

6-16-97

FERRY COUNTY NATURAL RESOURCE POLICY PLAN

**FERRY COUNTY AGRICULTURE; LOGGING; MINING; AND
RECREATION FOR THE PAST 100 YEARS**

FERRY COUNTY
RESOLUTION NO. 97-19

ADOPTING FERRY COUNTY
NATURAL RESOURCE POLICY PLAN

WHEREAS, Ferry County has taken it upon itself to establish a Natural Resource Policy Plan (NRPP) as a means to review and establish communication, and to review proposals between the county and federal, state or other agencies; and

WHEREAS, the NRPP will outline and establish a Natural Resource Advisory Board advisable to the Ferry County Board of Commissioners.

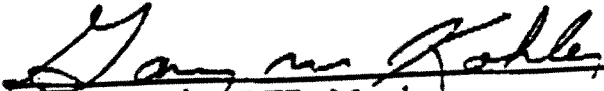
NOW THEREFORE BE IT RESOLVED that the Ferry County Board of Commissioners hereby adopts the Ferry County Natural Resource Policy Plan, dated June 16, 1997.

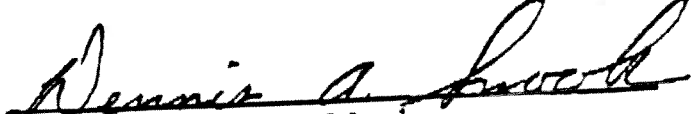
ADOPTED and EFFECTIVE this 16th day of June, 1997.

FERRY COUNTY BOARD OF COMMISSIONERS
FERRY COUNTY, WASHINGTON

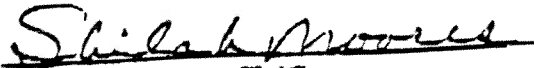



JAMES M. HALL, Chairman


GARY W. KOHLER, Member


DENNIS A. SNOOK, Member

ATTEST:


Shilah Moores, CMC
Clerk of the Board

Chapter 1

Introduction

1.1 Introduction

Ferry County and other local governments in rural America are facing challenges to the viability of their economies and to the well-being of their citizens. Erosion of private property rights due to enactment of environmental legislation and subsequent regulatory mandates, as well as increasing restrictions on public lands, have necessitated land use plans which protect citizens who rely on natural resources.

Western states are especially vulnerable to these challenges because of the presence of large amounts of lands under the ownership and administration of various federal and state agencies. County governments and their rural constituents are rapidly losing their tax base. Erosion of the tax base results in less money available for schools, roads, and other locally determined and desired services.

Three common reasons for county economic hardships resulting from federal and state programs and actions are:

- the transfer of private property ownership from tax-paying citizens to the government and to tax-exempt organizations;
- the loss of industries, jobs, and tax revenues that are dependent on multiple use of public lands; and
- unfunded mandates of federal and state regulatory proposals that are partially or solely funded by local government.

These are real concerns in Ferry County where private property comprises only 16% of the entire county, and federal and state lands play a significant role. Moreover, Ferry County's economy is dependent on multiple use of these lands which are inseparably tied to the small fraction of private patented lands. It is, therefore, necessary to develop and implement planning mechanisms that focus

on the interrelationship of federal, state, and local land uses and activities that affect the well-being of Ferry County citizens.

It is also necessary to:

- protect private property rights while planning for population growth and encouraging conservation of natural resources
- facilitate a free market economy through continued multiple use of federal and state lands
- and establish a process to ensure self-determination by local communities and individuals through citizen participation and coordination.

Chapter 2

Goals, Policies and Intent

2.1 Consistency with Goals of the Growth Management Act

As required by the Growth Management Act, all plans must be consistent with the Comprehensive Plan and meet the requirements of the Growth Management Act where ever they may apply. To integrate natural resource planning for economic stability in private and public land use, both state and federal, the following goals of the Washington State Growth Management Act need to be addressed.

- **PROPERTY RIGHTS.** Private property shall not be taken or damaged for public use without just compensation having been made.
- **NATURAL RESOURCE INDUSTRIES.** Maintain and enhance natural resource based industries, including productive timber, agriculture, mining, and fisheries industries.
- **ECONOMIC DEVELOPMENT.** Encourage economic development throughout the state that is consistent with adopted comprehensive plans, and promote economic opportunities for all citizens of this state.
- **PERMITS.** Application for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
- **CITIZEN PARTICIPATION AND COORDINATION.** Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
- **HOUSING.** Encourage the availability of affordable housing to all economic segments of the population of this state and promote a variety of residential densities and housing types.

- **TRANSPORTATION.** Encourage efficient multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- **PUBLIC FACILITIES AND SERVICES.** Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use.
- **HISTORIC PRESERVATION.** Identify and encourage the preservation of lands, sites, and structures that have historical or archeological significance.
- **ENVIRONMENT.** Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
- **OPEN SPACE AND RECREATION.** Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.
- **URBAN GROWTH.** Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- **REDUCE SPRAWL.** Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

One of the most important tenets of the GMA is "consistency", meaning consistency between:

- county comprehensive plans
- the planning goals identified in RCW 36.70A.020
- development regulations
- state agency actions

2.2 Overall Goals

We, the people of Ferry County, hereby set forth and establish a Policy Plan for our community which encompasses the following main goals:

1. Promote protection of economic base of the county and preserve rural and open space characteristics, as much as possible.
2. Support multiple use on public lands and to request federal and state agencies to abide by existing laws and their internal policies which may instruct them to conduct joint planning with the county for proposals on federal and state lands within the county.
3. Support lawful compensation to county citizens when environmental protection necessitates use of private land.
4. Promote the protection of the physical environment, encourage conservation of fish and wildlife, and develop recreational opportunities.
5. Comply with the Washington State Growth Management Act (GMA), the Washington State Environmental Policy Act (SEPA), the National Environmental Policy Act (NEPA) and all other state and federal laws. It is not the intention of this plan to preempt existing state and federal law.

Chapter 3

Historical Precedents

3.1 History Of The Colville Reservation And The Establishment Of Tribal, Public And Private Lands

The Confederated Tribes of the Colville Reservation, Washington, are composed primarily of descendants of the following Salish and Shahaptian-speaking peoples: Colvilles, Entiat, Methows, Nespelems, Nez Perces, Sinkaietks (Southern Okanogans), Palouses, Sanpoils, Senijextees, Sinkiuses, and Wenatchees. Because of the multiple tribes, and the unique history of each culture and tribe, and as stated clearly that the intent of this plan is to look at the last 100 years of this region, this Plan will only briefly document the history of the Colville Reservation. Also, this Plan does not intend to be a blanket statement for all customs and cultures in Ferry County. Because of the multiple Tribes, unique information on each individual Tribe prior to the establishment of the Colville Reservation can be found in other historical documents, records and text.

The Colville Confederated Tribes of the Colville Reservation, had their inception in the April 19, 1872, executive order of President Ulysses S. Grant establishing the Colville Reservation east of the Columbia River. The boundaries of the reservation were changed by another executive order on July 2, 1872. The western boundary was then the Okanogan River; the northern boundary was the Canadian border, and the eastern border was the Columbia River. The entry of the bands of Chiefs Moses and Joseph onto the reservation in the 1880s caused considerable anguish, especially among the Sanpoils and the Nespelems, the original residents of the reservation. In an agreement completed May 23, 1891, that was never ratified by the United States Senate, the Okanogans, Sinkiuses, Nez Perces, Colvilles, and Senijextees agreed to sell the United States 1.5 million acres, the North Half of the reservation, for \$1.5 million in five annual installments of \$300,000. An act of July 1, 1892 (27 Stat. 62) restored the North Half to the public domain and provided that Indians not wanting to move to the South Half of the reservation be allotted from the vacated lands in the North Half. Before the North Half was opened to white settlement on October 10, 1900, 600 Indians had been allotted 51,653 acres from it by presidential proclamation dated April 10, 1900. The North Half had been opened for mineral entry by an act of February 20, 1896. The 1,449,268 acres of the diminished reservation (its South Half) were open to mineral entry on July 1, 1898 (30 Stat. 571). On December 1, 1905, 350 of the estimated 551 adult Indians living on the

reservation signed the so-called (James) McLaughlin agreement relinquishing to the United States all rights, title, and interest to lands within the diminished reservation. The agreement also provided that the Indians be remunerated the as-yet-unpaid \$1.5 million for the North Half. An act of March 22, 1906 (34 Stat. 80) provided for each allotment of 80 acres to each Indian belonging to the reservation and for sale of the surplus lands. The act was amended, August 31, 1916, to reserve lands for schools, mills, cemeteries, and missions. By presidential proclamation on May 3, 1916 (39 Stat. 1778) the unallotted, unreserved nontimber and mineral lands were opened to white settlement. As a result of the Indian Reorganization Act of 1934, undisposed lands (about 818,000 acres) within the Colville Reservation were temporarily withdrawn from further disposition or sale by the Department of Interior order of September 19, 1934. An act of July 24, 1956 (70 Stat. 626-627) restored ownership of the undisposed lands to the Confederated Tribes.

After considerable intertribal conflict the Business Council of the Confederated Tribes of the Colville Reservation was established. The Council derived its powers from the Confederated Tribes Constitution and bylaws, which were adopted by referendum vote on February 26, 1938. A most serious point of contention in the 1950s and 1960s was possible termination of the Confederated Tribes relationship with the federal government. Termination was generally favored by tribal members living off the reservation and others who had a lesser quantum of native blood. Today the Colville Tribal Business Council opposes termination. It does, however seek sovereignty in tribal matters in which state and federal governments have been involved, such as law enforcement and protection of water rights.

After the Yakima Tribe filed a claim (Docket 161) for additional recovery for lands ceded to the United States in June 9, 1855, Yakima Treaty, the Confederated Tribes of the Colville, on their own behalf and that of the thirteen other tribes under that treaty, filed two intervenor claims for additional compensation for ceded lands of the five of the fourteen tribes. One of the intervenor claims (Docket 222) was on behalf of certain Palouses and others who had removed to the Colville Reservation. The other (Docket 224) was filed on behalf of Sinkiuses (such as the Moses Columbia Tribe). The intervenor dockets were consolidated with Docket 161 on July 28, 1959, and November 10, 1961. Among the various tribes, besides the Moses Columbias, were Chelans, Entiats, and Wenatchees. They all had been represented at the Yakima Treaty Council by Chiefs Tecolekum and La-Hoom who signed for them. (In 1954, five years before the Confederated Tribes had been permitted by the Indians Claims Commission to intervene, there were on the Colville Reservation 301 Sinkiuses, 113 Entiats, and 253 Wenatchees.)

The Yakima Tribe tried to block the claims filed by the Confederated Tribes of the Colville, maintaining that the fourteen tribes assigned to the Yakima

Reservation (of which eleven are now identifiable) were a confederation for which the Yakimas were the spokesmen. The Indian Claims Commission, opposing the Yakima convention, maintained that the lands of the various tribes had been ceded to the federal government, which tried unsuccessfully to make the fourteen Salishan tribes and certain Palouses remove to the Yakima Reservation as provided by the treaty. When peoples under the Chief Moses agreement had not removed to the Moses, or Columbia, Reservation, the government had made an agreement with them in 1883 to remove to the Colville Reservation. The commission decided that they were entitled to additional compensation separate from that of the Yakimas, whose nation the commission found to be nonexistent, should the commission compensation \$593,000, for the combined cession of 8,176,00 acres plus additional gratuities of \$48,300 be found unconscionable. After it was so found, the commission awarded the tribes concerned \$4,088,000 less offsets, making its final April 6, 1965, award \$3,446,700.

On July 31, 1951, the Confederated Tribes filed a claim (Docket 176) before the Indian Claims Commission for mismanagement of Colville funds and property held in trust by the United States. An agreed-upon settlement of \$5,540,598 was reached by the Confederated Tribes and the defending United States and approved by the commission in a final judgment on September 17, 1970. The order allowed the Colvilles to file a claim for account from July 1, 1951, which was to be a separate docket (178-A). This claim was transferred to the Court of Claims on February 24, 1977. In 1982 the tribes accepted an out-of-court settlement of \$7 million for mismanagement of range and forestry lands and fiscal mismanagement from 1952 to 1982 (Docket 178-A). On July 31, 1951, the Colville Tribes filed a petition (Docket 177) alleging that the Bureau of Indian Affairs had accepted insufficient compensation for lands sold on the South Half of the Colville Reservation and that the handling of the funds had been improper. Docket 177 had also stemmed from the act of March 22, 1906, whereby the government had reduced the payments it required for surplus lands and had permitted entry on them before they were paid for, thus violating its fiduciary duties as trustees for the Indians and injuring them. The Claims Commission dismissed that claim because of its similarity to Docket 181-B described below. Also filed on July 31, 1951, was a petition (Docket 181) of multiple claims made not only by the Confederated Tribes but also by individuals. Subsequently, the claims were put into separate dockets (181, 181-A, 181-B, and 181-C).

Docket 181 was for loss of aboriginal lands to the United States: 130,590 acres taken from the Colvilles proper; 513,050 acres taken from the Sanpoil-Nespelems; 395,152 acres taken from the Okanogans; 379,665 acres taken from the Methows; and 311,305 acres taken from the Senijextees. The lands alienated were calculated as those that the tribes claimed at the time of the executive order of July 2, 1872, by which the tribes were to remove to the

Colville Reservation. On March 1, 1960, the Claims Commission awarded the Colvilles proper \$104,300; and the Sanpoil-Nespelems \$410,900; the Okanogans \$223,400; the Methows \$143,300 and the Senijextees \$177,800. The total recovered by the Colville Tribes was \$1 million after deductions of offsets of \$61,000.

In Docket 181-A it was claimed that certain tribes under Chief Moses of the Sinkiuses (referred to as Columbias, Chelans, Entiat, and Wenatchees) who had received his Moses, or Columbia, reservation (established by executive order on April 19, 1879, and amended by executive orders on March 6, 1880, and February 23, 1883), had been forced under the agreement of July 7, 1883, to leave that reservation for the Colville. As the Columbia Reservation had been restored to the public domain by executive order on May 1, 1886, the Colville Tribes claimed that the removal had been uncompensated.

Docket 181-B had its roots in an agreement dated May 9, 1891, whereby the North Half of the Colville Reservation was ceded to the United States. The agreement was to have gone into effect after ratification by Congress, but by an act of July 1, 1892 (27 Stat. 62) Congress opened the North Half to settlement without ratifying the agreement and delayed the payment of the agreed compensation of \$1.5 million until June 21, 1906. The Colville Tribes contended that the payment was, in retrospect, unconscionable. A portion of the same docket (181-B) also alleged that the act of March 22, 1906 (34 Stat. 80) provided for sale of surplus lands on the South Half of the Colville Reservation and that the government had failed to provide adequate and fair compensation for those lands. For purposes of a final judgment the Claims Commission consolidated Dockets 181-A and 181-B, making an award of \$3.5 million.

Docket 181-C was for several claims: for spoliation and depletion of fisheries due to the construction of Grand Coulee Dam; for removal of resources (this claim is sometimes labeled "Docket 181-C, Mineral Claims") for failure to safeguard rights to compensation for taking and using of lands for railroads. The last two claims were not compensated, but in 1980 the Court of Claims heard the docket (because by law the Claims Commission had ceased to exist) and awarded the Colville Tribes compensation plus interest amounting to \$3,257,000 for loss of fisheries and \$140,000 for loss of mining operations. One claim, the Grand Coulee Dam claim (Docket 181-D) had been separated from Docket 181-C to allow the above award to be made. Docket 181-D originally included claims for taking of tribal lands in connection with the construction of the Chief Joseph Dam on the Columbia, as well as the Grand Coulee, but was later amended to exclude reference to the former project. With twenty-four other tribes throughout the western United States, the Confederated Tribes filed other claims (Dockets 342-70 and 343-70) that reached the Court of Claims, for mismanagement of Individual Claims Commission judgment funds and for other funds, such as

Individual Indian Money accounts held in trust by the United States. The tribes were awarded \$1,213,027.79 in 1980 for their claim in Docket 181-D.

The effort to acquire power revenues from Columbia River Dams is part of a wider effort by the Colville Tribes to control resources, not only water of the Columbia and other rivers but also a variety of others ranging from wildlife to lands. In 1981 the Colville Tribes budgeted \$4 million to a program of regular land purchases. In that year, however, their high hopes of becoming one of America's wealthiest tribes were dashed when a sagging economy forced abandonment of a molybdenum mining and processing operation on the reservation that would have placed each tribal member in a higher income-tax bracket. They then directed their energies and hopes toward other projects, such as the Package Log Cabin sales and the Trading Post. Other businesses among the Nespelem Tribal Enterprises range from a meat-packing plant to a modern green house operation involving reforestation and organic vegetable growing. Timber, however, is an important tribal resource. In 1984 the tribes dedicated their new \$10 million sawmill on the reservation near the city of Omak.

There has been considerable assimilation of various tribes on the reservation. One goal of the Pascal Sherman elementary school, which is on the reservation east of Omak, is the perpetuation of tribal heritage. High school students attend school at Grand Coulee. An increasing number of young people attend higher education centers, such as community colleges and universities.

The annual Trophy Pow-wow is held the first weekend of early March on the reservation at the Nespelem Community Center. An all-Indian rodeo is held at Nespelem on the last weekend of April. The Circle Celebration, featuring Indian stick games and tribal dances, continues for several days in early July. There is an Indian pow-wow at the Omak Stampede, which is held on the weekend near mid-August. Indians from the Colville also participate in the Suicide Race run in conjunction with the Stampede.

3.2 History of Agriculture

At the turn of the century, white settlers (i.e. homesteaders) began to flock into Ferry County. At this time both ranching and farming became a major regional industry. In 1907 when the Colville National Forest Service was established, one of its main purposes was to equalize the forest for pasture of livestock. In 1908 permits were issued for 4,000 cattle, 10,000 sheep, and 500 horses.

In 1912, Riverview Farm, one of the major farms in the area, won first place in the Chicago National Dairy Show with their Holstein "Hero". In 1916, one of their

cows was voted 'best cow' in the USA. The first livestock association in Ferry County was organized this same year, and was called the Curlew Valley Livestock Association. In 1936, the cattlemen and horse breeders met and organized the Ferry County Livestock Association. In 1967, this organization was incorporated and became the present day Ferry County Cattlemen's Association. A few members of this group had gained recognition on both state and federal levels. Ferry County cattlemen were prominent in forming the State Cattlemen's Association. Ed Banker of Curlew was its first president in 1926, and John Helphrey, also of Curlew, was its second president. John Helphrey was instrumental in passing a brand law through the Washington State Legislature. The first brand inspection in Ferry County took place in 1933 at the Malo stockyards.

3.3 History of Grazing

The environment has shaped the customs of livestock grazing in Ferry County. As local residents will attest, the environment in Ferry County for raising livestock is harsh. Winters are severe, rainfall is sparse, and good crop land is limited. Because of these conditions which are far more restrictive when compared to lands east of the 30th meridian, it takes a great deal of land to sustain even a modest size herd of livestock. Grazing permits on federal lands are an absolute necessity for economic viability, especially since private land in Ferry County comprises only 16% of the entire acreage in the county, and little is available for grazing.

Grazing of livestock on public lands has been, and continues to be, beneficial to the land because of the stewardship ranchers provide. This includes salting and water developments which aid wildlife, trail maintenance, and general caring for the land. Cattle grazing enhances forage growth (see USFS Starky Research Station Meadow Creek Forage Research), suppresses wildfires, breaks up the soil, redistributes plant seeds, and fertilizes the ground. This is the same effect the huge herds of bison had on the prairies when they created tremendous grasslands. Allan savory of holistic management fame said.... "the next best thing to cultivation is livestock grazing."

Livestock grazing on public lands has always been encouraged by Congress, beginning with the Taylor Grazing, the Multiple Use and Sustained Yield Act of 1960, the Forest and Rangeland Renewable Resource Planning Act of 1974, the Federal Lands Policy and Management Act of 1976, and the Public Rangelands Improvement Act of 1978.

The practice was also encouraged by Presidents of the United States and by the U.S. Army who wished to quickly settle and occupy these lands for the United States before they could be occupied by foreign powers. President James Polk stated in 1847 that:

"...it will ultimately be wise and proper to protect and make liberal grants of land to the patriotic pioneers who amidst privations and dangers lead the way... inhabiting the vast wilderness intervening between our frontier settlements and Oregon, and who cultivate and are ever ready to defend the soil, I am fully satisfied. To doubt whether they will obtain such grants as soon as the convention between the United States and Great Britain shall have ceased to exist would be to doubt the justice of Congress."

President Zachary Taylor told Congress in 1849:

"[I recommend] [t]hat commissions be organized by Congress to examine and decide upon the validity of the present subsisting land titles in California and New Mexico, and that provision be made for the establishment of offices of surveyor-general in New Mexico, California, and Oregon and for the surveying and bringing into market public lands in those territories. Those lands, remote in position and difficult to access, ought to be disposed of on terms liberal to all but especially to early emigrants."

President Ulysses Grant continued to encourage the movement west with promises of the acquisition of property:

"The opinion that the public lands should be regarded chiefly as a source of revenue is no longer maintained. The rapid settlement and successful cultivation of them are now justly considered of more importance to our well-being than is the fund which the sale of them would produce. The remarkable growth and prosperity of our new states and territories attest to the wisdom of the legislation which invites the settler to secure a permanent home on terms within reach of all. The pioneer who incurs the dangers and privations of a frontier life, and thus aids in laying the foundation of new commonwealths, renders a signal service to his country and is entitled to its special favor and protection. These laws secure that object and largely promote the general welfare. They should therefore be cherished as a permanent feature of our land system."

While honest settlers and pioneers hastened west turning barren wasteland into productive farms and ranches, other not so honest and productive citizens also ventured west to attempt to make a fast fortune. Such stories of the graft and

corruption of land speculators who moved into an area to deplete the timber and other resources, then moved on without purchasing or replenishing the land so that it would be suitable for use by permanent settlers, caused Congress, in 1891, to alter its policies in an attempt to ensure that the honest settler would continue to build the American west. Congress first permanently repealed the preemption acts, then added an amendment to the appropriations bill allowing the President to set aside "national forest lands" or forest reserves.

Even after the creation of the forest reserve system, the importance of the use of unclaimed federal lands for livestock grazing was recognized and protected.

Although the creation of the forest reserves or national forests had a very rocky start, livestock grazing was always part of the use of those lands. In fact, the Department of the Interior immediately began to adopt policies to;

1. encourage the rancher to develop improvements to enhance the productivity of the forest reserves,
2. allow title to remain with the Forest Service so that those lands suitable for private settlement would only be taken if such settlement did not interfere with the livestock owners grazing rights,
3. allow states to collect taxes from use of federal lands to be used for the development of water resources, and
4. encourage cooperative projects between the Department of the Interior and the individual livestock producer to better the land for livestock grazing.

The Secretary of the Interior also established rules and regulations to implement the will of Congress in creating the forest reserves and to protect the prior rights of those within the borders of the reserves. The first regulations allowing the continued use of the forest reserves acknowledged the Spanish custom of allowing local ranchers to have first priority for use of the public lands. As described by the Secretary of the Interior in 1902:

"Applicants for the grazing privilege are given preference in the following order:

- a. Persons residing within the reserve.
- b. Persons owning ranches within the reserve, but not residing there.
- c. Persons living in the vicinity of the reserve owning what may be called neighboring stock.

- d. Persons living at a distance from the reserve who have some equitable claim to use the reserve.

Although these regulations initiated a good start in recognition of prior rights on federal lands, further progress in recognition of these rights was made during the 1905 Denver meeting between the Forest Service and stockmen. The main points of agreement worked out by the Department and stock organizations emphasized that those already grazing in the forest ranges would be protected in their priority of use [law of occupancy and prior appropriations doctrine] ; that reductions in the number of grazed stock would be imposed only after fair notice; that small owners would have preference over large; that only in rare circumstances would the Department seek total exclusion of stock from the forest; and that the policy of use would be maintained wherever it was consistent with intelligent forest management. Finally, some attempt would be made to give stockmen a voice in making the rules and regulations for the management of stock on local ranges through the establishment of forest advisory boards.

In 1906 the above agreement was codified into regulation by the Forest Service "The Use Book". Those regulations permanently allocated grazing on federal lands in the following manner.

"Applicants for grazing permits will be given preference in the following order.

- a. Small nearby owners. Persons living in or close to the reserve whose stock have regularly grazed upon the reserve range and who are dependent upon its use.
- b. All other regular occupants of the reserve range after class (a) applicants have been provided for, the larger nearby owners will be considered but limited to a number which will not exclude regular occupants whose stock belong or are wintered at a greater distance from the reserve.
- c. Owners of transient stock. The owners of stock which belong at a considerable distance from the reserve and have not regularly occupied the reserve range.

Priority in the occupancy and use of the range and the ownership of improved farming land in or near the reserves will be considered, and the preference will be given to those who have continuously used the range for the longest period."

First, the original Forest Service regulations sanctioning livestock grazing on federal lands recognized and protected the grazer's right to use federal lands. As stated above, only those livestock operators who could prove a prior use of the unclaimed lands, who had adequate water rights or "commensurate property", and who lived in or near federal lands could acquire a grazing permit. The fact that those grazing permits were originally taxed as private property further illustrates the original intent of the Forest Service to protect livestock grazing on forest reserves.

Second, the Forest Service and the U.S. Army, even today, recognize the monetary value of a grazing permit. This is evidenced by the purchase of the Glenn Allotment by the New Mexico Department of Game & Fish, and the condemnation proceedings by the U.S. Army when it acquired the grazing rights and the nonfederal lands within the McGregor Range in southern New Mexico. The value placed on the Glenn Allotment was determined by the Forest Service. This documentation can be referenced in the Glenn Allotment File, Gila National Forest. The McGregor Range history is documented in a 1977 report from the Secretary of the Interior and the Secretary of Agriculture.

Third, the Internal Revenue Service (IRS) also recognizes a grazing permit on federal lands as a property right. In *Shufflebarger v. Internal Revenue Service*, 24 t.c. 980 (1955), the court held:

"...that the grazing of livestock on National Forests is to be regarded as a substantial, well-established, and indefinitely continuing part of the National Forests program; is not, according to our reading of the grazing regulations and the Forest Service manual, open to question... It seems to us abundantly clear that the statute and regulations contemplate that once the right to a fair and just allotment of grazing land has been acquired under the established procedures, that right, subject to some adjustment if it should become necessary for the protection of the range or for a more equitable distribution among preference holders, is to be regarded as an indefinitely continuing right."

As determined by the IRS, that "indefinitely continuing right" is taxed upon the death of the owner for the fair market value of the permit. That value is based on the "animal unit" numbers or carrying capacity of the permit which is usually one third (1/3) of the value of the deeded lands.

Fourth, equitable estates on federal lands are taxed by some of the western states. In California, grazing permits were recognized as equitable property rights in 1850, and are now taxed accordingly.

Therefore, based on the above information, Ferry County hereby recognizes those federal land grazing permits acquired under proper authority to be an "equitable estate". As such, these property rights shall have the full protection of the Fifth and Fourteenth Amendments to the U.S. Constitution.

3.4 History Of Timber and Forest Products

The timber industry was formally introduced to Ferry County around 1905. At that time, the majority of harvesting and manufacturing was done in the form of tie-hacking, which was a major industry in the area well into the mid 1930's. A good tied hacker could produce 40 to 50 ties a day. At one time, there were up to 5 tie loading railroad sites. In the 1920's the Curlew Store had a contract with Great Northern Railroad for 300,000 ties a year.

In the late 1920's and 1930's sawmills and tie mills began to appear throughout the county. Since the beginning of Ferry County's timber industry, over 45 different sawmill sites have been in existence in the northern part of the county alone.

The age of technology, as well as government restrictions and litigation brought on by the environmental movement, caused a reduction in the number of sawmills, until only seven or eight were operating in the 1980's. In the 1990's the number was reduced from eight to two mills operating full time and two or three mills operating on a part time basis.

Even with the reduction of operating sawmills in the county, timber harvesting and manufacturing still plays a vital role in the economics of Ferry County. The long and prosperous history of the timber industry in Ferry County illustrates the capabilities of a resource-dependent community to conscientiously utilize a renewable resource.

Timber lands within the County have produced almost a century for local and regional saw mills. With the advent of the railroad, and more recently trucking, raw logs and other forest materials have been shipped through out the Northwest. Large tracts of timberlands owned by Deer Park Pine in the early to mid 1900's are still owned and managed by Boise Cascade Corporation. Even without the demand for logs by local mills, Ferry County timberlands, both public

and private, have been and grow increasingly vital to the Northwest timber economy.

3.5 History of Mining

The northeastern region of Washington state was opened to mineral exploration by the United States government in 1896. Within weeks of this action, a small team of prospectors located most of the leading Tertiary Epithermal deposits of the Republic Mining District. The mining camp was called "Eureka" until 1898 when it was renamed "Republic", which is now the county seat. Production of gold has been continuous there since 1902. In 1981, Hecla Mining Company purchased the Knob Hill Mine from Day Mines. In 1986 Echo Bay Minerals began mining related activities in Ferry County, predominantly in older Paleozoic rocks, and presently has a milling operation northeast of Republic. Total production of gold since 1896 in Ferry County has exceeded 4.5 million ounces.

Although a wide variety of minerals has been produced from lands within Ferry County, precious metals such as gold have been the most significant. Most of these deposits lie within a geological structure called the Republic Graben, a north-south trending down-dropped fault block six to ten miles wide that extends from the International Boundary near Danville south to the Columbia River. The graben is the dominant structural feature in the district.

Epithermal veins and disseminated deposits have been the most significant in terms of precious metal production, and are found near Republic in the San Poil Formation. Other precious metal deposits in the district have become significant in the recent past. They include gold-bearing replacement deposits related to calc-alkaline intrusions and volcanism, gold hosted in alkalic dikes, and gold-copper veins associated with serpentine.

Sand and gravel production has also played an important role in the social and economic development of Ferry County. Significant deposits of this important construction resource are geologically associated with glacial tills deposited during the ice age within the graben boundaries.

The fundamental principles governing mining are included in the Mining Law of 1872. The 1872 statute, embellished by a host of court opinions, statutory exceptions, administrative regulations and decisions, and supplemented by numerous federal and state laws, remains today the chief means of acquiring mining rights on federal lands. The leasing system for nonmetallic minerals is the major alternative for acquiring mining rights on federal lands. Another exception of importance has been carved out by the Materials Act of 1947 which created the sales system for nonmetallic minerals of widespread occurrence.

The Mining Law of 1872 continued the policy of making mineral deposits free and open to exploration and purchase, but limited the invitation, narrowing it to only "valuable" mineral deposits. The act enlarged the sizes of lode claims and reduced that of individual placer claims. Instead of authorizing location of a tract of land encompassing the lode or vein, it added the requirement of annual assessment work, and created legal status for mill sites and tunnel locations.

Mining has played a significant and important role in the social and economic development of Ferry County, and is a major part of the custom and culture of the residents of the county.

Those who argue that mining has been exploitive in Ferry County must consider the record of continuous production since 1902, recognize the colorful and exciting historical legacy it has given the county, and also consider the enormous potential for further discovery of gold in the Republic Graben given the proper economic conditions and encouragement from county, state, and federal government agencies.

Chapter 4 Policies

4.1 Land Disposition

Recognizing that land is essential to local industry and residents, it is the policy of this county that the design, development and disposal of all federal and state lands disposal, including land adjustments and exchanges, be carried out so that the citizens of Ferry County may benefit. Ferry County comments and recommendations as to federal and state land decisions shall support the:

1. Increase in opportunities for local economic development by preventing the decrease in the amount of privately owned land within the county;
2. Protection of private property rights;
3. Conveyance of isolated and difficult to manage public lands to private ownership;
4. Enactment of laws providing that federal or state agencies pay in lieu of property taxes based on current tax levies on par with private ownership and compensating taxes due from private land owners when private property is conveyed to the public.
5. Ferry County requests early notification of all federal and state actions impacting lands in Ferry County.

4.2 Water Resources

Ferry County recognizes that the protection and development of its water resources are essential to its short and long term economic and cultural viability. Ferry County's comments and recommendations as to federal and state water resource decisions shall support the:

1. Protection of existing water rights and water uses within the county:

2. Development of water based recreation within the county as it has little negative impact or conflict with existing industries including agriculture;
3. Access to all available water resources in the county by man, vegetation, livestock, and wildlife within the context of historical use;
4. Quality of water and to ensure that such policy does not adversely impact water user;
5. Kettle River Advisory Board as the advisory entity of the Kettle River and recommends full local, state, and federal compliance in the acceptance of their role as authorized under Senate Bill 6839, signed by the Governor on 3/29/90; and
6. Ferry County requests early notification of all federal and state actions impacting the water of the county prior to such actions being initiated.

4.3 Agriculture

It is the policy of Ferry County to protect agricultural land and promote the continuation of agricultural pursuits by protecting private property rights, relying on self-determination, and ensuring open market conditions. Ferry County's comments and recommendations as to federal and state decisions shall support:

1. Livestock grazing on federal and state lands consistent with the protection of equitable property rights;
2. Multiple use principles;
3. Procedures and guidelines to account for the allocation and expenditure of range improvement funds;
4. Incentives for improving grazing lands and promoting good land stewardship shall be developed through the following methods; A). Encourage permittee ownership of range improvements; B). Maintain appropriate fee schedules; C). Maintain flexibility of allotment management plan; D). Increase grazing capacity or allow other economic benefits to accrue to permittees making investments in range betterment; and
5. Market and incentive systems to reduce administrative and grazing costs on federal and state lands.

4.4 Timber And Wood Products

It is the policy of Ferry County to protect timber resources and promote the continuation of a sustainable wood products industry by providing economic opportunity relying on self-determination, and ensuring open market conditions. Ferry County's comments and recommendations as to federal and state decisions shall support:

1. Sale sizes that provide opportunities for a wide spectrum of producers and that allow for local entrepreneurship.
2. Market and incentive systems to reduce administrative and harvest costs of Federal and State lands.
3. Programs based on market and incentive systems to increase the profitability of harvesting small-diameter timber stands such as lodgepole, and diverse types of timber sales.
4. Opportunities for a sustainable wood products industry; and
5. The pursuit of private timber production within the county unhindered by federal, state, and local regulations which would unduly restrict the economic viability of such production or reduce the investment-backed expectations of the private timber owner, unless full and just compensation is made to the property owner.

4.5 Mineral Resources

Ferry county recognizes that the development of its abundant mineral resources is desirable and necessary to the state and to the nation. Therefore, it is the policy of Ferry County to develop procedures and site specific plans that provide for long term availability and responsible development of its mineral resources. Ferry County's comments and recommendations as to federal and state decisions shall support:

1. Revisions of the 1872 Mining Law, and regulations favorable to mining;
2. Opportunities for a sustainable mineral industry ;
3. Classification of Mineral Resource Lands in Ferry County; and

4. A mineral resource inventory from federal agencies compatible with the above mineral resource classification system.

4.6 Recreation, Fish and Wildlife, and Cultural Resources,

Ferry County shall promote and facilitate public and private recreational, cultural, wilderness and wildlife opportunities. Ferry County's comments and recommendations as to federal and state decisions shall support:

1. Protection and recovery of all federal and state listed threatened or endangered species; and
2. Complete updated lists of all rare species, both federal and state (including endangered, threatened, sensitive, monitored, and potentially extirpated species), and shall publish this information yearly in local newspapers and include data base sources. It shall also notify the public of any or all restrictions on private property for the purpose of species protection by federal, state, or local agencies within a 12-month period. The first publication shall occur within 30 days of the acceptance of this ordinance, and shall include information for the previous year. Each subsequent publication shall occur every year on that date.

4.7 Access and Transportation

Ferry County shall develop and maintain a transportation network that optimizes accessibility within the county and that minimizes the cost of movement between all communities and access to public lands.

4.8 Joint Planning

1. Request for Notification.

The economy of Ferry County is dependent upon federal and state lands to a major extent. It is advantageous that federal and state agencies work closely together with the county to jointly determine the benefits, impacts, and costs of resource plans and decisions. By pooling federal, state, and local resources, the general public will be better informed about resource decisions. Joint planning and coordination will also provide a unique opportunity to cooperatively

develop realistic mitigation alternatives for redressing negative economic impacts.

The Ferry County Board of Commissioners requests all federal and state agencies notify Ferry County immediately upon initiation of any proposal or planning activity that may affect the natural and human environment in the county.

2. Memorandums of Understanding.

Ferry County, through the Ferry County Board of Commissioners, shall attempt to enter Memorandum of Understanding with those federal, state, or other agencies in an effort to further implement the goals and policies of this plan.

3. Advisory Board and Committees.

a. The Ferry County Natural Resource Board, an advisory board, is hereby established to further the policies and goals of this plan.

b. The Natural Resources Board will consist of a representative from the Timber, Mining, Agriculture, Conservation, Recreation, Small Business, Kettle River Advisory Board, and two citizens at large.

Support staff will be supplied by the Ferry County Planning Department and also the Colville Confederated Tribes if possible.

The Natural Resource Board is authorized to provide recommendations to the Ferry County Board of Commissioners. It may also represent the Ferry County Board of Commissioners in federal, state, or other local proceedings; but it may not take formal action for the Ferry County Board of Commissioners. It shall have no additional authority.

d. All Natural Resources Board meetings shall be open to the public.

e. The Natural Resources Board shall formulate and present by-laws acceptable to the Ferry County Board of Commissioners. These by-laws shall provide the details concerning operation of the Natural Resources Board.

Chapter 5 Implementation

5.1 Severability

If any section, subsection, sentence, clause, phrase, or portion of this Plan or the application thereof to any person or circumstances is declared invalid or unconstitutional by the decision of a court of competent jurisdiction, the remainder of this Plan shall be severed therefrom and shall remain intact.

1993 US Census Bureau Information

1993 COUNTY BUSINESS PATTERNS

(For meaning of abbreviations and symbols, see note at end of table)

FERRY, WA

SIC Code	Industry	Total number of establish- ments	Number of employees for week including March 12	First Quarter Payroll (\$1,000)	Annual Payroll (\$1,000)
----	TOTAL	158	1,016	5,915	25,654
07--	AGRICULTURAL SERVICES, FORESTRY, AND FISHING	4	(A)	(D)	(D)
0700	Agricultural services	2	(A)	(D)	(D)
0740	Veterinary services	1	(A)	(D)	(D)
0760	Farm labor and mngt services	1	(A)	(D)	(D)
0762	Farm management services	1	(A)	(D)	(D)
0800	Forestry	2	(A)	(D)	(D)
10--	MINING	4	(C)	(D)	(D)
1000	Metal mining	3	(C)	(D)	(D)
1040	Gold and silver ores	3	(C)	(D)	(D)
1041	Gold ores	2	(C)	(D)	(D)
1044	Silver ores	1	(A)	(D)	(D)
1300	Oil and gas extraction	1	(A)	(D)	(D)
1380	Oil and gas field services	1	(A)	(D)	(D)
1389	Oil and gas field services, n.e.c.	1	(A)	(D)	(D)
15--	CONSTRUCTION	15	(B)	(D)	(D)
1500	General cntrs & operative builder	10	8	24	240
1510	General building contractors	7	6	21	202
1530	Operative builders	1	(A)	(D)	(D)
1700	Special trade contractors	5	(A)	(D)	(D)
1710	Plumbing, heating, air-cond	1	(A)	(D)	(D)
1750	Carpentry and floor work	1	(A)	(D)	(D)
1751	Carpentry work	1	(A)	(D)	(D)
1790	Misc. special trade contractors	3	(A)	(D)	(D)
1794	Excavation work	1	(A)	(D)	(D)
1796	Installing building equipment, nec	1	(A)	(D)	(D)
20--	MANUFACTURING	25	293	2,041	9,755
2400	Lumber and wood products	21	257	1,728	8,291
2410	Logging	16	96	786	3,632
2420	Sawmills and planing mills	5	161	942	4,659
2421	Sawmills and planing mills, gnrl	5	161	942	4,659
2700	Printing and publishing	2	(A)	(D)	(D)
2710	Newspapers	1	(A)	(D)	(D)
2750	Commercial printing	1	(A)	(D)	(D)
2759	Commercial printing, n.e.c.	1	(A)	(D)	(D)

3200	Stone, clay, and glass products	1	(A)	(D)	(D)
3270	Concrete, gypsum, & plaster prod	1	(A)	(D)	(D)
3273	Ready-mixed concrete	1	(A)	(D)	(D)
399\	Administrative and auxiliary	1	(B)	(D)	(D)
40--	TRNSPRT & PUBLIC UTIL	9	(B)	(D)	(D)
4200	Trucking and warehousing	5	(A)	(D)	(D)
4210	Trck and courier services, exct air	5	(A)	(D)	(D)
4700	Transportation services	1	(A)	(D)	(D)
4780	Miscellaneous transportation srvs	1	(A)	(D)	(D)
4800	Communication	2	(A)	(D)	(D)
4810	Telephone communication	1	(A)	(D)	(D)
4813	Telephone comms, exc. radio	1	(A)	(D)	(D)
4840	Cable and other pay TV services	1	(A)	(D)	(D)
4900	Electric, gas, and sanitary srvs	1	(A)	(D)	(D)
4950	Sanitary services	1	(A)	(D)	(D)
50--	WHOLESALE TRADE	3	(A)	(D)	(D)
5100	Wholesale trade-nondurable gds	3	(A)	(D)	(D)
5180	Beer, wine, and distill beverages	1	(A)	(D)	(D)
5181	Beer and ale	1	(A)	(D)	(D)
5190	Misc. nondurable goods	2	(A)	(D)	(D)
5191	Farm supplies	2	(A)	(D)	(D)
52--	RETAIL TRADE	48	298	610	2,911
5200	Building materials & garden sup	4	20	52	282
5210	Lumber & other building materials	3	(B)	(D)	(D)
5250	Hardware stores	1	(A)	(D)	(D)
5300	General merchandise stores	2	(A)	(D)	(D)
5330	Variety stores	2	(A)	(D)	(D)
5400	Food stores	7	106	218	1,056
5410	Grocery stores	7	106	218	1,056
5500	Automotive dlrs & service stns	8	38	138	590
5530	Auto and home supply stores	4	21	103	412
5540	Gasoline service stations	4	17	35	178
5600	Apparel and accessory stores	3	15	9	38
5650	Family clothing stores	3	15	9	38
5700	Furniture & homefurnishings sts	2	(A)	(D)	(D)
5710	Furniture & homefurnishings sts	1	(A)	(D)	(D)
5712	Furniture stores	1	(A)	(D)	(D)
5730	Radio, television, & computer sts	1	(A)	(D)	(D)
5731	Radio, TV, and electronic stores	1	(A)	(D)	(D)
5800	Eating and drinking places	17	102	157	745
5812	Eating places	9	81	117	556
5813	Drinking places	5	7	16	61
5900	Miscellaneous retail	5	11	20	90
5910	Drug stores and proprietary sts	1	(A)	(D)	(D)
5920	Liquor stores	1	(A)	(D)	(D)
5960	Nonstore retailers	1	(A)	(D)	(D)
5961	Catalog and mail-order houses	1	(A)	(D)	(D)
5990	Retail stores, n.e.c.	2	(A)	(D)	(D)
5992	Florists	2	(A)	(D)	(D)
60--	FINANCE, INSRNC, & REAL ESTE	6	20	63	289
6000	Depository institutions	2	(A)	(D)	(D)
6020	Commercial banks	1	(A)	(D)	(D)

6060 Credit unions	1	(A)	(D)	(D)
6400 Insurance agnt, brokers, & srvc	2	(A)	(D)	(D)
6500 Real estate	2	(A)	(D)	(D)
6510 Real estate operators and lessors	1	(A)	(D)	(D)
6530 Real estate agents and manager	1	(A)	(D)	(D)
70-- SERVICES	42	110	238	1,285
7000 Hotels and other lodging places	5	12	13	141
7010 Hotels and motels	4	(A)	(D)	(D)
7030 Camps & recreational vehicle prk	1	(A)	(D)	(D)
7032 Sporting and recreational camps	1	(A)	(D)	(D)
7200 Personal services	1	(A)	(D)	(D)
7210 Laundry, cleaning, & garment srv	1	(A)	(D)	(D)
7217 Carpet and upholstery cleaning	1	(A)	(D)	(D)
7300 Business services	2	(A)	(D)	(D)
7340 Services to buildings	1	(A)	(D)	(D)
7349 Building maintenance services,.	1	(A)	(D)	(D)
7380 Miscellaneous business services	1	(A)	(D)	(D)
7384 Photofinishing laboratories	1	(A)	(D)	(D)
7500 Auto repair, services, and parking	3	(A)	(D)	(D)
7530 Automotive repair shops	2	(A)	(D)	(D)
7532 Top and body repair & paint shop	1	(A)	(D)	(D)
7538 General automotive repair shops	1	(A)	(D)	(D)
7540 Automotive services, except rpr	1	(A)	(D)	(D)
7600 Miscellaneous repair services	2	(A)	(D)	(D)
7690 Miscellaneous repair shops	2	(A)	(D)	(D)
7699 Repair services, n.e.c.	2	(A)	(D)	(D)
7800 Motion pictures	1	(A)	(D)	(D)
7840 Video tape rental	1	(A)	(D)	(D)
7900 Amusement & recreation srvs	4	16	32	212
7990 Misc. amusement, recreation srv	4	16	32	212
7997 Membership sports & recreation	1	(A)	(D)	(D)
7999 Amusement and recreation, n.e.c.	3	(A)	(D)	(D)
8000 Health services	4	(A)	(D)	(D)
8010 Offices & clinics medical doctors	1	(A)	(D)	(D)
8020 Offices and clinics of dentists	1	(A)	(D)	(D)
8040 Office of other health practitioner	2	(A)	(D)	(D)
8041 Offices and clinics of chiropractor	1	(A)	(D)	(D)
8042 Offices and clinics of optometrist	1	(A)	(D)	(D)
8100 Legal services	4	14	34	146
8300 Social services	6	9	20	90
8320 Individual and family services	1	(A)	(D)	(D)
8330 Job training and related	1	(A)	(D)	(D)
8350 Child day care	3	(A)	(D)	(D)
8600 Membership organizations	5	15	41	202
8640 Civic and social associations	3	(A)	(D)	(D)
8660 Religious organizations	2	(A)	(D)	(D)
8700 Engineering & management srvs	5	(B)	(D)	(D)
8710 Engineering & architectural srvs	1	(A)	(D)	(D)
8713 Surveying services	1	(A)	(D)	(D)
8720 Accounting, auditing, & bkkpng	1	(A)	(D)	(D)
8730 Research and testing services	2	(A)	(D)	(D)
8734 Testing laboratories	2	(A)	(D)	(D)
8740 Management and public relations	1	(A)	(D)	(D)
8742 Management consulting services	1	(A)	(D)	(D)

Abbreviations and symbols:

SIC -- Standard Industrial Classification.

n.e.c. -- Not elsewhere classified.

(D) -- Withheld to avoid disclosing data for individual companies; data are included in broader industry totals.

(A)-(C), (E)-(M) -- Employment-size classes are indicated as follows:

A--0 to 19; B--20 to 99; C--100 to 249; E--250 to 499;

F--500 to 999; G--1,000 to 2,499; H--2,500 to 4,999;

I--5,000 to 9,999; J--10,000 to 24,999;

K--25,000 to 49,999; L--50,000 to 99,999;

M--100,000 or more

For information on County Business Patterns:

Bureau of the Census
Survey Processing and Products Branch
FOB #3, Room 2546
(301)-457-2580

FERRY COUNTY
RESOLUTION NO. 97-19

ADOPTING FERRY COUNTY
NATURAL RESOURCE POLICY PLAN

WHEREAS, Ferry County has taken it upon itself to establish a Natural Resource Policy Plan (NRPP) as a means to review and establish communication, and to review proposals between the county and federal, state or other agencies; and

WHEREAS, the NRPP will outline and establish a Natural Resource Advisory Board advisable to the Ferry County Board of Commissioners.

NOW THEREFORE BE IT RESOLVED that the Ferry County Board of Commissioners hereby adopts the Ferry County Natural Resource Policy Plan, dated June 16, 1997.

ADOPTED and EFFECTIVE this 16th day of June, 1997.

FERRY COUNTY BOARD OF COMMISSIONERS
FERRY COUNTY, WASHINGTON





JAMES M. HALL, Chairman


GARY W. KOHLER, Member


DENNIS A. SNOOK, Member

ATTEST:


Shilah Moores, CMC
Clerk of the Board