

**Minutes of Meeting
Parks and Waterways
January 7, 2021
1:30 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&S)/Noxious Weeds/Snowgroomers Director Nick Snyder, KCSO Sergeants Ryan Miller and William Klinkefus, KCSO Deputy Justin Arts, BOCC Senior Business Analyst Nanci Plouffe and Deputy Clerk Tina Ginorio. Also present were Parks & Waterways Advisory Board Chair Terry Werner, Vice Chair Doug Harris and Member Tom Torgerson, Spokane River Association Member Jim Stafford and Kootenai County Resident Ken Stauffer. Commissioner Brooks was present via teleconference.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 1:32 p.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Business (Action):**

Chairman Fillios stated that the Board would address item three on the agenda first.

Request for Swim Area Buoys – Camp Cross

Parks & Waterways (P&W)/Noxious Weeds/Snowgroomers Director Nick Snyder stated that, due to the unique location of Camp Cross and the existing boat traffic, he would recommend that the requested buoys to shield the swim area be approved. He reported that he had assessed the situation with help from KCSO and that their joint conclusions were that six buoys should be placed, such buoys to be paid for and maintained by Camp Cross.

Commissioner Leslie Duncan moved that the Board allow Parks & Waterways to work with Camp Cross in order to get six swim buoys deployed. Commissioner Bill Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Duncan: Aye
Chairman Fillios: Aye

The motion carried.

KCSO Marine Division and Post Falls Police Partnership Update

KCSO Sergeant William Klinkefus offered to answer any questions the Board might have regarding the partnership between the KCSO Marine Division and the Post Falls Police Department in relation to the Spokane River.

Commissioner Duncan asked his impression of how the 150 foot rule had affected traffic on the River: any injuries, accidents or increased damage.

Sergeant Klinkefus reported that there were no accidents or injuries that they could tie to the 150 foot rule. He noted that it was difficult to connect property damage directly to the rule since it was such a subjective observation. He said it seemed to be about the same level as was reported in previous years.

Sergeant Klinkefus said that there were about 900 patrol hours devoted to the Spokane River, of which about 300 were by Post Falls Police Officers. He said there were about 24 citations written and estimated there had been between ten and fifteen total stops specifically for violation of the 150 foot rule once it was put in place. He commented that people tended to obey the rules more closely when officers were present and ignore them when they were not under official observation.

Parks & Waterways Advisory Board Member Gary Schmidt entered the meeting at 1:37 p.m.

Sergeant Klinkefus said he felt that the additional hours of coverage provided by Post Falls Police Department were valuable. He noted that the two groups would make some adjustments to scheduling and other areas to improve efficiency. He said they intend to continue the partnership for this year's boating season.

Both Commissioner Duncan and Chairman Fillios said they wanted to continue working with Post Falls. Commissioner Brooks offered his firm support also.

Chairman Fillios remarked that Post Falls Police Chief Pat Knight and KCSO Sheriff Ben Wolfinger had expressed a willingness to support placing a ban on towing on the Spokane River. He asked Sergeant Klinkefus what he thought of that.

Sergeant Klinkefus said that it would solve some problems but would restrict the public's activities.

Commissioner Duncan indicated she would rather have an increased number of deputies to patrol the River than to restrict the public's activity in that way.

Sergeant Klinkefus commented that boats were increasing in size, with deeper drafts, and this contributed to the wake complaints, but they were not, by definition, "excessive" according to the ordinance because the boats were not using ballast tanks or hydrofoils to artificially enhance the wakes. He added that the greatly increased traffic on the River added to the problem as well.

Request to Modify the County Waterways Ordinance on the Spokane River

Parks & Waterways Advisory Board Chair Terry Werner reported that his group had met on December 10, 2020 and Spokane River Association Member Jim Stafford had asked that they further consider both the 150 foot rule and the suggestion that towing be banned on the Spokane River.

Mr. Werner said he had received the impression that KCSO felt that the 150 foot rule had forced the affected traffic to the middle of the river, which in turn forced the other boats closer to the docks and created different problems.

Sergeant Klinkefus stated that the above was not the official position of KCSO, but simply a discussion point.

Mr. Werner stated that they had only four members present at their meeting and when a motion was called to eliminate the 150 foot no excessive wake rule, they ended up with a split vote. He said that, after further discussion, P&W Advisory Board Vice Chair Doug Harris made a similar motion and it passed three to one. Mr. Werner said that represented their recommendation to the BOCC.

Commissioner Duncan reported that Mr. Harris had pointed out a correction that needed to be made to the draft minutes of their meeting which had been provided to the BOCC. She noted Mr. Harris had said he would provide the corrected minutes.

Mr. Harris reported that his motion had been for the BOCC to reconsider the issues, not that they should necessarily change their decisions.

P&W Advisory Board Member Tom Torgeson said that he had been the dissenting vote on the motion because he felt there was not enough specific reasons to support the 150 foot rule. He commented he would not approve a complete ban on towing on the river. He acknowledged that this was a very tough issue for the Commissioners to decide. He offered some suggestions on ways to increase funding for additional patrols and offered his support for offering more boater education.

Sergeant Klinkefus noted that KCSO's Marine Deputies' duty was for boater safety, not to protect docks from wake damage.

Mr. Stafford stated that the problem stemmed from excessive wakes generated by certain boats that cause safety issues, property damage and environmental damage. He said that the sort of boats that were causing the trouble didn't exist five years ago. He stated that putting the wake boats all together in the middle of the river actually ended up causing more hazard to other boaters and creating more damaging wakes. He said that banning excessive wakes was the right step, but adding the 150 foot restriction was the issue.

Kootenai County Resident Ken Stauffer expressed his displeasure at length with the way Commissioner Duncan, in particular, had responded to this issue.

Commissioner Duncan stated that she objected to excessive regulation that would tend to deprive the public of their rightful use of the waterways.

Sergeant Klinkefus commented that many different types of boats were capable of creating excessive wakes.

Chairman Fillios said that the Board had tried to word the ordinance so that it did not target wake boats in particular. He noted that Washington boaters significantly added to the traffic load on the Spokane River and expressed his hope that, when Washington loosened its COVID-19 related restrictions, the number of out of state boats might be reduced.

KCSO Deputy Justin Arts reported that there were twenty-six accidents recorded for Kootenai County waterways last season, four of which resulted in serious injury. He added that those four accidents occurred on the Lake Coeur d'Alene, not the Spokane River. He speculated that, if the ordinance were left as it was, the results would be similar this coming boating season.

Commissioner Brooks stated that he was in favor of eliminating the 150 foot rule.

Chairman Fillios suggested that they all consider the reports submitted from the past season for a couple of weeks, then revisit the topic to decide whether a change in the ordinance was appropriate.

The other Commissioners expressed general agreement with his proposal.

Sergeant Klinkefus pointed out the new KCSO Sheriff, Robert Norris, had been sworn into office, but had not yet had time to be fully briefed on this situation or offer his thoughts.

- 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.

Mr. Torgeson asked whether he could receive permission from the Board to remove privately owned buoys, from Lake Coeur d'Alene. He stated that the buoys had been placed illegally and constituted litter, in his opinion.

Commissioner Duncan stated that the BOCC had no authority in this issue; it belonged to IDL (Idaho Department of Lands).

Parks & Waterways (P&W)/Noxious Weeds/Snowgroomers Director Nick Snyder confirmed that IDL held jurisdiction over buoys on public waterways. He said he agreed that the extra buoys did not serve the public interest and created confusion for boaters.

Mr. Torgeson listed IDL procedures regarding illegal buoys. He said that, on Hayden Lake, after the owners of the buoys had been notified and given a certain length of time to remove them, IDL was supposed to remove them. He remarked that Sheriff Wolfinger had offered the opinion that it could be considered theft if someone removed them without IDL authorization.

Commissioner Duncan said that the IDL process had worked for the Spokane River and Hayden Lake, so she felt it should also be effective on Lake Coeur d'Alene.

E. Adjournment (Action): Chairman Fillios adjourned the meeting at 2:20 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
