

From: [Lori Nienau](#)
To: [Navigable Waterways](#)
Subject: 414 PF Hospitality, LLC IDL Case No. PH-2024-NAV-22-004 EXTENSION REQUEST
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414 PF Hospitality, LLC

IDL Case No. PH-2024-NAV-22-004/

OAH Case No. 24-320-09

Encroachment Permit Application No. L95S3036N

Madame Hearing Officer and Idaho Department of Lands:

We are requesting an extension for a new hearing for the following reasons:

1. New information disclosed at the public hearing:

During the hearing on December 19, 2024, the log boom area was being disputed. The developers' attorney, Scott Hislop, stated that they are staying within their current footprint, and you correctly inquired as to whether the water from the end of the current slips/walkway out to the log boom and including the log boom, was indeed part of the original permit. It was then disclosed by an Idaho Department of Lands representative that the log boom area is NOT and never has been a part of the originally permitted area for the marina. (See attached Exhibit A from the IDL website for this case; different photos were used by Mr. Hislop at the hearing). Mr. Hislop's exact words in his Applicant Pre-Trial Hearing Statement 3.1.1 states "The reconfigured commercial marina with some private moorage will fit within the 'overall footprint' of the existing commercial marina." This does not appear to be accurate- it should be the existing "permitted" commercial marina. The developers have submitted plans for their marina expansion to **include the navigable waterway** between the current marina dock footprint, to the log boom(south). Accordingly, this would not be staying within their current **permitted** footprint; the log boom has been in place prior to any marina and was used for logging purposes. Additionally, the developers are encroaching on the east and west sides as well (see Exhibit B from IDL website for this case), which is another example of them not maintaining their existing (permitted) footprint as they claim.

2. Lack of notice to the community:

- a. The notice which was determined necessary for the Greenview Condominiums to the west of the project was Returned to Sender, and accordingly those residents did not receive proper notification. It appears that no additional effort was made to ensure residents were notified.
- b. Many houses upriver from the marina did not know about the magnitude of this expansion, for which the developers are seeking a permit.

3. The Public hearing was scheduled for December 19, 2024, 4-8pm, during one of the busiest seasons for people all year long. We requested to delay the hearing until January so people could be informed, but we were denied. Many people were unable to attend due to holiday plans and travel.

Please consider the above as reasonable and fair; particularly #1, as this confirmation of the log boom NOT being part of the original footprint was exactly what we believed to be the case.

The developers engulfing this amount of navigable water and recreation space will NOT benefit the citizens of Idaho, and we would argue that it violates IDAPA 20.03.04.012. Policy. (01.)

Bill and Lori Nienau

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Post Falls, ID 83854

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Date: 5/30/24

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