



STATE OF WASHINGTON
RECREATION AND CONSERVATION OFFICE

June 2008

**Item #13: Nonhighway and Off-Road Vehicle Activities (NOVA)
Program Funding, Noise Enforcement Projects**

Prepared By: Greg Lovelady, Applied Planning Manager

Presented By: Greg Lovelady, Applied Planning Manager

**Approved by the
Director:**

Proposed Action: Decision

Summary

This memo presents for Board consideration one off-road vehicle (ORV) noise enforcement project requesting \$29,900 out of an estimated \$120,000 available in Nonhighway and Off-Road Vehicle Activities (NOVA) program motor vehicle fuel tax funds. There are sufficient monies to fund this project.

Staff Recommendation

The Recreation and Conservation Office (RCO) staff and the NOVA program's ORV noise enforcement evaluation team recommend that the Board adopt Resolution #2008-030 to fund the additional project listed in Attachment A.

Background

The 2007-09 Capital Budget contains a \$450,000 NOVA program appropriation to the Board "for grants to local law enforcement... agencies for the enforcement of existing state noise laws and regulations."



At its November 2007 meeting, the Board approved policies for awarding noise enforcement grants, including:

- Eligible applicants: tribes, and federal, state, and local governments.
- Project types:
 - Law enforcement of ORV noise laws (noise measurement, resolution of conflicts and issuing warnings and citations, etc.)
 - Education about ORV noise laws (in-field contacts, development, and distribution of informational materials, working with organized groups, etc.)
- Project elements: sound monitoring gear, staff, etc.
- Fund assistance: grants must be from \$2,500 to \$50,000 (a match is not required).

At its March 2008 meeting, the Board approved 10 ORV noise enforcement projects totaling \$313,225. If the Board approves the subject project for funding, approximately \$90,000 in excess funds will remain in this category. In an effort to provide these funds to viable projects, RCO staff:

- Extended the application deadline to April 1, 2008 (the noted project emerged from this extension);
- Organized a one-day training and certification class, which 23 ORV noise enforcement officers attended; and
- Began to review the 2007 NOVA Education and Enforcement (E&E) grants to determine if excess “noise” funds could be used for existing ranked but unfunded E&E grant requests. This work is ongoing, and staff will report back to the Board in September.

Because only one applicant submitted a project during the extended application period, RCO staff notified the evaluation team to use the adopted evaluation criteria only for context; all that would be needed were their recommendations regarding whether or not this project should be funded and a brief note supporting their recommendation.

The evaluation team for this project was:

- Robert Brooke (Spanaway)
- Arlene Brooks (Auburn)
- Rick Dahl (Longview)
- Richard Elkins (Mercer Island)
- Pene Speaks (Olympia)
- John Spring (Mercer Island)
- Amie Tinderholdt (Wenatchee)

Analysis

The additional project is eligible for funding in accord with the NOVA Act (chapter 46.09 Revised Code of Washington), the 2007 capital budget directive, and the related Board

Policy Manual 13a. The evaluation team reviewed the project and recommends it for funding.

Next Steps

If approved for funding, staff will ensure the applicant completes post-approval requirements and executes a project agreement. Staff will then monitor compliance. Also, because approximately \$90,000 in ORV noise enforcement funds remain, staff plans to re-announce availability of these grants to potential applicants. As noted above, staff also will continue to review the 2007 NOVA Education and Enforcement (E&E) grants to determine if excess “noise” funds could be used for existing ranked but unfunded E&E grant requests.

Attachments

Resolution 2008-030

- A. Table 1. Evaluation Ranked List and Funding Recommendation, NOVA Program Off-Road Vehicle Noise Enforcement, State Fiscal Year 2008, June Revision
- B. Project Description

RESOLUTION #2008-030
Nonhighway and Off-Road Vehicle Activities Program
Off-Road Vehicle Noise Enforcement Funding
Fiscal Year 2008 (June)

WHEREAS, during the 2007 legislative session, a proviso was included in the budget directing the use of a portion of the Nonhighway Off-Road Vehicle Account (NOVA) to assist local law enforcement and noise enforcement agencies with complaints about off-road vehicle (ORV) noise; and

WHEREAS, in 2007 and again in 2008 the staff of the Recreation and Conservation Office (RCO) provided publications, website updates, and other outreach opportunities to communicate to interested parties the benefits and application procedures for these new NOVA noise enforcement grants; and

WHEREAS, in answer to the 2008 effort, one project was submitted to the Recreation and Conservation Funding Board (Board) for funding consideration and subsequently assessed by the statutorily mandated advisory/evaluation committee; and

WHEREAS, the project meets the program requirements stipulated in statute, administrative rule, and policy; and

WHEREAS, providing funds to this project would further the Board's strategic goal to "[f]und the best projects as determined by the evaluation process";

NOW, THEREFORE BE IT RESOLVED, that the Board hereby approves project 08-1500E and the funding amount for this project shown in Attachment A. *Evaluation Ranked List and Funding Recommendation, NOVA Program Off-Road Vehicle Noise Enforcement, State Fiscal Year 2008, June Revision*; and

BE IT FURTHER RESOLVED, that the Recreation and Conservation Office's director is authorized to execute an agreement to facilitate prompt implementation of this project.

Resolution moved by: _____

Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: _____

Attachment A: Evaluation Ranked List and Funding Recommendations, NOVA Program Off-Road Vehicle Noise Enforcement, State Fiscal Year 2008, June Revision

Rank	Score	Number	Project Name	Project Sponsor	RCFB Amt	Sponsor Amt	Total Amt	Cumulative Request	Recommend Funding
1 of 10	59.167	07-1989E	Cle Elum OHV Noise E&E	USFS WNF Cle Elum RD	\$8,565	\$1,248	\$9,813	\$8,565	\$8,565
2 of 10	51.833	07-1986E	Tahuya Event and Weekend ORV Noise E+E	Dept of Natural Resources	\$50,000	\$6,180	\$56,180	\$58,565	\$58,565
3 of 10	51.500	07-1988E	Land Adjacent to Tahuya and Green Mt. State Forest	Dept of Natural Resources	\$50,000	\$7,025	\$57,025	\$108,565	\$108,565
4 of 10	50.750	07-2001E	Naches OHV Noise E & E	USFS WNF Naches RD	\$20,170	\$8,800	\$28,970	\$128,735	\$128,735
5 of 10	50.667	07-1996E	Central Zone OHV Noise E&E	USFS WNF Entiat RD	\$29,015	\$7,900	\$36,915	\$157,750	\$157,750
6 of 10	47.833	07-1998E	City of Republic OHV Education	Republic City of	\$10,000	\$4,500	\$14,500	\$167,750	\$167,750
7 of 10	46.667	07-1991E	Spokane County Parks Noise Enforcement Program	Spokane County Parks & Rec	\$32,780	\$1,300	\$34,080	\$200,530	\$200,530
8 of 10	45.583	07-1990E	POV Sound Enforcement Ranger	USFS CNF Newport RD	\$50,000	\$3,000	\$53,000	\$250,530	\$250,530
9 of 10	44.917	07-1985E	Chelan County Sheriff ORV Noise Enforcement	Chelan County Sheriffs Office	\$49,155	\$6,000	\$55,155	\$299,685	\$299,685
10 of 10	41.417	07-2002E	Grant County ORV Noise Enforcement	Grant County Sheriff Dept	\$13,540		\$13,540	\$313,225	\$313,225
Subtotal, Approved at March 2008 Meeting					\$313,225	\$45,953	\$359,178		
--	--	08-1500 E	Cle Elum Additional Noise E&E	Wenatchee National Forest Cle Elum Ranger District	\$29,900	\$0	\$29,900	\$343,125	\$343,125
					\$343,125	\$45,953	\$389,078		

Attachment B: Project Description

USFS Wenatchee National Forest Cle Elum Ranger District Cle Elum Additional Noise Education and Enforcement	\$29,900
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The U.S. Forest Service will use this grant to provide training and wages for an additional ranger to monitor sound levels of off-road vehicles. The Cle Elum Ranger District, which covers the Okanogan and Wenatchee national forests, is one of the largest off-road vehicle recreation areas in Washington, offering more than 500 miles of off-road vehicle trails. Many trailheads are near new residential areas, creating challenges for staff. Forest service staff would like to increase noise patrols, implement rules requiring off-road vehicles to be 96 decibels or below and educate users about how to ride responsibly and respectfully. This sound monitoring will be integrated with the ranger's regular trail and trailhead visits. There will be occasional emphasis stations at busy locations and times. (08-1500E)