

BEFORE THE STATE BOARD OF LAND COMMISSIONERS  
STATE OF IDAHO

In the Matter of:	)	
	)	Case No. CC-2020-PUB-20-001
Encroachment Permit Application	)	
No. L-96-S-2571	)	<b>NOTICE OF APPOINTMENT OF</b>
	)	<b>HEARING OFFICER AND</b>
Ron Shaffer,	)	<b>HEARING</b>
Applicant.	)	
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NOTICE IS HEREBY GIVEN that pursuant to the Lake Protection Act, Idaho Code Title 58, Chapter 13 (which may be viewed at <https://legislature.idaho.gov/statutesrules/idstat/Title58/T58CH13/>) and the Rules for the Regulation of Beds, Waters, and Airspace over Navigable Lakes in the State of Idaho, IDAPA 20.03.04.000 *et seq.*, (which may be viewed at <https://adminrules.idaho.gov/rules/current/20/200304.pdf>) the Director of the Idaho Department of Lands (“IDL”) has appointed Karen Sheehan, Deputy Attorney General, Fair Hearings Unit, Office of the Attorney General, as “Hearing Officer” to conduct a hearing in the above-captioned matter. The hearing will be conducted pursuant to Idaho Code § 58-1305(c). The Hearing Officer has the scope of authority delineated by IDAPA 20.01.01.413.01 and by IDAPA 20.03.04.025.06.

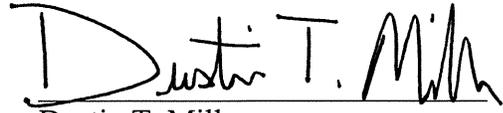
The provisions of Idaho Code § 58-1305 and IDAPA 20.03.04.025 apply to the above-captioned matter and require (1) that a hearing on the application be held within sixty (60) days of the application date, and (2) that a decision be rendered within forty-five (45) days after close of the hearing. Idaho Code § 58-1305(c) and IDAPA 20.03.04.025.06. In order to comply with these deadlines, I delegate initial decision-making authority to the Hearing Officer pursuant to Idaho Code § 67-5245. The Hearing Officer shall submit a preliminary order to the Director of the Idaho Department of Lands within thirty (30) days after the close of the hearing. After receiving the preliminary order, the Director shall issue a Final Order no more than forty-five

(45) days after the conclusion of the hearing, or allow the preliminary order to become final forty-five (45) days after the conclusion of the hearing. As provided in Idaho Code § 67-5240, the contested case provisions of the Administrative Procedure Act do not apply where the legislature has directed the use of alternative procedures. Because the Legislature has enacted specific alternative procedures in Idaho Code § 58-1305 that require a final order to be issued within forty-five (45) days of the hearing, and leave insufficient time to consider petitions for review of the preliminary order, the procedures of Idaho Code § 67-5245 addressing petitions for review of preliminary orders are not applicable.

NOTICE IS HEREBY GIVEN that a contested case proceeding will be conducted on **Thursday, May 14, 2020 at 10:00 a.m. Pacific Time.** Due to the COVID-19 situation, this hearing will be held telephonically. On the scheduled date and time, **call (208) 334-4537** and input **Conference ID number: 4559**. The hearing will be conducted pursuant to the Lake Protection Act, Idaho Code Title 58, Chapter 13, Idaho Code (which may be viewed at <https://legislature.idaho.gov/statutesrules/idstat/Title58/T58CH13/>), IDAPA 20.01.01.000 *et seq.* (which may be viewed at <https://adminrules.idaho.gov/rules/current/20/200101.pdf>) and IDAPA 20.03.04.000 *et seq.* (which may be viewed at <https://adminrules.idaho.gov/rules/current/20/200304.pdf>).

In accordance with IDAPA 20.01.01.511 and IDAPA 20.01.01.551, the parties are hereby notified that if they require assistance of the kind that the agency is required to provide under the Americans with Disabilities Act (e.g. sign language interpreters, Braille copies of documents) in order to participate in, or understand the contested case hearing, the agency will supply that assistance upon request a reasonable number of days before the hearing. Documents, requests for ADA assistance, a copy of the statutes and rules cited above, or other general requests may be submitted to Justin Eshelman at [jeshelman@idl.idaho.gov](mailto:jeshelman@idl.idaho.gov) or at 2550 Highway 2 West, Sandpoint, ID 83864-7305 by Thursday, May 7, 2020.

DATED this 20<sup>th</sup> day of April, 2020.

A handwritten signature in black ink that reads "Dustin T. Miller". The signature is written in a cursive style with a large, looped initial "D".

Dustin T. Miller  
Director, Idaho Department of Lands

**CERTIFICATE OF MAILING**

I hereby certify that on this 20<sup>th</sup> day of April, 2020. I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Ron Shaffer  
1470 E. Mineral Pl  
Centennial, CO 80122

- U.S. Mail, postage prepaid
- Hand Delivery
- Federal Express
- Email: [rvshff@cs.com](mailto:rvshff@cs.com)

Felten Enterprises  
c/o William Felten  
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John and Maria Siele  
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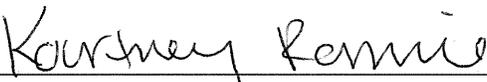
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Office of the Attorney General  
c/o Sam Seevers - Fair Hearings Unit  
954 W. Jefferson St., 2nd Floor  
Boise, ID 83720

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Kourtney Romine  
Administrative Assistant