

**FREMONT COUNTY PUBLIC HEARING**  
**Waterways Ordinance**

**Date: December 30, 2010**

**Time: 7:00 p.m.**

**Location: Fremont County Annex Building**

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

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

Commissioner Romrell called the hearing to order at 7:03 pm and welcomed the public.

Commissioner Romrell introduced those in attendance. He reviewed the schedule for the evening.

Commissioner Romrell stated that this is the time and place for the hearing for the waterways ordinance for Fremont County as advertised. He asked Planning and Building Administrator Stephen Loosli and Deputy Clerk Cathy Conger if proper notice had been given and they both stated that it had.

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.

Planning & Building Interim Administrator Stephen Loosli gave an opening statement explaining the changes. There are three items that have changed – naming of water source, exemption from the ordinance for emergency services and canal maintenance and horse power threshold.

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

**PUBLIC COMMENT:**

John Nedrow (3079 E 1200 N, Ashton) Opposed

He quoted a statement made by Commissioner Miller from the newspaper. He feels that it is incorrect and not a social issue. He is opposed to motor boats on the river. He is concerned about boats from Vernon Bridge to Fun Farm Bridge. There is no support for boats on this part of the river. He feels that comments at the hearings regarding this

are not being heard. He has not heard a good reason why boats would be allowed in this area. This area should be no motors.

Mr. Nedrow submitted his comments into the record as Exhibit A at 7:12 p.m.

Kendall Adams (253 Fort Henry Loop, Rexburg) Opposed

He feels that we are already too restricted. What concerns him is the type of engines that are used. Currently they leave oil sheen on the water

Steve Trafton (830 Hidden estates Lane, St. Anthony) Support

He is here on behalf of the Henrys Fork Foundation to relay a statement of support. He personally has serious reservations about it however there are a number of positive aspects to it. He has reservations about allowing boats from Vernon Bridge to Fun Farm Bridge. He feels that it would make more sense to have the cut off point just below the trestle bridge.

Commissioner Miller questioned Mr. Trafton of his opinion regarding the ease of access to the river in that area. Mr. Trafton responded that access to the river is liberal.

Mr. Trafton submitted his comments into the record as Exhibit B at 7:18 p.m.

Bill Fuchs (1060 N 2950 E, Chester) Opposed

He has seen what change has done. He has willingly let people have access from his property. Things are changing on the river and some of those things are not good for the river or those of us that live there. This is not always the best way for commissioners to see what private property owners are trying to protect. We have historically allowed people to have access.

Dale Swensen (2353 E 200 N, St. Anthony) Opposed

He is here on behalf of the Fremont/Madison Board of Irrigation District. They are in opposition to any ordinance or rules for the river. They would recommend that the commissioners repeal any current ordinance that is on the books.

Commissioner Romrell asked if that included the Island Park area and he stated that yes it does and they would like to see the whole area unregulated.

Kim Ragotzkie (580 Maple Leaf Circle, Ashton) Support

She encourages the commissioners to adopt an ordinance. The concern is that it continues to allow motors between Vernon Bridge and Fun Farm Bridge. She expressed concern over the wildlife in this area.

Tom Bassista (4279 Commerce Circle, Idaho Falls) Support

Mr. Bassista is here to represent the Idaho Fish and Game. They commend Fremont County for proposing an ordinance. They concurs that Fremont County is responsible for this. Idaho Fish and Game does not have the authority to restrict use of the river.

Vernon Bridge area and Chester area wildlife have been and should continue to be protected.

Commissioner Romrell asked if there were restrictions on motorized boats in other counties where there are trumpeter swans. He stated that to his knowledge there is not.

Commissioner Hurt asked if Harriman is similar where they had tried to move the swans some time ago and is the situation the same in the Henry's Fork. He does not know if they have looked at that biologically.

Sumi Sakamak (247 Fort Henry Loop, Rexburg) Opposed

She doesn't feel that there is enough concern for the river below St. Anthony. The channels are surrounded by marsh and the smoke and fumes get trapped there. The two stroke motor boats leak fuel and oil. This creates a mess for the environment. 20 years ago there were wood ducks and now they are gone. She believes that this is from the motor boats. She showed the commissioners pictures of the river behind her home. They are accumulating every year. Kids are swimming in this in the summer. The river cannot cure itself.

Mel Sadecki (283 N 8<sup>th</sup>, Ashton) Support

He supports the ordinance with the exception of allowing motors from Vernon Bridge to Fun Farm Bridge.

Bill Butterfield (926 W 2<sup>nd</sup> S, St. Anthony) Support

He supports the ordinance as it is written. Those that break the law need to be turned in and prosecuted. The commissioners have put a lot of work into this.

Jim Rall (799 South River Road, St. Anthony) Opposed

He does wading fishing. In order for a boat to travel it must be above water. If he sees a boat coming up at him he will feel threatened. He has heard a lot about environmental concerns however he has seen farm equipment in the river as well.

Jim Mullen (2867 E Pinehaven Dr., Island Park) Support

The commissioners efforts should be commended. He would like to see no motors from Vernon Bridge to the Fun Farm Bridge. There is a lot of distraction from motors on the south end of the river. It is a hard job to satisfy everyone and they should be commended.

Mike Lawson (2494 E Yellowstone, St. Anthony) Support

He supports the ordinance. He feels like he just has to accept it regardless of the fact that residents do not want motors and that it is the commissioners who want it. He asked the commissioners to really monitor the motor boat use. There have been comments that the river will take care of itself. He does not feel that everyone is aware of the technology that is available out there. He is very unhappy that motors will be allowed from Vernon Bridge to Fun Farm Bridge. He is not familiar with any other river that allows motors where wading is allowed.

Commissioner Romrell explained that any person in the community can request an application to amend an ordinance.

Peggy Rall (799 S River Road, St. Anthony) Opposed

She is strongly opposed to boats from Vernon Bridge to Fun Farm Bridge. She feels that motors will do a lot of damage in that area.

Jake Wells (600 Pioneer Road Apt 303, Rexburg) Support

He would like to see no motors between Vernon Bridge and Fun Farm Bridge but he supports the ordinance otherwise.

Mr. Wells submitted his comments into the record as Exhibit C at 7:52 p.m.

Barbara Biamonte (2455 Rivers Edge, St. Anthony) Opposed

Her husband does wading fishing as well. The area that he fishes is too shallow for boats and yet they are there. They pay a lot of taxes to live there and they don't object because they love the river. She feels that this is a decision that has already been made by the commissioners and doesn't feel that speaking makes a difference.

Zach Hillman (1811 Clements Lane, Rexburg) Opposed

He is concerned with the ordinance outlawing jet motors. He feels that jet motors are safer than others. He would like to see that removed. The stretch between Vernon Bridge and Fun Farm Bridge could be a safety issue. He has asked several times in several places to hunt and has been shut down by private land owners. There is a lot to be said for having an area where you can park your boat and your car without blocking others. There are rules about having boats and non-boating fisherman in the same area and following those rules.

Mr. Hillman submitted his comments into the record as Exhibit D at 8:01 p.m.

Dee Young (St. Anthony) Opposed

Motors are not necessary on the Henry's fork.

Teresa Fuchs (1060 N 2950 E, Chester) Opposed

She believes that history shows that boats have been allowed below St. Anthony and non above. She is against the ordinance and motor boats from Vernon Bridge to Fun Farm Bridge. She would like the commissioners to come up and see how it is currently and how it could change

Ms. Fuchs submitted her comments into the record as Exhibit E at 8:06 p.m.

Phil Murdock (340 Orchard Ave. Rexburg) Support

He appreciates their work on the ordinance. He would recommend the commissioner's tally a percentage of those that are against motors and those who are in supportive of motors. He would like motors excluded from Vernon Bridge to Fun Farm Bridge.

Jim Beckley (200 W, Rexburg) Support

He asked if the private property owners would allow him to access the river. He believes that it is being boxed off by the private property owners. He doesn't believe that the swans are in danger anymore.

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 explained that the decision has to start somewhere and as he is leaving the second Monday in January he has no personal stake other than what is best for the county as a whole in this decision.

Commissioner Miller explained that he is disappointed by some of the comments that he heard today. He is here because motors were allowed on the river – that was the law. They felt concerned about that and decided to hear public comments. He does not have an agenda – he does not float the river or put a boat on the river.

Commissioner Hurt agreed with Commissioner Miller. There were no limits on boats on the river previously to this. We are sensitive enough to know what this could mean for the county. He has never fished the river in 35 years. He has no stake in it. Every ordinance and code in this county can be changed. He takes offense to the implications that they do not care about this county.

Commissioner Romrell thanked everyone for the comments and their attendance.

The hearing was closed at 8:11 p.m. by Commissioner Romrell.

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

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Skip Hurt, Chairman  
Fremont County Commission

Attest: \_\_\_\_\_  
Cathy Conger, Deputy Clerk