

**FERRY COUNTY OFF HIGHWAY VEHICLE ORDINANCE
ENVIRONMENTAL IMPACT STATEMENT -- SCOPING INFORMATION
JANUARY 2009**

SECTION I – INTRODUCTION

Proposed Action

The Board of County Commissioners of Ferry County may propose, by ordinance, to allow use of off-highway vehicles (OHV's) on certain county roads, and may designate parking areas within the right-of-way of certain roads as OHV Recreational Areas.

This proposal responds to State legislation encouraging expanded recreational opportunities for OHVs, and responds to an initiative by the US Forest Service to work collaboratively with local governments in developing motor vehicle use policies for the Colville National Forest.

Background

In 2005 the Washington State Legislature adopted an act encouraging expanded opportunities for off-road / off-highway recreational vehicles. Note that State law uses the term “Off-Road” vehicles; or ORV's. The meaning is the same as the term “Off-Highway” vehicles or OHV's.

The 2005 legislation focused on increasing OHV use on “nonhighway” roads, including roads within U.S. Forest Service lands. In 2006, the act was amended to encourage OHV designation on roads providing connectivity and access between OHV recreation areas and rural small cities with less than 3,000 population.

As noted in the “findings” of that legislation (RCW 46.09.010):

“The legislature finds that off-road recreational vehicles (ORVs) provide opportunities for a wide variety of outdoor recreation activities. The legislature finds that the limited amount of ORV recreation areas presents a challenge to ORV recreational users, natural resource land managers, and private land owners. The legislature finds that many nonhighway roads provide opportunities for ORV use and that these opportunities may reduce conflicts between users and facilitates responsible ORV recreation. However, restrictions intended for motor vehicles may prevent ORV use on certain roads, including forest service roads. Therefore the legislature finds that local, state and federal jurisdictions should be given the flexibility to allow ORV use on nonhighway roads they own and manage ...”

During 2005, the Forest Service of the U.S. Department of Agriculture developed a rule directing the management of each national forest to conduct a Travel Planning project to designate a system of roads, trails and areas open to motor vehicle use for both highway-legal vehicles and off-highway vehicles. Forest managers were directed to coordinate their planning with counties and other local governments.

The Colville National Forest worked toward meeting this mandate by establishing a collaborative process involving public input and including coordination with the governments of Ferry, Stevens, and Pend Oreille counties. Forest officials convened meetings during 2005 to help shape motorized travel planning. This resulted in an interim motor vehicle use map. In early 2007 a second set of collaborative workshops was convened, with emphasis on improving the OHV use network by providing loops and connectivity, including connecting OHV recreational areas to local communities.

Officials of Ferry County participated in the collaborative planning activities of the Forest, and also held exploratory discussions with citizens who expressed interest in expanding opportunities for OHV use on primitive county roads irrespective of Forest travel planning. Citizen comments included interest in recreational use and also showed interest in using OHV's as a convenient and economical mode of local-access transportation.

The Board of Ferry County Commissioners have determined that development of a County ordinance regulating use of OHV's on county roads is an action which may have environmental impacts. The nature of the potential impacts arises solely from change of use of designated roads. The proposal does not involve road construction. No new, improved or expanded roads are proposed. One or more of the alternatives may include parking areas on road right-of-way, which may be designated as "OHV Recreational Facilities". However, no construction or improvement is proposed at these parking areas.

The change of use of a road will take one of these basic forms:

- (1) A local Ferry County resident or visitor may ride an OHV on the road of residence, when otherwise the person would have used the road only by street-legal vehicle or by non-motorized means;
- (2) A current practitioner of OHV recreation in Ferry County, not resident on the road, who previously would have used a truck or trailer to transport the OHV on the county road to reach an OHV riding area, may now elect to off-load the OHV alongside the county road and ride the OHV on the county road to the Forest (or other) OHV use area. This use would shift the activities associated with the parking area, from the Forest to the county right of way, and would substitute OHV traffic for truck or trailer traffic on the county road.
- (3) A current practitioner of OHV recreation within the Forest, may make an OHV trip down the county road to access commercial services such as lodging, meals, gasoline, supplies, in a city or town directly connected to the OHV Recreational Facility;
- (4) Responding to increased OHV recreational opportunities such as loops and longer rides, an OHV recreation practitioner may be attracted to make a tourism visit to Ferry County who otherwise would not have visited the County; thus increasing the total average daily vehicle trips on the county road and increasing average daily traffic, and use of OHV's, on connecting Forest OHV roads.

This SEPA EIS process is limited to evaluating environmental impacts attributable to legislative action by Ferry County and does not directly evaluate environmental impacts of actions proposed by or taken by management of the Colville National Forest.

In evaluating environmental impacts of County action, it is recognized that a County action could lead to changes in behavior of motor vehicle users which might result in indirect or cumulative environmental impact within the Forest. Thus the EIS process will necessarily consider whether there are likely to be impacts to elements of the environment within the National Forest as a result of Ferry County's action.

Section II – Alternative Actions

Five alternatives have been developed to facilitate analysis of environmental impacts. There is no “proposed” or “preferred” alternative. The selected alternative may be a combination of two or several of the individual alternatives.

Summary of Alternatives

Alternative 1 – No Action (No Ordinance Adopted Allowing OHV Use)

Alternative 2 – Connection To City of Republic

Include county roads which provide a direct connection between the City of Republic and roads or trails designated for OHV use within the Colville National Forest, or county roads which directly connect Republic to other OHV Recreational Facilities.

Alternative 3 – Connection To Ferry County Unincorporated Small Towns

Include county roads which provide a direct connection between the small towns of Ferry County and roads or trails designated for OHV use within the Colville National Forest, or county roads which directly connect the small town to other OHV Recreational Facilities. This alternative may depend on amendment to State law recognizing unincorporated towns with the same criteria as currently extended to small “cities”.

Alternative 4 – Connectivity to Forest OHV Roads and Trails

Provide OHV opportunities on county roads which connect to roads or trails designated for OHV use within the Forest, including those not directly connecting to a city or town. This alternative may depend on amendment to State law clarifying the authority of the County to designate OHV-use opportunities on county primitive roads.

Alternative 5 – Ferry County Primitive Roads

This alternative provides an option for convenient and economical local transportation using the County's sparsely utilized primitive roads, irrespective of whether or not the roads connect to a road or trail designated for OHV use within the Forest. This alternative may depend on amendment to State law clarifying the authority of the County to designate OHV-use opportunities on county primitive roads

Colville National Forest Plans / Proposals Referenced in Alternatives

During their 2007 collaboration on Travel Planning, management of the Colville National Forest sought proposals for expanded OHV use within twelve defined “project areas”. The project areas were selected because they had existing routes available to OHV’s, they provided access to nearly all communities surrounding the forest, and they had relatively few resource issues. User groups were told that they could recommend routes outside of the project areas if appropriate. However, it should be noted that the Forest’s web site displays only those proposals within the twelve project areas.

In September, 2008, the Forest’s 2007 Interim Motor Vehicle Use Map was revised to the 2008 edition – still noted as being “Interim”. The Forest’s web site states that there was no substantial change in the miles of roads open to OHV’s. Personal communication with a travel planning official indicated that approximately 37 miles of road had been removed from the category of OHV use. Removal was based, at least in part, on results of the Motorized Mixed Use Analysis by an engineer. Essentially none of the user proposals for added OHV routes were incorporated into the 2008 map.

A review of the 2008 map within Ferry County shows that two short road segments were added for OHV use, but neither connected to a county road. One of the added segments is outside the Forest and could be a mapping error. Three short road segments and one segment of five-plus miles were removed from OHV use. None of the proposals from the collaboration exercise had been added to the map. For Ferry County the net change is removal of OHV use on about four miles of Forest road.

The Forest web site continues to display the proposals of the collaborative process, within the project areas, and identifies these by color coding showing degree of challenge to implement. “Easy” to implement is noted as not likely to require environmental analysis. The categories of “moderately challenging,” “challenging,” and “very challenging” are likely to require environmental analysis by Forest management, and may require additional collaboration.

Four of the twelve project areas for OHV use proposals are in Ferry County, identified as Vulcan, Trout, Swan and Hall areas. There is no project area associated with the portion of Forest located west of U.S. Hwy 395 and east of State Route 21; that is, the Kettle-Range portion. Proposals for OHV routes within that part of the Forest were submitted during the collaborative process but are not shown on the Forest web site and apparently are not intended for evaluation during Travel Management Planning.

During 2008, Forest management altered the direction of their Travel Management Planning. The process was cancelled as a forest-wide project, with the statement that travel planning would be replaced in the future by District or Project-level proposals. According to the entry on the Forest’s web site which lists projects being evaluated under the National Environmental Policy Act (NEPA), future designation of OHV-use routes will be at the District or Project level. Projects will designate roads, trails, and areas open to motor vehicle use (including off-highway vehicles)

In April, 2008, the Forest released a Record of Decision and Environmental Assessment (EA) for Forest Plan Amendment # 31, Clarification of Forest Plan Direction Regarding Motor Vehicle Use. The stated purpose was to bring the Forest Plan into compliance with the 2005 Motor Vehicle Use Rule. However, the document states that this is not to be considered an activity of Travel Management Planning under the 2005 rule. The EA includes analysis of potential environmental impacts associated with vehicle use on forest roads and trails, including OHV use. The EA, and its references, will be a potential source of technical information when evaluating alternatives in this EIS process.

Previous Ferry County Action

In December 2007, Ferry County adopted Ordinance 2007-22 designating roads for OHV use. This was in response to the collaborative process initiated by the Colville National Forest encouraging the counties to look at connections between communities and OHV recreational areas. Development of the ordinance responded also to interest expressed by County citizens to use their OHV's on county roads for local access and convenience.

Ordinance 2007-22 was rescinded by adoption of Ordinance 2008-06 on June 6, 2008. The superseding ordinance modified the table of roads designated for OHV use, included designation of OHV Recreational Facilities, and included additional conditions of use for certain roads.

Both Ordinance 2007-22 and Ordinance 2008-06 were subject to litigation and were subject to injunction by the Ferry County Superior Court. In November 2008, Ferry County entered into a Stipulated Order Granting Permanent Injunction, which permanently prohibits the County from implementing either of the ordinances. In addition, Ferry County agrees to conduct an Environmental Impact Statement before enacting a new OHV ordinance.

This Scoping Notice announces the initiation of the process for conducting the EIS.

Detailed Description of Alternative Actions

The following alternatives will be evaluated as to environmental impacts in the Draft EIS

There is no "proposed" or "preferred" alternative. The selected alternative may be a combination of two or several of the individual alternatives.

Maps, portraying the alternatives, will be developed for the Draft EIS.

Alternative 1 – No Action (No OHV Use Ordinance Adopted)

Under this alternative, the Ferry County Board of Commissioners would determine that it is not in the interest of Ferry County to enact an ordinance allowing for use of OHV's on county roads.

Alternative 2 – Connection to the City of Republic

This alternative will include county roads which provide a direct connection between the City of Republic and roads or trails designated for OHV use within the Colville National Forest, or roads which provide a direct connection between the City and other OHV Recreational Facility. There are two sub-alternatives:

Alternative 2 (A) will include those county roads which connect to roads, trails and facilities designated for OHV use as of 2008. The only such Forest roads are in the Trout project area, north and northwest of Republic. The connection includes Trout Creek Road, Sheridan Road and Knob Hill Road. This alternative also provides connection between the City and the OHV Recreational Park located south of Republic near the Eagle Track Raceway facility.

The implementing County ordinance may stipulate that the County road connections become effective only when an ordinance is adopted by the City of Republic recognizing the OHV connection via the county roads into the City limits. The following county Roads will be included:

- Sheridan Road #253 from Trout Creek Road to USFS 2086
- North Fork Trout Creek Road (# 517) from Rose Valley Road to USFS 2148.
- Rose Valley Road (# 545) from Trout Creek Road to North Fork Trout Creek Rd.
- West Fork Trout Creek Road (# 514) from Trout Creek Road to USFS 2086
- Trout Creek Road (# 201 / 257) from Rose Valley Road to SR-20.
- Knob Hill Road (# 199) from Trout Creek Rd (# 201 / 257) to Flag Hill Rd #264
- Pendry Road (# 2250) from the OHV Recreational Park to E. Lilly Creek Road
- East Lilly Creek Road (# 2230) from Pendry Road to the point determined by City of Republic to provide access into the City limits

OHV access to Republic by any other Ferry County road may be authorized by an approved special event permit; that is, a “parade” permit. Requirements for such an event would be included in any County ordinance implementing Alternative 2. A parade event may not connote a regular connection between the City of Republic and an OHV use area in the Colville National Forest.

Alternative 2 (B) will include county roads which connect to roads and trails proposed for OHV use in the project-area proposals developed during the 2007 collaborative work-group meetings. These proposals would add connections in the Swan project area. This alternative will include the following additional county roads:

- Russell Road (# 212) from Swan Lake Road to USFS # 5330-800.
- Swan Lake Road (# 217) from SR 20 to intersection with Russell Road. Users of Swan Lake Road will cross SR-20 and connect to Trout Creek Road, thence to the City of Republic.

This alternative would also include road access, if any, connecting the Golden Tiger pathway and a proposed new trail linking to the Forest south of the Ferry County Fairgrounds. The specific road or roads would be determined for that proposal.

Alternative 3 – Connection To Ferry County Unincorporated Small Towns

Include county roads which provide a direct connection between small towns, and Forest roads or trails designated for OHV use; thus providing access to services. Also includes county roads which directly connect the small town to any other OHV Recreational Facility, whether on private or public lands. This alternative may depend on amendment to State law recognizing unincorporated small towns to have the same prerogatives as small “cities” with respect to OHV use on roads which provide a direct connection.

Ferry County would apply this alternative to the following towns:

- Danville
- Curlew
- Malo
- Orient
- Laurier
- Barstow
- Boyds

Danville: Danville is the only community located so as to provide connectivity into the “Boundary Mountain” area of the Colville National Forest. OHV use would be allowed on the following in-town roads:

- Wall Street / W. July Street (# 646)
- Boundary Road (# 665)

Boundary Road would then connect via the following county roads:

- Lone Ranch Creek Road (# 666) from Boundary Road to North Fork Lone Ranch Creek Road
- North Fork Lone Ranch Creek Road (# 668) to USFS # 6120

Curlew: If and when the Colville National Forest designates OHV-use opportunities within the Vulcan project area, then the town of Curlew would be the only community located so as to provide connectivity to those recreation areas. OHV use would be allowed on the following in-town roads:

- Ferry Street (# 620)
- River Street (# 629)

Designation of the in-town streets of Curlew would be dependent on determining a suitable route from Vulcan Mountain Road (# 615) to Ferry Street. Ferry and River Streets would then connect, via Vulcan Mountain Road, to USFS # 2113.

Malo The store and gas station at Malo could provide community services to an extensive OHV route network within the Forest, dependent on being able to identify or acquire a link from St Peters Creek Road into the Forest (formerly provided by Otis Road (# 586), which has been vacated. OHV use would be allowed on the following county roads:

- St Peters Creek Road (# 584) from SR-21 to North Fork St Peters Creek Road
- North Fork St Peters Creek Road (# 588) from St Peters Creek Road to Forest access.
- Forest access road (referred to as Chuck Johnson Road on the Forest map)

Orient / Laurier / Barstow: The Ferry County towns of Orient, Laurier and Barstow could provide community access to the Wedge project area of the Colville National Forest. Although the area is in Stevens County, there is no Stevens County town in an accessible location.

Orient, OHV use would be allowed on the following in-town roads:

- 2nd Avenue (# 682)
- 3rd Avenue (# 685)
- 4th Avenue (# 683)
- 5th Avenue (# 681)
- B Street (# 684)
- C Street / 1st Avenue (# 686)
- Main Street (#680) to the Stevens County line (Kettle River)

From the bridge at the Stevens County line, access to OHV-use areas within the Wedge project area of the Forest would include travel on the following Stevens County roads:

- Orient Cutoff Road (# 4149)
- First Thought Road (# 4144)
- Pierre Lake Road (# 4015)
- Rock Cut Road (# 4141)
- Sand Creek Road (# 4017)
- Churchill Mine Road (# 4160)

Each of those roads is recognized for OHV use by Stevens County OHV Ordinance, 2007-02.

Laurier: Within Laurier, OHV use would be allowed on the following:

- Stecker Road (# 673)
- McIrvin Road (# 672) to the Stevens County line (Kettle River)

At the Stevens County line, travel on McIrvin Road would connect to Stevens County Road (# 4212), Laurier Road. That road is not at this time designated for OHV travel by the Stevens County OHV Ordinance, 2007-02. An amendment to the Stevens County ordinance would be required to implement connectivity for Laurier.

Barstow: Within Barstow, OHV use would be allowed on the following:

- Barstow Bridge Road (# 598)
- Barstow Bridge Spur Road (# 599)

This access would connect to the Forest via Pierre Lake Road (Stevens County # 4015), but dependent on Stevens County amending their OHV ordinance to allow OHV use on the portion of Pierre Lake Road between Barstow Bridge Road and Orient Cutoff Road.

Boyds: OHV use would be allowed within the Boyds commercial area, and on the following county roads:

- Matsen Creek Road (# 480) from US-395 to USFS Road 9500-700
- E. Matsen Creek Road (#453) entire length. (Via two right-angle crossings of US-395, connects Boyds commercial area to Matsen Creek Road.)

Alternative 4 – Connectivity to Forest OHV Roads and Trails

Provide for OHV opportunities on county roads which connect to roads or trails designated for OHV use within the Forest, including those not directly connected to the City of Republic. This alternative may depend on amendment to State law clarifying the authority of the County to designate OHV use opportunities on county primitive roads. Parking areas on the road right-of-way may be designated as OHV Recreational Facilities. There are two sub-alternatives:

Alternative 4 (A) Include only those county roads which connect to roads or trails designated for OHV use as documented in the Colville National Forest Motor Vehicle Use Map, 2008. County roads will include:

- Hall Creek Road (# 99) from SR-20 to intersection with USFS # 2050-200
- Refrigerator Canyon Road (# 233) from Hall Creek Road to USFS # 2050-200
- Iron Mountain Road (# 232) from Hall Creek Road to USFS # 2050
- Nancy Creek Road (# 484) from U.S. 395 to USFS # 9500-550
- Deadman Creek Road (# 460) from U.S. 395 to Jackknife Lookout Road
- Jackknife Lookout Road (# 465) from Deadman Creek Road to USFS # 9500-755.
- Matsen Creek Road (# 480) from U.S. 395 to USFS # 9500-700 series
- Hodgson-Lakin Road (# 593) from U.S. 395 to USFS # 9500-705
- Lone Ranch Creek Road (# 666) from beginning at Danville Boundary Road, to North Fork Lone Ranch Creek Road
- North Fork Lone Ranch Creek Road (#668) from Lone Ranch Creek Road to USFS # 6120-916
- Day Creek Road (# 651) from Lone Ranch Creek Road, to USFS # 6100-740
- Aeneas Creek Road (# 566) from SR-21 to USFS # 2160
- St Peters Creek Road (# 584) to North Fork St Peters Creek Road
- North Fork St Peters Creek Road (# 588) from St Peters Creek Road to Otis Road
- Otis Road (# 586) from North Fork St Peters Creek Road to USFS # 2160
- Lambert Creek Road (# 546) from SR-21 to USFS # 2154
- Herron Creek Road (# 290) from SR-21 to USFS # 2154

Alternative 4 (B) Include additional county roads which connect to roads and trails proposed for OHV use during the 2007 collaborative work-group meetings. Include the roads listed above for Alternative 3 (A), and include the following county roads:

- Vulcan Mountain Road (# 615) from SR-21 to USFS # 2113
- Catherine Creek Road (# 520) from Customs Road to USFS # 2113
- Henessy Road (# 640) from Big Goosmus Creek Rd to USFS # 2113-200
- Big Goosmus Creek Road (#637) from SR-21 to Henessy Road
- Bamber Creek Road (# 523) from Kettle River Road to USFS # 2148-700 and 2148-500
- Lundimo Meadows Road (# 570) from SR-21 to USFS # 2150-800 and 2149-600
- Deadman Creek Road (# 460) from US-395 to USFS # 9565
- Anderson Road (# 470) from Deadman Creek Road to USFS # 9565-075
- Little Boulder Road (# 595) from the Stevens County line (Kettle River) to USFS # 9576.

User proposals which would be accessed via Deadman Creek Road include a major loop in the area known as “Twin Sisters”, incorporating portions of an existing OHV trail, and incorporating a portion of USFS # 2030, known as the Old Stage Road.

User proposals which would be accessed via Little Boulder Road include a loop in the area known as “Owl Mountain”, incorporating an existing OHV trail, and also include opening USFS # 9576 to OHV use from the intersection with Little Boulder Road to the boundary between the Kettle Falls and Republic Ranger Districts of the Forest.

Little Boulder Road connects to Stevens County Road # 4017, Sand Creek Road, and thence to an OHV-use road in the Wedge project area of the Colville National Forest.

Alternative 5 – Ferry County Primitive Roads.

This alternative provides a convenient and economical local transportation option using the County’s sparsely utilized primitive roads. Connectivity is not an issue in Alternative 5. OHV use would not be limited based on whether or not a road connects to a route designated for OHV use within the Forest. The option to use OHV’s on these roads is directed primarily to the needs of residents and those engaged in natural-resource-based land management (farming / forestry). While not primarily intended as a tourism promotion, it is recognized that some tourism traffic may be generated as well.

State law (RCW 36.75.300) defines a primitive road and states that a county legislative authority may, by resolution, designate county roads as primitive roads, when the roads meet three criteria:

- (1) not classified as part of the county primary road system;
- (2) gravel or earth driving surface;
- (3) average annual daily traffic of 100 or fewer vehicles.

The Ferry County Board of Commissioners designated primitive roads in the County by resolution 80-27 on October 6, 1980. The primitive road list has since been updated.

For this alternative, the list of primitive roads has been reduced by removing those roads within the Colville Reservation and removing those roads which are within formally platted subdivisions. The resultant list includes 235 primitive roads.

Alternative 5 may depend on amendment to State law clarifying the authority of the County to designate OHV use opportunities on county primitive roads

Because the alternative does not deliberately interface to the Forest OHV-use road network, there is no consideration for a seasonal restriction of OHV use as a mitigation measure.

The following is a list of Ferry County Primitive Roads to be opened to OHV use in Alternative 5.

Ferry County Primitive Roads -- Excluding Colville Reservation and Formal Plats

Sorted by State Road Log Number		Sorted Alphabetically	
Rd #	Road Name	Road Name	Rd #
10	BARNABY CR	ADAMS RD	2140
990	HALL CR RD	AENEAS CR	5660
995	WILSON RD	AIRPORT RD	2734
2060	MUD LK RD	ANDERSON	4700
2070	MUD LK SPUR	ART CR RD	5600
2120	RUSSELL RD	BAMBER CR	5230
2140	ADAMS RD	BARDWELL	6500
2160	MCMANN CR	BARNABY CR	10
2170	SWAN LK RD	BARSTOW BRIDGE SPUR	5990
2210	SAGE RD	BATES RD	5580
2230	LILLY CR RD	BAUMP RD	5500
2250	PENDRY RD	BIG GOOSMUS CREEK	6370
2320	IRON MT RD	BJORK RANCH	5710
2330	REFRIG CANYON	BLUE PL RD	5630
2530	SHERIDAN RD	BORDER RD	5350
2550	MARIAH LANE	BOUNDARY	6650
2600	OLD KNOB HILL SPUR	BOYDS SHOP	4580
2630	KIDWELL RD	BRENNER	6400
2640	FLAG HILL RD	CAMP CURLEW	5410
2650	FLAG HILL E	CATHERINE CREEK	5200
2660	RD #02660	CLINE RD	4260
2670	KNOB HILL E	COTTONWOOD CREEK	5330
2710	WOODS RD	CREAMERY	2760
2730	WOLFE CAMP	CROMWELL	5400
2732	LAMEFOOT	CURLEW CEMETARY	5810
2734	AIRPORT RD	CURLEW AIRPORT	5320
2740	OLD BLACKS	DAY CREEK	6510
2760	CREAMERY	DEADMAN CR	4600
2770	HADLEY RD	DOYLE CR RD	5920
2780	YENTER RD	DRAGNICH	5570
2790	TAYLOR RD	E MATSON CR	4530
2820	JENSEN RD	EMANUEL CR	5720
2830	O'BRIEN CRK	EMPIRE CREEK	5520
2840	FISH HATCHERY	ESLICK RD	6750
2890	YOUNG RD	ESLICK RD WYE CON	6760
2900	HERRON CR	FIRST CR RD	6130
2910	STROUT RD	FISH HATCHERY	2840
2920	OLD KETTLE	FLAG HILL E	2650
4120	LAKE ELLEN	FLAG HILL RD	2640
4240	MINK CR RD	FLETCHER	5420
4260	CLINE RD	FRANSON PEAK	5750
4300	MARY ELLEN	FRANSON PK LOOKOUT	5790
4310	ROSE ELLEN	GERMAN RD	4330

4330	GERMAN RD	GRANGE RD	5891
4340	TIPTON RD	GRAPHITE CR	5240
4350	NYGAARD RD	GRAVES RD	6110
4400	HAAG RD	HAAG RD	4400
4510	ROOSEVELT	HADLEY RD	2770
4530	E MATSON CR	HALL CR RD	990
4580	BOYDS SHOP	HERRON CR	2900
4581	MURPHY RD	HODGSON SPUR	5940
4600	DEADMAN CR	HODGSON-LAKIN	5930
4650	JACKNIFE	HUMES RD	6770
4670	JACKNIFE CUTOFF	HURLBURT	6490
4700	ANDERSON	IRON MT RD	2320
4800	MATSEN CR	JACKNIFE	4650
4840	NANCY CR RD	JACKNIFE CUTOFF	4670
5140	W FK TROUT CREEK	JENSEN RD	2820
5170	N FK TROUT CREEK	JULIAN BAY	5430
5200	CATHERINE CREEK	KIDWELL RD	2630
5230	BAMBER CR	KIEHL RD	6010
5240	GRAPHITE CR	KNOB HILL E	2670
5250	KROUPA RD	KOMPAN RD	5550
5320	CURLEW AIRPORT	KROUPA RD	5250
5330	COTTONWOOD CREEK	LA FLEUR MT	6440
5340	WHITE MOUNTAIN	LAKE ELLEN	4120
5350	BORDER RD	LAMBERT CR	5460
5400	CROMWELL	LAMEFOOT	2732
5410	CAMP CURLEW	LANCASTER	6190
5420	FLETCHER	LILLY CR RD	2230
5430	JULIAN BAY	LINDSEY RD	6170
5440	MARBELLE	LITTLE BOULDER CREEK	5950
5450	ROSE VLY RD	LITTLE GOOSMUS CREEK	6310
5460	LAMBERT CR	LONE RANCH	6660
5490	REDMOND RD	LONG ALEC CREEK	5820
5500	BAUMP RD	LUNDIMO MEADOWS	5700
5510	SOMDAY RD	MARBELLE	5440
5520	EMPIRE CREEK	MARIAH LANE	2550
5530	MCQUINN RD	MARY ELLEN	4300
5550	KOMPAN RD	MATSEN CR	4800
5570	DRAGNICH	MCIRVIN RD	6720
5580	BATES RD	MCMANN CR	2160
5600	ART CR RD	MCQUINN RD	5530
5630	BLUE PL RD	MINK CR RD	4240
5660	AENEAS CR	MOORE RD	5890
5700	LUNDIMO MEADOWS	MUD LK RD	2060
5710	BJORK RANCH	MUD LK SPUR	2070
5720	EMANUEL CR	MURPHY RD	4581
5750	FRANSON PEAK	N FK TROUT CREEK	5170
5780	TUCKER RD	N LONE RANCH	6680
5790	FRANSON PK LOOKOUT	N ST PETERS CREEK	5880
5800	TONASKET CREEK	NANCY CR RD	4840
5810	CURLEW CEMETARY	NYGAARD RD	4350

5820	LONG ALEC CREEK	O'BRIEN CRK	2830
5840	ST PETERS CREEK	OLD SAMPSON	5870
5870	OLD SAMPSON	OLD BLACKS	2740
5880	N ST PETERS CREEK	OLD KETTLE	2920
5890	MOORE RD	OLD KNOB HILL SPUR	2600
5891	GRANGE RD	PARADISE COVE	6000
5900	RENNER LAKE	PENDRY RD	2250
5910	PRICE RD	PORTEGUE	6530
5920	DOYLE CR RD	PRICE RD	5910
5930	HODGSON-LAKIN	RD #02660	2660
5940	HODGSON SPUR	REDMOND RD	5490
5950	LITTLE BOULDER CREEK	REFRIG CANYON	2330
5990	BARSTOW BRIDGE SPUR	RENNER LAKE	5900
6000	PARADISE COVE	RINCON SPUR	6270
6010	KIEHL RD	RINCON RD	6260
6110	GRAVES RD	ROOSEVELT	4510
6130	FIRST CR RD	ROSE ELLEN	4310
6140	SNOW PEAK	ROSE VLY RD	5450
6150	VULCAN MT	RUSSELL RD	2120
6170	LINDSEY RD	SAGE RD	2210
6190	LANCASTER	SHERIDAN RD	2530
6260	RINCON RD	SINGER RD	6420
6270	RINCON SPUR	SNOW PEAK	6140
6310	LITTLE GOOSMUS CREEK	SOMDAY RD	5510
6370	BIG GOOSMUS CREEK	ST PETERS CREEK	5840
6400	BRENNER	STECKER RD	6730
6410	UPPER DANVILLE	STROUT RD	2910
6420	SINGER RD	SWAN LK RD	2170
6440	LA FLEUR MT	TAYLOR RD	2790
6460	WEST JULY DANVILLE	TIPTON RD	4340
6490	HURLBURT	TONASKET CREEK	5800
6500	BARDWELL	TUCKER RD	5780
6510	DAY CREEK	UPPER DANVILLE	6410
6530	PORTEGUE	VULCAN MT	6150
6650	BOUNDARY	W FK TROUT CREEK	5140
6660	LONE RANCH	WEST JULY DANVILLE	6460
6680	N LONE RANCH	WHITE MOUNTAIN	5340
6720	MCIRVIN RD	WILSON RD	995
6730	STECKER RD	WOLFE CAMP	2730
6750	ESLICK RD	WOODS RD	2710
6760	ESLICK RD WYE CON	YENTER RD	2780
6770	HUMES RD	YOUNG RD	2890

Section III – Proposed Mitigation Measures

A Ferry County ordinance authorizing use of OHV's on county roads would include several limitations on use, intended to prevent or mitigate environmental impacts.

Mitigation Measures Common to Alternatives

OHV's operating on Ferry County roads and right-of-ways would be required to comply with State requirements for equipment per RCW 46.09.120 which specifies the requirements for lighting systems, braking systems, muffling device, and spark arrestor, and specifies that riders are required to wear a helmet.

OHV operators would be required to comply with State operational restrictions per RCW 46.09.120 including not operating upon the shoulder or inside bank or slope of the road; not operating in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage or destroy trees, growing crops, or other vegetation.

Ferry County would consider the intentional spinning of tires or throwing of gravel with tires to be "negligent driving" in the second degree under RCW 46.61.525.

OHV operators would be required to operate in such a manner as to cause no more dust than a full size motor vehicle under similar weather and road conditions.

Ferry County would consider adopting a County regulation raising the legal age for unaccompanied OHV use from the State requirement. Whereas RCW 46.09.117 allows unaccompanied OHV users who are at least 13 years old, Ferry County may require that an OHV rider be at least age 16, and possess a current, valid drivers license, or be accompanied and directly supervised by a licensed driver age 18 or over.

All OHV travel on Ferry County roads would be required to be single file on the right edge of the road (not on the shoulder). All OHV highway and road crossings would be at a ninety-degree angle to the center of the road or highway being crossed. All OHV's would be required to stop prior to crossing public or private highways and roads.

Ferry County may set speed limits for OHV operation on County roads: Specific limits would be determined during evaluation of impacts on law enforcement and emergency services, for each of the alternatives.

- 1) The maximum speed limit for operating an OHV on Ferry County roads would be 25 miles per hour or the posted speed limit, whichever is slower.
- 2) The speed limit for operating an OHV when approaching livestock, horses, horseback riders or horses being driven may be set at 5 miles per hour.

- 3) The speed limit for an OHV when passing within 300 feet of an occupied dwelling on dirt or gravel roads may be set as 5 miles per hour.
- 4) The speed limit for operating within the towns of Curlew, Danville, Orient, Laurier, and Malo may be set at 10 miles per hour.

Additional Mitigation Measures for Alternatives 2, 3 and 4

Alternatives 2, 3, and 4 may include specific mitigation measures designed to reduce the potential for impacts within the Colville National Forest. Forest management has expressed concern that persons using OHV's legally on county roads may encounter the Forest boundary at a point where such use is not legal, and thus may experience "conflict" or the temptation to proceed illegally, riding the OHV into the Forest.

Alternatives 2, 3 and 4 would designate only those Ferry County roads which connect to a Forest road or trail on which OHV use is authorized by the then-current Motor Vehicle Use Map of the Colville National Forest.

Because vehicle use within the Colville National Forest is limited to the season of April 1 through November 30, the Ferry County OHV ordinance would consider limiting OHV use on the County roads to April 1 through November 30.

Because Alternative 5 is not directly concerned with connections to Forest roads and trails, the connecting-road and seasonal-use mitigation measure would not apply to Alternative 5.

SECTION IV – Elements of the Environment and Potential Impacts

The Draft EIS will evaluate impacts to elements of the environment as indicated below, or as substantiated by comments received in response to this Scoping notice.

A. BACKGROUND

- Proposed timing or schedule.

Preparation of Draft EIS by June 30, 2009; Record of Decision and preparation of Final EIS by October 31, 2009

- Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?

The proposal includes a range of possible alternative actions. The Record of Decision and Final EIS will reflect the proponent's selection of one of these alternative actions or a modified alternative, and will conclude the proposed action.

- List any environmental information you know about that has been prepared, or will be prepared, directly affecting the property covered by your proposal? If yes, explain.

None. There are a number of technical studies of related subject matter, that is, potential impacts of use of Off-Highway Vehicles. However, there is not any environmental information prepared specifically for this project, that is, for Ferry County roads connecting to roads within the Colville National Forest.

- Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

The Colville National Forest is engaged in several on-going planning processes which affect uses permitted on National Forest lands, and thus may be related, directly or indirectly, to the proposed action. Active planning processes include:

- **Travel Management Planning, to determine motor vehicle use on roads, trails, and areas of the Forest. Current status is depicted in a 2008 "Interim" map. Future Travel Management Planning will be at the District or Project level rather than at the Forest level.**
- **Evaluation of Inventoried Roadless Areas within the Forest, for possible recommendation as Potential Wilderness Areas (PWA's)**

- List any government approvals or permits that will be needed for your proposal, if known.

No permits are required for the alternatives being evaluated. The alternatives pertain only to change in mix of users on a limited number of County roads.

Any OHV use on a County road not identified in one of the alternatives would be treated as a “special use” or “parade” and would require a parade permit issued by signed approval of the County Sheriff and the County Road Engineer. The sponsoring organization would be required to provide evidence of insurance in the amount of \$1,000,000 (one million dollars) to indemnify the County for claims. The sponsoring organization would also be required to compensate, in advance, the Sheriff of Ferry County for all required overtime in the department, including any reserve deputies, directly related to the event.

- Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

This proposal is to develop and adopt a County ordinance by which Ferry County will regulate the operation of Off Highway Vehicles (OHVs) on streets, roads, highways and right-of-way under County jurisdiction. The proposal will provide connections between OHV-use areas in County jurisdiction and OHV-use roads, trails, and areas within the Colville National Forest.

- Location of the proposal.

Designated routes are located throughout Ferry County and vary by alternative.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site:

Flat, rolling

b. What is the steepest slope on the site (approximate percent slope)

Slopes vary from 0% to 7 %.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

All OHV routes are either asphalt or gravel. As the proposal is contained entirely within the right-of-way of the Ferry County road system, there are no agricultural soils or farmlands contained in the project.

It is noted that some of the roads and right-of-way to be evaluated in the various alternatives may lie adjacent to agricultural soils, possibly including soils designated

as “prime farmland”. Potential impacts to soils in such adjacent will be evaluated in the EIS process.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so describe.

Comment by the QCC is noted: “Some designated OHV routes are on roads which have unstable soils in high banks along the road right-of-ways. OHV use on such right-of-ways would aggravate existing soil instability, resulting in increased erosion and filling of roadway drainage ditches.” Potential impacts on soil erosion, and potential mitigation measures, will be addressed in this EIS process.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

No filling or grading is proposed in alternatives as now defined. Should it be determined, during the EIS process, that filling or grading is indicated as a mitigation measure, then the applicable information would be provided, for such filling and grading, in the Final EIS.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Comment by the QCC is noted: OHV use has been demonstrated to increase erosion (reference USGS Open-File Report 1353, pp 3-4; Item No. 8 in Section V, Bibliography). The QCC has expressed concern that OHV travel may occur on road right of way other than the traveled portion of the road, and thus may occur on surfaces normally not compacted by cars and trucks. The QCC is concerned that travel may occur on surfaces which are unconsolidated, may occur on slopes, and may be subject to erosion due to OHV traffic. None of the alternatives authorizes OHV travel on other than the traveled portion of a County road. Travel on shoulders is specifically prohibited. Potential for significant impact of erosion will be evaluated in the EIS process.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

No construction is proposed. There will be no change to impervious surfaces.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

Any Ferry County OHV ordinance will require compliance with State law, RCW 46.09.120, which prohibits operation in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition. Any Ferry County OHV ordinance will prohibit operation off the designated roadways, including prohibiting operation on the road shoulders.

The QCC has expressed concern that erosion is a significant issue to be considered. Surveys of OHV users indicate that significant percentages of OHV users intentionally go off designated routes. The QCC states that existing enforcement is

inadequately staffed or funded to address OHV abuse through off-route travel, according to a letter from the Ferry County Sheriff.

Potential for significant impacts, and possible mitigation measures, will be evaluated during the EIS process.

2. Air

a. Air Quality: What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Exhaust from OHV vehicles will result, where not currently present.

The following statements by the QCC will be evaluated:

Some studies show that OHV exhaust is significantly elevated in air pollutants compared to cars or trucks. Reference Section V, Bibliography, entry # 10: US Environmental Protection Agency Emission Modeling for Recreational Vehicles.

The Air Resources Board of California (CARB) states: “one two-stroke off-road motorcycle or ATV can emit as much hydrocarbon pollution per mile as 118 passenger cars, while relatively cleaner four-stroke engines still emit more than seven times the level of carbon monoxide as new cars.”

b. Odor: Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not Applicable

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

This potential environmental impact will be addressed for the DEIS.

3. Water

a. Surface Water – Movement / Quality / Quantity

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

There are streams and wetlands in the immediate vicinity of some of the roads on which OHV travel may be allowed. Some of the roads cross streams via culverts. The DEIS will include identification of such streams for each alternative.

The Ferry County Critical Areas Ordinance (CAO) governs development proposals in the buffer areas of streams and wetlands. However, none of the alternatives is proposing any construction nor alteration of the roads or right-of-ways; thus the use

of an existing County road is exempt from regulation under the CAO as a legal pre-existing use

2) Will the project require any work over, in, or adjacent to (with 200 feet) of the described waters? If yes, please describe and attach available plans.

Not Applicable. The proposal does not include any construction; thus there will be no work over, in, or adjacent to any water.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None

4) Will the proposal require surface water withdrawals or diversions? (Give general description, purpose, and approximate quantities if known).

None

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Some routes may lie within the floodplain. This will be determined for all routes proposed in the alternatives. However, it is likely that in all or most cases, the existing road right-of-way has been legally elevated above flood level. No change to road elevation is proposed.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Potential for waste discharge to surface water will be evaluated with respect to parking areas on right-of-way, designated as OHV Recreational Facilities, if any. Each such designated area will be identified as to whether or not immediately adjacent to surface waters which could be subject to waste discharge from persons or equipment.

b. Ground water:

1) Will ground water be withdrawn, or will water be discharged to ground water.

No

2) Describe waste material that will be discharged into the ground from septic tanks or other sources; if any (for example: Domestic sewage, industrial, containing the following chemicals ...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

The County may designate areas for parking/staging for OHV activities. These areas could be affected by human waste (urine/feces) and trash, unless facilities are

provided to mitigate such waste. The EIS will include estimates of the number of users and frequency of use of the parking/staging areas and will consider mitigation measures.

c. Water runoff (including stormwater)

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

There will be no change to water runoff including storm water.

2) Could waste materials enter ground or surface waters? If so, generally describe.

It is possible that fueling and servicing OHVs at the parking/staging areas will result in spills of fuel and other petroleum products, which spills could be conveyed into the ground and could enter ground water, or could enter surface water if immediately adjacent to the area.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any.

The EIS will evaluate the likelihood of spills and may propose mitigation measures.

4. Plants

a. Check or circle types of vegetation found on the site:

Since the site consists entirely of County road and road right-of-way, any plants which exist on site are unintentional, naturally occurring (such as grass, shrubs, trees), or the plants represent unauthorized use of right-of-way (crop or grain). The checklist indicates types of plants which may occur within the right-of-way, and which probably will occur adjacent to the right of way.

X deciduous tree: alder, maple, aspen, other

X evergreen tree: fir, cedar, pine, other

X shrubs

X grass

X pasture

X crop or grass

X wet soil plants: cattail, buttercup, bullrush; skunk cabbage, other

X water plants: water lily, eelgrass, milfoil, other

X other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

No vegetation will be intentionally removed or altered. Impacts to vegetation would not occur during authorized use of OHVs on the County roads. Any impacts would be due to unauthorized use (operators traveling off the designated roadways). The EIS will consider to what extent such unauthorized use may represent a significant environmental impact.

The QCC comment is noted, that noxious weeds are a significant concern in Ferry County and that dispersal by vehicles is well established. Travel by OHV through infested areas and then along County roads may increase the distribution of weeds. The EIS will evaluate the extent to which the spread of noxious weeds presents a significant environmental impact, and whether mitigation measures are appropriate.

c. List threatened or endangered plant species known to be on or near the site.

The EIS will include evaluation as to the existence of threatened or endangered plant species on or near the proposed OHV-parking/staging areas, which could be affected by OHV use in those areas. The Natural Heritage Program of the Washington State Department of Natural Resources currently lists five “threatened” plant species for occurrence in Ferry County.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

None, other than possible mitigation measures for spread of noxious weeds. See Item 4. b. above.

5. Animals

Check or circle any birds and animals which have been observed on or near the site or are known to be on or near the site.

birds: hawk, heron, eagle, songbirds, other

mammals: deer, bear, elk, beaver, other

fish: bass, salmon, trout, herring, shellfish, other – none on site

b. List any threatened or endangered animal species known to be on or near the site.

Current listing of threatened and endangered species believed to occur in the County will be checked via the Department of Fish and Wildlife Priority Habitats and Species database. Mapped or documented point and polygon locations, on file with the Ferry County Planning Department, will be consulted to determine if there are validated point occurrences within 1000 feet of roads proposed for OHV use or for parking/staging areas.

Potential bird species which might be found to have point locations on or near a designated OHV road include the bald eagle. Listed animal species include the lynx, grizzly bear, and gray wolf; however there are no mapped habitat areas for those species within the portion of Ferry County on which OHV roads are to be designated.

c. Is the site part of a migration route? If so, explain

There are limited areas known for the migration of waterfowl. The EIS process will include identifying locations of these areas and assessing to what extent these areas may be affected by the proposed OHV use.

d. Proposed measures to preserve or enhance wildlife, if any

Users will be required to remain on designated routes, limiting wildlife disturbance. It is recognized that experience in other jurisdictions has shown that OHV riders frequently do not remain on designated routes. A considerable number of literature citations have been provided, for use in assessing the disruptive impact of OHVs on wildlife. This will be a major topic for evaluation, and potential mitigation measures, during the EIS process.

6. Energy and natural resources.

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.)

Does not apply.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Does not apply.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any?

Does not apply. Arguably, there may be a fuel savings realized from substituting road miles by an OHV for a comparable number of road miles by a truck carrying an OHV or a vehicle pulling a trailer carrying an OHV. However, fuel efficiency considerations are not a part of the justification of the proposed action.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

The EIS will evaluate the risk of fuel spills when servicing OHV's in the parking/staging areas of the County road right-of-ways. That analysis must also consider that the parking/staging function is not an added requirement, but is a shift in location – parking and staging adjacent to the County road rather than adjacent to the Forest road.

A QCC comment indicated the belief that OHV's would be permitted to operate on County road right-of-way outside of the travel lanes, where igniting grass fires from OHV exhaust pipes would be a risk. This is a misunderstanding. State law (RCW 46.09.120) prohibits operation upon the shoulder. This prohibition will be carried to any County ordinance. It is also a traffic infraction to operate an OHV without a spark arrester approved by the Washington Department of Natural Resources.

1) Describe special emergency services that might be required.

None. Fire response is performed by volunteer-staffed local fire districts. That will not change with the proposed action or alternate action.

2) Proposed measures to reduce or control environmental health hazards, if any.

Does not apply.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment operation, other)?

Noise from vehicle traffic and farm equipment is currently present.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Noise levels from OHV operation on the county roads will be higher than noise levels of highway vehicles. Motor vehicle traffic is regulated by WAC 173-62-030 Table I to operate at no greater than 72 dBA at a distance of 50 feet; whereas OHV noise levels are regulated by RCW 46.09.120 to operate at no greater than 86 dBA at a distance of 50 feet. That difference in Decibel Level means that the OHV is more than twice as loud as the highway vehicle at comparable distance.

Evaluation of noise impacts, and possible mitigating measures, will be a major issue for the EIS. Technical resource materials to be consulted include a 2006 report by the Washington State Interagency Committee for Outdoor Recreation: "Off Road Vehicle Noise Study and Recommendations." Technical resources also include the USGS Open-File Report 1353, "Environmental Effects of Off-Highway Vehicles on Bureau of Land Management Lands".

3) Proposed measures to reduce or control noise impacts, if any:

OHV users will be required to comply with state and local requirements, including reduced speeds when passing dwellings.

The QCC states that enforcement is unlikely and that the expectation that OHV users will comply with regulations is contrary to experience in the literature.

8. Land and Shoreline use

a. What is the current use of the site and adjacent properties?

Routes are currently used for motor vehicle traffic. Adjacent properties range from agricultural lands, to timber and grazing lands, to private residences. Under most alternatives, the County roads designated for OHV use connect to OHV designated routes within the Colville National Forest.

b. Has the site been used for agriculture? If so, describe.

No

c. Describe any structures on the site.

Possibly bridges; depending on the alternative; will be evaluated for each road.

d. Will any structures be demolished? If so, what?

No

e. What is the current zoning classification of the site?

Ferry County does not have a zoning code, but the County Comprehensive Plan and Development Regulations provide guidance for land use. See response to item f.

f. What is the current comprehensive plan designation for the site?

Within the unincorporated area of the County, lands are considered to be “rural”. Land use may be commercial, recreational, residential, large-scale industrial, or small-scale industrial. Resource use, recreational use, and particularly agricultural and timber uses and accessory uses are permitted and encouraged. The majority of road miles which will be open to OHV’s will pass through these “rural” lands.

More intense residential, commercial and institutional uses occur in the County’s “rural service areas” which include the unincorporated small towns, cross-roads commercial areas, and lakeshore areas. A few of the roads identified in the alternatives are located in these small towns or cross-roads areas, where residential population is more dense than in the rural areas.

Policies of the Comprehensive Plan generally support the County’s objective to increase the recreational opportunities available to OHV users.

Comprehensive Plan policy 7.12.5 (5) notes that public access to public lands for resource use and recreation is a highest priority of the County.

Comprehensive Plan policy E11 under Planning Goals, encourages the County to develop a diversity of outdoor recreation on public lands including, but not limited to, cross country ski trails, back pack trails, off-road vehicles areas, photographic trails, etc.

g. If applicable, what is the current shoreline master program designation of the site?

Does not apply.

h. Has any part of the site been classified as an “environmentally sensitive” area? If so, specify.

It is possible that portions of some roads may pass through the “buffer” areas of environmentally sensitive areas, now referred to as “critical areas”. For example, a road may pass near a wetland or within the designated buffer-width adjacent to a

river or stream. However, the roads are exempt from classification as critical areas being pre-existing legal uses for which no change is contemplated other than change in nature and volume of vehicular use.

i. Approximately how many people would reside or work in the completed project:

None

j. Approximately how many people would the completed project displace?

None

k. Proposed measures to avoid or reduce displacement impacts, if any.

Does not apply.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

Recreation uses are a permitted and encouraged land use in Ferry County, including OHV recreation. Any resulting ordinance will include limitations on speeds, sound levels, and in some cases hours of use, in consideration of adjacent land users.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Does not apply

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Does not apply.

c. Proposed measures to reduce or control housing impacts, if any.

Does not apply.

10. Aesthetics

a. What is the tallest height of any proposed structure, not including antennas; what is the principal exterior building material proposed?

Does not apply.

b. What views in the immediate vicinity would be altered or obstructed?

Does not apply

c. Proposed measures to reduce or control aesthetic impacts, if any.

None

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mostly occur?

None

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No

c. What existing off-site sources of light or glare may affect your proposal?

None

d. Proposed measures to reduce or control light and glare impacts, if any.

None

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

Camping, hunting, biking, walking, running, back-packing, bird watching, wildlife viewing, fishing, cross-country skiing, horseback riding, shooting, and OHV recreational use.

b. Would the proposed project displace any existing recreational uses? If so, describe.

Allowing OHV use on County roads, as an alternative to transporting the OHVs by truck or trailer, would not directly displace any existing recreational use. No action is directed towards either encouraging or discouraging, nor any way limiting, any other type of recreational use. However, it is noted that the literature cites claims by persons who pursue other types of recreation, who feel that their enjoyment is hindered by nearby OHV use. The EIS will evaluate the impact of an overall increase in OHV tourism in the County, due to expanded opportunities for OHV use on County roads, and the impact that might be perceived by those pursuing different modes of recreation. There is evidence that OHV use displaces other, non-motorized recreation. USGS Open-File Report 1353, Section 2.7.3, specifically discusses negative impact of OHV use on other recreational land users.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.

The proposed project will provide expanded opportunities for OHV users, by providing improved connectivity to OHV-use areas in the Colville National Forest.

In reviewing the alternative actions, the EIS will consider impacts in view of designating more, or fewer, County roads for OHV use.

13. Historic and cultural preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

None

c. Proposed measures to reduce or control impacts, if any.

Does not apply.

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

See Section II of this documentation for a detailed description of alternatives, including identification of affected County roads. Maps will be developed during the EIS process.

b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Does not apply. The only “public” transit serving Ferry County is the flexibly routed mini-bus operated by Rural Resources.

c. How many parking spaces would the completed project have? How many would the project eliminate?

The project will not eliminate any parking spaces. Certain of the alternatives may include designating parking areas for use by those transporting OHVs.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No new roads will be constructed. No roads are expected to be expanded or improved. During evaluation of the alternatives, the EIS process will consider whether any improvements to the roadways, or to designated parking areas, may be advisable as mitigation for impacts. It is possible that safety analysis of some road segments may indicate a mitigation benefit by widening or straightening some feature of the road; or a parking area may benefit from some grading or definition.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volume would occur.

The proposed action has been previously estimated to add 40 average trips daily to the road network. This estimate will be reviewed, considering that the alternative actions differ from the previously proposed action. Estimates will be developed for trip generation for the various alternatives. In part, the change in road use will be a matter of substituting one type of vehicle trip for another – that is, an OHV user making a trip along the road riding the OHV rather than making the same trip, hauling the OHV in a truck or trailer. Any net increase in trips would be due to the tourism attraction attributable to an improved OHV recreational network connecting county roads to OHV use areas within the Colville National Forest. Thus any net increase in visitor trips will likely result in an increased demand on Forest OHV roads in addition to increased demand on Ferry County roads.

In evaluating impacts due to increased tourism “draw”, it is noted that an increase would be compatible with the goals of the Ferry County Comprehensive Plan and other County priorities including the economic development initiative to encourage tourism. The increase in visitors to the County would be in the same category as other types of tourism promotion (for example, tourism demand is created when the Washington Department of Fish and Wildlife sets hunting seasons or fishing seasons on the lands and waters of the County).

g. Proposed measures to reduce or control transportation impacts, if any.

To be evaluated for each alternative during the EIS process.

15. Public Services

a. Would the project result in an increased need for public services (for example, fire protection, police protection, health care, schools, other)? If so, generally describe.

OHV use is likely to place additional pressures on Law Enforcement and Emergency Services resources.

The QCC states: “Existing enforcement is inadequately staffed or funded to address OHV abuse through off-route travel. (Ferry County Sheriff letter on file with Commissioners)”.

The QCC states: “OHV users suffer a higher rate of injury and death than other recreational users. Data is available from the Consumer Products Safety Commission (Referenced: 2006 Annual Report of ATV-Related Deaths and Injuries; Consumer Products Safety Commission”). .

The QCC has provided an extensive bibliography of references to OHV safety concerns, which will be reviewed. This bibliography is part of the EIS file and is referenced in the Bibliography, Section V.

As one technical resource, the EIS will review the U.S. Forest Service publication: “Guidelines for Engineering Analysis of Motorized Mixed Use on National Forest System Roads”; December 2005. Motorized Mixed Use is the designation of a NFS road for use by both highway-legal and non-highway-legal vehicles. Motorized mixed use involves safety and engineering considerations. Qualified engineers may use the (NFS) guidelines to analyze any NFS road being considered for motorized mixed use. The guidelines include techniques for evaluating the risk of crash probability and crash severity based on roadway factors and operator factors. Possible mitigation measures include roadway modification, signage, education, or separating the mixed uses. Although the guidelines do not apply directly to Ferry County roads, they may provide insight into likely adverse impacts of motorized mix use on the County roads; and may have a bearing on potential impacts of increased OHV demand on NFS roads.

b. Proposed measures to reduce or control direct impacts on public services, if any.

The EIS will evaluate the impacts on Law Enforcement and Emergency Services for the alternative actions and may propose mitigation measures.

16. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

Does not apply.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Does not apply, other than the possibility that activities at proposed OHV Recreational Facilities (parking / staging areas) may indicate desirability of providing sanitary services and refuse collection service; to be evaluated in the EIS.

C. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise.

The proposal would be likely to cause some increase in discharge to water; some increase in emissions to air; and highly likely to result in increased production of noise.

Proposed measures to avoid or reduce such increases will be developed through the EIS process.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal would be likely to affect plants and animals; some possibility to affect fish (should discharges occur to waters); unlikely to affect marine life.

Proposed measures to protect or conserve plants, animals, and fish will be developed through the EIS process.

3. How would the proposal be likely to deplete energy or natural resources?

Unlikely. Any change in energy use (vehicle fuel) would be a shifting of use from one class of vehicle to another – driving an OHV versus hauling the OHV in a truck or trailer -- or would be a shifting of use from one geographic area to another – tourism attracted to a Ferry County destination rather to some other destination.

Arguably, the availability of an area attractive for its OHV recreational opportunities may have some cumulative impact through encouraging a greater segment of the population to purchase OHV's or otherwise become OHV users and OHV enthusiasts, than might have occurred absent the proposal. Such an impact would be difficult, or impossible, to quantify prospectively. It could not be known whether the increased population of OHV enthusiasts had newly entered the recreational tourism market, or had shifted their activity from some other form of recreation.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Under an assumption that OHV users will observe all requirements of the enabling ordinance as to where and in what manner they may legally operate OHV's, then impacts to any of the above stated types of areas would be unlikely. However, experience-based technical literature makes it clear that impacts do occur from unauthorized use, or unintentional impacts from authorized use. Impacts to one or more of the cited types of areas are potentially possible. The likelihood of impacts to each of the cited types of areas will be examined during the EIS process, and mitigation measures may be proposed.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow land or shoreline uses incompatible with existing plans?

Highly unlikely. There has been no demonstration of a nexus between OHV use on the roads and any attempt to instigate land or shoreline uses incompatible with existing plans.

6. How would the proposal be likely to increase demands on transportation or public services and utilities.

Other than the “no action” alternative, the proposed action would be likely to create increased demands on Law Enforcement and Emergency Services due to safety issues. However, it should be noted that the Ferry County “primitive” road network is operated at a level of traffic far less than the design capacity of the roads. Mitigation measures might indicate desirability of improving the County roadways or right-of-ways in some instances. Mixed use of motorized vehicles may have an adverse impact on existing use by highway-legal vehicles on some parts of the County transportation network.

Proposed measures to reduce or respond to impacts will be developed during the EIS process.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

By issuing this Determination of Significance and committing to preparation of an Environmental Impact Statement, Ferry County is in compliance with the Washington State Environmental Policy Act (SEPA) and with Ferry County Ordinance 94-05, implementing SEPA at the local level.

Any requirement under federal law for environmental studies would be the responsibility of the federal lands manager – either the U.S. Forest Service, Colville National Forest, or the Federal Bureau of Land Management.

SECTION V – Bibliography of Technical Resource Materials

This section identifies a minimum list of technical resource materials which have been gathered to serve as general reference sources during evaluation of environmental impacts for the various alternatives. None of these studies or documents was developed specifically for Ferry County's proposed action, but their content will be considered, where meaningful and applicable. There are no known, existing, environmental documents relating specifically to the proposed action.

The first seven listed references are studies or documents Issued by the U.S. Forest Service, either nationally or by the Colville National Forest.

1. ***Motor Vehicle Use Map – Colville National Forest – West Side – 2008***
2. **Colville National Forest web site (www.fs.fed.us/r6/colville) Topic: *Travel Management Public Involvement – 2007 Public Working Groups Route Recommendations*** – Proposal Maps for the Project Areas identified as Hall, Swan, Trout and Vulcan. The maps depict user-group proposals for additional or modified routes for OHV use. Color coding identifies the proposals as to degree of challenge to implement.

3. ***Guidelines for Engineering Analysis of Motorized Mixed Use on National Forest System Roads; EM-7700-30; December 2005***

This document provides guidelines and formats for use by a qualified engineer to assess feasibility and potential impacts of designating a National Forest System road for use by a mixture of highway-legal and non-highway-legal vehicles. Analysis may be documented as Engineering judgment or as an Engineering report. Analysis will consider roadway and roadside factors and operator factors. Analysis will assess the risk, without mitigation, of crash probability and crash severity. The judgment statement or the Engineering report may recommend mitigation measures.

In the Introduction, this document includes the following observation: “Over the past few decades, the availability and capability of off highway vehicles (OHV's) have increased tremendously. More people are enjoying access to recreational opportunities. However, the increase in OHV use can affect soil, water, wildlife habitat, other recreational users, and the introduction of invasive plant species ...Unmanaged recreation activities, including impacts from OHVs, represents one of four key threats facing the nation's forests and grasslands”.

4. ***U.S. Forest Service Rule for Travel Management – 36 CFR Parts 212, 251, 261, and 295, published in the Federal Register November 9, 2005,***

The rule requires each National Forest to designate roads, trails and areas on which the use of off-highway vehicles will be allowed; and to prohibit any such use other than in the designated areas. The Travel Management Plan must be developed by the end of 2009 to be implemented by 2010. In developing the Travel Management Plan, the National Forest must collaborate with other federal, state and local governments.

In its Preamble, the rule makes the following observation: “The growing popularity and capabilities of OHV’s demand new regulations so that the Forest Service can continue to provide these opportunities while sustaining the health of NFS lands and resources. From 1982 to 2000 the number of people driving motor vehicles off road increased over 100 percent. Recent decades have seen like advances in the power, range and capabilities of OHV’s. Whole new classes of vehicles have been introduced and are growing in popularity. Soil erosion, water quality, and wildlife habitat are affected. ... Current regulations have not proven sufficient to control proliferation of routes or environmental damage. ... The agency must strike an appropriate balance in managing all types of recreational activities. To this end, [the rule provides for] a designated system of roads, trails and areas for motor vehicle use, established with public involvement. “

5. *Gallatin National Forest, Travel Management Plan, Final Environmental Impact Statement; October 2006*

This extensive set of documents presents the result of more than four-years analysis of environmental impacts associated with the Travel Management Plan of the Gallatin National Forest, in Montana. As background, the summary of the FEIS makes this observation:

“The Forest Service believes that the demands for recreation opportunities are now reaching the point of exceeding the capability of the land to provide them. A Travel Management Plan is needed to effectively offer a variety of quality recreation opportunities consistent with achieving management goals and objectives for other resources.”

The EIS evaluates seven alternatives for their impacts on 23 environmental issues found to be significant.

6. *National Forest Visitor Use Monitoring Program – National Project Results – January 2000 through September 2003*

This document presents results of a four-year structured survey of all National Forests to provide baseline statistics as to number of visitors, demographics, purpose and nature of visit, spending patterns. The report states that follow-on surveys will be conducted each year, beginning 2004, in approximately 20% of the Forests. Internet sources will be investigated to determine whether there is any updated information for the Colville National Forest.

7. *Colville National Forest, Environmental Assessment: Forest Plan Amendment # 31 – Clarification of Forest Plan Direction Regarding Motor Vehicle Use; April 2008.*

This document includes references to technical studies which may provide information as to potential environmental impacts attributable to use of OHV’s and other motor vehicles in the Colville National Forest.

8. USGS Open-File Report 2007-1353: “Environmental Effects of Off-Highway Vehicles on Bureau of Land Management Lands: A Literature Synthesis, Annotated Bibliographies, Extensive Bibliographies, and Internet Resources” U.S. Department of the Interior, U.S. Geological Service.

This report and its associated appendixes compile and synthesize the results of a comprehensive literature and internet search conducted in May 2006. The literature search was undertaken to uncover information regarding the effects of off-highway vehicle (OHV) use on land health or natural-resource attributes. The literature searches yielded about 700 peer-reviewed papers, magazine articles, agency and non-governmental reports, and internet websites regarding effects of OHV use. The document includes a brief synthesis of findings regarding environmental impacts, potential indicators of OHV effects, techniques for mitigation or site restoration, and research needs.

Areas of potential environmental impact include OHV effects on soils and watersheds, effects on vegetation, effects on wildlife and habitats including native, threatened and endangered species, effects on water quality, and effects on air quality.

Also discussed are socioeconomic implications of OHV use including OHV user demands, concerns and attitudes; the economic effects of OHV use on communities near OHV-use areas; and the effects of OHV use on other land users.

9. Washington State Interagency Committee on Outdoor Recreation report: “Off Road Vehicle Noise Study and Recommendations” 2006. Note that the agency name has since been changed by the Legislature and is now called Recreation and Conservation Office. Submitted by the QCC as Attachment B7.

The 2006 Washington State legislature directed the Interagency Committee to develop recommendations intended to improve control of excessive off-road vehicle noise statewide. The agency commissioned a study by consultants ESA Adolphson and Geomatrix, to evaluate available approaches and to make recommendations. In its introduction, the study makes this observation:

“Riding off-road vehicles is a popular and growing form of recreation in Washington State. However, for some neighbors and other recreationists, the sound from ORV’s can be a disruptive intrusion.” ...

10. U.S. Environmental Protection Agency Memorandum, “Emission Modeling for Recreational Vehicles”; November 13, 2000; Submitted by the QCC as Attachment B4.

11. A memorandum presenting summary statistics from several cited surveys or experiments regarding OHV users’ attitudes and practices with respect to abiding by rules of use. Submitted by the QCC as Attachment B3.

12. Thesis entitled “Wisconsin All Terrain Vehicle Owners: Recreational Motivations and Attitudes Toward Regulation”, by Robert A. Small; July 2007. Submitted by the QCC as Attachment B5.

13. U.S. Consumer Product Safety Commission: “2006 Annual Report of ATV-Related Deaths and Injuries” Submitted by the QCC as Attachment B8.

This report presents the 2006 annual update of information collected by the U.S. Consumer Product Safety Commission staff on deaths and injuries related to the use of all-terrain vehicles (ATV’s). For purpose of this report, the definition of ATV is limited to a three or four-wheel vehicle with a straddle seat and handlebars. Off-road vehicles with a bench seat and/or steering wheel are not included. Motorcycles are not included.

14 List of “further relevant resources” regarding safety issues of OHV use, as submitted by the QCC, Attachment B, pages 14 and 15.

15. Map Titled “Ferry County – Farm Soils”, Washington Department of Ecology, GIS Technical Services, 05/01/08, Soils10; Submitted by the QCC as Attachment B1.

The map was compiled by Ecology from soils identification by the Natural Resources Conservation Service of the U.S. Department of Agriculture. It should be noted that only about nine percent of the soils shown on the map are classified as “prime” soils; the balance are classified as “soils of statewide significance” but are not prime agricultural soils, and include soils suitable for timber production rather than agricultural production.

16. Maps of “prime soils” compiled by the Ferry County Planning Department, 2008, from soils identification by the Natural Resources Conservation Service of the U.S. Department of Agriculture.

17. Map Titled “Forest Practice Resource Map” prepared by the Washington State Department of Natural Resources, submitted by the QCC as Attachment B2.

18 Washington State Department of Natural Resources, Natural Heritage Program, List of plant species of concern believed to occur in Ferry County, from the agency’s web site. Submitted by the QCC as Attachment B6. Five plant species have a State status of “threatened”.