Hello,

Attached please find my written comments regarding the Frey Dock and Barge Submerged Land Lease Application. The majority of these comments were also presented via Zoom during the Public Meeting on Tuesday, July 27, 2021. I have also attached photographs that were discussed during the Public Meeting.

Thank you for your attention to this matter,

Lisa U Armstrong
1. **OVERCROWDING:** Rockford Bay is an active aquatic recreation destination. Rockford Bay cannot accommodate an industrial business on the public waterways along with dozens of existing waterfront properties, two busy marinas, a public restaurant, bar and gas dock. Rockford Bay does not have the space to safely harbor all these businesses and activities.

2. **LACK OF LITTORAL RIGHTS:** IDL determined that Frey would fail obtaining an encroachment permit due to lack of littoral rights in Rockford Bay. It’s frustrating to be facing the same request under a different title. But, if IDL uses the same legal guidelines for the Frey submerged land lease request that were used for North Idaho Marine in Cougar Bay the decision will be clear. Notably, the two-part test in Kootenai Env’l Alliance v. Panhandle Yacht Club.

3. **NAVIGATIONAL HAZARD:** Frey’s industrial business in Rockford Bay is a navigational hazard. Safe ingress & egress into Woodland Park Marina has been directly affected by the unauthorized placement of Frey’s mooring line, pilings, docks, cranes and barges. Although the application permit refers to “winter dock storage”, the pilings, log boom, cranes, work boats and mooring equipment are left in place year-round creating a year-round navigational & safety hazard. The proposed dock storage is in a very narrow section of Rockford Bay with a width of approximately 500 feet between Black Rock Marina and the south shore. Frey is asking for approximately 1.2 acres of storage in a 5-acre area. In comparison, IDL set guidelines for North Idaho Marine in Cougar Bay at 5-acres of storage within 400 acres of the bay. Photos are provided to prove these navigational hazards.

4. **REQUEST OF EXPANSION:** Frey states that it has been legally permitted to store docks in Rockford Bay since 1989 and is now stating that “the placement of the storage and the corresponding work area seem confusing”. Additionally, Frey now claims that the 1989 permit depicted that the north shore measurements were for a work area. The 1989 application and permit never describes a “work area” - it clearly states “dock storage”. IDL’s April 20, 2020 non-compliance letter and supporting documents to Frey Dock and Barge clearly disputes all of Frey’s positions. Not only has Frey been storing docks in Rockford Bay unpermitted for decades, it expanded the storage area away from the north shore to the middle of the bay and then moved the pilings even further south in 2019. **This request for expansion clearly and substantially impairs the public interest in the waters remaining** as defined in Kootenai Env’l Alliance v. Panhandle Yacht Club.
5. **FIGHTING CREEK CHANNEL IMPACT**: Idaho Fish & Game (IF&G) letter dated November 2, 2020 advised that Frey’s dock storage be away from the Fighting Creek Channel. They also mentioned the correlation between Pike predation and dock storage. Over the past twenty years I have witnessed first-hand the increase in pike anglers in Rockford Bay. Frey denies that the stored docks are within the Fighting Creek Channel so I am providing aerial photos that depict that the stored docks are within the opening of the Channel – exactly the stated concern of Fish and Game. Please heed the advice of Fish and Game and at a minimum require Frey to supply a third-party impact statement resolving the concerns of Idaho Fish and Game in an effort to create a habitat for Lake Coeur d’Alene’s native species.

6. **DOCK STORAGE IS OPTIONAL.** Dock storage is not a necessity – it is a choice. When a lakefront property owner applies for an encroachment permit they are required to submit a drawing depicting the exact location for the permanent dock. At no time during the application process does the homeowner inform IDL that the dock will only be at that location for 4 months of the year. Specifically, IDL’s single family dock application requires that “docks must be designed and installed to withstand normally anticipated weather conditions”. Winter storms are normal in North Idaho and on Lake Coeur d’Alene. Harrison Dock Builders recently confirmed in its statement to IDL that as they see more and more customers upgrading their docks and the advances in dock construction they try to design a dock that does not need to be stored. If homeowners choose to relocate their docks 8 months out of the year it seems they are not in compliance with IDL’s dock permitting requirements.

7. **LACK OF PROFESSIONALISM.** Mr. Frey states that he has conducted business on the public waterways in Rockford Bay for over 30 years. Mr. Frey confirmed that he charges his customers approximately $425.00 per dock per year for storage and that he has approximately 50 docks. Conservatively, over a 30-year period that is income of over $600,000.00. Accordingly, Mr. Frey has had the time, resources and professional ability to correct his ongoing unethical activity in Rockford Bay. Instead, he has chosen to be deceptive, evasive and refuse to accept any accountability or responsibility. And based on his testimony at the public meeting it seems that Mr. Frey has no intention of changing his business practices or his manner of entitlement. In the reverse, IDL does not have the resources to keep Frey Dock & Barge in check. By granting a submerged land lease to Frey IDL will once again force Rockford Bay residents and the recreational public to hold Frey accountable for its irresponsible business practices.
I am an Idaho native and have owned property in Rockford Bay for more than 20 years. It is not my intent to keep Frey Dock & Barge from conducting business. I’m simply asking that IDL ensure that everyone using the public waterways is given equal consideration when assessing the dock and barge industry in Coeur d’ Alene.

I thank everyone at the Idaho Department of Lands for the opportunity to present opposition to this application.

Lisa U. Armstrong