

**Minutes of Meeting
Parks & Waterways
May 24, 2021
3:00 p.m.**

The Kootenai County Board of Commissioners: Chairman Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks met to discuss the following agenda items. Also present were KCSO Sheriff Robert Norris, KCSO Undersheriff Dan Mattos, KCSO Lieutenant William Klinkefus, KCSO Sergeant Ryan Miller, KCSO Deputy Alana Hunt, Parks & Waterways (P&W)/Noxious Weeds/Snowgroomers Director Nick Snyder, Civil Deputy Prosecuting Attorney Jamila Holmes, BOCC Communications Manager Nancy Jones, BOCC Senior Business Analyst Nanci Plouffe and Deputy Clerk Tina Ginorio. Also present were Kootenai County Residents Jim Stafford, Avis Stafford, Dave Hofstadter, Traci Parrish, Katherine Exley, Gary Maddock, Robert Stiger, Susan Stiger, Ron McCray, Carol McCray, Denny Parker, William Le, Kirk Hill, Tom Torgerson, Ken Stauffer, Matt Harmon, Jim Valestrino, Casey Price, Martin Peltram, Clay Howard, Randy Kirsch, Kathy Kirsch and Mark Brinkman. Mr. Kirsch and Ms. Kirsch were present through Zoom.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 3:02 p.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Chairman's Comments (Discussion)**

Chairman Fillios stated that the meeting was scheduled to last 90 minutes, so he was going to restrict individual speakers to three minutes. He cautioned the audience that it was possible that not everyone would have a chance to speak. He explained that this was a public meeting, not a Public Hearing in which everyone had to be allowed to give testimony.

Chairman Fillios said that the topic under discussion was whether to keep the 150 foot excessive wake ban as described in Resolution 2020-38 and Kootenai County Parks & Waterways Ordinance Sections 6-2-6 and 6-2-4. He thanked Civil Deputy Prosecuting Attorney Jamila Holmes, Commissioner Leslie Duncan, Commissioner Bill Brooks and all the KCSO Officers who had participated for their hard work.

Chairman Fillios opened up the floor to public comment.

- D. Public Comment (Discussion):** 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.

Randy Kirsch, Post Falls, participated in the meeting via Zoom. He provided a video link, <https://www.youtube.com/watch?v=VnGr9iFVVuc>, that illustrated wake action. Mr. Kirsch stated that he was the President of the Riverrun Homeowners Association. He said his group was concerned that they would lose the ability to use the Spokane River and would find their property values affected. He said there were no safety issues involving

wake boats on the River and the property owners should install protection along their shorelines to prevent erosion.

Chairman Fillios summed up Mr. Kirsch's position as being in favor of maintaining the 150 foot restriction in the ordinance.

Jim Stafford, Coeur d'Alene, spoke in favor of removing the 150 foot limitation in the ordinance.

Kirk Hill, Post Falls, said he lived on the Spokane River and asked that the Board not limit use of the waterway or ban wake boats.

Ken Stauffer, Coeur d'Alene, stated that he supported removing the 150 foot limit and said it improved safety.

Tom Torgerson, Coeur d'Alene, stated that he was a Member of the Waterways Advisory Board. He said his group had recommended that the Commissioners let the 150 foot rule run for another year in order to get more data.

Clay Howard, Coeur d'Alene, said he was in favor of the 150 foot restriction. But he also said that, if the 150 foot rule were followed, it made the middle of the river unsafe. He stated that the reason wake boarders get close to docks is that they have to get out of the way of other boaters.

Chairman Fillios asked him to clarify his remarks.

Mr. Howard confirmed that he wanted the County to maintain and enforce the 150 foot restriction.

Mark Brinkman, Post Falls, said he had experienced erosion issues on his property, but it had not been excessive. He commented that he was in favor of removing the 150 foot limit if the excessive wake portion of the ordinance was also removed. He stated that the result of leaving in the excessive wake stipulation would be to make the River a no-towing zone, with the exception of waterskiing.

Robert R. Stiger, Post Falls, voiced his belief that the 150 foot limitation should be removed. He said large wakes were the problem, for safety, for ecological damage and for property damage.

Martin Peltram, Post Falls, said he also lived on the River. He remarked that wake boats were not the only craft that created large wakes; big boats and tubers created as much or more damage. He asked that the Commissioners focus more clearly on the safety issues and those actions that would address those issues. He urged the Board to seek more information on erosion as well, before making a final decision.

Avis Stafford, Coeur d'Alene, commented that her neighbor's small children could not play on the beach anymore because of the huge wakes that knocked them over. She said she had seen kayakers and paddle boarders get knocked over and that her own disabled

son had been knocked out of his seat while on the River by an excessive wake. She suggested that a designated area in the center of Lake Coeur d'Alene be set aside for wake boats.

Casey Price, Coeur d'Alene, provided a photograph of a dock that had been flooded by high water in 2017, not by wake or wave action. He stated he also lived on the Spokane River and owned a wake boat. He said that the small waves created by these craft did nothing in comparison to what nature did. He added that all boats contributed to erosion, not just wake boats. He said he was in favor of the 150 foot limitation.

Jim Valestrino, Coeur d'Alene, said he lived by a shallow part of the River. He voiced his opposition to the 150 foot restriction.

Kathy Kirsch, Post Falls, participated in the meeting via Zoom. She urged people to listen to the Parks & Waterways Director, Waterways Advisory Board, Marine Deputies and the majority of the public. She called attention to the video provided by Randy Kirsch, which she said showed the wake dispersing before it hit the 150 foot mark. She encouraged the removal of the 150 foot limit and change the definition of "excessive wake" to "a wake that is unsafe or creates property damage."

Gary Maddock, Post Falls, stated that wake boats created a hazard on the River and it was not safe for pleasure boaters to go out on it. He indicated he was opposed to the 150 foot restriction.

David Lehman, Boise, joined the meeting through Zoom. He stated he represented several different groups, including the National Marine Manufacturer's Association and Idaho Families for Boating. He asked the Commissioners to allow the ordinance to stay in effect as it stood for another year to let KCSO collect accurate data.

Susan Stiger, Post Falls, shared a slide presentation illustrating wave and wake action. She favored the elimination of the 150 foot restriction. She reminded those present that she had spoken previously about the damage done by excessive wakes.

Matt Harmon, Coeur d'Alene, voiced his support of retaining the 150 foot restriction. He discussed the damage done by natural erosion caused by seasonal changes in the River's volume. He suggested a study be done on the results of natural erosion versus that caused by wake boats.

Chairman Fillios stated that the time allowed for public comment had ended.

E. Business (Action):

Review and Possible Revision to Resolution 2020-38 and Kootenai County Parks & Waterways Ordinance Sections 6-2-6 & 6-2-4

KCSO Sheriff Robert Norris described the efforts made by his officers over the last year, which included 800 stops of boaters on the Spokane River alone. He said they planned enhanced emphasis patrols for the first three weeks of this boating season. He stated

that he was also working with the Highway Districts to eliminate street parking at boat launches and with Parks & Waterways to improve boater education. He voiced his agreement with Commissioner Leslie Duncan's statement that changing the law after only one year was unwise.

Commissioner Duncan said that she had not been presented with evidence from KCSO to warrant more restrictions on the River.

Sheriff Norris confirmed that, of the four incidents that occurred on the Spokane River last year, none involved a wake surf boat.

Commissioner Duncan asked whether the addition of the new buoys and extra enforcement would have a positive effect on the issues of concern.

Sheriff Norris said he felt the emphasis patrols would show results.

Commissioner Bill Brooks suggested that out of state boat registration be increased to \$500 to cut down traffic on the River.

KCSO Lieutenant William Klinkefus offered his impression of the problems facing enforcement of excessive wake activity. He indicated that the better defined an action or limitation was, the more successful enforcement would be.

Commissioner Duncan noted that KCSO had asked that some language be removed from the definition in the ordinance. She read, "...or the wave resulting from operating a vessel to cause water to lap on to or over a dock, pier, or other lawfully permitted encroachment." She stated she would be in favor of striking that line from the ordinance.

Lieutenant Klinkefus explained the enforcement problem created by the language.

Chairman Fillios called for a motion and said that once the motion was made and seconded, the three Commissioners could discuss it further.

Commissioner Brooks moved that the Board eliminate the 150 foot limit from the ordinance to avoid restriction of traffic on the Spokane River, Fernan and Lower Twin Lakes. Chairman Fillios seconded the motion.

Chairman Fillios asked for comments from the other Commissioners before proceeding to the roll call.

Commissioner Duncan stated that elimination of the 150 foot rule would single out one particular activity, potentially causing multiple lawsuits. She asked that they give the ordinance another year as it stood to get better documentation showing whether stricter regulations were needed. She remarked she did not think they were needed, since the past history of tickets and accidents did not indicate a need. She reminded those present that new buoys had been placed and would also affect boater behavior.

Commissioner Brooks explained that, if there was a 150 foot strip down the edges of each side of the River where “excessive and damaging wakes” were not permitted, it implied that they were permitted in the middle. He said he would rather have the Marine Deputies able to cite people creating excessive and damaging wakes regardless of what portion of the River they were using.

Chairman Fillios commented that they were dealing with a body of water that was fixed in size but being used by an increasing population. He pointed out that this coming Thursday, the Department of Lands was going to be opening a parking lot large enough for 40 vehicles with trailers for the convenience of the day boaters. He added that the Atlas Mill Riverfront Park would be completed next year, which would add more jet skis and boats to the traffic pattern. He shared some of the results of surveys completed during the April 1, 2021 meeting held by Sheriff Norris. He said it appeared that most of the approximately 100 people who attended did not support the ordinance as it was currently written, with a majority wanting the 150 foot limit removed. He added that only 13 people indicated that they wanted the entire Spokane River designated as a no wake zone, while 80 disagreed.

Chairman Fillios said that the 150 foot rule they passed last year had not resulted in the improvement they hoped. He added that the BOCC had tried not to single out a particular type of vessel or activity and to allow the Sheriff’s officers a degree of latitude in enforcement based on their professional judgement of particular situations. In addition to other concerns, he said that large wakes stirred up the sediment on the river bottom and that sediment contained mining residue, which presented a serious environmental issue.

Chairman Fillios pointed out that the State of Idaho never defined “excessive wake” in its laws, so law enforcement had no set rules to follow in that area. He said the BOCC had tried to define excessive wake to help law enforcement’s efforts. He concluded that, for all the reasons he had listed, he would vote to remove the 150 foot rule.

Commissioner Duncan stated that the survey sample from 100 people he had referenced was very small compared to the number of registered boaters. She said the ordinance did not address damaging wakes; it was against the law to have a damaging wake on 100% of the river. She asked that, if they wanted to change the 150 foot rule, then change the definition so one activity was not targeted. She again urged the other Commissioners to allow the rule to stand for one more year to allow the collection of a better span of data.

Commissioner Brooks called for users of the Spokane River to exhibit more consideration of others and follow safety rules.

Chairman Fillios remarked that the people who cared most were the ones that attended meetings and completed the surveys. He expressed his hope that traffic on the River would be reduced by about 10% from enforcement of the updated ordinance.

Commissioner Duncan renewed her request to keep the ordinance as it was for this year. She said that additional information would be coming soon, including studies that were going to be made by Valley County and the University of Idaho on excessive wakes and

videos illustrating displacement data on all sorts of boats. She stated that they did not have solid data on accidents and tickets to support the proposed action.

Chairman Fillios called for the Deputy Clerk to proceed with the roll.

There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Duncan: Nay

Chairman Fillios: Aye

The motion carried.

F. Adjournment (Action): Chairman Fillios adjourned the meeting at 4:39 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk

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