



Kane County Commission
 Mark W. Habbeshaw, Daniel W. Hulet, Duke Cox
 76 North Main
 Kanab, Utah 84741
 (435) 644-4902

October 13, 2006

Henri Bisson, State Director
 Bureau of Land Management Utah State Office
 P.O. Box 45145-0155
 Salt Lake City, UT 84145-0155

Re: Bald Knoll and Mill Creek Road Proposed Improvements (BLM reference 2822 (UT-921))

UTAH STATE OFFICE STATE DIRECTORS OFFICE			
RT	OFFICE	INITIAL	DATE
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Dear Mr. Bisson:

We have received your letter of August 29, 2006, concerning Kane County's proposed improvements to the Bald Knoll and Mill Creek Roads. Kane County has applied for a FLPMA right-of-way for a segment of the road to be realigned. The County has proposed improvements to the Bald Knoll and Mill Creek Roads as previously described in our timely comments (EA UT-110-06-001) on June 9, 2006 and in our subsequent letter of August 9, 2006.

The County appreciates your consideration of our previously submitted documentation supporting our claim of a R.S.2477 right-of-way on the portions of Mill Creek and Bald Knoll Roads proposed for improvement. As requested in your letter, we are submitting additional evidence supporting the County's claim of right-of-way on the Mill Creek and Bald Knoll Roads.

We have enclosed an inventory of a complete list of documentation submitted to the BLM as of this date and we have also identified the documentation submitted with this letter.

We believe the County's documentation clearly exceeds the preponderance of the evidence standard necessary to meet our burden of proof. We have purposely exceeded a mere preponderance of the evidence standard because we are fully aware of the importance of the first roads submitted under the NBD process as established by Secretary Norton's recent policy which is based on 10th Circuit precedent.

We hope the administrative determination process is concluded in a timely manner due to public safety issues and because of the importance of the Burnt Shale Material Sale to our local economy.

Sincerely,

Mark W. Habbeshaw, Chairman
 Kane County Commission

Cc: Rex Smart, Kane BLM Field office
 Attachments

MEMORANDUM

From: Marilyn Lawson

To: Lou Pratt, Jr., GIS/Transportation System Department Director

Date: 10-13-2006

- I. The list below completes the documentation prepared for the BLM on the Bald Knoll/Mill Creek proposed road improvement associated with the Burnt Shale Material Sale, EA UT-110-06-001, as of October 13, 2006.

BALD KNOLL ROAD AKA COAL ROAD K3935

1. Affidavit - Wayne Robinson
2. Affidavit - Roy Machelprang
3. Affidavit - Kirk Brinkerhoff
4. Affidavit - Arlene Goulding
5. Affidavit - Clyde Coulding
6. Affidavit - Trevor Leach
7. Pre-1976 Ariel Photo's (one with trace and one without trace)
8. 1966 - 7.5 minute map (attached copies of "Skutumpah Creek" "Bald Knoll")

MILL CREEK ROAD K4400

1. Affidavit - Roy Machelprang -
2. Affidavit - Arlene Goulding -
3. Affidavit - Clyde Goulding
4. Affidavit - Wayne Robinson -
5. Pre-1976 Ariel Photo (one copy without trace and one copy with trace)
6. 1966 "Skutumpah Creek Quadrangle" 7.5 min. map, taken from 1964 Ariel photograph
7. 1970 BLM Planning map
8. 1971 DOI/BLM Recreation map
9. Cadastral Survey map dated June 3, 1914 T39S R4 ½ W
10. Cadastral Survey map dated June 3, 1914 T40S R4 ½ W
11. 1963 "Dixie National Forest" map (shows top portion of Mill Creek Road)

- II. We are providing additional information today (October 13, 2006) as listed below:

BALD KNOLL ROAD AKA COAL ROAD K3935

1. Affidavit - Arlene Goulding -
2. Affidavit - Clyde Goulding -

4. Affidavit Trevor Leach --
5. BLM Ariel Photograph (originals filed in the Kanab BLM Field Office)
 - a. DSA -10 AA- 21 Dated 7-16-60
 - b. DSA- 4AA-12 Dated 6-28-60

MILLCREEK ROAD

1. Affidavit -- Clyde Goulding --
2. 1963 Dixie National Forest Map showing top portion of Mill Creek Road
3. BLM Ariel Photograph (originals filed in the Kanab BLM Field Office)
 - a. DSA-10AA-22 Dated 7-16-60
 - b. DSA-10AA-21 Dated 7-16-60
 - c. DSA-10AA-19 Dated 7-16-60
 - d. DSA-10AA-18 Dated 7-16-60