

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of Application for	)	AGENCY Case No. PH-2026-NAV-22-
Replacement of an Existing Seawall	)	004
on Hayden Lake, Encroachment	)	
NP220096,	)	OAH Case No. 26-320-11
	)	
GREGORY SCHNEIDER,	)	ORDER RE: PARTICIPANT
	)	STATUS
<u>Applicant.</u>	)	

BACKGROUND

On September 23, 2026, the Idaho Department of Lands ("IDL") submitted an email advising of the submission of a second objection to the encroachment permit application at issue in this matter, which was received between September 13, 2026 and September 15, 2026.¹ However, in receiving such second objection, IDL advises that the required \$75 was not submitted therewith by the second objector (identified by IDL as Lance Olson), "presumably on behalf of Applicant Schneider's other adjacent neighbor, L&M Olson LLC."

DISCUSSION

As an initial matter, the requirement for status as a statutory objector in a proceeding such as this is two-fold: timely objection, and timely payment of the required \$75 fee, both of which are to be completed within 30 days of first publication of the notice regarding the application. *See* Idaho Code sec. 58-1306(c); Docket No. 6, "Neighbor Notices", p. 1. Here, the notice was first published on August 19,

¹ A copy of the objection document, and related screenshot from IDL reflecting metadata regarding the document to establish the date of same, are attached hereto.

2026. Docket No. 4, "CDA#20175 NOA", p. 1. Thus, the deadline for objection and payment of the fee was September 18, 2026. While Mr. Olson's objection was timely received (sometime between September 13 and 15), there is no evidence that the required fee was timely paid, and, the deadline for doing so having now lapsed, Mr. Olson has not perfected his status as a statutory objector, and thus cannot be a party to this proceeding in that role.

However, based upon Mr. Olson's objection letter, it is clear that he has an interest in this proceeding, and is, at a minimum, an "interested person" to this proceeding pursuant to IDAPA 62.01.01.206. Moreover, based upon the content in Mr. Olson's objection letter, it is clear that his testimony - in either live or written form - would meaningfully contribute to the development of the record in this proceeding, and, for that reason, Mr. Olson should be further designated as a "public witness" pursuant to IDAPA 62.01.01.207. For the participants' benefit, that rule outlines the rights and limitations of such a participant as follows:

207. PERSONS NOT PARTIES – PUBLIC WITNESSES (RULE 207).

Persons not parties and not called by a party who may be permitted to testify at hearing are called “public witnesses.” Public witnesses do not have parties’ rights to examine witnesses or otherwise participate in the proceedings as parties. Public witnesses’ written or oral statements and exhibits are subject to examination and objection by parties. Subject to a presiding officer’s determination of hearing procedure and admissibility of evidence, public witnesses have a right to offer evidence at hearing through written or oral statements and exhibits, except that public witnesses offering expert opinions at hearing or detailed analyses or detailed exhibits must comply with these rules and any order of the presiding officer regarding the prehearing disclosure of expert testimony.

ORDER

For the reasons stated above, IT IS HEREBY ORDERED that, pursuant to IDAPA 62.01.01.207, Lance Olson's status in this proceeding shall be as a public witness and may participate at the hearing in this matter pursuant to such rule. Mr. Olson will not otherwise participate in prehearing activities, but shall be copied on all filings in this matter going forward.

IT IS FURTHER ORDERED that this order does not preclude Mr. Olson from requesting intervenor status at a later date upon proper motion.

IT IS SO ORDERED.

DATED: September 29, 2026.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Bryan A. Nickels
Bryan A. Nickels
CALJ/Hearing Officer

DEPUTY CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September, 2026, I caused to be served a true and correct copy of the foregoing by the following method to:

Gregory Schneider
14953 E. Hayden Lake Road
Hayden, ID 83835
(208) 755-5876
Applicant

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☒ Email:
greg@transplanet.net

Douglas P. McInnis
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Hayden, ID 83835
(208) 659-0128
Objector

☐ U.S. Mail
☒ Email:
dpmcinnis@yahoo.com

Lindsey Morgan
Fennemore Craig, PC
233 Harrison Ave.
Coeur d'Alene, ID 83814
(208) 956-0137
Counsel for Objector Douglas P. McInnis

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Lance Olson
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(553) 710-6693
Public Witness

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/s/ Elaine Maneck
Elaine Maneck, Deputy Clerk
Office of Administrative Hearing

Schneider

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

L&M Olson LLC
5403 S Quail Ridge Circle
Spokane, WA 99223

September 10, 2026

Mica Supervisory Area
3258 W Industrial Loop
Coeur d'Alene, ID 83815

To Whom it Concerns:

This is a letter in response to the proposition for our neighboring property off of Burley Ct., Hayden Lake Idaho regarding the retaining wall that was subsequently built last year. We have several concerns regarding this. The first was that there was no permit granted and/or applied for prior to constructing the current wall that is there and this is therefore not agreeable as a neighboring property understanding this was and an illegitimate structure. We are in agreement with our neighboring colleagues who also had no insight into this construction. We are both in agreement this is very frustrating because it has several problematic issues with regard to current code that were not addressed prior to its original construction.

Our primary concern is that the current retaining wall is below the water line which has been documented by multiple pictures as well as a recent plot survey however the final results have not been completed but they agree this violated the watermark; this was done last week. We have well-documented evidence that this is below the high water line which is not within the code of Kootenai County.

Our second major concern is the proximity to our property line. Originally when they built this retaining wall it forced their access to the dock off of our property which has been mitigated but I am uncertain if this is still within legal limits as to building code with her current stair limits.

Our third concern is the impact this will have on water flow in our local bay. We discussed this with several of the other neighboring owners in the area and this has created increased silt deposition secondary to the fact again it is below the water line creating a larger swamp in the back corner of ARB a which does have significant impact on several different owners docks water depths and access to the lake.

We do object to this proposal understanding that the initial wall was not ever licensed and/or proposed and was built simply without regards to any recent or current water codes in our county. Second concern is that his proposal now is to change but not demolish and recertify the wall and what would be ultimately in accordance with the code but still would not address either of the issues outlined above understanding this is currently below the water line and secondly it will impact the water flow to our bay.

For the reasons stated above, **we object to Encroachment Application NP220096 and request a public hearing.**

We believe there are substantial unresolved questions concerning the existing wall, its location relative to the ordinary high water mark, the impacts of the proposed work on adjacent property and riparian rights, and the potential effects on water flow, sediment deposition, water quality, and access to neighboring docks.

We respectfully request that the Department:

1. Verify the ordinary high water mark and proposed wall elevations using independent survey information;
2. Review the location of the existing wall and document the portion that was constructed below/beyond the OHWM;
3. Determine whether all required permits and approvals were obtained before the original wall was constructed;
4. Verify the proposed wall and associated stairs/landings against the actual property and riparian boundaries;
5. Evaluate the potential effects of the proposed wall on water circulation, sediment deposition, water quality, aquatic habitat, and adjacent properties;
6. Consider whether the proposed project represents the minimum necessary work to address the applicant's stated erosion and structural concerns; and
7. Require appropriate mitigation or modification of the proposal if the evidence demonstrates adverse impacts to neighboring property or lake values.

We appreciate the Department's consideration of our concerns and respectfully request that this objection and the accompanying documentation be made part of the official record for Application NP220096.

Sincerely,

L&M Olson LLC
5403 S. Quail Ridge Circle
Spokane, WA 99223

- General requirements are:
- 1) Riprap used to stabilize shall resist movement from rock shall be sound, of fines. The riprap nonwoven geotextile the ordinary or artificial install riprap with di stamped for construction Idaho.
 - 2) Riprap used to protect keyed into the bed

Please check one and initial



I have reviewed encroachment public health



I have reviewed encroachment which I view this form REQUIRE ADDRESS

*IF YOU HAVE ANY QUESTIONS AS POSSIBLE.

LANCE OLSON 13 SEP 26
Date

Name

5403 S. QUAIL RIDGE CIRCLE, SPOKANE, WA 99223
Address City State Zip

(509) 710 6693
Phone Number

lance.olson@men.com
Email Address

Phone Number

Document Properties

Description Security Fonts Initial View Custom Advanced

Description

File: NP220096 Objection Olson

Title:

Author:

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