

**FREMONT COUNTY PUBLIC HEARING
WATERWAYS ORDINANCE**

Date: November 30, 2010

Time: 6:00 p.m.

Location: Annex Building

Attended by: Commissioners Paul Romrell, Skip Hurt, and Lee Miller

Also attended by: Deputy Clerk Cathy Conger, and Planning & Building Interim Administrator Stephen Loosli

Commissioner Romrell called the hearing to order at 6:02 pm and welcomed the public.

Commissioner Romrell introduced those in attendance. He reviewed the schedule for the evening. Commissioner Romrell explained that we have received a number of written responses in regards to this subject matter.

Commissioner Romrell stated that this is the time and place for the hearing for the waterways ordinance for Fremont County as advertised. Commissioner Romrell asked Ms. Conger if proper notice has been given; she responded that it has.

Commissioner Romrell asked if any of the commissioners have a conflict of interest. Commissioner Miller responded no; Commissioner Romrell responded no; Commissioner Hurt responded no.

Written comments would have to have been submitted to the County Clerk's Office 8 days prior to the hearing. Commissioner Romrell accepted those as part of the record.

The purpose of the hearing is to provide for public comment. He explained that the public comments will be kept to three minutes each. Commissioner Romrell read through the sign in sheet for those in attendance.

PUBLIC COMMENT:

Curt Turner (2708 South River Rd., St. Anthony) Opposed
Anybody who wants to use the river should.

Dale Swensen (2353 E 200 N, St. Anthony) In Favor Of
He has a concern about the definition of running water and that it includes canals. He would appreciate it if they can be taken out of that definition. There are times when they have to take a motorized boat out to check irrigation. The same situation applies to some of the other stretches that specify no motors. He

would like to see the ordinance amended to address maintenance of irrigations systems.

Commissioner Miller questioned if inspections were done yearly and Mr. Swensen responded that they are.

Scott Chandler (40 W 3rd N St. Anthony) Opposed

He doesn't understand why motors should be stopped on the river. There is a lot of BLM land on the river that is landlocked by private property owners.

Laura Hirschi (615 W 4th N, St. Anthony) Opposed

She has never been bothered by a motorized boat while on the river. She has noticed a lot of fishing line and empty bait boxes.

She submitted her comments as Exhibit A at 6:19pm

Owen Hirschi (615 W 4th N, St. Anthony) Opposed

He doesn't feel that there should be any regulation. He feels that the river regulates itself.

Commissioner Miller questioned which part of the river they float. He responded that the float from Big Springs to Salem Bridge.

Bill Fuches (1060 W 2950N, Chester) Opposed

The river is now open to motors and they are taking advantage of the decision that has been decided to this point. They were out this weekend and disturbing the wildlife. They allow access when asked.

Burke Hanks (463 N 1800 E, St. Anthony) Opposed

He has several concerns with the ordinance and the language in it. He would like the board to address the necessity of it and why it is in the best interest of the residents. He completed some research and determined that Fremont County does not own any of the water in question. He is adamantly opposed due to the poorly written verbiage.

Bill Butterfield (926 W 2nd S, St. Anthony) Opposed

The river will dictate where you can go in a boat.

John Nedrow (3079 E 1200 N Ashton) In Favor Of with an exception

He is in favor of ordinance except for one part. He would prefer that no motors be allowed from Vernon Bridge to Fun Farm Bridge. His family has allowed public access for years.

Kim Ragotzene (580 Maple Leaf Ashton) In Favor Of

She believes the ordinance is very good. It does a good job addressing concerns. She believes that motor boats should not be allowed from Vernon Bridge and Fun Farm Bridge. He feels that this is a user conflict situation.

Floyd Gardner (2685 N River Rd, St. Anthony) Opposed

He is opposed to the ordinance because there are too many rules and regulations already. He would like to know who is going to enforce these rules. He believes that the river regulates itself.

John Martin (PO Box 559, Island Park) In Favor Of

He doesn't believe that the river will regulate itself. He would rather see no motors down to St. Anthony but thinks that this is a good compromise. He is concerned about water fowl and saw what happened on Saturday and Sunday.

Commissioner Hurt asked if he was aware that watercraft and jet boats were being restricted. He stated yes.

Wendell Orr (1830 E 350 N, St. Anthony) Opposed

He feels that the river should be used by all the people.

Mary Maurer (PO Box 559, Island Park) In Favor Of

Everybody assumed that no motors were allowed and that is why the river ran itself. Now it has come out that motors are allowed and it has become a problem. She believes that the ordinance is a fair.

Cliff Weisse (4125 Beaver Springs Rd., Island Park) In Favor Of

He supports the proposal.

Dave Karling (4517 Shadow Ridge Rd., Island Park) In Favor Of

He has had a long standing belief that no motors were allowed until recently when it came to light that motors are allowed. This should not be changed.

He submitted his comments as Exhibit B at 6:39pm.

Steve Trafton (830 Hidden Estates Lane St. Anthony) In Favor Of

He feels that this draft is very good. The one suggestion for a change is that lines H&I should be combined to state no motorized craft from Ashton Dam to the Fun Farm Bridge. He stated various reasons to not allow motors in this area related to user conflicts, waterfowl, and private property owners.

Commissioner Hurt asked about how many guide boats are allowed a day on the river. How long do you think the river can continue to support this? Mr. Trafton responded that Fish and Game has been doing population surveys and have seen no decline in fish population.

Commissioner Hurt asked about anchor boats and the affect that they have on the river. Mr. Trafton has never seen that.

Commissioner Hurt stated that at the last hearing he had indicated that a 15 hp would be better than a 10 hp. Mr. Trafton responded that when he spoke with duck hunters they indicated that with the equipment a 15 hp would be better.

Commissioner Hurt asked about prop movement with heavy boats and a 10 hp motor. Mr. Trafton stated that he did not know.

Commissioner Miller asked if Box Canyon and Warm River were heavily used. Mr. Trafton stated that they are.

Jake Ows (710 N Radio Rd., St. Anthony) Opposed

He would like the no motorized zone extended to Fun Farm Bridge.

Leslie Harrop (710 N Radio Rd., St. Anthony) Opposed

She would like the commissioners to consider the jobs that are impacted by the river usage. She doesn't believe that it is only fly fisherman who are pushing this but others as well. She doesn't believe that it is a restriction but rather a protection.

Commissioner Romrell questioned if they close off Vernon Bridge to Fun Farm Bridge for motors would she support the ordinance and she stated yes.

Nancy Richards (205 Pine Tree Rd., Rexburg) Opposed

She opposes the ordinance. She feels that a lot of people are not aware of this hearing because of the timing. She believes that 15 hp would be more effective. She feels that motors are maintained and will not harm the river.

Richard Bishop (4265 Gooding, Macks Inn) Opposed

That stretch of river is very important to be able to use motors. He thinks the ordinance is pretty good but is concerned with the 10 hp limit on motors and doesn't feel that it is enough. He supports the 15 hp and it has worked well.

Rene Harrop (33 w 4th N, St. Anthony) In Favor Of

He commended the commissioners for the work they have done on this proposal. He feels that it addresses many concerns. He realizes the impact motors have on wildlife. He believes no motors from Vernon Bridge to Fun Farm Bridge are appropriate. River use has a large impact on revenue and the economy.

Commissioner Miller asked about outfitters on the river. Mr. Harrop explained that there are 7 outfitters with 6 boats each and the river is divided into sections from Henrys Lake Outlet to Mesa Falls; from Mesa Falls to Ashton; from Ashton to St. Anthony; and from St. Anthony on down.

Commissioner Miller asked how many times they float a day. He explained that the weather determines it but generally 8 or 9 hours a day. How many boats are on any given section at a time is strictly regulated.

Jim Hirrlinger (1355 S 2nd E, Rexburg) Opposed

He was not aware that boat use on the river was a secret. It is stated in the fishing proclamation. He feels that it would be insightful for others to understand why boats are used. Walking through the snow is not always an option so a motor boat is necessary. They use the river at a time when no one else is on the river. They pay taxes and contribute to the economy just as much as others. They are just as concerned about the river as anyone. He has been using the river for ten years and has never had a problem. He feels that 10 hp is too low.

He submitted his comments as Exhibit C at 7:13pm.

William Ray (177 Country Springs Dr., Bountiful, UT) In Favor Of

He is the president of the Northfork Club. His constituents are interested in the stretch above Macks Inn. They support maintaining the 15 hp rather than the 10 hp. He is confused about wording regarding Henry's Lake Outlet and Big Spring's Outlet. He feels that the Big Spring's is too shallow for motors. Thanked the commissioners for their work.

Commissioner Hurt questioned Stephen Loosli if he understood what the concern was with the wording. Mr. Loosli explained that the documents that he has reviewed state both names for these areas. It is written this way because that is how it is stated throughout our documentation.

Garth Blanchard (1618 W Ashton Hill Loop, Ashton) In Favor Of

He recognized the commissioners for their effort and feels they have done a fine job. He would like the commissioners to consider the area from Vernon Bridge to Fun Farm Bridge for no motors.

Mike Sweet (2459 E 400 N, St. Anthony) Opposed

He returned to this area for the recreational opportunities. He doesn't feel that we need any more rules. The river is restricted for him during the winter because of his disability. Private property owners do restrict their land and do not always allow others access.

Dee Young (642 N Sand Creek Rd., St. Anthony) Opposed

The river manages itself with boats. The presence of people will drive wild life away even in floaters. He has come up with a proposed ordinance that allows access for all.

He submitted his comments as Exhibit D at 7:25pm.

Chris Lawson (325 E 2nd N, St. Anthony) In Support Of

He represents Henry's Fork Anglers. He commended the commissioners for the work that they have done. He would like them to consider no motors from Vernon Bridge to Fun Farm Bridge. He doesn't see any reason why there should be any motors in those areas.

Josh Lehmann (330 E 5th N, St. Anthony) Opposed

He is an avid sportsman. He doesn't understand the conflict. As sportsman we should agree to conduct ourselves that way. We should all have the same use of the river regardless of transport. He doesn't feel that the commissioners should be spending tax payer's money to deal with this. The users of the river should be able to take care of this and handle it. He doesn't believe that the commissioners have done their homework and feels that this should be shelved until they figure everything out.

Eli Lankford (404 Cottonwood Dr., St. Anthony) Opposed

He is an avid sportsman. He has a 29 hp motor on a 16 foot flat bottom boat. He uses it for waterfowl hunting in the winter only. He has never had a problem because he uses it when others are not. He could probably survive on 15 hp but below that and it starts to get dangerous due to icy conditions. Motors allow him to access BLM land that is landlocked.

Jake Wells (600 Pioneer Rd., Apt 303, Rexburg) In Favor Of

Supports the ordinance but would like to see no motors from Vernon Bridge to Fun Farm Bridge. He doesn't believe that this restricts use but rather protects the river.

Zach Hillman (133 E Main, Rexburg) Opposed

He is an avid outdoorsman. He explained that even though you have a certain hp motor typically you don't use it. He would hate to be restricted. There is a danger if someone tries to float certain parts of the river without a motor and icy conditions hit.

Rod Jones (Rexburg) Opposed

He questioned if the hp is at the prop or at the motor. He has 4 boys and 80 year old dad. It is nice to be able to put in, fish a hole and than get back.

Commissioner Romrell stated that they have 60 days to make a determination, and if changes are made that are significant this ordinance will go back to another hearing.

Commissioner Romrell stated that there will be no more public comment after this meeting.

Commissioner Romrell thanked everyone for the comments and their attendance.

Commissioner Miller thanked everyone for coming tonight. He has given this a lot of thought and consideration about where this should be going. He appreciates the passion that the public feels towards this subject.

The hearing was closed at 7:47 p.m. by Commissioner Romrell.

There being no further business to come before the board, the hearing was adjourned.

Paul Romrell, Chairman
Fremont County Commission

Attest: _____
Cathy Conger, Deputy Clerk