

BEFORE THE STATE BOARD OF LAND COMMISSIONERS
STATE OF IDAHO

In the Matter of:)	
)	Case No. PH-2020-PUB-22-003
Encroachment Permit Application)	
No. L-95-S-5884)	NOTICE OF APPOINTMENT OF
)	HEARING COORDINATOR
North Idaho Maritime – John Condon,)	AND PUBLIC HEARING
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/20/0304.pdf>) the Director of the Idaho Department of Lands (“IDL”) has appointed Michele Andersen, Division Administrator-Operations, to conduct a public hearing in the above-captioned matter. The public hearing will be conducted pursuant to Idaho Code § 58-1306(c). The Hearing Coordinator has the scope of authority delineated by IDAPA 20.01.01.413.01 and, as applicable, by IDAPA 20.03.04.030.

The provisions of Idaho Code § 58-1306 and IDAPA 20.03.04.030 apply to the above-captioned matter and require that a hearing on the application be held within ninety (90) days of the application date. Idaho Code § 58-1306(c) and IDAPA 20.03.04.030.05. In order to comply with this deadline, I delegate initial decision-making authority to the Hearing Coordinator. In accordance with Idaho Code § 67-5245, the Hearing Coordinator shall submit a preliminary order to the Director of IDL, who shall then issue a Final Order no more than thirty (30) 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 § 58-1306 that require a final order to be issued within thirty (30) 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 public hearing in the above-captioned matter will be conducted in accordance with IDAPA 20.01.01.000 *et seq.* on **Wednesday, November 4, 2020 at 6:00 p.m. Pacific Daylight Time** via videoconference. To participate in the hearing, you may use the following link:

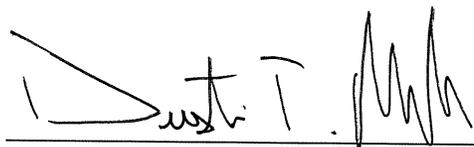
<https://idl.zoom.us/j/81489739523?pwd=OXJsT2ZpSTVtZDVrVHlERmk1aUpJUT09>, or from the Zoom application main menu, select Join and then enter Meeting ID 814 8973 9523 and Passcode 569008. Alternatively, to participate by phone only, you may dial (669) 900-6833 and enter Meeting ID 814 8973 9523 and Passcode 569008. For those who may not have internet access nor electronics compatible with Zoom, conference rooms at the Idaho Department of Lands office at 3258 W. Industrial Loop, Coeur d'Alene, ID 83815 will be available with Zoom capabilities in order to allow those present in the conference room participate in the hearing. In order to ensure that IDL has adequate space available for those who may wish to participate from its Coeur d'Alene office, IDL is requesting that participants sign up in advance. To sign up, please contact Mike Ahmer at mahmer@idl.idaho.gov by 5:00 p.m. Monday, November 2, 2020. The number of participants present in the IDL office will be limited in order to comply with social-distancing guidelines. Please note that written comments, submitted as set forth below, and oral comments, will be given the same weight and consideration.

The Rules of Procedure (IDAPA 20.01.01.000 *et. seq.*) may be viewed at <https://adminrules.idaho.gov/rules/current/20/0101.pdf>. The hearing record may be viewed at <https://www.idl.idaho.gov/lakes-rivers/administrative-hearings/>.

You may attend and present comments at the public hearing. You may also submit written comments to comments@idl.idaho.gov (please enter "Case No. PH-2020-PUB-22-003" in the subject line) or to Idaho Department of Lands, PO Box 83720, Boise, ID 83720-0050. In order to be considered, all written comments must be received by the close of the hearing.

The hearing will be conducted in facilities that meet the accessibility requirements of the Americans with Disabilities Act ("ADA"), in accordance with IDAPA 20.01.01.550 and 551. If a person requires assistance of the kind IDL is required to provide under the ADA in order to participate or in order to understand the hearing, IDL will supply the assistance upon request. Documents, pleadings, or requests for ADA assistance, a copy of the Rules of Procedure, or other general requests may be submitted to Mike Ahmer at mahmer@idl.idaho.gov or at 3258 W. Industrial Loop, Coeur d'Alene, ID 83815. Any request for ADA assistance must be submitted by noon on Wednesday, October 28, 2020.

DATED this 2nd day of October 2020.

A handwritten signature in black ink, appearing to read "Dustin T. Miller", written over a horizontal line.

DUSTIN T. MILLER, Director
Idaho Department of Lands

CERTIFICATE OF MAILING

I hereby certify that on this 5th day of October 2020, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

North Idaho Maritime
c/o John Condon
4020 N. Huetter Rd
Coeur d'Alene, ID 83814

- U.S. Mail, postage prepaid
 Hand Delivery
 Email: John@northidahomaritime.com

North Idaho Maritime
c/o Colton Carlson
4020 N. Huetter Rd
Coeur d'Alene, ID 83814

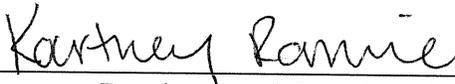
- U.S. Mail, postage prepaid
 Hand Delivery
 Email: colton@northidahomaritime.com

Angela Schaer Kaufmann
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010
Counsel for IDL

- Statehouse Mail
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Kourtney Romine *on behalf of*
Michele Andersen, Hearing Coordinator

- U.S. Mail, postage prepaid
 Hand Delivery
 Email: kromine@idl.idaho.gov



Kourtney Romine, Workflow Coordinator

Copy sent via email and/or regular U.S. Mail, postage prepaid to Those Who Have Provided Comments.

Idaho Transportation Department
c/o Bill Roberson
600 W Prairie Ave
Coeur d'Alene, ID 83815
William.Roberson@itd.idaho.gov