

**OWYHEE COUNTY RESOLUTION NO. 2017-21**

**RESOLUTION TO ESTABLISH THE *FINAL* MAPS FOR THE RIGHTS-OF-WAY UPON AND ACROSS LAND OWNED BY THE UNITED STATES OF AMERICA IN OWYHEE COUNTY**

The following Resolution was considered and adopted by the Owyhee County, Idaho Board of Commissioners (hereafter the "Board") on this 3<sup>rd</sup> day of July, 2017.

WHEREAS, by Owyhee County Resolution 11-01 enacted on January 4, 2011, the Board adopted a resolution to establish the group, as well as the criteria for the grouping, for rights-of-way upon and across land owned by the United States of America in Owyhee County;

WHEREAS, consistent with Owyhee County Resolution 11-01, the Board solicited and received comments from the public as to the proposed grouping, as well as the criteria for the grouping;

WHEREAS, consistent with Owyhee County Resolution 11-01, the Board gave notice of such Resolution and of the opportunity to comment to the proposed grouping, as well as the proposed criteria for group, to the Idaho BLM State Office, Boise BLM District Office, Twin Falls BLM District Office, Owyhee BLM Field Office, Bruneau BLM Field Office, Four Rivers BLM Field Office, Jarbidge BLM Field Office, and the BLM Birds of Prey NCA Office, and the Board received *no comment* from the BLM or any of these Offices as to the proposed groups, or the proposed criteria for such groups;

WHEREAS, on September 12, 2011, the Board adopted by County Resolution 2011-21 the Final Grouping as well as the Criteria for Grouping of the Rights-of-Way Upon and Across Land Owned by the United States of America in Owyhee County;

WHEREAS, Resolution 2011-21 directed the Designee of the Board, County Clerk Angie Barkell, to apply the Final Grouping and Final Criteria for Grouping to the various routes Asserted on the United States Department of the Interior Geological Survey Maps No. 1 through 161 and referenced in Owyhee County Resolution 94-03 that are on lands owned by the United States of America. The Board further directed their designee to prepare *Proposed* Maps that will color coordinate the various rights-of-way by groupings upon the land owned by the United States of America so as to be reviewed by the public and the federal agencies for comment on the Proposed Maps:

WHEREAS, as specified in Paragraph 6 of Owyhee County Resolution 2011-01, the designee of the Board prepared the *Proposed* Maps, as stated herein, the Board provided notice, as required by applicable law, as to the availability for the review of the *Proposed* Maps, and gave the public sixty days (60-days) from the notice for the public to submit written comments to the Board as to the *Proposed* Maps. Written comments were solicited by the Board to include any omissions of any rights-of-way on the *Proposed* Maps, and if any omissions, the Board requested that written comment include the suggested group in which that right-of-way will be within. The Board also sent separate

written notice to the BLM, soliciting the BLM's comment within the 60-day comment period.

WHEREAS, Owyhee County Resolution 2011-01 required that after receipt of any written comments to the Board as to the *Proposed Maps*, as stated herein, the Board will determine and otherwise establish by separate and further Resolution the Maps, as *Final Maps*. The Board will immediately thereafter tender such *Final Maps* to the BLM to apply in the BLM's TMP process;

WHEREAS, written comments to the *Proposed Maps* were timely received by Owyhee County and various amendments were made to the *Proposed Maps* for review and decision by the Board;

WHEREAS, the amended *Proposed Maps* have been presented to the Board by the Board's designee with a recommendation that the Board Adopt them as *Final Maps*;

WHEREAS, the Board having carefully reviewed the initial *Proposed Maps*, the written comments received, and the designee's recommendation as to *Final Maps*;

1. NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Board approves, determines and establishes the following *Final Maps* of the various rights-of-way (aka "roads, trails, and ways") that are shown on United States Department of the Interior Geological Survey Maps No. 1 through 161 and referenced in Owyhee County Resolution 94-03 that are on lands owned by the United States of America:

2. The *Final Maps* are incorporated into this Resolution as Exhibits as follows:

A. Exhibit A: Full-size copies of United States Department of the Interior Geological Survey Maps No. 1 through 161;

B. Exhibit B: Reduced-size (8.5" X 11" format) copies of United States Department of the Interior Geological Survey Maps No. 1 through 161;

C. Exhibit C: Electronic media copies of United States Department of the Interior Geological Survey Maps No. 1 through 161;

3. No groups (and related criteria) intend to cover the various rights-of-way that are shown on United States Department of the Interior Geological Survey Maps No. 1 through 161 and referenced in Owyhee County Resolution 94-03 that are on lands owned by private landowners or by the State of Idaho.

4. IT IS HEREBY FURTHER RESOLVED the Board will immediately tender the foregoing *Final Maps*, including Exhibits B and C, to the BLM to apply in the BLM's Travel Management Plan process, as initiated by the BLM Boise District letter to the "Interested Public" dated October 18, 2010.

5. IT IS HEREBY FURTHER RESOLVED that, in accordance with Paragraph 8 or Owyhee County Resolution 2011-01, the Board directs Clerk Barkell to provide notice, as required by applicable law, as to the availability for the review of the *Final* Maps, and said notice shall give the public sixty days (60-days) from the notice for the public to submit a written protest to any specific right-of-way and/or to the grouping of any specific right-of-way on the *Final* Map. Any protest must be timely filed with the County Clerk of Owyhee County. Any protest must be submitted on a form specified by the County Clerk of Owyhee County and the designee of the Board;


6. IT IS HEREBY FURTHER RESOLVED that should any timely protests be filed, the Board shall direct and authorize the designee of the Board to assess the protest and provide a recommendation to the Board as to whether the protest warrants any change in the *Final* Maps. If a change is recommended, the Board will set an open, public meeting, with direct notice by certified mail to the protester, to determine whether the Board will accept or reject the recommendation. If accepted by the Board, the designee of the Board shall change the *Final* Maps, as specifically related to the protest. The Board will immediately thereafter tender such *revised-Final* Maps to the BLM to apply in the BLM's TMP process. If rejected by the Board, the aggrieved protester may seek whatever remedies may be available under applicable law, though Board hereby states that this Resolution does not intend to establish any further remedies that may be available under applicable law.

7. IT IS HEREBY FURTHER RESOLVED that after the *Final* Maps are determined and/or after any *revised-Final* Maps are determined, the Board may seek to validate, in whole or in part, in the U.S. District Court, District of Idaho, those rights-of-way that fall within the group identified as "Rights-of-Way to be ratified as R.S. 2477" based upon the applicable law at that time.

5. IT IS FURTHER RESOLVED that this Resolution is effective on the date of signatures of the Board.

APPROVED AND ADOPTED this 3<sup>rd</sup> day of July, 2017.

  
KELLY ABERASTURI, CHAIRMAN

  
JERRY L. HOAGLAND, MEMBER

  
JOE MERRICK, MEMBER

OWYHEE COUNTY CLERK: ANGELA BARKELL

Attest: Angela Barkell

Date: 7-3-17