



**Newport Township OHV Recreational Park Feasibility Study
Public Meeting #1**

When: Thursday, February 11, 2020, from 6:00-8:00PM

Location: Virtual Conference via ZOOM

Follow Up Answers to Questions Presented (Q&A)

The following questions and comments were submitted in the “Q&A” box by attendees at the first (virtual) public meeting for the Newport Township OHV Feasibility Study. For clarity, we have grouped these questions into categories, with our responses immediately following. We want to reiterate this study is a general look at the 10,000 acres that make up the project area in order to understand the landscape, opportunities, challenges, and concerns. Nothing is fixed. Our answers are based on our knowledge as planning professionals and personal experience as OHV enthusiasts, and may be adjusted as the study progresses.

STUDY AREA LOCATION

Questions/Comments:

- Will there be rules/restrictions on how close the trails/ATV can be from someone's home? In other words, my house as well as many others in Newport twp. has land that is right next to their home that is within proximity to the riding areas shown on the 'Study Area' map. We would not want to hear ATVs all day and night ripping near these homes.
- I live in Lee section of Glen Lyon; the map is right in my backyard.

Response: Both Earth Conservancy (EC) staff and the LAIRD team appreciate residents' concerns related to noise and other unwanted behavior, and related frustrations. To begin, the area outlined for the feasibility does not mean that trails will be located everywhere within those boundaries; rather, it's simply a limit for what properties we are evaluating so we can understand what might (and might not) be possible and where. This is one reason we encourage residents stay involved with the project and with EC, Newport Township, and potential owners to identify concerns as well as solutions.

If park development does move forward, we can say that based on other riding areas, it is expected that measures would be put in place to minimize issues for adjoining neighborhoods and property owners. For instance,

- The location of facilities and/or trails would take proximity to residences into account. Additionally, they may incorporate buffers (natural and/or constructed) to manage noise generated from activities.
- Signage would be mark “SLOW” speed limit zones (similar to PA standards for snowmobiling trails) and “NO DUST” areas to minimize impacts.
- OHVs would need to meet state and DCNR decibel ratings.
- Facility/curfew hours would be established to regulate hours of operation and trail access in accordance with local noise and quality of life ordinances.

- Road crossings (if allowed) would be located in consideration of surrounding residences and regulated by applicable laws.

Also, it may seem counter-intuitive, but a more extensive trail system would diminish noise effects. The large amount of land would spread riders and/or activities throughout the site, thereby diffusing their sounds.

We truly believe that the future of trails, including this potential recreation area, depends upon the behavior of users. The majority of riders in the OHV community are hard-working, responsible, tax-paying, law-abiding, individuals, who typically register their machines. They will follow rules and respect private lands for the privilege of having an organized, legal riding area. Unfortunately, there are outliers in every sport who give enthusiasts a poor reputation. We see OHV recreational areas as positive, community-building program with dividends of economic development and hope for the future of our small towns and communities. We do not want a few bad actors to obstruct these benefits. Our recommendation now – as well as if a recreation area transpires – is that all individuals follow the principles of:

1. “See Something, Say Something,” and document/report bad behavior of offenders to the proper authorities.
2. Thinking before one acts, as the future of this facility depends on YOU.
3. Following the rules. Abuse of privileges granted by a recreation area hurts you, your family, the industry, the economy, and the community as a whole. Any misbehavior will be prosecuted in the interest of the majority of enthusiasts that abide by the rules and intended purposes of the land and facility.

CONCERNS REGARDING TRESPASSING

Questions/Comments:

- Has anyone investigated why someone needs an area to ride a \$10,000 ATV yet they do not pay their taxes?
- Ask in the survey how much property the riders own. How often do they ride on property that they do not own or even know who owns?
- So, let me get this straight. Who was it that just admitted to trespassing?

Response: Currently, everyone that is riding, hiking, rock climbing, hunting, etc. where these activities are not authorized is trespassing. This is one of the reasons EC – and others – believe a designated, well-managed, and patrolled recreational area would be a benefit. Recreating here would be a privilege that would depend entirely upon visitors’ behavior and adherence to the operating structure.

For OHV enthusiasts, this is critical. There are few legal and safe places to ride – which happens to be one of the most common complaints of riders and excuses for trespassing. It is interesting to note the majority of OHV owners who responsibly register and insure their machines reside in urban and suburban cores. As stated in the one comment, they may not own or know someone who owns land. These folks will travel many hours to ride in organized, legal trail systems where their equipment is secure (and/or under surveillance). One of the most substantial benefits of a recreational area is that designation of riding trails and activity areas will allow patrol and prosecution of anyone that is not authorized to ride the area; and riders who go beyond the park boundaries can be prosecuted for trespass, etc. The aim really is to create

a place for OHV enthusiasts – and other outdoor recreationists – where they can feel safe to recreate and enjoy the natural world at their leisure.

FEASIBILITY STUDY & POTENTIAL PARK PLANS

Question: Are there any rough dates established to go along with the timeline [for the feasibility study] you presented earlier in the meeting?

Response: The grant award to EC from DCNR ATV Restricted Fund has a two-year timeline. The study was intended to be conducted over a roughly 12-month period. COVID-19 has required that the schedule be modified, but not extensively, so the overall project will likely take 16 months as practical public interface allows.

Question: From seeing some of the pictures you showed, I noticed a few spots that you could host a very up and coming sport: motorcycle hill climbs. It is also a way of creating more funds for the project by having weekend events. Also, good luck with everything I will keep in touch.

Response: We agree that hill climbs are a classic challenge feature that allows testing of skills and abilities. However, there can be difficulty in managing who should attempt the challenges. Intermediate, advanced, and expert riders will all come to try them. This will likely require additional challenge areas for novices and others to enhance skills in order to advance to the next level of riding proficiency.

In terms of hosting events, we agree that well-advertised and well-structured events can be held after staff have been prepared to plan, host, and manage these types of events. This model can apply to rock climbing, paintball, kayaking, and trail-running community events that can produce substantial pay-to-play revenue, which then can be reinvested in the facility.

Comment: I belong to Anthracite Trail Riders Club of PA, but I live in New York on Long Island.

Response: This is a great example of how far and wide visitors will travel to find a great place to ride. It would be interesting to know how much you spend in the area when you come here besides your travel cost? Feel free to contact us to discuss further.

Comment: OHV rental for use in the OHV park can generate economic growth.

Response: Absolutely! This region, like many others in PA, are already lacking in OHV rental opportunities. Every group of riders has someone who could benefit from renting a machine – either because they're visiting, want to test ride a model, or aren't ready to invest in their own OHV. Many families and large groups would travel greater distances and pass over other riding areas if they have the opportunity to rent a machine to better accommodate their group. Not only will the area need rental support, but also retail sales (parts, tires, helmets, accessories); services (flat tires, general repairs, trailer services, RV service); and importantly, places to eat (cafes, restaurants, coffee shops). Outdoor Recreation people play hard and love to eat!

NOTE: A critical design element for park parking as well as goods/service venues is providing adequate full pull-through parking for people with large RVs, trailers, and toyhaulers.

Question: Have there been surveys/studies done to see if residents and local law enforcement are for opening the streets of neighboring towns to allow access to fuel, food, etc. by OHVs?

Response: This question is a vital part of the Feasibility Study. To date, we have received support for both opening an Action Sports Park (including OHV) as well as strategically opening

specific (yet to be determined) streets/roads. This action, however, is entirely up to the municipality's discretion and we do not believe this would happen on "day one" but rather evolve over time if the community sees this connection as a benefit. If this were to happen, OHVs would be required to follow the rules of the road, including obeying speed limits, stops signs, and any other restriction that may be necessary.

As case studies, areas such as the Hatfield McCoy Trail System in West Virginia and numerous townships in Pennsylvania that have classified selected streets as "Designated ATV Friendly." Enforcement programs are manageable and straightforward. And by allowing connectivity to the downtown economic development generated. I recommend watching this recent news story on AOAA and the City of Shamokin: <https://www.dropbox.com/s/kzf4dsz4almmtqu/2020.10.02-WNEP16.Shamokin.mp4?dl=0>

Question: Are there plans to charge for non-OHV users?

Response: The answer to this question will depend on whomever owns/develops the recreational area. The most basic consideration is the activity an individual will be involved in. For example, there may be a driver vs. passenger rate; or a rate for riders vs. climbers. Whatever the activity, a nominal fee is important to make sure the facility has adequate support for operations and maintenance of all facilities, including trails, signage, security, restrooms, garbage disposal, insurance, etc.

In addition to rate-based activities, other considerations might include residence (e.g., Luzerne County residents vs. Pennsylvania vs. out-of-state), age (e.g., youth, seniors), group structure (e.g., family rate), and/or day vs. season pass. All of these classifications will help identify how many patrons exist, where they are coming from, and what activities they most enjoy. That information will help determine where additional monies should be spent.

Question: What is the time frame we are looking at [for a riding area] if this were to happen?

Response: Assuming this study retains the high level of support from enthusiasts, local businesses, and municipal leadership, the immediate priority is **to identify an entity who will be responsible for ownership and management of the facility.** Zoning and insurance requirements would also be key elements of moving forward with any plans.

With an owner in place, development activities could unfold according to the following timeline. Again, however, this is dependent upon park management, their plans, funding, and use. Starting with the completion of this OHV Feasibility Study, a hypothetical timeline could include:

Short-Term Goals

Years 1-2: Identify an appropriate Owner/Manager to own, operate, and maintain the functions of a public park.

- Prepare a Master Plan and Business Plan outlining services and facilities;
- Establish formal parking lot and provide Port-A-Jons;
- Determine appropriate insurances, access controls, fee structure, and on-site management staff;
- Establish pass system for users and law enforcement needs/strategy;
- Identify future projects and costs to determine and seek funding (e.g., grants, donations, fundraisers, in-kind services, volunteers).

Mid-Term Goals

Years 2-3: Establish a defined trail system (expand, consolidate, and close off certain trails)

- Hire part-time and full-time staff to collect fees/allot passes, and to maintain trails and facilities (e.g., parking lot, trailheads).
- Build stormwater management controls (i.e., part of buildings/impervious surface approvals).
- Establish a Volunteer Corps Program to allow local residents and enthusiasts to assist in maintaining the site and facilities.

Longer-Term Goals (note, these are examples only; timeline would also depend on user demand.)

Years 3-5: Plan, design, and construct built features, facilities, and additional trails.

Could include amenities like:

- Flush-toilet restrooms, access gates/barriers, maintenance building, parts/service shop
- OHV training area for children/new riders
- Lease areas for events such as paintball, archery, trail running, etc.
- Additional staff, equipment, and facilities (e.g., pavilions)

Years 5-10:

- Pro Shop and/or on-site service center
- Rental outfitter for OHVs and other activities (e.g., paintball, rock climbing)
- Pond or swimming pool
- Playground
- Other components of a Master Plan

SAFETY & EMERGENCY ACCESS

Questions/Comments:

- Who will be responsible for policing this OHV park and will extra money be given to local police departments?
- One thing I can think of that is always important on any trail system is emergency response times. Of course, I am sure you have looked at area hospitals and their proximity to the proposed area. I was talking with some friends who brought up a point, maybe with the growing popularity for any off-road sport, it would be worth considering putting together an "Official Rescue" crew for different areas. Trained individuals to be based at this area as well as others to handle the initial emergencies in a situation and help as needed.

Response: Both of these are excellent points that will need to be addressed.

In relation to security, park management will need to hire patrols. Early on, local police may have to provide additional support, not only to monitor and maintain a presence of enforcement, but also to assist in apprehending and/or prosecuting individuals who abuse the privilege to ride, hike, climb, etc. Eventually, as site management, staff, and/or rangers are hired, the need for local police enforcement will decline. Overall, we believe that a recreational area will alleviate the demands currently on local law enforcement – there will be organized management and surveillance of the site and activities in place.

In relation to emergency access, park planners will need to evaluate access and evacuation routes. One consideration is for the final park design to include a heli-pad in case life flight or emergency access be required - several extreme sports facilities have integrated this feature

into their program. Similarly, a partnership will need to be established with the local emergency response teams, EMTs, and ambulance companies for coordinated access, and GPS location technologies.

ENVIRONMENTAL CONCERNS

Question: Will there be air quality and air pollution studies that are ongoing for protection?

Response: No, regarding this feasibility study, but YES in terms of ongoing stewardship and management strategies moving forward. Firstly, as discussed in earlier responses, in having a managed recreational area, “active” areas can be stabilized, improved, and monitored over time. Well-maintained facilities, responsive staff, and use of best practices (e.g., dust/speed zones, barriers, education programs), will limit environmental impacts, especially on areas that are deemed environmentally sensitive.

Second, as with the automotive industry, OHV manufacturers are increasingly concerned with reducing emissions. Technology is allowing for vehicles that virtually eliminate carbon fuel emissions, engine lubricants, and/or the heat common to most internal combustion engines. And – depending on the electric generation source – batteries are becoming more durable, lighter, and efficient. This is most evident in the E-Bike and dirt bike industry with manufacturers including KTM, YAMAHA, StaCyc, and others, that have already produced fully electric trail and competition models, which are setting new standards for performance and sustainability.

Question: Has there been an impact study on the bat hibernaculum? Do we know if any of the bats that use the hibernaculum are protected by state or federal law?

Response: Specific to the bat hibernaculum, the site on which it exists is on property owned by the PA Game Commission and is not part of the properties we are evaluating for an OHV park.

More generally, we will perform an environmental review using the Pennsylvania Natural Diversity Inventory (PNDI) tool as part of this initial feasibility study. This review will provide information regarding any threatened and endangered species – not just the bats – located within the study area. Based on that information, we can identify not only what areas may not be appropriate for trails, but what agencies and/or permits may need to be involved as planning proceeds. This may include PA DEP, PA DCNR, the PA Game Commission, the PA Fish & Boat Commission, and the Luzerne Conservation District, among others. To reiterate, this feasibility study is a high-level look at the 10,000 acres outlined. The eventual owner and their professional design team would be responsible for more detailed evaluations of environmental concerns, how those intersect with potential trails, and what wildlife/ecological protections need to be employed. Possible mitigation measures might include rerouting current trails, increased buffers, fencing, seasonal restrictions, regular monitoring, signage and education, etc.

Question: Have you considered fuel run off? The Black Creek, a class A cold water fish stream runs through the property. Who will enforce that?

Response: As noted above, there will be environmental evaluations done and controls put in place, if a park were developed. There are actually three designated streams in the study area: Newport Creek, Turtle Creek, and Black Creek. All three are designated Cold-Water Fisheries (CWF), but are not classified by PA DEP as High Quality or Exceptional Value streams. Two of the three (Turtle and Black) are attaining their assessed use for wildlife, but none are designated as Class A trout streams, trout stocked streams, wilderness trout, or trout natural reproduction streams.

That said, we would not anticipate any fuel running off of the property. Fuels brought in by riders would need to be contained and used only in the intended vehicles and locations (e.g., the parking lot). Moreover, OHV fuel tanks are designed to not expel fuel directly or immediately. Carbureted machinery may allow small increments of fuel to leak out slowly in the event of a tip over, which is often very quickly remedied by the operator and/or riding group participants or tour guide. Newer, more modern machines equipped with fuel injection (non-carbureted) do not allow direct flow of fuels to or through the engine intake, therefore containment is ensured in nearly any angle of operation, drastically reducing even the smallest incremental fuel leaks.

If there were a spill, appropriate mitigation measures would be employed, as would be spelled out in an Operations and Procedure manual, adhering to all applicable laws. Park staff would be trained on these procedures and would be responsible for enforcement.

ACTIVITIES OUTSIDE OHV RIDING

Question: What about hunting?

Response: Currently, some EC Lands in the study area are open for hunting through the PA Game Commission's Hunter Access Program during respective seasons.

If a park were to be developed, hunting access would be determined by park management. There are ways hunting could be accommodated. For instance, during rifle season, AOAA shuts down; only hunting is allowed on its property. Outside of rifle season, they allow walk-ins for hunting during specified hours (e.g., before the park opens).

Question: Would or are they considering a gun range for sighting in or a place for competition shooting?

Response: It is entirely possible to consider a shooting/siting range utilized natural backstops, but only with carefully coordinated schedules that other users will know when to expect shooting areas and hours.

Question: Climbers are currently putting their own money into safety measures for the cliffs. Mainly the bolts used to protect climbers from falling. If you are charging for entry would it not be fair to assist the climbing community in these safety measures? Would you be open to using the money from access fees for climbers to keep these bolts up to date?

Response: If a fee is charged for rock climbing, it would make sense for park management to redirect funds into enhancing the climbing facilities and experience; those users have generated the funds. It's the same philosophy that's underwriting this study. Pennsylvania riders are required to pay a fee when registering their vehicles. A portion of those monies are allocated to the PA DCNR ATV Restricted Fund which, if awarded, can be used by grantees to create trails and enhance the riding experience. When projects like this move forward, it concretely demonstrates how the state is using these fees – possibly even encouraging more individuals to get registered/ insured and support the program.

Question: As a Mocanaqua resident and avid climber, how do you foresee liability and insurance needs to impact climbing access? Has there been any concern to how this will affect accessibility?

Response: Again, this will be dependent upon the ultimate manager of the property and the designated uses for given areas. We would anticipate climbers – or any other recreationist

served by the facility – would need to register with staff and sign a Waiver of Use & Access form, similar to paying to play at a public paintball, zip line, motocross track, or outdoor sports parks. This is needed not only to account for who is in the park, but also to assure that users acknowledge their understanding of inherent risks prior to entering the site and participating in any activities. Anyone who has not signed the waiver would be considered a trespasser, relieving the park and its management from liability. In addition, state indemnifications (RULWA Act) will be applied and other insurances will be worked into the user fee structure.

As we have in other responses, we encourage you to remain involved throughout the planning process. There are such a variety of activities that can be accommodated within the study area. It's up to users to make sure their voices are heard.

MISCELLANEOUS

Question: Where do we take the survey? Is it on the website?

Response: The survey will be available until May 2021, and can be accessed on the project webpage at <https://www.earthconservancy.org/recreation/newport-twp-ohv-study/>, or by using the following link: <https://forms.gle/YB2UJNpcuRL72ank6>.

Question: How many people attended the meeting?

Response: There were 57 attendees at the Zoom meeting, not including EC staff and the LAIRD project team. Another 55 individuals viewed the livestream meeting on YouTube.