

Pend Oreille Basin Commission
Quarterly meeting
February 20, 2008
2:00-5:00 p.m.
Panhandle Health District facilities (Sandpoint)

Minutes

Present:

Ford Elsaesser
Brent Baker
Susan Martin
Craig Hill
Doug Conde
Kate Wilson

Absent:

Marc Brinkmeyer
Caryn Miske
Linda Mitchell

Attendance:

18 public/agency
(Sign-in sheet available)

Agenda:

- 1) Welcome and approval of Minutes
- 2) Meet John Sugden (TSWQC)
- 3) Presentation: Lake Pend Oreille Nearshore Survey results
- 4) Discussion of proposed Idaho Club project at Trestle Creek
- 5) Presentation: "Quasi float home" issue
- 6) Update on Commission-funded projects
- 7) Reminder/discussion of upcoming meeting dates
- 8) Adjournment

Meeting:

Ford announced that he will be abstaining from discussion/vote on the marina issue, as he is involved legally in a relevant matter with a client (to avoid any conflict). Craig made a motion to *approve the 11/14/07 Minutes*. Brent seconded. All in favor, **motion passed**.

Nearshore Survey: Hannah Schechter gave a presentation on the Lake Pend Oreille Nearshore Survey that was conducted over the summer of 2007. Hannah is a graduate student at University of Idaho in Conservation Social Sciences. The University was contacted a few years ago when Tri-State's "Lake Nearshore Committee" identified the survey process as a way to gather data needed to implement a public awareness campaign on water quality. Hannah's thesis is part of the survey work. She explained the need for the survey, the efforts behind it, sampling and analysis methods, and the data gathered during the survey. The presentation focused on the results of the survey in regard to shoreline homeowner's beliefs, attitudes, knowledge, and perception of water quality in Lake Pend Oreille. Demographic information was also gathered. Of 500 people requested to participate, 267 returned the survey. In addition, Hannah, two other college students, and Lake*A*Syst coordinator Gary Parker interviewed 40 participants one-on-one (60.1 percent respond rate). Hannah will be presenting the information to several community groups in the region, such as the Bonner Co. Waterways Advisory Committee, Avista Corporation (main funding source), the Chamber of Commerce, and the Selkirk

Association of Realtors. Feedback and input is requested for ideas and suggestions on how to form a public awareness campaign for water quality.

Ford expressed concern over the lack of an active lakefront property association; this kind of group would make it much easier to communicate with property owners on the shoreline. A broad-based membership that can look at all of the issues effecting Lake Pend Oreille is needed, Ford said.

Trestle Creek: Jim Brady provided information on the Idaho Club proposal for a large-scale community dock at the mouth of Trestle Creek. Idaho Dept. of Lands (IDL) is still processing the application; a public hearing will be held in one week. IDL will decide no later than 30 days after the hearing. The developer is still in discussions with Idaho Dept. of Fish & Game (IDFG), the U.S. Fish & Wildlife Service (USFWS), and Idaho Dept. of Water Resources (IDWR) [for stream alteration proposal on N. fork of Trestle]. Jim explained that because the shoreline has been substantially modified over the years, there has been a lot of discussion about the “natural” course of the stream. The entire package includes 126 boat slips, a float plane dock, a boat launch, and a pump-out station; a large soil absorption system will replace the old septic tanks that are currently on the property. It is proposed as a private facility for Idaho Club residents and members. IDL does not regulate boats or planes; FFA has jurisdiction over float plane in the air, County once it lands on the water. Adjacent property owners have concerns and issues with the size and scale of the development, as well as the presence of float planes.

Currently, the Planning & Zoning Dept. has approved the project; it will be going to the County Commissioners soon. IDFG has submitted several letters requesting that the beach proposal be denied, the large floating dock reduced in size, and the breakwater project be reevaluated. Trestle Creek is the most important Bull Trout spawning stream in the West, said Mary Terra-Burns (IDFG). US Army Corps of Engineers (USACE) has acknowledged the potential impacts to threatened/endangered species and have entered into a “formal Section Seven.” Mary said that IDFG is concerned with temperature impacts on Trestle Creek (due to development there) also; they have asked for buffers and tall vegetation for habitat and filtering. June Berquist of Idaho Dept. of Environmental Quality (IDEQ) commented on the style of docks and the way they are arranged; the entire shoreline will be a side/boardwalk as proposed. There is no riparian buffer; the proposed project will cover 1500’ of shoreline (four times what the previous landowner covered). June also has concerns with the swimming pool water, as it often happens that it is discharged into surface waters.

Philip Cernera of the Coeur d’Alene Tribe commented that the reduction in public access to the Lake is going to become more and more of an issue. “Be proactive,” he urged. “Take strident actions now on building more suitably.” Brent commented that it seems there should be lots of other designs for building in a sensitive environment. Jeanelle Shields requested that the Commission make a recommendation on regulating float plane frequency of flights and noise. She also commented on the lack of access for non-motorized users at the existing USACE site; once the Trestle Creek area becomes private, kayakers/canoists will have nowhere to launch. Carol Jenkins asked if the site is

vulnerable to Eurasian Watermilfoil. Jim responded that the Idaho Club has agreed to put in a wash station for boats. Jerry Boggs (of SCA) commented on the increased density and associated impacts to the Nearshore area. The developer is to submit a vegetation plan; the plantings will be monitored.

Brent made a motion to *have the Commission write a letter (to be entered into the record at the public hearing) that requesting that until all agency concerns/issues are addressed to their satisfaction, that no permits be issued.* Craig seconded. Four in favor, one abstained. **Motion passed.**

Quasi-float homes: Idaho Dept. of Parks and Recreation (IDPR) issues boat licenses. In 1974, the Lands Board acknowledged water quality impacts from float homes, and subsequently banned them in the State of Idaho. Now, creative marketers are selling boats (“water lodges”) that are, essentially, float homes. Idaho Dept. of Lands (IDL) is getting a lot of queries and questions about the legality of these “boats,” but since the U.S. Coast Guard and IDPR recognize them as “vessels,” IDL does not regulate boats.

Currently, there are 210 float homes between Lake Coeur d’Alene and Lake Pend Oreille; though they are not allowed to increase their footprint, they are allowed to build up. No new float homes are allowed, Jim Brady reported.

Concerns regarding these quasi-float homes include whether or not they have a “Y valve” that would allow black/grey water to be discharged directly to the lake, the large wastewater storage tank (280 gallons), the impact to pump-out stations, and the seaworthiness of the “vessel.” In addition, chemicals in the holding tank could potentially “kill” any pump-out on a septic. These water lodges are being marketed as homes, not boats; they are not intended to leave the slip/dock very often, if ever. A motor is an option, but is not automatically sold with the product. They made the debut of the water lodges at the boat show in Spokane recently.

After considerable discussion, Brent made a motion that *the Commission send a letter to USCG, IDPR, IDL, PHD, USFWS to urge the agencies to NOT license these water lodges as watercraft and to enter into negotiated rulemaking to NOT list these as vessels permanently.* Craig seconded. All in favor. **Motion passed.**

Discussion on upcoming meeting dates: last week of August or early September would be a good time to work on a System Operating Request. Kate will contact the Commissioners with dates for consideration.

Kate will issue a press release on the positions taken by the Commission in regard to the Idaho Club Trestle Creek “community dock” proposal and quasi-float homes.

Brent made a motion to *adjourn the meeting.* Craig seconded. All in favor. **Motion passed.** Meeting adjourned at 5:10 p.m.