

JOHN McCAIN
ARIZONA

CHAIRMAN
COMMITTEE ON INDIAN AFFAIRS
COMMITTEE ON ARMED SERVICES
COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION

United States Senate

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407 WEST CONGRESS STREET
SUITE 103
TUCSON, AZ 85701
(520) 670-6334

TELEPHONE FOR HEARING IMPAIRED
(602) 952-0170

February 15, 2006

Mr. Gary Stumpf
Bureau of Land Management
222 North Central Avenue
AZ931
Phoenix, AZ 85004-2203

Dear Mr. Stumpf:

I wish to bring to your attention the matter concerning my constituent, Ex. 6 who has encountered a problem with a locked gate blocking the entrance to a federa/state wilderness hiking area. Please investigate, my constituent's claim, within the existing rules, regulations and ethical guidelines, and provide me with the final decision. MARK ALL CORRESPONDENCE TO:

Attn: Monica Sanchez
Office of Senator John McCain
407 W. Congress Street
Suite 103
Tucson, Arizona 85701

The response you provide will be most appreciated and will be forwarded to my constituent. If you should have any questions in the meantime, you can reach my office at (520) 670-6334. I look forward to your reply at your earliest convenience.

Sincerely,



John McCain
United States Senator

JM/tms
Enclosure(s)

RECEIVED
BUREAU OF
LAND MANAGEMENT

FEB 21 2006

RESOURCES - 932
STATE OFFICE
PHOENIX, ARIZONA

1-25-06.

Dear Senator McCain.

FEB 18 2006

This concerns the
Safford, Thatcher, Pima area
A private property owner
has locked a gate of the
Road that leads thru the
property to the arroyo
widerness area which is
a Federal as well as state
widerness to being, area.

There seems to be no action
being taken by the local
county, state or Federal
offices to change this.

This would not be
allowed in other such areas.
We are active desert Rovers,
this is one of our favorite
areas.

Wish you were President.
What a difference you would



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Arizona State Office
One North Central Avenue, Suite 800
Phoenix, AZ 85004-4427
www.az.blm.gov

In Reply Refer To:
1781/6300 (931)

MAR 15 2006

J. J. J. 3/13/06
for 3/13/06
reflected 3/13/06
W. Stevens 3/13/06
Stevens 3/14/06

The Honorable John McCain
United States Senator
Attention: Monica Sanchez
407 West Congress Street, Suite 103
Tucson, Arizona 85701

Dear Senator McCain:

Thank you for your letter dated February 15, 2006, on behalf of your constituent **Ex. 6** **Ex. 6** expressed her concerns about the locked gate on Klondyke Road in Safford, Arizona. The Bureau of Land Management (BLM) also shares her concerns. Here is some background information.

The Klondyke Road, also called the Aravaipa-Klondyke Road, starts on U.S. Highway 70 west of Pima and ends at Turkey Creek and the entrance to Aravaipa Canyon Wilderness. Along the road's 41 mile course, it crosses about 9 miles of BLM public land, 15 miles of Arizona State Trust Lands, and 17 miles of private property. Klondyke Road provides the only public access to the east end of the Aravaipa Canyon Wilderness and Turkey Creek, The Nature Conservancy's Aravaipa Canyon Preserve, and other public, State, and private lands in the Klondyke valley.

On February 11, 2005, **Ex. 6** private landowner, locked a gate that is on private property; there is no adjacent public land. The closest public land is 2.5 miles from the gate at the entrance of Aravaipa Canyon Wilderness.

Area residents, public land users, visitors, and the BLM have considered this road to be a public road, as it has been maintained for many years by Graham County. However, upon the road closure, we found out that Graham County has no right-of-way or easement to the entire length of the Klondyke Road from Highway 70 to the public land at Turkey Creek/Aravaipa Canyon Wilderness. After the closure, Graham County discontinued grading the road beyond the locked gate and, through advice of their legal counsel, has not pursued actions to reopen the road.

The BLM was forced to cancel all Aravaipa Canyon Wilderness permits previously issued for the east entrance and has discontinued issuing new permits until the road closure issue is resolved. It is a very popular area for hiking, camping, hunting, birding, and general recreation, and there are many people who are being impacted. Not only is Aravaipa Canyon Wilderness a popular local destination, it is world-renowned for its scenic beauty. We are eager to resolve this situation.

Over the past year, the BLM has coordinated with a number of elected officials, agencies, and individuals to try to restore access. The following is a short summation of the efforts of the BLM Safford Field Office (SFO). An extensive file is available for review at the SFO.

- The BLM immediately began discussing options with the Graham County Board of Supervisors. Even though the County has maintained this road for more than 50 years, they have never designated it as an official County road or acquired rights-of-way. Under advice of the Graham County Attorney, the only solution for the County was condemnation or purchase of a right-of-way. The County is unwilling to do either, as it sets a precedent for the many miles of road in Graham County with the same circumstances (see attached Graham County memorandum). The County worked with adjacent landowners in hopes of possibly constructing a new road bypassing the locked gate, but was unable to secure any agreements.
- The BLM met with **Ex. 6** in conjunction with Graham County Supervisor **Ex. 6** and a representative of the Arizona Game and Fish Department (AGFD). They expressed interest in gaining access, but **Ex. 6** was not willing to work with these parties. **Ex. 6** and AGFD continued to speak with her in coordination with the County, but a settlement could not be reached to reopen the road. **Ex. 6** has given conflicting reasons for locking the gate (see attached BLM letter to **Ex. 6**).
- The BLM has pursued alternate access routes to the area but has met with resistance to a new route that would increase traffic across private lands. We were told, indirectly, that if the BLM pursues alternate access, other private landowners will put up gates.
- The County suggested that a group of citizens could work together to get the gate reopened. A petition was circulated and signed by more than 500 local residents, but it has not been acted upon since the citizens do not have legal counsel and funding.
- The BLM is currently working on the Aravaipa Ecosystem Management Plan. This planning process has included other agencies such as AGFD, private organizations such as The Nature Conservancy, and a great deal of public participation and input. The group looked at potential access routes. All alternative routes are being explored, but they all involve crossing private land at some point. There are more than 30 private landowners along the Klondyke Road. At any time, any or all of them could construct a gate and block access. At this time, there appears to be no alternative existing route to the east end of Aravaipa that would solve the access problem without traversing private land.
- The BLM, Graham County, and AGFD have explored the options of obtaining an easement through the Arizona State Land Department Trust Lands and constructing a new road on State Trust Lands and public land. This option has not been formalized and would take significant funding and time to complete.
- The BLM and AGFD were already working to acquire easements from two other private landowners who are blocking access on remote back-country roads. These access issues are on side roads, off the main Klondyke Road. One landowner has blocked access to Dry Camp/Hell Hole Canyon, a side canyon of Aravaipa Canyon Wilderness. Hunters and hikers

use this area as access to the wilderness. Another landowner has blocked access in an area of the old Aravaipa townsite, located north of Klondyke, which provides access to the south side of the BLM's North Santa Teresa Wilderness and other BLM and Forest Service land. The AGFD is pursuing acquisition of easements to guarantee hunter access into these areas, and had presented both parties with written offers. This process has stopped, however, pending the resolution of the main Klondyke Road issue.

The BLM is always open to hear new resolutions. However, at this point, there is no resolution in sight.

If you have additional questions or comments, please contact Bill Brandau, Safford Field Manager, at (928) 348-4461.

Sincerely,

 **Carl Rountree**

Elaine Y. Zielinski
State Director

2 Enclosures

1 – Memo from Graham County Attorney Kenneth Angle

2 – Letter from the BLM to **Ex. 6**

cc: Your Washington Office

bc: WO-615, 401 LS

AZ-410, 912

Field Solicitor, Phoenix

Ex. 6 djj:03/02/06



KENNETH A. ANGLE
GRAHAM COUNTY ATTORNEY

800 MAIN STREET • SAFFORD, ARIZONA 85546 • PHONE (928) 428-3620 • FAX (928) 428-7200

MEMO

RECEIVED

MAY 26 2005

RECEIVED
SAFFORD, ARIZONA

To: Bill Brandau, Bureau of Land Management
From: Kenneth A. Angle, Graham County Attorney
Date: May 23, 2005
Subject: Klondyke Road Closure - Ex. 6

The Graham County Board of Supervisors held a meeting in regards to the closure of Klondyke Road on March 21, 2005. The Board requested that I write you a letter on the decision they reached. The Board has currently decided not to take action against Ex. 6 for closing Klondyke Road. The Board has decided not to file a condemnation proceeding and the Board is currently not interested in paying any money to Ex. 6 to keep the road open.

If you have further questions, feel free to contact one of the Board members or Ex. 6. If you discover new facts or information, please inform the County.

cc: Ex. 6



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Safford Field Office
711 14th Avenue
Safford, Arizona 85546
www.az.blm.gov
(928) 348-4400

In Reply Refer To:
8560 (AZ-410)

April 11, 2005

CERTIFIED MAIL NO. 7003 1680 0005 7418 1184
RETURN RECEIPT REQUESTED

Ex. 6

Re: Closure of Aravaipa-Klondyke Road; March 30, 2005, meeting summary

Dear

Ex. 6

I wanted to follow up on the meeting we had on March 30, 2005. Thank you for coming in and visiting with us. We continue to believe that the Aravaipa-Klondyke Road is a public road or highway under Arizona law and that no adjoining property owner has the right to deny long-standing public access on this road. We therefore conclude that your gate should be promptly unlocked and permanently opened to established public uses. We respectfully submit that the issues you hope to address by closing the gate is entirely separate and distinct from the continuing right of free and unrestricted public access.

With this background, I wanted to restate the BLM's three primary conclusions from the March 30, 2005, meeting.

1. It would be appropriate for you to articulate in a letter the issues you have and send to all three parties (Graham County; Arizona Game and Fish; and BLM). We could then respond back to you regarding who has jurisdiction and what we may do and/or are doing to resolve your issues. However, the BLM is committed to working with all parties. As I said at the meeting, the BLM will pursue most of the issues through the Aravaipa Ecosystem Management Plan process and I encourage you to be an active participant in that effort.

2. The BLM is more than willing to work with Graham County and the Arizona Game and Fish Department on resolving issues that are of immediate concern if it will help in getting the gate open to the public.

3. Lastly, the BLM may pursue a process to regain access if other means are not successful. As I stated, I was not prepared to say what courses of action we may pursue. We have a responsibility under applicable federal statutes and regulations to take all necessary steps to ensure adequate access to federal lands on this road.

I understand that you had to replace the lock on the gate recently, and that the key you provided to our office no longer works. While not agreeing that you have a right to install, much less close and lock the gate, I would like to request, in the interim, and while we consider our legal options, that you provide a new key or keys to the gate. We can make arrangements to keep you informed on the use of the key(s).

I hope to continue our open dialogue until we can reach an agreement on this issue. The BLM looks forward to your written response to this letter.

Sincerely,



William Brandau
Associate Field Manager

cc:

Jim Palmer, Graham County Board of Supervisors
Duane Aubuchon, Arizona Game and Fish Department
Rich Greenfield, USDOJ Field Solicitor's Office