



## OPEN SPACE & TRAILS DEPARTMENT

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### **STAFF REPORT**

**TO:** Board of County Commissioners  
**FROM:** Katherine King, Senior Resource Specialist  
**FOR:** January 28, 2020 Consent Agenda  
**REQUEST:** Approval to proceed with sale of Continental Divide National Scenic Trail (CDNST) claims to the US Forest Service

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### **BACKGROUND:**

Summit County has made a concerted effort to acquire privately-owned mining claims along the Continental Divide Scenic Trail (CDNST) in the Snake River Basin backcountry. After the initial purchase of a few claims along the trail corridor, US Forest Service staff expressed an interest in seeing the rest of the claims be protected, so that public access to the trail could be preserved in perpetuity. Because the County is sometimes able to act on purchases more quickly than the USFS, the Open Space Program acquired most of the necessary claims between 2009 and 2013, with the goal of transferring them to the USFS when funding became available. The large majority of the Continental Divide Trail is on USFS lands, and is maintained by the USFS.

In Fiscal Year 2019, Land and Water Conservation Fund monies for critical inholdings and critical recreational access parcels were set aside for the USFS Dillon Ranger District to acquire the CDNST claims. The funds have been earmarked in Washington for the CDNST parcels, and upon approval from the BOCC, will be released to the regional office. A recently completed appraisal of the claims valued them at \$276,500, which is slightly above the TDR value of the claims (\$216,825).

Jeff Huntley did some research to address general staff concerns regarding the potential for mineral exploration on lands conveyed to the federal government. Legal consensus seems to indicate that parcels sold back to the federal government are not subject to mineral location, barring additional action by Congress or the administration. Recent changes to federal law have also made a clear distinction between public domain lands and 'acquired lands' (such as these). Acquired lands are not part of the public domain, and only public domain lands are subject to mineral location under the 1872 Mining Law.

### **STAFF RECOMMENDATION :**

Sale of the parcels to the USFS will facilitate seamless management, and accomplish a long-term goal to preserve public access to the parcels. It will also generate funds for Summit County to acquire additional open space lands.

Staff recommends that the Board of County Commissioners authorize proceeding with the sale of the claims, as indicated in the attached letter for signature. The USFS will also need a copy of the meeting minutes reflecting the discussion and approval.

Cc: Scott Vargo, Bentley Henderson, Jeff Huntley, Jim Curnutte