

# Waterways Advisory Committee Minutes

Thursday October 17, 2024 @ 9:00 a.m.

Commissioners Conference Room – 3<sup>rd</sup> Floor

1500 Hwy 2, Ste. 338, Sandpoint, ID 83864

Members Present: Matt Zoeller, Ray Pipella, Molly McCahon, Win Taylor, Tom Trulock, Jim Brausen – Zoom, Forrest Schuck - Zoom

Members Absent:

Others Present: Sgt Craig Ross, Kerry Delair, Commissioner Asia Williams

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Matt opened the meeting at 9:00 a.m. Does anyone present need assistance to hear, see or participate in these proceedings?

Ray made a motion to approve the WWAB minutes from April 18, 2024, July 18, 2024, & August 15, 2024. Tom seconded. All in favor, the motion carries.

**Public Comment** - None

## **Parks & Waterways Updates/Reports**

A) Matt Zoeller, Director

a) Welcome Winthrop Taylor

b) ORFAC Grant-Priest Lake Navigation Lights/Granite Creek Dock

Discussed grant for fixing nav lights at Priest Lake. Applied for ORFAC Grant and the Granite Creek dock project. Discussed grants and pilings up at Priest Lake. Once new pilings are in then our guys can do maintenance and upkeep. Discussion regarding nav lights.

c) WWAC Resolution voted on in early spring-continuing business/adapting

Briefly discussed the bylaws and how the meetings go for the time being and using the time at the meetings best. Matt wants to stick with the current bylaws and quarterly schedule.

B) Lt. Doug McGeachy, Marine Division (Sgt. Craig Ross standing in for Doug) nothing to report.

## **New Business: Action Items / Discussion / Decision / Recommendation**

A) Buoys

a) Requests, a 3-document process by WWAC/Bonner County

Present the new application/process. This has been approved by legal. Will need to go before the commissioners. Brief discussion regarding the process and the due date. Hoping that this process will streamline the process. Discussion on already approved permits. Working with IDL.

Questions on the appeal process and why it was removed. Matt said this is currently a draft and living document that can be changed.

Any person needing **special accommodations** to participate in the above-mentioned meeting should contact the Commissioner's Office 48 hours prior to the meeting by calling (208)265-1438.

b) Illegally Placed-Should IDL be in charge of illegally placed buoys?  
Constant issue, not easily removed, IDL Matt will reach out to IDL. Ray said some of these are placed due to denials.

**Old Business: Action Items / Discussion / Decision / Recommendation**

**A) County Boat Registration Flyers**

Flyers have been put out/distributed. Kerry placed at the County building. Molly thought the County was placing them at all the launches. This should be in a workshop.

**B) New Buoys: Process, Application Form, & Evaluation  
Discussed**

**Miscellaneous Business: Action Items / Discussion / Decision / Recommendation**

**A) WIF (Waterways Improvement Fund) plans for grants? (Due Jan 31, 2025)**

County does need new vehicles. Ray is on the WIF board, said vehicles are not a priority, the vision is more towards storage and repair facilities, etc. Matt pointed out that the WW boats cannot be on the lake without proper vehicles.

**B) 5-year plan-Visit with Kootenai County**

Matt will go visit with KC and begin a 5-year plan

Meeting was adjourned at 9:55 a.m.

Next meeting: January 16, 2025 @ 9:00 a.m.

A special meeting for December will be scheduled.

Deputy Clerk: Alisa Schoeffel

\_\_\_\_\_  
Approved By

\_\_\_\_\_  
Date

Any person needing **special accommodations** to participate in the above-mentioned meeting should contact the Commissioner's Office 48 hours prior to the meeting by calling (208)265-1438.

# Waterways Advisory Committee Agenda

## Special Meeting: WIF Workshop

Thursday, December 16, 2024, at 1:00 p.m.

Commissioners Conference Room – 3<sup>rd</sup> Floor

1500 Hwy 2, Ste. 338, Sandpoint, ID 83864

Members Present: Matt Zoeller, Ray Pipella, Win Taylor, Tom Trulock, Jim Brausen, Forrest Schuck, Molly McCahon - Zoom

Members Absent: Tom Trulock

Others Present: Kerry Delair

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Matt opened the meeting at 1:05 p.m.

Does anyone present need assistance to hear, see or participate in these proceedings?

Discussion Regarding Applying for Waterways Improvement Funds (WIF) for Potential Projects and Project Costs

Jason Welker, City of Sandpoint: Last WIF grant applied for by City was for Memorial Boat Ramp; Mark Sauter approached the city to apply for a WIF grant for low water access at City Beach and year-round dock for Marine Sheriff boat; for dredging alone it would be approximately \$3 million for dredging alone. Some other projects they are interested in for the City Beach are the docks at the west end need repair and so does the parking lot needs to be repaved. Further discussion regarding City Beach.

Matt discussed the grant award for \$60k (ORFAC)

Ray discussed WIF grants from last year

Matt brought up the need for a tow rig, in the \$60-80k range. That is the only thing the County would be going for at this time. Ray said he hasn't seen a vehicle approved for a WIF grant.

Molly asked if we knew how much grant money was available. Discussion followed. Believes a feasibility study should be done for a Marine Sheriff boat year-round at City Beach.

Brief discussion on lake levels year-round depending on the dam. This problem is elevated within the Army Corp.

Overall, the committee is in favor of repaving or new docks at City Beach.

Meeting was adjourned at 1:55p.m.

Next meeting: January 16, 2025 @ 9:00 a.m.

Deputy Clerk: *Alisa Schoeffel*

Any person needing **special accommodations** to participate in the above-mentioned meeting should contact the Commissioner's Office 48 hours prior to the meeting by calling (208)265-1438.

\_\_\_\_\_  
Approved By

\_\_\_\_\_  
Date

DRAFT

Any person needing **special accommodations** to participate in the above-mentioned meeting should contact the Commissioner's Office 48 hours prior to the meeting by calling (208)265-1438.

Jan. 7, 2025

To: The Bonner County Waterways Advisory Committee

From: Pend Oreille Lake & River Water Trail Project Group (Kaniksu Land Trust; Project 7B; Kalispel Tribe; Bonner County Historical Society and Museum)

RE: Jan. 16, 2025, Agenda Item for the Waterways Advisory Committee Meeting

Actions requested from the Waterways Advisory Committee:

1. To recommend to the Bonner County Commissioners that Bonner County conduct a Right-of-Way Validation to confirm public access to the Pend Oreille River at the west end of West Cedar Lane;
2. Once confirmed, the county apply for an after-the-fact encroachment permit for the existing dock and access through the Idaho Department of Lands.

Background:

The Kaniksu Land Trust, Kalispel Tribe, Bonner County Historical Society and Project 7B are collaborating on documenting public access sites, both managed for recreation and undeveloped, on the Pend Oreille River and Lake Pend Oreille for the purposes of developing a water trail that would serve primarily non-motorized users either now or in the future. We have become aware that there is also a need to preserve lesser known public access for use by area residents.

Using a map developed by a GIS expert and publicly available property maps, the group went on a boat tour to inventory and ground truth all the public sites we could locate. During a tour of the river in late summer, the group encountered a dock and boat ramp at the end of a county road. What appeared to be a public launch site was blocked by a cable and lock, placed across the end of the public right of way by a neighboring landowner. The site also has a U.S. Army Corps of Engineers invasive species prevention sign on a post with a new No Trespassing sign attached below it.

The location is at the end of West Cedar Lane, on the south shoreline of the Pend Oreille River, between Albeni Falls Dam and Strong Island. West Cedar Lane is accessed from Old Priest River Road and Cedar Lane, and is a residential neighborhood platted in 1961 as Double D Lakeview Tracts. The plat shows West Cedar Lane ending at the inlet where the dock and launch is located. The plat also shows an easement line at the end of the road that demarcates a perpetual right of way easement to "overflow, flood and submerge the same, conveyed to the United States of America, in connection with Albeni Falls Dam project..."

Upon visiting with the Idaho Department of Lands Navigable Waters, we learned the launch and dock are unpermitted encroachments, and that Double D Lakeview neighborhood representatives had already been to the IDL to complain about the cable

lock blocking access to the dock. The IDL staff we spoke with agreed that it appears to be county property. IDL staff suggested that the county apply for an after-the-fact encroachment permit for the dock and boat launch, which only requires a \$75 fee and some paperwork.

Therefore, to clear up any questions regarding ownership, we have been advised that the most straightforward course of action is for the county to conduct a Right-of-Way Validation, which is essentially a survey to determine who has ownership of the riparian area that connect the road to the unpermitted encroachments. (Pursuant to 40-203A) Therefore, we are coming to the Waterways Advisory Committee to request that you recommend to Commissioner Asia Williams, the current chair of the Bonner County Board of Commissioners, to authorize the survey to confirm ownership.

Once that's settled, we request that the County Parks and Waterways Director apply for an after the fact encroachment permit to make the dock and launch legal encroachments.

We are making this request to the county now, because we are concerned that without county action, this public access point could be lost to the public. This is one of a few locations we found while touring the waterfront where it appears that neighboring property owners are making a claim to public spaces. We are in the process of learning the best way to approach and resolve these situations.

Attachments:

- A) Locator Map
- B) Plat Map
- C) Photo of Launch/Dock Site



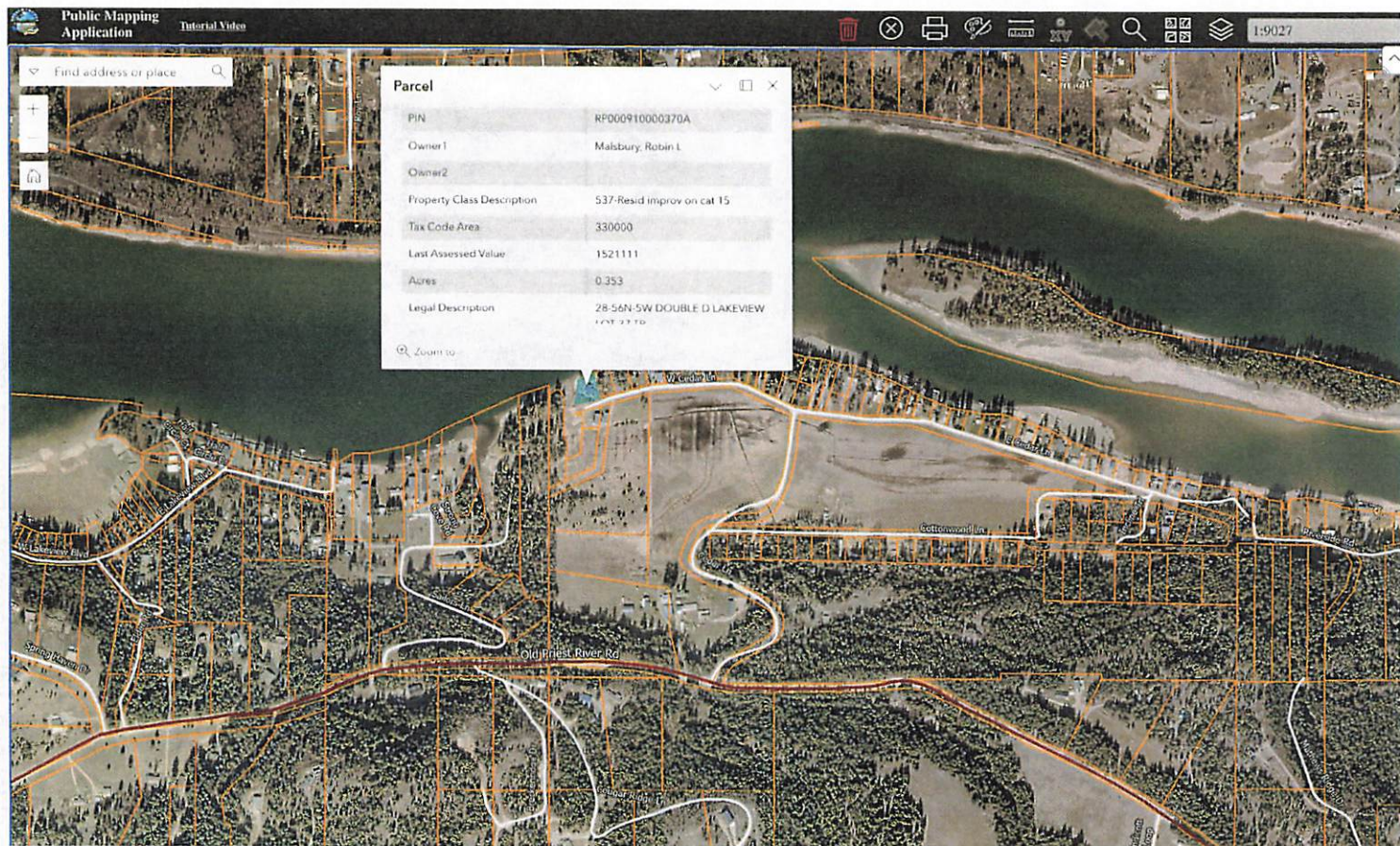




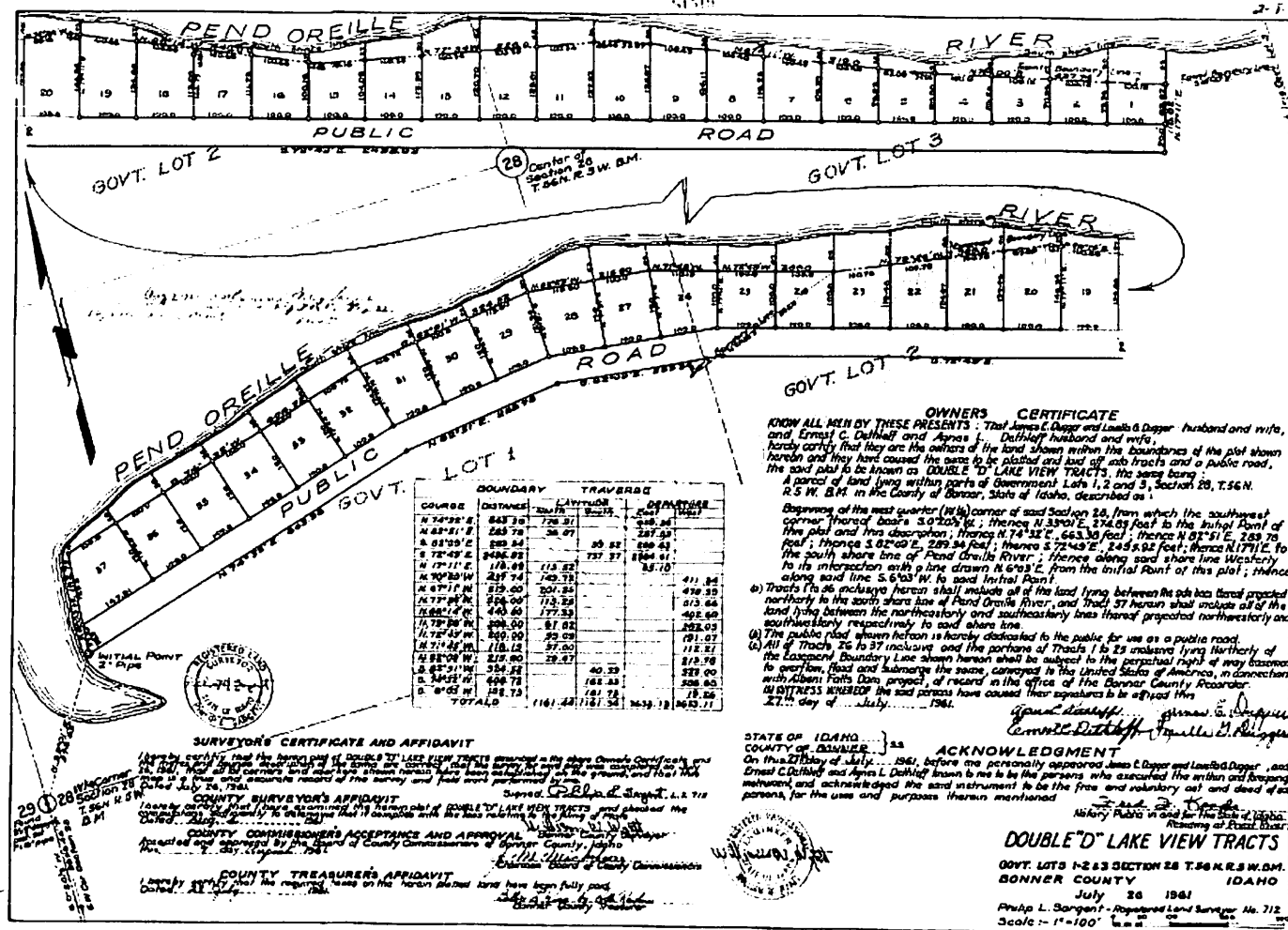


Photo of existing sign at launch with Corps of Engineers logo





Photo from shore of launch/cable/private property sign



**OWNERS CERTIFICATE**  
 KNOW ALL MEN BY THESE PRESENTS: That James C. Dwyer and Louisa C. Dwyer, husband and wife, and Ernest C. Dethleff and Agnes J. Dethleff, husband and wife, hereby certify that they are the owners of the land shown within the boundaries of the plot shown hereon and they have caused the same to be plotted and laid off into tracts and a public road, the said plot to be known as **DOUBLE "D" LAKE VIEW TRACTS**, the same being a parcel of land lying within parts of Government Lots 1, 2 and 3, Section 26, T.56N. R.3W. B.M. in the County of Bonner, State of Idaho, described as:

Beginning of the west quarter (1/4) corner of said Section 26, from which the southwest corner thereof bears 3.07° 20' E., 374.03 feet to the initial point of this plat and this description; thence N. 74° 32' E., 663.30 feet; thence N. 67° 51' E., 283.79 feet; thence S. 82° 05' E., 289.84 feet; thence S. 78° 45' E., 245.92 feet; thence N. 17° 11' E. to the south shore line of Pend Oreille River; thence along said shore line westerly to its intersection with a line drawn S. 6° 05' E. from the initial point of this plat; thence along said line S. 6° 05' W. to said initial point.

6) Tracts 1 to 36 inclusive herein shall include all of the land lying between the said line located projected northerly to the south shore line of Pend Oreille River, and tract 37 hereon shall include all of the land lying between the north-easterly and southeasterly lines thereof projected northerly and southwesterly respectively to said shore line.

7) The public road shown hereon is hereby dedicated to the public for use as a public road.

8) All of Tracts 26 to 37 inclusive and the portions of Tracts 1 to 25 inclusive lying northerly of the proposed Boundary Line shown hereon shall be subject to the perpetual right of way easement to overflow, flood and submerge the same, conveyed to the United States of America, in connection with Albert Falls Dam project, of record in the office of the Bonner County Recorder.

WITNESS MYSEAL the said process have caused their signatures to be affixed this 27th day of July, 1961.

*James C. Dwyer*  
*Ernest C. Dethleff*  
*Louisa C. Dwyer*  
*Agnes J. Dethleff*

**SURVEYOR'S CERTIFICATE AND AFFIDAVIT**  
 I hereby certify that the boundaries of DOUBLE "D" LAKE VIEW TRACTS described in the above Certificate and plat, 1961, were correctly surveyed and the same are correct, and that the same are correctly shown on the map and plat of this survey and that the same are correctly shown on the map and plat of this survey and that the same are correctly shown on the map and plat of this survey.

**COUNTY SURVEYOR'S AFFIDAVIT**  
 I hereby certify that I have examined the map and plat of DOUBLE "D" LAKE VIEW TRACTS and find the same to be correct and that the same are correctly shown on the map and plat of this survey and that the same are correctly shown on the map and plat of this survey.

**COUNTY COMMISSIONERS ACCEPTANCE AND APPROVAL**  
 Accepted and approved by the Board of County Commissioners of Bonner County, Idaho, this 27th day of July, 1961.

**COUNTY TREASURER'S AFFIDAVIT**  
 I hereby certify that the required taxes on the herein stated lands have been fully paid.

**STATE OF IDAHO**  
**COUNTY OF BONNER**  
 On this 27th day of July, 1961, before me personally appeared James C. Dwyer and Louisa C. Dwyer, and Ernest C. Dethleff and Agnes J. Dethleff known to me to be the persons who executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said persons, for the uses and purposes therein mentioned.

**ACKNOWLEDGMENT**  
 Notary Public in and for the State of Idaho  
*Frank J. Dwyer*

**DOUBLE "D" LAKE VIEW TRACTS**  
 GOVT. LOTS 1-2-3 SECTION 26 T.56N. R.3W. B.M.  
 BONNER COUNTY IDAHO  
 July 26 1961  
 Philip L. Sargent - Registered Land Surveyor No. 712  
 Scale - 1" = 100'



### **Bonner County Waterways Regulatory Buoy Application Process**

1. Fill out the Waterways Regulatory Buoy Application. Applications can be found Online at <https://www.bonnercountyid.gov/recreation> . The application also can be found in paper form at the Bonner County Waterways Department. Please read through the acceptable conditions before applying. Please include photos, maps and all other pertinent information. **Applications are due by August 1<sup>st</sup>** to be considered in the same calendar year.
2. Bonner County Waterways or the Marine Sheriff will visit the site for an inspection if the request appears to meet the listed requirements. All relevant information and history of the site will be used in determining if the process should move forward.
3. If the application fails to meet the criteria and the request is denied, the requesting party will be notified as soon as possible.
4. If the application is moved forward, the item will be placed on the regularly scheduled October Waterways Advisory Committee agenda. If the application was denied, the requesting party can present their case to the WWAC for reconsideration at the same October meeting.
5. The Waterways Advisory Committee will make a recommendation. The recommendation of the request will be based on the information provided from Bonner County Marine Sheriff or Bonner County Waterways Director. If a denial is recommended, the applicant will be notified as soon as possible.
6. The above-mentioned recommendations will then be presented by the Bonner County Waterways Director to the Bonner County Board of Commissioners for approval. Upon approval, Waterways will submit a joint 404 permit application and all approved buoys will be placed in the spring/summer once it is safe to do so.



## **Bonner County Waterways Regulatory Buoy Application**

Applicants Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Lake/River: \_\_\_\_\_ Latitude/Longitude: \_\_\_\_\_

Description of Location: \_\_\_\_\_

Reason for your Request:

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Type of Buoy: NO WAKE / SWIM AREA / HAZARD \_\_\_\_\_

× Y/N If approved, would you be willing to make a donation to help offset the costs?

### **List of acceptable conditions to warrant a new buoy placement**

- Located on a river bend or lake point where the natural flow of boater traffic is drawn inward.
- Natural or man-made structures cause an issue, concern or realistic danger.
- Located in a channel that's less than 400 feet wide that reasonably can accommodate a boat on a plane.
- Marinas with twenty-five (25) or more slips, and/or having more than 50% of their boating facilities available to the boating public on a first come first serve basis, providing services to the public such as moorage, fuel, and other services.
- Public or "semi-public" swim areas located in high traffic boating areas where more than fifty (50) swimmers may be present. "Semi-public" swim areas may include Boy/Girl Scout camps, church camps, and other 501-C3 non-profit organizations that allow the general public to attend programs and utilize swim areas.
- A permanent underwater hazard is present on a public waterway that should be marked for the safety of the general boating public. Examples: submerged rock formations, sandbars or other permanent natural structures which could cause damage to persons or vessels.

\* Bonner County does not place buoys as a form of erosion control. Erosion issues must be handled by the property owner or agency representative.

\* All buoys that need to be placed for boater safety will be done so at Bonner County discretion with the proper permit from IDL and Army Corps of Engineers.

\* Regulatory markers are a safety apparatus to encourage safe boating practices while minimizing signage, promoting lake aesthetics, and sustaining economic feasibility. Aesthetics is important to Idaho State as well as a county standpoint. No more than four regulatory markers permitted by Bonner County can be placed within a linear mile unless deemed necessary for safety reasons or educational purposes.

### Bonner County

#### **3-105: DISTANCES FOR NO WAKE ZONES ON LAKES AND THE PEND OREILLE RIVER:** *Specific distances set for no wake zones:*

*A. Within two hundred feet (200') from any shoreline, dock, pier, bridge, other structure, or any person in the water, shall be no wake.*

*B. Within fifty feet (50') of any other vessel shall be no wake.*

*C. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)*

**NO WAKE:** *The act of operating any vessel whereby the visible tract of turbulence is not more than six inches (6") or the speed is not more than five (5) miles per hour.*

## Bonner County Waterways Regulatory Buoy Evaluation

**\*\* DEPARTMENT USE ONLY \*\***

**Applicants Name:** \_\_\_\_\_ **Phone #:** \_\_\_\_\_

**Lake/River:** \_\_\_\_\_ **Latitude/Longitude:** \_\_\_\_\_

**Description of Location:** \_\_\_\_\_

\_\_\_\_\_

### One or More of the Following Criteria Needed for Buoy Installation:

Write: (Y/N in box)

- ☐ Is the Regulatory Buoy located in a channel that's less than 400 feet wide that reasonably can accommodate a boat on a plane? Number of buoys recommended \_\_\_\_  
NOTE: (Encourage safe boating practices while minimizing signage, promoting lake aesthetics, and sustaining economic feasibility.)
- ☐ Is the Regulatory Buoy located on a river bend, and/or lake point where the natural flow of boater traffic is drawn inward? (YES/NO circle) Do natural or man-made structures exacerbate the issue, causing concern? (YES/NO circle) Does the area pose a realistic danger? (YES/NO circle)
- ☐ Is the Regulatory Buoy in a public area, defined by having more than 50 percent of the boating facilities available to the boating public as a **first come, first served basis and having one or more public facilities**? Number of buoys recommended \_\_\_\_
- ☐ Is a permanent underwater hazard present on a public waterway that should be marked for safety of the general boating public?
- ☐ Is the Regulatory Buoy located at a marina with 25 or more slips?
- ☐ Does the area pose a **realistic danger** to boaters and public safety and a Regulatory Marker will mitigate the threat?

Reason: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



WW: \*Date: \_\_\_\_\_ Time: \_\_\_\_\_ Boat #'s \_\_\_\_\_ Initials \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

BCSO: \*Date: \_\_\_\_\_ Time: \_\_\_\_\_ Boat #'s \_\_\_\_\_ Initials \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

Authorized Bonner County Representative: \_\_\_\_\_

(Signature) \_\_\_\_\_

Date: \_\_\_\_\_