



In The County Court of the State of Oregon for Harney County
Minutes of the County Court
July 16, 2014

The Harney County Court convened in Judge Steven E. Grasty's office at 10 a.m. on Wednesday July 16, 2014. Members attending were Judge Steve Grasty, Commissioner Dan Nichols, Commissioner Pete Runnels, Roadmaster Eric Drushella, Deputy Sheriff Brian Needham, Brandon McMullen, Planning Director and Derrin (Dag) Robinson, County Clerk.

Others in attendance included, Herb Vloedman, Samantha White, Barbara Kull, Travis Williams, and Randy Fulton

Judge Grasty led all in the Pledge of Allegiance.

Commissioner Runnels made a motion to approve the minutes from the July 2, 2014, meeting, Judge Grasty seconded, motion carried unanimously.

Vouchers were reviewed and approved by Court Signatures.

Public Comment:

Herb and Eric discussed the Veterans signs.

Judge Grasty provided a brief status update on the sage grouse matter. Two issues- Resource management plan, and then list or not list, and then sage con.

Randy Fulton, Economic Development Coordinator provided an update to the court regarding his recent activities.

The Court reviewed Resolution 2014-08 in the matter of supporting the Designation of a New Local Workforce Investment Area Including Harney, Malheur, Grant, Wallowa, Union, Baker Umatilla and Morrow Counties. Commissioner Nichols moved to adopt Resolution 2014-08. Judge Grasty seconded. Commissioner Runnels stated since there is really no other option, the court would go along with this concept under duress. The Motion carried unanimously.

Tara Martinak, BLM Public Information Officer; Sgt. Brian Needham, Deputy Sheriff; and Tom Sharp, Emergency Management Coordinator; were all present to provide status

briefings on the Buzzard Complex fires. Martinak discussed perimeters and loss status. She stated it was nearing 155,000 acres at this point. Needham discussed law enforcement issues and Sharp updated the court on the fire line, which has been developed on the West boundaries of Burns and Hines by the County in cooperation with the public works departments of the Cities of Burns and Hines.

The Court discussed briefly the Juntura cut-off road and a scheduled meeting at the site next Tuesday July 22, at 10:00 a.m. PST.

The Court reviewed the Oregon Parks and Recreation Department County Parks Assistance Program Application. It is a regular submission, and allows for the County to receive \$10,008 towards the County Park Fund.

The Court recognized the Assessors Certified Ratio Study Acceptance and Recommendation.

The Court discussed attendance at the Blue Mountains Coalition of Collaboratives Mid-Year meeting in John Day, July 29-31, 2014.

Mike McArthur, AOC Executive Director, will be here and will meet with Harney County elected officials next week.

The Court recessed at 12:10 p.m.

The Court reconvened in the Courthouse meeting room at 1:30 p.m. for the purpose of a public hearing to look at, and recognize, the road inventory map.

Judge Grasty provided a brief explanation, stating the origination of this project was at the request of the Stock Growers Association. He explained the disclaimer for the map.

The Judge stated this mirrors the process that was used during the creation of the Steens Management Plan and the purpose is to affirm what roads exist. He stated this is not intended to make these county roads, or guarantee any access, simply a documented inventory.

Summarized Testimony was as follows:

Travis Williams, President of the Harney County Stock Growers Association, stated they brought the suggestion to the court 2 plus years ago and asked landowners to document their roads and what they were used for and when.

Mike Weil stated he has concerns with closing ANY road, private or public. He would like to see it kept for whatever purpose.

Susan Bush stated she believes since this is a map, meadowlands ranches roads should be recognized as roads, and it is not a very friendly map, and is incomplete.

Barbara Cannady submitted written testimony and state she has problem with a common identifier- no distinction between private and public lands. (Written testimony is attached).

Barbara Kull stated she attended a meeting regarding forest roads. Some felt this was a good thing but then found by identifying the roads, they were setting them up to be closed. She has a great concern about United Nations Agenda 21. She feels it is a very real problem facing the people here and it is much bigger in scope, and wonders what can be done about it.

Martin Davies asked if the court has any power to fix this. Court members acknowledged "No." He has concerns about trespass but is ok with folks finding a legal access to public land.

Scott Franklin expressed concerns about access, both historical and annual. He feels creating illegal fences the taxpayers have to fund removing needs to stop.

Warren Gillespie said he was present to just get informed.

Linda Neal stated she was present mostly as a concerned citizen to listen about the issues related to roads.

Gary Marshall stated he was unhappy with the personal attacks and supports keeping these historically used roads on the map.

Paul Bradley suggested calling the title of the map "Inventory" not specifically. He agrees with access, good neighbors, sharing, and asked for a transportation plan that allows people to access their landlocked properties.

Stacy Davies stated he was here to listen. He agrees this is a huge issue. He stated there is law in place regarding property access and knows it isn't the court's agenda to change law. Davies stated we need the public land roads inventoried to keep them open. Then there is sage grouse. He went on to say, from that standpoint, how do we balance the development cap, if there are roads there, or not there? How does it fit in? He suggested we keep working at this and keep working through all the different angles in which this can be used. He suggested it say "roads that exist or have existed," and used that term questionably.

Eddie Brown spoke as a land owner. He believes we should take more time and keep working at it. There are roads that are not on the map, on some maps but not this one. He believes those need to be recognized as well and work on this until it is complete.

It was asked why the roads in the Steens Mountain Cooperative Management Area are not on the map. Commissioner Nichols responded that this inventory was completed there at that point, there is sense in doing it again, and it is designated as it is. He went on to say in part the Stock growers and another county were doing this, and asked it to

be done, so the court took it on. He explained Wilderness designation requires 5,000 acre blocks of non-roaded areas. This is something of great concern and it was a way to start preventing that. He said he thought we were doing the will of some of the people to take this inventory. He thanked the cattlemen and stock growers for help. Commissioner Nichols reiterated there is no hidden agenda; the court honestly believed they were doing the right thing.

Commissioner Runnels reiterated there is no agenda to close any roads. It is to point out what is out there and has been out there, to prevent the 5,000 acre blocks. The intent is to protect what we have. He felt all the comments are good, colors are a good idea, and it would not be a problem to take more time.

Judge Grasty read aloud written testimony in support of the inventory from Amy Woodruff, Javier Goirigolzarri, Patrick and Rose Marie McPurdy, and Randell Drake, Director of Pacific Northwest Four Wheel Drive Association. (The letters are attached.)

Judge Grasty explained the court is simply trying to make an inventory of roads. He explained that when he took office, he spent at least a day a week researching road issues. The road history project that is being worked on by the County road historian and Dale White IS NOT RELATED TO THIS MAP. That project is to identify the documentation that legalized all COUNTY roads. This transportation inventory is not opening, closing, or changing roads in anyway.

He said in regards to Meadowland Ranches roads, the court has discussed this. The County's legal counsel has said time and time again, the landowners have to go together and go to Circuit Court to fix it. They are not dedicated roads. Ownership by a non-existing corporation is between the corporation and the land owner. Judge Grasty referred briefly to the earlier mention of "Agenda 21", and said court is not involved with it, and can't do anything about that. He reiterated the fact that in recent months this Court has aggressively said NO to proposed regulation after proposed regulation. Judge Grasty said he likes the ideas presented and the intent is not to change or challenge state law in any way.

He asked, why move ahead? The Stock growers proposed this, and the possibility of sage grouse listing. It will be the biggest detriment to the economy and livelihood of this county in history.

He explained the Court purposely did not designate road types, such as state, county, forest, private, etc. The Court didn't want a debate about what is what. Maybe that was a mistake.

Judge Grasty concluded his comments passionately, defending the work of the court to represent the will of the people of Harney County and their best interests, and attempts to question the Court's integrity and intent. (A complete transcript is attached.)

Commissioner Runnels suggested color coding the roads listed by color.

Commissioner Nichols suggested realistically, with the attempt at what was to be done, it could stop here and say this is it. Commissioner Nichols said that isn't worth the time, effort, and cost. This shows an inventory. If sage grouse goes to court, this inventory might not matter anyway.

Travis Williams added the Stock Growers were aware other groups were trying to tie up roadless areas of 5,000 acres. That's what this was all about.

Barbara Cannady asked why the stock growers didn't have a public meeting. Williams explained they met with the 4x4 club and they were in favor of doing this at a meeting in Hines a year or so ago.

Barbara Kull stated again concerns of identifying the roads, for them to be closed.

Stacy Davies reiterated it is better to start with something. If it's not mapped, we can't defend it in the future. He commended the Court for their efforts with this.

Judge Grasty suggested leaving the comment period open for 90 days, accepting comments only related to the disclaimer; to add a road or remove a road.

Commissioner Nichols suggested not setting a date yet but adding it as an agenda item at the next court meeting.

Commissioner Nichols moved the Court adjourn at 3:00 p.m. Commissioner Runnels seconded, the motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Derrin Robinson". The signature is written in black ink and is positioned below the typed name.

Derrin (Dag) Robinson, CRA; CEA
Harney County Clerk & Recorder

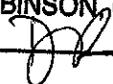
See Attachments

July 16, 2014

Harney County Commissioners
Burns, Oregon

Gentlemen:

FILED
JUL 16 2014

O'CLOCK M
DERRIN ROBINSON, COUNTY CLERK
BY  DEPUTY

I am here today to oppose any Resolution to adopt the present map of Private and Public Roads in Harney County on the grounds that it is inherently flawed in the following manner:

1. At issue is the "Common Identifier". There is no distinction between PRIVATE and PUBLIC lands. Such a blurring of the lines can lead to common regulation at the expense of landowners.

I believe that this tactic is to create confusion. If only legal County Roads were identified, it would expose where the County is in non-compliance by building and maintaining County Roads on private, tribal and public lands. The effect is a tool whereby the County can callously seize lands for public use without compensation.... This is known as a **"Taking."**

But it also puts the landowner in the constant battle of defending their property from trespass from those who will claim to not know the difference between private and public routes.

Does this "County Court" (without due process of the 5th and 14th Amendment to the Constitution of the United States) believe they do not have to take landowner privacy and interests into consideration?

2. Applied to private property, this map creates a record that would remove the ability of the landowner to change use and would have to be challenged/defended in future legal fights. How can a process that affects so many landowners NOT allow clarifications, revisions or deletions by the property owner(s) of private and permissive accesses?
3. The legal process for establishing roads is being ignored.
4. This map shows utility easements that are not roads and never have been roads. These are not legal accesses for any but the utility companies.
5. This map shows roads that have already been vacated and create a burden for landowners in re-defending those vacations.
6. Regional Meetings: Originally, the County Court has planned to hold five or six regional meetings where "anyone" could have input as to where "access" has been. While I oppose anyone but landowners being able to define their internal roads (whether private or permissive) I did not expect what occurred

with the Stockgrower's Association. I was under the impression that Stockgrowers were meeting with their members to identify roads on Public Lands, similar to what I believe the Open Roads Coalition has in mind for Public Access Roads.

I did not expect the Stockgrower's to identify roads on others property while exempting their own. Why should any neighbor have more control over a landowners property then they themselves? But apparently this is what is presented.

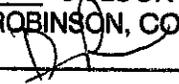
7. Why can't landowners (other than HC Stockgrower members) opt out? I was told that roads could be added but not removed! IF this is such a wonderful plan, why are Stockgrowers opting out?
8. Right to Opt Out: I do not oppose Stockgrower Members opting out. I merely want the same rights for ALL landowners. How can a process that affects so many landowners NOT allow clarifications, revisions or deletions by the property owner(s) of private and permissive accesses?
9. Right to Opt In - It needs to include Meadowlands residents who want their roads identified.
10. Lines that are incorrectly identified need to be removed?
11. Federal Rights of Way: County is not pursuing right-of-ways granted by the federal agencies, that are not recorded at the County level. Many of these Rights of Way would solve the 5,000 acre argument.
12. Such a process of identification needs a legal footnoted foundation.... Not someone's memory or even Commissioner Notes that were never finalized. For example, the Title Company will not recognize roads that were not formalized.
13. We recognize that the Legend does not say County Road System, because the County does not want to maintain all that they want to identify. Labeling by road designation is all important in defining who is responsible for what in maintaining a road. By State Law a County has to maintain a County Road. The County does NOT have to maintain a "Public Access" designation. This "Map" carries even less responsibility because it merely identifies and then it is up to the landowner to prevent the trespass of others who may or may not care about designations.

This may be a legitimate tool when applied to public lands... it is not a legitimate process when applied to private lands.

Landowner, Barbara Cannady

FILED
JUL 16 2014

From: Javier Goirigolzarri [mailto:RMS@rosenet.net]
Sent: Thursday, June 26, 2014 6:13 PM
To: Steve Grasty
Subject: Fw: Senator Doug Whitsett's Newsletter

O'CLOCK M
DERRIN ROBINSON, COUNTY CLERK
BY  DEPUTY

Hello, Steve

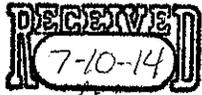
I'm trying to keep up with things in Harney County—I do not envy the battles you are fighting, both from within as well as from outside of the area. I'm not totally up to speed on the open roads issues you are in the middle of, but totally support your efforts to have the Federal agencies recognize the presence & historical use of roads & trails for the movement of people, livestock & products. If we are indeed going to implement restoration efforts at the landscape scale, truly protect our forests & rangelands from fire, insects & disease, we cannot do it if there is no physical access to get there. I firmly believe that roads are not the problem game managers & agency folks insist on telling us. Rather it is the use of those roads during the wrong time of year that is the issue.

I don't know if you get Doug Whitsett's newsletter but I thought this one particularly relevant to the issue of wildfire management. Reading about the Berry Point issues in Lake County revived the memories of the Egley Complex & the issues that came up there. I guess some of these Federal agencies are slow to learn.

On another note, have you heard of the Sustainable Forest Action Coalition? We (our County Commissioners & Communities for Healthy Forests) were introduced to the group almost 2 years ago now. Several of the counties in the southern part of the state have "joined" & participate in their meetings. In fact, a group of us from Douglas & Jackson County will be going down for a meeting tomorrow (Friday the 27th). At any rate, if you'd like more information I would be happy to call or email you with details.

My best to you and as Avel Diaz used to say, my "long time" friends there in Harney County.

Javier Goirigolzarri, CF
Resource Management Services, LLC
P. O. Box 237
Roseburg, OR 97470
RMS@rosenet.net
541-957-9001



June 10th 2014

Patrick + Rose Marie McPurdy
38890 Hwy 20
Burns, Or. 97720

mailing address:

6522 188th St S.E.
Snohomish, WA 98296
425 327 9878.

To Whom it may concern:

We would like to have our road put
on the new road maps.

The road now goes south off of Hwy 20,
which should be Cowcreek South.

We have 140 acres off this road.

See attached map.

Thank You
Mrs P.O. McPurdy

5665

5657

5666

Cow Creek

Hwy 20

5765

5770

5705

5740

5842

5753

5758

5820

5771

5745

Kerry Lane

RECEIVED
7-10-14

5847

5762

30 Acres
Bird

5712

collertail Lane

X = McParady

Basement
from
rent

5846

5764

Gastrell

40 Acres

5739

Wollen
40 Acres

30 Acres
Covison

5748

McCall
20 Acres

5734

Towers
20 Acres

5733

Jones

5818

5755

Indian

Not Good

X 5893

1/4

X 5

5751

5760

Indian

580

5673

X

5692

X 1/4
5

10002

1



Pacific Northwest Four Wheel Drive Association Washington - Oregon - Idaho

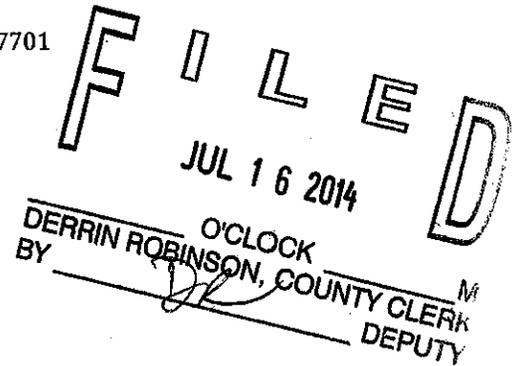
Oregon Executive Director

Randell Drake * 19210 Pinehurst Rd * Bend OR * 97701

November 20, 2012

Travis Williams
President Harney County Stock Growers Association
77 W. Adams St
Burns, Oregon 97720

Harney County Stock Growers Association,
Re: Wilderness Study Area



The Pacific Northwest Four Wheel Drive Association has since its conception in the 60's strove to strike balance between nature and mechanized motorized carriages. We as clubs and individuals support the ranch practice of permitted grazing on the high country desert. Fire suppression by the consumption of the dangerous buildup of grasses and weeds is a win win for the health of the range or forest, agencies and the public. Noxious and invasive weeds can be eradicated by the cattle grazing if properly attended to. The grazing system as operated makes it possible for the cattle producers to keep their prices down thereby supplying affordable beef. Wilderness designations inhibit this natural cycle.

'Wilderness, Wilderness Study Areas, and the new term; Wilderness Study Reserve' designations handicaps man's touch and omitting the footprints of stewardship on public lands is dooming Oregon's renewable resource our 'public lands'. Wilderness stops the historical, traditional and economical roots that are eastern Oregon.

My associates and my friends who recreate in motorized vehicles do so to view the history, the beauty of the tracks of those who have gone before us. Watching the herds with the pairs of cattle; mommas with their babies across the landscape is high desert at its purest; mankind stewarding the land while creating a livelihood for himself and his family. Sharing the use of these public lands whether for work or play is teaching moments for our youth. All types of wilderness designations should be rescinded they are the forest's and the high deserts enemy.

Sincerely,

Randell Drake

Hearing.....

FILED
JUL 16 2014

The purpose of this hearing is to seek public input on the mapping effort to complete Harney County Roads in this county. This effort was begun at the request of the Harney County Stockgrowers and Oregon Cattlemen. The possible outcome will be a map showing known roads within Harney County. This effort mirrors similar efforts in Malheur County and the one done by this county in conjunction with land owners, the Burns District of the BLM and the county in 2000. The area covered in that effort was within the boundaries of the CMPA of the Steens Act, that area is excluded from the maps you see today for that reason.

O'CLOCK
DERVIN ROBINSON, COUNTY CLERK
BY [Signature]

So again the purpose of today is to hear comments regarding the map as displayed and the "disclaimer" which you have a copy of.

There is a sign in sheet and we would like all to sign in and please mark the box if you would like to provide testimony. We would like those giving testimony to identify themselves so we can maintain a record of these proceedings.

The Court will limit time for each person giving testimony to allow all to provide input. And the Court will reserve the right to ask folks questions during their testimony.

I would like to offer the members of the court an opportunity for comments from each of you prior to starting and we may also make comments at the end of public testimony.

It is important to recognize that your county government is NOT attempting to "take over" the roads in this county, nor are attempting to show public access to or through private lands. This effort is simply an inventory of roads in the county. There have been numerous efforts to close roads by federal agencies generally under pressure from litigation, including over 170 miles of road recently requested to be close with the CMPA of the Steens. If the County Court "recognizes" this map it may serve as a baseline for discussion at some point in the future.

Three possible outcomes of this meeting.

I want to say that there have been numerous and repeated attempts to discredit this effort and to discredit members of this court for our efforts. It is rare that as elected officials we are able to defend ourselves. Ms. Canady I want you to know that I have served the people of this county for nearly 18years. I am proud of my time and where county government is today in representing the people of this county. I have put thousands of hours into representing all aspects of this community and particularly the ag industry of our county. That is an industry that you have repeatedly claimed as important to you. I have attempted to head off the possible devastation from an endangered species to our county and its residents, I have given up hundreds of weekends with my family to represent this county in Salem and Washington DC, I have lost many nights of sleep worrying about the good people that call this place home and the wonderful county we live in as we are affected by outside forces.

I also know that the three gentlemen who have set beside me in this County Court have and are honorable men with a passion to represent the people of this county. I simply find it offensive to constantly see misrepresentation of fact in the paper regarding this effort. You have contacted OIA and Mr. Dave Hunnicut to assistance in or with your agenda. He and I had a conversation yesterday and I believe we are not far apart and I understand he decided not to engage in this effort.

You question whether roads near my home are on the map. In fact every road I am aware of are on the map including those on private lands south of my home.

You also alluded to secret meetings and I assume you might be referring to one that I or this court held. I know of no secret meetings held by us. individually I believe all members of the court have discussed this effort with folks throughout the county if that is what you refer to. Additionally we have attempted to engage you on two occasions to better understand your concerns and address them. Perhaps those two meeting you were in attendance at our the secret meetings you refer to?

This court's effort is a result of a request from our community members and for you to attempt to turn it into some personal agenda on my part or any other member of this court is simply wrong. I have strongly encouraged you to tell us what it is you want and we would attempt to address it. I still have no idea what it is you would like.....short of not completing the request of our residents.

My Notes For
Road hearing 7/16/14
Steve [Signature]