

John Richards, ISB #10670  
Kayleen Richter, ISB #11258  
Idaho Department of Lands  
300 N. 6<sup>th</sup> St., Suite 103  
Boise, ID 83702  
(208) 334-0200  
jrichards@idl.idaho.gov  
krichter@idl.idaho.gov

*Attorneys for Idaho Department of Lands, Navigable Waterways Program*

**BEFORE THE STATE BOARD OF LAND COMMISSIONERS  
STATE OF IDAHO**

IN THE MATTER OF

Encroachment Permit Application  
No. L-95-S-6193

Adam and Coral Olinger, Alex Hamill,  
Jason Vedadi, and Jordan Dascolo,

Applicants,

Scott Hansen, Laneco Marine,

Agent for Applicants.

Agency Case No. PH-2026-NAV-22-003

OAH Case No. 26-320-05

**IDAHO DEPARTMENT OF LANDS’  
PREHEARING STATEMENT**

The Idaho Department of Lands (“IDL”), by and through its counsel of record, Kayleen Richter, submits the following Prehearing Statement in accordance with the *Scheduling Order* issued March 5, 2026. This matter is scheduled for a public hearing on April 8, 2026, at 5:00 p.m. Pacific Time at North Idaho College, 1000 W. Garden Avenue, Coeur d’Alene, Idaho, 83814 in the Molstead Library, Room 101, Todd Lecture Hall. IDL concurrently submits its disclosure of witnesses, exhibit list, and proposed exhibits for hearing.

**I. BACKGROUND**

**A. Application**

Adam and Coral Olinger, Alex Hamill, Jason Vedadi, and Jordan Dascolo (BWHQ LLC), by and through their agent, Scott Hansen with Laneco Marine (collectively, “Applicants”) seek an encroachment permit to construct a community dock system, boat lifts, and two boat garages on the Spokane River (“Application”). *See* IDL-01.

## **B. Procedural Background**

Through email correspondence between IDL and Applicant from October 14, 2025 to January 8, 2026, IDL received a complete application from Applicant. *See* IDL-09 and IDL-01. On December 3, 2025, IDL sent a notice to Applicant’s adjacent neighbors (Coeur d’Alene Land Company, JYD ID LLC) and provided them with a copy of the Application. *See* IDL-02. On December 4, 2025, IDL sent a resource agency notice seeking comments on the Application and provided them with a copy of the Application. *See* IDL-03. On that same date, IDL contacted the Coeur d’Alene Press to publish public notice of the application and pending public hearing. *See* IDL-04. On December 6, 2025, and December 13, 2025, the Coeur d’Alene Press published a legal advertisement to notify the public of the Application and pending public hearing. *See* IDL-05. From December 9, 2025 to January 28, 2026, adjacent neighbor Sally Yancey emailed with IDL regarding specifics of the Application. *See* IDL-10. On December 16, 2025, Idaho Fish and Game responded to IDL that they do not have any objections to the Application. IDL-08. On December 18, 2025, Kootenai County Community Development emailed their approval of the Application with conditions and additional comments. IDL-07. Pursuant to IDAPA 20.03.04 .030.04(b), on February 12, 2026, neighbor Justin Yancey, Trustee of the Justin Yancey and Descendants Trust, objected to the Application and requested a public hearing. IDL-06.

On February 18, 2026, IDL contacted the Office of Administrative Hearings (“OAH”) to request a public hearing on the Application. Live Dkt. 001. On February 20, 2026, IDL received notice that OAH appointed a Hearing Officer for this matter. Live Dkt. 011. After a scheduling videoconference on March 3, 2026, the Hearing Officer issued a Scheduling Order setting the date to hold a public hearing for April 8, 2026, and setting associated prehearing deadlines. The hearing will take place at North Idaho College, 1000 W. Garden Avenue, Coeur d’Alene, Idaho, 83814, in the Molstead Library, Room 101, Todd Lecture Hall. Live Dkt. 014. On March 9, 2026, IDL contacted the Coeur d’Alene Press to publish public notice of the hearing. *See* IDL-

11. On March 11, 2026, and March 18, 2026, the Coeur d’Alene Press published a legal advertisement to notify the public of the hearing. *See* IDL-12.

### C. Comments

To date, IDL has received two (2) agency responses to the application: one from Kootenai County Community Development and the other from the Idaho Department of Fish and Game. *See* IDL-07. IDL has not yet received any public comments.

## II. LEGAL STANDARD

By virtue of the public trust doctrine, the State of Idaho owns in trust the beds and banks of navigable waters for the use and benefit of the public. *Byrd v. Idaho State Bd. of Land Commissioners*, 169 Idaho 922, 928, 505 P.3d 708, 714 (2022) (citing *Newton v. MJK/BJK, LLC*, 167 Idaho 236, 242, 469 P.3d 23, 29 (2020)). As administrator of the trust on behalf of the public, the state “has the right to regulate, control and utilize navigable waters for the protection of certain public uses, particularly navigation, commerce and fisheries.” *Kootenai Env’t All., Inc. v. Panhandle Yacht Club, Inc.*, 105 Idaho 622, 625, 671 P.2d 1085, 1088 (1983) (quoting Roderick Walston, *The Public Trust Doctrine in the Water Rights Context: The Wrong Environmental Remedy*, 22 U. Santa Clara L. Rev. 62, 66 (1982)).

Accordingly, in 1974 the Idaho Legislature enacted the Lake Protection Act. Lake Protection Act, ch. 243, § 1 (Idaho 1974) (“LPA”). In the LPA, the Idaho Legislature proclaimed:

The legislature of the state of Idaho hereby declares that the public health, interest, safety and welfare requires that all encroachments upon, in or above the beds or waters of navigable lakes of the state be regulated in order that the protection of property, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and water quality be given due consideration and weighed against the navigational or economic necessity or justification for, or benefit to be derived from the proposed encroachment. No encroachment on, in or above the beds or waters of any navigable lake in the state shall hereafter be made unless approval therefor has been given as provided in this act.

I.C. § 58-1301.

Pursuant to the LPA, the Idaho Board of Land Commissioners, through IDL as its administrative instrumentality, has the authority and duty to “regulate, control and may permit

encroachments in aid of navigation or not in aid of navigation on, in or above the beds or waters of navigable lakes as provided herein.” I.C. § 58-1303. *See also* I.C. §§ 58-101, 58-104(9), 58-119.

The LPA provides both procedural and substantive requirements that shape IDL’s authority and discretion to permit encroachments upon, in or above the state’s navigable waters. I.C. § 58-1301 *et seq.* For example, when IDL receives a permit application for an encroachment governed by Idaho Code § 58-1306, the LPA urges IDL to begin its substantive evaluation by seeking feedback from other interested agencies “to determine the opinion of such state agencies as to the likely effect of the proposed encroachment upon adjacent property and lake value factors of navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty or water quality.”<sup>1</sup> I.C. § 58-1306(b).

Additionally, when an application is uncontested, the LPA directs IDL to decide whether to grant a permit *without* holding a hearing. I.C. § 58-1306(d). In such an event, IDL’s ultimate decision is “based upon its own investigation and considering the economics of navigational necessity, justification or benefit, public or private, of such proposed encroachment as well as its detrimental effects, if any, upon adjacent real property and lake value factors[.]” *Id.* Conversely, when an application is contested, the LPA requires IDL to hold a public hearing on the application, such that each person or agency appearing at the hearing may “giv[e] testimony in support of or in opposition to the proposed encroachment[.]”<sup>2</sup> I.C. § 58-1306(c). IDL considers

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<sup>1</sup> Note that the LPA suggests IDL seek comment on the application from other interested *state* agencies, which the LPA Rules broadens to include “federal, state and local agencies and to adjacent littoral owners.” I.C. § 58-1306(b); IDAPA 20.03.04.030.03.

<sup>2</sup> While the LPA does not define “public hearing,” the LPA Rules do:

The type of hearing where members of the public are allowed to comment, in written or oral form, on the record at a public meeting held at a set time and place and presided over by a designated representative of the Department who acts as the hearing coordinator. **This type of hearing is an informal opportunity for public comment and does not involve the presentation of witnesses, cross examination, oaths, or the rules of evidence.** A record of any oral presentations at such hearings will be taken by the Department by tape recorder. The hearing coordinator exercises such control at hearings as necessary to maintain order, decorum and common courtesy among the participants.

IDAPA 20.03.04.010.29. Thus, when a hearing is open for public comment it is only a limited opportunity for the public to provide testimony for the record, which IDL will consider when weighing the proposed encroachment’s potential detriments upon the lake value factors against its potential benefits.

both public and agency testimony when IDL gives “due consideration” to the potential detriment on the lake value factors, which IDL weighs “against the navigational or economic necessity or justification for, or benefit to be derived from the proposed encroachment.” I.C. § 58-1301; I.C. § 58-1306; *Brett v. Eleventh St. Dockowner's Ass'n, Inc.*, 141 Idaho 517, 523, 112 P.3d 805, 811 (2005) (“IDL is required to balance the competing interests involved while determining whether to approve permits for navigational encroachments”). *See also Kootenai Env't All., Inc. v. Panhandle Yacht Club, Inc.*, 105 Idaho 622, 628, 671 P.2d 1085, 1091 (1983) (“[P]ublic trust resources may only be alienated or impaired through open and visible actions, where the public is *in fact* informed of the proposed action and has substantial opportunity to respond to the proposed action before a final decision is made thereon.”).

Further, “to effectuate the purposes and policy of [the LPA] within the limitations and standards set forth in [the LPA]” IDL promulgated “minimum standards to govern projects... and regulations governing procedures for processing applications and issuing permits under [the LPA].” I.C. § 58-1304. These minimum standards and regulations are titled “Rules for the Regulation of Beds, Waters and Airspace Over Navigable Lakes in the State of Idaho” and are commonly known as the LPA Rules. IDAPA 20.03.04. In particular, the LPA Rules define additional relevant terms, expand on IDL’s processing of applications, and prescribe detailed parameters governing the myriad encroachments IDL permits. IDAPA 20.03.04.010; IDAPA 20.03.04.015; IDAPA 20.03.04.030.

To summarize, when IDL processes and evaluates an encroachment permit application, the LPA requires IDL to determine (1) whether the proposed encroachment satisfies the applicable minimum standards prescribed in the LPA Rules, and (2) whether the proposed encroachment’s potential detrimental effects on the lake value factors outweigh the potential benefits.

As subject matter experts, IDL staff receive, process, and evaluate each application’s compliance with the applicable statutory and regulatory requirements and IDL’s Encroachments

Procedures.<sup>3</sup> Rules. In contrast, it is the IDL Director—not IDL staff—who ultimately weighs the potential benefits and detriments of the proposed encroachment after considering the entire record, which includes IDL staff’s summary, any public or agency comment, and the Hearing Officer’s recommended order. *See* I.C. § 58-105; IDAPA 62.01.01.100–103. Accordingly, this prehearing statement constitutes IDL staff’s summary evaluation of the application and its compliance with the applicable requirements.

### **III. SUMMARY OF APPLICATION’S COMPLIANCE WITH THE STATUTORY AND REGULATORY REQUIREMENTS WITHIN IDL’S JURISDICTION**

The proposed encroachment permit application for consideration in this proceeding is an application jointly filed by the owners of four (4) individually owned lots seeking an encroachment permit for a community dock system, boat garages, and boat lifts for their collective shoreline located on the south shore of the Spokane River in Post Falls, Idaho. The Spokane River is considered a navigable river between Coeur d’Alene Lake and Post Falls Dam. *Washington Water Power Co. v. FERC*, 775 F.2d 305, 326 (D.C. Cir. 1985) (“The river is navigable *within Idaho* from Coeur d’ Alene Lake for eight miles to Post Falls, Idaho, five miles east of the Washington-Idaho boundary, where there is a natural drop of 40 feet.”). The Applicant proposes installing four (4) docks, one on each lot, on this navigable stretch of the Spokane River, subjecting the application to the state’s regulatory authority under the LPA.

The application contains three components: four (4) docks that make up the community dock system and total at least eighteen (18) moorages or slips, two (2) boat garages, and eight (8) boat lifts. The Applicant is not proposing any other encroachments through this application.

#### **A. Littoral Ownership**

The Applicants are littoral owners who own real property adjacent to the Spokane River identified as Kootenai County Parcel Nos. 50N04W104950/AIN 348457, 50N04W104900/AIN 348456, 50N04W104850/AIN 348455, and 50N04W104800/AIN 348454. IDL-01 at 1, 2, 3, 4,

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<sup>3</sup> One can access IDL’s Encroachments Procedures on IDL’s website under Agency Guidance Documents (<https://www.idl.idaho.gov/agency-guidance-documents/>) > Protecting Natural Resources > Lakes and Rivers > Encroachments Procedures. The current Encroachments Procedures can be found here: <https://www.idl.idaho.gov/wp-content/uploads/sites/2/2026/01/EncroachmentsProceduresAndReferenceDocuments-Jan2026.pdf>

25, 26, 27, 28, 29, 30. The Kootenai County Assessor's Parcel Information Search tool indicates the parcels are owned by Vedadi Family Trust, BWHQ LLC, Alex Hamill, and Adam Olinger. The four (4) properties appear to be waterfront lots with littoral rights. There are no other parcels or roads between the properties and the Ordinary High Water Mark ("OHWM").

**B. Type of Encroachment**

The Applicants are seeking an encroachment permit to build four (4) docks making up a community dock system along with eight (8) boat lifts and two (2) boat garages. IDL-01 at 14, 15, 16, 17, 19, 20, 21, 22, 24. Community docks and boat lifts are navigational encroachments. I.C. § 58-1306; IDAPA 20.03.04.015.02.a. Boat garages are nonnavigational encroachments. I.C. § 58-1306; IDAPA 20.03.04.015.05.a.

**C. Shoreline Length**

To determine the maximum total surface decking area a community dock system is allowed per the LPA Rules, IDL must calculate the total combined shoreline frontage, or the "length of the shoreline dedicated to the community dock." IDAPA 20.03.04.015.02.c. Here, the shoreline dedicated to the community dock system is constituted by the combination of the shorelines of the four (4) parcels within the community. Once the total combined shoreline frontage is calculated in lineal feet, the upper limits of the allowable surface decking area for the whole community dock system can be established: "The surface decking area of the community dock is limited to the product of the length of shoreline multiplied by seven (7) square feet per lineal feet or a minimum of seven hundred (700) square feet." *Id.* When IDL processes an application for a community dock system, the shorelines of the separate waterfront parcels within a community bear no relationship to docks within the community system that may be affixed to each parcel. In other words, the size limits for community docks are in aggregate and are not based on how much water frontage a particular parcel has compared to any community dock affixed to that parcel. IDL must consider the total shoreline and the total square footage of docks comprising the community dock system.

On the IDL Community Encroachment Permit Application form included in the application, the Applicants indicate the four parcels have a combined 1,135.17 feet of water frontage. IDL-01 at 38. However, a table also provided with the Application calculates that the parcels share 1,083.54 feet of water frontage. IDL-01 at 15. When processing the application and reviewing Kootenai County's parcel webpage (KC Earth), IDL staff calculated the water frontage to be approximately 1,139 feet. The proposed community dock system appears to contain 6,964.50 square feet of dock space, which would require a minimum of 994.93 feet of water frontage per IDAPA 20.03.04.015.02.c. IDL-01 at 15. Therefore, the application appears to meet the maximum decking square footage standard, even if using the lowest figure for water frontage listed above.

**D. Line of Navigability**

The proposed community dock system consists of four docks that will extend forty (40) feet (Vedadi Family Trust), thirty-six (36) feet (BWHQ LLC), fifty-six (56) feet (Alex Hamill), and seventy (70) feet (Adam Olinger) from shore. IDL-2 at 16. There are no other docks in the immediate area. However, there is a dock located six (6) lots to the southeast (owned by the Objectors) that extends fifty-five (55) feet from shore. Reviewing other docks on the other side of the Spokane River shows that most single-family docks extend approximately fifty (50) feet from shore. The proposed seventy (70) foot Olinger dock would sit in somewhat of a cove or bay, where there is greater distance between the north and south shores of the Spokane River, in contrast to the other lots within this proposed community dock system. *See* IDL-1 at 12, 13, 14, 29, 30, 31.

**E. Littoral Lines**

Riparian or littoral right lines are "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...." IDAPA 20.03.04.010.34. The LPA Rules provide a rebuttable presumption that community docks or nonnavigational encroachments will have an adverse effect upon adjacent littoral rights if located closer than twenty-five (25) feet to adjacent littoral right lines.

IDAPA 20.03.04.015.13.e. As this is a community dock system comprised of four parcels, it is being processed and would be regulated as if it was one large parcel. Each individual parcel owner is giving up their individual littoral rights to be part of the community. Therefore, there are only two littoral lines, one to the west of the Vedadi Family Trust parcel (north littoral line) and one to the east of the Adam Olinger parcel (southern littoral line).

Based on the application drawings, it appears the community dock system will provide at least a one hundred and sixty-one (161) foot buffer to the littoral line to the west (Vedadi Family Trust parcel bordering Coeur d'Alene Land Company parcel) and a twenty-five (25) foot buffer to the littoral line to the east (Olinger parcel bordering JYD ID LLC parcel). IDL-01 at 12–14, 15, 24. Therefore, there is no presumption of adverse effect upon adjacent littoral rights. The application appears to provide sufficient buffers to each littoral line, in compliance with the LPA Rules.

Additionally, the LPA Rules state that “[w]here feasible, all docks, piers, or similar structures must be constructed so as to protrude as nearly as possible at right angles to the general shoreline, lessening the potential for infringement on adjacent littoral rights.”

IDAPA 20.03.04.015.13.c.i. As “[r]iparian or littoral right lines will generally be at right angles to the shoreline” it follows that the littoral right lines and docks should both be generally perpendicular to shore, essentially parallel with one another other. *See id*; IDAPA 20.03.04.010.34. IDL’s Encroachments Procedures on littoral right lines state that “[f]or purposes of permitting encroachments and ensuring that riparian rights are not infringed upon by encroachment placement” IDL staff is authorized to use the ‘Chord Method’ to determine littoral lines. *IDL Encroachments Procedures* at 29–31. IDL’s Encroachments Procedures outline the methodology by reference to *Wisconsin Water Law – A Guide to Water Rights and Regulations – G3622* (Kent and Dudiak, 2001) as follows:

The Chord Method locates riparian right lines by identifying the points of intersection with the parcel boundaries and the artificial or ordinary high-water mark (whichever is applicable). These points are connected by chords. The riparian right lines fall along the bisector of the angles created by the chords. The riparian right lines then extend to the line of navigability. (see Figure 5-2 below).

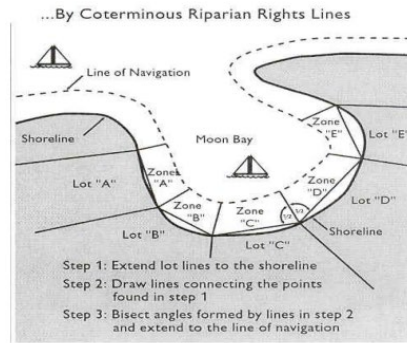


Figure 5-2

*IDL Encroachments Procedures* at 31.

As explained above, although there are four (4) parcels associated with this Application, when it comes to determining the littoral right lines, there are only two (2) littoral lines used to verify compliance with the LPA Rules—a littoral line on each side of the project. Given that IDL only received comments and concerns regarding the littoral line shared by Applicants (Olinger parcel) and the Objectors, the littoral line shared by the Vedadi Family Trust and Coeur d'Alene Land Group does not appear to be at issue.

When reviewing this application, IDL's Navigable Waters Resource Supervisor, Mike Ahmer, created a chord method figure based on the plat map, which he provided to the Objector. See IDL-10 at 1; IDL-13. Mr. Ahmer also compared his findings with the most recent figure from the Applicant's agent and found that they generated similar results. As noted above, the application materials show that the proposed Olinger dock will provide a twenty-five (25) foot buffer to the Objectors' littoral line. At this stage the community dock system has neither been approved nor installed. IDL has no reason to believe that any future construction or installation of the community dock system would not comply with the details outlined in this application. Given IDL's review of the application materials and its independent review of the shared littoral line at issue, it appears that the requisite twenty-five (25) foot buffer will be provided. Failure to provide at least a twenty-five (25) foot buffer will result in the dock being out of compliance and the high likelihood that the dock would need to be moved to provide the proper buffer. IDL is willing to work with the Applicant's agent and Objector to help set the littoral line once

construction is set to begin. Mr. Ahmer has also offered this to the Objector in an effort to resolve this matter and need for this Hearing.

**F. Signature Requirement**

IDAPA 20.03.04.020.02 states that “[o]nly persons who are littoral owners or lessees of a littoral owner shall be eligible to apply for encroachment permits” and “[a] person who has been specifically granted littoral rights or dock rights from a littoral owner shall also be eligible for an encroachment permit; the grantor of such littoral rights, however, shall no longer be eligible to apply for an encroachment permit.” In this matter, the applicants are littoral owners with littoral rights and there are no other parcels between the applicants’ parcels and the Spokane River. Applicants submitted signature pages for all four parcel owners as part of the application. Thus, the application appears to meet the LPA Rules’ signature requirement. IDL-01 at 7–10.

**G. Additional Minimum Standards for Community Docks**

The LPA Rules define a community dock as “A structure that provides private moorage for more than two (2) adjacent littoral owners, or other littoral owners possessing a littoral common area with littoral rights including, but not limited to homeowner's associations. No public access is required for a community dock.” IDAPA 20.03.04.010.11. In this case there are four (4) adjacent littoral owners who have jointly applied for a community dock. Therefore, the LPA Rules’ community dock littoral ownership definition standard appears to be met.

The LPA Rules for community docks also state that “[n]o part of the structure waterward of the natural or ordinary high water mark... may exceed ten (10) feet in width except breakwaters when justified by site specific conditions and approved by the Department.” IDAPA 20.03.04.015.02.b. Here, none of the four (4) docks of the community dock system exceed that ten (10) foot threshold. IDL-01 at 16, 19, 20, 24. Accordingly, the proposed dock system appears to meet the maximum width standard in the LPA Rules.

**H. Minimum Standards for Boat Garages**

The LPA Rules define a boat garage as: “A structure with one (1) or more slips that is completely enclosed with walls, roof, and doors, but no temporary or permanent residential

area.” IDAPA 20.03.04.010.06. The encroachment standards for boat garages in the LPA Rules state:

- a. Boat garages are considered nonnavigational encroachments.
- b. Applications for permits to construct new boat garages, expand the total square footage of the existing footprint, or raise the height will not be accepted unless the application is to support local emergency services.
- c. Existing permitted boat garages may be maintained or replaced with the current square footage of their existing footprint and height.
- d. Relocation of an existing boat garage will require a permit.

IDAPA 20.03.04.015.05.

Put differently, IDL may allow applicants to rebuild an existing non-emergency services boat garage, in whole or in part, if the boat garage will not increase in square footage from its permitted footprint. IDAPA 20.03.04.015.05.c. If the height and total area (length x width) will not increase, a boat garage may be rebuilt to different dimensions than the permitted boat garage. *See id.* One is also not precluded from building a smaller boat garage than the permitted footprint allows. *Id.* Additionally, IDL may permit applicants to relocate existing boat garages.

IDAPA 20.03.04.015.05.d. There are no geographic limitations on boat garage relocation. *See id.* In other words, one may relocate an existing boat garage from one location to another within the same navigable water body or from one navigable water body to another. *Id.*

The Applicants are seeking to relocate and rebuild two (2) boat garages that were previously located at Heyburn State Park in the southern portion of Lake Coeur d’Alene. *See* IDL-01 at 15–18, 20–23, 32–36. IDL inspected all boat garages at Heyburn State Park at the end of August 2024 to confirm the structures’ existence, obtain measurements, and document the structures. *See* IDL-01 at 18, 30–36. IDL performed these inspections in anticipation that all the Heyburn boat garages were required to be removed from the marinas at the end of the year, and that IDL would receive numerous applications to rebuild and relocate the boat garages within IDL’s Navigable Waters jurisdiction.

When performing inspections, IDL determined that all the Heyburn boat garages were built and installed prior to the LPA and thus could receive a permit without the need to pay

application or publication fees. I.C. § 58-1312. IDL then established a program to allow the Heyburn boat garage owners to apply for a temporary permit so the existing boat garage structures could be rebuilt and relocated within their existing footprint. The Applicants were assigned two of these temporary permits when they purchased two of the Heyburn boat garages. *See* IDL-01 at 18, 30–36. Due to the previous issuance of these temporary permits, IDL does not object to the Applicants’ proposed boat garages with respect to their status as pre-LPA encroachments.

The two (2) proposed boat garages will be located on the Alex Hamill dock and the Vedadi Family Trust dock. The Alex Hamill boat garage was permitted under Temporary Land Use Permit No. LU300108, and the Vedadi Family Trust boat garage was permitted under Temporary Land Use Permit No. LU300062. A review of the proposed Alex Hamill boat garage shows that the proposed structure would be 440 square feet with a height of 10 feet and 8 inches. IDL-01 at 21–23. The previously permitted structure allowed for a 441.83 square foot structure, with a height of 10 feet and 8 inches. IDL-01 at 36. There does not appear to be any conflicting information with respect to the Alex Hamill boat garage and it appears to meet the IDAPA standards for boat garages outlined in IDAPA 20.03.04.015.05.

In contrast, a review of the application’s proposal for the boat garage to be located on the Vedadi Family Trust dock reveals conflicting width measurements. One application drawing shows the boat garage’s proposed width as 18.06 feet. IDL-01 at 17. Conversely, another drawing shows the proposed width as 18.03 feet. IDL-01 at 16. The application consistently proposes the boat garage’s length as thirty-eight (38) feet. The height of the permitted boat garage and the proposed boat garage are both 11 feet and 7 inches, or 11.58 feet. Temporary Land Use Permit No. LU300062 authorizes the boat garage to be rebuilt within the permitted footprint of 685.39 square feet. Dividing the permitted footprint (685.39 square feet) by the consistently proposed length (38 feet) yields the maximum allowable width: 18.0366 square feet. *See* IDL-01 at 18. If the proposed boat garage dimensions are intended to be 18.06 feet wide by 38 feet long, the boat garage would impermissibly exceed the permitted footprint. At the hearing,

the Applicants should be prepared to address the discrepancies in the width measurements of this proposed boat garage.

#### **I. Boat Lift Standards**

IDAPA 20.03.04.015.13.b.iv states that community docks are allowed one (1) boat lift or two (2) jet ski lifts per moorage. A review of the application indicates that the community dock system proposes to build eight (8) boat lifts with a total of eighteen (18) moorages. IDL-01 at 15. The number of moorages is based on the total number of slips, which excludes the proposed boat garages and excludes spaces where boats could side tie and moor. Therefore, the application appears to meet the IDAPA standards for boat lifts on community docks.

#### **IV. ADDITIONAL CONTEXT**

The four (4) proposed docks differ in their overall length, ranging from thirty-six (36) feet to seventy (70) feet. The two shortest docks are thirty-six (36) and forty (40) feet in length. These docks resemble boardwalk style docks that do not contain a ramp leading from shore and are tucked close to the shoreline. These docks sit on a portion of the shoreline where the river is narrower between the north and south shores. The two longer docks are fifty-six (56) and seventy (70) feet in length and sit on a portion of the shoreline where the river is wider. Both longer docks contain ramps that lead out from shore. The seventy (70) foot dock sits in a cove that offers the longest distance between the north and south shores of the Spokane River.

Directly across from the proposed community dock system is the City of Coeur d'Alene's Atlas Mill Park, which contains swimming areas, log booms to help protect the public and old relic piling from the log mills of the past. IDL recently approved a community dock on the north side of the Spokane River in this area (PH-2025-NAV-22-005) that consists of five (5) docks ranging in length from seventy-five (75) feet to one hundred and fifty-four (154) feet. The longer docks were located on a portion of the shoreline where the river was wider and could accommodate their length. IDL worked with the Applicant on trying to ensure there was a three hundred and sixty-six (366) foot corridor in the river should the permit be approved.

The 366-foot corridor describes a calculation the various agencies with an interest in and authority over Spokane River (including IDL, Kootenai County Waterways Advisory Committee, Kootenai County Parks and Waterways, Kootenai County Marine Sheriffs, and Kootenai County Commissioners) created to balance the equities of the various rights to and uses of the Spokane River including safe navigation and both sides of the river's riparian/littoral owners' rights to wharf out. *See generally*, Kootenai County Board of Commissioners Resolution 2023-42 accessible on the Kootenai County Boating Rules & Regulations website, here: <https://www.kcgov.us/DocumentCenter/View/26402/RESOLUTION-2023-42-AMENDMENT-TO-2021-63-Excessive-wake-zone-designations>. The right to wharf out and access the waters of the state is well settled in Idaho law. I.C. § 58-1302; *Lake CDA Invs., LLC v. Idaho Dep't of Lands*, 149 Idaho 274, 284, 233 P.3d 721, 731 (2010) (Appurtenant to ownership of lake front property, the littoral owner possesses certain littoral rights including right of access to the water, and, subject to state regulation, the right to build wharves and piers in aid of navigation.); *Newton v. MJK/BJK, LLC*, 167 Idaho 236, 243, 469 P.3d 23, 30 (2020) (The LPA defines littoral rights as a littoral owner's right to maintain their adjacency and access to the lake).

The 366-foot corridor breaks down into five zones moving across the river: (1) a 150-foot zone closest to the shore allowing for a distance between the shoreline or dock and a boat towing someone; (2) an 8-foot zone in recognition that an average boat is about 8 feet wide; (3) a 50-foot passing zone between boats; (4) a second 8-foot zone for the second boat; (5) a second 150-foot zone for the distance from the boat towing someone to the other shoreline or dock.

The 366-foot corridor is a tool that is generally useful for planning but, in practice, its implementation is imperfect. The 366-foot corridor does not specifically accommodate the realities of a river: variable distance between shorelines from the source to the mouth; multiple concurrent and competing uses including swimming, kayaking, stand up paddleboarding, and boating; and the presence of debris in the water reducing the distance between shorelines even further. Ultimately, the 366-foot corridor is a useful framework but is not a statutory or regulatory requirement prescribed by the LPA or LPA Rules.

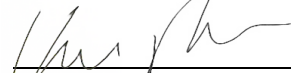
If approved, the proposed community dock system here would create a distance of three hundred and fifty-four (354) feet from the Vedadi Family Trust dock to piling on the north side of the river, three hundred and one (301) feet from the BWHQ LLC dock to piling on the north side of the river, three hundred and one (301) feet from the Alex Hamill dock to piling on the north side of the river, and four hundred and sixty (460) feet from the Olinger dock to the log boom for the swimming area on the north side of the river. To date, IDL has not received any comments from Kootenai County Parks and Waterways, Kootenai County Marine Sheriff, or Kootenai County Parks and Recreation—all local agencies in charge of enforcing boater safety and ‘No Wake’ rules for the Spokane River. IDL does not have jurisdiction or authority over boating safety, safe distances between boaters and shore or docks, nor any rules or statutes that outline standards for those topics.

## V. CONCLUSION

Given the information provided in the application and in the record at this time, the Applicants’ proposal appears to satisfy the applicable minimum standards for community docks, boat lifts under the LPA and LPA Rules. However, IDL requests clarification on the Vedadi Family Trust boat garage to ensure that the proposed structure does not increase in overall square footage from the permitted footprint, and to clarify the width measurement. The Alex Hamill boat garage appears to satisfy the applicable minimum standards. This prehearing statement does not opine whether the proposed encroachment’s potential detrimental effects on the lake value factors outweigh the potential benefits. As the public comment period remains open and additional information may be presented at the public hearing, IDL respectfully reserves the right to supplement, clarify, or modify its statements herein based on the availability of new information.

DATED this 20th day of March 2025.

IDAHO DEPARTMENT OF LANDS

  
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Kayleen Richter  
Counsel for IDL

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20<sup>th</sup> day of March 2026, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

<p>Adam and Coral Olinger 2600 E. Seltice Way, #181 Post Falls, ID 83854 (208) 827-6417 <i>Applicant</i></p>	<p><input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email: olingerpropertiesllc@gmail.com</p>
<p>Alex Hamill 838 N. 7th Street Coeur d’Alene, ID 83814 (208) 660-8129 <i>Applicant</i></p>	<p><input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email: Alex.hamill@wefund4u.com</p>
<p>Jason Vedadi 6501 E. Greenway Pkwy, #106-486 Scottsdale, AZ 85254 (480) 669-7060 <i>Applicant</i></p>	<p><input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email: vedadicorp@gmail.com</p>
<p>Jordan Dascolo 1201 W. Fremont Avenue Selah, WA 98942 (818) 807-5715 <i>Applicant</i></p>	<p><input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email: bigworkofficial@gmail.com</p>
<p>Scott Hansen, Laneco Marine 258 McGhee Road Sandpoint, ID 83864 (208)514-3900 <i>Agent for Applicants</i></p>	<p><input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email: scott@lanecomarine.com</p>
<p>Justin Yancey 6696 E. Maplewood Avenue Post Falls, ID 83854 (509) 989-0335 <i>Objector</i></p>	<p><input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email: yancey@yanceyfarm.com</p>
<p>Sarah Roop, Planner II Kootenai County Community Development 451 N. Government Way P.O. Box 9000 Coeur d’Alene, ID 83816-9000 <i>Commenting Agency</i></p>	<p><input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email: sroop@kcgov.us</p>

<p>Amidy Fuson  Rachel King  Marde Mensinger  Idaho Department of Lands  300 N. 6<sup>th</sup> Street  Boise, ID 83720  (208) 334-0248  <i>IDL Navigable Waterways Program Contacts</i></p>	<p><input type="checkbox"/> U.S. Mail  <input checked="" type="checkbox"/> Email: afuson@idl.idaho.gov  rking@idl.idaho.gov  mmensinger@idl.idaho.gov</p>
<p>Kourtney Romine  Kayla Dawson  <i>IDL Service Contacts</i></p>	<p><input type="checkbox"/> U.S. Mail  <input checked="" type="checkbox"/> Email: kromine@idl.idaho.gov  kdawson@idl.idaho.gov</p>
<p>OAH  General Government Division  P.O. Box 83720  Boise, ID 83720-0104  816 W. Bannock Street  (208) 605-4300</p>	<p><input type="checkbox"/> U.S. Mail  <input checked="" type="checkbox"/> Email: filings@oah.idaho.gov  leslie.hayes@oah.idaho.gov</p>



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Kayleen Richter  
Counsel for IDL