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BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of Application to Permit the Expansion  
of a Commercial Marina, Reconfigure Existing Fuel  
Lines, and Build a New Ship Store on Spokane River,

AGCY. CASE NO. PH-2024-NAV-22-004

OAH Case No. 24-320-09

414 PF Hospitality, LLC.

Applicant.

ARBITRATION PROCEEDINGS

HELD ON

THURSDAY, DECEMBER 19, 2024

4:05 P.M.

BEFORE

MERRITT L. DUBLIN

ADMINISTRATIVE LAW JUDGE

COEUR D'ALENE HIGH SCHOOL

5530 NORTH FOURTH STREET

COEUR D'ALENE, IDAHO 83815

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5	StanCraft Companies		5	APPLICATION-L95S3036N	
6	2936 West Dakota Avenue		6	7 IDL LETTER FROM IDL REQUEST FOR	14
7	Hayden, ID 83835		7	PUBLIC HEARING ON MARINA 33	
8	(509) 270-3740		8	DEVELOPMENTL95S3036N	
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15	Boise, ID 83702		15	MERRITT HORSMON	
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<p style="text-align: right;">Page 6</p> <p>1 ARBITRATION PROCEEDINGS 2 HELD ON 3 THURSDAY, DECEMBER 19, 2024 4 4:05 P.M. 5 BEFORE 6 MERRITT L. DUBLIN 7 ADMINISTRATIVE LAW JUDGE 8 9 MS. DUBLIN: Thank you all for attending 10 this evening. I'm going to to call these 11 proceedings to order. This is a matter before the 12 Idaho Department of Lands. It's called in the 13 matter of encroachment from an application, 14 L95S3036. And -- and this is agency number PH-2024- 15 NAB-22-004 and OAH case number 24-320-09. 16 My name is Merritt Dublin, and I'm the 17 administrative law judge who's been appointed to 18 conduct these proceedings and to issue findings of 19 fact and conclusions of law after the close of the 20 record. This is a legal proceeding. And for your 21 information, we have a public Zoom link, so we have 22 individuals who are watching from Zoom remotely. We 23 have a court reporter who's transcribing all of the 24 information that's being testified to. And it's 25 also being recorded on Zoom.</p>	<p style="text-align: right;">Page 8</p> <p>1 I'm independent, and I'm here to take all of the 2 evidence and testimony and apply it to the law and 3 make a -- ensure a full and fair hearing and a 4 complete record. 5 So one of my really important jobs here is 6 to make sure the record is complete and also 7 readable. So there will be times where I may remind 8 you to please use words and -- because the record 9 doesn't pick up head nodding and shaking, and I may 10 ask you to reference a page number to make sure it's 11 very clear in the record. 12 So a lot of my job is to make sure that 13 this record is clear. And I may -- and I'm also 14 running technology and listening to the evidence and 15 doing a lot of things at the same time. So I will 16 do my best, but there may be there time I might be 17 slightly distracted. 18 The proceedings are governed by the rule 19 of the -- Idaho Rules of Administrative Procedure, 20 which are found at IDAPA 62.01.01.01, and those are 21 the procedural rules. Substantive rules are the 22 rules that are promulgated by the Idaho Department 23 of Lands and the IDAPA 20.03.04, as well as the Lake 24 Protection -- the LPA statutes and the case law that 25 has interpreted those statutes.</p>
<p style="text-align: right;">Page 7</p> <p>1 So because of that, one of the requests I 2 have is that you make sure that if it's not your 3 turn to speak, if you could please try to be quiet 4 so that the court reporter can take down everything 5 that's being said by the individuals who are 6 testifying. And also, we typically ask that the 7 public and the audience keep commentary and cheering 8 to a minimum. And if you are in support of 9 something that someone says, if you could snap, that 10 -- that makes it -- that shows your support but also 11 allows the -- the transcriber to get an accurate 12 record. 13 Okay. The -- the proceedings today -- 14 first, let me also explain, this is an 15 administrative proceeding before the Idaho 16 Department of Lands. But I am not employed by the 17 Department of Lands. I am employed by the Office of 18 Administrative Hearings. We're an independent 19 office, an -- an independent department of the State 20 of Idaho to ensure a fair hearing process in 21 administrative hearings. 22 So I -- as I mentioned, I'm not employed 23 by the Department of Lands. I've had people refer 24 to me as, well, you are the the department. I'm 25 not. I'm the Office of Administrative Hearings.</p>	<p style="text-align: right;">Page 9</p> <p>1 Pursuant to rule 207 of the procedural 2 rules, public witnesses are not considered parties 3 in the proceeding. They don't have a right to 4 cross-examine other witnesses, but they may present 5 evidence, and you may present exhibits with your 6 testimony. And those will all be taken into the 7 record, and they will be reviewed very carefully. 8 Rules 475 through 476 govern evidence. I 9 can limit evidence that would not ordinarily be 10 considered, or it may be duplicative and/or not 11 relevant or not based on facts or personal 12 knowledge. At -- so I can apply the rules of 13 evidence. I do it fairly loosely. Pretty much if 14 it's relevant, it's coming in. But if we get to a 15 point where the -- it's come in, the same testimony 16 or the same documents or evidence are introduced 17 over and over, again, I may limit it for time 18 constraints as duplicative. 19 Also, depending on how many people sign up 20 to testify, you -- the testimony might be limited in 21 time to ensure that we stay within the time frame of 22 4:00 to 8:00 p.m., but that depends on how many 23 people sign up. If you are planning to testify, 24 please make sure that you have signed up and 25 indicated, yes, that you want to testify.</p>

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1 If you are not planning to testify and you  
2 indicate no, that's fine. If you change your mind  
3 during the hearing, there will be -- when the  
4 individuals who have signed up to testify have  
5 testified, I will ask if there's anyone else who  
6 would like to add anything and would like to  
7 testify. So if you said no or you said you weren't  
8 sure, you'll have an opportunity at the end. I will  
9 check in and make sure that I've covered everybody  
10 who'd like to provide some public testimony.  
11 In addition, I will hold the record for  
12 public testimony through the close of business on  
13 Tuesday, which I believe is the 23rd.  
14 UNIDENTIFIED SPEAKER: It was said the  
15 27th.  
16 UNIDENTIFIED SPEAKER: 27th.  
17 MS. DUBLIN: 20-what?  
18 UNIDENTIFIED SPEAKER: 27th.  
19 MS. DUBLIN: 27th, oh, okay. So the  
20 public testimony will be held open till the 27th.  
21 So that means if you think of something afterwards  
22 and you want to add it in writing, you are welcome  
23 to do so. The way that this proceeding will go is  
24 that every person who testifies will be under oath.  
25 So you'll come up here, state your full name, and I

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1 will put you under oath.  
2 The Department of Lands will start by  
3 presenting their position, and the applicant will  
4 have the opportunity to cross-examine the Department  
5 of Lands and vice -- and then the applicant will  
6 have an opportunity to present their case, and the  
7 Department of Lands can ask them questions. At  
8 which time, we'll conclude the evidentiary portion,  
9 other than what might be admitted through public  
10 testimony, and we'll start the public testimony part  
11 of the hearing.  
12 MR. RICHARDS: Madam hearing officer, if I  
13 may interject. We're getting some comments that the  
14 Zoom is having an echo and we're wondering if  
15 perhaps there's a laptop that's connected that has  
16 its microphone on that's picking up a feedback loop,  
17 if we could have folks check that so that we can try  
18 to fix that audio for the folks that are tuning in  
19 via Zoom.  
20 MS. DUBLIN: Yes. Can we make sure there  
21 is -- I'm going to mute everyone.  
22 MR. RICHARDS: Okay. We're hearing that  
23 it's already gotten better.  
24 MS. DUBLIN: It's fixed? There's one  
25 more. Okay. If anyone who is participating

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1 remotely has their -- is not on mute, please mute  
2 your -- your device so that there's no echo. Is  
3 that better? That's better. Okay.  
4 MR. RICHARDS: I believe so.  
5 MS. DUBLIN: Thank you. Okay.  
6 I also, as part of this hearing, tomorrow  
7 we're going to have a site visit, and it will be  
8 recorded, and it will be made available on the  
9 Department of Lands website as that -- the rest of  
10 the record's been available on.  
11 I will prepare a recommended order for the  
12 Director of Lands within 30 days of the close of the  
13 record. That will also be on the public website.  
14 And I'll make a recommendation based on the evidence  
15 that's in the record and the -- the law and the  
16 rules that I have to apply.  
17 I covered snapping, recording, please sign  
18 in. All right. With that, we can get started. Mr.  
19 Richards, do you plan to call any witnesses?  
20 MR. RICHARDS: Yes, madam hearing officer.  
21 We currently plan to call one witness, which will be  
22 Mike Ahmer.  
23 MS. DUBLIN: Mike Ahmer, okay. Would you  
24 like to question from there, or would you like to  
25 come up here?

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1 MR. RICHARDS: I think we may have Mike  
2 come up there so that the microphone can pick him  
3 up.  
4 MS. DUBLIN: Perfect.  
5 MR. RICHARDS: As an initial matter, did  
6 we want to address any exhibits to --  
7 MS. DUBLIN: Yes, thank you.  
8 MR. RICHARDS: -- before diving into  
9 witnesses?  
10 MS. DUBLIN: Yes. I have received the  
11 State's exhibits and the exhibits intended to be  
12 presented by the applicant. Have you had an  
13 opportunity to discuss if you have any objections?  
14 MR. RICHARDS: Madam hearing officer, I've  
15 reviewed the applicant's proposed exhibits and have  
16 no objection.  
17 MS. DUBLIN: Okay. Applicant's exhibits  
18 will be admitted. They are -- they include the  
19 PowerPoint Presentation that will be -- is that  
20 true? Are you admitting --  
21 MR. HISLOP: Yes.  
22 MS. DUBLIN: -- the PowerPoint? Okay. So  
23 --  
24 MR. HISLOP: That's Exhibit 8, madam  
25 hearing examiner.



<p style="text-align: right;">Page 14</p> <p>1 MS. DUBLIN: Exhibit 8?</p> <p>2 MR. HISLOP: Yes.</p> <p>3 MS. DUBLIN: Okay. And Applicant's</p> <p>4 Exhibits 001 through -- I see.</p> <p>5 MR. HISLOP: 008.</p> <p>6 MS. DUBLIN: Yeah. 009 shall be admitted.</p> <p>7 Okay.</p> <p>8 (WHEREUPON, the Applicant's Exhibits 1</p> <p>9 through 9 are admitted)</p> <p>10 MR. HISLOP: And madam hearing examiner, I</p> <p>11 reviewed Government's exhibit list, and I also have</p> <p>12 no objection or stipulate to their admission.</p> <p>13 MS. DUBLIN: Okay. Thank you. And I</p> <p>14 apologize. I think I got the order wrong. The</p> <p>15 applicant goes first.</p> <p>16 MR. HISLOP: I think typically the</p> <p>17 applicant will go first.</p> <p>18 MS. DUBLIN: Yes. I apologize. Okay.</p> <p>19 And the State's Exhibits 1 through 25 shall be</p> <p>20 admitted.</p> <p>21 (WHEREUPON, the State's Exhibits 1 through</p> <p>22 25 are admitted)</p> <p>23 MR. RICHARDS: And just for the record as</p> <p>24 they're labeled, it's IDL001 through IDL0025.</p> <p>25 MS. DUBLIN: Correct.</p>	<p style="text-align: right;">Page 16</p> <p>1 the comments they receive from other agencies and</p> <p>2 their complete application is online.</p> <p>3 After they get done having their hearing</p> <p>4 and introducing all the evidence into the record and</p> <p>5 asking each other questions, if they have clarifying</p> <p>6 questions because the Department of Lands has to</p> <p>7 make a decision, a recommendation in this</p> <p>8 proceeding, as well, then the public will get to</p> <p>9 testify to whatever position the public has.</p> <p>10 If -- if you have personal feelings, if</p> <p>11 you have experience, if you have, you know, any type</p> <p>12 of information to provide to assist the hearing</p> <p>13 officer in making this decision pursuant to the laws</p> <p>14 and the regulations, that's what you would testify</p> <p>15 to,</p> <p>16 UNIDENTIFIED SPEAKER: And I'm assuming or</p> <p>17 we're to assume they're asking for a variance above</p> <p>18 and beyond the existing regs of whatever is 7-to-1?</p> <p>19 MS. DUBLIN: No.</p> <p>20 MR. HISLOP: Yes.</p> <p>21 MS. DUBLIN: Go ahead.</p> <p>22 MR. HISLOP: No. The 7-to-1 that you're</p> <p>23 referring to is for a community dock. A private</p> <p>24 community dock gets 7 square feet for every lineal</p> <p>25 feet of shoreline they own. This is a commercial</p>
<p style="text-align: right;">Page 15</p> <p>1 MR. RICHARDS: And I will note for the</p> <p>2 record that there are public comments contained</p> <p>3 within our exhibit admissions, but we are still</p> <p>4 receiving public comment until December 27th, as the</p> <p>5 hearing officer noted. And anything that we will</p> <p>6 receive will be provided to the Office of</p> <p>7 Administrative Hearings and be part of the record.</p> <p>8 MS. DUBLIN: Thank you. Okay. Mr.</p> <p>9 Hislop, do you have any witnesses or just a</p> <p>10 presentation?</p> <p>11 MR. HISLOP: No witnesses, madam hearing</p> <p>12 examiner. It's just a presentation.</p> <p>13 MS. DUBLIN: Okay.</p> <p>14 UNIDENTIFIED SPEAKER: Ma'am, I got one</p> <p>15 question real quick as somebody out in the audience.</p> <p>16 Are we getting -- is this an informational meeting,</p> <p>17 or we just say how we feel about something or -- I</p> <p>18 guess what I'm asking, are they asking for like a</p> <p>19 variance to the existing guidelines, and then you're</p> <p>20 going to judge that? Trying to figure out what our</p> <p>21 testimony should look like when we're done.</p> <p>22 MS. DUBLIN: So their application is</p> <p>23 requesting an enlargement of the marina. And they</p> <p>24 have submitted the application materials, which are</p> <p>25 online for public viewing, as well as the -- all of</p>	<p style="text-align: right;">Page 17</p> <p>1 marina, and so there are no variances being</p> <p>2 requested. This is just a normal marina</p> <p>3 application.</p> <p>4 But because it's available to the public</p> <p>5 and public objective, we're having a public hearing</p> <p>6 to discuss the application.</p> <p>7 UNIDENTIFIED SPEAKER: Okay.</p> <p>8 MS. DUBLIN: Sorry. Thank you.</p> <p>9 UNIDENTIFIED SPEAKER: And hearing</p> <p>10 officer, can we ask questions to the applicant</p> <p>11 boards at Idaho Department of Lands, as far as what</p> <p>12 the application was? There were some comments and</p> <p>13 some drawings within the application. Can we ask</p> <p>14 questions to clarify that?</p> <p>15 MS. DUBLIN: Well, technically, the rules</p> <p>16 don't permit the audience to cross-examine the</p> <p>17 witnesses. But once we get through the entire</p> <p>18 process, they may clarify what the -- you know, what</p> <p>19 your questions were, as well as I'll ask questions</p> <p>20 and -- but -- and I'm certainly open to a certain</p> <p>21 amount of questions.</p> <p>22 UNIDENTIFIED SPEAKER: Right.</p> <p>23 MS. DUBLIN: But I really do want to allow</p> <p>24 the public to testify, because that's the main --</p> <p>25 UNIDENTIFIED SPEAKER: For example, their</p>

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1 application stated that they were -- they were  
2 expanding within their current encroachment barrier.  
3 And looking at the drawings, it's going 96 feet  
4 further into the river. And so that -- that really  
5 puzzled me. And so I was just wondering how do we  
6 ask those types of questions?  
7 MS. DUBLIN: Well, I think we have to wait  
8 and see what the presentation is.  
9 UNIDENTIFIED SPEAKER: Okay.  
10 MS. DUBLIN: And then we can address that.  
11 You may proceed.  
12 MR. HISLOP: Thank you.  
13 Good evening. My name is Scott Hislop.  
14 I'm counsel for StanCraft, an affiliate of the  
15 applicant, and I've got a presentation to go through  
16 for you here tonight.  
17 So to start out, I want to give -- make  
18 sure we're all talking about the same thing and one  
19 in particular, madam hearing examiner, you  
20 understanding where we are and where we're talking  
21 about. So the picture on the left -- most of you in  
22 the audience know this already -- the picture on the  
23 left is an overall picture of Coeur d'Alene Lake,  
24 and one can see the Spokane River --  
25 UNIDENTIFIED SPEAKER: Can you turn up the

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1 mic or talk into it? It's hard to hear you.  
2 UNIDENTIFIED SPEAKER: Or both? Yes.  
3 UNIDENTIFIED SPEAKER: The mic is not very  
4 loud.  
5 MR. HISLOP: How's that? Perfect.  
6 All right. So looking at the picture on  
7 the left, Coeur d'Alene Lake is there, and then the  
8 Spokane river runs out of it running west. The blue  
9 square identifies the approximate area on the river  
10 where our marina sits. The picture on the right is  
11 a close up of the marina area. The blue square to  
12 the right of that photo is identifying the marina  
13 itself, Marina 33.  
14 The pink area that we have identified on  
15 the picture to the right is the no-wake zone in that  
16 particular area. One can find information on the  
17 no-wake zone at the Kootenai County website, which  
18 is [KCgov.us/448/boating-rules-regulations](http://KCgov.us/448/boating-rules-regulations). In  
19 there, it defines a no-wake zone as anything under 5  
20 miles an hour.  
21 Also important to note on the river, so  
22 looking at the picture on the left, the entire area  
23 of the river has a speed limit. And that speed  
24 limit during the day is 35 miles per hour. The  
25 speed limit at night is 25 miles per hour.

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1 There are some other areas or identifiers  
2 on the river specifically that require no-wake zone,  
3 that is within 100 feet of the shoreline, 100 feet  
4 of a dock, 100 feet of a pier, a breakwater, or any  
5 person in the water. Anytime a boat is within that  
6 distance of those items, they're to go down to a no-  
7 wake zone.  
8 No, it's not. On the river, it's 100. On  
9 the lake, it's 200.  
10 UNIDENTIFIED SPEAKER: They changed it.  
11 MS. DUBLIN: Excuse me. We're going to  
12 let him do his presentation.  
13 MR. HISLOP: All that information --  
14 MS. DUBLIN: If you have -- if you have  
15 public comment, you can state it during your time to  
16 speak.  
17 UNIDENTIFIED SPEAKER: We just want  
18 factual comment.  
19 MR. HISLOP: You can find this information  
20 at [www.KCgov.us/448/boating-rules-regulations](http://www.KCgov.us/448/boating-rules-regulations).  
21 Site history. This particular location  
22 has been a marina and a hotel since about 1986. The  
23 marina was put together in conjunction with the  
24 hotel. And there's been a number of permits that  
25 have allowed the marina to be in place. Those have

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1 been changed throughout time as they were assigned.  
2 The number stays the same, except the last marking  
3 at the end. Here you can see Mike at the end, and  
4 that is the assignment number that we received upon  
5 purchase.  
6 So this area has been used as a marina and  
7 a hotel for 40 years, approximately. The ship store  
8 has been in existence for decades. (Indiscernible)  
9 Fuel has been there for decades. And as I said, we  
10 recently received an -- the assignment of that  
11 encroachment permit.  
12 The picture on the left here is  
13 identifying the permit that was the previous owners.  
14 Picture on the right is showing a snapshot or a  
15 cutout of the permit we received in our assignment.  
16 And I want to identify the area of our encroachment.  
17 Here, looking at the picture on the left, one can  
18 see that the encroachment is defined or goes from  
19 the bulkhead to the ramp to the walkway to the dock  
20 enclosures, seven wings.  
21 Here, it's identified as 168 slips. There  
22 are some side ties, which increase the number.  
23 There's a cruise boat landing, and there is a ship  
24 store fuel system, including sealed pump and  
25 sensors. There's also -- it runs to the southwest

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1 in the area identified as the log boom southwest of  
2 the marina. That's the area of the permit.  
3 Looking to the right, what did we receive  
4 in our assignment? We received the same distance.  
5 It's just shown differently. We have the bulkhead,  
6 the ramp, the slips, the swim area, the ship's door,  
7 the log boom, which here they're calling the  
8 breakwater. Remember that name, the breakwater --  
9 the breakwater, because that is the southwest edge  
10 of our encroachment area.  
11 Some history of the area. 1954, this is a  
12 photo. As one can see, it's naked land. It's the  
13 start of some logging. You can see the log raft  
14 there. And one can see in the center running down  
15 the picture, a log man. In '75, we can see a much  
16 larger log raft. One can still see the log boom.  
17 One can also start to see the outline of the area  
18 where the log raft could be expanded.  
19 In 1981, one can still see the log raft.  
20 There is some -- some residential development  
21 happening, condominiums there, next to the log raft,  
22 so center top of the photo. One can also see the  
23 area where the log raft is in front of what will  
24 become the hotel and the marina. I draw your  
25 attention to the circle at the center top left of

Page 23

1 the photo. There's a small log raft there which is  
2 attached to a log boom.  
3 In 1998, one can see that the logging  
4 business is slowing down, and we're going more  
5 towards the residential. You -- one can see the --  
6 on the right-hand side the homeowners group that's  
7 over there is in development, not yet developed.  
8 The hotel is now in play. Parking one can see, and  
9 the marina one can see. One can also see with that  
10 highlighted that circle in the center left of the  
11 photo, the log raft along with that log boom.  
12 In 2004, identifying again, now to the  
13 right the neighborhood is developed. Marina is  
14 still where it is with the ship store. And one can  
15 see the highlighted circle identifying the log raft  
16 along with the log boom, which we now know looking  
17 at the description of our encroachment permit is the  
18 breakwater.  
19 In 2009, one can see the same photo, again  
20 transition from logging into recreational use,  
21 boater use, and residential use. The circle  
22 identifies that same log raft and the breakwater.  
23 One can also see in this photo southwest of the  
24 breakwater a boat traffic traveling, indicating that  
25 the line of navigability is southwest of the

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1 breakwater.  
2 2024, identifying with a circle in the  
3 center of the photo is the log raft attached to the  
4 log boom, again our breakwater. Again, the photo  
5 identifying here is the no-wake zone. This is not  
6 travel. This is permanent no-wake zone. So anybody  
7 coming in this area is to be at 5 miles an hour or  
8 less.  
9 Looking at -- let me go back one photo for  
10 a second. Looking at this photo again, I've  
11 mentioned the line of navigability. Within the  
12 adaptive code, line of navigability is defined as a  
13 line established -- of a low water mark established  
14 by the length of existing legally permitted  
15 encroachments.  
16 The purpose of application, why -- why did  
17 we file an application. Before I can get there,  
18 IDAPA 20.03.04.05 talks about reconfiguration. The  
19 word expansion is one that I think has some  
20 political hype to it. The code calls it  
21 reconfiguration. So I'm going to go through what a  
22 reconfiguration in our eyes is.  
23 Reconfiguration is the rearrangement of a  
24 community dock or a commercial navigational  
25 encroachment. And in that code, it says that it may

Page 25

1 not require a new application for encroachment  
2 permit if the changes are internal only. This dock,  
3 this marina is a commercial encroachment. It's not  
4 a community dock.  
5 There are some criteria in that code that  
6 say when an encroachment or when an application is  
7 required or things we should look at and meet with  
8 IDL to see whether or not an application is needed,  
9 those items include did the overall area the -- of  
10 the encroachment change, was there an increase in  
11 square footage, and was the entrance and exit of the  
12 area modified.  
13 I want to go back to the second one, is  
14 there an increase of square footage. That only  
15 applies to a community dock. It does not apply to a  
16 commercial navigational dock.  
17 In this -- in this case, I've identified  
18 already where the -- the legal description of our  
19 encroachment is. That goes southwest to the  
20 breakwater. Our reconfiguration will go up to the  
21 breakwater and include the breakwater. We're not  
22 going past the breakwater. So why are we even here?  
23 We could -- we could do this application -- or we  
24 could do the change without reconfiguration, without  
25 an application, but for a couple factors.

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1 Those factors are if we're taking our  
2 commercial dock and we're adding some private  
3 moorage to it, right. So we're asking in our  
4 application that part of our marina be used for  
5 private moorage. That would take it outside of this  
6 exception for the -- the reconfiguration.  
7 The other exceptions that apply here are  
8 if there's a non-navigational aid that's being  
9 moved. In this case, the ship store is being moved  
10 onto the dock and towards the waterbed, as well as  
11 the sheriff's garage is being moved upriver. So  
12 that's why we're here. Otherwise, we wouldn't need  
13 to have an application.  
14 In addition to the -- the legal  
15 requirements or the IDAPA code requirements, we  
16 believe that going through this application process  
17 and making this change in the reconfiguration, as I  
18 have on the board, expands marina offerings for  
19 slope access to residents of Idaho, provides private  
20 moorage options in Post Falls, and improves the fuel  
21 and ship store offerings to the public with better  
22 conditions for the staff and then improving safety  
23 on the water. As I mentioned, we're -- we're asking  
24 for this commercial marina to add provide moorage.  
25 The other two items I also identified already, the

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1 relocation of the ship store and the sheriff's boat  
2 craft.  
3 When asking for these things, what is it  
4 that we have to show? There's a burden of proof,  
5 and there is a standard by which that burden is met.  
6 We are the applicant, so we have the burden to show  
7 that we have completed the elements that are in  
8 IDAPA. The burden of proof and the -- the standard,  
9 the standard of which is the preponderance of the  
10 evidence. That's a standard that is more likely  
11 than not we've satisfied the elements.  
12 The other legal concept that is important  
13 to think about and deal with here is the public  
14 trust doctrine. The public trust doctrine is a  
15 foundational element and in simple non-legal terms,  
16 it is the rule that places use of the state's  
17 navigable waterways in the hands of the state to  
18 ensure that all citizens of the state are able to  
19 use the waterways for boating, swimming, fishing,  
20 and recreational purposes. That's Idaho code.  
21 I want to highlight one of the public  
22 comments that came in. This is from Mr. Jeff Tylor.  
23 His quote is he lives in Harbor Island in the  
24 Spokane River. He has many friends who can't find  
25 slips for their boats, and there's a shortage for

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1 many of those who love to use the waterways. And he  
2 believes that 100 slips won't be noticed in the  
3 miles of river and the acres of lake.  
4 Also in public comment is a letter from  
5 Mayor Jacobson from -- from Post Falls. That's at  
6 the Applicant's Exhibit 001-34. Therein, the mayor  
7 says: I've received -- excuse me. I've reviewed  
8 the applicant's plans to reinvigorate the marina by  
9 providing additional slips and publicly accessible  
10 boardwalk and believe that these improvements will  
11 be benefit the residents of Post Falls by increasing  
12 public access to the river, which is part of what  
13 makes living in North Idaho so desirable.  
14 Currently, we have an existing commercial  
15 marina. This picture shows in 2004, the summer of  
16 2004 -- sorry, I can't make it a little bit bigger.  
17 This picture is showing and identifying the marina  
18 slip covers that were new and improved, the massive  
19 landscaping projects that we overtook when we took  
20 over this from the previous owners. Along the  
21 waterway, there's -- there's a lot of dead trees,  
22 overgrown bushes, shrubs. We cleaned that up.  
23 Looking over by the beach and sandy area,  
24 again there were some overgrown (indiscernible),  
25 some dead trees, a lot of dead grass. We removed

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1 all of those, pulled them all out, cleaned it all  
2 up, put irrigation in, re-sodded and grassed the  
3 area. So tomorrow, if you have the time and madam  
4 hearing examiner when you go there, you'll see that  
5 there's been substantial investment in resources,  
6 energy, time, and money to make this area look  
7 better for the people of Post Falls and the  
8 community.  
9 On this picture, I also want to take a  
10 second and identify the log boom that one can see on  
11 the breakwater. The ship store is on its own little  
12 dock outside of the main docking area, and one can  
13 see the sheriff's boat garage on the exterior of the  
14 dock on the interior of the breakwater.  
15 This is the proposed -- this is the  
16 proposed reconfiguration. One can see in this photo  
17 that the ship store on the -- in this picture the  
18 lower right side is moved from its own independent  
19 dock, which is an appendage sticking out from the  
20 dock, and moved onto the dock. The idea and the  
21 concept, people can come up to the side of the dock  
22 without having the appendage. It's easier to dock,  
23 easier to maneuver, and easier to have people flow  
24 in and out.  
25 The location where the ship store dock

<p style="text-align: right;">Page 30</p> <p>1 attaches is the same location that it comes off of 2 currently. The breakwater here is also used as a 3 dock for day use. People who want to come and get 4 some food or something else can pull up and be on 5 the dock. The star, you can barely see it there, is 6 identified -- that's the sheriff's garage. And one 7 can see that it's inside the breakwater. 8       So again -- again, we're here for -- for 9 three reasons. One, the first one, we have a 10 commercial marina, and we'd like to add private 11 moorage reconfiguration. That's one of the 12 exceptions to the reconfiguration rule in our burden 13 of proof is that we need to meet the elements that 14 are laid out in IDAPA. And the standard we have to 15 meet is the preponderance of the evidence standard. 16       What are the standards we have to meet? 17 The commercial marina reconfiguration standards are 18 found in a IDAPA 20.03.04.015.03. Some of those 19 that are in that particular section don't apply, and 20 so I didn't include them. So you'll find some there 21 that don't apply to us. 22       Those that do apply, conversion of the 23 private moorage. Over 50 percent of the moorage 24 will remain for the public use with lease that's 25 less than one year or one year. And available slip</p>	<p style="text-align: right;">Page 32</p> <p>1 government, IDL, they can certainly confirm 2 satisfaction of the conversion of the 50 percent. 3 It confirmed that we have available slips in size 4 and quality. They confirm access to public road. 5 There's an easement for parking, an easement for 6 ingress and egress on record. 7       In the applicant's application and in our 8 preparing statement, the applicant is the owner. 9 The applicant has demonstrated through significant 10 investment in -- in economic and personnel that they 11 have the ability to run. I think most of you, if 12 you went across -- if you're across the river or if 13 you're next to the marina, if you went there today 14 or you were there in the summer, you'll -- you'd 15 have to admit that this summer, the marina looked a 16 lot better than it did the summer before, summer 17 before that, summer before that, and the summer 18 before that. 19       The second thing we're asking to do is 20 move to non-navigational aid. We're asking to move 21 the ship store. We're asking to take the ship store 22 off of its own dock and move it onto a new dock, 23 again making it flat, making it easy for people to 24 come up and park. One of the things that we have to 25 do for non-navigational aid is we have to show that</p>
<p style="text-align: right;">Page 31</p> <p>1 offerings have to be of equal size and quality, 2 meaning if we're going to put something out for sale 3 and have someone privately own a slip, it has to be 4 of equal size and quality as one that we rent. And 5 we also have to make sure we have enough for those 6 who want to rent to rent, so 50/50. 7       There's a parking requirement. Parking 8 requirement is that which is set up in -- in Post 9 Falls. Post Falls doesn't have a parking 10 requirement. So as default, it's a 1-to-1 for 11 ownership and a 1-to-2 for rentals. 12       Access to the public road. If it's going 13 to be a rental or a commercial marina that's not 14 owned, those people who are in the public have to 15 have access. So we have to make sure there's either 16 a road or an easement ingress and egress to get 17 access. 18       Finally, there has to either be an entity 19 or ownership of the preparing rights, the upland 20 rights, a submerged land leaseholder that is capable 21 of running a marina. And so those are the elements 22 that we need to show by preponderance of the 23 evidence. 24       Through our application and through review 25 of that in the pre-hearing statement by the</p>	<p style="text-align: right;">Page 33</p> <p>1 there is a major benefit in one of three areas, 2 either economic, social, or environmental. And 3 that's in IDAPA. 4       So what are the ship store benefits or the 5 movement of the ship store benefits? Here, I think 6 there's -- we've showed the no-wake zone, but there 7 -- there was evidence of people who would come 8 downriver that would not slow down at the buoys. 9 And they come into the no-wake zone going in excess 10 of 5 miles an hour. So we believe that having the 11 ship store moved to the edge of our encroachment 12 area will be a visual cue that is in addition to the 13 buoys that helps people recognize that it is a no- 14 wake zone. 15       Again, I've said this before, but 16 providing improved safety and general flow for 17 customers, for the public, getting gas and 18 recreational items, moving in and out without having 19 the -- the ship store on its own dock is just an 20 easier way to navigate. 21       Economically, there are some benefits, 22 major benefits, economically for the ship store. 23 Having access to a ship store that is easy to get 24 into, people want to get into and utilize increases 25 revenue for the state. Our lease, public record,</p>



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1 our lease we pay a percentage of gross revenue to  
2 the state of Idaho. So when people buy things from  
3 us, we pay the state.  
4 That being said, there's also increased  
5 revenue for the applicant and for Post Falls, right.  
6 We want business to go well so we make money. We  
7 also want business to go well so the state of Idaho  
8 makes money and the state -- and the city of Post  
9 Falls make some money.  
10 Economically, it's more efficient for  
11 customers and customer service. And this area, like  
12 I said, this ship store has been there for 40 years  
13 -- or just shy of 40 years. And it's been a  
14 pipeline for younger people. And some are going to  
15 have own business to do business to participate and  
16 to learn what it takes to work.  
17 Environmentally, we find that there's a  
18 benefit in our process and the request that we're  
19 making, a major one in that the fuel lines won't be  
20 renewed. They're going to be -- we're going to keep  
21 the ones that are there. We did some improvements  
22 before already. We don't need to extend, and we  
23 don't need to make anything go longer. We keep the  
24 fuel where it is so we don't have to disconnect and  
25 rerun the lines in the water.

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1 Ship store relocation. This photo  
2 identifies where the current ship store sits. It's  
3 in red. This is an overlay. So this is our  
4 proposed reconfiguration. One can see at the far  
5 end, 25, that's where the breakwater currently is.  
6 Our breakwater falls over the top of the existing  
7 breakwater, and then the new ship store location  
8 comes to be in the green there. So we're not moving  
9 it very far. We are making it more accessible and  
10 safe for boaters to -- to go in and out.  
11 The third thing we're asking for, and it  
12 put us here in the application process, is the  
13 movement of the non-navigational aid, the sheriff's  
14 boat garage. In looking at IDL's pre-hearing  
15 statement, they determined that this relocation is  
16 not -- is within the existing footprint and a  
17 permit's not required. So we almost can take this  
18 one off. At least they've argued that -- that we  
19 can do that.  
20 I put this slide up so we can walk  
21 through, because I do think there is a major social  
22 benefit to have the movement of the boat garage from  
23 where it currently sits to where it would go in our  
24 reconfiguration. So madam hearing examiner, even  
25 though government said we're good to go, I'm going

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1 to walk through a couple steps for us.  
2 So the major social benefits that we  
3 believe moving the sheriff's boat garage, one, the  
4 sheriff needs storage, right? If we can't move it,  
5 it goes somewhere else, and the sheriff needs some  
6 place to put their things. And a second thing for  
7 the social area, those of you who live in the area,  
8 it's nice having the sheriff in that part of the  
9 river. Those people who don't pay attention if the  
10 -- if the sheriff is around, that's great.  
11 Having the sheriff at our marina helps  
12 with reaction times on the west end of the river.  
13 And finally, having the sheriff in our marina aids  
14 in the fulfillment of StanCraft's Emergency Services  
15 Memorandum of understanding that we have with  
16 Kootenai County, where we've agreed to assist the  
17 sheriff and other first responders with our marinas  
18 and our services for any sort of emergency that  
19 happens. So we want them there.  
20 This photo is of the relocation of the  
21 sheriff boat garage. Again, the current location is  
22 in red. The proposed location is in green. One can  
23 see movement is not very far.  
24 This is -- this is that quote I read  
25 earlier from Mayor Jacobson. I believe this quote

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1 answers any questions that might be out there,  
2 whether or not this application, if permitted, is in  
3 line with the public trust doctrine. Again, this  
4 quote reads: I reviewed the applicant's plans to  
5 reinvigorate the marina by providing additional  
6 slips and the publicly accessible boardwalk and  
7 believe that these improvements will benefit the  
8 residents of Post Falls by increasing public access  
9 to the river, which is part of of what makes living  
10 in North Idaho so desirable.  
11 Our application and the exhibits in the  
12 record, I believe, stand in themselves and the  
13 elements have been met by a preponderance of the --  
14 the evidence and the standards that we're required  
15 to do. It is our desire as the applicant, as 414 PF  
16 Hospitality, Templin's, Marina 33 to operate a safe,  
17 environmentally conscious, and clean commercial  
18 marina to serve the public.  
19 We have shown that all the IDAPA standards  
20 have been met and exceeded. We look forward to  
21 continuing to serve our customers and look forward  
22 to serving many more Idaho citizens and providing  
23 clean, safe, enjoyable access to the Spokane River  
24 river and Lake Coeur d'Alene.  
25 Madam hearing examiner, do you have any



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1 questions?

2 MS. DUBLIN: I'm going to let the IDL go

3 first.

4 MR. RICHARDS: Madam hearing examiner, I

5 don't have any additional questions.

6 MS. DUBLIN: Okay. Just I had a question

7 about your -- the applicant's LLC organization

8 documents. Do -- is there something in the

9 documents that talks about running -- is the

10 existence of the LLC to run the marina or is it --

11 you know, are there articles of incorporation or

12 bylaws --

13 MR. HISLOP: Yes.

14 MS. DUBLIN: -- that talk about what the

15 -- the role is of the agency in the marina?

16 MR. HISLOP: There's not anything

17 specifically that says that. And the -- there is

18 the certificate -- a formation for the LLC that is

19 attached with the lease which is the leasehold

20 interest which runs the marina and pays the rent

21 based on operating the business out of the marina.

22 But there is not a sentence that says it is

23 authorized to run a marina. We simply do it.

24 MS. DUBLIN: So I guess what I'm saying is

25 what -- under the articles of incorporation, what's

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1 the purpose of the business listed? What's the --

2 MR. HISLOP: It's a very broad, general

3 LLC formation document that says it's to do all

4 things that it wants to legally. So in answer to

5 your question, by action, it owns the land. It has

6 the senator's land lease. It has the rent from

7 slips that are being paid. It has the ship store.

8 It does all of the things that running a marina

9 does.

10 MS. DUBLIN: Okay. And from my

11 edification, what exactly does the ship store do? I

12 -- I heard you say it provides gas.

13 MR. HISLOP: The gas tanks are outside the

14 ship store. The ship store has whistles, has life

15 jackets, has hats, T-shirts, gum, candy.

16 MS. DUBLIN: As part of the movement, are

17 you including the gas -- are these gas tanks like

18 hooked up to -- to gas, or are they just tanks?

19 Like --

20 MR. HISLOP: No, no.

21 MS. DUBLIN: Describe them for me.

22 MR. HISLOP: They're -- sure. It's a

23 dispenser.

24 MS. DUBLIN: Okay.

25 MR. HISLOP: One locks up. If you pulled

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1 up on your boat alongside our dock and wanted to

2 fill your boat with gas, you could take your credit

3 card, go to the iPod station -- station there, put

4 your cart in, get how much gas you want, put the

5 hose in like you would your car, and it goes into

6 your boat.

7 MS. DUBLIN: And are those moving as part

8 of the ship store movement?

9 MR. HISLOP: They will go onto the main

10 dock, because they're currently on the island dock.

11 But they're not extending, and they're not going

12 anywhere else.

13 MS. DUBLIN: And that's regulated by?

14 MR. HISLOP: DEQ.

15 MS. DUBLIN: DEQ, okay. That's outside of

16 IDL?

17 MR. HISLOP: Correct.

18 MS. DUBLIN: Okay. That was the only --

19 those were the only questions that I had at this

20 time.

21 MR. HISLOP: Thank you.

22 MS. DUBLIN: Did you have any follow-up

23 questions?

24 MR. RICHARDS: No follow-up.

25 MS. DUBLIN: Okay.

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1 MR. KENT: Madam hearing officer, if the

2 Idaho Department of Lands is not going to ask any

3 questions, can the public ask questions to the

4 applicant, as there were a number of statements of

5 fact that were -- were put into -- into the record?

6 But --

7 MS. DUBLIN: So as part of your --

8 MR. KENT: -- we disagree with those

9 statements.

10 MS. DUBLIN: -- testimony you can clarify

11 that you feel that the statements of fact are

12 incorrect.

13 MR. KENT: Yeah. Yeah. There are just so

14 many statements of the fact that were incorrect. I

15 would like -- it would be nice to go over each slide

16 and call them out.

17 MS. DUBLIN: And you can do that in your

18 testimony.

19 MR. KENT: Okay.

20 MS. DUBLIN: Sorry. My battery's dying on

21 my computer. I have to fix that. I thought it was

22 plugged into something, but it's not.

23 THE REPORTER: If you say anything from

24 the crowd, you need to state your name so I know

25 who's talking. Please state your every time you say

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1 something.  
2 MR. KENT: Yes. Yes.  
3 THE REPORTER: Okay.  
4 MR. KENT: So my name is Ed Kent. Just  
5 wondering if we can show the slides later so we can  
6 ask the applicant to clarify?  
7 THE REPORTER: I'm not doing the slides,  
8 but --  
9 MR. KENT: I haven't seen the slides  
10 prior.  
11 UNIDENTIFIED SPEAKER: Yeah, neither have  
12 I.  
13 MR. KENT: I've not seen the slides prior,  
14 so I just want to make sure that we're.  
15 UNIDENTIFIED SPEAKER: Are they a matter  
16 of public record, the slides?  
17 MR. HISLOP: They're on our website.  
18 UNIDENTIFIED SPEAKER: They're on your  
19 website?  
20 MR. HISLOP: They will be, yes.  
21 UNIDENTIFIED SPEAKER: It will be.  
22 UNIDENTIFIED SPEAKER: Okay.  
23 UNIDENTIFIED SPEAKER: Just clarification  
24 like the lady up before the end of the public  
25 comment hearing.

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1 THE REPORTER: Okay. Just again, please  
2 state your name before you talk so I know who's  
3 talking.  
4 MS. DUBLIN: We may have to -- let's try  
5 that. We can see if that's even alive. What is  
6 this plugged in to? That's definitely live. Let's  
7 try that. Let's plug this into that. Getting  
8 power, just needs a second. It died. Apologize for  
9 the delay. Oh, here we go. Life.  
10 Okay. Apologize for the delay there. If  
11 you're on Zoom, can you hear me?  
12 UNIDENTIFIED SPEAKER: Said they're good  
13 now.  
14 MS. DUBLIN: They're good, okay. Great.  
15 Get started again.  
16 So Mr. Richards --  
17 MR. RICHARDS: Yes.  
18 MS. DUBLIN: -- you called Mr. Ahmer?  
19 MR. RICHARDS: Yeah, one note. If we  
20 could recommend going through and making sure that  
21 everyone's muted so the audio stays --  
22 MS. DUBLIN: Okay.  
23 MR. RICHARDS: -- good on the Zoom.  
24 MS. DUBLIN: Can you please make sure that  
25 if you are on Zoom that you are muted to make sure

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1 that the audio is clear? I think I muted everyone.  
2 There we go. Okay. Thank you.  
3 MR. RICHARDS: Thank you.  
4 MS. DUBLIN: You may call your first  
5 witness.  
6 MR. RICHARDS: Yes. And I will call Mike  
7 Ahmer as the Department of Lands first witness.  
8 MS. DUBLIN: Thank you. Mr. Ahmer, can  
9 you raise your right hand?  
10 Do you swear -- swear or affirm to tell  
11 the truth, the whole truth, and nothing but the  
12 truth in your testimony today?  
13 MR. AHMER: I do.  
14 MS. DUBLIN: Thank you.  
15 You may proceed, Mr. Richards.  
16 MR. RICHARDS: Thank you.  
17 Mr. Ahmer, can you state your name for the  
18 record?  
19 MR. AHMER: My name is Mike Ahmer, spelled  
20 A-H-M-E-R.  
21 MR. RICHARDS: And what is your position  
22 with the Idaho Department of Lands?  
23 MR. AHMER: I am the resource supervisor  
24 for the Navigable Waterways Program in North Idaho.  
25 MR. RICHARDS: And are you familiar with

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1 the project that's being discussed today?  
2 MR. AHMER: Yes, I am.  
3 MR. RICHARDS: And could you please --  
4 UNIDENTIFIED SPEAKER: Excuse me, sir.  
5 Did not hear the question.  
6 MR. RICHARDS: Sorry. Was that --  
7 UNIDENTIFIED SPEAKER: Your question is  
8 not loud enough.  
9 MR. RICHARDS: Okay.  
10 MR. RICHARDS: And could you please share  
11 with us your assessment of the project?  
12 MR. AHMER: Yes, I will. I first like to  
13 thank everyone that's here today. This is what this  
14 process is all about. When we have these type of  
15 applications, we solicit public comment, as well as  
16 agency comment. And if we have an objection, we  
17 come into a public hearing where we want to hear  
18 people's opinions and thoughts. So I'd like to  
19 thank you for taking your time out for today.  
20 I did hear some grumblings during the  
21 testimony, particularly when it came to the no-wake  
22 zone. I wanted to make a comment about that, if I  
23 could. I believe the applicant is correct about the  
24 no-wake zone being 100 foot on the rivers. But  
25 there was a resolution, 2021-63 amended, as well as

<p style="text-align: right;">Page 46</p> <p>1 resolution 2020-38, which was the Kootenai County 2 Waterways Restricted Zone designation, that may 3 there be a no excessive wake zone on the Spokane 4 River at 150 feet. So I just wanted to clear that 5 up before I get into my statement. 6 Also, wanted to point out that I -- I'm 7 reading a prepared statement. I will not go through 8 the entire document. This entire document is on our 9 website. The website is idl.idaho.gov/lakes- 10 rivers/administrative-hearings. You could also find 11 it just by going on our main webpage, clicking the 12 picture of the lake under navigable waters, and then 13 scrolling down and clicking the picture where it 14 says administrative hearings. And then this 15 particular hearing is the -- for the 414 PF 16 Hospitality. 17 That webpage is where all the documents 18 will be for this proceeding. The copy recording of 19 the hearing will be there. This statement in its 20 full will be there. And any other documents that we 21 received as part of the record will be there. And 22 then that's also where the final order will be. So 23 people can find everything for this project on our 24 website. 25 Okay. I'm going to get into my statement.</p>	<p style="text-align: right;">Page 48</p> <p>1 compliance with the LPA and rules, we have a rule 2 book, essentially, which we -- which is IDAPA 3 20.03.04. That is what we have to use when we deal 4 with any encroachment application, whether it was a 5 single family owner wanting to put a -- a dock in or 6 a boat lift or a water intake line or a community 7 dock or a commercial marina. 8 And in that IDAPA, there are standards in 9 that section for each individual encroachment type. 10 So that's -- the kind of the section that I glanced 11 over and skipped was approximately 10 pages of all 12 the rules and regulations that we looked at and we 13 reviewed as we processed this application. 14 Littoral ownership. The applicant is a 15 littoral owner and owns two adjacent parcels to the 16 Spokane River with a common address of 414 East 17 First Avenue, Post Falls. Both parcels appear to be 18 waterfront parcels with littoral rights. There are 19 no other parcels or roads between their parcels and 20 the ordinary high water mark. 21 The type of encroachment. The applicant 22 is seeking an encroachment permit to enlarge a 23 commercial marina, rebuild a fuel station building, 24 reinstall fuel lines and dispensers, relocate an 25 existing marine sheriff boat garage, and convert</p>
<p style="text-align: right;">Page 47</p> <p>1 I will skip the middle section of the statement, 2 which goes through all of the applicable rules, kind 3 of the legalese, if you will, and kind of just get 4 into the introduction and the conclusion. 5 So 414 PF Hospitality seeks an 6 encroachment permit to enlarge an existing 7 commercial marina with 100 additional slips, rebuild 8 a fuel station ship store, relocate the marine 9 sheriff's boat garage, and to provide 99 private 10 slips and 185 public slips on the Spokane River just 11 east of the Spokane Street Bridge. 12 To date, IDL has received agency responses 13 from Idaho Department of Environmental Quality, 14 Idaho Department of Fish and Game. IDL has also 15 received several comments from nearby landowners. 16 The application also includes a letter of support 17 from the Post Falls mayor. The public will have 18 opportunity to provide comment today at this 19 hearing, as well as the written public comment, 20 which will remain open until December 27, 2024. 21 So additional agency and public comments 22 may be forthcoming, and we will likely submit a 23 closing statement at the close of our at the close 24 of our -- at the close of that public record. 25 So skipping ahead to the IDL's analysis of</p>	<p style="text-align: right;">Page 49</p> <p>1 some of their moorage to private use. The 2 commercial marina expansion and conversion of 3 private moorage would be considered navigational 4 encroachments, while the relocation of the sheriff 5 boat garage, the fuel station building, and the fuel 6 lines and dispensers would be considered non- 7 navigational encroachments. 8 Shoreline length. The applicant's parcel 9 contains approximately 1280 feet of water frontage. 10 Line of navigability. The proposed 11 commercial marina expansion will extend farther out 12 into the river than the current existing marina. 13 The line of navigability, or LON, is based on the 14 current length of permitted encroachments in the 15 area. The difficulty in determining the line of 16 navigation for the project site is that there are 17 single family docks to the east, the site itself 18 contains an existing commercial marina and there's a 19 community dock to the west. 20 Commercial encroachments may extend beyond 21 the line of navigation if authorized to do so by 22 Department of Lands. Community docks and commercial 23 facilities typically extend much farther out into 24 the lake than a residential single family dock and 25 often extend beyond the line of navigation.</p>

<p style="text-align: right;">Page 50</p> <p>1           However, a long commercial facility 2 typically does not set the line of navigation. 3 Given the nature of the area and existing 4 encroachments, it appears the proposed encroachment 5 would extend beyond line navigation. There is an 6 existing log boom waterway of the existing current 7 marina that has remained from the days of the 8 sawmills on the river which serves as an impediment 9 to navigability. 10           The proposed marine expansion extends out 11 to but not beyond this old log boom which will be 12 removed by the applicant as part of this project. 13 Thus, the proposed encroachment will not extend out 14 further than an existing navigational impediment. 15 Additionally, the proposed and current marina sits 16 within a no-wake zone that extends from the Spokane 17 Street Bridge located west of the marina all the way 18 past the eastern edge of the marina approximately 19 550 feet. 20           IDAPA 20.03.04.015.13D does not impose 21 additional encroachment requirements beyond IDL 22 approval for proposed encroachment to extend beyond 23 line of navigation. If the project satisfies the 24 relevant encroachment standards and is approved, 25 such approval would include authorization from IDL</p>	<p style="text-align: right;">Page 52</p> <p>1 encroachment permits and a person who is 2 specifically granted littoral rights or dock rights 3 from a littoral owner shall also be eligible for 4 encroachment permit. 5           The grantor of such rights, however, shall 6 no longer be eligible to apply for an encroachment 7 permit. In this matter, applicant is the littoral 8 owner of those two parcels in question, and there 9 are no other parcels between the subject parcels and 10 the river. Thus, the applicant satisfies that IDAPA 11 requirement. 12           IDL's analysis of compliance with the LPA 13 and rules. The application can be broken down into 14 three aspects: commercial marina expansion with 15 private moorage, fuel station building with fuel 16 lines and dispensers, and the relocation of a marine 17 sheriff boat garage. I'm going to break down each 18 component further below. 19           The commercial marina expansion with 20 private moorage. As described herein, applications 21 for commercial marinas must satisfy the specific 22 requirements of IDAPA 20.03.04.15.03. Based on the 23 application materials, the applicant is proposing to 24 install an additional 100 boat moorages, of which 99 25 will be for private use, and there will be 185</p>
<p style="text-align: right;">Page 51</p> <p>1 for the proposed encroachment to extend beyond the 2 line of navigation. 3           Distance from littoral lines. IDAPA 4 provides a rebuttal presumption that commercial 5 navigational encroachments will have a like adverse 6 effect upon adjacent littoral rights if located 7 closer than 25 feet to the adjacent littoral right 8 lines. Based on the application drawings, it 9 appears the commercial marina will provide a 25 foot 10 buffer to the western littoral right lines and a 250 11 foot buffer to the eastern littoral right lines. 12           The marine sheriff boat garage is proposed 13 to be placed approximately in the middle of the 14 marina, so it will provide more than a 25 foot 15 buffer to each littoral right line. Thus, it 16 appears that none of the proposed encroachments will 17 be within that 25 foot buffer from adjacent littoral 18 lines, and the presumption of adverse effect does 19 not arise. To date, IDL has not -- has received no 20 comments from adjacent landowners indicating the 21 proposed project will adversely affect their 22 littoral rights. 23           Signature requirement. IDAPA states that 24 only persons who are littoral owners or lessees of a 25 littoral owner shall be eligible to apply for</p>	<p style="text-align: right;">Page 53</p> <p>1 public moorages available to the general public. 2           The public moorage looks to be of similar 3 size and quality as a private moorage satisfying 4 IDAPA. Furthermore, the ratio of private to public 5 moorage spaces satisfies the 50-to-50 ratio 6 requirement of IDAPA. According to the application, 7 there currently exists 228 parking spaces available 8 for the moorage. This number of existing spaces is 9 sufficient to satisfy the parking to moorage ratio 10 as required in IDAPA. 11           It appears from the application that the 12 marina will be accessible via road and that marina 13 customers will be allowed access via that road 14 satisfying IDAPA. It is unclear from the 15 application and current record whether IDAPA 16 20.03.04.015.03H has been satisfied, which requires 17 a commercial marina with private moorage to form a 18 condominium association, co-op, or other entity that 19 owns and manages the marina, littoral rights, and 20 upland property sufficient to maintain and operate 21 the marina. 22           The applicant ought to provide additional 23 information to affirm this requirement is satisfied. 24 The proposed marine expansion appears to satisfy all 25 the requirements under IDAPA for a commercial</p>

<p style="text-align: right;">Page 54</p> <p>1 marina, save that there is currently insufficient 2 information in the record to determine the other 3 comment I made before about having a condominium 4 association co-op.</p> <p>5 Just want to point out too that -- that as 6 part of our state policy, this statement has to be 7 written and prepared over a week in advance. So 8 some of the stuff that is in here may have already 9 been addressed, but this is a statement that we have 10 to submit so that everyone has a chance to look at 11 it before the hearing.</p> <p>12 Fuel station building with fuel lines and 13 dispensers. The existing commercial marina already 14 contains a fuel station building, fuel lines, and 15 dispensers, also commonly referred to as a ship 16 store. The application proposes to rebuild the fuel 17 station building and reconnect fuel lines and 18 dispensers. The fuel station building, fuel lines. 19 and dispensers are considered non-navigational 20 encroachments.</p> <p>21 Pursuant IDAPA, encroachments not in aid 22 to navigation are generally not approved and only 23 considered in cases involving major environmental, 24 economic, and social benefits to the general public. 25 Ship stores, fuel lines, and dispensers have often</p>	<p style="text-align: right;">Page 56</p> <p>1 Based on the objection letter and comments 2 we've received, the main concerns with the proposed 3 project appear to be related to lighting and 4 additional boat slips. There are no rules, 5 regulations or standards for IDL to enforce or 6 require when it comes to lighting for a marina. 7 Upland lighting for the hotel and upland property 8 above the ordinary high water mark is outside of 9 IDL's jurisdiction. IDL's regulatory authority is 10 limited to only those areas specifically identified 11 in the LPA, the Lake Protection Act.</p> <p>12 The Lake Protection Act grants IDL the 13 authority to regulate, control, and permit 14 encroachments in aid of navigation or not in aid of 15 navigation on, in, or above the beds or waters of 16 navigable lakes, which is Idaho Code title 58, 17 chapter 1303.</p> <p>18 The Lake Protection Act does not grant IDL 19 authority to regulate upland encroachments and 20 provides no specific authority to regulate lighting. 21 Thus, any concerns over upland lighting or marine 22 lighting are likely outside the regulatory authority 23 of IDL. Moreover, while comments have raised 24 concerns about lighting, there is currently 25 insufficient evidence in the record showing that</p>
<p style="text-align: right;">Page 55</p> <p>1 been found to provide a major benefit to the general 2 public, their economic and social factors, and are 3 regularly approved -- regularly approved as part of 4 commercial marina encroachments.</p> <p>5 However, the application and record at the 6 time of writing the statement contain insufficient 7 evidence of the specific major benefits to the 8 general public through the particular fuel station, 9 fuel lines, and dispensers. There are no type 10 specific encroachment standards applicable to a ship 11 store beyond the general requirements for a non- 12 navigational encroachment. The applicant ought to 13 provide additional information regarding the major 14 benefits to the public through those proposed 15 encroachments.</p> <p>16 The marine sheriff boat garage relocation. 17 The applicant is proposing to relocate the marine 18 sheriff boat garage within the existing footprint of 19 the current marina. In review of the application, 20 IDL has determined that this aspect of the project 21 would be considered a reconfiguration under IDAPA 22 20.03.04.020.05B and therefore does not require a 23 new encroachment permit. Therefore, no new permit 24 need to be issued in these proceedings to relocate 25 the marine sheriff boat garage.</p>	<p style="text-align: right;">Page 57</p> <p>1 likely -- lighting is likely to cause issues.</p> <p>2 Additionally, there are no rules, 3 regulations, or standards for IDL to enforce require 4 when it comes to additional boat slips being 5 provided in the Spokane River or related to 6 potentially increasing boat traffic. While 7 objectors have raised concerns regarding carrying 8 capacity of the Spokane River and potential 9 associated safety risk, there currently is no 10 information in the record to show that these effects 11 are likely to occur.</p> <p>12 IDL relies on our resource partners for 13 their expertise. While IDL can appreciate the 14 objector's concerns about additional boat traffic, 15 IDL has not received any comments from the county or 16 the marine deputies or other agency with relevant 17 expertise regarding boater safety being jeopardized 18 by additional boat slips. Without additional 19 information in the record, IDL cannot assume impacts 20 of a proposed project.</p> <p>21 In sum, IDL must assess proposed 22 encroachment based on IDL's regulatory authority, 23 compliance with specific standards, and based on 24 information within the record. With there currently 25 being insufficient -- insufficient evidence in the</p>

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1 record regarding any likely adverse impacts of  
2 lighting or increased boat traffic, in addition to  
3 there being no specific encroachment standards  
4 relating to those impacts for IDL to enforce, these  
5 concerns as presently stated in the record are  
6 likely not sufficient grounds for denial of the  
7 application.  
8         Given the reasons described above, the  
9 application satisfies the encroachment standards  
10 applicable to the proposed expansion, save for  
11 additional information required to demonstrate  
12 compliance with IDAPA 20.03.04.015.03H, which has to  
13 do with the condominium co-op, and the major public  
14 benefits from the fuel station building, fuel lines,  
15 and dispensers.  
16         At this time, IDL recommends the applicant  
17 provide additional information that demonstrates  
18 that applicant satisfies IDAPA requirements as it  
19 relates to the condominium co-op association and  
20 that the fuel station building and its components  
21 will provide a major public benefit. As described  
22 before, the reconfiguration of the marine sheriff's  
23 boat garage does not require a new encroachment  
24 permit.  
25         Because the record for this matter remains

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1 open, the full potential impacts of this application  
2 have not been fully determined and additional  
3 information may be forthcoming. IDL respectfully  
4 reserves the right to supplement, clarify, or modify  
5 its statements based on availability of new  
6 information in the record.  
7         And that -- that concludes the statement.  
8 And again, all that stuff can be found on Department  
9 of Lands's website.  
10         MS. DUBLIN: Okay. Mr. Hislop, do you  
11 have any questions for Mr. Ahmer?  
12         MR. HISLOP: No questions, ma'am.  
13         MS. DUBLIN: Okay. I have a couple  
14 questions. The prior permits, when was the ship  
15 store originally approved?  
16         MR. AHMER: I -- I do not know. I don't  
17 have the old permits in front of me.  
18         MS. DUBLIN: Okay. Do you -- do you know  
19 if they were -- the ship store was approved under  
20 the same standard for a -- a major benefit?  
21         MR. AHMER: I -- I do not know.  
22         MS. DUBLIN: Okay. And I guess I'm  
23 curious in your experience, because if -- you know,  
24 let's say it was -- it's the same store, and we're  
25 -- and it's just being relocated. Does IDL look at

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1 -- at the move, the move needs to be the major  
2 benefit, or the store itself is still assessed as a  
3 whole? Or is it moving it that needs to be a major  
4 benefit?  
5         MR. AHMER: It's my understanding that  
6 it's being moved slightly, but it's also being  
7 expanded.  
8         MS. DUBLIN: Okay.  
9         MR. AHMER: The store will be larger. So  
10 because they're tearing down the existing store and  
11 building a new store, it's almost as if, like,  
12 they're just starting from scratch.  
13         MS. DUBLIN: Okay.  
14         MR. AHMER: I will say that in the past,  
15 Department of Lands may not have followed every  
16 rule, crossed every T, and dotted every I.  
17         MS. DUBLIN: Okay.  
18         MR. AHMER: When we're going through an  
19 application like this, we want to look sure -- we  
20 want to make sure we're following all of the rules.  
21         MS. DUBLIN: Okay. And does IDL consider  
22 the ship store separate from the dispensers?  
23         MR. AHMER: Yes. We -- we view.  
24         MS. DUBLIN: Okay.  
25         MR. AHMER: Yes, we -- yes and no.

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1 They're both considered non-navigational  
2 encroachments. And all non-navigational  
3 encroachments are supposed to provide a major  
4 benefit to the general public through environmental,  
5 economic, or social reasons. So we view that the --  
6 the dispenser lines -- the fuel lines, the  
7 dispensers, and the ship stores are all part of the  
8 project, but they're all individual components.  
9         MS. DUBLIN: Okay. With respect to  
10 footprint, what -- what IDL's interpretation of what  
11 footprint is? In other words, is it the -- all of  
12 the outer boundaries? And my question has to do  
13 with the log.  
14         MR. AHMER: Yes.  
15         MS. DUBLIN: Whether or not you take the  
16 footprint of the log or is the footprint the whole  
17 -- the whole permanent encroachment on all sides, or  
18 do you take individual pieces to create a footprint?  
19         MR. AHMER: My counsel and I were  
20 discussing this during the presentation, and we were  
21 discussing whether or not to address this in the  
22 closing statement or now.  
23         MS. DUBLIN: Okay.  
24         MR. AHMER: What is your recommendation,  
25 Mr. Richards?



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1 MR. RICHARDS: We'd be happy to address  
2 that in the closing statement.  
3 MS. DUBLIN: Okay. Can you address for  
4 the record -- I -- I did hear you speak to it  
5 earlier -- but can you address for the record the  
6 public comment that is concerned about the docks  
7 exceeding their maximum allowance compared to the  
8 shoreline?  
9 MR. AHMER: Oh, yes. A gentleman in the  
10 audience made a reference to the 7-to-1 ratio. A --  
11 a community dock or a marina that exceeds that 50-  
12 to-50 ratio, again 50 public, 50 private, so if it's  
13 more of a private dock, private docks are only  
14 allowed 7 square feet of dock space for every lineal  
15 foot of shoreline that they own.  
16 But a commercial marina that still abides  
17 by that 50-to-50 ratio is not beholden to that  
18 ratio. They could have essentially as much square  
19 footage as they would like, as long as they provide  
20 the parking and as long as they provide that 25 foot  
21 setback.  
22 MS. DUBLIN: And then last question  
23 regarding the line of navigability. It's my  
24 understanding that the log boom was a permanent  
25 encroachment, correct?

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1 MR. AHMER: It appears so based on the  
2 applicant's presentation. The photos definitely  
3 show that the log boom and the logs were in place  
4 prior to the marina existing. And then it appears  
5 that it got incorporated into their permit at a  
6 later date.  
7 MS. DUBLIN: Does that change the line of  
8 navigability analysis?  
9 UNIDENTIFIED SPEAKER: Come on. Answer  
10 that question.  
11 MR. AHMER: This is pretty unprofessional.  
12 Could you ask that question one more time? Because  
13 I got -- I got distracted.  
14 MS. DUBLIN: Yeah. I'm going to ask one  
15 more time. And I do have the authority to ask  
16 people to leave. So I -- this is a legal  
17 proceeding, and there's a record that is being  
18 created. And I need him to be able to answer the  
19 questions so that I can review and write an opinion.  
20 Does that change the analysis of the line  
21 of navigability if that is a permitted encroachment?  
22 MR. AHMER: I -- I may have to ask --  
23 answer your question by kind of just talking about  
24 that, I guess, after all. The line of navigability  
25 typically is not a factor when it comes to

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1 commercial navigational encroachments like marinas,  
2 commercial marinas.  
3 The Silver Beach Marina on Lake Coeur  
4 d'Alene extends out potentially 1,000 feet into the  
5 lake, and then immediately to the west of it is a  
6 single family dock that only goes 50 feet. So if  
7 the commercial marinas set the line of navigability,  
8 that adjacent littoral owner would be able to have a  
9 1,000 foot dock. So Department of Lands does not  
10 consider marinas to have to abide by the line of  
11 navigability.  
12 The log boom itself was not part of the  
13 marina footprint. The log boom itself was an  
14 existing remnant of the logging and sawmill days.  
15 And when we consider marina footprints for  
16 reconfiguration, we are looking at the actual marina  
17 itself.  
18 And so I -- sorry, counsel, but I guess  
19 just to address this issue, the -- the freestanding  
20 log boom that was there does not historically set  
21 the marina footprint for reconfiguration. We -- we  
22 disagree -- at this time, we disagree with applicant  
23 statement. It's historically only been the marina  
24 itself that sets the footprint.  
25 If approved, the new breakwater that

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1 they're proposing would set the marina footprint  
2 since it's incorporated into the marina with marina  
3 slips and it's connected to shore.  
4 MS. DUBLIN: Okay. All right. Thank you  
5 very much. That was very helpful.  
6 MR. AHMER: And we will -- again, I  
7 respectfully -- respectfully request that we're able  
8 to potentially change stances or update our stance,  
9 update our statement once we receive more  
10 information from the public, once we get the public  
11 comments done. We're going to still prepare a  
12 written closing statement. Our written closing  
13 statement will be available for the public to see on  
14 that same website.  
15 MS. DUBLIN: Yes. Thank you. Any follow-  
16 up questions from my questions?  
17 MR. RICHARDS: I would like to ask a  
18 couple since we opened the door on the -- the  
19 footprint question. And so when you say that the  
20 reconfiguration is set by the footprint of the  
21 existing encroachment, are you -- you're talking  
22 about the physical marina itself, the actual  
23 structure?  
24 MR. AHMER: Correct. Department of Lands  
25 historically has not considered a freestanding log

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1 boom or breakwater to set the footprint for a marina  
2 for the reconfiguration rules. It's the marina  
3 itself, the slips itself.  
4 MR. RICHARDS: Okay. And there was some  
5 questions regarding the line of navigability and the  
6 log boom. You had mentioned that commercial  
7 encroachments don't regularly set the line of  
8 navigability. So with the log boom as part of a --  
9 a permit for a commercial marina would not set the  
10 line navigability; is that correct?  
11 MR. AHMER: Correct. Or another way of  
12 saying it, I guess, for lack of a better phrase, the  
13 line of navigability -- if the log boom is  
14 considered part of the marina, then the line of  
15 navigability is not applicable for a commercial  
16 marina.  
17 I'd also like to point out that based on  
18 the application materials, there still will be a 320  
19 foot distance between the closest property to the  
20 south of the marina to the marina itself in no-wake  
21 zone.  
22 Any other questions?  
23 MS. DUBLIN: No. I have none.  
24 MR. AHMER: Okay.  
25 MS. DUBLIN: Thank you.

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1 MR. AHMER: Thank you.  
2 MR. HISLOP: I have no questions.  
3 MS. DUBLIN: Oh, hey. I'm sorry. Okay.  
4 Thank you. That concludes the portion of our  
5 presentation, and we will begin public testimony. I  
6 am going to -- oh, we have lots of time.  
7 All right. Hold on one second. Let me  
8 make sure math is correct. We have 60 -- 90 -- no.  
9 We have more than that. How much -- how many  
10 minutes do we have left?  
11 UNIDENTIFIED SPEAKER: Two and a half  
12 hours, 120 plus 30, 150.  
13 MS. DUBLIN: Okay. So it's roughly 10  
14 minutes per person. So if you can try to keep your  
15 comments to 10 minutes so that everyone will have an  
16 opportunity to speak. And that's of the people who  
17 are counted with a yes. So I'm going to start with  
18 the yeses, and then I'll go to the question marks,  
19 and then I'll ask if there's anyone else who would  
20 like to testify.  
21 So the first person I have is Rick Sloan,  
22 and then up next will be Scott Scofield and Sherry  
23 Scofield, just you're on deck.  
24 MR. SLOAN: Do you want us to stand by  
25 over there?

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1 MS. DUBLIN: You can move over there, if  
2 you'd like to. Thank you. Can you raise your right  
3 hand?  
4 Do you swear or affirm to tell the truth,  
5 the whole truth, and nothing but the truth in your  
6 testimony today?  
7 MR. SLOAN: Yes.  
8 MS. DUBLIN: Thank you. You may proceed.  
9 And like you saw, make sure you're speaking into the  
10 microphone.  
11 MR. SLOAN: My name is Rick Sloan.  
12 Actually, I live on the water there, probably about  
13 -- I don't know what it is, five or six houses up  
14 from Templin's. So I say that only because I -- I  
15 firsthand can see what's going on on the river every  
16 day. And I didn't really come here to speak. And  
17 then especially not being -- knowing I'd be first  
18 called up, so I'm not ready, but I might be bird  
19 walking a little bit so --  
20 MS. DUBLIN: I can take -- I can take you  
21 --  
22 MR. SLOAN: No, no. I'm good. I'll get  
23 -- I'll get rolling.  
24 MS. DUBLIN: All right.  
25 MR. SLOAN: So what we've had -- we've had

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1 our family property there on the river for -- for  
2 more than 30 years. So I've kind of seen the whole  
3 transformation over the years. And I'll just tell  
4 you what I've seen in the last 10 years.  
5 First of all, I have some major shoreline  
6 concerns with the new traffic. Our shoreline is  
7 getting really beat up. I think anybody that lives  
8 near the water, you see that, and it's -- I think a  
9 lot of it is the kind of boats that are out there  
10 today.  
11 You know, back when we were running  
12 around, when we were talking about that no-wake  
13 zone, I remember my brother and I and we were skiing  
14 out there in high school, we -- we used to ski all  
15 the way down under the bridge down by the dam.  
16 There was a no-wake zone. You know, that didn't  
17 exist. And so -- but what the typical boat was was  
18 a 19 foot Bayliner that weighed about 2,500 pounds.  
19 And what we're seeing now are 23-foot  
20 Cobalts or surfboats that weigh 5,000 pounds. And  
21 the wake difference is huge. And I remember it was  
22 about seven or eight years ago, we were out on our  
23 floating dock, my mom and I, and we were working on  
24 it. And so my mom is obviously quite a bit older  
25 than me, and so -- but she's one of those -- if she

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1 likes to get her hands dirty, so we're out there  
2 working on it.  
3 I'm ratcheting down some stuff, and all of  
4 a sudden, we look and thought: Crap. There was a  
5 surfboat that came over, and the wake was huge. And  
6 so I grabbed mom, who by the way can't swim. She's  
7 deathly afraid of water. And I grab her, and I'm  
8 hanging on, and it's rough. And then I lost her.  
9 She went down.  
10 And I'm -- I'm dressed in street clothes  
11 with my phone and everything. I go down and get her  
12 and take her to the shore. And what we said right  
13 then is: We can't have a floating dock on the river  
14 anymore. You just can't. If safety is a factor,  
15 that nobody -- I wouldn't feel good if any of our  
16 friends, my mom, anybody, were out there on a  
17 floating dock and one of those surfboats came by and  
18 threw somebody.  
19 So at great expense, we changed our dock  
20 out from a floating to a pier dock to combat the  
21 problem. Now, the -- the good thing about that,  
22 it's safe. The downside of that is, as the dam goes  
23 up and down, the water levels go up and down, and  
24 you lose some weeks of usage. But that's how we  
25 solved that problem.

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1 The shoreline, we just rebuilt it a little  
2 bit this summer. I'm trying to find somebody, if  
3 anybody knows anybody out there that can kind of  
4 help -- I don't know -- what they call riprap, to  
5 help shore up my shoreline, I need somebody. And to  
6 add 100 boats now, I'm really concerned about not  
7 just my shoreline -- and I know one of the issues  
8 was environmental -- I'm really concerned about that  
9 whole shoreline.  
10 And as I bird walk a little bit, the  
11 gentleman was talking about the -- the one marina in  
12 Coeur d'Alene, think it's Silver Beach, that goes  
13 out maybe 1,000 feet. Well, that's in a lake that's  
14 5 miles wide. The Spokane river is like 200 yards  
15 wide at point. So if you were to extend that one  
16 out, you're really cutting into that navigable  
17 water.  
18 So safety is a big thing. I don't know if  
19 -- if you guys have did a study how many slips are  
20 currently on the Spokane River, there's 512. The  
21 whole river, on the north side and the south side,  
22 there's 512, excluding Templin's. So I counted  
23 them. I went to the assessor's website, and they  
24 have kind of that Google map thing, and I went  
25 there, and I counted every single one. And some

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1 houses have one dock, I counted that as one. Some  
2 docs have like two slips, so I counted that as two.  
3 And I say that because currently Templin's  
4 has -- I've seen a couple different numbers -- 189,  
5 198 slips. That's 21 percent of all the slips on  
6 the river. And we're talking, I don't know what it  
7 is, 5/6 miles on the north shore and 5/6 miles on  
8 the south shore. And give or take a couple slips, I  
9 bet I'm within 10.  
10 So my point is you want them to go from 21  
11 percent of all the slips on the river to 29 percent  
12 of all the slips on the river to a for-profit  
13 company that I believe charges about \$5,000 a slip,  
14 so they'll net an extra \$500,000 a year.  
15 So I'm kind of thinking as a landowner,  
16 who just wrote a check for my property taxes, what  
17 am I going to get out of this other than more short  
18 shore erosion, more safety concerns, and my little  
19 grandbaby now is going to be out there on a paddle  
20 board? I'm just worried. I'm worried about safety,  
21 I suppose, more than anything.  
22 If this -- if the Spokane River was a  
23 road, you know, with those little rubber strips that  
24 you see and you drive over, they do traffic  
25 assessment, right now they would say we need to

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1 widen the river, because the volume of boats out  
2 there can't handle the river right now.  
3 And I say that because as a boat owner I  
4 do not boat on the weekends. It's just crazy. What  
5 you get -- and you people have seen it -- it's easy  
6 to say you can't have a wake or can't go a certain  
7 speed within 100 feet or 150 feet, it's impossible.  
8 You get two or three boats going a different  
9 direction, you would be -- you'd be going, and then  
10 you would be stopping if you always abided by those  
11 rules. It's really hard. And now you're going to  
12 add 100 more slips.  
13 I -- I think it's insane to even -- to  
14 even mention increased size of slips for the safety,  
15 for the soil erosion. I think it's absolutely  
16 insane for the -- I don't know what you guys are  
17 called -- the Idaho Department of Lands, for a judge  
18 in your position, if we really care about safety, we  
19 care about environment, our shorelines, to do it so  
20 that StanCraft -- who by the way, I'm rooting for.  
21 We've always said that Templin's down there is a --  
22 is a diamond in the rough, we're rooting for you.  
23 But just so they can make an extra half a million  
24 dollars on our river I think is crazy.  
25 So if I can make a recommendation, I would

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1 like to see marinas -- and I don't know if I have  
2 any say -- have some kind of rule like used to be  
3 the 7-to-1 rule. Now quite honestly, I think that  
4 rule is antiquated because it was based on the 19-  
5 foot Bayliner that was 2,500 pounds. These new  
6 boats that are 23 foot, 5,000 pounds, and can bring  
7 on hundreds, if not thousands, of pounds of water in  
8 the surfboats so they can make the bigger waves, I  
9 would like to see that formula go down to a 5-to-1  
10 or a 4-to-1, some kind of scientific based research.  
11 So I think it's a hard no on extending the  
12 number of slips, even though like I said, I'm  
13 rooting for StanCraft. So thank you for your time.  
14 MS. DUBLIN: Thank you.  
15 MR. SCOFIELD: I'm Scott.  
16 MS. DUBLIN: You're Scott. You're not  
17 Sheryl.  
18 MR. SCOFIELD: No, no. I identify as a  
19 man.  
20 MS. DUBLIN: Can you raise your right hand  
21 please?  
22 MR. SCOFIELD: Yeah.  
23 MS. DUBLIN: Do you swear or affirm to  
24 tell the truth, the whole truth, and nothing but the  
25 truth in your testimony today?

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1 MR. SCOFIELD: So help me God.  
2 MS. DUBLIN: Thank you.  
3 MR. SCOFIELD: Thank you. Thank you  
4 everybody for attending tonight.  
5 THE REPORTER: Can you please state your  
6 name?  
7 UNIDENTIFIED SPEAKER: Grab the  
8 microphone.  
9 MR. SCOFIELD: Oh. My name is Scott  
10 Scofield, Post Falls resident.  
11 MS. DUBLIN: Can you -- can you spell your  
12 last name for her?  
13 MR. SCOFIELD: Yes. S-C-O-F-I-E-L-D.  
14 THE REPORTER: Thank you.  
15 MR. SCOFIELD: You're welcome.  
16 So I live actually directly across from  
17 Templin's Marina, and I'd like to make some  
18 comments. The current proposal effectively  
19 transfers additional valuable public waterway rights  
20 to a private enterprise that will monetize these  
21 rights for a substantial profit. The operator  
22 stands to generate millions in revenue through slip  
23 rentals, food, fuel revenue, and other associated  
24 services.  
25 I'd like to -- I was -- when I was reading

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1 some of the public documents, the money that is  
2 going to be generated seems very minuscule to, if  
3 what I'm reading is correct, to the city and the  
4 state. It's 1 percent off the store and 3.75 off  
5 the marina. So that's almost pennies on the dollar.  
6 It's estimated based on the current layout  
7 that we see there that there is approximately a  
8 potential of about 2 million acres of waterway grab  
9 -- or 2 acres, sorry, not 2 million -- 2 acres to  
10 expand the marina that is being proposed. And I  
11 like the idea that you should be able to -- you need  
12 to stay in the footprint of the current marina and  
13 not use the boom as part of your marina. That can  
14 -- that can be pulled out of there. That doesn't --  
15 that's not permanent. It can be pulled out.  
16 So down in our area, we already have three  
17 marinas, two fueling stations with approximately 331  
18 boat slips within a half a mile each other in the  
19 no-wake zone, that is the condos that are on the  
20 east of the Spokane Bridge, then the little condos  
21 there that's got, I think, about 20. And then I'm a  
22 little conflicted on what the actual number is to  
23 what Templin's currently has --  
24 UNIDENTIFIED SPEAKER: It's 198.  
25 MR. SCOFIELD: -- because it was reported

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1 198, but in the -- in the pre-hearing statement, it  
2 says that there's 186 and that there is a proposed,  
3 once the reconfiguration is done, that there'll be  
4 284. So that's an increase of 116 more boat slips,  
5 if I'm reading what I read in there correctly.  
6 So I'd like to also make -- address the  
7 pre-hearing statement 3.1.1.2 on assertions that  
8 supposedly we have made. I will agree that the  
9 first assertion would be correct, that the addition  
10 of 116 more boat slips may cause danger. Many of  
11 you don't live down in our area, and we are out  
12 there quite often. And it's not uncommon to have 20  
13 to 40 boats anchoring throughout the no-wake zone on  
14 a weekend.  
15 Why do you think that is? Because it's  
16 not safe to anchor up-river, and many boaters are  
17 using other waterways for that reason. Many  
18 families we have talked to while we were handing out  
19 hearing notices -- we went to about 120 houses, my  
20 wife and I and another gentleman to notify the  
21 people because on -- because when we started walk --  
22 going upriver and going to the houses, none of them  
23 knew of the plans of the expansion. They just knew  
24 that the property was purchased by StanCraft, an  
25 investment group.

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1 So they were happy to hear that there's  
2 some extra boat slips being added to the area. And  
3 we live right across -- we didn't even get notified.  
4 I would have thought that we're in that general area  
5 and are impacted by what's going on over there. Why  
6 didn't we -- there's about 10 houses right in that  
7 -- right straight across that never got notified of  
8 this -- of this expansion.  
9 So many -- many families that we talked to  
10 while we were handing that out, the information out,  
11 they said that they don't let their children go out  
12 on the river due to overcrowding and rough waters.  
13 So down in our area, we have a constant boat and  
14 wave runner speeding through the no-wake zone with  
15 really no regular patrolling.  
16 So I don't know how the statement was made  
17 by StanCraft attorney that we're going to get some  
18 additional help down there. Because with the money  
19 that they're going to be giving, that isn't even  
20 going to pay for the staff or a boat or any more  
21 support down in our area. So those -- maybe those  
22 fees need to go up substantially.  
23 So the assertion two was that we were  
24 stating that we do not want any additional boaters  
25 to be allowed to access the river or thereby Coeur

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1 d'Alene Lake. That's an absolutely false statement.  
2 We're not saying that the public can't use the  
3 waterways from the marina to Coeur d'Alene Lake.  
4 What we're saying is, is that we've already got --  
5 we already have 331 boat slips within -- between  
6 three marinas.  
7 Why can't StanCraft in this investment  
8 group be satisfied with whether it's 198 or 168,  
9 maintain that, bring great quality that we know that  
10 StanCraft can bring, and if the idea is to have more  
11 marinas, why don't you put them up on the lake where  
12 it can handle that -- all of that extra traffic? We  
13 can't handle that traffic.  
14 And I'd like to make a comment too about  
15 -- oh, well let me back up a minute here. And I  
16 just wonder, hmm, maybe there's a little bit of  
17 competition with the Hagadones that you want to try  
18 to get down here because you're having trouble.  
19 Maybe not.  
20 And I do want to make a statement on the  
21 attorney's reading of one letter that came in out of  
22 five, four others because it hasn't been updated yet  
23 because in our visits to the houses a lot of them --  
24 unfortunately because of the timing of this hearing,  
25 they're not able to attend, but they're writing

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1 their letters. So there's supposed to be a lot more  
2 letters that are going to be uploaded that are  
3 against this.  
4 So to state that -- to list one really is  
5 kind of a bias. It's kind of like the CDA paper had  
6 a biased statement about what was going on. It  
7 didn't even have the cojones to list that there's  
8 116 boats slips that are potentially. They just  
9 really fluffed it all up and then did not answer or  
10 did not give a full two-sided statement to what was  
11 actually taking place here tonight.  
12 So we kind of feel like that there's a  
13 bigger picture here, because StanCraft owns that  
14 land right next side of that 5 acres and then you  
15 own land just across the way from Roger's where  
16 those other condos are. Hmm. With those condos  
17 going up there, are those boat slips that they want  
18 to put in there, are those to be sold along with  
19 those condos? So not only are we going to have more  
20 congestion on the river, but we're going to have  
21 more automobile congestion in such a already pretty  
22 crowded area with traffic. So I got to wonder if  
23 that's the ultimate plan.  
24 I'd like to make a statement also on what  
25 was reported in there about the extension of the

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1 corner of the marina there, that it's in 5.1.2 with  
2 the new extended marina will be a visual cue -- cure  
3 -- or cue to alert speeding boaters that there is no  
4 -- that -- that there -- that this is a wake zone.  
5 So I'd like to know what the proof that  
6 you have that just extending out beyond the current  
7 footprint that you have and you're going to put a  
8 shop there, that that's all sudden going to be a cue  
9 to the boats, when we already addressed this similar  
10 issue when we got -- when we moved there with the  
11 Department of Lands with all the speeding going back  
12 and forth there, and they did a valiant effort of,  
13 you know, putting -- I think we have an additional  
14 three or four more buoys there. They did zero to  
15 help.  
16 So how in the world is just an extension  
17 of that, plus not only what you created here as a  
18 little chokehold from -- from the -- a choke point  
19 from the corner to the -- to the land across there,  
20 when there's a lot of times we have 30/40 foot boat  
21 -- foot boats that come down in through there.  
22 And when I -- when I leave when on these  
23 weekends when we have 20 to -- you know, 20 to 40  
24 boats that are anchored there enjoying the  
25 waterways, which we're happy to -- to have them do



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1 that, but I got to navigate. It's like going  
2 through Tetris a lot of times to get out of there.  
3 And so now when you're going to narrow down that --  
4 the exit point to get out into the lake right into  
5 the river, that's very concerning to me, because  
6 it's not easy when these big boats come through  
7 there, too.  
8 So -- let's see here. So interestingly, I  
9 did a little bit of inquiry because I found out that  
10 -- because I wanted to know what the sheriff  
11 department had to say about this, because we've  
12 already had three public hearings to deal with  
13 variety of issues on the waterways. Well,  
14 interestingly, come to find out that the sheriff had  
15 a no comment.  
16 So I'm wondering -- okay. So I dug a  
17 little -- we dug a little further and found out that  
18 StanCraft donated \$17,000 to the sheriff's  
19 department for 12 AEDs, so can you say campaign fund  
20 donation? I can, because I kind of feel that that's  
21 where it's coming from.  
22 And I think that's it.  
23 MS. DUBLIN: Thank you.  
24 MR. SCOFIELD: Thank you.  
25 MS. DUBLIN: Sheryl, come on up. And then

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1 after Sheryl is John Kirsch, Cindy Koker, and Kelly  
2 Ya-"mama"?  
3 MS. YAMAURA: Yamaura.  
4 MS. DUBLIN: Yamaura.  
5 MS. YAMAURA: Yeah.  
6 MS. DUBLIN: Okie doke. That's next up.  
7 Can you raise your right hand?  
8 Do you swear or affirm to tell the truth,  
9 the whole truth, and nothing but the truth in your  
10 testimony today?  
11 MS. SCOFIELD: Absolutely.  
12 MS. DUBLIN: Thank you.  
13 MS. SCOFIELD: Hello, I'm Sherry Scofield,  
14 S-C-O-F-I-E-L-D. I'm a Post Falls resident, and I  
15 live in the no-wake zone. And I would like to clear  
16 up just a couple things before I make my statement.  
17 And one of those is -- actually, I think I'm going  
18 to just make my statement and then clear it up at  
19 the end. Thank you.  
20 So we support and appreciate the  
21 intentions of the investors to reinvigorate  
22 Templin's, and we know that StanCraft does excellent  
23 work. What we don't support is that there is no  
24 public disclosure of their lighting plan and that  
25 they are requesting 116 additional boat slips, which

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1 we've found out now that they actually have more  
2 slips than we thought they did.  
3 And so since we are approaching maximum  
4 carrying capacity on this river with all the boats  
5 going back and forth and tons of paddle boarders and  
6 wave -- kids on wave runners and everything, we just  
7 feel like that is a dangerous happening.  
8 So lighting. Approximately four years  
9 ago, the previous owner owners installed new  
10 unshielded spotlights in the Templin's parking lot.  
11 And despite requests, complaints from surrounding  
12 neighbors, and code violations, the previous owner  
13 did nothing. And the city of Post Falls did not  
14 enforce lighting code. And so far, nothing else has  
15 been done to redirect the parking -- parking lot  
16 lights, even though we have mentioned it. So it  
17 became a red flag to us when StanCraft refused to  
18 put anything in writing about the lighting plan and  
19 what was going to be happening with that.  
20 As far as the footprint, the Idaho  
21 Department of Lands are extremely strict on any  
22 citizens going outside the original footprint while  
23 building homes or docks. However, it is extremely  
24 suspicious to see that they are more than willing to  
25 stamp approved on this expansion that will engulf

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1 and encroach almost two additional acres of the  
2 public's precious water. Yes. Thank you.  
3 Currently, the logs, there is a little bit  
4 of a misrepresentation about how it's going to be  
5 happening, because the logs that they're referring  
6 to only go halfway down to the -- through the  
7 current marina. But now, they're going to draw that  
8 line, and they're going to bring it past the current  
9 marina to a place that there will only be 320 feet  
10 between the cliff and the edge of the gas station.  
11 And that 320 feet for everyone to enter and exit  
12 will be a complete choke point.  
13 And no one has mentioned yet that that's  
14 where the gas station is. So therefore, not only  
15 will people be trying to enter and exit the no-wake  
16 zone, they're going to be trying to go past the  
17 people who are filling their tanks with gas. So  
18 that's going to be a disaster.  
19 So we realize that the IDAPA handbook has  
20 little to no regulations, so therefore, that's why  
21 the attorney only had to -- very little burden of  
22 proof for commercial docks. However, we believe  
23 that someone in authority needs to assess the profit  
24 before logic model that they -- that is being used  
25 up to now.



<p style="text-align: right;">Page 86</p> <p>1 We urge the hearing officer and the 2 director of IDL, who's going to make the final 3 decision, to see that there is no need to add 116 4 additional slips to the current -- apparently, we 5 thought it was 348 slips we had, but apparently 6 according to the attorney it's 368 in our -- in our 7 little half mile bay. So in our half mile bay, we 8 have 363 -- 363 slips.</p> <p>9 So to answer Mr. Sloan's percentage, I 10 think it's not 21 percent of your 512. It's more 11 like -- I don't know -- 5 percent. 76, thanks. 76 12 percent. We in our little half mile bay have 66 13 percent of the -- all the docks on the entire bay 14 and Spokane River. That alone says we should not 15 add -- I don't care if it's 116 or 125 more. We 16 should add no more.</p> <p>17 So -- sorry. Okay. Okay. So to put the 18 IDAPA policy 20.03.04.012 policy in plain language, 19 and that's what we are standing on, it is the 20 express policy of the state of Idaho to regulate 21 encroachments in order to protect recreation, 22 navigation, beauty, etc. above the benefit, also 23 known as profit, derived from the requested permit. 24 The investors will be making millions on our public 25 waters at the expense of safe boating and</p>	<p style="text-align: right;">Page 88</p> <p>1 One point of clarification I'd like. We 2 were told that this project has been given urban 3 renewal development status, URD, and we would like 4 to know if that is true. If that is the case, it 5 will mean deferred taxes, increased profits, and 6 other benefits at the tax -- the expense of the 7 taxpayers.</p> <p>8 To summarize, we respectfully request that 9 the investors be grateful for the existing 198 slips 10 that they have purchased, improve those to their 11 benefit, and use the 50 percent that they are 12 allowed to privatize and sell those with the condos 13 that they are building and marketing and selling.</p> <p>14 And I would also like to clarify that the 15 comment that Mr. Hislop read was actually from Jeff 16 Tyler, who is actually an elected highway 17 commissioner with the Post Falls Highway District, 18 and he has other positions having to do with KCRCC, 19 which is the Republican committee. And no mention 20 was made of the other people who were actually 21 opposed to this project. So I thought that was 22 interesting. Also, on the purpose of his 23 application, they forgot to mention that the part of 24 the purpose of the application is for profit. 25 And I do have a question I would like to</p>
<p style="text-align: right;">Page 87</p> <p>1 recreation.</p> <p>2 Additionally, Mr. Hislop, StanCraft's 3 attorney, stated in his pre-hearing statement that 4 the applicant understands and embraces the 5 responsibility of owning and developing commercial 6 property on the Spokane River. Given the impact of 7 private -- no -- given the impact on private 8 property owners and citizenry of KC, I say that as 9 not evident.</p> <p>10 The reasons there are so few comments 11 today is because this permit was applied for in 12 conjunction with 90 days, it ending right before the 13 holidays. So many people have expressed that they 14 wanted to come and speak, but they were going to be 15 out of town for the holidays. So that was a little 16 sad. So that is the problem that there was a lack 17 of notification.</p> <p>18 We are appalled at the lack of 19 notification of this vast project to the surrounding 20 community, as well as those living on the Spokane 21 River. The bare minimum number of residents were 22 notified, and as was we were handing out flyers, 90 23 percent said they knew nothing about the future 24 impact, the no-wake zone, as well as to the entire 25 length of the river.</p>	<p style="text-align: right;">Page 89</p> <p>1 go on the record as far as the parking. It said -- 2 I don't remember the exact numbers. They said it 3 was 228 parking slips available. But I'd like to 4 know if that is just parking slips for cars, because 5 there will need to be parkings for trucks with 6 trailers.</p> <p>7 Thank you.</p> <p>8 MS. DUBLIN: Thank you. Okay. John 9 Kirsch.</p> <p>10 MR. KIRSCH: Yes.</p> <p>11 MS. DUBLIN: Okay. And next up is Cindy 12 and then Kelly. Can you raise your right hand, 13 please?</p> <p>14 Do you swear or affirm to tell the truth 15 -- the truth, the whole truth, and nothing but the 16 truth in your testimony today?</p> <p>17 MR. KIRSCH: I do.</p> <p>18 MS. DUBLIN: Thank you.</p> <p>19 MR. KIRSCH: Thank you, hearing officer, 20 for the opportunity to speak with you today. I come 21 before you to express serious concerns about the 22 proposed dock expansion on the Spokane River.</p> <p>23 The sudden announcement of this project 24 coupled with limited details raised significant 25 questions about its transparency, potential impact</p>

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1 on the river traffic, and the preservation of the  
2 river's natural integrity. We have an opportunity  
3 to address these concerns now and avoid challenges  
4 that have -- that have arisen in other states, like  
5 California.

6 Currently there seems to be no regulations  
7 on the number of slips Marina 33 can install beyond  
8 a vague standard of what is deemed reasonable. But  
9 what does reasonable really mean? Is it 300 slips?  
10 Is it 500 slips, or is it 5 slips? And I think  
11 that's what you -- you're going to end up  
12 addressing.

13 Whatever precedent is said here will  
14 influence decisions on the Post Falls landing  
15 marina, located roughly 500 feet to the north, as  
16 well as the other five marinas along the Spokane  
17 River. Marina 33 is effectively setting the  
18 standard, and this should be a matter decided by the  
19 state or yourself.

20 Adding 113 slips will lead to increased  
21 river traffic, obstructed natural views, and require  
22 additional oversight, costs that will ultimately  
23 fall on the public, either monetarily or through a  
24 reduced quality of life on the river. Why should  
25 the state allow this \$25 million value to be handed

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1 to the Balone family with virtually no benefit to  
2 the public?

3 If these slips are expected to generate  
4 more than 25 million in sales or 400,000 annually  
5 rental revenue, the public should be appropriately  
6 compensated. On state land, we typically see a  
7 sale, lease, or revenue sharing agreement. I urge  
8 you to consider 50 percent revenue sharing agreement  
9 -- I don't think that's within your power -- but to  
10 get something in return for the people and for the  
11 state, as other communities have done, to offset the  
12 costs associated with increased river traffic,  
13 safety enforcement, and infrastructure needs.

14 I've calculated roughly of what they  
15 probably pay in taxes on these things. It's  
16 probably \$16,000 a year. That wouldn't even pay for  
17 one officer for the summer, much less gas, his  
18 benefits, but you need to add a lot more than that.

19 Through this imposed -- so I -- so I live  
20 -- when they say 330 feet -- I -- I'm that house  
21 that's 330 feet. I'm the chokehold. I'm -- I'm on  
22 the other side of that noose. So when you think  
23 about 330 feet, look across right now the stage.  
24 That's equivalent of four of these. I've measured  
25 this. It's about 70 feet, so it's four or five of

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1 these. That's what's going to allow all this boat  
2 traffic to go through, right.

3 Then you consider adding, you're not  
4 supposed to be within 50 feet of a dock when you're  
5 -- when you're going, so now you take out another  
6 100 feet. So now you're down to 220 feet. Mike, is  
7 that 50 feet is about what you should be away from a  
8 dock, or you shouldn't drive right up on it?

9 MR. AHMER: That's a marine deputy  
10 question.

11 MR. KIRSCH: So assuming it's 50 feet, now  
12 you're down to 220 feet in this chokehold. There's  
13 just -- today, there's not enough room. So I don't  
14 know what happens when you add more of these slips.

15 You know, through this -- proposed  
16 encroachment may seem minor on paper, it will reduce  
17 the river width to approximately -- I just said  
18 that. The narrow passage will exacerbate congestion  
19 issues, especially on weekends when the boat traffic  
20 from nearby marinas and public launches already  
21 overwhelms the area.

22 So the other thing I want to make a  
23 comment on is they keep talking about that log --  
24 what -- what do you call that log thing, Mike?

25 MS. DUBLIN: Log boom.

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1 MR. KIRSCH: The log boom. So we live  
2 right across from here. Our deck overlooks that.  
3 It's not maintained at all. It has not been  
4 maintained for four years. So I would never  
5 consider that part of the marina today.

6 So for them to sit here and say: Hey,  
7 that's part of our property, it's not. They've  
8 never maintained it. They -- they don't maintain  
9 it. So I don't see what gives them the right to  
10 stretch that out to that log boom, except that  
11 they're saying -- and that was put in by the logging  
12 people, was not ever put in by the marina people.

13 I think you could look back at that  
14 gentleman sitting there. The picture that he  
15 showed, that log boom has been there for 40 years,  
16 50 years, sir? He's not paying attention. So it's  
17 been there for a while. It is not -- it's not --  
18 it's not theirs. They never maintained it. They  
19 never owned it. I mean, I think, the -- you know,  
20 real estate, if you don't maintain something, it's  
21 no longer yours, right?

22 So anyway, the other point I want to make  
23 is so now we're down to 220 feet. Sherry pointed  
24 out boats rarely -- very rarely do they follow the  
25 no-wake. So now you got a gas stop on the end, and

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1 these boats are making big waves, as another  
2 gentleman pointed out. So it's just a matter of  
3 safety, is what it boils down to.  
4 You know, the last thing I'd like to bring  
5 up -- I don't think you have control over it -- is  
6 the lighting plan. You know, we had conversations  
7 with Marina 33, Nelson, Rob about the concerns  
8 around that. They offered to put it in writing.  
9 When push came to shove, they wouldn't put it in  
10 writing.  
11 I think we're going to take it up with --  
12 we're going to take it up with the people that  
13 control that. I think it's -- somebody mentioned  
14 the -- the Coast Guard or somebody does navigational  
15 buoys, ensure that they help limit the light  
16 pollution on the river. You know, last thing we  
17 want is, you know, the Santa Monica Pier in  
18 California on our waterway.  
19 Thank you very much for your time.  
20 MS. DUBLIN: Thank you.  
21 THE REPORTER: Can you state your name for  
22 the record, sir?  
23 MR. KIRSCH: John Kirsch, K-I-R-S-C-H.  
24 THE REPORTER: Thank you.  
25 MS. DUBLIN: Sorry about that. Thank you.

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1 Okay. Cindy Koker. That's K-O-K-E-R. After that  
2 we'll have Kelly. Can you raise your right hand.  
3 please?  
4 Do you swear or affirm to tell the truth,  
5 the whole truth, and nothing but the truth in your  
6 testimony today?  
7 MS. KOKER: Yes.  
8 MS. DUBLIN: Thank you.  
9 MS. KOKER: Okay. Title 58, chapter 13,  
10 Idaho code 20.3.4.015 talks about encroachments.  
11 The park and recreation title 6 also does. Today,  
12 there are 99 private boat slips plus 185 public boat  
13 slips, as far as I could understand from the  
14 information on the website. They are projecting an  
15 additional 99 private slips with one of an unknown  
16 category.  
17 So a total of 198 private boat slips and  
18 185 public boat slips. And if this is correct, it  
19 does not -- it violates the 50/50 rule according to  
20 the Idaho code presented within the hearing  
21 documents.  
22 Kootenai County Code title 6, chapter 2 to  
23 4, the old long (sic) boom was removed, and the head  
24 piling is -- which is a different piling than  
25 they're speaking of, is 160 feet from the southeast

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1 point of the bay directly across the Spokane River  
2 from the resort that is filing for permission to  
3 extend their dock system into the bay.  
4 With the distances of boats being from  
5 shore 100 feet if on the Spokane River and 100 feet  
6 from the docks, this would be a total of 200 feet  
7 without a boat in there. It just have to be in the  
8 middle of that 200 feet. And you need to be 100  
9 feet from another vessel. So that might put a --  
10 that number up to 400 feet. So is there enough room  
11 for a safe path passage between the shoreline and  
12 the dock system that they propose?  
13 With the 1,280 feet of water frontage that  
14 I understood, the marina is restricted on their  
15 expansion to the east and west also. Greenville  
16 condos letters was returned by the USPS as not here,  
17 so in fact, the condos were not notified because the  
18 marina did not have their correct address. I also  
19 was never notified with a letter from the  
20 association, and I live fairly close to the  
21 Scofields.  
22 Kootenai County code 625, noise levels.  
23 The marina has been blowing an air horn every time a  
24 vessel exceeds the speed the marina would like for  
25 them to obey. Not only is the horn loud and

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1 obnoxious, it has been blown excessively.  
2 Within the hearing documents, it was  
3 stated that the OAH has no authority over the  
4 lighting that has been an eyesore to many living  
5 across the Spokane River from the marina. But it  
6 could become a public nuisance or harassment  
7 situation which could be addressed, especially since  
8 the marina has been informed of this lighting  
9 situation.  
10 Kootenai County code 626 and also A,  
11 restricted zone. The Post Falls dam had a major  
12 flood alert in November. Water levels were low --  
13 are low right now. But what would happen if the  
14 levels were high and there was a major flood? Will  
15 the docks restricted -- restrict a vista's activity  
16 at the dam or be in a restricted area?  
17 Kootenai County title 627, commercial  
18 uses. We were just wondering about if they're going  
19 to have any rental boats. There's many kayaks,  
20 paddle boats, and traffic from the park where  
21 there's a public boat launch, and you do have the  
22 boat slips at the condos on -- between the dam and  
23 the bridge.  
24 We sisters have spent many days at our  
25 uncle Erwin McKittrick's beach since the early '60s.

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1 We grew up at 291 South Simonson enjoying the summer  
2 high water since 1969. Along with enjoying the  
3 beach, there is the responsibility of keeping our  
4 beach clean. We find many interesting items that  
5 have been washed ashore from the boats that may be  
6 anchored in the bay, the neighbors upstream, or the  
7 marina, including shrubs and lawn waste.  
8 Every day brings a new surprise. If there  
9 was, God forbid, a fuel spill, it would be  
10 devastating to our fish and wildlife. With dock  
11 system being -- with the dock system going to be  
12 barged in, that could also cause an unpredicted  
13 contamination of the water.  
14 The residents of the bay area have had to  
15 adhere to the no-wake zone placed upon them years  
16 ago, and we have reluctantly followed the rules.  
17 Respectably submit our rejection to the expansion of  
18 the marina per the -- per the potential violation of  
19 the above referenced title codes, rules, and other  
20 sources. Thank you.  
21 MS. DUBLIN: Before we go a little bit  
22 further, I'm going to get some clarification. My  
23 understanding is that there are 100 additional slips  
24 being added. One of those is public and the rest  
25 are private, so --

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1 UNIDENTIFIED SPEAKER: 116.  
2 MS. DUBLIN: Is that correct?  
3 MR. AHMER: No, the -- I think another way  
4 of phrasing it is they've asked to -- to install 100  
5 new slips.  
6 MS. DUBLIN: Correct.  
7 MR. AHMER: So there'll be 100 new slips.  
8 MS. DUBLIN: Correct.  
9 MR. AHMER: Of the new setup, once the --  
10 if it was approved, they would have 185 public and  
11 99 private. So again, they're asking for 100 new  
12 slips. And then after -- if it was approved, after  
13 all was said and done, 185 public, 99 private.  
14 MS. DUBLIN: Correct. So that's a total  
15 of 284?  
16 MR. AHMER: Correct.  
17 MS. DUBLIN: Okay. So Kelly.  
18 MR. SLOAN: Madam hearing officer, can I  
19 -- may I respond to what -- the number that you just  
20 -- because I'm -- I've got it pulled up right here.  
21 And it states in here that there's 186 current.  
22 Then upon the reconfiguration, that's 284. So it --  
23 after the math on that, it's 116. So I don't -- I  
24 haven't read anything in this that only 100.  
25 MS. DUBLIN: Well, I -- the application

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1 I've read says it's 100 more slips.  
2 MR. SLOAN: Okay. Well, this is -- this  
3 is off the subject, so --  
4 MR. AHMER: So the 186 slips, they add 100  
5 more, and 99 of those will be private. So then  
6 you're left with 185 and 99 private.  
7 MR. SLOAN: Right. But if you have the  
8 total -- even though it be public and privatized,  
9 you're still -- you're still adding 186, right -- I  
10 mean, 116?  
11 MR. AHMER: No.  
12 MR. SLOAN: Because it states in here that  
13 (audio disruption). After the reconfiguration, it's  
14 284.  
15 MR. AHMER: 284, when they're -- when  
16 they're done, and they're at 186 now.  
17 MR. SLOAN: Right.  
18 MR. AHMER: So that's a -- that's the --  
19 MR. SLOAN: So if you take 284 minus 186,  
20 that's 116. No? Oh, my bad.  
21 MS. DUBLIN: Okay.  
22 MR. SLOAN: All right. Okay. Okay. All  
23 right.  
24 MS. DUBLIN: Can you raise your right  
25 hand, please?

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1 Do you swear to tell -- swear or affirm to  
2 tell the truth, the whole truth, and nothing but the  
3 truth in your testimony?  
4 MS. YAMAURA: I do.  
5 MS. DUBLIN: Thank you. And can you  
6 please spell your last name for her?  
7 MS. YAMAURA: Sure. It's Y-A-M-A-U-R-A.  
8 I'm Kelly Yamaura. My husband and I live  
9 next door. We are the closest to unit in the condos  
10 next to Templin's. We did not -- and I also sit on  
11 the board. We did not receive our notification. It  
12 was returned to whoever sent it out. A lovely  
13 neighbor told us about it about eight days ago. So  
14 I do not feel that they did their due diligence to  
15 us, their next door neighbor. And there are 48  
16 units. There are 48 homes there. So that's a  
17 pretty big number considering they still want to put  
18 in 100.  
19 I don't even care about that part of it.  
20 But my concern is everybody's talking about that log  
21 boom that's out there. The boats that access  
22 Templin's right now go in front of that log boom.  
23 They do not go on the outside of it and enter  
24 Templin's. They are on -- they drive their boats on  
25 the inside. My apartment looks exactly down on it.

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1 I'm on the third floor, and I look at it every day.  
2 They do not use the outside of the boom to  
3 go around. They use the inside of the boom, which  
4 is fine. But now they've moved their -- their new  
5 dock is going to go -- their new set of dock runs  
6 are going to move over, and they're going out way --  
7 right out to the very end. So now all that boat  
8 traffic is going to go right in front of our first  
9 set of condos on the water that they pay waterfront  
10 taxes, just like Templin's does.  
11 And now we're going to have all these  
12 boats. And it looks -- because like the plans are  
13 kind of hard to read, and I didn't have a lot of  
14 time. But it looks like there's, I don't know the  
15 exact size of all the slips, but big boats. If  
16 there's 25 feet of encroachment, that means if I  
17 have a 32 foot boat, I can't make that corner  
18 anyway, right.  
19 I don't know. It just seems like it's a  
20 lot more, and it -- and it goes out so much further.  
21 And now those people -- I mean, yes, there's going  
22 to be a little thing for them to go through, but you  
23 have to go all the way out and around. So now  
24 you're in front of my building with all your boats,  
25 our buildings, all our buildings.

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1 And our docks are pretty far apart, which  
2 is true. But I don't think we want to be subject to  
3 looking at all those docks and all those people.  
4 And they didn't say anything about their curfews or  
5 anything. I mean how late is that be going? I  
6 can't sit on my deck, because now I am directly  
7 looking into people's boats. Mine is -- that's just  
8 grievances.  
9 The other thing was -- I have to think,  
10 because I -- I'm not prepared. I wasn't even going  
11 to talk today, but the -- I was just really upset  
12 about they didn't even -- like it got returned to  
13 the Department of Lands, I do believe. But yet, how  
14 come it was not -- tried to be -- I don't understand  
15 that. Was it it didn't matter? Your next door  
16 neighbor.  
17 I mean, that's the first -- my husband  
18 looked it up when we got the information. That's  
19 the first thing, big old yellow envelope with red  
20 stamps all over it returned to sender, not at this  
21 address. Your due diligence is to walk it over  
22 there and give it to us, right. I think. I don't  
23 know.  
24 And I think that's -- other than the  
25 massive amount of boats on the river, it really

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1 isn't safe. And having that -- they're right about  
2 it's already tight at Templin's when boats are in  
3 there circling trying to fill up. And we use  
4 Templin's gas dock. It's a beautiful thing. It's  
5 not about the dock. It's just about -- I don't know  
6 about moving it out, because it's really tight in  
7 there.  
8 But other than that, that's all I have to  
9 say. Thank you.  
10 MS. DUBLIN: Thank you. Ms. -- is it  
11 Yamaura?  
12 MS. YAMAURA: Yeah.  
13 MS. DUBLIN: Just for clarification, for  
14 the record, were you speaking on your behalf  
15 personally or for the board?  
16 MS. YAMAURA: Both. Yes.  
17 MS. DUBLIN: Okay.  
18 MS. YAMAURA: I'm just the treasurer. I'm  
19 not the president.  
20 MS. DUBLIN: All right. The next are  
21 John, I believe it says Stanley, and Robin Kirsch,  
22 and then Jason Pearson. Can you raise your right  
23 hand?  
24 Do you swear or affirm to tell the truth,  
25 the whole truth, and not nothing but the truth in

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1 your testimony today?  
2 MR. STANLEY: I do.  
3 MS. DUBLIN: Thank you. And please spell  
4 your name for the court reporter.  
5 MR. STANLEY: S-T-A-N-L-E-Y.  
6 THE REPORTER: Okay. Thank you. And just  
7 ask that all of the people talk into the mic instead  
8 facing --  
9 MR. STANLEY: Okay. S-T-A-N-L-E-Y.  
10 THE REPORTER: Thank you.  
11 MR. STANLEY: Madam hearing officer, IDL,  
12 and StanCraft, thanks for being here. I live next  
13 door at River Run, which is the adjacent property to  
14 the east of the -- the marina. And I'm on the board  
15 there also. So I have some concerns from the  
16 homeowners there. Excuse me.  
17 One of the biggest problems is obviously  
18 the no-wake zone, which everybody believes to be a  
19 no-wake zone when it really is not on the weekends  
20 especially. So it would behoove StanCraft to maybe  
21 get the waterways to move some of their buoys. I  
22 know they're not responsible for that. But if the  
23 buoys were better placed in the river and more  
24 marked, that would help.  
25 Also, if they do move their gas dock,



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1 their ship store out to the end, a sign -- a larger  
2 sign. If you saw in the pictures, there was a sign  
3 on their gas dock, but it was down below and low  
4 that nobody could see. If they could put a larger  
5 sign on top, that would definitely help alleviate  
6 the -- the no-wake problem that we all have.  
7 Our beach is adjacent to theirs, and  
8 people do come in close to our beach to get to their  
9 gas dock. And there's people and kids floating out  
10 there, because it is a public area for our  
11 development. So if there was some kind of way that  
12 they could get with the IDL and get with waterways  
13 and try to alleviate some of the no-wake problem,  
14 that would be very beneficial to everybody else.  
15 We do have also a lot of paddleboarders  
16 and stuff that launch from that area, and they do  
17 paddle in the no-wake zone which is close to your  
18 docks and things. So that would definitely help. I  
19 mean, that was one of the biggest fears.  
20 Also, during your development, it's been  
21 hard to get information along our fence line and  
22 stuff about improvements and especially the parking  
23 area up above for the -- the marina. If we could be  
24 notified of when the development is going to happen,  
25 when the fence line is going to be changed or trees

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1 planted, like they did plant a lot of trees, which  
2 is fine. I know we don't have any control over what  
3 they do on their side of the fence, but just be  
4 notified so the homeowners don't come to the board  
5 and say: Why are they doing this, and stuff like  
6 that. It would just be forthcoming to have all that  
7 information disclosed to us so we can tell our  
8 homeowners what's happening over there.  
9 The other thing to think about, I know  
10 that everybody's opposed to those 100 slips. What I  
11 see, having been in that marina for 15 years, is  
12 that those will be the ones sold, and none of us  
13 will lose our leases. If they can't build those 99  
14 slips, then half of us will lose our leases on the  
15 slips that we have there. So that is something to  
16 consider, also.  
17 And that's all I have.  
18 MS. DUBLIN: Thank you.  
19 MR. STANLEY: Thank you very much.  
20 MS. DUBLIN: Okay. Robin, raise your  
21 right hand.  
22 Do you affirm to tell the truth, the whole  
23 truth, and nothing but the truth in your testimony  
24 today?  
25 MS. KIRSCH: Yes.

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1 MS. DUBLIN: And spell your last name for  
2 the court reporter.  
3 MS. KIRSCH: Robin, K-I-R-S-C-H.  
4 Hi. Good evening. Can you hear me?  
5 MS. DUBLIN: Now, we can.  
6 MS. KIRSCH: My voice carries like a dog  
7 whistle, and I'm very nervous, so bear with me. At  
8 first, I feel like we're at a bit of a disadvantage  
9 because we didn't have access to the slideshow that  
10 the applicant provided at the beginning. So I'm  
11 trying to -- as was told, we could address those  
12 slides, but it's hard to address them if we don't  
13 have the slides in front of us.  
14 MS. DUBLIN: I can pull them up.  
15 MS. KIRSCH: Because the -- one of the big  
16 concerns is this encroachment and the footprint,  
17 like we were -- we were just discussing. Because  
18 with the slide that was shown, it shows where the  
19 current log boom (sic) is, or log boom, whatever  
20 you call it, and how far that goes. So if you have  
21 -- I do have a picture.  
22 UNIDENTIFIED SPEAKER: She'll bring the  
23 slide up, if you like.  
24 MS. DUBLIN: I can bring the slides up.  
25 MS. KIRSCH: Yeah. Yeah, if you can show

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1 a picture of the current log boom.  
2 MS. DUBLIN: And make sure I'm sharing it  
3 with the Zoom, lots of things to remember. You  
4 remember which one?  
5 MS. KIRSCH: So if you look -- if you look  
6 at this current log boom, that log boom only goes a  
7 third of the length of the current dock. They're  
8 saying they're not expanding past the log boom. But  
9 quite clearly, if you look at where they are taking  
10 the marina, it is going well past that log boom  
11 because they're continuing it to where the corner  
12 and the ship store currently is past that point.  
13 And that's where their new ship store will be.  
14 So they are most definitely continuing to  
15 make a larger footprint than even what the current  
16 footprint will be if you're including the log boom,  
17 which is not a permanent structure. So that  
18 definitely has a lot of concern.  
19 I feel like they're deceptive in the way  
20 they're presenting things, which I feel is a theme  
21 that we keep hearing over and over again. They're  
22 trying to -- to present stuff and slide it through,  
23 hoping we don't notice and that other neighbors  
24 weren't even informed. So we were not informed. I  
25 found out from neighbors that were next door, the



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1 only association that I think got the actual  
2 information. And I do live in the house directly  
3 320 feet from that corner.  
4 One of our major concerns is with  
5 lighting, as they're saying there are no  
6 restrictions on lighting. But StanCraft claims that  
7 they are here for the community and they want to do  
8 right by the community. We ask them to be  
9 conscientious of the lights, because as they build  
10 this proposed new ship store right on that corner,  
11 where do you think most of the lighting will be?  
12 So illuminate that ship store which will  
13 bounce directly onto the water, which bounces  
14 directly into our windows that are across the river.  
15 And they act like we are not the neighbors because  
16 we're not on the same side of the river, where we're  
17 impacted more than their direct next door neighbors  
18 because we are across from them.  
19 When we presented this and asked that they  
20 be conscientious of the lighting plan and use night  
21 sky approved lighting fixtures where they're not  
22 bright white, yellow -- or to use yellow, not bright  
23 white shielded fixtures that aim down, they verbally  
24 would say: Sure, sure, we'll do that, on a  
25 handshake. We asked they put it in writing, and

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1 they shut down and refused to put it in writing.  
2 That doesn't sound very neighborly. In fact, they  
3 became combative and punitive with saying they don't  
4 have to do any of that. So I didn't feel like that  
5 was a very neighborly thing to do.  
6 There are standards within the -- the  
7 Lands Department that do put restrictions on  
8 lighting that as a precedent, they have so far  
9 ignored the statutes that are in place with the  
10 lands. So I don't have any reason to believe they  
11 will follow being a good neighbor with what they're  
12 lighting on the waterway. They're going to be  
13 concerned about lighting their property and making  
14 it a commercial space that draws in money.  
15 I'm shaking. I'm so nervous. Sorry.  
16 UNIDENTIFIED SPEAKER: You'll get there.  
17 MS. KIRSCH: Thank you. So the increased  
18 boat traffic is obviously a concern for everyone.  
19 And again, the Spokane River is a smaller, narrower  
20 body of water to draw all the traffic towards this  
21 end of the river which now all of the boats coming  
22 from Lake Coeur d'Alene or going to Lake Coeur  
23 d'Alene must navigate this very small narrow  
24 waterway. Adding the extra boat slips is only going  
25 to create more congestion on this narrowed waterway.

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1 If there are more boat slips needed for  
2 public access, it would be more prudent for those to  
3 be placed on the massive Lake Coeur d'Alene that has  
4 the ability to handle that sort of boat traffic.  
5 Bringing those boats down to this end of the river  
6 is going to create a situation that will take away  
7 the pleasure and the freedom of everyone's use of  
8 the river because it will become so constricted no  
9 one can use it. Unless it's addressed now, and  
10 someone needs to address it.  
11 That's our main concerns. I think  
12 everything else has pretty much been said, so pretty  
13 much agree with everything else everyone said.  
14 Thank you.  
15 MS. DUBLIN: Thank you. Jason Pearson.  
16 MS. PEARSON: It's actually Jeannie  
17 Pearson. I'm sorry for my handwriting.  
18 MS. DUBLIN: Oh, Jean. Sorry.  
19 MS. PEARSON: I'm going to pass, and I'm  
20 going to to write a letter because we just found out  
21 from a neighbor a few days ago, and I just haven't  
22 had the time to prepare.  
23 MS. DUBLIN: Okay. All right.  
24 THE REPORTER: Can you state your name?  
25 Can you spell it, please?

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1 MS. PEARSON: Jeannie, J-E-A-N-N-I-E,  
2 Pearson, P-E-A-R-S-O-N.  
3 THE REPORTER: Thank you.  
4 MS. DUBLIN: Well, I know I can read the  
5 first part, Dick "Trish" -- "Tersh"?  
6 MR. TEICH: Teich, T-E-I-C-H.  
7 MS. DUBLIN: Yes, thank you.  
8 MR. TEICH: Okay.  
9 MS. DUBLIN: T-E-I-C-H. And next on deck  
10 is Susan Stiger. Can you raise your right hand  
11 please?  
12 MR. TEICH: Yes, ma'am.  
13 MS. DUBLIN: Do you swear or affirm to  
14 tell the truth, the whole truth, and nothing but the  
15 truth in your testimony today?  
16 MR. TEICH: Absolutely.  
17 MS. DUBLIN: Thank you.  
18 MR. TEICH: My name is Dick, or Richard,  
19 T-E-I-C-H. Okay. Got it.  
20 My comments that I was going to present  
21 have been pretty much presented by everyone else  
22 here this evening. So I'm going to confine my  
23 comments as being an objector to a property owner  
24 directly across from the sheriff's boat on the river  
25 in the no-wake zone. I've owned that property since

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1 1970, and certainly the first few years after  
2 Templin's built their hotel, the marina didn't make  
3 any difference because the whole area of the no-wake  
4 zone was full of logs.  
5 Fast forward to 2017 where I -- my family  
6 and I have built a permanent retirement home in that  
7 area directly across the river. My kids, of course,  
8 are now adults, and now I have grandchildren. And  
9 my primary concern is trying to sit on my deck on  
10 Sunday now and listen to the profanity and the music  
11 that is being generated by flotillas of boats that  
12 are anchored in the no-wake zone.  
13 The pressure on that part of the river in  
14 the no-wake zone has increased markedly since 2017,  
15 primarily in 2019 when Rivers Edge Condos added a  
16 146 more slips. I can only imagine that the  
17 addition of 100 or 116, whatever we're bantering  
18 about, is going to make an additional influence on  
19 trying to enjoy a Sunday afternoon in the no-wake  
20 zone.  
21 Currently, the challenge is to enjoy our  
22 property. My grandchildren can no longer use the  
23 river for just tubing on weekends. Weekends are  
24 just absolutely crazy. If you sit out on your deck,  
25 you better have a bullhorn, because you can't even

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1 hear yourself talk. My point being that adding 100  
2 boat slips is going to only exacerbate the area.  
3 We are taxpayers, like all of you are that  
4 have property along the river, and I object. And I  
5 would recommend that our regulatory agencies don't  
6 -- do not issue any permits for another 100 slips.  
7 Thank you.  
8 MS. DUBLIN: Thank you. Okay. Susan  
9 Stiger. And then Tracy Davis is up next. Please  
10 raise your right hand.  
11 Do you swear or affirm to tell the truth,  
12 the whole truth, and nothing but the truth in your  
13 testimony?  
14 MS. STIGER: I do.  
15 MS. DUBLIN: Thank you.  
16 THE REPORTER: Please state your name.  
17 MS. STIGER: Yeah. My name is Susan  
18 Stiger, S-T-I-G-E-R, and my husband and I have owned  
19 property on the Spokane River for over 30 years.  
20 We've resided there full time for over 20 years.  
21 I'm a licensed civil engineer with the state of  
22 Idaho, and I am a data --  
23 UNIDENTIFIED SPEAKER: We can't hear you,  
24 Susan.  
25 MS. STIGER: Oh, sorry. Is this better?

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1 UNIDENTIFIED SPEAKER: Yes.  
2 MS. STIGER: Okay. I'm a licensed civil  
3 engineer with the state of Idaho with a background  
4 in water, and I'm also a data hog. So for the last  
5 more than five years, I've been taking data on boat  
6 census, water quality, boat types, boat wakes on the  
7 Spokane River, and I've shared this with the  
8 Department of Environmental Quality. We're doing  
9 cooperative work with the University of Idaho.  
10 And so I wanted to address several of the  
11 factors that in policy 012 IDL is required to give  
12 due consideration for. You've heard about several  
13 of them already. Ensure protection of property,  
14 navigation, fish and wildlife habitat, aquatic life,  
15 recreation, and water quality. I want to focus on  
16 just a couple. But first, a lot of people have  
17 talked about there not being any problem with  
18 traffic on the river.  
19 We did not launch our boat this year  
20 because conditions on the river are so unsafe. And  
21 this year, it's not just the weekends. It's every  
22 day, all day long. And when you talk to the marine  
23 deputies for Kootenai County, they agreed that this  
24 summer, the conditions were insane. I wish they  
25 would make that comment officially.

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1 I also had a marine deputy comment that we  
2 should get really focused on the requirements  
3 against interference with navigation. There are so  
4 many boats on the river now, so many big boats on  
5 the river, so many boats making big wakes that you  
6 cannot safely navigate on the river after about  
7 10:00 in the morning till dark in the summer. That  
8 is an issue, navigation.  
9 The next step is to make the entire river  
10 no-wake. And I doubt that Templin's is going to be  
11 really happy with a 9 mile no-wake zone for people  
12 whose boats are at their docks to try to access the  
13 lake. That's a real impact to them economically.  
14 The other issue with safety is that the  
15 county has already impacted safety on the river  
16 compared to the lake. On the lake, the no-wake zone  
17 is 200 feet from shore and docks. On the river,  
18 it's only 100 feet. On the lake, you have to stay  
19 100 feet away from other boats. On the river, you  
20 only have to stay 50 feet away from other -- other  
21 boats. So safety on the river is already  
22 compromised through the county's actions.  
23 Increasing the traffic will make it disastrous.  
24 I also want to discuss water quality  
25 because I've taken data almost every day, several

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1 times a day throughout the boating season for the  
2 last five years. And one of the things I've focused  
3 on is turbidity, which is how much silt is being  
4 stirred up by boat wakes on the river. And the --  
5 and more traffic causes more stirring up of  
6 sediments. Bigger boats causes much more stirring  
7 up of sediments. Boats making big wakes are the  
8 worst.

9 And if you go up and down the the river  
10 and look at the kind of boats that are moored, the  
11 biggest boats are already at Templin's Marina. So  
12 expanding their capability is just going to make it  
13 easier for larger boats to be on a very narrow, very  
14 shallow river that really cannot accommodate those  
15 boats. And they're bullies, right. When they're on  
16 the water, nobody else can really recreate safely,  
17 any boat making big wakes -- pardon me.

18 But the turbidity data is clear, and I'd  
19 be glad to share that with IDL that bigger boats,  
20 boats making bigger wakes, and lots more boat  
21 traffic is dramatically increasing the turbidity on  
22 the river. Those river sediments are known to  
23 contain heavy metals and phosphorus, other  
24 contaminants. Remobilizing those on the river is a  
25 very significant concern.

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1 I don't think many of us really want our  
2 waterfront property to be declared a Superfund site.  
3 But if we're not -- if IDL and the county and others  
4 are not careful about considering the impact on  
5 water quality, that's the direction we're headed. I  
6 hope we never get there.

7 Erosion, protection of property. For the  
8 first time in 30 years, the bedrock along our  
9 shoreline was exposed. And the only way that  
10 happens is from big boats, lots of wakes, increasing  
11 the number of boats making it easier for big boats  
12 to be on the Spokane River is only going to increase  
13 the erosion. We've received lots of reports of  
14 damage and property damage all along the river, and  
15 nobody's taking any concern of that. We request  
16 that Department of Lands take a much more serious  
17 look at that.

18 With respect to water quality, I mentioned  
19 this -- we're doing work in cooperation with the  
20 University of Idaho. We specifically request that  
21 Department of Lands not approve large numbers of  
22 additional boat docks on the river until those  
23 studies are completed and there's a better  
24 scientific understanding of the impact of big boats,  
25 big boat wakes, and the amount of traffic on the

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1 river. It just would be imprudent to go ahead and  
2 approve a lot more docks until those studies are  
3 completed.

4 And I had a couple of other things, we'll  
5 put them in writing. But I was thinking about a  
6 reference that somebody made to a highway earlier.  
7 We've lived on the river long enough. We've been  
8 able, fortunate, to enjoy a broad range of  
9 recreation opportunities that the river used to  
10 provide, be it swimming, be it canoeing, be it  
11 fishing, be it -- I mean, a broad range. And that's  
12 of real benefit to the local economy, the state, the  
13 public.

14 I've had fishermen say that they no longer  
15 let their kids go fishing on the river because of  
16 the increased boat traffic. Somebody's got to be  
17 considering that somewhere along the line. But now  
18 the reference to highway, it's like changing a  
19 playground, a recreational playground, and turning  
20 it into an unregulated four-lane or six-lane  
21 highway.

22 That is what has already happened to the  
23 Spokane River. And my fear is that adding even more  
24 docks, especially 100 more docks, will dramatically  
25 reduce -- it'll turn it into a transit zone, not a

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1 recreation zone. And so we request that the  
2 Department of Lands not look at individual slips.  
3 They start considering the cumulative impact of the  
4 permits that they're approving on the Spokane River.  
5 It is too narrow, too shallow, too fragile to handle  
6 the traffic that it has already.

7 Thank you.

8 MS. DUBLIN: Thank you. When you say we  
9 request, can you specify who is we?

10 MS. STIGER: Well, I can say for sure my  
11 husband, who stepped out at just the --

12 UNIDENTIFIED SPEAKER: I'm here.

13 MS. STIGER: -- wrong time. But also we  
14 are -- we work with an ad hoc group called River  
15 Friends that came together -- it was six years ago?

16 UNIDENTIFIED SPEAKER: Yes.

17 MS. STIGER: -- concerned about the  
18 degradation of quality, property damage, big boats,  
19 big boat wakes on the -- on the river. And we've  
20 been trying to work with the -- with the county,  
21 sometimes successfully, mostly not. But we're  
22 working closely with the University of Idaho on  
23 getting good technical data about that. So that's a  
24 part of the we.

25 MS. DUBLIN: Thank you so much.

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1 Okay. Tracy Davis and then Randy -- oh, I  
2 think that's a no. Randy Lewis, no. Okay. Tracy  
3 Davis, Jim Stafford, and Ed Kent. Tracy Davis. No.  
4 Okay. I think that person's gone.  
5 Jim Stafford.  
6 MR. STAFFORD: Right here.  
7 MS. DUBLIN: Okay. And is Ed Kent still  
8 here? Yes. Okay. Just want to make sure.  
9 Do you swear or affirm to tell the truth,  
10 the whole truth, and nothing but the truth in your  
11 testimony?  
12 MR. STAFFORD: I do.  
13 MS. DUBLIN: Thank you.  
14 MR. STAFFORD: Jim Stafford, S-T-A-F-F-O-  
15 R-D.  
16 UNIDENTIFIED SPEAKER: Can't hear you?  
17 MR. STAFFORD: Can you hear me now?  
18 Susan's a hard act to follow, but Susan and Bob  
19 Stiger and myself have been involved -- and Avis, my  
20 wife, have been involved in the river, trying to get  
21 some common sense for the last six years.  
22 UNIDENTIFIED SPEAKER: Can't hear you.  
23 MR. STAFFORD: Still can't hear me? How  
24 is this?  
25 UNIDENTIFIED SPEAKER: No, get closer.

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1 MR. STAFFORD: Wow. I'm going to swallow  
2 this thing. Okay. So six years ago, we formed  
3 River Friends. And out of that, I became more  
4 involved in the river, and I became the president of  
5 the Spokane River Association. I think many of you  
6 know, over the years, we've tried to mitigate the  
7 issues on the river and not very successfully.  
8 And I've heard all this stuff tonight, and  
9 it kind of came to me that the issue is the land --  
10 the division of land is continuing to put more and  
11 more emphasis on the river. The county  
12 commissioners refuse to write reasonable  
13 regulations. And I hate to say this, but I think  
14 we've all experienced the sheriff is reluctant to --  
15 to enforce state law.  
16 So unless someone in the county or the  
17 state, hopefully the state, would take charge to  
18 somehow put some pressure on the county  
19 commissioners and the sheriff to come up with the  
20 reasonable regulations, I -- I agree that they  
21 should not grant any more permits on the river.  
22 And Susan talked about the river in terms  
23 of its condition, and, you know, it is what it is.  
24 But I found it interesting that neither the Kootenai  
25 County Parks and Recreation Waterways, nor the

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1 Kootenai County Marine Division has commented. And  
2 they have -- over the last six years, we have had  
3 multiple meetings with those groups, and they know  
4 and recognize and have told us that the river has  
5 too much traffic and has become unsafe and is  
6 hurting the environment.  
7 So I think that the waterway -- the land  
8 commission needs to force these guys to come forward  
9 with information. And I don't know that'll happen  
10 because, you know, the waterway -- the land  
11 commissioner says: Well, it fits the box, okay? So  
12 their -- their argument is it fits the box, so we're  
13 going to improve it.  
14 But they don't take into consideration  
15 their own regulations that say they're supposed to  
16 first consider the environment and the impact on  
17 everybody else. And that's what the commissioners  
18 have done. They do not -- they allow 5 percent of  
19 the boat traffic to disrupt the other 95 percent.  
20 So I hope you guys don't say: It's not my  
21 job. Thank you.  
22 MS. DUBLIN: Thank you. Raise your right  
23 hand.  
24 Do you swear to tell the truth, the whole  
25 truth, and nothing but the truth in your testimony?

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1 MR. KENT: Yes.  
2 MS. DUBLIN: Thank you. And make sure you  
3 tell that court reporter your full name.  
4 MR. KENT: My name's Ed Kent, E-D, K-E-N-  
5 T. We live about --  
6 UNIDENTIFIED SPEAKER: Can't hear you.  
7 MR. KENT: We live about five houses  
8 upriver from the Templin's Marina. We've lived  
9 there since 2018. We've been visiting the Coeur  
10 d'Alene Lake for much, much longer than that. We  
11 previously lived in Billings, Montana. And it's a  
12 real privilege for us to be here and live here in  
13 northern Idaho. And so hearing from 30-year  
14 residents, I -- I feel like I shouldn't say anything  
15 because -- but -- but I pay attention to -- to my  
16 environment. I pay attention to what's going on  
17 around me.  
18 And when we first -- when we first bought  
19 the house that we live in, we -- we've been -- we  
20 were looking for property all the time. But we  
21 didn't really pay that much attention when we were  
22 looking at property to -- to the river until we  
23 visited the river and we thought: Oh, how  
24 beautiful. What a fantastic place to live and  
25 recreate on.

<p style="text-align: right;">Page 126</p> <p>1 And so we bought the place in October, and 2 when we looked at the river then, it was -- looked 3 like a river. A river has unidirectional flow. 4 That means you don't have 4- to 6-foot waves 5 attacking the shoreline every 10/15 seconds. That's 6 amazing. So we -- we actually bought a river 7 property, but we ended up living on the ocean. 8 And when I say that, we literally do live 9 on the ocean. We've got ocean liners that moor at 10 Templin's Marina. They're -- and we have 11 houseboats, as well. They're 40/50 foot long. I 12 don't know what their tonnage -- or their -- their 13 tonnage is, as far as displacement, but it's huge. 14 And -- and the ocean-going ships that we have on our 15 river, even during a no -- even going 5 to 10 miles 16 per hour, create a wake of -- of 3 to 4 feet. 17 The -- the wakeboats that we have going up 18 and down the river -- and I'm telling you, I 19 appreciate the -- the notion that increasing the 20 numbers of docks within the river will increase 21 access. But I have to say it'll increase access to 22 one particular part of the population is those 23 people that don't live in Post Falls, those people 24 that don't live in Idaho. 25 It will increase access to people that</p>	<p style="text-align: right;">Page 128</p> <p>1 encircled. They were 10/15 feet upriver -- I mean, 2 up upland. 3 And they were encircled by these tubes of 4 -- of water that was being pushed upland and all 5 around and encircling these -- these trees. And -- 6 and these trees are like carrots, fortunately. They 7 -- they put down a tap root, and they -- they do a 8 pretty good job at staying until you remove all of 9 the dirt around them. And this is what these -- 10 these massive boats. And it's not just the -- the 11 massive boats. It's the -- the frequency of boats. 12 Our neighbors told us that we lost 15 feet 13 of land from our -- our land to -- to the shore over 14 10 years. We weren't there, you know, the previous 15 5 years, but -- or 8/10 years when they said that. 16 But we certainly could see why. And as far as 17 turbidity, our -- our coastline was just -- just 18 mucky and murky. It was dirty. It was nasty. 19 And I'm thinking -- I'm thinking all 20 along, I hear all along that do not -- do not 21 disrupt the -- the riverbed. Do not, you know, dig 22 this out. Do not move this out. You need a special 23 permit. Why? Because of the sediments. The 24 sediments and the heavy metals. 25 And -- and I'm thinking, so what do the</p>
<p style="text-align: right;">Page 127</p> <p>1 live in Arizona, in Seattle, and so on. It's not 2 the people that enjoy the -- the river and -- and 3 live there each and every day. 4 And I've got to say, so where we live 5 along our side of the river, not a lot are -- are 6 here today because we weren't notified of it. 7 Fortunately, we -- we heard news of it, and then 8 we've been notifying our -- our neighbors, as well. 9 And I thought, wow, something this significant with 10 what was all already going on on the river, we 11 should have notified everybody to the mouth of the 12 Coeur d'Alene. It affects all of us. 13 And so with that, we -- we did not have a 14 boat for the first -- well up until -- we bought it 15 in 2018. We did not buy a boat until the year -- 16 year before that in -- in August. And the reason 17 for that is we've been very busy trying to protect 18 our shoreline, trying to fix the damage that was 19 caused. 20 And so when we -- when we lived there, 21 moved there, our neighbors told us after we noticed 22 what was going on. And we saw these tubes, these 23 water tubes, that were encircling our huge ponderosa 24 pines. We have these 150 -- or 100/150 feet 25 ponderosa pines along the river that was being</p>	<p style="text-align: right;">Page 129</p> <p>1 boats do? You know, kind of what does the fox say? 2 Well, what did this -- the boats -- what do the 3 boats do? The boats -- you know, all along, it's -- 4 it's not that deep all over in Spokane River. And 5 we do not have the -- the waves do not diminish, you 6 know. In a lake, they're used to waves. They've 7 got wind driving the -- the waves to the shore. We 8 had that 55-mile-an-hour wind the other day. We 9 lost two trees. We've been spending the last two 10 days cleaning that up. 11 But you know, I've got to say it -- the -- 12 the boats have a tremendous distance destructive 13 capacity. And over the last six years, we've seen 14 that increase, increase, increase. Last year was 15 the first year that we've actually had this deck 16 that's right next to this little shed that we have 17 that has our kayaks and standup paddle boards in. 18 It was actually lifted up off the -- its foundation, 19 not just once but multiple times throughout the day 20 during -- during the weekends and pounded down. 21 And I'm thinking we've got to fix that. 22 So for the first four years, we didn't do anything 23 other than try to fix the shore and fix everything 24 else because of all of the -- the damage that's 25 going on. And if -- if people aren't paying</p>



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1 attention, if you're not looking, you're -- frankly,  
2 you're not opening your eyes and you're not paying  
3 attention to what's going on.  
4 But when we first moved in, our -- our  
5 floating dock was not operational. We didn't know  
6 why. We did know that this 8 inch pylon was snapped  
7 in two. So first off, we just fixed it. We had it  
8 welded back together. We paid, you know, \$6/700 to  
9 do that. And then we -- we created a new dock, a  
10 floating dock. We floated it down the river, put it  
11 in place. Within the first day, it was going up and  
12 down.  
13 We had two pylons that it was connected  
14 to. It was going up and down 6 to 8 feet. It's a 4  
15 foot wide, 16 feet long, a dock, and it was going  
16 towards the river, going up and down 6 to 8 feet.  
17 It was moving the pylons that were stuck in this in  
18 the dirt 10/15 feet. It was going -- these pylons  
19 were going back 3 -- 3 feet back and forth.  
20 And I said to my wife, I said: Honey, I  
21 know why that pylon snapped. And -- and so I'm  
22 freaking out, because this -- this dock, we -- we  
23 spent \$15,000 to put it all together and -- and  
24 throw it out there and put it together as a floating  
25 dock. And it just couldn't happen. And it was

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1 dangerous. You talk about danger.  
2 So fortunately, we were able to contact  
3 Can Fathom, and they're a -- a marine construction  
4 firm that operates. And we asked: Can you do this  
5 within the next couple days, I mean, tomorrow? But  
6 can you fix this, and can you make this a permanent  
7 dock for us? And they said: You know, fortunately,  
8 we ran out of steel at the one place we're working  
9 upriver. We can squeeze you in the next day and a  
10 half.  
11 So -- so in the next day and a half, my  
12 wife was actually out there. I call her my -- my  
13 ambassador, because she's much more kind and soft  
14 than I am. But she was out there asking boats to  
15 please slow down. And now, this is not too far from  
16 the -- from Templin's no-wake zone. But the -- and  
17 this was it like Tuesday and Wednesday. So this is  
18 not the weekend we're talking about. But she was  
19 asking: Please, please slow down.  
20 Can Fathom, he said to me -- he said: Ed,  
21 I -- I came from Homer in Sitka, Alaska. That's  
22 where I did all my work. And he said: Ed, I'm --  
23 I'm going to tell you straight up. He said: The  
24 Spokane River is the most dangerous way waterway  
25 that I've ever experienced. And I -- I've been

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1 doing this for 25 years.  
2 And I said -- I said, well -- I -- I said:  
3 Well, what do you mean? He said -- he said: We've  
4 made a decision that during the peak months, we're  
5 not going to do this kind of work. And he says --  
6 he says: It's just too dangerous. And I'm telling  
7 you, dangerous means these floating docks going up  
8 and down. Can you imagine a child or -- or a parent  
9 or even somebody just standing on there?  
10 It's -- so what do we need to have happen?  
11 We need to have a death happen. And then who's  
12 going to -- who's going to explain why that  
13 happened? Because we do not need to have a death  
14 happen. I know we're having injuries. I know we  
15 have that. And I know my little grandkids, we do  
16 not allow them to recreate in front of our deck. I  
17 -- Department of Lands calls it a dock. It's --  
18 it's not navigated -- you can't navigate up to it.  
19 You can't even moor a ship next to it.  
20 But you can't -- so they go out on this  
21 little rock, and this -- these waves again come and  
22 splash up and they go up through our deck. And --  
23 and it's just -- it's amazing the 4- to 6-foot waves  
24 repeatedly all day long. And you know, I -- my wife  
25 hears me. I -- I swear about it. I tell her I'm

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1 going to get a -- an air horn. She's forbidden me.  
2 But the thing of it is, is after they've  
3 done their damage, they're -- they're 200/300 feet  
4 downriver, and there's nothing you can do about it.  
5 The sheriff is not around.  
6 So one thing I've learned is when -- when  
7 they set speed limits, there's the natural speed  
8 limit that happens on roads. And -- and usually the  
9 police or whatnot really -- at some point in time  
10 you stop fighting it, and you just accept it, and  
11 you just adjust to the speed limit.  
12 The -- the sheriff has -- has made a  
13 determination they're not going to follow the law.  
14 And -- and we've talked about this. The Idaho  
15 Department of Land in a -- in a lake has 200 foot  
16 no-wake zone. In this river, narrow river where we  
17 live, it's 400 feet apart where the island which is  
18 upriver from Templin's and across is 400 feet. And  
19 frankly, there's three/four boats going back and  
20 forth towing children, towing skiers, and -- and  
21 these -- with these 4- to 6-foot wakes. And -- and  
22 I'm telling you, it's just crazy.  
23 But you're right. In the no-wake zone,  
24 people are seeking refuge. The no-wake zone is  
25 their refuge, because they can't position and enjoy



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1 the river the way it is because the -- too many  
2 boats, right. And it's too dangerous. And so, you  
3 know, I think it's -- we -- we have to wake up to  
4 this. We -- we can't wake up to it after the fact.  
5 We -- we need to really recognize that and do  
6 something now.

7 They've talked about -- and Mike is right  
8 with Idaho Department of Lands has said this -- we  
9 have 150 foot excessive wake zone. Wow, excessive  
10 wake zone. Have we ever had that interpreted by our  
11 sheriffs yet? I'm telling you, I see the sheriff  
12 twice a day. Once in the morning, he goes about 40  
13 miles an hour passes, and 45 miles an hour on the  
14 way home, because it's time to go. And that's  
15 usually the extent when I see them.

16 And so we can't say that, hey, we have  
17 laws and rules and regulations. Everybody's going  
18 to abide by them. This gentleman down here admitted  
19 they don't follow the no-wake zone. They exceed  
20 through that. And -- and, you know, when I've got  
21 these trust fund babies with their -- you know,  
22 their -- their wakeboat coming right at my -- my  
23 dock and they're 100 foot away and then they make  
24 their turn, you know, I can't tell you but every  
25 year we are fixing things.

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1 And we're going to have to fix some more  
2 this -- this year before we get -- and that's an  
3 expense that frankly, I had no idea we would ever  
4 have. But, you know, admittedly StanCraft makes  
5 boats. Now, they have a marina, and they also do  
6 marine -- marine construction. So they'll make the  
7 boat, they'll have the marina, and then when they go  
8 and -- and, you know, damage your property, they'll  
9 fix it. Isn't that great?

10 But -- but at the end of the day, I would  
11 like to go through some of these things. Because  
12 one of the things is is that the -- there were just  
13 some -- some misstatements I thought, or -- or I  
14 should say some -- can we go to where they had the  
15 diagram of the -- of the old marina and then they  
16 overlaid on top the new marina?

17 And I realize we have a lot of laws  
18 preventing individual homes or houses have -- and  
19 their dock. But commercial marinas, if we -- if we  
20 use specific rule -- laws or the specific language  
21 and how it's constructed, we can do whatever we want  
22 to do without any restriction. But if we're a  
23 personal homeowner, we better stay within our -- our  
24 property line.

25 Thank you. That's perfect.

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1 And so the -- the original application  
2 that I read through, took me a few times to read  
3 through it because I just -- you know, I was just  
4 trying to understand. And then I looked at the  
5 design, and so they said they stayed within their  
6 original encroachment permit.

7 And so Idaho Department of Lands, the  
8 hearing officer asked: Well, what was in their  
9 original encroachment permit? What was in, what was  
10 out? And that wasn't really clear what the answer  
11 was, because maybe the old permit applications  
12 weren't really quite as -- as solid as they are now.  
13 But they took over the marina.

14 And you see the -- the log boom. The log  
15 boom is actually inside, inside, where they now want  
16 to have that new 12 foot walkway. And that 12 foot  
17 walkway is -- is it 790 feet long, 798 feet long?  
18 That's almost three football fields. That's -- not  
19 quite, but it's 900 -- 900 feet is -- is three  
20 football fields.

21 And -- and I got to tell you, I played a  
22 lot of football. But this is -- this -- it's not  
23 going to be the way that it is now. And -- and  
24 also, the current marina has six or eight boats  
25 moored on the outside, and those are 15, 20, 25 feet

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1 wide. So we don't have the 320 foot, you know,  
2 choke point. Now, we have a 300 foot choke point on  
3 a -- on a river that is already overwhelmed.

4 And we've already made an accommodation of  
5 instead of 200 that makes the most sense or even 500  
6 for wakeboats, because of their power and force, we  
7 do not have the diminishment of waves, but we're --  
8 we're going to now use this accommodation of 150  
9 feet and -- and then now choke it down to 300 feet  
10 when you add the boats or less.

11 I call that -- I used to sit on a lot of  
12 hearing boards and so on. I call that incremental  
13 marginalization. That means we -- we made one  
14 little adjustment. So therefore, we're going to --  
15 somebody's going to come and push that even a little  
16 further.

17 When we talked -- there was a lot of  
18 discussion. I know that we need to talk about the  
19 law. So -- and you need to rule based on -- on the  
20 law. And so we talked about safety. But I don't  
21 think the moorage of -- it said on the PowerPoint  
22 that we saw earlier -- I'm sorry if I threw  
23 something off my pen.

24 Okay. A moorage that was -- that was  
25 shown earlier on PowerPoint, it said -- it talked

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1 about increasing moorage for Idaho residents. I  
2 don't think anybody's going to check later if  
3 they're residents that live elsewhere. But I would  
4 guarantee you that an Idaho resident, me -- I -- I  
5 live on the river -- I can't afford to pay \$5,000 a  
6 year for moorage. I just can't.

7 And I -- I can't afford -- frankly, I  
8 don't pay for the \$6 per gallon gas at the -- at the  
9 ship store, which incidentally is 96 foot further  
10 outside of the -- when you look at the -- the little  
11 -- the boat slip here, the walkway, then you got the  
12 boat, then you got the walkway on there, it's --  
13 it's 96 feet further out into the river than the  
14 current encroachment.

15 And reading through the application, they  
16 said one thing. It's something different. And so I  
17 -- I just don't get it. And -- so I do know that  
18 I'm not the only one impacted. I do know. And --  
19 and, Mike, I know we talked about this, Black Bay,  
20 Black Bay Park up the way, and -- and all of the  
21 property on -- on the side all the way up to around  
22 the Green -- Green Ferry Road -- Greens Ferry.

23 I -- the erosion is -- is amazing.  
24 They're having challenges right now. We had to  
25 armor up. Thankfully, we were able to get our

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1 riprap approved and - and put in place. That was  
2 over \$100,000 to do all of that. And -- and guess  
3 what? It keeps happening more and more every year.  
4 Every year.

5 That's -- now, I -- I am taxed to the  
6 gill, as many of you are, but I didn't anticipate  
7 having this ongoing cost. And -- and I'm going to  
8 tell you I do anticipate -- I saw a -- a private  
9 slip that was being sold by Greens Ferry. If they  
10 had a price tag on it, I always say just because  
11 they have it up for sale for 200 -- 199,000 doesn't  
12 mean you're always going to get it.

13 But -- but at the end of the day, there's  
14 a lot of profit here. But I'm thinking about really  
15 the quality of our lives, the quality of life of the  
16 people of -- of Northern Idaho, the quality of life  
17 of the people that are enjoying the recreation. And  
18 I'm telling you that when we -- we don't recreate on  
19 the weekends either. We can't be out on the -- the  
20 river. It is too dangerous.

21 I'm not that good of a -- of a captain.  
22 We've got a 23 foot Glastron boat, and it's got a  
23 big deep V-hole, and I thought it'd be fine. But  
24 when I get -- when I've got a -- a wakeboat coming  
25 one direction and a -- the 30 foot, you know, ocean-

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1 going ferry the other -- or yacht the other  
2 direction, I -- I had water going over my bow, not  
3 once but a few times. And that's scary.

4 I know I had my grandkids, my four-year-  
5 old and -- the four-year old and two-year-old  
6 grandkids screaming and crying for that for a long,  
7 long time. But it scared me, too. But I -- I  
8 couldn't tell them that. So --

9 But anyway, I -- I just have to go to a  
10 few other issues I -- I just had issues with. So  
11 again, it says that these -- these slips are going  
12 to be reserved for Idaho residents or -- or are for  
13 Idaho residents. I don't believe that is the fact.  
14 And even after they've been built, it's a little too  
15 late, and who's checking. Who's checking?

16 The other piece of it is the hotel right  
17 now has 167 rooms. You know, I'm guesstimating, you  
18 know, at most on a busy weekend, they might have 50  
19 boaters come in to -- to rent those slips at one  
20 time. But that's -- you know, depending upon what  
21 count you've got, there's about 148 slips that are  
22 not being used or actually being rented out now.

23 And you know, I -- I actually -- I'm a --  
24 I'm a capitalist. I -- I don't, you know, have  
25 anything wrong with people making a profit. But I

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1 do have an issue with people making a profit at  
2 others' expense. And that's -- we have to stop that  
3 within America today. It's just -- it's just wrong.  
4 Sorry.

5 The -- I did want to talk about social  
6 benefit. We talked about social benefit of having  
7 the sheriff's garage instead of outside, which is  
8 immediate access to the river, being enclosed into  
9 the -- into the marina and then moved further  
10 inwards. And it has to go all -- all the way out  
11 and all the way around back, and that's supposed to  
12 increase time to -- or decrease time to response.

13 I don't get the social benefit there. I  
14 realize we're trying to check off boxes, and -- and  
15 frankly, I've done enough box checking in my days.  
16 But that -- that didn't seem right to me.

17 But again, on weekdays, that's when I see  
18 -- and actually, after the -- Labor Day is when I  
19 see my -- and before, you know, the June 15th/July  
20 1st, I see a lot of fishermen come out. I know all  
21 of you do. Fishermen. You don't see them during  
22 the weekend. And I see a lot of -- of standup  
23 paddle boards. I see a lot of -- of kayaking.  
24 That's what we had for the first four or five years,  
25 because frankly, when -- when nobody was on the, the

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1 river, we went after dark. We put little lights on  
2 there to be -- to be legal, and we just love it out  
3 there at that time.

4 But, you know, I -- I am disappointed with  
5 the notification process. I -- I did expect better.  
6 And I appreciate you being here, because I know this  
7 is just a few days before Christmas. But I had a  
8 lot of -- of neighbors -- I'm five -- five houses  
9 up, and we have a lot of -- of people from the  
10 marina coming in front and -- and standup paddle  
11 boards and kayaks. And so I -- I get to see whether  
12 they actually are getting dumped off or -- or doing  
13 well. And -- and it's -- it isn't funny when they  
14 get dumped off, and -- and they can get hurt with  
15 that. And I know they regularly do, because I see  
16 that.

17 But it's -- the notification process, I  
18 really felt with a new marina like this, it should  
19 have been all the way up and down river. And -- and  
20 the fact that we're having this in the Coeur d'Alene  
21 Auditorium instead of maybe the Post Falls High  
22 School and -- and frankly at a -- at a different  
23 time than a week before Christmas with -- and -- and  
24 I'm sorry. I'm -- I'm here four hours, because I  
25 really love -- I need to make sure that we're here

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1 for four hours.

2 But most people wouldn't be here for four  
3 hours, and they won't come if it's going to be four  
4 hours. It just -- so I -- I appreciate -- and I  
5 appreciate the Scofiolds for paying that \$75 fee to  
6 have that. I -- I just think it's important for us  
7 to do that.

8 And then, you know, the one thing that  
9 keeps coming up over and over again -- and I've got  
10 to say it -- neighbors, I didn't know about this  
11 light issue. We have somebody that lives across the  
12 river from us, and they have this light that just --  
13 one light that just shines our direction very loud  
14 and very bright.

15 And I -- I joke with my wife and I --  
16 because it -- it -- I don't notice it as much, but  
17 it does my wife. And I -- I actually joke at that  
18 they're -- they're hazing her or they're harassing  
19 her with their lights. And again, because she's my  
20 ambassador, she's kind of cute about it, and that's  
21 why I joke. But it's -- it is -- you know, light  
22 pollution is important. But, you know, to me, I got  
23 to say, I thought lights, that should be an easy  
24 thing, right?

25 I mean, if you're in charge of marinas,

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1 that's probably pretty easy. That's the easiest  
2 thing out there. But to just -- for a good neighbor  
3 and the River Friends, the -- the river -- the folks  
4 next door, they were asking the marina about issues,  
5 and -- and they came up and did some testimony. And  
6 they aren't talking with StanCraft either. I don't  
7 understand that.

8 If you're good neighbors -- and the  
9 Greenview Condominiums, if you're good neighbors,  
10 you want to be a good neighbor, and you want to --  
11 you want to, you know, take care of their issues and  
12 concerns. I love the fact that they tell me that  
13 the marina is cleaner this year. I really didn't  
14 notice. But -- but I think it's important that we  
15 take good care of our property.

16 So at the end of the day, I actually am  
17 very jealous of the Templin's Marina for having a  
18 no-wake zone. Admittedly, we don't -- we don't have  
19 any problem with -- we love people boating and  
20 recreating and so on. I just think it's just gone a  
21 little bit really crazy and over the top. And --  
22 and, you know, it's -- it's not just the -- it's not  
23 just the excessive behavior out there.

24 And we can't regulate that. We have to  
25 realize that people are doing that now. Sheriff

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1 isn't preventing it, and they aren't going to  
2 prevent it. So we need to be -- use common sense,  
3 and we certainly -- with this no-wake zone existing,  
4 we -- we know people are using that as a refuge.  
5 And we know that this 150 foot no excessive wakes  
6 can't be defined. And we know that the Idaho --  
7 state of Idaho has a 200 foot no-wake zone. So then  
8 the river is 400 feet wide.

9 Simply doesn't make sense to me. And I am  
10 -- I was trained in science, worked five years as a  
11 health system pharmacist, and so I'm very science  
12 based. And at the end of the day, I don't get it.  
13 I just can't comprehend why we know facts and we're  
14 ignoring it. That really bugs me as a scientist.

15 And -- and these are not -- these are not  
16 incontrovertible facts. We've always agreed to  
17 them. We've talked about it behind the scenes when  
18 people are not on record. We -- we know and we talk  
19 that -- that these things are just -- it's just a  
20 bridge too far.

21 So I do -- I do want to thank you for your  
22 time today and -- and appreciate your -- the work  
23 that you have to do. Thank you.

24 MS. DUBLIN: Thank you. I think that is  
25 the end of the signups, but I understand that

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1 there's another person. Come on up.  
2 And by show of hands, is there anyone else  
3 out in the audience that wants to testify that  
4 didn't sign up? Okay. So this will be our -- our  
5 last one. Will you raise your right hand, please?  
6 Do you swear or affirm to tell the truth,  
7 the whole truth, and nothing but the truth in your  
8 testimony?  
9 MR. JARA: I do.  
10 MS. DUBLIN: Thank you.  
11 MR. JARA: Wow. I want --  
12 THE REPORTER: Please state your name,  
13 sir.  
14 MR. JARA: My name is Jose Jara, spelled  
15 J-O-S-E. Last name is J-A-R-A.  
16 THE REPORTER: Thank you.  
17 MR. JARA: And I live in the city of Post  
18 Falls. Anyway, I wanted to be one of the first  
19 ones, because all of you did one thing very nicely.  
20 You destroyed my speech. There's nothing else to  
21 say about this stuff, so I'm going to have to go try  
22 -- try to follow some of it.  
23 But I'd like to begin with the following.  
24 My wife and I came here -- it's the first time we  
25 been in the Northwest. We came to here 2004, mid-

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1 September, coming back from Montana. And we fell in  
2 love with the area back then. And I tell you,  
3 within two days, the property that we own, lived  
4 there for 20 years, is right across the -- the water  
5 from -- from the Red Lion Resort.  
6 And it's been a wonderful thing, and God  
7 blessed us with this place. Beautiful. I think  
8 it's one of the most pristine areas in the entire  
9 nation, and we been to many lakes in many states.  
10 So as a group, we need to continue to do this and to  
11 make sure that we keep this area pristine.  
12 So, you know, I don't -- I don't know  
13 where to begin. Again, my speech was destroyed.  
14 But one thing that sad me that I heard here reminded  
15 me of one thing I think we need to consider. First  
16 of all, I'm very happy to have all of you here and  
17 take the time to be here, because it takes -- takes  
18 a whole bunch of time. But this is what keeps  
19 cities -- constitutional cities, this is what it  
20 does, the involvement of the population coming in  
21 and complaining about things that we just don't  
22 agree with.  
23 We got to. It's a government of the  
24 people, by the people, and for the people. And to  
25 me, it is ridiculous that such a wonderful place

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1 that we have government agencies telling us that  
2 there's no rules and regulations. They say that.  
3 And that -- at the same side, speaking to the other  
4 side of the of the aisle, they say: But these  
5 people are following all the rules. What rules?  
6 According to the rules I just heard today,  
7 they can add 500 boat slips. What would stop them?  
8 My question to you -- you would be: Who's in charge  
9 for the safety of the rivers and the lake? Who's  
10 that? Who's the primary? May I ask that question?  
11 I'd like an answer to that. Who is primarily  
12 responsible, and who's secondary responsible for the  
13 safety?  
14 That's the public safety. People can get  
15 hurt. People can get killed. It's ridiculous. And  
16 I agree with all of you that were up here. It is  
17 incredible that we continue to allow more commercial  
18 marinas. But one thing, being a government of the  
19 people, for the people, and by the people, we need  
20 to get together and change those rules.  
21 They cannot be -- they should not be  
22 dictating to us how we're going to run our cities,  
23 our state, our counties, and our government. That's  
24 what happened to our federal government. That's why  
25 we got ourselves in a lot of trouble. We need to

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1 get more involved with this. It's ridiculous what  
2 they're doing. How is it possible they're finding  
3 all the rules, but there is no rules. They can have  
4 -- they can expand not 100 feet, 200 feet, 300 feet  
5 into the navigable waters. Well, to me that's  
6 ridiculous.  
7 I wish I would respond to that question,  
8 because I don't know who the -- because the  
9 sheriff's obviously is not doing anything. But who  
10 is going to protect the public? That's what I like  
11 to know.  
12 Again, living as close as we do to the --  
13 to the Coeur d'Alene Resort, I want the people that  
14 are making the investment that my wife and my family  
15 love them. We have family members come and visit us  
16 over the last 20 years to stay. In fact, just this  
17 last year, we had people staying at the resort with  
18 one or two rooms that we rented for them two and a  
19 half, three months.  
20 So please, whoever's the investor, I'm a  
21 capitalist. Someone said they were capitalist. I'm  
22 a capitalist. I believe in -- in business growing.  
23 That's what made this nation what it is today, but  
24 not at the expense of our security, our safety, and  
25 the vitality of the -- the -- and the protection of

<p style="text-align: right;">Page 150</p> <p>1 our citizens. That is not the way I like to see our 2 business grow.</p> <p>3 I'm trying to skip a lot of this stuff, so 4 I'm not here a long time here. Again, just like 5 every one -- every one of you here, the thing that 6 we are most concerned about is the encroachment of 7 the additional 116 or 100 boats or even 50 boats, 8 boat slips. And now that this -- my apologies, man. 9 The engineer talked about the turbulence of the 10 water and all that stuff doing that stuff. Man, it 11 would be unjust and anti-community for any 12 government agency to approve the plans for -- for 13 more boat slip. It would really be -- I want you to 14 think about that.</p> <p>15 You know, we will try to expand or take -- 16 go away and say: Look, why don't you change it from 17 the 18th -- because it was at the 18th originally -- 18 why don't you change it to mid-January? I want you 19 to understand many people travel out of the state. 20 We're not going to get a whole bunch of people 21 coming.</p> <p>22 I mean, I -- I flew from California to be 23 here. I'm in California celebrating Christmas with 24 my family. Sometimes we celebrate it here, and my 25 wife says: Why? Honey, it's important. Someone</p>	<p style="text-align: right;">Page 152</p> <p>1 keep it together as long as we continue to get 2 involved. And I don't know if it's possible, but 3 before they approve it, they should have another 4 hearing. And the reason is that I was part of the 5 Scofield's, Sherry and Scott distributed those 6 pamphlets. I mean, it was colder than heck because 7 we just did a couple of days ago.</p> <p>8 We're out there knocking on every house as 9 much as we could along the river and just asking 10 people, you know: Please get involved. And not 11 really -- we found people that knew it was sold, but 12 they had no idea of the magnitude of the project. 13 And I think -- that's it. You didn't give me -- you 14 didn't give another -- a chance -- I wasn't going to 15 do the following. They did not notify probably at 16 the most half percent of the population here. And I 17 think it was with the intent to sneak it in.</p> <p>18 I'd like to ask for forgiveness just in 19 case I've made a mistake. I'm not a -- but it just 20 -- to me, it's obvious. I mean -- it's not like we 21 read that they were notified. No, we were knocking 22 the doors and talking to people along the river and 23 -- but they didn't -- they needed to notify 24 everybody from the -- from the resort here all the 25 way to the big mouth of -- of Coeur d'Alene.</p>
<p style="text-align: right;">Page 151</p> <p>1 has to stand up. I'm afraid that not many people 2 are going to show up. And I'm so happy that so 3 many of you showed up to -- to mention your 4 concerns. So thank you for that.</p> <p>5 You know, something else that could happen 6 again -- I'm -- I'm trying to -- stop -- something 7 that I did not hear anybody mention. Something that 8 happens if our -- if our a river becomes dangerous, 9 if we -- if we start getting more accidents, 10 especially fatalities in the lake, in the river, 11 especially for us at the lake, what's going to 12 happen? We're going to lose the prestigious name 13 that Coeur d'Alene, Idaho, the northwest part has 14 all over the country. That's why it became popular. 15 That's why our properties increase in value.</p> <p>16 We bought a property 20 years ago. When I 17 first came into the neighborhood, once they got to 18 know them, my neighbor says: They saw you coming. 19 You are the biggest fool in the world. You pay so 20 much for that property. You'll never get your money 21 back. 50 years later, they're telling me: You're a 22 genius. Oh, my gosh. How did you know? I didn't 23 know. I just knew it was a lot less expensive than 24 California, so that's why we bought it.</p> <p>25 And we need to conserve that. And we can</p>	<p style="text-align: right;">Page 153</p> <p>1 Everybody gets impacted because the traffic 2 increases. And -- and no one really was -- the 1 3 percent that knew something about it, they only knew 4 that someone had bought it.</p> <p>5 Again, we were testing -- my speech was 6 going to be a lot longer. But I hope and pray that 7 the government agencies that are here, the people 8 that are here, because they said that as long as we 9 -- they meet those regulations and rules with -- 10 there's not. That no matter what we say here, the 11 project will be approved. That's what I read.</p> <p>12 Now, if I got it all wrong, my apologies 13 again, but that's what I understood from the 14 complicated report that I read. And so with that 15 being said, we need to do something when it comes to 16 voting, whatever we can do now, put pressure on him 17 as -- as the holidays are over with, send letters, 18 talk to the Department of Building and Safety, 19 planning department, whoever's going to be 20 authorizing this.</p> <p>21 Not the hotel, not the resort. We need to 22 be thankful and grateful that they're bringing that 23 in. It's good for the community. But please, don't 24 grow your fortune excluding the safety of the 25 population here.</p>



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1 And with that in mind, I had one little  
2 thing at the end that I wanted to say. My wife and  
3 I have been praying that God will help our  
4 community, and each one of us here, that God will  
5 bless us with the wisdom and the courage to say and  
6 do the things that we need to do to conserve the  
7 prestigious pristine area that God has blessed us  
8 with. So with that, thank you so much for taking  
9 the time.

10 MS. PEARSON: Could I just say one thing  
11 that'll take maybe a minute at most?

12 MS. DUBLIN: Sure. Come on up.

13 MS. PEARSON: I didn't want to say  
14 anything till Jose just reminded me of something.  
15 It's your fault.

16 MS. DUBLIN: Raise your right hand.  
17 Do you swear or affirm to tell the truth,  
18 the whole truth, and nothing but the truth in your  
19 testimony?

20 MS. PEARSON: I do.

21 MS. DUBLIN: Thank you. And please tell  
22 the court reporter and spell your name.

23 MS. PEARSON: Yes. Jean Pearson. J-E-A-N,  
24 P-E-A-R-S-O-N.

25 THE REPORTER: Thank you.

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1 MS. PEARSON: And I just wanted to make a  
2 comment on Jose when he had mentioned that we need  
3 to write people and let them know and maybe to get  
4 this extended. Where I live, we just went through a  
5 process trying to get something stopped, and it  
6 worked, which was great.

7 However, we did ask for an extension  
8 through our city planner, and we got one. So if  
9 everybody could write letters to the city planner  
10 asking them for an extension and another meeting, I  
11 think that'd be really helpful. And that's it.

12 MS. DUBLIN: And just a remind --

13 MS. SCOFIELD: Do I have to sworn?

14 MS. DUBLIN: No, you -- you're still under  
15 oath.

16 MS. SCOFIELD: Okay. I just want to make  
17 a correction also that something that was brought to  
18 my attention about the comment that Mr. Hislop used  
19 that was in favor of it by Jeff Tyler. I want to  
20 say that Jeff Tyler lives on the back of Harbor  
21 Island. He is not -- he has no experience with any  
22 boats going through and destroying his property or  
23 endangering any -- him or any of his family. So I  
24 feel that that was a little bit of a disingenuous  
25 reference.

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1 MS. DUBLIN: Okay. Anyone else? I think  
2 that's it. That would conclude our public hearing.  
3 I want to thank everyone for your time and  
4 commitment and -- and passion for advocating for  
5 your community.

6 And I think -- do you -- would have any  
7 final comments?

8 MR. RICHARDS: Madam hearing officer, no,  
9 I don't have any final comments. And as far as  
10 closing statements, I think we would like to submit  
11 a written closing statement.

12 MS. DUBLIN: Yes. So written closing  
13 statements will be due seven days after the close of  
14 public comment, which is December 27th. So let's  
15 make sure -- what day of the week is that? Is that  
16 sufficient time?

17 UNIDENTIFIED SPEAKER: No. No, I think we  
18 should extend it.

19 MS. PEARSON: Can we get the address on  
20 where to send our --

21 MS. DUBLIN: So the -- the public comments  
22 still go to the Department of Lands at the same  
23 address that was noticed in the -- in the newspaper,  
24 as well as what's on the website.

25 MS. PEARSON: And do you know for sure if

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1 it would be the Department of Land who -- where we  
2 would ask for an extension? Because I was doing  
3 mine in Washington state. So do you know if to ask  
4 for an extension, if that would be the Department of  
5 Planning here in Idaho, or could you -- or is there  
6 anywhere that I can find out?

7 MS. DUBLIN: I'm going to ask the  
8 Department of Lands to respond to that.

9 MR. RICHARDS: Yeah. So this -- this  
10 process is strictly through the Idaho Department of  
11 Lands. So any and all comments regarding this  
12 application would come to us.

13 MS. PEARSON: Okay. So to ask for the  
14 extension, we will send it to Department --

15 MR. RICHARDS: To Department of Lands, and  
16 that can be --

17 MS. PEARSON: Thank you.

18 MR. RICHARDS: -- submitted to the address  
19 that was noticed, or there is an email available on  
20 our website that can -- we can receive electronic.

21 UNIDENTIFIED SPEAKER: Email navigable  
22 waterways?

23 MR. AHMER: Navigable waterways.

24 Navigable waterways.

25 UNIDENTIFIED SPEAKER: Is it even possible



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1 to extend it, or are we wasting our time?

2 MR. RICHARDS: So I don't believe that our

3 rules allow for an extension of the process. It's a

4 hard 30 days after the close of the record for us to

5 --

6 UNIDENTIFIED SPEAKER: What about if

7 there's incorrect information on the form, can you

8 kick it out and ask them to resubmit it and get

9 another 90 days?

10 MR. RICHARDS: If there was evidence of

11 incorrect information on the form --

12 UNIDENTIFIED SPEAKER: Well, such as the

13 number of slips --

14 MR. RICHARDS: -- we can address that in

15 the final decision.

16 UNIDENTIFIED SPEAKER: -- are not added up

17 properly.

18 UNIDENTIFIED SPEAKER: You said they stay

19 within the original encroachment?

20 UNIDENTIFIED SPEAKER: That, it'd be in

21 the original encroachment.

22 MR. KIRSCH: And it's not. The number of

23 slips are not listed correctly.

24 MR. RICHARDS: At this stage, all of that

25 will be addressed in the final order, either

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1 approval or denial.

2 MR. KIRSCH: So by us putting objection in

3 with the IDL?

4 MR. RICHARDS: That gets incorporated into

5 the record of the case and considered as part of the

6 record when the decision is being written.

7 MS. DUBLIN: And some, some of what you're

8 talking about are -- are issues of fact -- findings

9 of fact and conclusions of law which are what I will

10 be deciding based on the evidence in the record.

11 MR. KIRSCH: Okay.

12 MR. JARA: Just one question. Just one

13 question, IDL. With all the comments that you got

14 from the public, who's at IDL is the person in

15 charge that can make a change? When we come over,

16 is there anyone that after listening to the public

17 -- I mean, there's -- there's a lot of commenting

18 here, concerned citizens, not for anything else, for

19 the safety of the public. That's basically what you

20 just heard.

21 Is it possible to extend this so more

22 people can show up and can demonstrate this? I

23 mean, someone -- because like, you know, when go to

24 apply to variance, there's people that get involved.

25 City council gets involved. This -- this is

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1 important now to get someone from your department

2 that -- that will be the head that has the power to

3 make -- you know what, we need to understand that

4 the public is not happy whatsoever what's happening,

5 not because they want to make more money, not

6 because of their own game, but just public safety.

7 Isn't that a big issue for your department?

8 MR. RICHARDS: And so we -- we don't have

9 the ability to unilaterally change the rules that

10 are set for -- we have to apply them as they exist.

11 We can't unilaterally change the rules to extend out

12 timelines beyond what we are required to follow. So

13 I -- and I think that's the question you're

14 addressing. It's changed as far as the timelines,

15 not as far as the -- the overall decision on this

16 application, correct.

17 MR. JARA: Well, the question is to give

18 the public, I -- I don't know what -- what

19 responsibility the owners -- and again, just so you

20 know, at my community, we love them -- we love what

21 you're doing out there. The only thing is the

22 safety issue, the biggest concern. We got other

23 concerns, but that's the biggest issue.

24 My thing is that if you see that, don't --

25 don't you have the power to at least talk to the

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1 people that -- that they're supposed to be here.

2 Who was here that's responsible for the safety of

3 the public in the rivers, in the waterways? Was

4 there anybody here from the department?

5 MR. RICHARDS: The -- from the department,

6 so we -- that doesn't fall within our purview.

7 MR. JARA: Correct.

8 MR. RICHARDS: We don't -- we don't

9 regulate safety, river safety.

10 MR. JARA: Correct. And of course, you

11 did but the -- why weren't those individuals here?

12 MR. RICHARDS: That's the agency.

13 MR. JARA: They failed -- yeah. But my

14 question is. They failed to appear in such a

15 sensitive situation. We felt betrayed because we

16 were not notified. Just like everybody else here,

17 we were notified just a few days ago. You should

18 have seen what we have to do and move in order to

19 produce and get people involved. We file up. You

20 know that my -- you know that my name is on that

21 filing form, and we filed that right -- hours right

22 before it closed.

23 And I said we got to move on. Let's get

24 this going. So thanks to Scott -- Scott and Sherry,

25 we were able to file and keep this going. I just

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1 think that, you know, who's going to be responsible.  
2 Once you get the -- the approval, guess -- guess  
3 what? Now, you cannot take that back. Once you  
4 stamp it, you cannot take it back.  
5 Aren't you concerned? I mean I'm just  
6 asking you -- or so someone, whoever's -- I don't  
7 know if you're the -- are you the top gentleman in  
8 IDL?  
9 MR. RICHARDS: Not by a long shot.  
10 MR. JARA: Yeah. Yeah. I -- it would be  
11 nice if you would allow us just to speak, if you  
12 give us the name so we can send letters to him or  
13 her, and it's good.  
14 MR. RICHARDS: And so -- so as far as this  
15 process, so the -- the highest, you know, person  
16 that makes the final decision here will be the  
17 director of the Idaho Department of Lands. And so  
18 once a recommended is issued by our hearing officer,  
19 that goes to the director, and he reviews everything  
20 that's in the record. So everything -- all of your  
21 testimony that's been provided, comments that are  
22 submitted, he does review all of that. And so that  
23 will be before him when he makes the final decision.  
24 MR. JARA: Yes. You know, my suggestion  
25 that all of us talk to our friends and our neighbors

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1 and overwhelm them with letters and -- and comments.  
2 I mean, we got to be aggressive. Otherwise they're  
3 going to pass it, and we're going to have to suffer  
4 with the consequence. And the prices of our  
5 properties are going to be devalued quite a bit.  
6 If we're not able to utilize that, it's  
7 not safe, your property's for \$5 that it's worth  
8 now, it may go to \$2.50. So there's a lot to lose  
9 if we don't -- if we don't get going, if we don't  
10 participate aggressively.  
11 MS. DUBLIN: Did you have a question?  
12 UNIDENTIFIED SPEAKER: Yeah. I just had  
13 -- so when are -- when are the rules the regulations  
14 regarding to them notifying everybody what their  
15 plans were? Because I mean, the common theme of  
16 tonight is nobody knew what was happening until one  
17 person found out and let everybody else know.  
18 MS. DUBLIN: So the rules and the  
19 regulations are in statute, and the statute provides  
20 specifically how and who is to be notified.  
21 UNIDENTIFIED SPEAKER: What is the  
22 statute?  
23 MS. DUBLIN: And --  
24 UNIDENTIFIED SPEAKER: Can you answer what  
25 is the statute? And are -- were they acting in good

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1 faith? Did they follow the statute?  
2 MS. DUBLIN: The statute is Idaho Code  
3 581306.  
4 UNIDENTIFIED SPEAKER: So Greenview --  
5 Greenview Apartments, it didn't sound like they were  
6 -- received the letter at a -- correct address?  
7 MS. DUBLIN: Yeah. And I don't know what  
8 the -- there are different rules about addresses. I  
9 -- I don't know if they -- somebody didn't update an  
10 address. I don't know if the address -- if the --  
11 if the envelope was dated incorrectly. That's  
12 something the department can address.  
13 UNIDENTIFIED SPEAKER: Yeah, and Mike can  
14 address that.  
15 MR. AHMER: Okay. So the rule is we are  
16 only allowed -- we are -- we are required to notify  
17 the adjacent neighbor. So that's the person to the  
18 right and to the left. People out here have said we  
19 should notify everyone from the project to the  
20 mouth. That is -- we've never done anything like  
21 that in the history of Department of Lands. So  
22 while that would have been, like, nice, like that's  
23 just not part of the law. That's not a requirement.  
24 We've never done that before.  
25 As far as Greenview, Greenview is a

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1 community dock. They have a lease with us for  
2 having a community dock. We mailed it to the lessee  
3 who gets the bills for the community dock. Every  
4 single year, that marina or that community dock gets  
5 a bill for having a community dock. And we mailed  
6 it to that address where we mailed those bills.  
7 So we weren't doing anything nefarious.  
8 There was nothing hidden. We followed the law. We  
9 did what we were supposed to. Again, we contacted  
10 the person who gets the bills for Greenview. I  
11 don't know why it got bounced back. I double  
12 checked. I triple checked the address. We sent it  
13 to the address we have on file for them receiving  
14 the bills.  
15 MR. HISLOP: Sir, I have -- I have --  
16 MR. AHMER: I want to expand a little bit  
17 on the notice for --  
18 MS. DUBLIN: Just a second. Let's let him  
19 answer the question.  
20 MR. AHMER: Just one more aspect on the  
21 notice. So in addition to notifying the adjacent  
22 neighbors, the mechanism that we use to notify the  
23 wider public is we're required to publish notice in  
24 a newspaper for two weeks.  
25 UNIDENTIFIED SPEAKER: How many days after

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1 receiving the application?

2 MR. RICHARDS: Within 10.

3 MR. AHMER: Within 10 days of receiving

4 the application. And so that's what the rules

5 require of us to get notice out to the broader

6 public. It doesn't require us to go out within a

7 certain radius of the project and notify all those

8 owners. We put out a general public notice.

9 So there is something out there in public

10 documents to make sure that it's getting out there,

11 but it doesn't go to all of the individual

12 landowners within a certain radius. That's how we

13 do the --

14 UNIDENTIFIED SPEAKER: But that was the

15 board of landowners?

16 UNIDENTIFIED SPEAKER: No one reads the

17 newspaper.

18 MR. AHMER: It's not a Post Falls paper.

19 This is the Coeur d'Alene Press.

20 UNIDENTIFIED SPEAKER: Oh, boy.

21 MR. JARA: Just one last question. If you

22 were an opposition in the public and you wanted to

23 change the rule -- because I think it's a ridiculous

24 rule. Such a -- such a magnificent -- (audio

25 disruption) only have to notify the people. How we

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1 can just -- where do we apply, where do we go to

2 change that rule?

3 MR. RICHARDS: So -- and this is getting

4 into broader, you know, state governance. But

5 periodically, the administrative rules for an agency

6 go up for negotiated rulemaking, and they send out

7 notice that we're doing a rulemaking on these

8 specific rules. And I believe the public is allowed

9 to provide their comments, say: We've looked at

10 these, and we think this issue needs to be addressed

11 or needs to be changed. But --

12 MR. AHMER: It's happening this summer.

13 MR. JARA: It's -- well, that's what --

14 MR. AHMER: I think it's every three years

15 or every five years we go through this process. And

16 this summer there's going to be a public tour, where

17 folks from Boise are going to go around the state

18 and -- and advertise the changes. My team has

19 looked at the rules, and we've got a list of changes

20 that we are recommending to be updated.

21 MR. JARA: Please recommend this one here.

22 Everybody within -- it's just a big project. The

23 magnitude of the project should determine who gets

24 notified, which we live across the water. And

25 again, we're there all the time. We go there for

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1 breakfast. I love your -- your Ole white omelet

2 that you have with veggies.

3 MR. AHMER: We're not -- we're not

4 associated with the resort.

5 MR. JARA: Oh, yeah.

6 MR. AHMER: We're Department of Lands.

7 MR. JARA: I'm saying just so you

8 communicate that, we love what we saw. We love what

9 you're doing. So we're not against any of that.

10 But safety is the biggest preoccupation that we all

11 have. So -- but thank you so much, and my apologies

12 if I -- I did something wrong. But I never meant

13 to. I'm just concerned for my grandchildren and my

14 children.

15 MS. DUBLIN: I'll also add that Idaho Code

16 is the legislature. So if the -- if you don't like

17 the way that the law is written as well, you can

18 reach out to your legislators, because they also

19 have -- that's who gets --okay.

20 UNIDENTIFIED SPEAKER: Thank you.

21 MR. HISLOP: Madam hearing examiner, the

22 --

23 MS. DUBLIN: Yeah, just one second. Yes?

24 MR. HISLOP: -- seven days will be the 3rd

25 of January, which is pretty tight.

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1 MS. DUBLIN: Pretty tight, okay. So how

2 about 14?

3 MR. HISLOP: Yeah.

4 MS. DUBLIN: It's 14.

5 Okay.

6 Did you hear that? John --

7 MR. RICHARDS: Yes.

8 MS. DUBLIN: -- 14 days after.

9 So it'll be the -- not the 3rd, but the

10 10th --

11 MR. RICHARDS: The 10th.

12 MS. DUBLIN: -- for closing our events.

13 MR. RICHARDS: Yeah, that should work for

14 us.

15 MR. JARA: So once again, the 14 days?

16 MS. DUBLIN: The 14 days is the time frame

17 for the department and the applicant to file their

18 closing statements.

19 MR. JARA: Just so we get that, what is

20 the 14 days?


21 I don't have the --

22 MS. DUBLIN: It's January 10th.

23 MR. JARA: January 10th?

24 MS. DUBLIN: After the close of the public

25 comment, which is December 27th.

<div>Page 170</div> <div>1 MR. JARA: Okay.</div> <div>2 So January 10th.</div> <div>3 MS. DUBLIN: Thank you.</div> <div>4 (WHEREUPON, the proceedings concluded at</div> <div>5 7:51 p.m.)</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	
<div>Page 171</div> <div>1 CERTIFICATE</div> <div>2</div> <div>3 I, Mary Murphy, do hereby certify that I</div> <div>4 reported all proceedings adduced in the foregoing</div> <div>5 matter and that the foregoing transcript pages</div> <div>6 constitutes a full, true and accurate record of said</div> <div>7 proceedings to the best of my ability.</div> <div>8</div> <div>9 I further certify that I am neither related to</div> <div>10 counsel or any party to the proceedings nor have any</div> <div>11 interest in the outcome of the proceedings.</div> <div>12</div> <div>13 IN WITNESS HEREOF, I have hereunto set my hand</div> <div>14 this 6th of January, 2025.</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20 </div> <div>21</div> <div>22</div> <div>23 Mary Murphy, #24023022</div> <div>24</div> <div>25</div>	

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