

MINUTES OF MEETING
Kootenai County Waterways Advisory Board
February 11, 2021
Kootenai County Search & Rescue Building
10865 N Ramsey Rd
Hayden, Idaho 83835

MEMBERS PRESENT: Mike Foley, Doug Harris, Mike Pelissero, Tom Torgerson, Don Warner, Terry Werner

STAFF PRESENT: Nick Snyder, Director, Parks & Waterways; Deputy Gerald Wallace, Deputy Justin Arts, Sergeant Ryan Miller, and Sergeant Will Klinkefus, Kootenai County Sheriff's Office; Ranell Schwartz, Recording Secretary

OTHERS PRESENT: Jim Stafford and Ken Stauffer, Spokane River Association; Chase Grove, Idaho Resident; Samuel Hoggatt, Idaho Department of Parks and Recreation; Will Neal, Hayden Lake Watershed Association; Diana Morales, CDA Lake Estates HOA; Kelly Guinn Duby and Dominic Komareddy, Red Lion Templins; Greg and Andrea Brands, Powderhorn Bay

Chairman Werner called the meeting to order at 6:00 p.m. Advisory Board members declared no conflicts of interest.

MOTION: Mike Pelissero moved to approve the minutes of the previous meeting. Doug Harris requested that his motion on page 2 be amended by changing *Doug Harris repeated the same motion to Doug Harris moved to recommend to the Board of County Commissioner to reconsider the 150-foot no excessive wake rule on the Spokane River.* The Chairman asked for a second to approve the minutes as amended. The motion was seconded; all were in favor; the motion carried.

Chairman Werner introduced Don Warner as a new advisory board member.

NEW BUSINESS

WATERWAYS ORDINANCE REQUEST CHECKLIST:

Nick Snyder presented a checklist of criteria to address future waterways requests:

In order to request a change to Kootenai County Waterways Ordinance or other matters affecting a public waterway, one of the following conditions must apply:

- **A permanent underwater hazard is present on a public waterway and should be marked for the safety of the general boating public.** Examples: submerged rock formations, sandbars, or other permanent natural structures, which could cause damage to persons or vessels.
- **Marinas with seventy-five (75) or more slips, which provide moorage, fuel, and other services to the general boating public.** Examples: Silver Beach Marina-Lake Coeur d'Alene, Hayden Lake Marina, Hudson Bay Marina-Lake Pend Oreille
- **Public or "semi-public" swim areas located in high traffic boating areas where more than fifty (50) swimmers are regularly present.** "Semi-public" swim areas may include: Boy/Girl Scout camps, church camps, and other 501-C3 non-profit organizations that allow the general public to attend programs and utilize swim area.
- **Unique conditions are present that create a significant hazard to public safety, as determined by the Kootenai County Sheriff's Office. Requests shall include a signed letter from the Sheriff's Office to the Board of County Commissioners stating the specific recommendation, to include supporting accident and citation data relevant to the request.**

After some discussion, some suggested changes are:

- Lower the number of marina slips required
- Require the marina to provide moorage, fuel and other services; all three
- Adding an application fee
- If buoys are approved for an applicant, then the applicant is not allowed to weigh in on wake issues on the waterways

- The applicant must enter into an MOU with the county and cover the cost of the buoys, installation and maintenance

MOTION: Tom Torgerson made a motion that the 75 moorage slips be reduced to 25 and that Mr. Snyder craft language such that it is very clear that should an application be approved, that the anchoring, installation, maintenance and the cost of the buoy itself be borne by the applicant. The motion was seconded. After some discussion, a vote was taken.

Mike Foley, Tom Torgerson, Don Warner, and Terry Werner: Aye

Mike Pelissero and Doug Harris: Nay

The motion carried.

ILLEGAL BUOYS:

Tom Torgerson reported that he had a discussion with Commissioner Duncan regarding illegal buoys on Lake Coeur d'Alene. He has been tasked with mapping the location of some of the illegal buoys so that a list can be sent the Idaho Department of Lands so they can send a notice to the nearby homeowner. A small section will be done first, as a pilot program.

WAKE SURF BOATS IN POWDERHORN BAY:

Greg Brands presented a PowerPoint and made a request to make all of Powderhorn Bay a no-wake zone.

MOTION: Mike Pelissero moved to table this topic until the next meeting to give this board time to review the submitted information. The motion was seconded; all were in favor; the motion carried.

REQUEST FOR NO-WAKE ZONE BUOYS IN NEACHAN BAY:

Diana Morales, representing CDA Lake Estates HOA, requested that the no-wake buoys that are already in place at Arrow Point be extended into Neachen Bay. There was also a discussion about the cost of buoys.

MOTION: Mike Pelissero moved to table this topic until the next meeting to give this board time to review the submitted information. The motion was seconded; all were in favor; the motion carried.

OLD BUSINESS

PROPOSED NO-WAKE ZONE-HONEYSUCKLE BAY-HAYDEN LAKE WATERSHED ASSOCIATION

Craig Ely originally presented this request a year ago. At that time, the Board of County Commissioners asked for more information. Will Neal presented the history of the bay, the no-wake designation proposal, and a petition with numerous signatures from the homeowners on the shoreline of Honeysuckle Bay. The Hayden Lake Watershed District has three buoys and the funding for installation and maintenance.

MOTION: Mike Pelissero moved to table this topic until the next meeting to give this board time to review the submitted information. The motion was seconded; all were in favor; the motion carried.

REQUEST TO MODIFY COUNTY WATERWAYS ORDINANCE-SPOKANE RIVER:

Jim Stafford from The Spokane River Association presented a brief summary of the request to modify the recent change to the Waterways regulations: Resolution 2020-38. Mr. Stafford stated that the no excessive wake rule is not new. The definition is new. The Commissioners added a 150' no excessive wake zone. This action made it legal to create an excessive wake. He stated that the Commissioners have agreed to reconsider this rule. There was discussion with the Sheriff's Office about the issue. If the 150 ft. rule is eliminated, but the 300 ft. rule stays, it will essentially shut down boating activity on the Spokane River. Deputy Arts reported three accidents on the Spokane River. There were no Wake-surf related accidents. They were no injury accidents. There was more congestion on all the waterways last summer. The Sheriff's Office wants this board to consider a letter written on November 19, 2020 regarding the Spokane River Report. They want to wait a couple of years to see the effect of the new rule before they change it. The new Sheriff, Robert Norris has discussed this with the Marine staff. Deputy Arts reported that the Sheriff understands the issues, however he will defer to what has already been discussed and accomplished. He is very supportive of creating solutions to solve the problems, but only if the problems are backed up by statistics. When he hears there are no crashes due to wake surfing, then that activity is not a public safety concern in his mind.

Public safety concerns will receive the emphasis. Congestion on the waterways is a safety concern. They will increase emphasis on the river, and hopefully get approval for overtime and work with Post Falls Police. Sheriff Norris wants more patrols on the water and supports properly staffing the Marine Division to give the citizens the patrol that they deserve. Sergeant Klinkefus stated that a buoy or an ordinance is not going to solve the problem. There has to be a deputy or a police officer sitting beside that to enforce it.

There was more discussion by the board. Chairman Werner asked for a definite recommendation for the BOCC.

MOTION: Doug Harris moved to send this back to the Board of Commissioners saying let's give it a one season trial with the specifics of looking at shore erosion, looking at accidents and injuries on the Spokane River; the causes and the type of the vessel that caused that accident and injury as well; the Spokane River enforcement: the total number of hours deployed; the days of the week; the number of citations, arrests and warnings, and the reason that those were issued. Those things can be even done on an ongoing basis, and then at the end of this season come back and they'll have all the statistics and the facts, for the year of education, warnings, a year of enforcement to see what happened and that would give them two years to look at this issue and see where we are, and then come back and decide what they are going to do going forward. The motion was seconded. After some discussion, a vote was taken. All were in favor; the motion carried.

FUTURE AGENDA TOPICS

- A. WATERWAYS ORDINANCE REQUEST CHECKLIST (Action Item)
- B. ILLEGAL BUOYS (Action Item)
- C. WAKE SURF BOATS IN POWDERHORN BAY, ECHO BAY, AND OTHERS (Action Item)
- D. REQUEST FOR NO WAKE ZONE BUOYS-NEACHEN BAY-CDA LAKE HOME OWNERS ASSOCIATION (Action Item)
- E. PROPOSED NO-WAKE ZONE-HONEYSUCKLE BAY-HAYDEN LAKE WATERSHED ASSOCIATION (Action Item)

PUBLIC COMMENT

Chase Grove asked if the Waterways Advisory Board gives permission on no-wake buoys. Nick Snyder stated that the Idaho Department of Lands is the permitting agency. Idaho Code requires that only a government entity can apply for regulatory buoys. That is why the requests go through this process. The County Commissioners directs the Parks and Waterways Department to make application. Mr. Grove also asked about accountability for illegal buoys. Since the Department of Lands is the permitting agency, the Sheriff's Office waits for direction from them before they remove illegal buoys or enforce. Hayden Lake has been pretty successful in removing illegal buoys.

STAFF REPORTS

Nick Snyder reported that the Harrison Breakwater Phase 1 is complete. There was some damage during the windstorm on January 13th to some pilings at some docks and the new breakwater, the log boom, and the roof of the boathouse. Mr. Snyder is working with the county insurance and has contracts in place for repairs. The Waterways Improvement Fund Grant for the workboat replacement has been submitted. Mr. Snyder stated that we need good data and an official position of the Sheriff about no-wake zones in the bays that have been submitted.

Deputy Justin Arts, from the Sheriff's Office stated that the KCSO supports the Honeysuckle Bay no-wake designation because it does benefit the citizens of Kootenai County. It has public access at Honeysuckle Beach and it has a lot of use by kayakers, and paddle boarders.

Deputy Jeff Howard, from the Sheriff's Office reported that they got a new boat that will primarily be used at Bayview, but can be used where it is needed. They need an airboat for rescue in ice.

Sergeant Will Klinkefus from the Sheriff's Office reported the increase in use on area waterways has resulted in the Coeur d'Alene River and the Chain Lakes getting more use, and complaints. Access to that area is not good for rescue teams. They will be pursuing grants to get boats for rescue operations on those lakes.

Sam Hoggatt from Idaho Department of Parks and Recreation encouraged this board to look at what other states and counties outside this area are doing: What they are proposing and seeing how that is going over. Washington and Oregon have new legislation that is significantly more restrictive than what has been discussed here. That will give some perspective on potentially how things might go here. Contact him for any boater education needs you have.

Boater Safety Classes are offered by KCSO every third Saturday.

A special meeting to discuss the tabled items is scheduled for Wednesday, February 24th at 11:00 am, at the Search and Rescue Building.

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Ranell Schwartz

Recording Secretary