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**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 Dascalo,

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’  
CLOSING BRIEF**

The Idaho Department of Lands (“IDL”), by and through its counsel of record, Kayleen Richter, submits the following Closing Brief pursuant to Administrative Law Judge Hayes’ instructions at the close of the public hearing on April 8, 2026.

**I. BACKGROUND**

On January 16, 2026, IDL received a complete application for permit from Adam and Coral Olinger, Alex Hamill, Jason Vedadi, and Jordan Dascalo (BWHQ LLC), by and through their agent, Scott Hansen with Laneco Marine (collectively, “Applicants”) to construct a community dock system, boat lifts, and two boat garages on the Spokane River. *See* IDL-01. On February 12, 2026, neighbor Justin Yancey, Trustee of the Justin Yancey and Descendants Trust (“Objector”), objected to the Application and requested a public hearing. IDL-06. Following the prehearing conference on April 1, 2026, the Applicants’ agent spoke with the Objector to discuss amending the application to resolve Objector’s concerns. Live Dkt. 033 at 6. The Objector

agreed to withdraw the objection if the Applicants relocated what is referred to as the “Olinger dock” away from their shared littoral line. *Id.* The Applicants agreed to amend their application and submitted a corrected drawing to IDL to demonstrate the amended proposed setbacks. *Id.* IDL requested the Applicant provide additional updated drawings showing the new proposed placement of the Olinger dock as the initial amended drawing they submitted did not give IDL enough information to evaluate the revised proposal. Live Dkt. 033 at 3. IDL also requested additional information from the Applicants to address IDL’s questions about the size of what is referred to as the “Vedadi boat garage.” *Id.* IDL worked with the Applicants’ agent over the following several days to obtain the necessary information. *Id.*

On April 7, 2026, IDL received a completed revised community dock application from the Applicants. IDL and the Applicants simultaneously distributed copies of the full amended application directly to those on the certificate of service in this proceeding for their consideration and for inclusion in the record. Live Dkt. 033 at 2; Live Dkt. 031. IDL also distributed a document consisting of only the amended documents to help distinguish the new pages in the revised application from those that were included in the original application. Live Dkt. 032. Approximately an hour and a half later the Objector withdrew the objection to the application and expressed acceptance of the application as amended. Live Dkt. 033 at 1. Due to the Objector’s satisfaction with the amended application, the Objector expressed that they did not plan to attend either the onsite inspection or the hearing the following day. *Id.*

On April 8, 2026, ALJ Hayes, counsel for IDL, and the Applicants’ representative/witness Lance Lane of Laneco Marine met at the Applicants’ property for the onsite inspection.<sup>1</sup> *See* IDL-037. Later that same day, ALJ Hayes held a public hearing on this application at the North Idaho College in the Todd Lecture Hall within the Molstead Library. Unfortunately, when the Office of Administrative Hearings (“OAH”) secured the location for this hearing, counsel for IDL understands that North Idaho College provided OAH the mailing

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<sup>1</sup> At the prehearing conference in this matter, the Applicants agreed to the onsite inspection occurring prior to the hearing due to scheduling constraints.

address for the Molstead Library rather than the physical address. *See* Live Dkt. 014 at 2. When one uses the mailing address in their GPS software, the GPS leads one to a building on campus that is near to the Molstead Library rather than to the library itself. However, when IDL published notice of the hearing location, the notice identified the hearing location by the correct room name (“Rm. 101 – Todd Lecture Hall”) and the name of the campus building (“Molstead (MOL) Library”) in addition to the library’s on-campus mailing address. IDL-12. To mitigate any potential confusion, IDL placed a sign outside of the Molstead Library to direct the public to the hearing’s location prior to the start of the hearing. Additionally, when the address mix-up was discovered, IDL staff went to the GPS-given location to intercept and redirect any members of the public who may have mistakenly arrived there. IDL staff did not encounter any members of the public at that location. Further, ALJ Hayes delayed the start of the hearing to allow for any members of the public stuck in traffic and any members confused by the address some additional time to arrive. IDL believes that the legal notice of hearing adequately notified the public of the correct hearing location because the notice included both the correct room name and the correct name of the campus building in addition to the on-campus address. *Id.* Any confusion caused by the address mix-up was mitigated by the actions IDL and ALJ Hayes took once they discovered the issue.

A representative for the Applicants, IDL staff, and counsel for IDL all appeared at the hearing in person. The Objector did not attend, as promised. Approximately ten (10) members of the public attended the hearing in person and approximately five (5) people attended the hearing remotely. At least two (2) of the remote attendees were IDL staff. All members of the public present in person were given the opportunity to orally comment on the application at the hearing, approximately four (4) people chose to do so. At the close of the hearing, ALJ Hayes ordered the public comment period be held open until April 15, 2026, and requested written closings be submitted on April 24, 2026.

IDL received responses on this application from three (3) agencies: Kootenai County Community Development, Idaho Department of Fish and Game, and the Kootenai County

Sheriff's Office. IDL-07; IDL-08; Live Dkt. 034 at PC-0001-26-320-05; Live Dkt. 035 at PC-0010-26-320-09 (sic); Live Dkt. 036 at PC-0016-26-320-05. IDL has received comments from approximately twelve (12) members of the public. Live Dkt. 036; Live Dkt. 041; Live Dkt. 042; Live Dkt. 033. All public comments were submitted no sooner than the day of the hearing, April 8, 2026, meaning all were submitted after the Objector withdrew the objection on April 7, 2026. *Id.* All comments received are in the record and speak for themselves.

## II. LEGAL STANDARD

In 1974 the Idaho Legislature enacted the Lake Protection Act. ("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. As the instrumentality of the Land Board, IDL has the duty, authority, and discretion to "regulate, control and [ ] permit encroachments" within the limits of the LPA and the LPA Rules. I.C. § 58-1303. Put differently, IDL only has the authority to regulate and control what it is authorized to.

When an encroachment permit 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[.]" I.C. § 58-1306(c). A public hearing under the LPA is a limited opportunity for the public to provide testimony for the record.

IDL considers the entirety of the record, including 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.

To summarize and paraphrase, 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.

### III. ANALYSIS

#### A. Compliance with Applicable Minimum Standards

The first step in IDL's evaluation of an encroachment permit application is to determine whether the proposed encroachment satisfies the applicable minimum standards prescribed by law. In IDL's *Prehearing Statement*, IDL outlined IDL staff's estimation of the application's compliance with the applicable minimum standards. Live Dkt. 028. At hearing, Mike Ahmer, IDL's Resource Supervisor for the Navigable Waterways program, testified on behalf of IDL. Mr. Ahmer testified in part to the approximate distances (as measured by aerial imagery) between the existing and proposed encroachments on the section of the Spokane River related to this proceeding. *See* IDL-14.

The Applicants rested on their amended application and did not present testimony or evidence at the hearing. Accordingly, IDL will give a brief overview of the amended application. In the amended application the Applicants used aerial imagery, like Mr. Ahmer did, to measure the distances between the existing encroachments in the river and the proposed community dock system. Live Dkt. 032 at 1–2. The Applicants also show the amended location of the Olinger dock, which was relocated to allow for the informal resolution of the Objector's concerns prior to hearing. Live Dkt. 032 at 3. The revised location of the Olinger dock provides an 80.5' setback from the community dock system to the littoral line shared with the Objector, which is a 55.4' increase from the 25.1' setback proposed in the initial application. *Compare* IDL-01, pages 13–14, 19 *with* Live Dkt. 032 at 3–4, 6. Additionally, in the revised documents the Applicants also corrected the Vedadi boat garage dimensions that IDL questioned in its *Prehearing Statement*. *Compare* IDL-01, page 17 *with* Live Dkt. 032 at 5.

The Applicants made no other changes to the original application. Accordingly, upon review of the amended application, IDL maintains its evaluation in IDL's *Prehearing Statement* that the application appears to comply with the applicable minimum standards that are within IDL's authority to regulate. To prevent undue repetition, IDL hereby incorporates its *Prehearing Statement* herein including specifically IDL's discussion of the shoreline length and corresponding community dock surface decking area limit as well as the discussion of the additional minimum standards for community docks.<sup>2</sup> See Live Dkt. 027 at 7–8, 11.

### **B. Evaluation of Lake Value Factors**

The second step in IDL's evaluation of an encroachment permit application is to determine whether the proposed encroachment's potential detrimental effects on the lake value factors outweigh the potential benefits. The lake value factors to be given due consideration are the protection of property, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and water quality. The potential benefits may be public or private and include the navigational or economic necessity, or justification for, or benefit to be derived from the proposed encroachment.

The IDL Director's ultimate decision whether to approve or deny an encroachment permit application is based on his independent evaluation of the entire record in the proceeding. Put differently, the IDL Director's decision is not based on any facts/opinions outside the bounds of the record in a given proceeding. Further, the IDL Director's decision is constrained by his limited statutory and regulatory authority.

In this proceeding IDL's authority is limited to the evaluation of the instant application. "State agencies in Idaho have no inherent authority." See *Idaho Power Co. v. Idaho Pub. Utils. Comm'n*, 102 Idaho 744, 750, 639 P.2d 442, 448 (1981); see also Richard Henry Seamon, *Idaho Administrative Law: A Primer for Students and Practitioners*, 51 Idaho L. Rev. 421, 439 (2015).

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<sup>2</sup> Public comments suggest that these neighboring property owners' joining together and applying for a community dock system violates IDL's rules. See Live Dkt. 042 at PC-0033-26-320-05. IDL's position on the assertion is detailed in the subsections of its *Prehearing Statement* listed here. The Applicants applied for a community dock system (not four (4) single-family docks or a commercial marina) and IDL processed the application according to the relevant statutes and rules.

“As a general rule, administrative agencies ‘are tribunals of limited jurisdiction.’ *Washington Water Power Co. v. Kootenai Envtl. Alliance*, 99 Idaho 875, 879, 591 P.2d 122, 126 (1979).

Thus, agencies have no authority outside of what the Legislature specifically grants to them. *Idaho Retired Firefighters Assoc. v. Pub. Emp. Ret. Bd.*, 165 Idaho 193, 196, 443 P.3d 207, 210 (2019) (citing *Idaho Power Co.*, 102 Idaho at 750, 639 P.2d at 448).

Further, the Spokane River is a public waterway, which “shall be open to public use as a public highway for travel and passage, up or downstream, for business or pleasure, and to exercise the incidents of navigation—boating, swimming, fishing, hunting and all recreational purposes.” I.C. § 36-1601(b). The Idaho Supreme Court addressed the issue of the public’s reasonable use of the river over 100 years ago:

Each one is entitled to the free and reasonable use of the navigable streams of this state, and may place such reasonable obstructions on the stream, so long as they serve a useful and beneficial purpose, and leave a reasonable use to others interested... If an obstruction merely impairs or renders more difficult the navigation, without destroying it, an individual has no rightful cause for complaint, because he has no right to insist on the best possible accommodation.

*Small v. Harrington*, 10 Idaho 499, 79 P. 461, 469 (1904).

The issues raised by comments in opposition to the application are general concerns for safety on the river, overcrowding, erosion, and environmental/property damage. IDL does not have the authority to regulate the Idaho Safe Boating Act or enforce boater safety. I.C. § 67-7001 *et seq.* Similarly, IDL does not have authority over no-wake zones or speed limits on the river. As IDL’s specific authority is limited, Idaho Code § 58-1306 allows IDL to contact “other state agencies having an interest in the lake 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.” I.C. § 58-1306(b). In this matter, IDL contacted twelve federal, state, and local agencies requesting they submit comments and provide their expertise to aid in the consideration of this application. IDL-03. Only Kootenai County Community Development, Idaho Department of Fish and Game, and the Kootenai County Sheriff’s Office responded to IDL’s request. IDL-07;

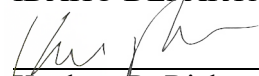
IDL-08; Live Dkt. 034 at PC-0001-26-320-05; Live Dkt. 035 at PC-0010-26-320-09 (sic); Live Dkt. 036 at PC-0016-26-320-05. None of the agency comments advanced concerns for safety on the river, overcrowding, erosion, and environmental/property damage other than the initial comments provided by the Kootenai County Sheriff's Office that were later withdrawn. *Id.* Consequently, the record reflects only general concerns unsupported by evidence or testimony. The comments should be weighed accordingly.

#### IV. CONCLUSION

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. The record contains mention of both potential detrimental effects on the lake value factors and evidence of potential benefits. However, IDL's ability to consider and remedy some of the concerns regarding potential detriments is constrained by IDL's limited authority. The decision on this application must be made on the record before the Hearing Officer, on the merits of the application, consistent with the agency's authority, and in compliance with the Public Trust Doctrine and the Lake Protection Act. Upon review of the record, IDL believes that the proposed encroachment satisfies the applicable minimum standards and its potential detrimental effects on the lake value factors do not outweigh the potential benefits.

DATED this 24th day of April 2026.

IDAHO DEPARTMENT OF LANDS

  
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Kayleen R. Richter  
Attorney for IDL

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of April 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 Dascalo 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>Garret Kenney 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: gkenney@kcgov.us</p>

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