

**From:** [Mike Ahmer](#)  
**To:** [Kourtney Romine](#)  
**Subject:** FW: forward to Condon hearing officer. Thanks! Pat Behm  
**Date:** Monday, July 27, 2020 11:16:15 AM  
**Attachments:** [pat.CondonIDL\\_permit.7.20.docx](#)

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Hello Kourtney,

I am still going through emails and just saw this. Sorry. One more thing to add

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**From:** Pat Behm <[pbandjcda@hotmail.com](mailto:pbandjcda@hotmail.com)>  
**Sent:** Friday, July 24, 2020 5:06 PM  
**To:** Mike Ahmer <[mahmer@idl.idaho.gov](mailto:mahmer@idl.idaho.gov)>  
**Subject:** forward to Condon hearing officer. Thanks! Pat Behm

7/23/2020

To Department of Lands hearing officer regarding Condon encroachment permit request at Wolf Lodge Bay:

Thanks for the opportunity to comment. Permit ERL 9551378B needs to be denied. I oppose the unlimited commercial uses for a barge hauling company (NIM or other family Trust named tenant), to use our Lake surface to set up shop on Lake Coeur d'Alene.

The primary navigation impacts and effects of loading the Lake at the Wolf Lodge Bay location to send construction barges across the Lake to various work sites will impede other established uses (water skiing, sailing, kayaking) and negatively impact littoral properties, including uses at the BLM launch site next door. Other Public Trust values such as fish and wildlife, air/ noise/ light pollution will effect multiple areas throughout Lake Cd'A.

Lakes held in trust by the State of Idaho: (Id code58-1301 )- Title to waterways (Lake surface) are held in Trust for the benefit of the public rather than one specific beneficiary. Please recognize the purpose and power of the Public Trust doctrine going forward with the permit review. The Condon Family Trust can sell NIM tomorrow, so do not allow ANY transfer of new uses approved with permit requests.

It is important for IDL to draw a line about untrue claims of submerged land ownership. How can these lands be privatized under the Lake, using qualities from Statehood. How long have the taxed been paid?

In review of intended Wolf Lodge Bay and Lake encroachments, though the line of navigability will be newly established through proposals, the real navigation hazards occur throughout the lake while hauling remodel debris and unlimited heavy equipment. Thus creating an industrial highway for projects that can be managed through inland operations, away from sensitive shorelines. Mitigations need to include stormwater run off management, bonding for clean up of fuel and hazards spills, highway studies to monitor compliance with Id DOT driveway access off scenic State highway 97.

This type of encroachment can take on an evolutionary life of their own, destined to continually grow to support the sole business and Trust to benefit. Developers are looking out for future ways to profit off our treasured Lake, but it's our stewards there with the Department of Lands looking our for a wide variety of public benefits, not just economic. Other Lakes across the State manage private docks in different ways, plus still manage to get shoreline protections.

Additionally, please note the manipulations by the applicant to fragment jurisdictional decisions, to attain waterfront permitting without environmental analysis and disclosure of intended 'build out' above highway 97 .

At the Department of Lands hearing 7/23, the applicant linked historical shoreline industries from the times when logs were floated to mills. The State does not owe NIM the Lake access to set up loading docks for modern day construction and barging of materials. North Idaho Maritime are the 'tenants'

under the family Trust. See Kootenai County Special Use Permit filed by Condon Trust on 6/29/20. The permit will allow placement of a 6-8 foot fence to block permanent “cargo storage containers”. The applicant is requesting a variance on the shoreline for a 40 foot wide bulkhead within the “shoreline management area”.

Project SPN- (special project notice) -20-0003. Portable toilets to be set up and moveable within wetlands and drainageways on property- max slope on prop.30%. (see p.2 of special needs checked 6/30/20 by applicant).

It is imperative to realize the Navigation permit from DOL must attach to the pier and bulk head being reviewed at the County. Both are dependent on two different permitting mechanisms, which appear to be manipulated by the applicant. Disagree with the assumption that the Trust owns submerged lands, since it was ‘land’ at the turn of the century. Why wouldn’t all lakeshore owners use the same argument? Please deny the encroachment permit.

Say no to the process of allowing fragmentation of jurisdictions, to attain waterfront permitting without environmental analysis and disclosure of intended ‘build out’ above highway 97 .

At the Department of Lands hearing 7/23, the applicant linked historical shoreline industries to hopeful entitlement for the family Trust. North Idaho Maritime are the ‘tenants’ under the family Trust. See Kootenai County Special Use Permit filed by Condon Trust on 6/29/20. The permit will allow placement of a 6-8 foot fence to block permanent “cargo storage containers”. The applicant is requesting a variance on the shoreline for a 40 foot wide bulkhead within the “shoreline management area”.

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(see attached Kootenai County narrative on 6/30/2020 special use permit, requesting variance for 40 foot wide bulk head within the sensitive shoreline).

Pat Behm

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Cd’A, Id. 83814

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