



April 27, 2020

The application for encroachment permit (ERL95S1378B – North Idaho Maritime / John Condon) does not contain the required supporting documents and proposed project information as per IDAPA 20.03.04 Rules for the Regulation of Beds, Waters and Airspace Over Navigable Lakes in the State of Idaho.

ID Administrative code states;

07. Forms, Filing. Applications must be in writing on forms provided by the Department or copies. Applications and plans shall be filed in the local office of the Department, whose location is available on the internet at www.idl.idaho.gov, or the director's office in Boise, together with filing fees and costs of publication when required by these rules. Costs of preparation of the application, including all necessary maps and drawings, shall be paid by the applicant.

(4-2-08) a. Plans shall include the following information on paper no larger than eight and one half by fourteen (8 1/2"x14") inches:

(4-2-08) i. Lakebed profile in relationship to the proposed encroachment. The lakebed profile shall show the summer and winter water levels.

(4-2-08) ii. Copy of most recent survey or county plat showing the full extent of the applicant's lot and the adjacent littoral lots.

4-2-08) iii. Proof of current ownership or control of littoral property or littoral rights.

(4-2-08) iv. A general vicinity map.

(4-2-08) v. 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.

4-2-08) vi. Total square footage of proposed docks and other structures, excluding pilings, that cover the lake surface.

4-2-08) vii. Names and current mailing addresses of adjacent littoral landowners.

(4-2-08) b. Applications must be submitted or approved by the littoral owner or, if the encroachment will lie over or upon private lands between the natural or ordinary high water mark and the artificial high water mark, the application must be submitted or approved by the owner of

such lands. When the littoral owner is not the applicant, the application shall bear the owner's signature as approving the encroachment prior to filing. (4-2-08)

k. **Applications that are incomplete**, not in the proper form, not containing the required signature(s), or not accompanied by filing fees and costs of publication when required, **shall not be accepted for filing**. The department shall send the applicant a written notice of incompleteness with a listing of the application's deficiencies. The applicant will be given thirty (30) days from receipt of the notice of incompleteness to resubmit the required information. The deadline may be extended with written consent of the department. If the given deadline is not met, the department will notify the applicant that the application has been denied due to lack of sufficient information. The applicant may reapply at a later date, but will be required to pay another filing fee and publication fee, if applicable. (4-2-08)

Joint Application PermitRequired contents applicant is missing ERL95S1378B – North Idaho Maritime / John Condon

16. DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the US, including wetlands: Include dimensions; equipment, construction, methods, erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows, borrow sources, disposal locations.

The applicant provides only this information for #16;

Drive 14 piling for pier and 4 piling to secure floating dock. Pier will be 10' x 50'. Floating dock will be 10' x 100'. Piling will be driven by crane and barge crew. Dock will be built or obtained off site and pilings will be 12" steel.

The applicant HAS NOT provided IDL, ACOE or IDWR with a **DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT**. Nor has the applicant specifically indicated portions of the project that take place within waters of the US, including wetlands:

Applicant has further not provided a detailed description of erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows, borrow sources, disposal locations **AS IS REQUIRED** by Idaho law.

17. DESCRIBE ALTERNATIVES CONSIDERED to AVOID or MEASURES TAKEN to MINIMIZE and/or COMPENSATE for IMPACTS to WATERS of the US, INCLUDING WETLANDS.

The applicant HAS NOT provided IDL, ACOE or IDWR with ANY of the above the **REQUIRED** information for #17.

18. PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or attach a copy of your proposed mitigation plan.

The applicant HAS NOT provided IDL, ACOE or IDWR with ANY of the above the **REQUIRED** information for #18.

20. TYPE and QUANTITY of impacts to waters of the US, including Wetlands:

The applicant HAS NOT provided IDL, ACOE or IDWR with ANY of the above the REQUIRED information for #20.

23. YES, Alteration(s) are located on Public Trust Lands, Administered by Idaho Department of Lands.

Applicant provides no answer for #23.

26b. BEST MANAGEMENT PRACTICES (BMP's): List the Best Management Practices and describe these practices that you will use to minimize impacts on water quality and anti-degradation of water quality. All feasible alternatives should be considered – treatment or otherwise. Select an alternative that will minimize degrading water quality.

The applicant HAS NOT provided IDL, ACOE or IDWR with ANY of the above the REQUIRED information for #26b.

27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.

The applicant lists the activities, names the water body and describes it as perennial but provides NO information on Description of Impact and Dimensions or Impact Length Linear Feet as is REQUIRED by Idaho law.

29. ADJACENT PROPERTY OWNERS NOTIFICATION REQUIREM: Provide contact information of ALL adjacent property owners.

The applicant lists the name of adjacent property owners but provided NO CONTACT INFORMATION as is REQUIRED by Idaho law.

The applicant provides no information on in-lake activities (i.e. boats per day, types of vessels utilizing the site, crane storage, potential dredging necessary, amount and degree of in-water boat/vessel traffic, storage of material on dock/pier etc.) The full scope of the project needs to be clearly explained and articulated to the public, IDL, ACOE & IDWR and accompanied by proposals for mitigation of the foreseeable physical and environmental impacts of the full scope of proposed commercial operations before approval of this permit is considered.

The degree to which the applicant has failed to provide IDL with the required supporting information renders this application incomplete and according to Idaho law, the application should NEVER HAVE BEEN ACCEPTED FOR FILING.