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STAFF REPORT

Amendment to the Valley County Code Valley County Waterways Ordinance Ordinance 20-11

HEARING DATE: May 26, 2020
TO: Board of County Commissioners
STAFF: Deputy Kevin Turner and Cynda Herrick, AICP, CFM
REQUEST: Amends Title 4 Chapter 5

This proposal would create an ordinance covering 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.

It would establish regulations for use of said waterways to promote and protect the health, safety and general welfare of citizens of the county.

This ordinance would also repeal the following ordinances:

- Ordinance 78-1 (3-13-1978)
- Ordinance 02-3 (8-12-2002)
- Ordinance 03-3 (5-27-2003)
- Ordinance 08-1 (2-11-2008)

In addition, 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 26.01.3

- 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

FINDINGS:

1. Legal notice for the public hearing was posted in the Star News on April 30, 2020, May 5, 2020, and May 14, 2020. Potentially affected agencies were notified on April 24, 2020. The notice sheet was posted on bulletin boards at post offices in Cascade, Donnelly, McCall, and Yellow Pine and at the Board of County Commission meeting room door. On April 24, 2020, the notice sheet and draft ordinance were posted on the Valley County website under both “Board of County Commissioners Meetings” and “Ordinances”. Meeting procedures for participation in the May 26, 2020, public hearing were posted on the website on May 19, 2020.

2. Responses from Agencies

- 1) McCall City Council unanimously supports the adoption of the proposed ordinance. Specifically, the Council supports the 300-foot no-wake zone on Big Payette Lake which is consistent with the City’s no-wake zone. The Council also supports the prohibition of motorized craft on the North Fork of the Payette River. (May 13, 2020)
- 2) St Luke’s McCall is in support. They recommend the reinstatement of minimum age limit for operation of a motor-driven watercraft, including personal watercraft, to 16 years of age. (May 18, 2020)

3. Responses in Favor

- 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 Valley County residents and visitors.
- It will reduce user conflicts and dangerous encounters near the shoreline.
- It will protect McCall’s drinking water.
- The North Payette River “no-motor areas” are desired.
- The ordinance reflects the needs and wishes of the majority of users and shoreline residents.
- The ordinance should be approved for the upcoming 2020 summer season.
- Limiting wave-induced shoreline erosion and bottom sediment turbulence will help mitigate the nutrient loading contributing to toxic algae blooms.

- 1) Cutler Umbach, President of the Payette Lake Protective League, May 14, 2020
- 2) Walt Sinclair, 2083 Lakeview Ave, May 14, 2020
- 3) Charles Ray, McCall, May 18, 2020
- 4) Glenn and Patty Jacobsen, 900 Ann ST, May 17, 2020
- 5) Gary Smith, McCall property owner, May 15, 2020
- 6) Marjorie Chase, May 14, 2020
- 7) Catherine Them, 268 Buckcamp Road, May 15, 2020
- 8) Kristin Sinclair, May 14, 2020
- 9) John Watkins and Esther Mulnick, May 16, 2020
- 10) Laura Bechdel, 771 Knights Road, May 17, 2020
- 11) Stephen and Ann Nies, 1150 Heavens Gate Court, May 18, 2020

- 12) Gary Lyons, 1416 Warren Wagon Road, May 18, 2020
- 13) John and Nicki Humphries, McCall, May 18, 2020
- 14) Alan Shealy, Boise, May 12, 2020
- 15) Kaye and Susan Crawford, 54 Hait Lane, May 18, 2020
- 16) Mary and Rocky Bogert, 155 Eddy Circle, May 17, 2020
- 17) Don McClaran, 304 Rio Vista BLVD, May 19, 2020
- 18) Jerry Randolph, 135 Mather Road, May 19, 2020
- 19) Mary Faurot Petterson, May 19, 2020
- 20) Connie McClaran, 304 Rio Vista BLVD, May 19, 2020
- 21) Phil Lansing, 81 Rogers Lane, May 19, 2020
- 22) Thomas Lansing, May 19, 2020
- 23) Sally Nutt, 81 Rogers, Lane, May 19, 2020
- 24) Larry and Wendy Swan, 421 Colorado ST, May 19, 2020
- 25) Chet Wood, McCall, May 19, 2020
- 26) John Franks, 2271 Payette Drive, May 19, 2020
- 27) Elizabeth Ostermiller, 300 Crowley Lane, May 19, 2020
- 28) Dan Ostermiller, 300 Crowley Lane, May 19, 2020
- 29) Leonard Long, Friends of Lake Cascade, May 19, 2020
- 30) Michael Eck, May 19, 2020
- 31) David Simmonds, McCall, May 19, 2020
- 32) Jim and Ana Egnew, May 19, 2020
- 33) Susan Bechdel, 1401 Hwy 55, McCall, May 19, 2020
- 34) Jeff and Maxine Fritz, 441 Rio Vista Blvd, May 19, 2020
- 35) Julie Ekedahl, May 19, 2020
- 36) Robert Ekedahl, 1450 Shady Lane Loop, May 19, 2020
- 37) Jim, Debra, and Angela Staup, McCall, May 20, 2020
- 38) Maria Edelstein, 432 Rio Vista BLVD, May 20, 2020
- 39) Margo Conitz, 14075 Morell Road, May 20, 2020
- 40) Pavla Clouser, May 20, 2020
- 41) Lola Elliot, May 20, 2020
- 42) Sophie McManus, McCall, May 20, 2020
- 43) Meg Lojek, McCall, May 20, 2020
- 44) Karen Evans, Winston Yeast, and Skyler Yeast, 311 Brook Drive, May 20, 2020
- 45) Andrew Armstrong, May 20, 2020
- 46) Heather Crawford, May 20, 2020
- 47) Paula Schappacher, Warm Lake, May 20, 2020

4. Responses in Favor but Requesting Changes

- Concerns with Section 4-5-11 Exceptions which allows special use requests. Perhaps it should be specified that such requests are intended to be used for short duration one-time events to avoid loopholes.
- Electric trolling motors allowed on the North Fork Payette River, north of Payette Lake Section 4-5-6C.
- Opposition to Sections 4-5-5 and 4-5-6D and the definition of “excessive wake”.
- Opposition to 4-5-5B.12c as it is vague and open to interpretation.

- Capacity controls are likely the most effective solution.
- Water skiers should be able to start from shore or docks.
- 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.
- The 300-foot no-wake zone should be marked with stable buoys.
- Vague and ambiguous for enforcement.
- Penalties proposed in Section 4-5-10.C are overly strict and harsh.

- 1) John Rygh, McCall, May 14, 2020
- 2) Ken DeAngelo, 2450 Sharlie Lane #1423, May 17, 2020
- 3) Sandra Chess, 7 Richard Creek, May 15, 2020
- 4) Stephen Ryberg, 2440 Sharlie Lane, May 18, 2020
- 5) Jeffrey Feeler, 1075 Shady Lane Loop, would like, May 18, 2020
- 6) John Lewinski, McCall, May 18, 2020
- 7) Diane Plastino Graves and Ron Graves, 2120 Payette Drive, May 12, 2020
- 8) John Stephens, May 18, 2020
- 9) Dean Hovdey, Home Town Sports, McCall, May 19, 2020
- 10) Eli Schmoeger, May 19, 2020
- 11) Terry Pape, May 29, 2020
- 12) Penny (Parberry) Iverson, Fairfax Station, VA, May 19, 2020
- 13) JoEllen and Phil Yribar, 2280 Payette Drive, May 20, 2020
- 14) Jim and Katie Ball, 941 Driftwood Lane, May 20, 2020
- 15) Mike and Lori Dingel, May 20, 2020
- 16) David Jakious, 170 Margo Drive, May 20, 2020

5. Responses in Opposition

- Damage/erosion to Payette Lake's beaches are due to waves from the wind, not boats.
- Many opposed Section 4-5-4 Definition of Excessive Wake.
- Many opposed Section 8 Unlawful Noise as vague and open to interpretation.
- Many opposed Section 4-5-6.D2 Other Restricted Areas, particularly the adoption by resolution.
- Opposition to 4-5-5B.12c as it is vague and open to interpretation.
- Opposition to 4-5-6.B. Motorized vessels should be allowed on the North Fork Payette River, north of Lake Cascade
- Ordinance unfairly targets wake boats.
- Ordinance is in favor of homeowners along Payette Lake.
- Concentrating boats into a smaller area could be more dangerous due to overcrowding.
- A wave study can be found at www.wakeresponsibly.com/waveenergy.html.
- Those who are under the age of 18 should be allowed to operate watercraft if have taken a boating safety course.
- Capacity limits with employees funded by a boat launch fee for Payette Lake.
- Negative impact to local economies.
- Many comments about the Valley County offices currently closed to the public.

- 1) Matt Rissell, May 18, 2020
- 2) Matt Murphy, May 18, 2020
- 3) Patsi Williams, May 19, 2020
- 4) Cooper Conger, May 19, 2020)
- 5) Todd Ketlinski, May 18, 2020)
- 6) Mali Murphy, May 18, 2020)
- 7) Tyler Oelkers, May 18, 2020)
- 8) Bryce Wikfors, May 18, 2020
- 9) Mike Bowie, May 18, 2020
- 10) Andrew and Lisa Chai, May 18, 2020
- 11) Scott and Meghan Bailey, 12757 Hereford Road, May 18, 2020
- 12) Jim Conger, May 18, 2020
- 13) Jace Hansen, May 18, 2020
- 14) Nathan Bateman, May 18, 2020
- 15) George Creighton, May 18, 2020
- 16) Jeremy DeLuca, May 18, 2020
- 17) Victor Horch, May 18, 2020
- 18) Troy Ashworth, May 19, 2020
- 19) Derek Moore, May 18, 2020
- 20) Kevin O'Neill, 1389B Ford Drive, May 18, 2020
- 21) Cory Jackson, 321 Lake Street, May 19, 2020
- 22) Aaron Dykas, May 19, 2020
- 23) Roman Jones, Donnelly, May 19, 2020
- 24) Gino Pilato, May 19, 2020
- 25) Cameron Foley, May 19, 2020
- 26) Connor Wittmuss, May 19, 2020
- 27) Matt Drown, May 19, 2020
- 28) Shawn Owen, May 19, 2020
- 29) Erika Klein, Paradise Cove property owner, May 20, 2020
- 30) Heidi Wyman, McCall, May 19, 2020
- 31) Mia Wyman, McCall, May 19, 2020
- 32) Jessica Petersen, May 19, 2020
- 33) Douglas Wyman, McCall, May 19, 2020
- 34) Mackenzie Gramm, May 19, 2020
- 35) Terry Jones, May 19, 2020
- 36) Hugh and Barb Mossman, 12849 Shorthorn Way, May 19, 2020
- 37) Bronson Boardman, May 19, 2020
- 38) Doyle Hartman, May 19, 2020
- 39) Patrick Waite, May 19, 2020
- 40) Tyrell McKibben, Boise, May 20, 2020
- 41) Brian and Nichol Black, May 20, 2020
- 42) John and Nancy Sommerwerck, 12995 Sandy Drive, May 20, 2020
- 43) Dee Warner, May 20, 2020
- 44) Bob Wood, May 20, 2020
- 45) Katie Warner, May 20, 2020
- 46) Chad Lloyd, May 20, 2020

- 47) Zyon Cleverley, May 20, 2020
- 48) Kade Kalivas, May 20, 2020
- 49) Josh Knight, May 20, 2020
- 50) Stanley Fornander, May 20, 2020
- 51) Bob Wheeler, 1311 Jasper, May 20, 2020
- 52) George and Theresa Collingham, May 20, 2020
- 53) Greg Ferguson, May 20, 2020

6. Other Response

- David Claiborne, Sawtooth Law Offices, representing the Idaho Recreation Council, objects to the public hearing notice wording “all comments must be received no later than May 20, 2020...If you do not submit a comment, we will assume you have no objections to the proposals.”

7. Staff Comments:

The public notice sent was prepared by Valley County Planning and Zoning. The notice referred to by David Claiborne has been the standard verbiage used by Valley County for a considerable number of years. The verbiage is used as a disclaimer most specifically for agencies so that we do not get to a point of final approval and have a latecomer request or requirement that has not been considered. Valley County has a cutoff date on written testimony due to historical antics at public hearings; as a matter of fact, the specific incident is used as an example of why ordinances should contain a specific cutoff and is taught throughout Idaho. The following is the code sections that is in the Valley County Code:

(Valley County Code 9-5H-11)

P. Written testimony and exhibits from the public to be presented for the record shall comply with the following standards:

1. Written submittal, other than petitions or illustrations, must be submitted at least seven (7) days prior to the date of the public hearing.
2. Written submittal shall include the signature and address of the submitter.
3. Written submittal shall address the issue at hand. Portions of written submittal that raise irrelevant issues or include improper information may be excluded from consideration in whole or in part.
4. Documents may be submitted at the public hearing only with the approval of the presiding officer and only if their introduction will not inject unfair surprise into the process. The presiding officer may require duplication of any acceptable documents or continuation of any hearing if necessary to provide an opportunity for response from hearing participants.
5. If documentation submitted at a hearing fails to comply with the aforementioned standards, the presiding officer may decline to admit them for consideration during the hearing.

Notice is sent and participation is requested from agencies and the public in the pursuit of obtaining as much information and opinion as available. At no time should a “count” of proponents or opponents be taken in the decision-making process to determine the outcome.

ATTACHMENTS:

- Procedures for Participation in the Public Hearing
- Proposed Ordinance No. 20-11.
- Board of County Commissioner Meeting Minutes of March 30, 2020
- Responses

END OF STAFF REPORT

Procedures for PUBLIC HEARINGS ON MAY 26, 2020

WATERWAYS ORDINANCE NO. 20-11

PRIOR TO THE HEARING:

- ⇒ Sign up with the Clerk, Doug Miller, as follows:
 - Phone: (208)382-7102 until Friday at 5:00 p.m. or
 - E-mail dmiller@co.valley.id.us until testimony is opened
- ⇒ Review the ordinance on the website.

EXPLANATION OF HEARING PROCEDURES BY CHAIRMAN AT BEGINNING OF MEETING

- State the Date and Time
- Due to Covid-19, we are holding this public hearing by teleconference in accordance with the Governor's Proclamation of March 13, 2020, which suspended, in part, portions of Idaho's Open Meeting Law Requirements
 - Explain the Process: Staff Report, Testimony of Proponents, Testimony of Uncommitted, Testimony of Opponents, 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 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

□ 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 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 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 12 years of age and under direct adult supervision.
 - 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.

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 hundred feet (300') 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.

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 by resolution, after notice, and may contain maps and/or a series of maps that may be supplemented 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:

A summary of the rules and regulations governing the use of Valley County Waterways as enacted shall be made available at convenient locations.

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: _____

Responses
from
Agencies



City of McCall

www.mccall.id.us

216 East Park Street
McCall, Idaho 83638

Phone 208-634-7142
Fax 208-634-3038

May 13, 2020

Valley County Commissioners
PO Box 1350
Cascade, ID 83611-1350

Dear Commissioners Hasbrouck, Maupin and Bingaman:

On May 7th the City Council of McCall reviewed the proposed Valley County Waterways Ordinance scheduled for public hearing on May 26, 2020.

On behalf of the Council I submit to you our unanimous support for the adoption of the proposed Ordinance. Specifically, Council supports the 300- foot no-wake zone on Big Payette Lake which is consistent with the City's no-wake zone for the portion of the lake that falls within City limits. The City Council also supports the prohibition of motorized craft on the North Fork of the Payette River and the area known as the Meanders.

Thank you for moving forward with re-establishing regulations for waterways in Valley County. The Council feels this is a step in the right direction towards our shared policy objective to establish a Lake Management Plan for Big Payette Lake. The Council and staff look forward to continued work with the County on a Lake Management Plan.

Respectfully submitted,

Robert S. Giles
Mayor



May 18, 2020

To: Valley County Commissioners

Re: Motor Driven Watercraft and Personal Watercraft Minimum Operator Age Proposal

We, the St. Luke's McCall Medical Center emergency room physicians, are writing to you today regarding the proposed Valley County Waterways Ordinance, which establishes *"regulations for use of said watershed in order to promote and protect the health, safety and general welfare of citizens of the County."*

Specifically, we strongly recommend you reinstate the minimum age limit for operation of a motor driven watercraft, including personal watercraft, to 16 years of age.

Our recommendation is in agreement with the American Academy of Pediatrics recommendation that no one under the age of 16 years should operate a personal watercraft. Below are links to its website and the publication stating its recommendation.

It is also in line with the Personal Watercraft Industry Association's own recommendation in an effort to mitigate youth accidents. See link below stating its recommendation.

Our role in this community includes diagnosing and treating all emergencies in a timely manner. It is also to promote safety within our community to prevent trauma and accidents. With this in mind our physicians strongly recommend members of the Waterways Advisory Committee to preserve the minimum age of 16 that exists for personal watercraft operation in Valley County.

In addition, we support efforts for promoting boater safety education but not in substitution for maintaining a minimum age of 16.

Sincerely,

Todd Arndt, MD
Medical Director
St. Luke's McCall Emergency Department

Dr. Greg Irvine, MD
Chief of Medical Staff
St. Luke's McCall

Jon Currey, MD
Sarah Curtin, MD
Maureen 'Mo' Ferguson, MD

Jennifer Gray, MD
Caitlin Gustafson, MD
Patrick Kinney, MD

John Kremer, MD
Jennifer Lewis, MD
Julie Welty, MD

services.aap.org
<http://pediatrics.aappublications.org/content/105/2/452>
<http://www.pwia.org/safety>

Responses

in

Favor

May 14, 2020

Payette Lake Protective League, Inc
Post Office Box 2329
McCall, Idaho 83639

To the Board of Valley County Commissioners:

Subject: Draft ordinance #20-__

Dear Commissioners:

This letter is an endorsement of the draft ordinance #20-__. You, the Commissioners, have done a good job in producing the Valley County Waterways Ordinance, by honoring your commitment to retain the essentials of 08-01 and extend needed regulations to the entire county. While not perfect, the proposed ordinance represents careful thought and appropriate compromise. It will serve to do what it sets out to do, "to promote and protect the health, safety and general welfare of Valley County residents, visitors to the area and general public." It reflects the needs and wishes of the vast majority of users and shoreline residents of these waterways.

There may be one or another vocal minority that will complain of rights being denied and of improper language. Please do not allow such special interest groups to detract you from staying the course with a job well done.

It is worth reviewing that McCall's Comprehensive plan states: "Payette Lake is referred to as the "Crown Jewel" of McCall and is a major attractor to the area." This applies not only to Payette Lake but to the other waterways in Valley County as well.

The proposed ordinance should be adopted.

Payette Lake Protective League

Cutler Umbach, President

From: Walt Sinclair <jwaltersinclair@gmail.com>

To: dmiller@co.valley.id.us

Date: Thu, 14 May 2020 09:43:42 -0600

Subject: Draft Waterways Ordinance

I would like to share my support for the draft Waterways Ordinance. Thank you.

Walt Sinclair

2083 Lakeview Ave. (83638-5025)

P. O. Box 2867

McCall, ID 83638-2867

(208) 869-3036

[Jwaltersinclair@gmail.com](mailto:jwaltersinclair@gmail.com)

From: Charles Ray <marm@frontiernet.net>
Date: May 18, 2020 at 11:52:53 AM MDT
To: commissioners@co.valley.id.us
Cc: dmiller@co.valley.id.us
Subject: Comments on Draft Waterways Ordinance

Please confirm receipt of this e-mail
May 18, 2020

Re: draft Waterways Ordinance

Commissioners Hasbrouck, Bingaman, Maupin:

I am a full time, year round resident and property owner in Valley County. I spend time every year on Payette Lake, Little Payette Lake, and the North Fork of the Payette River. I have read the draft Waterways Ordinance.

I'm pleased the draft ordinance has measures to protect the health, safety, and general welfare of citizens who use or live along lakes and parts of the North Fork of the Payette River. I like the language in the draft that recognizes the natural values of those waterways. I like the clear language of intent to protect the water quality, peace and quiet, quality of life, and the pleasant and more pristine environment provided by the waterways. I approve of the measures to reduce user conflicts.

Previously, I've told the Commission that I believe the only way to ensure the safety and enjoyment of non-motorized users on Payette Lake is to allow only non-motorized use on certain days of the week. I'm now willing to put that belief aside and give the new Waterways Ordinance a fair chance to work.

If the Ordinance is consistently and diligently enforced, I believe there's a good chance it can achieve its stated purpose. I encourage each of you to approve it.

Thanks for your efforts on this difficult issue.

Charles Ray
McCall, ID
marm@frontiernet.net

From: Glenn Jacobsen <gljacobsen@frontiernet.net>
Date: May 17, 2020 at 2:18:15 PM MDT
To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>
Subject: Draft Waterways Ordinance

Please put 08-01 rules back in place with your new draft waterways ordinance. This draft helps to protect the drinking water of McCall. Boating on Payette Lake needs your guidance. Thank you.

Glenn & Patty Jacobsen,
900 Ann St.,
McCall

From: Gary Smith <garyandterri@frontiernet.net>
Sent: Friday, May 15, 2020 3:39 PM
To: commissioners@co.valley.id.us
Subject: Waterway Ordinance

As a long time user of and property owner on Payette Lake I strongly support the recommendations of the Payette Lake Protective League. Our property is in the city limits a short distance east of the Marina on East Lake Street.

Since the mid 1950's until now we have witnessed many undesirable changes. The most evident being the increase in noise and wake action. I attribute this to both large speed boats and wake boats.

As result of the increase in wake action we rarely lounge on our dock anymore. What used to be a very enjoyable part of having lake property is now rather unpleasant when wake boats are nearby. This has become much more noticeable over the past few years. Also the resulting damage done to our dock has also become significant since the wake boats arrived.

As a power boat owner ourselves we have also noticed the disregard for standard safety rules on the lake and dangerous encounters near the shoreline which we believe these proposed rules would address.

I find the PLPL's recommendations for Payette Lake to be very reasonable. Your consideration will be much appreciated.

From: MARJORIE CHASE <feldchase@aol.com>

Date: May 14, 2020 at 4:29:38 PM MDT

To: commissioners@co.valley.id.us

Subject: Draft April 2020 Waterways ordinance

I have read and strongly support the waterways ordinance draft. As a lifelong swimmer who has had far too many close calls with boats and jet skis along the shoreline of Payette Lake, I hope this can pass and be enforceable.

Regards,

Marjorie Chase

From: Catrinca Them and Tracy Steiger <cntsat@hotmail.com>
Date: May 15, 2020 at 8:52:32 AM MDT
To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>
Subject: Waterways Ordinance #20-__

Dear Commissioners,

I strongly support passage of the Waterway Ordinance #20-__. The line "for the 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" speaks volumes. Reminds me of "of the people, by the people and for the people". Thank you for truly supporting that.

The lines 1) desire to protect, 2) peace and quiet, 3) taking into account the natural environment, watershed, shoreline and wildlife, 4) no motor driven vessel area, all ring true for my values. It is very important to have water bodies that are undisturbed by motors to feel at peace in the natural environment.

Thank you very much for your time and dedication to this ordinance and to your office.

Sincerely,

Catherine Them
268 Buckcamp Rd
McCall, Idaho 83638

From: Kristin Sinclair <khoffsinclair@gmail.com>

To: dmiller@co.valley.id.us

Date: Thu, 14 May 2020 14:52:46 -0600

Subject: Waterways ordinance

Douglas - I read the Star News articles this week about the waterways ordinance and want to offer support for this ordinance. We cannot let another summer go by without an ordinance that provides protection for the lake and the people that are recreating on it. It is becoming busier every year and without good direction from this ordinance will become more hazardous each year.

Thank you.

Kristin Sinclair

c. 208-890-3155

khoffsinclair@gmail.com

From: "estjon@citlink.net" <estjon@citlink.net>
Date: May 16, 2020 at 11:58:45 AM MDT
To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>
Subject: **draft waterways ordinance**

We are writing in support of the Valley County draft waterways ordinance. Thank you for your work on this important ordinance.

John Watkins

Esther Mulnick

From: laura bechdel <earthjive@gmail.com>
Date: May 17, 2020 at 3:05:43 PM MDT
To: commissioners@co.valley.id.us
Subject: Comment - Valley County Waterways Ordinance

Hello Commissioners,

Thank you for your diligence as you have listened to many constituents and organizations on behalf of the waterways ordinance. I am enthused by your current draft, and feel it is the best option to protect Payette Lake and its users, along with the other protected waterways.

I strongly encourage you to vote to accept the current draft without further delay, and to support with the dissemination and education of the approved ordinance to ensure compliance throughout these special lakes and rivers.

Thank you for all of your hard work on behalf of the people and land in Valley County.

Best,

Laura Bechdel

771 Knights Road
McCall, Idaho 83638
208-634-5537
earthjive@gmail.com

From: Ann Nies <annienies@gmail.com>
To: dmiller@co.valley.id.us
Date: Mon, 18 May 2020 16:21:03 -0600
Subject: Waterways ordinance -Payette Lake

We are writing to support the proposed ordinance specific to Payette Lake. Putting the 08-01 rules back in place protects our shoreline and water quality. I appreciate the North Fork non-motorized rule especially since I and many others could not enjoy kayaking and quiet observation of all the birds and wildlife on that stretch of river if motors were allowed.

Thank you,
Stephen and Ann Nies
1150 Heavens Gate Court,
McCall, Idaho

From: "Gary Lyons" <lyonsg@mindspring.com>

Date: May 18, 2020 at 1:07:31 PM MDT

To: <commissioners@co.valley.id.us>

Subject: Proposed Waterway Ordinance

Dear Commissioners,

First of all, I want to thank you for working and developing this proposed ordinance.

Over the past couple of years I have attended and spoken at many of the public meetings. During those meetings the public has given you much to think about.

I want to offer my support to this proposal as it reads today, any alterations will require my review before gathering my continued support.

We need to get this in place with the season fast approaching and even though this proposal will not please everyone it does have enough in it to make a positive impact today.

Thanks in advance,

Gary Lyons
1416 Warren Wagon Road
McCall Idaho

rom: hohump@frontiernet.net

Date: May 18, 2020 at 1:41:54 PM MDT

To: commissioners@co.valley.id.us

Subject: **Draft Waterway Ordinance**

To: Valley County Commissioners:

Subject: Draft Waterway Ordinance

From: John and Nicki Humphries

We both support the Payette Lake Protective League's stance on the draft ordinance and appreciate your efforts in putting Ordinance 08-01 back in place with this new draft.
Please protect our waterways!

Thank you.

/s/ John and Nicki Humphries
McCall, ID

Cynda Herrick

From: Sherry Maupin <smaupin@co.valley.id.us>
Sent: Tuesday, May 12, 2020 9:56 AM
To: Cynda Herrick
Subject: FW: Waterways Ordinance

From: Alan Shealy <a_shealy@hotmail.com>
Sent: Tuesday, May 12, 2020 8:09 AM
To: commissioners@co.valley.id.us
Subject: Waterways Ordinance

Dear Commissioners,

I am writing to express my strong support for the proposed Valley County Waterways Ordinance and to urge you in the most emphatic terms to support its passage. Payette Lake, along with our other waterways, is being stressed by the increase in motorized traffic. People rightfully want to enjoy its pristine, natural beauty and it is incumbent on us all to protect it for this and future generations. The Ordinance embodies thoughtful compromise which will allow all users to enjoy this beautiful habitat for decades to come.

Thank you very much for your consideration.

Sincerely yours,
Alan Shealy, Boise

Sent from Mail for Windows 10

May 18, 2020

Douglas Miller
Valley County Clerk
P.O. Box 1350
Cascade, ID 83611
dmiller@co.valley.id.us

Dear Mr. Miller,

Since 1990, we have been residents at 51 Hait Lane, on the Payette River, near McCall. Last summer we experienced numerous motorized watercraft recklessly speeding up the river in front of our property, more than once. Please see the two pictures attached for your reference.

At one time, our son-in-law was fishing and managed to stop one of the boats. Talking to the driver, he pointed out how dangerous this was to himself, all swimmers, kayakers and canoers using the river.

The river is shallow and narrow in the summer and the boat wakes, flooding the riverbanks, will cause erosion.

Please, for the safety of all of us that swim, kayak and fish on this peaceful stretch of the river, pass the ordinance to prohibit the use of motorized watercrafts.

Sincerely,


Kaye J Crawford

5-18-20
Date


Susan E. Crawford

5-18-20
Date



From: Rocky Bogert <rmbogert@icloud.com>

Date: May 17, 2020 at 11:28:42 AM MDT

To: dmiller@co.valley.id.us

Cc: commissioners@co.valley.id.us

Subject: North Fork Payette

Thank you in advance for receiving and considering input about recreational water usage in Valley County. As full time residents, we are very concerned about the increased use by motorized water craft on the North Fork of the Payette. In fact, this is our second attempt to get someone's attention to the potential for tragedy, as the increase in these boats coincides with the growing number of people using pontoon and drift boats, canoes and kayaks, and paddle boards. Not to mention the disruption of nesting waterfowl, bald eagles, fish and erosion (see photo below) of critical river bank structures. We find it hard to believe that with all the water available for boating in this valley, that it is necessary to travel up river at a high speed every spring. How frightening to be wading/fishing on the Payette and a speed boat is approaching around a sharp bend in the river!

PLEASE restrict use of the North Fork of the Payette River to non-motorized craft.

Mary & Rocky Bogert

155 Eddy Circle
McCall, Id 83638
208-867-1749

<river2>

<river>

<Erosion.jpg>

These river use photos were taken thirty minutes apart on May 16th, 2020.





From: Don McClaran <donmcclaran@gmail.com>

Date: May 19, 2020 at 3:57:27 PM MDT

To: commissioners@co.valley.id.us

Subject: waterways comment

Dear Commisioners,

I applaud the return of 08-01 rules, and the language that validates the purpose of the current draft and serves as a basis for guidance into the future.

As per my comments previously, it is essential that we address the ever increasing pressures of population growth on our waterways proactively. Not doing so puts our residents and visitors alike at risk for preventable tragedy. Not to mention the ill affects of increased use on our precious resources.

As a long time resident, business owner and waterways user I would like to applaud a return to the original laws.

Thank you for stepping up to this most important role as our Commissioners. And thank you for the opportunity to be a part of the process.

Don McClaran
304 Rio Vista Blvd.
McCall, ID

From: Jerry Randolph <jerryzrandolph@gmail.com>

Date: May 19, 2020 at 2:58:31 PM MDT

To: commissioners@co.valley.id.us

Subject: Draft Waterways Ordinance

Commissioners:

I am writing to strongly urge you to enact and enforce the return of Ordinance 08-01 and its rules as written. I ask you to maintain language in the ordinance that addresses shoreline (environmental) degradation from wave action caused by motorized craft, and take into account any action that preserves and enhances water quality and human safety. This you MUST do not only for the time in which we live, but for the generations to come. Payette Lake is too precious for us to take our stewardship responsibilities lightly.

Secondly, I fully understand the Commission is under intense pressure from out-of-area motorized business interests to dilute the rules of the ordinance relative to shore degradation, water quality, and perhaps even safety all in the interest of commercial sales and service. May I say it bluntly: this is pure, selfish nonsense both from a business and quality of life perspective. If the ordinance were to permanently ban all forms of "wave-enhanced technology" watercraft I believe research and experience would reveal all the positives we seek: damage reduction of shore and dock structures, reduction of both noise and water pollution, lessened conflict between motorized and non-motorized users and thus improved safety for boaters, and most certainly an increased bottom line for local businesses.

And finally, as a long-time resident who lives near the river on Mather Road may I please echo our neighborhood desire to see the North Fork Payette, both above and below Payette Lake, maintained as a "non-motorized use only" resource. This, I hope, is a no-brainer to the Commission.

Thank you for listening.

Jerry Z. Randolph
135 Mather Road
McCall, Id 83638
208-630-3090
jerryzrandolph@gmail.com

From: Mary <maryfaurot@gmail.com>

Date: May 19, 2020 at 2:15:44 PM MDT

To: commissioners@co.valley.id.us

Subject: Waterways Ordinance

Commissioners:

Thank you for the opportunity to comment on the proposed waterways ordinance. I have read the full draft and support the draft ordinance as written. I look forward to attending the teleconference on May 26.

Sincerely,

Mary (Faurot) Petterson

From: Connie McClaran <conimc10@gmail.com>

Date: May 19, 2020 at 1:07:17 PM MDT

To: commissioners@co.valley.id.us

Subject: Draft Waterways Ordinance Comment

Dear Commisioners,

I applaud the return of 08-01 rules, and the language that validates the purpose of the current draft and serves as a basis for guidance into the future.

As per my comments previously, it is essential that we address the ever increasing pressures of population growth on our waterways proactively. Not doing so puts our residents and visitors alike at risk for preventable tragedy. Not to mention the ill affects of increased use on our precious resources.

As a medical professional, I also am very appreciative of the age guidelines that more closely reflect age related cognitive/motor development and abilities. Kudos!

Thank you for stepping up to this most important role as our Commissioners. And thank you for the opportunity to be a part of the process.

Connie McClaran
304 Rio Vista Blvd.
McCall, ID

From: Roman Jones <romandjones@hotmail.com>

Date: May 19, 2020 at 11:24:17 AM MDT

To: commissioners@co.valley.id.us

Subject: Rejection of Proposed Boating Ordinance

Dear Commissioners,

I am very concerned with the current request to make changes to or additions, to laws that are already on the books with respect to our waterways with this upcoming meeting.

Rather than add additional laws, let's just enforce what laws are currently on the books. This meeting seems to be another attempt to try and get what didn't get approved last year. I am opposed to any changes and the vague language that is being used. I have listed below some of my concerns:

1) 4-5-4 definition of Excessive wake: Makes it illegal to produce a wake outside of the newly established 300 foot wake zone that **is observed** or **reasonably can be expected** to cause damage within the 300 foot zone as an infraction. The way this is written, if you are out 300 feet or more and the wave is still large going into the 300 ft zone, and an officer determines it could cause damage to property etc.... you are getting a ticket. The drafters used the publicly acceptable 300 foot zone, but mask with language, to include any wake produced outside 300 feet can still be a violation.

2) Section 8 unlawful Noise: Makes disturbing the peace on the lake a misdemeanor. Interestingly, they use the definition of Idaho Code 18-6409 which has been upheld by the Idaho Supreme Court. This law is already on the books, but makes me believe they included it in this ordinance because they will be enforcing loud of music on the lake. Blasting music during surf sessions may now net you a misdemeanor ticket. I would expect lake owners and others to use this as a sword against surf boats.

3) 4-5-6 Section D 2.: This is a very troubling provision because this ordinance as written will allow the Commissioners to pass by resolution laws restricting certain waterways used on the Payette Lake and Upper Payette Lake as they see fit. Resolution means the board votes on it and it becomes effective without public comment. For example, Just like the President signing an executive order to bypass congress and public input. This is very bad and should not become the law.

Thank you for your consideration on this matter

Roman Jones
Donnelly

From: Philip Lansing <pslansing@mac.com>
To: dmiller@co.valley.id.us
Date: Tue, 19 May 2020 09:30:53 -0600
Subject: Comments on Draft Waterways Ordinance

Dear Douglas Miller,

I support the proposed Waterways Ordinance, which I have read on the Valley County website.

I am a motorboat enthusiast, with a fast boat capable of creating large wakes. The proposed ordinance strikes a fair balance between my use and the uses & safety of others. It will also help protect shoreline stability and water quality, keeping our waterways healthy and thus protecting our quality of life and tourism economy.

The very mild proposed regulations of my boating activities are not restrictive. In fact they will enable me to enjoy running my boat fast without harming water quality, endangering others, or causing offense.

Yours sincerely,
Phil Lansing
81 Rogers Lane
McCall, Idaho

From: Thomas Lansing <lansingthomas@gmail.com>

To: dmiller@co.valley.id.us

Date: Tue, 19 May 2020 10:07:36 -0600

Subject: May 26 support for ordinance

I Thomas Lansing support the proposed waterways ordinance in Valley County regarding the Payette River. Thank you.

--

Thomas Lansing

208-340-6323

From: Sally Nutt <nuttsally3@gmail.com>
Date: May 19, 2020 at 10:07:25 AM MDT
To: commissioners@co.valley.id.us
Cc: Sally Nutt <nuttsally3@gmail.com>
Subject: Waterways Ordinance

Dear Valley County Commissioners,

I am a 40 year resident of Valley County and I fully support the proposed Valley County Waterways Ordinance. I have seen over the years the increased use and increased conflict on our waterways and I believe this ordinance will serve the population in a fair and sensible way. I have particular concern with wake issues, not only due to shoreline erosion and disruption but also for the protection and enjoyment of non-motorized users, such as swimmers, paddleboarders, kayakers etc.

Please pass this proposal for the benefit of all Valley County.

Thank you,
Sally Nutt
81 Rogers Lane
McCall, ID
83638

From: Larry Swan <lrswan@yahoo.com>

Date: May 19, 2020 at 5:23:00 PM MDT

To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>

Subject: Waterways Ordinance 2020

We are writing to urge your support and passage of the recently revised and proposed Waterways Ordinance for specified waterways within Valley County. The return of managing these waterways to the 08-01 Ordinance will provide more reasonable use, regulation and protection of these extremely important bodies of water within our County.

Please vote yes and implement the Ordinance as currently drafted.

Thank you for your time and efforts in this important matter.

Larry and Wendy Swan

PO Box 523

421 Colorado St

McCall, ID 83638

lrswan@yahoo.com

208-315-3019

From: Chester Wood <tibor.wood@gmail.com>

Date: May 19, 2020 at 8:35:40 PM MDT

To: commissioners@co.valley.id.us

Subject: Draft Waterways Ordinance

Dear commissioners Elting Hasbrouck, Dave Bingaman and Sherry Maupin:

Thank you for the opportunity to provide input on the current proposal before you on this important matter. As a resident of McCall and a long-time property owner in Cascade and McCall, with strong ties to the legacy of this special place, I am writing in support of the current waterways proposal. As I have mentioned in my previous emails commenting on various proposals before you on this topic, the substantial increased use of Valley County waterways necessitates this ordinance. This is a pragmatic and thoughtful approach to allow enjoyment by multiple users with the hope that they too create special memories of these waters and champion a legacy of responsible use. I remain especially concerned with regard to increasing use by watercraft designed to produce waves greater than two feet. While I suspect this proposal does not go far enough for some, and too much for others, it is a balanced approach to stem the increased erosion to shorelines, increased generation of invasive aquatic plants, damage to personal docks and breakwaters, and increased risk and or lack of enjoyment by non motorized users of the lake by their continued use. I am hopeful these proposed rules combined with increased education by the boating industry and our law enforcement professionals will mitigate many of the issues created by there use.

Again, thank you for the opportunity to comment.

Respectfully submitted,

Chet Wood

From: John Franks <mccallfranks@gmail.com>
To: dmiller@co.valley.id.us
Date: Tue, 19 May 2020 17:30:13 -0600
Subject: County Waterways Ordinance

County Commissioners:

Please pass the proposed Valley County Waterways Ordinance. Management of the lake and shores of the lake are very important to the immense asset it is to the County and the State of Idaho. This ordinance is a good step in that direction.

Lack of adequate management is seen at the west side of North Beach where, a number of years ago, there was a nice beach that patrons could camp on and enjoy boat access to the lake from the south side that had a nice sandy beach. Without adequate management, that beach has all washed into the lake, making trees fall into the lake and allowing further erosion. A nice asset has practically been lost. I would like the Commissioners to look into reclaiming the sand that has washed into the lake and rebuild the beach that was destroyed, thus re-establishing the asset that was once there.

Thank you for protecting the waterway assets within Valley County and your work on behalf of your constituents.

John Franks
2271 Payette Drive
McCall, ID 83638

From: Lisa Ostermiller <lisa.ostermiller@gmail.com>

Date: May 19, 2020 at 8:03:14 PM MDT

To: commissioners@co.valley.id.us

Cc: Lisa Ostermiller <lisa.ostermiller@gmail.com>

Subject: Waterways ordinance

Dear Valley County Commissioners,

I have lived in Valley County for over 35 years and I support the Valley County Waterways Ordinance. I love using these waterways and over the years I've seen a rise in use resulting in a number of issues including a rise in motorized vs non-motorized conflicts, shoreline destruction and degradation of the habitat. Of particular concern is the issue with wake boats. Their use is having a negative impact on the shoreline.

Please pass this proposal for the benefit of all in Valley County.

Sincerely,

Elizabeth (Lisa) Ostermiller

PO Box 2018

300 Crowley Ln.

McCall, ID. 83638

From: Dan Ostermiller <ostermillermd@gmail.com>
Date: May 19, 2020 at 7:58:03 PM MDT
To: commissioners@co.valley.id.us
Cc: Lisa Ostermiller <lisa.ostermiller@gmail.com>
Subject: Waterway Ordinance

Dear Valley Co Commissioners,

Please support the Valley Co. Waterways Ordinance. I have lived here for 36 years and I vote!

Dan Ostermiller
300 Crowley Ln
McCall, Id
83638



Friends of Lake Cascade
250 3rd Street
Cascade, ID 83611

May 19, 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 purpose of this letter is to express Friends of Lake Cascade strong support for the proposed Valley County Waterways Ordinance.

The increasing severity of toxic cyanobacteria blooms in Lake Cascade, Idaho has many in our watershed concerned about safe drinking water and recreational use. Limiting wave induced shoreline erosion and bottom sediment turbulence is one method to help mitigate a portion of the nutrients (primarily phosphorous) loading that contribute to toxic algae (cyanobacteria) blooms.

We need assistance with water management solutions and this ordinance can help.

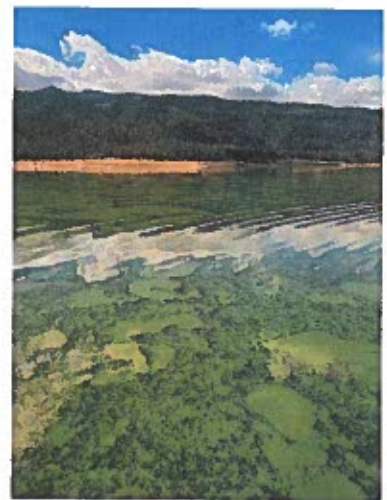


Photo 1 Lake Cascade
Cyanobacteria Bloom Sept.
2019

Lenard D. Long
Friends of Lake Cascade

Goal:

To improve Lake Cascade's Water Quality by decreasing the human contribution of nutrients that feed the Cyanobacteria blooms.
<https://www.facebook.com/FriendsofLakeCascade> or www.citsci.org, project "Lake Cascade Idaho

From: Michael Eck <meck321@gmail.com>

Date: May 19, 2020 at 8:42:01 PM MDT

To: commissioners@co.valley.id.us

Subject: Waterways ordinance

Dear commissioners,

My wife and I are local residents of valley county and are in full support of this ordinance. We will support and defend your positive vote to institute this valley county ordinance with all outside influencers.

We need to protect our limited resources for all community members. I know these are difficult decisions but become even more difficult as time passes and development continues in our area.

Valley County Waterways Ordinance

This ordinance would also repeal 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).

Thanks for your help in making Valley County a beautiful and better place for our residents.

All the best,

Mike

Michael Eck

(415) 515-3091

Sent from my iPhone

Michael Eck

(415) 515-3091

From: David Simmonds <dsimmonds50@gmail.com>
Date: May 19, 2020 at 10:57:33 PM MDT
To: commissioners@co.valley.id.us, dmiller@co.valley.id.us
Subject: Comments on the draft waterways ordinance

Commissioners,

For the hearing record:

I support the adoption of the proposed waterways ordinance at the earliest possible opportunity, including the option to add a public hearing requirement, if desired, on future restrictions or changes. Summer's just about here, boats are out, and we've all had plenty of time - years - to propose, comment, rehash and contemplate. The ordinance is generally very good work, and necessary, now, to address the broad range of issues that have been on the table for years.

I depend on Payette Lake for my drinking water, I boat and swim in it, and appreciate your attention to the issue, and particularly appreciate Dave Bingaman's leadership in getting a big, important job done. The provisions seem consistent with both a public consensus on what's reasonable, and with the State code to which it looks for some important ancillary details. I will rely on the ordinance to help insure my safety, for clean water, and for the future sustainability of Payette Lake on which this community relies.

Thank you for moving the ordinance forward to adoption as soon as possible.

Dave

David Simmonds
PO Box 287
McCall, ID 83638

From: Susan Bechdel <bechdelsusan@gmail.com>

Date: May 19, 2020 at 6:19:31 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: Proposed Waterways Ordinance

Commissioners Hasbrouck, Bingaman, and Maupin,

I applaud your current Waterways Proposal and urge you to adopt it as soon as possible. This law sets the perfect basis for safe and healthy waterways, while maintaining a dynamic and relevant vision for the future.

As a new member of Big Payette Lake Water Quality Council and a member of Payette Lake Protective League since 2007, I understand the complexity of adopting waterways policy. As a user of motorboats, sailboats and non-motorized craft on Payette Lake since 1986, I also know that growth in residential and recreational use demands stronger waterways policy today.

Your proposal shows an intent to protect the environment and water quality of our waterways. It also addresses safety without violating the rights of anyone. Perfect compromise!

As you know, there are unresolved concerns about WET. This ordinance, as you so wisely acknowledge by omission, is not the time to address that. You started that discussion with your last proposal. I trust you won't drop it. The only reasonable way to address that is later - with data and not emotion.

In addition to the proposed ordinance, I urge you to pass a resolution of support for the upcoming study by U of I Professor Wilhelm on the impact of waves and wakes on Payette Lake.

The Wilhelm study is based entirely on science with no preconceived results. The BPLWQC, a non-partisan and unbiased group, has agreed to raise nearly \$90,000 in private money to fund the study.

By signing on as a supporter/partner of the study, you have nothing to lose and everything to gain. You acknowledge the desperate pleas from lakefront property owners. You respond to the clear request in April 2019 from nearly every person who testified on 19-05, both supporters and opponents of WET, for more research. And importantly, it buys you time (2-year study) to both take a breather from your hard work and demonstrate your continued interest through the monitoring of use and studies.

Adopting a resolution would show your intention to acquire the solid scientific data you clearly need, without the large monetary expenditure you clearly don't need. The study and the fund-raising efforts would also benefit by your endorsement.

Lastly, I urge you to use your authority to make sure waterways law is strictly enforced. The annual Sheriff's report on warnings, citations, incidents and injuries should be carefully reviewed by your board following each summer season.

In addition to the official marine report, you should maintain a file of comments from users and property owners. Furthermore, data from student research (Alex Ray, Erin Bell) and agencies like Idaho DEQ and Valley Soil and Water Conservation District are vital. If the opportunity arises for a Carrying Capacity Study, your support will be crucial. I also urge you to partner with the City of McCall in their efforts to develop a Payette Lake Management Plan.

This data, maintained in an accessible compendium, will inform any future decisions you may need to make and ensure that those decisions are defensible.

In closing, I thank you for your hard work, wise insight and willingness to address something so vitally important to your constituents. In summary, I urge you to do four things:

- 1) Adopt this ordinance now.
- 2) Pass a resolution (or write a letter) supporting the University of Idaho study.
- 3) Ensure strict enforcement of waterways law.
- 4) Maintain waterways data and review it on a regular basis to assess the effectiveness of current law.

Again, thank you so much!

Susan Bechdel
1401 Highway 55
McCall ID 83638

From: Jeff Fritz <gemcityflooringinc@att.net>

To: "dmiller@co.valley.id.us" <dmiller@co.valley.id.us>, Maxine Fritz <maxinefritz2148@att.net>

Date: Tue, 19 May 2020 19:54:35 +0000 (UTC)

Subject: Valley County Waterways Hearing Public on May 26, 2020

Dear Mr. Miller,

Thank you for the opportunity to participate and allowing us to comment.

We have a home at 441 Rio Vista Blvd, McCall and live on the Payette River. We routinely boat, fish and kayak on Payette Lake and Payette River. We enjoy the beautiful, peaceful, waterways and all the scenery and wildlife. We kayak and fish at the North Shore and below the Sheeps bridge to Smiley quite frequently as as the river dries up many parts are quite shallow and narrow. We experienced last year motor boats speeding up the river creating a very dangerous and hazardous situation for us kayaking and fishing in some areas the water is only inches deep making it difficult to get out of the way of a speeding boat. This also creates a lot of noise, disrupts the wildlife and causes erosion.

We hope that the waterway ordinance will prohibit motorized boats on the part of the Payette River or from the damn to Smiley and protect the areas on the Payette lake where motorized boating is prohibited.

Thank you.

Sincerely,

Jeff and Maxine Fritz
441 Rio Vista Blvd
McCall, ID 83638
805-459-2386

From: Julie Ekedahl <julie@visipc.com>

Date: May 19, 2020 at 4:30:28 PM MDT

To: Robert Ekedahl <rde17@mac.com>, commissioners@co.valley.id.us

Subject: RE: Waterways Ordinance - Wake Boats

Sounds like they are going back to the 300ft no wake zone? I think that is what they had before, so at least it isn't shrinking....

Well said in your email. The dock is pretty unsteady when a wake board wake hits it.

Cheers,
Julie

-----Original Message-----

From: Robert Ekedahl <rde17@mac.com>

Sent: Tuesday, May 19, 2020 3:47 PM

To: commissioners@co.valley.id.us

Subject: Waterways Ordinance - Wake Boats

Chairman Hasbrouch and Commissioners Bingaman and Maupin

In recent years we've seen a proliferation of Wake Boats on Payette Lake and witnessed the dangers and havoc they have caused to nearby boaters, swimmers, water skiers, and paddle boarders not to mention damage to docks and the environmentally sensitive shoreline.. We've personally seen furniture on docks bounced off into the water and people standing on docks lose their balance and fall as a result of their wake. Seniors are particularly vulnerable.

We encourage the Commissioners to begin or if possible join, a formal in-depth study on the effect of the Wake boats including potentially restricting their use to certain hours and to certain parts of the lake. Wave boats have become a menace to all and the situation can only get worse.

Respectfully,

Robert Ekedahl
P. O. Box 1969
1450 Shady Lane Loop
McCall, ID 83638

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:40 AM
To: Cynda Herrick
Subject: Fwd: Waterways Ordinance Support

FYI

Begin forwarded message:

From: Debra Staup <ikaria@icloud.com>
Date: May 20, 2020 at 4:09:08 PM MDT
To: commissioners@co.valley.id.us
Subject: Waterways Ordinance Support

May 20, 2020

Dear Commissioners,

Please know that we, Jim, Debra, and Angela Staup, are in full support of the proposed draft of our waterways. We appreciate the commissioners honoring their commitment to put the 08-01 rules back in place. i.e. the 300 foot safe water zone on the Main Payette, limiting the North Fork of the the Payette River to Non-motorized water craft, jet ski operators must be at least 16 years old, and the fact it is a step in the right direction in protecting our wildlife habitat, shoreline, water quality, etc.

We, too, are glad to see this ordinance includes coverage for all of Valley County waterways. i.e. protections for Cascade Reservoir and our other waterways from excessive noise, 300 foot no wake zone, speed limits, and so forth.

Thank you for efforts and please put this ordinance into effect.

Respectfully,
Jim, Debra, & Angela Staup
McCall, ID

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:39 AM
To: Cynda Herrick
Subject: Fwd: Ordinance 20XX

FYI

Begin forwarded message:

From: "Douglas Miller" <dmiller@co.valley.id.us>
Date: May 20, 2020 at 3:54:28 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: Ordinance 20XX

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

From: Maria Edelstein <maria.e@sbcglobal.net>
To: dmiller@co.valley.id.us
Date: Wed, 20 May 2020 14:14:22 -0600
Subject: Ordinance 20XX

I am a resident of Valley County and I support approval of draft Board Ordinance 20XX

Maria Edelstein
432 Rio Vista Blvd
McCall

Sent from my iPad

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:39 AM
To: Cynda Herrick
Subject: Fwd: Boating Ordinance

FYI

Begin forwarded message:

From: conitzm@gmail.com
Date: May 20, 2020 at 3:54:24 PM MDT
To: commissioners@co.valley.id.us
Subject: Boating Ordinance

Hello! My name is Margo Conitz. I live at 14075 Morell Road, McCall. I am also a small business owner in Valley county. I support the draft ordinance to protect Payette Lake and Cascade reservoir. Our county depends on the health of the lake and some governance is necessary to keep it healthy
Thank you for taking my comment,

Margo

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:37 AM
To: Cynda Herrick
Subject: Fwd: Boating ordinance

FYI

Begin forwarded message:

From: pavla clouser <pavlac@icloud.com>
Date: May 20, 2020 at 9:17:50 PM MDT
To: commissioners@co.valley.id.us
Subject: Boating ordinance

My name is Pavla Clouser and I am a resident of Valley County and I support the approval of the draft Boating Ordinance 2020. Thank you your sincerely pavla

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:37 AM
To: Cynda Herrick
Subject: Fwd:

FYI

Begin forwarded message:

From: Lola Elliot <lelliot_2020@icloud.com>
Date: May 20, 2020 at 10:20:45 PM MDT
To: commissioners@co.valley.id.us

I support the water ordinance!

Thank you
Lola Elliot
Sent from my iPhone

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:36 AM
To: Cynda Herrick
Subject: Fwd: Waterways Ordinance

FYI

Begin forwarded message:

From: Sophie McManus <sophmcman@gmail.com>
Date: May 20, 2020 at 9:40:27 PM MDT
To: "<commissioners@co.valley.id.us>" <commissioners@co.valley.id.us>
Subject: Waterways Ordinance

Dear Commissioners,

After testifying at the April 2019 community hearing, I am pleased to see the changes to the proposed waterways ordinance. I support the ordinance and the effort it makes towards preserving the future of the environment of Valley County.

Sincerely,

Sophie McManus
McCall

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:35 AM
To: Cynda Herrick
Subject: Fwd: Draft Waterways Ordinance

FYI

Begin forwarded message:

From: Meg Lojek <meglojek@yahoo.com>
Date: May 20, 2020 at 9:33:20 PM MDT
To: commissioners@co.valley.id.us
Subject: Draft Waterways Ordinance

To the Esteemed Commissioners:

I have read the proposed draft online and would like to thank you for publishing it and allowing ample time for public comment.

I support the language that shows a clear value to protect water quality, shorelines, wildlife, and a pleasant environment. With the extreme growth in population and visitors, plus the extreme advances in technologies of watercraft, the draft ordinance is a great step in the right direction.

I had not heard much about this topic since we had the large public hearing in the basement of the Idaho First building, when you sat through hours of public testimony. I applaud you for what seems to be significant effort behind the scenes since then! I am encouraged to see the commitment to re-establish many of the 08-01 rules.

In particular, we desperately need the 300 foot safe zone. This will help safety, and it doesn't take a PhD or years of study and to understand that more wake = unstable shorelines, poor water quality, and increased turbidity, which possibly leads to irreversible invasive species.

And as a parent of teenagers, I nonetheless support the age limit of jet ski operators, for the safety of all on the lakes and reservoirs. Finally, thank goodness no motorized craft are allowed in the fragile zone of the North Fork of the Payette--where moose and kayakers deserve a bit of peace and quiet.

I urge you to adopt the draft so that it is in place ahead of the summer rush.

Sincerely,
Meg Lojek
McCall

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:31 AM
To: Cynda Herrick
Subject: Fwd: Payette River waterways ordinance

FYI

Begin forwarded message:

From: "Winston Yeast" <idyest@citlink.net>
Date: May 20, 2020 at 5:04:56 PM MDT
To: <commissioners@co.valley.id.us>
Subject: Payette River waterways ordinance

Valley County Commissioners

As residents of Valley County for almost forty years, we would like to give our input on the waterways restrictions you are considering for both the Payette River and the Payette Lake in Valley County.

We live at 311 Brook Drive McCall, along the Payette River and have seen the direct disruption the relaxed boating rules of the last year have brought to the river basin.

Please do not allow the motorized boats or jet skis to come up river anymore.

The nesting bald eagles and other birds along the river are in an uproar after the boats go screaming by, and the river rafters in inner tubes, canoes, kayaks and on paddle boards are also endangered.

Please reconsider your last yer changes to the ordinance.

Thank you,

Karen Evans
Winston Yeast
Skyler Yeast
311 Brook Dirve
McCall ID 83638
208-634-7979

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:29 AM
To: Cynda Herrick
Subject: Fwd: Boating Ordinance

FYI

Begin forwarded message:

From: Heather Crawford <heather.crawford97@gmail.com>
Date: May 20, 2020 at 4:17:14 PM MDT
To: commissioners@co.valley.id.us
Subject: Boating Ordinance

Hello,

My name is Heather Crawford, I am a resident of Valley County and I support the approval of the draft of the boating ordinance for 2020. It is extremely important to have some regulations in place to preserve equal recreation opportunities and water quality of our county's lakes and reservoirs.

Thank you,
Heather Crawford

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Wednesday, May 20, 2020 10:00 PM
To: Cynda Herrick
Subject: Fwd: Proposed County Ordinance #20- Valley County Waterway Ordinance

FYI

Begin forwarded message:

From: Paula Schappacher <gusnpaula@hotmail.com>
Date: May 20, 2020 at 3:37:16 PM MDT
To: commissioners@co.valley.id.us
Cc: drake.karen@gmail.com, dianebarkeridaho@gmail.com, hollisbrookover@icloud.com
Subject: Re: Proposed County Ordinance #20- Valley County Waterway Ordinance

On May 20, 2020, at 3:32 PM, Paula Schappacher <gusnpaula@hotmail.com> wrote:

Dear Commissioners:

I would like to lend my support to the above referenced ordinance as written. As a lake side cabin owner on Warm Lake, the effect of high speed boats on Warm Lake is horrendous. When boats are loud and make wakes close to our cabin and docks, they make recreating most undesirable. They sound like chain saws right next to our cabins and make the docks tip and sway and very hard to sit on. I testified at your last public meeting concerning the proposed regulations and just want to reiterate my testimony at that time. Keeping the time restrictions for power boating and no wake hours from 6 pm to 11 am is also necessary. That gives the people who fish and/or would like quiet, peaceful and safe recreation hours to enjoy the lake before and after the speed, noise and mayhem begin. As you know, Warm Lake is a small lake and whatever happens there affects everyone. Are there regulations limiting the distance wakes can be made to our shorelines? I think that on such a small lake, limiting the distance is as important, if not more important, than on the larger lakes. I just found out about your new proposal and today's deadline today on the noon news, so have not had time to create an articulate support of this new proposal. I hope that you will take my and many other Warm Lake cabin owners' concerns into consideration.

Thank you,

Paula Schappacher
189 Lakeshore Place
Warm Lake
922 E. Curling Dr.
Boise, ID 83702
gusnpaula@hotmail.com
208-336-9393 (Boise)

Responses
in Favor
but
Requesting Changes

From: "jtrygh ." <jtrygh@gmail.com>
Date: May 14, 2020 at 9:17:22 PM MDT
To: commissioners@co.valley.id.us
Subject: Valley County waterways ordinance comment

Valley County Commissioners:

I am in favor of enacting the current draft Valley County Waterways Ordinance as it is written, with one suggestion. The only part that concerns me is the Exceptions section which seems to leave the door open for all manner of special use requests that if utilized extensively could easily become a burdensome workload for commissioners. I note in section B a reference to "use date". Perhaps it should be specified that such requests are intended to be used for short duration one-time events (if that is indeed the intent) to avoid open-ended variances that could essentially become loopholes exploited by parties seeking to circumvent the overall intent of the ordinance.

Other than that I think it sounds pretty good. I'm particularly heartened to see the non-motorized use language included for the North Fork Payette River above Payette Lake. This is one of my favorite local water recreation spots and a very peaceful refuge when the lake is teeming with boat traffic. Thank you for your efforts in drafting this.

John Rygh

McCall , ID

From: Ken or Chris DeAngelo <DEANGELOID@msn.com>

Date: May 17, 2020 at 10:15:03 AM MDT

To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>

Subject: feedback on proposed Waterways Ordinances

Valley County Commissioners,

Regarding the proposed changes to the Waterways Ordinances, I have the following feedback:

Section 4-5-6, C. NORTH FORK PAYETTE RIVER, NORTH OF PAYETTE LAKE: I do not support the proposed changes. Current ordinance does not allow for gas powered motors, but do allow for electric motors. Please continue to allow for electric motors. I have an electric trolling motor on my dinghy for fishing which does not negatively impact the peaceful solitude nor impact any kayakers or paddle boarders in the river. In fact, the kayakers usually go faster than me. The goal should be to maintain the peaceful solitude of this stretch of the river and electric trolling motors on a dinghy do not negatively impact the peaceful solitude.

Thank you for listening...

Regards,

Ken DeAngelo
2460 Sharlie Lane #1423
McCall, ID 83638

From: schess Che ss <schess123@msn.com>
Date: May 15, 2020 at 11:00:44 AM MDT
To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>
Cc: "dmiller@co.valley.id.us" <dmiller@co.valley.id.us>
Subject: **DRAFT Waterways Ordinance**

Commissioners,

Thank you for this opportunity to take part in the public hearing for the proposed Valley County Waterways Ordinance scheduled for May 26, 2020. I look forward to attending in person or via teleconference per guidance within the public notice. Overall, it seems that public opinions shared during the earlier hearings were taken into consideration with this new draft and those efforts are greatly appreciated.

I am writing in opposition to one entry in the published draft:
Section 4-5-6 D.2 – Opposed.

D. PAYETTE LAKE AND UPPER PAYETTE LAKE:

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 by resolution, after notice, and may contain maps and/or a series of maps that may be supplemented and amended.

Anyone reading the proposed waterways ordinance should be opposed to this entry. We are essentially reviewing a proposal that is incomplete as of today, and that was incomplete at the time of the public notice on May 7, 2020. I understand that this is a draft, but the public cannot reasonably be expected to provide opinions on regulations that are not yet defined.

In determining the additional waterway use restrictions;

1. Please consider the public's right to recreate on our public waterways. These lakes are not private property. (We own a boat dock on Brownlee Reservoir and are well aware of the fact that it is a privilege to have a private dock on public waters.)
2. Remember that the usual causes of erosion are wind driven waves and changing water levels, and that the water levels of Payette Lake were raised as the result of dam improvements in recent years. (The timing of the water level changes seems to coincide with some of the previous public testimony about noticeable changes in the shoreline.)
3. Capacity controls are likely be the most effective solution.

Respectfully Submitted,

Sandra Chess
7 Richard Crk
Cascade, ID 83611
208-863-8769

**Stephen Ryberg
2440 Sharlie Lane
McCall, Idaho 83638**

May 18, 2020

Dear Valley County Commissioners,

This letter provides my comments as a Valley County Resident on the April 2020 proposed ordinance for the waterways of Valley County. First of all, I want to commend past Valley County Commissioners for adopting the 2008 Waterways Ordinance. Adopting the ordinance at that time was insightful and helped minimize negative impacts over the past 12 years. The popularity of wake surfing and the advances in surf boat technology makes maintaining the 300 foot No Wake Zones even more relevant today. Please consider the following items as you review the proposed ordinance:

- **I support the April 2020 Waterways ordinance for Valley County**, with one exception, **I would like to see a provision added to allow water skiers to start from shore.** Without this provision it will be much more difficult to teach the sport of water skiing. A time tested method for teaching younger skiers is to be with them near the shore where you can support them, keep their skis straight, and provide moral support.
- I also support increasing education efforts such as those developed by the Water Sports Industry, to minimize the negative impacts caused by wake surfing, tubing, and other activities that generate large waves.

Thank you for your efforts to keep the waterways in Valley County an environment we can all safely enjoy.

Sincerely,

Isl Stephen Ryberg

Stephen Ryberg

May 18, 2020

Valley County Commissioners
Re: Valley County Waterway Ordinance

Dear Valley County Commissioners:

I am a property owner at 1075 Shady Lane Loop in McCall, Idaho and I would like to comment on the proposed ordinance referenced above. I applaud the intent of the ordinance as a good intention to protect both water ways and Valley County residents from the increasing pressures from out of county visitors. As property owner, I take great pride in protecting Payette Lake and truly believe it is one of the true gems in the great State of Idaho.

In reviewing the proposed ordinance, I would like the commission to reconsider the age restrictions for operating a personal watercraft. As drafted (copied below), the ordinance limits the operation of a personal watercraft to those that are 16 years or older. Age by itself does not increase the operational safety of a personal watercraft. Many factors go into determining if person has the necessary skills and education to safely operate one of these motor craft. This includes, but not limited to, the overall experience level of the operator, the education level of the operator through parental teaching, completion of a watercraft safety course or through other educational methods.

Considering that in the State of Idaho, a person who is 14.5 years of age can obtain a permit to operate an automobile and can be licensed by the age of 15 allowing access to drive on all county, state and federal roadways without the supervision of an adult is proof in point.

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 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 12 years of age and under direct adult supervision.
- 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.

I would like the commission to reconsider the ordinance as draft and consider adding additional criteria that would allow those who are under the age of 16 the ability to operate a personal watercraft. Many options could be consider. By way of an example, I would recommend that if either of the following are met below, the age restriction by itself would not restrict the operation of a personal watercraft:

- 1) the completion of authorized watercraft safety course, or
- 2) possesses an active driver's license or driver's license permit to operate a motorized vehicle in the State of Idaho.

I believe these add provisions meet with the spirit and intent of ordinance by providing safe operation to those that are under the age of 16 years of age while establishing a minimum age in the event conditions above are not met.

I sincerely wish you consider these modifications when the commission discusses the ordinance on May 26, 2020. If you have any questions, I would appreciate you contact me by email at jfeeler@gmail.com or via phone at 208-283-2175.

Best regards,



Jeffrey R Feeler
208-283-2175

From: john lewinski <chukarhunter1@yahoo.com>

Date: May 18, 2020 at 3:28:45 PM MDT

To: commissioners@co.valley.id.us

Subject: Draft Waterways Ordinance

Commissioners Hasbrouck, Bingaman, Maupin:

I have lived in McCall for forty years and generally support the proposed Waterways Ordinance. Thank you for having a no wake zone 300 feet from shore and no motor boats allowed above North Beach on the North Fork of the Payette River. I do believe that you could have a more defined shore line markings by just cheap plastic buoys and roped that could be retrieved every year especially in the Ponderosa Park area. This proposal is certainly an improvement over what has returned to a dangerous situation to swimmers over the last several years.

Thank you,

John Lewinski

From: Diane Plastino Graves <plastinograves@gmail.com>
Sent: Tuesday, May 12, 2020 8:02 AM
To: Valley County Commissioners <commissioners@co.valley.id.us>
Subject: Comments: Waterways Ordinance

Dear Chairman Hasbrouck, and Commissioners Bingamen and Maupin,

Payette Lake, and other lakes in Valley County, are desperately in need of greater regulation. As lakefront homeowners on Payette Lake for over 43 years, we have seen dramatic and worrisome changes in boating traffic and boater behavior in the past four-plus years that significantly threaten lake recreationalists of all types, water quality, beaches, the near-shore area, and private property, and that facilitate in-Lake transport of invasive species. It is absolutely essential, at a minimum, that we have a 300' no wake zone on Payette Lake before the 2020 summer boating season begins. We, therefore, ask for your expeditious approval of this draft ordinance.

We do have concerns with a number of provisions of the draft County Waterways Ordinance, however, but will refrain from extensively stating them here in the hopes that broad support for this draft facilitates its approval. However, we will highlight two sections that give us particular pause:

1. The new 4-5-6 D.2. raises questions. How can Commissioners "...restrict certain waterway uses on the Payette Lake and Upper Payette Lake...adopted by resolution, after notice..." to an ordinance lawfully passed after public hearings?
2. As it relates to the new 4-5-11, how can a lawfully passed ordinance allow Commissioners to then "...issue special use permits in order to potentially relax the requirements of this ordinance"? And, what is the definition and scope of a special use permit?

We ask that *any* changes to a legally adopted ordinance be done only after public notice, a public hearing, and a public vote by the Commission, and mimic the process by which the ordinance was originally adopted.

Lastly, new section 4-5-5 9 makes illegal the use of personal watercraft between sunset and sunrise and this, besides the 300' no wake zone, particularly cry out for strict enforcement. Notably as well, WET boats with surfers, their lights blazing and music blaring onto public spaces and into homes, are routinely seen and heard well after dark, and very frequently in the middle of the night. Surfing or skiing from one hour after sunset is illegal and this, too, must receive much more enhanced enforcement after sunset by Valley County.

Thank you for your efforts in developing this draft. We hope it is expeditiously approved, and stringently enforced.

Most sincerely,

Diane Plastino Graves and
Ron Graves
2120 Payette Drive
McCall Idaho 83638

From: John Stephens <jstephens1112@gmail.com>
Date: May 18, 2020 at 9:50:29 PM MDT
To: commissioners@co.valley.id.us
Cc: Joy Stephens <joystephens@cox.net>
Subject: Rejection of Proposed Boating Ordinance

Dear Mr. Hasbrouck, Mr. Bingaman and Ms. Maupin,

First, I want to say that we love McCall and Payette Lake. The reason that I am writing to you is in response to the proposed Valley County Waterways Ordinance 20-__ (the "Proposed Ordinance"). My wife and I are homeowners in Valley County and are very concerned about the impact of certain provisions in the Proposed Ordinance. In particular, Section 4-5-6 D and the use of the definition of Excessive Wake used within this provision. As currently drafted, the provision states that watercraft that generates a wake more than 300 feet from shoreline can be considered excessive and seems to be a discretionary call rather than a hard and fast rule that would require boats to just be at least 300 feet from shore when producing a wake outside of a No Wake Zone. I believe this provision will create a severe constraint on the use and enjoyment of Payette Lake for many boat owners. Much of the residents and population of McCall use the beautiful Payette Lake for water sports in the summer and I believe that the Lake is the centerpiece of the town of McCall and serves as a critical part of the livelihood of the local economy. I believe by placing this onerous wake limitation on certain watercraft will create a significant hardship to many boat owners and homeowners on and around the lake, including not being able to use their boats on the Lake and/or having to sell their properties. For example, the primary reason that we purchased a home in McCall was to use Payette Lake and this Proposed Ordinance would limit the use and enjoyment of such body of water and may result in us having to sell our property. This would also be heartbreaking and a huge disappointment to our family who loves spending summers up in McCall.

I also believe the impact and policing of such a provision will have a significant impact on homeowners and the use of their watercraft on Payette Lake. We believe that much of the McCall population and tax paying residents use their properties primarily in the summer months. I and many others that I have spoken with believe that the use of the Lake is the primary draw to the location and constraining its use will have a substantial impact on property values and related property taxes. I also believe that many of these seasonal homeowners spend substantial sums of money at shops, stores and restaurants in the town of McCall and I believe if the rules become so restrictive that boaters will be limited in their use of the lake, this will also negatively impact the local McCall economy and property and sales tax receipts. I also believe that placing additional undue regulations on property owners on top of an already battered economy due to the recent and future impact of Covid-19 on local and national economies is not a wise move, especially if property owners would now be forced to sell their properties as a result of limiting the recreational use of Payette Lake.

In addition, Section 4-5-6 D 2 is a bit troubling because it appears that this ordinance as written will allow the Commissioners to pass by resolution laws restricting certain waterways used on the Payette Lake and Upper Payette Lake as they see fit rather than going through a public comment and voting process. I believe that substantial changes to rules and regulations should involve property owners who are paying property taxes within the County.

Most of the other issues and rules outlined in the Proposed Ordinance seem sound and reasonable and we would support.

Please think long and hard about the potential impact that this Proposed Ordinance could have on the livelihood and economics to McCall and its businesses, as well as families and their property values.

Sincerely,

John M. Stephens

From: "dhovdey@frontiernet.net" <dhovdey@frontiernet.net>
Date: May 19, 2020 at 11:33:00 PM MDT
To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>
Subject: Draft of Valley County Waterways Ordinance in May, 2020

Commissioners,

This is Dean Hovdey, co-owner of Home Town Sports in McCall for over 40 years and resident of McCall for nearly 50 years. My family and I have greatly enjoyed Payette Lake all of those years while in canoes, kayaks, ski boats, sail boats, SUPs, swimming, on nordic skis, and have even parachuted into it several times. I love Payette Lake!

Our business also benefits greatly because many of our customers live on or have great access to Payette Lake and play there extensively and buy water equipment, toys, and accessories from us to do that for both non-motorized and motorized activities.

In regards to the Draft, I have some comments and suggestions to make:

1) Much of the draft document language is fine. I can agree with the 300' No Wake safe Water Zone, if it can be well marked with stable buoys.

2) 4-5-5 "Operational Rules...", Item 12c. This single sentence may well be the most contentious and powerful statement in this document. I see that "EXCESSIVE, DANGEROUS OR DAMAGING WAKE" is listed in 4-5-4 DEFINITIONS, but it still leaves a lot to interpretation and is NOT completely defined and after listening to two sessions of public comment in 2019, there are opposing opinions as to what is the biggest cause of shoreline erosion and dock damage. Some owners of lakefront property commented that waves from frequent winds and occasional storms did ALL of the serious damage on their property, while others blamed it on waves from wake surf boats. Which is true? Is it either/or or is it both/and. Who is charged with making the decision that a boat is being "...operated in a manner that creates an excessive, dangerous or damaging wake." Is that every wake surf boat in the normal course of towing a rider? Is it the boat pulling kids on a tube making tight circles to increase the wave height for a more adventurous ride? Is it the Big Tour boats with 80 passengers and a huge total water displacement with its bulk? Is it the shoreline tourist cruising along at 15 mph and rolling up a big wake? HOW are you defining all of this, What is the science behind this vague language and HOW are going to enforce it?

I am worried about the intentions of this Rule 12c because most if not all of the members of the Valley County Waterways Advisory Committee are totally against the use of wake surf boats on Payette Lake and this ambiguous Rule could allow them their objective of getting rid of wake surf boats. I don't want to see that happen. In the 2019 draft, they included language about trying to enforce rules about wave height, depth of waves, etc., and to issue citations to those not in compliance. This Rule 12c, as written, is a thinly disguised version of the previous attempt to eliminate the use of wake surf boats. Instead of relying to a large degree on the advice of an agenda driven advisory committee, let's get this process out in the open for more public discussion where one can "read the audience", more time to research the science of it all and in the meantime stress public education as to what a considerate boater should be doing. One thing this Pandemic has shown us is that the American citizen has a great deal of regard and respect for their fellow citizens.

3) Once an ordinance is adopted, it should contain language that says any desired change to the ordinance will require prior the normal prior notifications and the public hearings that are crucial to

the process. This insures that no attempt would be made by the County Commissioners any time in the future to add or change language that would undoubtedly alter the intent of the ordinance.

Thank you for reading my opinions stated here.

Dean Hovdey

From: Eli Schmoeger <eli.schmoeger@gmail.com>
Date: May 19, 2020 at 10:48:07 AM MDT
To: commissioners@co.valley.id.us
Subject: Rejection of Proposed Boating Ordinance

I can appreciate the spirit of keeping Payette lake a great destination to residents, summer residents, and visitors.

The new ordinance, in my opinion, needs some work before being passed.

1). 4-5-4 The excessive wake zone is a great idea to keep surfers and jet skis out in the middle of the lake. Closer to shore should be available for slow cruising boats, waterskiers/wakeboarders, and paddlers.

It is ambiguous to what an excessive size wake is so there shouldn't be. An officer should not be able to ticket a boat with such subjective criteria.

2). Section 8 Unlawful Noise. I agree that some boats have very loud and potentially offensive music playing but maybe instead of banning all loud music there could be hours to restrict it...possibly after 8:00pm then you could get a ticket, before that a warning would be more appropriate.

3). 4-5-6 Section D2. Commissioners should not be allowed to change or restrict waterway usage without public input.

Thanks,

Eli Schmoeger

From: Terry Pape' <tpape@earthlink.net>
Date: May 19, 2020 at 2:43:09 PM MDT
To: commissioners@co.valley.id.us
Subject: Rejection of Proposed Boating Ordinance

Dear Commissioners,

I am writing you to express my concern over this part of the draft of a new proposed ordinance for waterways in Valley County.

1 ORDINANCE # 20-____
4- 5- 4: DEFINITIONS

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.

My concern with this definition is that it contains a significantly high degree of subjectivity, meaning that several different people involved in either a complaint of, or enforcement of proposed ordinance, could easily interpret many words and/or phrases in this definition in extremely different ways. One person could interpret this section as “any” wave creating “possible” damage. Two or more people could very easily disagree on the meaning/definition of “could reasonably be expected”. “Harassment” is another highly charged term. One that has seen numerous law enforcement officers face hostile public reaction, and/or legal prosecution. What qualifies as “other boaters, or water users”? If someone decides to swim across Payette Lake, east-west or north-south, without boat support, how is any boat wave or track of turbulence not going to adversely affect the swimmer? Could the swimmer be acting with negligence putting her/himself in harms way? There seems to be a significant lack of scientific and/or objective definitions with measurable standards.

For the reasons expressed above, I strongly encourage the commissioners to continue to seek public and private input that would lead to a better written part of the ordinance. I realized you, the Commissioners, worked hard to gather public input last year on another draft of this ordinance. I would encourage you to keep working toward a solution that can be more easily adhered to and enforced as necessary. There are many concerned Idahoans, with strong emotional perspectives, on all sides of the issue you are seeking to address. I know you will not be able to please everyone. At the same time, people on all sides of this issue should be willing to make some sacrifices for the benefit of all Idahoans who want to enjoy a body of water owned by the State or Federal Government.

Sincerely,
Terry Pape'
Valley County property owner

From: iversonpen@aol.com

Date: May 19, 2020 at 4:09:04 PM MDT

To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>

Subject: Oppose the Deletion of one of the Provisions in New Waterway Ordinance

Reply-To: iversonpen@aol.com

To. Valley County Board of Commissioners

I have just heard that the board will be having a hearing on new regulations for Payette Lake, and was dismayed that the provision to allow some skiers to start from the shore to be eliminated. I am writing to very strongly protest this decision. I was surprised that the draft of the new regulations did not have to spell out exactly what provisions were being changed or eliminated.

Our family has been summer residence of McCall since 1946. For years we ran Shady Beach Cabins. Our father, Clem Parberry, was one of the main people pushing to have the sewer system built to preserve the quality of the lake. Certainly the preservation of the lake is important to us. Our time in McCall has always been so very special to us and the experiences of being on the beach and lake. For my branch of the family, Shady Beach is especially important as my husband spent 33 years in the military so that meant many moves through the years. The one place that has always been constant for our children and now grandchildren is McCall and Shady Beach. Over the years our children and now eight of our nine grandchildren- the youngest is only six months- have learned to surfboard or ski because of being able to help them while close to shore. We have even had ones as young as four get on the surfboard and what a thrill for them. They would never even be willing to try if we had to start them off way out in the lake. It is necessary to have people holding the board in the correct position to take off. This is not something that can be done while treading water!! Even a little older ones trying to learn to ski for the first time need the help of someone to hold them in the right position and again that is not something that can be done in deep water. Of course they rarely get it on the first try and it would be dangerous to have little ones that far out in the water trying it several different times. They feel such a sense of accomplishment when they do this. If this original provision is eliminated, then younger children will not be able to have these wonderful experiences or will be put in danger as they try several times to ski.

All these experiences are such an important part of being on the lake. Our one daughter and family come from Belgium each summer to enjoy all this!! In fact her wedding was in McCall as that was more home than any place we have lived.

These are the memories that make it such a special place. I hope that the board will not deprive younger children these special times and memories. While there are certainly more boats on the lake now than when we first lived there, I think that accommodations can be made for all ages to enjoy the lake.

Thank you,

Penny (Parberry) Iverson
11001 Sandy Manor Dr.
Fairfax Station, VA 22039

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:38 AM
To: Cynda Herrick
Subject: Fwd: Proposed Valley County Waterways Ordinance

FYI

Begin forwarded message:

From: "Douglas Miller" <dmiller@co.valley.id.us>
Date: May 21, 2020 at 7:10:08 AM MDT
To: "Sherry Maupin" <smaupin@co.valley.id.us>, "Dave Bingaman" <dbingaman@co.valley.id.us>, "Elt Hasbrouck" <ehasbrouck@co.valley.id.us>
Subject: Fwd: Proposed Valley County Waterways Ordinance

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

From: Phil Yribar <phil.yribar@mccallrealestate.com>
To: dmiller@co.valley.id.us
Date: Wed, 20 May 2020 16:48:47 -0600
Subject: Proposed Valley County Waterways Ordinance

Dear Mr. Miller,

Regarding the proposed ordinance, please include this email in the public record and forward to the Valley County Commissioners.

We are basically in favor of the ordinance, other than a couple of concerns we have which follow:

1.) Page 4 - Wakes - What one person(s) might consider an excessive, dangerous, or damaging wake, another person(s) might not. We hope and trust that reason, common sense, and fairness will prevail in the determination.

We live on Payette Lake at 2280 Payette Drive, and in our 26 years of full time residency have not witnessed any erosion of our shoreline, or damage to our personal property, from boat wakes of any kind. We have experienced a few instances of weather/wind damages, the effects of which far outweigh any wake we've ever seen.

2. Page 10 - 4-5-10, C. - Unless a violation is of a very serious nature, we believe the penalties proposed are overly strict and harsh. Here again we hope and trust that reason, common sense, and fairness will prevail.

We all want to protect our area waterways as they are our crown jewels. But at the same time, we need to be cognizant that they are here for our enjoyment and reasonable and practical use.

Thank you,

Phil, JoEllen, and Philip Yribar



JoEllen & Phil Yribar

Associate Broker, GRI, SRES, RSPS/Realtors, CLHMS

McCall Real Estate Company

301 E. Lake Street

McCall, ID 83638

Jo Cell: 208-634-6494

Phil Cell: 208-630-3083

Office: 208-634-2100

Fax: 208-634-3719

Jo email: joellen.yribar@mccallrealestate.com

Phil email: phil.yribar@mccallrealestate.com

Web site: www.mccallidrealestate.com

"McCall's Lakefront Specialists"

Designations:

CLHMS - Certified Luxury Home Marketing Specialist & Million Dollar Guild Members of the

Institute for Luxury Home Marketing

RSPS - Resort & Second-Home Property Specialist

SRES - Senior Real Estate Specialist

GRI - Graduate Realtor Institute

When Experience Counts:

Valley County property owner for over 60 years

Full-Time REALTORS since 1994

25 Years Experience

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Jim & Katie Ball
941 Driftwood Lane
McCall, Idaho
c/o jkball@mmbb-law.com

May 20, 2020

Valley County Board of Commissioners
219 N. Main Street
Cascade, ID 83611
commissioners@co.valley.id.us
via email

Commissioner Chairman Elting Hasbrouck
Commissioner Dave Bingaman
Commissioner Sherry Maupin

Re: Proposed Valley County Waterways Ordinance 2020

Dear Board of Commissioners:

We own a home off Warren Wagon Road in the Payette Lakes Club. Through that Club, we help pay to maintain the dock system mooring our boat on Payette Lake during the summer boating season. We understand the issues faced by those of us who own homes adjacent to the Lake, maintain dock systems, and park our boats on the Lake. It is with that understanding we write to note our opposition to the Board enacting the Excessive, Dangerous or Damaging Wake limitation and restricting areas on Payette and Upper Payette Lake by resolution. We believe both provisions should be stricken from the proposed ordinance.

First, we agree with the proposed 300 foot no wake limitation, but believe the definition of Excessive, Dangerous or Damaging Wake is overly broad. As written, a person operating a boat outside of the 300 foot no wake zone could be cited if the vessel has a large wake that simply enters the 300 no wake zone and that wake IS OBSERVED TO OR COULD RESONABLY be expected to cause damage, etc., within the no wake zone. For example, operating a boat at 350 or 500 feet from the shoreline with a large wake that enters the 300 foot zone could result in a citation for the boat driver even though the wake disperses before it ever lands on shore. This could even happen with a boat operating at a 1000 feet from the shoreline. In short, the proposed definition essentially extends the no wake zone beyond 300 feet, which will cause confusion to the public. Thus, there is not a set limitation that is easy to understand or to enforce.

Second, as we asked last year, what information exists in the public record – such as scientific reports, data, or expert testimony – to explain how the Board determined how to define a Dangerous or Damaging Wake. What evidence supports adopting a definition that, in practice, extends the no wake zone beyond 300 feet from the shoreline. A solid compromise seems to be setting the no wake zone from the shoreline out 300 feet. That is a distance that could be “necessary” to attain the Board’s asserted goal “to promote and protect the health, safety, and general welfare of Valley County residents, visitors, and the general public.” Why muck up the water with an additional confusing definition that will be difficult for the public to understand and for law enforcement to enforce.

Third, any language in the proposed ordinance that attempts to restrict certain waterways in the future by resolution should be stricken. Our Founding Fathers chose to fashion our government as “a republic” but cautioned us that it will only remain so “if [we] can keep it”. Key to

maintaining our system are open records, fairness, due process, and elections. Any new ordinance or restriction should be vetted through the public hearing process to give all your constituents the opportunity to be heard and to keep our public representatives accountable. There is no better example than last year's proposed 1000 foot wake zone limitation ordinance, which proposed an unconstitutional and ill-advised ordinance that was not properly researched or vetted in public before it was proposed. The bad taste the general public still has from this attempt makes us wary of any ordinance attempting to bypass a fair and open vetting process to make it easier for this Board to pass laws without public involvement. We want to be involved to provide our perspective and give our input.

In conclusion, we ask the Board to consider our concerns before adopting this or any similar ordinance. We would be happy to participate in the ordinance drafting process in the future if the Board seeks additional input. Thank you for your service on the Board and to this County that we all love.

Please let us know if you have any questions about our objection.

Regards,
Jim & Katie Ball

cc: Valley County Clerk, Doug Miller, at dmiller@co.valley.id.us

FROM THE DESK OF MIKE AND LORI DINGEL

mikedingel@gmail.com
(208) 949-7923

Date: May 20, 2020

To: Valley County Board of County Commissioners
Chairman Elting Hasbrouck
Commissioner Sherry Maupin
Commissioner Dave Bingaman

Mr. Douglas Miller, Clerk

Cc: Ms. Carol Brockmann, Esq., Valley County Prosecutor's Office

Re: Proposed Valley County Waterways Ordinance

Dear Honorable Valley County Commissioners,

My family has enjoyed a vacation home in McCall since the 1970's. Boating and other recreational activities on Payette Lake is a treasured experience which I enjoyed first as a child and now as a parent of our four children. My wife and I understand the competing interests of recreational use, and protection, of Payette Lake and we appreciate your time and effort to address those competing interests.

With regards to the proposed ordinance, we are in agreement additional regulation is needed to address surf boats and the massive wakes created by surf boats when surfing.

Our other comments to the proposed ordinance are as follows:

1. Waterski Take-Offs from the Shore.
The proposed ordinance does not include any exception for take-offs (*i.e.*, starts) for waterskiers from the shore (beach/dock). Such an exception was included with Valley County's 2008 Waterway Ordinance (#08-01, Section 4.5.3). The 2008 exception provided:

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.

Take-offs from the beach/dock are essential for people learning how to ski particularly children. Children, especially younger children, do not have the body weight/strength/ability/courage to do deep water starts. Most often, children waterskiing need to be held by an adult on the start. Such take-offs are also at relatively low speeds as learners are using two skis. By outlawing beach/dock starts, and thus preventing children from learning how to ski, Valley County is contributing to the decline of waterskiing and pushing people to activities like tubing, which can be reckless and dangerous, and surfing.

A beach/dock start is the only way a child can use a waterski trainer set. Image below. Unassisted deep water starts with a trainer set are impossible.



We request Valley County to not deviate from state law, I.C. § 67-7077, and include a waterski take-off exception such as provided in Valley County's 2008 Waterway Ordinance (#08-01, Section 4.5.3).

2. Definition: Excessive, dangerous or damaging wake: 4-5-4.
While the undersigned is supportive of regulation to address surf boat sized wakes when surfing, Valley County's definition here, across the board, is incredibly vague, ambiguous, and overbroad and will certainly, in our opinion, be overturned.
3. Unlawful Noise: 4-5-5 Section B(8).
The proposed ordinance criminalizes unlawful noise under an Idaho Statute (§ 18-6409) which is a misdemeanor in the state of Idaho. Thus, a violator is subject to two crimes for the same conduct. There should be no need for Valley County to have duplicative law of Idaho law.

May 20, 2020

Page 3

4. Age for Operating a Motor Vessel: 4-5-5 Section B(2).

As it concerns regulations for the allowed age for operating a motor vessel, we believe this area should be left to the state of Idaho and our state legislature. However, as a compromise, we find acceptable Valley County's 2008 waterways regulation (#08-01, Section 4.7). In other words, an exception should be made where the watercraft operator, regardless of age, is under direct adult supervision.

5. Other Restricted Areas: 4-5-6 Section D(2).

It is unclear the Commissioner's intent with this catch all provision but on its face, it appears to provide the Commissioners absolute and unfettered authorization to implement waterway rule changes to Payette Lake and Upper Payette Lake. This provision flies in the face of the public rule making process and must be stricken.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike and Lori Dingel".

Mike and Lori Dingel

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Wednesday, May 20, 2020 9:59 PM
To: Cynda Herrick
Subject: Fwd: Boating Ordinance Input
Attachments: 1590000948791blob.jpg

FYI

Begin forwarded message:

From: David Jakious <davidjakious@yahoo.com>
Date: May 20, 2020 at 3:43:42 PM MDT
To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>, "dmiller@co.valley.id.us" <dmiller@co.valley.id.us>
Subject: Boating Ordinance Input

Commissioners Hasbrouck, Maupin, Bingaman and Clerk Miller,

Our family owns a home in Donnelly adjacent to Lake Cascade on the north end of the lake and I wanted to give feedback regarding the following portion of the proposed Valley County Boating Ordinance for your consideration and action ...

A. LAKE CASCADE: No Wake Safe Water Zone shall exist within three hundred feet (300') 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

It is understandable why there is an exception applied to the Boulder, Gold Fork, and Lake Fork arms of Lake Cascade. Given the reduced width of these sections of the lake, these exceptions will promote safety in allowing boats to keep a safe distance from one another while using these portions of the lake. I appreciate that this level of consideration was made when applying a general rule to the specific portions of the lake.

In the same vein, I strongly believe that the same rationale is applied to grant the same exception to the section of the Lake Cascade north of Huckleberry Campground and Driftwood Point (see below and attached for a highlighted map). While perhaps not technically an 'arm' of the lake, it is only marginally wider than some areas of the arms that have the exception. In order to promote the safe use of this portion of the lake, having a 100' No Wake Zone in this area would allow boats and other water users to safely share the waterway.

This becomes especially important as the water level in Lake Cascade is reduced. Each side of the lake in this specific area has a relatively gentle slope, especially the bay/cove on the east side. This results in a more rapid narrowing of usable boating space than many areas of the lake. As that happens and the no-wake zone is applied to the narrowed channel, I fear that the safety of water users becomes compromised.

It is worth noting that due to the higher elevation of the surrounding land and the shallow grade of the actual lake area that the erosion concerns are mitigated in this section of the lake. Additionally, there are very few residences near the water in this section (none of which might be considered "waterfront" due to the elevation and BOR land setbacks) and a couple of infrequently used docks that are beached quite early in the season due to the narrowing of the channel as the water level drops. This removes these concerns from being significant factors for consideration.

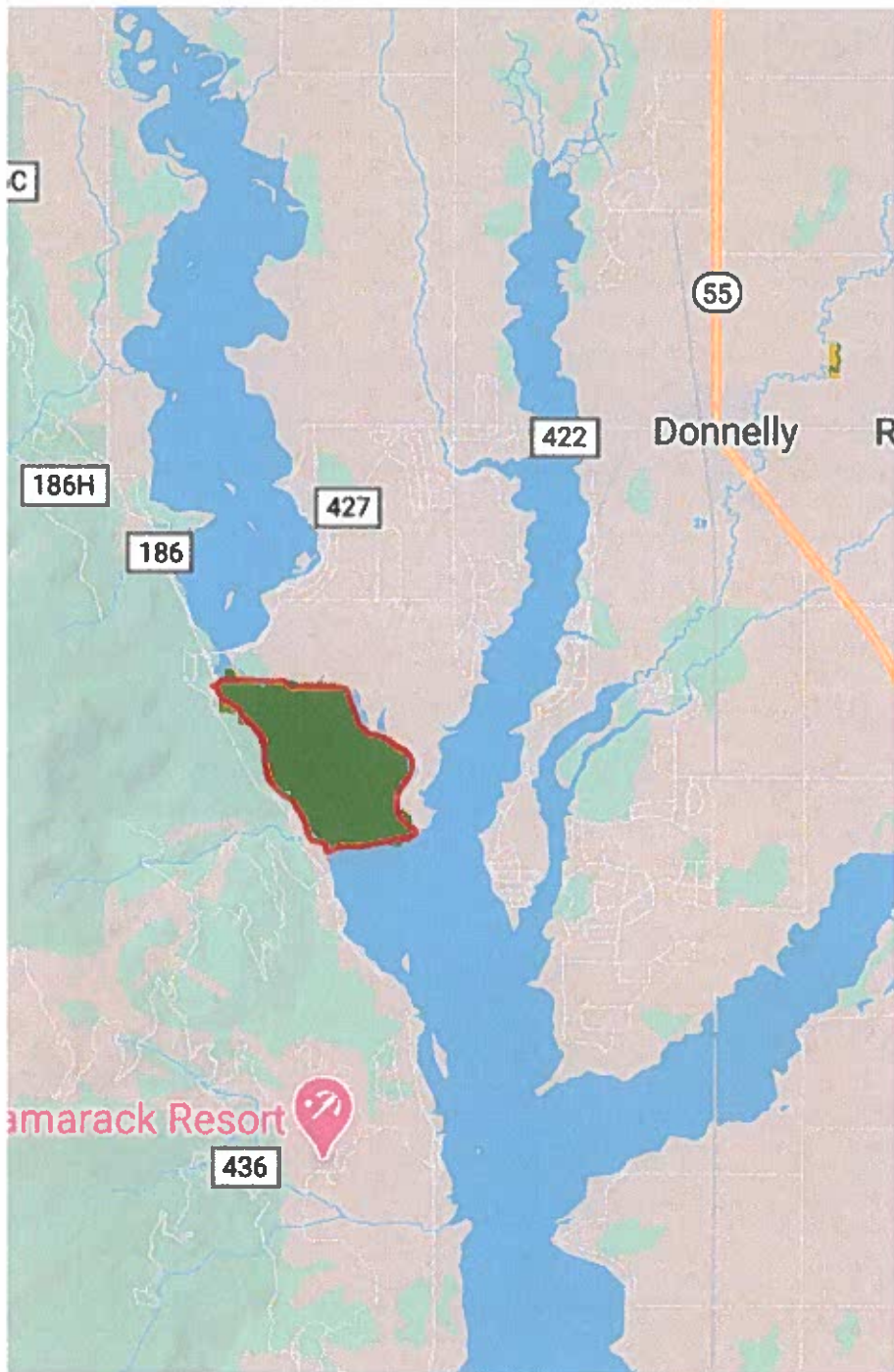
I appreciated your response to community feedback regarding the recent decision that would have impacted our community and the lake we love. While my feedback on this ordinance is quite narrow focus, it is my hope that you see the logic and value in this small adjustment to the ordinance. I believe that it will promote safe shared recreational use for this section of the lake for visitors, community members, myself, and ... most importantly to me ... my children.

Regards,

David Jakious

170 Margot Dr.

Donnelly, ID



Responses in Opposition

From: Matt Rissell <matt.rissell@gmail.com>

Date: May 18, 2020 at 9:40:20 AM MDT

To: commissioners@co.valley.id.us

Cc: Robin Rissell <robin.rissell@gmail.com>, Tanner Charles <tannercorwin@gmail.com>, Jim Ball <jkball@mmbb-law.com>, John Sabala <johnsabala@ymail.com>, Jocelyn Kidd <jkidd@whitetailclub.com>, Donny Heck <donnyheck@gmail.com>, Jesse Hamilton <jesse@pioneer1031.com>, Dustin Weniger <dustin@redlinerecotoys.com>, Mike Hauer <mikeh@idahowatersports.com>, Todd Ketlinski <trketlinski@gmail.com>, "Rob C. Swikert" <rob@miragetrailers.com>, Cory Jackson <cory.jackson@jacksons.com>, Josh Brouse <josh.brouse@gmail.com>, Kevin O'Neil <kevin@telmate.com>, tyrell@prestigewatersports.com, "Rob C. Swikert" <rob@mirageinc.com>, Aaron Dykas <aarondykas@gmail.com>, katieballpllc@gmail.com, pwdrhnd@hotmail.com, TJ Oelkers <toelkers@gmail.com>, Karalie DeLuca <karalie17@gmail.com>, Jeremy Deluca <flexdeluca@gmail.com>, olearain@yahoo.com, "Gwin, John" <John.Gwin@morganstanley.com>, "Gwin, Kelsie" <kelsie_gwin@intuit.com>, Eric Toney <eric@pvlidaho.com>, blake fischer <blake@bafischer.com>, matt@earhero.com, Mike Fornander <mforlander@neurilink.com>, kevinoneil@usa.com, Joe Holbrook <joe@redlinerecotoys.com>, Jeff Jackson <jeff.jackson@jacksonjetcenter.com>, Bob Wheeler <bobw@cuttingedgelandscapes.com>, Gary Brookshier <gbrookshier@criadvantage.com>, James Clyde <james@jamesclydehomes.com>, Doug <handymandougboise@gmail.com>, Colby Halker <chalker@hcollc.com>

Subject: Objection to the Watercraft Ordinance

Valley County Commissioners,

As a Valley County homeowner, please accept this as my adamant request to NOT put in place the Watercraft Ordinance. There is no such thing as a "dangerous wake". In fact, the studies conducted just this last year stated that the damage / erosion to Payette Lake's beaches are being caused by the waves from the wind not the boats.

I'm genuinely interested to have a discussion, what problem are you trying to resolve? And for whom are you trying to solve it? (These are not rhetorical and I would love a dialogue)

Unfortunately, we clearly have county officials who have ulterior motives and are trying to protect a small minority by taking advantage of a National Covid 19 Pandemic by having secret meetings that no one can attend in person. To that end, if this Ordinance is approved please note there will be a lawsuit against both the County and the elected personnel behind this ordinance. There is legal precedence where elected officials are held personally liable for actions taken that can be construed as "capitalizing" or taking advantage of national catastrophes at the expense of its constituents.

I speak for the majority when I say your proposed ordinance is out of place, representing the minority, and unconstitutional to enforce.

If this is really an issue that you see facing the County, let's have a healthy dialogue, understand what problem you're really trying to solve, then propose reasonable regulations for the masses.

Matt Rissell
208.860.7800
matt.rissell@gmail.com

From: Matt Murphy <matt@earhero.com>
Date: May 18, 2020 at 10:20:53 AM MDT
To: commissioners@co.valley.id.us
Subject: Boating Ordinance Proposal

To the Valley County Commissioners,
As a Valley County tax payer and home owner I am sending this email to **OPPOSE** the current draft of the Valley county water way.

Due to the Covid-19 outbreak, and Valley County offices being closed to the public it appears that Valley County Commissioners are still working and trying to push through an agenda without the public's ability to discuss the issues in person.

Also, the commissioners have added some new items that are not in the public's best interest and will leave future decisions to be made by the commissioners without public input, and leave law enforcement to make judgement calls and issue citations without basis. (see below).

Section 4-5-6 Item D # 2: ADDITIONAL OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR CERTAIN PUBLIC WATERWAYS IN VALLEY COUNTY:

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 by resolution, after notice, and may contain maps and/or a series of maps that may be supplemented and amended.**

4-5-5 Item B # 12C: OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR ALL PUBLIC WATERWAYS IN VALLEY COUNTY:

12. SPEED REGULATION FOR ALL LAKES.

C. No motor driven vessel shall be operated at a speed or in a manner that creates an excessive, dangerous or damaging wake.

As elected officials you have the responsibility to listen and act for the majority. I was personally at last years public hearing on this same issue and it was clear to me that this is not the view of the majority. Again...I am not in favor of this proposal.

Regards,
Matt

Matt Murphy
matt@earhero.com
208-602-4373

From: Patsi Williams <pwilliams@atova.com>
Date: May 19, 2020 at 7:26:44 AM MDT
To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>
Subject: Rejection of Proposed Boating Ordinance

We have spent our life boating in Idaho with other people, but last year chose to buy our own boat. The boat allows us to recreate with our children and our grandchildren as they grow up. Our boat allows us to waterski, wakeboarding and surf. My husband and sons love the surf option as you are going so slowly there is low likelihood of getting hurt. We are very conscientious Boaters and give every courtesy to others around us including fishing boats. We stay away from them as much as we can so as not to disturb their enjoyment.

We have been coming to Valley County and camping and recreating for several years and spend our money at your restaurants and stores. We would like to continue bringing our kids and grandkids and even have a week long trip planned there this July. We are hard workers and live and work in the Treasure Valley.

Please do not take away our ability to come and enjoy your area. I feel like if we all boat responsibly we can co-exist together. There will always be the people who are not going to follow the rules, but most of us just want to enjoy using our public areas to enjoy what our great State of Idaho was intended for.

Please don't take that away.

Patsi Williams
Licensed Realtor
Atova Real Estate
208-412-3766

From: Cooper Conger <cconger@congergroup.com>
Date: May 19, 2020 at 7:21:17 AM MDT
To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>
Subject: Rejection of Proposed Boating Ordinance

Issues of concern :

1) 4-5-4 definition of Excessive wake: Makes it illegal to produce a wake outside of the newly established 300 foot wake zone that **is observed or reasonably can be expected** to cause damage within the 300 foot zone as an infraction. The way this is written, if you are out 300 feet or more and the wave is still large going into the 300 ft zone, and an officer determines it could cause damage to property etc.... you are getting a ticket. The drafters used the publicly acceptable 300 foot zone, but mask with language, to include any wake produced outside 300 feet can still be a violation.

2) Section 8 unlawful Noise: Makes disturbing the peace on the lake a misdemeanor. Interestingly, they use the definition of Idaho Code 18-6409 which has been upheld by the Idaho Supreme Court. This law is already on the books, but makes me believe they included it in this ordinance because they will be enforcing loud of music on the lake. Blasting music during surf sessions may now net you a misdemeanor ticket. I would expect lake owners and others to use this as a sword against surf boats.

3) 4-5-6 Section D 2.: This is a very troubling provision because this ordinance as written will allow the Commissioners to pass by resolution laws restricting certain waterways used on the Payette Lake and Upper Payette Lake as they see fit. Resolution means the board votes on it and it becomes effective without public comment. For example, Just like the President signing an executive order to bypass congress and public input. This is very bad and should not become the law.

These restrictions on the taxpayers rights to these bodies of water is overbearing and should not be allowed. The commissioners should strike down 4-5-4 due to obscure language that would make the ordinance difficult to enforce and follow. Additionally, if surf boats were made impossible to use, many tourists that bring money to McCall and Cascade would no longer visit near as much due to having to find a new lake to wake surf on.

Thank you,

Cooper Conger

From: Todd Ketlinski <trketlinski@gmail.com>
Date: May 18, 2020 at 4:49:58 PM MDT
To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>
Subject: Proposed Watercraft Ordinance

Valley County Commissioners:

As a Valley County Property owner for over 15 years, I am writing you today to express my opposition to the proposed Valley County Waterways Ordinance, specifically the below provisions:

1) 4-5-4 definition of Excessive wake: Makes it illegal to produce a wake outside of the newly established 300 foot wake zone that is observed or reasonably can be expected to cause damage within the 300 foot zone as an infraction. The way this is written, if you are out 300 feet or more and the wave is still large going into the 300 ft zone, and an officer determines it could cause damage to property etc.... you are getting a ticket. This is too restrictive and makes it a SUBJECTIVE decision on the part of law enforcement, targeting surf and jet boats.

2) Section 8 unlawful Noise: Makes disturbing the peace on the lake a misdemeanor. This is unreasonable, as receiving a misdemeanor for loud music or loud watercraft and leaves far too much interpretation for law enforcement to properly enforce.

3) 4-5-6 Section D 2.: This is a very troubling provision because this ordinance as written will allow the Commissioners to pass by resolution laws restricting certain waterways used on the Payette Lake and Upper Payette Lake as they see fit. Resolution means the board votes on it and it becomes effective without public comment. For example, Just like the President signing an executive order to bypass congress and public input. This is very bad and should not become the law.

Again, I am OPPOSED to the proposed watercraft ordinance.

Todd Ketlinski

Email trketlinski@gmail.com

PH: 208.863.2543

Eagle, Idaho

From: Mali Murphy <malikmurphy@gmail.com>

Date: May 18, 2020 at 5:59:35 PM MDT

To: commissioners@co.valley.id.us

Subject: Opposition of boat ordinance draft proposal

To the Valley County Commissioners,

As a Valley County tax payer and home owner I am sending this email to **OPPOSE** the current draft of the Valley county water way.

I specifically oppose:

Section 4-5-6 Item D # 2: ADDITIONAL OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR CERTAIN PUBLIC WATERWAYS IN VALLEY COUNTY:

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 by resolution, after notice, and may contain maps and/or a series of maps that may be supplemented and amended.**

4-5-5 Item B # 12C: OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR ALL PUBLIC WATERWAYS IN VALLEY COUNTY:

12. SPEED REGULATION FOR ALL LAKES.

C. No motor driven vessel shall be operated at a speed or in a manner that creates an excessive, dangerous or damaging wake.

As elected officials you have the responsibility to listen and act for the majority. I do not believe this proposed language benefits or represents the majority. I am NOT in favor of this proposal.

Regards,
Mali Murphy

From: "T. J. Oelkers" <toelkers@gmail.com>
Date: May 18, 2020 at 7:54:54 PM MDT
To: Commissioners@co.valley.id.us
Subject: Concerned Idahoan - Wake Ordinance

Hello Commissioners,

I am very concerned about the proposed Wake ordinance. McCall is the greatest place on the plant and we spend as much time and money in McCall as possible. I've always believed the people of McCall and the people representing McCall do things "the right way". Please don't change that. The issues that are most concerning are listed below.

1) 4-5-4 definition of Excessive wake: Makes it illegal to produce a wake outside of the newly established 300 foot wake zone that is observed or reasonably can be expected to cause damage within the 300 foot zone as an infraction. The way this is written, if you are out 300 feet or more and the wave is still large going into the 300 ft zone, and an officer determines it could cause damage to property etc.... you are getting a ticket. The drafters used the publicly acceptable 300 foot zone, but mask with language, to include any wake produced outside 300 feet can still be a violation.

2) Section 8 unlawful Noise: Makes disturbing the peace on the lake a misdemeanor. Interestingly, they use the definition of Idaho Code 18-6409 which has been upheld by the Idaho Supreme Court. This law is already on the books, but makes me believe they included it in this ordinance because they will be enforcing loud of music on the lake. Blasting music during surf sessions may now net you a misdemeanor ticket. I would expect lake owners and others to use this as a sword against surf boats.

3) 4-5-6 Section D 2.: This is a very troubling provision because this ordinance as written will allow the Commissioners to pass by resolution laws restricting certain waterways used on the Payette Lake and Upper Payette Lake as they see fit. Resolution means the board votes on it and it becomes effective without public comment. For example, Just like the President signing an executive order to bypass congress and public input. This is very bad and should not become the law.

Thank you for your consideration to this extremely important issue.

Best Regards,

TJ Oelkers

Tyler J Oelkers
208.954.7223
toelkers@gmail.com

From: Bryce Wikfors <bwikfors@yahoo.com>
Date: May 18, 2020 at 8:00:38 PM MDT
To: commissioners@co.valley.id.us
Cc: tyrell@prestigewatersports.com
Subject: Rejection of Proposed Boating Ordinance

As a Valley County resident and landowner I take major issues with the proposed ordinance for consideration on May 26. The language in the first section regarding "Excessive wake" has two inherent problems. The first being that the language itself is vague and up to far too much interpretation. This interpretation is also going to be left up to people who are highly unlikely to have any working knowledge of Hydro dynamics as well as its affects on land erosion and property damage.

The second problem is, to my knowledge, a complete lack of any studies or data to support the idea that the wake behind a wake/ surf boat is more damaging to personal property as well as surrounding land than other boats.

If those who are expressing concerns and suggesting these propositions are concerned enough, then contact those who have sufficient knowledge and ability to perform studies on the effects of these enlarged wakes on personal property as well as land erosion. If the studies show significant support for their concerns, then entertaining proposals such as these are warranted. Without such data to inform a decision with such wide sweeping consequences, passing such legislation is simply a poorly veiled attempt at controlling an activity that these people simply do not like. The fact that they do not like it doesn't make it illegal!

Lastly, the portion of the provision that grants the county commissioners the ability to pass laws without any public input is offensive. The county commissioners need to understand that they are our employees. We have elected them to represent us, and they need to remember that they work for us, not the other way around. If they choose to grant themselves such power, I can guarantee that the many of us who are offended by such actions will ensure that they lose their job at the next election. If the actions that they are proposing to take are in the best interest of all of the residents of Valley County, they should have no issues with allowing public input. Doing so without public and put again is a veiled attempt at hiding actions that they know would not be supported by the people who put them into the county commissioner seats.

Bryce Wikfors PA-C

From: Mike Bowie <mike@bowie7.com>

Date: May 18, 2020 at 8:01:14 PM MDT

To: commissioners@co.valley.id.us

Subject: Rejection of Proposed Boating Ordinance

Please do not pass this ordinance as written. The language is vague and boaters rights are being taken away.

Thank you,
Mike Bowie
Valley County Property Owner

From: Andrew Chai <auchai62@gmail.com>
Date: May 18, 2020 at 8:03:31 PM MDT
To: commissioners@co.valley.id.us
Subject: Rejection of Proposed Boating Ordinance

Valley County commissioners,

I am writing to you in opposition of the proposed changes to the Valley County boating ordinance. I feel that the changes suggested are directly aimed at wake boats and to those who enjoy wake sports. I do agree that there needs to be a balance between all users of our waterways as well as property owners. Being a property owner on Payette Lake, I am well aware that this balance needs to exist for everyone's enjoyment and protection. However, I do not feel that it is fair to target a specific group of users for perceived rather than factual issues. I also feel that the definition for excessive wake that is described in this ordinance is too vague to enforce fairly. There are also many that abuse the "laws" of the lake but they seem to go unnoticed. People dock starting with their ski boats and traveling at high rates of speed close to the lake shore and docks as well as the practice of "dropping" off the water skier at high speeds close to their dock. These practices and other similar activities seem to be swept to the side when considering "safe" and "proper" use of our lake.

I also feel that it is a mistake to enact rules that can be too restrictive. This would result in a smaller area where wake boats can recreate creating a more dangerous environment due to over crowding. It is already becoming over crowded at certain times in the summer and this would only worsen the safety of all those that use the lake. There would also be significant economic impact to the area as many local businesses and workers would suffer from restrictive boating laws that decrease boating tourism.

Lastly, I think it would be a grave injustice to take public comment out of the process of deciding on how our waterways are used. The voters and residents of Valley County and Idaho should have a voice in these decisions and their civil liberties should not be taken away from them.

Sincerely,

Andrew and Lisa Chai

From: Meghan Bailey <meghan@nationalmedicalsolutions.net>

Date: May 18, 2020 at 8:24:20 PM MDT

To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>

Cc: Scott Bailey <scott@nationalmedicalsolutions.net>, Denny and Kathy Goodheart <blghrt@wwdb.org>

Subject: Rejection of Proposed Boating Ordinance

Hello Commissioners.

We are writing to add comment to the proposed ordinances in waterway use in Valley county. We have a residence on Lake Cascade and therefore have a vested interest in these proposals.

We were concerned during the last proposals, and are concerned again regarding these ordinances. Specifically regarding the vague wording on the wakes needing to be 300 feet from shoreline. How is this measurable and the wording leaves room for various interpretations. For example, if a wake rolls into the 300 feet buffer, will that be subject to a fine? We still feel the 100 foot buffer across the board is fine. We just need to keep the laws the same. The waterways at Lake Cascade are so narrow, a 300 foot buffer will leave little room for boaters to navigate. This will cause an even greater safety concern. We have owned our cabin for over ten years, right next to the boat launch, and have had no damage from wakes.

The second proposal we'd like to add comment in is the unlawful noise section. How will that be regulated? It seems too vague and will be a nightmare to enforce. Will you ask for decibels to be read on the boat to self-regulate? How can that be measure by law enforcement? I'm curious as to the details behind this, because it is by no means in the verbiage that will translate into enforceable law.

We would prefer no additional regulation on our waterways, as they are the life blood for our community. Thanks for your time.

Scott and Meghan Bailey
12757 Hereford Rd
Donnelly, ID 83615

From: Jim Conger <jconger@congergroup.com>

Date: May 18, 2020 at 8:50:36 PM MDT

To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>, Jim Conger <jconger@congergroup.com>

Subject: Rejection of Proposed Boating Ordinance

Issues of concern :

1) 4-5-4 definition of Excessive wake: Makes it illegal to produce a wake outside of the newly established 300 foot wake zone that **is observed or reasonably can be expected** to cause damage within the 300 foot zone as an infraction. The way this is written, if you are out 300 feet or more and the wave is still large going into the 300 ft zone, and an officer determines it could cause damage to property etc.... you are getting a ticket. The drafters used the publicly acceptable 300 foot zone, but mask with language, to include any wake produced outside 300 feet can still be a violation.

2) Section 8 unlawful Noise: Makes disturbing the peace on the lake a misdemeanor. Interestingly, they use the definition of Idaho Code 18-6409 which has been upheld by the Idaho Supreme Court. This law is already on the books, but makes me believe they included it in this ordinance because they will be enforcing loud of music on the lake. Blasting music during surf sessions may now net you a misdemeanor ticket. I would expect lake owners and others to use this as a sword against surf boats.

3) 4-5-6 Section D 2.: This is a very troubling provision because this ordinance as written will allow the Commissioners to pass by resolution laws restricting certain waterways used on the Payette Lake and Upper Payette Lake as they see fit. Resolution means the board votes on it and it becomes effective without public comment. For example, Just like the President signing an executive order to bypass congress and public input. This is very bad and should not become the law.

4) 4-5-6 Section 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.

We urge you to reduce the vague language and delete 4-5-6- Section B North Fork Payette River motorized vessel ban. The public water areas have been allowed to be used by the tax payers and locking them from typical uses is overbearing and over reaching.

Jim Conger

From: Jace Hansen <jacehansen1@hotmail.com>

Date: May 18, 2020 at 9:07:37 PM MDT

To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>

Subject: Rejection of Proposed Boating Ordinance

To whom it may concern:

I like to enjoy boating but these restrictions are vague and not appropriate. They will have a negative overall impact out our experiences. Please do not pass them.

Thanks,

Jace Hansen

From: Nathaniel Bateman <batemannathaniel@gmail.com>

Date: May 18, 2020 at 9:09:52 PM MDT

To: commissioners@co.valley.id.us

Subject: Rejection of Proposed Boating ORDINANCE # 20-__

Hello,

I and many others share some concerns regarding the proposed boating ordinance in Valley County waterways. The language is too vague in many areas that can have many unintended negative impacts and I propose you seek more public comment before passing in its current form. Issues of concern are listed below:

- 1) 4-5-4 definition of Excessive wake: Makes it illegal to produce a wake outside of the newly established 300 foot wake zone that **is observed** or **reasonably can be expected** to cause damage within the 300 foot zone as an infraction. The way this is written, if you are out 300 feet or more and the wave is still large going into the 300 ft zone, and an officer determines it could cause damage to property etc.... you are getting a ticket. The drafters used the publicly acceptable 300 foot zone, but mask with language, to include any wake produced outside 300 feet can still be a violation.
- 2) Section 8 unlawful Noise: Makes disturbing the peace on the lake a misdemeanor. Interestingly, they use the definition of Idaho Code 18-6409 which has been upheld by the Idaho Supreme Court. This law is already on the books, but makes me believe they included it in this ordinance because they will be enforcing loud of music on the lake. Blasting music during surf sessions may now net you a misdemeanor ticket. I would expect lake property owners and others to use this as a sword against surf boats.
- 3) 4-5-6 Section D 2.: This is a very troubling provision because this ordinance as written will allow the Commissioners to pass by resolution laws restricting certain waterways used on the Payette Lake and Upper Payette Lake as they see fit. Resolution means the board votes on it and it becomes effective without public comment. For example, just like the President signing an executive order to bypass congress and public input. This is just not the way to do local government and the author of such a provision should be ashamed to propose such a thing.

Best Regards,
Nathan Bateman

From: Skip Creighton <skicreighton@yahoo.com>
Date: May 18, 2020 at 9:10:51 PM MDT
To: commissioners@co.valley.id.us
Subject: Rejection of Proposed Boating Ordinance

I strongly object to the new proposed boating ordinance. It is very vague and may lead to increased danger on Payette lake

George Creighton

From: Jeremy DeLuca <flexdeluca@gmail.com>
Date: May 18, 2020 at 9:12:29 PM MDT
To: commissioners@co.valley.id.us
Subject: New proposed boat ordinance

Dear Valley County Commissioner,

We want to work on a mutual beneficial group of ordinances but the way they are currently proposed are one sided. We want what is best for Valley County but I think all Valley County homeowners should have equal day and not just the home owners that live on the lake.

I hope you take the time to listen to all the residence that own homes in Valley County and understand the impact this would have on our amazing recreational community.

Jeremy DeLuca
CEO and Founder of Parform
Co-Founder of Bodybuilding.com

From: Victor Horch <victorhorch@gmail.com>
Date: May 18, 2020 at 9:15:06 PM MDT
To: commissioners@co.valley.id.us
Subject: Rejection of Proposed Boating Ordinance

Once again vagueness reigns! Please be fair to all! As an 82 year old wakeboarder behind a 2004 Calabria Pro V I would love to continue this awesome sport.

From: Troy Ashworth <troyashworth@gmail.com>
Sent: Tuesday, May 19, 2020 7:59 AM
To: commissioners@co.valley.id.us
Subject: Rejection of Proposed Boating Ordinance

This ordinance needs to be amended if it is going to pass. One provision that should not become law is 4-5-6 Section D 2. This allows the Commissioners to pass a resolution by board vote without the normal checks and balances and public vote. Our rights should not be restricted without public input and vote. I understand trying to protect the public from the abuse of a few, but in doing so, you shouldn't restrict the rights of the many. This proposed law is too restrictive, and will have a negative impact on many of these resort communities. As a part-time Valley County resident, and owner of a hotel in McCall, I would be negatively impacted by this proposed law as it is written. I believe this will decrease the use of the lake, which perhaps is the goal, but that also decreases tourism, which is the lifeblood of McCall and Valley County. Losing tourism dollars would have a catastrophic effect on the community as we saw with the COVID-19 shutdown of nonessential travel.

TROY ASHWORTH | Associate Broker
Voted Top 10 Realtor in Idaho 6 years running
Cell: (208) 795-0314
www.TroyAshworth.com

From: D Moore <pwdrhnd@hotmail.com>

Date: May 18, 2020 at 8:49:57 PM MDT

To: Matt Rissell <matt.rissell@gmail.com>, Dave Bingaman <dbingaman@co.valley.id.us>

Cc: Kevin O'Neil <kevinoneil@usa.com>, "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>, Robin Rissell <robin.rissell@gmail.com>, Tanner Charles <tannercharwin@gmail.com>, Jim Ball <jkball@mmbb-law.com>, John Sabala <johnsabala@ymail.com>, Jocelyn Kidd <jkidd@whitetailclub.com>, Donny Heck <donnyheck@gmail.com>, Jesse Hamilton <jesse@pioneer1031.com>, Dustin Weniger <dustin@redlinerecotoys.com>, Mike Hauer <mikeh@idahowatersports.com>, Todd Ketlinski <trketlinski@gmail.com>, "Rob C. Swikert" <rob@miragetrailers.com>, Cory Jackson <cory.jackson@jacksons.com>, Josh Brouse <josh.brouse@gmail.com>, Kevin O'Neil <kevin@telmate.com>, "tyrell@prestigewatersports.com" <tyrell@prestigewatersports.com>, "Rob C. Swikert" <rob@mirageinc.com>, Aaron Dykas <aarondykas@gmail.com>, "katieballpllc@gmail.com" <katieballpllc@gmail.com>, TJ Oelkers <toelkers@gmail.com>, Karalie DeLuca <karalie17@gmail.com>, Jeremy Deluca <flexdeluca@gmail.com>, "plearain@yahoo.com" <plearain@yahoo.com>, "Gwin, John" <John.Gwin@morganstanley.com>, "Gwin, Kelsie" <kelsie_gwin@intuit.com>, Eric Toney <eric@pvlidaho.com>, blake fischer <blake@bafischer.com>, "matt@earhero.com" <matt@earhero.com>, Mike Fornander <mforlander@neurilink.com>, Joe Holbrook <joe@redlinerecotoys.com>, Jeff Jackson <jeff.jackson@jacksonjetcenter.com>, Bob Wheeler <bobw@cuttingedgelandscapes.com>, Gary Brookshier <gbrookshier@criadvantage.com>, James Clyde <james@jamesclydehomes.com>, Doug <handymanandougboise@gmail.com>, Colby Halker <chalker@hcollc.com>

Subject: Re: Objection to the Watercraft Ordinance

Mr. Bingaman,

I 100% agree with Matt Rissell's comments. The proposed ordinance has many vague interpretations that leave the door wide open for commissioners as well as law enforcement to determine on their own personal accord if an infraction has been committed. I do not believe that the commissioners of Valley County should have the ability to make rule changes without community involvement and participation. This whole thing rings of "Not in My Backyard" mentality of a few that could have drastic effects to the many. As a long time homeowner, sportsman and boater in McCall I strongly oppose this ordinance!!

Derek Moore

From: Matt Rissell <matt.rissell@gmail.com>

Sent: Monday, May 18, 2020 1:03 PM

To: Dave Bingaman <dbingaman@co.valley.id.us>

Cc: Kevin O'Neil <kevinoneil@usa.com>, commissioners@co.valley.id.us <commissioners@co.valley.id.us>, Robin Rissell <robin.rissell@gmail.com>, Tanner Charles <tannercharwin@gmail.com>, Jim Ball <jkball@mmbb-law.com>, John Sabala <johnsabala@ymail.com>, Jocelyn Kidd <jkidd@whitetailclub.com>, Donny Heck <donnyheck@gmail.com>, Jesse Hamilton <jesse@pioneer1031.com>, Dustin Weniger <dustin@redlinerecotoys.com>, Mike Hauer <mikeh@idahowatersports.com>, Todd Ketlinski <trketlinski@gmail.com>, Rob C. Swikert <rob@miragetrailers.com>, Cory Jackson <cory.jackson@jacksons.com>, Josh Brouse <josh.brouse@gmail.com>, Kevin O'Neil <kevin@telmate.com>, tyrell@prestigewatersports.com <tyrell@prestigewatersports.com>, Rob C. Swikert <rob@mirageinc.com>, Aaron Dykas <aarondykas@gmail.com>, katieballpllc@gmail.com <katieballpllc@gmail.com>, pwdrhnd@hotmail.com <pwdrhnd@hotmail.com>, TJ Oelkers <toelkers@gmail.com>, Karalie DeLuca <karalie17@gmail.com>, Jeremy Deluca <flexdeluca@gmail.com>, olearain@yahoo.com <olearain@yahoo.com>, Gwin, John <John.Gwin@morganstanley.com>, Gwin, Kelsie <kelsie_gwin@intuit.com>, Eric Toney <eric@pvlidaho.com>, blake fischer <blake@bafischer.com>, matt@earhero.com <matt@earhero.com>, Mike Fornander <mforlander@neurilink.com>, Joe Holbrook <joe@redlinerecotoys.com>, Jeff Jackson <jeff.jackson@jacksonjetcenter.com>, Bob Wheeler <bobw@cuttingedgelandscapes.com>, Gary Brookshier <gbrookshier@criadvantage.com>, James Clyde <james@jamesclydehomes.com>, Doug <handymanandougboise@gmail.com>, Colby Halker <chalker@hcollc.com>

Subject: Re: Objection to the Watercraft Ordinance

Commissioner Bingaman,

Thank you for your quick response. The link you provided below cannot be accessed.

Please note that while Kevin used a previously written email from last year, my message was both informed and on-point. Specifically, here are my concerns:

1) 4-5-4 definition of Excessive wake: Makes it illegal to produce a wake outside of the newly established 300 foot wake zone that is observed or reasonably can be expected to cause damage within the 300 foot zone as an infraction. The way this is written, if you are out 300 feet or more and the wave is still large going into the 300 ft zone, and an officer determines it could cause damage to property etc.... you are getting a ticket. The

drafters used the publicly acceptable 300 foot zone, but mask with language, to include any wake produced outside 300 feet can still be a violation.

2) Section 8 unlawful Noise: Makes disturbing the peace on the lake a misdemeanor. Interestingly, they use the definition of Idaho Code 18-6409 which has been upheld by the Idaho Supreme Court. This law is already on the books, but makes me believe they included it in this ordinance because they will be enforcing loud of music on the lake. Blasting music during surf sessions may now net you a misdemeanor ticket. I would expect lake owners and others to use this as a sword against surf boats.

3) 4-5-6 Section D 2.: This is a very troubling provision because this ordinance as written will allow the Commissioners to pass by resolution laws restricting certain waterways used on the Payette Lake and Upper Payette Lake as they see fit. Resolution means the board votes on it and it becomes effective without public comment. For example, Just like the President signing an executive order to bypass congress and public input. This is very bad and should not become the law.

Fundamentally, the Commission has chosen to intentionally use vague terms in this Ordinance for the purpose of creating leeway to control boating as they see fit in the future, ultimately protecting the interests of only a small minority.

Again, and to reiterate, if you would like to have a constructive dialogue, I'm certain the majority would love to engage.

Best,
Matt

On May 18, 2020, at 12:52 PM, Dave Bingaman <dbingaman@co.valley.id.us> wrote:

All,
I apologize, apparently this did not come through with the previous email.

This is the link to the draft:
<file:///C:/Users/qyoung/AppData/Local/Microsoft/Windows/INetCache/IE/G9FC3H6C/Draft-of-Valley-County-20-XX-Boating-Ordinance.pdf>

Dave Bingaman
Valley County Commissioner
219 N. Main St.
PO Box 1350
Cascade, ID 83661

From: "Dave Bingaman" <dbingaman@co.valley.id.us>
To: "Kevin O'Neil" <kevinoneil@usa.com>, "Matt Rissell" <matt.rissell@gmail.com>, commissioners@co.valley.id.us
Cc: "Robin Rissell" <robin.rissell@gmail.com>, "Tanner Charles" <tannercharwin@gmail.com>, "Jim Ball" <jkbball@mmbb-law.com>, "John Sabala" <johnsabala@ymail.com>, "Jocelyn Kidd" <jkidd@whitetailclub.com>, "Donny Heck" <donnyheck@gmail.com>, "Jesse Hamilton" <jesse@pioneer1031.com>, "Dustin Weniger" <dustin@redlinerecotoys.com>, "Mike Hauer" <mikeh@idahowatersports.com>, "Todd Ketlinski" <trketlinski@gmail.com>, "Rob C. Swikert" <rob@miragetrailers.com>, "Cory Jackson" <cory.jackson@jacksons.com>, "Josh Brouse" <josh.brouse@gmail.com>, "Kevin O'Neil" <kevin@telmate.com>, "tyrell@prestigewatersports.com", "Rob C. Swikert" <rob@mirageinc.com>, "Aaron Dykas" <aarondykas@gmail.com>, "katieballpllc@gmail.com", pwdrhnd@hotmail.com, "TJ Oelkers" <toelkers@gmail.com>, "Karalie DeLuca" <karalie17@gmail.com>, "Jeremy Deluca" <flexdeluca@gmail.com>, olearain@yahoo.com, "Gwin, John" <John.Gwin@morganstanley.com>, "Gwin, Kelsie" <kelsie_gwin@intuit.com>, "Eric Toney" <eric@pvlidaho.com>, "blake fischer" <blake@bafischer.com>, matt@earhero.com, "Mike Fornander" <mforfander@neurilink.com>, "Joe Holbrook" <joe@redlinerecotoys.com>, "Jeff Jackson" <jeff.jackson@jacksonjetcenter.com>, "Bob Wheeler" <bobw@cuttingedgelandscapes.com>, "Gary Brookshier" <gbrookshier@criadvantage.com>, "James Clyde" <james@jamesclydehomes.com>, "Doug" <handymandougboise@gmail.com>, "Colby Halker" <chalker@hcollc.com>

Date: Mon, 18 May 2020 12:24:19 -0600

Subject: Re: Objection to the Watercraft Ordinance

All,

I think I can alleviate some concerns by getting you all a link to the most current version of the Draft Ordinance. Please see the link below. It will address the accurate No Wake Zone size of 300 ft and the exceptions that defer to the State of Idaho 100 ft rule. I would also ask you all to look at the entire definition of Dangerous Wake. It is not a reflection of limiting WET tech boats, rather a way to minimize the effects of larger wakes on users inside the 300 ft no wake zone.

I think that once you have had a chance to review the draft it will make more sense. There seems to be a lot of misinformation circulating in this group email based on past versions of ordinances and a sense that Valley County.

We welcome your informed comments, the deadline to comment via email is 5/20 or you can call in during the hearing. Also as a reminder, this process is now several years in the making, COVID has had no effect other than to push the hearing back even further than we originally anticipated and limit our ability to allow in person comments. During the open houses and hearings last year we stated the goal of having a new ordinance in place for the 2020 boating season.

Thank you for your involvement, your comments will be added to the public record for the hearing.

Dave Bingaman
Valley County Commissioner
219 N. Main St.
PO Box 1350
Cascade, ID 83661

From: Kevin O'Neil <kevinoneil@usa.com>

To: Matt Rissell <matt.rissell@gmail.com>, commissioners@co.valley.id.us

Cc: commissioners@co.valley.id.us, Robin Rissell <robin.rissell@gmail.com>, Tanner Charles <tannercharwin@gmail.com>, Jim Ball <jkball@mmbb-law.com>, John Sabala <johnsabala@ymail.com>, Jocelyn Kidd <jkidd@whitetailclub.com>, Donny Heck <donnyheck@gmail.com>, Jesse Hamilton <jesse@pioneer1031.com>, Dustin Weniger <dustin@redlinerecotoys.com>, Mike Hauer <mikeh@idahowatersports.com>, Todd Ketlinski <trketlinski@gmail.com>, "Rob C. Swikert" <rob@miragetrailers.com>, Cory Jackson <cory.jackson@jacksons.com>, Josh Brouse <josh.brouse@gmail.com>, Kevin O'Neil <kevin@telmate.com>, tyrell@prestigewatersports.com, "Rob C. Swikert" <rob@mirageinc.com>, Aaron Dykas <aarondykas@gmail.com>, katieballpllc@gmail.com, pwrhnd@hotmail.com, TJ Oelkers <toelkers@gmail.com>, Karalie DeLuca <karalie17@gmail.com>, Jeremy DeLuca <flexdeluca@gmail.com>, plearain@yahoo.com, "Gwin, John" <John.Gwin@morganstanley.com>, "Gwin, Kelsie" <kelsie_gwin@intuit.com>, Eric Toney <eric@pvlidaho.com>, blake fischer <blake@bafischer.com>, matt@earhero.com, Mike Fornander <mforlander@neurilink.com>, Joe Holbrook <joe@redlinerecotoys.com>, Jeff Jackson <jeff.jackson@jacksonjetcenter.com>, Bob Wheeler <bobw@cuttingedgelandscapes.com>, Gary Brookshier <gbrookshier@criadvantage.com>, James Clyde <james@jamesclydehomes.com>, Doug <handymandougboise@gmail.com>, Colby Halker <chalker@hcollc.com>, Matt Rissell <matt.rissell@gmail.com>

Date: Mon, 18 May 2020 11:11:51 -0600

Subject: Re: Objection to the Watercraft Ordinance

Hi,

My name is Kevin O'Neil and I own a cabin in your beautiful county at 1389B Ford Drive in McCall. I am very concerned and strongly oppose the proposed ordinance for Payette Lake where we enjoy a great deal of our time.

As a waterfront homeowner, I have not noticed any negative affects from waves on our property – I believe the current 300' rule to be very sufficient.

I believe increasing proximity to 1000' will make the lake more dangerous for all boaters. Additionally I believe there will be a negative economic impact of such limiting usage of this great body of water.

Here is an Actual wave study that I found online-

<https://www.wakeresponsibly.com/waveenergy.html>

Thank you for your time and I hope you take this into consideration.

Kevin O'Neil
208-739-8333

From: Kevin O'Neil <kevinoneil@usa.com>

Date: Wednesday, April 17, 2019 at 12:01 PM

To: <jwinkle@co.valley.id.us>, <gcruckshank@co.valley.id.us>, <feld@co.valley.id.us>, <abanbury@co.valley.id.us>

Subject: Proposed Ordinance - Valley County

Hi,

My name is Kevin O'Neil and I own a cabin in your beautiful county at 1389B Ford Drive in McCall. I am very concerned and strongly oppose the proposed ordinance for Payette Lake where we enjoy a great deal of our time.

As a waterfront homeowner, I have not noticed any negative affects from waves on our property – I believe the current 300' rule to be very sufficient.

I believe increasing proximity to 1000' will make the lake more dangerous for all boaters. Additionally I believe there will be a negative economic impact of such limiting usage of this great body of water.

Here is an Actual wave study that I found online-

<https://www.wakeresponsibly.com/waveenergy.html>

Thank you for your time and I hope you take this into consideration.

Kevin O'Neil
208-739-8333

From: Cory Jackson <cory.jackson@jacksons.com>

Date: May 19, 2020 at 3:36:28 PM MDT

To: Aaron Dykas <aarondykas@gmail.com>, Matt Rissell <matt.rissell@gmail.com>, "dbingaman@co.valley.id.us" <dbingaman@co.valley.id.us>

Cc: Dave Bingaman <dbingaman@co.valley.id.us>, Kevin O'Neil <kevinoneil@usa.com>, "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>, Robin Rissell <robin.rissell@gmail.com>, Tanner Charles <tannercharwin@gmail.com>, Jim Ball <jkball@mmbb-law.com>, John Sabala <johnsabala@ymail.com>, Jocelyn Kidd <jkidd@whitetailclub.com>, Donny Heck <donnyheck@gmail.com>, Jesse Hamilton <jesse@pioneer1031.com>, Dustin Weniger <dustin@redlinerecotoys.com>, Mike Hauer <mikeh@idahowatersports.com>, Todd Ketlinski <trketlinski@gmail.com>, "Rob C. Swikert" <rob@miragetrailers.com>, Josh Brouse <josh.brouse@gmail.com>, Kevin O'Neil <kevin@telmate.com>, "tyrell@prestigewatersports.com" <tyrell@prestigewatersports.com>, Rob Swikert <rob@mirageinc.com>, "katieballpllc@gmail.com" <katieballpllc@gmail.com>, "pwrhnd@hotmail.com" <pwrhnd@hotmail.com>, TJ Oelkers <toelkers@gmail.com>, Karalie DeLuca <karalie17@gmail.com>, Jeremy Deluca <flexdeluca@gmail.com>, "olearain@yahoo.com" <olearain@yahoo.com>, "Gwin, John" <John.Gwin@morganstanley.com>, "Gwin, Kelsie" <kelsie_gwin@intuit.com>, Eric Toney <eric@pvlidaho.com>, Blake Fischer <blake@bafischer.com>, "matt@earhero.com" <matt@earhero.com>, Mike Fornander <mforfornander@neurilink.com>, Joe Holbrook <joe@redlinerecotoys.com>, Jeff Jackson <jeff.jackson@jacksonjetcenter.com>, Bob Wheeler <bobw@cuttingedgeandscape.com>, Gary Brookshier <gbrookshier@criadvantage.com>, James Clyde <james@jamesclydehomes.com>, Doug <handymandougboise@gmail.com>, Colby Halker <chalker@hcollc.com>

Subject: RE: **[** EXTERNAL **] Re: Objection to the Watercraft Ordinance**

Commissioner Bingaman,

Thank you for taking the time to share the current version of the proposed ordinance.

My name is Cory Jackson, my family owns a home on Payette Lake, 321 Lake Street in McCall and I would like to provide record of opposition to the proposed ordinance.

My concerns echo many comments outlined below, specifically the sections referenced here that define excessive wake, unlawful noise and especially section 4-5-6 Section D2, allowing the commissioners to pass by resolution new laws restricting use on the lake as the commissioners see fit.

I am a lifetime resident of Idaho and our family has owned a residence on Payette Lake since 1992. In the 80's we had a condo at the Aspens. McCall and Payette Lake is one of Idaho's finest attractions, one that should be preserved for its charm and natural landscapes. I fully support any effort that protects McCall for future generations, that is within reason and without risk of fundamentally changing how we enjoy the lake today.

As a homeowner on the lake, I am unaware of any erosion damage that has occurred as a result of current recreational activity. It certainly is not an issue at our house. I would be happy to be educated on specific issues or concerns that are being presented, if you can let me know where this information resides.

Thank you for your time.

Cory Jackson
321 Lake Street McCall
208-869-5464

From: Aaron Dykas <aarondykas@gmail.com>

Sent: Tuesday, May 19, 2020 1:59 PM

To: Matt Rissell <matt.rissell@gmail.com>

Cc: Dave Bingaman <dbingaman@co.valley.id.us>; Kevin O'Neil

<kevinoneil@usa.com>; commissioners@co.valley.id.us; Robin Rissell <robin.rissell@gmail.com>;

Tanner Charles <tannercharwin@gmail.com>; Jim Ball <jkball@mmbb-law.com>; John Sabala

<johnsabala@ymail.com>; Jocelyn Kidd <jkidd@whitetailclub.com>; Donny Heck

<donnyheck@gmail.com>; Jesse Hamilton <jesse@pioneer1031.com>; Dustin Weniger

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<trketlinski@gmail.com>; Rob C. Swikert <rob@miragetrailers.com>; Cory Jackson

<cory.jackson@jacksons.com>; Josh Brouse <josh.brouse@gmail.com>; Kevin O'Neil

<kevin@telmate.com>; tyrell@prestigewatersports.com; Rob Swikert

<rob@mirageinc.com>; katieballpllc@gmail.com; pwrhnd@hotmail.com; TJ Oelkers

<toelkers@gmail.com>; Karalie DeLuca <karalie17@gmail.com>; Jeremy Deluca

<flexdeluca@gmail.com>; olearain@yahoo.com; Gwin, John <John.Gwin@morganstanley.com>; Gwin,

Kelsie <kelsie_gwin@intuit.com>; Eric Toney <eric@pvlidaho.com>; blake fischer

<blake@bafischer.com>; matt@earhero.com; Mike Fornander <mforlander@neurilink.com>; Joe

Holbrook <joe@redlinerecotoys.com>; Jeff Jackson <jeff.jackson@jacksonjetcenter.com>; Bob Wheeler

<bobw@cuttingedgelandscape.com>; Gary Brookshier <gbrookshier@criadvantage.com>; James Clyde

<james@jamesclydehomes.com>; Doug <handymandougboise@gmail.com>; Colby Halker

<chalker@hcollc.com>

Subject: [**** EXTERNAL ****] Re: Objection to the Watercraft Ordinance

Commissioner Bingaman,

Thank you for taking the time to reply to this group email, and for sorting out all of the various individual responses to add into the public record.

My name is Aaron Dykas and I would like to add-in my opposition to the proposed ordinance as written.

For many of the same reasons that have been stated in this email chain, I oppose the sections referenced here that define excessive wake, unlawful noise and especially section 4-5-6 Section D2, allowing the commissioners to pass by resolution new laws restricting use on the lake as the commissioners see fit.

I can think of no reason, other than nefarious intent, why the commissioners would see fit to give themselves such power with no public input or checks and balances. We're certainly seeing a lot of this in the news media today, and it isn't going well for those elected officials trying it. Restraint and humility should be the guiding principles of elected officials today, not a power grab during a national pandemic.

I was born in Idaho, own a home in McCall, and have lived here and boated on the lake all of my life. I have to tell you that it's a strange feeling that one of the first things that you do in the spring, now for the second year, is stand up for our boating rights on Payette Lake. I would welcome a healthy dialogue about the specific problem that you're trying to address, and to find a solution without overreach.

Thank you for taking the time to read this and enter into the record.

Best.....AD

From: Gino Pilato <ginopilato@gmail.com>

Date: May 19, 2020 at 9:53:52 AM MDT

To: commissioners@co.valley.id.us

Subject: Valley County Boating Ordinance

Hello,

I'm reaching out to you regarding the Valley County Boating Ordinance. I would like to state that I am not attempting to help get "our way," but rather, improve the experience of all of those recreating on the water. My friends and I are working hard in our little portion of that community to educate those close to us. The beauty of Valley County needs to be treasured by all, and we want to do our part.

That said, please consider 4-5-4 definition of Excessive wake, Section 8 unlawful Noise and 4-5-6 Section D 2. These three issues need to be carefully examined and hopefully looked at in a way that benefits all safe participants of the Valley County.

I urge you to consider the boating community as a whole when addressing these aforementioned issues.

Thank you for your time.

Gino Pilato

--

Gino T. Pilato
Tastevin Wine Limited
(208) 891-5900
ginopilato@gmail.com

From: Cameron Foley <cf092799@gmail.com>

Date: May 19, 2020 at 9:16:23 PM MDT

To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>

To the Valley County Commissioners,

As a Valley County tax payer and home owner I am sending this email to OPPOSE the current draft of the Valley county water way.

Due to the Covid-19 outbreak, and Valley County offices being closed to the public it appears that Valley County Commissioners are still working and trying to push through an agenda without the public's ability to discuss the issues in person.

Also, the commissioners have added some new items that are not in the public's best interest and will leave future decisions to be made by the commissioners without public input, and leave law enforcement to make judgement calls and issue citations without basis. (see below).

Section 4-5-6 Item D # 2: ADDITIONAL OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR CERTAIN PUBLIC WATERWAYS IN VALLEY COUNTY:

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 by resolution, after notice, and may contain maps and/or a series of maps that may be supplemented and amended.

4-5-5 Item B # 12C: OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR ALL PUBLIC WATERWAYS IN VALLEY COUNTY:

12. SPEED REGULATION FOR ALL LAKES.

C. No motor driven vessel shall be operated at a speed or in a manner that creates an excessive, dangerous or damaging wake.

As elected officials you have the responsibility to listen and act for the majority. I was personally at last years public hearing on this same issue and it was clear to me that this is not the view of the majority. Again...I am not in favor of this proposal.

From: Connor Wittmuss <cwittmuss@hotmail.com>

Date: May 19, 2020 at 8:46:51 PM MDT

To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>

Subject: Valley County Water Way

To the Valley County Commissioners,

As a Valley County tax payer and home owner I am sending this email to OPPOSE the current draft of the Valley county water way.

Due to the Covid-19 outbreak, and Valley County offices being closed to the public it appears that Valley County Commissioners are still working and trying to push through an agenda without the public's ability to discuss the issues in person.

Also, the commissioners have added some new items that are not in the public's best interest and will leave future decisions to be made by the commissioners without public input, and leave law enforcement to make judgement calls and issue citations without basis. (see below).

Section 4-5-6 Item D # 2: ADDITIONAL OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR CERTAIN PUBLIC WATERWAYS IN VALLEY COUNTY:

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 by resolution, after notice, and may contain maps and/or a series of maps that may be supplemented and amended.

4-5-5 Item B # 12C: OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR ALL PUBLIC WATERWAYS IN VALLEY COUNTY:

12. SPEED REGULATION FOR ALL LAKES.

C. No motor driven vessel shall be operated at a speed or in a manner that creates an excessive, dangerous or damaging wake.

As elected officials you have the responsibility to listen and act for the majority. I was personally at last years public hearing on this same issue and it was clear to me that this is not the view of the majority. Again...I am not in favor of this proposal.

From: matt drown <mdrown42@msn.com>

Date: May 19, 2020 at 8:27:30 PM MDT

To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>

Subject: Rejection of Proposed Boating Ordinance

I am opposed to the new ordinance, with my concerns summarized below.

1) 4-5-4 definition of Excessive wake: Makes it illegal to produce a wake outside of the newly established 300 foot wake zone that **is observed** or **reasonably can be expected** to cause damage within the 300 foot zone as an infraction. The way this is written, if you are out 300 feet or more and the wave is still large going into the 300 ft zone, and an officer determines it could cause damage to property etc.... you are getting a ticket. The drafters used the publicly acceptable 300 foot zone, but mask with language, to include any wake produced outside 300 feet can still be a violation.

2) Section 8 unlawful Noise: Makes disturbing the peace on the lake a misdemeanor. Interestingly, they use the definition of Idaho Code 18-6409 which has been upheld by the Idaho Supreme Court. This law is already on the books, but makes me believe they included it in this ordinance because they will be enforcing loud of music on the lake. Blasting music during surf sessions may now net you a misdemeanor ticket. I would expect lake owners and others to use this as a sword against surf boats.

3) 4-5-6 Section D 2.: This is a very troubling provision because this ordinance as written will allow the Commissioners to pass by resolution laws restricting certain waterways used on the Payette Lake and Upper Payette Lake as they see fit. Resolution means the board votes on it and it becomes effective without public comment. For example, Just like the President signing an executive order to bypass congress and public input. This is very bad and should not become the law.

Matt Drown

From: idaowen5@yahoo.com

Date: May 19, 2020 at 7:13:35 PM MDT

To: commissioners@co.valley.id.us

Subject: Rejection of Proposed Boating Ordinance

In reference to proposed waterway restrictions on wake size, and music I respectfully request you withdraw this proposal. The lakes in Valley County belong to everyone and this means that everyone needs to be tolerant of how the public enjoys them with in reason. I have been an active water sport enthusiast most of my life and have created some great memories for my family while being a responsible boater and respectful of others, in other words following waterway etiquette. There is no need to put into law the provisions to as posted by the commissioners, so there are a few boaters that can't follow simple etiquette doesn't require a law to punish the majority who do!

I appeal to you one more time to rescind these proposed regulations and laws.

Respectfully,

Shawn Owen

From: Erika Klein <eklein@cosholaw.com>
To: "dmiller@co.valley.id.us" <dmiller@co.valley.id.us>
Cc: Erika Klein <eklein@cosholaw.com>
Date: Wed, 20 May 2020 02:21:27 +0000
Subject: Public Comment Objection to Proposed Valley county ordinance 20- __ Regarding Proposed Valley County Waterways Ordinance

Public Comment to Valley County for Meeting dated May 26, 2020
c/o Douglas Miller
Valley County Clerk
dmiller@co.valley.id.us

Dear Valley County Commissioners:

I adamantly oppose proposed valley county ordinance 20- __ (# not listed) regarding proposed Valley County Waterways Ordinance.

I have been a property owner in Valley County for 15 years. We currently own property that is lakefront in Paradise Cove on Lake cascade. We have a dock and have utilized our boats from that dock for boating in various forms including jet skiing, fishing, waterskiing, wakeboarding, surfing tubing knee boarding etc. during the time we have owned this property. We also use kayaks and paddle boards in the area. We believe the current regulations that exist prohibiting boats from coming near the shoreline at closer than 100 feet with a wake is sufficient. In addition the existing regulations on negligent boat owners are also effective to address problematic boaters.

We are responsible boat owners and feel the regulations that are proposed are excessive, outrageous, and unreasonable. I see there are changes from the proposal 19-05 that was before the commission last year and some of those amendments are positive, but these rules are still far overreaching. For example, the rules would not even allow a 14 year old to take a small fishing boat with an electric powered motor out to troll without having an adult present. It feels as if this ordinance was drafted to lower property values for those who are lakefront on Lake Cascade.

We purchased our property understanding that we could launch our fishing boat from our Cove and do other boating activities. We have even now purchased a boat to be able to do wake boarding, skiing and surfing and this ordinance could limit that significantly and leave us feeling vulnerable to some subjective determination of what is or is not an acceptable wake or distance.

The ordinance as written is still in places confusing, ambiguous and vague. The definitions sections on application are confusing and hard to understand. I think it will result in extensive confusion and litigation.

Along the same lines I also specifically object to the provision on the age of drivers for boats and personal watercraft. It is confusing why this proposal would provide that anyone under 16 would have to have an adult right next to them. It is nonsensical that when Idaho allows licensed drivers on the road at 15 years of age and permit drivers at 14 1/2, Valley county would require a person to be 16 to ride personal watercraft. This will eliminate the ability for

even licensed Idaho drivers to drive a Jet ski on Idaho waterways. The last proposal provided for a class for driver's under 16. I think that makes sense for drivers under 15. In our case we have two children under 16 both of whom who have been taught how to safely ride both Jet skis and drive boats. We do not have our children driving the boat alone out on the main lake but our son who is an extraordinarily competent boat driver regularly helps us load and unload our boat. It would be difficult and a hardship for us to not have him be able to help us do this. Your proposed regulations would prohibit this. He is a better boat driver than most adults on the water. I think if you want to require a minimum age it should not be 16 but maybe the 12 that is listed would be adequate and require a safe boater class but not prohibit it. It is unclear what prompted such a rule request as necessary. I have not heard about accidents that warrant this change.

Overall it seems this ordinance is just far overreaching and drafted to address someone's personal agenda rather than addressing currently existing issues.

Thank you for your consideration of my comments and objection.

Erika Klein
208-949-7987

From: Heidi Wyman <heidisac@yahoo.com>

Date: May 19, 2020 at 9:44:14 PM MDT

To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>

Subject: Rejection of Proposed Boating Ordinance

Greetings Commissioners,

I'm opposed to the Boating Ordinance as it is written. Specifically:

Section 4-5-4 as written is too vague when it address wake size and damage. I would support the 300 foot no wake zone, but when you add the verbiage that makes it illegal to produce a wake outside the established 300 foot wake zone that is observed or reasonable expected to cause damage within the 300 foot zone is impossible to define, let alone enforce. It feels like you are opening the door to a ban on wake boats and surfing. I know you are under pressure from a vocal minority and lakefront owners, but this flies in the face of what we Idahoans believe in. Keep it at a 300 foot no wake zone. Simple and addresses all parties.

Section 4-5-6 D2 gives too much power to the commissioners. We should have public comment before laws are passed in our county effecting all of our citizens. Don't let the vocal out of state minorities take over our county.

Section 4-5-5 B2B: I think the idea is to mitigate the risk of inexperienced drivers from causing mishaps on the water. Setting an age limit isn't a bad idea, but you also have to address how to mitigate this risk. I could find dozens of 15 year olds that can drive a car and a boat better that some 30 year olds. Age is totally arbitrary. I would it written as having a drivers license and have passed a boaters safety course if you are under the age of 18. If you are older that the age of 18 you have to pass a boaters safety course. This mitigates the risk for all boat drivers. Boaters safety courses are online and can be completed in a few minutes. I guarantee you this will save more mishap dollars and lives than banning 15 year olds from taking the boat out. If you are serious about making these lakes safer, then do it.

Thank you for your time. I appreciate the time you put into making our great community the best it can be.

Sincerely,

Heidi Wyman
McCall ID

From: Mia Wyman <miawyman2020@gmail.com>

Date: May 19, 2020 at 9:45:29 PM MDT

To: commissioners@co.valley.id.us

Subject: Reject Boat Ordinance

Greetings Commissioners,

I'm opposed to the Boating Ordinance as it is written. Specifically:

Section 4-5-4 as written is too vague when it address wake size and damage. I would support the 300 foot no wake zone, but when you add the verbiage that makes it illegal to produce a wake outside the established 300 foot wake zone that is observed or reasonable expected to cause damage within the 300 foot zone is impossible to define, let alone enforce. It feels like you are opening the door to a ban on wake boats and surfing. I know you are under pressure from a vocal minority and lakefront owners, but this flies in the face of what we Idahoans believe in. Keep it at a 300 foot no wake zone. Simple and addresses all parties.

Section 4-5-6 D2 gives too much power to the commissioners. We should have public comment before laws are passed in our county effecting all of our citizens. Don't let the vocal out of state minorities take over our county.

Section 4-5-5 B2B: I think the idea is to mitigate the risk of inexperienced drivers from causing mishaps on the water. Setting an age limit isn't a bad idea, but you also have to address how to mitigate this risk. I could find dozens of 15 year olds that can drive a car and a boat better that some 30 year olds. Age is totally arbitrary. I would it written as having a drivers license and have passed a boaters safety course if you are under the age of 18. If you are older that the age of 18 you have to pass a boaters safety course. This mitigates the risk for all boat drivers. Boaters safety courses are online and can be completed in a few minutes. I guarantee you this will save more mishap dollars and lives than banning 15 year olds from taking the boat out. If you are serious about making these lakes safer, then do it.

Thank you for your time. I appreciate the time you put into making our great community the best it can be.

Sincerely,

Mia Wyman
McCall ID

From: Jessica Petersen <jessica.petersennn@gmail.com>

Date: May 19, 2020 at 10:46:07 PM MDT

To: commissioners@co.valley.id.us

Subject: Urgent

To the Valley County Commissioners,

As a Valley County tax payer and home owner I am sending this email to OPPOSE the current draft of the Valley county water way.

Due to the Covid-19 outbreak, and Valley County offices being closed to the public it appears that Valley County Commissioners are still working and trying to push through an agenda without the public's ability to discuss the issues in person.

Also, the commissioners have added some new items that are not in the public's best interest and will leave future decisions to be made by the commissioners without public input, and leave law enforcement to make judgement calls and issue citations without basis. (see below).

Section 4-5-6 Item D # 2: ADDITIONAL OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR CERTAIN PUBLIC WATERWAYS IN VALLEY COUNTY:

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 by resolution, after notice, and may contain maps and/or a series of maps that may be supplemented and amended.

4-5-5 Item B # 12C: OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR ALL PUBLIC WATERWAYS IN VALLEY COUNTY:

12. SPEED REGULATION FOR ALL LAKES.

C. No motor driven vessel shall be operated at a speed or in a manner that creates an excessive, dangerous or damaging wake.

As elected officials you have the responsibility to listen and act for the majority. I was personally at last years public hearing on this same issue and it was clear to me that this is not the view of the majority. Again...I am not in favor of this proposal.

From: Douglas Wyman <douglasdwyman@gmail.com>

Date: May 19, 2020 at 9:55:35 PM MDT

To: commissioners@co.valley.id.us

Subject: **Reject boating ordinance please read suggestions at the bottom of the text.**

Greetings Commissioners,

I'm opposed to the Boating Ordinance as it is written. Specifically:

Section 4-5-4 as written is too vague when it address wake size and damage. I would support the 300 foot no wake zone, but when you add the verbiage that makes it illegal to produce a wake outside the established 300 foot wake zone that is observed or reasonable expected to cause damage within the 300 foot zone is impossible to define, let alone enforce. It feels like you are opening the door to a ban on wake boats and surfing. I know you are under pressure from a vocal minority and lakefront owners, but this flies in the face of what we Idahoans believe in. Keep it at a 300 foot no wake zone. Simple and addresses all parties. This CANNOT BE ENFORCED.

Section 4-5-6 D2 gives too much power to the commissioners. We should have public comment before laws are passed in our county effecting all of our citizens. Don't let the vocal out of state minorities take over our county.

Section 4-5-5 B2B: I think the idea is to mitigate the risk of inexperienced drivers from causing mishaps on the water. Setting an age limit isn't a bad idea, but you also have to address how to mitigate this risk. I could find dozens of 15 year olds that can drive a car and a boat better that some 30 year olds. Age is totally arbitrary. I would it written as having a drivers license and have passed a boaters safety course if you are under the age of 18. If you are older that the age of 18 you have to pass a boaters safety course. This mitigates the risk for all boat drivers. Boaters safety courses are online and can be completed in a few minutes. I guarantee you this will save more mishap dollars and lives than banning 15 year olds from taking the boat out. If you are serious about making these lakes safer, then do it.

As a measure to help with overcrowding charge a boat launch fee, or a season pass in Payette lake. This can raise revenue that can be put back into boater education and safety. I would also like to see a limit to the number of boats that can launch in a given day. The boat launch fee could pay for an employee to count boats at the launch similar to a bouncer at the night club. If Payette Lake is full they can wait until a boat comes out or go to Lake Cascade. With the growth Boise is seeing the last few years this issue will need to be addressed sooner than later. I can't believe we have to pay to launch a boat in nearly every other body of water in Idaho, and not Payette Lake. This can be ENFORCED.

As far as the issue with boat wakes - write in the ordinance that no surfing on the lake before 11am. This will allow the skiers/paddleboarders/kayakers/swimmers/land owners a peaceful time during the day they can count on and plan around. This can be ENFORCED.

Thank you for your time.

Sincerely,

Douglas Wyman
McCall ID

From: Mackenzie Gramm <mackenzie.gramm@outlook.com>
Date: May 19, 2020 at 8:36:34 AM MDT
To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>
Subject: Rejection of Proposed Boating Ordinance

I reject this bill. I have been going up there over the last few years to our family's cabin and there has never been an issue with boating and spending time with family.

From: Terrence Jones <tsj@quanelaw.com>

Date: May 19, 2020 at 8:48:46 AM MDT

To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>

Subject: Rejection of Proposed Boating Ordinance

Valley County Commissioners:

Good morning. I am writing in opposition to your proposed boating ordinance. I have taken my family to McCall for years every summer. We spend thousands of dollars every year renting a home, eating out, recreating in Valley County and shopping in downtown McCall. We responsibly boat on the lake. This ordinance is too vague and too broad in terms of the wake issues and would unfairly impact people who are otherwise responsibly boating on the lake. An ordinance such as what you have proposed would unfairly impact boaters like my family. While some parts of it appear to be redundant in some respects to rules already on the books, the other parts simply go too far in trying to unfairly regulate the use of the lake. I do not oppose reasonable limits to find a balance for the many uses of this wonderful lake, but this ordinance is not the right approach and I request you reject it in total. Do not take away from thousands of families that drive your local economy the right to fairly use Payette Lake.

Thank you,

Terry Jones
208.631.4767.

From: Hugh Mossman <hmossmman@gmail.com>

Date: May 19, 2020 at 8:51:21 AM MDT

To: commissioners@co.valley.id.us

Subject: Waterways Ordinance

My wife and I have owned a home on Cascade Lake for more than 30 years, located on the Boulder Creek inlet. For the following reasons, we are opposed to the current draft, and in favor of expanding the no wake zone, beyond the 100 ft proposal in our area.

1) The proposed ordinance states as one objective the protection of private property. Over the years we have expended many thousands of dollars protecting our shore line from erosion. The last such expense alone, about 2 years ago, cost \$16,000. There is no doubt in our minds that the majority of erosion is due to boat wakes, especially the heavy stern "surfing" wakes.

2) Another stated purpose is public safety. The Boulder Creek inlet at our house is about 450 feet wide. The proposed 100 ft zone would therefore leave about 250 ft for boats pulling skiers, tubers, etc. Many times there are two or more boats passing in this 250 ft area, which is also used by small fishing boats, paddleboards, canoes, sailboats, etc. Of course, within the 100 ft zone, and even beyond, there are often swimmers. The resulting congestion presents a real threat to public safety.

3) The suggestion that a no wake expansion reduces property value is without merit. There are many areas on the lake to go fast without congestion. In fact, I would argue that many people enjoy the tranquility that a no wake expansion would promote.

Thanks you for your consideration.

Hugh and Barb Mossman

12849 Shorthorn Way

Donnelly ID

--

Hugh Mossman

hmossmman@gmail.com

From: Bronson <bronson@bandbpools.net>

Date: May 19, 2020 at 8:54:22 AM MDT

To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>

Subject: Valley County Boating Ordinance

Hello There,

My name is Bronson and I am writing you today in regards to the Boating Ordinance the commissioners of Valley County have proposed. This ordinance appears to be unconstitutional for this great state of Idaho. Idaho is known for being one of the few states left in the Northwest for letting the residents truly be free. Ordinances like this take away the rights of each Idaho resident that we should be entitled too. In my opinion, this is one of the worst written Ordinances I have ever read.. the commissioners are attempting to give themselves the authority to pass resolution laws without public comment. Sounds to me like something the great governor of Washington would try to pass. I spend a lot of time every summer down in Valley County and would hate for this to be pushed through on us.

Thanks,

Bronson Boardman

From: Doyle Hartman <dandsindustrialproducts@gmail.com>

Date: May 19, 2020 at 10:06:50 AM MDT

To: commissioners@co.valley.id.us

Subject: Rejection of Proposed Boating Ordinance

Dear Commissioners, I write to ask you to Vote No on the Following Valley County Boating ordinances.

1. 4-5-4-Excessive wake.
- 2.section 8-Noise.(already on books IDAHO CODE 18-6409)
3. 4-5-6 section D-2.(TOO MUCH POWER FOR COMMISSIONERS)

As a Member of our Boating Community I find these Ordinances to Not Improve the experience of all those recreating on the water.

I believe that the current writing of these ordinances are focused on one group of boaters and is not reasonable and well thought out!

Keep in Mind our little portion of that community are working hard to educate others about improving the experience of all who recreate on our waters.

Thank you for considering my request!

Doyle Hartman

From: Patrick Waite <patwaite3@juno.com>
Date: May 19, 2020 at 11:15:55 AM MDT
To: commissioners@co.valley.id.us
Subject: Reject/Reword Proposed Boating Ordinance

I am a landowner in Valley County on Silver Cloud Dr. I am writing to let you know that I hope you reject and then reword the proposed boating ordinance.

In section 4-5-4, the wording of a wake that reaches the 300' no wake zone says "observed or can reasonably be expected to cause damage". That is super vague and able to be interpreted as an officer or person reporting thinking that a certain size wake could cause damage to anything on the shore. It needs to be measurable. I don't think you can measure what is reasonably expected to cause damage or someone might say that they observed a bigger wake than it actually was.

Also, section 8 regarding the noise....if you're on the lake, who says that it's disturbing? Any fisherman that's mad or anyone that doesn't like music? I have been on Lake Cascade and seen groups of people mad at each other because they felt crowded on a small beach area. I am supposing that if one of those groups got mad enough, they could say that the other group's boat music was disturbing, even though they were 300'+ out on the lake. I don't think that you could put a time schedule when music could be played so I just think it a difficult subject when talking about noise being disturbing.

I would recommend rejecting the proposed boating ordinance and fine tune the wording.

Thanks for working for Valley County and good luck with this ordinance.

Patrick Waite

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:40 AM
To: Cynda Herrick
Subject: Fwd: Opposition to Proposed Boating Ordinance

FYI

Begin forwarded message:

From: Tyrell McKibben <tyrell@prestigewatersports.com>
Date: May 20, 2020 at 4:12:41 PM MDT
To: "<commissioners@co.valley.id.us>" <commissioners@co.valley.id.us>, Dave Bingaman <dbingaman@co.valley.id.us>
Subject: Opposition to Proposed Boating Ordinance

Dave, Sherry and Elt,

First off, Dave, thank you for taking the time to respond to that mass email that Matt Rissell blasted you with. He is a good friend of mine and former customer (he bought a new Paragon from Idaho Water Sports this spring, some friend eh? 😊), so I know how aggressive he can be. You handled his email very well.

I own Prestige Water Sports in Boise, and started my dealership in 2006 because I felt there was not enough attention being paid to customer service and investment in the boating community. I know you guys are overloaded with the scope of your job, and this ordinance is one of many items that you guys have deal with. I don't want to pretend that I understand all of the issues that you deal with each day. But as a recreator and business owner who is 100% invested in the lake lifestyle and community, I have been troubled with how this process has been dealt with over the past year pertaining to this ordinance. I will try to keep this trite, because I know you have a lot to consider.

As most of the people who are giving input, I too have been a nearly lifelong recreator in Valley County. My Grandpa had a condo on the golf course in the 80's and 90's, so we were up there often growing up. My parents shared a cabin at Davis Beach during my jr high thru college years in the late 90's, and during my college years I worked nights with Louie at Luigi's and Lardos and for McCall Brewing Company, and spent the days helping my cousin and uncle (Erekson Outfitters) guide rivers in Riggins. To this day I have friends and family who live and work in McCall, and I am acutely aware of the county's desire to maintain what keeps it so close to my heart – good, respectful people in a pristine location (the best location!). I too want to maintain that, and would never willingly impede on that. However, over the last year I have witnessed the following:

- Impromptu meetings with little notice to the public,
- Facts, in those meetings, compiled by nationwide reputable universities and research centers, which have gone unheeded,
- The sheriffs in those meetings stating that they can't even enforce the current ordinances in effect.

How can we still be in this dialogue if the 2 most important resources are ignored? Shouldn't we address those issues before adding more rules (which contradict published fact) to an already overloaded workforce (sheriffs)?

I agree that there is clearly an issue with uneducated and offensive boaters. To that measure, I have taken it into my accountability to do the delivery drives for almost all of the boats that we sell, which this year will be over 200. I understand this needs to be addressed at the basic level, so I am personally educating each of those customers on how to operate a vessel safely and with respect to others and the environment. I had 2 lakefront customers, so far, who chimed in that they are still frustrated with people not following the 300' protocol – *BUT* they said the offenses went down considerably last year. That is a terrific start, let's keep doing our part to making it happen! And Prestige is willing to be a part of the solution!! We are ready and willing to donate time and money to achieve this.

However, in my opinion, this proposed ordinance does not achieve the desired result. It will only add to the problem, as follows:

- Implementation of the ordinance – last fall your own sheriffs told you to your faces in the meeting that they can't enforce the ordinance currently in place. How are they going to do when you add more vague regulations? (and by the way, I love the current 300' rule – and we are spoiled to have it because it is one of the furthest restrictions in the nation, if not THE furthest).
- Definition of an excessive wake – this puts all the pressure on the sheriff to determine if a wake within 300' is excessive, and he/she is to determine if said wave can cause damage. That is a pretty broad brush stroke, and really puts your sheriffs and their expertise in hydrodynamics under the microscope.
- Infringement on Idahoans rights – this is any easy one; it is unconstitutional for you 3 to give yourselves the rights to pass any laws without the public's consent.
- The ordinance is based on hearsay opinions when the evidence contradicts the "wave" erosion – you have had a year to perform a study, or at least begin the research. To my knowledge none of that has been done. With no factual data, how are we deciding who is right and show is wrong? The researchers at prestigious universities and research facilities have already stated factually, over and over again, that the waves we are referring to dissipate between 150'-225'. They state that wind erosion is far more to blame than surf/wakeboard boat waves. There is also a study done on the Willamette River where they banned wakeboats for a couple mile stretch. The finding? There was NO significant difference in that area compared to areas with wakeboats. Who in Valley County is so much smarter on the subject than these professionals?
- Section 8 on unlawful noise – I can't stand some of these noisy boats, so I understand the frustration. But it seems unlawful to target noisy boat speakers, but not address loud speedboats, 2 stroke outboards, jet skis, etc.

It appears that the ordinance is based at the whim of a specific set of people, and does not encompass the entire community. What is behind this agenda, when all the facts state otherwise?

Tyrell McKibben
(208) 343-1983



Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:39 AM
To: Cynda Herrick
Subject: Fwd: I am sharing 'Document.pdf' with you
Attachments: att32614.htm; Document.pdf

FYI

Begin forwarded message:

From: "Douglas Miller" <dmiller@co.valley.id.us>
Date: May 21, 2020 at 7:19:01 AM MDT
To: "Sherry Maupin" <smaupin@co.valley.id.us>, "Dave Bingaman" <dbingaman@co.valley.id.us>, "Elt Hasbrouck" <ehasbrouck@co.valley.id.us>
Subject: Fwd: I am sharing 'Document.pdf' with you

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

From: Nichol Black <nb2470@msn.com>
To: "dmiller@co.valley.id.us" <dmiller@co.valley.id.us>
Date: Wed, 20 May 2020 22:25:07 +0000
Subject: I am sharing 'Document.pdf' with you

May 26 Valley County Waterways ordinance comments for meeting

Shared from Word for Android
<https://office.com/getword>

Sent from my Verizon, Samsung Galaxy smartphone

To whom it may concern,

We are homeowners on Payette Lake and are strongly opposed to any changes in regulations or any restrictions placed on those who choose to use our waterways. We are in no way adversely affected by any type of watercraft operating on our lake. Idaho (Valley County) is a beautiful place to live and recreate and to have rights taken from us which we have always taken for granted seems unconstitutional to say the least. Let's keep our conservative values in place. And for those who are not natives to Idaho, remember what drew you here in the first place. Thank you for allowing us to voice our opinions in this matter.

Brian Black

Bgb@ameritelinns.com

208-871-0505

Nb2470@msn.com

208-440-2470

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:37 AM
To: Cynda Herrick
Subject: Fwd: Comments on the Proposed Waterway Ordinance 20-XX

FYI

Begin forwarded message:

From: John Sommerwerck <JPSommerwerck@msn.com>
Date: May 20, 2020 at 11:08:46 PM MDT
To: 'Valley County Commissioners' <commissioners@co.valley.id.us>
Cc: "'dmiller@co.valley.id.us'" <dmiller@co.valley.id.us>, "Nancy J Sommerwerck (njsnomad@msn.com)" <njsnomad@msn.com>
Subject: Comments on the Proposed Waterway Ordinance 20-XX

As full time residents of Lake Cascade lakefront property, my wife & I would like to offer our input on the proposed ordinance.

WE ARE OPPOSED TO THE ORDINANCE AS WRITTEN! I am
referencing: <http://www.co.valley.id.us/wp-content/uploads/2020/04/Draft-of-Valley-County-20-XX-Boating-Ordinance.pdf>

While the proposed ordinance is an improvement over 19-05 (see my comments below on the flaws of 19-05), it still is flawed.

Our concerns are as follows:

- 4-5-5: Section 12:
 - "...the speed limit shall be that which is reasonable and prudent..." Reasonable and prudent are arbitrary in definition. This will, our opinion, cause unwarranted ticketing. One man's too fast is another's too slow. More granularity/specificity are required.
 - "...an excessive, dangerous, or damaging wake." Again, this is arbitrary. Who is to say that when wakes are compounded by successive boats who is at fault? The boat owner and landowner will, by nature have two opposing views. This leaves it up the deputy to adjudicate. Again, more granularity/specificity are required.
- 4-5-6: A: it is not clear to me where the main part of Lake Cascade begins and Lake Fork , Boulder Creek Gold Fork end.

Other issues:

- The Ordinance purports to have worked with the Valley County Waterways Advisory Committee. We Google'd same, and searched the Valley County website and found NO references. Who is on this committee? What are their credentials? What did they recommend? What is the basis for their recommendations? **This is a repeat issue from last year. Why can't this information be provided?**
- The Ordinance notes that one of the sources for input was the US Bureau of Reclamation (BoR). Previously, our property values were adversely impacted by a poorly / expediently crafted BoR regulations on Lake Cascade docks. We question any input

that BoR may have given, without the opportunity to review same. **This is a repeat issue from last year. Why can't this information be provided?**

- Please make available the input used and the source of said input, in the crafting of this ordinance. **Does this require a Freedom of Information request?**

Conclusion: We believe Ordinance should NOT be adopted and further study be undertaken.

Thank you for the opportunity to share our thoughts and opinions.

John & Nancy Sommerwerck
12995 Sandy Drive
Donnelly, ID
208-270-0349

From: John Sommerwerck <JPSommerwerck@msn.com>

Sent: Sunday, April 14, 2019 1:39 PM

To: Valley County Commissioners <commissioners@co.valley.id.us>

Cc: dmiller@co.valley.id.us; Nancy J Sommerwerck (njsnomad@msn.com) <njsnomad@msn.com>

Subject: Comments on the Proposed Waterway Ordinance 19-05

As full time residents of Lake Cascade lakefront property, my wife & I would like to offer our input on the proposed ordinance.

WE ARE OPPOSED TO THE ORDINANCE AS WRITTEN!

Our concerns are as follows:

- The 24" wake limitation is capricious and unenforceable. All water ski boats create a 24"+ wake upon accelerating to planning speeds. We would note, our waterski boat, on plane, creates approximately 7" wake. The proposed ordinance suggests, that water ski boats must idle out to the 1000' limit before proceeding. Is this what you intended? We hope not!
- The ordinance does not address issues impacting Lake Cascade, such as noise pollution. As a lake front property owner we are often impacted by unmuffled boat engines and loud directional speakers. Why wasn't this issue addressed?
- The No Wake Zone for Boulder Creek is arbitrary. Why limit wakes here?
- Lake Cascade has an average annual draw down of twelve (12) feet. As a result the shoreline is constantly being redefined. How will the 'shoreline' be defined? We would note 'shoreline' is notably absent from 4-9-5 DEFINITIONS. Yet, the ordinance writers feel ADULT should be defined.

It is not clear to us why there is a need for a new ordinance.

- Shoreline erosion has been an issue on Valley County waterways for a while. Yet, I have seen no studies suggesting this is primarily due to 'wake boats.' This seems to be a directed action against said boats. Without facts, it could be contended that weather causes more shoreline erosion than wake boats.
- On Lake Cascade, the eastern shoreline has more evidence of erosion than the western shoreline of the lake. This would support an argument that weather is the primary culprit.

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:35 AM
To: Cynda Herrick
Subject: Fwd: Waterway Ordinance

FYI

Begin forwarded message:

From: Bob Wood <bobnkip@gmail.com>
Date: May 20, 2020 at 9:28:18 PM MDT
To: commissioners@co.valley.id.us
Subject: Waterway Ordinance

Hello to whomever this may concern,

1. Payette Lake has completely different usage than pretty much all of the other lakes in valley county.
2. I lived here 20 years and have never had any erosion or damage to our dock and beach from boating waves. Thunderstorm waves look to have more potential to damage the dock than the boat waves.
3. I'm 81 years old and still enjoy wakesurfing, paddle board, kayaking and swimming which I have been able to do on this lake even with the current laws. I think it would be very damaging for the community to have any restrictive regulations towards boating on Payette Lake.

Thank you,
Bob Wood

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:34 AM
To: Cynda Herrick
Subject: Fwd: No Wake Safe Zones

FYI

Begin forwarded message:

From: Katie Warner <katiwarnar727@gmail.com>
Date: May 20, 2020 at 8:32:29 PM MDT
To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>
Subject: No Wake Safe Zones

To the Valley County Commissioners,

I am writing in opposition to the proposed ordinance calling for no-wake safe zones on Payette Lake, as well as the possible ramifications for anyone who creates a wake within the zone that may cause damages.

I believe the feasibility of enforcing such an ordinance is difficult. Determining the liability and damage done to one's property by a wake, and specifically determining the boat that caused such damage will be difficult and lead to conflicts not easily resolved. It will also create an environment amongst our lake front community of blame and hostility.

I also oppose this ordinance because I believe it will put wake surfers and other Payette Lake recreationalists at risk. Due to the nature of wake surfing, with surfers often falling frequently, it is often safer to boat in areas to the side of the lake, out of the way of other boats and jet skiers. If no wake zones are approved it will force surf boats into more congested areas, putting surfers and other boaters at risk. It will also limit surfers to areas of rougher water which are not well suited for the sport.

I believe this ordinance, if passed, will put people at risk and also has the potential to harm the local watercraft industry. With wake surfing being one of the largest sectors of water sports, this will turn people away from coming to enjoy our beautiful lake and supporting our local economy.

As our wonderful community attempts to recover from losses due to COVID-19, we should be working to ensure a welcoming environment for the summer season, not pushing away boaters to other parts of the state.

I oppose the passing of ordinances limiting Payette Lake to 300 feet no wake zones, as well as any definition of excessive, dangerous, or damaging wakes.

Sincerely,
Katie Warner

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:33 AM
To: Cynda Herrick
Subject: Fwd: Waterways

FYI

Begin forwarded message:

From: Chad Lloyd <chad.lloyd.g@gmail.com>
Date: May 20, 2020 at 6:06:11 PM MDT
To: commissioners@co.valley.id.us
Subject: Waterways

Dear Valley County Commissioners,

I am writing in regards to the new proposed waterways ordinance. I wanted to get some more information backing the reasoning behind the new ordinance.

I've done some of my own research trying to find the factual info showing the damage of a surf wave or how to measure it. All the research I am finding show surf waves energy actually does not carry as far as a boat at speed. The waves are far too steep and they topple after a short distance. A boat at speed has a wave with much more energy that would carry to the shoreline. Additionally, I am finding studies that suggest a 10 mph wind has a much greater energy and impact on a shoreline/dock than a surf wave at 300 feet away. Have you read similar studies?

What factual studies have been done to back the ordinances proposed? It seems to be many different arbitrary numbers thrown out that have no backing. I am just curious the reasoning or research behind what is being suggested. How can a ordinance be put into place with nothing backing it that affects so many people? I feel if the current laws are enforced properly they will protect shorelines, boaters, and docks. It is not a lack of needing new laws to protect shoreline, maybe we just need more education to boaters and enforcement on the current laws. Have you looked into what can be done to better educate current boaters in the area? We are happy to help!

As far as docks being damage, how do we know that is not from natural causes? Have the age of the docks deemed as damaged from wakes been examined? If a dock is of a age and someone it not maintaining the dock it is very easy for them to point the finger at someone else why it is breaking. Realistically the dock is likely deteriorating due to natural causes and age.

I also have concerns for the local economy in Valley County. I have heard from countless boaters outraged with the potential changes and looking into rescheduling summer trips to other locations. I would think summer boaters are a huge revenue for the area being a popular vacation destination.

Hopefully we can come up with a solution to better educate boaters and to enforce the laws already in place. Additional regulations is not the answer. If the new ordinance is even being considered additional research should be required backing those ordinances.

I appreciate your time.

Thanks,

Chad Lloyd

Prestige Water Sports

2820 W. Main St. Boise, ID 83702

p: 208.343.1983

c: 208.863.9995

chad@prestigewatersports.com

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:33 AM
To: Cynda Herrick
Subject: Fwd: Concerns with Proposed Boating Ordinance

FYI

Begin forwarded message:

From: Zyon Cleverley <cleverley.zyon@gmail.com>
Date: May 20, 2020 at 5:44:52 PM MDT
To: "commissioners@co.valley.id.us" <commissioners@co.valley.id.us>
Subject: Concerns with Proposed Boating Ordinance

Hello,

I am an avid boater and I am extremely concerned with the new proposed ordinance.

1. I believe you are taking extremes with enforcing rules such as noise. While in the middle of the lake I believe I should be able to enjoy music with my family
 2. The wake zone ordinance is a complete mess. How do you plan to enforce this? It's a very vaguely worded ordinance and there is too much room for misinterpretation.
 3. Remember that you should be gathering opinions and addressing a community as a whole. This seems tailored towards certain individuals and remember the entire population a county Has.
- Again I am NOT for this proposed ordinance

Zyon Cleverley

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:32 AM
To: Cynda Herrick
Subject: Fwd: Valley county lakes

FYI

Begin forwarded message:

From: Kade Kalivas <kadecalivas@yahoo.com>
Date: May 20, 2020 at 5:32:32 PM MDT
To: commissioners@co.valley.id.us
Subject: Valley county lakes

Hi,

We have owned a cabin in Donnelly for 20 years, our primary residence in the summers. We boat and enjoy/share the lake with many others. Over the last 20 years we have used the same areas of the lake and observed many cabins and beaches as well. Although we are not experts on the science behind erosion(some of which is inevitable) at our cabin as well as others there has never been any obvious erosion or issues. We enjoy music in the boats some louder then others but never had one complaint from neighbors.

On the flip side we have some of our best memories and experiences on cascade lake and would hate not to continue to have/share more. This lake and boating is the highlight of many of our family members. It is a get away, a place to rest our minds And forget about the stressful days of work/life. With out recreational fun on this lake I feel that we would not be able to mentally decompress as well as we do.

Another note: these actions would directly affect property values and cash flow into the town as well as other towns involved. Thus, resulting in less tax money and property taxes. In turn less money to keep our state up to date and beautiful. Which I assume you guys already know.

Thanks for your time

[Sent from Yahoo Mail for iPhone](#)

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:32 AM
To: Cynda Herrick
Subject: Fwd: Reject Proposed Ordinance

FYI

Begin forwarded message:

From: Joshua Knight <knightjoshua@ymail.com>
Date: May 20, 2020 at 5:15:41 PM MDT
To: commissioners@co.valley.id.us
Subject: Reject Proposed Ordinance

Hello,

I am a common boater of Payette lake and I am very concerned with the new ordinance you are attempting to propose. I appreciate your time, effort, and intentions BUT I think this ordinance is extremely vague and does not correctly address our situation. This ordinance will drastically change my family's boating lifestyle in a negative way. I believe you guys have taken some measures to an extreme including the section in the ordinance extending no wake zones as well as limiting our ability to enjoy music on the water. I think you should take some more time to address the population as a whole rather than select individuals while drafting this ordinance. Again, I am against this ordinance and hope you take the time to better help out the community as a whole.

Josh Knight

Sent from my iPhone

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Thursday, May 21, 2020 7:31 AM
To: Cynda Herrick
Subject: Fwd: Objection to the watercraft ordinance

FYI

Begin forwarded message:

From: "Stan Fornander@cableone.net" <stanfornander@cableone.net>
Date: May 20, 2020 at 4:44:40 PM MDT
To: <commissioners@co.valley.id.us>
Subject: Objection to the watercraft ordinance

Commissioners,

I want to advise that as a homeowner with a place on Cascade Lake that I strongly object to the proposed watercraft ordinance being proposed.

First, this issue was thoroughly discussed and resolved in 2018 and has worked well since that time. I feel that you are revisiting this every few years due the influence of a very few advocates who have an agenda that is not in the best interest of the majority of the homeowners on the lakes. The proposed ordinance would make the use of the Boulder Creek arm on lake Cascade total unusable. It would destroy the enjoyment of our property and greatly reduce the value of the property due to the restriction of not being able to access our docks and property as we can do now.

In addition, I feel that you are now proceeding to move this forward without a proper public hearing where homeowners can be heard and the issue discussed reasonably. You know now that there can be no proper public hearings given the current state of the shut down due to COVID 19. I think you are opening up the possibility of lawsuits regarding this decision which will cause additional expense to the county and result in additional property tax increases. We are already being taxed to the max without spending additional funds on an issue that is not a problem.

Please table this agenda item until it can be discussed in an open forum with proper input from the homeowner who will be most affected by this ordinance. Step back and take the time to address this in the right way.

Respectfully,

Stanley Fornander
208-859-9078

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Wednesday, May 20, 2020 10:00 PM
To: Cynda Herrick
Subject: Fwd: Objection to the Watercraft Ordinance

FYI

Begin forwarded message:

From: Bob Wheeler <bobwheeler180@gmail.com>
Date: May 20, 2020 at 3:35:51 PM MDT
To: Dave Bingaman <dbingaman@co.valley.id.us>, commissioners@co.valley.id.us
Subject: Objection to the Watercraft Ordinance

Dear Commissioners,

My name is Bob Wheeler and like some of the others commenting, I was born in Idaho and our family has owned property on or around the lake for 4 generations. We currently own a cabin near Warren Wagon and our boat is moored at Shore Lodge.

Our family along with many others, spends as much time on the lake as possible during the few months that weather permits. What is driving the need for more regulations on the current situation? The lake is small and enforcing current policies and using common sense to regulate those clearly violating laws seems like a reasonable solution. The new ordinance will only create more confusion and questions than it will correct whatever behavior or damage that is the Counties concern.

I think it is clear that all responding are wanting some input before laws and regulations make the lake less enjoyable for all. Over the years of spending considerable time on the lake, it has been on rare occasion that people are out of line, dangerous or overly loud.

Thank you,

Bob Wheeler
1311 Jasper
McCall, Idaho

--

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Wednesday, May 20, 2020 10:01 PM
To: Cynda Herrick
Subject: Fwd: Rejection of Proposed Boating Ordinance

FYI

Begin forwarded message:

From: Theresa Collingham <theresacollingham@yahoo.com>
Date: May 20, 2020 at 3:25:30 PM MDT
To: commissioners@co.valley.id.us
Subject: Rejection of Proposed Boating Ordinance

Our family has had a cabin in Donnelly for over 20 years.

We STRONGLY oppose the proposed ordinance and urge the commissioners not to pass.

We are on the lake and enjoy the water, boating and all the recreation it provides.

PLEASE do NOT pass this ordinance.

Respectfully

George and Theresa Collingham

Sent from my iPhone

Cynda Herrick

From: Elt Hasbrouck <ehasbrouck@co.valley.id.us>
Sent: Wednesday, May 20, 2020 7:18 AM
To: Cynda Herrick
Subject: Fwd: Boating Ordinance

FYI

Begin forwarded message:

From: Greg Ferguson <fergie1111@me.com>
Date: May 20, 2020 at 6:59:10 AM MDT
To: commissioners@co.valley.id.us
Subject: Boating Ordinance

Greetings Commissioners,

I'm opposed to the Boating Ordinance as it is written. Specifically:

Section 4-5-4 as written is too vague when it address wake size and damage. I would support the 300 foot no wake zone, but when you add the verbiage that makes it illegal to produce a wake outside the established 300 foot wake zone that is observed or reasonable expected to cause damage within the 300 foot zone is impossible to define, let alone enforce. It feels like you are opening the door to a ban on wake boats and surfing. I know you are under pressure from a vocal minority and lakefront owners, but this flies in the face of what we Idahoans believe in. Keep it at a 300 foot no wake zone. Simple and addresses all parties. This CANNOT BE ENFORCED.

Section 4-5-6 D2 gives too much power to the commissioners. We should have public comment before laws are passed in our county effecting all of our citizens. Don't let the vocal out of state minorities take over our county.

Section 4-5-5 B2B: I think the idea is to mitigate the risk of inexperienced drivers from causing mishaps on the water. Setting an age limit isn't a bad idea, but you also have to address how to mitigate this risk. I could find dozens of 15 year olds that can drive a car and a boat better than some 30 year olds. Age is totally arbitrary. I would it written as having a drivers license and have passed a boaters safety course if you are under the age of 18. If you are older than the age of 18 you have to pass a boaters safety course. This mitigates the risk for all boat drivers. Boaters safety courses are online and can be completed in a few minutes. I guarantee you this will save more mishap dollars and lives than banning 15 year olds from taking the boat out. If you are serious about making these lakes safer, then do it.

As a measure to help with overcrowding charge a boat launch fee, or a season pass in Payette lake. This can raise revenue that can be put back into boater education and safety. I would also like to see a limit to the number of boats that can launch in a given day. The boat launch fee could pay for an employee to count boats at the launch similar to a bouncer at the night club. If Payette Lake is full they can wait until a boat comes out or go to Lake Cascade. With the growth Boise is seeing the last few years this issue will need to be addressed sooner than later. I can't believe we have to pay to launch a boat in nearly every other body of water in Idaho, and not Payette Lake. This can be ENFORCED.

As far as the issue with boat wakes - write in the ordinance that no surfing on the lake before 11am. This will allow the skiers/paddleboarders/kayakers/swimmers/land owners a peaceful time during the day they can count on and plan around. This can be ENFORCED.

Thank you for your time.

Other Response

From: David Claiborne <david@sawtoothlaw.com>
To: "dmiller@co.valley.id.us" <dmiller@co.valley.id.us>
Cc: "lhunter@co.valley.id.us" <lhunter@co.valley.id.us>, Sandra Mitchell
<smitchel@alscott.com>, Shay White <westernwhitehouserepair51@gmail.com>
Date: Wed, 20 May 2020 02:40:50 +0000
Subject: RE: proposed Valley County Waterways Ordinance

Mr. Miller –

Attached please find supplemental comments of the Idaho Recreation Council to the Waterways Ordinance proposal.

Thank you,

David P. Claiborne

SAWTOOTH LAW OFFICES, PLLC

david@sawtoothlaw.com

www.sawtoothlaw.com

Telephone: (208) 629-7447 ext. 213

Facsimile: (208) 629-7559

P.O. Box 7985, Boise, Idaho, 83707

Boise Office

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Boise, Idaho 83707
Tel. (208) 629-7447

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1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office

236 River Vista Place
Suite 301
Twin Falls, Idaho 83301
Tel. (208) 969-9585

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(208) 629-7559



SAWTOOTH LAW

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Katie L. Vandenberg

Andrew J. Waldera **

James R. Bennetts (retired)

Attorneys licensed in Idaho
** Also licensed in Washington*
*** Also licensed in Oregon*

Tuesday, May 19, 2020

Douglas Miller
Valley County Clerk
P.O. Box 1350
Cascade, Idaho 83611
via Email to dmiller@co.valley.id.us

RE: Proposed Valley County Waterways Ordinance
DRAFT ORDINANCE # 20-XXX

Dear Mr. Miller:

This office represents the Idaho Recreation Council ("IRC"). IRC, through this office, has previously submitted comments relative to the above-noted matter. IRC has also taken note of the County's invitation to participate in public hearing and to submit comments, accessible at –

<http://www.co.valley.id.us/wp-content/uploads/2020/04/Board-Waterway-Ordinance-May-26-2020.pdf>.

This "invitation" indicates that all comments must be received no later than May 20, 2020. It then goes on to state that "[i]f you do not submit a comment, we will assume you have no objections to the proposals." IRC believes it constitutes a procedural error to foreclose comments after May 20, 2020. Additionally, IRC believes it is wholly improper to pre-judge the decision and stack the deck in favor of passive consent to the proposal by means of electors and other interested parties' lack of submission of comments by May 20, 2020. There is no basis in municipal law, election law or administrative law for the concept of subscribing a "no objection" position to an entire public based on their lack of comment to an invitation of which they may or may not have been aware. To the contrary, votes and positions can only be determined from a count among those active participants.

Proceeding in the manner the County states in its "invitation" – subscribing assent to non-participants in a public process – constitutes procedural error and taints the entire process. At this point, it is clear the County has already decided its course and destination, has decided to violate procedural norms, and as such leads any eventual ordinance that may be adopted through the current process susceptible to

collateral attack due to the procedural irregularities. It is disappointing that this tact has been chosen, but it appears irreversible at this point given the arbitrary comment deadline of May 20, 2020 for a decision that will not be rendered for some time thereafter.

IRC wishes its objections noted for the record in order to preserve rights to raise this issue, among others, in the event an adopted ordinance must be challenged based on process or substance. Thank you for the opportunity to comment.

Very truly yours,



David P. Claiborne
david@sawtoothlaw.com

cc: Sandra Mitchell, via email