

Date: March 4, 2021

To: Powell County Commissioners Ralph Mannix, Dan Sager, and Doug Crachy;  
Powell County Attorney Kathryn McEnery, and all other interested parties

From: Conn Coughlin, in consultation with Ed Scharf, Ric Hirsch and Carol Fox

Re: Jake Creek Road (aka Spotted Dog Road, Military Road, Stage Coach East Road

This letter is in follow-up to our meeting with the Commission and other county officials on Monday Feb. 22, 2021 and further discussion between myself, Ed Scharf, Ric Hirsch, and Carol Fox (PLWA) about the Jake Creek Road. The purpose of that meeting was to discuss the County's plan and to set a timeframe for the reopening of Jake Creek Road in as short of time as possible. We don't believe that objective was accomplished.

Three of us (myself, Ed, and Ric) have been in discussions with FWP, DNRC, Powell County representatives and private owners for over 10 years about this road issue. We were under the impression that these discussions resulted in a resolution almost four years ago. Obviously, that did not happen.

Since then, there has been almost no action on this resolution.

We are aware that the previous county attorney, Lewis Smith, after completing a lot of research and progress reports on this road issue, decided not to run for election. Subsequently, present county attorney Kathryn McEnery inherited this task, along with his case overload. We acknowledge that any further action for reopening was put on the back burner, so to speak, because of this transition.

Having acknowledged this shortcoming, and that the research on the road is mostly complete, we are not in favor of the recommendations presented by the county attorney at the Feb. 22 meeting that involve pursuit of a judicial stipulation for road migration and the County's control of the gates because this would cause further lengthy delays.

We are also aware of the possibility that there may be some legal recourse, mainly on the behalf of FWP, due to road migration. The fact of the matter is, however, that the county has the right to reestablish the legal rights-of-way around the reservoir, which was rerouted years ago. This can be done fairly easily, as most of the original road bed is still visible and currently being used by the Canyon River Ranch to access the dam.

This situation might provide a good bargaining tool to use when discussing the possibility of an easement from the FWP on the road, as it currently exists, from the south end of the reservoir to the 314 road.

Our recommendation is two-fold: 1) to open the road bed as it is currently, as least from the south locked gate at the property line of Tomlinsons and Johnsons to the reservoir, which we know is on the footprint used over the past century; and 2) to try to negotiate with FWP on the usage of the road from the south end of the reservoir to the 314 road, as it also exists currently.

If that cannot be accomplished, the County can simply reopen the right-of-way along the east edge of the reservoir, and tie it in to the road access currently used by Canyon River Ranch to access the reservoir.

We believe that this can be negotiated rather easily, without much legal intervention.

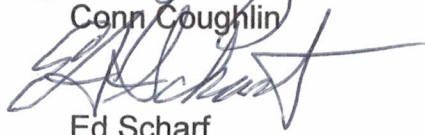
Our goal is to have the section of road from the Tomlinson, Johnson boundary line to the reservoir open on May 15<sup>th</sup>, of this year, to coincide with the wild life management opening, and the reservoir to Avon to be opened as soon as possible, thereafter.

Enclosed are the maps which will explain the proposal.

We thank the Commissioners for your help and assistance and are hopeful you can put this opening back on track.



Conn Coughlin



Ed Scharf



Ric Hirsch

PWLA, Carol Fox