

Subject: Encroachment Permit L95S6193

Applicant's 'Prehearing Statement'

A) Witness list:

Lance Lane
Laneco Marine
258 McGhee Rd
Kootenai ID 83840
(208) 514-3900

Lance will be the expert witness in the dock building process, including but not limited to layout of piling in regards to littoral lines and installation of lifts.

B) Exhibits:

We will use the Encroachment Application (APP-1) as our exhibit with the inclusion of the following:

- APP-2 (this prehearing statement form)
- APP-3 (email including images listed below)
- APP-4 (Image1 in email)
- APP-5 (Image2 in email)

C) The following are the rules we intend to stand on for each complaint:

- In regards to the first 4 points of contention in the letter to the IDL by Justin Yancey on the littoral lines.

We refer to:

a) IDAPA 20.03.04 Section 010.34. Riparian or Littoral Right Lines. (3-18-22)
Lines that extend waterward of the intersection between the artificial or ordinary high water mark and an upland ownership boundary to the line of navigation. Riparian or littoral right lines will generally be at right angles to the shoreline.

b) IDAPA 20.03.04 Section 015.13.c. Angle from Shoreline. (3-18-22)
ii. Where it is not feasible to place docks at right angles to the general shoreline, the Department will work with the applicant to review and approve the applicant's proposed configuration and location of the dock and the dock's angle from shore. (3-18-22)

c) the email/phone call from Mike Ahmer and Amidy Fuson from the IDL APP-3 and APP-4 that shows an accepted alternative littoral by the IDL to the right angle littoral line in instances where the shore line is complex.

- In regards to the 5th contention of 2 boat lifts

We refer to:

i) IDAPA 20.03.04 Section 015.13.b.iii.
A boat lift or jet ski lift within lines drawn perpendicular from the shore to the outside dock edges will not require a separate permit if the lift is outside the ten (10) foot adjacent littoral owner setback, the lift does not extend beyond the line of navigability, and the lift does not count toward the square footage of the dock as outlined in Subparagraphs 015.13.b.i. and 015.13.b.ii. The permittee must send a revised permit drawing with the lift location as an application to the Department. If the lift meets the above conditions, the application will be approved as submitted. Future applications must include the lifts. (3-18-22)