

OWYHEE COUNTY RESOLUTION NO. 09- 11

Rescinding and Revising Owyhee County Resolution No. 08-02

**"OWYHEE COUNTY RECREATION TRAIL PLAN FOR THE OWYHEE FRONT,
EXCLUDING THE WILSON SUB-REGION"**

1) The rapid and increasing rate of development of user created routes throughout the Owyhee Front since adoption of the Owyhee RMP in December of 1999 has had significant impact on land resources, wildlife resources, other authorized users and on the use and enjoyment of private lands. In order to prevent further damage and reduce recreational use conflicts with landowners and public land users, the County establishes the following policy for management of motorized and non-motorized recreational uses for the Owyhee Front.

2) The entirety of this County policy is to be treated by the BLM as a County Plan with which BLM must coordinate for consistency as required by FLPMA. In accordance with the FLPMA, the County expects that BLM will notify the County of any potential inconsistencies between this plan and any BLM proposed action relative to the planning area and provide the substantive legal reasons for any such inconsistency.

3) This Plan is not intended to, and does not, relate to the existence or non existence of asserted RS 2477 rights of way. Consistent with the BLM Land Use Planning Handbook, the County expects that all County roads will be clearly identified as such on all maps and that such roads will not be included in or counted as part of the BLM travel and transportation management system within the Murphy Subunit Planning Area.

"H-1601-1, IV. C. . . . In conjunction with the process of identifying a road network (see Appendix C, Section II.D, (Comprehensive Trails and Travel Management)), develop a transportation plan outlining specific road types and designations such as Federal, state, county, and Tribal roads, BLM administered/maintained roads, and BLM public roads."

4) This Plan is not intended to preclude official use by BLM personnel or administrative uses by grazing permittees, other permitted or authorized users and regular law enforcement and emergency efforts to protect the public health and safety.

5) In accordance with EO 11644 administrative use is expressly authorized on all existing routes required for an administrative purpose either by BLM or a permitted user. Any permitted or authorized use of the public land within the planning area shall be considered as authorization for required motorized use of any existing route necessary to accomplish the permitted or authorized use. Such routes, not otherwise designated for public use, should be designated and signed as a 'restricted administrative route' as defined in BLM IM# 2008-014, - Attachment 5. To the extent necessary all administrative routes may be so designated and signed as such.

BLM Instruction Memorandum No. 2008-014, - Attachment 5. Administrative routes are those that are limited to authorized users (typically motorized access). These are existing routes that lead to developments that have an administrative purpose, where the BLM or a permitted user must have access for regular maintenance or operation. These authorized developments could include such items as power lines, cabins, weather stations, communication sites, spring developments, corrals, or water troughs.

6) The BLM should, in coordination with State Parks and Recreation, Idaho Fish and Game, and the County, carry out an adaptive management procedure to specifically address seasonal or temporary closure of routes or portions of routes to assure effective mitigation of recreational use conflicts with livestock grazing, wildlife and public safety concerns. BLM should specifically allow necessary administrative use during closed seasons.

7) In accordance with EO 11644, the BLM should specifically preclude any restrictions on Off Highway Vehicle use of any military, fire, emergency, or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes. In addition BLM should, in coordination with the County, develop and establish a process through which routes or portions of routes can be temporarily closed and/or limited to facilitate emergency services to deal with fire, natural disaster, and other emergencies including preventive measures in the interests of public health and safety.

8) The BLM should sign the routes established by this plan, with informative signs placed at intersections of routes, and at regular intervals as necessary along each route. Signs should inform the user of restrictions for non-motorized, 2WD, 4WD, Motorcycle, ATV, loop routes, dead end routes and administrative routes.

9) Such signs should contain an alphabetical letter plus three numbers as routes identification similar to those signs already used in some recreation route areas by the BLM. The planning for signs and the signing or re-signing of routes itself shall be subject to the adaptive management process and will be coordinated with Owyhee County. Such coordination will allow participation by user groups and cost sharing by user groups.

10) The required signage should be enforced by active presence of BLM Rangers and Owyhee County Law Enforcement personnel. The point at which routes are closed should be carefully considered so as to take advantage of terrain features or other elements which will serve to enforce the closure with a minimum installation of gates, fences or cattle guards.

11) The BLM should, in coordination with State Parks and Recreation and the County, establish a schedule for regular route management. Assessments of route condition should be conducted annually in the fall so as to determine route condition

subsequent to the spring wet season and the summer period of heavy use. Route maintenance should be performed at least every third year on a routine basis and more frequently as indicated by the annual route condition assessment. Route maintenance and management should be flexible enough to adapt to changing use and climatic variation.

12) The BLM should coordinate with the County and State Parks and Recreation to obtain funds necessary for regular maintenance of designated recreational routes. The County will assist in coordinating establishment of grants from State Parks and Recreation for such maintenance. The County will also involve recreational users in the search for and acquiring of grants for maintenance.

13) The County, the BLM, and State Parks and Recreation will coordinate in adopting a strategy and implementing action to encourage and reinforce volunteer efforts to maintain, sign and repair routes.

14) It is expected that competitive events will be allowed to utilize any route designated for any recreational use and will be permitted on a case by case basis.

15) It is the County position that BLM Alternative D proposes to make available for recreational use a significantly greater number of routes and miles of routes than is prudent to meet the Land Use Plan objective. The vast recreational route system identified in Alternative D as well as the excessive number of dead end routes will make it extremely difficult to achieve timely and effective monitored. In addition, enforcement is and very likely will continue to be inadequate and ineffective.

16) Accordingly BLM must have in place a process for immediately addressing non-compliance by modifying or removing route designations. Dead end routes are a particular risk for extension and development of new user created routes and will require intensive monitoring to assure compliance with designated recreational uses. Where noncompliance is evident, BLM must initiate immediate action to modify or remove such routes from limited-designated recreational use or change the designation to administrative use as appropriate.

17) The vast opportunity for recreational access and use proposed in BLM Alternative D will continue to facilitate incidents of damage to range improvements and private property by a small number of recreational users. Accordingly BLM must accept responsibility and provide the funding necessary to repair or mitigate such damage.

18) The BLM should coordinate with the County and State Parks and Recreation with regard to proposals for changing existing route designations within the recreational use system. Potential additions to the recreational route system requires careful consideration of private property rights, the protection of sensitive species, wildlife, other uses and the overall environment which includes human interests and concerns. The construction of entirely new routes will require NEPA analysis.

19) The following specific BLM actions shall be taken:

In Sections 1, 2 and 11, T4S R3W, the BLM should reroute the trail to make it accessible for ATV use.

In Section 33, T3S, R3W, the BLM should develop a trail to go around and not conflict with private property owned by Paul Nettleton/Joyce Livestock.

In Section 3, 4, 9 and 10, T2S R3W, the BLM should bury the Windy Point pipeline to a deeper underground location so that motorized traffic can pass over the pipeline without damage to the pipeline. This action will eliminate serious conflict of land use,

20) Implementation of coordination as provided for in this Resolution and plan shall remain in the hands of the Owyhee County Commissioners who shall consider recommendations from the Natural Resources Committee and the Recreation Task Force which developed and recommended this Plan as well as the Hemmingway Plan both of which will be parts of the overall Owyhee County Natural Resources Plan.

The Resolution adopting this Recreation Travel Plan for the Owyhee Front, excluding the Wilson Sub-Region is executed this 7th day of April, 2009.

: *Joseph Blaylock*

: *Gregg*

: *Steward*

Attest: *Charlotte Herbern*