

**Tri-County Commissioners Meeting  
Colville National Forest Plan Revision  
Colville NF Supervisors Office  
September 17, 2015**

**Present:**

Mike Blankenship (Ferry County Commissioner)  
Steve Kiss (Pend Oreille County Commissioner)  
Wes McCart (Stevens County Commissioner)  
Rodney Smoldon (Acting Colville National Forest Supervisor), Amy Dillon (CNF Plan Revision Team Lead), Debbie Kelly (Plan Revision Public Affairs Specialist), Jon Day (CNF Silviculturist), Kate Day (CNF Hydrologist), Karen Honeycutt (CNF Fisheries Biologist/Acting CNF Natural Resources Program Manager), Bill Gaines (CNF Plan Revision Wildlife Ecologist), Eric McQuay (CNF Recreation Staff/Acting Republic District Ranger), Ben Curtis (CNF Assistant Forest Fire Management Officer), Marcy Rumelhart (note taker).

**Agenda topics originally provided by the commissioners (items that need follow-up are in *italicized text*):**

Commissioner McCart did not attend the two previous forest plan revision meetings and had many questions and concerns, so the discussion started with a line-by-line review of chapter 1 of the proposed plan. Most of the discussion included general explanation and clarification of language in the proposed plan, but Commissioner McCart's substantive questions and concerns, and Forest Service responses, are summarized below.

The first clarification was that the Colville NF borders, but does not overlap, Okanogan County. Amy said according to our GIS<sup>1</sup> layers there is a tiny sliver that shows that, but after talking to the team GIS specialist they determined it is most likely a digital error in GIS.

### **Draft Plan Chapter 1**

- Concern the plan does not display total animal unit months (AUM) across the entire forest. It seems important and missing. It gives counties an economic basis on which to work toward or away from.
  - *Will add total AUMs across allotments for entire forest.*
- *Line 74 – change appendix B to appendix C for climate change.*
- Concern with the Ecosystem Sustainability section. This section doesn't address the human element and seems to state a mandate to set aside land rather than multiple uses, don't agree with statement. The part about demand for natural resources makes it sound like are demanding resources and is contributing to the degradation of the forest.

Rodney explained it as an increase in demand for those systems. The demand exists and creates challenges.

Amy stated we are trying to find a balance between public use and long-term viability of the land base.

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<sup>1</sup> Geographic Information System

- Lines 82-88 regarding lands adjacent to the forest - feels like the Forest is putting additional pressure on counties. We need to work together to find balance. It helps us in our comprehensive planning so we're on the same page. Need to harmonize that.
  - *Add verbiage about balance between two competing things.*
- Question about timber harvest being a factor in the uncharacteristic increase in insects and diseases and whether reduced harvest is part of that.
  - *Add "historic" to timber harvest for clarification.*
- Under Access System section - concern that part of the proposed plan is to improve water quality but don't see anything regarding water quantity, which is a huge driver for Stevens County.
- Analysis of the Management Situation (pg. 7) - Question about the Comprehensive Evaluation Report (CER) and where that is located.
  - Amy said that is a separate document and will be an appendix. *She will send the CER to all commissioners.*
- Consistency with Plan Components (pg. 9) – this section is confusing. It references this section as an appendix, and other content, but it is not clear what a plan component is or what is other content. Not clear that those documents are part of the plan.

Amy – there is a table on pg. 10 that talks about what plan components are. The beginning of that section provides general, background info and context for plan components.

## Draft Plan Chapter 2

- Question/clarification about desired conditions (DC) statement. Reading this as a specific condition must be met.

Amy explained projects need to be compared to a plan component. This statement is direction as to how we meet that. There are no specifics here in the plan that provide direction for a specific project. Appendix A Consistency with Plan Components describes how we'll deal with projects. We use the plan for consistency and measure against the DCs. Appendix A does not have DCs, but it explains further how we will meet them. Chapter 1 of the plan is the introduction, what it is and where to find it.

Amy further explained the differences between desired conditions (goals), objectives, standards, and guidelines.

Amy and Jon explained Suitability and Special Areas. Jon said approximately 858,000 acres are tentatively suitable for timber production. Amy explained the difference between Special areas and the Special Interest Area (SIA) currently only in Alternative O. The SIA is an overlay, not a management area, with an emphasis on recreation use. It is not described here because the plan is based on Alternative P. Regarding discussion from previous meeting with county commissioners, if Alternative P is changed to include the SIA, then it would be described in the plan.

Amy described what the "plan set of documents" is. It includes the forest plan with appendices, the environmental impact statement and appendices including references and glossary, and the record of decision. It does not include the entire project record though. The maps will tie to the plan and will reflect the preferred alternative (P).

- *Under Plan Structure section (pg. 13) – include something about maps being a plan component. Should be stated that maps are part of the plan.*
- *Hydro power production section (pg. 19) - Grand Coulee is not a Columbia River treaty dam, make sure treaty language is accurate. Need clarification to make sure Grand Coulee is not part of the treaty.*
- *Need to define acronyms – USDI, etc.*
- *Bottom of pg. 20 - this section shows estimated cubic feet/year – water quantity – this background info is important, and supports the commissioner’s position that water quantity is important and should be further addressed in the plan.*
- *Diversity of wildlife species (pg. 21) – need reference for statement about “home to 65% of WAs white tailed deer population”.*
  - *Bill – got that information from the herd plan and is specific to the game unit the herd plan refers to. Will provide a reference for that.*
- *Forest-wide direction (pg. 22) - confusion about forest-wide and what that means.*
  - *Amy - will add clarification it is only on FS, not other lands. We don’t want to imply we have any effect on private ownership. We can state this doesn’t apply to private inholdings, more clarity.*
- *Bottom of pg. 23 – confusion about overlapping direction.*
  - *Will add clarification as to intent of the statement.*
- *FW-DC-WR-12 – concern that DCs are not just for fish.*
  - *Karen – could remove the spawning and rearing language and would include all species, or just add “or”. Right now we only have fish on the aquatic TES list for the forest, but can be clearer about that. Will add and/or to statement.*
- *FW-OBJ-WR-02. Aquatic Invasive and Non-Native Species. This is in regards to aquatic weeds, all of which are unacceptable. Add clarification here.*
- *FW-OBJ-WR-03 – concern about wording here. For clarification, consider adding trails, maybe move livestock into a different sentence, change illegal to unauthorized.*
- *FW-OBJ-WR-07 – discussion of 250 acres in regards to streams is confusing, add clarification.*
- *FW-OBJ-WR-08 (pg. 48) – change table 6 to table 5.*

### **Draft Plan Chapter 3**

- *MA-DC-RMA-01 – update wording from natural to functional. A riparian ecosystem that is functional.*
- *MA-STD-RMA-01 – in footnote 6 – consider water quantity in this issue, maybe not here but ties to properly functioning condition.*
- *MA-STD-RMA-09 - need to allow for point crossings for watering facilities to harmonize those, seems to be in conflict with this standard.*

- *Pg. 97 RMA standards - consider adding fire access and future suppression needs for human health and safety.*
- *MA-GDL-RMA-19 – confusion as to when water bar/sediment control work on fire lines would occur –during or after a fire? Need to add clarifying language.*
- *MA-GDL-RMA-20 – add ‘non-emergency’ for wildfire (related to state hydraulic project approval).*

## Fire/Fuels

Commissioner Kiss discussed a concern he brought up after the last meeting regarding the North Fork of Sullivan Creek, which is the municipal water supply for Metaline Falls. That area is currently roadless and proposed as recommended wilderness in the new plan. If it becomes wilderness, how would the firefighting response change, and what are the potential effects?

Ben stated in a situation like that (wilderness and municipal water supply), they consider the impacts of fire and suppression to help manage fire. A particular management allocation doesn't really change how we manage. There are different options and different requirements for how we report and request tools, but doesn't mean we can't use helicopters. We would need to obtain approval for certain actions and have legitimate reasons for doing so, but we can use those tools.

Rodney gave a recent example of that happening in the Orient watershed and roadless area. It could happen in wilderness too. We have never experienced any kind of litigation or injunction during a fire suppression effort, but is a valid concern.

Kate – we do have specific components in the plan to protect those community water supplies.

Commissioner Kiss – Would there be any options to protect the watershed if there was a massive insect infestation, whether it was roadless or wilderness? Would any management activity occur?

Amy – if it stays as an inventoried roadless area we would have to go to the Washington DC office to get approval for treatment.

Eric – if it is wilderness and not a (state listed) municipal water source, the infestation would probably be allowed to play out. *Would need to find out what would happen.*

## Air & Soil – Rodney & Amy

- Air section introduction (pg. 26) - protect from adverse effects of air pollution, how? What does it mean?
  - Amy - a very generic statement. We try to manage fuels in a way to avoid large amounts of smoke from wildfire or prescribed burns, in regards to FS lands. *Will add clarity here.*
- How do you protect the forest from our (county) nonattainment status?
  - *will add clarity*

Discussion about desired conditions for air quality including a knowledgeable public about impacts from smoke, using news releases to inform public about prescribed burning operations.

- *Need to include Tri County Health in public notifications of prescribed burning. Include that as a standard practice in burn plans.*

Ben explained the class I and II areas. Class I has to be congressionally designated (Pasayten wilderness). Burning follows State of WA smoke management plans and are required to get approval on the day of the planned burn (smoke must be cleared out within 24 hrs.). Whether or not it is wilderness, the air quality standards don't change until it is designated as a Class I airshed, then it would be state regulated, not FS.

- Soil section background - how do you deal with catastrophic fires? Fires are not addressed in the plan, how do you address emergency situations?

Jon – emergency situations are outside the realm of the plan.

- *Add a simple disclaimer in the plan to address that, address up front.*

There were several questions regarding desired conditions for soil and Amy will have the *soil scientist contact Commissioner McCart when he returns from leave.*

### **Water Resources/ Riparian Management Areas – Kate & Karen**

Commissioner McCart expressed concern the proposed plan doesn't address water quantity very well, specifically subbasins. Stevens County has been trying to open the Colville basin for water rights in this area, not achieving instream flows, which keys into management on the Colville NF.

Kate – the key watershed emphasizes aquatic species and their habitat, is more of an ecological/biological criteria. Other watersheds are public supply watersheds, like North Fork Sullivan Creek and Orient, which have no special management area and are not designated the same as key watersheds.

Commissioner McCart would like to ensure the FS management techniques protect water withdrawals out of the watershed. He shared map overlays with the Colville watershed aquifers. No mention of surface waters in the plan and hydrologic connection. How is this being dealt with?

Kate – discussed ground and surface water and riparian management direction. More detailed information is located in the DEIS, with little in the plan. We can possibly do a better job of describing it in the plan.

Commissioner McCart concerned about activities the FS is doing that are reducing water quantity. Aware of a canopy density study - if overall density per watershed or subwatershed of 60%, that is the target. The DC would be to meet that canopy density.

Jon – is usually done at subwatershed scale (5<sup>th</sup> field), and we do have DCs for canopy.

Karen – the plan components are what we follow and would *need a component based on your concern.*

Kate – from a management perspective is good to have at the subwatershed level. Will coordinate with Commissioner McCart to discuss this more.

Amy - *will have to get team together to have this discussion*, to see what we can do with it. Will need to determine how to reflect it in the plan, will have to think about how to word it so it is implementable.

### **Direction for Roads**

Discussion of road density objectives in the focused and general restoration management areas. Bill provided some background information on how we arrived at the numbers.

Bill – there has been a lot of discussion trying to balance between resources and need for access. Road density is a coarse scale measure and is commonly used in wildlife, fish, and hydrology literature to indicate effects roads have on the aquatic and wildlife environment. There is a deep pool of science for that. The starting point was looking at the science around roads. Next had discussions with our regulatory partners since they use road density in their language as a way to discuss a function of the watershed. We looked at their numbers in relation to the literature and science. Third, internally we looked at the watershed condition framework (WCF) which is a national program that established a consistent way to look at watersheds - in terms of condition, ways to allocate funds, and look at monitoring. In the WCF one of the indicators is road density. Generally forest plans used road density to address specific types of habitat and used as a standard, but reduces the flexibility of folks who sign decisions in terms of progress. The decision was to use road density, but vary it by management area and alternative (a coarse metric, category of DC). Desired conditions allow flexibility for folks at the project level to make decisions about roads. In regards to the DCs we would need to show progress toward it.

Kate – there are roughly 3 mi/mile<sup>2</sup> on average currently on the forest.

Bill – open vs closed roads – effects can be mitigated with gates especially in the wildlife realm, but doesn't address other effects to hydrology. Those effects are not accounted for if just using gated roads, so we decided to use total road density as the measure. One challenge is closed roads that haven't been hydrologically stabilized. There is not a good inventory of roads that haven't had that.

Commissioner McCart stated Stevens County wants roads for motorized recreation and fire suppression. Seem to be a pretty high threshold to set a road density for fish, and more important where it is located than the density. Concerned about the human impact, for safety concerns. Having roads impacts ability to suppress and avoid catastrophic wildfires.

Rodney stated the forest has used smokejumpers and dropped folks from helicopters to suppress fires this past summer. He explained that some fires grew larger because we had higher priority to protect communities from other fires. The main concern is roads stacked on top of other roads that go to the same place. There are also roads that are overgrown with vegetation and not being used. We need to have a conversation about managing the right roads.

Kate – we outline objectives to move us toward DCs. Think that the goal of 1 and 2 miles may be unrealistic to meet, but at the project level will move us toward that.

Rodney – would like to find a way to deal with this that is more outcome-based. Find a way to make roads stormproof, and put in storage so they can be used in the future.

Amy – to put in perspective, we have DCs and then over the life of plan, objectives to reduce hydrologic connectivity and sediment delivery. In looking at reducing 78 miles of roads over 15 years, is less than 2% of the total road system. Understand that the road density numbers that seem like a red flag, but in reality is less than 2%.

Commissioner McCart has no qualms with removing stacked road systems, but if there is a road that leads to a destination, don't want to lose that. There are other entities challenging the road proposals

and tend to lose value of entire community vs. special interests. Can we describe in the plan roads that have high social value, and identify jointly which ones we target for removal?

Rodney – we do that now at the project level.

- *FW-DC-AS-01 – desired conditions for the access system – will look at beefing up the safety aspect. If this doesn't meet what you want highlighted, we could tweak it to add more of the social piece.*

Commissioner Kiss – one alternative is to keep the number of road miles the same and not increase. Is there reason why you couldn't keep the road miles the same and still reach the DC?

Kate – don't think we can keep road miles the same and reach DC.

Amy – she is not saying we couldn't do that, but would be an effect in the EIS and we would need to take that to USFWS under consultation. Would have to make a conscious choice as to what it would be.

Bill – another thing we considered was how to describe the DC, maybe an outcome is something we can describe. In the USFWS language when they look at road density of 1 they rate as properly functioning, if look at 2 that is functioning at risk, if 3 then impaired. How do we not set ourselves up to describe functioning at risk or impaired. The long-term vision is functioning well, but objectives are that we'll only make so much progress.

- *Request to add local government coordination to Appendix B. Will add in continue to work and coordinate with tribes and local governments.*

## Vegetation – Jon

- Vegetation introduction, vegetation within WUI section - there is a *footnote #3 for (NWCC 2012) - is missing and needs to be added.*
- FW-DC-VEG-02 - wording seems off, like actually promoting insects and diseases. True?

Jon – yes, we want to maintain the natural balance, at endemic levels. The RO has insisted we keep this language here, but do realize it is hard for most people to understand. The purpose behind it is we're not going to eradicate mountain pine beetle.

Amy – also some of these are soil organisms that provide a beneficial aspect. *May need to define what the characteristic role is, provide more clarity to language.*

- FW-DC-VEG-03 – are we promoting wildland fire use? Wording confusing here too.

Jon- these DCs are for vegetation, so if fire can move us to the DCs it can play a role.

Amy – wanted the option that if a lightning strike occurs and creates a nice underburn (not affecting any structures, people, and meets desired condition), then we would not suppress it. *Need more clarity here.*

- Table 5 (pg. 32) – are these canopy densities?

Jon – these are percentages, does mean canopies but this is related to percent of forest structure in the desired condition.

- FW-OBJ-VEG-01 – is the number of acres over next 15 years consistent with sustainable yield number? Seems low.

Amy – objectives are in a general sense from a forestwide perspective - what might happen. This is the volume we thought we could do, and what land base it would come from.

- FW-STD-VEG-04 – concern about amount of areas classified as suitable, seems low. Concerned that this is a standard. Need clarity on what regulated timber harvest is.

Jon – explained how unsuitable areas, such as wilderness, backcountry nonmotorized, are removed from consideration for timber production. That leaves approximately 600,000 acres of suitable lands.

Amy – these are areas where we can plan timber sales. There are administrative sites where we don't plan timber sales, but might remove hazard trees and sell the wood. That is not considered regulated timber harvest. *Will define regulated better.*

Discussion of how the counties could help the FS reach a more sustainable timber harvest, for economic stability. The FS uses the term allowable sale quantity (ASQ) and it is covered in detail in the EIS, not the plan. From chapter 3 of the EIS - the 1982 Planning Rule requires the calculation of Long Term Sustained Yield Capacity (LTSY) based on productivity and the calculation of (ASQ) that is tied to lands that are suitable for timber production. The ASQ reflects the quantity of timber that may be sold from lands suitable for timber production, within tree utilization standards, for the first decade of the plan given an unlimited budget.

Commissioner McCart would like to have the counties help the FS meet the sustainable number quicker.

- FW-GDL-VEG-01 – some confusion about the 100-ft vs 50-ft buffers, doesn't make sense.
  - Amy – good question will contact botanist Kathy Ahlenslager about it.
- FW-GDL-VEG-09 – this guideline being removed.

## Wildlife Habitats – Bill

Discussion about species proposed for listing under the Endangered Species Act and obligations the FS has to protect them.

Bill – proposed species are managed as sensitive species. Critical habitat can't be designated until after a species is listed. Typically those species go on the sensitive species list until the US Fish and Wildlife Service (USFWS) makes the call. Region 6 maintains a sensitive species list that the regional forester signs off on. That list is updated periodically, and a new list came out July 2015.

Bill explained the difference between recovery areas for threatened, endangered, and sensitive (TES) species and critical habitat. Critical habitat maybe designated with a recovery plan, it has its own rule.

Lynx is a federally listed species but there are currently no recovery areas or a recovery plan. There is a critical habitat designation, but none on the Colville NF. It gets confusing because of federal and state agreements. As forest plans are revised they look at the lynx conservation and assessment strategy (LCAS, updated in 2013), which summarizes science with suggestions to forests on how to approach revising plans for lynx. The LCAS stratifies the habitat into different areas with core areas being key for lynx. The Kettle Crest is a core area, the Selkirks are a secondary area, and everything else is peripheral. This was done before lynx was listed or critical habitat identified. It is relevant to the Colville and Okanogan-Wenatchee Forests so the management recommendations were reviewed and translated into plan components.

Commissioner Blankenship asked why the lynx core habitat covers the roadless area where it can't be managed. It is troubling that the lynx area needs to be treated in an area where there are no roads or mechanical use allowed. There is really no benefit because we're not attracting lynx by improving the

habitat. We are losing snowmobile opportunities which are affecting Ferry County economy, but we can't do anything to fix it.

Bill – believe there are some provisions in the lynx strategy that allow for snowmobile use in lynx habitat. He worked with Jon's vegetation analysis and tried to link with that as much as possible. Tried to interpret the management recommendations to provide enough flexibility for making good management decisions on the ground.

Bill explained surrogate wildlife species, formerly called management indicator species (MIS), they are similar but different. It is a way of grouping species by broad habitats, a process the regional office gave us to follow in order to get a sense of key issues for this forest around wildlife. He took a long list of species, grouped them into similar habitat, and from each group picked a species that was representative. For example, pine marten is representative of higher elevation old forest. Then developed plan components around that, and addressed differences between alternatives.

Amy – appendix D is being updated to include all fish, terrestrial wildlife, and plants.

- Concern about statement “reducing risk factors (primarily managing human activities)”
  - *Will remove the part about managing human activities.*
- FW-DC-WL-13 – concern about how this is worded.

Bill – It calculates the zone of influence of human activities, which is roads or on winter range is snowmobile routes. *Will reword this for clarification.*

- *FW-OBJ-WL-02 – fix typo, should be “an average”.*
- *FW-GDL-WL-07 (pg. 57) – regarding expansion of recreation and administrative facilities (campgrounds, trailheads) – wording needs some clarification.*
- *FW-GDL-WL-14 (pg. 58) – references DCs in Veg section, add table number here (table 5, pg. 32).*

Anywhere “managing human activities” is mentioned in the plan is a red flag for Commissioner McCart.

Bill – for bat habitat the concern is for people visiting bat sites and bringing in white nose syndrome. Loons are a sensitive species and human disturbance is already happening on the Sullivan Lake Ranger District and in Ferry County.

## **Wild & Scenic Rivers – Eric**

Commissioner McCart concerned about the Kettle River being designated as wild and scenic and potential loss of recreation opportunities. There is a state law/Kettle River protection bill put in place to prevent this from becoming a wild and scenic river. (He provided some paperwork on this).

Eric stated a suitability study would need to be completed first and until that happens then it stays the same, just eligible.

Amy – we'd have to go through that analysis before it could be taken forward to congress. They couldn't do that because the suitability piece has never been done. We would consider what the state said in their analysis.

Eric – it's a small piece between Hwy 395 and the river's edge with no road access. For the FS it is a non-entity, a legacy where little management can occur.

Commissioner Blankenship stated if it could be removed from eligible status in the future would be great, but no real issue.

## Wilderness (designated & recommended) – Eric

For Commissioner McCart's benefit since he was not at the previous meetings, discussed the option of adding the special interest area (SIA) currently included in Alternative O, to Alternative P (preferred alternative).

Commissioner Blankenship – as discussed at the previous meeting, if we can add the SIA to alternative P, then he's good.

Rodney – everyone is passionate about the Kettle Crest. The SIA emphasis would be on recreation, but not preclude timber harvest.

Commissioner McCart expressed concern about adding more wilderness, especially the Abercrombie-Hooknose recommended wilderness. Even though the area is an inventoried roadless area (IRA), still don't want it to be wilderness. Commissioner Kiss agreed, it could prevent mineral extraction.

Commissioner Kiss – consider that 50 years from now, we might have the ability to undo the roadless area. That would be easier than undoing a wilderness.

Eric provided some background on the IRAs. When the IRAs were identified in the 1970s, we were allowed to continue road building and harvest up until the 1990s. In 2000 came the roadless rule which said no activity, but the boundaries stayed the same and that's why you can see some evidence of activities there. We have a map with additions and deletions where units are within those areas. All the ground-truthing will be done between the draft and final plan. Right now there is no financial incentive to accurately identify boundaries until we know what we're moving forward with.

Commissioner Kiss – concerned with water supply and potential mineral exploration. In the early stages of the forest planning process the Pend Oreille Mine was closed, but the mine has since opened and they have identified other trace minerals. Maybe values have changed in that respect.

Commissioner Kiss – in Pend Oreille County it doubles the acreage of wilderness and we feel it unfairly impacts this county. We already have a lot of wilderness and would prefer not to further close other areas.

Rodney – part of the social/political piece is the need to include a range of alternatives, including wilderness. Part of the predicament is showing a real wilderness alternative, and managing the turbulence around release of the draft plan. We need to manage the turbulence surrounding this, and it is important to understand congress can act on a whim whether we put wilderness on a map or not. Ultimately, Regional Forester Jim Pena will pick the alternative and could choose pieces of other alternatives in his decision. He can do that, mix and match parts of alternatives. There is also the timeline to consider here. We briefed the regional office and got approval to move forward with briefing our Washington DC office. We have received great input here on possible changes to make. Regarding the wilderness piece – we'll need to figure out if changes are possible in the time we have. The road density piece might not be something we can change at this point; it could set us back months and would rather not do that. The plan is to brief the FS chief in November and think we can get the draft EIS out in January or February. We still have a lot of work to do. We need to visit face-to-face with a lot of stakeholders between now and then, and the tribes. Can assure you we will get the team together and figure out how to have a range of alternatives and also address Alternative P so it looks different than today. Some things can't be adjusted before the draft is released. He will contact the regional forester on the wilderness piece and the county commissioners will be the first group to know where we land.

Amy asked the commissioners if the team had to focus on one issue, what would they say is the biggest issue for us to focus on.

Commissioner Blankenship – for Ferry County would be the Kettle Crest and wilderness. He has received public support if he opposes wilderness. The motorized community doesn't need access to the Crest, but cattlemen are concerned about it.

Commissioner McCart – he has a greater understanding of the plan today and that most of his concerns will be addressed, so biggest issue would be wilderness. More wilderness will be inconsistent with the Stevens County Comprehensive Plan.

Commissioner Kiss – wilderness is the biggest issue, and realizes there is science and law behind it. He can't negotiate for the county but would be willing to give up the Salmo-Priest adjacent recommended wilderness because it is already contiguous with the designated wilderness, but the Abercrombie-Hooknose piece is new.

Commissioner McCart concerned the Salmo-Priest adjacent and wolves – people are concerned about losing horses. Also the state fish and wildlife plan states that elk are nonnative, that the state introduced. Elk were not here historically and yet you have DC for elk.

Bill – they were here historically, but were shot out and then reintroduced.

Amy – the other reason we have DCs for elk is the social piece because hunters want to see that. Also the WA Dept. of Fish and Wildlife wants to see more in desired conditions for elk.

Rodney – when we get to the point of the wilderness issue and a negative economic impact, will need to substantiate it otherwise it's just opinion. If the commissioners can provide us with studies to back it up, would help.

Commissioner Blankenship – an example is bicyclists won't come here to ride so that is an economic loss. He will get more info on that. Utah study – he will send copy of the study to Eric.

Eric – if you can find something in writing, would help a lot.

### **Monitoring/Maps – Amy**

Tie of the alternative map to the revised plan will be added to the narrative in the revised plan.

Commissioner McCart requested if water quantity is added to the plan would need to monitor.

### **Plan Appendices**

Draft Plan Appendix B - Table on pages 4 and 5 – salvage is not checked, need to add explanation of why table is there.

Jon - this is modelling, and did not model salvage.

Hydrologic function – just ground water?

*Kate – yes, ground water in that category, hard to quantify. Will change to ground and surface hydrologic function.*

Appendix E Scenic Integrity Objectives – the map is small and needs explanation. It does need a narrative, will add something to it, required to have the map in an appendix to plan.

### **Wrap-up**

The commissioners stated they appreciated the meetings and felt they had been heard.

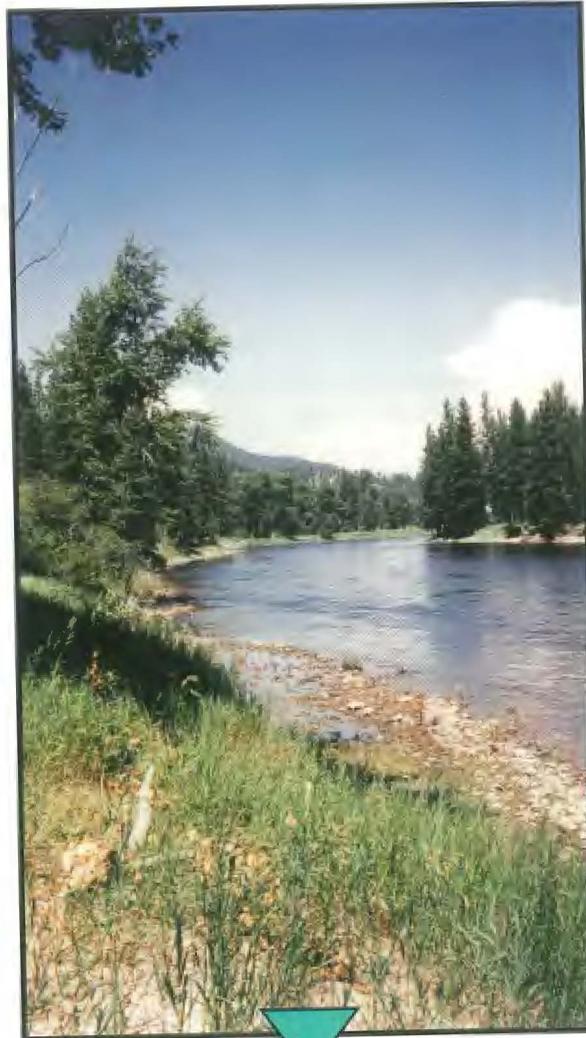
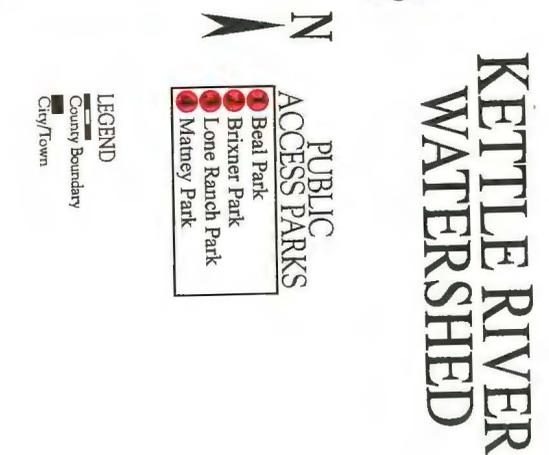
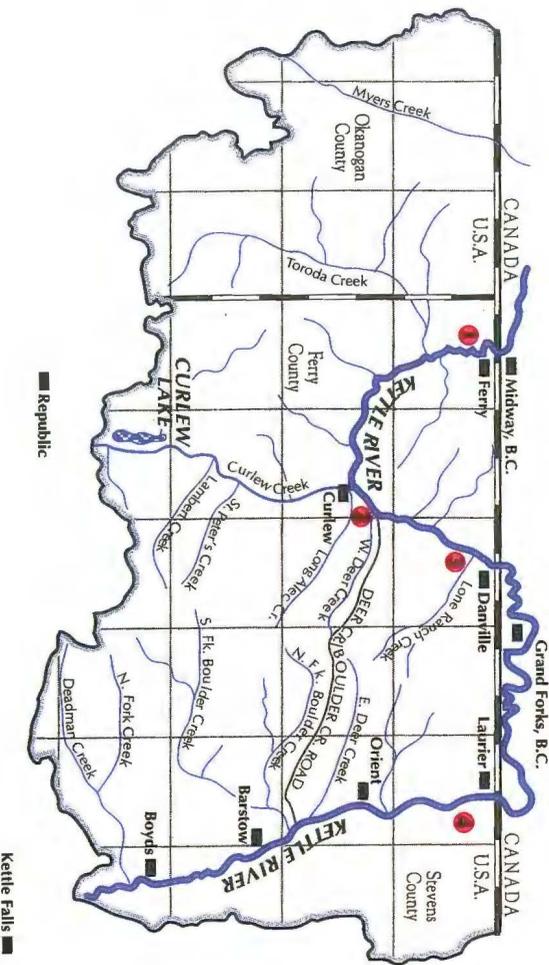
### **Timeline and next steps**

Amy – would like to meet with commissioners again prior to release of draft EIS to make sure changes are correct.

Rodney – will meet with commissioners as a group before end of the calendar year. Would like the commissioners help with the turbulence piece, even if just rumor control.

### **Glossary Additions**

- Plan set of documents
- National Forest System (NFS) lands – need clear definition.
- WUI
- Regulated timber harvest
- Strategic plant and wildlife species
- Surrogate species
- Habitat effectiveness
- Properly functioning condition
- Slope distance
- Inner gorge
- Minimum impact suppression tactics



# POLICY PLAN FOR THE KETTLE RIVER OF

Ferry and Stevens County

## Kettle River Plan Development

In 1990, the Washington State Legislature directed the County Commissioners of Ferry and Stevens Counties to prepare a management plan for the Kettle River. The enclosed statements, developed by the Kettle River Task Force, and approved by the County Commissioners, constitute policy guidelines for the long term management of the river and its resources. Authority and responsibility for plan implementation is vested in county government.

### • ACKNOWLEDGMENTS •

#### County Commissioners

*Ferry County*  
Ed Windsor, Marie Bremner, Gary Kohler  
*Stevens County*  
Tom McKern, Allan Mack, Fran Bessermin

#### Kettle River Task Force

Ron Eslick, Bill Brauner, Lou Stone, Diane Besand, John Magoteaux, Bill Holmes, Rebecca Baker, Joseph Abraham, John Foster, Gary Woodmansee, George Hooper, Lou Exner, Linda Wagner, John Davis, Ron Matney, Aldena Grumbach, Ed Watt, Doug Sauer, Gary Yeager, Patricia Egan, Curt Vail, Doug Pineo, Dennis Simmelink, Mel Kuipers, Ken Clouse, Jim Blake, Leola Thiele, Kelly McCarrell, Marsha Stevens, Gary Olson, Stan Schneider, June Meyer, Ralph Westlake, Bob Lievense, Carol Lievense, Donna Beal, Mike Petersen, Robin Estes, Michael Lyman, Bob Everett, Gene Pond, Dean Body, Pete Guglielmino, E. Jack McClellen, Don Dickey

#### County Planning Staffs

*Ferry County*  
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*Stevens County*  
Hal Hart

Department of Urban and Regional Planning  
Eastern Washington University

*Project Director*  
William J. Kelley

*Project Coordinator*  
Paul Rogerson

*Graduate Student Team*

Ann Defee, Brian Farmer, John Carroll,  
Jenny Bartz, Dee Caputo, Wende Wolfe,  
Lance Wilber, Roberta Garner, Ryan Zulauf,  
Paul Schultz

*Private Consultant*  
Abby Byrnes



*A Kettle River Advisory Board was officially appointed September, 1991. Its function is to advise and assist the Ferry and Stevens County Commissioners in implementation of this policy plan. If you are interested in serving on this board, please contact the Ferry or Stevens County Commissioners.*

**KETTLE RIVER POLICY PLAN – OVERALL THEME:** *Keep it as simple, voluntary and local as possible*

**Goal:** **Protect Private Property Rights**

**Strategy:** *Educate public on responsibilities*

**Action Step:** Prepare educational materials and signage for recreational users identifying their responsibilities for safety, litter control, use of designated rest stops, and access only at designated areas (maps provided). Permitted river use area will be designated from actual waters edge to waters edge on any given day.

**Strategy:** *Provide public access on public lands*

**Action Step:** There are ample publicly owned parcels along the river. A sufficient number of these will be obtained for public access from the road to the river as well as rest stops along the river. If private land parcels are needed for plan design continuity, those parcels may be purchased or leased from willing sellers or leasers. Condemnation, in whole or part, will be avoided.

**Strategy:** *Educate property owners on regulations*

**Action Step:** A pamphlet identifying existing regulations protecting the river and its resources will be prepared and distributed to property owners. Property owner responsibilities and rights will be clearly identified.

**Strategy:** *Involve property owners in ongoing planning and implementation*

**Action Step:** Property owners will be invited to participate in the ongoing planning and implementation of the management program. Property owners adjacent to proposed access points will be invited to participate in the development of site design plans.

**Goal:** **Provide Public Access for Recreational Use**

**Strategy:** *Develop sufficient access points along the River for safe and enjoyable use by public*

**Action Step:** Prepare a detailed site selection and design plan. Plan will identify criteria, candidate sites, maintenance and operations program, alternate size and use of site and phasing/implementation elements. Plan development will involve local citizens, particularly former Task Force members, in development. Secure resources, preferably local, for implementation.

**Strategy:** *Educate public for safe and enjoyable use*

**Action Step:** Prepare a map of access points and educational pamphlet/ signage that identifies relevant information including public responsibilities - courtesy.

**Goal:** **Keep the River the Same**

**Strategy:** *Maintain natural flow and water quality of river as it is currently*

**Action Step:** Request necessary administrative safeguards to ensure no dams are built and that natural flow

is not altered. Update Ferry's and complete Steven's Shoreline Management Programs. Continue monitoring to ensure maintenance of "AA" water quality status. It is not the intention of the plan to infringe on water rights. Discourage commercial extraction of gravel from the river.

**Strategy:** *Maintain rural character and natural environment of the river as it is currently*

**Action Step:** Land use plans and regulations being developed by counties should recognize and protect agricultural and open space use. All other uses should be compatible.

**Strategy:** *Encourage maintenance or enhancement of wildlife and fish habits*

**Action Step:** Encourage monitoring and appropriate enforcement as a priority.

**Strategy:** *Encourage international support for plan*

**Action Step:** Develop and maintain Canadian review, comment, and support for Kettle River planning & management efforts in U.S.

**Strategy:** *Designate an ongoing advisory group for developing and implementing detailed management plan over time*

**Action Step:** County Commissioners will appoint members and secure resources for plan development, implementation, and monitoring over time. Membership should include

former Task Force participants, be representative of varied community interest groups, and include proportionate representation from both counties. General public involvement in ongoing planning should be maintained.

**Goal:** **Use Existing Regulations for Management**

**Strategy:** *Increase commitment and accountability for enforcement of existing laws & regulations*

**Action Step:** Develop and distribute handbook on local, state, and federal regulations, including agency directory addresses and phone numbers. Develop and maintain public education program to include newspaper articles, presentations at local organizations and information at major activity centers (schools, libraries, tourism outlets, etc.) Appoint citizen group (from Task Force) to act as liaison and resource.

**Strategy:** *Encourage compliance with existing regulations and laws*

**Action Step:** Increase commitment for enforcement, beginning with education. Administration should be built around voluntary compliance, but when necessary, follow through with monitoring, prosecution and penalties of/for violators. Use appropriate signage at public access points to identify key laws and regulations.

*This plan was adopted by Ferry & Stevens County Commissioners June 1991.*

under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION.** Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 21. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

## CHAPTER 277

[Senate Bill No. 6839]

### KETTLE RIVER PROTECTION

AN ACT Relating to the protection of the Kettle River; creating new sections; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. LEGISLATIVE FINDING—PURPOSE.

It is the intent of the legislature to encourage the communities of this state to join on a regional basis in order to implement the declared policy of this state that rivers of the state which, with their immediate environs, possess outstanding natural, scenic, historic, ecological, and recreational values of present and future benefit to the public shall be preserved in as natural condition as practical.

**NEW SECTION.** Sec. 2. KETTLE RIVER MANAGEMENT PROGRAM. In accordance with the purpose of this act and pursuant to the applicable provisions of chapter 39.34 RCW, the commissioners of the counties of Ferry and Stevens of the state of Washington, in consideration for the appropriation granted under section 3 of this act, shall agree to adopt and implement a management program for lands on that section of the Kettle River flowing through or adjacent to the counties of Ferry and Stevens of the state of Washington, which river section possesses the characteristics under section 1 of this act. To the extent requested by the counties, the state parks and recreation commission shall provide technical assistance in the development of the management program. The counties shall submit an agreed upon program to the commission no later than January 1, 1991, for review and comment. The state parks and recreation commission shall review and provide comments on the program no later than March 31, 1991. After receiving comments from the commission, the

counties shall adopt a final management program no later than June 30, 1991.

**NEW SECTION. Sec. 3. DEPARTMENT OF PARKS AND RECREATION—APPROPRIATION.** There is hereby appropriated from the general fund to the parks and recreation commission the sum of thirty thousand dollars, or as much thereof as may be necessary, for the biennium ending June 30, 1991, to provide for the purpose of providing the counties of Ferry and Stevens with amounts necessary to offset the costs of establishing a joint Kettle River management program. The commission may retain up to ten percent of the appropriated amount to offset administrative costs and costs associated with providing technical assistance.

**NEW SECTION. Sec. 4.** Captions as used in this act do not constitute any part of the law.

Passed the Senate March 6, 1990.

Passed the House February 28, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

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## CHAPTER 278

[Substitute House Bill No. 2706]

### COMMUNITY DIVERSIFICATION PROGRAM

AN ACT Relating to promoting economic diversification for defense-dependent industries and communities; adding new sections to chapter 43.63A RCW; adding new sections to chapter 43.131 RCW; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** The legislature finds that the industrial and manufacturing base of the Washington economy has undergone tremendous change during the past two decades. The challenge facing Washington firms is to become as productive and efficient as possible to survive in an increasingly competitive world market. Many of the state's communities are dependent on one or two industries. Many firms are heavily reliant on the defense expenditures of the federal government. It is the intent of the legislature to assist communities in planning for economic change, developing a broader economic base, and preparing for any shift in federal priorities that could cause a reduction in federal expenditures, and assist firms by providing information and technical assistance necessary for them to introduce new products or production processes.

**NEW SECTION. Sec. 2.** The community diversification program is created in the department of community development. The program shall include:

## SENATE BILL REPORT

ESB 6839

BY Senator Barr

Providing for protection of the Kettle River.

Senate Committee on Environment &amp; Natural Resources

Senate Hearing Date(s): February 1, 1990Majority Report: Do pass.

Signed by Senators Metcalf, Chairman; Amondson, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Sutherland.

Senate Staff: Dawn P. Vyvyan (786-7717)  
March 2, 1990

House Committee on Natural Resources &amp; Parks

Rereferred House Committee on Appropriations

AS PASSED SENATE, FEBRUARY 12, 1990

## BACKGROUND:

\* The Kettle River was under study by the State Parks and Recreation Commission as a candidate scenic river for the State Scenic Rivers Program. It is located in northeastern Washington, with its U.S. segments in Ferry and Stevens Counties. The commission considered the degree of public support and concern for specific rivers which were eligible for the Scenic Rivers Program and concluded that the Kettle River should not be proposed for inclusion in the program.

## SUMMARY:

Communities of the state are encouraged to join on a regional basis to implement the state's policy that rivers of the state which possess outstanding natural, scenic, historic, ecological, and recreational values of present and future benefit to the public shall be preserved in as natural condition as practical.

The commissioners of Ferry and Stevens Counties shall agree to adopt and implement a management program for lands on that section of the Kettle River flowing through or adjacent to those counties. The State Parks and Recreation Commission shall provide

technical assistance in the development of the management program. The counties shall submit an agreed upon program to the commission no later than January 1, 1991 for review and comment.

The costs to the counties for the establishment of the joint Kettle River management program shall be offset by appropriations in the amount of \$30,000 from the general fund to the Parks and Recreation Commission for the biennium ending June 30, 1991. The commission shall retain 10 percent of the funds to offset administrative costs and costs associated with providing technical assistance.

Appropriation: \$30,000

Revenue: none

Fiscal Note: requested

Senate Committee - Testified: K. O. Rossenberg, Stevens Ferry (pro)

HOUSE AMENDMENT:

The state Parks and Recreation Commission shall review and provide comments on the management program developed by the counties by March 31, 1991. The counties shall adopt a final management program no later than June 30, 1991.

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**ENGROSSED SENATE BILL NO. 6839**

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**AS AMENDED BY THE HOUSE****C 277 L 90****State of Washington****51st Legislature****1990 Regular Session****By Senator Barr**

Read first time 1/30/90 and referred to Committee on Environment & Natural Resources.

AN ACT Relating to the protection of the Kettle River; creating new sections; and making an appropriation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1. LEGISLATIVE FINDING--PURPOSE.** It is the intent of the legislature to encourage the communities of this state to join on a regional basis in order to implement the declared policy of this state that rivers of the state which, with their immediate environs, possess outstanding natural, scenic, historic, ecological, and recreational values of present and future benefit to the public shall be preserved in as natural condition as practical.

NEW SECTION. **Sec. 2. KETTLE RIVER MANAGEMENT PROGRAM.** In accordance with the purpose of this act and pursuant to the applicable provisions of chapter 39.34 RCW, the commissioners of the counties of Ferry and Stevens of the state of Washington, in consideration for the appropriation granted under section 3 of this act, shall agree to adopt and implement a management program for lands on that section of the Kettle River flowing through or adjacent to the counties of Ferry and Stevens of the state of Washington, which river section possesses the characteristics under section 1 of this act. To the extent requested by the counties, the state parks and recreation commission shall provide technical assistance in the development of the management program. The counties shall submit an agreed upon program to the commission no later than January 1, 1991, for review and comment. The state parks and recreation commission shall review and provide comments on the program no later than March 31, 1991. After receiving comments from the commission, the counties shall adopt a final management program no later than June 30, 1991.

NEW SECTION. **Sec. 3.** DEPARTMENT OF PARKS AND RECREATION--APPROPRIATION. There is hereby appropriated from the general fund to the parks and recreation commission the sum of thirty thousand dollars, or as much thereof as may be necessary, for the biennium ending June 30, 1991, to provide for the purpose of providing the counties of Ferry and Stevens with amounts necessary to offset the costs of establishing a joint Kettle River management program. The commission may retain up to ten percent of the appropriated amount to offset administrative costs and costs associated with providing technical assistance.

NEW SECTION. **Sec. 4.** Captions as used in this act do not constitute any part of the law.

Passed the Senate March 6, 1990.

President of the Senate.

Passed the House February 28, 1990.

Speaker of the House.

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**Department of Ecology News Release - RELEASED ON Oct. 5, 2000 (FOR USE AFTER Oct. 9, 2000)**

00-196

**\$50,000 grant kicks off Kettle River water planning effort**

SPOKANE— Local efforts to develop a plan for future water use in the Kettle River area received a \$50,000 boost this week from Sen. Bob Morton (R-Kettle Falls) and the state Department of Ecology (Ecology).

On Monday, Oct. 9, Morton presented the Ferry County commissioners with a check from Ecology to begin the process of "watershed planning" in the Kettle River watershed. The watershed is located primarily in Ferry County but also spans into both Okanogan and Stevens counties.

The grant will help set up a planning unit with representatives from several different agencies in northeast Washington, which will begin a three-phase process.

The organization of the planning unit is the first phase. The second phase will be assessing the current use and future needs for water from the Kettle River. The third phase will be to develop a plan to address those needs.

"In our rural areas, it is very important for the local people to be involved in water resource decisions," said Morton. "That's why I so vigorously supported legislation to promote local control and local planning. I hope we will have broad public input and participation in the planning process so all parties feel their concerns are addressed and their water rights are adequately protected."

"Although it appears we have enough water to meet our needs now, it's vitally important that we prepare for a future when water is less plentiful," said Bradley Duda, of the Kettle River Advisory Board (KRAB).

KRAB is a volunteer board that advises the Ferry and Stevens county commissioners about Kettle River issues. KRAB will be one group represented on the watershed-planning unit.

The 1998 Washington legislature established a framework for watershed planning and provided money to help local groups pay for their efforts. This grant is part of \$4.7 million earmarked for watershed planning statewide this year.

The planning unit will decide which issues will be addressed during its watershed planning process. The issues may include water availability as well as water quality. The Kettle River is listed on the federal Environmental Protection Agency's list of impaired water bodies because of fecal coliform and pH problems.

The planning unit may also decide to work on bull trout habitat issues. The U.S. Fish and Wildlife Service listed bull trout as a "threatened" species under the Endangered Species Act. The Kettle River has been identified as habitat for bull trout.

"What the group sees as major priorities will be one of the first orders of business," said Tony Grover, who oversees Ecology's eastern regional office. "People who live and work in the watershed are the best judges of that."

###

**Contact: Jani Gilbert, Public Information Manager, 509-456-4464; pager, 509-622-1289**

**For more information about watershed planning: <http://www.ecy.wa.gov/watershed/index.html>**

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Office of Communication and Education Ecology's Home Page: <http://www.ecy.wa.gov>

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# HOUSE BILL REPORT

## ESHB 1836

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*As Passed House*

*March 19, 1991*

**Title:** An act relating to comprehensive river management.

**Brief Description:** Adopting the model rivers act.

**Sponsor(s):** By House Committee on Natural Resources & Parks (originally sponsored by Representatives Belcher, Beck, Scott, Jacobsen, Phillips, Ferguson, Rasmussen, Fraser, Brumsickle, Sprenkle, Rust, Spanel, Leonard, Holland, Dorn, Forner, Franklin, Roland, R. Johnson, R. Fisher, H. Myers, R. King, Wang, Winsley, Nelson, Brough, and Anderson).

**Brief History:**

Reported by House Committee on:

Natural Resources & Parks, February 26, 1991, DPS;

Appropriations, March 9, 1991, DPS(NRP)-A;

Passed House, March 19, 1991, 67-31.

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**HOUSE COMMITTEE ON  
NATURAL RESOURCES & PARKS**

**Majority Report:** *That Substitute House Bill No. 1836 be substituted therefor, and the substitute bill do pass.* Signed by 7 members: Representatives Belcher, Chair; Scott, Vice Chair; Dellwo; Fraser; Hargrove; Riley; and Sheldon.

**Minority Report:** *Without recommendation.* Signed by 4 members: Representatives Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Morton; and Wynne.

**Staff:** Marilee Scarbrough (786-7196).

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**HOUSE COMMITTEE ON  
APPROPRIATIONS**

**Majority Report:** *The substitute bill by Committee on Natural Resources & Parks be substituted therefor and the substitute bill as amended by Committee on Appropriations do pass.* Signed by 19 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Appelwick; Belcher; Braddock; Brekke; Dorn; Ebersole; Ferguson; Hine; Peery;

Pruitt; Rust; H. Sommers; Sprenkle; Valle; Wang; and Wineberry.

**Minority Report:** *Do not pass.* Signed by 9 members: Representatives Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Bowman; Fuhrman; May; McLean; Mielke; Nealey; and Vance.

**Staff:** Susan Nakagawa (786-7145).

**Background:** The State of Washington has many beautiful free flowing rivers which provide economic as well as recreational benefits for the citizens of this State. There have been many legislative attempts to protect the quality of the state's river resources while at the same time, not limiting their recreational use or interfering with private property rights. The following is a summary of the three existing river management programs.

#### THE SCENIC RIVERS PROGRAM - THE SKYKOMISH RIVER

In 1977, the Legislature established a scenic river system for the State of Washington. The purpose of the legislation was to protect and preserve the natural character of the state's most scenic rivers.

The Committee of Participating Agencies is responsible for designating scenic rivers, developing coordinated management policies, program direction, and delineating scenic river corridor boundaries. Representatives of all local jurisdictions associated with a designated river participate as members of an expanded committee. This group, called the River Council, coordinates the management of all publicly-owned land along a designated river and the development of actions to be implemented locally. The commission provides technical assistance, information, training and support to communities.

#### NISQUALLY RIVER MANAGEMENT PLAN

In 1985, the Washington State Legislature approved Substitute House Bill 323 requiring the Department of Ecology to prepare:

"...an overall management plan for the Nisqually River...the purpose of the planning process being to emphasize...the natural and economic values of this river of statewide significance...for the enhancement of economic and recreational benefits...."

In response to the legislative directive, the Department of Ecology formed the Nisqually River Task Force in August 1985. Membership on the task force included individuals representing the interests of federal, state, and local government entities, agriculture, forestry, the Nisqually Indian Tribe, other property owners, and environmentalists.

This task force was then divided into two advisory committees, a policy advisory committee and a technical advisory committee composed of six technical subcommittees.

The final Nisqually River Management Plan represented over a year and a half of work by the Nisqually River Task Force and project staff. The result of the management plan was a list of 15 plan objectives.

In fulfillment of these broad goals, the Nisqually River Council was formed in November 1987 in addition to a separate Nisqually River Citizens' Advisory Committee. The council has several on-going projects including the Nisqually River Basin Land Trust, The Nisqually Basin Watch, Nisqually River Notes, the Nisqually Field Oriented Education Program for Kids, a sign project, monitoring of water quality, and actively researching available public access sites.

#### **KETTLE RIVER MANAGEMENT PLAN**

The 1990 session of the Washington State Legislature adopted ESB 6839 which requires the development of a Kettle River Management Program. The bill directed the commissioners of Ferry and Stevens Counties to adopt and implement a management program. The State Parks and Recreation Commission was directed to provide technical assistance. A deadline of January 1, 1991 was established for submittal of the program to State Parks for review and comment.

To date, the counties have contracted with Eastern Washington University Urban Planning Department to develop a river inventory and map base. The counties have conducted public orientation sessions at key locations along the river and met with Canadian officials regarding the management of the Kettle River as it flows through the Province of British Columbia.

Initial issues that were identified include: (1) maintaining the beauty of the river and its condition; (2) maintaining the fish and wildlife habitat; (3) facilities to meet the growing demands from recreationists; (4) limitation of trespassing on private property; (5) a river safety program which will provide both education and notification to users; (6) property owners want the right to participate in the

decision about the river management; (7) total exclusion of dams on the river; (8) enforcement of pollution controls; (9) increased zoning to protect access to the river; and (10) Canadian and American cooperation in river management.

Plans for the future include creation of a Kettle River Task Force which would formulate the planning priorities. Development of the management plan would then follow the same development format that was used in development of the Skykomish management plan beginning with goal setting and then development of action plans.

**Summary of Bill:** The Washington Model River's Act creates a process for development of comprehensive river management plans.

PROGRAM ADMINISTRATOR:

The Model Rivers program is created within the Parks and Recreation Commission. The commission will: (1) monitor the management of rivers in the State; (2) provide assistance in development of management plans for protected rivers and model rivers; and (3) work with local interests, local governments and appropriate state agencies to determine the appropriated management plans for protected rivers.

CATEGORIES\DESIGNATION PROCESS

PROTECTED RIVERS:

The commission shall compile a list of eligible rivers. The rivers selected shall come from the Hydropower Resource Protection Plan "off limits" list or from the list of 17 rivers in the 1988 state parks scenic rivers assessment; the Kettle River has been excluded from the original list of rivers. Rivers selected must meet the criteria provided in the legislation.

The director shall notify the local jurisdictions of the listing and explain the significance of the listing. The local jurisdictions shall also be notified that they may develop a plan through a local or a state process.

LOCALLY MANAGED:

Local governments may choose to develop local management plans. The local government must appoint a river council to assist in the development, implementation, and review of the management plan. The local management plans must meet the criteria established for Protected Rivers. Upon completion of their plan the locals submit their plan to the commission for adoption. After adoption the commission shall request

that the legislature designated the river as a locally managed protected river.

STATE MANAGED:

The commission may develop and adopt a state management plan for any river or a portion of a river not selected for a local management plan. If the commission elects to develop a management plan, the commission shall appoint a river council. The local management plans must meet criteria established for Protected Rivers. Upon completion of the plan the commission will request that the legislature designate the river as a state managed protected river.

Management plans will consist of an initial assessment and development of management goals and objectives. Components of the initial assessment and management criteria are listed. The commission will establish additional criteria and components of a protected river management plan.

MODEL RIVER:

Local governments petition the commission for model river designation. The petition may include a request for matching funding to complete the management plan. The commission reviews and prioritizes petitions based on criteria provided in the legislation. If a petitioner satisfies the selection criteria the commission may award matching funds for development of a model river management plan.

The petitioner must agree to appoint a river council to assist in the development, implementation, and review of the management plan. The river council will determine: (1) the river area subject to the management plan; and (2) the criteria and components of the river management plan.

Upon completion of the management plan, the local government shall submit the plan to the commission for approval or rejection. If rejected, the commission shall notify the petitioner of action necessary for approval. If approved, the commission shall adopt the management plan and request that the Legislature designate the river as a model river.

RIVER COUNCILS:

Only one river council may be appointed in association with any single management plan for protected or model rivers. River councils will represent all interest groups, as well as local governments and state agencies. River councils will assist in the development, implementation, and review of the management plan.

RIVERS ASSISTANCE COMPONENT:

Local jurisdictions with a single issue along their river may request technical assistance from the commission. The commission may forward the request to an agency or request technical assistance from the rivers assistance team. The commission may keep a registry of public and private sector volunteer professionals who are capable of providing technical assistance.

DEGRADED RIVERS:

The Department of Ecology shall submit a biennial report to the Parks and Recreation Commission which identifies rivers in danger of becoming degraded and make recommendations to the commission on preventing degradation.

SCENIC RIVERS:

Rivers currently designated as scenic rivers are designated as Protected Rivers under the act. The scenic rivers statute is repealed.

Management plans developed in accordance with the act shall not supersede existing water rights, grant additional regulatory authority to local or state agencies, or prohibit state or local governments from carrying out duties to prevent flood damage. The power of eminent domain shall not be used to carry out any provision of this act.

*Fiscal Note:* Available.

*Effective Date:* Ninety days after adjournment of session in which bill is passed.

*Testimony For:* (Natural Resources & Parks): This is a comprehensive approach to river management. The approach allows for various types of rivers. The approach considers rivers with one issue, rivers with multiple issues, rivers of great significance to the State and rivers that do not meet water quality standards. The process is tailored to local needs.

Washington state has many class triple A rivers in this State. We have a unique opportunity to protect those rivers that are the envy of many other states. Rivers need management plans to develop cooperation along the river. An essential element in cooperation is giving locals control over their management plan. The program's emphasis on local planning and state and local agency coordination can present a real benefit to river management in our State.

(Appropriations): None.

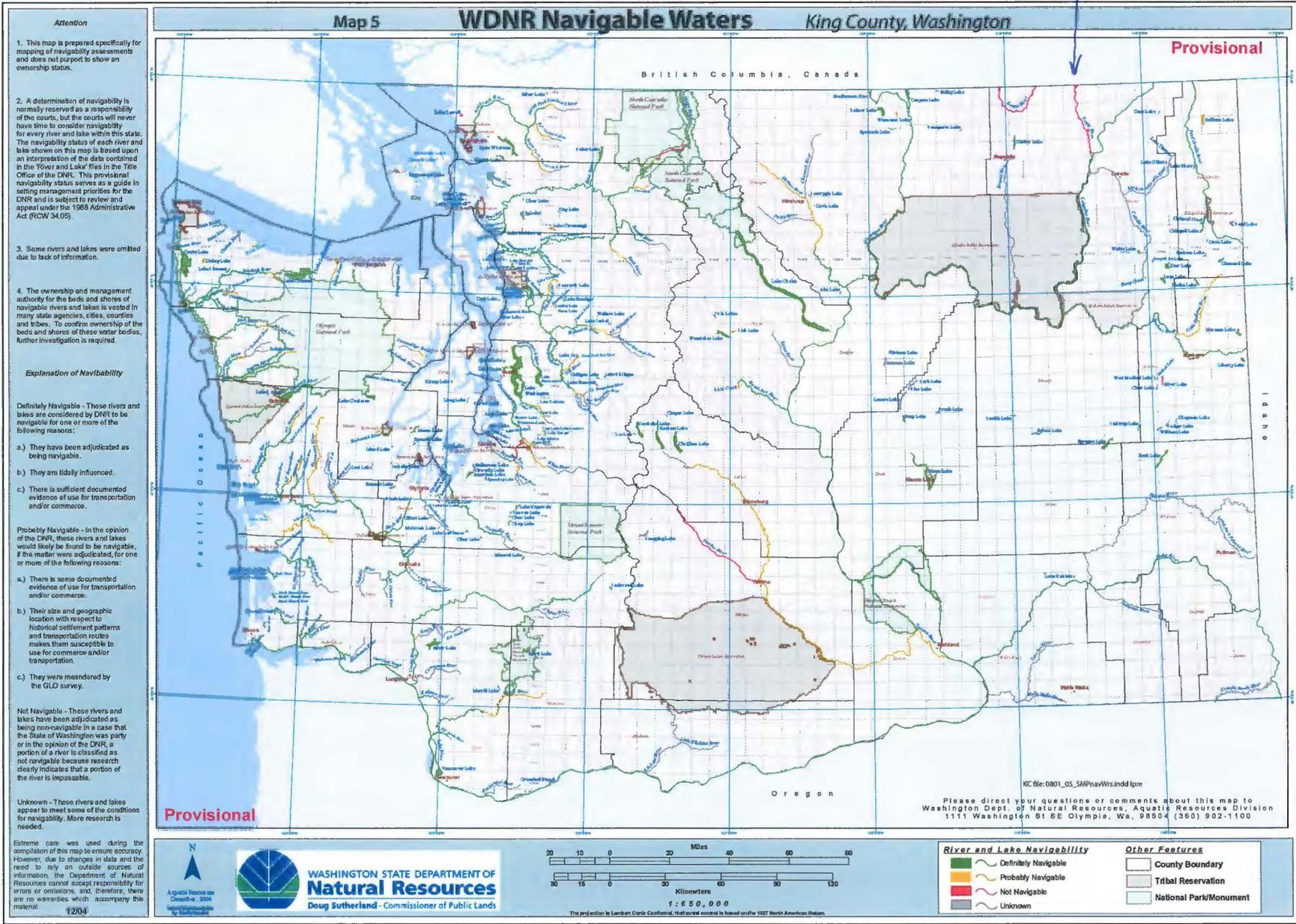
**Testimony Against:** (Natural Resources & Parks): The legislation should clearly state that condemnation will not be used to acquire property. A new regulatory duty should not be created. The Department of Natural Resources has a unique relationship with its trust lands, which should be recognized in river management plans. Forest practices should be mentioned as a multiple use. Existing water rights should not be effected by management plans which are developed. (Issues were addressed in the substitute.)

(Appropriations): None.

**Witnesses:** (Natural Resources & Parks): Cleve Pinnix, State Parks and Recreation Commission (in favor); Steven Starling, State Parks and Recreation Commission (in favor); John Douglas, Northwest Rivers Council (in favor); Tom Dershner, Northwest Rivers Council and Washington Kayak Club (in favor); Dick Ryan, Weyerhaeuser (in favor, with technical amendments); John Kirner, Washington Water Utility Council, (supports concepts); Ted Cowan, Washington Rivers Coalition, (in favor); Ingrid Hanson, Friends of the Green River, (in favor); and Lawrence Gaydeski, Callam County Commissioner (supports concepts).

(Appropriations): None.

Kettle River - Non-Nav.



**Attention**

1. This map is prepared specifically for mapping of navigability assessments and does not purport to show an ownership status.
2. A determination of navigability is normally reserved as a responsibility of the courts, but the courts will never have time to consider navigability for every river and lake within this state. The navigability status of each river and lake shown on this map is based upon an interpretation of the data contained in the "River and Lake" files in the Title Office of the DNR. This provisional navigability status serves as a guide in setting management priorities for the DNR and is subject to review and appeal under the 1968 Administrative Act (RCW 34.05).
3. Some rivers and lakes were omitted due to lack of information.
4. The ownership and management authority for the beds and shores of navigable rivers and lakes is vested in many state agencies, cities, counties and tribes. To confirm ownership of the beds and shores of these water bodies, further investigation is required.

**Explanation of Navigability**

**Definitely Navigable** - These rivers and lakes are considered by DNR to be navigable for one or more of the following reasons:

- a.) They have been adjudicated as being navigable.
- b.) They are tidally influenced.
- c.) There is sufficient documented evidence of use for transportation and/or commerce.

**Probably Navigable** - In the opinion of the DNR, these rivers and lakes would likely be found to be navigable, if the matter were adjudicated, for one or more of the following reasons:

- a.) There is some documented evidence of use for transportation and/or commerce.
- b.) Their size and geographic location with respect to historical settlement patterns and transportation routes makes them susceptible to use for commerce and/or transportation.
- c.) They were meandered by the GLO survey.

**Not Navigable** - These rivers and lakes have been adjudicated as being non-navigable in a case that the State of Washington was party or in the opinion of the DNR, a portion of a river is classified as not navigable because research clearly indicates that a portion of the river is impassable.

**Unknown** - These rivers and lakes appear to meet some of the conditions for navigability. More research is needed.

Extreme care was used during the compilation of this map to ensure accuracy. However, due to changes in data and the need to rely on outside sources of information, the Department of Natural Resources cannot accept responsibility for errors or omissions, and, therefore, there are no warranties which accompany this material.

Provisional

Provisional



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**  
Doug Sutherland - Commissioner of Public Lands



The projection is Lambert Conformal. Horizontal control is based on the 1927 North American Datum.

River and Lake Navigability		Other Features	
	Definitely Navigable		County Boundary
	Probably Navigable		Tribal Reservation
	Not Navigable		National Park/Monument
	Unknown		

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Please direct your questions or comments about this map to Washington Dept. of Natural Resources, Aquatic Resources Division, 1111 Washington St SE Olympia, Wa, 98504 (360) 902-1100

## LEGAL ASPECTS

Litigation in the state of Washington has explored the aspect of ownership of land regarding navigable and non-navigable rivers, lakes, streams, and shorelines. *Kemp v. Putnam*, 47 Washington 2nd 530, 1955 defined a navigable river as water capable of being used for commerce. The Kettle River has been designated as a non-navigable river. Several court decisions affect non-navigable lakes, streams, and rivers; however one element pertains to all three bodies of water. The boundary of waterfront properties on non-navigable bodies of water extends to the center of the water. *Island County v. Dillingham Development Company*, 99 Wash. 2nd 215, 813 pertains to property rights on non-navigable lakes. Two other court cases pertain to this question on non-navigable streams. *Griffith v. Holman* 23 Wash. 347, 1900 states that the title to riverbeds on non-navigable streams extends to the center of the stream. A later case, *Bernhard v. Reischman*, 33 Wash. Appellate, 569, 1983 reaffirmed this decision. The case which confirms this theory relating to ownership of non-navigable rivers is *Knutson v. Reichel*, 10 Wash. Appellate 293, 1973. The question of ownership of water running in non-navigable rivers is discussed in *Bach v. Sarich* 74 Wash. 2nd 575, 1968. This case confirmed the concept of "sharing in common" the right to use the water.

A 1925 court case (*State vs. Kettle River Industrial Development Company*, 8282) ruled that the Kettle is non-navigable. ( see appendix)

Ferry County Board of Commissioners  
Resolution 2013-45  
Kettle River Advisory Board amending Bylaws

**WHEREAS**, the Board finds that in 1992 the Ferry County Board of Commissioner (*Ferry County Resolution #92-36*), and the Stevens County board of Commissioners jointly established the Kettle River Advisory Board and adopted bylaws for the same to assist in the implementation of the Kettle River Management Plan(*Ferry County Ordinance #92-04*); and

**WHEREAS**, new rules and bylaws can be amended or repealed by approval of the Boards of County Commissioners; and

**WHEREAS**, in 2002, the Kettle River Advisory Board bylaws were amended with respect to the definition of a quorum (*Ferry County Resolution #02-42*); and

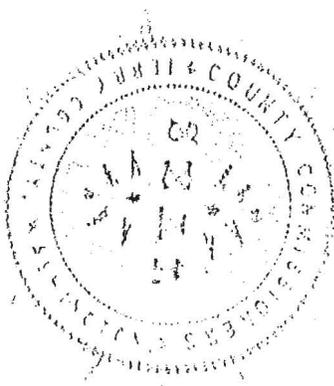
**WHEREAS**, the Board finds since its establishment, the Kettle River Advisory Board has remained active in protecting and enhancing the Kettle River and has established access to the river through the various parks that are also maintained by the Kettle River Advisory Board; and

**WHEREAS**, the Board finds during the last several years there has been a decline in interest in serving as an advisory board member and numerous attempts have been made in Ferry and Stevens counties to seek active participation from area residents in an effort to maintain the thirteen member board; and

**WHEREAS**, the Board finds it advisable to amend the Kettle River Advisory Board bylaws relating to board membership.

**NOW, THEREFORE, BE IT RESOLVED** that the Ferry County Commissioners approve amending the Kettle River Advisory Board bylaws (Section II. Composition / Article A. Members) from thirteen (13) to seven (7) members.

**APPROVED** this 16<sup>th</sup> day of September, 2013



BOARD OF FERRY COUNTY COMMISSIONERS  
FERRY COUNTY, WASHINGTON

Brad L. Miller  
BRAD L. MILLER, Chairman

Brian R. Dinsel  
BRIAN R. DANSEL, Vice Chair

absent  
MIKE BLANKENSHIP, Member

ATTEST:

Hayley Aubertin  
HAYLEY AUBERTIN, Clerk of the Board

EX-714

# THE ECONOMIC COSTS OF WILDERNESS

**Brian C. Steed, Ryan M. Yonk, and Randy Simmons**  
**Jon M. Huntsman School of Business, Utah State University**

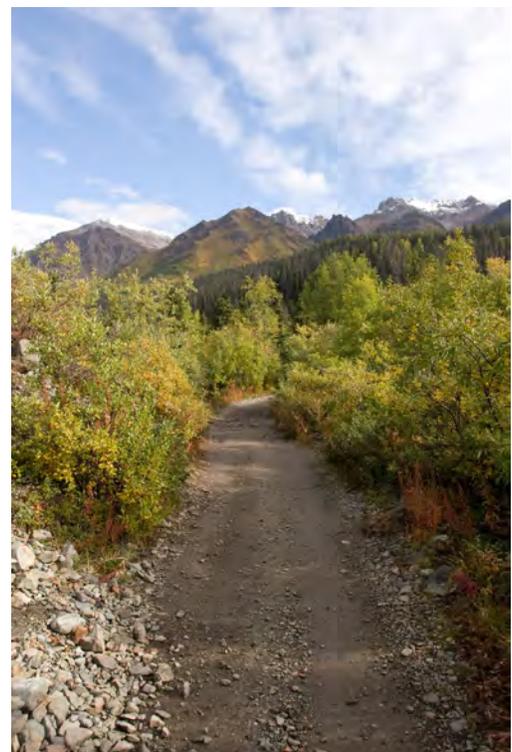
### Summary

Wilderness is one of the most contentious issues in American public lands management. Local officials often bemoan Wilderness designations as creating economic hardships by limiting extractive industries, outdoor recreation, and the siting of transportation corridors, water and power lines, and telecommunication facilities. In direct contrast, many environmentalists allege that Wilderness creates economic benefits for local communities through increasing property values and from benefitting the tourism industry. This study explores the economic claims by examining empirical evidence of identifiable differences in the economic conditions of Wilderness and Non-Wilderness Counties.

Some Wilderness can have positive economic impacts but our findings indicate that this is not the general rule. We find that when controlling for other types of federally held land and additional factors impacting economic conditions, federally designated Wilderness negatively impacts local economic conditions. Specifically, we find a significant negative relationship between the presence of Wilderness and county total payroll, county tax receipts, and county average household income. By working together with local communities to address their concerns, environmentalists can help develop balanced policy that genuinely acknowledges the local economic costs associated with Wilderness.

### Introduction to Wilderness

Wilderness, so designated pursuant to the Wilderness Act of 1964, is the most restrictive of all federal land-use designations. The Wilderness Act protects areas “untrammeled by man” that have not been developed for other human uses. To preserve wild characteristics, the Wilderness designation prohibits roads, road construction, mechanized travel, and the use of mechanized equipment. Wilderness also impacts extractive industries such as mining, logging, and grazing.<sup>1</sup> The stringent requirements of the Wilderness Act also disallow the construction of telecommunication towers, facilities for power generation, transmission lines, and energy pipelines.



Due to these restrictions, local officials frequently complain that Wilderness harms local economies by limiting the opportunities for economic development. The State of Utah, for instance, recently passed House Joint Resolution 10 which requested that the U.S. Congress not designate any additional Wilderness in Utah. Through a vote by a supermajority of members, the state legislature asserted that Wilderness' limitation of multiple uses causes substantial economic hardship for the state.

Environmentalists counter that the presence of Wilderness actually attracts residents and businesses to nearby communities. Wilderness is claimed to increase property values and create a higher quality of life in those communities. Environmentalists also claim that Wilderness contributes to a healthy tourism industry. The Wilderness Society notes “[d]esignated wilderness areas on public lands generate a range of economic benefits for individuals, communities, and the nation—among them, the attraction and retention of residents and businesses.”<sup>2</sup> The Sonoran Institute similarly finds, “protected natural places are vital economic assets for those local economies in the West that are prospering the most.”<sup>3</sup> The Sonoran Institute further notes, “Wilderness, National Parks, National Monuments, and other protected public lands, set aside for their wild land characteristics, can and do play an important role in stimulating economic growth—and the more protected, the better.”<sup>4</sup>

Despite these differing views, Congress has continued creating Wilderness Areas. There are 759 Wilderness Areas currently in the United States, totaling 109,663,992 Acres (Gorte 2010). Wilderness is managed by four federal agencies: the National Forest Service, the National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management. Wilderness Areas dramatically vary in size from the Pelican Island Wilderness in Florida, which occupies a mere six acres, to the 9,078,675-acre Wrangle Island Wilderness in Alaska. Due to the stringent requirements laying out Wilderness characteristics, the majority of Wilderness Areas are found within largely rural and lightly populated counties within Alaska, California, Colorado, Montana, New Mexico, Nevada, Oregon, Utah, and Washington. Only six states contain no Wilderness: Connecticut, Delaware, Iowa, Kansas, Maryland, and Rhode Island.

### Understanding the Economic Impact of Wilderness

To provide better evidence of economic impacts, we use longitudinal statistical analysis over every county in the United States dating back to 1995. The panels each contain measurements of economic conditions taken every five years.<sup>5</sup> We selected three uniformly applicable variables as proxies for county economic conditions: average household income, total payroll, and total tax receipts. Average household income and total tax receipts are gathered by the U.S. Census Bureau. Total payroll figures are gathered by the Bureau of Labor Statistics.

Average household income is calculated by dividing the sum of all income of the residents over the age of 18 in each household by number of households. Average household income has the advantage of specifically addressing how individual households are on average affected by Wilderness designation in these counties. It has the disadvantage of being self-reported to the U.S. Census Bureau and, accordingly, may not be as valid as more direct measures.

Total payroll is a broader metric that captures those under the age of 18 and commuters who may live outside but work within a county. Further, it is a measure of the economic situation of individuals rather than households. Total payroll is not a perfect proxy because it does not capture the capital investment, county residents who work outside the county, or most importantly, retirees who do not receive payroll. Nevertheless, the data are readily available and considered a reliable metric for local economic conditions.

County tax receipts present two advantages over the others measures.<sup>6</sup> First, the data are largely complete; local governments are required by state and federal statute to report tax receipts correctly. These requirements provide some confidence in the data that self-reporting does not provide. Second, tax receipts represent all taxable transactions in the county. This provides a useful metric of economic activity. Tax receipts, however, are not a perfect proxy as there are significant institutional differences across states, regions, and often counties themselves about how, when, and why taxes may be collected.

Although none of our dependent variables is a perfect proxy for economic conditions, taken together, they paint a relatively complete picture of the economic situation. We expect that the presence of Wilderness would have similar effects on each variable.<sup>7</sup> To ensure that it is the effect of Wilderness and not simply federal land ownership that harms economic conditions we include control variables for each of the federal agencies that manage public land. We also include variables that control for the significant differences among counties. These variables include population, land area, and number of households, birth rate and school enrollment, and infant death rate. Further, we include variables indicated by the economic development literature as likely important in determining outcomes: high school graduates, median household income, poverty rate, crime rate, government employment, unemployment rate, social security recipients.

### Findings

Controlling for other factors influencing county economic conditions, the Wilderness designation is significantly associated with lower per capita income, lower total payroll, and lower total tax receipts in counties. The estimated impact of Wilderness on county economies is detailed in Table 1 below. Full results of the regression analysis from the three models are contained in Appendix 1.

**Table 1: The Economic Impact of Wilderness**

Measure of Economic Condition	Economic Impact
Average Household Income	-\$1,446.06
Total Payroll	-\$37,500.00
County Tax Receipts	-\$92,910.00

These results indicate that Wilderness impacts both households and counties. Average household income within Wilderness Counties is estimated to be \$1,446.06 less than Non-Wilderness Counties. Total payroll in Wilderness Counties is also estimated to be \$37,500 less than in Non-Wilderness Counties. County Tax Receipts in Wilderness Counties is estimated to be \$92,910 dollars less than in Non-Wilderness Counties.



## Analysis and Conclusions

The argument often stated by the environmental community that Wilderness is good for local economies is simply not supported by the data. When comparing Wilderness and Non-Wilderness Counties, Wilderness Counties are at an economic disadvantage to their Non-Wilderness counterparts. Accordingly, if the test for whether or not to designate Wilderness is economic, Wilderness fails. But economics did not underlie the Wilderness Act or any of the Wilderness Areas established since the Act was passed. Wilderness is established for emotional, ecological, and cultural purposes. Our results show that those purposes are accomplished at a cost to local economies.

A variety of factors could lead to the negative relationship between Wilderness and economic conditions. Arguably, areas “untrammeled by man” have less existing economic activity and reducing the potential for future economic development by designating those areas as Wilderness will not, on net, be economically positive. It is also possible that different types of Wilderness may have different implications for economic conditions. As noted, four federal agencies currently manage Wilderness Areas, and different agencies may have different economic impacts on counties. Wilderness within National Parks, for instance, may more effectively attract tourists than Wilderness on Bureau of Land Management or National Forest Service lands.

Finally, it is probable that the location of Wilderness has an impact on the direction and magnitude of its economic impact. Phillips (2004), for instance, found that Wilderness designation in the Green Mountains of Vermont had a positive impact on private land values in that area of Vermont. We should assume that some Wilderness can, in fact, have positive economic impacts, even though our findings indicate that this is not the general rule.

While there may be other legitimate, non-economic reasons for the designation of Wilderness, the tradeoff will likely impose an economic burden on local families and businesses. The benefits and costs from Wilderness are unevenly distributed between local and non-local communities, with local communities incurring a larger burden of the costs. This provides a good reason why local officials often rally against and adamantly oppose Wilderness.

When environmentalists and national agencies consider the creation of Wilderness designations in the future, they should pay attention to the interests of local communities. This paper illustrates the adverse economic costs of Wilderness on local economies. By working together with local communities to address their concerns, environmentalists can help develop balanced policy that genuinely acknowledges the local economic costs associated with Wilderness.

## Appendix 1: Regression Results Table

	Model 1 Household Income	Model 2 Total Tax Receipts	Model 3 Total Payroll
Observations	7185	7185	7164
Wald Chi-Square	1.28e+06***	21209.98***	48232.88***
<b>Variables</b>			
Wilderness	-1446.06***	-.37.50**	-92.91*
Percent BLM Land	-3.087	.58	-1.66
Percent Bureau of Reclamation Land	40.97	-2.66	3.84
Percent Department of Defense Land	-148.45***	-3.87***	-21.38**
Percent Forest Service Land	-10.78*	.10	-.06
Percent Fish and Wildlife Land	29.25	1.23	-3.50
Percent National Park Land	-4.24	2.55*	-7.60*
Percent Other Federal Land	.99	2.47	8.96
Percent Tribal Land	16.29	.26	-2.78
Percent Tennessee Valley Authority Land	55.40	-1.50	6.63
Population	.40***	-.002***	.01***
Land Area	-.15***	-.002	-.03***
Percent Male	-.040***	.007***	.006***
Percent White	-3.89	-2.00***	-.82
Birth Rate	-406.41***	-7.94***	7.3
Infant Death Rate	4.05	.05	1.66
School Enrollment	-.14***	.013***	-.007***
High School Graduation Rate	58.17***	1.41**	-.38
Poverty Rate	75.59***	-5.11**	6.83**
Crime Rate	.88***	-.006**	.02**
Unemployment Rate	-.51***	.003	.01**
Median Household Income	.	-.009***	.01**
Constant	-127.37	491.06***	-1100.01***

\*P=.10 \*\*P=.05 \*\*\*P=.01

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S. Phillips, "Windfalls for Wilderness: Land Protections and Land Value in the Green Mountains," PhD Dissertation, Virginia Polytechnic Institute and State University, Blacksburg, VA. 1991.

R. Rasker, B. Alexander, J. van den Noort, and R. Carter, *Prosperity in the 21st Century West: The Role of Protected Lands*, The Sonoran Institute, 2004.

The Wilderness Society, "The Economic Benefits of Wilderness: Focus on Property Value Enhancement," *Wilderness Society Science and Policy Brief No. 2*, March, 2004.



## ENDNOTES

- 1 Although mining claims were allowed for the first 20 years after the Wilderness Act passed, mining and mineral exploration are now prohibited within Wilderness. Although logging is not expressly proscribed by statutory language of the Act, the restrictions on mechanized travel, mechanized equipment, and road construction generally preclude large-scale logging activity (Coggins 1993). Grazing is expressly allowed in Wilderness Areas, but administrators may make “reasonable regulations” including the reduction of grazing to improve range conditions (see generally H.R. 96-617). In addition to the prohibitory language found in the Wilderness Act, courts have aggressively blocked a variety of activities in Wilderness and areas adjacent to Wilderness. Uses of land surrounding Wilderness often receive more stringent review. The 10th Circuit Court of Appeals, for instance, in 1972 upheld an injunction of logging in an area that approached a Wilderness Area (*Parker v. United States* 448 F.2d 793 cert. denied 405 U.S. 989). Wilderness Areas also often raise review standards under the National Environmental Policy Act (NEPA). Under NEPA, land uses near Wilderness Areas may be found to have a more “significant” impact than actions near lands not under federal protection. This may increase the costs associated with county or state activities occurring near Wilderness areas and may change the cost calculus in making governance decisions.
- 2 The Wilderness Society, “The Economic Benefits of Wilderness: Focus on Property Value Enhancement,” *Wilderness Society Science and Policy Brief*, no. 2, March 2004, p. 1.
- 3 R. Rasker, B. Alexander, J. van den Noort, and R. Carter, *Prosperity in the 21st Century West: The Role of Protected Lands*, The Sonoran Institute, 2004, p. ii.
- 4 *Ibid.*, p. 1. It is interesting to note that these types of studies almost never account for the opportunity costs of Wilderness Designations. They evaluate the potential benefits of Wilderness without accounting for the lost uses of the land including the value of timber, minerals, and recreation use that are lost because of the Wilderness designation.
- 5 By including evidence over time, we hope to minimize any temporal effects such as changes in the short run versus changes in the long run. Using all counties expands the scope of investigation and enables an examination of whether there are economic differences between Wilderness and Non-Wilderness Counties, while avoiding regional economic phenomena that may be present in individual geographic locations. The Western United States, for instance, has been undergoing a demographic transformation with significant population and land-use transformations throughout the past two decades. By examining all of the United States, we hope to avoid those Western-specific phenomena.
- 6 It could be argued that counties with large amounts of federally held land will have lower tax receipts and appear negatively impacted in terms of tax receipts. Although left alone, this may downwardly bias the results. We have mitigated these outcomes by including other variables within the model such as county size, county population, and percentage of county held by different governmental agencies. By including these variables, the impact of variable county size and variable ownership should be mitigated within the regression coefficients of these variables and should not downwardly bias the wilderness coefficient.
- 7 We use a dummy variable to indicate the presence or absence of Wilderness in each county across time. The Dummy is coded 1 for the presence of Wilderness within a county and 0 when a county contains no Wilderness.

Brian C. Steed, JD, PhD

Economics Instructor

Jon M. Huntsman School of Business,  
Utah State University

Testimony on “Legislative Hearing on H.R. 41, H.R. 113, H.R. 490, H.R. 608, H.R. 977, H.R. 1126, H.R. 1413 and H.R. 2050”

10/21/2011

It is a pleasure to be in attendance at today's hearing to talk about research activities that have been going on over the past few years at the Center for Public Lands and Rural Economics at Utah State University and Southern Utah University. In 2008, Dr. Randy Simmons and I at Utah State University and Dr. Ryan Yonk, who is now at Southern Utah University, began a serious investigation of the relationship between the designation of Wilderness pursuant to the Wilderness Act of 1964 and local economic conditions. The impetus of the study stemmed from the vastly different claims made by environmentalists and local governmental officials in the Western United States surrounding the economic impacts of designated Wilderness. Environmentalists claim that Wilderness has quite positive results on local communities, by inviting tourism revenue and through increasing amenity values that draw business to the area. Contrary to these claims, local officials frequently bemoan the designation of Wilderness for permanently limiting land use options.

My interest in this area of research stemmed from my own personal life experiences as a Westerner and from my professional experience working in the mid-2000s as a Deputy Iron County Attorney in Southern Utah. In each of these settings, I have personally witnessed the genuine concern of local citizens that Wilderness designations cut off access to public lands for economic and recreational activities that would otherwise be potentially available.

Additionally, I am personally interested in natural resource and environmental management. I hold a Certificate in Natural Resource and Environmental Law from the University of Utah. I also hold a PhD in Public Policy from Indiana University with a focus on environmental policy. While at Indiana, I studied under Dr. Elinor Ostrom, a world renowned expert in environmental management and Nobel Prize winning economist. Dr. Ostrom's work principally focuses on creating the appropriate rules that allow human populations to sustainably manage natural resources over long time horizons. Her work has shown that local populations are often able to

sustainably manage natural resources in the absence of external governmental intervention.

Given my background and training, I have taken a particular interest in Wilderness issues. My colleagues and I in the Center for Public Lands and Rural Economic initially became intrigued by Wilderness because of the disconnect between what environmentalists and local officials assert about local economies and Wilderness. A series of environmental group reports has found overwhelmingly positive local economic benefits from Wilderness. The Wilderness Society, for instance, notes “[d]esignated wilderness areas on public lands generate a range of economic benefits for individuals, communities, and the nation—among them, the attraction and retention of residents and businesses.”<sup>i</sup> The Sonoran Institute similarly finds, “protected natural places are vital economic assets for those local economies in the West that are prospering the most.” The Sonoran Institute further notes, “Wilderness, National Parks, National Monuments, and other protected public lands, set aside for their wild land characteristics, can and do play an important role in stimulating economic growth—and the more protected, the better.”<sup>ii</sup>

In direct contrast to these views, local officials frequently claim that Wilderness harms local economies. A supermajority of Utah State Legislature in 2008, for instance, passed House Joint Resolution 10 encouraging the United States Congress to not designate any additional federal Wilderness Areas in Utah. The Resolution asserted that Utah relies on public lands for crucial economic activities including “oil and natural gas development, mining, outdoor recreation and other multiple uses, rights of way for transportation, waterlines, electric transmission, and telecommunication lines” (HJ 2008, 2). The Utah State Legislature claimed that limiting these multiple uses of public lands would result in substantial economic hardship for the state. By passing the Resolution, the Utah State Legislature echoed the belief of many local elected officials and residents that Wilderness is not good for local economies.

To evaluate the claims on both sides, we sought funding from the U.S. Department of Agriculture to specifically investigate the economic impact of Wilderness in 2008. I will detail the findings of our research today.

## **1. Wilderness Generally**

Before delving into the details of our research, it may be helpful to have a brief reprise of Wilderness policy. The Wilderness Act of 1964 defines Wilderness as:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions

and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

As so defined, Wilderness is the most restrictive land use designation of public lands in the United States. To preserve the land as being “untrammelled by man,” a variety of uses are restricted in designated Wilderness areas. Restricted uses listed by Congress include:

“no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.” (Section 4(c)).

Other uses that are expressly allowed by the Wilderness Act are more difficult based on the other rules associated with Wilderness. Although mining claims were statutorily allowed for the first 20 years after the Wilderness Act passed, mining and mineral exploration are now generally prohibited within Wilderness. Valid existing mining rights may remain in effect after new designations, but mining activities must strive maintain Wilderness characteristics, including limiting mechanized travel and equipment. Although logging is not expressly proscribed by statutory language of the Act, the restrictions on mechanized travel, mechanized equipment, and road construction generally preclude large-scale logging activity. Grazing is expressly allowed in Wilderness Areas, but administrators may make “reasonable regulations” including the reduction of grazing to improve range conditions.

In addition to the prohibitory language found in the Wilderness Act, courts have aggressively blocked a variety of activities in Wilderness and areas adjacent to Wilderness. Uses of land surrounding Wilderness often receive more stringent review. The 10th Circuit Court of Appeals, for instance, in 1972 upheld an injunction of logging in an area that approached a Wilderness Area (*Parker v. United States* 448 F.2d 793 cert. denied 405 U.S. 989). Wilderness Areas also often raise review standards under the National Environmental Policy Act (NEPA). Under NEPA, land uses near Wilderness Areas may be found to have a more “significant” impact than actions near lands not under federal protection.

Wilderness is managed by four federal agencies: the National Forest Service, the National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management (BLM). Wilderness

Areas dramatically vary in size from the Pelican Island Wilderness in Florida, which occupies a mere six acres, to the 9,078,675-acre Wrangle Island Wilderness in Alaska. Due to the stringent requirements laying out Wilderness characteristics, the majority of Wilderness Areas are found within largely rural and lightly populated counties within Alaska, California, Colorado, Montana, New Mexico, Nevada, Oregon, Utah, and Washington. Only six states contain no Wilderness: Connecticut, Delaware, Iowa, Kansas, Maryland, and Rhode Island.

## **2. Research Results**

Today I will be presenting the results of three separate studies we have recently conducted at the Center for Public Lands and Rural Economics. The first directly involves the economic impact of Wilderness. The second examines the impact of the Grand Staircase Escalante National Monument in Southern Utah. The third examines the potential designation as National Monuments the properties identified in the Treasured Landscapes memorandum.

### **A. Wilderness Study**

We focused our first study on economic impacts of Wilderness at the county level. We conducted research on all counties in the United States to compare economic conditions on Wilderness and Non-Wilderness Counties. Wilderness Counties are defined as those counties containing any portion of federally designated Wilderness. The study does not address BLM Wilderness Study Areas or areas managed by the Forest Service as Roadless Areas.

In comparing Wilderness and Non-Wilderness Counties, we sought to identify metrics of County economic conditions that would be applicable across different counties. We settled on three separate metrics: average household income, total payroll, and total tax receipts. The U.S. Census Bureau gathers average household income and total tax receipts. The Bureau of Labor Statistics gathers total payroll figures.

Average household income is calculated by dividing the sum of all income of the residents over the age of eighteen in each household by number of households. Average household income has the advantage of specifically addressing how individual households are on average affected by Wilderness designation in these counties. It has the disadvantage of being self-reported to the U.S. Census Bureau and, accordingly, may not be as valid as a more direct measure.

Total payroll is a broader metric that captures those under the age of eighteen and commuters who may live outside but work within a county. Further, it is a measure of the economic situation of individuals rather than households. Another approach would have been to use total receipts. We selected total payroll rather than total receipts on the assumption that payroll dollars are more likely to be spent in the geographic area than are total receipts, which may include corporate profits that leave the area. Total payroll is not a perfect proxy because it does not

capture the capital investment, county residents who work outside the county, or most importantly, retirees who do not receive payroll.

Total tax receipts is a measure that has at least two advantages over the others measures. First, the data are largely complete; local governments are required by state and federal statute to correctly report tax receipts. These requirements provide some confidence in the data that self-reporting does not provide. Second, tax receipts represent all taxable transactions in the county. This provides a useful metric of economic activity. Tax receipts, however, are not a perfect proxy as there are significant institutional differences across states, regions, and often counties themselves about how, when, and why taxes may be collected.

None of these variables is a perfect proxy for economic conditions, but, when taken together, they help paint a relatively complete picture of the economic conditions found at the county level.

We next constructed a model testing economic conditions in each county in the United States for the years 1995, 2000, and 2005. We also included a variety of other variables to account for other factors influencing economic conditions. We included information on the percent of different types of public lands within the county. Finally, we included traditional demographic variables that have been shown in the academic literature to contribute to economic growth. These variables include population, land area, number of households, birth rate and school enrollment, infant death rate, high school graduates, median household income, poverty rate, crime rate, government employment, unemployment rate, and social security recipients.

We then ran each of the three models. In each case, we found that Wilderness had a statistically significant negative relationship with county economic conditions. In the case of Average Household Income, we found that household incomes in Wilderness Counties were estimated to be \$1,446.06 less than Non-Wilderness Counties. Total payroll in Wilderness Counties is estimated to be \$37,500 less than in Non-Wilderness Counties. Total Tax Receipts in Wilderness Counties is estimated to be \$92,910 dollars less than in Non-Wilderness Counties.

It is important to note that these findings are specific to Wilderness and not to public land generally. Indeed, our models indicate that BLM Lands, Forest Service Lands, Bureau of Reclamation Lands, Fish and Wildlife Lands, and National Park Lands did not have as significant or negative an impact on county economic conditions as Wilderness.

Ideally, we would have run this study dating back prior to 1964 so we could track Wilderness county economic conditions pre-designations and post designation. To minimize the likelihood that other economic factors drove the economic conditions, it would have also been helpful to compare Wilderness Counties with other counties that match the Wilderness Counties on a variety of conditions, but that do not contain Wilderness. Such a “pre-post, matched-pair”

design could provide very useful information on to what extent Wilderness impacts economic conditions. Unfortunately, the data necessary to conduct such a study does not exist and compiling it would be overwhelmingly costly. However, we have conducted a similar study on a much smaller scale that I will discuss next.

## **B. Grand-Staircase Escalante National Monument**

The Grand Staircase Escalante National Monument was created by President Clinton in 1996. The Monument spans nearly 1.9 million acres in south-central Utah along the Arizona border. The monument lies completely within Utah, and occupies the majority of Kane County and much of Garfield County. The designation of the Monument provides the opportunity to conduct the type of pre-post, matched pair design discussed above. Specifically, we can evaluate the county conditions of Garfield and Kane counties prior to the designation of the Monument and the county economic conditions after the designation of the monument. We can also compare county economic conditions within the two Monument counties with other similar counties across the United States.

To conduct this research, we used essentially the same methodology we used on the Wilderness study. We used total tax receipts and total payroll for our dependent variables. We again looked at county economic conditions in 1995, 2000, and 2005 and included the same demographic variables as the Wilderness Study to control for other factors that could be driving economic conditions. For the Grand-Staircase study, we included an additional step in matching Garfield and Kane Counties with other counties throughout the United States. The counties were matched with the 100 most similar counties in the United States based on land area, population, income, and education levels. This approach allows us to draw better conclusions regarding the impact of the Monument designation compared to what would have happened in the absence of the designation.

In running these models, we find little evidence that the Grand-Staircase Escalante National Monument has had a significant positive economic impact on county economic conditions. Rather, we mostly find a null result—that the impact has had no impact on the local county economies. In only one instance, tax receipts in Kane County, can we reject the null hypothesis of no effect of the designation. In that case, it appears that the designation of the Monument was associated with a statistically significant rise in additional tax revenues in Kane County, compared with the matched non-monument counties. However, the evidence for the other dependent variable, total payroll, shows no such effect. This is interesting in that total payroll may be a better indicator of gross economic activity in Kane County. It appears from this result that while the total tax revenues increased in Kane County, the payroll did not, leaving serious questions about the effects of the designation on the overall economic situation in Kane County. Further, Garfield County shows no such effect with relation to the comparison counties and exhibits no evidence that the designation of the monument is either helping or hurting the

economy of Garfield County. We conclude that designating the Grand Staircase Escalante National Monument has had little or no effect on the economic situation of the host counties.

Moreover, our study of the Grand Staircase Escalante National Monument does not include the opportunity costs (those opportunities given up) of the Monument designation. At the time leading up to the Monument designation, various groups were preparing plans for energy development. Located in a geologically diverse region, the Grand Staircase contains a treasure trove of mineral deposits. The area contains an estimated 62 billion tons of coal. The area also contains an estimated 270 million barrels of oil. In the early 1990s, Andalex Resources Company, a Dutch based coal mining company, had acquired permits to mine coal from the area. Conoco Oil, PacifiCorp, and various other companies had also acquired permission to develop other extraction activities in the area.

Locals in Garfield and Kane Counties frequently note that when the Monument was designated, these economic activities were forever taken off of the table. While we do not actually know what development activities would have occurred had the Monument not be designated, or what impact those activities would have had on the local communities, we do know that the choice to designate protected areas involve tradeoffs.

### **C. Treasured Landscapes**

Finally, I would like to touch on a recent study that more fully explores the opportunity costs of designating protected areas. In 2011 we conducted a review of the fifteen areas identified by the “Treasured Landscapes” memorandum leaked by the BLM discussing the necessity of additional designations of National Monuments. Rather than comment on whether the proposed monuments should or should not be designated, we focused on what would be given up if the Monuments were designated. To explore this question we use data from the US Department of the Interior, US Department of Agriculture, local environmental groups, energy development companies, and state agencies to identify what resources exist in the proposed areas. In the end, we narrowed our study to focus principally on energy resources as an example of the types of opportunity costs that might be incurred.

In conducting the inventory of energy potential for each site we focused on both traditional fossil fuel energies and the renewable potential of each site. We found that only a few the sites contained significant fossil fuel reserves, although many of the sites had the potential for shale extraction. The costs to alternative energy generation potential, however, were more significant. The majority of the potential monuments were found to have significant renewable energy possibilities that would likely be foreclosed by increased protections. In fact, 80% of the proposed monuments were found to have potential for multiple types of renewable energy development. By seeking increased environmental protection through the designation of the

proposed monuments, we may incur additional difficulties for large-scale roll out of clean energy generation.

### 3. Conclusions

The stream of research I have detailed today contains a primary theme: the designation of any protected area involves tradeoffs. The creation of protected areas clearly forecloses other land use opportunities. In designating Wilderness, local populations are forever proscribed from a great number economic and recreational activities ranging from mining to mountain biking. Such designations may significantly change how local populations interact with the environment in which they live, including limiting economic gains potentially available from public lands. While there may be some local gains from increased tourism or other area attraction, we do not find uniformly positive economic gains from the protected areas we have studied. But, ensuring local economic growth was not the primary focus of the Wilderness Act or other enabling language for protected areas. Rather, Wilderness and other protected areas are established for emotional, ecological, and cultural purposes. Our results indicate that those ends are not accomplished without some costs to local populations.

The policy implications from our research are twofold. First, policy makers must carefully consider the tradeoffs inherent in public lands decisions. We cannot assume that all additional protected areas will sizably benefit local populations. Second, if policy makers seek to minimize the costs to local populations, they should seek input from local land users when making land use decisions. Local populations are often the most familiar with the potential economic opportunities present on public lands. By seeking local input in public lands decisions, policy makers can better assure that policy decisions are not disproportionately borne by local communities.

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<sup>i</sup> The Wilderness Society, “The Economic Benefits of Wilderness: Focus on Property Value Enhancement,” *Wilderness Society Science and Policy Brief No. 2*, March, 2004.

<sup>ii</sup> R. Rasker, B. Alexander, J. van den Noort, and R. Carter, *Prosperity in the 21st Century West: The Role of Protected Lands*, The Sonoran Institute, 2004, p. ii.