

HAYDEN LAKE WATERSHED ASSOCIATION

BIANNUAL NEWSLETTER

February 2, 2021



“Our vision is for Hayden Lake and the overall watershed to be managed, protected and restored to maximize environmental, social, recreational and economic values. We seek to accomplish this with involvement of a broad spectrum of stakeholders.”

Contents: [Passing of Gloria Lund](#)
[A Call for Volunteers](#)
[Labor Day Windstorm and Electric Power Outages](#)
[Power Boat Wake Regulation, Education and Monitoring Initiatives](#)
[Lower Hayden Creek Sedimentation](#)
[Hayden Lake Sewer District \(Formerly Hayden Lake Recreational Water & Sewer District\)](#)
[Consider Baywatching](#)
[Lakes Highway District Mokins Bay Road Paving Started](#)
[Forest Service Honey Badger Project Planning Update](#)

Passing of Gloria Lund

Sad news came to HLWA 's Board in recent weeks. Our longtime friend and colleague, Gloria Lund, has passed away. Gloria and her husband, Pat, are very longtime residents of the lake's south shore. Pat grew up in his grandfather's Hayden Lake home during his early summers. Gloria and Pat later raised their children and grandchildren through 31 summers in the family house beside the lake. In 2000, they moved to year-round lakeside living.



Throughout this fifty-year residency, Gloria worked to protect and better the lake and its special environment. Gloria was a member of the Hayden Organization to Protect the Environment (HOPE) that resisted the Cooper Bay Condominiums development proposed for the unstable slopes above Cooper's Bay. Thanks to HOPE, the condominiums were permitted, on the condition that their support pilings be driven into bedrock.

Gloria served as well on the original Save Hayden Lake group that opposed specific timber harvest in the lake's watershed proposed by the Forest Service. The group's work resulted in the Hayden Lake monitoring effort by Eastern Washington University limnologists and the Hayden Lake Management Plan.

The Hayden Lake Watershed Association also benefitted from Gloria's love of the lake until her passing. She served as the HLWA's Treasurer for sixteen of its eighteen-year history. She scrupulously kept the group's books, filed its taxes, and kept its registration current with the state. Further, Gloria assisted in qualifying the Association for 501c3 nonprofit status. Much of the foundation upon which the HLWA has grown in numbers and effectiveness is attributable to Gloria's efforts. Those who cherish Hayden Lake and its watershed as Gloria did owe her a debt of gratitude. She is a model for all of us.

A Call For Volunteers

As our membership has grown, so has a greater awareness of issues facing the lake and watershed. We are asked to take on more projects; all meaningful and necessary. This also means that we need more participation from our members. WE ARE ALL VOLUNTEERS and the board can't do it all without your help. Please consider contributing some of your time and talents to our vital efforts to protect Hayden Lake.

As you read this newsletter, there is a link to the [Volunteer Registration Form](#) after each subject that is discussed. If you have an interest in or an expertise in that specific project, please take the few moments necessary to fill out the form.

The board is also looking for new members and one willing to serve as the recording secretary. This responsibility includes attending monthly meetings and taking notes for posting to our website. Our meetings are held on the last Tuesday of the month at 6:30 p.m.. Until the Covid 19 restrictions are lifted, our meetings will be held virtually in a zoom format.

Labor Day Windstorm and Electric Power Outages

Mother Nature started a bit early this year with the intense wind storm that occurred on Labor Day. Usually, such storms are late fall or winter events, but we all recognize that wind storms causing tree falls and electric power outages are becoming more intense and more frequent. Since such outages can extend for many hours, if not days, veteran year round residents of the lake community typically have an auxiliary generator that they can roll out for the duration. Labor Day caught many seasonal residents still present around the lake, in a position to share the pain all too often incurred by year round residents.

A south-shore veteran of over twenty seasons and likely half that many extended blackouts soon notices a pattern. Invariably, the cause can be traced to the downing of skinny power lines along some three hundred yards. The line descends through the woods from the Highland Community above the south shore and onto the Richards Ranch before being routed on to illuminate Avista's service area on the south shore. It seems like every time a strong wind storm visits, this line goes down. Since relatively few customers (900) live on the south shore compared to other population centers, repairs to the line take a back-seat to other pressing concerns. This short section of line is a linchpin that, if broken, ends service to the south shore. Additional "linchpin" power conduits surely exist in Avista's and Kootenai Electric's service areas.



The single power line that carries power to the South Shore, descending from the Highland neighborhood onto the Richards' Property. Notice the remains of one of many trees to fall across lines over the years in the background.

After the Labor Day windstorm and outage, the HLWA Board sent a letter to Avista suggesting that they: "look at its records to identify these critical locations in its infrastructure where failure during storms occurs repeatedly. The company should employ its own records to improve the system's resiliency. Locations like the one described above should be replaced with more wind resistant solutions. Avista should consider either alternate routes or underground routing in these critical areas." Inquiries of the Kootenai Electric Cooperative found that after the fall 2015 wind storm, KEC secured a \$10 million FEMA grant to place fifty critical miles of its powerlines underground. That utility has placed nearly half of its lines underground and requires almost all new installations to be underground, as well. The HLWA has followed up with Avista inquiring why it has not applied for grants or pursued a program similar to KEC's.

Most climate specialists agree the climate is warming. More heat will be dissipated with more frequent and stronger windstorms, and the situation will not improve for the foreseeable future. The HLWA is dedicated to maintaining and improving the quality of the lake's and watershed's environment. The Board interprets that mission as including the quality of our electrical service.

In late January, the HLWA Board meeting included two representatives of Avista. The meeting was just two weeks after another powerful wind storm damaged the Avista and KEC powerlines over a broad area, causing power outages for four days or longer. Avista is adapting to wind events capable of downing lines and causing wildfires in the summer and fall and otherwise power outages. The company has a five-year program to "harden" its system and take other steps to respond to changing conditions. Hardening appears to be more the installation of metal power poles instead of wood poles with less attention to placing critical lines underground. The expense and the lack of potential routes were given as obstacles to underground line placement. The Board made the case that from its records, Avista should be able to identify locations of repeated failure and address those locations. Avista is implementing a program like this for wildfire issues but does not appear to have made the leap to wind caused power outages.

The difficult to argue with fact is that the climate is warming, requiring dissipation of larger amounts of energy in the atmosphere. Energy is dissipated in part by wind storms that will only become more intense. All our electric and communication utilities have an overhead business model that will likely not be sustainable as wind storms become more severe. The HLWA Board hopes to keep the dialog open with both Avista and KEC to track their adaptation to more server wind storms.

- ✓ **If you can help us keep the pressure on Avista and Kootenai Electric to upgrade power line services in our community fill out our [Volunteer Form](#) today.**

Power Boat Wake Regulation, Education and Monitoring Initiatives

Over the past ten years, no issue has been as divisive as that of powerboat wakes. The issue pits the public's right to the lake we all collectively own with the property owners' rights, whose shoreline, docks and boats can be damaged by boat wakes. Although a two hundred feet no-wake speed zone has been enforced on Hayden Lake for years, the measure's ability to protect has diminished as boats designed to create larger wakes have come on the scene. After years of wake complaints, the Waterways Advisory Committee and Kootenai County Sheriff's Office sought an enforceable rule to curtail excessive wake impacts. The HLWA worked with River Friends, the Coeur d'Alene Property Owners Association, and the Spokane River Homeowners Association to fashion a new excessive wake rule for Kootenai County waterways. Although the three hundred feet limit finally enacted by the Board of County Commissioners in May is two hundred feet shy of the five hundred feet limit endorsed by the Associations, the rule is an improvement over no regulation of boats creating excessive wakes.

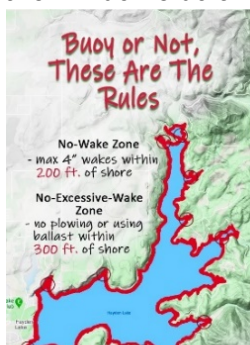
A rule is only serviceable when the boating public is fully aware of the limit, and the limit has the intended effect. Thus both boater education and limit effectiveness monitoring are necessary to ensure compliance with the new rule and assess whether it is protective of shoreline and property.

Education

When the HLWA pushed for legal two hundred feet marker buoys, subsequently installed by the Watershed Improvement District, the HLWA and Improvement District promised an education program to assure the boating public was aware of the rules. The Watershed Improvement District started the education campaign by:

1. Educational Signage & Post Cards

Posting the wake limit rules at the lake's four launch ramps. Working with the Improvement District's Public Education and Communications contractor, the HLWA mounted a summer-long informational postcard campaign. On every-other weekend from the Fourth of July through Labor Day, volunteers placed informational postcards on the windshields of vehicles with boat trailers



Postcard placed on boater's windshield



Dock sign education

at both the Honeysuckle and Sportsman's Access boat ramps. These cards explained the two County ordinances governing boating speed: the two hundred feet no-wake speed limit as marked by the buoys and the three hundred feet no excessive wake limit. All lakeshore addresses around the lake also received cards in the mail. Volunteers swept the boat ramp parking areas after each card distribution for any discards. Very few were found, so we know that most of these cards were kept, hopefully for future reference. Similar educational efforts will be implemented in the 2021 season.

2. Airbnb Informational Project

These efforts likely did not reach many recreationists who flock to the lake in the summer to rent cabins, B&Bs and boats. Working together, the Improvement District and the HLWA developed both a poster and a fact sheet specifying the wake limits among other rules for safe recreation in the watershed. We will make these available to approximately 80 rental homes around the lake. We will also mail the sheet to addresses throughout the watershed to reach the many private homes rented or given over to friends and family during the summer. Many of these users boat on the lake as well.



3. Dock Signs

Another education effort will be lake borne. Inspired by a creative homemade sign mounted on a lake dock, the joint HLWA and Improvement District Outreach Committee is working with its creator to replicate this and possibly other sign designs. They plan to deploy these on the docks of willing lakeshore-owning participants. The signs should provide a fun and just-in-time reminder to wake boat operators to take their sport out into the center of the lake.

4. Wake Monitoring

Our best efforts to educate the boating public does not assess the effectiveness of the three hundred feet limit created by the county commissioners. To do so, the Association is developing a monitoring methodology that will simultaneously measure the height of a wake at a subject dock and monitor how far offshore the craft creating that wake was operating. The methodology promises to provide quantitative information to assess whether the current three hundred feet is adequately protective or some modification of the limit is required.

Having worked to create the excessive wake limit, the Association is working to educate the boating public and assess if the limit is protective of shoreline and docks.

- ✓ **If you are willing to assist with education and outreach projects that include the creation and distribution of cards and leaflets as well as mailing efforts;**
- ✓ **If you would like to help with the dock signage efforts, the “Where’s Waldo” format we are envisioning will be playful and fun, while still getting our message across;**
- ✓ **If you want to help us quantify wake impacts and assess current as well as possible future methods to limit the negative impacts of excessive wakes;**
- ✓ **Fill out our [Volunteer Form](#) today!**

Lower Hayden Creek Sedimentation

Hayden Creek is the lake's largest tributary accounting for approximately 69 percent of the annual discharge into Hayden Lake. The creek is the lake's most important spawning habitat for west slope cutthroat trout and kokanee salmon. Each mid-spring, cutthroat move up Hayden Creek to spawn, while in the early fall, kokanee spawn in the lower reach of the tributary. The placement of Forest Service Road (FSR) 437 along lower Hayden Creek and years of abuse by off-road vehicles has caused severe sedimentation in the lower section of the Hayden Creek. Runoff from the road flows directly into the stream while the un-vegetated and regularly-disturbed land on either side of the road produces sediment ultimately deposited in the creek. The sediment fouls spawning gravels in the lower part of the stream, especially in the fall. The stream eventually transports the sediment load to Hayden Lake, where it accumulates primarily in the lake's north arm. The newly-deposited sediment adds phosphorous to the North Arm's water, where bed sediment phosphorous is already detrimental to the water quality.



Sediment laden runoff from FSR 437 draining directly into Hayden Creek

One solution is to decommission FSR 437 and replace it with another Forest access alternative, as requested by the Association in comments to the Forest Service's Honey-Badger Planning Effort. Even then, the damage created along the road would bleed sediment into Hayden Creek for years. In addition to decommissioning, measures must be taken to halt illegal off-road use in this area and to restore disturbed areas. Some solutions to similar damage were implemented by the Forest Service elsewhere in the Hayden Creek Watershed.



Mud bogging activity damage along FSR 437

Damage to Forest land by illegal road

Several years ago, “mud bogging” in meadows along Hayden Creek and its tributaries was a problem. The Association teamed up with the Forest Service to stop this illegal damage to the forest. In the spring, the Association sponsored its largest dock and debris removal ever. The debris was piled on a Forest Service landing up the North Fork of Hayden Creek for burning that fall. A Forest Service contractor separated many of the large cedar float logs from the pile and placed them across the damaged meadows to preclude any additional mud bogging activity. The cedar float logs are ideal because they are of little value to fire woodcutters and laced with spikes and nails, an apparent hazard to any observant chain saw operator.

A similar solution on a smaller scale might protect the damaged sides of FSR 437. Annually, the Hayden Lake Watershed Improvement District collects a more modest number of derelict docks. The float logs from these docks might be directed to protective use rather than disposed of with the other debris. Given the importance of lower Hayden Creek to spawning and the lake’s water quality, the Association is considering approaching the Idaho Fish & Game Commission for a grant to support restoration of forest lands adjacent to FSR 437.

- ✓ **If you have an interest in limiting the damaging effects of sedimentation into the lake. If you live in the north arm and draw domestic water from the lake or if you are a fisherman interested in keeping spawning grounds viable and healthy - this is the committee for you! Fill out our [Volunteer Form](#) today!**

Hayden Lake Sewer District (Formerly Hayden Lake Recreational Water & Sewer District)

Until 2017, The Hayden Lake Sewer District was the Hayden Lake *Recreational Water* and Sewer District. Few of us were aware of the name change until the 2018 proposed subdivision of the Steele property near English Point. Although a part of that property was within the sewer district's boundary, roughly half was not. Nonetheless, the newly named Hayden Lake Sewer District provided a letter pledging sewer service to the Steele property developers. More recent initiatives to annex and service areas outside the Sewer District's boundaries north of Lancaster Road alarmed the Association's Board.

Idaho statute provides for two types of sewer districts (Title 42 Chapter 32):

- A sewer district whose role is constrained to collecting and treating sewage for those served.
- A recreational and sewer district whose role is to protect the natural resources for which it was formed.

The state statute describes a recreational sewer district: *"said district shall be predominantly recreational in character. The district or area near the district shall meet one (1) or more of the following criteria: have unique scenic value; man-made or natural recreational facilities such as waterways, marinas, ski slopes, wilderness areas; provide open space; and be removed from large, densely populated urban areas"* (42-3202A).

A recreational district is further described as: *"one in which less than a majority of the landowners or state lessees or federal permittees in the district sought to be created reside within the district and at least fifty percent (50%) of the land area of said district is in a natural state, or used for agricultural purposes."*

Todd Walker, who served for years on the *Hayden Lake Recreational Water & Sewer District* Board as a member and as its chairman, states that the *Recreational Water and Sewer District* was created to take in all the sections of land touching Hayden Lake to protect Hayden Lake. This District's boundary is not to be confused with the area of sewer service, which is well less than fifty percent of its bounded area.

Through multiple requests made to the current Sewer District, the HLWA acquired the District's name-change documentation: the "Motion to Change Name and Legal Classification of the Sewer District Case number CV-1983-34668" and the appended "Verification of Motion."

- The Motion to Change changes the name and classification from recreational sewer district to sewer district, and nothing more.
- The Verification of Motion justifies the change based on failure to meet Idaho Code. In it, the Sewer District's legal counsel states in item 3: *"I worked with the District's engineer, Welch Comer Engineers, in order to confirm that the District no longer meets the requirements of Idaho Code § 42-3202A. Specifically, it was determined that well over 50% of the land within the District is no longer in a natural state or used for agricultural purposes. Additionally, it was determined that the majority of landowners (by name/title) within the District also reside within the District."*

Clarification regarding this claim of non-compliance has been difficult to obtain. After three separate, escalating Public Records Requests (PRRs), the HLWA received records of email communication and meeting minutes describing the evolution of evidence for the legal counsel's assertion.

Analysis of these documents indicates that the name change was based on 62.5% residency in the sewer service area, but not across the Recreational Water and Sewer District, as would be required by code. Further, the record fails to indicate that any effort to assess the land use across the District was implemented. Assessment of the emails suggests that legal counsel and support staff drove the name change, not the Recreational Water and Sewer District's Board. Two reasons suggested by the materials was to make the election process more convenient for support staff and a motive to disenfranchise non-resident Idaho voters.

In conclusion, the HLWA finds the "Motion of Verification" upon which the name change was based to be flawed. The HLWA is opposed to disenfranchising property owners who are not full-time residents but pay a fee on their property tax to the Sewer District. Furthermore, we strongly feel that retaining the Recreational Water and Sewer District's role and responsibility to protect the central natural resource jewel at the heart of the District is more than worth the inconvenience to support staff of bi-annual elections.

The HLWA has requested the Sewer District rescind its name change. We believe that State Statute's intent regarding recreational and sewer districts is to protect the valuable natural resources around which they are created. **In that spirit, the Association is willing to do the hard legislative and lobbying work to change Idaho Statute to clarify a recreational sewer district's powers. Specifically, we wish to ensure that such districts have the power to address the damaging, undesirable side-effects of sewerage new development, notably stormwater management and treatment.**

- ✓ If you can assist with legal expertise, awareness raising efforts, PR and fundraising, fill out our [Volunteer Form](#) today!

Consider Baywatching

Baywatchers is a program offered by the University of Idaho and the Department of Environmental Quality. The program trains participants in numerous lake monitoring and management issues to be ambassadors to their neighbors living on that bay or community of the lake. Rudimentary water quality training is also offered. Such monitoring on bays can operate as an early warning system to find developing water quality issues. The fact is that the lake embayments typically show declining water quality trends much sooner than mid-lake stations. Hence, even rudimentary monitoring can augment the water quality surveillance of Hayden Lake annually conducted by the Watershed Improvement District.

Baywatchers provides a program to distribute information to neighboring lake residents and assist in the continuous monitoring of our lake. As spring arrives, the Association will be looking for bay residents who would like to participate in the program.

- ✓ **If you are interested in participating with the Bay Watchers, fill out our [Volunteer Form](#) today!**

Lakes Highway District Mokins Bay Road Paving Started

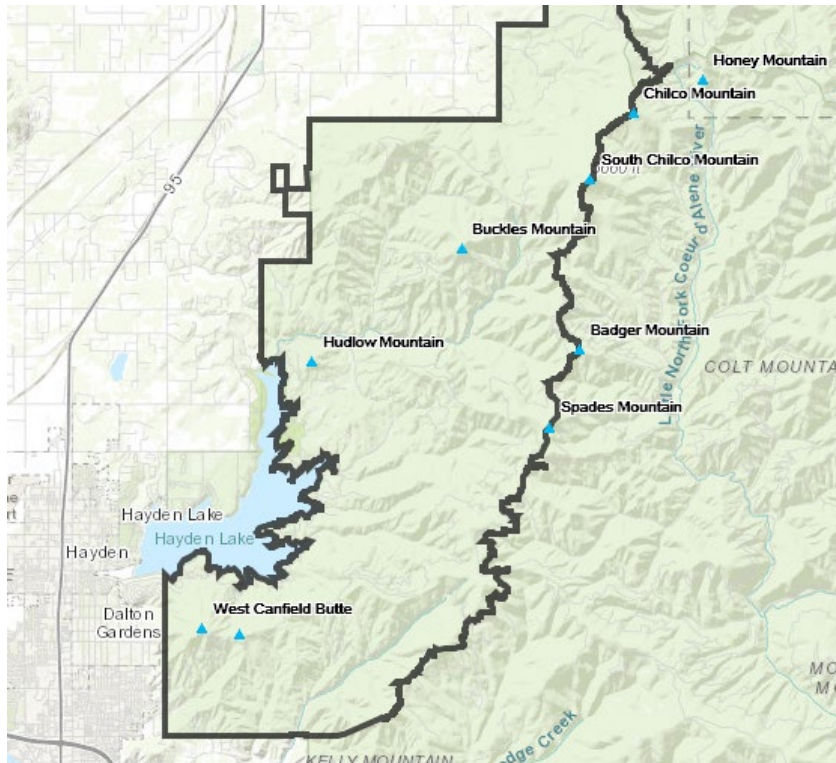
Mokins Bay Road has been a chronic source of erosion and sedimentation to Mokins Slough. Rain or snowmelt events washed sediment down the steep hill just up from its junction with Hayden Lake Road. The Hayden Lake Management Plan Addendum called for the paving of at least the initial section of the road to limit additional erosion and sedimentation. Lakes Highway District paved the initial tenth-mile section of the road up to the Mokins Bay Campground entrance. The Lakes Highway District plans to pave the additional eight-tenths mile next year. Although a modest paving project, the work reduces another sediment source to the lake.



Two views of one- tenth mile of Mokins Bay Road paved to reduced sediment yield.

Forest Service Honey Badger Project Planning Update

The Forest Service manages sixty-three percent of the watershed discharging to Hayden Lake. Over the past year and a half, the agency has been planning its actions on the lands it manages roughly between Fernan Creek on the South and Bunco Road on the north and west of the divide



Honey-Badger Project Area

existing and potential erosion sources releasing sediment and associated plant growth nutrients to the tributaries and thence to Hayden Lake and the timing of the many vegetation management actions contemplated. The HLWA made detailed comments and proposed management changes in early May 2020, and the Forest Service expected to have a detailed proposed plan in November 2020. As of the publication of this report in February 2021, no proposed plan has been issued.

- ✓ **If you are concerned about watershed mountain vistas, traffic or fire impacts, this is the committee for you, fill out our [Volunteer Form](#) today.**

between the Hayden and Fernan watersheds and the Little North Fork Coeur d'Alene (see map). The area encompasses all the lands in the Hayden Lake watershed managed by the Forest Service. Since the quality of Hayden Lake is dependent on the health of its watershed, the Association has a great deal of concern about management actions that will occur on the federal forest in the watershed. The HLWA submitted detailed comments to the Forest Service planner in both the pre-scoping and scoping phases and has had a member on the collaborative team advising the agency. The HLWA's input and comments have addressed