



STATE OF WASHINGTON

RECREATION AND CONSERVATION OFFICE

March 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 ten off-road vehicle (ORV) noise enforcement projects requesting \$313,225 out of an available \$450,000 in Nonhighway and Off-Road Vehicle Activities (NOVA) program motor vehicle fuel tax funds. Because requests are less than the total of available funds, this memo also describes a plan for using the remaining funds.

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 #2008-14 to fund the ten projects listed in Attachment A.

- Each project meets the program's legal and procedural requirements;
- Each project was evaluated and ranked using Recreation and Conservation Funding Board (Board) approved criteria; and
- Sufficient funds are available to support the recommended projects.

Further, RCO staff is taking the following steps to provide the remaining funds to ORV noise enforcement projects in a timely manner.

- Extend the application deadline to April 1, 2008. Staff will ask the Board to consider funding for additional projects at its June 2008 meeting.
- Use available funds to organize a training and certification class for ORV noise enforcement officers.
- 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.

Background

As reported at previous Board meetings, 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.”

To address this mandate, RCO staff developed a draft policy manual with the NOVA advisory committee, residents impacted by ORV noise, ORV enthusiasts, and experts in ORV sound. At its November 2007 meeting, the Board approved the policy manual, which describes:

- Eligible applicants: tribes, and federal, state, and local governments.
- Project types:
 - Law enforcement that enforces ORV noise laws (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).

The evaluation team for projects submitted to this program included:

- Mike Blankenship (Ferry County)
- Ken Irwin (Yakima)
- Arlene Brooks (Auburn)
- Richard Steffel (Lynwood)
- Robert Brooke (Spanaway)
- Jeff Lambert (Spokane)
- Pene Speaks (Olympia)
- Richard Elkins (Mercer Island)
- John Spring (Mercer Island)
- Steve Gittings (Kitsap County)
- Amie Tinderholdt (Wenatchee)
- Rick Dahl (Longview)

Analysis

Each of the 10 projects that the RCO received are eligible for funding in accord with the NOVA Act (chapter 46.09 Revised Code of Washington, the 2007 capital budget directive, and Policy Manual 13a). The evaluation team has reviewed the projects and recommends all for funding.

The total of the grant request is less than the available funds. RCO staff are taking the following steps to help ensure use of the excess dollars.

- Extend the current grant cycle for this program until April 1, 2008. Final funding consideration can proceed when the Board meets in June 2008.
- Organize an instruction and certification class, using ORV noise enforcement funds, in accord with the capital budget directive.

- Review the 2007 NOVA Education and Enforcement (E&E) grants to determine if any of the proposals include noise enforcement. If so, it may be possible to coordinate with the grantee to exchange an appropriate amount of ORV noise enforcement funds for current E&E grant funds. This would have the effect of freeing up 2007 E&E dollars for use with other requests.

Next Steps

After funding approval, staff will ensure funded applicants complete post-approval requirements and execute project agreements. Staff will then monitor compliance.

Attachments

Resolution 2008-014

- A. Evaluation Ranked List and Funding Recommendations
- B. Evaluation Criteria Summary
- C. Summary of Average Evaluation Scores by Question
- D. Project Descriptions in Advisory Committee Ranked Order

RESOLUTION #2008-014
Nonhighway and Off-Road Vehicle Activities Program
Off-Road Vehicle Noise Enforcement Funding
Fiscal Year 2008

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, 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 these efforts, 10 projects were submitted to the Board for funding consideration and subsequently evaluated by the statutorily mandated advisory/evaluation committee using board-approved criteria; and

WHEREAS, all projects meet the program requirements stipulated in statute, administrative rule, and policy; and

WHEREAS, providing funds to the projects 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 the ranked list and funding amounts shown in Attachment A, *Table 1. Evaluation Ranked List and Funding Recommendations, NOVA Program Off-Road Vehicle Noise Enforcement, State Fiscal Year 2008*; and

BE IT FURTHER RESOLVED, that the Recreation and Conservation Office director be authorized to execute project agreements to facilitate prompt project implementation.

Resolution moved by: _____

Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: March 27, 2008

Attachment A

Evaluation Ranked List and Funding Recommendations, NOVA Program Off-Road Vehicle Noise Enforcement, State Fiscal Year 2008

Rank	Score	Number	Project Name	Project Sponsor	RCFB Amt	Sponsor Amt	Total Amt	Cumulative Request	Recommended Funding
1 of 10	59.16 7	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	51.83 3	07-1986E	Tahuya Event and Weekend ORV Noise E+E	Natural Resources Dept of	\$50,000	\$6,180	\$56,180	\$58,565	\$58,565
3 of 10	51.50 0	07-1988E	Land Adjacent to Tahuya and Green Mt. State Forest	Natural Resources Dept of	\$50,000	\$7,025	\$57,025	\$108,565	\$108,565
4 of 10	50.75 0	07-2001E	Naches OHV Noise E & E	USFS WNF Naches RD	\$20,170	\$8,800	\$28,970	\$128,735	\$128,735
5 of 10	50.66 7	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	47.83 3	07-1998E	City of Republic OHV Education	Republic City of	\$10,000	\$4,500	\$14,500	\$167,750	\$167,750
7 of 10	46.66 7	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	45.58 3	07-1990E	POV Sound Enforcement Ranger	USFS CNF Newport RD	\$50,000	\$3,000	\$53,000	\$250,530	\$250,530
9 of 10	44.91 7	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	41.41 7	07-2002E	Grant County ORV Noise Enforcement	Grant County Sheriff Dept	\$13,540		\$13,540	\$313,225	\$313,225
					\$313,225	\$45,953	\$359,178		

Attachment B

Nonhighway and Off-Road Vehicle Activities Program, Off-Road Vehicle Noise Enforcement Evaluation Criteria

ORV noise enforcement grants are provided to local law enforcement and noise enforcement agencies for the enforcement of noise laws and regulations.

Evaluation Criteria Summary Noise Enforcement Projects			
Scored By	Question Number	Criteria	Multiplier/Maximum
Team	1	Need	3/15
Team	2	Need satisfaction	3/15
Team	3	In-field contacts	2/10
Team	4	Utility of results to others	2/10
Team	5	Monitoring-improvement	1/5
Team	6	Project support	2/10
Team	7	Cost-benefit	2/10
RCO Staff	8	Matching shares	1/5
RCO Staff	9	Noise law	1/1
TOTAL POINTS POSSIBLE			81

Attachment C

Preliminary Evaluation Summary, NOVA Off-Road Vehicle Noise Enforcement

		Need	Need Satisfaction	In-Field Contacts	Utility of Results	Monitoring	Project Support	Cost-Benefit	Matching Shares	Noise Law	
Rank	Name/Sponsor	1	2	3	4	5	6	7	8	9	Total
1	Cle Elum OHV No/USFS WNF	12.750	11.250	7.833	7.333	3.167	7.500	8.333	1.000	0.000	59.167
2	Tahuya Event an/Natural	10.500	10.500	7.833	7.000	3.667	6.000	5.333	1.000	0.000	51.833
3	Land Adjacent t/Natural	10.500	9.750	7.500	7.000	3.583	6.167	6.000	1.000	0.000	51.500
4	Naches OHV Nois/USFS WNF	9.750	9.500	6.500	5.833	3.167	7.000	7.000	2.000	0.000	50.750
5	Central Zone OH/USFS WNF	10.000	10.750	7.333	6.000	3.250	5.500	5.833	2.000	0.000	50.667
6	City of Republi/Republic	8.750	9.250	5.667	5.667	3.167	5.333	7.000	3.000	0.000	47.833
7	Spokane County /Spokane	11.250	10.750	6.500	4.833	3.167	4.833	5.333	0.000	0.000	46.667
8	POV Sound Enfor/USFS CNF	10.000	9.750	6.500	5.833	2.833	5.667	5.000	0.000	0.000	45.583
9	Chelan County S/Chelan C	9.000	9.000	6.500	5.833	3.083	4.167	5.333	1.000	1.000	44.917
10	Grant County OR/Grant Co	8.000	9.250	7.333	5.167	2.667	3.833	5.167	0.000	0.000	41.417

Evaluation Score Questions: 1-7
 Prescore Questions: 8-9



**Nonhighway and Off-Road Vehicle
Activities (NOVA) Program
Noise Enforcement Category**
State Fiscal Year 2008 Projects
(In Evaluation Ranked Order)

Grant Request

**USFS Wenatchee National Forest Cle Elum Ranger District
Cle Elum OHV Noise E&E** **\$8,565**

The U.S. Forest Service will use this grant to buy a sound meter, signs and staff and volunteer time to complete sound checks in areas near homes. 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 trail heads 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. The forest service will contribute \$1,248 in donated labor. This project was the top ranked project of 10 competing statewide for funding in the noise enforcement category of the Nonhighway and Off-Road Vehicles program. (07-1989E)

Department of Natural Resources **\$50,000**
Tahuya Event and Weekend ORV Noise Education & Enforcement

The Department of Natural Resources will use this grant to establish a strong off-road vehicle (ORV) noise enforcement program in the Tahuya State Forest, near Bremerton. The grant will help pay for a noise education and enforcement specialist, who will contact off-road vehicle riders during group events and weekends to educate and enforce the allowable decibel levels coming from ORVs. The forest is open year-round and offers 170 miles of multiple-use trails, campgrounds, trail heads, and forest roads. The specialist will be supported by a fully commissioned law enforcement officer with the ability to issue tickets. The department will contribute \$6,180 in equipment, labor, materials and donated labor. (07-1986E)

Department of Natural Resources **\$50,000**
Land Adjacent to Tahuya and Green Mt. State Forest

The Department of Natural Resources will use this grant to monitor sound coming from off-road vehicles (ORVs) using the trails in the Tahuya and Green Mountain State Forests. A noise education and enforcement specialist will meet with adjacent land owners and ORV users and look at the design and location of trails near homes. The Tahuya and Green Mountain State Forests are open year-round and offer 183 miles of multiple-use trails, campgrounds, trail heads and miles of forest roads. The department will contribute \$7,025 in equipment, labor, materials and donated labor. (07-1988E)

USFS Wenatchee National Forest Naches Ranger District **\$20,170**
Naches Off-Highway Vehicle Noise Education & Enforcement

The U.S. Forest Service will use this grant to expand its off-road vehicle (ORV) education program in the Naches Ranger District. The district has about 250 miles of trail dedicated to motorized uses on 300,000 acres. Specifically, the grant will be used to buy law enforcement grade sound testing equipment, training, calibration service and equipment, employees and expenses. The employees will contact riders, visit local dealerships, attend club meetings, participate in skill training workshops and attend ORV events to educate people about noise issues. The forest service will contribute \$8,800 in labor and donated labor. (07-2001E)

USFS Wenatchee National Forest Entiat Ranger District **\$29,015**
Central Zone Off-Highway Vehicle Noise Education & Enforcement

The U.S. Forest Service will use this grant to provide training, equipment and salary for the Okanogan Wenatchee National Forest Central Zone Backcountry Education and Enforcement Program, which spans four ranger districts in Chelan and Okanogan Counties. The rangers manage 400 miles of trails open to motorized users, mostly set in roadless areas and contact more than 20,000 trail users annually. The education and enforcement program covers areas in a pristine setting, and noise is the number one complaint of non-motorized trail users. The forest service will contribute \$7,900 in donated labor. (07-1996E)

City of Republic **\$10,000**
City of Republic Off-Highway Vehicle Education

Republic will use this grant to hire staff to provide an off-road vehicle (ORV) education and enforcement program and to buy noise abatement equipment and educational materials and supplies. Republic will contribute \$4,500 in donated equipment. (07-1998E)

Spokane County Parks & Recreation **\$32,780**
Spokane County Parks Noise Enforcement Program

The Spokane County Parks Department will use this grant to develop a functional off-road vehicle (ORV) noise enforcement program. In 2007, Spokane County received 870 noise-related complaints. However, local law enforcement does not have trained employee or equipment to adequately respond to noise complaints. With grant funding, local law enforcement officers will receive the training and tools needed to respond to ORV noise complaints. Trained officers will contact ORV users, ORV park neighbors, and community members; test noise levels of ORVs at trails and trail heads, on back roads and in ORV parks and neighborhoods; and provide informational materials to ORV riders, at ORV dealerships and on the county's web page. The county will contribute \$1,300 in donated labor. (07-1991E)

Nonhighway and Off-Road Vehicle Activities Program (NOVA) – Noise Enforcement

State Fiscal Year 2008 Projects

USFS Colville National Forest Newport Ranger District **\$50,000**
Pend Orielle Valley Sound Enforcement Ranger

The U.S. Forest Service will use this grant to hire two part-time rangers for two years and buy sound monitoring equipment and equipment training. Working in the Pend Oreille Valley, the rangers will establish a forum for local law enforcement agencies to collaborate on noise issues and educate off-road vehicle (ORV) riders on safety while placing emphasis on noise regulation. The rangers are needed because of a 300 percent increase in trails open to ORV users. (07-1990E)

Chelan County Sheriff's Office **\$49,155**
Chelan County Sheriff ORV Noise Enforcement

The Chelan County Sheriff's Office will use this grant to hire two deputies to target off-road vehicle (ORV) noise complaints and set up sound monitoring stations throughout the county. Work will include creating a brochure explaining noise laws and the detrimental effects of loud ORVs. The grant will pay for training, sound metering equipment, salaries and expenses. Chelan County will contribute \$6,000 in cash and donations of equipment and labor. (07-1985E)

Grant County Sheriff's Department **\$13,540**
Grant County ORV Noise Enforcement

The Grant County Sheriff's Office will use this grant to assist in educating and enforcing Washington's noise laws. Sheriff deputies monitor and manage an ever-increasing number of visitors to the Moses Lake Sand Dunes, which are quickly being encroached upon by houses. Through education and enforcement actions, deputies will try to minimize conflicts between new neighbors as well as the non-motorized users of the dunes and the off-road vehicle riders. (07-2002E)

*Nonhighway and Off-Road Vehicle Activities Program (NOVA) – Noise
Enforcement*

State Fiscal Year 2008 Projects