

March 5, 2009 – Summary Version

Initial Report to Ferry County Board of County Commissioners – March 9, 2009

Responses Received to EIS Scoping Notice for Potential OHV Ordinance

Irene Whiple (Responsible Official) and Virginia Sweetland (Contract Consultant)

Five letters were received in response to the scoping notice, by the due date 3/2/2009.

- Sharon Shumate, citizen
- Le Ann C. Lake and Geri Ann Johnson, citizens
- Rick Brazell, Forest Supervisor, Colville National Forest
- Bob Whittaker, President, Ferry County Rail Trail Partners
- Ellen Picken, President, Quiet Communities Coalition

A summary of the concerns, issues, or suggestions of each of these comments is presented here for your information

Sharon Shumate

Once you get past confusion about definitions, Ms. Shumate's comments agree with the purposes for which this EIS is being undertaken – that is, the need to assess potential impacts to the environment from use of non-street-licensed vehicles, for recreation, on Ferry County roads. She believes that the impact – from dust, noise, vegetation damage, wildlife habitat disturbance – is all within an acceptable range. However, it is the role of the EIS process to investigate and substantiate such an assertion.

She is not correct in her statement: “all County roads are open to Off Highway Vehicles for recreational use”. This is a misunderstanding of definitions.

Ms. Shumate's concerns seem to be about actions which she feels are being proposed or pursued by management of the Colville National Forest.

She feels that the Forest Plan Revision Team has designated all lands within Ferry County as Potential Wilderness.

She feels that the environmental community is using “language deception” to restrict all vehicular traffic from using County roads to cross National Forest lands.

She apparently feels that an OHV ordinance being considered by the County would somehow contribute to restricting lawful vehicular access to the Forest.

The concerns would not be a result of a County OHV ordinance and are not within the Scope of this EIS.

Le Ann C. Lake and Geri Ann Johnson

These two citizens present ideas for measures the County could take to ease tensions and resolve differences when developing an OHV ordinance. They recommend an advisory board consisting of “mature” (objective) citizens willing to consider the view of those who are pro-OHV and anti-OHV. They recommend an intensive program of signage and publication to make it clear where OHV use is allowed. They recommend that there should be monitoring of complaints, and that any OHV ordinance should include a one-year “sunset clause” with possible re-enactment after a year to be based on experience.

Ms. Lake and Ms. Johnson make a specific observation of a public safety concern: On any road used as a “haul road” by Kinross, use of OHV’s could pose an unusually high risk of accident. Currently the only portion of the Kinross haul route which is specified in one of the alternatives is Fish Hatcher Road (location of the Kinross mill)..

Rick Brazell, Forest Supervisor, Colville National Forest

The letter from the Forest Supervisor offers corrections to the designation numbers of Forest roads which are connection points to the County roads specified in the alternatives. The letter questions several statements in the text which might be read as inappropriately attributing certain intent to Forest Service actions. In response to the letter, an “errata” section is being prepared for the scoping document.

The Forest Supervisor states that the Colville National Forest will support Ferry County’s OHV designation for roads which tie into Forest roads open to all vehicles. The Forest **does not** support a designation for OHV use on any County road which leads to a Forest road which is not open to all vehicles. This is a concern with alternative 2(b), Alternative 3 for Curlew and Malo, Alternative 4(B) and Alternative 5.

Bob Whittaker, President, Ferry County Rail Trail Partners

The Rail Trail Partners’ letter express a concern regarding designation of OHV use on nine County roads which approach or intersect with the rail-banked “trail” right of way. The belief is expressed that authorized use by OHV riders, on roads from which it would be physically easy to access the “trail” corridor, will lead to a de-facto “motorized” trail.

The concern applies during the interim period prior to ultimate character of the trail being determined, and as a specific future concern – if the trail should end up being designated as “non-motorized” – that the authorized OHV use on County roads would lead to unauthorized use by motorized vehicle users; thus creating conflicts and increased public safety and enforcement issues.

Rail Trail Partners submit three documents to be added to the Bibliography of source information for analyzing environmental impacts:

Consideration for Board of Commissioners: The Board should be aware that a linkage has been suggested between the OHV ordinance and decision as to nature of use of the rail-banked corridor.

Ellen Picken, President, Quiet Communities Coalition

The Quiet Communities Coalition notes that the current Washington State Legislative session does not include any proposed legislation modifying State law with respect to County prerogatives in authorizing use of ORV's/OHV's. In view of the absence of new legislation, they believe that the only viable alternative for the County is the "No Action" alternative; they advise that it would be a non-prudent use of County resources to continue with the EIS analysis at this time.

The Quiet Communities Coalition believes that there is no legal alternative, other than the No Action alternative. Determination as to the legality under State law is the purview of the Board of County Commissioners and legal counsel; it is outside the scope of the EIS analysis.

Consideration for the Board of Commissioners: Considering that modification to State law this year is highly unlikely (cutoff dates have passed for introducing legislative proposals) - do the County Commissioners wish to have legal counsel evaluate legal options for an OHV ordinance? Do the County Commissioners wish to proceed with environmental impacts analysis?