

MINUTES OF MEETING
Kootenai County Waterways Advisory Board
February 24, 2021
Kootenai County Search & Rescue Building
10865 N Ramsey Rd
Hayden, Idaho 83835

MEMBERS PRESENT: Doug Harris, Gary Schmidt, Tom Torgerson, Don Warner, Terry Werner

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

OTHERS PRESENT: Jim Stafford, Spokane River Association; Samuel Hoggatt, Idaho Department of Parks and Recreation; Will Neal, Hayden Lake Watershed Association; Greg Brands and Robin Nordoff, Powderhorn Bay

Chairman Werner called the meeting to order at 11:00 a.m. Advisory Board members declared no conflicts of interest.

MOTION: Tom Torgerson moved to approve the minutes of the previous meeting. The motion was seconded; all were in favor; the motion carried.

OLD 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.*
- **Marina's with twenty-five (25) 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.**

There was also discussion about the following discussion topics as presented by Nick Snyder:

1. What unique conditions should be present before the (Waterways Advisory Board) WAB recommends the implementation of a "No Wake Zone" or supports other changes that will alter the use of the public's waterway?
2. What factors and data should be present for the WAB to recommend the adoption of new rules or changes in use of a public waterway when requests are related to safety?
3. What factors or data must be present for the WAB to recommend the adoption of new rules or changes in use of a public waterway when requests are related to erosion or environmental concerns?
4. Should the protection of privately owned docks and other privately owned infrastructure on publicly owned waterways be the primary consideration when recommending changes that will alter how citizens recreate on public waterways?
5. What other options are available other than the adoption of new rules? Will the new rules produce the desired affect? If new rules are adopted, is there adverse effects to the general public or the County?

6. What actions can the County take to enhance compliance of existing rules, rather than adopt new rules?
7. Should a non-refundable fee be required to process requests?
8. If new rules are recommended by the WAB, which require placement of buoys and other navigation aids, how will the County pay for costs associated with ongoing inspection, repair, and maintenance? Buoys, anchor lines, navigation lights and other marine infrastructure will require additional personnel to repair and maintain. As an example, an entry level full-time maintenance employee costs approximately \$67,000 annually, loaded. Should the County or the requesting party pay the costs?
9. This is an example of agreement language for buoy requests from marinas and swim areas. If an applicant does not maintain as agreed, the County will remove the buoys and the agreement will be terminated. The agreement does not transfer to a new property owner.
 1. The Applicant does not own and shall not claim ownership of any portion of the waterway. The Applicant acknowledges that the buoys shall be placed in a public waterway to protect swimmers, and agrees that it cannot prohibit the public from entering or using any portion of the publicly owned waterway.
 2. The Applicant shall incur and pay all costs of permitting, installation, maintenance, repair, and removal of buoys, anchoring systems, connection hardware, lights, and placarding.
 3. The County shall make application with the State of Idaho Department of Lands for an encroachment permit; the Applicant shall pay any and all costs associated with said application.
 4. All buoys, anchor system(s), and/or other navigation markers utilized shall be United States Coast Guard-approved and County-approved; all buoys shall have a one (1) nautical mile LED light affixed to the top.
 5. All buoy placement shall be solely at location(s) specified by the Kootenai County Parks and Waterways Department, at approximately the locations identified on the map at Exhibit "A" hereto, which is incorporated by reference; buoys and/or navigational markers shall not be placed, relocated, or removed without prior written authorization from Kootenai County.
 6. The Applicant shall regularly inspect buoy locations to ensure that placement of each conforms to the locations identified on the map at Exhibit "A" hereto. The Applicant shall immediately notify the County in the event any buoy movement.
 7. Upon request by the County, the Applicant shall repair and/or replace damaged buoys, lights, placarding, anchoring systems, and/or any other associated hardware within thirty (30) days of notification by the County.
 8. All buoys and/or navigation markers shall be deployed by a licensed marine contractor; said licensed marine contractor shall submit drawing(s) of any proposed buoy anchor system(s) to the Kootenai County Parks and Waterways Department for approval prior to any installation.

After some discussion, the following amended list was proposed.

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 twenty-five (25) or more slips, which provide services to the public such as moorage, fuel, and other services.** 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 may be 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.**

MOTION: Doug Harris made a motion to forward to the County Commissioners the list as amended. The motion was seconded; all were in favor; the motion carried.

WAKE SURF BOATS IN POWDERHORN BAY:

There was discussion about the request for restrictions on wake surf boats pulling surfers in Powderhorn Bay, and other areas on the lake with sensitive shorelines. The consensus was that this request is not fair to boaters and is too broad.

MOTION: Tom Torgerson moved to recommend to the Board of County Commissioners to oppose the request. The motion was seconded; after some discussion, a vote was taken. All were in favor; the motion carried.

REQUEST FOR NO-WAKE ZONE BUOYS IN NEACHAN BAY:

There was discussion about the request from CDA Lake Estates HOA that the no-wake buoys that are already in place at Arrow Point be extended into Neachen Bay. Nick Snyder and members of the board suggested that the fuel station might be able to get a no-wake buoy, but not the entire bay.

MOTION: Tom Torgerson moved to recommend to the Board of County Commissioners to oppose the request. The motion was seconded; all were in favor; the motion carried.

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

There was discussion about the request by the Hayden Lake Watershed Association to make Honeysuckle Bay on Hayden Lake a no-wake zone. There are not a lot of waterfront property owners in the area and the property owners that are there support the request. The Sheriff's Office supports the Honeysuckle Bay no-wake designation because it does benefit the citizens of Kootenai County. It has public access at Honeysuckle Beach and a lot of use by kayakers, and paddle boarders. The Sheriff's Office would determine how many buoys would need to be deployed to clearly mark the no-wake zone. The request was for the zone to begin 200 feet from the Honeysuckle Boat Launch. There was discussion about making the zone begin from the south shoreline point. The Hayden Lake Watershed District has three buoys and the funding for installation and maintenance. They would enter into an MOU with Kootenai County. Gary Schmidt stated that he is opposed to the no-wake designation in the bay, and feels it sets a dangerous precedent and infringes on boater's rights.

MOTION: Doug Harris moved to recommend to the Board of County Commissioners that the area become a no-wake zone, but a shorter zone than requested that begins at the point of the south shoreline and across the bay. The motion was seconded. A vote was taken.

In favor: Tom Torgerson, Don Warner, Doug Harris

Opposed: Gary Schmidt, Terry Werner

The motion carried.

PUBLIC COMMENT

Greg Delvevan made a comment about riparian property rights as related to applications to the Idaho Department of Lands.

Deputy Ryan Miller, from the Sheriff's Office stated that the KCSO would like to address anchoring on the County waterways. The current statute does not prohibit a vessel from anchoring, as long as it does not interfere with navigation and the vessel is properly lit and anchored. They would like to address this issue before it becomes a problem.

FUTURE AGENDA TOPICS

A. ANCHORING ON COUNTY WATERWAYS-KCSO (Action Item)

The meeting adjourned at 12:49 p.m.

Respectfully submitted,

Ranell Schwartz

Recording Secretary