

**MICA SUPERVISORY
AREA**
3258 West Industrial Loop
Coeur d'Alene ID 83815
Phone (208) 769-1577
Fax (208) 769-1597



DUSTIN T. MILLER, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Lawrence E. Denney, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon D Woolf, State Controller
Sherri Ybarra, Sup't of Public Instruction

July 8, 2022

Greg Wilson
PO Box 494
Greenacres, WA 99016

Re: Encroachment Permit Application L97S1081B

Dear Mr. Wilson:

Idaho Department of Lands (IDL) is in receipt of your application submitted on June 15, 2021 (attached), along with supplemental letters submitted on March 23, 2022 (attached) to permit an existing log structure located on your southern property boundary at and below the ordinary high-water mark (OHWM). IDL has determined that the information you have provided does not satisfy I.C. § 58-1312's requirement of substantive documentation of the age of the encroachment and documentation that the encroachment has not been modified since 1974. If you disagree or are dissatisfied with this determination, you may request a contested case hearing. If you do so, a hearing officer will be appointed and a hearing held in accordance with the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code.

As an alternative to requesting a Contested Case Hearing you could remove the portions of the log structure that are below the OHWM, in order to comply with all of IDL's rules and regulations. IDL does not have any jurisdiction over the lands located above the OHWM.

Please submit a request for a Contested Case Hearing or remove the portions of the log structure below the OHWM within 30 days of receipt of this letter, approximately August 12, 2022.

Additionally, rocks and presumably concrete have been added underneath your pier and approach ramp/dock. These rocks have not been permitted or applied for and would constitute a non-navigational encroachment that would need to provide a significant benefit to the public of Idaho via economic, social or environmental purposes. Please remove the rocks within 30 days of receipt of this letter, approximately August 12, 2022.

If you have any questions regarding this matter, please feel free to contact me at (208) 769-1577.

Thank you for your cooperation.

Sincerely,

Mike Ahmer 7.8.22

MIKE AHMER, Resource Supervisor, Lands & Waterways
Mica Area

Enclosures: Joint 404 Application
Supplemental Letters

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 38, Idaho Code and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code). In addition the information will be used to determine compliance with Section 401 of the Clean Water Act by the appropriate State, Tribal or Federal entity.

Joint Application: Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary. Failure to supply the requested information may delay processing and issuance of the appropriate permit or authorization. **Applicant will need to send a completed application, along with one (1) set of legible, black and white (8 1/2"x11"), reproducible drawings that illustrate the location and character of the proposed project / activities to both the Corps and the State of Idaho.**

See Instruction Guide for assistance with Application. Accurate submission of requested information can prevent delays in reviewing and permitting your application. Drawings including vicinity maps, plan-view and section-view drawings must be submitted on 8-1/2 x 11 papers.

Do not start work until you have received all required permits from both the Corps and the State of Idaho

FOR AGENCY USE ONLY									
USACE NWW-	Date Received:	<input type="checkbox"/> Incomplete Application Returned			Date Returned:				
Idaho Department of Water Resources No.	Date Received:	<input type="checkbox"/> Fee Received DATE:			Receipt No.:				
Idaho Department of Lands No.	Date Received:	<input type="checkbox"/> Fee Received DATE:			Receipt No.:				
INCOMPLETE APPLICATIONS MAY NOT BE PROCESSED									
1. CONTACT INFORMATION - APPLICANT Required:					2. CONTACT INFORMATION - AGENT:				
Name: Gregory M. Wilson					Name:				
Company:					Company:				
Mailing Address: P.O. Box 494					Mailing Address:				
City: Greenacres		State: WA	Zip Code: 99016		City:		State:	Zip Code:	
Phone Number (include area code): 509-991-8575		E-mail: greg@wilsonlaw.us			Phone Number (include area code):		E-mail:		
3. PROJECT NAME or TITLE: Submerged Log structure					4. PROJECT STREET ADDRESS: 32 Blackcap Lane				
5. PROJECT COUNTY: Bonner		6. PROJECT CITY: Coolin		7. PROJECT ZIP CODE: 83821		8. NEAREST WATERWAY/WATERBODY: Priest Lake			
9. TAX PARCEL ID#: RP0008700017A0A		10. LATITUDE: 48.6560 LONGITUDE: -116.8521		11a. 1/4: SE	11b. 1/4: NE	11c. SECTION: 9		11d. TOWNSHIP: 61N	11e. RANGE: 4W
12a. ESTIMATED START DATE: June 2021		12b. ESTIMATED END DATE: August 1, 2022		13a. IS PROJECT LOCATED WITHIN ESTABLISHED TRIBAL RESERVATION BOUNDARIES? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Tribe:					
13b. IS PROJECT LOCATED IN LISTED ESA AREA? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES					13c. IS PROJECT LOCATED ON/NEAR HISTORICAL SITE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES				
14. DIRECTIONS TO PROJECT SITE: Include vicinity map with legible crossroads, street numbers, names, landmarks. From Coolin proceed north on East Shore Rd turning left onto Diamond Park Rd, then turning left onto Black Cap Lane									
15. PURPOSE and NEED: <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Other Describe the reason or purpose of your project; include a brief description of the overall project. Continue to Block 16 to detail each work activity and overall project. To permit a pre-Lake Protection Act ("LPA") submerged log structure located near the southern boundary of applicant's Lot 17A. Applicant submits two letters as supporting evidence of the pre-LPA log structure. Exhibits attached are: (1) Gary Fievz letter dated 11/20/20, and (2) Pat Phillips letter dated June 15, 2021.									

16. DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: Include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:

Applicant believes the submerged log structure was constructed by the original Lot 17 owner, Herman "Red" Rouse in the early 1960's. The log structure is approximately 20 feet long composed of two 20 feet, 6 inch diameter cedar logs and some buried supporting dimensional lumber joining the logs by steel spikes.

17. DESCRIBE ALTERNATIVES CONSIDERED to AVOID or MEASURES TAKEN to MINIMIZE and/ or COMPENSATE for IMPACTS to WATERS of the UNITED STATES, INCLUDING WETLANDS: See Instruction Guide for specific details.

No work will be performed since this permit seeks to permit a Pre-LPA structure.

18. PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.

We do not believe a mitigation plan is needed.

19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:

Dirt or Topsoil: _____ cubic yards
 Dredged Material: _____ cubic yards
 Clean Sand: _____ cubic yards
 Clay: _____ cubic yards
 Gravel, Rock, or Stone: _____ cubic yards
 Concrete: _____ cubic yards
 Other (describe): _____ : _____ cubic yards
 Other (describe): _____ : _____ cubic yards

TOTAL: _____ cubic yards

20. TYPE and QUANTITY of impacts to waters of the United States, including wetlands:

Filling: _____ acres _____ sq ft. _____ cubic yards
 Backfill & Bedding: _____ acres _____ sq ft. _____ cubic yards
 Land Clearing: _____ acres _____ sq ft. _____ cubic yards
 Dredging: _____ acres _____ sq ft. _____ cubic yards
 Flooding: _____ acres _____ sq ft. _____ cubic yards
 Excavation: _____ acres _____ sq ft. _____ cubic yards
 Draining: _____ acres _____ sq ft. _____ cubic yards
 Other: _____ : _____ acres _____ sq ft. _____ cubic yards

TOTALS: _____ acres _____ sq ft. _____ cubic yards

21. HAVE ANY WORK ACTIVITIES STARTED ON THIS PROJECT? NO YES If yes, describe ALL work that has occurred including dates.

22. LIST ALL PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS:
L-97-S-1081B Wilson Encroachment Permit

23. YES, Alteration(s) are located on Public Trust Lands, Administered by Idaho Department of Lands

24. SIZE AND FLOW CAPACITY OF BRIDGE/CULVERT and DRAINAGE AREA SERVED: _____ Square Miles

25. IS PROJECT LOCATED IN A MAPPED FLOODWAY? NO YES If yes, contact the floodplain administrator in the local government jurisdiction in which the project is located. A Floodplain Development permit and a No-rise Certification may be required.

26a WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, anyone who wishes to discharge dredge or fill material into the waters of the United States, either on private or public property, must obtain a Section 401 Water Quality Certification (WQC) from the appropriate water quality certifying government entity. See Instruction Guide for further clarification and all contact information.

The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation:
 NO YES Is applicant willing to assume that the affected waterbody is high quality?
 NO YES Does applicant have water quality data relevant to determining whether the affected waterbody is high quality or not?
 NO YES Is the applicant willing to collect the data needed to determine whether the affected waterbody is high quality or not?

26b. BEST MANAGEMENT PRACTICES (BMP's): List the Best Management Practices and describe these practices that you will use to minimize impacts on water quality and anti-degradation of water quality. All feasible alternatives should be considered - treatment or otherwise. Select an alternative which will minimize degrading water quality

We believe that there will be no impact on water quality.

Through the 401 Certification process, water quality certification will stipulate minimum management practices needed to prevent degradation.

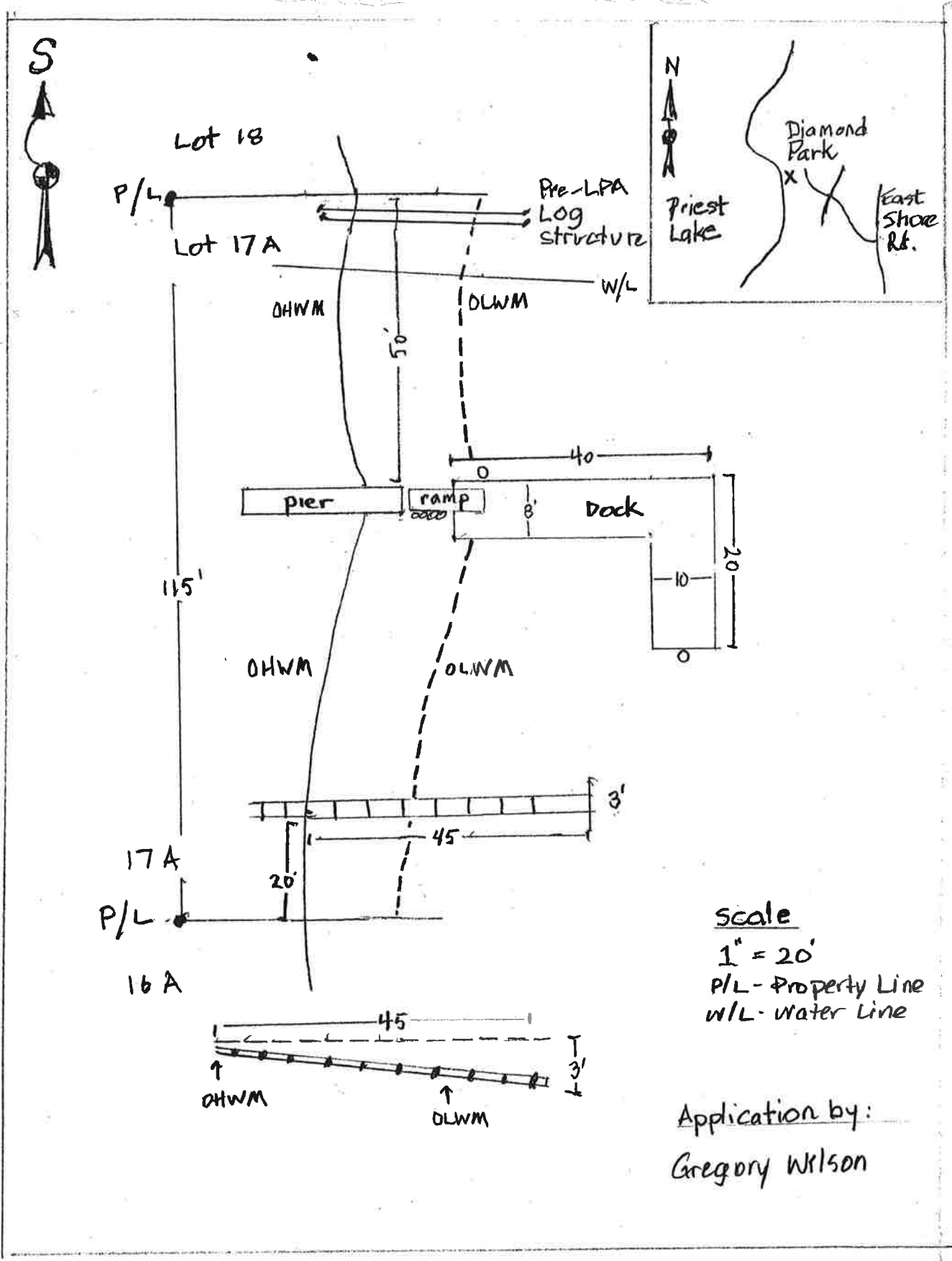
27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.

Activity	Name of Water Body	Intermittent Perennial	Description of Impact and Dimensions	Impact Length Linear Feet
N/A				
TOTAL STREAM IMPACTS (Linear Feet):				

28. LIST EACH WETLAND IMPACT include mechanized clearing, fill excavation, flood, drainage, etc. Attach site map with each impact location.

Activity	Wetland Type: Emergent, Forested, Scrub/Shrub	Distance to Water Body (linear ft)	Description of Impact Purpose: road crossing, compound, culvert, etc.	Impact Length (acres, square ft linear ft)
N/A				
TOTAL WETLAND IMPACTS (Square Feet):				

PRE-LPA LOG STRUCTURE



Parcels (1 of 2)



Parcel #: **RP0008700017A0A**

Owner: **Wilson, Gregory M & Debra B**

Instrument Number: **898581**

Acres: **0.62**

Tax Code Area: **0300000**

Last Assessed Value: **\$1189653**

Deed1: **898581 WD**

Deed2: **874751 PL**

Deed3: **633397 WD**

Deed4: **633396 QC**

Deeds: **572913 PR**

Description: **537-Resid improv on cat 15**

Legal Description: **9-61N-4W DIAMOND PARK**

REPLAT LOT 17A



East Pl Shore

11/24/20

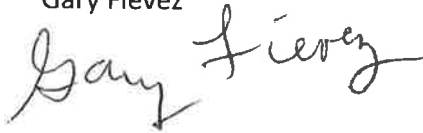
To: Idaho Dept. of Lands

From: Gary Fievez

My family purchased lot 18 in Diamond Park Addition on Priest Lake in June, 1965. We sold our cabin and lot to Bill Faloon in 2002.

When we owned the lot and the cabin that we built, Lot 17 and the cabin on it were owned by Red Rouse and later by the Ellingsons. During some of this time, two cedar logs that were approximately 4-6 inches in diameter and 20 feet long were placed on the beach at the property line by the Rouses. However, there was no rock barrier or rock structure that extended from the beach into the lake. In addition, there was no erosion of our beach.

Gary Fievez

A handwritten signature in cursive script that reads "Gary Fievez". The signature is written in dark ink and is positioned below the typed name.

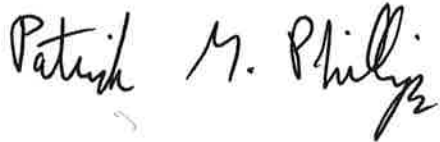
June 15, 2021

To: Idaho Department of Lands
From: Pat Phillips

My family purchased Lot 15 in the Diamond Park subdivision in the early 1960's. Our family, through a family trust, continues to own Lot 15 adjacent to Greg and Debra Wilson's two lots. Recently, Greg Wilson asked me if I had any recollection of the two cedar logs which had been placed near the south boundary of his Lot 17. I recently walked over and looked at the exposed logs.

My dad and I built our lake cabin in 1966. Then as a teenager, I recall walking the beach front from our cabin to a small creek where I would catch frogs. I recall stepping over logs on the "Red" Rouse lot 17 beach. I believe that Red may have tied up his fishing dingy to the logs.

Pat Phillips

A handwritten signature in black ink that reads "Patrick M. Phillips". The signature is written in a cursive style with a large initial "P" and a stylized "M".

February 22, 2022

To: Idaho Department of Lands

Subject: Supplemental letter

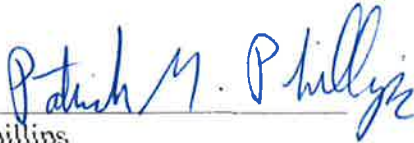
From: PATRICK M. PHILLIPS

I, Patrick M. Phillips, offer this supplemental letter in connection with Greg Wilson's permit application for a Pre-Lake Protection Act shoreline and lakebed encroachment located on the south boundary of their Priest Lake Diamond Park Addition Lot 17A.

In June 2021, I had presented the Wilson's with a letter providing my recollection facts concerning the log structure on their southern lake front boundary area and their permit application.

The exposed log structure which I inspected in the summer of 2021 is the same log structure which I recall seeing on the south side of Lot 17 and extending into the lake, although now much older and weathered. The logs' configuration at their current location has not changed since the late 1960's. The timeframe for my recollection begins in 1966 and continues. In 1966 I was 14 years old. Additionally, I recall seeing a dingy up to a log at times at the location of the log structure.

I have reviewed the Gary Fievez letter dated November 24, 2020. The logs which I recall seeing on the beach and extending into the lake were small logs as described by Fievez. I agree with Mr. Fievez's description of the logs and their south boundary location although I recall the log structure on the upland beach and extending into the lake just as they are now. Again, the timeframe for this recollection begins in 1966 and continues today.

A handwritten signature in blue ink that reads "Patrick M. Phillips". The signature is written in a cursive style with a horizontal line underneath the name.

Pat Phillips

11/24/20

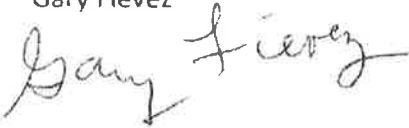
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