

GEORGE B. BACON  
Director  
Idaho Department of Lands  
300 N. 6<sup>th</sup> St. Ste. 103  
PO Box 83720  
Boise, Idaho 83720-0050

BEFORE THE STATE BOARD OF LAND COMMISSIONERS  
STATE OF IDAHO

In the Matter of; )  
)  
Encroachment Permit No. L-95-S-4577A ) **FINAL ORDER**  
)  
William Eichelberg, Applicant. )  
)  
)  
\_\_\_\_\_ )

**I. NATURE OF PROCEEDINGS/ISSUES**

A public hearing was held on August 10, 2010 at 7:00 pm PDST at the Federal Building in St. Maries, Idaho. John E. Lilly served as Hearing Coordinator. The Hearing Coordinator issued his Recommendations on September 1, 2010.

My responsibility is to render a decision on the behalf of the State Board of Land Commissioners based on the record reviewed in the context of my personal expertise gained through education, training, and experience. In making this determination I have relied on the record provided. Specifically,

- I have read the transcript of the public hearing conducted in St. Maries, Idaho on August 10, 2010.
- I have reviewed the record including all documents and exhibits.
- I have examined the Hearing Coordinator's Recommendations in light of the entire record.

Encroachments, including docks, placed on the navigable waters, require a permit issued by the Department of Lands pursuant to the requirements of Title 58, Chapter 13, Idaho Code and the Rules for the Regulation of Beds, Waters and Airspace over Navigable Lakes in the State of Idaho, IDAPA 20.03.04 as promulgated by the State Board of Land Commissioners.

## II. FINDINGS OF FACT

I concur with the Findings of Fact presented by the Hearing Coordinator.

## III. CONCLUSIONS OF LAW

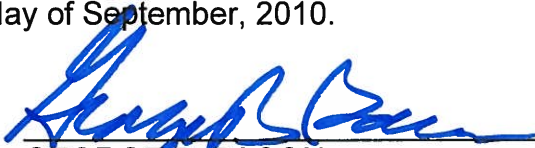
I concur with the Conclusions of Law presented by the Hearing Coordinator.

## IV. FINAL ORDER

On the basis of the record, it is my order that Encroachment Permit L-95-S-4577A be approved and the permit be issued to the Applicant by the St. Maries Supervisory Area.

This is a final order of the agency. Any party may file a motion for reconsideration of this final order within twenty (20) days of the date of this final order. The agency will dispose of the petition for reconsideration within thirty (30) days of its receipt, in accordance with IDAPA 20.03.04.030.09.

DATED this 3rd day of September, 2010.

  
\_\_\_\_\_  
GEORGE B. BACON  
Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 7<sup>th</sup> day of September 2010, I caused to be served a true and correct copy of the foregoing document, by the method indicated:

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ERIC WILSON

IDL Program Manager - Navigable Waters and Minerals

September 1 2010

**MEMORANDUM**

TO: George B. Bacon, Director

FROM: John E. Lilly, Hearing Coordinator



SUBJECT: **Public Hearing – Commercial Navigational Encroachment Permit  
William D. Eichelberg, St. Joe River (Benewah County)  
L-95-S-4577A**

**I. INTRODUCTION**

The following document, which includes a recommendation for your consideration, was prepared following an August 10, 2010 public hearing conducted by the Idaho Department of Lands (IDL). The public hearing was conducted in conjunction with the processing of an encroachment permit application for a commercial navigational encroachment (L-95-S-4577A) on the St. Joe River, a navigable river in Idaho.

Jurisdiction in this matter rests with IDL pursuant to Idaho Code § 58-1303, which empowers the State Board of Land Commissioners to regulate, control, and permit encroachments on, in, or above the beds or waters of the navigable lakes of Idaho.

The criteria for decision on the encroachment application is found in Lake Protection Act (Idaho Code § 58-1306) and associated IDL rules (IDAPA 20.03.04).



## **II. FINDINGS OF FACT**

1. Mr. William Eichelberg (Applicant), 10100 Railroad Grade Rd., St. Maries ID 83861 submitted an encroachment permit application to the Idaho Department of Lands (IDL) on April 5, 2010 for the purpose of installing commercial docks on the St. Joe River near the site of St. Joe City (Benewah County). At that time IDL deemed the application to be incomplete. Additional information was received from the applicant on April 12 and May 21, 2010. The application was accepted as complete on May 21, 2010. The application is incorporated into this document by reference.

2. The applicant is the upland owner of Lots 39 to 43 of White Tail Flats 1<sup>st</sup> Addition, lots 44-46 White Tail Flats 2<sup>nd</sup> addition and Government Lot 10, Township 46 North, Range 1 East B.M. (Benewah County) at the site of the pending encroachment permit. A use made of the property by the Eichelberg's is a seasonal recreational vehicle park known at St. Joe Landing RV Park. The RV Park offers 16 sites with power and water and 15 primitive sites; renters sign lease agreements covering the period from May 31<sup>st</sup> (Memorial Day) to September 5<sup>th</sup> (Labor Day). A campsite constitutes space for one RV per 60 feet of river frontage.

3. The applicant proposes to install and maintain 21 docks from 80 to 340 square feet in size, constructed of either wood or plastic. The docks will be secured to the shoreline using cable and metal posts or existing pilings. The encroachment distance does not exceed 22 feet from the shore. The docks are to be placed seasonally along the 3450 lineal feet of the applicant's property (both sides of the river) to provide commercial river access for seasonal renters of campsites on the applicant's upland property.

4. IDL initiated the processing of the application (**L-95-S-4577A**) as a navigational encroachment pursuant to the Lake Protection Act (Idaho Code §

58-1306) and the associated Rules (IDAPA 20.03.04.030). On April 13, 2010 the following adjacent landowners and agencies were notified by letter about the application:

- Idaho Department of Fish and Game
- Idaho Department of Environmental Quality (DEQ)
- Idaho Department of Water Resources
- U.S. Army Corps of Engineers
- Benewah County Planning and Zoning
- Benewah County Waterways Committee
- Richard A. Huddleston
- Randy Geib
- Cynthia Holte
- Douglas Farrell
- Brian Syms

Adjacent property owners were given until April 26 to comment on the application or to request a public hearing; agencies were given until May 14. The letters are incorporated into this document by reference.

5. IDL published the notice of application in the St. Maries Gazette Record on April 14 and 21, 2010. The notice of application is incorporated into this document by reference.

6. Mr. Randy Geib, an adjacent property owner requested a 'public meeting' on the pending application in a letter to IDL's James Bennet dated April 19, 2010. In a letter to IDL dated April 27, 2010, Mr. James Gregory also requested a public hearing. Bennett responded on April 29 to Mr. Geib by stating the rule requirements for a person and IDL to initiate the public hearing process including the requirement for payment of the publication fee of \$75.00. IDL received Geib's payment on May 11, 2010 and commenced plans to hold a public hearing in accordance with its rules. On July 14 and 21, 2010 IDL published a Notice of Public

Hearing in the St. Maries Gazette Record. The Notice of Public Hearing is incorporated into this document by reference.

7. Based on Mr. Geib's request and in accordance with IDAPA 20.03.04, IDL initiated a public hearing process for the proposed commercial navigational encroachment. A public hearing was held on August 10, 2010 at 7:00 pm at the Federal Building in St. Maries. John E. Lilly, Contractor to IDL, served as hearing coordinator. In attendance were IDL's James Bennett, Resource Specialist, Sr. and Ken Ockfen, St. Joe Area Manager. Bennett operated the recorder and assisted Mr. Lilly with managing exhibits and written testimony. Mr. Ockfen assisted with registering public hearing attendees. Based on registration cards, twenty-seven people attended the hearing.

Lorna Eichelberg, wife of the applicant and Richard Christensen, attorney (St. Maries) represented the applicant.

The public hearing was recorded on audio tape and was subsequently transcribed. The transcript of the public hearing is incorporated into this document by reference.

8. Public comment (written and oral) on the application came to IDL during two comment periods: (1) following notice by IDL to the public, adjacent property owners and agencies by letter and public notice; and (2) at the August 10 public hearing. All written comments and a summary of each comment have been incorporated into this document by reference (Attachment A); oral comments from the August 10 public hearing are incorporated into this document by reference (see Findings of Fact 7). A record of all in attendance at the public hearing is shown in Attachment B.

9. The record of written comments include nineteen letters and hearing cards opposing the application and 12 in support. Adjacent property owners Rick E. Farrell, Doug Farrell and Richard Huddleston offered no objection to the encroachment (See Application). Seven persons spoke against the application at the hearing and two in favor (the applicant's representatives). Letters were received from the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality and USDA-Natural Resource Conservation Service.

Public hearing attendees opposed to the application cited concern that the 21 docks would encourage more boat traffic and, therefore, more bank erosion, unsafe swimming and boating conditions, negative impacts to fish and water quality and loss of scenic quality and solitude.

Overall, the primary concerns of those opposed to the application can be summarized as follows:

- *Negative impacts to boat operation due to reduced stream width;*
- *Safety for swimmers and boaters*
- *Increased streambank erosion from increased boat traffic*
- *Increased density of docks on river*
- *Negative impacts to water quality*
- *Negative impacts to fish and wildlife particularly bull trout and westslope cutthroat trout*

10. This subject section of the St. Joe River (ID17010304PN027\_05) is identified by DEQ and U.S. EPA as "impaired due to exceedances of Idaho water quality temperature standards..." (see summary of DEQ's comment letter in Attachment A).

11. The Idaho Department of Fish and Game testified, "This reach of the St. Joe River is of high significance to migratory bull trout and westslope cutthroat trout. There is evidence to suggest it is also valuable for foraging and overwintering habitat for adult and sub-adult fish. Bull trout (ESA-Threatened) migrate through the project area to spawning and rearing tributaries in the upper St. Joe River, a species of concern in Idaho. Movements of westslope cutthroat trout are oriented to the shoreline and near shore currents; docks and other structures may modify current and normal cutthroat movements. Docks enhance habitat for fish species that would be competitors or predators on juvenile bull trout and westslope cutthroat trout."

12. The Natural Resources Conservation Service (U.S. Department of Agriculture-NRCS) assisted with the installation of 777 feet of rock riprap on the Eichelberg property in 2004 and 2005 on south side of St. Joe River to control erosion caused by boat wakes in the summer, ice in the winter and spring. The bank stabilization met NRCS standards and was partially funded by the federal Environmental Quality Incentives Program (EQIP). The stabilization included site re-vegetation. According to the NRCS, "Willow bundles were also planted so as to help anchor the rip rap over time, to provide wildlife habitat in the future, and cool the river water as the trees matured and shaded the water."

13. Other riverfront property owners in the vicinity of the project have installed streambank protection i.e. riprap and vegetation.

14. The application, comment letters and public hearing testimony render the following specific information about the proposal:

**Docks 1,2,3 and 4.**

**Location:** Lots 39 and 40; south and westerly bank (left bank as facing downstream).

**Use:** River access

**Placement:** Anchored by T-post and cable; all T-posts placed above HWM (High Water Mark).

**Size:**

**Docks 1, 2 and 3** extend 8 feet plus 3 foot ramp into river and are respectively, 21.5 feet, 14 feet, 12.5 feet wide. **Dock 1** is more than 50 feet upstream from the neighbor's property line.

**Dock 4** extends 12 feet plus 8 foot ramp into the river and is 12 feet wide.

**Approximate width of river:** 230 feet (based on measurements from June 24, 2009 Google Earth photo provided by Jeff Carlson)

**Estimated depth of river at end of dock @HWM:** Eight feet

**Riverbank character:** Steep, riprap bank, stabilized with vegetation.

**Docks 5, 6, 7 and 8.**

**Location:** Lots 41 and 42; south and westerly bank (left bank as facing downstream).

**Use:** River access

**Placement:** Placed on existing piling at level above HWM (High Water Mark).

**Size:**

**Dock 5** extends 7 feet over river plus 10 foot ramp from top of bank to dock surface and is 15 feet wide.

**Dock 6** extends 9 feet over river plus 12 foot ramp from top of bank to dock surface and is 14 feet wide.

**Dock 7** extends 8 feet over river plus 10 foot ramp from top of bank to dock surface and is 15 feet wide.

**Dock 8** extends 9.5 feet over the river plus 12 foot ramp from top of bank to dock surface and is 12 feet wide.

**Approximate width of river:** 225 feet (based on measurements from June 24, 2009 Google Earth photo provided by Jeff Carlson)

**Estimated depth of river at end of dock @HWM:** Eight feet

**Riverbank character:** Steep, riprap bank, stabilized with vegetation.

**Dock 9 and Boat Lift.**

**Location:** Lot 43; south and westerly bank (left bank as facing downstream).

**Use:** River access

**Placement:** Placed on existing piling at level above HWM (High Water Mark).

**Size:**

**Dock 9** extends 12 feet over river.

**Boat Lift** is located in the mouth of Tin Can Creek within the HWM of the St. Joe River; its dimensions are 9.5 feet wide by 10 feet long.

**Approximate width of river:** 205 feet (based on measurements from June 24, 2009 Google Earth photo provided by Jeff Carlson)

**Estimated depth of river at end of dock @HWM:** Eight feet

**Riverbank character:** A portion of Lot 43 has been stabilized with riprap and re-vegetated; the remaining portion of the lot is scheduled for bank stabilization treatment by November 2010.

### **Docks 10, 11 and 12.**

**Location:** Lot 43; south and westerly bank (left bank as facing downstream).

**Use:** River access

**Placement:** Anchored by T-post and cable; all T-posts placed above HWM (High Water Mark).

**Size:**

**Dock 10** extends 8 feet into the river plus 12 foot ramp from top of bank to dock surface and is 27 feet wide.

**Dock 11** extends 12 feet into the river plus 8-foot ramp from top of bank to dock surface and is 12 feet wide.

**Dock 12** extends 8.5 feet into the river plus 8-foot ramp from top of bank to dock surface and is 12 feet wide; the dock is more than 50 feet downstream of the property line.

**Approximate width of river:** 177 feet (based on measurements from June 24, 2009 Google Earth photo provided by Jeff Carlson)

**Estimated depth of river at end of dock @HWM:** Five feet

**Riverbank character:** A portion of Lot 43 has been stabilized with riprap and re-vegetated; the remaining portion of the lot is scheduled for bank stabilization treatment by November 2010.

### **Docks 13, 14, 15, 16, 17, 18, 19, 20 and 21.**

**Location:** Government Lot 10; east and north bank of river (right bank facing downstream).

**Use:** River access

**Placement:** Anchored by T-post and cable; all T-posts placed above HWM (High Water Mark).

**Size:**

**Dock 13** extends 5.25 feet into the river plus 10 foot ramp from top of bank to dock surface and is 12 feet wide; the dock is more than 50 feet downstream of the property line.

**Dock 14** extends 5 feet into the river plus 10 foot ramp from top of bank to dock surface and is 16 feet wide.

**Dock 15** extends 5.5 feet into the river plus 10 foot ramp from top of bank to dock surface and is 11 feet wide.

**Dock 16** extends 8 feet into the river plus 8 foot ramp from top of bank to dock surface and is 12 feet wide.

**Dock 17** extends 8 feet into the river plus 8 foot ramp from top of bank to dock surface and is 12 feet wide; the dock is more than 50 feet upstream of the property line.

**Dock 18** extends 8 feet into the river plus 8 foot ramp from top of bank to dock surface and is 12 feet wide; the dock is more than 50 feet downstream of the property line.

**Dock 19** extends 8 feet into the river plus 8 foot ramp from top of bank to dock surface and is 12 feet wide.

**Dock 20** extends 8 feet into the river plus 8 foot ramp from top of bank to dock surface and is 12 feet wide.

**Dock 21** extends 8 feet into the river plus 8 foot ramp from top of bank to dock surface and is 12 feet wide; the dock is more than 50 feet upstream of the property line.

**Approximate width of river:**

**At area of docks 16, 17:** 293 feet (based on measurements from June 24, 2009 Google Earth photo provided by Jeff Carlson)

**At area of docks 18-21:** 222 feet (based on measurements from June 24, 2009 Google Earth photo provided by Jeff Carlson)

**Estimated depth of river at end of dock @HWM:** Four feet

**Riverbank character:** grassy low bank with willows; subject to sedimentation; mud bottom.

15. The piling located along Lots 41, 42 and a portion of 43 have been in place since prior to 1974 and possibly date back to 1906.

16. Some of the proposed docks were present at St. Joe RV Park in 2009 and in prior years (as many as 15). The record is deficient as to which of the proposed docks were on the river in 2009 (or prior years) or their precise location. The 2009 Google Earth aerial photograph reveals docks present but the image lacks sufficient clarity to determine the size and precise number and location.

### **III. CONCLUSIONS OF LAW**

1. The Idaho Board of Land Commissioners (Board) is designated in Idaho Code § 58-104(9) and § 58-1303 to regulate, control and permit encroachments on, in, or above the beds of navigable lakes in the state



of Idaho. IDL is the administrative agency of the Board (Idaho Code § 58-119).

2. The St. Joe River is a navigable lake as defined by Idaho Code § 58-1302(a). Pursuant to IDAPA 20.03.04.012.02, encroachments of any kind on, in, or above the beds of a navigable lake require a permit prior to encroaching on the lake.
3. Pursuant to Idaho Code § 58-1301, lake encroachments must be regulated to protect property and the lake value factors of navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality. These values must be given due consideration and weighed against the navigational or economic necessity or justification for, or benefit to be derived from, the proposed encroachment.
4. IDL makes decisions on proposed encroachments in accordance with the Public Trust Doctrine as set forth in Idaho Code § 58-1201 through 1203. This statute protects the property rights of private landowners, including the ability to utilize their riparian rights as a means to access the waters of the navigable lakes of Idaho.
5. IDL decides on proposed encroachments in accordance with the Public Trust Doctrine as explained by the Idaho Supreme Court in Kootenai Environmental Alliance, Inc. v. Panhandle Yacht Club, Inc., 105 Idaho 622, 671 P.2d 1085 (1983) (KEA) and subsequent cases. The court in KEA stated that encroachment permits and submerged land leases remain subject to the public trust, and are not irretrievable commitments. The court in KEA also stated that mere compliance of IDL with its' legislative authority is not sufficient to determine if their actions comport with the requirements of the public trust doctrine.

6. IDAPA 20.03.04.010.10 defines a commercial navigational encroachment as a navigational encroachment used for commercial purposes. The proposed docks are not moorage facilities in the same sense as a commercial marina. However, the proposed encroachments facilitate access to water-dependent recreation activities (swimming, boating, fishing) associated with the rental of each campsite. Tenants have an expectation that each campsite includes river access and use of a dock. The applicant offers most tenants one dock per two campsites.
7. IDAPA 20.03.04.013 (c ) requires that docks be constructed so as to protrude as nearly as possible at right angles to the general shoreline, lessening the potential for infringement on adjacent littoral rights. The applicant's proposal recognizes this expectation.
8. IDAPA 20.03.04.015.13(d) limits the length of docks to the normal accepted line of navigability established through use unless additional length is authorized by permit or order of the director. IDAPA 20.03.04.010.20 defines line of navigability as "a line located at such distance waterward of the low water mark established by the length of existing legally permitted encroachments, water depths waterward of the low water mark, and by other relevant criteria determined by the board when a line has not already been established for the body of water in question." The applicant's dock will not extend beyond the low water mark except for those constructed on existing piling which are already beyond the low water mark and do not represent a new intrusion into the waterway.

9. IDAPA 20.03.04.013.13 (e) establishes a presumption that a commercial encroachment located closer than twenty-five (25) feet from the adjacent littoral property will have an adverse effect. There is no adverse effect under this rule as the applicant's proposed docks do not infringe within twenty-five of any adjacent littoral property.
  
10. IDAPA 20.03.04.030.10 instructs IDL to consider unreasonable adverse effect upon adjacent property and undue interference with navigation the most important factors in granting or denying an application for a commercial navigation encroachment not extending below the natural or ordinary high water mark. IDL may grant the permit after public hearing if it determines that the benefits, either public or private, to be derived from allowing such encroachment exceed its detrimental effects.

The project as proposed will not have an unreasonable adverse effect upon adjacent property. The docks are situated more than the required twenty-five feet from the nearest adjacent property and two of the five adjacent property owners have indicated no opposition to the application. Other concerns by adjacent property owners include increased bank erosion due to boat traffic from the dock users. While boat wakes are recognized by NRCS and others as contributing to bank erosion, other causes are acknowledged as well. Ice scour and high water is also identified. Determining which cause is more erosive requires careful study and likely varies by season, year and location. Many property owners in the vicinity of the project have stabilized and revegetated riverbanks to control erosion. No authoritative evidence was presented that is persuasive in making the connection between increased bank erosion and the approval of the application. Therefore, the concern does not reach the level of unreasonable adverse effect.

The proposed location, configuration and size of the docks minimize effects on boat traffic and therefore will not unduly interfere with navigation.

11. Idaho Code § 67-650 *et. seq.* establishes the authority of city and county governments to establish and enforce local planning and zoning. IDL has no authority under this section of Idaho Code.
12. The Idaho Safe Boating Act is Idaho Code title 67, chapter 70. IC 67-7031(3) specifically gives the County authority to regulate use of waterways.
13. The Applicant has satisfied all procedural requirements in the processing of the application included in Idaho Code § 58-1306 and IDAPA 20.03.04.

#### **IV. HEARING COORDINATOR CONCLUSIONS AND RECOMMENDATIONS**

The applicant has submitted an application for a commercial navigational encroachment. The application meets the corresponding requirements set forth in the Lake Protection Act, IDAPA 20.03.04 and is not in conflict with Public Trust Doctrine.

The follow reviews the major objections identified during the public hearing process and includes a response to those objections:

**Objection:** Commercial operation not consistent with surrounding land uses.

**Response:** The applicant's proposed use for the docks is consistent with similar uses of other docks on the river.

Concerning land use, it is the responsibility of city and county governments to establish zoning ordinances (Idaho Code § 67-650 *et. seq.*). IDL has no authority related to upland zoning. Benewah County is the appropriate entity to resolve any incompatibility with land use.

**Objection:** Too many docks in one location; allow only one per lot.

**Response:** IDL's role, as identified in Idaho law, is to permit encroachments over the beds of navigable lakes. Included in that same Idaho law are procedures allowing the permitting of commercial navigational encroachments. The proposed encroachments meet those requirements. Idaho law, however, does not give IDL the authority to decide how many encroachments are appropriate for a water body (excepting a theoretical maximum established by the minimum front footage required by encroachments and the available front feet on a lake). If the threat of either over-commercialization or dock proliferation exists, Benewah County has legal authority and the most effective tools, including comprehensive planning and zoning, to address and control this issue.

**Objection:** Navigation and safe operation will be impacted.

**Response:** Applicant has demonstrated that the proposed encroachments will not impact navigation on the St Joe River. The docks assure upland users will have safe access to the river. The proposed docks are located within the line of navigability, as past practice has established it.

Several comments related to navigation also implied that the proposed docks will have an impact on the navigation by asserting that perhaps too many boats already utilize the St. Joe River area. IDL does not regulate boat traffic and an attempt by IDL to address boating density or operation by denying this application would be arbitrary, capricious and without basis in law. If the public

wishes to curtail or otherwise regulate boating activities, specific action is needed by Benewah County or the Idaho boating agency.

**Objection:** Impacts on fish and water quality

**Response:** Objectors expect that the docks will negatively impact water quality as well as bull trout and westslope cutthroat trout habitat. DEQ and the Department of Fish and Game (DFG), while not objecting to the application offer important factors to be considered. As pointed out by DEQ, water temperature due to loss of riparian vegetation is a concern. DFG's comments regarding fish habitat and riparian vegetation mirror those of DEQ. In addition, DFG is concerned about structures in the river affecting the nearshore currents and therefore the movements of westslope cutthroat trout; and predation on trout from competitors that favor shaded dock areas.

The proposed location, configuration and size of the docks minimize the negative impact to water quality and fish habitat. The docks are relatively small and well spaced; none extend beyond the low water mark except for those placed on existing piling. The pilings have been in place for a number of years; there will be no impact from placement of piling. The t-post anchor systems for the other docks are to be placed above the high water mark and not in the river. Riparian vegetation along the left bank (facing downriver) has been enhanced and protected by the NRCS-assisted bank stabilization projects and additional work will be completed for this area before the end of the year. Finally, the docks are placed seasonally (i.e. during summer months) and removed from the river the remainder of the year.

**Objection:** More docks will mean more boat traffic and more bank erosion

**Response:** Boat traffic in the St. Joe City reach, according to testimony, has been increasing over the years along with bank erosion. NRCS identified boat

wakes in the summer as one of the causes of erosion. No surveys or official records of boat traffic and impacts were put in the record. The testimony of St. Joe Landing RV Park tenants and the applicant indicate the docks will be used for a wide range of water-dependent activities including boat access (presumably both power and non-power), swimming and fishing. Without conclusive evidence correlating the number of docks and their use with bank erosion it would be arbitrary for IDL to deny the application on the basis of this objection.

**Objection:** Loss of solitude and scenic quality

**Response:** The proposed docks and their anticipated use by summertime campers are consistent with the surroundings and current recreational use of the river area. Denying the application on the basis of this objection would be capricious and arbitrary without specific standards.

**Hearing Coordinator Recommendation**

Based upon the information provided to me as the hearing coordinator, I recommend that the Director of IDL issue a Final Order stating that the St. Joe Supervisory Area of IDL should **approve** the encroachment permit application submitted by Applicant.

DATED this   1st   day of September 2010.

## **Attachment A**

### **Summary of Public Comment**

**L-95-S-4577A**

**Commercial Navigational Encroachment Permit  
William D. Eichelberg, St. Joe River (Benewah County)**

#### **I. Summary of August 10, 2010 Public Hearing (see attachment B for a list of attendees)**

Hearing Coordinator John Lilly opened the hearing at 7 p.m. by giving a short explanation of the purpose of the hearing and a description of how the hearing would be conducted. He said the hearing had been given public notice in the St. Maries Gazette Record newspaper June 30 and July 7, 2010. He also explained the hearing had been requested by Mr. Randy Geib following the Idaho Department of Lands notice to Geib along with other adjacent property owners and agencies of the Eichelberg's encroachment permit application.

The applicant represented by Lorna Eichelberg was given 15 minutes to explain the proposal. Eichelberg made the following points:

- She and her husband, William L. Eichelberg own lots 39, 40, 41, 42 and 43 at Whitetail Flats 1<sup>st</sup> Addition, Lots 44, 45 and 46 of Whitetail Flats 2<sup>nd</sup> Addition and all of Government Lot 10.
- She has read and understands the encroachment regulations.
- Explained in some detail the size and location of the docks including that the docks in lots 42 and 43 would be attached to existing piling that had been in place since before 1974 and possibly 1906.
- Lots 39 to 42 are situated on a steep bank about 12-15 feet above the river and that tenants would have no river access without the docks.
- Explained efforts to stabilize the riverbank by riprap assisted by the NRCS's EQIP program. The riverbank along lots 39 to a portion of lot 43 have been stabilized. The rest of lot 43 is to be done in November.
- Explained campsite arrangements including that a campsite consists of 60 feet of riverfront with every two sites sharing a dock.



- She said they own 4300 feet of river frontage including 1600 feet on the south and 2700 feet on the north.
- The narrowest point of the river is at lot 43 (south) and lot 45 (north) where no docks are proposed.
- Docks are removed in mid September and put back in around July 4. Docks are stored above the flood stage.

Mrs. Eichelberg also submitted two large maps for exhibits; six photographs of the river and camp as well as other camps in the area and a number of letters of support for the project.

Mr. Lilly asked several questions of Mrs. Eichelberg concerning the application.

- Docks were located in order to give every two campsites access to the river; on the south because of the high bank and on the north due to the mud in the shallow area at the bank.
- T-post and cable anchoring system is standard practice for this area.
- Size of the docks was determined based on the regulations.
- As many as 15 of these docks have been in place in prior years at the same locations using the same anchoring.
- No past problems from boat wakes or complaints about the docks as causing impediments to navigation.

Testimony was then received from eight other people including adjacent property owners. Several offered additional written testimony, documents and photographs. Many were concerned that the proposed additional docks (21) on the river would encourage more boat traffic and therefore more bank erosion, less safe swimming and boating conditions and negative impacts to fish and water quality. Loss of scenic quality and solitude was also mentioned.

The applicant was given a final opportunity to comment. Mr. Rich Christensen, attorney, speaking on behalf of the Eicheberg's said that he had heard nothing from the opposition that addressed the regulations. He felt that the application meets the requirements of the regulations. He stated that many of the issues raised are not the responsibility of IDL but other agencies e.g. the Corps of Engineers, the County Commissioners, the County sheriff. He noted that no scientific or technical evidence was presented in opposition to the application.

John Lilly, Hearing Coordinator, closed the hearing at approximately 8:00 p.m.

## **II. Letters/Emails Received**

**a. Randy Geib**, adjacent property owner (April 19, 2010; Received by IDL April 20, 2010)

- Opposed to 19 additional docks
- Questions appropriateness of commercial/recreational use on property taxed/zoned as tree farm.
- Expresses concern for fragile nature of river and susceptibility to erosion. Fears more docks will lead to more boat traffic and in turn more soil erosion.
- Soil erosion affects trout fishery.
- Concern for increased boat traffic will increase noise levels and cause swimmer safety issues.
- Requests public meeting be held.
- Requests impact study be conducted by appropriate agencies before further action on application is taken.

**b. Cindy S. Holte**, adjacent property owner (April 22, 2010; Received by IDL April 23, 2010)

- Recommends denial of application.
- Identifies "...way too much boat traffic already on the St. Joe and particularly at the end of the navigable water where my property is."
- Concern for safety of guests and grandchildren, "...because of the fear of so many water crafts turned around at this point."
- Concern for boat wake-caused erosion. "Myself and others have had to spend 10's of thousands of dollars installing rock on our shoreline in order to keep the shoreline from completely eroding away. Any additional traffic on the water will only cause more erosion."
- River is too narrow and congested.
- Project will erode the "...quality of life, peace and quit (sic)...of this once serene area."

**c. Rob Gregory/Jerry R. Gregory** (Email April 23, 2010; Received by IDL April 26, 2010)

- Objects to issuance of permit without extensive comprehensive study by all appropriate agencies.
- Concerns about erosion. River is vulnerable to ice dams, turbulence from winter freezing and subsequent run off. "Property owners

have had to invest thousands of dollars to repair/prevent damage or for erosion control. This section of the river is very delicate." More docks will bring more boat wake action which increases potential for erosion.

- Narrow oxbow downstream of project. River could break through and affect access road to other downstream owners. There has been damage to road in past from erosion.
- Safety concerns.
- Environmental issues including water quality, bull trout
- Objects to proposal as excessive and harmful to "...this delicate section of the river."

**d. Jeff and Kathy Carlson**, neighbors (unknown date of letter; Received by IDL April 26, 2010)

- Oppose the application.
- Not opposed to a reasonable number of docks; one dock per lot.
- Concern for navigation safety. Project is at end of navigable portion of St. Joe River. One hundred yards downstream from the proposal "...has a bend in the river that is true 180 degree blind corner, and across from a recently updated boat launch/park. (*Hearings Coordinator's note: Scott County Park*) Every summer the boat traffic on the river increases as well as the size of the boats and it is only by pure luck that a fatality has not occurred at this area. It is a blind corner, it has dead-head logs sticking out of the water and it has a boat launch in the middle of the corner. Boating sightseers, speeders and personal watercraft unfamiliar with this corner suddenly find themselves in a situation that requires skilled boating maneuvers to avoid a collision with boats coming from the other direction, with boats pulling skiers/tubers, or boats waiting to take out at the launch. This does not take into account the property owners in this area such as us who are recreating on the river. To add 21 docks, which could support 2 boats or personal watercraft per dock, could result in an additional 42 watercraft in this portion of the river. The river simply cannot accommodate this type of traffic without serious consequences."
- Concern for bank erosion. Observe that many property owners have riprapped their shorelines to prevent erosion from boat waves. Observe that the project "...will only hasten destruction of the river banks and the resulting siltation of the river..." will be carried downstream.
- Concern for fish and water quality. "Critical habitat to the threatened Bull Trout." Also westslope cutthroat trout. Carlson observes that: "Bull trout need clear cold streams with stable channels, clean spawning gravels and diverse cover. These areas

of the river are upstream of the navigable portion. The navigable portion provides the deep pools needed for over-winter habitat for the bull trout. Due to the Post Falls dam, an artificial high water level is maintained on the river during the summer, resulting in increased boat traffic. The watercraft generates wave action that erodes the riverbank and results in increased sediment in the deep pools and loss of habitat for the already threatened bull trout. Unnecessarily promoting 21-42 additional watercraft and the resulting waves during the summer months is irresponsible and will have huge negative impact to not only the bull trout, but to all fish in the river."

- Concerns for loss of wildlife activity due to increased human activity associated with the project.
- Concern for Aesthetics. Contends that the use as a campground is out of character with surrounding uses including single-family riverfront lots seasonally populated with travel trailers and campers. Says that: "The tranquility, beauty and unique character of this part of the river will be irreparably harmed."

**e. Jerry Gregory**, nearby property owner (April 27, 2010; Received by IDL April 29, 2010)

- "The proposal represents potential impacts on the river system, including erosion, safety and other environmental issues, which should be extensively examined."
- Requests formal hearing
- Concerned about the appropriateness of the land use as "RV Park or Trailer Park".
- Identifies that: "Property owners near or adjacent to this property are concerned at a number of levels including safety, erosion, streambank integrity, and downstream impacts." Also mentions private road access, congestion, noise and sanitation as issues of concern.

**f. Idaho Department of Environmental Quality** (Tyson Clyne, Watershed Coordinator, April 30, 2010; Received by IDL May 3, 2010)

- Project may increase stream temperature and sediment by the removal of riparian plants, dock installation using the described techniques and concentrated boat traffic.
- The subject section of the St. Joe River (ID17010304PN027\_05) has been identified by DEQ and U.S. EPA as "impaired due to exceedances of Idaho water quality temperature standards...". "Reductions or alterations in riparian vegetation should be minimized or eliminated to maintain near stream shading. Loss of

riparian vegetation and near stream shade results in increased solar radiation and increased stream temperatures.”

- Stream temperatures are important towards “...maintaining healthy native fish populations and protecting the historic migratory range of the federally protected bull trout (*Salvelinus confluentus*).” “Increases in water temperature could adversely affect bull trout and alter migratory behavior, and be detrimental to self sustaining viable populations.”
- “Loss of riparian vegetation also increases the potential for stream bank erosion. The St. Joe River is susceptible to bank erosion from boat waves, and in the area of the project, the river bank is also susceptible to ice scour and erosion due to elevated near bank stream velocities. Removal of riparian plants reduces root density and depth of living roots which help to stabilize river banks. Stream bank erosion will be accelerated with the combination of concentrated boat traffic and degradation of riparian vegetation.”
- Concern expressed over method of stabilizing docks and the effect of seasonal removal of posts on sediment, turbidity and bank disturbance. DEQ recommends applicant find other ways of securing docks so as “...ensure minimal impact to the river bank while providing a more secure attachment.”
- Concern expressed to minimize alteration of the riparian vegetation. “Removal of riparian vegetation speeds river bank erosion, increases stream temperature and alters the aquatic food web.”
- Concern expressed for the reduction of the navigable stream width and added congestion in an unrestricted speed area “...could result in increased risk of boating accidents which, in turn, leads to a water quality problem.” “The increased boat traffic will also concentrate boat wave action, increasing the need for riparian plants to stabilize the stream bank, and for an improved mechanism to secure docks.”

**g. Brian and Annette Syms**, adjacent property owner (May 11, 2010; Received by IDL May 11, 2010)

- Concern for “accelerated erosion that would be produced by the significant increase in waterway traffic. Over the last ten years we have documented a five foot decrease on our properties embankment...”
- Concern for water safety factors “...involved with the increase in water traffic. This project is to take place on corner of the St. Joe River, the visibility is limited due to this fact...”. Syms’ “...have spent many pleasurable summers at our location of the St. Joe River, each year we notice the increasing traffic of vessels on the

water, on numerous occasions we have been prompted to notify the Sheriff's office of vessels exceeding the posted speed limits for the river with Jet Skis creating most of the speed concerns."

- Concern for effect of recreational campsites and docks on surrounding owners and wildlife.

**h. Mike Fish** (Email May 11, 2010; Received by IDL May 11, 2010)

- Project will "...have significant impact on the St. Joe River, not only in the area of the docks but all the way to the mouth of the river."
- Makes following observations:
  - Soils of the river banks are extremely fine and highly susceptible to erosion; "... the most significant erosion is caused by high speed boat traffic."
  - The project is located at "...the narrowest most meandering part of the river and the safety of swimmers, rafters, boaters and folks on PWC is another major concern."
- Would support permit issuance "...if the mitigating features are in place prior to issuance."
  - Establish "no-wake" zone: St. Joe City bridge to ¼ mile downstream of project area.
  - Riprap the banks and revegetate the area.

**i. Michael G. Stark**, nearby landowner (June 14, 2010; Received by IDL August 9, 2010)

- No objections to 2010 Eichelberg dock permit application.

**j. Larry Merriman** (June 13, 2010; Received by IDL August 9, 2010)

- No objections to 2010 Eichelberg dock permit application.

**k. Dan Eichelberg** (June 12, 2010; Received by IDL August 9, 2010)

- No objections to 2010 Eichelberg dock permit application.

**l. John O'Rourke** (June 14, 2010; Received by IDL August 9, 2010)

- Rented campsite on Eichelberg's property since 2007.
- "A dock on the property I rent allows my family and friends to fish and swim in the St. Joe River, while allowing me to dock my wave runner. The property I rent is on a steep river bank and the ramp down to the dock allows direct access to the river for swimming, fishing and boating. The dock is a very important component of my enjoyment of the property and the primary reason why I rent property from the Eichelberg's."
- Rental and local purchase of goods and services helps the local economy.

- Make observation about erosion as an issue. "In the four years that I have rented property from the Eichelberg's I have seen no evidence of erosion. The property I rent has certainly suffered no erosion as the riverbank has remained the same for the entire time.
- Fishing is unaffected. " I am an avid fisherman and catch trout, smallmouth bass and Northern pike in the river around my rental site.

**m. James and Vicki Crowley**, nearby landowner (June 21, 2010; Received by IDL August 9, 2010)

- No objection to application.

**n. LeeAnn Macklin** (St.Maries Saw and Cycle, August 9, 2010; Received by IDL August 9, 2010)

- "Our business supports the Eichelberg's dock application because their patrons buy goods and services locally, which helps support the economy."

**o. Gregory M. Stancil** (President, St. Joe Potty Huts, LLC, unknown date; Received by IDL August 9, 2010)

- Supports application.
- Safe access to the river. "The docks would provide safe area for accessing the water and keeping their boats safely secured when not in use. It would keep the riverbed from being disturbed by the walking into the water by people since the docks provide access by jumping into the water."

**p. Steve and Karen Szakonyi** (June 29, 2010; Received by IDL August 9, 2010)

- Renters of camping lot at project site.
- Claim unequal treatment as they do not have a dock this year while others who are protesting the Eichelberg's dock application, "for some reason believe their docks are exempt from the permit process."
- "Docks are all over the river, as are campers and RV's."
- Want decision made soon, as "...docks are pretty useful for people to get in and out of the water, not to mention a variety of other uses."

**q. Gary and Gail Barbour** (Email June 21, 2010; Received by IDL August 9, 2010)

- Wants Eichelberg's to be permitted to place docks.

- "Why hasn't he been allowed to put his docks in when there are several already out and there hasn't been anyone checking and enforcing the law with them?"
- "These docks are only small docks used primarily for leisure. We enjoy watching our children and grandchildren use the dock for swimming and fishing. It is not like Bill has put in a dock at every campsite. Three to four families share a dock. That does (sic) make it crowded or anything. There is no harm coming to the river with these docks. And it will not stop boat traffic from coming up the river."

**r. Brian and Nanette Barbour** (Email June 21, 2010; Received by IDL August 9, 2010)

- "We feel the docks are not in any way causing any harm to the river."
- Wants equal enforcement on other docks
- "As for the docks being in the water, it will not stop the boat traffic from coming up the river."
- Docks are for leisure. "we enjoy them and our kids enjoy them. They are only 10 x 10."

**s. Keith Sibert** (Keith Sibert Trucking and Excavating, July 20, 2010; Received by IDL August 9, 2010)

- Supports application.
- Project will bring more business to the local area.

**t. Idaho Department of Fish and Game** (Charles E. Corsi, Regional Supervisor, August 5, 2010; Received by IDL August 10, 2010)

- Concerns about width of docks (12 feet)
- Concerns for bull trout and westslope cutthroat trout. "This reach of the St. Joe River is of high significance to migratory bull trout and westslope cutthroat trout. There is evidence to suggest it is also valuable for foraging and overwintering habitat for adult and sub-adult fish. Bull trout (ESA-Threatened) migrate through the project area to spawning and rearing tributaries in the upper St. Joe River, a species of concern in Idaho. Movements of westslope cutthroat trout are oriented to the shoreline and near shore currents; docks and other structures may modify current and normal cutthroat movements. Docks enhance habitat for fish species that would be competitors or predators on juvenile bull trout and westslope cutthroat trout. With the expansion of smallmouth bass along the river corridor and in Couer d'Alene Lake, the structure ands overhead cover created by the docks will serve as an attraction for this species."



- Concern that application is for a commercial dock; expresses confusion regarding applicant's depiction of project as a "community dock". Requests clarification.
- Observes that project is speculative based on lot sizes; comments that the project might be processed as single family dock project.
- Identifies issues relating to the effects of increased boat wakes and prop wash associated with the project in a confined area. "The likely result will be damage to stream banks and increase sedimentation and turbidity, which is harmful to fish and other aquatic life. The applicant recently (2010) installed new, and replaced failing, riprap along the riverbank in an effort protect the shoreline. Increased boating activity in this area may compromise this protection."
- Concerns for riparian vegetation. Recommends that riparian areas and vegetation be protected including taller species such as cottonwoods and willows.

## **II. Written Testimony and Documents Received at Public Hearing on August 10, 2010**

**a. U.S.D.A. Natural Resources Conservation Service (NRCS)** (Mark Cotrell, District Conservationist; June 8, 2010: received by IDL on August 10, 2010 from Lorna Eichelberg, applicant's representative)

- Identifies Eichelberg Streambank Protection Project
  - 777 feet of rock riprap installed in 2004 and 2005 on southside of St. Joe River to control erosion caused by boat wakes in the summer, ice in the winter and spring.
  - Meets NRCS standards; partially funded by Environmental Quality Incentives Program (EQIP).
  - Area was re-vegetated. "Willow bundles were also planted so as to help anchor the rip rap over time, to provide wildlife habitat in the future, and cool the river water as the trees matured and shaded the water."

**b. Chester Schilling**, (St. Marie's Harvest Foods; August 10, 2010; received by IDL on August 10, 2010 from Lorna Eichelberg, applicant's representative)

- Supports application because camp "...patrons buy goods and services locally, which helps support the economy."

**c. Lorna Eichelberg**, applicant's representative (Submitted in support of explanation of applicant's proposal, six color 8"x10" photographs of various scenes on the St. Joe River and at the project site; received by IDL at public hearing on August 10, 2010)

- Photo 1: pontoon float (2009; unknown photographer)

- Photo 2: Kayakers on river looking upstream near sites 13 and 14 (?)(unknown date or photographer)
- Photo 3: View of left bank (facing downstream) of campsites and docks (unknown date or photographer)
- Photo 4: close-up of riprap (unknown date or photographer)
- Photo 5: Ducommen site showing docks and boats (unknown date or photographer)
- Photo 6: Nemeth site (unknown date or photographer)

**d. Lorna Eichelberg**, applicant's representative (Submitted in support of explanation of applicant's proposal, two large format (approximately 2' x 2') poster board maps of the project area; received by IDL at public hearing on August 10, 2010)

- Map 1: Reproduction of the Application Site Map
- Map 2: Overall site map showing location of campsites on their property (St. Joe Landing RV Park)

**e. Richard Garcia and Terrance Daniels** neighboring property owner, downstream of project (Submitted as part of Garcia's testimony; received by IDL at public hearing on August 10, 2010)

- Concerned about shoreline soil erosion.
- Additional 21 docks "...greatly intensify the impact to the shoreline by the waves the motorized vehicles create while moving to and from the docks..."
- Supports one dock per lot.
- Safety is a concern; also streambank preservation, riparian vegetation and stream temperature.

**f. Jerry Gregory**, neighboring property owner, downstream of project (Submitted as part of testimony; received by IDL at public hearing on August 10, 2010)

- Owns a lot just downstream of project site.
- Opposes project.
- "This section of the St. Joe River is perhaps the most sensitive and delicate portions of the scenic St. Joe River."
- River is vulnerable to erosion and "...should be protected from overdevelopment that would negatively impact the integrity of the river bank, stream flow and downstream properties."
- Safety of people on the river is an issue.
- Water quality and fish habitat issues need to be considered.

**g. Mike Fish** (Re-submitted email of May 11, 2010 to IDL as part of testimony also attached four pages of photographs as examples of protected and unprotected river bank of the St. Joe River; received by IDL at public hearing on August 10, 2010)

**h. Jeff Carlson** (submitted June 24, 2009 Google Earth photograph of St. Joe River in vicinity of proposal as part of oral testimony; received by IDL at public hearing on August 10, 2010)

**i. Betty Ellis** (submitted written statement on copy of web articles on National Wild and Scenic Rivers relating to the St. Joe River and the St. Joe River Scenic Byway; received by IDL at public hearing on August 10, 2010)

- Opposed to docks
- Opposed to businesses that attract "...strangers and non property owners..."
- Notes that river at St. Joe City is not designated as National Wild and Scenic River; local riverside highway is designated Scenic Byway.

**j. Patty G. Gregory** (Comment submitted to IDL on Hearing registration card)

- Opposed to the dock proposal

**k. Cynda S. Adams** (Comment submitted to IDL on Hearing registration card)

- Oppose additional commercial docks

**l. Randy K. Demert** (Comment submitted to IDL on Hearing registration card)

- "Don't allow 21 docks on St. Joe."

**m. Pamela K. Posey** (Comment submitted to IDL on Hearing registration card)

- "I am concerned for the preservation of the St. Joe River which was already been doubly compromised over the last 2 years."

**n. Stephen V. Bailey** (Comment submitted to IDL on Hearing registration card)

- "Do not need anymore docks or boat traffic (erosion)."

**o. Linda J. Bailey** (Comment submitted to IDL on Hearing registration card)

- "No more docks or boat traffic causing erosion on our riverbank."

**p. Betty Ellis** (Comment submitted to IDL on Hearing registration card)

- "I do not want the docks placed."

**q. Steve and Helen Hurst** (Comment submitted to IDL on Hearing registration card)

- "Disagree with Mr. Eichelberg's desire for 21 docks due to increased boat traffic and bank erosion."

**r. Joe Rosen** (Comment submitted to IDL on Hearing registration card)

- "Oppose"

**q. Mamie Geib** (Comment submitted to IDL on Hearing registration card)

- "I came not to have the docks."

**s. Marc P. Ellis** (Comment submitted to IDL on Hearing registration card)

- "Environmental impact, resort type impact, being a negative impact on a scenic and wild river. I question owners ability to manage property as supposed tree farm appears overgrown."

## **Attachment B**

### **List of Attendees to Public Hearing**

**August 10, 2010  
Federal Buliding  
St. Maries, ID**

**Commercial Dock Application  
L-95-S-4577A  
(St. Joe River-Benewah County)  
Applicant: William D. Eichelberg**

#### **Staff**

John E. Lilly, Hearing Coordinator  
Jim Bennett, Idaho Department of Lands  
Ken Ockfen, Idaho Department of Lands

#### **Attendees (based on registration cards)**

**\* indicates person gave oral testimony**

**+ indicates person made comment on registration card**

1. Lorna A. Eichelberg\*  
10100 Railroad Grade Rd.  
St. Maries ID
2. Rich Christensen\*  
907 Main Ave.  
St. Maries ID
3. Walt Adams\*  
1611 E. 6<sup>th</sup> Ave.  
Spokane Washington
4. Richard G. Garcia\*  
4615 E. 43<sup>rd</sup> Ave.  
Spokane Washington
5. Jerry R. Gregory\*  
12530 N. Hauser Lake Rd.  
Hauser ID
6. Randy A. Geib\*  
3718 N. Mornarch Dr.

- Coeur d'Alene ID
7. Michael L. Fish\*  
174 S. Coeur d'Alene St H301  
Spokane Washington 99201
  8. Jeff Carlson\*  
5943 N. Pinegrove Dr.  
Coeur d'Alene ID
  9. Marc P. Ellis\* +  
P.O. Box 10126  
Spokane Washington 99209
  10. Cindy Holte\* +  
7140 W. Majestic  
Rathdrum ID
  11. Robin L. Baerlocher  
1844 Jefferson Ave  
St. Maries ID
  12. Dale Baerlocher  
1844 Jefferson Ave  
St. Maries ID
  13. Norm Snueukel  
2313 Cromwell  
St. Maries ID
  14. Thomas J. Herron +  
Idaho Department of Environmental Quality  
2110 Ironwood Parkway  
Coeur d'Alene ID
  15. Tony Brede  
Idaho Department of Lands  
P.O. Box 464  
St. Maries ID
  16. Kathy Carlson  
5943 N. Pinegrove Dr.  
Coeur d'Alene ID
  17. Patty Gregory +  
12530 N. Hauser Lake Rd.  
Hauser ID
  18. Cynda S. Adams +  
1611 E. 6<sup>th</sup> Ave.  
Spokane Washington
  19. Randy K. Diemert +  
17703 Circle S Trail  
Rathdrum ID

20. Pamela Posey +  
P.O. Box 10126  
Spokane Washington
21. Stephen V. Bailey +  
22 Bailey St.  
St. Maries ID
22. Linda J. Bailey +  
Bailey St.  
St. Maries ID
23. Betty Ellis +  
174 S. Coeur d'Alene St H204  
Spokane Washington
24. Joshua J. Harvey  
Idaho Department of Lands  
1311 Main St.  
St. Maries ID
- 25/26. Steve and Helen Hurst +  
8110 E. Frederick  
Spokane Washington 99212
27. Joe Rosen +  
7140 Majestic  
Rathdrum ID
28. Mamie Geib +  
3718 N. Monarch Dr.  
Coeur d'Alene ID