

**Minutes of Meeting
Parks & Waterways
Discussion of Waterways Restricted Zone Designations
For the Spokane River, Lower Twin Lake and Fernan Lake
June 28, 2021
2:30 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 Parks & Waterways (P&W)/Noxious Weeds/Snowgroomers Director Nick Snyder, KCSO Patrol Deputy Alana Hunt, BOCC Communications Manager Nancy Jones and Deputy Clerk Tina Ginorio. Also present were Coeur d'Alene Press Reporter Madison Hardy and Kootenai County Residents Susan Kent, Mary Hartman, David Borodin, Lorraine Olsheski, Calla Erickson, Patricia Johnston, Ron McCray, Gary Maddock, Laura Cohn, Lee Derrough, John Stolpp, Cameron Barcliff, Annette Erlandson, Tom Higgins, Pat Green, Randy Kirsch, Jon Kirsch, Robin Kirsch, Kathy Kirsch, Morgan Lenox, Susan Stiger, Ken Stauffer, Avis Stafford, Joanne Switzer, Scott Scofield, Daniel J. Blizzard, Mark Brinkmyer, Casey Price, John C. Stanley, Jim Stafford, Ted Hughes, John Beutler, Brian Poole, Paul Galyen, Mark Schafer, Corbin Schafer, Jeff Habberstaad, Richard Sperling, Pat Hogan, David Schafer, Tom Torgerson, Logan Erickson, Molly Seaburg, Travis Roth, Sandra White, Debbie Andrews and Richard Hartman.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 2:30 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 would be broken into two sessions, the first to discuss revisions to Resolution 2021-63 and Parks & Waterways (P&W) Ordinances 6-2-6 and 6-2-4 with regard to Lower Twin Lake and Fernan Lake, the second to discuss revisions to those items with regard to the Spokane River. He stressed that this meeting was intended to be for public comment only, not for questions and answers.

Chairman Fillios reviewed the history of Resolutions 2020-38 and 2021-63. He explained that Resolution 2021-63 removed the 150 foot wake threshold on the Spokane River, Lower Twin Lake and Fernan Lake. He added that it also removed any reference to any vessel that was in transition speed.

Chairman Fillios stated that no vote would be taken today; it would be done tomorrow at the end of the scheduled Business Meeting. He explained that each speaker would be allowed three minutes to address the Board, so as many people as possible would have the opportunity to speak.

- D. Public Comment (Discussion)**
- E. Business (Discussion)**

1. Public Comment Regarding Revision to Resolution 2021-63, which is an Amendment to Resolution 2020-38 and Parks & Waterways Ordinance Sections 6-2-6 & 6-2-4 with regard to Lower Twin Lake and Fernan Lake (Discussion – Maximum time allocation to be one (1) hour).

Richard Hartman, Twin Lakes, asked that the current restrictions on Lower Twin Lake be left as they were.

Debbie Andrews, Twin Lakes, asked that restrictions on Twin Lakes be considered separately from those on the Spokane River. She asked that the 150 foot no excessive wake threshold be left in place on Twin Lakes.

Sandra White, Twin Lakes, also asked that restrictions on Twin Lakes be considered separately from those on the Spokane River. She asked that the 150 foot no excessive wake threshold be left in place on Twin Lakes.

Travis Roth, Rathdrum, referred to studies made by Clifford Goody and Laval University in Quebec on wake motion. He voiced his desire to see wake surfing continue on the lakes and that the 150 foot no excessive wake threshold be left in place on Twin Lakes. He said he recommended that Twin Lakes be considered separately from the Spokane River.

Molly Seaburg, Rathdrum, asked that restrictions on Twin Lakes be considered separately from those on the Spokane River. She asked that the 150 foot no excessive wake threshold be left in place on Twin Lakes.

Logan Erickson, Rathdrum, asked that recreational boating not be “outlawed” on Lower Twin Lake.

Tom Torgerson, Coeur d’Alene, asked that no changes in the current laws be made.

David Schafer, Rathdrum, stated that he felt there had been a large improvement in conditions on Twin Lakes since the resolution was passed last year. He said people were getting better at honoring the 150 foot rule. He voiced his support for separating rules for the lakes from those for the River.

Pat Hogan, Rathdrum, asked that restrictions on Twin Lakes be considered separately from those on the Spokane River. He asked that the 150 foot no excessive wake threshold be left in place on Twin Lakes.

Richard Sperling, Rathdrum, asked that restrictions on Twin Lakes be considered separately from those on the Spokane River.

Jeff Habberstaad, Rathdrum, indicated he wanted to be sure that children were able to recreate freely on the water, at the slow speeds that were safe for the younger ones and the more moderate speeds for older ones. He remarked that someone would always be complaining about something on the water. He called for coexistence.

Corbin Schafer, Rathdrum, asked that restrictions on Twin Lakes be considered separately from those on the Spokane River. He asked that the 150 foot no excessive wake threshold be left in place on Twin Lakes.

Mark Shafer, Rathdrum, said he saw no need for the restrictions on Lower Twin Lake because there was not enough traffic to make it necessary. He asked that the Board consider Twin Lakes separately from the Spokane River.

Paul Galyen, Rathdrum, asked that restrictions on Twin Lakes be considered separately from those on the Spokane River. He asked that the 150 foot no excessive wake threshold be left in place on Twin Lakes.

Brian Poole, Spokane, WA, asked that restrictions on Twin Lakes be considered separately from those on the Spokane River. He asked that the 150 foot no excessive wake threshold be left in place on Twin Lakes. He stated that he would like a public hearing on the issues.

2. Public Comment Regarding Revision to Resolution 2021-63, which is an Amendment to Resolution 2020-38 and Parks & Waterways Ordinance Sections 6-2-6 & 6-2-4 with regard to the Spokane River (Discussion – Maximum time allotment to be one (1) hour).

John Beutler, Coeur d’Alene, voiced his opposition to the adoption of Resolution 2021-63. He said he felt the Spokane River residents should be able to use the waterway in the same ways as other County waterways were used. He stated that he felt, if the resolution were passed as it stood, it would penalize Spokane River property owners and negatively affect the value of their properties.

Ted Hughes, Post Falls, stated he was opposed to any changes. He said he felt the laws were vague and not enforceable.

Jim Stafford, Coeur d’Alene, said he thought people were still not clear on the difference between “no excessive wake” and a “no wake zone.” He pointed out that the people who resided on the River had been told by the Sheriff some years ago to call a certain number to report any issues they encountered. He said he had just found out that those calls were not compiled anywhere, so they could not be reviewed or correlated. He suggested that the data be retained, categorized and made available for study.

John C. Stanley, Post Falls, said he had never seen damage to a maintained dock or a properly tied boat on the Spokane River. He indicated he thought reducing the traffic on weekends would be better than banning activities. He recommended boating education also. He asked they not vote for the ordinance.

Casey Price, Coeur d’Alene, spoke in favor of wake boarding and in some form of traffic reduction on the River.

Mark Brinkman, Post Falls, stated he was against removing the 150 foot rule. He said this was a move in the wrong direction. He indicated he wanted a definition that would remove the need for the Marine Deputies to use judgement in determining who was generating an excessive wake.

Daniel J. Blizzard, Coeur d'Alene, indicated that, as an orthopedic doctor, he had never seen an injury from wake surfing. He added that there was not a single article published in the professional journals regarding injuries from wake surfing. He stated, therefore, that the safety argument made was invalid. He said the real issue was traffic on the weekends.

Randy Kirsch, Post Falls, asked that the Board refuse to pass the ordinance. He provided a video that purported to prove that wakes dissipated before reaching the shore. The video can be viewed at <https://vimeo.com/568602601/5d7c67a4e2>

Scott Scofield, Post Falls, commented that he had considered joining the Spokane River organization to which Mr. Stafford belonged, but found it too politicized, "to the point where it was trying to privatize the River." He said he did not want to see the Spokane River become a no wake zone or to have law enforcement experience difficulty in enforcing the ordinance. He remarked that he did see erosion on his property, but it was caused by the natural flow of the River and by rain, not wake boats.

Joanne Switzer, Post Falls, stated she was opposed to passing the ordinance. She said she paddle boarded on the River regularly, at all different times of day. She stated she had never felt threatened by any wake boats or other craft.

Jon Kirsch, Post Falls, said eliminating certain activities from the River would devalue his property.

Avis Stafford, Coeur d'Alene, voiced her support for the amended Resolution.

Ken Stauffer, Coeur d'Alene, voiced criticism of the video provided by Randy Kirsch. He said he was tired of hearing talking points representing propaganda from Hagadone Marine. He stated that the residents of the Spokane River did not support implementation of a no wake zone or the banning of all towing activity. He stated that the opinion voiced by the representative of the Waterways Advisory Board had changed over the period of a month and were thus worthless.

Susan Stiger, Post Falls, asked the Board to approve Resolution 2021-63.

Morgan Lenox, Coeur d'Alene, indicated that he felt Mr. Kirsch's video did not represent a source of scientific data. He said he had lived on the River for about 30 years and he had seen most of the damage done by excessive wakes in the last four or five years. He said he felt it was due to the wake boats.

Kathy Kirsch, Post Falls, asked the Board to reject the new ordinance.

Pat Green, General Manager of Tobler Marina in Hayden, said that they opposed the proposed ordinance because it threatened the profitability of their marina. He said they asked that they keep the current regulations in effect.

Tom Higgins, Post Falls, asked that the Board keep the current 150 foot limit on the Spokane River, post the ordinances at all boat launches and increase enforcement.

Annette Erlandson, Post Falls, stated she had seen damage to the shoreline from excessive wakes. She said excessive wakes presented a safety risk also.

Cameron Barclift, Post Falls, said his family wake surfed. He stated he felt the problems were traffic related.

John Stolpp, Post Falls, said he was in favor of the amendment to the wake restrictions. He said he encountered a wake boat on the River and it affected his craft. He said moving wake boats out on to the Lake was the best solution to the safety issue and he favored removing the 150 foot limit.

Lee Derrough, Coeur d'Alene, expressed his sympathy for the Commissioners. He said he felt they had crafted a good ordinance and urged them to continue to hold their positions.

Laura Cohn, Post Falls, commented that her family avoided going out on the River on weekends because the level of traffic made it unsafe. She urged the Commissioners to focus on the traffic. She also pointed out that the large boats created large wakes, too.

Gary Maddock, Post Falls, said he was concerned for his personal safety when he took his pontoon boat out on the River when they were passed by a wake boat. He stated he would like them to remove the 150 foot restriction.

Ron McCray, Coeur d'Alene, urged the Commissioners to enforce the excessive wake ordinances. He said he had suffered damage to his property from wakes, particularly from wake boats.

Robin Kirsch, Post Falls, indicated that she thought people who lived on the River knew what to expect. She said damage to docks or property were the homeowner's business. She complained that the Board was taking away the rights of people to use the waterway. She stated the law was poorly written and hard to enforce.

Chairman Fillios asked if anyone else wished to speak. There were no additional comments.

Chairman Fillios reminded those present that there would be a vote on the resolution during the Business Meeting tomorrow, June 29, 2021.

F. Adjournment (Action): Chairman Fillios adjourned the meeting at 4:22 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
