

## **Resolution of Constitutional Jurisdiction in Carbon County, Utah**

**Jurisdiction** - Carbon County is a political subdivision of the State of Utah with full jurisdiction inside its County boundaries. This means that the County exclusively determines land use and zoning issues as well as law enforcement and civil matters. This jurisdiction applies to land owned by the Federal Government whether its mandated obligation to dispose of all unappropriated lands within the state is fulfilled or not;

**IT IS RESOLVED THAT;** all criminal and civil law will be enforced under the authority of the Sheriff and the Board of County Commissioners.

**Revised Statute 2477** - is our road out of territorial bondage. It is a property right claim of the public for transportation routes that cannot be given or taken away by any federal agency. We acknowledge that in 1866 Congress GRANTED access across federal land not otherwise reserved. The evidence of acceptance of that grant is the Carbon County Transportation Map, together with our continued presence on and use of these routes.

**IT IS RESOLVED THAT;** Carbon County will continue to legally enforce and litigate for access as we have since 1993. Carbon County will continue to support any action to legally dismiss the Federal Government from the public domain, and demand the disposal of Federal title to the land.

RS 2477 "rights-of-way" may include, but not be limited to, horse paths, cattle trails, irrigation canals, waterways, ditches, pipelines or other means of water transmission and their attendant access for maintenance, wagon roads, jeep trails, logging roads, homestead roads, mine to market roads and all other ways established and in use prior to October 22<sup>nd</sup> of 1976.

**IT IS RESOLVED THAT;** our citizens have a right to be there and the county has a right and legal obligation to maintain travel through public lands. Any closures of an existing trail or roads will be accomplished only by formal abandonment by the County Commission consistent with State Statute. Otherwise, that trail or road will be OPEN to public use.

**Title V Right of Way**- Applications- Under Title V of the Federal Lands Policy Management Act; Public Law 94-579 of October 21st, 1976 (FLPMA) the Secretary of the Interior may grant a right of way for the management, maintenance and construction of roads or other infrastructure on federal public lands.

**IT IS RESOLVED THAT;** Title V grants to local county governments or the States are in perpetuity. Nothing in Title V gives the Secretary authority to arbitrarily close a road or a corridor once it is granted except by coordination with the government entity holding the Grant. In applying for a right of way, or other use of lands under Title V of FLPMA, Carbon County does not relinquish its rights to the land, its use or property ownership under RS 2477 or any other law, regulation or Act. Further, it is understood that a federal sanctioned gating, road use prohibition or any other Federal action relinquishing our public's existing rights to access is not acceptable. Carbon County will not in any manner exchange any of its public or of its individual citizen's rights for any permission or consent from the Federal Government or any of its agencies.

**Assertion of Local Jurisdiction-** the United States as a Constitutional Republic is subservient to the presumption that local County governments using local Ordinances and State statute oversee and enforce all criminal and civil actions within their jurisdiction. The State is capable to control all other Constitutional and statutory authority not enumerated within the Constitution or the Bill of Rights to the Federal Government.

**IT IS RESOLVED THAT;** The Federal Government and its agencies have certain defined and limited powers regardless of their regulations. The enforcement of civil and criminal law within the boundaries of a state and in particular Carbon County is not one of them.

**IT IS FURTHER RESOLVED THAT;** Any actions in resolving conflicts due to criminal or civil matters on federal land will be under the authority of the Sheriff and or the Carbon County Commission. Any attempts to confiscate or commit a takings of private property by the Federal Government or its agents, no matter how it is held by any citizen of the United States in Carbon County without the knowledge and full cooperation and coordination of the County Sheriff and the Commission will be deemed as an illegal action and handled consistent with the criminal statutes of the State of Utah.

**IT IS FURTHER RESOLVED THAT;** Consistent with Case #96-CV099-J, U.S. District Court, District of Wyoming; Any federal officials entering into Carbon County for the purpose of exercising authority over county residents will personally appear and identify their self to the Carbon County Sheriff or any of his duly authorized Deputies. Such federal official [s] will identify themselves and the agency they represent and will explain their mission. Permission to proceed will be based on the Sheriff's decision when determined such officials are operating within the legal parameters and authority limitations set forth in the U.S. Constitution. The sheriff grants permission on a case-by-case basis only. Federal officials do not have jurisdiction in Carbon County unless granted permission by the duly elected County Sheriff.

**PASSED AND ADOPTED** by the County Commission of Carbon County, State of Utah

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**CARBON COUNTY**, a political subdivision of the State of Utah

\_\_\_\_\_  
John Jones, Commission Chairman

Attest: \_\_\_\_\_  
Seth Oveson, County Clerk