

ORDINANCE 87

An ordinance of the Board of County Commissioners of Washington County, Idaho adding Title 8 Chapter 12 County coordination and Sheriff's authority to the Washington County Code.

Whereas; Washington County has Federal land in the county and the FLPMA of 1976 Title II Sec. 202 (c) states: In the development and revision of land use plans the Secretary shall- (9) to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located....

Whereas; The jurisdiction, both civil and criminal, over persons with in federal land reservations shall not be affected or changed by reason of the existence of such reservations.....being that the State wherein any such reservation is situated shall not by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens.... Organic Act of 1897 (6)

Whereas; the Organic Act of 1897 provides for State and Local jurisdiction of Federal Lands

Whereas; Title V, Sec. 501, (6) of FLPMA states; roads, trails, highways, railroad, canals tunnels, tramways, airways, livestock driveways, or other means of transportation..... (7) such other necessary transportation or other systems or facilities which are in the public interest.....

Whereas; Organic Act of 1897, Public and Private Uses (7) states; Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such reservations, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and utilize their property.....

Now therefore be it ordained by the Board of County Commissioners of Washington Co. that Title 8 Chapter 12 read as follows;

1. The Federal land administrators shall coordinate with the County Commissioners and Sheriff-to close any road under their management in the county where the Federal land resides.
2. The Sheriff has the authority under this ordinance to open roads and areas on the spilt estate lands that are needed for public access and safety.
3. The Federal law enforcement officers operate under the Sherriff's authority and shall not enforce any laws upon the citizens of the county without permission of the Sherriff.
4. The county receives funds from the timber harvest, grazing and mineral extraction from the spilt estate land. Therefore the Federal Land Administrator shall allow and promote timber extraction, mining activities and grazing for the benefit of the citizens of the county as stated in, FLPMA of 1976, NFMA of 1976, and the Organic act of 1897.

Enforcement: The Sheriff of Washington County has the authority to enforce this ordinance when requested by the citizens of the county or need arises as determined by the Sherriff.

Penalty: Failure to coordinate and comply with the Authorities of Washington County and follow the terms set out in this ordinance is a misdemeanor and is punishable with a \$1000 fine or 1 year in jail or both.