

**MICA SUPERVISORY
AREA**

3258 West Industrial Loop
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**STATE BOARD OF LAND COMMISSIONERS**

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December 6, 2019

**CERTIFIED RETURN RECEIPT
AND REGULAR US MAIL**
7011 3500 0002 7543 7830

Howard Rude
6426 E Maplewood Ave
Post Falls ID 83854

SUBJECT: Incomplete Encroachment Application, L95S4916E

Dear Mr. Rude:

Idaho Department of Lands (IDL) has reviewed your encroachment application for dredging within the line of navigation. The application is incomplete as submitted and cannot be processed without further information. IDAPA 20.03.04.020.07 (Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in Idaho) states that incomplete applications may not be accepted for filing. The following information is required before the application can be considered complete:

1. A copy of most recent survey or county plat showing the full extent of the applicant's lot and the adjacent littoral lots. (IDAPA 20.03.04.020.07.a.ii.)
2. Proof of current ownership or control of littoral property or littoral rights. The application submitted shows the property owner as "Howard Rude", however, Kootenai County shows the property owner as "Maplewood Property Management LLC". (IDAPA 20.03.04.020.07.a.iii.)
3. Scaled air photos or maps showing the lengths of adjacent docks as an indication of the line of navigability, distances to adjacent encroachments, and the location and orientation of the proposed encroachment in the lake. (IDAPA 20.03.04.020.07.a.v.)
4. Total square footage of proposed docks and other structures, excluding pilings that cover the lake surface. (IDAPA 20.03.04.020.07.a.vi.)
5. IDAPA 20.03.04.015.11.a. states: "Excavating, dredging or redredging channels shall require an encroachment permit and shall be processed in accordance with Section 30 of these rules." Applicants shall pay any balance due on publication costs before written approval will be issued. IDL requires that a \$75 publication fee be

submitted to complete processing. In addition to the \$300 already submitted, please submit an additional \$75 to cover newspaper publication costs.

6. IDAPA 20.03.04.015.11.b. & c. states: "An excavated or dredged channel or basin to provide access to navigable waters must have a clear environmental, economic, or social benefit to the people of the state, and shall not result in any appreciable environmental degradation. A channel or basin shall not be approved if the cumulative effects of these features in the same navigable lake would be adverse to fisheries or water quality. Whenever practical, such channels or basins shall be located to serve more than one (1) littoral owner or a commercial marina; provided, however, that no basin or channel will be approved that will provide access for watercraft to nonlittoral owners." Please provide statement/s that these requirements can be met.
7. IDAPA 20.03.04.020.06. states: "Redredging a channel or basin shall be considered a new encroachment and a permit is required unless redredging is specifically authorized by the outstanding permit. Water quality certification from the Idaho Department of Environmental Quality is required regardless of how redredging is addressed in any existing or future permit." Please work with IDEQ to obtain the necessary water quality certification for this type of project.

Please provide the above information within 30 days of receiving this letter. If the information is not received within this 30-day period, then your application may be denied due to a lack of the information required by Section 020 of IDAPA 20.03.04. A new application, and application fee, will then be required to restart the permitting process.

If you have any questions pertaining to the above information, please call Mike Ahmer or me at 208-769-1577 or email mahmer@idl.idaho.gov or afuson@idl.idaho.gov , respectively.

Sincerely, ,



Amidy Fuson, Lands Resource Specialist Sr.,
Lands & Waterways

Enclosures Copy of Application