

December 22, 2024



To: [navigablewaterways@idl.idaho.gov](mailto:navigablewaterways@idl.idaho.gov)  
Idaho Dept. of Lands

Re: Application #L-95-S-3036N  
Applicant: 414 PF Hospitality, LLC

From: John and Karen Chuday  
208 E. 1<sup>st</sup> Ave #2  
Post Falls, ID 83854

Comments:

We are year-round residents of the Greenview Condominiums which are immediately adjacent to Marina 33 on the west side. While we appreciate the improvements that have been made to the Templins property since acquisition by the Applicant, we cannot support the proposed changes to the marina for the following reasons:

1. We were not notified about this project. We only found out about it from a neighbor a week before the public hearing. Several Greenview residents read through all the materials via the IDL link and attended the hearing. But our preliminary questions were not answered and in fact more concerns have arisen. We have attempted to obtain documents and other official records but doing this in a short span of a few days in the middle of the holidays is proving impossible. THE RESPONSE PERIOD SHOULD BE EXTENDED TO ALLOW US TO FINISH OUR RESEARCH AND HAVE DISCUSSIONS WITH THE APPLICANT ON THE MANY ISSUES OF CONCERN.
2. The Applicant contends that the series of old photos of the "breakwater" prove the SW edge of the encroachment area. The long linkage of logs in front of the marina was actually affiliated with lumber operations up river.
3. We are very concerned that the encroachment area as defined by the applicant would violate Greenview's riparian rights.
4. The size and design of the expanded marina permanently locks off a large section of the river that is now available for public boating and recreation. The ¼ mile portion of the river where the marina is located is a thoroughfare with boats constantly going up and down the river especially with the public boat launch and Tobler Marina so close. There are also boats that anchor for the day, swimmers, people on personal watercraft, and boats getting gas. All of this in an already narrow water space. The space should not be further reduced.
5. The dock configuration includes a long dock to replace the logs and provide day parking. This dock and these day boats would consume even more of the tight river space. The applicant has even noted they plan to have more warning systems added about the no

wake zone so is aware of the danger the design poses. The addition of 100 new slips and associated boats exacerbates everything.

6. The design of the revised marina includes only one opening for boats leaving and returning. This procession of activity will occur primarily in front of Greenvew.
7. There is no mention of potential impact to wildlife, river quality and other environmental analysis. A project of this magnitude will have an impact.
8. We have not seen any architectural renderings or elevation drawings of the project. This may have not been required for the application but would help provide perspective of the visual impact from all sides of the river.

We are not averse to changes and improvements to the marina per se. The Stancraft brand and quality of work is well regarded. But given the lack of notification, the resulting minimal time we were given to respond and all the open issues, we urge you to delay a decision or decline the application in its current form.

Respectfully,

John and Karen Chuday



December 23, 2024



To: navigablewaterways@idl.idaho.gov  
Idaho Department of Lands

Re: DL Case No. PH-2024-NAV-22-004 / OAH Case No. 24-320-09  
414 PF Hospitality, LLC

From: Tom & Sharon Conlon  
200 E. 1st ave (Building B) Unit 4  
Post Falls, Idaho 83854  
509 999 6933  
509 993 9137

A handwritten signature in blue ink, appearing to read "Tom Conlon".

Objections and Comments:

1. We are very disappointed that we were NOT notified, nor was Greenview HOA. By happenstance, we found out 8 days ago. This is INEXCUSABLE since our property is right next door. The documents show that "our" notice was sent to ASI – and returned undeliverable. ASI was the management company used by the HOA over 5 years ago. Why was nothing done to get this to us? Where do we file to get our correspondents? Funny – IDL has the correct address to send us our waterway lease bill AND StarCraft – a sister company to 414 PF Hospitality – can bill us correctly for our dock repairs.

2. In our opinion, this lack of notice, became inexcusable – when almost every comment speaker at the Public Hearing – said they also did not receive notice. The 414 representing attorney and IDL stated that – to date, they haven't heard from adjacent property owners. Those adjacent property owners were not properly notified

3. We do NOT believe that the Break Water – referenced multiple times – sets the boundary lines.  
This was NOT part of the original development by Bob Templin – it was a break water used for river logging that never got removed. Regardless of how long it's been there, it should NOT set a boundary line. NO ENTITY – private or commercial – should be allowed to put water structures IN FRONT OF other people's shorelines. The proposed new configuration puts the additional dock structure in front of our shoreline – specifically Buildings D and C. IDL would not allow a private party to put their dock structure in front of ANY other property owners – and it should not happen to us. While we don't support the addition of more boat slips – IF more are added – they

should be added to the EAST side of the Templin's property, where they HAVE additional shoreline. Please do not let this application allow more marina to be added to Greenview's shoreline.

4. Much was said at the Public Hearing about the congestion of boat traffic in our small ¼ mile area that is already established. This is true. We, like many others here at Greenview, do not use our boat on the weekends, because of boat traffic congestion – yes, even in the no wake zone. Please consider that in addition to testimony last night, Q'emiln Park, next to Spokane Street Bridge, has a public boat launch. We are unsure how many boats/trailers the park holds, but there is a CONSTANT stream of traffic coming and going from there every day and very heavy traffic on the weekends. It's simply dangerous to have that many boats moored and launched in such a small footprint.

5. 414 suggests that they will improve safety on the water. How can this statement be a fact when our waterway is already overpopulated and dangerous. How is adding more slips going to improve safety ?

Please do not approve this request. At the very least, do not allow any docks, structures, or otherwise to be put off the shoreline of Greenview's waterfront feet shoreline.

Respectfully,.....

We've lived here for 25+years and strongly agree with the above evaluation and recommendations.

Bob and Mary Templin were friends (and patients of mine) and I'm certain that they would have never thought of impinging on their neighbors to the west. We are excited about all the positive changes that are planned and are happening but not happy with "an invasion of our shore and space from the east!

Tom & Sharon Conlon

The block contains two handwritten signatures. The first signature, on the left, is written in dark ink and appears to be 'Tom'. The second signature, on the right, is also in dark ink and appears to be 'Sharon'. Both signatures are written in a cursive, flowing style.

Dec. 26, 2024

To: Idaho Dept. of Lands  
Re: Post Falls Marina Project  
Proposed additional 100 boat slip dock  
expansion.

This is being submitted in opposition to <sup>the above</sup> proposal,  
OAH Case No. 24-320-09.

One company's desire to expand for momentary  
reasons would have lasting negative impacts  
on the quality of life for hundreds if not  
thousands of people living along the Spokane  
River from PF to CDA.

And equally as important is the negative  
impact these additional boats would have on  
the flora and fauna of the River.

With the increased boat traffic over the  
past years along with wake boats and jet skis  
there has been damaging and costly deterioration  
to the River banks, which cannot be repaired.  
As well as the damage all up & down the River  
to homeowners ~~over~~ breakwalls & property.

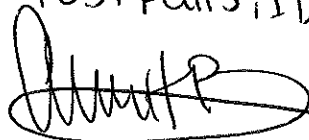
PAIR an additional -100 boats with  
the recently addition of the 30 plus boats  
(instillation)  
-rental at the Spokane River, and this  
would be completely unacceptable.

Another concern is the already <sup>deft</sup>  
inadequate coverage by Sheriff's boat  
patrol, along with boaters noncompliance  
of regulations.

Alexandra Harbaugh-Bumgar

1134 E 4th Ave Apt 201

Post Falls, ID ~~83854~~ 83854



12/27/24

Navigablewaterways@Idaho.gov

Dec. 26, 2024

To: Idaho Dept. of Lands  
Re: Post Falls Marine Project  
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expansion.

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OAH Case No. 24-320-09.

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Pair an additional 100 boats with  
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inadequate coverage by Sheriff's boat  
patrol, along with boaters noncompliance  
of regulations

David Sampet

1134 E 4<sup>th</sup> Ave Apt 101  
12-27-24.

NAVIGABLEwaterways@Idaho.gov

Dec. 26, 2024

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Re: Post Falls Marina Project  
- Proposed additional 100 boat slip dock  
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Another concern is the already <sup>deft</sup>  
inadequate coverage by Sheriff's boat  
patrol, along with boaters noncompliance  
of regulations

Hope Harbaugh  
6190 West Harbor Dr.  
Coeur, Id 83814

NAVIGABLEWATERWAYS@Idl.Idaho.Gov

**From:** Jose Jara <josejara@msn.com>  
**Sent on:** Friday, December 27, 2024 9:47:17 PM  
**To:** Navigable Waterways <navigablewaterways@idl.idaho.gov>  
**Subject:** Fw: 414 PF Hospitality, LLC IDL Case No. PH-2024-NAV-22-004 EXTENSION REQUEST  
**Attachments:** attachment1.jpg (2.81 MB), attachment2.jpg (1.46 MB), Attachment #3Residue on surface by marina ramp.jpg (4.7 MB)

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**From:** Jose Jara <josejara@msn.com>  
**Sent:** Friday, December 27, 2024 1:34 PM  
**Subject:** Fw: 414 PF Hospitality, LLC IDL Case No. PH-2024-NAV-22-004 EXTENSION REQUEST

Dear Madam Hearing officer:

In a separate email we will provide you a copy of the letter and attachments that many area residents have submitted to the [navigablewaterways@idl.idaho.gov](mailto:navigablewaterways@idl.idaho.gov) email address. Residents are requesting an extension and a second hearing in the above referenced case of the expansion permit due to the non-permitted log boom area information that came out at the 12/19/24 hearing.

Please find enclosed our Opposition Points for the On Site Walk-Thru on 12/20/24, along with the three supporting attachments.

Opposition Points Observed on Site Walk-Thru 12/20/24 with Merritt Dublin, John Richards, Scott Hislop, Jose Jara, Scott Scofield and Sheryl Scofield

1. Encroachment into PUBLIC WATER – See Attachment #1 – The applicant will be encroaching on PUBLIC water on the East, South to the log boom and the West. These three sides have not been part of any permit and the water belongs to the people of Idaho.

South Encroachment – When Attorney Scott Hislop was asked by Jose Jara if the new owners planned to rent moorage on the proposed outside walkway/"breakwater", Mr. Hislop answered by saying they did not know for sure at this time.

However, since it is currently being done and would be additional revenue, we believe it would be safe to assume that they would continue mooring houseboats and yachts on the new walkway/"breakwater" despite encroaching into the no-wake zone. This should be determined before any permit is issued, because it affects the encroachment on public water in this way: the width of the waterway out to the log boom (50-70 ft?), the width of yachts/houseboats (20-60 ft+/-), plus boats must navigate 50 ft from the moored boats, and finally the amount of navigable water boats would need to travel into and out of the marina and no-wake zone(minimum 150ft for two boats). This could be a 300+ foot encroachment of public water along the length of the proposed new marina before local families would be able to anchor and recreate in THEIR water.

This could take away somewhere around 2+ acres of navigable water and recreation space (conservative calculations) that should belong to the people of Idaho, and give it to private LLCs and investors that will profit greatly at the expense of Idaho residents.

Note: In the Applicant's Pre-Hearing Statement, in 5.1.5, the Applicant states "The log boom is a defined boundary of the existing encroachment permit". We know that in the 12/19/24 hearing

**PC-00093**

an IDL employee admitted that there is currently no permit for the Applicant to encroach out to the log boom and there never has been such a permit for previous owners. This water belongs to the State of Idaho and its citizens.

The Applicant also states in that section that "The Public Trust Doctrine balance test is satisfied"; we disagree because the expansion is only at a great LOSS to the public.

2. Choke Point – See Attachment #1 – The applicant is planning to extend the current marina on the east and south sides which will create a 320 ft potential navigation choke point.  
We pointed out on the site walk-thru how close the shoreline point of the private residence across the river, is from the CURRENT gas station/ship store. The plans to move the gas station/ship store east and south will drastically cut the entrance/exit between the river and no-wake zone to 320 feet for boats to navigate!  
We also pointed out that with such a narrow passage, it will be even more of a choke point and congestion with boats ranging in size from 20' – 90' navigating and waiting in line to get fuel on the east side.
3. Swim area – See Attachment #2 – Attorney Scott Hislop showed the Hearing Officer the span of the Applicant's beach, but we pointed out that it will no longer be the size that he described. We clarified that they are planning to cut the swimming area to make a very small 80x80 foot swimming area, and the remaining part of the swimming area/beach area will be for boats to be pulling in/out for fuel.
4. Water pollution – See Attachment #3 – As we were viewing the site we noticed some murky buildup next to the ship store/gas station. Is the gas station leaking and affecting the environment and fish around the marina? A sample should be collected and studied since the Department of Environmental Quality and the Department of Fish and Game have both made NO COMMENT.
5. Sheriff garage relocation – See Attachment #1 – We pointed out that the Sheriff boat will now have to travel west before being able to exit the marina and then U-turn to head east and upriver, whereas previously, the sheriff boat could immediately proceed east to head upriver to an emergency.  
On what basis can the Applicant state in their Pre-Hearing Statement that there is a social benefit, when in fact they are relocating the Sheriff garage further into the marina and making a more cumbersome path?

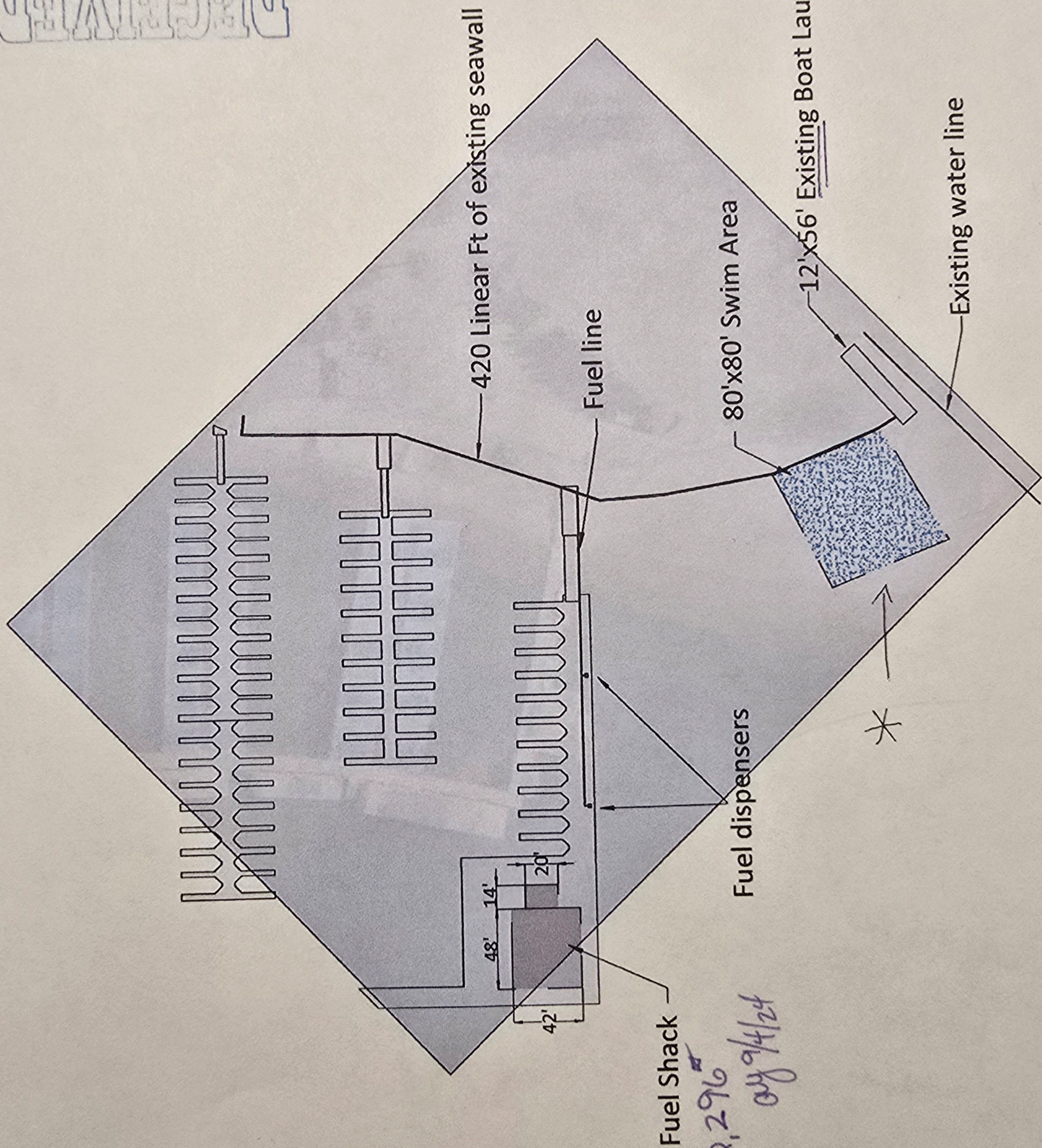
The Applicant is requesting approval of their IDL encroachment permit, but the citizens who oppose this encroachment permit respectfully request that the permit be denied.

This encroachment will negatively impact more people than even realize what is happening, because of the notification process as well as the timing being at Christmas. We respectfully request that the Applicant be grateful for the amount of water that they have, and that they do their improvements within the current permit that they purchased. If they do so, the people in the surrounding area will be happy to patronize their business and admire and enjoy all of their improvements.

Jose Jara  
Post Falls Resident



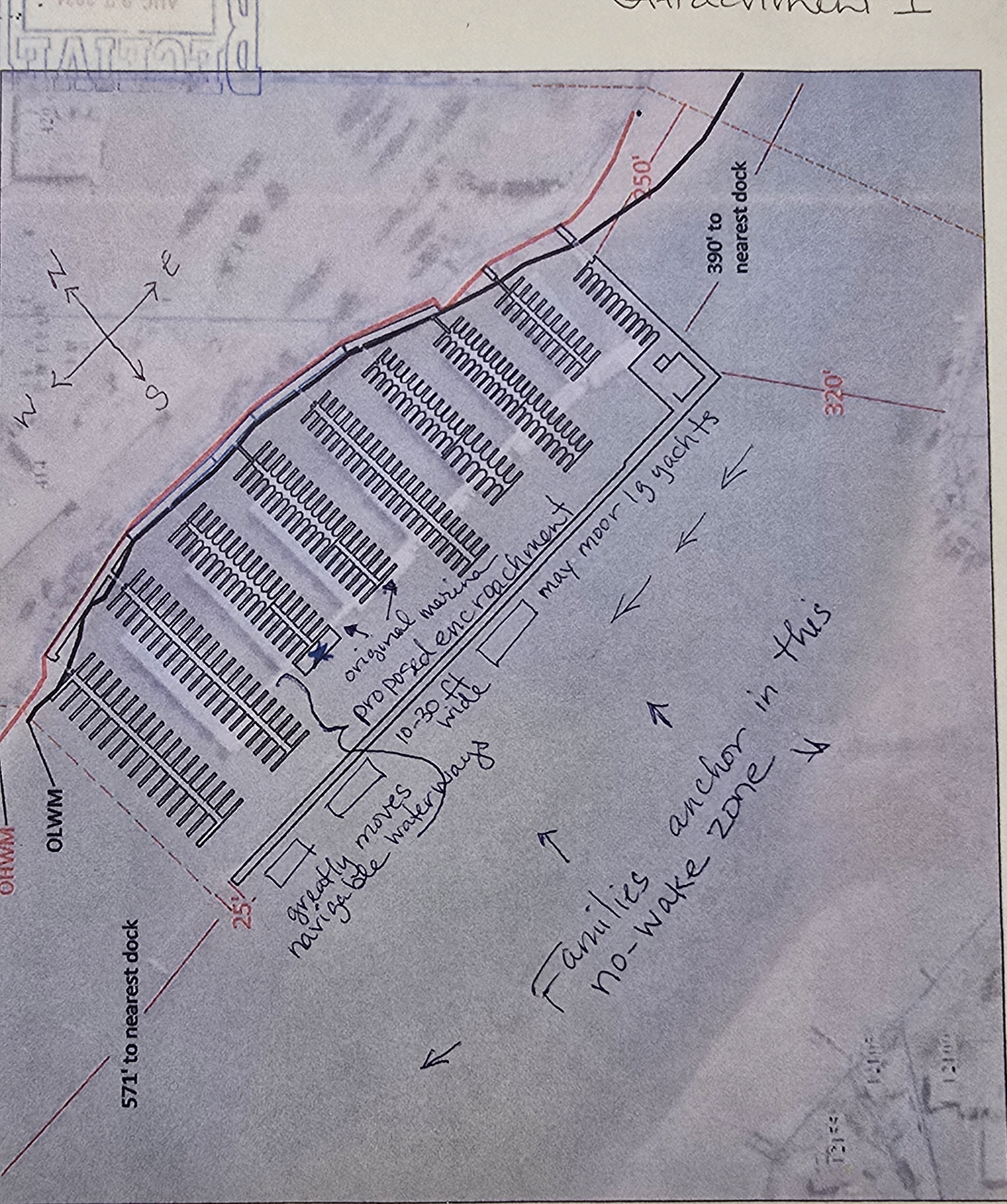
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AUG 27 2024



IDL-002

AGYPG000012





★ Sheriff garage re-location







**From:** Lunney, Meghan <Meghan.Lunney@avistacorp.com>  
**Sent on:** Saturday, December 28, 2024 12:08:56 AM  
**To:** Navigable Waterways <navigablewaterways@idl.idaho.gov>  
**CC:** Wiley, Rene <Rene.Wiley@avistacorp.com>; Aushev, Eugene <Eugene.Aushev@avistacorp.com>  
**Subject:** Comment Pertaining to Application No. L-95-S-3036N

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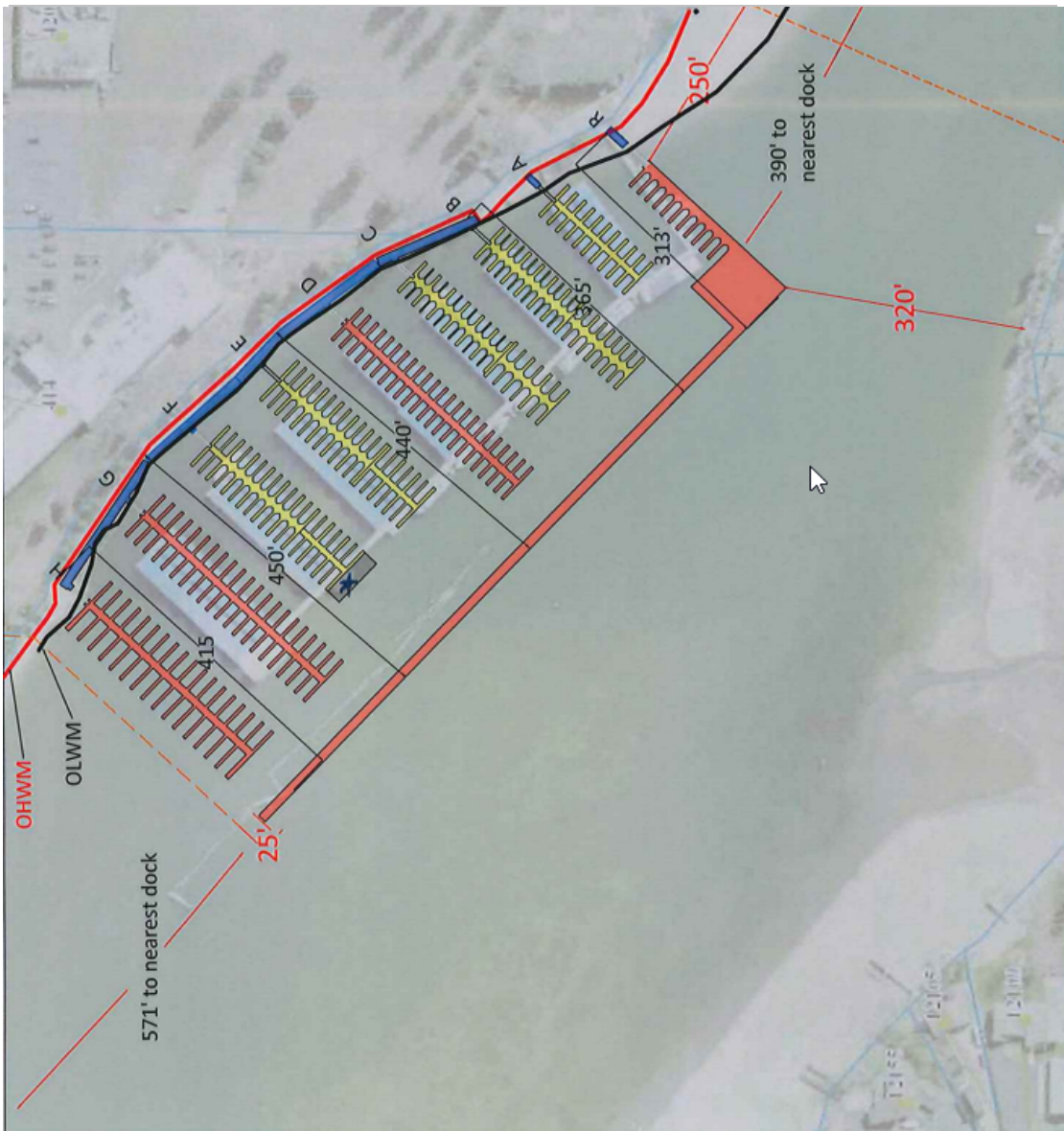
To whom it may concern,

Avista became aware that the Idaho Department of Lands (IDL) received an Encroachment Permit application for Templins (StanCraft) to expand their current commercial marina. It is our understanding the expansion may include additional private moorage (up to 100 more boat slips), reconfiguration of existing fuel lines with two dispensaries and the building of a new ship store on the Spokane River. Given the location is within the Federal Energy Regulatory Commission (FERC) Spokane River Project Boundary (P-2545), Avista respectfully submits the following concerns for consideration.

- Has the applicant or IDL analyzed whether the expansion will impact river navigability and/or water-based recreation due to the narrow river channel?
- Has the applicant or IDL considered or addressed the need for increased marine support/patrols due any resulting increased boat traffic?
- Will the applicant be responsible for ensuring marina users are aware of the Spokane River ordinance in effect when spillgates are open at Post Falls Dam? Anyone docking at this Marina will likely attempt to launch their boat at Q'emiln park. However Q'emiln Park boat launch is closed during spring runoff when Post Falls Dam spillgates are open. Additional during this time, boats are not allowed within the ordinance area between the dam and Spokane Street Bridge.
- Given the boat slip exit appears to be at the downstream end of the main marina exit, the applicant should consider an alternate exit during spring flows given the proximity to Post Falls Dam and the existing ordinance.
- Did the applicant submit a debris management plan and spill management plan for the long-term maintenance of this development?

[002 Application L-95-S-3036N \(PH-2024-NAV-22-004\)](#)

Thanks,  
-Meghan.



## Meghan Lunney

Spokane River License Manager | Environmental Affairs

(she/her/hers) [What's This?](#)

1411 E MISSION AVE | MSC-1 | SPOKANE, WA 99202

**PHONE** 509-495-4643 | **CELL** 509-342-6068

[www.myavista.com](http://www.myavista.com)



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## Elaine Maneck

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**From:** sheri scofield <sherichic91@gmail.com>  
**Sent:** Saturday, December 28, 2024 12:50 AM  
**To:** Navigable Waterways  
**Subject:** 414 PF Hospitality LLC; PH-2024-NAV-22-004;Encroachment L95S3036N

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Madam Hearing Officer:

As was stated in a zoom call with Stancraft and also at the 12/19/24 hearing, there is an enormous amount of light that emits from the hotel, parking lot spotlights, and marina.

We are concerned that the lighting may get worse with the expansion project, so we are submitting the pictures below for additional consideration.

These lights interfere with many surrounding neighbors and their right to peaceful enjoyment. It is nearly impossible to enjoy sitting on a deck or even in your home without blackout shades.

We believe that the lights need to be in compliance with city codes as well as Night Skies guidelines to decrease light pollution.

Thank you for your consideration.









Scott Scofield  
Sheryl Scofield  
Jose Jara  
Richard Teich

**From:** Curless, Deb <DCurless@watrust.com>  
**Sent on:** Saturday, December 28, 2024 2:28:11 AM  
**To:** Navigable Waterways <navigablewaterways@idl.idaho.gov>  
**Subject:** 414 PF Hospitality, LLC IDL Case No. PH-2024-NAV-22-004 EXTENSION REQUEST  
**Attachments:** 1000005400.jpg (3.05 MB), 1000005399.jpg (2.27 MB)

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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.

**PC-00096**



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.

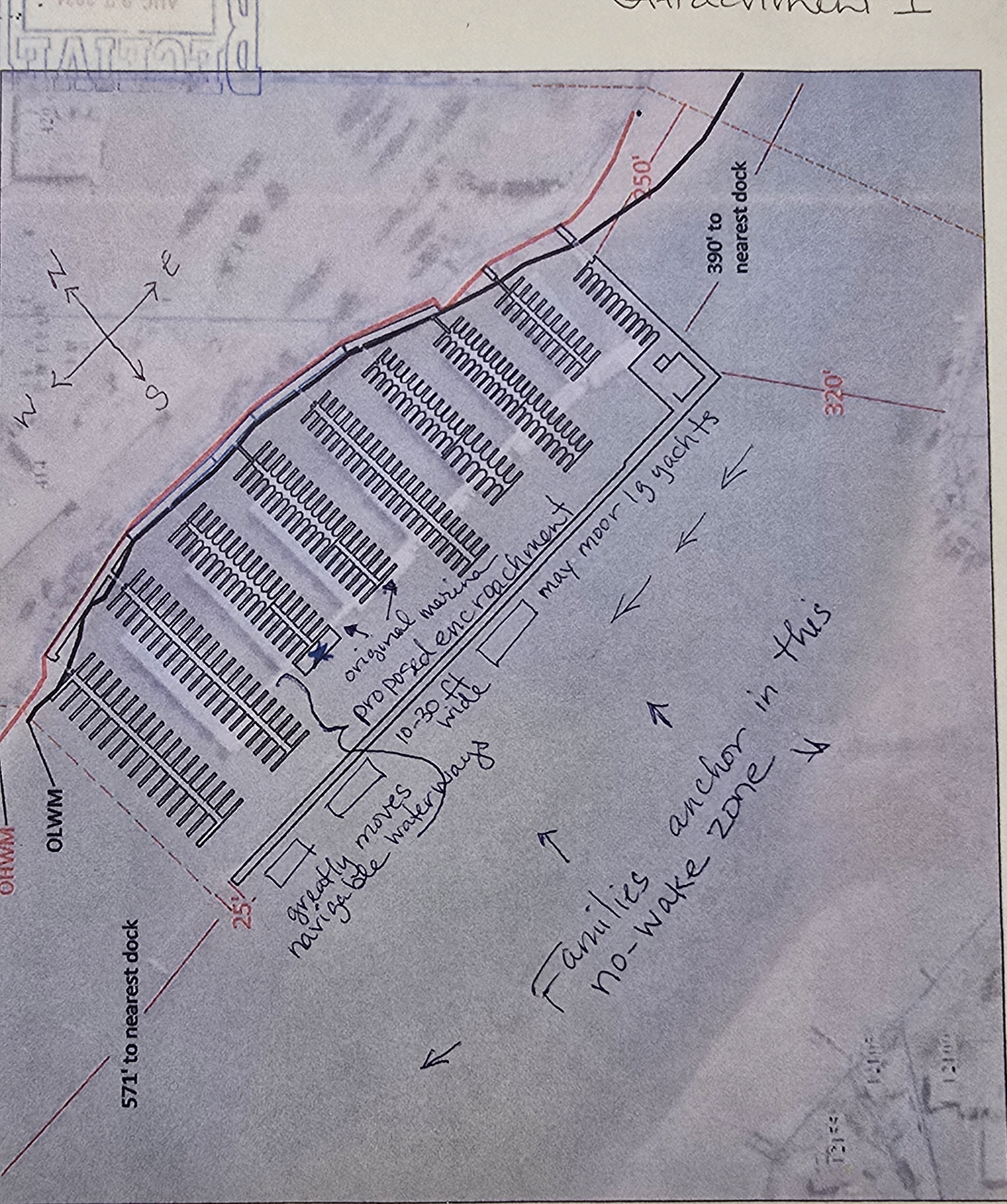
The developers engulfing this amount of navigable water and recreation space will NOT benefit of the citizens of Idaho, and we would argue that it violates IDAPA 20.03.04.012. Policy. (01.)

Name: Deb Curless

City: Post Falls

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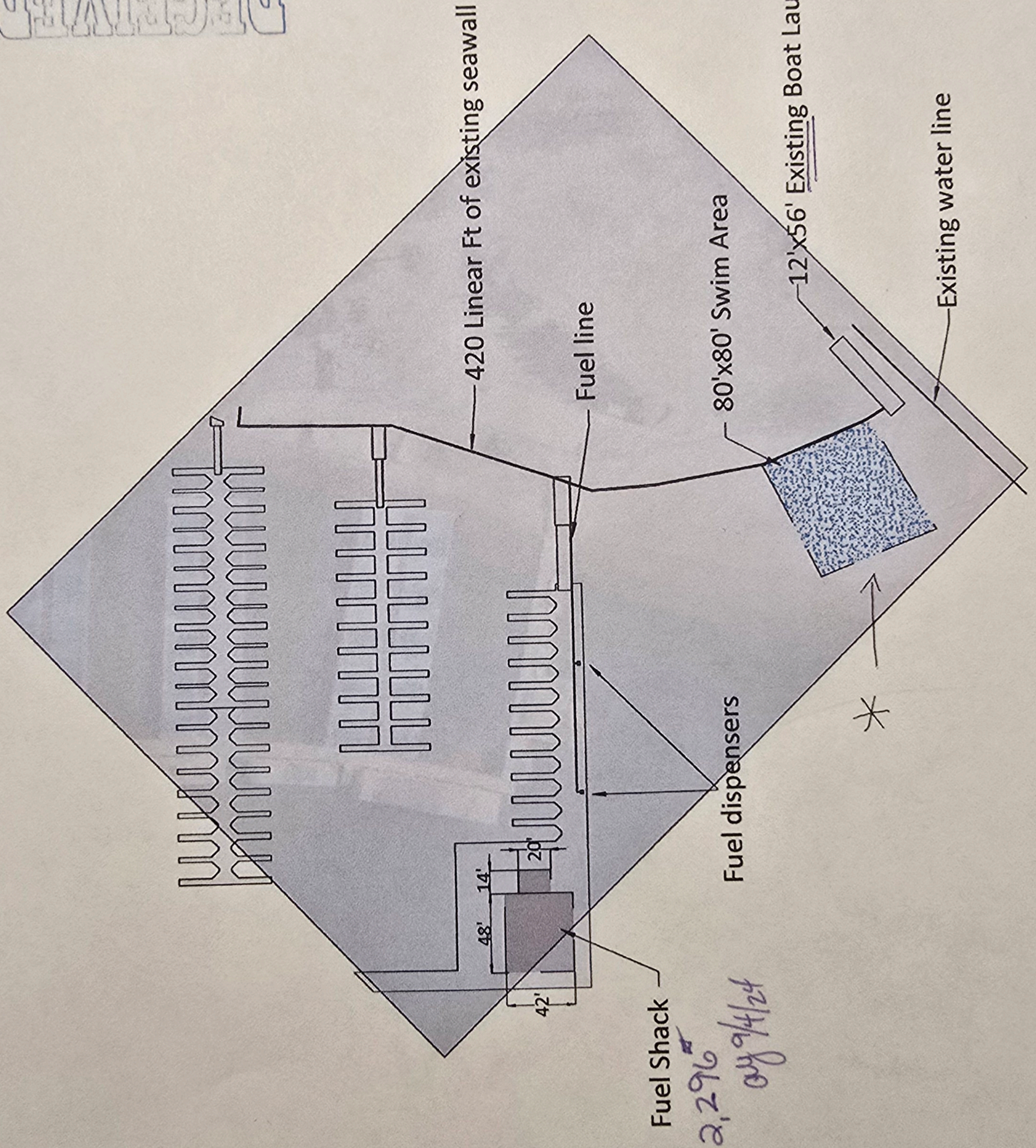




★ Sheriff garage re-location



RECEIVED  
AUG 27 2024





**From:** Linda Hardcastle <lindahardcastle7@yahoo.com>

**Sent on:** Friday, December 27, 2024 10:38:20 PM

**To:** Navigable Waterways <navigablewaterways@idl.idaho.gov>

**Subject:** Re: 414 PF Hospitality, LLC IDL Case No. PH-2024-NAV-22-004 EXTENSION REQUEST

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

We own the 5th property up river from Red Lion beach. Due to very large wakes from people wake "surfing", we are installing a boat lift to the new dock we just had built. Our older dock has been beat up by all the big wakes. We don't even take our boat out on weekends due to the very heavy use of the river by people who don't even live on the river. How do we know this? If they did own a water front property, they wouldn't be pounding the edge of their own property. The river is not very wide where they want to add 100 new slips for boats at the Red Lion location. Will the people that rent/own them be paying property taxes? We that do front the river pay property taxes partly including how many feet of water front we own. 100 new boat slips at that point of the river, will cause way too much water traffic, and create further erosion damage.

Name: Doug & Linda Hardcastle

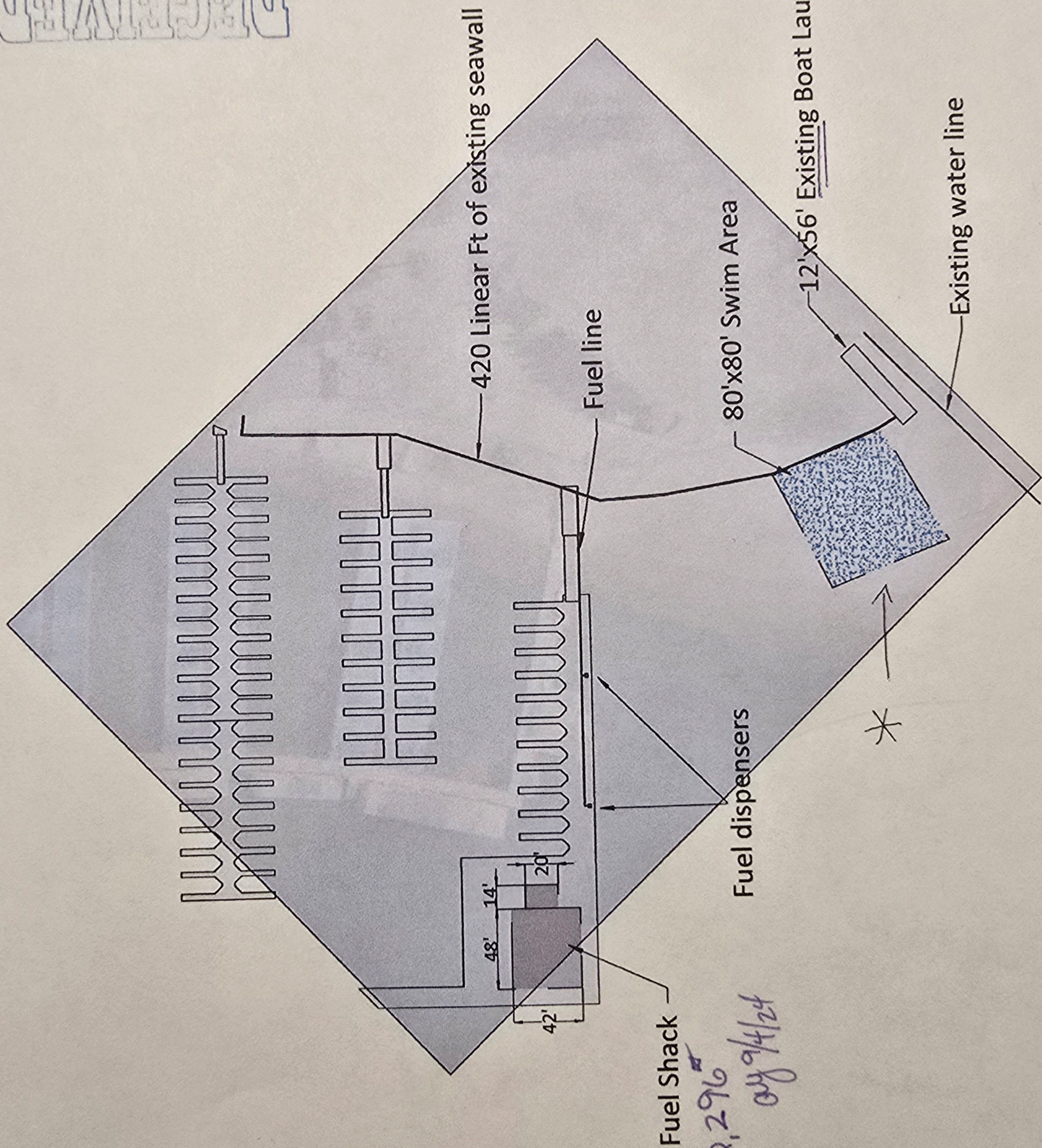
City: Post Falls

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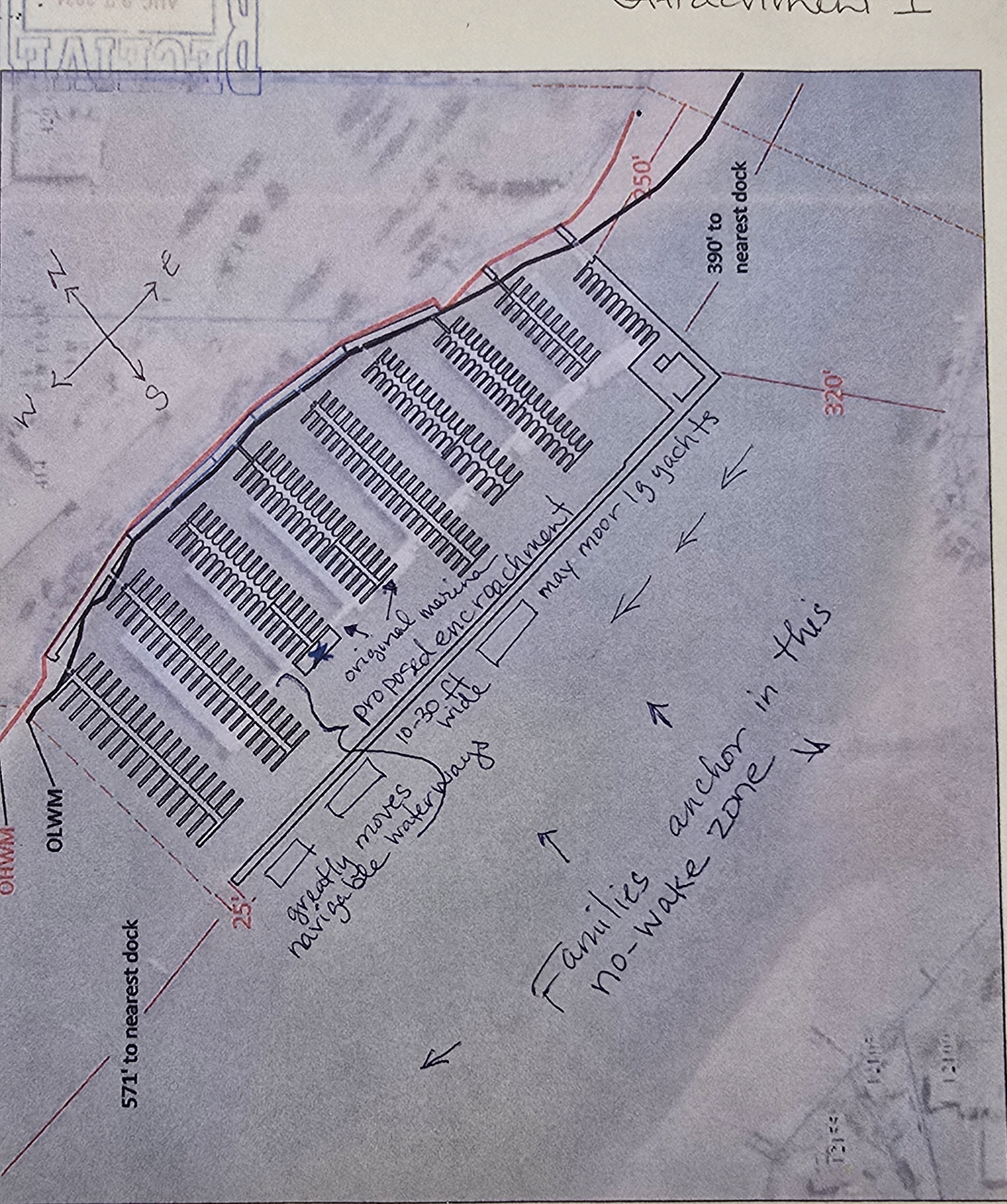


RECEIVED  
AUG 27 2024



Fuel Shack  
2,296  
08/24/24





\* Sheriff garage re-location



**From:** <makenna.curless@gmail.com>  
**Sent on:** Saturday, December 28, 2024 2:26:41 AM  
**To:** Navigable Waterways <navigablewaterways@idl.idaho.gov>  
**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 is 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.

**PC-00098**



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 of the citizens of Idaho, and we would argue that it violates IDAPA 20.03.04.012. Policy. (01.)

Name: MaKenna Curless

City: Post Falls

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A





Project Name: Marina 33  
Applicant: Marina 33  
Spokane River  
Kootenai County Idaho  
Date: 5/30/24

Location: HEIRS OF MARGARET POST ESTATE TAX#5846 & #5847 IIN TR 2 BLK 8, PTN VAC RW PF DOWNTOWN UPD 2022 0350N05W



AUG 27 2024

B



**From:** Mark Hedman <mark.acts.org@gmail.com>  
**Sent on:** Friday, December 27, 2024 9:30:51 PM  
**To:** Navigable Waterways <navigablewaterways@idl.idaho.gov>  
**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 is 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 thenavigable 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:

1. 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.
2. 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.

**PC-00099**

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

Richard Hedman  
PO Box 581  
Post Falls, ID 83877

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A



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WISPAWAY

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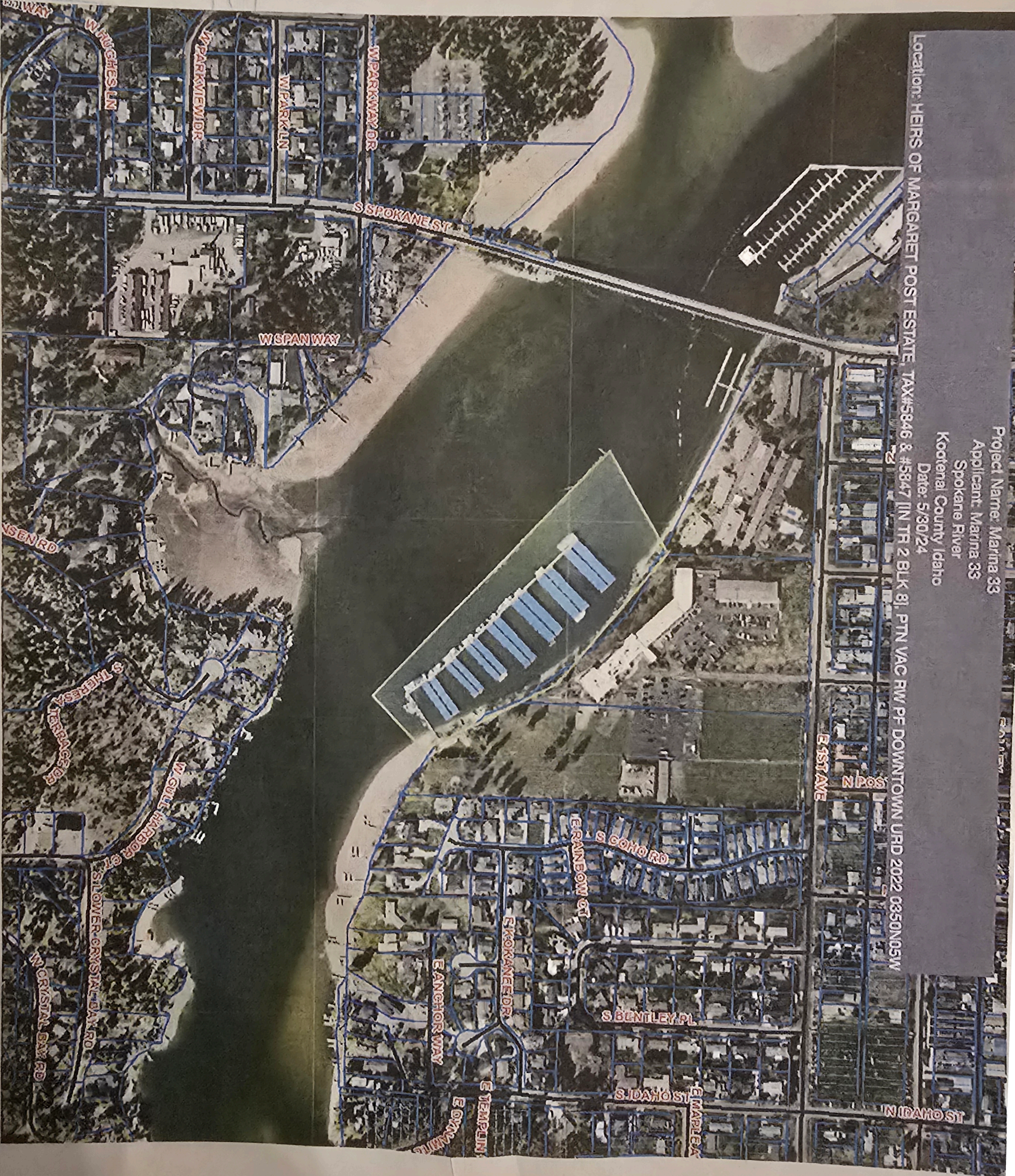
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7170



Location: HEIRS OF MARGARET POST ESTATE TAX#5846 & #5847 LIN TR 2 BLK 8, PTN VAC RW PF DOWNTOWN URD 2022 0350N05W

Project Name: Marina 33  
Applicant: Marina 33  
Spokane River  
Kootenai County Idaho  
Date: 5/30/24



AUG 27 2024

B



**From:** Stan Curless <stan.curless@gmail.com>  
**Sent on:** Saturday, December 28, 2024 2:16:40 AM  
**To:** Navigable Waterways <navigablewaterways@idl.idaho.gov>  
**Subject:** FW: 414 PF Hospitality, LLC IDL Case No. PH-2024-NAV-22-004 EXTENSION REQUEST  
**Attachments:** 1000005400.jpg (3.05 MB), 1000005399.jpg (2.27 MB)

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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.

**PC-00100**



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 of the citizens of Idaho, and we would argue that it violates IDAPA 20.03.04.012. Policy. (01.)

Name: Stan Curless

City: Post Falls



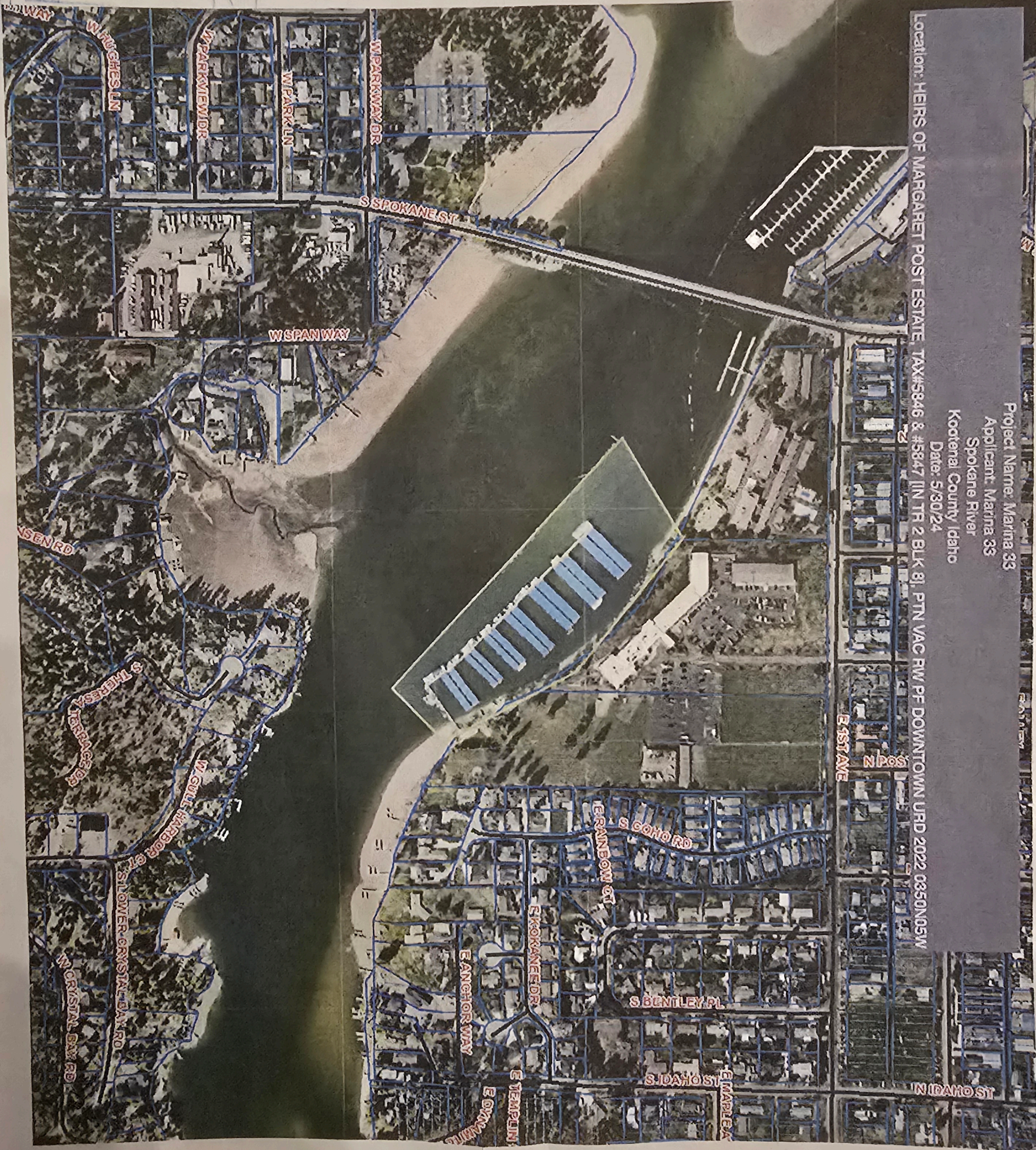
A





Project Name: Marina 33  
Applicant: Marina 33  
Spokane River  
Kootenai County Idaho  
Date: 5/30/24

Location: HEIRS OF MARGARET POST ESTATE TAX#5846 & #5847 1/4 TR 2 BLK 8J PTN VAC RW PF DOWNTOWN URD 2022 0350N05W



AUG 27 2024

B



**From:** Terri Shields <terrioak73@gmail.com>  
**Sent on:** Friday, December 27, 2024 11:59:31 PM  
**To:** Navigable Waterways <navigablewaterways@idl.idaho.gov>  
**Subject:** Idaho Dept. of Lands Case #PH-2024-NAV-22-004

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To whom it may concern:

My parents have owned the property at 291 S Simonsen Rd since 1969. We have spent many years on that property which is directly across the river from The Red Lion Templin Hotel, and the Marina. My mom passed away this year and my sisters and I have inherited the river lot. We have seen increased boat activity on the river, especially over the last two years. The river boat traffic, along with Personal Water Craft, Paddle Boards, Kayaks etc., has become a nightmare. It is almost impossible to enjoy boating because of the increased activity on such a narrow river. The types of boats have become increasingly larger and the wakes they create are much larger, sometimes causing dangerous situations for water skiers, tubers, and paddle boarders. The people in the wake zone are having eroding problems on their beaches, which have been enhanced by the wake surfing boats that cause an excessive wave and can also cause disturbance of the river bed. We have had an increased number of boats anchoring in the bay in front of our property. Sometimes as many as 25 or more. This did not happen until a few years ago. For the most part they are respectable, but there are a few who ruin the day with very loud music and cussing and sometimes we find garbage floating onto our beach.

I heard the marina is moving the store and gas station on the dock they are extending, further out south toward the middle of the river. This is on the narrowest part of the river. It seems to me that having people pulling in and filling their boats up with gas on this narrow point might cause a bottleneck on the river.

There is a pretty large boat marina in front of the condos by the dam, the public boat launch at Q'emlin Park, in addition to all the personal docks that adds to the congestion. We feel that this end of the river does not need 100 more boat slips in the Marina. It will just add to the over congested west end of the river. We hope you turn down the proposal to put in more boat slips at the Marina for the safety and enjoyment of the river by the people that use it.

Sincerely,

Terri Shields

**From:** Connie Davis <cldgal75@yahoo.com>  
**Sent on:** Friday, December 27, 2024 10:15:11 PM  
**To:** Navigable Waterways <navigablewaterways@idl.idaho.gov>  
**Subject:** IDL Case No. PH-2024-NAV-22-004 / OAH Case No. 24-320-09

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I have lived in River Run Subdivision, which is directly east of Templin Red Lion, since 2016. Our park goes to the Spokane River, which as homeowners use to enter the Spokane River to swim, canoe/kayak and paddleboard. Our park is a few feet west of the "no wake" zone.

As a paddle boarder, I personally don't use the river on the weekends like I use to because of the boat traffic. My observation of boaters is they don't know there's a required footage when passing by paddlers or kayakers or another boat.

When boaters are returning in the evening to the Marina or Q'emlin Park, they really pushed the wake zone or excess it. A friend and I chased down a patrolman and asked if they could patrol at this time period. His response was they are stretched so thin already, that it wasn't really possible.

To add another 100 slips to Marina 33 is not manageable on the waterway or by the patrol people.

But hats off to the people working in the Ship Store with the whistle and bull horn. So far seems to be the most effective method that I've seen to slow boaters down.

Thank you

Sincerely

Constance Davis  
River Run  
112 S Coho Road  
Post Falls, ID 83854

414 PF Hospitality, LLC

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

OAH Case No. 24-320-09

Encroachment Permit Application No. L95S3036N

**Dear Madame Hearing Officer and Idaho Department of Lands:**

**OBJECT TO APPROVAL of the Encroachment Permit Application No. L95S3036N; 414 PF Hospitality, LLC IDL Case No. PH-2024-NAV-22-004/ OAH Case No. 24-320-09 based on the following:**

1. Applicant failed to demonstrate evidence that there is a "PUBLIC NEED" for expansion of the current commercial marina encroachment permit footprint and number of marina boat slips from 198 to adding 100 more slips.
  - a. Templins Resort currently has 167 rooms; on any given day it is estimated that the Marina currently has 140 slips for public access.
  - b. In addition, the Applicant failed to demonstrate that the proposed expansion is in the "PUBLIC INTEREST".
    - i. Applicant's original application (date received 9/13/24) includes materially false and misleading information as to the "Purpose and Need" .....that scope of the project *does not* 'stay within the original encroachment permit boundaries'.

15. PURPOSE and NEED: ☒ Commercial ☐ Industrial ☐ Public ☐ Private ☐ 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.

Update and replace existing docks that have exceeded their useful life. We will be replacing old decrepid docks and rearranging the marina to provide more moorage to the community. The scope of the project stays within the original enroachment permit boundaries. Swim area to the east and logboom/piling southwest of the marina. This will be a mix of public and private slips as shown in the diagram attached.

NWW Form 1145-1/IDWR 3804-B

Page 1 of 4

APP-001-01

- a) In fact, the proposed expansion increases the marina, substantially in both size and scope and would represent a navigational hazard to the safety of the public.
    - i) During peak Summer months, the majority of the boat slips are vacant and currently NOT UTILIZED.
    - ii) The vast majority of docks do not appear to be "old and decrepid".
- ii. At the December 19, 2024 public hearing, Scott Hilsop, attorney for 414 PF Hospitality, LLC, knowingly made several material misstatements of fact.
  - a) Repeatedly stating that the log boom was currently within the marina's historically established encroachment permit (see Applicant Exhibit (slide 10), pasted below)



- b) Upon questioning, Mike Ahmer, Idaho Department of Lands representative, communicated 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.)

PC-00103



- c) 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).
- i) 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 until the log mill ceased operations. The log boom that currently remains, was man-made, and can be removed at anytime.
  - ii) 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.
    - i. The developer's proposed 96 foot expansion of the marina's Ship's Store/Fueling area and 798 foot continuous walkway/barrier will represent a significant barrier to navigability and safety hazard for waterway users and to residents of Greenview Condominiums.
      - 1. Again, Developers have not demonstrated a "public need" or that the 2 acre expansion of the marina is in the "public interest"; which any public or private entity would need to prove to declare "eminent domain", removing this important area of the waterway from navigable access, to forever possess it solely for commercial gain.



2. Approval of the Applicant's Encroachment Permit for the Expansion of the Marina is **INCONSISTENT** with **Idaho Administrative Code**, specifically **IDAPA 20.03.04.012**.



- a. This policy emphasizes the importance of regulating encroachments on navigable lakes to protect public health, safety, property, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality. It also highlights the responsibility of the State Board of Land Commissioners to regulate and control the use or disposition of state-owned lake beds so as to provide for their commercial, navigational, recreational or other public use.
  - i. Though these key criteria are clearly stated in Idaho Law the Idaho Department of Lands has not conducted any studies or specifically assessed whether the proposed expansion of the marina's encroachment permit does not adversely affect the protection of the public health, safety and welfare; navigation; Fish and Wildlife habitat, recreation, water quality aesthetic beauty, water quality or whether there is a clear economic necessity.
    - a) Instead, the IDL defers their responsibility to other State Agencies which offer "No Comment" as to offer an opinion, in the absence of any study, would merely result in a civil suit.
      - i) We submit, if there is NO STUDY and/or the State Agency (e.g. Dept of Fish and Wildlife or Environmental Quality) chooses to respond with "No Comment" this does not offer any legal evidence that will support whether the Marina expansion does or does not meet IDL's key criteria. IDL must conduct these assessments or studies prior to approval.
      - ii) In the absence of studies, eye witness accounts and concerns about safety presented during public testimony must be given due consideration.
- b. Kootenai County Boating Rules and Regulations state the following:
  - i. No Wake Zone (five miles per hour) on Lakes: Within 200 feet of shoreline, dock, pier, breakwater or person in the water.
  - ii. No Wake Zone on Rivers: 100 feet
    - a) An exception to the "No Wake Zone" on rivers has already been granted by the Kootenai County of Commissioners.....this does not make the river safer; it makes the river more dangerous and susceptible to human failure(s) increasing risk to public safety.
      - i) Approval of the Applicant's marina 96 foot expansion, into the river, will result in a 320 foot chokepoint which will make navigation more difficult and more dangerous.
        - i. The Applicant's attorney, Scott Hilsop, admitted in his public hearing testimony that 'currently boaters do not adhere to the "no wake zone" and routinely speed past the Marina. Mr. Hilsop testified that 'an expansion of the encroachment boundary with an expansion of the Ship's Store and Fueling Station will present a physical barrier that will encourage boaters to slow down'.....there is no study to support this supposition and this statement is inconsistent with common sense. Unfortunately, boaters drink alcohol and many do not follow boating rules and regulations so creating a chokepoint at the river increases the probability and possibility of human error.
      - ii) An expanded marina, will create a narrower chokepoint, which will further increase congestion of boats seeking refuge from the busy river/excessive waves.....this additional congestion, no doubt, will increase the risk of injury/harm as it adversely impacts navigability in these congested waters.
        - i. We are surprised/appalled that no FMEA (Failure Mode and Effects Analysis) was used to assess safety.
        - ii. Safety must be considered, proactively, not reactively. Scott Hislop admitted that numerous boats routinely violate the law in a narrow river with "no wake zones" that have already been ARBITRARILY reduced from 200 ft in Idaho Law for other Lakes/Rivers to 100 ft for the Spokane River.



1. With an expansion of the Marina to a 320 foot chokepoint and large yachts/house boats routinely moored on the river, on the outside, this reduces the chokepoint to 290 feet or less.
  - a. Idaho's Safe Boating Act requires boaters to maintain a 100 foot separation between boats when operating at a speed greater than "no wake" or "5 miles per hour" .....it is simply impossible to maintain a safe environment with exception upon exception.
  - b. FMEA is routinely used by industries to identify potential failures and implement corrective actions and/or systems that account for and reduce the influence of "human factors" to mitigate/reduce operational risks (e.g. routine speeding, routine alcohol use, routine towing, in an already congested area).
    - i. Expansion of the Marina would increase the probability of failure.
    - ii. A FMEA proactively determines the frequency of occurrences, criticality, and reporting/detection of failures and/or near misses.....the IDL did not conduct any safety analysis, though this is required by Idaho State Law.

TITLE 67  
STATE GOVERNMENT AND STATE AFFAIRS  
CHAPTER 70  
IDAHO SAFE BOATING ACT

67-7077. OPERATION OF VESSELS. It shall be unlawful for any person to operate any vessel on the water of this state:

(a) In a negligent manner as prescribed in section 67-7017, Idaho Code, while within one hundred (100) feet of another vessel; or

(b) At a speed greater than no wake or five (5) miles per hour while within one hundred (100) feet of a dock, swimmer or other person in the water, except when safely pulling a water skier from a dock, or when safely dropping off a water skier at or near a dock, or when the swimmer or other person in the water is the vessel's water skier. Except when dropping off a skier at or near a dock all efforts shall be made to reasonably minimize the time and distance the vessel shall travel inside the one hundred (100) foot zone while operating at speeds greater than no wake or five (5) miles per hour.

History:

- c. The Marina is located upstream of the Post Falls Dam, the dam represents a "dead end"....in fact, prior to July 1st, the Spokane River bridge is the end of navigability, so boats routinely avoid entering the "No Wake Zone" by using the waters immediately upstream of Templin's Marina and Ship store to turn around to head back upstream.
    - i. We would argue strongly that the Ship Store, in this context, is a "Navigational encroachment". In this congested interface of vessels that are simultaneously seeking refuge, refueling, newly exiting the "No wake zone" from Q'emiln Park's boating access, AND those turning around to head back up river this ***creates a complicated, high risk, environment for safety failures that does not exist anywhere else in the river except at the up-river boundary or encroachment border of Templin's Marina.***
      - a) Instead of expansion, I propose the Marina should be scaled back, recognizing the complexity of this congested area of the waterway.
3. Property damage and ecological damage is a real problem.
    - a. Testimony was offered by long-time residents that stated that the waterway is very different NOW than when Templin's Marina's original encroachment permit was granted.
      - i. The difference being caused by the number of boats, the size of the boats (huge house boats to ocean-going yachts, the size of the wakes caused by wake boats with 6,000 lbs of water-ballast, and the frequency of boats due to the large increase in number.
    - b. Our property is located about 7 to 8 houses (~5-6 blocks) upstream from Templin's Marina. Since we purchased the home in 2018, we have had to protect the shoreline to mitigate the erosion with 6 feet of rip-rap along 178 feet of shore; replace our pilings; replace our floating dock with a fixed dock; and now we will



have to fix our deck that sits adjacent to the water due to huge 4-5 foot waves that have physically lifted the heavy deck repeatedly off its support structure (the latter happening just this last Summer).



- i. The ecological and property damage is occurring up and down the river. Adding more boats and bigger boats is not the answer.
  - a) For example, Black Bay Park is presently adding shoreline protection to mitigate erosion.

4. Lack of notice to the community:

- a. The Applicant in their encroachment permit is responsible to provide the names and legal addresses of adjacent property owners per Idaho Dept of Lands Rules and Regulations.
  - i. The Greenvue Condominiums residents, immediately west of the project, were not notified. Their notification letter was Returned to Sender, and accordingly these residents did not receive proper notification. It appears that no additional effort was made to ensure residents were notified by the Applicant (who must be certified as a responsible operator capable of running a commercial marina) nor the Idaho Dept of Lands. Greenvue Condominiums residents's 50+ families will be immediately impacted by the 798 foot continuous Marina walkway expansion and marina's expanded activities and traffic (people and boats) onshore and on land.
- b. Many houses upriver from the marina did not know about the magnitude of this expansion, for which the developers are seeking a permit. A marina, expanding the number of boat slips by more than 50% in this small area and by more than 20% of all the boat slips on the river will have a significant impact to the river and those seeking to navigate the river safely.
- c. The Public hearing was scheduled for December 19, 2024, 4-8pm, during one of the busiest seasons for people all year long. It is unfortunate that the notification process and public hearing was orchestrated in such a way that seemed to minimize public awareness and public input which is essential for any encroachment permit that would seek to remove over 2 acres of waterway in such a congested, high-use, safety-challenged area of the river.

5. Idaho Resident and Social Benefit

- a. The Applicant failed to demonstrate that the Marina expansion would benefit the typical "Idaho Resident" and certainly failed to demonstrate that the expansion would improve the quality of life/safety of its neighbors.
  - i. The daily or monthly rental rate was not disclosed but would likely well exceed the \$15 boating access fee charged at Q'emiln Park. The Marina's sale of a private boat slip also was not disclosed but would likely generate directly and indirectly considerable profit to the developers.
- b. Moving the Sherriff's boat garage into an enclosed marina, without direct access to the waterway, will not improve access or response times.

**In summary, for the reasons stated above and those given during the public hearing, we oppose approval of the expansion of Templin's Marina encroachment permit .**

Name: Edward and Susan Kent

City: Post Falls, Idaho 83854



**From:** Department of Lands <no-reply@idl.idaho.gov>  
**Sent on:** Monday, December 23, 2024 6:49:28 PM  
**To:** Comments <comments@idl.idaho.gov>  
**Subject:** Comment Submitted

From: Wesley Somerton at wlsomerton@outlook.com  
Phone: 2086614547  
Address: 601 S Shoreline Court  
City: Post Falls  
State: Idaho  
Zip Code: 83854

**Comment:**

Please accept these comments regarding Marina 33's Spokane River project.

We strongly object to the river having an additional 100 boat slips at this location or any other location for that matter. The additional size and density of the proposed marina expansion will only compound the problems of the current level of boat traffic and impacts on the river. The shorelines along the river are currently subject to significant wave action causing tremendous amounts of erosion. Adding an additional 100 boats will only exasperate this negative impact to private and public shorelines. This is evident by the soil loss and destruction of retaining walls at Kiwanis Park in Post Falls. Twenty years ago, the bank trees had soil covering their roots. Today they are barely hanging onto the little bit of soil left on the bank. We live in Riverside Harbor and have watched the current boat levels impact our HOA maintained riverfront park including destroying our continued attempts to riprap our shoreline. Impacts are observed at Black Bay Park, numerous private property areas and wetland/marsh areas along the river. We know a number of riverfront property owners that have to replace pilings due to increased wear caused by the heavy boat traffic on the river. Some property owners are unable to enjoy their docks during the summer months because of the nonstop boat wakes cause the docks to be swamped and constantly moving.

Adding an additional 100 boat slips is not only bad for the river environment but for the recreational enjoyment of all.



**From:** [Department of Lands](#)  
**To:** [Comments](#)  
**Subject:** Comment Submitted  
**Date:** Monday, December 23, 2024 11:58:52 AM

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From: Laura Somerton at wlsomerton@outlook.com  
Phone: 2088189096  
Address: 601 S Shoreline Court  
City: Post Falls  
State: Idaho  
Zip Code: 83854

**Comment:**

Please accept these comments regarding Marina 33's Spokane River project.

Personal safety issues observed include but are not limited to, small children be knocked over by the large and constant boat waves coming ashore in the buoyed swim areas. Older children swimming in the buoyed areas have a hard time staying above the relentless incoming and outgoing waves. We kayak and have to be off the river by 9 am due to the heavy boat traffic causing excessive waves plus a lot of boaters are not watching for small watercraft. We stay near the shore and boat docks as we have had close calls with negligent boaters when on the river which makes it very hard to have a pleasant time. We've seen many close calls with non-powered and small craft being tossed about by boat waves. We cannot get the number off of the boat to turn them in because the boat has already passed before the large wave attacks us. There are many boaters who are responsible but there are many that are not. Speed limits and 100-foot wake zone are not being respected.

There are some boaters who believe everyone wants to hear their loud music. Although we are music lovers, we do not enjoy the sound (some times bad language) that emits from their speakers. Having the music blaring makes it hard to hear oncoming boats when kayaking. We agree that everyone should enjoy the river but we do not believe that that use should encroach on the pleasure of others.

Adding an additional 100 boat slips is not only bad for the river environment but for the recreational safety and enjoyment of all.