

**Minutes of Meeting
Waterways Advisory Board
July 10, 2019
9:00 a.m.**

The Kootenai County Board of Commissioners: Chairman Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks met to discuss the following agenda item. Also present were Parks & Waterways (P&W)/Noxious Weeds Director Nick Snyder, P&W/Noxious Weeds Operations Manager Jake Strange and Deputy Clerk Tina Ginorio. Also present were Waterways Advisory Board Members Ray Bradley, Terry Werner, John Condon and Doug Harris, Idaho Parks and Recreation Representative Samuel Hoggatt, Jason Sanford from Stancraft Marine Center, Kootenai County Residents: Greg Delevan, Glenn Terrell, Darrell Sims, Gary Maddock, Dash Kamp, Craig Hamelink, Don Wells, Stan Curless, Ken Stauffer, Lia Stauffer, Mary Nelson, Pam Tyler, Jeff Tyler, Robert Hoskinson, Andy Mikles, Susan Stiger, Robert R. Stiger, Avis Stafford, Pat Green, Amy Shulund, Ron McCray, John Paul Cardin, Carol McCray, Jim Stafford, Doug Parker, Ty Ettner, Anne C. P. Hall, Mark E. Hall, Charlie Eleaca, Richard Taylor, Mark Robertson, Mike Matteu, Kelly Gwinn-Duhy, Greg Walmssey, Clinton (Skip) Allert, LeRoy Cossette, Clay Howard, Susan Longden, Rich Paull, George Rohlinger, Michael Bell, Jackie Glenn, John Griffin, Terry Agnew, George Young, Judy Morbeck, Tim Pollock, Jay R. Perko, Angelica Hughes, Stephen Paxton, Robert Ellis, Ron DeeDee, Chris Walker, MaryLee Linton and Coeur d’Alene Press Reporter Brian Walker.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 9:02 a.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Business:**

Recommendations for Changes to County Waterways Ordinance (Action)

Chairman Fillios stated that the purpose of the meeting was to hear the recommendations of the Waterways Advisory Board for the Board of County Commissioners. He noted that this was a public meeting, not a public hearing and said that brief public comments would be accepted at the end of the meeting. Chairman Fillios predicted that decisions on these issues would be made within the next few weeks and reminded those assembled that a public hearing would be held before changes in ordinances were made.

Waterways Advisory Board Chair Terry Werner recommended that a no wake zone be implemented at Spirit Lake, starting from the boat launch and extending about 980 feet along a particularly narrow section of the waterway. He also listed motions for other recommendations:

- Motion to create a 500 foot from shore no wake zone – motion was not seconded.
- Motion to forbid “plowing” – motion was not seconded.
- Motion to fund two full-time Deputies to patrol the Spokane River, require that anyone receiving a boating citation take a mandatory boating safety class, and requesting Commissioners to support boater education measures – motion passed

- Motion banning wake surfing, wake boarding and any wake generated that exceeded two feet in height from the Spokane River – motion was seconded but the vote was tied.

Mr. Werner acknowledged that these were very contentious topics that had been debated for years. He asked that the Commissioners settle them in the near future.

Chairman Fillios asked if other members of the Advisory Board wished to speak.

Waterways Advisory Board Member John Condon agreed with Mr. Werner that the situation was overdue for a solution. He pointed out that numerous recommendations had been brought to prior Boards but were not acted upon. He said they wanted rules in place that were enforceable and not too cumbersome. Mr. Condon noted that additional officers had been requested in the past to enforce the laws already in place but none had been hired. He acknowledged the presence at the meeting of many property owners who paid a great deal in property taxes and should receive protection for their properties along the river. He also acknowledged that the boating public had the right to use the waterways, but needed to be encouraged to do so with respect for the property owners their activities affected. He appealed to the Commissioners to enlist the officers needed to enforce the rules.

Waterways Advisory Board Member Ray Bradley stated that he had voted for the no wake zone for the river. He stated that the current boat wake laws not were effective; one such law stated that boat owners were responsible for their boat wakes. He described multiple boat wakes constantly affecting the river. He pointed out the current laws required boats to remain one hundred feet away from the shore but this distance was not sufficient for wakes to dissipate. He urged the Commissioners to enact rules to protect the river and said he did not think the proposals for education would be effective. He said the only way to stop the damage and prevent safety problems was to stop the waves.

Chairman Fillios requested that Parks & Waterways/Noxious Weeds Director Nick Snyder offer his perspective.

Mr. Snyder said he recognized the complexity of the issue and affirmed the concerns brought forth by the Waterways Advisory Board. He listed three relevant laws currently in effect.

- Title 67, Chapter 7 of the Idaho Safe Boating Act: gross negligent operation—any person who operates any motorized vessel on the waters of the State of Idaho without due caution and circumspection, and in a manner as to endanger or likely to endanger any person or property shall be guilty of grossly negligent operation and, upon conviction shall be punished as provided...
- 67-7-019: It shall be unlawful for any person to operate a vessel on the waters of the State of Idaho at a speed or under conditions that cause any damage to or affect the safety of other vessels, docks, shoreline installations or any other property or person.

- County Ordinance: During day or night, no motor driven watercraft shall be operated at a speed or in a manner that creates an excessive, dangerous or damaging wake.

He recommended that the Board ensure the rules put in place were enforceable and urged that the Kootenai County Sheriff's Office be consulted. He said he felt the laws he had quoted covered almost every issue that had been brought up.

Commissioner Bill Brooks said he had been working on these issues since April and stated he had received a petition from residents on Spirit Lake. He stated that he defined this as an issue of safety, environmental protection and property rights. He predicted the solution could not be completed during this summer, due to the constraints of the process, but wanted to get started now and have it settled for next year. He urged cooperation between the different interest groups.

- 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.

Amy Shulund stated she had a cabin on Hudson Point. She said they also have problems with wake board boats: last Friday she counted ten of them that did not pay attention to the 200 foot or 100 foot shore limits. She added that she did not dare swim outside of her dock and has had to make \$45,000 in repairs to her dock. She urged the Commissioners to take productive action.

Robert Stiger, of 11831 West Riverview Drive in Post Falls, shared some anecdotes illustrating the problem.

Mark Robertson, of 11483 West Riverview Drive, stated he was in favor of restricting wake boats to the Lake. He said he owned property and wanted equal access to the river. He pointed out that other boats also cause damaging sized wakes.

Kelly Gwinn-Duby, of Post Falls, stated she worked at Red Lion Templin's Hotel. She said they were on both sides of the issue: they understood the damage that wakes could inflict, but also had many marina tenants that would be disappointed to have the sport banned. She said they felt more enforcement of the laws, especially at their end of the river, was needed.

Rich Paull, of 11523 West Riverview, pointed out that the wake boarding boats were not the only problem; other boats caused larger wakes. He said that enforcement of the 35 mph speed limit and the 100 foot distance from docks were important.

Ron DeeDee, of 447 Waterside Drive, said he had gone to a Kootenai County meeting last year and had asked a KCSO officer how many tickets had been handed out during the prior year for boating violations. He reported the officer had told him that none had been handed out, because of the upcoming election.

Craig Hamelink, from Harbor Island, pointed out that wake board activities were the primary cause of the issues being discussed, despite the insistence of people who wanted to shift the blame to other causes.

Clay Howard, of 710 South Mill Lane, pointed out his observation that the behavior exhibited by the problem boaters was blatant disregard for the property of others. He said he had to buy a boat lift and that his dock had been damaged.

Jim Stafford, of 4699 West Mill River Court, said he was present to represent the over two hundred members of River Friends 2019, all of whom were property owners on the river. He said his group was very concerned about the safety, environmental damage, property damage and overall harm to the quality of life living next to the Spokane River caused by large wakes. He said they proposed an ordinance forbidding “plowing” on the Spokane River between the outlet of Lake Coeur d’Alene and the Post Falls Dam. He delivered a written statement to the Deputy Clerk.

John Paul Cardin, of 609 North 18th Street, said he supported any efforts to improve education and enforcement. He suggested a trial period using those methods and, if that did not work, implementation of restrictions on certain water sports.

Dash Kamp, from Sandpoint, said he also supported additional education and enforcement. He suggested considering a mandatory boater’s license, such as required in Washington.

Susan Stiger, from 11831 West Riverview Drive, explained that she was a civil engineer from M.I.T. (Massachusetts Institute of Technology), specializing in hydrology. She said she had spent the last three months studying these issues and exploring solutions found by other jurisdictions. Ms. Stiger explained that the destructive power of a wave increased by the square of the wave’s height and suggested that focusing on reduction of wave height would be the key. She reported that KCSO Sergeant William Klinkefus had stated, in previous public discussions, that the current regulations were not enforceable or effective, but that the proposed focus on wave height could be made to work.

Ken Stauffer, 3794 West Shore, pointed out that education would not negate physics. He said his two-year-old granddaughter had been washed off their dock by a wake; he had luckily been present and rescued her. He said that boaters were behaving in inconsiderate and irresponsible ways and did not belong on the river. He added that he had seen kayakers and paddleboats swamped by the wakes. He estimated that the wake boats comprised about 5% of the boating traffic but caused most of the problems.

Greg Delevan, of 3665 South Blue Park Road, said he represented the Coeur d’Alene Lakeshore Property Owners Association. He noted that the problems were not restricted to the river. He agreed that the size of the wake, regardless of activity, was the issue and suggested that citing violators would encourage compliance.

Richard (Rick) Taylor, of 10923 West Crystal Bay Road in Post Falls, stated he felt the rules in place were adequate, if they were properly enforced. He pointed out the boaters he

had encountered had been very courteous and said a single activity should not be blamed for the whole problem.

Chairman Fillios closed the meeting by offering his assurance that this Board would address the situation and thanked everyone for attending and participating.

E. Adjournment (Action): Chairman Fillios adjourned the meeting at 9:45 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
