadway leading from State Highway #31 (now the I-15) eastwards through Nipton to the state line (the present Nipton Road alignment) beginning as early as 1931.