



Travel Management Plan Discussion Paper—Draft: 8.3.12

RS 2477 Right-of-Ways

What Is the Concern?

Some people are concerned that the Wallowa-Whitman National Forest may not designate all RS 2477 roads for motorized access. An RS 2477 right-of-way is a public highway on National Forest System land that is maintained by state or local governments and/or their public road agencies. The portion of the highway that is on National Forest System land is subject to Forest Service regulation.

How Will This Concern Be Addressed?

All recognized RS 2477 right-of-ways on the Wallowa-Whitman National Forest remain open and unaffected by the proposed travel management plan.

The Forest Service can recognize only valid and existing RS 2477 right-of-ways that have been perfected in a federal court. Only state and local government and their public road agencies can make RS 2477 assertions on National Forest System land. Individuals cannot make RS 2477 assertions on National Forest System land. If a state or local government has a compelling case that they own and are maintaining a road where a RS 2477 right-of-way may exist, the Forest Service will work with them to perfect legitimate RS 2477 claims through the federal courts.

Several criteria must be met for a road to be legally determined an RS 2477 right-of-way:

- The land on which the road was constructed was open public domain, not reserved for a national forest at the time of construction. On the Wallowa-Whitman National Forest, this means a road must have been constructed prior to 1905.



- The road must have been continuously used and maintained as a public highway since its creation.

Management of routes whether they are a RS 2477 roads or other right-of-ways will help to ensure public safety, environmental health, and recreational opportunities.

Are There Exceptions or Options?

The Forest Service will work with state or local governments if these entities feel they have a valid claim for an RS 2477 right-of-way that should be legally recognized.

Your Comments Are Appreciated

The Wallowa-Whitman National Forest will be hosting several community workshops to discuss the specific issues raised by the public regarding the proposed travel management plan. Please check for notices of the public meetings at <http://www.fs.usda/wallowa-whitman/>.