

**NORTH FORK LANDOWNERS' ASSOCIATION
ROAD COMMITTEE
SUMMARY OF DECEMBER 12, 2008 MEETING**

The North Fork Landowners' Association's Road Committee held its first meeting on December 12, 2008. Committee members Steve Berg, Margaret Heaphy, Ed Heger, Betsy Holycross and Steve Weber were present. Also attending were Mark Heaphy and Molly Shepherd.

Purpose and Role of Committee

Molly addressed the context in which the committee had been appointed. She observed that the North Fork Road has divided the community for at least 30 years. Historically, the issue has been framed as whether or not to pave the road. The NFLA's 2006 survey brought other considerations to bear, however. 76.2% of those responding to the survey supported dust abatement and 66.7% weren't satisfied with maintenance of the road during spring, summer and fall.

The North Fork Road Coalition for Health and Safety (NFRCHS) was founded in 2006, after the results of the survey were issued. Many NFRCHS members appear to have been frustrated by the NFLA's reluctance to confront or take sides on an issue that had polarized the community for so long. In September, 2007, a majority of those attending a NFLA business meeting voted to contribute \$500 in NFLA funds toward completion of a dust study that the NFRCHS had commissioned.

Since September, 2007, the community's focus on road issues has intensified, resulting in increased pressure on the NFLA. Road issues have been raised at every NFLA meeting, frequently in the form of a motion from the floor. Meetings have become acrimonious, including personal attacks.

In this setting, the NFLA Board of Directors agreed it was time to appoint a balanced road committee, one able to take an objective look at what might be done to improve the road. The board charged the committee as follows:

- Explore dust abatement and maintenance options and potentially, recommend solutions;
- Make relevant information available to the North Fork community;
- Receive and process member suggestions and concerns about the road.

The board expects the committee to be independent of advocacy organizations like the NFRCHS and the North Fork Preservation Association. Unlike other North Fork organizations, the NFLA's bylaws require it to pursue the interests of all North Fork landowners. Molly hopes that over time, with a pragmatic, non-ideological approach, the committee can build some community consensus on road issues.

Committee Structure

By request of committee members, Betsy Holycross will serve as chair. Steve Berg will help with the chair's responsibilities when Betsy is away, as she will be in early 2009. Steve also will serve as secretary and will prepare minutes of subsequent committee meetings. Molly will prepare a summary of the first meeting and distribute it to committee members to assure accuracy. After approval, minutes or summaries of committee meetings will be posted on the NFLA Web site.

Steve asked if the committee would report to the NFLA board and seek board approval of its efforts. Committee members agreed that the board must be kept informed. Furthermore, board approval or authorization should be sought before any substantive position is taken or recommendation is made. Some activities are within the scope of the committee's charge and may be undertaken without specific prior authorization, however. Examples include performing research, meeting with officials to explore options, serving in a liaison capacity, and reporting findings. Committee members recognized that sensitivity to the authority of the board, and the membership, is necessary. The membership has the ultimate power to make decisions for the association.

November 20, 2008 Road Dust Mitigation Meeting

Working in conjunction with the NFCHRS, outgoing Flathead County Commissioner Gary Hall sponsored a meeting to consider dust mitigation options in Columbia Falls on November 20, 2008. Agency officials and representatives of North Fork organizations were in attendance. Among other things, County Public Works Director Dave Prunty advised attendees that in 2007, 8.1% of the county road tax had been spent on maintenance of the North Fork Road.

Discussion at the November 20 meeting turned to funding mitigation measures during an economic recession, with a reduced road budget and fewer employees. Proposals included a potential dust control cost share program based on a model that has been used successfully in Gallatin County; a surtax on vehicles entering Glacier National Park to be collected by the Park; a rafting fee to be collected by the Forest Service; and converting the North Fork Road to a toll road.

NFLA Road Committee members discussed the tenor of the November 20 meeting and the ramifications of the various proposals. Betsy mentioned the legal consequences of using federal funds for mitigation, in particular the invocation of National Environmental Policy Act. Questions also were raised about the cost share program, among them the relatively small amount of money potentially available (\$100,000 county-wide); the restriction of the compounds that may be used to magnesium chloride and black oil; the applicability of a program designed for short segments of road to the North Fork Road; and the roadbed reconstruction that would need to be performed before dust mitigation compounds could be applied.

Despite questions and concerns about the cost share program, NFLA Road Committee members agreed that it warranted further inquiry. Margaret suggested that North Fork landowners might start with a small trial project, perhaps several half-mile sections, to show what could be done. It would be incumbent on landowners to raise their 50% share of the estimated \$3500 cost per mile. Margaret also suggested exploring the possibility of using dust mitigation compounds other than magnesium chloride and black oil. She will look into other options.

Mark Heaphy Research

Mark Heaphy presented the results of some research that he has done and gave committee members several leads. Mark told committee members that he had wondered if other communities had experiences comparable to the North Fork. He found similarities between the North Fork and Eagle, Alaska, whose residents also are served by a gravel road with heavy tourist traffic during the summer. Mark learned that Eagle has received funding in the amount of \$1.3 million grant to treat its road. He gave committee members the name of an official in the Alaska Department of Transportation from whom further information may be available.

Mark further supplied contact information for Midwest Industries, www.midwestind.com. Among other products, the company manufactures two compounds, Envirokleen and Soil Sement, that are environmentally friendly. Many of the compounds that are used for dust abatement have harmful effects.

Betsy Holycross Research

Betsy was able to obtain a copy of the 1983 North Fork Road Final Environmental Impact Statement from the Federal Highway Administration in Seattle. She explained that the EIS set forth five alternatives, ranging from paving the road to no action. The US Fish & Wildlife Service issued a still-controlling opinion that paving would threaten the long-term survival of grizzly bears and wolves. Thus before any potential North Fork Road paving project can be approved, the indirect effects of paving on these endangered species must be mitigated. Mitigation can occur only through land use planning by federal, state and county jurisdictions, imposing land use restrictions and controls. Betsy commented that the FEIS sets a high but not necessarily and insuperable bar to paving. It invites lawsuits should paving be proposed, however.

In addition, Betsy has reviewed a number of Flathead County documents pertaining to the road. One of them, dated March, 1964, commemorates an agreement between the “North Fork Road Association” and Flathead County whereby the Association maintained the road from March through November and the county performed snow removal from December through February. Betsy further mentioned that county documents don’t factor in non-residents’ use of the North Fork Road, which

committee members feel is important. Accurate traffic counts do matter in making a case for funding or other assistance.

Committee Planning and Initial Tasks

Committee members concurred that all options, from paving the road to no action, should remain on the table for now. Part of the committee's job is to gather and disseminate information about options. Margaret observed that the NFLA is the clearinghouse for the North Fork community and that information about those options should be posted on the NFLA's Web site. To that end, Betsy will summarize the conclusions of the 1983 North Fork Road FEIS and Biological Opinion. The newsletter and perhaps workshops also afford means of getting information to landowners.

Steve Weber commented that the committee should serve as a messenger, recognizing that objective information may help to resolve community polarization around road issues. He summed up the committee members' role as follows: collecting facts from the county and the road department; learning about technological options; and posting the options with factual pros and cons.

Committee members also concurred that they should meet with Dave Prunty in January to identify problems and explore options. They will solicit landowner input and assemble a list of questions for Mr. Prunty. Potential topics to be explored include cost-sharing arrangements in the North Fork context and outsourcing maintenance of the road.

Margaret will contact Dave Prunty for an appointment. After meeting with Mr. Prunty, committee members also will schedule a meeting with the county commissioners.

In order to receive member suggestions and concerns about the road, Betsy volunteered to set up an e-mail account accessible to Road Committee members. The address will be embedded in the Road Page on the NFLA Web site. The idea is to let landowners know that the committee is open to ideas, among them questions to be raised with county officials.

Steve Berg asked to what extent the NFLA Road Committee should work with the NFRCHS. Molly mentioned that last summer, the NFRCHS had proposed a partnership with the NFLA. At that time, on the recommendation of the NFLA board, the membership declined the partnership invitation. Among the reasons were that the NFRCHS is a one-issue advocacy organization while the NFLA is a multi-purpose organization charged with pursuing the interests of all landowners. Consistent with the response to the partnership proposal, committee members felt that they could work with the NFRCHS when its efforts are consistent with NFLA obligations and the interests of all landowners. But they acknowledged the importance of independent judgment.

The committee will meet again before its appointment with Dave Prunty. The date, time and place will be announced.

Molly Shepherd
Acting Secretary