

hp220096 \$75.00 Cash 09/11/2026

MICA
SUPERVISORY AREA
3258 W. Industrial Loop
Coeur d'Alene, ID 83815
Phone (208) 769-1577



DUSTIN T. MILLER, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

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August 14, 2026

Douglas & Philana Mcinnis Family Trust
15050 E Hayden Lake Rd
Hayden, ID 83835

Re: Courtesy Notification of Application for Encroachment **NP220096**

To Whom it Concerns:

This letter is to inform you as a courtesy that your adjacent neighbor **GREGORY SCHNEIDER** has applied for a permit with Idaho Department of Lands to permit **a seawall** on **Hayden Lake**. The enclosed applications with site diagrams show the location and indicate dimensions and distances to your mutual property/riparian boundary.

If you **do not** have concerns about the proposed project after reviewing the application packet, and you **do not** wish to object to the application, please complete the attached form (sign box 1) and return it to our office as quickly as possible.

If you **object** to the proposed application and would like to **request a public hearing**, in which you will be named as the objecting party, please complete and return the attached form to IDL. State law IDAPA 20.03.04.030.04 requires you submit your written objection (specifically asking for a public hearing) and a **\$75 fee** to cover the cost of publishing notice of hearing **within thirty (30) days of the first date of publication** (the first date it appears in the local newspaper advertising the application). Please ensure the Department receives this information by **September 14, 2026**. Objections should be based on the standards for commercial, community, or nonnavigational encroachments, which can be found here: <https://adminrules.idaho.gov/rules/current/20/200304.pdf>. Failure to provide contact information may result in dismissal of the objection due to strict timelines for hearings.

Sincerely,


Mike Ahmer

Resource Supervisor-Navigable Waters
mahmer@idl.idaho.gov

Enclosures



STATE OF IDAHO
DEPARTMENT OF LANDS
ATTACHMENT FOR ENCROACHMENT

RIPRAP REQUIREMENTS

General requirements are as follows:

- 1) Riprap used to stabilize shorelines will consist of rock that is appropriately sized to resist movement from anticipated wave heights or tractive forces of the water flow. The rock shall be sound, dense, durable, and angular rock resistant to weathering and free of fines. The riprap shall overlie a distinct filter layer which consists of sand, gravel, or nonwoven geotextile fabric. The riprap and filter layer shall be keyed into the bed below the ordinary or artificial high-water mark, as applicable. If the applicant wishes to install riprap with different standards, they must submit a design that is signed and stamped for construction purposes by a professional engineer registered in the state of Idaho.
- 2) Riprap used to protect the base of a seawall, or other vertical walls may not need to be keyed into the bed and may not require a filter layer, at the department's discretion.

Please check one and initial:

☐

I have reviewed the application, including the scope and location of the proposed encroachment as depicted. **I consent** to the application and do not wish to participate in a public hearing. _____ (initial)

☒

I have reviewed the application, including the scope and location of the proposed encroachment as depicted. **I object to the application and request a Public Hearing** in which I will be named as an objecting party. I have attached a summary of my objection to this form on a separate page **and a \$75 publication fee**. I UNDERSTAND THAT I AM REQUIRED TO SUBMIT MY CONTACT INFORMATION (NAME, PHONE NUMBER, EMAIL ADDRESS) IN ORDER TO SET A HEARING DATE. _____ (initial)

***IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT AMIDY FUSON AFUSON@IDL.IDAHO.GOV AS SOON AS POSSIBLE.**

Date

Name

Address

City

State

Zip

Phone Number

Email Address

Phone Number



Doug McInnis

15050 E Hayden Lake Road
208-659-0128
dpmcinnis@yahoo.com

August 22, 2026

Idaho Department of Lands
Attn: Mike Ahmer

Re: Schneider Seawall Application NP220096

This document is submitted in support of my objection to the proposed Gregory Schneider seawall, application number NP220096. Though I am not a lawyer, I have perused the courtesy notification received from Mr. Ahmer and have reviewed the standards for commercial, community, and non-navigational encroachments found in the link enclosed in Mr. Ahmers letter.

To begin with, the application as written has a number of factual inaccuracies. On page one it states that the proposed project will replace an existing poured in place concrete RetainingWall. It states that the existing wall is failing and will end up falling into the lake, if not addressed. It states that in addition, the shoreline to the south east end of the concrete wall is eroding and rocks and debris are falling into the lake. Only on page 3 of the application does it briefly state that the existing wall has already been removed in its entirety, and the wall in question was constructed well below the ordinary high watermark in the absence of permitting, inspection, or proper Engineering.

I believe that a second objection will be filed by the other neighbor on the west side of the project. When asked if the proposed encroachment beside rip rap be located closer than 10 feet to the riparian/littoral right lines established with the neighbors, the application says no. The existing illegal wall built below the ordinary high watermark I believe will be shown to be well within 10 feet of the littoral right lines at the Schneider -Olson property Boundary.

Page 2/4 section 16 states that the proposed wall will be located in front of the existing failing concrete RetainingWall, which I have already stated has already been removed. It goes on to state that the existing concrete wall will remain, which is obviously not



true. I believe that historical photographic evidence will show that the original concrete Retaining Wall was built substantially above the ordinary high watermark. The illegal wall was built approximately 10 feet lateral and 2 feet below the ordinary high watermark. I have photographic evidence to prove this.

Though I believe that Mr. Schneider did have an original engineered plan for the wall that he illegally built, he built it by himself without necessarily following that plan. Because it was built illegally, and without a permit, there was never any silt fencing or erosion control measures. There was never any survey to establish the ordinary high watermark. There was never any inspection from the county. To my knowledge, there was never any ongoing input from the engineer after the illegal wall was initiated.

I am the adjoining neighbor to the southeast of the proposed project and it is not true that the shoreline adjacent to the wall was eroding prior to Schneider's destruction of the wall. It is true that the concrete wall was failing. Had Mr. Schneider applied for a permit and followed the regulations established by the state of Idaho we wouldn't be where we are today.

The proposed plan seems to call for retaining the westernmost 55 linear feet of wall. In the absence of a survey, I do not believe it has been established whether or not that section of wall falls above or below the ordinary high watermark.

Mr. Ahmer has previously told me and other neighbors that the existing illegal seawall is the most egregious violation of encroachment standards currently under review in the county. Because that wall was built by the land owner, mostly neglecting the engineered plan, without silt, fencing or erosion control, irreparable harm to navigation to my dock has already occurred. I have current photographs from today and historic photographs dating back since the wall was built, reflecting a vast plume of sediment and silt moving southeast towards my dock as a result of Schneider's illegal wall. In speaking with Mr. Ahmer, he has told me that he can see this silt plume on the aerial survey routinely performed by the IDAHO Department of lands.

Even if Mr. Schneider is required to remove the existing illegal wall and attempt to restore the damage done to the Lake bed to its original condition, the siltification of my dock has already irreparably occurred. Because of the natural contours of the Lake bed, my dock and that of my adjoining neighbor Mike Silvey normally lie in water quite shallow when compared with the adjacent Docks of the Olson family, the Schneider family, and the Heinrich family to the east. Historically, my family could leave the boat in the water as late as we wished and often didn't remove it until October. Last year, the first summer after Schneider completed the wall, we had to remove our boat in



August. This summer, I'm already having to dive beneath my boat on a weekly basis in order to measure the depth remaining between my boat and the lake bottom. This is a direct effect of the siltification caused by Schneider's illegal wall and the lack of appropriate silt fencing and erosion control. Though it's difficult to measure accurately, I would estimate that the change in currents and the large silt plume created by the existing illegal wall has decreased the depth of water under my dock by approximately 4 to 6 inches

I object to this project in its entirety. As it was constructed, it was a blatant and illegal attempt to create waterfront real estate. The wall as it stands is a blatant violation of the standards for encroachment established by the state of Idaho. Any attempt to bring the project in compliance will be patently incapable of undoing the damage already done. I have been informed by numerous officials at the Department of lands as well as Kootenai County that the government's goal is to bring the project into compliance and not necessarily to punish the illegal behavior that has already occurred. Though I understand this in principle, I find it frustrating that someone can be allowed to flout the law at the expense of others and not be held to account.

At a minimum, I would request that a proper survey be performed at Mr. Schneider's expense in order to properly demarcate the ordinary high watermark as well as properly delineate the property boundaries between the Schneider family and the Olson family as well as the property boundaries between Schneider and myself. Furthermore, I would propose that a variance be granted to both myself and Mike Silvey in order to extend our Docks further into the lake in order to access deeper water and maintain navigability to our Docks. Because Schneider's existing wall has impeded navigability to my dock, I believe that this remediation should be at Schneider's expense.

Sincerely yours,

Douglas P McInnis

