

IDL Hearing Statement

Olinger, Hamill, Vedadi, Dascalo Community Dock Application No. L-95-S-6193

IDL Case No. PH-2026-NAV-22-003 / OAH Case No. 26-320-05

April 8, 2026

In 2025, representatives from Kootenai County Parks and Waterways, the Kootenai County Waterways Advisory Board, the City of Coeur d'Alene Community Planning Department and their legal counsel, the City of Post Falls Planning Department, Kootenai County Sheriff's Office and IDL met to review issues related to the Spokane River. At this meeting, representatives discussed the concept of a 366-foot navigation corridor on the Spokane River.

The 366-foot corridor is a concept based on existing Kootenai County boating ordinances. Those ordinances require boats to remain at 'no wake' within 150 feet of shore or a dock. They also require boats passing one another to maintain approximately 50 feet of separation. Given that many boats average approximately 8 feet in width, this results in a minimum corridor of roughly 366 feet to allow for safe navigation. This distance would apply whether measured from dock-to-dock, bank-to-bank, dock-to-bank, dock-to-encroachment, or any similar combination.

Based on aerial imagery of the project area, before any new docks are installed on the south side of the Spokane River, the distance from the south shore to encroachments on the north side currently varies from approximately 510 feet to approximately 310 feet. The encroachments on the north side are primarily relic piling from the former log mill operations, along with log booms that protect the public swimming area.

The relic piling are located in front of City of Coeur d'Alene property, specifically the Atlas Mill Park and swimming area. The City's property includes a public swimming beach, ADA-accessible water access, a dog swimming area, and trails overlooking the river. Since the City acquired the upland property from the former mill site's owners, and because the piling are located within the City's littoral area, IDL's position is that responsibility for the piling, and any potential removal, rests with the City of Coeur d'Alene. If the relic piling are removed, the distance between the south shore and the north shore increases substantially.

Following discussions with the Kootenai County Marine Deputies and Kootenai County Parks and Waterways, it is IDL's position and recommendation that the relic piling be removed regardless of whether this application is approved. Again, removal of the piling would increase the usable width of the Spokane River and improve boater safety.

If the relic piling remain in place and the application is approved, the channel width across the river would be approximately 339 feet at the Vedadi dock, 309 feet at the BWHQ LLC dock, and 323 feet at the Hamill dock. The Olinger dock would remain unchanged and would continue to provide approximately 406 feet of channel width.

While three of the four docks would not provide the full 366-foot corridor, the proposed dock designs generally stay close to shore and are more similar to "boardwalk" style docks. The Vedadi dock would extend approximately 40 feet into the river with no ramp or approach. The BWHQ LLC dock would extend approximately 36 feet into the river with no ramp or approach. The Hamill dock would extend approximately 56 feet into the river with an approximately 15-foot ramp approach.

A littoral owner's right to wharf out and access the waters of the state is well settled in Idaho law. Under Idaho Code § 58-1302 and IDAPA 20.03.04.010.32, riparian and littoral rights include the ability of owners adjacent to navigable waters to build and use aids to navigation. IDL does not have the authority to completely prohibit a riparian or littoral owner from wharfing out or constructing a dock. However, IDL does have authority under IDAPA 20.03.04.015.02.c to limit

the size or square footage of a proposed community dock. IDL used its authority when processing this application by working with the applicants to design a mutually acceptable community dock system that stayed close to the shoreline, especially where the river's navigable channel is narrowest.

In this case, the section of the Spokane River where the Vedadi, BWHQ LLC, and Hamill properties are located does not currently provide a 366-foot corridor because of the existing relic piling. Therefore, unless the piling are removed, any structure placed in this area would further reduce the available navigable width.

If the relic piling are removed and the proposed docks are approved, the Vedadi dock would provide approximately 425 feet of channel width, the BWHQ LLC dock would provide approximately 346 feet, and the Hamill dock would provide approximately 356 feet. The Olinger dock would remain at approximately 406 feet. Although two of the four docks in the community dock system would still not meet the full 366-foot corridor after removal of the piling, the overall navigable width of the Spokane River in this area would still be greater than it is today.

It is also important to note that, at the narrowest point in this area, just west of the Vedadi lot, there is currently only approximately 244 feet of navigable channel between the south bank of the Spokane River and the relic piling located in the river. However, even though there is currently only 244 feet of navigable channel, the Kootenai County Sheriff has not designated this section of the river as a no wake zone.

While the application appears to satisfy the minimum standards, the Director must also weigh the detriments to the lake value factors against the potential benefits. IDL's position is that unless the piling are removed, the proposed community dock system would likely have a detrimental effect on the lake value factor of navigation. IDL is concerned that approval of this application would cause the Kootenai County Sheriff's Office to designate this section of the river a 'no wake' zone. However, IDL cannot control the Kootenai County Sheriff's Office's actions and the littoral owners have the right to wharf out.

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