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**STAFF REPORT No. 2 (Addendum)**  
Amendment to the Valley County Code  
Valley County Waterways Ordinance  
Ordinance 20-11

**HEARING DATE:** June 8, 2020  
**TO:** Board of County Commissioners  
**STAFF:** Deputy Kevin Turner and Cynda Herrick, AICP, CFM  
**REQUEST:** Amends Title 4 Chapter 5

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On May 26, the Valley County Board of Commissioners discussed changes to the proposed ordinance based upon testimony from the public. The updated version of the ordinance is attached for review.

**FINDINGS:**

1. A properly noticed public hearing was held on May 26, 2020. The Board of County Commissioners asked for edits to be made to the proposed ordinance. The public hearing was tabled to June 8, 2020.
2. On May 27, 2020, the revised ordinance proposal was posted on the Valley County website under both "Board of County Commissioners Meetings" and "Ordinances". A link was also added to the main webpage. Meeting procedures for participation in the public hearing for June 8, 2020, were posted on the website on June 1, 2020.
3. The deadline for written public comments for the previous public hearing was May 20, 2020. All comments received after that deadline are included with this staff report.
4. Agency Responses – Received by P&Z Office After May 20, 2020:
  - 1) Valley Soil & Water Conservation District supports the provisions to limit pollutants, erosion, and sediments. Other consideration not currently addressed in the Ordinance are:
    - For irrigation purposes, some Idaho reservoirs only allow electric motors on the waterway to cut down on oil entering the irrigation water system
    - Small trolling motors, especially electric, an allowance noted for near-shore fishing.
    - Human-powered paddleboats – some are technically motors. (May 18, 2020)
  - 2) Valley Soil & Water Conservation District are in favor of keeping the 300ft no-wake zone for Cascade Lake. It is appropriate at this time that we are actively experiencing and addressing increasing hazardous lake water quality. A healthy lake is integral to our community, all water users, and the economy. (June 3, 2020)

- 3) Idaho Department of Environmental Quality, 2019 Monitoring Report Cascade Reservoir and the North Fork Payette River (HUC 17050123) between Payette Lake and Cascade Reservoir. The report was delivered by the Valley Soil & Water Conservation District.

5. Responses in FAVOR – Received by P&Z Office After May 20, 2020:

- The proposed ordinance retains the essentials of Ordinance 08-01 and extends needed regulations to the entire county.
- It will promote and protect the health, safety, and property of all Valley County residents and visitors.
- It will protect the water in Valley County.
- All boat ramps should be provided with a rinsing zone and mandatory checking station for invasive species.
- It will protect McCall's drinking water.
- Non-motorized zones in the Meanders and north of the Tamarack Falls bridge are supported.
- A 4-foot wave has 16 times the energy of a one-foot wave. Large waves damage docks and beaches and reduce water quality.

- 1) Valley County Pathways, May 23, 2020
- 2) Deirdre Abrams, May 20, 2020
- 3) Rik Thomas, May 20, 2020
- 4) Ruth Lewinski, May 20, 2020
- 5) Diane Barker, Warm Lake Summer Resident, May 21, 2020
- 6) James Crawford, 14075 Morell Road, May 20, 2020
- 7) Earl Dodds, May 20, 2020
- 8) Jamie Melbo, McCall, May 20, 2020
- 9) Kathleen Malone, May 20, 2020
- 10) Lois Lenzi, 1946 Warren Wagon Road, May 20, 2020
- 11) Pamela Pace, May 24, 2020
- 12) Scott and Connie Harris (May 14 and June 2, 2020)
- 13) Rick Richins, May 21, 2020

6. Responses in Favor but Requesting Changes - Received After May 20, 2020:

- Extend the no-wake zone on Boulder Creek inlet to more than 100 feet.
- All users should go slow through the Narrows on Payette Lake.
- Include provision allow water ski starts within the no-wake zone
- 4-5-6(B) should include any motorized recreational vehicles to protect the river and riverside habitat from recreational vehicle fording.
- Request for larger no-wake zones for wake vessels.
- Additional buoy markers to mark no-wake zones.

- Those under the age of 16 should be allowed to operate a personal watercraft if the person has completed a watercraft safety course or possesses an Idaho driver's license or permit.
- Those under the age of 16 should NOT be allowed to operate a personal watercraft.
- The no-wake zone on Lake Cascade should be greater than 100 feet due to added wave damage from boat wakes, safety, and escalating cyanobacterium blooms.
- 4-5-5 B.1 Omission of word "Vessel" means that anything that jumps a wake is in violation, including a tube; revise wording.
- Opposition to adopting changes by resolution (Section 4-5-6.D2)
- Opposition to water ski starts at the dock/shore

- 1) Barbara Mossman, May 20, 2020
- 2) Stacy Bowers, 104 Mather Road, May 20, 2020
- 3) Marla Scarborough, 4266 W Quail Ridge Drive, May 18, 2020
- 4) Wesley Keller, 250 Moonridge Drive, received June 1, 2020
- 5) Bill and Gemma VanHole, June 1, 2020
- 6) Cami Baker, May 22, 2020
- 7) Moe Therrien, 1552 Warren Wagon Road #2, May 27, 2020
- 8) Laura Bechdel, 771 Knights Road, June 1, 2020
- 9) Scott and Connie Harris, June 3, 2020
- 10) Susan Bechdel, June 3, 2020
- 11) Jacque Long, Cascade, June 3, 2020

#### 7. Responses in Opposition - Received After May 20, 2020

- Vague language that does not provide any guidance for boaters or law enforcement to abide by in a consistent manner.
- Ordinance is in favor of homeowners along Payette Lake.
- Ordinance unfairly targets wake boats.
- Damage/erosion to Payette Lake's beaches are due to waves from the wind, not boats.
- Opposed to the evening speed limit of 20 mph as 32 mph is needed to keep front of boat lowered so driver can see water directly in front of boat.
- More rules and regulations are not necessary.

- 1) John Cacopardo, 2169 Payette Drive, May 21, 2020
- 2) Kyle Yearsley, May 21, 2020
- 3) Ken and Kris Litzinger, 514 Sawyer Lane F Street, May 20, 2020
- 4) Dennis Marguet, Cascade, May 21, 2020
- 5) Luke Evans, May 22, 2020
- 6) Dean Hovdey, Home Town Sports, June 3, 2020

#### 8. Other:

- 1) Susan Bechdel asking that comments received after May 20th be admitted into the record. (June 1, 2020)

**ATTACHMENTS:**

- Procedures for Participation in the Public Hearing on June 8, 2020
- Revised Proposed Ordinance No. 20-11.
- Responses

**END OF STAFF REPORT**

## Procedures for PUBLIC HEARINGS ON JUNE 8, 2020

### WATERWAYS ORDINANCE NO. 20-11

#### **PRIOR TO THE HEARING:**

- ⇒ Sign up with the Clerk, Douglas Miller, as follows:
  - Phone: (208)382-7102 until Friday at 5:00 p.m. or
  - E-mail [dmiller@co.valley.id.us](mailto:dmiller@co.valley.id.us) until testimony is opened
  - In-Person...sign up with Douglas Miller. You will be escorted to the hearing room and be allowed to testify, but you will then need to leave the hearing room.
- ⇒ Review the ordinance on the website.

**TESTIMONY SHOULD ONLY BE GIVEN ON CHANGES MADE SINCE THE MAY 26 MEETING  
OR IF THIS IS YOUR FIRST TIME TESTIFYING – LIMIT OF 3 MINUTES.**

#### **EXPLANATION OF HEARING PROCEDURES BY CHAIRMAN AT BEGINNING OF MEETING**

- State the Date and Time
- Explain the Process: Staff Report, Testimony of Proponents, Testimony of Uncommitted, Testimony of Opponents, Testimony In-Person, Deliberations, & Decision  
(*unless more information is needed*)
- Time Limit of 3 Minutes – (as a member of the public you should have signed up with the Clerk, Doug Miller, at (208)382-7102 until Friday at 5:00 p.m. or E-mail [dmiller@co.valley.id.us](mailto:dmiller@co.valley.id.us) until testimony is opened, and we will call on you by name.

#### **□ OPEN THE PUBLIC HEARING**

#### **□ Ask if anyone has a conflict of interest.**

#### **□ STAFF REPORT FROM PLANNING AND ZONING – CYNDA HERRICK**

- STAFF PRESENTATION (REVIEW OF ORDINANCE)

#### **□ TESTIMONY OF PROPONENTS (Name and Location) – on the phone**

#### **□ TESTIMONY OF UNCOMMITTED (Name and Location) – on the phone**

#### **□ TESTIMONY OF OPPONENTS (Name and Location) – on the phone**

#### **□ TESTIMONY OF THE PUBLIC IN-PERSON – CANNOT STAY IN THE HEARING**

#### **□ CLOSE THE PUBLIC HEARING for Deliberations**

#### **□ DEVELOP REASONED DECISIONS – MAY WANT TO TABLE TO A SPECIFIC DATE AND TIME**

## ORDINANCE # 20-11

AN ORDINANCE OF VALLEY COUNTY, IDAHO, CREATING AN ORDINANCE TO BE ADMINISTERED AND ENFORCED BY THE VALLEY COUNTY SHERIFF'S OFFICE AND TO BE KNOWN AS VALLEY COUNTY WATERWAYS ORDINANCE, WITH COVERAGE OF ALL PUBLIC WATERWAYS INCLUDING DEADWOOD RESERVOIR, GRANITE LAKE, HORSETHIEF RESERVOIR, LAKE CASCADE, LITTLE PAYETTE LAKE, PAYETTE LAKE, UPPER PAYETTE LAKE, WARM LAKE, AND SPECIFIC REACHES OF THE NORTH FORK OF PAYETTE RIVER. ESTABLISHING REGULATIONS FOR USE OF SAID WATERWAYS IN VALLEY COUNTY, IDAHO IN ORDER TO PROMOTE AND PROTECT THE HEALTH, SAFETY AND GENERAL WELFARE OF CITIZENS OF THE COUNTY. THIS VALLEY COUNTY WATERWAYS ORDINANCE REPEALS THE FOLLOWING ORDINANCES: ORDINANCE 78-1 (3-13-1978), ORDINANCE 02-3 (8-12-2002), ORDINANCE 03-3 (5-27-2003) AND ORDINANCE 08-1 (2-11-2008); AND ESTABLISHES AN EFFECTIVE DATE.

WHEREAS, the Valley County Board of County Commissioners has determined, through citizen reports and consultation with officials at the State of Idaho Department of Lands, Idaho Department of Parks and Recreation, U. S. Forest Service, U. S. Bureau of Reclamation and with members of the Valley County Waterways Advisory Committee, that it is in the best interests of the Valley County citizens to institute these regulations; and,

WHEREAS, Residents of Valley County desire to protect the area's natural environment including the special and high-quality fresh waters of the County's waterways, recognizing that such outstanding natural attributes contribute to tourism, to the overall economic well-being, and to the quality of life enjoyed and appreciated by both residents and visitors alike; and,

WHEREAS, Residents of Valley County value the peace and quiet associated with waterway experiences; and,

WHEREAS, improper operation of vessels can impose a danger to citizens who use the waters or live adjacent to Valley County lakes and waterways, and can diminish the quality of natural environment including the general peace and quiet of the waterways and their watersheds, diminish water quality, jeopardize shoreline stability and affect diverse wildlife habitat suitability in ways that will be mitigated by the terms of this ordinance; and,

WHEREAS, the Valley County Board of County Commissioners thus has determined that, in addition to State laws and regulations, the following Ordinance is necessary to promote and protect the health, safety and general welfare of Valley County residents, visitors to the area and the general public and to provide all users of the County's public waterways with clearly articulated, local regulations, enabling a more compatible recreational experience which will result in a safer, more pristine, pleasant and productive environment; and,

WHEREAS, the ordinance will not create excessive additional requirements for public facilities and services at public cost.

NOW THEREFORE Be it ordained by the Board of County Commissioners of Valley County, Idaho that the following is enacted:

## **CHAPTER 5**

### **VALLEY COUNTY WATERWAYS ORDINANCE**

- 4-5-1: TITLE**
- 4-5-2: PURPOSE AND COVERAGE**
- 4-5-3: AUTHORITY**
- 4-5-4: DEFINITIONS**
- 4-5-5: OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR ALL PUBLIC WATERWAYS IN VALLEY COUNTY**
- 4-5-6: ADDITIONAL OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR CERTAIN PUBLIC WATERWAYS IN VALLEY COUNTY**
- 4-5-7: SUMMARY OF RULES AND REGULATIONS**
- 4-5-8: POSTING OF RESTRICTED AREAS**
- 4-5-9: ENFORCEMENT**
- 4-5-10: VIOLATIONS AND PENALTIES**

#### **4-5-1: TITLE:**

This chapter shall be known and may be cited as the **VALLEY COUNTY WATERWAYS ORDINANCE**.

#### **4-5-2: PURPOSE AND COVERAGE:**

A. **PURPOSE:** The general purpose of the chapter is to promote and protect the health, safety and general welfare of the public, to enhance boating and other uses and to protect public and private property and the natural environment of the public waterways of Valley County. This Ordinance establishes rules for vessel and watercraft use and operation as well as for swimming, diving, waterskiing and other uses, in order to accomplish the following:

1. To provide for a safe waterways experience for all users including abutting landowners;
2. To protect all County waterways against pollution from contaminants;
3. To protect the public and private property that abut County waterways from erosion;

4. To conserve and enhance the habitat afforded by the waterways for avian, terrestrial and aquatic wildlife;
5. To assure continuance of the County's high quality of life that is closely associated with its waterways and its watershed;
6. To preserve the high quality of life values that are associated with waterway use and especially the peace and quiet of the lake and river experiences;
7. To work with all waterway-front owners, watercraft users and owners, swimmers, divers, water-skiers and others in order to bring all users into compliance with this Ordinance;
8. To work with all agencies and regulatory bodies functioning in or affecting Valley County in order to meet the purposes of this Ordinance.

**B. COVERAGE AND APPLICABILITY:**

1. This Valley County Waterways Ordinance covers DEADWOOD RESERVOIR, GRANITE LAKE, HORSETHIEF RESERVOIR, LAKE CASCADE, LITTLE PAYETTE LAKE, PAYETTE LAKE, UPPER PAYETTE LAKE, WARM LAKE, AND SPECIFIC REACHES OF THE NORTH FORK OF PAYETTE RIVER. It establishes regulations for use of said waterways in Valley County, Idaho in order to promote and protect the health, safety and general welfare of citizens of the county.
2. This Ordinance repeals the following Valley County Ordinances: Ordinance 78-1 (3-13-1978), Ordinance 02-3 (8-12-2002), Ordinance 03-3 (5-27-2003) and Ordinance 08-1 (2-11-2008); and establishes an effective date.
3. In addition to the provisions herein, all waterways in Valley County are subject to the provisions of the Idaho state boating laws as found in The Idaho Safe Boating Act, Idaho Code Title 67, Chapter 70, other applicable Idaho State Statutes and The Idaho Administrative Code, IDAPA 26.01.30

**4-5-3: AUTHORITY:**

The provisions of this chapter are enacted pursuant to the general authority granted to the Board of County Commissioners by the Idaho Constitution, Article XII, Section 2, and Idaho Code, Sections 31-714, 31-807 and 67-7031.

**4-5-4: DEFINITIONS:**

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.



**ADULT SUPERVISION:** Having a person age eighteen (18) years of age or over on or in a vessel.

**DAY:** From one hour before sunrise to one hour after sunset.

**EXCESSIVE, DANGEROUS OR DAMAGING WAKE:** A wave of water or track of turbulence resulting from the passage of a vessel through the water that, by its size, height, speed, intensity, repetition or duration, is observed to, or could reasonably be expected to cause within the no wake safe water zone or in designated swimming areas: property damage; shoreline erosion; damage to or dispersal of aquatic plants or navigational or safety hazard signage; or harassment or endangerment of other boaters, swimmers or other water users.

**HOUSE BOAT:** A vessel designed solely for live-aboard activities and powered solely by a motor or other mechanical device.

**LIVE ABOARD:** The act of overnighting in or on a vessel that is anchored to the bottom of a water body or is attached or moored to a public or private dock, pier, mooring buoy or other structure.

**MOTOR DRIVEN VESSEL:** Any vessel of any type which is propelled by any type of motor or machinery.

**NARROWS, THE:** The west side of the channel between the north basin and the southwest arm of Payette Lake from "Simplot Point" to the south boundary of the settlement at "KP Cove"; and on the east side of that same channel from the exposed rocks known as "Hen and Chicks" north to the northern most point of Ponderosa State Park.

**NIGHT:** From one hour after sunset until one hour before sunrise.

**NO MOTOR DRIVEN VESSEL AREA:** A designated area where no motor of any type is allowed to power a watercraft.

**NO WAKE SPEED:** The slowest speed at which it is possible to maintain steering but not more than five (5) miles per hour.

**NO WAKE ZONE:** A designated area where the operation of watercraft must be accomplished at not more than five (5) miles per hour and where no watercraft shall produce a wake ~~greater than four inches (4") in height or a breaking wake~~ showing whitewater.

**OVERNIGHTING:** Spending more than six (6) hours between sunset and sunrise in a vessel in order to sleep.

**PERSONAL WATERCRAFT:** A small vessel which uses an outboard motor or an inboard motor powering a water jet pump as its primary source of power and is designed to be operated by a person sitting, standing or kneeling on, rather than the conventional manner of sitting or standing inside the vessel.

**POSTED AREA:** An area which is a portion of the waters of Valley County, marked with regulatory markers in compliance with Idaho Code Section 67-7031, in order to regulate the actions of watercraft and persons.

**PUBLIC WATERS:** Any river, lake or other body of water within Valley County other than those which are entirely privately owned, regardless of navigability.

**SHERIFF'S OFFICE:** The Valley County Sheriff's Office.

**SHORELINE:** The line of demarcation between water and land, known as the Natural or Ordinary High Water Mark as established by the State of Idaho Department of Lands and as defined in IDAPA-20.03.04.010.14 (v. 9-13-90).

**UNATTENDED VESSEL:** A watercraft that is left without any human on board or in the immediate vicinity and is currently not being used.

**VALLEY COUNTY BOARD OF COUNTY COMMISSIONERS:** The governing board of Valley County, Idaho.

**VESSEL:** Every description of watercraft, including a seaplane on the water, used or capable of being used as a means of transportation on water, but does not include float houses as defined in Idaho Code Section 67-7003, diver's aids operated and designed primarily to propel a diver below the surface of the water, and non-motorized devices not designed or modified to be used as a means of transportation on the water, such as inflatable air mattresses, single inner tubes and beach and water toys.

**WAKE:** The visible track of turbulence created by watercraft moving through the water.

**WATERCRAFT:** Those devices designed as a means of transportation on water. Watercraft does not include diver's aids operated and designed primarily to propel a diver below the surface of the water or non-motorized devices not designed or modified to be used as a means of transportation on the water, such as inflatable air mattresses, single inner tubes, beach and water toys, or float houses as defined in Idaho Code Section 67-7003.

**WATERSKIING:** Any act that involves a person being towed by a motor-powered vessel utilizing a tow rope, tow line, or training boom, regardless of the type of device being towed.

**WATERWAYS ADVISORY COMMITTEE:** The Valley County Waterways Advisory Committee as appointed by the Valley County Board of Commissioners. (The Idaho Safe Boating Act, Idaho Code Section 67-7012)

**WATERWAYS WITH VESSEL RESTRICTED AREAS:** As provided for under Idaho Code Section 67-7031, areas in which certain uses are regulated on certain waters. Herein they include:

No motor driven vessel area, where no motor of any kind can be used to propel a watercraft;

Restricted swimming area, where swimming and the operation of float tubes and other nonmotorized devices not designed or modified to be used as a means of transportation, such as inflatable air mattresses, single inner tubes and beach and water toys, may be regulated;

Restricted waterskiing area, where waterskiing may be regulated;

Personal watercraft operational zone, where personal watercraft may be regulated as to no wake zones, exclusive use, no use, or distance of use from shoreline; and a Diver protection area where activities in the vicinity of a diver are regulated.

#### **4-5-5: OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR ALL PUBLIC WATERWAYS IN VALLEY COUNTY:**

A. **PURPOSE:** These rules, regulations and standards are in addition to and supplemental of those of other Valley County ordinances, as amended, the Idaho Safe Boating Act, other applicable State laws and the rules in the Idaho Administrative Code.

B. **APPLICABILITY:** These operational rules, regulations and standards apply to any user of the public waterways of Valley County, except for law enforcement officials acting in their official capacity during an enforcement or emergency action:

1. **BASIC OPERATIONAL STANDARD:** It shall be unlawful and considered as negligent behavior for any person to operate any type of vessel on the public waters of Valley County in such a manner as to not pay proper attention to the actual and potential hazards then existing; to operate at a rate of speed greater than stated herein as permissible; or to operate in a manner that, given the exercise of reasonable care, will prevent being able to stop said vessel within the assured clear distance ahead. Specifically prohibited and deemed negligent behavior is engaging ~~any vessel~~ in wake jumping or ~~having-it-become-becoming~~ fully airborne; weaving at a speed greater than no wake through congested traffic; or using a vessel to willfully harass another vessel, a swimmer, a diver or any wildlife.

##### **2. AGE FOR OPERATION OF A VESSEL OF CERTAIN TYPE OR HORSEPOWER:**

a. It shall be unlawful to operate, or to allow someone to operate, a motor driven vessel of 15 horsepower or less if the operator is a person under the age of twelve (12) years, unless the operator is under direct adult supervision.

b. It shall be unlawful to operate, or to allow someone to operate, a motor driven vessel of greater than fifteen (15) horsepower ~~or that is not~~ a personal watercraft unless:

1) The operator is at least sixteen (16) years of age; or

2) The operator is at least ~~fourteen (14)~~ years of age and ~~either~~ under direct adult supervision ~~or have a Certificate of Achievement from the Idaho Department of Parks and Recreation; or~~

3) The operator is at least twelve (12) years of age and under direct adult supervision.

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- ~~c. It shall be unlawful to operate, or to allow someone to operate, a personal watercraft unless the operator is at least sixteen (16) years of age.~~

**3. LIVE ABOARD:**

- a. It shall be illegal to use a vessel for live aboard activities on Valley County waterways unless that vessel is equipped with a holding tank for human waste.
- b. It shall be illegal to use any vessel for such live aboard activities for longer than fifteen (15) days in any thirty (30) day period.

**4. UNATTENDED VESSEL:** It shall be illegal to leave a vessel unattended for more than three (3) continuous days on any Valley County waterway while anchored to the bottom or moored to any structure not permitted by the State of Idaho Department of Lands or by another federal, state or local permitting authority. Moving the vessel or breaking the unattended time by being onboard does not remedy the illegality if a reasonable person would determine that the vessel is not being used and is being left unattended for more than three (3) days.

**5. HOUSEBOAT ANCHORING:** Houseboats, when overnighting on any Valley County waterway, must tie up to a structure permitted for such use by the State of Idaho Department of Lands or by another federal, state or local permitting authority; and must have written permission from such authority to do so. In no case shall an overnighting houseboat anchor to the bottom.

**6. SWIMMERS USING WATERS OUTSIDE A NO WAKE AREA:** Any person swimming in an area that lies outside a no wake safe water zone shall be accompanied by a vessel, or tow a readily visible float or other type of warning device such that shall clearly serve as notice to all other motorized vessels and water users that swimming is occurring.

**7. NO WAKE SAFE WATER ZONE:** A No Wake Safe Water Zone shall exist within one hundred feet (100') of any anchored or moored vessel, swim float, marked swimming area, person in the water, person in a vessel engaged in fishing or any manually propelled vessel.

**8. UNLAWFUL NOISE:**

- a. No person, while on the waters defined in this Ordinance, shall disturb the peace of others as defined in Idaho Code § 18-6409.
- b. Violation of this section shall be a misdemeanor.

**9. PERSONAL WATERCRAFT OPERATIONAL TIME ZONE:** All Valley County public waterways shall be a no personal watercraft zone during the hours between sunset and sunrise.

**10. DIVER PROTECTION AREA:** A diver shall deploy a recognized "diver down" warning flag or the international code flag A or Alpha at all times while diving. No vessel shall



operate within one hundred feet (100') of the display of any such diver down warning flag, except a vessel servicing a diver, and all vessels approaching such a flag shall do so at a reduced or safe speed.

#### 11. DUMPING IN WATERS OF VALLEY COUNTY:

- a. In addition to the statutory and regulatory laws and rules set out under the Idaho Marine Sewage Disposal Act, Title 67, Chapter 75, Idaho Code, it is unlawful to discharge, deposit, abandon, dump, spill, leak, pump, pour or emit any extraneous matter of any kind whatsoever into the public waters of Valley County, including but not limited to sewage, garbage, refuse, docks, wood and fuel.
- b. Violation of this section shall constitute a misdemeanor.

#### 12. SPEED REGULATION FOR ALL LAKES

- a. During the day, where the speed is not otherwise subject to a specific greater restriction, the speed limit shall be that which is reasonable and prudent given the circumstances at the time of day.
- b. At night, where the speed is not otherwise subject to a specific greater restriction, the speed limit shall be reasonable and prudent given the circumstances at the time. A suggested maximum speed of 20 mph is recommended during night time operation.
- c. No motor driven vessel shall be operated at a speed or in a manner that creates an excessive, dangerous or damaging wake.

13. Waterskiing is prohibited within any No Wake Safe Water Zone; provided, however, that, vessel and swimmer traffic permitting, skiers may start from the shore, dock or water but must proceed directly to the closest point outside the No Wake Safe Water Zone before altering course but shall not be returned under power to the shore, dock or water within such a No Wake Safe Water Zone.

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#### **4-5-6: ADDITIONAL OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR CERTAIN PUBLIC WATERWAYS IN VALLEY COUNTY:**

In addition to the forgoing regulation that apply to all public waters in Valley County, the Board of Valley County Commissioners has determined, through citizen reports and recommendations of the Valley County Waterways Advisory Committee, that it is in the best interests of the citizens of the county and those who wish to use and enjoy the waterways of the county to institute certain restrictions on the use on certain public waters within the county.

The following regulations apply to all users of the specified waterbodies, with the exception of law enforcement officials acting in their official capacity:

A. LAKE CASCADE: No Wake Safe Water Zone shall exist within ~~three~~ one hundred feet (3100') of any Lake Cascade shoreline. Provided, however, the following exceptions shall apply:

~~1. LAKE CASCADE, BOULDER CREEK ARM, GOLD FORK ARM, LAKE FORK ARM, AND THE SHORELINE OF SUGARLOAF ISLAND unless otherwise provided by law a No Wake Safe Water Zone of 100 feet from docks, structures, and persons in the water.~~

2. LAKE CASCADE, WILLOW CREEK: No Wake Zone - It shall be unlawful for any person to operate, or allow to be operated, a vessel on the Willow Creek area leading into Southwest Idaho Senior Citizens Recreation Association Campground off the Boulder Creek Arm at any time in such a manner as to create a wake.

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B. NORTH FORK PAYETTE RIVER, NORTH OF LAKE CASCADE - No Motor Driven Vessel Area: It shall be unlawful for any person to operate, or allow to be operated, a motorized vessel at any time on the North Fork of Payette River from its confluence with Lake Cascade at Fisherman's Bridge, upstream to the dam at the south end of Payette Lake.

C. NORTH FORK PAYETTE RIVER, NORTH OF PAYETTE LAKE - No Motor Driven Vessel Area: It shall be unlawful for any person to operate, or allow to be operated, a motorized vessel at any time on the North Fork of Payette River from its confluence with Payette Lake at North Beach, upstream to Upper Payette Lake.

D. PAYETTE LAKE AND UPPER PAYETTE LAKE:

1. No Wake Safe Water Zone: A No Wake Safe Water Zone shall exist within three hundred feet (300') of any Payette Lake shoreline. Provided, however, the following exceptions shall apply:

a. Unless otherwise provided by state law, a no wake safe water zone shall not exist off the shoreline of Channel Island, Cougar Island, and Shellworth Island in Payette Lake.

b. Unless otherwise provided by state law, a no wake safe water zone shall not exist off the shoreline in the waters of The Narrows.

2. ~~Other Restricted Areas: The Valley County Board of County Commissioners may also restrict certain waterway uses on the Payette Lake and Upper Payette Lake. The restrictions will be adopted adopt by resolution, after notice, and may contain maps and/or a series of maps that may be supplemental to items already adopted within this ordinance and may used as reference materials, ed and amended.~~

E. WARM LAKE - No Wake Zone During Certain Hours: It shall be unlawful for any person to operate, or allow to be operated, any vessel on Warm Lake on any day in such a manner as to create a wake between the hours of six o'clock (6:00) P.M. and eleven o'clock (11:00) A.M.

#### **4-5-7: SUMMARY OF RULES AND REGULATIONS OR CHANGES:**

- 1) A summary of the rules and regulations governing the use of Valley County Waterways as enacted shall be made available at convenient locations.
- 2) Any changes to this ordinance will be done through a properly noticed public hearing process.

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#### **4-5-8: POSTING OF RESTRICTED AREAS:**

For any restricted area, Valley County and the Valley County Sheriff's Office shall clearly post warning signs in the waterway or at public boat launch ramps, as appropriate, that provide ample notice to a person entering the restricted area. In areas where the waterway is over 60 feet deep, there shall be no duty to place signs in the water.

#### **4-5-9: ENFORCEMENT:**

This chapter shall be enforced by any officer of the Valley County Sheriff's Office.

#### **4-5-10: VIOLATIONS AND PENALTIES:**

- A. It shall be unlawful to operate a watercraft, personal watercraft, vessel or to swim, dive or waterski or enter into any other activity in a manner contrary to the restrictions or prohibitions set forth in this section, and to any Valley County Board of County Commissioner rules enacted pursuant to this section.
- B. Unless otherwise specified herein or by the Idaho Code, a violation of any of the provisions of this Ordinance shall constitute an infraction and subject the violator to a fine not to exceed three hundred dollars (\$300.00) (Idaho Code Section 18.111).
- C. If the violation is deemed a misdemeanor herein or by the Idaho Code, a violation shall subject the violator to imprisonment in a county jail not exceeding six (6) months, or to a fine not exceeding one thousand dollars (\$1,000), or to both (Idaho Code Section 18.113).

#### **4-5-11: EXCEPTIONS:**

The Valley County Board of County Commissioners retain the authority to issue special use permits in order to relax the requirements of this ordinance. The process to obtain such a permit is as follows:

- A. Submit a request in writing using a standardized application form available from either the Valley County Clerk or the Valley County Sheriff's Office.

- B. The request shall be submitted to the Valley County Clerk no later than twenty-one (21) days in advance of the anticipated use date and shall be scheduled on the next available Valley County Board of County Commissioner agenda.
- C. The Clerk shall place the request on the Valley County Board of County Commissioners' agenda as an action item. The request shall be included in the agenda packet compiled by the Valley County Clerk.
- D. Public comments can be made in writing and forwarded to the Valley County Clerk.

**NOW, THEREFORE, BE IT ORDAINED AND APPROVED** by the Valley County Board of Commissioners, Valley County, Idaho this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
ELTING HASBROUCK, Chairman

\_\_\_\_\_  
DAVE BINGAMAN, Commissioner

\_\_\_\_\_  
SHERRY MAUPIN, Commissioner

Attest:

\_\_\_\_\_  
Douglas A. Miller  
Valley County Clerk

Dated: \_\_\_\_\_



## Agency Responses

Received by P&Z Office After May 20, 2020

## Cynda Herrick

---

**From:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>  
**Sent:** Thursday, May 21, 2020 7:13 PM  
**To:** Cynda Herrick  
**Subject:** Fwd: VSWCD Waterways Ordinance Letter of Support and Comment  
**Attachments:** att17436.htm; att10226.htm; VSWCD Support Waterways draft 5-20-20.pdf; image001.jpg

FYI

Begin forwarded message:

**From:** "Farr, Durena - NRCS-CD, Cascade, ID" <Durena.Farr@id.nacdnet.net>  
**Date:** May 20, 2020 at 12:12:22 PM MDT  
**To:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>, Dave Bingaman <dbingaman@co.valley.id.us>, Sherry Maupin <smaupin@co.valley.id.us>, Douglas Miller <dmiller@co.valley.id.us>  
**Subject:** VSWCD Waterways Ordinance Letter of Support and Comment

Dear Commissioners and Mr. Miller,  
Please find attached the District's Letter of Support and Comment for draft Waterways Ordinance # 20-  
—.  
Thank you for the opportunity to comment.  
Sincerely,

**Durena L. Farr**



Valley Soil & Water Conservation District  
PO Box 510  
209 N Idaho Street  
Cascade, ID 83611  
(208) 382-3317

May 18, 2020

Valley County Commissioners  
Elt Hasbrouck, Chairman  
Dave Bingaman  
Sherry Maupin  
PO Box 1350  
Cascade, ID 83611

Re: Ordinance # 20-\_\_ Valley County Waterways DRAFT Ordinance

The Valley Soil and Water Conservation District supports the provisions proposed in Ordinance 20-05 *Valley County Waterways Ordinance*.

Substantial ongoing efforts have been made by individuals, local governments and state and federal agencies for many years to assess, monitor and reduce sedimentation and nutrients into the waters of Valley County. Significant investments have been made to maintain and improve water quality throughout the North Fork Payette River Watershed by the District, funded through \$319 subgrants, however much work remains.

Those provisions found within this draft ordinance (list appended) that seek to protect the natural environment and quality of the waters of Valley County by limiting pollutants, erosion and sediments are supported by Valley Soil & Water Conservation District.

List of district supported Provisions in Ordinance #20-\_\_ :

- 4-5-5 Paragraph 11 a. Dumping in Waters of Valley County - prohibit pollutants
- 4-5-6 A. Lake Cascade - mitigate sedimentation, erosion
- 4-5-6 1. No Wake Boulder Creek Arm, Gold Fork Arm, Lake Fork Arm and Shoreline of Sugarloaf Island - mitigate sedimentation
- 4-5-6 2. No Wake Willow Creek - mitigate sedimentation
- 4-5-6 B. North Fork Payette River, North of Cascade 1. No Wake Zone - mitigate sedimentation
- 4-5-6 C. North Fork Payette River, North of Payette Lake.
- 4-5-6 D. Payette Lake and Upper Payette Lake
  - 1. No Wake Safe Water Zone

**Valley Soil & Water Conservation District (cont.)**

Other Waterways Ordinance considerations noted by Idaho Soil & Water Conservation Commission State Engineer, not currently addressed in Ordinance Draft #20 \_\_\_\_:

- Electric motors – For irrigation purposes, some Idaho reservoirs only allow electric motors on the waterway, to cut down on oil entering the irrigation water system.
- Small trolling motors, especially electric, an allowance noted for near-shore fishing.
- Human-powered paddleboats – some are technically motors.

We support and commend your efforts for this draft Waterways Ordinance #20 \_\_\_\_\_. Please contact our office if we can be of further assistance.

Respectfully,

Valley Soil & Water Conservation District,

Art Troutner, Chairman  
Paul Kleint, Vice Chairman  
John Lillehaug, Treasurer  
Justin Florence, Secretary  
Ralph Thier, Supervisor

VSWCD/dlf



**Valley Soil & Water Conservation District**  
**PO Box 580**  
**209 N Idaho Street**  
**Cascade, ID 83611**

**(208) 382-3317**  
**[www.ValleySWCD.org](http://www.ValleySWCD.org)**

June 3, 2020

Valley County Commissioners  
PO Box 1350  
Cascade, ID 83611

Honorable Commissioners,

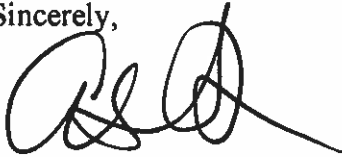
The Valley Soil and Water Conservation District would like to comment on a proposed change to the Waterways Ordinance. We are in favor of keeping the 300ft No Wake Zone for Cascade Lake. There are several good reasons why the 300ft No Wake Zone is appropriate at a time we are actively experiencing and addressing increasingly hazardous lake water quality:

1. Wave action stirs up phosphorus laden sediments that in turn helps encourage and feed harmful algal blooms. We know that summer storms do stir up the sediments but unfortunately there is little that we can do about that. On the other hand, we can prevent some of the disturbance created by boat wakes. Keeping the 300ft No Wake Zone will help reduce wave action on high nutrient lake sediments.
2. Maintaining good water quality is good for all users. The Lake is enjoyed by many user groups, including boaters. People like to swim, fish, sit on a beach, visit their cabin or hang at a resort. The Lake is a shared space. Abiding by a 300ft No Wake Zone in order to help protect ALL the users is a minimal inconvenience on a large Lake. A 300ft No Wake Zone is a boater's route to being a good neighbor.
3. Toxic Algae blooms are more damaging to the economy than a 300ft no wake zone. Less sediment disturbance means less algae growth which means a longer season to use and enjoy the Lake. Why risk shortening the season on the Lake by accommodating the 100ft no wake zone? Why risk the growing likelihood of exposure to Cyanobacteria or Harmful Algal Blooms for the public.
4. Science tells us that a 300ft No-Wake Zone is the better choice for bodies of water. Data from last summer's IDEQ testing shows that there is more than enough phosphorus embedded in the Lake sediments to feed another toxic algae bloom. Keeping the phosphorus embedded is key to preventing another bloom. As has been stated many times before: sediment disturbing wave action can dissipate and weaken if given enough space. 300ft is a much safer bet than 100ft.

5. A healthy Lake is integral to our Community. All of us, in some way or another, have an affect on the health of the Lake. Whether we boat, or not, our actions have an impact. achieving a healthy lake will take the efforts of the entire Community. Many Community volunteer hours and public dollars have already been spent in the last 20 plus years towards keeping the Lake healthy. Practices including tributary streambank restoration, fish passage, agricultural best management practices, forestry best management practices, wastewater management, lakeshore stabilization, etc. have been implemented and put in place to help the Lake stay an integral and healthy part of our Community. We think a 300ft No Wake zone is a good practice that will allow the District to continue those efforts and investment of Federal, State and Local funds.

Thank you for your consideration of our continuing concerns for the water quality of Valley County.

Sincerely,

A handwritten signature in black ink, appearing to be 'Art Troutner', with a stylized, cursive script.

The Valley Soil and Water Conservation District  
Art Troutner, Chairman  
Paul Kleint, Vice Chairman  
John Lillehaug, Treasurer  
Justin Florence, Secretary  
Ralph Thier, Superviaor

**2019 Monitoring Report for Cascade Reservoir and the North Fork Payette River (HUC 17050123)  
between Payette Lake and Cascade Reservoir**

**Idaho Department of Environmental Quality**

**Boise Regional Office**

**Boise, Idaho**

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## Background

In 1996 the Environmental Protection Agency (EPA) approved the Cascade Reservoir Phase I implementation plan (DEQ, 1996) for a Cascade Reservoir total maximum daily load (TMDL), followed by Phase II in 1998 (DEQ, 1998). The implementation plan (Phase I and Phase II) assessed mostly nutrient inputs to Cascade Reservoir through several tributaries, and was mostly driven by the reservoirs issues with excessive blue-green algae growth. In 2005 EPA approved a TMDL for the Payette River (17050122) and the North Fork Payette River (17050123). This TMDL addressed over 2,100 square miles of watersheds, and developed sediment and temperature load allocations in many of the tributaries. In 2011 an addendum to the Cascade Reservoir Tributary TMDL was written to develop sediment load allocations for Gold Fork River, Boulder Creek, and Mud Creek. In 2018 a five year review was written for the Cascade Reservoir Watershed to determine the extent to which water quality targets established in the Phase II TMDL and Cascade Reservoir Tributary TMDL are being achieved. The five year review indicates nutrient levels in the reservoir have remained mostly unimproved dating back to 1993. The reservoir experienced a massive cyanobacterial bloom in the summer of 2018, resulting in a health advisory for the reservoir that lasted from September through October. The advisory sparked a conversation between the public and managing agencies that resulted in additional sampling during the 2019 field season. The sampling encompassed the reservoir and NF Payette River between Payette Lake and Cascade Reservoir. This NF Payette River assessment unit (AU 17050123) was 303(d) listed in the 2016 Integrated Report based on combined biota and habitat bioassessments, requiring further assessment.

## Purpose

This document is intended as a brief reporting of data collected in 2019 from both Cascade Reservoir and the NF Payette River between Payette Lake and Cascade Reservoir.

## NF Payette River (ID17050123SW016\_04)

The NF Payette River was monitored at three sites longitudinally from Payette Lake to Cascade Reservoir. Three sites were chosen to represent three different sections of the AU. All final monitoring locations are shown in Table 1 and Figure 2. Site NFP\_1 was moved at the beginning of sampling due to accessibility issues, while NFP\_2 and NFP\_3 sites remained the same as indicated in the original sampling plan. Each site hosted an Onset Tidbit v2 continuous temperature logger, which collected measurements every fifteen minutes. NFP\_3 hosted two temperature loggers for QA/QC purposes. All loggers were quality checked with a NIST data logger prior to deployment, and again after removal. Each site was sampled biweekly for ambient levels of total phosphorus (TP), Total Kjeldahl Nitrogen (TKN), Dissolved Oxygen (DO), pH, Conductivity, and *E. coli*.

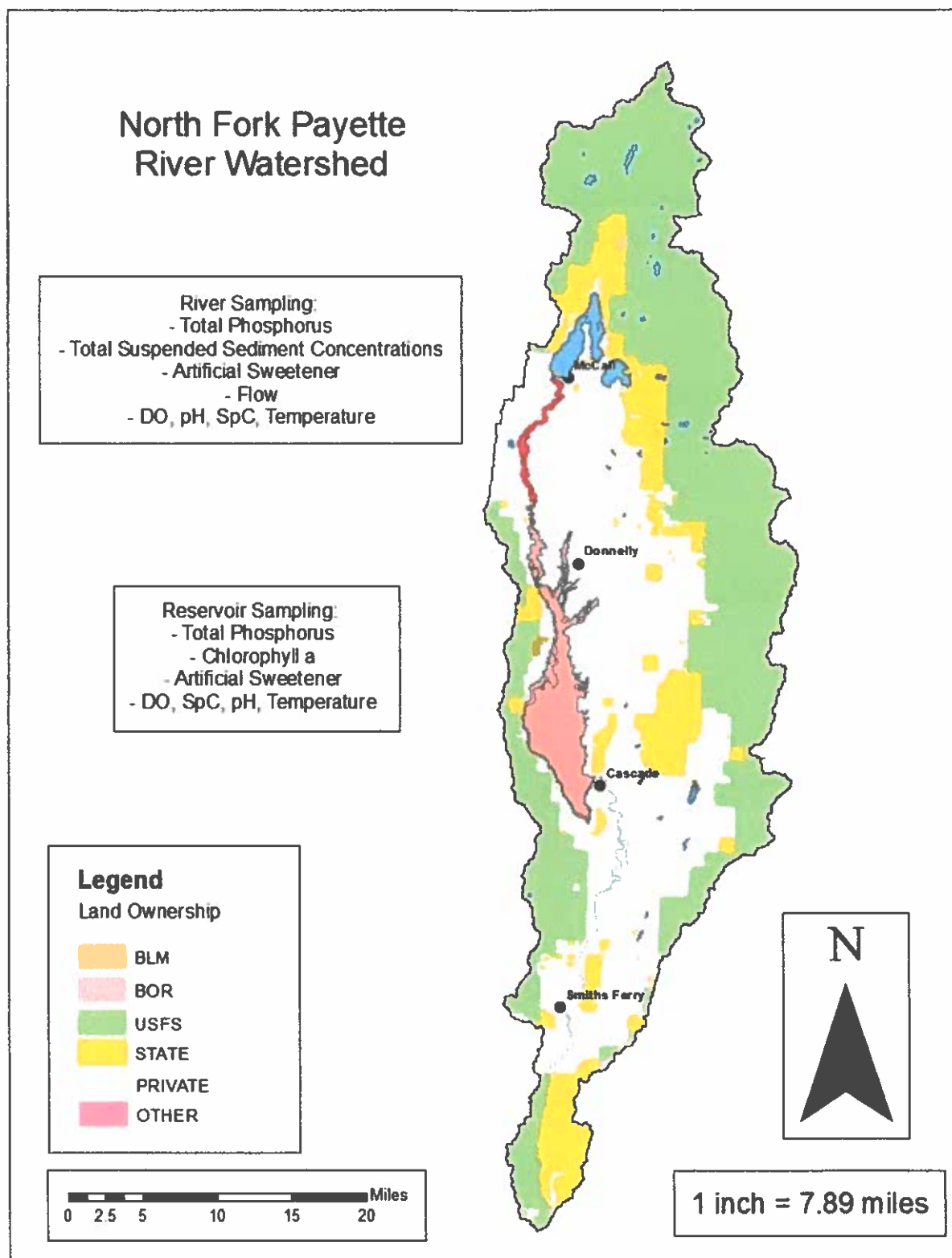


Figure 1. NF Payette River Watershed

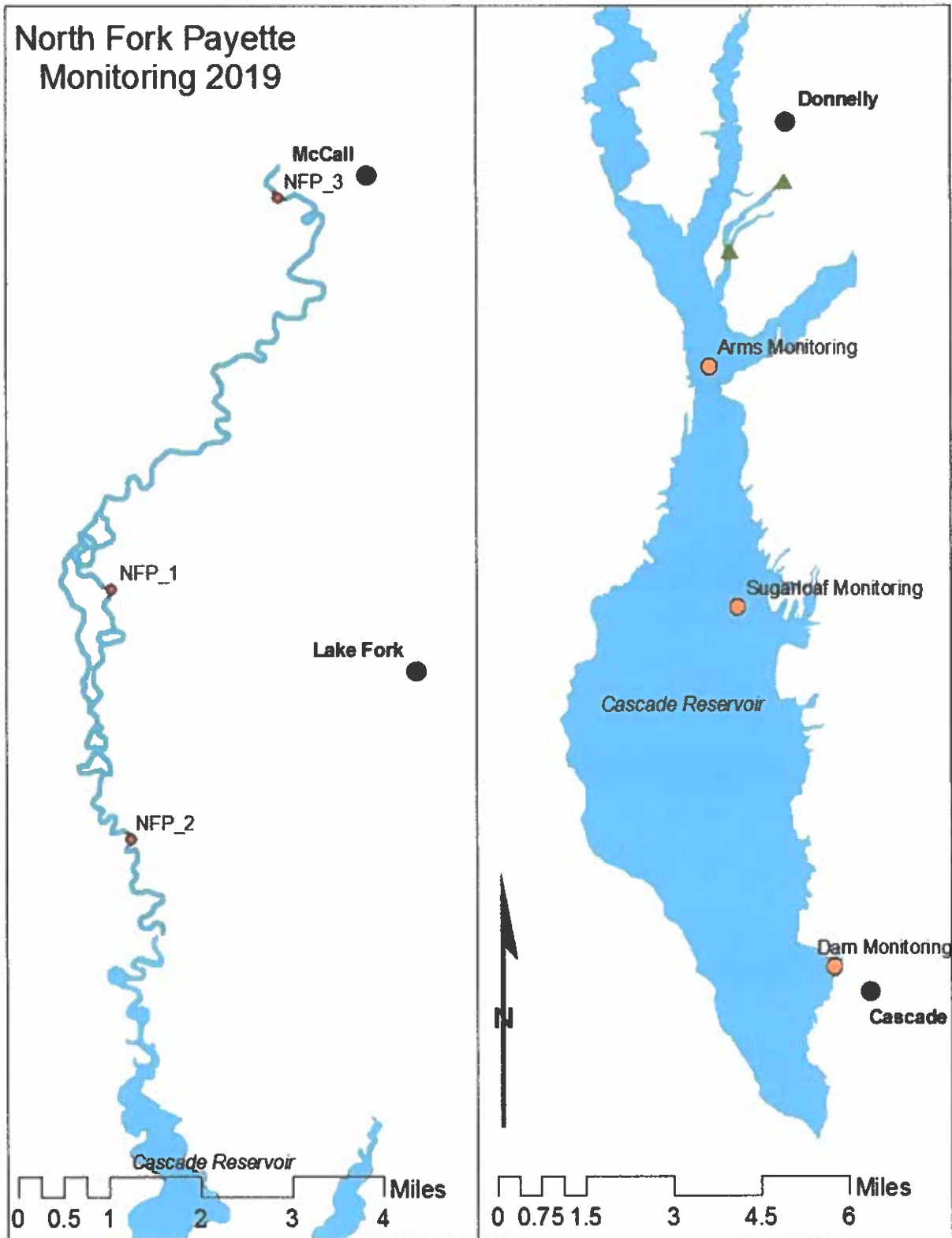


Figure 2. Sampling locations for both the NF Payette River and Cascade Reservoir

**Table 1. NF Payette River monitoring locations and parameters.**

North Fork Payette River (NFP_1)	ID17050123SW016_04	44.84452	-116.15354	TP, TKN, DO, TSS, pH, Conductivity, <i>E. coli</i> , Temp	Continuous for Temperature, Bi-Weekly for all others
North Fork Payette River (NFP_2)	ID17050123SW016_04	44.805	-116.1478	TP, TKN, DO, TSS, pH, Conductivity, <i>E. coli</i> , Temp	Continuous for Temperature, Bi-Weekly for all others
North Fork Payette River (NFP_3)	ID17050123SW016_04	44.9076	-116.1193	TP, TKN, DO, TSS, pH, Conductivity, <i>E. coli</i> , Temp	Continuous for Temperature, Bi-Weekly for all others

## Nutrients

TP and TKN were sampled to represent nutrient concentrations in the NF Payette River. The Cascade Reservoir TMDL sets a TP target at  $\leq 0.025$  mg/L for the reservoir and surrounding tributaries. There is currently no TMDL target set for nitrogen concentrations.

The total phosphorus concentrations measured at all sites in the NF Payette River never exceeded the 0.025 mg/L target set for the reservoir and tributaries, as shown in Figure 4. The lowest concentrations were observed at NFP\_3, which were consistently measured at non-detect limits ( $<0.010$  mg/L). This site is roughly 700 meters from the Payette Lake outlet, and therefore can likely be explained by the low phosphorus concentrations within the lake. The highest concentrations of total phosphorus were observed at NFP\_1, which is located ~9 miles from the Payette Lake outlet. This site falls well below the municipal influences of McCall, and is near the start of larger cattle and agricultural operations. NFP\_2 is located closest to Cascade Reservoir. Though it has the potential for the highest accumulation of phosphorus out of all the sites, it does sit in a low-gradient meandering section with large in-channel sediment deposits. As a depositional section of the river, it is possible that phosphorus falls out of suspension and is stored in riverbed sediments before entering the reservoir.

All sites fall well under the target value established in the Cascade Reservoir TMDL, and therefore phosphorus levels are not considered to be a contributing issue in the NF Payette 303(d) listing. TKN, though not included in the Cascade Reservoir TMDL, is a good indicator of organically available nitrogen in the system. We do not have a target or numeric criteria set for TKN, but observed concentrations are not uncharacteristic for a watershed like the NF Payette River.

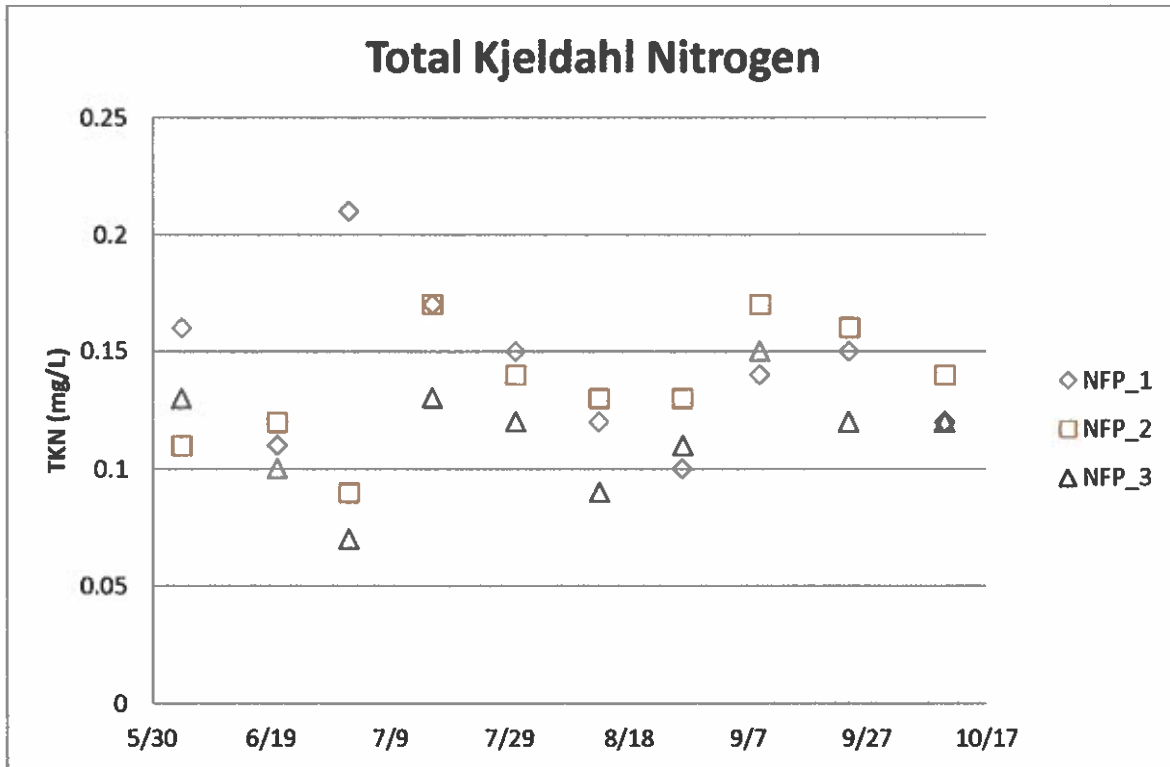


Figure 3. Total Kjeldahl Nitrogen observations across three sites on the NF Payette River in 2019

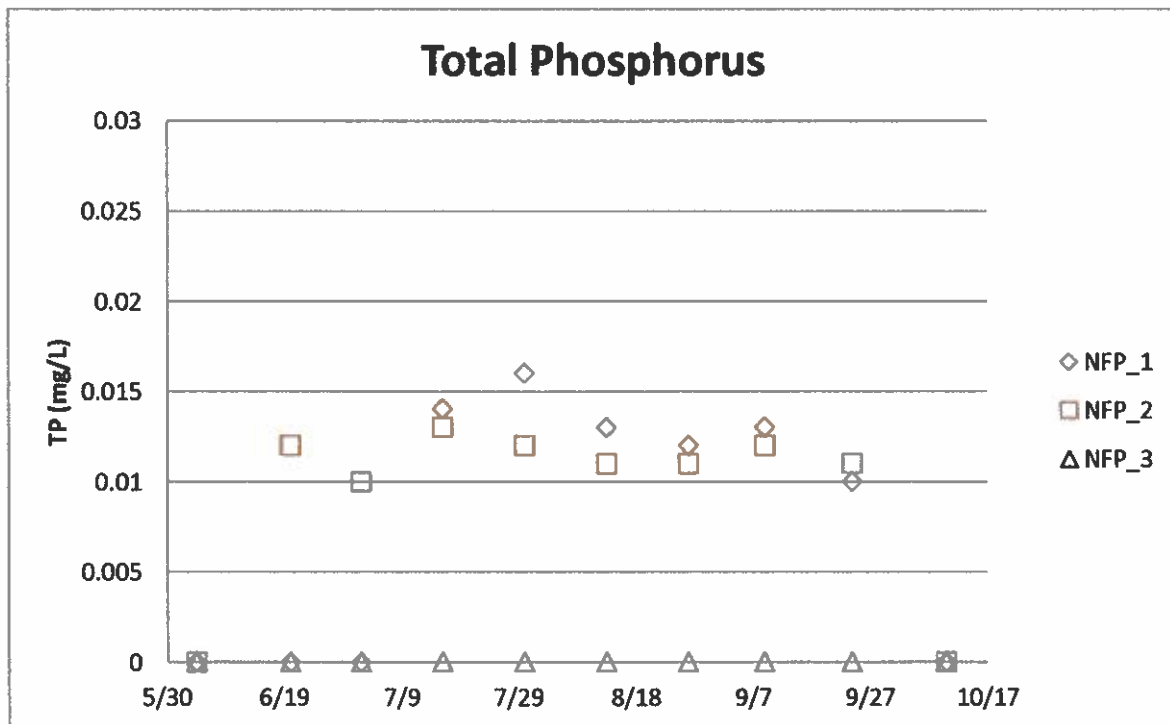


Figure 4. Total phosphorus observations across three sites on the NF Payette River in 2019

## *E. coli*

*E. coli* was sampled biweekly at all three sites throughout the summer (Figure 5). The highest observed concentration of *E. coli* occurred at NFP\_1, equaling 72 colony forming units per 100 milliliters of water (CFU/100 mL). *E. coli* concentrations remained very low throughout sampling, and a geometric mean was never calculated because the single sample maximum for primary contact recreation was never met (406 CFU/100 mL). *E. coli* does not appear to be an impairment to the NF Payette River, and may also provide content for sourcing nutrients.

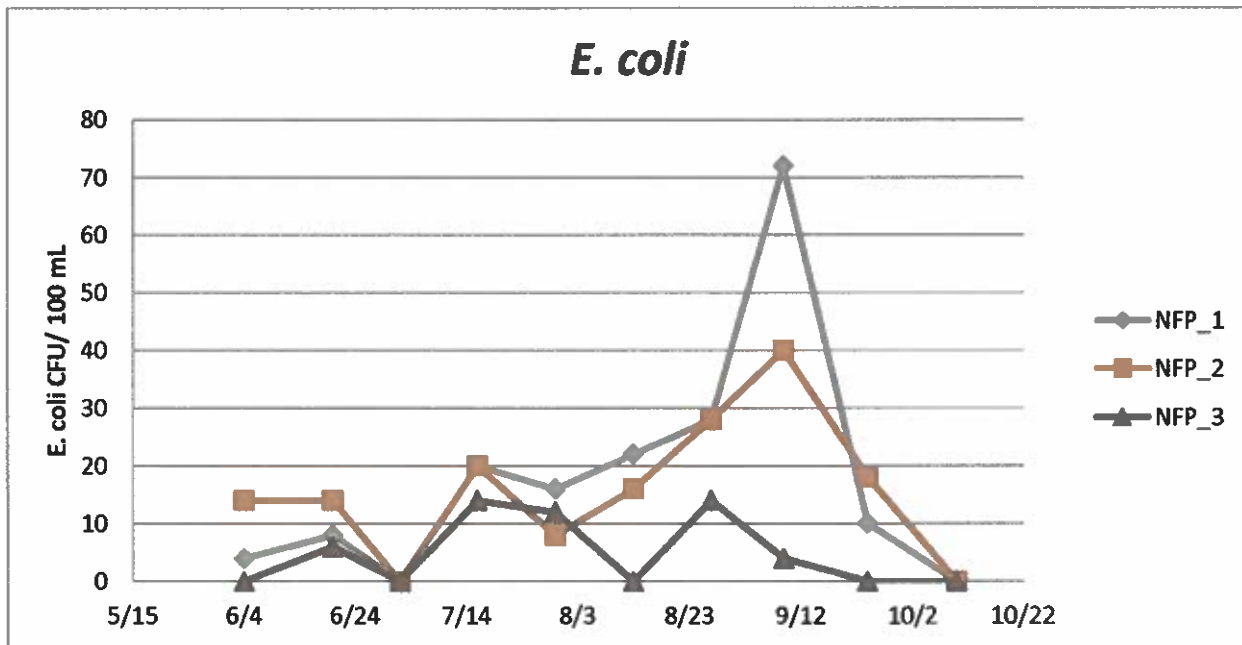
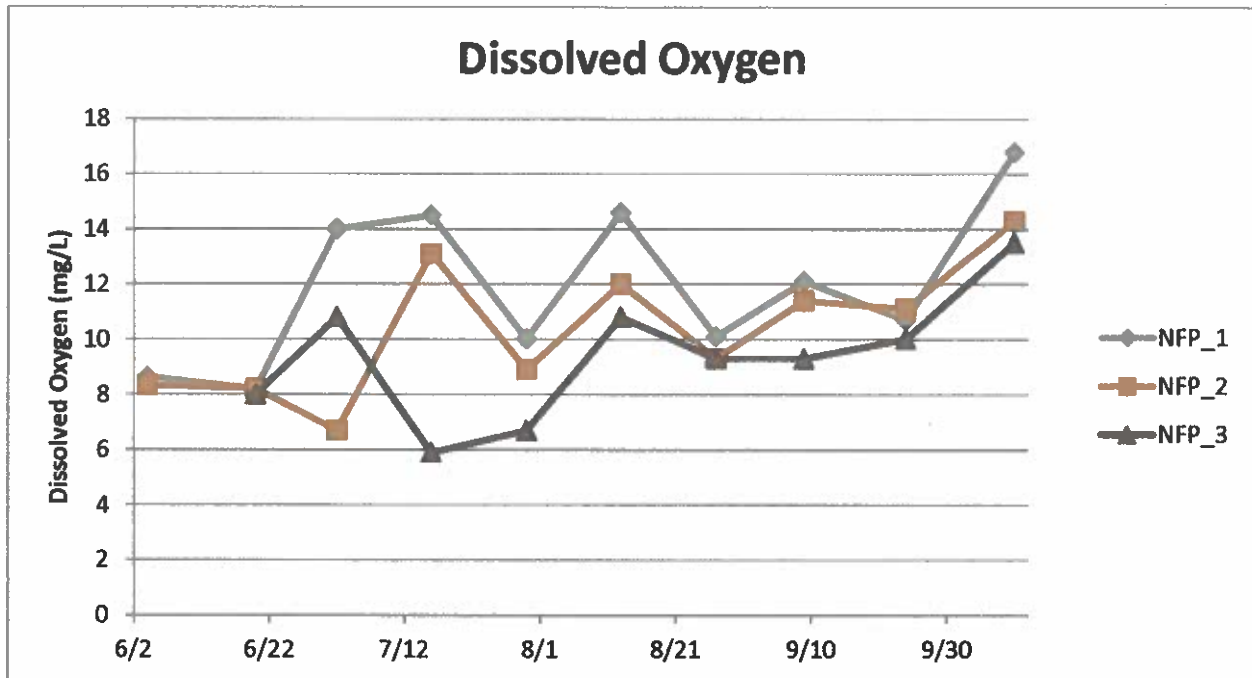


Figure 5. *E. coli* concentrations measured at all three sites of the NF Payette River in 2019

## Dissolved Oxygen

Idaho criteria (IDAPA 58.01.02.250.02a) require a minimum of 6 mg/L of dissolved oxygen at all times for aquatic life support. Dissolved oxygen in the NF Payette River was observed to be higher than 6 mg/L throughout most of the monitoring (Figure 6), however, one sample collected from NFP\_3 on 7/16/2019 falls at 5.9 mg/L. Because it is a single sample that falls within  $\pm 0.1$  mg/L of the criteria, it is not considered significant without additional measurements indicating low DO. There is a peak in DO just over 16 mg/L in early October which is likely a result of cooler water temperatures and thus higher solubility, while other peaks in DO occurring in June-August are likely attributed to primary production. Additional data could be used to correlate DO levels with plant production, such as chlorophyll – a concentrations. The data indicates that dissolved oxygen is not impaired in the NF Payette River throughout the critical period.

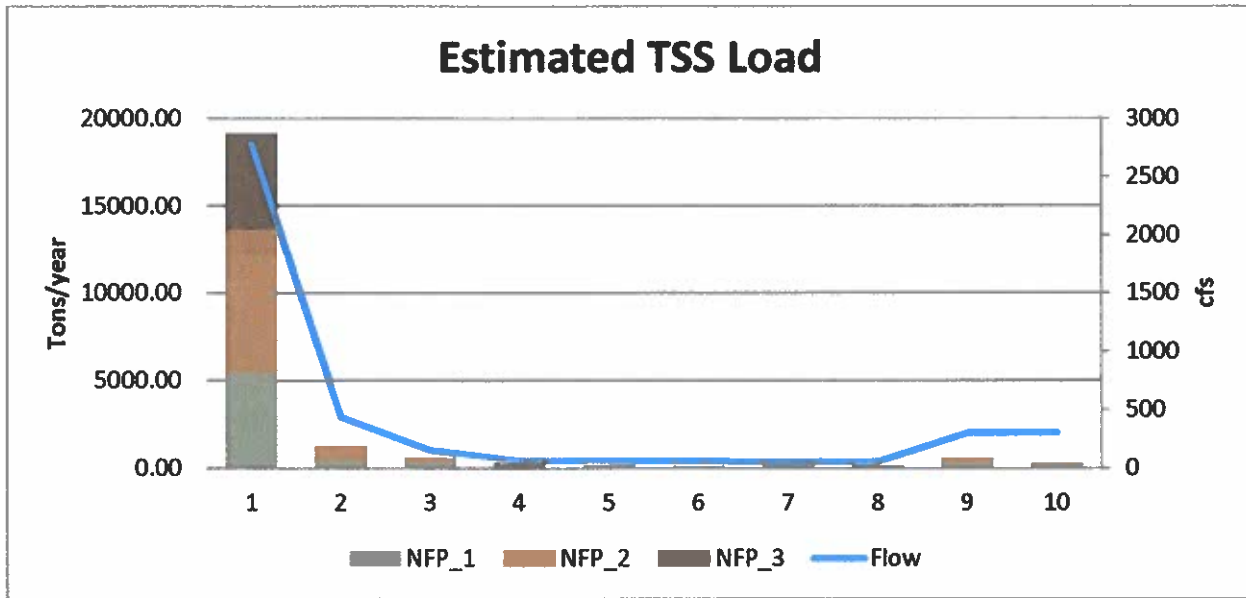


**Figure 6. dissolved oxygen concentrations measured at all three sites in the NF Payette in 2019**

### Total Suspended Solids

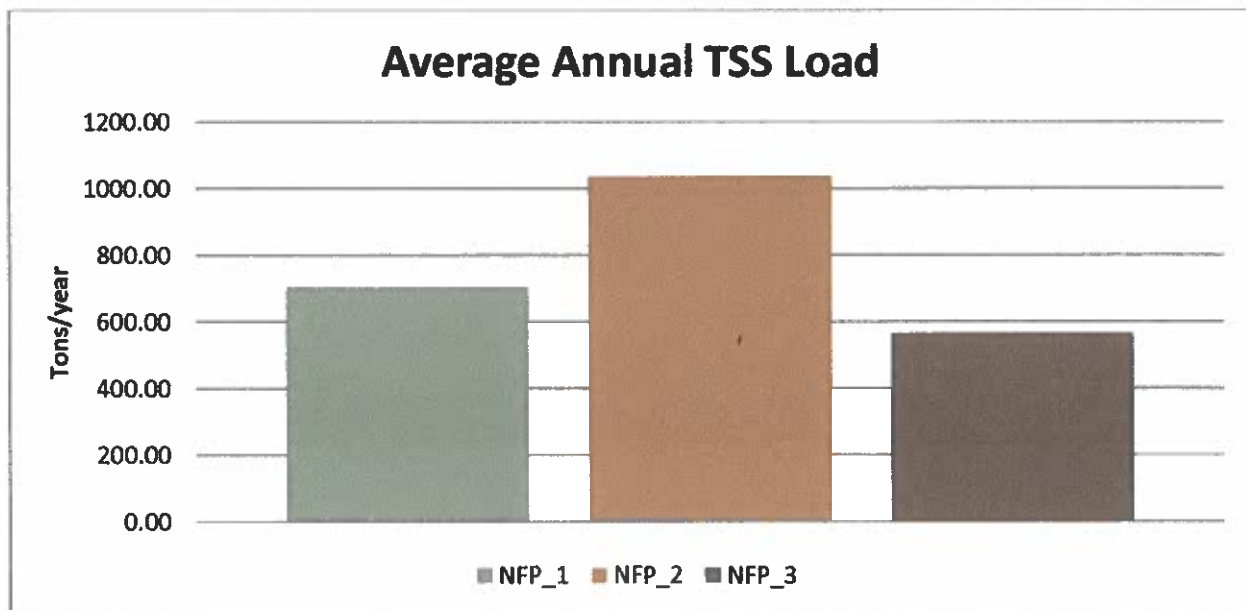
Total suspended solids were measured at each site biweekly throughout the summer. Looking at measured concentrations and flow measured at USGS station at McCall, ID (USGS 13239000), loads were estimated for each sampling day (Figure 7). Day one of sampling occurred on June 4, 2019, and day ten occurred on October 10, 2019. The highest TSS loads occurred during the first day of sampling, likely due to higher spring flows, but dropped significantly with flow and remained consistently low throughout the remainder of the summer.





**Figure 7. Estimated TSS load for all sites for each sampling day.**

Monitoring also indicates a higher average load produced at NFP\_2 (Figure 8), which is the most down-river site located at Smylie Lane Bridge. There are several factors that could be contributing to that higher average. Being the furthest down-river site there could be a higher volume of water moving through the site, however, the site sits in a lower gradient depositional zone; apparent from the large meanders and depositional bars found throughout much of the river bed. A more likely contributing factor could be an increased prevalence of eroding banks observed between NFP\_1 and NFP\_2. Further streambank erosion inventories would need to be assessed for a better understanding of scale and distribution of bank erosion.



**Figure 8. Average annual TSS loads estimated from TSS samples collected between June and October.**

## Conductivity

Conductivity is not covered in Idaho's water quality standards, but can be a good indicator of total dissolved solids (TDS). Additionally, conductivity can be a good indicator of water quality and inputs to the water. Higher conductivity can be indicative of higher inputs of pollutants, such as fertilizers and industrial byproducts. Extremely high conductivity can be indicative of poor fish presence and diversity. It is important to note that conductivity remained extremely low throughout monitoring at all sites, as shown in Figure 9. NFP\_3 stayed remarkably consistent between 15 and 20  $\mu\text{S}/\text{cm}$ , while NFP\_1 and 2 saw an increase at the beginning of sampling and decrease again at the end of sampling. The increase seen at 1 and 2 could be correlated with decreases in flow and increases again at the end of the season; assuming water coming from Payette Lake has relatively low conductance and is essentially diluting the river. Although the lower conductivity makes it difficult to assess fish diversity and size distributions, it also further supports the findings on low nutrients. It is likely the background conditions for conductivity in the area are low.

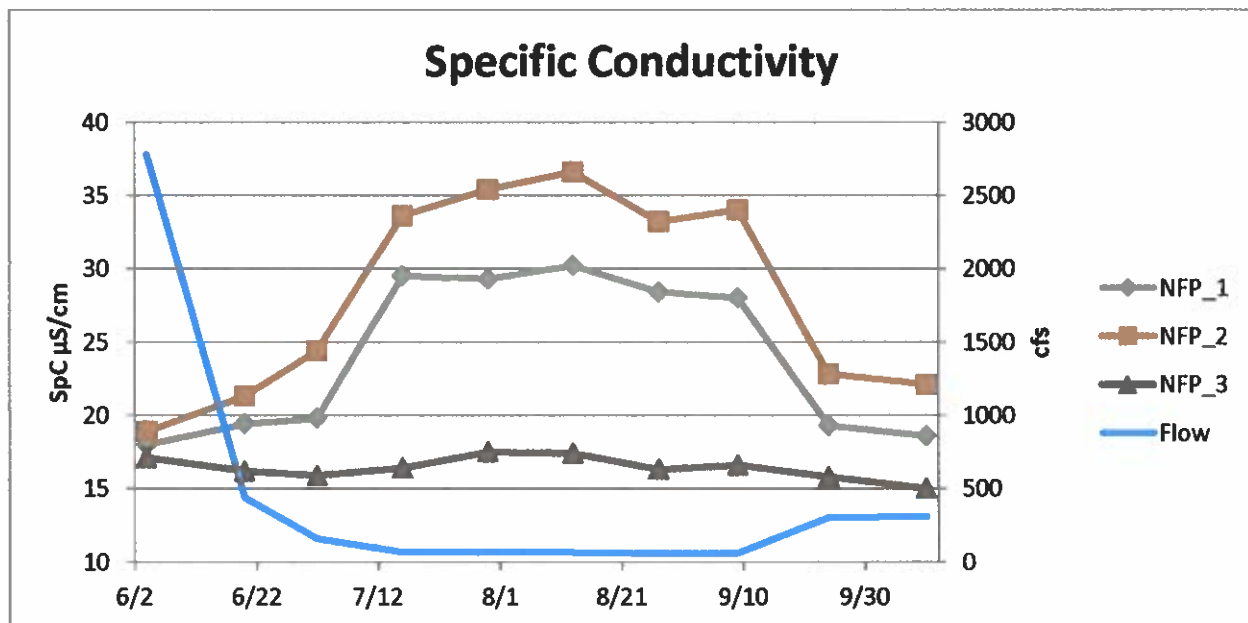


Figure 9. Measured specific conductivity at all sites throughout the summer, with flow.

## Water Temperature

Water temperature was collected at all three sites from June-October using Onset Tidbits. During the sampling, water levels dropped significantly on two different occasions leaving two gaps in the data. Temperature data was compared with an additional duplicate logger at site NFP\_3, and loggers were quality checked pre and post deployment using a NIST logger with similar specifications. Sites were assessed for Cold Water Aquatic Life (COLD), which requires water temperatures of twenty-two (22) degrees C or less with a maximum daily average of no greater than nineteen (19) degrees C (IDAPA 58.01.02.250.02b). Sites were also assessed for Salmonid Spawning (SS), which requires water temperatures of thirteen (13) degrees C or less with a maximum daily average no greater than nine (9) degrees C (IDAPA 58.01.02.250.02fii).

#### NFP\_1

The highest daily maximum temperature observed at NFP\_1 was 24.6°C, exceeding the COLD criteria by over 2°C; while the mean daily maximum was 18.6°C. The highest daily average was 21.7°C and the mean daily average was 16.5°C. The maximum COLD criterion of 22°C was exceeded in 24% of the observations, and the average 19°C criteria was exceeded in 36% of the observations. The maximum Salmonid Spawning criterion of 13°C was exceeded 95% of the time, and the average 9°C criteria was exceeded 100% of the time. Twenty one days were evaluated under the Salmonid Spawning period.

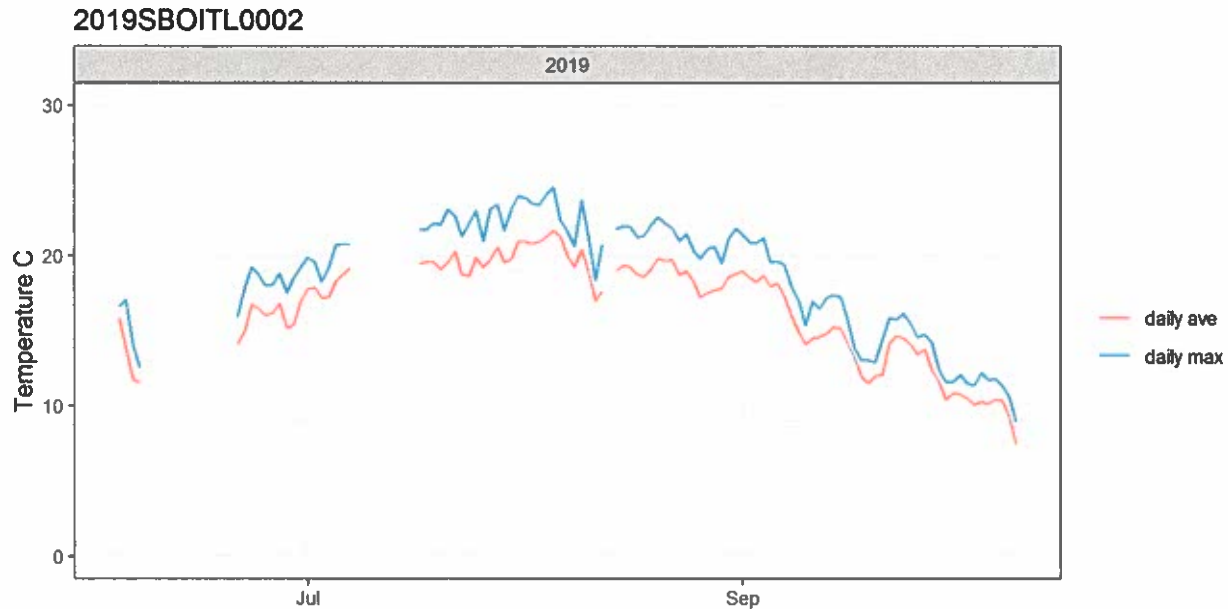
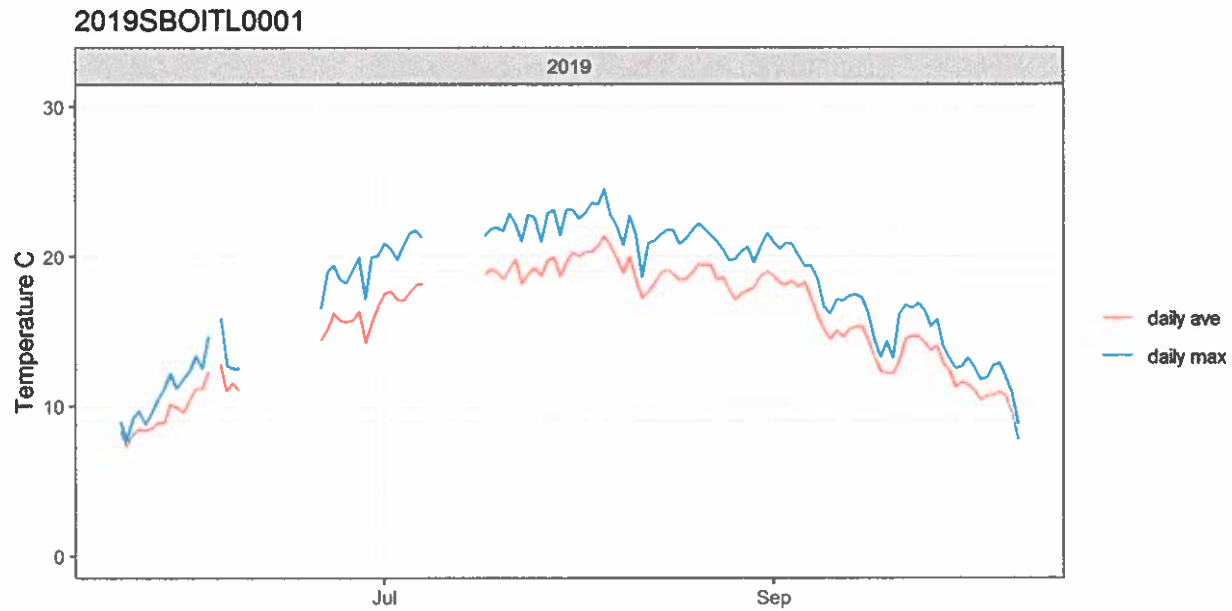


Figure 10. Daily average and maximum temperatures observed throughout the summer of 2019 at NFP\_1.

#### NFP\_2

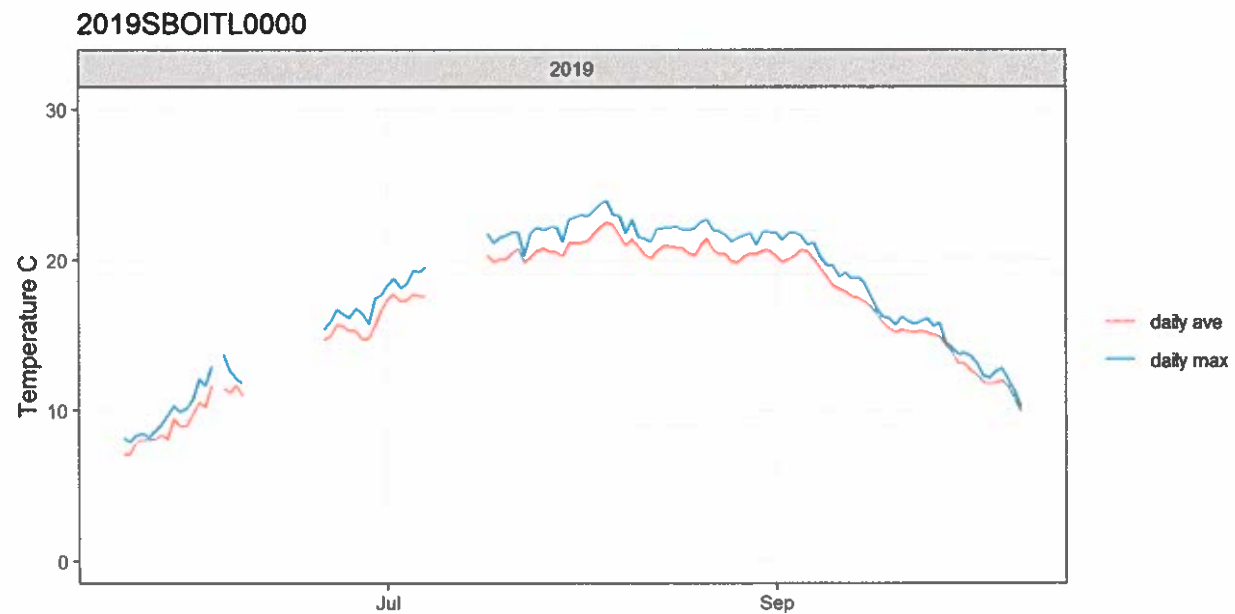
The highest daily maximum temperature observed at NFP\_2 was 24.5°C, exceeding the COLD criteria by over 2°C; while the mean daily maximum was 17.8°C. The highest daily average was 21.4°C and the mean daily average was 15.5°C. The maximum COLD criterion of 22°C was exceeded in 19% of the observations, and the average 19°C criteria was exceeded in 24% of the observations. The maximum Salmonid Spawning criterion of 13°C was exceeded 24% of the time, and the average 9°C criteria was exceeded 78% of the time. Thirty six days were evaluated under the Salmonid Spawning period.



**Figure 11. Daily average and maximum temperatures observed throughout the summer of 2019 at NFP\_2.**

NFP\_3

The highest daily maximum temperature observed at NFP\_3 was 24°C, exceeding the COLD criteria by 2°C; while the mean daily maximum was 17.8°C. The highest daily average was 22.5°C and the mean daily average was 16.7°C. The maximum COLD criterion of 22°C was exceeded in 29% of the observations, and the average 19°C criteria was exceeded in 64% of the observations. The maximum Salmonid Spawning criterion of 13°C was exceeded 50% of the time, and the average 9°C criteria was exceeded 72% of the time. Thirty six days were evaluated under the Salmonid Spawning period.



**Figure 12. Daily average and maximum temperatures observed throughout the summer of 2019 at NFP\_3.**

## Summary

All sites reached temperatures over 24°C, which is 2°C or more over the maximum temperature for cold water aquatic life support. The warmest temperatures were observed in August where daily averages were observed over 20°C (Appendix A). A breakdown of exceedance probability for both COLD support and Salmonid Spawning support are shown in Table 2. It is again important to note that due to water levels fewer days were observed at NFP\_1 during Salmonid Spawning. Although observed days are less than the 45 outlined in WBAG3 (DEQ, 2016), the exceedance probabilities observed are concerning and could be cause to move the AU's Combined Biota 303(d) listing to a category 5 Temperature TMDL.

Table 2. Water temperature statistics collected from all sites during the summer 2019 sampling.

	NFP_1	NFP_2	NFP_3
Highest Daily Maximum	24.61	24.48	23.95
Maximum 7-Day Maximum	23.80	23.32	23.27
Mean Daily Maximum	18.63	17.82	17.82
Highest Daily Average	21.68	21.41	22.52
Mean Daily Average	16.53	15.54	16.73
Lowest Daily Minimum	6.38	6.84	6.20
Mean Daily Minimum	14.43	13.31	15.79
Highest Daily Diurnal	6.96	7.96	5.49
Mean Daily Diurnal	4.20	4.51	2.02
COLD Exceedance (22 C)	24%	19%	29%
COLD Exceedance (19 C)	96%	24%	64%
SS Exceedance (13 C)	95%	56%	50%
SS Exceedance (9 C)	100%	78%	72%

## Cascade Reservoir (ID17050123SW007L\_0L)

Cascade Reservoir was monitored monthly at three sites throughout the summer; two historical (Sugarloaf and Dam) and one new site (Arms) seen in Figure 2. A five year review for the reservoir and its tributaries was completed in 2018, which highlights targets set in the TMDL for the reservoir and its tributaries, as well as current status of those waterbodies. Although data was collected from 2015-2017 in preparation for the five year review, the reservoir was added to the monitoring list out of interest in recently active cyanobacterial blooms, and in an effort to archive more annual data in some of our high priority lakes and reservoirs. The reservoir currently has a pH and Total Phosphorus TMDL, first written

in 1999. Over time the TMDL would include many of the tributaries to the reservoir, and multiple implementation plans have been developed in an effort to minimize inputs to both the reservoir and its tributaries.

## pH

The Cascade Reservoir TMDL uses Idaho Water Quality Standards (IDAPA 58.01.02.250.01a) to determine appropriate pH values in the reservoir, and defines the range as being within six point five and nine point zero (6.5-9.0). The pH data was collected at all three sites using a YSI Exo multiparameter sonde, and depth profiles were estimated using average pH collected throughout the summer (Figure 13 - Figure 15). Data indicates the average pH falls within the established range more often than not. pH data at the Arms Confluence site indicates all averages fall within the standard range, while the data shows averages that fall outside the range at Sugarloaf and the Dam. For averages outside the range, all fall below six point five (6.5) and all occur at depths below ten meters. All three sites display a noticeable decrease in pH as depth increases, with some of the lower averages occurring near the reservoir bottom. Table 3 through Table 5 show sample frequency at each site, along with minimum and maximum pH values observed at each depth.

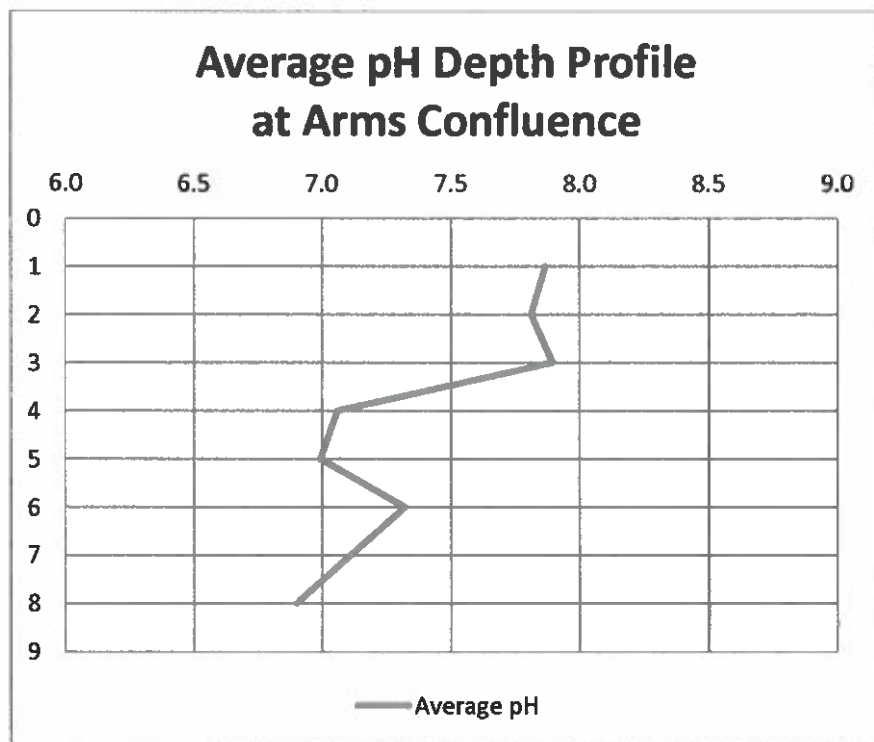


Figure 13. Average pH Depth Profile estimated at the confluence of the Cascade Arms site.

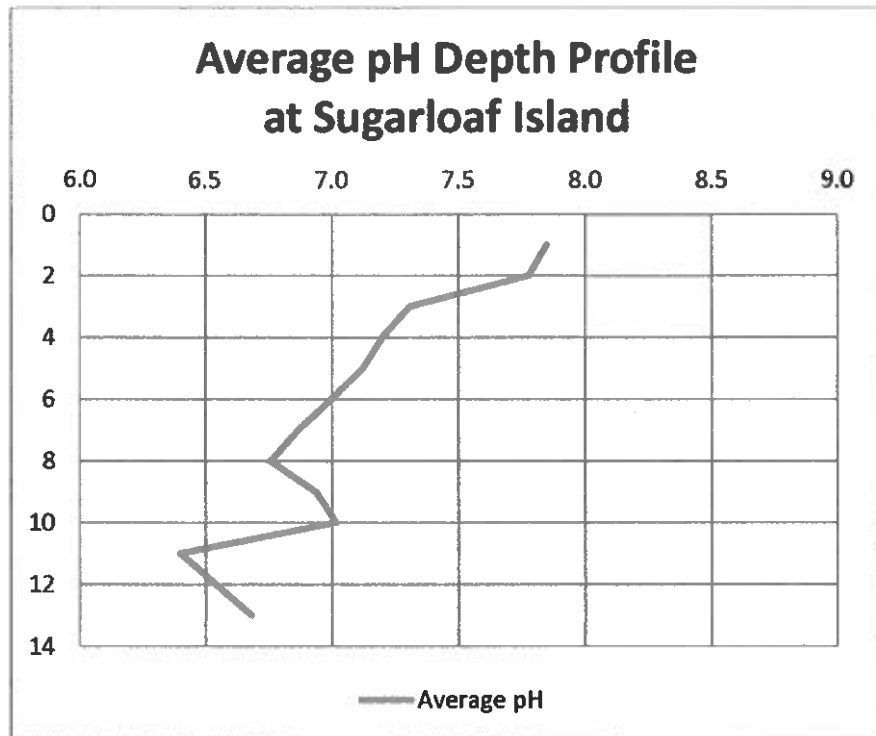


Figure 14. Average pH Depth Profile estimated at the west side of Sugarloaf Island in Cascade Reservoir.

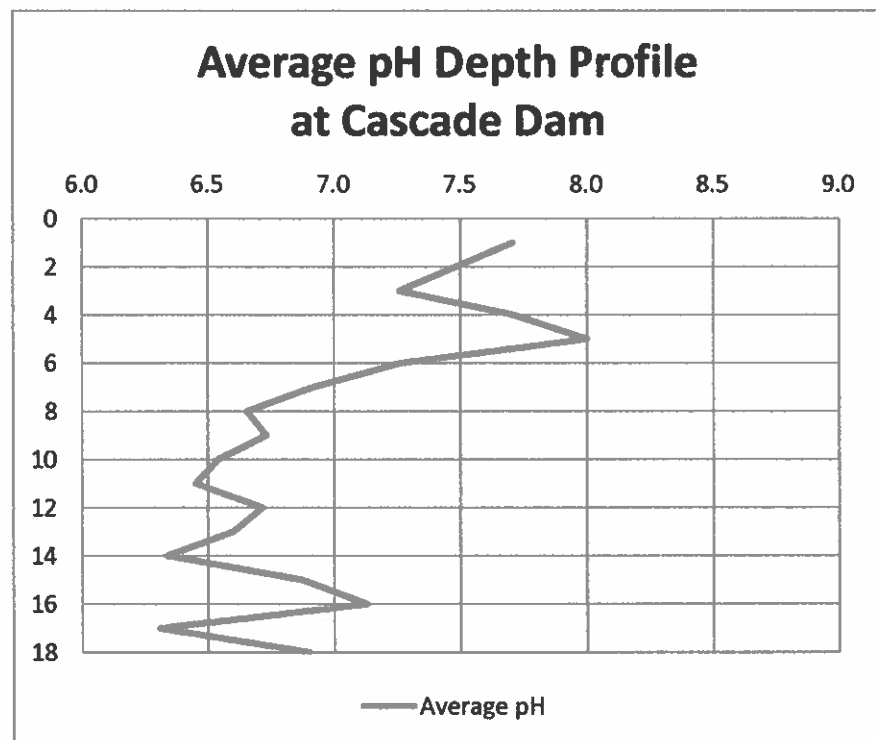


Figure 15. Average pH Depth Profile estimated at the Cascade Dam.

**Table 3. Depth sampling frequency and pH data collected at the Arms Confluence on Cascade Reservoir.**

Depth (m)	n	Mean pH	Max pH	Min pH
1	5	7.9	9.0	6.9
2	3	7.8	8.8	6.9
3	2	7.9	8.4	7.4
4	1	7.1	7.1	7.1
5	3	7.0	7.5	6.6
6	2	7.3	8.3	6.4
8	1	6.9	6.9	6.9

\*n = sample population

**Table 4. Depth sampling frequency and pH data collected at Sugarloaf Island on Cascade Reservoir.**

Depth (m)	n	Mean pH	Max pH	Min pH
1	5	7.8	8.7	7.4
2	3	7.8	8.4	7.2
3	1	7.3	7.3	7.3
4	2	7.2	7.4	7.0
5	4	7.1	7.4	6.8
6	3	7.0	7.3	6.7
7	4	6.9	7.0	6.6
8	4	6.8	7.0	6.5
9	2	6.9	7.1	6.8
10	2	7.0	7.3	6.7
11	1	6.4	6.4	6.4
13	1	6.7	6.7	6.7

\*n = sample population

**Table 5. Depth sampling frequency and pH data collected at the Dam on Cascade Reservoir.**

Depth (m)	n	Mean pH	Max pH
1	5	7.7	8.5
3	3	7.3	7.4
4	3	7.7	8.3
5	2	8.0	8.3
6	4	7.3	7.7
7	3	6.9	7.2
8	3	6.7	7.0
9	4	6.7	7.1
10	1	6.5	6.5
11	2	6.5	6.5
12	4	6.7	7.0
13	1	6.6	6.6
14	1	6.3	6.3



<b>15</b>	<b>3</b>	<b>6.9</b>	<b>7.1</b>
<b>16</b>	<b>1</b>	<b>7.1</b>	<b>7.1</b>
<b>17</b>	<b>1</b>	<b>6.3</b>	<b>6.3</b>
<b>18</b>	<b>1</b>	<b>6.9</b>	<b>6.9</b>

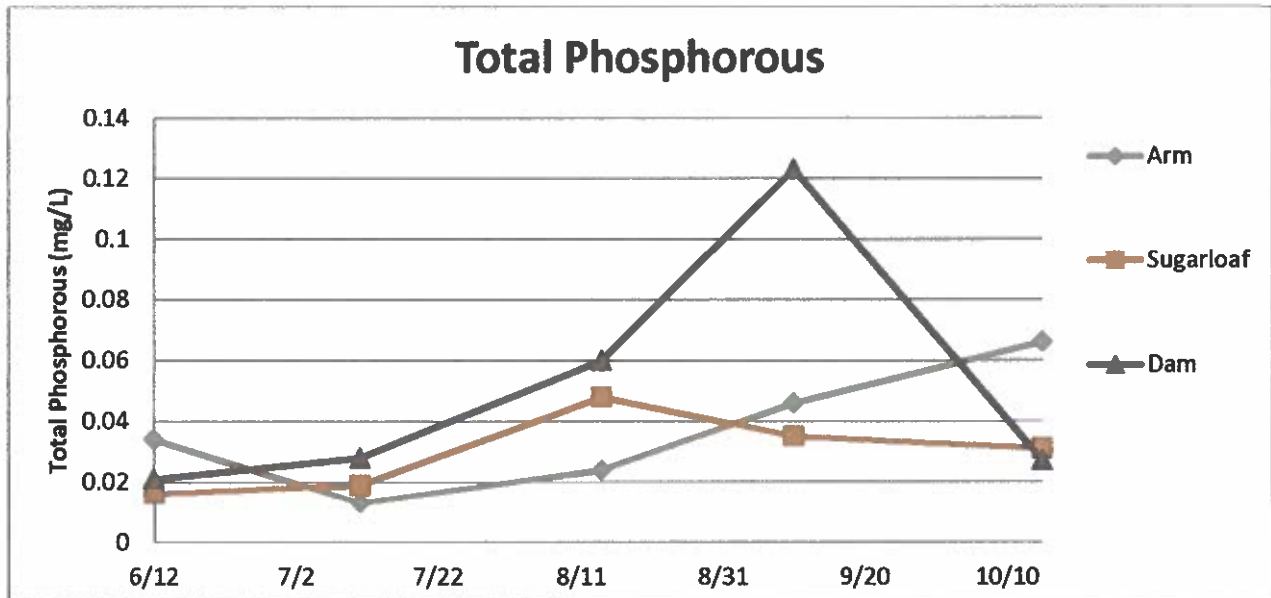
\*n = sample population

## Total Phosphorus

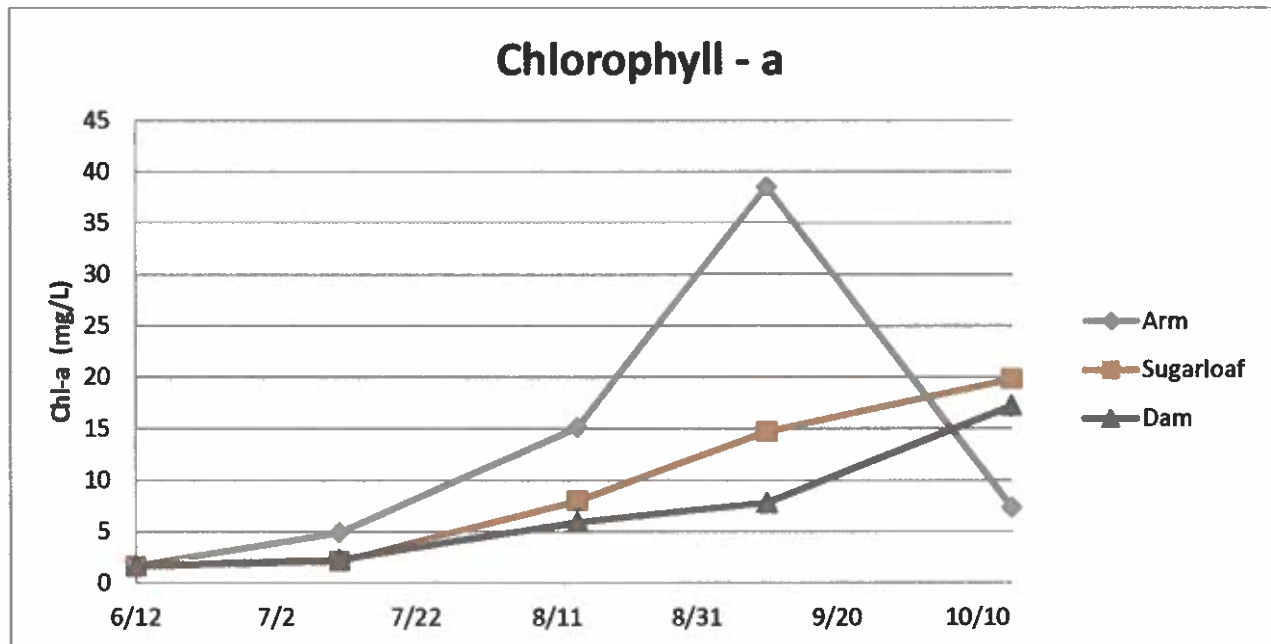
Total phosphorus (TP) data was collected and presented in the 2018 Cascade Reservoir Five Year Review (DEQ, 2018). Data was collected in 2015 and 2016, and it shows that TP concentrations are typically higher at the bottom of the reservoir than the top. Due to budget restrictions, 2019 samples were composited from the entire water column into one sample. Although this does not describe concentrations at the bottom and top of the reservoir, it does give us insight into the overall average TP concentrations in the water column from top to bottom. With the knowledge that higher TP concentrations likely occur toward the bottom of the reservoir, the target of 0.025 mg/L set in the TMDL should apply to the entire water column. Additionally, chlorophyll-a concentrations were sampled for comparison to previous data.

**Table 6. TP composite samples and Chlorophyll-a concentrations averaged across each site. Target set for TP is 0.025 mg/L.**

<b>Date</b>	<b>Arm</b>		<b>Sugarloaf</b>		<b>Dam</b>	
	<b>TP (mg/L)</b>	<b>Chl -a (µg/L)</b>	<b>TP (mg/L)</b>	<b>Chl -a (µg/L)</b>	<b>TP (mg/L)</b>	<b>Chl -a (µg/L)</b>
<b>6/12/2019</b>	0.034	1.7	0.016	1.6	0.021	1.7
<b>7/11/2019</b>	0.013	4.9	0.019	2.1	0.028	2.3
<b>8/14/2019</b>	0.024	15.1	0.048	8	0.06	5.9
<b>9/10/2019</b>	0.046	38.5	0.035	14.7	0.123	7.8
<b>10/15/2019</b>	0.066	7.3	0.031	19.8	0.027	17.2
<b>Average</b>	<b>0.0366</b>	<b>13.5</b>	<b>0.0298</b>	<b>9.24</b>	<b>0.0518</b>	<b>6.98</b>



**Figure 16.** Total phosphorus concentrations collected at all sites throughout monitoring. Concentrations are representative of composite samples collected from the entire water column.



**Figure 17.** Chlorophyll-a concentrations collected at all sites throughout monitoring. Concentrations are representative of composite samples collected from the entire water column.

Data collected at all three sites indicate that the target of 0.025 mg/L TP is still not being met throughout the reservoir. The data does show a trend that suggests TP concentrations are lower in the spring and increase throughout the summer, which may be a result of dilution and changes in water storage. This trend may also suggest that TP entering the reservoir from tributaries is less significant than TP being stored in the reservoir contemporaneously. Chlorophyll-a concentrations follow a similar

pattern to TP, with lower concentrations in the spring and early summer. This is likely a result of decreased water levels and increased nutrient concentrations promoting plant growth.

### Phycocyanin (Cyanobacteria)

Phycocyanin is a pigment-protein similar to chlorophyll-a that is produced exclusively by cyanobacteria. The pigment can be measured using a fluorescence-based sensor, which measures the concentrations of the phycocyanin pigment. Results are reported in Relative Fluorescent Units (RFU), with higher RFU's correlating to higher concentrations of cyanobacteria. Several things can be noted from the phycocyanin data collected. The first is that all sites measured no phycocyanin during June sampling. Secondly, phycocyanin was measured in July at all sites, but the highest measurements came from the Arms site at lower depths. This appears to be a trend, where data suggests the cells concentrations we see on the surface are significantly less than those found at lower depths; i.e. phycocyanin measured at the surface in October is up to seven times less than phycocyanin measured near the bottom of the reservoir. This is likely linked to warming temperatures at the bottom of the lake during the month of October in comparison to surface temperatures, and the likelihood of higher nutrient content at the bottom of the reservoir. Finally, all three sites display progressive relevance of phycocyanin throughout the summer; meaning lower measurements at the beginning of monitoring and progressively higher measurements towards the end of monitoring. Each site also suggests that the progression of cell densities at the bottom of the reservoir may be exponential in comparison to what we are seeing at the surface (Figure 18 - Figure 20). A health advisory regarding cyanobacteria in the reservoir was issued in September and persisted through to November. Cyanotoxin and cell count results for the reservoir and river are shown in Appendix B and Appendix C.

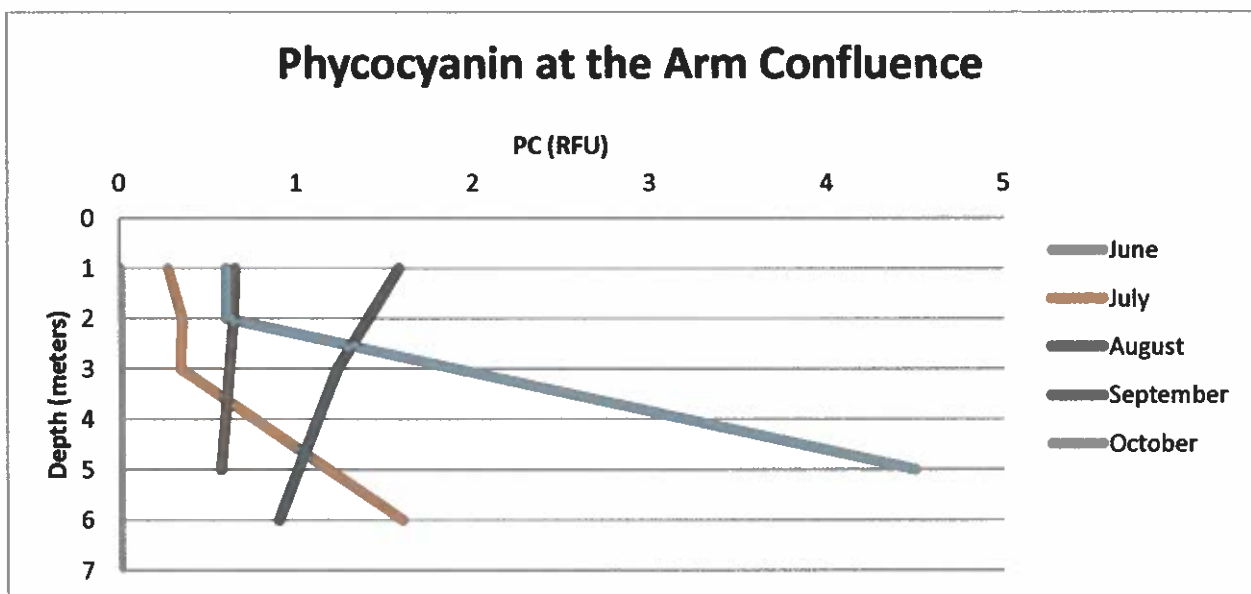
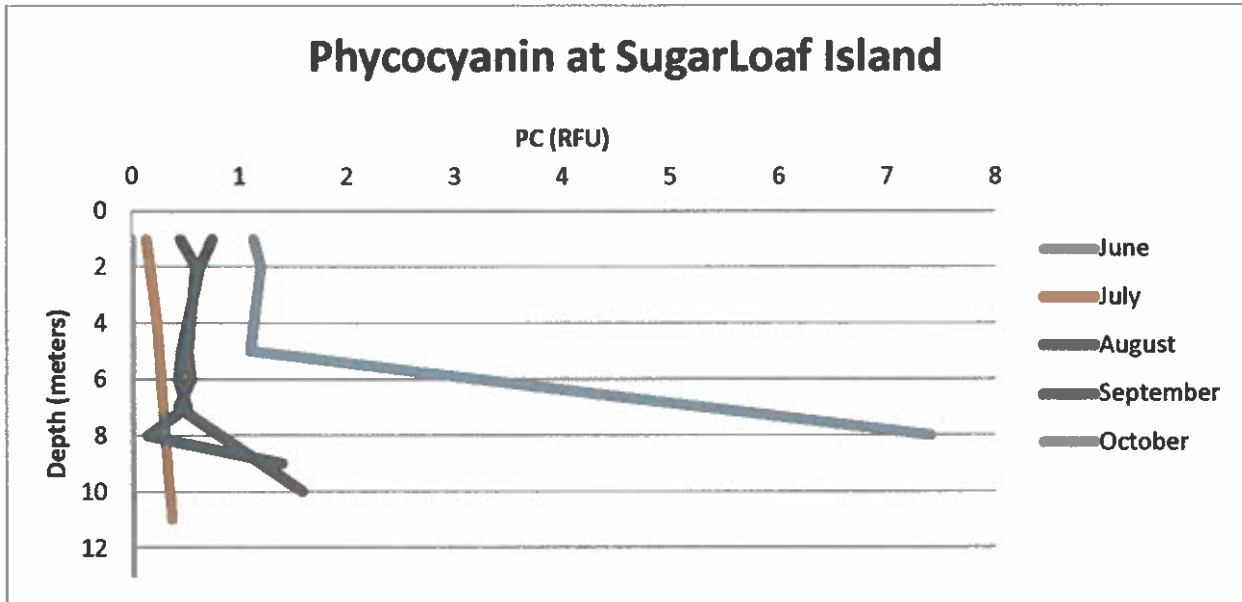
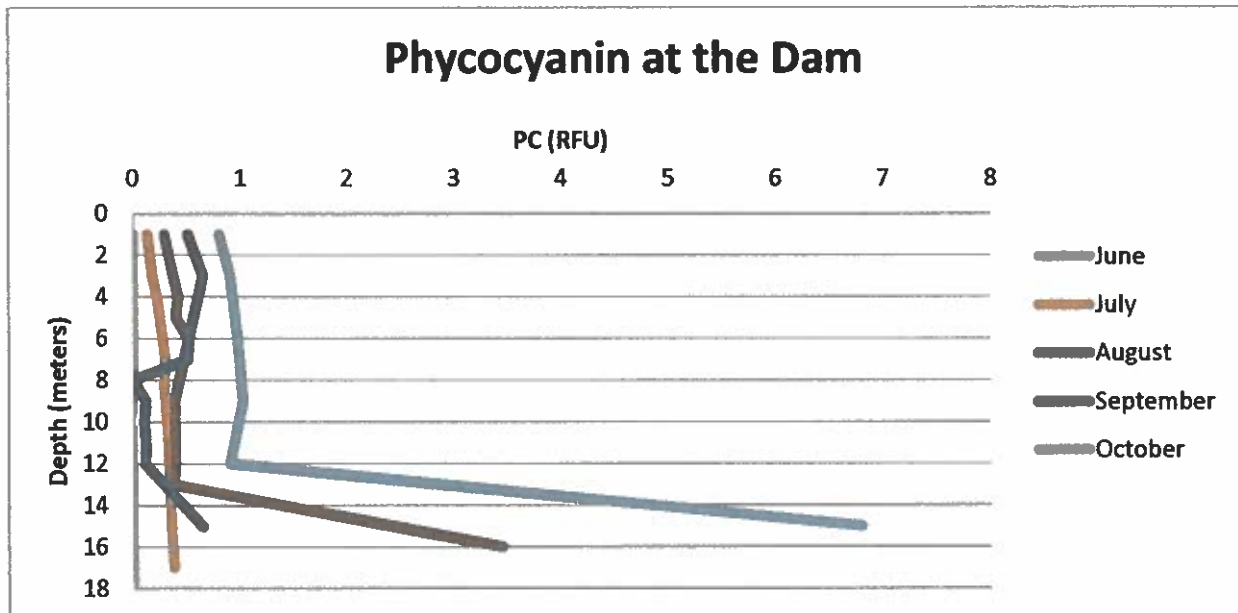


Figure 18. Phycocyanin measurements at the Arms Confluence site on Cascade Reservoir. Phycocyanin was measured in RFUs and it correlated with cyanobacteria cell densities.



**Figure 19.** Phycocyanin measurements at the Sugarloaf Island site on Cascade Reservoir. Phycocyanin was measured in RFUs and it correlated with cyanobacteria cell densities.



**Figure 20.** Phycocyanin measurements at the Dam site on Cascade Reservoir. Phycocyanin was measured in RFUs and it correlated with cyanobacteria cell densities.

More in-depth cyanobacteria monitoring with phycocyanin measurements could yield a better understanding of the dynamics of bloom development and progression in Cascade Reservoir.

## Conclusions

Assessment unit ID17050123SW016\_04 was monitored from early June to early October in 2019, in an effort to assess the AUs Combined Biota/Habitat Bioassessments 303(d) listing. The assessment unit is thought to have been listed due to a failing River BURP score in 2014. The score indicates a low fish metric, likely due to a lack of size and species diversity observed in the river. Idaho Fish and Game has expressed interest in future studies to identify fish migration patterns between Cascade Reservoir and the NF Payette, as it is thought that many of the salmonids in the system are adfluvial. An adfluvial population could explain an inverted bell curve for size distribution. Fish migration patterns and behaviors need to be studied further to support adfluvial reasoning.

Data collected during 2019 indicates the AU is fully supporting primary contact recreation, but does not support cold water aquatic life criteria or salmonid spawning criteria as a result of temperature exceedance probabilities. Data suggests dissolved oxygen and sediment are likely not impairments to the NF Payette, nor do nutrient levels appear to be in excess. It is important to note that conductivity in the NF Payette is very low, ranging between 0 and 40  $\mu\text{S}/\text{cm}$ , which has made it difficult to perform fish surveys using electrofishing methodology. This may also contribute to poor fish scores, which may not be truly representative of actual population diversity.

Water temperature is likely the only impairment to the AU, as maximum cold water criteria was shown to be exceeded in more than 10% of the observed days throughout monitoring. DEQ's Water Body Assessment Guidance document (DEQ, 2016) states that "A frequency of exceedance greater than 10% always supports an impairment listing", while observations of less than ten percent of valid, applicable, representative measurements are defined as "infrequent" and may require additional evidence of impairment. The data does not indicate impairment in any other parameter but temperature, and therefore can be associated with the 303(d) listing.

Data collected in Cascade Reservoir suggests the reservoir is still some time away from meeting its target for total phosphorus at 0.025 mg/L. Data does show higher TP concentrations measured later in the summer and lower in the spring. This may suggest that there is a dilution factor playing into TP concentrations in the reservoir as flow from tributaries decreases throughout the summer, or that inputs to the reservoir from external sources increase throughout the summer; i.e. grazing and seasonal residence use are increased throughout the summer. The data may also suggest a significant portion of the TP measured in the reservoir is sourced from reservoir itself as opposed to the tributaries feeding it, but further analysis on monthly TP inputs from tributaries and the concentration of TP in reservoir bottom sediments could provide expanded insight to that hypothesis. Additionally, there may be a benefit in nitrogen sampling to look at N:P ratios throughout the summer, and how that progression may correlate with cyanobacteria growth.

pH averages measured in the reservoir are mostly meeting the standard range set in the original TMDL; however, some depths still experience out-of-range averages on the lower side of the pH scale. These lower pH levels at lower depths may be a result of increased photosynthetic processes occurring near the bottom of the reservoir, and simultaneously increased decomposition.

Phycocyanin data collected from the reservoir during monitoring provides a unique look at cell densities throughout the water column and multiple sites in Cascade Reservoir. The reservoir has experienced consecutive summers with health advisories, and the public is becoming more concerned with this reoccurrence. A more in-depth look at cyanobacteria with higher frequency monitoring may provide a better understanding of how and where blooms develop in the reservoir. It may be of value to collect data on nitrogen concentrations in the reservoir as well, as the N:P ratio may be of value in further understanding the ecosystem dynamics surrounding cyanobacteria in Cascade Reservoir.

## References

- DEQ (Idaho Department of Environmental Quality). 1996. *Cascade Reservoir Phase I Watershed Management Plan*. Boise, ID: DEQ. Available at [https://www.deq.idaho.gov/media/452836-water\\_data\\_reports\\_surface\\_water\\_tmdls\\_cascade\\_reservoir\\_cascade\\_reservoir\\_phase1\\_noapps.pdf](https://www.deq.idaho.gov/media/452836-water_data_reports_surface_water_tmdls_cascade_reservoir_cascade_reservoir_phase1_noapps.pdf)  
Appendices available at [https://www.deq.idaho.gov/media/452830-water\\_data\\_reports\\_surface\\_water\\_tmdls\\_cascade\\_reservoir\\_cascade\\_reservoir\\_phase1\\_apps.pdf](https://www.deq.idaho.gov/media/452830-water_data_reports_surface_water_tmdls_cascade_reservoir_cascade_reservoir_phase1_apps.pdf)
- DEQ (Idaho Department of Environmental Quality). 1998. *Cascade Reservoir Phase II Watershed Management Plan*. Boise, ID: DEQ. Available at [https://www.deq.idaho.gov/media/452867-water\\_data\\_reports\\_surface\\_water\\_tmdls\\_cascade\\_reservoir\\_cascade\\_reservoir\\_phase2\\_noapps.pdf](https://www.deq.idaho.gov/media/452867-water_data_reports_surface_water_tmdls_cascade_reservoir_cascade_reservoir_phase2_noapps.pdf)  
Appendices available at [https://www.deq.idaho.gov/media/452870-water\\_data\\_reports\\_surface\\_water\\_tmdls\\_cascade\\_reservoir\\_cascade\\_reservoir\\_phase2\\_apps.pdf](https://www.deq.idaho.gov/media/452870-water_data_reports_surface_water_tmdls_cascade_reservoir_cascade_reservoir_phase2_apps.pdf)
- DEQ (Idaho Department of Environmental Quality). 2016. *Water Body Assessment Guidance – 3<sup>rd</sup> Edition*. Boise, ID: DEQ. Available at <https://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/>
- DEQ (Idaho Department of Environmental Quality). 2018. *Cascade Reservoir Watershed: TMDL Five-Year Review*. Boise, ID: DEQ. Available at <https://www.deq.idaho.gov/media/60181465/cascade-reservoir-watershed-tmdl-five-year-review.pdf>
- DEQ (Idaho Department of Environmental Quality). 2019. *Quality Assurance Project Plan: Payette River Monitoring: Payette River and Cascade Reservoir*. Boise, ID: DEQ. Available through request.

Appendix B. Cyanobacteria and Cyanotoxin measurements taken from Cascade Reservoir in 2019.

Sample ID	Sample Date	Collection time	Lat.	Long.	Laboratory	HAB Taxa	HABTaxaValu e1 (cells/mL)	Analyte1	DL AnalyteValue1 (µg/L)
1909009-03	4-Sep	13:05	44.5927	-116.0931	U.S. Bureau of Reclamation	N/A	N/A	Microcystin	< 2.00
1911001-01	24-Oct	10:52	44.5170	-116.0555	U.S. Bureau of Reclamation	N/A	N/A	Microcystin	< 0.40
1911001-02	31-Oct	14:34	44.5170	-116.0555	U.S. Bureau of Reclamation	N/A	N/A	Microcystin	< 0.40
	4-Sep	13:05	44.5927	-116.0931	Advanced Eco-Solutions	Dolichosper mum sp.	2,230,000	N/A	

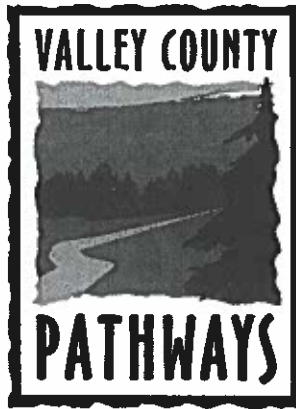
Appendix C. Cyanotoxin measurements taken from the North Fork Payette River below Cascade Reservoir.

Sample ID	Sample Date	Collection time	Lat.	Long.	Laboratory	HABTaxa	HABTaxaVal ue1 (cells/mL)	Analyte1	DL AnalyteValue 1 (µg/L)
1909065-01	24-Sep	14:30	44.5250	-116.0480	U.S. Bureau of Reclamation	N/A	N/A	Microcystin	0.63



## Responses in FAVOR

Received by P&Z Office After May 20, 2020



P.O. Box 233  
McCall, ID 83638

May 23, 2020

To: Valley County Commissioners  
219 N. Main Street  
Cascade, ID 83611-1350

Re: Valley County Waterways Ordinance

Dear Commissioners,

Valley County Pathways supports the Valley County Waterways Ordinance. The 300-foot no-wake zones should be restored to Payette Lake to provide a place where non-motorized boaters can paddle their crafts along the lakeshore, provide a buffer for lakeshore residents and dock facilities, and prevent water-quality degradation by reducing the impact of large wakes crashing against the shoreline, causing sedimentation and bank erosion.

Valley County Pathways also supports a non-motorized designation for the area on the North Fork of the Payette River upstream of the Tamarack Falls bridge to Payette Lake. And we support a non-motorized zone in the North Fork Meanders by North Beach.

VCP supports non-motorized water trails in the valley. This ordinance will create new opportunities for recreation, and boost local economies by protecting users and developing a clear set of regulations that all can understand. This ordinance enhances all of our communities' quality of life by preserving open space corridors.

Because these waterways promote a variety of watercraft and public use, it is important that all users respect each other so everyone can enjoy their recreational experience. In our county, waterways are a vital part of our tourism economy. This ordinance creates safe standards for both motorized and non-motorized use while promoting public education about the regulations so user groups know the rules and can abide by them.

We hope that proper signage and education outreach will be a central part of disseminating this information. This will only help develop better cooperation from users and successful implementation of this ordinance. Since this ordinance covers many types of waterway uses, we would recommend developing informational kiosk or online access to information specific to each waterway and/or watercraft.

Thank you.

Sincerely,

Andy Olavarria, Board President  
Valley County Pathways

## Cynda Herrick

---

**From:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>  
**Sent:** Thursday, May 21, 2020 7:12 PM  
**To:** Cynda Herrick  
**Subject:** Fwd: Support for Boating Ordinance 20XX

FYI

Begin forwarded message:

**From:** Deirdre Abrams <deir@frontier.com>  
**Date:** May 20, 2020 at 12:20:56 PM MDT  
**To:** commissioners@co.valley.id.us  
**Subject:** Support for Boating Ordinance 20XX

Dear Valley County Commissioners,

I am a resident of Valley County, and I fully support the approval of the draft Boating Ordinance proposal for 2020 (redraft of 2008) to protect our waterways.

Thank you!

Deirdre Abrams

Sent from my iPhone

## Cynda Herrick

---

**From:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>  
**Sent:** Thursday, May 21, 2020 7:13 PM  
**To:** Cynda Herrick  
**Subject:** Fwd: Proposed Boating Ordinance

FYI

Begin forwarded message:

**From:** Rik Thomas <rikt13@gmail.com>  
**Date:** May 20, 2020 at 11:25:13 AM MDT  
**To:** commissioners@co.valley.id.us  
**Subject:** **Proposed Boating Ordinance**

Please get those wake board boats off our lakes. Maybe give them a time to do it, so it doesn't ruin everyone else's good time.  
Thanks

On May 20, 2020, at 11:18 AM, Ruth Lewinski <ruth.lewinski@gmail.com> wrote:

Please confirm receipt of this e-mail

Commissioners Hasbrouck, Bingaman, Maupin:

I have lived in Valley County for 26 years and learned how to swim, kayak, sail, fish and waterski on the waters of Payette Lake, Upper Payette Lake, Little Payette Lake, Warm Lake, the North Fork of Payette River, and Cascade Reservoir. Currently, I am a medical student at the University of Washington, with a focus on Environmental Health. I understand that the waters are an important aspect of recreation that factor into the economy of the area and I also understand the role of health and safety that common waterways apply to our communities. I have read the draft Waterways Ordinance.

The document clearly supports an intent to protect water quality, diminish noise pollution, prioritize user safety, and works to compromise diverse interests. The 300ft no wake zone provides space for non-motorized users to feel safe while recreating and I support a movement to pass this document into effective practice for the summer of 2020. Our waters and its users need protection. However, in order for this to work, the Ordinance needs to be consistently and diligently enforced.

The draft 20XX Waterways Ordinance is a good starting point to assess water quality in Valley County. Please continue to investigate and assess future safety measures as it is much easier to solve environmental health problems preemptively. With more visitors to our area, our waters are at greater risk for invasive species. All boat ramps should be provided with a rinsing zone and a mandatory checking station for these species, as an infestation could destroy recreational opportunities for both motorized and non-motorized recreationists. In addition, a capacity study should be conducted on each body of water to evaluate the maximum user load that each area can support. This encourages safety of all involved, including all residents that consume drinking water from the lake. Future regulations may need to be more strict, but this would enable and prioritize long term protection for our waterways.

At this time, I strongly encourage the approval of the draft Waterways Ordinance 20XX. I hope to be able to teach my children about the joys and multiuse of the pristine water in Valley County.

Thank you for your time and consideration to protect our beautiful county.

Kind regards,

Ruth Lewinski

(208) 315- 3793  
ruth.lewinski@gmail.com

## Cynda Herrick

---

**From:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>  
**Sent:** Thursday, May 21, 2020 9:05 PM  
**To:** Cynda Herrick  
**Subject:** Fwd: Waterways

FYI

Begin forwarded message:

**From:** Diane Barker <dianebarkeridaho@gmail.com>  
**Date:** May 21, 2020 at 1:50:10 PM MDT  
**To:** commissioners@co.valley.id.us  
**Subject:** Waterways

Dear Valley County Commissioners,

I am writing in support of the new waterways ordinances. You have done an excellent job drafting those with a mind to public safety and enjoyment for all! Thank you for your thoughtful work.

Diane Barker, Warm Lake Summer Resident  
PO Box 788, Hailey, ID 83333

Diane Barker  
208-720-3438  
Sent from my iPad

## Cynda Herrick

---

**From:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>  
**Sent:** Thursday, May 21, 2020 9:09 PM  
**To:** Cynda Herrick  
**Subject:** Fwd: Boating Ordinance

FYI

Begin forwarded message:

**From:** Jim Crawford <jimacrawford97@gmail.com>  
**Date:** May 20, 2020 at 3:39:42 PM MDT  
**To:** commissioners@co.valley.id.us  
**Subject:** Boating Ordinance

Hello, my name is James Crawford, 14075 Morell Road, McCall, ID. I am a Valley County resident, and would like to support the boating ordinance for 2020. It is necessary to have an ordinance in place to regulate boating on Payette Lake and Cascade reservoir. Thank you for taking my comment.  
Sent from my iPhone



## Cynda Herrick

---

**From:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>  
**Sent:** Thursday, May 21, 2020 9:10 PM  
**To:** Cynda Herrick  
**Subject:** Fwd: ORDINANCE#20

FYI

Begin forwarded message:

**From:** Earl Dodds <dobberq@gmail.com>  
**Date:** May 20, 2020 at 3:10:52 PM MDT  
**To:** commissioners@co.valley.id.us  
**Subject:** ORDINANCE#20

Dear Valley County Commissioners, I strongly feel that the citizens of Valley County would benefit from the approval and initiation of ORDINANCE#20. Earl Dodds

## Cynda Herrick

---

**From:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>  
**Sent:** Thursday, May 21, 2020 7:17 PM  
**To:** Cynda Herrick  
**Subject:** Fwd: Comments on the draft waterways ordinance

FYI

Begin forwarded message:

**From:** Jamie Melbo <jmelbo74@gmail.com>  
**Date:** May 20, 2020 at 12:25:37 PM MDT  
**To:** commissioners@co.valley.id.us, dmiller@co.valley.id.us  
**Subject:** Comments on the draft waterways ordinance

To:  
Valley County Commissioners

For the hearing record:

I support the adoption of the proposed waterways ordinance. Payette Lake is the source of my drinking water, and it's my favorite lake for boating and swimming. The ordinance is necessary now to put protections in place for the safety of myself and all other users, for clean water, and to ensure the lake remains a wonderful and useful resource for years to come.

Please move the ordinance forward to adoption as soon as possible.

Jamie Melbo  
PO Box 287  
McCall, ID 83638

## Cynda Herrick

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**From:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>  
**Sent:** Thursday, May 21, 2020 7:17 PM  
**To:** Cynda Herrick  
**Subject:** Fwd: Payette Lake ordinance

FYI

Begin forwarded message:

**From:** Kathy Malone <malonk11@frontiernet.net>  
**Date:** May 20, 2020 at 12:48:36 PM MDT  
**To:** commissioners@co.valley.id.us  
**Subject:** Payette Lake ordinance

I have read the draft and in support of it.

I am very concerned about the damage being done by the wake board wave erosion. Let's protect our lake.

Kathleen Malone, valley county full-time resident.

Douglas Miller  
Valley County Clerk  
P.O. Box 1350  
Cascade, ID 83611

5/20/2020

## 2020 Waterways Ordinance

To whom it may concern for voting the passage:  
Please vote "yes" for the passage of the new and  
reasonable 2020 waterways draft. There must be  
an ordinance for the following reasons:

- 1) For the safety of swimmers, boaters, jet skiers  
and others on the lakes
- 2) For the environment in order to protect the  
beaches
- 3) For maintenance of a calming and more  
quiet sound
- 4) To protect the docks from horrific rocking and  
destruction

Our families have owned the same property  
since 1944 and rented a tiny cabin in 1934.

We have a "no wake" bouy  
and it is still disregarded.

I am counting on the commissioners to vote "yes"  
to pass this important ordinance.

Thank you, Lois M Lenzi



1946 Warren Wagon Rd  
McCall, ID

244 S. Villa Place  
Boise ID 83712

From: Pam Pace <pdixpace@gmail.com>  
Sent: Sunday, May 24, 2020 6:27 PM  
To: dmiller@co.valley.id.us <dmiller@co.valley.id.us>  
Subject: Waterways Ordinance

I support the adoption of the proposed 2020 Waterways Ordinance. I have a 15 foot sailboat and a rowing scull which I enjoy multiple times a week on Payette Lake. When sailing, it is frustrating and dangerous to hit a large wave. It knocks all the wind out of my sail, the rudder comes out of the water, making it very difficult to steer. I fear that I may run into a swimmer or paddle boarder. A large wave can also tip a rowing scull. The energy of a wave is the square of the height of a wave. A four foot wave has 16 times the energy of a one foot wave. Large waves damage docks and beaches and reduce water quality. Payette Lake is the source of drinking water for McCall. Please keep Payette Lake safe for all non-motorized users.

Pamela Pace

Professional Water Resource Engineer, Retired

**From:** Scott Harris <scottconnie777@gmail.com>  
**Sent:** Tuesday, June 2, 2020 2:14 PM  
**To:** Douglas Miller <dmiller@co.valley.id.us>  
**Subject:** Fwd: Support of the Draft Waterways Ordinance

Hi, Doug,

This is the email I sent May 14 to which Elt immediately responded, which was to be included in the testimony but did not make it for whatever reason. Please also enroll me for testimony on the waterways ordinance by internet in the upcoming VCC meeting June 8. Thank you.

Scott Harris

----- Forwarded message -----

**From:** **Scott Harris** <scottconnie777@gmail.com>  
**Date:** Thu, May 14, 2020 at 9:28 AM  
**Subject:** Support of the Draft Waterways Ordinance  
**To:** <[commissioners@co.valley.id.us](mailto:commissioners@co.valley.id.us)>

Dear Valley County Commissioners:

We are in strong support of the new Draft Waterways Ordinance as written, which basically, reinstitutes ordinance 08-01. As you know, this has been a long time in process. It is vital to protecting the health and safety of our waterways. We are sure that new data will emerge over time as valid scientific studies monitor changes and provide more specific data to guide modifications, however, this is an excellent, collaborative vehicle to guide that process.

Thank you for your hard work and accomodative collaboration.

Scott and Connie Harris  
McCall, Idaho

**Re: Waterways Ordinance**

Rick <[rrichins@rtr-inc.com](mailto:rrichins@rtr-inc.com)>

Thu 6/4/2020 12:31 PM

To: Lori Hunter <[lhunter@co.valley.id.us](mailto:lhunter@co.valley.id.us)>

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sorry Lori there are no attachments(letter only). I was pleased with the modifications the Commissioners made regarding Cascade Lake, especially the 100 ft no wake zone. I hope the no wake zone for Payette Lakes will be similar(100ft). Thank you, Rick Richins

On 6/4/2020 8:46 AM, Lori Hunter wrote:

I am complying the comments received for the proposed Waterways Ordinance. I received an email that you sent to the County Commissioners on May 20, 2020. It says to see attached comments. However, nothing was attached. Would you please resend it directly to me?

Lori Hunter, P&Z Technician  
Valley County Planning & Zoning Dept.  
Phone: 208-382-7115  
Fax: 208-382-7119  
[lhunter@co.valley.id.us](mailto:lhunter@co.valley.id.us)

*The smallest good deed is greater than the grandest intention.*

*Visit the P&Z GIS map at [www.co.valley.id.us/departments/information-technology/gis-maps/](http://www.co.valley.id.us/departments/information-technology/gis-maps/)*

## Cynda Herrick

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**From:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>  
**Sent:** Thursday, May 21, 2020 7:11 PM  
**To:** Cynda Herrick  
**Subject:** Fwd: Ordinance #08-01

FYI

Begin forwarded message:

**From:** Rick <rrichins@rtr-inc.com>  
**Date:** May 20, 2020 at 1:26:09 PM MDT  
**To:** commissioners@co.valley.id.us  
**Subject:** Ordinance #08-01

Please see attached comments on above ordinance. Thank you Robert Richins

<McCall Ordinance Response\_052020.docx>

*\*no attachment  
on June 4, 2020, I emailed Mr. Richins asking him  
to resend. - Lori Hunter*



## Responses in Favor but Requesting Changes

Received After May 20, 2020

## Cynda Herrick

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**From:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>  
**Sent:** Thursday, May 21, 2020 7:14 PM  
**To:** Cynda Herrick  
**Subject:** Fwd: Draft of Waterways ordinance

FYI

Begin forwarded message:

**From:** Barb Mossman <bmossm1@gmail.com>  
**Date:** May 20, 2020 at 11:20:58 AM MDT  
**To:** commissioners@co.valley.id.us  
**Subject:** Draft of Waterways ordinance

To the commissioners of the waterways ordinance:

If you are truly concerned about public safety you will extend the no wake zone on Boulder Creek inlet on Cascade lake to more than 100 feet. The total width of this inlet in parts of Boulder Creek is only 450 feet at high water. When wake boats are allowed to use this area it is a danger to paddle boarders, sail boats, canoeist, and swimmers and prevents many people from using this area without endangering themselves. Wake boats have the use of the entire Cascade lake and should not be allowed to use this small inlet. Thank you Barbara Mossman

## Cynda Herrick

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**From:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>  
**Sent:** Thursday, May 21, 2020 7:18 PM  
**To:** Cynda Herrick  
**Subject:** Fwd: Boating ordinance comment

FYI

Begin forwarded message:

**From:** Douglas Miller <dmiller@co.valley.id.us>  
**Date:** May 20, 2020 at 3:55:42 PM MDT  
**To:** Sherry Maupin <smaupin@co.valley.id.us>, Elting Hasbrouck <ehasbrouck@co.valley.id.us>, Dave Bingaman <dbingaman@co.valley.id.us>  
**Subject:** Fwd: Boating ordinance comment

**Douglas A. Miller**  
Valley County Clerk  
P.O. Box 1350 / 219 N. Main St.  
Cascade, ID 83611  
(208) 382-7102

From: stacy bowers <stacylbowers@gmail.com>  
To: dmiller@co.valley.id.us  
Date: Wed, 20 May 2020 15:20:12 -0600  
Subject: Boating ordinance comment

To Respected Commissioners Hasbrouck, Bingman and Maupin,  
Valley Co Clerk Miller and  
To Those It May Concern-

Thank you for taking the time to clarify and draft the Boating Regulations for Valley Co Waterways, and hearing public comment.

I agree with most of the proposed Regulations, *especially* protecting the North Fork of the Payette River upstream to Upper Payette and downstream to Cascade Lake/Reservoir by ensuring the safety and enjoyment for all by keeping this a motor-free waterway, reference 4-5-6 B. & C.

The 300 ft no-wake zone seems appropriate to protect all water users including non-boating users who may want to enjoy swimming, stand-up paddle boarding and other non-motorized activities, whilst still remaining safe from larger, more powerful vessels. I do wonder about the exception to the non-wake safety zone around the Narrows? In reference to the exception listed at 4-5-6 D.1.b.

Is it possible to regulate boating traffic through this narrow, dangerous passage by slowing all boaters and users down, as well as having a non-wake safety zone?

I would think this would be one spot you'd really want to do everything you can to ensure the safety of everyone on the water.

Thank you for your hard work and attention to this most important matter for the safety and enjoyment of all waterway users.

Stacy L. Bowers  
104 Mather Rd  
McCall, ID 83638

--

***Kind regards....***

**sb**



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May 18, 2020

To: Valley County Commissioners

ATT: Draft Waterways Ordinance

I am very supportive of forming a plan to preserve and protect the treasured gifts of our various waterways in Idaho. My family owned Shady Beach Cabins on the east arm of Payette Lake from the 1940's to the 1980's. We sold part of the land, but still have a family cabin that our families share. Shady Beach was very family oriented. Some of my favorite memories are seeing the joy of young children and new skiers getting up on water skies for the first time. We have added to those memories when we taught our own children and grandchildren to waterski.

I read in the Star News that this new draft has deleted the provision allowing water ski starts within the no-wake-zone. **I wish to protest that decision.**

A beginning skier of any age, but especially young children, cannot be put in the middle of the lake and be expected to not need assistance. They need someone who can help them keep the skis aligned and knees in the

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proper position. They also need help with the rope. Especially, if they don't make it up, they need moral and safety support until the boat can get back to them.

**Please realize how important it is to reinstall the ability for families to be allowed to have water ski starts within the no-wake zone.**

Sincerely,  
Marla Scarborough  
4266 W. Quail Ridge DR.  
Boise, ID 83703

Wesley Keller  
260 Moonridge Drive  
McCall, ID 83638

5/5/2020

Valley County,

RECEIVED

JUN 01 2020

Thank you for the opportunity to provide comments on the Valley County Waterways Ordinance that is being considered on May 26<sup>th</sup> 2020. I want to commend those who worked on this ordinance for the strong language identifying the importance that our waterways contribute to ecotourism, protecting the natural environment and recognizing the value of a peaceful waterway experience.

I support the ban on motorized vessels on the North Fork of the Payette River. As a person who frequently kayaks, I have had several close calls with small jet boats running up this stretch of river during spring flows. In order to keep these jet boats on plane they travel at high speeds resulting in the potential for individuals traveling downstream to be struck and injured. After having several near misses with these jet boats driving around blind corners, the proposed ban on motorized vessels is appreciated. During the summertime, with low water flows, I am seeing an increase in individuals using ATV's and UTV's driving across the North Fork Payette River for recreation. The damage to the riparian zone and stream banks from these recreational vehicles is apparent even after a season of recovery. I would suggest that language in 4-5-6 (B) includes not just the word motorized vessel, which is specific to a boat, but also includes any motorized recreational vehicle to protect the river and riverside habitat from recreational vehicle fording.

I also appreciate that this ordinance recognizes the shoreline damage and increased turbidity associated with boat wake on Payette Lake and Upper Payette Lake. Boat wake is influenced by vessel length, water depth and boat speed. It is also influenced by the type of vessel. Generally speaking, it seems like the 300 foot no wake zone is adequate to dissipate average boat associated wake. An exception to the rule is boat wakesurfing vessels, these boats, gaining in popularity are specially designed to make a large enough wake to surf on. I am not opposed to this recreational activity but feel that for enhanced wake vessels an increased no wake zone of 700 feet is required. There is adequate literature available addressing impacts of boat wakes and similar ordinances that propose a 700-foot buffer for boats creating enhanced wakes. I would recommend that Valley County increase its no wake zone to 700 feet for wakesurfing and other enhanced wake vessels to further dissipate shore line erosion and turbidity effects.

<https://www.sciencedirect.com/science/article/pii/S0964569118309633>

<https://www.cola-wi.org/news/2018/6/26/c44kw0py54wiur5lwhcsat2yz2thot>

Because the 300 and 700 foot distances from shore can be hard to approximate, I would recommend having some sort of buoy markers. Non-motorized vessels and swimmers could use these 300 foot buoy markers as a safety zone so that more than just motorized traffic can safely enjoy recreating on the lake. The 700 foot buoy markers would indicate where it is appropriate to allow wakesurfing activities. Thanks for your consideration regarding these Waterway Ordinance suggestions. Sincerely,

*Wesley Keller*

From: Gemma VanHole <gvanhole@gmail.com>  
Sent: Monday, June 1, 2020 4:28 PM  
To: Douglas Miller  
Subject: Ordinance #20-11 Valley County Waterways Ordinance

(Mr. Miller, Since there is not a current email address listed for the Valley County Commissioners, we appreciate your offer to forward our email or seeing that the Commissioners receive our comments before tomorrow's meeting. Thank you!)

Dear Valley County Commissioners,

We greatly appreciate your concern for shoreline damage on Valley County waterways and particularly Lake Cascade. We agree with your goal to put restrictions in effect that will enhance safety and help to mitigate further serious damage to shorelines. We offer one simple but critically important recommendation.

As boaters and waterfront homeowners on Lake Cascade for the past 20 years, we have seen first-hand the effects of some of the more popular water sports and the significant shoreline erosion they are causing. Our concern is focused upon the currently popular sport of wake surfing. This sport, as opposed to water skiing or wakeboarding, obviously begins with the primary goal to create the largest wake possible. Wake surf boats are designed and equipped to do just that. This, of course, creates the greatest damage to shorelines, docks, property and personal safety. These large wakes have been extremely damaging to the Lake Cascade shorelines where the land is usually much more erosive than, for example, the rocky shorelines around Payette Lake.

Although a buffer of 100 feet is helpful and sufficient for most popular activities, it will do nothing to stop the shoreline damage caused by the enormous wakes made by surf boats on the Lake Fork, Boulder Creek and Gold Fork arms of Lake Cascade. While a minimum buffer would be sufficient for most water sports, it is not adequate at all for wake surfing. Therefore, we strongly suggest that wake surfing be restricted to the southern and central parts of Lake Cascade near Sugarloaf Island which offer sufficient area and shorelines appropriate for large waves. We submit that there is simply no other way to adequately protect the shoreline in residential areas of the lake from the ever-larger wake surf waves and the enormous boats designed to create them.

We respectfully request your favorable consideration of this recommendation and its inclusion in your final ordinance. Thank you.

Sincerely,

Bill and Gemma VanHole  
208-921-5262



**From:** Cami Baker <fotocamster@gmail.com>  
**Sent:** Friday, May 22, 2020 8:06 PM  
**To:** dmiller@co.valley.id.us <dmiller@co.valley.id.us>  
**Subject:** New rules for lakes

I would like to give some feedback regarding the new rules for lakes. I saw the article in the Newspaper that the hearing will be this week.

We own a home next to Van Wyke campground on Lake Cascade. We have 1 child turning 15 in July. He has completed the boating course and has been operating PWC with an adult within sight and giving direct supervision. He has been doing this for a few years. He was allowed to do this at age 12 with the previous rules.

I am of high hopes that there will be some leeway for kids who are educated and who have already been allowed to operate PWC in Valley county. My petition is that those falling in that category be allowed to be grandfathered into the previously set rules.

Thank you for your consideration,  
Cami Baker

From: Moe Therrien <moe@icbre.com>  
Sent: Wednesday, May 27, 2020 10:30 AM  
To: dmiller@co.valley.id.us <dmiller@co.valley.id.us>  
Subject: Proposed changes to boat use Payette Lake

Mr Miller,

I am a 15 year Waters Edge condominium owner on the west side of Payette lake, with my primary residence being Boise. I have been coming to McCall/ Payette lake for 40 years.

Please consider my opinions outlined following when setting the new boating rules for Payette lake.

The 300 foot no wake rule is ok to reinstate.

Skier and wakeboarders ( not surfers) should be allowed to take off within the 300 foot area in a going away from shore direction. The convenience of working with the skier in the no wake zone or from the shore/dock is necessary and a boat pulling away does not create a wake into shore.

I am absolutely against the commissioners being allowed to change the "certain waterway uses" without a public hearing. IN no way should they be allowed to make rules without the public input. Making rules without approval by the constituents should not be allowed.

Keep the ban on motorized craft on the N River flowing into Payette lake

Yes you can register these comments with the commissioners for their review hearings.

Thank you

Moe Therrien  
1552 Warren Wagon Rd #2  
McCall Idaho.  
moe@icbre.com  
208-859-7935

**From:** laura bechdel <earthjive@gmail.com>  
**Sent:** Monday, June 1, 2020 8:49 AM  
**To:** Valley County Commissioners <commissioners@co.valley.id.us>  
**Cc:** Douglas Miller <dmiller@co.valley.id.us>  
**Subject:** Comment - proposed lake ordinance

Hello esteemed commissioners,

My name is Laura Bechdel, and I came to McCall, Idaho in 1983 when I was two years old. My own daughter turned two yesterday, and along with our four-year-old son and my husband, we love our lakes and rivers, and our time on and near the water. I care passionately for our natural environment around McCall, and also for the people that call it home (especially those that call it their 'first' or 'only' home!). Thus, I am called to action to speak on a issue close to my heart, and my family.

I've written you several times already on the issue of the lake ordinance. I write yet again, to please urge you to take swift action to adopt a waterways ordinance that preserves the following:

1. minimum age 16 for Personal Water Craft (PWC) (p.6-7)
2. no wake zone of 300' on Big Payette Lake AND Lake Cascade (p.9)
3. no motorized vessels on North Fork of Payette River (p.9)
4. maintain the stated 'purpose' for the protection of: water quality, wildlife and habitat, shoreline stability, and access for a wide variety of users, including those enjoying non-motorized options (kayak, canoe, SUP, etc.) (p.2-3)
5. keep the proposed revision to the ordinance: "Any changes to this ordinance will be done through a properly noticed public hearing process." (p.10)

The previous 08-01 ordinance was prudent and responsible. Right now, the proposed changes to lower the driver minimum age for PWC to 14 years of age (or 12 years of age!) is irresponsible and ignorant of the data presented to you all. Those equipped with the most overarching data at hand, the American Academy of Pediatrics and the PWC manufacturers, recommend 16 years as the minimum age from PWC drivers. Here in McCall and Valley County, our local doctors and health care professionals have vocally PLEADED for you to pass an ordinance with 16 years of age as the minimum for PWC drivers. They have seen horrific accidents and injuries cause as a result of younger drivers controlling PWCs, and know younger drivers will result in even more injuries, and god forbid, even deaths. Research on pre-teen and teenage brain development shows that the pre-frontal cortex and frontal lobe is not fully developed, resulting in more risk-taking and less ability for self-control and decision making. The science is clear: 12 or 14 year-olds should not be driving PWCs.

Lastly, I urge you -- in all situations -- to carefully review the number of citizens and constituents who are on either side of an issue. You received over 60 written testimonies in support of the previous waterways ordinance prior to your last meeting, yet you were publicly swayed by the

oral testimonies of a handful of residents in opposition to the ordinance. This is unacceptable. We have elected you to be careful listeners to ALL voices in Valley County, to compare the numbers of testimonies for or against a particular issue, to review the 'best practices' and advice of experts in the field, and to make decisions synthesizing this information. You are intelligent and capable elected officials. Please make professional, informed choices, in order to maintain our respect for you, and our votes.

Vote for a lake ordinance with uniform 300' wake zones, no motorized vessels in North Fork Payette River, and a minimum age of 16 years for all Personal Water Craft.

Laura Bechdel  
771 Knights Road  
McCall, ID 83638  
(208) 634-5537

**From:** Scott Harris <scottconnie777@gmail.com>  
**Sent:** Wednesday, June 3, 2020 10:30 AM  
**To:** Valley County Commissioners <commissioners@co.valley.id.us>  
**Cc:** Cynda Herrick <cherrick@co.valley.id.us>; Douglas Miller <dmiller@co.valley.id.us>  
**Subject:** Comments on the Draft Waterways Ordinance

Dear Commissioners,

Again, thank you for your continued efforts to craft the Waterways Ordinance. As we have stated previously, we are in favor of the ordinance as originally written, but now with two exceptions:

1. Boating age: We are in strong support of a 16 year old age limit as endorsed by the McCall St Lukes Hospital, the Personal Water Craft Manufacturers, and the American Academy of Pediatrics, among others. We know of commercial campers age 11, and possibly younger who were regularly allowed to use jet skis alone on the craft on Payette Lake. This is a disaster in the making and not worth the economic benefit than drives it.
2. A 100 foot no wake zone for Lake Cascade essentially abandons this waterway not only to added wave damage from boat wakes and attendant safety issues but to escalating cyanobacterium blooms. Turbidity from waves, caused by both wind and boat wakes causes increased sunlight absorption and rising water temperature and uncovers embedded nitrate and phosphate nutrients, giving rise to blooms of bacteria which are always present and fanned when conditions are ripe. This renders this waterway annually unsafe and unusable, worsening every year, and for more and more extended periods. Blooms not only threaten the residents and users of this waterway, but put added pressure on Payette Lake as boaters and WET boaters previously using Cascade shift to McCall during weeks and months the outbreaks are present. With recent approval of the huge marina at Tamarack, and WET boats being the fastest growing and most profitable segment of the boating industry, and the craft of choice for the wealthy, this will be a growing impact. It is wise to hold the no wake zone to 300 feet wherever possible for now. It is hopeful we will have valid scientific study data in the future to fine tune prudent use. Every effort should be considered to reduce wave impact on the near shore, especially in sensitive areas. We can't do much about wind waves, but we can try to avoid the damages caused by boat wakes.

Thank you for your consideration.

Scott and Connie Harris

**From:** Susan Bechdel <bechdelsusan@gmail.com>

**Sent:** Wednesday, June 3, 2020 12:07 PM

**To:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>; Dave Bingaman <dbingaman@co.valley.id.us>; Sherry Maupin <smaupin@co.valley.id.us>; Douglas Miller <dmiller@co.valley.id.us>

**Subject:** Waterways Ordinance

Dear Elt, Dave and Sherry,

I greatly appreciate all the time and energy you have devoted to the waterways issue. You are making excellent progress!

Please count me as a proponent of the current draft. However, I strongly prefer the May 26 draft. Your revisions may seem minor, but could have very big consequences. Here's why....

#### Definition of *SHORELINE*

Linking the definition of "shoreline" to high water mark maintains consistency with State Lands, matches Deputy Turner's interpretation of shoreline and removes his burden to move buoys.

Now that the ordinance covers both natural and dammed lakes, you'll need to include reference to both Artificial High Water Mark (IDAPA 20.03.04.010.03) and Natural or Ordinary High Water Mark (IDAPA 20.03.04.010.23).

I checked with Department of Lands and the definition of ordinary or natural high water mark has been recoded, but is effectively the same as in your original proposal.

#### 4-5-5 B.1. *OMISSION OF WORD "VESSEL"*

By removing the word "vessel", anything that jumps a wake is violating the ordinance (including tubes). If you keep the word "vessel", only boats (not tubes) are not allowed to jump a wake. Your change does the opposite of what I believe you intended. Take the change out, stick to the original and tubes can jump; boats cannot.

#### *MINIMUM AGE*

I strongly recommend no change from the previous draft. The reasons on both sides of the argument have been stated many times, so I won't repeat them. I'll just say that the rationale from the McCall doctors and hospital, the American Academy of Pediatrics and the PWC manufacturers is based on solid data, not emotion. Enacting restrictions based on that advice would support you in a lawsuit. Rejecting it opens you to liability. (If you choose to keep this change, you need to correct 4-5-5 B.2.b.2. The Boating Safety Class is incorrectly described.)

#### *WATERSKI STARTS*

An unintended consequence of allowing waterski starts is this would also allow wake boat starts. The ever-increasing number of these boats would "plow" through the no wake (safe water) zone; with no visibility over the bow; producing up to 5' wakes. This could be a tremendous burden on law enforcement.

Even more importantly, this change opens the ordinance and discussion to wake boats, which so far you have wisely avoided. It isn't worth opening the door to the divisiveness of the wake discussion at this time to satisfy a handful of skiers. Boat traffic has increased dramatically since 08-01 was enacted and many water skiers no longer even want the dock/shore start exemption.

#### *CASCADE NO WAKE REDUCTION*

Keep 300'. Assuming you keep the shoreline/high water definition, the no wake zone would decrease significantly as the water recedes, a concession to those who oppose 300'. Remember that Cascade is 47 square miles vs. 7.7 on Payette, leaving plenty of room to recreate. Keeping 300' and the definition of shoreline is a wise compromise. Nearshore disturbance has been shown to contribute to cyanobacteria blooms and 300' is the minimal protection you can offer a fragile lake.

The May 26 draft ordinance was a good one. It honors the BOCC promise to include 08-01 in the next ordinance (minutes 11-20-17). It is supported overwhelmingly by testimony and data.

A waterways ordinance will never satisfy everyone and nothing is perfect, but your May 26 version is very close. As I said in the beginning, I appreciate your work and could live with this draft, but why not get it right?

Please adopt your original proposal.

Susan Bechdel  
1401 Highway 55  
McCall

From: J Long <jacquelynllong@yahoo.com>  
Date: June 3, 2020 at 10:21:21 PM MDT  
To: Sherry Maupin <smaupin@co.valley.id.us>  
Cc: Valley Co Commissioner <dbingaman@co.valley.id.us>, Valley Co Commissioner <ehasbrouck@co.valley.id.us>  
Subject: Re: Waterways Ordinance #20-11, ver 2.5

Thanks for the reply!

I would Strongly encourage you and Commissioners Bingaman and Hasbrouck to set the No Wake distance at 300 feet for Now and Then, if the studies prove it's safe to minimize that distance, it can be reduced at that time.

We all know that usually when something is put down on paper, it's extremely difficult to adjust it.

Please take the safe route for now.

Jacque Long

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On Jun 3, 2020, at 7:45 PM, Sherry Maupin <smaupin@co.valley.id.us> wrote:  
Jacque please know we are very concerned with Cascade also. This was upon the advice of many. We are now going to complete a thorough study of the lake to determine a long term lake management plan which will include lake quality studies. The zone may go back to 300 but we will have more scientific data to support. Thanks for reaching out.  
Sherry Maupin

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From: J Long <jacquelynllong@yahoo.com>  
Sent: Wednesday, June 3, 2020 2:44:03 PM  
To: Valley Co Commissioner <commissioners@co.valley.id.us>; Dave Bingaman <dbingaman@co.valley.id.us>; Sherry Maupin <smaupin@co.valley.id.us>; Valley Co Commissioner <commissioners@co.valley.id.us>  
Cc: Douglas Miller <dmiller@co.valley.id.us>  
Subject: Waterways Ordinance #20-11, ver 2.5

I am greatly saddened that the Commissioners have suggested reducing the No Wake Zone from the 300' distance in the previously proposed Waterways Ordinance to only 100 feet. This seems to indicate that they value the health of Lake Payette (leaving the No Wake Zone at 300') over that of Lake Cascade. How very sad.

Long term damages from bank erosion and underwater disturbances will likely increase Toxic Bloom growth from the various versions of Cyanobacteria present in our lake and will, therefore, decrease our water quality. Lake Cascade is still NOT meeting water quality goals established by IDEQ.

If our County Commissioners will not protect our lake, why would we expect our State and Federal agencies to care enough to help?

Please don't undervalue Lake Cascade by reducing the No Wake Zone to only 100'. Our lake IS a valuable resource in Valley County.

Thank you in advance,  
Jacque Long  
Cascade resident



## Responses in Opposition

Received After May 20, 2020

## Cynda Herrick

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**From:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>  
**Sent:** Thursday, May 21, 2020 9:05 PM  
**To:** Cynda Herrick  
**Subject:** Fwd: Unfair boating rules

FYI

Begin forwarded message:

**From:** John Cacopardo <johncacopar@gmail.com>  
**Date:** May 21, 2020 at 3:24:44 PM MDT  
**To:** commissioners@co.valley.id.us  
**Subject:** Unfair boating rules

Dear Commissioners

The reformed version of last year's proposed ordinance does not address the core issues in the first place:

- your vague language in the ordinance does not provide any guidance for boaters OR law enforcement to abide by,
- you are specifically highlighting existing Idaho Codes that pertain most directly to wake- and runabout-boats, in an effort to get a foothold into regulating the industry,
- you are attempting to given the authority to pass resolution laws without public comment.

As you can imagine, this is a pretty big infringement of my rights And the rights of every single person in the county, let alone the great state of Idaho.

Please note as lake front home owner I oppose your current direction

John Cacopardo 2169 Payette Drive  
McCall ID

208 412 6337

Sent from my iPhone

I certainly appreciate that safety is an important goal, and boaters should not be allowed to blast speakers after the normal times that would get them in trouble if they were having a house party with loud noise. But how can a sheriff be expected to enforce the size of what a wake might end up looking like when it eventually hits the shoreline, and whether the music is a safety issue? These homeowners have arbitrarily and capriciously decided that the money and power they have to throw at this issue should govern the entire population's use of the lake. They own property on a lake that is used for recreation, and that has always been used for recreation. Homeowners near airports don't get to complain about the air traffic. As population grows, so too will the size of the airport, and the planes, and the noise. And so too will a lake be a popular place to recreate. Payette Lake is not a private lake only for the benefit of these wealthy property owners.

Have a wake zone. Fine. Have a noise ordinance after 10 pm. Fine. But don't let this vaguely written and impossible to consistently enforce ordinance be passed to benefit just those few wealthy land owners that have their feathers ruffled. It's irritating to see the attempts made in this ordinance to "massage" its true purpose.

Kyle Yearsley

## Cynda Herrick

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**From:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>  
**Sent:** Thursday, May 21, 2020 7:16 PM  
**To:** Cynda Herrick  
**Subject:** Fwd: Waves on Lake Cascade

FYI

Begin forwarded message:

**From:** Kris Litzinger <kris@sunvalley.net>  
**Date:** May 20, 2020 at 12:04:08 PM MDT  
**To:** kris@sunvalley.net, commissioners@co.valley.id.us  
**Subject:** FW: Waves on Lake Cascade

To Commissioners:

I OPPOSE THE VALLEY COUNTY WATERWAY ORDINANCE! DO NOT PUT THIS ORDINANCE INTO EFFECT. IT IS VAGUE, DIFFICULT TO COMPLY WITH AND ENFORCE, AND APPROPRIATE STUDIES SHOULD BE CONDUCTED TO VALIDATE THE NEED FOR SUCH CHANGES, THE EFFECTS THE CURRENT ORDINANCES HAVE ON THE CONCERNS, AND HOW SUCH CHANGES WOULD POSITIVELY EFFECT AND ACHIEVE THEIR GOAL... PRIOR TO PROCEEDING WITH ANY CHANGES

**Lake Cascade: May 6, 2020 (Photo from Idaho News Channel 6 - KIVI-TV, Scott Dorval) –**

**Waves, Waves, Waves... crashing Lake Cascade shoreline! And not a single wake-style boat on the water!**

Sincerely,

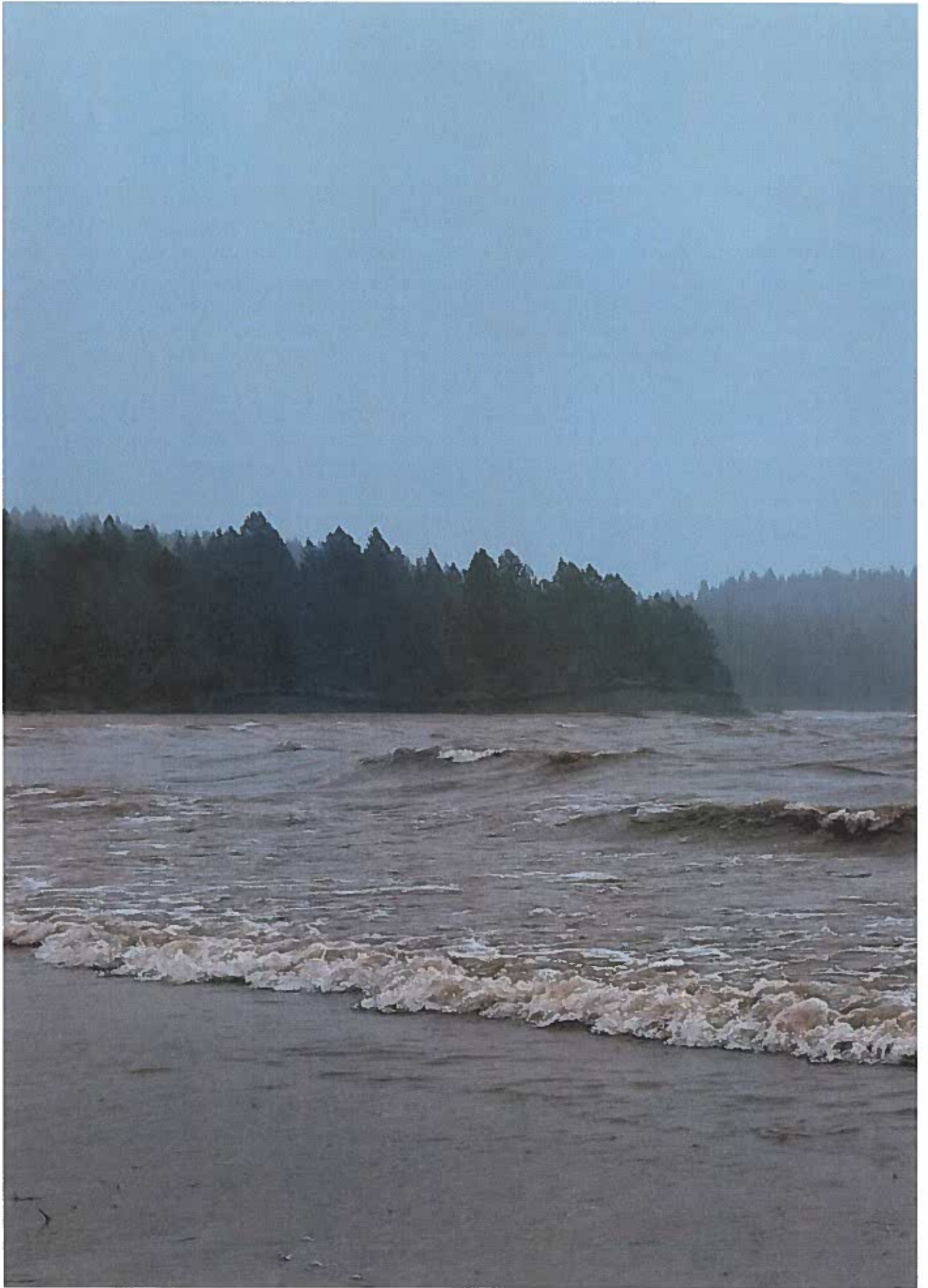
Ken and Kris Litzinger

514 Sawyer Lane F Street

Cascade, ID

208-861-7122

Sent from my Samsung Galaxy smartphone.



## Cynda Herrick

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**From:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>  
**Sent:** Thursday, May 21, 2020 7:20 PM  
**To:** Cynda Herrick  
**Subject:** Fwd: Waterways ordinance evening speed limit of 20MPH

FYI

Begin forwarded message:

**From:** Douglas Miller <dmiller@co.valley.id.us>  
**Date:** May 21, 2020 at 11:16:43 AM MDT  
**To:** Sherry Maupin <smaupin@co.valley.id.us>, Elting Hasbrouck <ehasbrouck@co.valley.id.us>, Dave Bingaman <dbingaman@co.valley.id.us>  
**Subject:** Fwd: RE: Waterways ordinance evening speed limit of 20MPH

**Douglas A. Miller**  
Valley County Clerk  
P.O. Box 1350 / 219 N. Main St.  
Cascade, ID 83611  
(208) 382-7102

**From:** "Dennis Marguet" <dmarguet@frontiernet.net>  
**To:** <dmiller@co.valley.id.us>  
**Date:** Thu, 21 May 2020 11:06:36 -0600  
**Subject:** RE: Waterways ordinance evening speed limit of 20MPH

Commissioner's,  
For my boat to get on plane (level with the water) I need to be going about 32MPH. If I am going 20mph, and I am not on plane, the front of my boat sticks up in the air and blocks my view of the water in front of me. Would being able to have the front of my boat lowered enough to see the water directly in front of me be "reasonable and prudent." I would hope so. Not being able to see in front of me is a safety issue for sure.  
Dennis Marguet  
Cascade 208 3828282



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

## Cynda Herrick

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**From:** Elt Hasbrouck <ehasbrouck@co.valley.id.us>  
**Sent:** Friday, May 22, 2020 12:05 PM  
**To:** Cynda Herrick  
**Subject:** Fwd: Boating Ordinance

FYI

Begin forwarded message:

**From:** Luke Evans <[luke@idahorealestatecenter.com](mailto:luke@idahorealestatecenter.com)>  
**Date:** May 22, 2020 at 9:06:53 AM MDT  
**To:** [commissioners@co.valley.id.us](mailto:commissioners@co.valley.id.us)  
**Subject:** Boating Ordinance

Dear Commissioners,

As a whitetail member and property owner in valley county, I am against the proposed boating ordinances.

We already have enough new rules and regulations being forced upon us in this country....We can hardly go outside without feeling like a criminal as it is....let's not pile it on. Keep Idaho free and flexible please.

Thank you,

--

Luke Evans  
208-869-1548 (C)  
866-373-1544 (F)  
Idaho Real Estate Center  
Keller Williams Realty Boise

[www.IdahoRealEstateCenter.com](http://www.IdahoRealEstateCenter.com)

Property searching, real estate blog, market stats, and more.

Data Source: IMLS

Information deemed reliable but not guaranteed.

**From:** dhovdey@frontiernet.net <dhovdey@frontiernet.net>

**Sent:** Wednesday, June 3, 2020 4:56 PM

**To:** Douglas Miller <dmiller@co.valley.id.us>

**Subject:** Waterways Ordinance

Commissioners,

I am opposed to the passage of Ordinance#20-11 in it's current form. The changes from the original draft are okay , but you have still not addressed 4-5-5:12c , which is what I wrote about last time in my email to you. The meaning and enforcement of that are very vague and not transparent or well defined and it must be rewritten before you can vote on this ordinance. You are too big a hurry to get this done. Take enough time to do it right.

Dean Hovdey  
Home Town Sports, McCall



Other

⏮ Reply all ▾ 🗑 Delete 🚫 Junk 🚫 Block ⋮

## Re: Waterways Ordinance Staff Report with Attachments - Set for May 26 at 1:00 p.m.

ⓘ Label: Default 180 Days Delete (6 months) Expires: Sat 11/28/2020 10:56 AM

SB

Susan Bechdel <bechdelsusan@gmail.com>

Mon 6/1/2020 11:56 AM

To: Cynda Herrick

Cc: Douglas Miller; Valley County Commissioners

👍 ↶ ↷ → ⋮

Cynda,

Thanks for your response and for looking into my concerns.

I understand that public testimony is addressed to commissioners, to you, and to Doug. It must be like herding cats to get them all in the same file.

Initially, I noticed several omissions from the list of respondents stated at the May 26 hearing. In looking through the public record that Douglas provided, I found even more inconsistencies between that and the staff report to commissioners. Thank you for looking into it. You said that some letters came after the deadline. I looked back through the copies Douglas provided and found several had no dates attached. However, many did show dates, some as early as May 6th. Other dates ranged between then and May 20th. None showed dates beyond the deadline. As for the Valley Soil and Water Conservation District letter that you mentioned specifically, it is dated May 18th.

In addition to the letters I received from the public record request, I am aware by coincidence of two other letters not included in either the files provided by Douglas or the staff report. One is from Dr. Scott Harris and one from Les Bechdel. With this level of omissions, there are very likely others.

To be entirely receptive to comment, transparent and fair to the public, you should add the known omissions to the staff report for the June 8th hearing and recognize them specifically. Given that the public hearing remains open, the testimony is still relevant.

Written testimony omitted from the staff report, that I am aware of from your own records, includes 12 individual proponents and 2 group proponents. The groups that were omitted are the Valley Soil and Water Conservation District (letter dated May 18) and the Big Payette Lake Water Quality Council (letter dated May 13). Adding the Harris and Bechdel letters brings proponent omissions to 16. Your records show 6 opponents also omitted.

The BOCC has made changes to the first draft ordinance based on a flawed staff report. I would think including the omissions at the June 8th hearing gives commissioners the full picture and the opportunity to rule based on all the testimony. You might want to check with your legal staff.

Reply all
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Re: Water

nts - Set for May 26 at 1:00 p.m.

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Re: Waterways Ordinance Staff Rep...

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7:59 AM

Hello, I do have some letters that were submitte...

(20

Re: Waterways Ordinance Staff Rep...

Susan Bechdel

2 days ago

Thank you for sharing the staff report. In reviewin...

From

Ser

To:

Cc:

Files

**Subject:** Re: Waterways Ordinance Staff Report with Attachments - Set for May 26 at 1:00 p.m.

Thank you for sharing the staff report. In reviewing that and the other files on opponents and proponents, I see some omissions.

Letters were sent from Big Payette Lake Water Quality Council and the Valley Soil and Water Conservation District. These were not entered into the staff report and tally of public comment.

I know of two proponent's letters not included. Dr. Scott Harris tells me that he sent a letter and I have a copy of my husband, Les Bechdel's letter to you. Neither are in the staff report.

In another file, you included names of proponents who submitted letters and the following are not included in the staff report. Ann Brown, Gusty Laidlaw, Jamie Melbo, Jim Crawford, Laura Shealy, Marilyn Olson, Melissa and Todd Daniels, Melissa Coriell, Phil Feinberg, Reese Hudson, Ruth Lewinski, and Sean Gould.