

AI Summary of the current status of the Forest Service Permit and the Gilpin-Clear Creek Home and Landowner Association, Inc.

April 10, 2026

Disclaimer: This summary is provided as a convenience and (as AI can make mistakes), not a legally binding document.

The 1997 Easement Document (Forest Service Permit)

This is the foundational legal document — the actual Private Road Easement (CLC575401) granted by the USDA Forest Service to the Gilpin-Clear Creek Home and Landowners Association, Inc. Its key points are:

The easement grants GCCHLA a *nonexclusive* right to use a defined road corridor crossing National Forest System (NFS) land in Township 3 South, Range 73 West, across portions of Sections 4, 5, 8, 9, 15, 16, and 17 in Clear Creek and Gilpin Counties. The road corridor is 10 feet on each side of the centerline. The specific parcels covered are listed in the attached Exhibit B Mineral Survey Summary, which contains well over 100 named mining claims.

Several terms are critically important for any landowner:

The easement explicitly states that the rights granted do *not* include the right to use the road for access to residential development — short or long term — unless the Forest Service and GCCHLA separately agree upon traffic control regulations and other provisions to accommodate such use. This is a significant restriction that goes beyond simply having HOA membership.

All construction or reconstruction of the road must be done in accordance with plans, specifications, and written stipulations approved by the Forest Service *before* any work begins. This applies even to maintenance-level reconstruction, not just new construction.

The easement continues as long as the property it serves is used for a single family residence, and the Forest Service reserves the right to review and revise all terms at the end of each 30-year period. The easement carries no expiration date otherwise, but fees must be paid annually or the permit terminates.

The Forest Service retains broad reserved rights, including the right to cross the road, grant the road to other users, and ultimately terminate the easement if they assume jurisdiction as a Forest Development Road.

The 2009 Letter (Ranger Daniel Lovato to President Heather Huntoon)

This letter answers two questions the then-president had asked about why a permit was needed and why it was issued to the HOA rather than individuals. It provides important practical context:

The Special Use Permit is not primarily about *using* the road — residents could use the road without a permit in its existing condition. The permit exists to allow the HOA to *maintain and improve* the road, including snow plowing in winter and grading in summer. Without the permit, the road would be closed in winter and could not be repaired if it deteriorated to the point of being unusable.

Each time road work is needed, it would normally require a full NEPA (National Environmental Policy Act) environmental analysis costing \$10,000 to \$15,000, paid by the applicant. The existing Special Use Permit allows the HOA to maintain the road without triggering that analysis each time, until the permit expires — a major practical and financial benefit.

The HOA model exists specifically because the Forest Service is overwhelmed with individual permit requests and could take 5 or more years to process a new one. By directing everyone to join the association, the Forest Service can serve all affected landowners through a single permit efficiently.

Most critically for any landowner: the Forest Service communicates directly with Clear Creek County regarding building permits. If a landowner is a GCCHLA member, the Forest Service confirms legal access to the County. If they are not a member, the Forest Service tells the County the person is not part of the Special Use Permit and therefore has no legal access — which means the County will not issue a building permit.

The 2026 Letter (Ranger Justin Forgensi to President Laurie Beckel)

This is the most recent communication and serves two purposes. First, it clarifies the scope of the existing easement in response to a recent inquiry about two specific properties. Second, it opens the door to a formal 30-year review process.

The letter confirms that both the Conclave Lode Mining Claim (MS 16483) and the Hercules Lode Mining Claim (MS 1492) are listed in Exhibit B, and that *the existing driveway* on those properties is covered by the GCCHLA easement — but only for landowners who are current

HOA members. The phrase "existing driveway" is meaningful: it suggests the easement covers what is already there, not necessarily new construction.

The Forest Service also notes that the easement is approaching its 30-year review mark under Item D, and invites GCCHLA to engage in that process to update terms, revise the Exhibit B list, review the operation and maintenance plan, and produce a new easement document. The contact for this process is Nicole Malandri at the Clear Creek Ranger District.

How These Three Documents Work Together for a Landowner Wanting to Install a Driveway

Taking all three documents as a whole, a landowner in this situation faces a layered set of requirements:

GCCHLA membership is the baseline requirement. Without it, the Forest Service will inform the County that the landowner lacks legal access, blocking any building permit. Membership is necessary but not sufficient on its own.

Existing vs. new driveways is a critical distinction. The 2026 letter's language about "existing driveways" being covered suggests the easement may not automatically extend to brand new construction where nothing currently exists. This would likely require additional Forest Service authorization beyond membership alone.

Forest Service pre-approval is required for any construction or reconstruction under the 1997 easement's Item E. Plans, specifications, and written stipulations must be approved before work begins — this applies to the NFS-crossing portions of any driveway.

Residential use may require a separate agreement. The 1997 easement's Item B explicitly excludes residential access from the rights granted unless the Forest Service and GCCHLA agree on additional terms. A driveway built for residential access could fall into this category.

Private land crossings are entirely separate. If the driveway must cross any other private landowner's property to reach the destination, the Forest Service has no role there. Those agreements must be negotiated directly between the private parties.

The 30-year review process is currently being offered by the Forest Service as an opportunity to formally update the easement. This may be the most practical pathway for a landowner wanting to add new driveway access — getting it formally included in an updated easement and Exhibit B during this review window.

Key People and Organizations

The *USDA Forest Service, Clear Creek Ranger District* is the governmental authority that controls all NFS land crossings, issues and enforces the easement, and communicates with the County about legal access. Current contact is Nicole Malandri (nicole.malandri@usda.gov / 303-567-3011), with District Ranger Justin Forgensi as the decision-maker.

GCCHLA (currently led by President Laurie Beckel) is the nonprofit association that holds the easement on behalf of its members and is the intermediary between individual landowners and the Forest Service. Membership in GCCHLA is the gateway to legal access and county building permits.

Clear Creek County issues building permits and relies on Forest Service confirmation of legal access before doing so. It plays no independent role in the easement but is a key downstream gatekeeper.

Individual landowners must work through GCCHLA for NFS access matters and must resolve any private land crossing disputes directly with neighboring private landowners, without Forest Service involvement.