

Quiet Communities Coalition
P.O. Box 966
Republic, WA 99166
info@quietcommunitiescoalition.com
509-775-2811

March 2, 2009

Irene Whipple, Director
Ferry County Planning Department
147 N Clark, Suite 7 POB 305
Republic, WA 99166

RE: County Off Highway Vehicle Ordinance Environmental Impact Statement –
Scoping Information

Dear Ms. Whipple:

Please accept these comments on behalf of Quiet Communities Coalition. It is the mission of Quiet Communities Coalition to work towards preserving and improving our rural lifestyle and to advocate for safe roads, a balanced recreation policy, sustainable tourist opportunities and a diverse economy. Quiet Communities Coalition is an organization of Ferry County residents, private property owners, and business proprietors, who question the viability and legality of ORV use on our county roads, city streets and public rights of way.

OVERVIEW:

On December 3, 2007, Ferry County Commissioners enacted OHV Ordinance 2007-22 without preparing a SEPA checklist and without engaging in any analysis whatsoever of the potential environmental impacts of the proposal. QCC subsequently initiated litigation against the County alleging, in part, that the County had failed to comply with SEPA in enacting the Ordinance. On May 22, 2008, the Commissioners solicited comment from the public on a new OHV Ordinance 2008-06 and issued a SEPA checklist. Quiet Communities Coalition (QCC) submitted substantial comment on the County's SEPA checklist. The Ferry County Planning Department subsequently issued a Determination of Nonsignificance for the project. QCC filed an Administrative Appeal with the County. In November, 2008, QCC and Ferry County entered into a stipulated order granting a permanent injunction in the litigation. The parties stipulated, among other things, that the County would conduct an Environmental Impact Statement before enacting any new OHV ordinance. On January 15, 2009 the DNS was withdrawn and replaced with a Determination of Significance and a EIS scoping statement was issued.

RECOMMENDATION:

At this time QCC recommends:

Alternative 1 – No Action.

Alternative 2 attempts to comply with RCW 46.09.020, however QCC contends that these routes do not create the required direct connection between a city of less than 3,000 and an OHV facility.

Alternatives 3-5 require amendment to State law. To our knowledge, there are no relevant bills proposed to the legislature on these issues this session. We recommend the county not expend its energies or moneys on speculative proposals.

We have the following concerns relating to Alternatives 2-5.

All roads must be studied and analyzed for their cumulative impacts. This includes new uses as well as existing uses. The County has not conducted any up to date analysis of the proposed roads and the impacts to be caused by the proposed changes in their use. *See Mountaineers, et al. v. USFS, et al.*, 445 F. Supp.2d 1235 (W.D. Wash. 2006); *North Cascades Conservation Council, et al. v. USFS, et al.*, 98 F. Supp. 2d 1193 (W.D. Wash. 1999).

The Colville National Forest has not completed analysis under the National Environmental Protection Act of its 2007 phase 1 OHV designated routes. These designations within the NF may change, altering the options for Alternatives 2-5.

Alternative 2

The roads included do not create a direct connection from city to OHV facility. The following examples also fall outside RCW 46.09.020.

“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)

“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.” As the roads are not currently specified, we can not make meaningful comment.

Alternative 3 -5

Each alternative is based on altering the state RCW. At this time we cannot give meaningful recommendations for these alternatives. However, because most of these are the same roads listed in the SEPA DNS, please apply the following statement to alternatives 3-5.

In addition to attachments to this letter, QCC includes, by reference, all materials submitted to the Ferry County Planning Department as comments to the 2008 SEPA DNS and those submitted in the Administrative Appeal of the SEPA DNS related to OHV Ordinances 2007-22 and 2008-06.

We request that the County conduct a thorough review of the possible adverse environmental impacts of the proposed alternatives in an Environmental Impact Statement.

We request to be promptly provided with copies of all future notices and documents regarding this proposed action. Thank you for your consideration of our comments.

Sincerely,

Ellen Picken, President
Quiet Communities Coalition
P.O. Box 966
Republic, WA 99166

Attachments:

- A. Commented copy of Ferry County Proposed Notice of Action and Scoping Notice with QCC comments added in underlined, bold, italics.