

Okanogan County Board of Commissioners

6/7/2016

3:00 Planning and Administrative Study Sessions
(Perry Huston, County Director of Planning and Development)

Commissioners:

Jim DeTro (JD)
Ray Campbell (RC)
Sheilah Kennedy (SK)

County Personnel

Perry Huston (PH, Director of Planning and Development)
Alber Lin (AL, Deputy Prosecuting Attorney)

U.S. Forest Service

Mike Liu (ML, District Ranger)
Jennifer Zbyszewski (JZ)
Another USFS employee (woman)

Meeting begins, a little after 3:00:

Mike Liu (ML) - This session is mostly for questions and answers. We had a different approach when we started. Liu made sure that they had a copy of questions and answers. Not available to public. Someone wasn't able to make it (*Mike Williams, Okanogan-Wenatchee NF, I believe - BOCC had been wanting him to attend.*)

Travel Plan Schedule: Starting tomorrow, will be released. June 20-24, series of open houses. July 9th - review comments prior to publication. After published, 25 days for question period to begin. Comments closed in January. Once final decision is made, motor vehicle map available. WATV routes will be included.

ID team - Jennifer Zbyszewski will answer questions. Questions?

Kennedy on "coordination process:"

SK - I'll start out by saying that the BOCC has not been able to coordinate. Concerned about what the document does to recreation, for stability of economics. Per coordination, we should be sitting at the table with you as to closures, openings, ATV's - as to the future of this county.

Getting info that will now be released tomorrow for questions and public comment, and we only get it to discuss it the day before the release....this is not coordination. We need to back up and coordinate on the impact, the closure of the roads, and what it means to the process, through the coordination which is required by federal law.

JZ: The roads are pretty much status quo and it's the cross country that has changed. From scoping, this is only a part of long-term coordination that we have tried to give the BOCC . So

you would have an opportunity to comment before we go public. Roads are left as they are. Same as the motorized trails and system trails - none have been changed.

DT - So, same map as the 1989 traffic?

Jenn - Apps have been updated with the road system that we have now. The maps on line for the Alternatives show the most current roads and trails systems. All the seasonal closures on Okanogan NF travel plan map are not changed; no mixed use has been changed. Some roads in Methow allow motorcycles. This is closing the cross country travel off trails. All roads and trails will not be changed.

RC - what is cross -country travel?

PH - WATV's?

JZ - Got a lot of comment from ATV clubs, a group that reviewed. (They? we?) selected the roads that wouldn't change the environmental impact. So it is the 350 miles that we opened up about year ago, and then closed when we were sued. So we put the 350 miles into this document.

RC - We didn't step into that process, but we did not have chance for coordination, which is required by law. We should have your input. We know the final decision is up to USFS, but should have input of the local government

JZ - We are understanding - we have noticed that and again we have notified you. We are willing to step up.

SK - Definition of cross country . How does that reflect to the motorized vehicles during fire disasters?

JZ - There are emergency situations ...if motorized vehicle has to go off trail during emergency, it will be allowed. Also, permitted action will still be allowed. Also, tribal lands are not affected. Emergency motorized vehicles (are exempt.)

SK - Where do mushroom permits fit in?

JZ - If the permit allowed motorized traffic, it would be allowed.

RC - In the past?

Woman - in the past, mushroom pickers have not been allowed to do motorized off roads travel.

SK - after a trip (in 2006) seeing the negative impact of the mushroom pickers going off the roads.No one prosecuted them or fined them... so.....

JZ - The benefit of this is that it makes it clear and gives a standing law...once this is in place, we all have a solid CFR to stand on (*legally, for enforcement.*) Once someone drives off road, we can now issue violations.

SK - You didn't have this ability before?

JZ - No.

ML - Currently, there is no specific law that prohibits cross country travel unless there is resource damage. And burden is on us to prove the violation. But with cross country travel, violating this order...does give us more ability to control negative impacts from groups like mushroom pickers, motorized vehicles.

SK - How ..if this document is approved, how will it sound... like if approved, the impact to our recreation..... whether WATV's have the ability to connect from one area to the other. If not already approved, they will not be able to do that?

M L - This plan is pretty neutral. It doesn't change much.

JZ - The user - made, not the official trails, would be closed. People used to using these trails but if not a system trail, they would be closed. The next process is looking at the district level, at input from users, potentially allowing more trails, maybe closing some. There will be a separate NEPA analysis across the forest. Before, there was so much complexity that we were losing the site - specificity for environmental effects. So we went to the next level. If... next step for Methow and Tonnasket is to work together to modify motorized network, develop alternatives to motorized trails and reduced environmental impact.

SK - Wouldn't it be easier to add the 1,000 miles?

JZ - They are already in there and will still be open. But a lot of trails people have made on their own would be closed. But the 1,000 miles would still be open.

Mike - To clarify, we are not making changes to a roads system or trails system. Jenn is pointing out an old skid trail that has been used, and is not a system road...when we close cross country travel, they would be closed. We do not know where all of these exist. It's just closing cross-country travel off the roads we already have. Later, we will be making decisions about connections. Impossible for us to do the details now.....

SK - Any trails people have been using...have any of these been asked to add on by ATV clubs? Have they been added?

JZ - No.

RC - But could be opened in the process?

JZ - Yes. They could be done in the next step.

RC - I was in Wenatchee, I know there has been a group about 4-wheelers, had been working with USFS on that....they were asked the same question. Rings back to SK's position - if they asked for that, can we coordinate with those people to use those trails to connect? It would help them.

JZ - Any roads that ATV use is allowed on would continue. In addition, we are adding the 350 miles for WATV's. None of the motorcycle, etc. groups would change. Seasonable closures during winter would not be changed. The only thing hanging is motorized routes off those routes.

DT - Seems to me just as easy to reverse that process - leave those roads open, and then one by one close them.

JD - It will be a lot harder to get them open later.

JZ - We are not closing any roads. Nothing is changing.

DT - So under this draft, someone can start in Condonully and go to Salmon Meadows?

JZ - Yes. That is part of the 350 miles.

JD - Are you aware that your officer is there harassing people?

JZ - Graves is advising people as to what is available.

PH - WATV's will only be open to 350 miles of trail, plus only roads open to ATV's?

JZ - Unlicensed ATV's are allowed, plus WATV's, plus 350 miles above and beyond... Lets people go from Condonully to snow park or to Baldy Hill road - or #37 road to county road in the Methow.

RC - How about link between Methow and Chelan?

JZ - Yes, over Black Canyon.

RC - South fork of Gold Ck?

JZ - that route is the Grade Oss (?) route. I don't think it includes the summit road, but it does connect.

RC - That was a request. Why taken off?

JZ - Safety concerns...

RC - By golly, I've ridden over that road with horse trailer, etc. all my life.

JZ - there is specific stay analysis that our engineers follow...names a lot of specs. They did that for us. We'd need to look back at the notes. It was the Chelan that evaluated. Not sure of all of the reasons it was taken off. We have the notes from the Ranger District and documented as to whether ok or not.

ML - the 350 route lets people over Black Canyon into Chelan. Provides linkages so they can come up from Chelan side and over into Methow side.

RC - The road from Antoine Creek?

JZ - Look at Alternatives B & D. Look at WATV's on Chelan side.

DT - Nap doesn't work on our computers. Blurs it.

RC - Would be nice to sit down with you.

JZ - We will have GIS guys fix that. On USFS computers, you can zoom in. In the mean time, we can print out maps at the large scale.

PH - maps you have were scanned on hard copies. We can get the files.

JZ - Sent PDF's for alternatives to Loren?

NO.

DT - So that is the problem.

JZ - Let me know if it doesn't work. Will be able to see it then.

SK - Out of 350 miles of roads..... are all those miles located within Okanogan County? I'm seeing they are in Entiat, Chelan, etc.

JZ - This is Ok-Wen National forest. (*ie not just Okanogan county*) These roads connect Cononully to Methow Valley and over into Chelan.

JD - Talk about Bonaparte block and others.

USFS - they stayed mixed use.

(Note - Note taker could not get copy of handout. Possibly because official release is tomorrow?)

JZ - Maintenance level 1 roads: Part of this analysis. Every NF road has designated maintenance level. 1 open, 5 closed. We have been inconsistent across the forest as to how we deal with motorized roads on closed roads. Maintenance level 1 here - have a berm. On the Wenatchee, ... it was different. It closed level 1 roads to motorized vehicles. Some sections are open to motorized and should stay open.

On next steps, Level 1 roads will come back into play because some are good connector trails. Some people have suggested they remain open. We would look at these in next step.

JD - How about roads (Level 5) listed on the Tonasket that have fallen out of that level due to maintenance?

JZ - Probably still classified at level 5. Our engineers are working on this, maintenance level, etc. They are still making those decisions on needs, maintenance, etc. That will continue to occur - does not change the process.

RC - Another specific road...Goes from Gold creek over into Black Pine Lake and on over to Twisp River.

JZ - clarifies it's the road past Mission Peak? - 4300 road. Remains unchanged. Open now. Open for licensed motorized vehicles. Any other roads?

RC - Couple of branches into Buttermilk and then to Poorman.

Mike - If open now, it will be opened later.

JD - What about the roads that were designated as mine to market?

JZ - My guess is that now open, so level wouldn't change. People who have valid mining claims would still be able to access. Their mining activities would not be changed by this project.

JZ - Last thing - corridors for motorized access to dispersed camping. The cross country regulation would close those. So UFS in 2010 went around and inventoried existing dispersed campsites. Have identified 1,640 corridors that would remain open. Within these corridors, people could drive off road off existing roads. Motorized vehicle would still use these. But not more than 300 feet long or 100 feet from water.

Alternative B - About 80% would be open. About 20% would be on roads with no corridors, but they could also park along the road and then walk in or wheel their stuff to camp. Concerns they got were regarding motorized access in re fish habitat. Some of favorite sites, like up Chewuch, are on critical fish habitat, so to address concerns in Alt B, all corridors in that critical fish habitat were removed. Only access to 50 (?) rather than 80. It would allow the potential impacts on that fish habitat to be reduced.

In Alt C, some people noticed their favorite campsites were not in, so in alt B....you (couldn't follow.)

Alt D allows more motorized access to dispersed camping. This is the big difference between the Alternatives. We want to hear from people re limitations of access to dispersed campsites... and impact of motorized traffic upon fish habitat. The inventory in 2010 was a one-shot deal. They need people to tell them where their favorite spots are so people can comment.

SK - 2010 inventory done since the people were already in the field. Did they take an inventory of all the skid trails, etc.?

JZ No.

SK - THAT's TOO BAD. People were already there. Too bad we couldn't have saved money by doing it all at once.

JZ - District spent a lot of time with ATV folks about where those trails are. But we don't have a full inventory.

SK - USFS plans to release this tomorrow....Do we request an official coordination? Where do we get to the point under the federal coordination law....

RC - Question and answer is ...

PH - Clarifies that ...we still have the outstanding coordination issue. It also has opportunities... it is required by coordination that there should be some effort to explain why this process can't be brought along.... We will put in writing that USFS is lacking in coordination, and we will also file our comments according to the process.

SK - So do we oppose this?

PH - if we are to be consistent, all would object and ask that they stop the process until coordination has been done. That would be the approach ..assuming that it moves ahead and there is an objection phase, and then of course litigation. Obviously there is an opportunity to repair the error before an environmental asst is done. Also, might provide..... pH - refers to USFS indicating roads that are open, not roads that are closed.

RC - In the final analysis, is when the final decision is made...not the day before. (? Unclear.)

Mike - Asks PH if scoping comments were sent? PH says yes.

ML - fact that we considered your comments, etc. In terms of going back on coordination, etc... at this point, how would you like that coordination to look? In my mind, coordination has been through the process. What is it that you are looking for?

PH - Would assume to pick up that banner and opportunity beyond just submitting comments, but to come in and get a better understanding of the proposal and of BOCC concerns and talk about why or why not these issues can't be dealt with. We have those in front of us, but if there are particular concerns on behalf of BOCC..., roads that are not open but will have a detrimental effect on county process..they have to have this opportunity.

ML - so there is a 50-day comment period and you have time to look at the maps.....

PH - before you even issue the final decision?

SK = points out it should have been long ago.

PH - Well, this is where we are now.... we will be able to identify problems, try to avoid litigation, objections, etc. In a more perfect world,, before you set out begin to frame the final decision on EA, if you are back to talk with commissioners, it would be good.

JZ - This is what the process is now. Now that you have something to look at...we would be glad to come back and get your specific input.

RC - We do appreciate all public input; but as elected officials, we should have the opportunity to sit down one to one and discuss ort concerns about economics, etc.

SK - Points out again, it is mandated by federal law.

PH - Should be at the beginning, when we say we are going to start doing...How would BOCC like to be involved? Environmental groups have this opportunity, but elected officials do not. These are the people you are supposed to be doing this withbefore the proposal goes out for comment.

PH - Where we are now, we want to meet before formal decision

RC - At this point, we want it after comment and before final decision

ML - If we waited until after the comment period, would supply you with info.

JZ- we will be modifying the data and revising analysis. Would be helpful after you read and look at maps, to get your take on it.

DT - another thing - the local legislative body....comment period does not close for them, Just for the public.

JZ - We have to have a date for general public, but you are a different part of the process..defers to Liiu....

ML - Jennifer will ask if her superiors are comfortable coming back to BOCC afer comments in July close.

DT - Mike Williams said he understands coordination.

RC - Complains that other groups got input but not BOCC, as had been promised . We want not just a comment period, but legal standing.

Llu - Yes, you have standing.

AL - their legal advisor is fine. Standing gives us rights for litigation. But the process of coordination can avoid litigation. Getting the document 5 minutes before you come here just increases the problems. Increases suspicions. Lin encourages a dialogue.

RC - I sat down with Jason and brought this up as well as I could. We want to coordinate with you on decisions. We will push the issue if needed, but don't want to go down that road;. If this goes in the wrong direction...we all "move forward."

JZ - We do want to avoid litigation , etc. Will come back in July after comments are in. When we know when that will be, we will schedule to get on your agenda and tell you where we got and the changes that we intend to make.

DT - appreciates the process. Mike, Can we raise this issue? Craig Boesel asked him how things are coming with his permit. Back on Gold Doe, but as to access to (??) Probably won't be back until after native bunch grass seeds set, which is end of August.

If Matt was here today.... I've been really pushing flexibility. For example, if he can't go on and if he goes through second seed set - can you be flexible with on and off dates and extend it? He was going to have to set up a solar fence out of the black...Mike said riparian areas. Cows

won't go into the black. Can you be more flexible with him and have him maybe ride more often, etc..... rather than having to build the fences?

Liu - Yes, we can be flexible. Pruitts are another case. We are trying to help them to get through next couple of years on grazing.

Liu - Appreciated working with you on Mission Project. As soon as we get through the comments, that would be when you could look at these - and before we look at alternatives. That would be good. We will schedule. We have encouraged you to come to our office again to look at the maps.

Ray - I can do that, but that isn't coordination. I am one of 3, and coordination is with 3 commissioners. (Note: the issue seems to be that the 3 commissioners cannot go over to USFS in Winthrop without it being an official commissioners' meeting. Ray is in that district and willing to go himself, but he considers it a part of "coordination" by definition he is using and states that all 3 commissioners should be there by this definition.)

PH - If my GIS guys can communicate with you, GIS guys can exchange info, they can package it up etc....

Mike L. we'll be in contact.

After USFS has left:

Ben Rough - Be sure that their intent to come back later and look at different areas (?) is in writing. (Note: He is talking about USFS coming back after public comments have been made.)

Another question - it is easier to close the roads later rather than open them later. What kind of environmental review is there? If you have to re-open, there would be an intense enviro evaluation.

DT - everyone knows that

AL - Heard they are not closing any roads that are already open.

DT - but when we did in open (house?) - it is not the original 89 travel plan. If they are trying to start with 2005 as starting point, we have a problem.

AL? — DT - in 89, everything was open.

Ben - Would be nice. There is not a lot of trust between BOCC and USFS.... if USFS could maybe come up with a third party person who could interpret that for the county, that will be a lot of work. Ted probably has his eye on it.....

Ben to AL - see you tomorrow. Yes, about 10:00.

4:10 - silence.

DeTro - Legislative hearing committee - July 25...(something canceled?) I have jury duty.

All are signing consent agenda.

Note taker leaves 4:15.