

IAAHO COUNTY
COMMISSIONER
MINUTES, IAAHO
TERRITORY
1869 - 1887

VOL. I } ROAD & TRAIL
VOL. II } FORDS, FERRIES,
BRIDGES & TOLL
ROUTES

VOL. III MINUTES

VOL. IV MINUTES

VOL. I HEREIN

✓ The Assessment Roll of 1872
after having been thoroughly examined
it is hereby approved as it now
stands

On motion made and seconded
to adjourn it is ordered that we do
now adjourn as a board of equaliza-
tion

Attest B. H. Morris } W. A. Finckham
Clerk of Board } Chairman Board

Territory of Idaho } ss.
County of Idaho }

On this July 8th
1872 at 4 o'clock P.M. Board of
County Commissioners met pursuant
to statute present Harry Hall, Charles
Lepristed, Harry Finckham and
B. H. Morris Clerk and J. W. Fox, Deputy
Dist. Atty.

On Petition of A. G. Shearer for
the trail running from Shearer and
Sawyer Ferry to Florence be declared a
County trail and the same is hereby
declared a public trail from this
date.

Although the trail lying in Idaho County
known as the Mass. Milliner trail
lying between Florence and A. P. Brown
is hereby declared a County trail from
this date.



United States
Department of
Agriculture

Forest
Service

Nez Perce-Clearwater National Forests

304 Slate Creek Road
White Bird, ID 83554
208-839-2211
Fax: 208-839-2730

GVI 208-983-4031

File Code: 2300
Date: July 19, 2022

Idaho County Commissioners
320 West Main Street, Rm 5
Grangeville, Idaho 83530

Dear Commissioners:

The Nez Perce-Clearwater National Forests were recently informed by Mr. Charles Lamm, the owner of Tax ID parcel 29N03E155710, of his intention to install a gate on his property to preclude the public from utilizing a segment of the historic Milner Trail (NFST # 641, Old Florence Road/Tollgate Road). The segment of trail that would be gated is located within the W1/2W1/2 of Section 15, Township 29 North, Range 3 East, Boise Meridian, in Idaho County, Idaho. This same segment of trail crosses four other private parcels in addition to the one owned by Mr. Lamm.

The enclosed 2009 "The Milner Trail, Routes to Riches" history, references the public nature of the trail since its construction in 1862. The Idaho Territory Legislative Action (1864) and Idaho County Declaration (1872), also enclosed. The Milner Trail is also known as Tollgate Road and/or Old Florence Road (in some locations).

Since proclaimed as the Third Bitter Root Proclamation, Nez Perce National Forest in 1905, The Forest Service has worked in cooperation and coordination with Idaho County, user groups, and the public to maintain, interpret and publicize the historic nature of the trail. The trail, including the segments that cross private land, is currently maintained under a Cooperative Agreement #18-CS-11011700-019, between the Salmon River Ranger District and the Idaho County Snowmobile Advisory Board.

Unless documentation exists to the contrary, the Forest Service's position is that the segment of Milner Trail crossing the five private parcels, including the one owned by Mr. Lamm, fall under the jurisdiction of Idaho County, ID. With this position in mind, I am requesting Idaho County provide any evidence that the declared public right associated with the Milner Trail has been abandoned or relinquished.

If no documentation exists that abandonment or relinquishment has occurred, I would encourage the Idaho County Commissioners to notify Mr. Lamm that declared public rights exist for the continued use and enjoyment of the Milner Trail.

You are welcome to contact Joni Cain, Realty Specialist at 208.993.1580, if further clarification is needed in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Shinn', with a long horizontal flourish extending to the right.

JEFFREY S. SHINN
District Ranger

Cc: Landowner(s) of record
Quentin Smith
Ryan Domsalla

Enclosures:
The Milner Trail Routes to Riches, 2009
Idaho County Declaration (1872)
Cooperative Agreement #18-CS-11011700-019

https://www.idahocountyfreepress.com/news/owner-plans-gate-on-milner-trail/article_7479daa2-0d2f-11ed-ba8a-b7b0a216855f.html

Owner plans gate on Milner Trail

By Norma Staaf / Idaho County Free Press

Jul 27, 2022



Skip Brandt.

Free Press archives

GRANGEVILLE — Jeff Shinn, Salmon River District Ranger, Nez Perce-Clearwater National Forest told Idaho County Commissioners he assumed they have heard rumors that the Forest Service is closing the Milner Trail.

“That is not the case, we are not closing the trail,” Shinn explained.

The popular historic trail traverses from Mt. Idaho to near Florence and is open for motorized use year-round, including grooming for snowmobile use.

Referencing Charles (Alan) Lamm, who also attended the July 19 board of commissioners meeting, Shinn explained that the trail goes through Lamm’s private land and four other adjacent private parcels. Lamm recently told Shinn that he intends to install a gate on his 10-

acre property, blocking through travel on the route.

"I can't enjoy my property. The reason I bought it is to enjoy the peace and tranquility," Lamm said.

He described people trespassing, driving too fast, kids recently partying nearby until 4 a.m., people shooting on his property, falling his timber, and stealing his firewood. Sheriff Doug Ulmer, who also attended the meeting, encouraged Lamm to call 911 to report lawless behavior.

The segment of trail that crosses Lamms' property and that of four other landowners is east of the Grangeville Salmon Road and Fish Creek and located in Section 15 of T29N, R3E, Section 15. The route is also known as Tollgate Road.

Shinn explained to commissioners the Forest Service wants to continue to offer the public use of the trail. Forest Service lands people researched whether the Forest Service holds an easement across Lamm's property and four adjacent landowners.

"We have no evidence of an easement," Shinn said.

Shinn said the Forest Service position is that while the Forest Service does not have an easement, Idaho County may.

"We have some evidence that there's county jurisdiction," referencing Idaho county commissioners' July 8, 1872, meeting minutes. The handwritten minutes state that the Mose Milliner trail is "hereby declared a county trail," in response to a petition from F.A. Shearer.

"Is there a right of way?" Idaho County Commissioner Skip Brandt said that question boils down to.

"That'll be a legal beagle question," referring to Matt Jessup, a civil attorney who advises the board of commissioners. Jessup stated the county is not taking a position on the easement today. He explained that if someone submits a petition for validation of the road (Milner trail) to the county, that is the process.

"I would assume that we may get a petition," Brandt concluded.

Shinn is concerned that unless they have access, the Forest Service can't continue to spend funds to groom the route for snowmobile use.

"If we don't have a legal right of way, we can't spend government funds," he said.

Brandt encouraged Shinn to make contingency plans to reroute the trail around the private land. Shinn acknowledged his staff is looking at this, but it would not be a quick process, due to fuel reduction and vegetation management priorities and the need to complete NEPA review. Jeremy Harris, Salmon River Ranger District recreation supervisor said the distance that the trail crosses private land for roughly a mile but a reroute would be longer.

In response to the suggestion of volunteers rerouting the trail, Shinn said, "We're the federal government, we have to do things a certain way. We can't just get a neighbor with an excavator."

"We have a preference to keep it open. We're willing to explore all options," Shinn concluded.

Idaho County is what America was:

Sent: Monday, August 29, 2022 12:55 PM
To: Skip Brandt <sbrandt@idahocounty.org>
Subject: Milner Trail

Hey Skip,

I talked to Dave Harmon, and he as well as myself are open to a possible two-year period of limited use, before we lock are gates for good, while the Forest Service repairs or replaces the bridge at the Fish Creek Crossing, and cleans the trail out for an alternate route. Or creates some other type of alternate route around our property's. We are both more than willing to meet with representatives from any and all user groups, and work out something that works for everyone. Dave and I both believe, that some sort of simple document could be drawn up for a limited use as well as addressing some of the concerns that Dave and I have, and most certainly things of concern for the user groups.

Just a couple of examples that concern Dave and I, would be a speed limit, hours of use, and road damage concerns, ie, (muddy periods in the spring and fall).

Dave and I are sincere in efforts to accommodate responsible use with these groups memberships, as well as preserve our rights as land owners.

Sincerely;
Alan Lamm

Delbert Houger

Fwd: Fw: Milner Trail

August 30, 2022 at 8:32 AM

From: Robert Hafer
Sent: Monday, August 29, 2022 7:04 PM
To: Fred Ulmer
Subject: FW: Milner Trail

Sent from Mail for Windows

From: Skip Brandt
Sent: Monday, August 29, 2022 2:33 PM
To: Karen; bobhafer@msn.com; Sandra Mitchell
Subject: FW: Milner Trail

So we have an opportunity to solve this important access issue.

However, I am not sure if folks are willing to find a go around or if they just want to push the validation issue.

What are people hearing? And what are your thoughts.

Skip Brandt

Idaho County Commissioner

320 West Main

Home: PO Box 296

Grangeville, ID 83530

Kooskia, ID 83530

(208) 983-2751

(208) 935-5217

Idaho County is what America was!