

**From:** [Sharla Arledge](#) on behalf of [Comments](#)  
**To:** [Kourtney Romine](#); [Mike Ahmer](#)  
**Subject:** FW: Comments for PH-2020-PUB-22-002, NIM  
**Date:** Wednesday, July 22, 2020 09:56:11 AM  
**Attachments:** [NIM Comments 07212020.pdf](#)

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**From:** Jim Brady <bradyjim101@gmail.com>  
**Sent:** Wednesday, July 22, 2020 9:39 AM  
**To:** Comments <comments@idl.idaho.gov>  
**Subject:** Comments for PH-2020-PUB-22-002, NIM

Hi Sharla, Jim Brady here. Attached are my comments for John Condon's encroachment application for a commercial dock facility in Wolf Lodge Bay.  
Have a great day and stay cool and healthy.  
All good here.

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Jim and Lori Brady

July 20, 2020

Subject: Case No. PH-2020-PUB-22-002, North Idaho Maritime – John Condon, Applicant,  
ERL95S1378B

Dear Hearing Coordinator Bromley and the Idaho Department of Lands, Navigable Waters Program;

My name is Jim Brady, I had planned on giving this testimony in person but with the current Covid-19 situation I will submit these comments electronically for use in your decision making process.

I retired from the Idaho Department of Lands (IDL) after 27 years (October 2018) of administering the Lake Protection Act (LPA) for north Idaho. I was a supervisor of Resource Specialists for Priest Lake, Sandpoint (Lake Pend Oreille and other Bonner County lakes) and the lakes in Kootenai County. I oversaw activities on navigable waters from the Canadian border down to the Clearwater and assisting on special projects for the rest of the state.

As you may know, Lake Coeur d'Alene has a rich history of activities from steamers, to recreation, to lumber mills, to miles long log tows and marine construction. The tug companies used to be very good stewards of the lake by gathering debris and dead heads and then disposing of it to ensure safe boating and recreation.

Cougar Bay used to be the center of many commercial activities for over a hundred years. This activity included log storage and sorting, barge and crane storage and marine construction such as dock building. The log storage encompassed hundreds of acres which masked many of the other activities to the casual eye. The City of Harrison, which nearly became the county seat, was another point on the lake where log storage, sorting, milling and construction activities took place, dock storage and construction still does.

Over time the highest and best use of waterfront property, residential, overtook commercial activities. Over the past 20 years significant residential growth has occurred on the lake. Kootenai County has seen 20% growth as well. Some developed properties on the lake are only boat accessible. This growth has put a significant burden on the lake requiring more support activities such as more public access points, dock building, recovery operations, fire support, mail service, invasive weed control and operations that support safe boating and recreation.

This growth slowly drove out some commercial activities like log tows, log sorting and milling. The last log tows in about 2006 and the disappearance of the mills occurred and residential homes replaced the 6 mill sites on Lake Coeur d'Alene and Spokane River. Commercial activity such as dock building, dock/float home and barge storage became exposed due to lack of log storage that masked these activities and consumed a majority of Cougar Bay.

This growth and public demand on the lake has obviously consumed a majority of locations where commercial activity can take place. As stated above, Cougar Bay was primarily the hub of commercial activity but the commercial use has changed to accommodate marinas for the public. The new owners of the Blackwell Island Marina are expanding the number of slips and is slowly pushing out commercial lake support activities such as crane and barge storage and construction activity as the higher and better use is marina slips. In addition, the City of Coeur d'Alene's 3<sup>rd</sup> Street launch used to be where large

cranes could conduct large heavy lifts to and from the lake. This activity is not plausible, with the hustle and bustle in downtown Coeur d'Alene, or allowed anymore by the City.

IDL considered North Idaho Maritime (NIM) to be conducting unauthorized activities in Cougar Bay, unpermitted barge and crane storage and dock storage, even though this current encroachment application does not propose dock storage. In 2009, to try to resolve part of the noncompliance activity, North Idaho Maritime partnered with a competitor marine construction company, a littoral property owner in Cougar Bay, for a joint dock storage area in Cougar Bay. After a public hearing on the application an encroachment permit was granted to the littoral property owner in Cougar Bay for dock storage only. This permit had several conditions such as docks could only be stored in the bay from October to May but could be extended with extenuating conditions with IDL approval. Another condition was that there could be no float home/boat garage storage in the bay or barge and crane storage in the Bay or dock construction in the permit area. This encroachment permit was issued to the littoral owner in Cougar Bay.

On behalf of IDL, I started working with NIM to locate a suitable location for marine construction activities and barge and crane storage only on Lake Coeur d'Alene in about 2010.

NIM found the Wolf Lodge Bay property that is the subject of this application. It appears Wolf Lodge Bay is about the best case with the lack of other suitable locations as discussed above. Wolf Lodge Bay at this particular location is bound on the north by Interstate 90, on the east and south by State Highway 97 and the west by the open waters of Lake Coeur d'Alene and no residential waterfront homes in the immediate vicinity. The closest public activity, besides the Highway and boaters, is the Department of Interior, Bureau of Land Management's public boat launch just over 1,000' to the west.

I have reviewed the NIM encroachment application posted on the IDL website, after the 1,000s of encroachment applications I have reviewed over my career I must say that this application is complete. It also appears to address comments from IDL's sister agencies as of this writing on July 19, 2020.

Lake Coeur d'Alene has an Ordinary High Water Mark (OHWM) 2128' Washington Water Power Datum (WWP) and not an Artificial High Water Mark. The lake has an Ordinary Low Water Mark of 2121' WWP. Therefore, commercial activity waterward of the OHWM will require the user to acquire a submerged lands lease to compensate the public for the use of Public Trust Lands. This lease will be assembled after an encroachment permit is grant, should this application be approved. The submerged lands lease monies help fund the operation of the Navigable Waters Program.

Therefore, I believe this encroachment application should be approved. Negative impacts, if any, appear to be mitigated and minimal. For the Lake Coeur d'Alene as a whole, this encroachment application will not produce any measurable increase in commercial traffic than already exists, yes, it will produce a bit more commercial traffic in Wolf Lodge Bay. NIM is not a new company on the lake and will continue to conduct its existing current business activities. If this encroachment application is approved, it will also resolve an existing non-compliance activity that has existed for years and will generate income for the Navigable Waters Program.

Case No. PH-2020-PUB-22-002

I hope this history and my comments helps Hearing Coordinator Bromley make a better informed decision. Should anyone have any questions regarding these comments, please feel free to contact me. You are welcome to call me during the public hearing at 208 691-1801.

Respectfully,

A handwritten signature in black ink that reads "Jim Brady". The signature is written in a cursive style with a large, stylized initial "J".

Jim Brady, Retired IDL  
10166 N. Zack Ct  
Hayden, ID 83835  
208 691-1801

20200719 JB