

**Minutes of Meeting
Parks & Waterways
April 5, 2023
2:00 p.m.**

The Kootenai County Board of Commissioners: Chair Leslie Duncan, Commissioner Bruce Mattare and Commissioner Bill Brooks met to discuss the following agenda items. Also present were KCSO Sheriff Robert Norris, KCSO Captain Kevin Smart, KCSO Lieutenant Mark Ellis, KCSO Sergeant Ryan Miller, KCSO Deputy Jonathan Traw, Parks & Waterways (P&W)/Noxious Weeds/Snowgroomers Director Nick Snyder, Civil Deputy Prosecuting Attorney Jamila Holmes, BOCC Communications Coordinator Jonathan Gillham and Deputy Clerk Tina Ginorio. Also present were P&W Advisory Board Chair Doug Harris, Hayden Lake Watershed Improvement District Representatives Thomas Yount and MaryAnn Stoll, and Kootenai County Residents Judy Grizzard, Shawn Grizzard, Timothy Howell, Sharon Parmelee, Cindy Pauloff, Richard Parmelee, Steve Baker, Clay Howard, Cameron Barcliff, Pat Green, Greg Delevan, Jim Stafford, Edward Kent, Susan Kent, Susan Stiger and Jack Domit. Mr. Kent, Ms. Kent and Mr. Domit were present via teleconference.

- A. Call to Order:** Chair Leslie Duncan called the meeting to order at 2:00 p.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Business:**

Chair Duncan stated that the public comments time would be reserved for those who had not previously had the opportunity to voice their opinions on this topic. She explained that there had been many hours of in-person testimony given, plus email, telephone and written letters. She said the purpose of this meeting was for the Commissioners to decide how to proceed.

Chair Duncan said that members of the public present who had not previously given input would be given three minutes. She provided additional guidelines for public responses.

Proposed Changes to County Waterways Ordinance – Excessive Wake Definition (Action)

Proposed Changes to County Waterways Ordinance – Towing Restrictions: Spokane River (Action)

Commissioner Bruce Mattare remarked that he had watched the Spokane River become more congested since 2013. He said that the BOCC had implemented their ordinance in 2021 (2021 – 63) in an attempt to protect property and improve safety on the River. He stated that he had gone out on the River himself last summer, on a wake boat, with a range-finder, to make first-hand observations. He said he also spent time on the shore, observing different kinds of boats and their wakes.

Commissioner Mattare stated that it was clear to him that the County was growing faster than the community was accustomed to and it affected every aspect of life, including how

the Spokane River could be enjoyed. He said he felt it was excessive congestion, not excessive wakes, that presented the public safety issue and that the County's Ordinance was redundant, based on the existence of the State Statute. He pointed out that the Idaho Safe Boating Act already addressed protecting property and public safety, with Section 67-7016 being particularly relevant.

Commissioner Mattare said he would be in favor of passing a no-tow ordinance during the busiest times on the River. He stated he would suggest restricting towing on the Spokane River on Saturdays and Sunday, from 12 noon to 6 p.m., starting on Memorial Day Weekend and going through Labor Day Weekend. He added that he agreed with the Waterways Advisory Board and the Sheriff's Office recommendations to include a 150 foot no-tow zone from any structure or shoreline on the River. He concluded that this would reduce overall congestion, improve safety and reduce damage.

Commissioner Mattare declared that no one should have to be on the Spokane River and "wonder if he or she was breaking the law," the County's wake ordinance created that situation. He also stated that no law enforcement officer should be tasked with enforcing a law that was "inherently subjective in nature." He said he would support amending Resolution 2021-63, to remove the excessive wake language and implement the towing restrictions as previously described.

Commissioner Bill Brooks apologized to those present for having to return to this subject once again. He remarked that many wake boat organization recommended a 1,000 foot distance be kept from shore when surfing, but he did not think that was possible on the Spokane River. He indicated that he felt jet skis were a hazard to everyone and should be used on the Lake, not the River. He said he was comfortable with accepting the provisions of the Idaho Safe Boating Act. He stated he would personally prefer that all wake boats keep to the Lake, not the River.

Chair Duncan commented that the Spokane River was a federal navigable waterway, belonging to the people of the State of Idaho. She said the BOCC had to take care, when enacting ordinances, not to come under scrutiny of the Coast Guard or violate federal regulations. She noted that the Board had spent at least 18 months trying to strike a balance between the different interests, probably representing over \$200,000 just in staff time. She said this presented a burden to the rest of the taxpayers, since not all of them used the Spokane River.

Chair Duncan explained that tax dollars were not used to enforce waterways ordinances; the money came from boaters' registration and launch fees to pay for KCSO's Marine Division.

Chair Duncan remarked that she had seen data presented from wake studies, but these had not been made on rivers. She said that no study had been presented showing the percentage of shoreline erosion caused by natural moving water, such as high water events, ice and snow, versus that caused by boating. She indicated her concern that the BOCC could inappropriately restrict use of the River.

Chair Duncan stated she also agreed with using the State's language in managing the River. She said she felt the language of the County Ordinance had not been enforceable; officers could issue tickets, but not achieve convictions. She pointed out this wasted the time of an already overloaded court system.

Chair Duncan said she would support repealing the language in the County Ordinance and accepting the 150 foot no-tow zone. She noted that most deaths on waterways were in relation to non-motorized craft, with Jet Ski incidents coming in second. She suggested that safety discussions focus in those areas in the future. She stated she would not support the ban of towing on Saturday and Sunday because she felt she did not have enough data to support it.

In addition, Chair Duncan pointed out that encroachment permits entailed getting permission to take away use of the River from the people of the State of Idaho, who own it. She said this should also be considered.

The Commissioners generally agreed that the 150 foot no tow and 100 foot no wake requirements were acceptable.

Commissioner Mattare presented additional persuasion regarding the proposed towing ban.

Chair Duncan said she would want to see actual data showing the benefit of doing away of towing for the proposed hours on the weekend.

Commissioner Brooks voiced his support of enforcement efforts which were centered on education. He said he felt the Sheriff's Office would be effective in enforcing the State Law's language. He suggested charging increased fees for out of state boaters, particularly those from Spokane. He stated that the towing ban on the weekends would be too confusing for people.

Chair Duncan said that she would be in favor of mandatory boater education, but the County did not have the authority to do it. She expressed continued reservations about the ban on towing.

Commissioner Mattare pressed his suggestion to try the ban on towing for a period of time as proposed and, if the Sheriff's Office and the Waterways Board said it was not working, it could be removed.

Chair Duncan stated that the Waterways Advisory Board had previously rejected a towing ban.

Chair Duncan said she would entertain public comments at this point.

Hayden Lake Watershed Improvement District Representative Thomas Yount asked if the items discussed today would affect only the Spokane River.

Chair Duncan confirmed this.

Kootenai County Resident Edward Kent asked for clarification of the no wake zone prescribed by Idaho law.

Chair Duncan briefly reviewed this information but stated that, since Mr. Kent had been heard on the topic before, they would move on to the next person.

Kootenai County Resident Regina Houg stated that the 150 foot ban on towing would solve none of the problems and that only a complete ban at all times would be effective.

Chair Duncan moved that the Board strike the language from Ordinance 2021-63, the excessive wake definition, and replace it with the State Law definition, and add a 150 foot no tow rule to the Spokane River. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Mattare: Nay

Chair Duncan: Aye

The motion carried.

Chair Duncan stated that Legal would review the changes and they would then be published in the newspaper, to become effective 30 days after publication.

D. Public Comment: This section is reserved for citizens wishing to address the Board regarding a County related issue. Idaho Law prohibits Board action on items brought under this section except in an emergency circumstance. Comments related to future public hearings should be held for that public hearing. There were no additional public comments.

E. Adjournment (Action): Chair Duncan adjourned the meeting at 2:39 p.m.

Respectfully submitted,

JENNIFER LOCKE, CLERK

BOCC SIGNATURE

BY: _____
Tina Ginorio, Deputy Clerk