



Greater Maple Valley Unincorporated Area Council

www.gmvuac.org

P.O. Box 111

Maple Valley, WA 98038

June 11, 2018

To: Kelly Heintz (kelly.heintz@kingcounty.gov), DNRP/PARKS - Cap. Plng./Land Mgmt.

Re: DRAFT Black Diamond Area Stewardship (BDAS) Plan

Ms. Heintz,

In response to your May 23, 2018, email granting the Greater Maple Valley Unincorporated Area Council (GMVUAC) an extension through June 11, 2018, to submit comments regarding the DRAFT Black Diamond Area Stewardship Plan (DRAFT Plan) and proposed SEPA DNS, we present our Detailed Comments for your consideration.

The GMVUAC is a 41-year-old community council of volunteer citizens who reside in the unincorporated portion (i.e., outside the City of Maple Valley) of Tahoma School District # 409. The GMVUAC represents and advocates with King County, the Puget Sound Regional Council, Washington State officials, and other jurisdictions and organizations for the interests of over 18,000 Rural Area citizens. The entire area considered in the DRAFT Plan falls within our unincorporated Rural Area.

On February 14, 2017, we submitted comments on an earlier version of the DRAFT Plan and reiterate those key recommendations below, as they remain pertinent:

1. *“Keep trails to a manageable number. Unfortunately, it appears this has already been exceeded. Consequently, any new trails contemplated must be thoroughly evaluated. and, in many cases, not built.”*
2. *“Avoid confrontations between mountain bikers and hikers/horseback riders for the sake of Public Safety, as the two sets are not readily compatible. This is a significant issue that confronts public users today. Strong consideration should be given to establishing dedicated trails for specific user groups.”*
3. *“Pay particular attention to sensitive areas and their ecological importance. In many instances, this has not been the case so far when establishing trail*

locations. To preclude this from happening going forward, existing trails should be identified and categorized through a comprehensive Trail Inventory.”

4. *“Strive to protect wildlife and natural areas. This will entail recognizing existing wildlife corridors already identified by the County, as well as setting aside natural areas not containing trails.”*
5. *“Recognize the entire area under consideration is in the County’s Rural Area and, while it affords opportunities for all, both urban and rural, it is still a Rural Area. We conduct biannual citizen surveys, and the most critical item mentioned by residents is to maintain the rural character of the Rural Area. This will be the biggest challenge of the subject planning, and possibly the most important to achieve.”*
6. *“Ensure the final product of the subject planning does not simply “rubber stamp” what exists on the ground today. If not, we expect this will be an exercise the Public will not support.”*

Please give due consideration to our Detailed Comments (in [purple](#)) herein. Should you have any questions regarding our comments, please do not hesitate to contact the Chair of our Environment Committee, Rhys Sterling, at rhyshobart@hotmail.com.

Thank you.

Sincerely,

Rhys Sterling (rhyshobart@hotmail.com)
Chair, Environment Committee
Greater Maple Valley Unincorporated Area Council

Steve Hiester (gmvac_chair@hotmail.com)
Chair, Greater Maple Valley Unincorporated Area Council

cc: Councilman Reagan Dunn (reagan.dunn@kingcounty.gov)
DNRP Director Christie True (christie.true@kingcounty.gov),
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DETAILED COMMENTS

Executive Summary

(p. 1)

“Stewardship is defined here as the careful and responsible management of King County’s open spaces and natural resources.”

Comment: Stewardship is more commonly defined and understood as *“the careful and responsible management of something . . . entrusted to one.”* Webster's Third New International Dictionary, at 2240 (1993). There is an essential element of trust, especially where public lands are the subject of the stewardship program, which embodies a high degree of confidence and trust that the lands will be well managed for the benefit of all and to the exclusion of none. Thus all of the public lands encompassed in the Black Diamond Area entrusted to the careful and responsible management of King County must not unfairly discriminate against one of several probable users of this area except to avoid direct conflicts in use of the area and trail system to the diminished safety of the public.

For example, where lands and/or trails could possibly be used concurrently by walkers, joggers, bicyclists, motorized vehicles, and horse riders without conflict or the creation of safety hazards, the County should ensure such lands and the use thereof remain free and open to all users and user groups. Extensive complaints from the equestrian and hiker user groups (on this project and in many other areas) that the mountain bikers are *“pushing them off the trails”* are legitimate and real. It cannot be over emphasized that these lands are Public lands, acquired with Public funds, and should be available to all non-motorized users.

However, where multi-use is likely to cause unavoidable conflicts and/or safety hazards, the County is entrusted to ensure safe usage of such public land by ordaining reasonable restrictions and/or prohibitions on certain users and/or user groups – but there cannot be preferential or inequitable treatment given one user group over other potential user groups in the absence of conflicts or safety concerns. Such precautionary measures should not and cannot be self-enforced or determined solely at the discretion of any one user group to the exclusion or detriment of any other user group(s) based on membership of such group(s) or monetary benefits to be conferred on the County by any such user group(s) – the County is entrusted to ensure the careful and responsible management of these public lands for the benefit of all users and user groups.

Accordingly, the final Stewardship Plan must include the application of and recommendations included in the following resource materials as such may be relevant and appropriate to the subject public lands and proposed multiple uses thereof in order to maximize the enjoyment and safety of all users: *“Conflicts of Multiple-Use Trails”* — https://www.fs.fed.us/cdt/carrying_capacity/conflicts_trails_synthesis_1994.pdf; *“Back County Horseman Guidebook”* — https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd490808.pdf; *“Equestrian Design Guidebook for Trails, Trailheads, and*

Campgrounds” — <https://www.fs.fed.us/t-d/pubs/pdfpubs/pdf07232816/pdf07232816dpi72pt00.pdf>.

“King County manages these lands to protect natural systems and provide opportunities for public access, recreation and environmental education.”

Comment: This is possibly the most delicate balancing act attempted by the Plan. Clearly, the first priority must be the former: *“protect natural systems.”* In some, if not many cases, this is not compatible with the latter: *“provide opportunities for public access, recreation and environmental education.”* Consequently, we call for the Plan to prioritize, above all others, the protection of natural systems—habitats, wetlands, riparian areas, etc., and the maintenance and improvement of long-term forest health. Such a priority directly supports *King County Comprehensive Plan (KCCP) Policies: P-103, P-111, and P-112*; as well as the *King County Strategic Climate Action Plan (KC SCAP) Goal Area 5: “King County will manage and restore its parks and other natural lands in ways that maximize biological carbon storage and increase resilience to changing climate conditions.”*

Evergreen Mountain Bike Alliance's (EMBA) goal is for the Black Diamond area to become a *“destination mountain bike park”*. EMBA states that the mountain bike park they established in concert with King County on the County's Duthie Hill Park reportedly receives over 100,000 bike rider days use per year. This is not a suitable Vision for a multi-use Public asset. Clearly, the equestrian and hiker-user groups are not sufficiently organized to even develop and submit plans for parts of the lands involved in there Plan that reflects their interests and preferences.

“The Plan is a ten-year vision.”

Comment: Why only *“ten years”*?” Prudent management is needed for decades.

*“ * The existing trails ... are open to all non-motorized uses....”*

Comment: Conflicts between mountain bikers and hikers/equestrians are real and can be dangerous. How will such conflict be minimized, if not eliminated? The Plan does not adequately address the real and major issue of trail development and trail usage. Stronger language needs to be inserted to ensure that trailing planning and permitting make deliberate efforts to ensure that Bike Trails and Hiker/Horse trails are kept separate as much as possible to eliminate conflicts and ensure overall Public safety.

(p. 2)

*“ * Explore options for a safe pedestrian crossing of State Route 169.”*

Comment: This is an important safety issue, especially when walking horses across the highway.

Stewardship Goals

(p. 3)

The following stewardship goals provide the foundation for the management recommendations in this plan:

- Promote stewardship of open spaces in the Black Diamond Area;
- Maintain and improve forest health;
- Provide opportunities for public recreation;

Comment: We support this goal, but to truly meet it we must recognize and minimize conflicts between various users.

- Protect and restore wetlands, riparian areas, fish and wildlife habitat and other sensitive or unique habitat;

Comment: We support this goal, but forest thinning must be followed by a rigorous noxious weed control program, otherwise we are not “protecting”, nor “restoring” habitat.

- Prevent unauthorized uses;

Comment: We support this goal, but should the Plan “authorize” uses in the same areas that conflict, then it has failed.

- Promote equity and social justice in the planning and use of open spaces in the Black Diamond Area;
- Promote outdoor learning and environmental education.

Part 2. Policy Framework

King County Open Space Plan

(p. 8)

Comment: The Plan does not call out Open Space policies **SO-135, 136, 143** and **147** in their list of policies guiding stewardship of these lands. Many of the Open Space policies emphasize protection of natural resources, with recreational and other uses permitted to the extent those uses don't present a public safety risk, and don't compromise the natural resource protection goal. Past decisions relating to Black Diamond Open Space and Henry's Ridge Open Space lands have flipped this around to where mountain bike trail use is the dominant goal, and natural resource protection, and public safety of other user groups, are secondary considerations. The balance between natural resource protection (e.g., water, wildlife, fish) and recreation is not there.

The King County Open Space Plan, 2016 Update, calls for sites designated “multi-use”, to have a management plan which designates “informal levels of use ‘zones’, directing heavy public use to localized sections of the park in order to preserve and protect native habitat and natural resources in other portions of the park.” This has not

been done throughout the Plan. The extremely dense and heavily used mountain-bike trail network constructed over the past few years—which largely ignored County-designated wildlife corridors and stream and wetland buffers—essentially uses many of the non-riparian area to the detriment of native habitat with continual pushes to expand further. Where practical, trail incursions onto these sensitive areas should be re-located; and much more diligence and oversight should be employed in future trail design and location to avoid sensitive areas wherever practical.

Part 3. Acquisition, Funding Sources and Deed Restrictions

Funding Sources

(pp. 10-16)

Comment: The funds to implement the Plan are not identified. With a planned implementation date of fall 2018, it appears the County will thin 156 acres and sell the harvested trees. These funds will be used to cover the costs of planting new trees. However, for the Plan to be financially viable, funding for later years needs to be identified and included in the KC Parks and Recreation Budget for future years.

Comment: While we appreciate the many funding sources and acquisition agreements consummated in order to make this all possible, it must be emphasized that the Public has paid a terrible price for the 1996 BDUGAA and the 2014 Development Agreement. The former allowed the City of Black Diamond to expand its Urban Growth Area leading to its approval 15 years later to two massive Master-Planned Developments (MPDs), which together will comprise 6,050 homes, 1.15 M sq ft of commercial space, ~ 20,000 new residents, and ~ 15,000 new vehicles added to already grid-locked roads. The latter allowed urban-serving Stormwater Facilities to be placed in the Rural Area setting a precedent. WSDOT, KCDOT, and the City of Maple Valley testified multiple times in multiple Hearings against the MPDs. The GMVUAC has vigorously opposed both the MPDs and the urban-serving Stormwater Facilities in the Rural Area. Consequently, in light of all this, the lands that have been preserved come with a terrible legacy with which we and future generations will have to live. Therefore, it is even more important than ever to ensure the Public Benefits are real in preserving these lands *ad infinitum*.

Part 6. Forest Stewardship

Comment: [Please see our detailed comments under Part 10 Implementation and Monitoring, Table 2 BDA Forest Stewardship Plan Implementation Matrix]

Part 7. Public Use

Trails

(pp. 47-49)

Comment: There are many good thoughts here; however, from a big-picture perspective, we believe the County needs to define a clear Vision of what we can do with the amount of Parks, Open Space, and other locations designed for Public use. We suggest looking into a Master Trail Plan. For example, a Hobart to Enumclaw Trail, with separate trails when possible for Bikers, Hikers and Horses (Soos Creek Trail has walking/biking separate from Horses). This could be connected with the Cedar River Trail and others to create an amazing opportunity for the Public. There are so many organizations that would support the idea of a Master Trail Plan for this area (see <https://www.nzcycletrail.com/about/history/> for a great success story). This also could bring an assist with noxious weed removal in partnership with the County and coordinate the creation of trails with the numerous volunteer organizations to help out. To name just one major resource, so many High School students seek what they meaningfully can devote their volunteer hours to, this would be a great way for them to work with community organizations and create a legacy.

Unfortunately, the only plan for controlling the construction of trails is that a permit is required and must be approved by KC DPER. The Plan simply states the County will consider all requests for new trails. And the well-organized, well-funded, very-large-and-growing mountain bike user group will, in all likelihood, dominate all other user groups through this process. Past KC DPER trail approvals on these properties have resulted in violations of numerous County policies. We have continually seen where KC DPER falls grossly short on Code Enforcement in all areas for all violations. As such, once one obtains KC DPER trail approval, one can do pretty much whatever one wants. The Public will complain, KC DPER, if it even responds to the complaint, will slap the abuser's hands and nothing will change. This is a serious ongoing issue.

Part 9. Management Recommendations

Public Use

(pp. 57-59)

Comment: We generally agree with the management recommendations for “*Trails*” and “*Facilities*.” However, we believe extreme care must be exercised when designating “*multiple-use*” sites, as Horses and Bikes do not mix and can and will result in safety concerns for all parties.

Part 10. Implementation and Monitoring

Table 2 BDA Forest Stewardship Plan Implementation Matrix

(pp. 60-61)

Comment: The Table describes “*Invasive weed control*” for 2018-2022 for Ecotypes A (15 Year Old Conifer) and D (Hardwood Conifer). In fact, for the latter it rightly states “*Annual control until trees limit growth of invasives.*” Clearly, experience has shown us that “*Himalayan blackberry and ivy*” must always be controlled through successive interventions.

For newly-established and very young stands, an on-going program of invasives control is required to allow the tree species to become established. Where invasives have totally taken over a site, annual treatment for a period of time following planting is oftentimes necessary. Once the trees can compete with the invasives, treatments every three-years or so, as needed, should suffice. Scotch broom is an issue in new and young stands and must be properly controlled to protect the asset and for the enjoyable Public use.

As the Table’s recommendations are generalizations, its must be recognized that every forest stand can develop areas of invasives, at most any stage of life, consequently, an on-going monitoring program, with responsive management as the need arises, is important to maintain forest health. We have concerns whether the County will allocate budget necessary to do the invasives control work identified as needed to protect natural resources. Additional funding for the Invasive Weed control, as outlined in the Plan, should be identified and added to the budget of the appropriate agency.

We remain very concerned that with Scotch Broom now classified as a “*non-designated noxious weed,*” the County, will do not do enough to control it. Scotch Broom’s seeds can remain viable in the soil for 5 to 60 years! This will remain a major threat following any and all of the Plan’s forest thinning, especially when spacing young sapling 19-ft apart. To help address these concerns, we suggest a walk through with the County so that it can be agreed to the type and amount of thinning.

Careful and responsible management of these public lands does not include allowing the sacrifice of harvested timber land to being invaded and overtaken by species such as Scotch Broom, which is very well known to spread quickly in recently-harvested timber areas. As the responsible manager of these public lands, the County must take whatever steps required, financial and otherwise, to carefully maintain these public lands free from all invasive species that do in fact interfere with and infringe on the free and unfettered use of these lands by the public.