

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS  
OF BLAINE COUNTY  
SPECIAL MEETING OF THE JULY 2019 SESSION**

**Eighth Day**

**Tuesday, July 30, 2019**

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 10:00 a.m. Present were Chairman Jacob Greenberg, and Commissioner Dick Fosbury; Blaine County Chief Deputy Prosecuting Attorney Tim Graves; Chief Deputy Sheriff Will Fruehling; County Administrative Services Manager Mandy Pomeroy; County Road and Bridge Manager Steve Thompson; County Land Use Administrator Tom Bergin; County Code Compliance Specialist Kristine Hilt; Hailey City Attorney Christopher Simms; *Idaho Mountain Express* reporter Mark Dee; and Boise State Public Radio/NPR South Central Idaho reporter Rachel Cohen.

Commissioner McCleary was absent.

Chairman Greenberg called the meeting to order at 10:00 a.m.

Chairman Greenberg said the Flying Heart Ranch Owners Association presented the BCC with a list of issues with public access within Flying Heart Ranch. Two complaints are litter and trespassing. County Land Use has prepared signs warning people to stay on the trail and pack out litter just like on a back-country trail.

The Flying Heart Ranch Owners Association suggested there be a designated parking area, which the BCC will consider at its next regular meeting. Public comment says this access, about a quarter mile from the river access, is too far away for older and handicapped people, people transporting boats, people with time limitations, etc.

Public present were Karren DeSeve; Patrick Patman; Craig Hill; Nils Huss; Phil Huss; Mark Levin; Jacklyn Highfel; Sam Johnson; Sun Valley Outfitters Head Honcho Bryant Dunn; Bernard Friedlander; Don Keirn; Nicole Miller; Patrick Magee; Wes Roscoe; Alex Klokke; and the following speakers:

**PUBLIC COMMENT:**

- Trout Unlimited Hemingway Chapter President Alan Richardson reiterated comments he submitted on behalf of the chapter. Remote parking is not an answer for reasons already stated by Chairman Greenberg. If the OA can restrict parking on the side of the road, can they restrict walking on the side of the road? Is littering legal justification to prohibit public access? Walking from parking to the access is more opportunity for trash to end up on the side of the road.
- Richard Gouley, Bellevue resident on oxygen, said he understood the difficulty of having to walk a way to access. He served on the P&Z Commission in 1979, when this subdivision was approved. The road was private and gravel, so floodwater would run through it, and there was no discussion at that time of parking. The road was later rerouted and paved. Gouley said public parking was not addressed when Flying Heart was platted, and has not been addressed since then.
- Dirk Zondag, Jr. is sympathetic with homeowners because of misuse of access points, and said it's a great reminder to treat public lands with respect. He said the Owners Association should have come to the BCC to complain about litter, if litter is the true complaint.
- Ryan Santo said Idaho's population is increasing, and private landowners blocking access to public lands is a major issue across the entire state. The Wood River Land Trust has public access to the river at Colorado Gulch and the Draper preserve, both with parking lots in close proximity to high density neighborhoods.
- Carl Everson lives next to fishing access in Bellevue, and has experienced some of Flying Heart's complaints. He said none of Flying Heart's issues appear to actually relate to cars or parking; but relate to people and their impacts.
- Kai Nelson, student, said he had been kayaking on the river for two years. He recently parked his car in Flying Heart and saw NO PARKING signs for the first time. When he came back to his car, his car had been towed, and it cost him \$225 to reclaim it.
- Trout Unlimited Hemingway Chapter Secretary Nick Miller said users of public land have to be good neighbors. When private landowners have legitimate complaints, it's important to sit down and work out solutions for both sides, but the County has to stop this attempt to shut off public land or it will happen all over the county.
- Picabo Angler General Manager John Huber met last week with his friend and Flying Heart homeowner Gary Lipton and Picabo resident Nick Purdy about the issue. Lipton complained about trash, and about the number of guides in the Valley. Huber invited Lipton to join him in a trip to photograph trash at public river accesses, which Lipton declined. Huber then suggested Lipton ask the Owners Association to work with outfitters and guides to adopt an easement or some plan to address the trash issue. The OA was excited; but guides said they already pick up their and everyone else's trash. Huber encouraged the BCC to stick to its legal rights, but to accommodate property owners' legitimate interests.

- Hailey City Attorney Christopher Simms, on behalf of citizens of Hailey, supports public access, including parking in the easement or on the right-of-way.
- Realtor Mike Sampson asked if it was legal to put signs in a public easement. Sampson said landscaping had been put into the Flying Heart 80ft right-of-way, probably without an encroachment permit, which amounted to private landowners taking away potential parking.
- Trout Unlimited Big Wood River Project Manager Keri York said she grew up on Treasure Lane, adjacent to Flying Heart. She said they used to walk Flying Heart Road to access trails for hiking and riding. Public access easements are a priority for fishing and other recreational uses for citizens and visitors alike, and an important part of the community.
- Johannes Thum, as a teacher and EMT/firefighter, said closing access impacts many different kinds of people, including students.
- Hailey resident Kaz Thea said public lands access is a most important issue in Blaine County, the state and the country. Flying Heart Subdivision was platted in 1979 with access to the river. Parking is off the road on a gravel area, under high voltage wires.
- Guide Brian Richter has been guiding for 19 years. Restricting access seemed to him like an illegal obstruction of justice. If trash and trespass are the issues, there's going to be even more of that if parking is a one-quarter mile walk from the river access.
- James Steel said Hwy. 75 was a dangerous place to offload people to walk to the river.
- Kiki Tidwell has used public access to the river, and has seen the river degraded where there is public access. She cautioned the BCC to not get into a legal battle, but to consider mediation. She added that Idaho Power probably has an easement under the overhead high voltage wires and could possibly provide parking in the easement.

Greenberg said the County's subdivision process requires public access, including parking, but doesn't dictate how it is maintained.

**EXECUTIVE SESSION – §74-206 (1)(f) Potential Litigation**

**Fosbury moved, seconded by Greenberg, to proceed into Executive Session, pursuant to Idaho Code 74-206 (1)(f), for consideration of possible litigation of the Flying Heart public access. Fosbury (aye), and Greenberg (aye). Motion carried 2/0.**

**OPEN SESSION RESUMED**

**FLYING HEART RANCH PUBLIC ACCESS**

Greenberg said Flying Heart Owners Association's proposed designed parking area is about three-tenths mile away from the access point on the river. The BCC suggests FHROA consider additional parking areas directly across from the designated access point.

**Greenberg moved, seconded by Fosbury, to direct County legal counsel to draft a response to Flying Heart Owners Association and to respond prior to August 8, 2019 County Commissioners meeting.**

**ADJOURN**

**At the hour of 11:31 a.m., with no more business before them, the County Commissioners adjourned.**

Attest: \_\_\_\_\_ Approved \_\_\_\_\_  
 JoLynn Drage Jacob Greenberg  
 County Clerk Chairman