

Meeting Notes Hayden Lake Watershed Association Inc.
October 27, 2020 Meeting Held In Zoom Platform

Board members present: Geoff Harvey, President; Jan Wilkins, Vice President; Barb Neal, Treasurer; Will Neal, Digital Communications Officer; and Gil Rossner. Absent: Todd Walker and Gloria Lund. Members attending Mary Ann Stoll, Lani and Don Ellingson. In our response to the COVID-19 health emergency and an abundance of caution, the meeting was conducted as a teleconference using the Zoom Platform arranged by Will Neal the Association's Communications Officer. A means was provided on the web-site to include public participation.

Meeting called to order at 6:34 PM

Additions/Deletion to agenda: None

Public Input: Lani and Don Ellingson attended to address the issue of open grazing of cattle on the lakes eastern side. Cattle owned by Bud Vanderbelt whose acreage is between Mokins and McLeans Bays range as far south as O'Rourke Bay.

- The area along the east shore is classified as open range.
- The Ellingsons explained how the cattle range south are getting in the road, getting in the lake and entering resident's property and yards. Both have done extensive research, talked with Commissioner Fillios and a legislator
- Open range laws permit this use of others property, the non-liability for accidents caused by cattle on the roads and Idaho's water quality protections for agricultural activities are very loose.
- The only recourse owners have is to fence their lands and assure those fences hold out cattle. This would be quite the expense for the Ellingson's forty acres especially when cattle guards for roads and drives are figured in. Owners in Nielsen Creek went to extensive fencing years ago to keep the cattle out.
- The only recourse in Idaho code is a grazing management area which must be designated by the BOCC. However that still puts the onus on all owners to pay for the miles of fencing required to keep the cattle enclosed.
- In short the laws are stacked against the property rights of non-agricultural owners.
- During the discussion it was noted that Mr. Vanderbelt is older and that last winter he was looking for a means to place his property in some type of trust.
- He made an inquiry to Todd Walker the lake Manager and Todd put him in touch with Chris DeForest of the Inland Empire Land Trust.
- The group concluded that Geoff and Todd should follow up with Bud Vanderbelt and Chris DeForest to see what became of efforts to put the land under a trust. The thinking is that if he retires his small cattle herd, no more grazers will be using the eastern side of the lake. In that case the Association can petition to remove the open range designation.

Report on the Hayden Lake Watershed Improvement District Meeting

- Update of Air B&B informational campaign; poster/notebook page sent back for some revision
- Resignation of Pat Lund accepted, Kristine Bartz appointed new Board member.
- Short water quality report given on this year's results which are largely in hand.
- Jan Wilkins describe her discussion with Steve Meyer Chair of the Watershed Improvement District
 - Asked about Kristen's status with the District; pushed Steve to secure Pat's resignation and appointment of Kristen as a Board member.
 - Steve voiced great satisfaction with the collaboration of the Association and the District; feels money spent by the District to support the wake education program is money well spent.
 - ISDA has surveyed the North Arm and found Hybrid Watermilfoil, which it will treat in 2021. They are also conducting the 2nd year of their Curly Leaf Pond-weed turion viability study.
 - Jan advised Steve of the Associations intention to go back to the BOCC with a proposal for no wake zone in Honeysuckle Bay.
 - District still supports this action
 - Has three additional buoys to mark the proposed zone already assembled.
 - Discussed the potential need for additional wake zone buoys, lake wide or location change to make system more effective.

Regular Business:

- Treasurers Report
 - Barb Neal went over current financial situation
 - Also discussed list of thank you notes to go out to cooperators around Thanksgiving.
 - Have sheriff's deputies, building and permits and District
 - Added IDL. Mike Ahmer, Waterways Nick Snyder, other Associations (River Friends, Cd'A lake Property Owners and Spokane River Property Owners) and the BOCC.
- No Recorders Report
- Technology and Communications Report
- Working on online petition for additional buoys; waiting for input from Board; Jan will resend hers; others?
- Looking for material for e-mail to membership
 - Reference to the Homeowner's Guide available on the website
 - Grazing issue on east shore
 - Steele Property development
 - Seven Day Adventist SUP
 - Baywatcher program introduction and call for interested shoreline owners.
- Envision a semi-annual newsletter in a January-February time frame these topics appropriate there as well; want content for watershed owners as well; Honey-Badger update one as is Homeowners Guide.

Old Business:

- Hayden Lake Sewer District
 - Gil Rossner now on District's Board; congratulations to Gil; noted he can speak for those assessed by the District but not provided sewer service.
(Note: Since Barb Neal and Gil Rossner are both on the Sewer Board they appropriately recused themselves from discussion of the Associations PRR)
 - An update on the Association's PRR for records and data supportive of the name change was provided.
 - Certified letter composed and sent to the Sewer District's Board by certified mail October 17, 2020
 - A day or two later an e-mail from Lynn Hagmann the District secretary informed Geoff Harvey of the Association that it had ten working days to reply to the PRR.
 - The Secretary of State was consulted on PRR enforcement should the District continue to not comply; referral was made to the Idaho Attorney General's Office. There is no provision for Idaho to enforce the law, the Association will have to petition the District Court likely requiring legal counsel.
 - Todd Walker consulted with Clark Richards on legal advice.
 - Clark has a conflict of interest in that the District's attorney is from the same law firm he worked for.
 - Clark advised the Association develop and affidavit laying out all the steps it took with its PRR and the dates. The affidavit will be required if legal action is taken
 - Geoff has all the dates and responses and will draft the affidavit
 - It was noted that an 'olive branch' was offered with an offer in the letter to negotiate a return to the designation, "recreational."
 - Since ten working days have not expired, the ball is squarely in the District's court.
 - In the meantime Jan will attempt to contact Michael Ellingson for legal assistance.
 - The idea of authoring and finding a sponsor for legislation to clarify Idaho code to allow recreational sewer districts to address the results of development (i.e. storm water runoff) was suggested. The Board generally agreed that we need to take this step, but only after the issue with the District name change is addressed.
 - Jan reported on the Steele Property which is currently offered for sale with the claim of 220 approved sewer hookups
 - This is incorrect because the Districts will serve notice was only good for two years, which have expired and was never for that many.
 - Linda Tomblin of the Association will provide input at tomorrow's District Sewer Board meeting.

- Boat Wakes
 - Boat Wake Education – Winter Work
 - Educational poster/ notebook leaflet for home rentals
 - Workgroup will meet again soon to make revisions
 - Issue of life jackets taken up with sheriff marine patrol deputy
 - Sheriff's staff advised that "readily available" is a matter of interpretation - typically a judge's interpretation, which he's seen vary. He recommended that we remove the text from the letter and poster addressing this point.
 - Discussion of analogous sheet for boat rentals
 - Leo Notar has found support at Hayden Lake Marina
 - Also support from home rental company that also rents boats
 - Envision sheet similar but smaller than poster and leaflet that is laminated and attached to boat with zip tie.
 - Renters might want to make it part of their orientation of renters
 - Update on dock sign:
 - Gil and Mary Ann working on possible sign design project in schools.
 - Many like the prototype sign that inspired the idea; ask designer if we might replicate.
 - Boat wake Monitoring
 - Have planter prototype
 - Todd has supplied camera dimension necessary to add camera holders
 - Watershed Improvement District has permitted use of their cameras.
 - Todd is searching out potential docks to house camera platforms; must be docks attached by rings to pylons.
 - On-line petition for additional buoys
 - Petition development in progress; Will needs additional input
 - Jan believes she sent input, but will resend.
 - Honeysuckle Bay No Wake Zone
 - Have the thirty (30) shoreline owner petition signatures, none from non-motorized boaters as use fell off fast after Labor Day; Geoff will check with Dwight McCain of Cd'A Canoe & Kayak Club for signatures; letter of support.
 - Start process after the first of the year; Will attended Waterways Committee meeting that was devoted to grants.
 - Talked with Nick Snyder who advised bringing it to the February 16th Waterways meeting.
 - Sheriff's deputy (Justin Arts) was in conversation and voiced the department's support.

- After gaining committees support we will take better crafted and substantiated proposal back to the BOCC in spring.
- Want to complete so buoys can be deployed before boating season.

Honey-Badger Update

- Have communicated by e-mail with Ranger Dan Scaife
- Regrets they could not brief Board in person, but family responsibilities and fire emergency intervened.
- Expect to have additional documents (plan and environmental assessment) release by second or third week of November.
- We have made copious input; the big issue not addressed to date is schedule that should become apparent in this set of documents.

Association leadership/ development

- Geoff plans to return third week of November and is reassuming his duties as president
- As reported earlier, Kristen Bartz has joined the Watershed Improvement District Board so is not available to work with the Association.
- Others to contact Deidra Chaderdon; experience on Fernan Lake now lives on Hayden and Sherry Black Galante, grew up on Hayden lake and lives on upper road.

Letter to Avista: Drafted and mailed; no reply as yet.

- Discussion that Kootenai Electric received a multi-million dollar grant to identify vulnerable power lines and put these underground. Why has Avista missed out on such funding?
- Follow up will be to ask Avista to ask why they are not doing the work on their system Kootenai Electric is.

Baywatchers: Plan conceptual introduction of the program in November e-mail and call for volunteers to gauge interest before planning training if demand exists.

New Business: None

Current and Emerging Issues:

- Sale of Steele Property and potential new round of planning and hearings.
- Seven Day Adventist Church/School relocation Conditional Use Permit.

Next meeting November 24th; potentially last of 2020

Adjourn: Motion to Jan Wilkins, second Gil Rossner, approved

Adjourned 8:50 PM