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BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of

Application for

Encroachment Permit,

AGENCY Case No. PH-2024-NAV-20-002

Valiant Idaho, LLC and

Valiant Idaho II, LLC, OAH Case No. 24-320-05

Applicants.

HEARING

HELD ON

MONDAY, OCTOBER 7, 2024

5:07 P.M.

BEFORE

LESLIE HAYES

ADMINISTRATIVE LAW JUDGE

410 SOUTH DIVISION AVENUE

SANDPOINT, IDAHO 83864

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<p>1 PARTICIPANTS Page 2</p> <p>2</p> <p>3 Leslie Hayes, Hearing Officer</p> <p>4 Allison Olson, Idaho Department of Lands</p> <p>5 Jeremy Grimm, Whiskey Rock Planning and Consulting</p> <p>6 Merritt Dublin, Administrative Law Judge</p> <p>7</p> <p>8 PUBLIC COMMENTERS:</p> <p>9 Kathleen Huntley</p> <p>10 Don Holland</p> <p>11 Bill Lewis</p> <p>12 Jennifer Ekstrom</p> <p>13 Eric Bernstein</p> <p>14 Perky Smith-Hagadone</p> <p>15 Kyle Volkman</p> <p>16 Brad Smith</p> <p>17 Pam Duquette</p> <p>18 Tamini Weber</p> <p>19 Tim Patton</p> <p>20 Greg Flint</p> <p>21 Neti Maioriello</p> <p>22 Merritt Horsman</p> <p>23 David Britton</p> <p>24 Jennifer Someillan</p> <p>25 John Monks</p>	<p>1 INDEX OF EXAMINATION Page 4</p> <p>2 Page</p> <p>3</p> <p>4 EXAMINATION BY MS. OLSON 13</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 PARTICIPANTS (CONT'D) Page 3</p> <p>2</p> <p>3 Maria Albergato</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 HEARING Page 5</p> <p>2 HELD ON</p> <p>3 MONDAY, OCTOBER 7, 2024</p> <p>4 5:07 P.M.</p> <p>5</p> <p>6 MS. HAYES: Thank you for joining us here</p> <p>7 tonight. I am going to call these proceedings to</p> <p>8 order, and then go over a few ground rules.</p> <p>9 This is a matter before the Idaho</p> <p>10 Department of Lands in the Matter of the</p> <p>11 Encroachment Permit Application L96S2798A, Valiant</p> <p>12 Idaho, LLC, and Valiant Idaho II, LLC, as</p> <p>13 applicants. Agency case number PH-2024-NAV-20-002.</p> <p>14 Office of Administrative Hearings case number 24-</p> <p>15 320-05.</p> <p>16 We are here today in proceedings regarding</p> <p>17 the Idaho Rules of Administrative Procedure which</p> <p>18 can be found at 62-0.01.01 of the Idaho</p> <p>19 Administrative Procedures Act.</p> <p>20 Pursuant to Rule 207 of those rules,</p> <p>21 public witnesses are not considered parties in this</p> <p>22 proceeding and have no right to cross-examine or</p> <p>23 present evidence, factual documentary evidence I</p> <p>24 should clarify.</p> <p>25 You are permitted to provide public</p>

<p style="text-align: right;">Page 6</p> <p>1 comment for consideration in these proceedings. 2 Your testimony is under oath and must be based on 3 your own personal knowledge for it to be admissible. 4 Rules 475 through 476 govern evidence, and 5 I have the ability to limit that evidence that would 6 be inadmissible in court, including evidence that is 7 irrelevant, not based on facts or personal 8 knowledge, or duplicative of other evidence already 9 received in this record. 10 I would like to note that this is the 11 second application on the same parcel for this 12 applicant; however, I cannot rely on my knowledge 13 from those prior proceedings or admit any of the 14 evidence from those prior proceedings for 15 consideration in these proceedings. 16 The order proceeding this evening is going 17 to be the Idaho Department of Land will present 18 their position first. 19 The applicant will then present their 20 position, and then we will open it up to any 21 rebuttal by the Idaho Department of Lands, and then 22 public comment. 23 We may have time limits associated with 24 that public comment; however, given the crowd size 25 here today, I don't anticipate those being strictly</p>	<p style="text-align: right;">Page 8</p> <p>1 that is if the applicant extends the deadline for 2 consideration which can happen in these proceedings 3 if additional evidence like a site inspection is 4 required to fully understand the application. 5 I ask for orderly conduct at these 6 proceedings. No cheers or jeers. I understand that 7 we all feel passionate about this project on both 8 sides, and I cannot have my record muddled by 9 disorderly conduct. 10 And I do have the authority to remove you 11 for being disruptive. 12 Restrooms are out to the right of the 13 auditorium. You can leave at any point during the 14 proceedings if you need to use the facilities. Just 15 be quiet and enter as quietly as possible. 16 Accompanying me here tonight is 17 Administrative Law Judge Merritt Dublin. She's here 18 with me to help with the administrative burden of 19 these proceedings of managing of large volumes of 20 public comment so that I can focus my attention onto 21 what you are telling me is your stance on this 22 project. 23 She will not participate in the order or 24 decision-making process. That decision is mine 25 alone as the assigned ALJ.</p>
<p style="text-align: right;">Page 7</p> <p>1 enforced if they are implemented. 2 We will be doing an onsite inspection of 3 the property tomorrow in the morning, and that will 4 also be part of the administrative record and 5 available for you to view online at the Department 6 of Lands' website once it's posted up there. 7 We have the potential for additional time 8 for public comment tomorrow. The stop time of the 9 proceedings this evening is 8:00 p.m. 10 Evidence and public comment are going to 11 close on Friday, October 11th. That means if you 12 have additional public comment you would like to 13 submit, you have until October 11th to submit that 14 comment to the Idaho Department of Lands. 15 The parties will then have closing briefs 16 due on October 18th, and that is the date that the 17 record closes. That is important because my order 18 is a recommended order, and the timeline for a final 19 order from the director of the Department of Lands 20 is triggered by the date that the record closes, 21 which would be 30 days from October 18th. 22 My recommended order will also be posted 23 on the website of the Idaho Department of Lands, as 24 will the final order. 25 There's some exception to that rule, and</p>	<p style="text-align: right;">Page 9</p> <p>1 With that, I must give you a reminder when 2 you're up here to give your first and last name for 3 the court reporter's consideration so we know who 4 testified for what. If I forget to remind you, I 5 apologize. I'm sure he will wave his hands at me. 6 And with that, we will begin these 7 proceedings. 8 Ms. Olson, please call your first witness. 9 MS. OLSON: Thank you. So IDL submitted 10 our prehearing statement which was available online 11 prior to receiving comments from state agencies as 12 it relates to impacts to fish and wildlife, the 13 aquatic life, and other factors that Idaho Code 14 Section 15 -- 15 MS. HAYES: Oh, sorry. Hold on. 16 Apologies for everyone online. I did not 17 unmute myself, but we are transcribing these 18 proceedings, and the transcript will be publicly 19 available once it's completed. 20 The only thing missed was some preliminary 21 matters discussing the rules of these proceedings 22 and the conduct expected, along with other rules 23 about admissibility of evidence. I apologize for 24 that. 25 MS. OLSON: All right. Let's try this</p>

<p style="text-align: right;">Page 10</p> <p>1 again. So, IDL submitted our pre-hearing statement, 2 which is available online if any of you would like 3 to go look at that. Idaho Code Section 15.1301 4 requires IDL to consider the impact and give due 5 consideration to fish and wildlife habitat and 6 aquatic life, among other things.</p> <p>7 At the time we submitted our prehearing 8 statements, we did not have any input from agencies 9 that are the experts in such things before IDL will 10 be thoroughly addressing these factors in our 11 closing statement, which will also be available 12 online either on the 18th or shortly thereafter.</p> <p>13 Idaho Department of Lands has stated that 14 they have no witness, so Mr. Grimm, the floor is 15 yours.</p> <p>16 MR. GRIMM: Up here or down there? 17 MS. HAYES: The podium, please. 18 MR. GRIMM: Good afternoon and evening to 19 IDL and the hearing examiners and the court reporter 20 and the public. I'm Jeremy Grimm representing 21 Valiant Idaho and Valiant Idaho II.</p> <p>22 This is -- I'm speaking from the 23 perspective of Whiskey Rock Planning and Consulting, 24 not from the perspective of the City of Sandpoint in 25 my role as mayor there.</p>	<p style="text-align: right;">Page 12</p> <p>1 pavilion, and some boat storage, and the restoration 2 of the north branch of Trestle Creek.</p> <p>3 It did also include the removal of the 4 manmade islands, including the Island of the Eagle's 5 Nest, and it filled the eastern channel of the slack 6 water.</p> <p>7 Thanks to great thought and consideration, 8 the Idaho Club and Valiant is back with this 9 application. And just to touch on some of the 10 further modifications to the site plan.</p> <p>11 Almost six acres, including both sides of 12 Trestle Creek, have been conveyed to the Kalispel 13 tribe. The manmade islands, the majority of them 14 remain under the new site configuration, including 15 the Island of the Eagle's Nest.</p> <p>16 The east slack channel remains unfilled 17 and navigable. The marine slips are reduced from 18 105 to 88 and are now considered a public marina.</p> <p>19 The shoreline protection is proposed to 20 arrest the existing erosion on the site and on the 21 shoreline. The boat ramp, which is in proximity to 22 the mouth of Trestle Creek, is to be removed.</p> <p>23 And finally, the north branch is still 24 included for restoration, bringing it back to its 25 historical flow in the Trestle Creek channel, even</p>
<p style="text-align: right;">Page 11</p> <p>1 Pretty simple. At this point, my 2 presentation and representation is just going to 3 reflect the application. It's our belief that the 4 application is consistent, and we believe that it 5 conforms with the objective criteria required for 6 IDL to review this -- this permit under Idaho code.</p> <p>7 Just going to touch on some brief history 8 for those who are new to where we're at. Before the 9 Idaho Club, this property was the site of something 10 called the Idaho Country Campground.</p> <p>11 There were numerous RV spots and the site 12 was heavily utilized, including a marina and docks 13 and a boat ramp. That use went away.</p> <p>14 And in 2000, approximately 2008, the site 15 was approved for a 96-unit residential condominium 16 development, including numerous, 105, slips.</p> <p>17 That project also sunset and last year, 18 some of you may recall, we were here with this new 19 and present owner, Valiant Idaho. And they reduced 20 the planned development of the site by a 95 percent 21 reduction in residential units over the 2008 22 approval.</p> <p>23 That site last year included 105 community 24 slips which were basically private slips, and it 25 included five residential lots and a community lot,</p>	<p style="text-align: right;">Page 13</p> <p>1 though it's actually not on the actual site of 2 development because it's now on a parcel that's 3 owned by the Kalispel tribe.</p> <p>4 In summary, the project certainly does 5 reduce the scope and the impact from others in the 6 past. And I guess I'll keep it pretty simple there 7 that we hope that the objective criteria outlined in 8 the Idaho Code and that the rules are sufficient to 9 make this application approved.</p> <p>10 So with that, I will defer to the 11 application and materials in the application and 12 look forward to this process.</p> <p>13 MS. HAYES: Thank you, Mr. Grimm. 14 Ms. Olson, do you have any questions for 15 Mr. Grimm? 16 EXAMINATION 17 BY MS. OLSON:</p> <p>18 Q. Thank you, Mr. Grimm. So can you tell me 19 who the new owner is?</p> <p>20 A. Valiant Idaho and Valiant Idaho II is my 21 understanding, but I defer to the application.</p> <p>22 Q. Okay. And that's Valiant I was the first 23 owner?</p> <p>24 A. Again, I defer to the application.</p> <p>25 Q. Okay. And you're proposing 88 docks and</p>

<p style="text-align: right;">Page 14</p> <p>1 seven private residential docks. How many were 2 proposed in your Valiant I application? 3 A. The one from last year, 105. 4 Q. 105. So a decrease in ten. 5 A. Approximately, I guess, yes. 6 Q. Thank you. 7 MS. HAYES: Thank you. 8 Do you know -- and it's okay if you don't 9 -- is the tribe in agreement with the historical 10 flow restoration on Trestle Creek as the property 11 owners of that property? 12 MR. GRIMM: I defer to the tribal 13 response, and it's my understanding they are. 14 MS. HAYES: Okay. And that's one of the 15 public comments -- 16 MR. GRIMM: Uh-huh. 17 MS. HAYES: -- that's in the record, I 18 believe. 19 MR. GRIMM: It -- I saw it, yes. 20 MS. HAYES: Okay. I don't have any 21 further questions for you. 22 Before we open this up to any rebuttal 23 from Lands, I forgot to state on the record that 24 prior to the hearing beginning, both parties 25 stipulated to the admission of each of their</p>	<p style="text-align: right;">Page 16</p> <p>1 it up for public comment. So what we're going to do 2 is ALJ Dublin is going to call your names in groups 3 of three to five. 4 If you desire to testify, if you still 5 desire to testify, just line up once your name is 6 called. 7 Can you hear me now? Can someone -- Ms. 8 King, can you tell me if you can hear me now? 9 MS. KING: Yes. Excuse me, yes. I can 10 hear you. 11 MS. HAYES: Okay. We will be uploading 12 the Zoom recording. I know that's not super helpful 13 if you can't hear the original live recording, but 14 we also will provide the transcript online once that 15 is ready and available for review. 16 So, Ms. Dublin is going to be calling your 17 names in groups of three to five. I ask that you 18 come up here. We will swear you in as a -- a 19 witness, and then you will be provided the 20 opportunity to make your comments. 21 MS. DUBLIN: Thank you. 22 We at this point have 16 people who have 23 indicated that they would like to testify. I know 24 that at the end, the hearing officer will ask if 25 there are any additional individuals who would like</p>
<p style="text-align: right;">Page 15</p> <p>1 exhibits. 2 So all of the proposed exhibits listed 3 online have now been admitted into the record. 4 Ms. Olson, do you have any rebuttal 5 testimony that you would like to provide? 6 Oh, and Mr. Grimm, can I have one 7 clarifying comment? Did the testimony you just 8 provide contain the truth, the whole truth, and 9 nothing but the truth? 10 MR. GRIMM: So help me God, yes. 11 MS. HAYES: Thank you. 12 Okay. Ms. Olson. Thank you. 13 MS. OLSON: Thank you. And I'll note for 14 the record that the presentation that he was 15 proposing to or planning on displaying for you-all 16 is also available online. You can view that. 17 I would also note that we have received 18 comments from Fish and Game that did express some 19 concern with the proposed restoration of the Trestle 20 Creek Channel. 21 Public comment is still open, and comments 22 from state agencies may be forthcoming that would 23 also impact IDL's decision, could also impact IDL's 24 decision. I think that's it. 25 MS. HAYES: Thank you. We will now open</p>	<p style="text-align: right;">Page 17</p> <p>1 to testify. 2 So I don't think we have -- we're under a 3 tremendous time constraint. So the first three -- 4 and I apologize if I get some of these names wrong 5 but there's a couple that I'm having trouble reading 6 -- but Kathleen Huntley, Don Holland, Bill Lewis, 7 and Jennifer Ekstrom. Ekstrom. Sorry. Ekstrom? 8 All right. Will the first witness come 9 up, and please state your first and last name for 10 the record. 11 MS. HUNTLEY: Didn't you want to swear us 12 in? 13 MS. DUBLIN: Yeah. I'll swear you in 14 after you say your name. 15 MS. HUNTLEY: Okay. Kathleen Huntley. 16 MS. DUBLIN: Do you -- please raise your 17 right hand. Do you swear or affirm that the 18 testimony you're about to provide is the truth, the 19 whole truth, and nothing but the truth? 20 MS. HUNTLEY: Yes. 21 MS. DUBLIN: Please proceed. 22 MS. HUNTLEY: Okay. This is very awkward. 23 Okay. I'm an educator, and so, I'm going to start 24 out with a term to educate the audience because I 25 don't think that even Valiant is aware of this.</p>

<p style="text-align: right;">Page 18</p> <p>1 And just stay with me on this. The term 2 is a keystone. And in the fourth century when they 3 started building arches, at the top of each arch was 4 a rock. It was called the keystone. 5 But that was in the BC, 4 BC. Now take it 6 to the nineteen-sixties, and there was a young man 7 who was an ecologist. His name was Robert Paine, 8 and he coined this term to keystone species. 9 And what it was is he was working with 10 starfish. And he discovered that if the starfish 11 was not in the water pool, that the entire ecology 12 system crumbled just like the keystone in a arch. 13 Okay. 14 So if one species is removed from an 15 ecosystem, it causes a chain of events that changes 16 the entire biodiversity of the entire ecosystem. 17 In short, any organism -- animal, plant, 18 fish, fungi, or bacteria -- if removed from a 19 particular ecosystem critically can collapse 20 multiple species in that habitat. 21 I'm going to give you two examples. One 22 is the bee. We all know the problem with the bees. 23 If we don't have plants that are pollinated, we 24 ourselves are going to be affected. It's all the 25 fruits and vegetables. The human race would not</p>	<p style="text-align: right;">Page 20</p> <p>1 They aren't alone. It's also a creek 2 which also spawns the other fish, including the 3 endangered bull trout. Now clearly, the Valiant 4 company is not taking no for an answer. 5 But I don't believe they fully comprehend 6 that their development can be detrimental to the 7 lake and extended to Bonner County. The bottom-line 8 question is what is real wealth? 9 They are a for-profit company and who, 10 after three failed attempts over 17 years to develop 11 their marina, it's in a critical environmental 12 fragile area that's continuing to be shortsighted in 13 their goal for profit. 14 One empty lot currently on the market at 15 Trestle Creek by Valiant is marketed at \$3,175,000. 16 That's a lot. I bought my same lot in Hope, Idaho, 17 for 80,000, and it's a little bit bigger, and that 18 was 12 years ago. 19 I'm sure in hindsight if they had 20 researched the 2010, the U.S. Fish and Wildlife 21 Service designated Trestle Creek as a critical 22 habitat for the endangered bull trout. 23 They also included in that report the bald 24 eagle, the beaver, and the osprey. 25 We can't vote on our -- in our</p>
<p style="text-align: right;">Page 19</p> <p>1 have an adequate food source. Simple as that. 2 The wolf is another one. When it was 3 removed from the Yellowstone area, all kinds of 4 problems began. Yellowstone became completely 5 overgrazed by the elk and the deer. 6 When the wolf was returned, the aspen and 7 willow regrew; the streams, the waters were 8 stabilized; the fisheries improved; and the water in 9 Billings, Montana became cleaner. 10 This is one animal made all the 11 difference, the keystone. Now biologists in an 12 attempt to restore more habitats just discovered -- 13 well, not just -- but the Kokanee salmon of Lake 14 Pend Oreille are a keystone species. Now this is 15 not an -- an endangered species. It's the keystone. 16 And I'm not sure of all the impacts they 17 have, but the Kokanee are the primary source for all 18 the other fish species which are including the 19 endangered bull trout. Also, the Kamloops. 20 The Kokanee are also an important food 21 source for the bald eagles, the osprey, and the 22 beaver. All these species depend on the Kokanee, 23 and it's estimated that half of the Kokanee 24 population in Lake Pend Oreille spawns at Trestle 25 Creek.</p>	<p style="text-align: right;">Page 21</p> <p>1 environment. There is not an environmental 2 democracy. The cost for the state and the local 3 population is much higher than the potential 4 development. 5 Declining fish in Lake Pend Oreille means 6 fewer fish-oriented tourists. It also means a 7 decline in the support of businesses, marinas, 8 tackle shops, marine repair, condos, restaurants, 9 gas stations, and other small businesses. 10 Eventually, the property value in the area 11 would go down if there's no fish, meaning less 12 revenue for the local towns. And that really isn't 13 too dramatic. That has happened in other places -- 14 dead lakes. 15 It is ludicrous that less than a mile down 16 the road from Trestle Creek, there has been a major 17 restoration project on the Delta at Pack River. 18 There is also work being done on the Clark 19 Fork Delta. And sandwiched in between, we have 20 Valiant Idaho Club doing what, I ask. The right 21 thing? One that will earn the respect of 22 generations? 23 Owning private land does not give anyone 24 the right to ruin a critically sensitive environment 25 area. I advocate denying once again Valiant's</p>

<p style="text-align: right;">Page 22</p> <p>1 application for any permits to develop anything in 2 the Trestle Creek area.</p> <p>3 I'm sorry. Cut your losses. I hope they 4 see clearly now that their responsibility is 5 stewards of the land rather than exploiters.</p> <p>6 I hope they can do the right thing, hold 7 their heads proudly, say that -- that be -- earn the 8 respect that the future generations have by 9 withdrawing all their plans for any future 10 development in this area.</p> <p>11 Keystone species are not to be messed 12 with, people. They are essential to life.</p> <p>13 MS. HAYES: Thank you for that. I will 14 remind the crowd I've requested no cheers or jeers. 15 I do permit this and snaps. Okay.</p> <p>16 Please state your name for the record.</p> <p>17 MR. HOLLAND: Don Holland.</p> <p>18 MS. HAYES: Okay. Raise your right hand, 19 please.</p> <p>20 MR. HOLLAND: Pardon me?</p> <p>21 MS. HAYES: Raise your right hand, please.</p> <p>22 Do you swear or affirm that the testimony 23 you're about to provide is the truth, the whole 24 truth, and nothing but the truth?</p> <p>25 MR. HOLLAND: I do.</p>	<p style="text-align: right;">Page 24</p> <p>1 almost a rerun from last --the last hearing.</p> <p>2 At that time, I noted a migration study 3 from Fish and Game in their analysis of this 4 project. The study is called -- this is long -- 5 Pend Oreille Basin Bull Trout Redd Monitoring Annual 6 Project Survey, which was started in 1983.</p> <p>7 What stood out to me was the migration of 8 bull trout up Trestle Creek in the last seven of the 9 eight years -- this was two years ago, or last year 10 when we had the meeting -- and at that time, seven 11 of the eight years, they did not meet their ten-year 12 migration average.</p> <p>13 I found it perplexing in last year's 14 analysis and recommendations that IDL did not 15 mention or analyze this important study.</p> <p>16 Now one year later in the current Fish and 17 Game comments, their migration study shows in the 18 last eight of nine years, the bull trout have not 19 reached their ten-year average.</p> <p>20 This is a huge red flag showing that the 21 bull trout continued to struggle. I hope that this 22 recommendation -- I hope that in its recommendation, 23 IDL acknowledges this study and -- and -- and 24 reckons with it because that's the empirical 25 evidence that Jeremy Grimm was asking for last year</p>
<p style="text-align: right;">Page 23</p> <p>1 MS. HAYES: Please proceed.</p> <p>2 MR. HOLLAND: Okay. Well said, young 3 lady.</p> <p>4 MS. HAYES: That's --</p> <p>5 MR. HOLLAND: Yeah. Good evening. Don 6 Holland. I'm close a 50-year resident in Bonner 7 County. I'd like to acknowledge and applaud Idaho 8 Club for its decision to sell one of its three 9 parcels at Trestle Creek to the Kalispel tribe.</p> <p>10 This will ensure the best management of 11 the main branch of Trestle Creek itself.</p> <p>12 Unfortunately, this action will not negate nor 13 eliminate risks to the migratory fish, especially 14 endangered bull trout.</p> <p>15 Tonight, I'd like to question why we're 16 having this hearing at all without the relevant 17 information available to the public.</p> <p>18 In the coming months, there will be key 19 information coming from the Army Corps of Engineers 20 with their biological assessment, and another from 21 Fish and Wildlife Agency with the biological 22 opinion.</p> <p>23 It's my understanding that to have this 24 hearing without all this vital information was the 25 choice by Idaho Club. This hearing seems like</p>	<p style="text-align: right;">Page 25</p> <p>1 was presented, but never discussed, analyzed, 2 commented on, like it never happened as far as I 3 could tell.</p> <p>4 Further, in Fish and Game's latest 5 comments, I quote, "The Idaho Department of Fish and 6 Game has concerns with the location of this project 7 and its possible negative effects to fish and 8 wildlife," end of quote.</p> <p>9 It's the location of this -- not the 10 marina, not the -- not the lots, not the housing -- 11 it's the location. In other words, they are 12 concerned with the risks in this location to an 13 already-vulnerable species migrating now below their 14 ten-year average almost 90 percent of the time.</p> <p>15 These development and marine plans 16 continue to be ill suited for this particular 17 location because they'd create a much bigger risk 18 than is warranted.</p> <p>19 Quick bit of history. This property was 20 purchased by Idaho Club owner Dick Vilelli in the 21 early two-thousands. His vision was to develop it 22 to make money for his investment group, VP 23 Incorporated.</p> <p>24 I -- I believe it is time to move on from 25 this unacceptable vision of his, of the development</p>

<p style="text-align: right;">Page 26</p> <p>1 for this sensitive shoreline location. Thank you.</p> <p>2 MS. HAYES: Thank you for also quietly</p> <p>3 showing your support of that commenter.</p> <p>4 Please state your name for --</p> <p>5 MR. LEWIS: Bill --</p> <p>6 MS. HAYES: -- the record, please.</p> <p>7 MR. LEWIS: Bill Lewis. Do you -- will</p> <p>8 you raise your right hand for me?</p> <p>9 Do you swear or affirm that the testimony</p> <p>10 you are about to provide is the truth, the whole</p> <p>11 truth, and nothing but the truth?</p> <p>12 MR. LEWIS: To the best of my ability.</p> <p>13 MS. HAYES: You may proceed.</p> <p>14 MR. LEWIS: Thank you.</p> <p>15 Well, I don't know a lot of the</p> <p>16 statistical data. I don't know some of the things</p> <p>17 that Don has shown you or Jennifer, but I know I</p> <p>18 grew up here, and I know what it was like years ago</p> <p>19 in -- in Sandpoint doing ice fishing, for example,</p> <p>20 for what we called Blue Backs in those days.</p> <p>21 Later, they called them Kokanee. And</p> <p>22 there were so many fish that you could -- you could</p> <p>23 cut a hole in the ice almost anywhere and -- and get</p> <p>24 fish anytime in the wintertime.</p> <p>25 In the summertime, of course, they</p>	<p style="text-align: right;">Page 28</p> <p>1 really believe that what the Idaho Club wants to do</p> <p>2 to that place at Trestle Creek will change the lake</p> <p>3 forever. Thank you.</p> <p>4 MS. HAYES: Thank you.</p> <p>5 We'll be calling our next set of names</p> <p>6 here while our next speaker joins us onstage.</p> <p>7 MS. DUBLIN: Eric Berntsen, if that's</p> <p>8 correct. Kyle Volkman. And I'm sorry if I got this</p> <p>9 wrong -- Perky Smith-Hagadone. Brad Smith.</p> <p>10 Please state your name for the record.</p> <p>11 MS. EKSTROM: Jennifer Ekstrom.</p> <p>12 MS. HAYES: Do you swear or affirm that</p> <p>13 the testimony that you're about to provide is the</p> <p>14 truth, the whole truth, and nothing but the truth?</p> <p>15 MS. EKSTROM: Yes.</p> <p>16 MS. HAYES: Please proceed.</p> <p>17 MS. EKSTROM: Thank you.</p> <p>18 I appreciate the opportunity to comment</p> <p>19 this evening. I work for the Idaho Conservation</p> <p>20 Lake as the North Idaho director. And we are asking</p> <p>21 that the Idaho Department of Lands deny all aspects</p> <p>22 of encroachment permit application L96S2798A, which</p> <p>23 are under your jurisdiction, because the proposed</p> <p>24 development does not weigh in favor of the public</p> <p>25 interest.</p>
<p style="text-align: right;">Page 27</p> <p>1 replenish the -- all the feeding habits of the</p> <p>2 Kamloops and the bull trout. They couldn't get</p> <p>3 along without it.</p> <p>4 You can see what's happened when they put</p> <p>5 the Kokanee in this lake years ago. We had the</p> <p>6 world record at 37 pounds. We would not have that</p> <p>7 without the Kokanee.</p> <p>8 Another thing a lot of people don't</p> <p>9 understand is when I was growing up here, every bar</p> <p>10 in this town that had sold beer sold Kokanee, smoked</p> <p>11 Kokanee. I think it was, like, 25 cents, you know.</p> <p>12 For two bucks, you could have a beer and a Kokanee</p> <p>13 at the Tour Van.</p> <p>14 And it -- it was like a part of the</p> <p>15 culture. Go try and find a smoked Kokanee around</p> <p>16 anymore. You won't. The population has been so</p> <p>17 decreased already, and this would just make it</p> <p>18 worse. In fact, it'll change the whole -- my</p> <p>19 opinion -- it will change the entire ecosystem.</p> <p>20 As the lady said, this is a keystone,</p> <p>21 anyway, species. I'm not much of a speaker. I'm</p> <p>22 sorry. I wish -- and I'm a little bit nervous.</p> <p>23 This is probably the first time I've ever done this</p> <p>24 in my life.</p> <p>25 And the reason I'm doing it is because I</p>	<p style="text-align: right;">Page 29</p> <p>1 The extensive proposed encroachments and</p> <p>2 the related work would cause significant impacts to</p> <p>3 not only bull trout and other fisheries but to water</p> <p>4 quality and other public interest factors.</p> <p>5 And even if the Department of Lands is to</p> <p>6 seriously consider this application at this time, it</p> <p>7 is premature to approve it until after the Army</p> <p>8 Corps of Engineers completes their analysis and</p> <p>9 decision on whether A Clean Water Action Section 404</p> <p>10 permit is allowable for the activities.</p> <p>11 The Corps suspended the Idaho Club's most</p> <p>12 recent 404 permit in October of 2022 in response to</p> <p>13 litigation brought by the Idaho Conservation League</p> <p>14 and the Center for Biological Diversity.</p> <p>15 The U.S. Fish and Wildlife Services'</p> <p>16 August 12th, 2022, biological opinion has expired.</p> <p>17 And, if I may, I would like to provide evidence of</p> <p>18 that. May I provide that?</p> <p>19 MS. HAYES: Let me review. Is this</p> <p>20 submitted as one of the public comments?</p> <p>21 MS. EKSTROM: It is submitted as an</p> <p>22 addendum to my public comments.</p> <p>23 MS. HAYES: Then it's already on the</p> <p>24 record, but I can take this as well.</p> <p>25 MS. EKSTROM: Thank you. Thank you very</p>

<p style="text-align: right;">Page 30</p> <p>1 much.</p> <p>2 So the Corps of Engineers is currently</p> <p>3 evaluating the Idaho Club's proposal under the</p> <p>4 National Environmental Policy Act, which requires</p> <p>5 consideration of alternatives to the proposed</p> <p>6 action.</p> <p>7 The Fish and Wildlife Service must draft a</p> <p>8 new biological opinion before the Corps can approve</p> <p>9 the 404 permit. It's likely that the Corps or the</p> <p>10 Fish and Wildlife Service will require project</p> <p>11 modifications in response to environmental concerns.</p> <p>12 It is also likely that the Fish and</p> <p>13 Wildlife Service will determine that the project</p> <p>14 will adversely affect bull trout or bull-trout</p> <p>15 critical habitat. And it's therefore premature for</p> <p>16 the Department of Lands to issue a permit when the</p> <p>17 project could be changed or denied at the federal</p> <p>18 level.</p> <p>19 At the state level, Idaho Administrative</p> <p>20 Procedures Act 20030401511 requires that an</p> <p>21 excavated or dredged channel must have a clear</p> <p>22 environmental, economic, or social benefit to the</p> <p>23 people of the state and must not result in any</p> <p>24 appreciable environmental degradation.</p> <p>25 The Department of Lands, in their</p>	<p style="text-align: right;">Page 32</p> <p>1 declining drastically and showing it as more</p> <p>2 important than ever to provide their critical</p> <p>3 habitat.</p> <p>4 And I did bring a copy of that report as</p> <p>5 well because it was noted previously that that</p> <p>6 didn't seem to be considered in the record last</p> <p>7 time. So it was an addendum to our official</p> <p>8 comments this time, but I have a paper copy if you</p> <p>9 wish to receive that.</p> <p>10 MS. HAYES: Thank you. Yes, I will, and</p> <p>11 it is in the record if it was contained in your</p> <p>12 public comments.</p> <p>13 MS. EKSTROM: Thank you.</p> <p>14 So contrary to the claims of the</p> <p>15 developer, the removal of shoreline vegetation,</p> <p>16 dredging of the lake bed, and the installation of</p> <p>17 docks will create favorable hideouts for predators</p> <p>18 of bull trout and other native fish.</p> <p>19 The proposed realignment of the north</p> <p>20 branch of Trestle Creek has flaws that could trap</p> <p>21 fish. Pollution from lawn and parking lot runoff,</p> <p>22 construction activities, and intensive boating</p> <p>23 activity further could undermine bull trout's</p> <p>24 ability to thrive.</p> <p>25 And the Fish and Wildlife Service has</p>
<p style="text-align: right;">Page 31</p> <p>1 prehearing statement, acknowledges that, and I'll</p> <p>2 quote, "Given the current uncertainty as to the</p> <p>3 extent of the potential environmental degradation</p> <p>4 and accumulative effects that may result, the</p> <p>5 Department cannot adequately determine whether this</p> <p>6 standard has been met at this time."</p> <p>7 This admission alone validates our claim</p> <p>8 that IDL must not approve the application. And</p> <p>9 according to Idaho Code 58-1301, the Department of</p> <p>10 Lands has an obligation to protect public trust</p> <p>11 values such as water quality, fish and wildlife</p> <p>12 habitat, aquatic life, recreation, and aesthetic</p> <p>13 beauty.</p> <p>14 The public trust values that will be</p> <p>15 impacted by this proposal are numerous. Bull</p> <p>16 trout's threatened status under the Endangered</p> <p>17 Species Act already prohibits anglers from legally</p> <p>18 taking bull trout, and the species once played a key</p> <p>19 role in the local sport fishery.</p> <p>20 According to the Idaho Department of Fish</p> <p>21 and Game, Trestle Creek is the single-most important</p> <p>22 tributary for bull trout spawning in the Pende</p> <p>23 Oreille basin and critical to their recovery.</p> <p>24 However, their 2023 survey, which I</p> <p>25 believe Don referenced, shows that those numbers are</p>	<p style="text-align: right;">Page 33</p> <p>1 developed a standing analysis or a streamlined</p> <p>2 methodology for reviewing certain dock and pier</p> <p>3 building proposals that they expect will have</p> <p>4 minimal impact on Lake Pende Oreille and the Pende</p> <p>5 Oreille River but which excludes commercial marinas.</p> <p>6 This standing analysis acknowledges that</p> <p>7 rapid development of the shoreline has exceeded the</p> <p>8 allowable incidental take of bull trout in the</p> <p>9 system much more quickly than anticipated.</p> <p>10 The public -- the public's interest in</p> <p>11 seeing bull trout recover and eventually be delisted</p> <p>12 is reason enough to reject this proposal.</p> <p>13 And also, in accordance with established</p> <p>14 legal precedent, the Department of Lands may not</p> <p>15 authorize encroachment that would undermine or</p> <p>16 conflict with other Idaho laws.</p> <p>17 And under Idaho Administrative Procedures</p> <p>18 Act 580103, public health districts have authority</p> <p>19 for implementing Idaho's individual subsurface</p> <p>20 sewage disposal rules.</p> <p>21 Panhandle Health District is responsible</p> <p>22 for approving plans to accommodate maximum</p> <p>23 anticipated waste flows from the development's</p> <p>24 houses, boats, and public restroom facilities.</p> <p>25 But it's interesting that no Blackwater</p>

<p style="text-align: right;">Page 34</p> <p>1 pump-out stations for boats, nor a public restroom 2 facility is even included in the proposal, showing 3 negligence on the part of the applicant. 4 Current waste flows -- current waste flow 5 estimates for the entire project's waste flow 6 indicate that a large soil absorption system may be 7 required, and this site has never been assessed for 8 suitability of such a system. 9 Considering that the Idaho Supreme Court 10 has established precedent precluding state agencies 11 from issuing permits that knowingly conflict or 12 contradict other state rules and regulations, it 13 would be out of accord with the law to approve this 14 proposal without Panhandle Health approval. 15 And last, according to Idaho 16 Administrative Procedures Act 20030401201, the 17 economic necessity must be considered for proposed 18 lake bed encroachments. 19 The applicant makes various vague claims 20 about the economic need for the development, but 21 their proposal lacks supporting evidence and 22 substance. 23 How many boat slips and waterfront houses 24 currently exist on Lake Pend Oreille, and are those 25 houses regularly occupied or primarily used as</p>	<p style="text-align: right;">Page 36</p> <p>1 federal law, and to established case law. 2 We therefore ask the Idaho Department of 3 Lands deny the Idaho Club's application. Thank you 4 very much for the opportunity to comment. 5 MS. HAYES: Thank you. Ms. Ekstrom, did 6 you have a citation to that Idaho Supreme Court case 7 that you referenced? 8 MS. EKSTROM: Yes. That is Shokalv. It's 9 spelled S-H-O-K-A-L-V, Dunn, D-U-N-N, 109 Idaho 330, 10 341. It was Idaho 1985. 11 MS. HAYES: You said 109 Idaho 330? 12 MS. EKSTROM: Yes. And then it says 13 comma, 341. 14 MS. HAYES: That's just the pinpoint cite. 15 Thanks. 16 MS. EKSTROM: Oh, thanks. 17 MS. HAYES: I appreciate that. 18 Next testifier? Please state your name 19 for the record. 20 MR. BERNTSEN: Eric Berntsen. 21 MS. HAYES: Please raise your right hand. 22 Do you swear or affirm that the testimony 23 you are about to provide is the truth, the whole 24 truth, and nothing but the truth? 25 MR. BERNTSEN: I do.</p>
<p style="text-align: right;">Page 35</p> <p>1 vacation homes? 2 Is there any data to support claims of 3 high demand or a deficit in such properties? 4 Numerous marinas already exist along the shores of 5 Lake Pend Oreille, and the applicant has failed to 6 demonstrate the need for an additional commercial 7 marina. 8 This development appears to address a 9 luxury need that may not actually be in demand. It 10 is reasonable though to assume that a significant 11 portion of the local public cannot afford waterfront 12 residences, vacation homes, or power boats. 13 The Department of Lands must acknowledge 14 that the proposed encroachments favor a private 15 commercial enterprise and a few individuals at the 16 expense of the greater public interest. 17 The recovery of bull trout, attainment of 18 water quality standards, and protection of public 19 trust lands and resources is in the public's 20 interest. 21 The development of a commercial marina and 22 luxury housing for commercial gain is not. The 23 Idaho Club's proposed development at the mouth of 24 Trestle Creek on Lake Pend Oreille is contrary to 25 the public interests to various Idaho statutes,</p>	<p style="text-align: right;">Page 37</p> <p>1 MS. HAYES: Please proceed. 2 MR. BERNTSEN: Good evening, everyone. My 3 name's Eric Bernsten. I have a hard-to-spell last 4 name. It's B-E-R-N-T-S-E-N, and I have horrible 5 penmanship, so those double, you know, combination 6 make it really hard to get me on the record. 7 But I'm a Sandpoint resident. I'm also 8 the Water Resource and Habitat Program Manager for 9 the Kalispel tribe. We appreciate being part of 10 this process. 11 We also appreciate obtaining the six-acre 12 parcel as part of this project. This area is 13 really, it's a biological hotspot. 14 MS. HAYES: Mr. Berntsen, are you 15 testifying on behalf of the tribe or on behalf of 16 yourself? 17 MR. BERNTSEN: The tribe, the tribe. 18 MS. HAYES: Okay. 19 MR. BERNTSEN: Yeah, yeah. 20 MS. HAYES: Thank you. 21 MR. BERNTSEN: I'm sorry. Just to make 22 that clear. Yeah, this is a biological hotspot. 23 Very important to the tribe. It was a historic 24 harvesting area for the tribe. It's really, it's a 25 tributary confluence. There's a lot of other</p>

<p style="text-align: right;">Page 38</p> <p>1 speakers that will speak to this, but it's really --</p> <p>2 yeah, it's a significant cultural -- we take our</p> <p>3 stewardship responsibility very seriously as being</p> <p>4 the owner of this new parcel.</p> <p>5 With that said, you know, we do have -- we</p> <p>6 submitted a letter, and one of the comments we did</p> <p>7 have was on the stream restoration design.</p> <p>8 We do have issues with the proposed</p> <p>9 design, and we're honestly a bit disappointed that</p> <p>10 the design engineers didn't reach out to us to</p> <p>11 coordinate on the project.</p> <p>12 It's really what we call, just to give you</p> <p>13 some geological context, that's kind of my -- that's</p> <p>14 my background. So I'm comfortable speaking in that</p> <p>15 space.</p> <p>16 This is a kind of active tributary fan, if</p> <p>17 you will. A lot of sediment supply coming in from</p> <p>18 Trestle Creek. It's a very high energy, kind of</p> <p>19 depositional area. And I guess the proposed design</p> <p>20 is more of a kind of a single-thread stable channel</p> <p>21 we call it.</p> <p>22 And it's really designed to kind of lock</p> <p>23 in flow and sediment. Probably not the most</p> <p>24 appropriate design for this type of setting. And</p> <p>25 so one of the things we offered up in our comment</p>	<p style="text-align: right;">Page 40</p> <p>1 property or a project interest but also using plant</p> <p>2 materials, natural plant materials. We have</p> <p>3 documented experience doing that over in Fox Canyon</p> <p>4 Reservoir in Washington.</p> <p>5 And in my comments, we submitted a copy of</p> <p>6 the stream bank stabilization designs that were</p> <p>7 produced by Pende Oreille County and the Pende</p> <p>8 Oreille Public Utility District which could</p> <p>9 definitely be applied over here.</p> <p>10 So yeah, those are our two big issues, I</p> <p>11 think, with the encroachment permit. Until we work</p> <p>12 those issues out, yeah, I think it's premature to</p> <p>13 grant the permit at this time. Thank you.</p> <p>14 MS. HAYES: One quick question on this</p> <p>15 stream bank restoration and the rip rap, is any of</p> <p>16 that occurring on the tribal property, or is that</p> <p>17 all on the Idaho Club property, or do you know?</p> <p>18 MR. BERNTSEN: I'm not sure.</p> <p>19 MS. HAYES: Okay.</p> <p>20 MR. BERNTSEN: Yeah. Yeah. Thank you.</p> <p>21 MS. HAYES: No worries. Thank you.</p> <p>22 Please state your name for the record.</p> <p>23 MS. SMITH HAGADON: Perky Smith Hagadon.</p> <p>24 MS. HAYES: And raise your right hand.</p> <p>25 Do you swear or affirm that the testimony</p>
<p style="text-align: right;">Page 39</p> <p>1 letter is working with the design engineers and</p> <p>2 coming up with a more appropriate approach,</p> <p>3 especially since it's on our -- our property.</p> <p>4 I think that we could -- we can come up</p> <p>5 with a much better outcome. And some of the</p> <p>6 concerns with the design also, you know, really get</p> <p>7 around the in-stream structures.</p> <p>8 We're concerned about trapping out-</p> <p>9 migrating bull trout and cutthroat. So these are</p> <p>10 design details that could be worked through, but</p> <p>11 yeah, we are disappointed that the engineers didn't</p> <p>12 reach out to us to coordinate a better design</p> <p>13 instead of sort of an off-the-shelf Singletary</p> <p>14 design.</p> <p>15 So with that said, and the other sort of</p> <p>16 topic we covered in our comments was the stream bank</p> <p>17 stabilization. An awful lot of rip rap, probably in</p> <p>18 my opinion and our design opinion way too much for</p> <p>19 the geomorphic context.</p> <p>20 And so with an -- with an area like this,</p> <p>21 a tributary fan, we really want to trap sediment.</p> <p>22 We want to basically use a lot of vegetation to trap</p> <p>23 sediment. That's the natural process that's going</p> <p>24 on there instead of arresting erosion.</p> <p>25 I mean, there's ways of protecting a</p>	<p style="text-align: right;">Page 41</p> <p>1 you're about to provide is the truth, the whole</p> <p>2 truth, and nothing but the truth?</p> <p>3 MS. SMITH HAGADON: Yes, it is.</p> <p>4 MS. HAYES: I'm going to lower the</p> <p>5 microphone for you. Got it?</p> <p>6 MS. SMITH HAGADON: I can do it.</p> <p>7 MS. HAYES: Okay. Thank you.</p> <p>8 MS. SMITH HAGADON: Okay. I want to say</p> <p>9 thank you for allowing all of us to have a voice</p> <p>10 tonight. More importantly though is that we hope</p> <p>11 that you genuinely consider what we have to say.</p> <p>12 As a resident of Sandpoint for the past 46</p> <p>13 years, I have witnessed the growth of this truly</p> <p>14 incredible area over time. I was an educator for 28</p> <p>15 years, principle of North Side Elementary, and I</p> <p>16 love this area more than I could probably ever tell</p> <p>17 -- tell you.</p> <p>18 And I know that everybody out here feels</p> <p>19 exactly the same way. Sadly, over time, over four</p> <p>20 decades of my existence here, the influx of</p> <p>21 developments around the shoreline, it's becoming</p> <p>22 increasingly difficult to find a secluded area to</p> <p>23 actually enjoy.</p> <p>24 It's quite difficult. I don't know about</p> <p>25 the rest of you, but I see private property signs</p>

<p style="text-align: right;">Page 42</p> <p>1 constantly where when I first moved here, there were 2 next to none.</p> <p>3 As a volunteer member of the award-winning 4 Idaho Conservation League Water Quality Steward 5 Program, I have seen the data firsthand of many of 6 the developed bays around our lake.</p> <p>7 What I have seen and heard is disturbing, 8 and you can look at the data online in the Idaho 9 Conservation League website, I believe, right, 10 Jennifer? Yeah.</p> <p>11 We want to protect our natural areas. We 12 want our natural areas to stay natural as much as 13 humanly possible. We've heard a lot of comment 14 tonight about how it's a biological hotspot. And if 15 you go out there, you'll see it.</p> <p>16 There's animals, there's birds, there's 17 fish. And nature is here to protect us. Nature is 18 not something to tame for our frivolous desires.</p> <p>19 And as Jennifer spoke, one of the things 20 is, is that it should benefit the most number of 21 people possible in a county, and I know firsthand 22 from a development near where I live that many, many 23 -- I don't know what percentage, so I don't want to 24 say it, but many, many of the homes are just second 25 homes. They're not people that are committed to our</p>	<p style="text-align: right;">Page 44</p> <p>1 keep coming back every few years. Thank you.</p> <p>2 MS. HAYES: Thank you.</p> <p>3 We're going to call the next set of names.</p> <p>4 Kyle Volkman, Brad Smith -- those -- oh, they've 5 been called? All right. Pam Duquette. Tamini 6 Welsh. Tim Patton. Dave Heat.</p> <p>7 Please state your name for the record.</p> <p>8 MR. VOLKMAN: Kyle Volkman.</p> <p>9 MS. HAYES: Do you swear or affirm that 10 the testimony you're about to provide is the truth, 11 the whole truth, and nothing but the truth?</p> <p>12 MR. VOLKMAN: I do.</p> <p>13 MS. HAYES: Okay. I think I remember you 14 from last time, and you have written comments on 15 your phone?</p> <p>16 MR. VOLKMAN: Yeah.</p> <p>17 MS. HAYES: Okay. Just remember to speak 18 slowly for our court reporter's benefit as you're 19 reading.</p> <p>20 MR. VOLKMAN: Okay.</p> <p>21 MS. HAYES: Thank you.</p> <p>22 MR. VOLKMAN: Yes. I was here last year, 23 and I did have a lot of stuff written on my phone. 24 This year, I'm a little under prepared. And I do 25 want to thank everybody that's come before me</p>
<p style="text-align: right;">Page 43</p> <p>1 area.</p> <p>2 The biodiversity and the biological/ 3 ecological services provided by Trestle Creek, as 4 been spoken really eloquently and scientifically by 5 some of the people before me, are essential to the 6 health of our lake and frankly, essential to every 7 single one of us.</p> <p>8 And I like to come with an idea instead 9 of, you know, just saying no. And I have not looked 10 into this; it just kind of came to me. But I wonder 11 if it could be -- and this is a radical idea -- but 12 turned into a conservation easement and developed 13 into a wildlife refuge, which I know -- I don't know 14 if many of you do this, but I travel the Bonner's 15 Fairy constantly to be at the Wildlife Refuge 16 because it's beautiful.</p> <p>17 And -- and it's a multiuse area, and they 18 figured out how to do that. But it is a healthy, 19 thriving ecosystem up there. And I think that 20 that's a possible idea for this area instead of 21 development.</p> <p>22 We always seem to go straight to 23 developments instead of parks and refuges and things 24 like that. And so, I would ask you to please vote 25 to terminate this proposal once and for all, not to</p>	<p style="text-align: right;">Page 45</p> <p>1 because it's been very, very informative.</p> <p>2 And so I'm just going to wing it. So I've 3 got some, actually some leftover notes from last 4 year that I kind of amended just from hearing the 5 applicants speak tonight and kind of reiterate my 6 stance on this issue.</p> <p>7 Like I said, my name's Kyle Volkman. I'm 8 a Sandpoint resident and a local business owner.</p> <p>9 And going back to last year's hearing, because I 10 feel like we do this every year, on August 11th of 11 2023, in their comment letter to IDL, Idaho DBQ had 12 highlighted the numerous shortcomings of this permit 13 application.</p> <p>14 In their letter, they quote -- they had 15 quoted, "The application generally lacks information 16 on specifying how the applicant will sufficiently 17 protect Lake Pend Oreille and the Trestle Creek 18 water quality during the construction and throughout 19 the life of the marina, community, dock, and 20 residential development."</p> <p>21 Now I say that understanding that there 22 has been a new application submitted. But unlike 23 the last one, I haven't been able to read this one, 24 so I don't know what in it has changed.</p> <p>25 I've heard maybe ten docks or something</p>

<p style="text-align: right;">Page 46</p> <p>1 like that. Continued from that same letter from the 2 DBQ, they stated that the operation and use of the 3 dock and shoreline residential development is high 4 risk for cumulative impacts from pollution and 5 aquatic habitat loss.</p> <p>6 The project as a whole presents unintended 7 and irreversible negative consequences to the water 8 quality and ecology of Trestle Creek's confluence 9 with Pende Oreille Lake and to the recovery of the 10 threatened bull trout population of the Lake Pende 11 Oreille system.</p> <p>12 So that just highlights what has been said 13 time and time again in these hearings, that there is 14 no wildlife statement from any of these institutions 15 that speaks favorably of this project.</p> <p>16 And, you know, tonight, the applicant 17 stood up here and said that, among other things, the 18 tribe had signed off on the proposal, which based on 19 what we just heard is untrue.</p> <p>20 He also framed the project as having been 21 approved in the past and is now just a scaled-down 22 version of what has already been approved. That is 23 also misleading because obviously, it's never been 24 approved. That's why it's not built.</p> <p>25 The Army Corps of Engineers has</p>	<p style="text-align: right;">Page 48</p> <p>1 the whole truth, and nothing but the truth?</p> <p>2 MR. SMITH: Yes.</p> <p>3 MS. HAYES: Okay. There's some folks 4 online that we can hear you. Specifically, a Brit, 5 can you mute yourself? Thank you.</p> <p>6 MR. SMITH: Thank you very much. I really 7 resonated with my friend down here in the front -- 8 front row, Bill Lewis, when he was talking about 9 Blue Backs. Because when I was a kid, I would go 10 out with my dad and my uncle and my brother and my 11 cousins, and we'd fish for Blue Back.</p> <p>12 And we would also fish for what my dad and 13 my uncle called Dolly Barbie, which are, of course, 14 bull trout. And, you know, that was a very 15 memorable experience in -- in my lifetime, and, you 16 know, I know many others live here to be able to 17 enjoy the fisheries that we have here.</p> <p>18 But, you know, as far as the bull trout 19 fishery, that all went away in 1998 when bull trout 20 were put on the endangered species list. And since 21 then, we've lost that opportunity to fish for that 22 species, and we still can't catch them today.</p> <p>23 So when considering whether to approve a 24 lakebed encroachment, the Department of Lands 25 actually must evaluate whether the proposed project</p>
<p style="text-align: right;">Page 47</p> <p>1 continuously shut this project down, and that's 2 because of the environmental impact statements from 3 multiple agencies.</p> <p>4 The only institution that has approved it 5 is IDL, which is disappointing to me. But 6 thankfully, we have the federal protection that 7 overreaches their jurisdiction. So we're going to 8 hope that that continues.</p> <p>9 And then, you know, I don't want to get 10 personal with things but just as a side note, like, 11 the applicant leaving this hearing before any of the 12 public comments tells you kind of everything you 13 need to know about his moral integrity.</p> <p>14 So I'm going to resist this project until 15 it's finally dead forever. And I think that 99 16 percent of the people in this room are here with me. 17 And I just want to say that everybody who's a local 18 here is resoundingly against this project. Thank 19 you.</p> <p>20 MS. HAYES: Thank you.</p> <p>21 Can we have our next public commenter? 22 Please state your name for the record.</p> <p>23 MR. SMITH: Brad Smith.</p> <p>24 MS. HAYES: Do you swear or affirm that 25 the testimony you are about to provide is the truth,</p>	<p style="text-align: right;">Page 49</p> <p>1 serves the public interest. And if the Department 2 finds that the project is not in the public 3 interest, then it has the authority to deny the 4 application.</p> <p>5 And in this case, the Department must 6 decide whether the 88 boat slips that the Idaho Club 7 proposes to add to Lake Pend Oreille is more 8 important than the recovery of bull trout.</p> <p>9 And to me the answer is clear. It's not. 10 If this marina is denied, residents of the Idaho 11 Club can still take their boats to any of the public 12 ramps around the lake and nothing is stopping them 13 from accessing and enjoying the lake right now.</p> <p>14 But right now, we cannot fish for bull 15 trout because they are listed as endangered. And 16 it's not just anglers who have been impacted by the 17 bull trout listing. The listing has imposed 18 additional costs and restrictions on dam operations, 19 logging, agriculture, mining, and even land use 20 development all because of the bull trout's 21 precarious status.</p> <p>22 These restrictions will not be lifted 23 until recovery is achieved. If this marina were 24 planned for almost any other part of the lake, it 25 might not be an issue.</p>

<p style="text-align: right;">Page 50</p> <p>1 But about as has been mentioned before, 2 about half of the bull trout spawning in the entire 3 Pende Oreille Basin occurs in this one creek. 4 Approving a marina in such a critical habitat would 5 be irresponsible and would undermine recovery 6 efforts. 7 Isn't it clear that this proposed 8 encroachment is not in the public interest? I ask 9 the Department to deny this application as it has 10 the authority to do. 11 If the Department doesn't deny it, then it 12 isn't truly protecting the public interest which 13 favors protecting bull trout. 14 And as Don mentioned in the study that is 15 part of the record and has been also referenced by 16 Jennifer Ekstrom with the Idaho Conservation League, 17 that report talks about how the number one threat to 18 bull trout in Trestle Creek is development in the 19 lower regions of the watershed. 20 So it only makes sense to me that this 21 application should be denied because it's clearly in 22 the public interest to not approve it. 23 I also think it's super telling, as Kyle 24 mentioned, that the applicant isn't even in the room 25 right now. If it was in the public interest, they</p>	<p style="text-align: right;">Page 52</p> <p>1 am a long-time Bonner County resident who enjoys the 2 offerings of our lake -- our lake. We do not own 3 the shoreline. The water is ours. 4 Historically and before European settlers 5 arrived in the region, Lake Pende Oreille held 6 cultural significance for the indigenous tribes that 7 inhabited the area, as was spoken from the Kalispel 8 representative, the Kalispel, Kootenai, and Coeur 9 d'Alene peoples lived harmoniously with nature 10 relying on the lake's abundant resources for 11 sustenance and spiritual practices. 12 It is steeped in our history. I wish we 13 were still revering it in this way. We can at least 14 try and preserve what we have, and keep it from the 15 detrimental effects of continual development such as 16 proposed. 17 I will not expound on the aquatic life or 18 the terrestrial life as others have spoken more 19 eloquently. I also will not speak on the pollutants 20 caused by boating and marinas, as I think that's 21 also been shared more eloquently with legal issues 22 and scientific quotes. 23 I am a water quality monitor also. Have 24 been for 12 years. That's how important the lake is 25 to me -- I volunteer my time for that.</p>
<p style="text-align: right;">Page 51</p> <p>1 would be here, all the supposed public support for 2 it, all those people would be here. 3 And so far, everyone that's testified is 4 against it. So I'm not seeing that this is in the 5 public interest. Thank you. 6 MS. HAYES: Thank you. 7 Can we have our next public comment? 8 Please state your name for the record. 9 MS. DUQUETTE: Pam Duquette. 10 MS. HAYES: Do you swear or affirm that 11 the testimony you are about to provide is the truth, 12 the whole truth, and nothing but the truth? 13 MS. DUQUETTE: Yes. 14 MS. HAYES: And I also remember you from 15 last time so -- 16 MS. DUQUETTE: Yes. 17 MS. HAYES: -- if you're reading from your 18 comments, please be mindful of our court reporter 19 and slow down. 20 MS. DUQUETTE: Oh. That was me, huh? 21 MS. HAYES: Thank you. There were -- 22 there were a few. It was a few -- 23 MS. DUQUETTE: I have a habit of trying to 24 get it all in. Okay. I will try. 25 As I said, my name is Pam Duquette. I too</p>	<p style="text-align: right;">Page 53</p> <p>1 Another issue I have is trash that's 2 created by humans, especially when recreating, but 3 seems to find its way into our lake. Last year, 4 volunteers from Lake Pende Oreille Idaho Club, not 5 this Idaho Club, removed roughly 4,000 pounds of 6 trash from the lake at the Bayview Marina where they 7 have 150 slips. 8 So we're being proposed 88 slips. It was 9 quoted that that was a drop in the bucket from one 10 of the volunteers. They've done this for two years. 11 They said they continue to do this. 12 It just appears where people congregate on 13 the water, which I'm not pointing fingers, but we 14 have a way of carrying things with us that need to 15 be deposited in a better way. 16 I guess household trash, I would say, can 17 pollute the water quality. It makes it unsafe for 18 drinking. It endangers aquatic and terrestrial 19 water life by ingestion or entanglement. It harms 20 physical, the habitats. 21 The plastic and the metals can degrade 22 slowly and release harmful chemicals. They can 23 transmit disease, spread invasive species, clog 24 pumps, and cut off water supplies for people around 25 the lake.</p>

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1 As a recreational kayaker around the lake
2 for more than 40 years, I can already attest to the
3 amount of trash I alone and with friends pick up in
4 the area on the western shore of the lake opposite
5 where this development is proposed.
6 Prevailing winds and waves seem to already
7 deposit a large amount in the shoreline, what lands
8 there. One can only imagine the increase in trash
9 with another new commercial marina.
10 I have to agree with all of my friends and
11 neighbors who have spoken already that in my
12 opinion, another marina in this area is not what
13 this lake needs. And I strongly oppose this
14 development. And thank you for letting us speak
15 once again and for writing comments. And yes,
16 please take us to heart. Thank you.
17 MS. HAYES: Thank you.
18 While the next commenter is coming up to
19 the stage, we're going to call our last group of
20 names here.
21 MS. DUBLIN: Greg Flint, Nettie Moriello,
22 Merritt Horsman. I think that's it for the
23 individuals who indicated they would like to speak.
24 MS. HAYES: And if you've changed your
25 mind since signing it, we'll make a call at the end.

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1 Please state your name for the record.
2 MS. WEBER: Tamini Weber.
3 MS. HAYES: Tamini Weber.
4 MS. WEBER: Yes. And you have somebody
5 Walsh. And so, I'm thinking that's me.
6 MS. DUBLIN: Oh.
7 MS. WEBER: Okay.
8 MS. HAYES: These are complicated sheets
9 with each -- I promise you we're not trying to
10 silence anybody's voice.
11 MS. WEBER: No worries.
12 MS. HAYES: Do you swear or affirm that
13 the testimony you are about to provide is the truth,
14 the whole truth, and nothing but the truth?
15 MS. WEBER: I do.
16 MS. HAYES: Okay. Please proceed.
17 MS. WEBER: I don't have anything formally
18 written out. I haven't done the research. I
19 appreciate everybody who has spoken, and I agree
20 with everyone who has spoken, and I appreciate the
21 numbers and the facts.
22 I have lived in this area for 40 years.
23 I've kayaked this area. I've been fortunate enough
24 to boat this area and -- just a little bit -- and we
25 don't need development on every bit of the

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1 shoreline.
2 We need some wild places, some natural
3 places to rest our eyes, to ease our souls. It's --
4 it's good for us. It's -- it's good for our
5 generations to come. It's good for the animals.
6 It's good for the fish.
7 And we don't -- we don't need this. And I
8 would strongly advise to not allow this building to
9 go forward. Thank you.
10 MS. HAYES: Thank you.
11 Our next public commenter? Please state
12 your name for the record.
13 MR. PATTON: Hi. My name's Tim Patton.
14 MS. HAYES: Raise your right hand.
15 Do you swear or affirm that the testimony
16 you are about to provide is the truth, the whole
17 truth, and nothing but the truth?
18 MR. PATTON: I do.
19 MS. HAYES: Please proceed.
20 MR. PATTON: Hi. I -- I have a degree in
21 landscape and natural resource planning. I've
22 studied the area, and I've been in the area quite a
23 few times.
24 I've seen so many areas of pristine beauty
25 be destroyed. I never expected that. You know,

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1 I've been here 35 years, and been all around --
2 lived around the United States. I've seen so many
3 places disappear. It just blows my mind.
4 And this place is so pristine, so
5 precious, and so beautiful that it must be kept as
6 is. The bull trout, they need the -- the bank
7 undercut as part of their habitat. They need algae
8 and natural vegetation, or dissolved oxygen in the
9 water is critical.
10 The docks will not provide what they need
11 as someone said earlier, that the Idaho Club or
12 somebody claimed that would help them. That's a
13 lie. That's not true.
14 My main thing is why take away such a
15 pristine place and -- and develop every area of this
16 lake or whatever and never see it again? It's
17 shameful and don't let it happen. And that's all
18 I've got to say.
19 MS. HAYES: Thank you.
20 Next public commenter?
21 MR. FLINT: Greg Flint.
22 MS. HAYES: Thank you. Please raise your
23 right hand.
24 Do you swear or affirm that the testimony
25 you are about to provide is the truth, the whole

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1 truth, and nothing but the truth?

2 MR. FLINT: I do.

3 MS. HAYES: Okay. Please proceed.

4 MR. FLINT: I have no expert testimony to

5 offer, more emotional. I first met this area back

6 in the years of the big floods. And it was Idaho

7 country then. And, oh, what a mess it was that

8 year. And --

9 UNIDENTIFIED MALE: Speak up, all right?

10 MR. FLINT: Okay. Thanks. It's

11 incredibly expensive to do something really stupid

12 sometimes. Idaho Club is proposing something really

13 stupid. And perhaps terminally stupid for species

14 and a whole environment.

15 Now I would like to echo what Perky had to

16 say. I think this land is very special, and needs

17 to be protected. I would suggest that Idaho Club re

18 -- really consider the money they're going to have

19 to keep putting into this because the people seem to

20 want to fight it all the way.

21 And I would suggest that they come up with

22 a number that they would sell it to the coalition of

23 -- involving the tribes and -- and the community,

24 maybe various agencies that could be beneficially

25 involved and -- and grants and funds and whatever.

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1 But that we can raise the money, and they

2 could cut their losses and go away. And we could

3 with this coalition of people definitely involving

4 the Kalispel and -- and other wise people create

5 something that seems to be what everybody keeps

6 telling you last year, this year, year after year.

7 Save this place. Thank you.

8 MS. HAYES: Thank you.

9 Please state your name for the record.

10 MS. MORIELLO: My name's Nettie Moriello.

11 MS. HAYES: Do you swear or affirm that

12 the truth -- or the testimony you're about to

13 provide is the truth, the whole truth, and nothing

14 but the truth?

15 MS. MORIELLO: I do.

16 MS. HAYES: Please proceed.

17 MS. MORIELLO: All right. First of all,

18 thank you to everyone that has spoken such profound

19 -- I've learned so much tonight. My family's been

20 here since the early seventies. I've been a full-

21 time resident on Trestle Creek since 2009.

22 I have wonderful childhood memories as I

23 passed on to my son and all three of my

24 grandchildren. You can sit at the creek but don't

25 ever put your feet in there because it's protected.

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1 Throughout the years, I've seen the

2 Kokanee. Sometimes, they're tiny. Sometimes,

3 there's very few. This year, they were pretty big.

4 I was surprised.

5 I'm kind of nervous right now. Anyways,

6 what the woman was saying about the keystone, wow.

7 It could not have been said any better. What's --

8 what's happening with the Idaho Club here affects

9 all of us.

10 I don't care if you've been here for five

11 days or 50 years. It doesn't matter. We're all

12 here for the same reason, and it's because we love

13 this place, truly love this place.

14 If we lose the bull trout, if we lose the

15 salmon, if we lose beloved Trestle Creek and the

16 ecosystem that's there, this lake, it's only going

17 to be a matter of years.

18 All these wealthy people that move here,

19 congratulations on your wealth. I'm really happy

20 for you. But the select few that would benefit from

21 having this proposed -- what they're proposing is

22 just that, for the select few.

23 It's not for all of us. Northern Idaho,

24 Idaho itself is a state in our nation is one of the

25 fastest growing states in the nation. This project,

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1 what Idaho Club is doing, it opens the door to so

2 much.

3 If this is allowed to go through at a

4 protected creek, what is going to stop any other

5 developments that are happening on this beloved

6 lake? We all love this place. I have to agree with

7 everyone.

8 I am so highly offended that the people,

9 the Valiant Club, that they all got up and left.

10 I'm not sure if there's anyone from Idaho Club here,

11 but if there is, congratulations on your wealth.

12 Please, please be a good steward of this land

13 because it's our land.

14 You might own that piece of property, but

15 this is our land, all of us -- future generations

16 that are going to come and generations that have

17 been here for a long time.

18 So I am very firmly against this, and I am

19 very grateful to have the chance to even state my

20 opinion. And I'm just really appealing that they

21 give this the highest of consideration because it's

22 so important. Thank you.

23 MS. HAYES: Thank you.

24 Next public commenter, please.

25 MR. HORSMAN: I'm commenting for Idaho

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1 Fish and Game.
2 MS. HAYES: Thank you. Will you raise
3 your right hand.
4 Do you swear or affirm that the testimony
5 you are about to provide is the truth, the whole
6 truth, and nothing but the truth?
7 MR. HORSMAN: Yes.
8 MS. HAYES: Okay. And then can you
9 clarify for the record if you're testifying on
10 behalf of the Idaho Department of Fish and Game or
11 --
12 MR. HORSMAN: Yes.
13 MS. HAYES: You are?
14 MR. HORSMAN: Yes.
15 MS. HAYES: Not personally. Okay.
16 MR. HORSMAN: Okay.
17 MS. HAYES: Please proceed.
18 MR. HORSMAN: Hi, everybody. Merrit
19 Horsman with Idaho Department of Fish and Game. I
20 mostly signed up this time to make sure that my
21 comments are or Fish and Game's comments were not
22 used to show support or opposition for the project
23 because as an agency, that is not what we do.
24 We review projects, and we identify things
25 that could negative affect fish and wildlife, and

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1 then we give recommendations to avoid, minimize, and
2 mitigate for those issues.
3 So while I'm up here, I guess I'll clarify
4 a few of my points in the -- in our comment letter.
5 Just get a better understanding of it.
6 So first thing, we have concerns with the
7 redirect or restoration of the north branch of
8 Trestle Creek. To call it a restoration, you would
9 need to restore it to its original alignment, and
10 I'm not sure anybody still knows what that is.
11 So we are calling it more of a redirect so
12 it flows back into Trestle Creek. Because right
13 now, it is not ideal for fish. It flows pretty much
14 in a straight channel, into a perched culvert, and
15 then it dumps into a back water.
16 So small, bull trout fry come down, they
17 fall into the back water, they have to make their
18 way out into the lake. Back waters are full of
19 toothy predators.
20 What we would like to see is it redirected
21 back into Trestle Creek without holding water
22 because holding water would encourage adult fish
23 going upstream to hold in those areas and possibly
24 spawn. And it would also encourage small fry coming
25 down during high water to hold and possibly get

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1 stranded.
2 So as Eric talked about, we were surprised
3 that nobody has reached out to us to kind of help
4 consult on that. And we would be happy to come up
5 with a design that was more suitable and of benefit
6 to bull trout.
7 Also, we're worried about deposition with
8 a reroute at the mouth of Trestle Creek because if
9 the mouth of Trestle Creek were to get blocked, that
10 would be pretty catastrophic for bull trout
11 migrations both up and down stream.
12 And I guess lastly, with nutrient
13 increases, if weed lines can be established and a
14 lot of people tonight have talked about Kokanee and
15 Kokanee numbers going down. And one of our issues
16 in Lake Pende Oreille is too many mouths to feed.
17 With the introduction of pike, walleye,
18 small mouth bass, we've got way more predators than
19 we used to. A weed line at the mouth of Trestle
20 Creek would be perfect habitat for all of the
21 predators.
22 And those fish don't just zoom up the
23 creek. They gather at the mouth in schools, and
24 that would be a perfect spot for predators to take
25 advantage of that.

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1 So we want to make -- ensure that there's
2 not extra nutrient inputs to establish a weed line
3 at that area. So that's about all I have. If
4 anybody has questions about Idaho Fish and Game
5 comments, I'll be here afterwards, but --
6 MS. HAYES: So I have a question for you.
7 When you referenced Eric, is that the gentleman that
8 testified on behalf of the tribe?
9 MR. HORSMAN: Uh-huh.
10 MS. HAYES: Okay. And then I just want to
11 make sure that I fully understand and I have read
12 your comments. But you are in favor of the redirect
13 so it doesn't flow back through the culvert and get
14 stuck in that kind of dredged water --
15 MR. HORSMAN: Right.
16 MS. HAYES: -- intake valve, but not in
17 favor of the bank stabilization and the weed lines
18 at the mouth of Trestle Creek?
19 MR. HORSMAN: Yeah. Those are -- those
20 are concerns that we have. We would like to see --
21 MS. HAYES: Sorry. I used the word you
22 didn't me to use.
23 MR. HORSMAN: Yeah.
24 MS. HAYES: Those are the concerns that
25 you have raised.

<p style="text-align: right;">Page 66</p> <p>1 MR. HORSMAN: Yes. And we would like to</p> <p>2 see the reroute done regardless of the project</p> <p>3 because it would be a benefit for the bull trout.</p> <p>4 MS. HAYES: Okay. Thank you.</p> <p>5 Next commenter. Please state your name</p> <p>6 for the record.</p> <p>7 MR. BRITTON: David Britton.</p> <p>8 MS. HAYES: Okay. And you appear</p> <p>9 softspoken, so you might have to be a little bit</p> <p>10 closer to the microphone.</p> <p>11 Do you swear or affirm that the testimony</p> <p>12 you are about to provide is the truth, the whole</p> <p>13 truth, and nothing but the truth?</p> <p>14 MR. BRITTON: I do.</p> <p>15 MS. HAYES: Okay. Please proceed.</p> <p>16 MR. BRITTON: Hi. I'm the elected</p> <p>17 precinct committee man for the Republican party in</p> <p>18 the Beach precinct. So I'm here tonight to</p> <p>19 represent their interests which are similar to those</p> <p>20 which have already been expressed in many respects</p> <p>21 by the folks who've talked about how important the</p> <p>22 environment is to the folks who live here in this</p> <p>23 area. In particular, I'm talking about the south</p> <p>24 Sandpoint and the very northern end of the Bay</p> <p>25 Trail.</p>	<p style="text-align: right;">Page 68</p> <p>1 term, instead of taking for your own benefit and</p> <p>2 leaving a mess behind.</p> <p>3 And that's what it seems like much of this</p> <p>4 project proposes to do. It's complex, so I don't</p> <p>5 want to speak -- I'm not qualified to speak to the</p> <p>6 technical aspects. But in general, I understand</p> <p>7 that the -- the environmentalist perspective that's</p> <p>8 been expressed here is what the folks in my area</p> <p>9 would like to see me convey to you. Thank you.</p> <p>10 MS. HAYES: Thank you.</p> <p>11 I can't quite see around the corner. Do</p> <p>12 you have anybody else waiting to testify?</p> <p>13 MS. DUBLIN: No.</p> <p>14 MS. HAYES: Okay. Is there anybody that</p> <p>15 has since changed their mind that would like to come</p> <p>16 up and testify at this point?</p> <p>17 MR. LEWIS: Could I come back and testify</p> <p>18 again?</p> <p>19 MS. HAYES: Do you have new thoughts to</p> <p>20 add to the equation?</p> <p>21 MR. LEWIS: Well, I don't know if they're</p> <p>22 new or not, but I'd like to reinform a few thoughts.</p> <p>23 MS. HAYES: Okay. Briefly. I will give</p> <p>24 you two minutes.</p> <p>25 MR. LEWIS: Go ahead.</p>
<p style="text-align: right;">Page 67</p> <p>1 So the consensus that I would suggest is</p> <p>2 shared by most, if not all, of the thousand or 1,100</p> <p>3 or so registered Republicans in the Beach precinct</p> <p>4 is that we would defer or be respectful of the</p> <p>5 opinions and the stance that the Idaho Conservation</p> <p>6 League brings to these -- to the discussion.</p> <p>7 They're a group that pays a lot of</p> <p>8 attention to these. It's highly respected in the</p> <p>9 community, and while many people don't have the time</p> <p>10 or orientation to come and speak for the Kokanee and</p> <p>11 the -- and the bull trout, they do carry that</p> <p>12 concern in their hearts.</p> <p>13 So the -- the interests of the environment</p> <p>14 and the interests of the fish, the interests of the</p> <p>15 landscape, it's -- it takes precedence over the</p> <p>16 financial interests or the so-called property rights</p> <p>17 of the Idaho Club.</p> <p>18 The -- the comments about rich people is</p> <p>19 from the perspective of the many fairly wealthy</p> <p>20 folks in the Beach precinct at South Sandpoint, it</p> <p>21 -- there's -- it's important not to blame people for</p> <p>22 their money.</p> <p>23 Or but it is also -- there's also a sense</p> <p>24 of -- of having to give back to the community,</p> <p>25 having to support the best interests of the long</p>	<p style="text-align: right;">Page 69</p> <p>1 MS. SOMEILLAN: I didn't sign in. I was</p> <p>2 late.</p> <p>3 MS. HAYES: Oh, that's okay. Come please</p> <p>4 join us on stage if you'd like to testify.</p> <p>5 And was there another question from the</p> <p>6 audience?</p> <p>7 MR. LEWIS: Is there -- will you be taking</p> <p>8 testimony tomorrow night, or is this tonight only?</p> <p>9 MS. HAYES: So the question is will I be</p> <p>10 taking testimony tomorrow night or tonight only.</p> <p>11 Since it appears that we are able to get all the</p> <p>12 public comments in the time period that we have</p> <p>13 allotted, it will only be for this evening. So this</p> <p>14 is your opportunity to provide testimony. We will</p> <p>15 not be holding a hearing tomorrow.</p> <p>16 UNIDENTIFIED MALE: Then I would like to</p> <p>17 provide some testimony. I did not sign up.</p> <p>18 MS. HAYES: Okay. Please come forward</p> <p>19 then.</p> <p>20 And then public comment will also be</p> <p>21 accepted until Friday, October 10th.</p> <p>22 Okay. Please state your name for the</p> <p>23 record.</p> <p>24 MS. SOMEILLAN: Jennifer Someillan.</p> <p>25 MS. HAYES: Okay. And raise your right</p>

<p style="text-align: right;">Page 70</p> <p>1 hand.</p> <p>2 Do you swear or affirm that the testimony</p> <p>3 you are going to provide is the truth, the whole</p> <p>4 truth, and nothing but the truth?</p> <p>5 MS. SOMEILLAN: Yes.</p> <p>6 MS. HAYES: Please proceed.</p> <p>7 MS. SOMEILLAN: So I don't have anything</p> <p>8 prepared. I'm no researcher, but I really</p> <p>9 appreciate everything that everybody has shared.</p> <p>10 I just want to express my opinion that I</p> <p>11 do oppose the marina to or the -- the boat slips to</p> <p>12 be placed at this location on the lake due to all</p> <p>13 the reasons, aforementioned reasons that people have</p> <p>14 stated about the -- the possible effects to the</p> <p>15 wildlife.</p> <p>16 I just want to also reiterate the -- the</p> <p>17 importance of wildlife and the reason that we are</p> <p>18 here. I mean, the reason that we live here in</p> <p>19 northern Idaho is because of this, the preservation</p> <p>20 of nature and wildlife. So that's all I wanted to</p> <p>21 say. Thank you.</p> <p>22 MS. HAYES: Thank you.</p> <p>23 Okay. Next commenter, please. Please</p> <p>24 state your name for the record. You might have to</p> <p>25 raise the microphone up.</p>	<p style="text-align: right;">Page 72</p> <p>1 I'm 90 years old, and I think I know a few</p> <p>2 things. I know that humans have the ability to</p> <p>3 affect everything on this planet. If you don't</p> <p>4 believe it, just look at global warming and what's</p> <p>5 happening in the hurricanes down in Florida.</p> <p>6 We affect what happens to this lake, and</p> <p>7 we need to take care of it, or we're going to lose</p> <p>8 all of the reasons why we came here in the first</p> <p>9 place, and why we still want this place to go on.</p> <p>10 And so if there's anybody in IDL or</p> <p>11 anybody else who's got any idea that they're going</p> <p>12 to grant something like this that's devastating to</p> <p>13 the area, I can only say that they're foolish.</p> <p>14 Thank you.</p> <p>15 MS. HAYES: Thank you.</p> <p>16 Yes. Please state your name.</p> <p>17 MS. ALBERGATO: My name is Maria</p> <p>18 Albergato, and I am also a long-time resident of</p> <p>19 Bonner County.</p> <p>20 MS. HAYES: Oh, let me have you raise your</p> <p>21 right hand.</p> <p>22 MS. ALBERGATO: Yes, ma'am.</p> <p>23 MS. HAYES: Do you swear or affirm that</p> <p>24 the testimony you are to -- or that you are going to</p> <p>25 provide is the truth, the whole truth, and nothing</p>
<p style="text-align: right;">Page 71</p> <p>1 MR. MONKS: My name's John Monks.</p> <p>2 MS. HAYES: Okay. And will you raise your</p> <p>3 right hand.</p> <p>4 Do you swear or affirm that the testimony</p> <p>5 that you are about to provide is the truth, the</p> <p>6 whole truth, and nothing but the truth?</p> <p>7 MR. MONKS: I do.</p> <p>8 MS. HAYES: Please proceed.</p> <p>9 MR. MONKS: I just wanted to correct</p> <p>10 something that I heard earlier. I'm a retired</p> <p>11 hydrogeologist. I did a nutrient pathogen</p> <p>12 evaluation for a proposed wastewater, large soil</p> <p>13 absorption system for the Idaho Club back in 2007.</p> <p>14 And that's -- I just wanted to make that clear.</p> <p>15 MS. HAYES: Thank you. I appreciate that.</p> <p>16 Yes, you may proceed. State your name,</p> <p>17 and I will remind you you're still under oath.</p> <p>18 MR. LEWIS: Bill Lewis.</p> <p>19 MS. HAYES: Okay. Thank you.</p> <p>20 MR. LEWIS: Well, I think it's pretty</p> <p>21 obvious that anybody that's ever lived around here</p> <p>22 for a long time will tell you this is a great place</p> <p>23 to live. I'd like to keep it that way. I've lived</p> <p>24 here since 1939. I was born in St. Mary's, Idaho,</p> <p>25 in 1933.</p>	<p style="text-align: right;">Page 73</p> <p>1 but the truth?</p> <p>2 MS. ALBERGATO: Yes.</p> <p>3 MS. HAYES: Please proceed.</p> <p>4 MS. ALBERGATO: I had the good fortune of</p> <p>5 working as an environment commissioner on the</p> <p>6 eastern side of this country for three years, and it</p> <p>7 was the beginning of a very great education in the</p> <p>8 importance of our environment.</p> <p>9 And as Cathy said, it is the foundation of</p> <p>10 our lives. I think we are -- and this is my opinion</p> <p>11 -- a very arrogant species. We seem to forget that</p> <p>12 the world existed long before we did, no matter how</p> <p>13 you consider we got here.</p> <p>14 And I think that I also have had the good</p> <p>15 fortune of spending a lot of time not only teaching</p> <p>16 and talking to people, listening to their stories,</p> <p>17 I've become an advocate for the environment.</p> <p>18 I would strongly recommend anybody who</p> <p>19 needs proof of the importance of the environment to</p> <p>20 read the Nature Fix by Florence Williams. She spent</p> <p>21 a long time traveling the world working with</p> <p>22 scientists who have gone out of their way to study</p> <p>23 why we are so interdependent with nature.</p> <p>24 It feeds us, we feed us, we are all</p> <p>25 interdependent. We are community, not just in our</p>

<p style="text-align: right;">Page 74</p> <p>1 species, but hopefully, with all species. So I 2 think it behooves us to look at this habitat and 3 recognize it's important as everyone has so 4 beautifully expressed to the community but to the 5 species. 6 So I'm speaking for these fish. I 7 recently put my property under a conservation 8 easement because I think we need to provide for our 9 environment for the species that keep us in a state 10 of wellbeing. 11 And I think sometimes, while it's 12 important to make a living and to enjoy that living 13 that we've worked hard to make, we need to remember 14 that there are other aspects of being that are just 15 as important. Thank you. 16 MS. HAYES: Thank you. 17 Okay. I'm going to move to this 18 microphone so that the people on the Zoom call can 19 hear me. This concludes the public portion of these 20 proceedings. 21 Again, I will reiterate that additional 22 evidence and public comment will be accepted through 23 October 11th, so that is this Friday, and considered 24 as part of the agency record. 25 Closing briefs by the parties will be</p>	<p style="text-align: right;">Page 76</p> <p>1 my record clean -- clean here tonight. Thank you. 2 (WHEREUPON, the HEARING concluded at 6:41 3 p.m.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 75</p> <p>1 submitted no later than October 18th, and that 2 starts my timeclock for a written recommended order 3 in these proceedings. And the director has final 4 order authority which is due no later than 30 days 5 from the close of these proceedings. 6 There were a few statements and a 7 correction I would like to make for the public's 8 benefit. At times, Department of Lands was 9 referenced, and I was looked at. I do not work for 10 the Idaho Department of Lands. 11 I am in an independent state agency that 12 was created for purposes of creating a fair hearings 13 process for all of Idaho's agencies in the State of 14 Idaho, and that is the Office of Administrative 15 Hearings. 16 We are completely separate and apart from 17 the Department of Lands. I still issue a 18 recommended order. The director has the authority 19 to reject that order, modify that order, or affirm 20 that order consistent with his understanding of the 21 regulations here in the State of Idaho. 22 So with that, I will close you out for 23 this evening. Thank you for being here and 24 participating. Thank you for using snaps instead of 25 jeers and cheers. I really appreciate you keeping</p>	<p style="text-align: right;">Page 77</p> <p>1 CERTIFICATE 2 3 I, Greg Salina, do hereby certify that I 4 reported all proceedings adduced in the foregoing 5 matter and that the foregoing transcript pages 6 constitutes a full, true and accurate record of said 7 proceedings to the best of my ability. 8 9 I further certify that I am neither related to 10 counsel or any party to the proceedings nor have any 11 interest in the outcome of the proceedings. 12 13 IN WITNESS HEREOF, I have hereunto set my hand 14 this 22nd day of October, 2024. 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;"> Greg Salina</p>

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