

## PUBLIC MEETING

## BOAT RESTRICTION ON KEN'S LAKE

August 13, 1986  
7:00 p.m.  
Grand County Court Chambers in Moab

Those in attendance were:

Don R. Davis - Moab  
Dale F. Pierson - Grand County Water Conservancy District  
Rock Smith - Utah State Parks  
Stephen J. Olsen - Utah State Parks  
Sam Somerville - Moab  
John Zimmerman - Grand County Commission  
W.E. Leonard - Moab  
Jimmie Walker - Grand County Commission  
Jerry Holliday - San Juan County Commission  
Rick Bailey - Administrative Assistant  
Ken Bailey - San Juan County Commission  
Teri Cleaveland - Ken's Lake Recreation Commission  
Cal Black - San Juan County Commission

Commissioner Black opened the meeting by welcoming those in attendance and gave the following introduction:

The San Juan County Commission received by a letter dated June 12, 1986 a request from the Grand County Water Conservancy District requesting the Commission to consider restricting all motorized craft from boating activity on Ken's Lake with the exception of electric trolling motors.

In its letter, the Grand County Water Conservancy District outlined that the maximum surface acreage of Ken's Lake is only 80 acres and a minimum surface of 5 acres which could be reached during some years. Due to the smallness of the surface size, the Water District feels that motorized craft would simply be a hazard to those using the lake for other activities.

Under Title 73, Chapter 18, Section 17, Number 2 of the Utah Code Annotated and Boating Regulating by the Board of Parks and Recreation, revised to May 1, 1978, any subdivision of the State may, at any time, but only after public notice, make formal application to the Board of Park and Recreation for special rules and regulations with reference to the operation of vessels on any waters within its territorial limits and shall set forth therein the reason which may make such special rules or regulation necessary or appropriate.

The San Juan County Commission has by public notice on Wednesday August 6, 1986 and August 13, 1986 published in the San Juan Record and on Thursday, August 7, 1986 in the Times Independent given notice of the request made by the Water Conservancy District... Said notice announced this public meeting and also allowed written comments to be sent to the County Commission on the request. To date, no written comments have been received by the County Commission.

For the public information at this time, there are existing boating regulations in force at this time which includes:

1. The operator of a vessel or motorboat shall not exceed a slow, wakeless speed when within 150 feet of another vessel or its fishing gear, towlines, anchor lines, etc., a person in or floating on the water, a water skier (except those he is towing), a shore fisherman or his fishing gear, a launching ramp, a floating dock, a pier, a buoy, a diver's flag, or a designated swimming area.

The purpose of this public meeting is to hear comments from the public regarding the request of the Grand County Water Conservancy District as to the restriction of motorized craft from Boating activity on Ken's lake with the exception of electric trolling motors.

There has been a sign in sheet for those people attending this public meeting. We would encourage all to sign in if they have not. This sign in sheet requested those who would like to give public comments to so indicate. We would ask all those wishing to make public comments to first address to the request of the Water Conservancy District and then to address any other restrictions or other type of restrictions. We will begin with those elected officials, and then those who signed in according to the order on the sign in sheet. Afterward, any other persons wishing to make public comments will be allowed to do so.

Commissioner Black addressed that there are a number of boating areas that already have zoned waters, and to name a few: Pine View Reservoir, Deer Creek Reservoir, Green River, prohibited between Flaming Gorge and the Confluence Red Creek, Deckor Lake, Ivans Reservoir and the Jordan River and with that information we open for public comment.

Jimmie Walker: I don't have any comments, but since the article appeared in the paper I have asked several people what their concerns were and evidently no one had any comments. As far as I'm concerned I think it's a good idea.

Calvin Black: So you're to assume that those restrictions and regulations that are proposed would be appropriate.

John Zimmerman: Well the people I have talked to feel there should be restrictions on the lake.

Don R. Davis: I am a member of 50 or so, of sailors, we are not organized and I am not here as a spokesman for them as I have not been designated as such. We have talked about this in general and none of us want motors and our question is the possibility of not even having electric trolling motors. We fail to see the difference in being chopped up by a electric prop as to a gasoline prop and we want this restricted to. The only other comment, and this may not be appropriate for this meeting, but we would like to see, as has been done with other recreation areas involving swimming and so forth, to ban out all use of glass containers - no glass. This is another safety hazard.

Commissioner Black: Is there anything in the Utah State law book that this falls under, or will this have to be other than the State Board of Parks & Recreation.

Stephen Olsen: The only thing you can come close to is the state literal and nothing prohibits any particular container but nothing under the state voting law.

Commissioner Black: I don't know is this could be acted on locally or not, but will check into it. I know glass is a hazard.

Don R. Davis: We can live with electric trolling motors, the noise is better, the speed is such that they don't run over us, there is no reason not to have them. We are all showing our biases and prejudices and everyone wants the lake for their own use, the fishermen do, the sailors and swimmers all want it. Trolling motors are ok if the safety is taken care of.

Commissioner Bailey: An electric trolling motor, do they create a wake?

Don R. Davis: The wakes are not a problem but we are looking down the road at one or two boats or jet skis out there in the middle of the lake really isn't hurting anything. But looking down the road a year, five years, or ten years from now, one or two isn't going to hurt anybody, but if we get fifty out there we are in trouble. This applies to trolling motors, jet skies, power boats or anything else.

Commissioner Black: Thank you and now we will open it up to anyone else.

Sam Somerville: I would like to make a comment on this. I live by the lake and there is a lot of elderly people who like to fish and they use electric motors. And I feel your senior citizens and handi-capped should be allowed even though the rest of the general public might not. I feel that they have the right to use the lake. Another comment I have is being out there a lot, what is the health hazard of the dogs swimming in the lake? I leave this open to you people, I don't know.

Commissioner Black: To the dogs or the people? Does any one have an answer to this?

Dale Pierson: Working with the cattlemen, this has been a big concern to a lot of people and working with the state health department facilities in Moab. There are human diapers, dogs, and people get hepatitis scares. They tested for bacterial contamination and I'm not saying that it doesn't exist now or that a health hazard won't exist in the future, but so far it has proved to not exist.

Commissioner Black: The question I have for your input is, I don't know whether this is in the preview of the Parks and Recreation or in the hands of the people in the area to request regulations and to be adopted by the county to have animals put on a lease and we can look at this, if you want us to.

Dale Pierson: I don't think the amount of pollution involved is nearly as great as the amount of various other animal pollution that comes off the mountain. The stream coming out of the general area has wildlife, cattle, sheep and human beings. There is a lot of bacteria but hepatitis bacteria doesn't last to long.

Walker: How often is the water tested?

Dale Pierson: I honestly don't know the answer to that question. You normally don't take bacteria samples. A couple of years ago it was requested to have portable toilets installed at the lake and a month or so after that we had some people come down with hepatitis. At that point and time these people were swimming at the lake and the health people did not know if they got it from the lake. Bacteria samples were taken at this time and it was proved that it wasn't. The fact is that the water being for agricultural use does not require any specific standards to take bacteria samples. I can say that as a public person I will tell anyone not to drink out of the lake or out of a irrigation sprinkler, if they do they are asking for it.

Don Davis: To the Commissioners and State people, regardless of what is settled on, it seems to me the problem will be enforcing it. Its nice to have rules but if the rule is unenforceable what good is it?

Commissioner Black: I believe the Grand County deputies are cross-deputized in San Juan County.

Commissioner Walker: I am not sure but we can check on this. Probably what we need to do is enter into an inter-local governmental agreement if necessary.

Stephen Olsen: In response to this it is actually our responsibility to bring peace officers into the State of Utah to enforce the state boating law. Once you go through this zone water process then it becomes a state regulation.

Commissioner Black: That is correct, I'm glad you brought that up. The on water boating laws are their responsibility but the county can assist and have the same authority, but primarily this is the state and parks responsibility.

Steve Olsen: We are going to have to rely on the county because of the number of personnel we have in the area and the other responsibilities we have. We will encourage working with the county and will do so by letter.

Commissioner Bailey: How do you handle these regulations after they are adopted. Do you post them on the premises or how are they handled?

Steve Olsen: No not normally, they wouldn't last they become vandalized. It is usually done by general circulation and campaign. The first year we would enforce by primarily warning and ask them to take their boats off the lake and tell them that the boating laws have been changed. The second contact with the same person would have to be decided on from there.

Rick Bailey: Would it be a good idea to put some notices in the paper?

Steve Olsen: Good question - it would be a good idea and we should do this.

Commissioner Black: Both papers in the area and the media in general give out the information as public information. Any other comments.

Commissioner Bailey: I was wondering how people would know that there are different regulations there. My understanding is that all the waters in San Juan County are not covered by any regulations and it doesn't matter how little the pond is the boat can be out there on it. And if there isn't something to tell people that it is regulated how will they know?

Steve Olsen: Certainly the administrative body of that land would do this, the state won't do it.

Commissioner Black: Hopefully a sign would be put up.

There should at least be a sign to start with. Someone might tear it up but at least for the initiate period. We encourage the land owner or Water Conservancy to post a sign to that effect at all entrance roads.

We will do that, it will be good for public relations.

Commissioner Black: Any other comments?

Commissioner Bailey: I have a question about trolling motors, someone asked me if restricting them to electric. Are there certain gas trolling motors?

The matter of the rule makers is that if you say gasoline or trolling motors and some guy has a 8 ft boat and sticks a 15 power horse motor on it, some is going to find a way to abuse it and an electric motor won't chop you up.

Commissioner Black: We appreciate the opportunity to come down here, it must not be very controversial or there would be a lot of people here. We will take this under advisement and work with the State Parks and Recreation people, make the decision and issue whatever is appropriate as soon as possible.

Steve Olsen: To clarify the process, the County Commission will petition the board, the board will take it under advisement and probably ask the voting advisory council to look at it and get our recommendations of which we are in favor of what you are doing. Then the board will act upon it some time this winter. They don't meet again til October.