

Office of Administrative Hearings
350 N. 9th St., Suite 300
Boise, ID 83702
Attn: Leslie Hayes, Hearing Officer

RE: BEFORE THE IDAHO DEPARTMENT OF LANDS, In the matter of Marina Expansion,
Long Bridge Holding Company LLC, Commercial Marina Expansion. Encroachment No. L96S0884G
AGENCY Case No. PH-2024-NAV-202-003
OAH Case No. 24-320-10

The Idaho Transportation Department (ITD) requested a public hearing regarding the proposed marina expansion by the Long Bridge Land Holding Company LLC under Idaho Department of Lands Encroachment Permit No. L96S0884G; which would expand the marina dock facilities out 639 feet into Lake Pend Oreille adjacent to the US-95 Long Bridge facility.

The proposed marina expansion is a significant change in use from the marina's current operations. The marina currently operates approximately 40 boat slips, and the proposed expansion would increase the number of slips to 270. ITD's right-of-way for the Long Bridge is 150' from the centerline of the Old Long Bridge (Ped Bridge) on the south end and 200' of centerline at the north end of the Old Long bridge. ITD must ensure the ability to safely operate and maintain the US-95 Long Bridge, and plan for the construction of future expansion projects by avoiding encroachment impacts and keeping an unrestricted right-of-way easement for the bridge.

The intersection of US-95 and Lakeshore Drive is one of the most problematic accident locations along the US-95 corridor within District 1 due to traffic volumes and left-hand turning movements. This has required ITD to recently fund two interim traffic safety improvement projects costing over \$10,000,000 to construct north and south bound turn lanes at Lakeshore Drive, a U-Turn facility north of Bottle Bay, and a traffic signal at Sagle Road. The proposed change in operations and number of slips at the Long Bridge Marina would significantly increase the number of turning movements at the intersection of US-95 and Lakeshore Drive. Vehicles and trucks with boat trailers attempting to access the proposed parking area on the south side of Lakeshore Drive has the potential to backup traffic onto US-95 increasing the number of crashes at this intersection.

US-95 Long Bridge Easement and Adjacent Littoral Lines and Offsets

On the 24th Day of January 1979 the STATE OF IDAHO, acting by and through the State Board of Land Commissioners granted the Idaho Department of Transportation, Division of Highways, a permanent easement for the purpose of constructing a bridge over and across the described lands (Idaho Easement No. 4780). It was understood and agreed that the bridge was to be constructed and maintained in such a manner that will not obstruct the lake channel or hinder or affect navigation, recreation or other authorized or customary use of the lake.

The US-95 Long Bridge permanent easement is 300 feet wide from the centerline of the old Long Bridge currently utilized as a pedestrian only bridge (EXHIBIT ITD-2). The Long Bridge Holding Company provided ITD with an updated Right-of-Way Exhibit on December 4th, 2025, depicting the approximate ITD right-of-way boundary 150' from the centerline of the pedestrian bridge (EXHIBIT ITD-3). This Exhibit also depicts the Long Bridge Holding Company's eastern littoral line located within the ITD US-95 Long Bridge Right-of-Way and paralleling the US-95 Long Bridge structure. The

last slip on the eastern portion of Dock B is located on the ITD Right-of-Way line and any boat moored there would be encroaching into ITD's Right-of-Way.

IDAPA 39.03.42 – Highway Right-of-Way Encroachments on State Rights-of-Way, Section 801. PROHIBITIONS, 01. Prohibited Uses, prohibits the use of highway right-of-way or any portion thereof for any of the following uses or purposes including:

- f. The placement of portable objects or signs (material or copy), displays, or other unapproved highway fixtures.
- g. Permanent, temporary or mobile structures, manned or unmanned.

IDAPA 20.03.04 010. 34. Defines Riparian or Littoral Right Lines as lines that extend waterward of the intersection between the artificial or ordinary high-water mark and an upland ownership boundary to the line of navigation. Riparian or littoral right lines will generally be at right angles to the shoreline. EXHIBIT ITD-3 shows Long Bridge Marina littoral right lines encroach into ITD's permanent easement and right-of-way and does not account for the 25' littoral offset for adverse effects of commercial navigational encroachments. All boat lifts and other structures attached to encroachments will have an adverse effect to ITD's ability to operate, maintain, and construct the US-95 Long Bridge facilities.

Commercial Marina Encroachments and Line of Navigability

IDAPA 20.03.04 13. General Encroachment Standards

d. Length of Community Docks and Commercial Navigational Encroachments. Docks, piers, or other works may extend to a length that will provide access to a water depth that will afford sufficient draft for watercraft customarily in use on the particular body of water, except that no structure may extend beyond the normal accepted line of navigability established through use unless additional length is authorized by permit or order of the Director. If a normally accepted line of navigability has not been established through use, the Director may from time to time as he deems necessary, designate a line of navigability for the purpose of effective administration of these rules.

The proposed marina expansion will extend docks and piers out to 639 feet into Lake Pend Orielle. No structure may extend beyond the normal accepted line of navigability established through use unless additional length is authorized by permit or order of the Director. Has a line of navigability been established for this portion of Lake Pend Orielle or will be established as part of the permitting process?

Encroachment Standards and Parking Requirements

IDAPA 20.03.04 – Regulation of Beds, Waters, & Airspace Over Navigable Lakes in Idaho.

015. ENCROACHMENT STANDARDS

03. Commercial Marina

- c. If local city or county ordinances governing parking requirements for marinas have not been adopted, commercial marinas must provide a minimum of upland vehicle parking equivalent to one (1) parking space per two (2) public watercraft or float home moorages.

The proposed marina expansion calls for 270 total slips requiring a total of 135 parking spaces. Encroachment L96S0884G application packet contains a Long Bridge Marina Parking Plan narrative proposes to construct a 36,000 square foot parking area that will include 60-9' wide parking spots

comprised of 21 truck and trailer spots (40' long) and 39 vehicle only spots (20' long). The parking layout diagram attached in the packet shows 34 truck and trailer spots and 88 vehicle only spots for a total of 122 parking spaces.

Application parking plan does not provide adequate parking for the number of proposed number of slips. The parking plan narrative and parking plan layout conflict and should be reconciled (ITD-4).

Comments Regarding Crashes and Traffic Impacts at US-95 and Lakeshore Drive

1. On average, there is about 2 accidents per year at this intersection.
2. When dealing with accidents only related to the intersection (8 intersection-only accidents occurred), nearly all the accidents (7 total) dealt with turning either on or off Lakeshore Drive and Lakewood Avenue. While not high, there is the potential for additional intersection crashes due to increased turning volumes caused by the development.
3. Adding the marina plus the parking lot near the intersection with US-95 is expected to increase accidents due to the increased turning movements on and off Lakeshore Drive, likely due to multiple trucks with trailers trying to turn on and off US-95 with minimal gaps already occurring during peak times of day and year. Higher speeds present will not help reduce the severity of these accidents.

Traffic Can Cause Serious Congestion at Certain Times of The Day

The Average Annual Daily Traffic volume along this portion of the US-95 corridor is 18,500 vehicles which is comprised of 17,200 passenger vehicles and 1,300 commercial vehicles. During peak summer months US-95 average daily traffic raises to 23,447 vehicles in July. Figure 1. shows Annual Average Daily Traffic and monthly average traffic volumes.

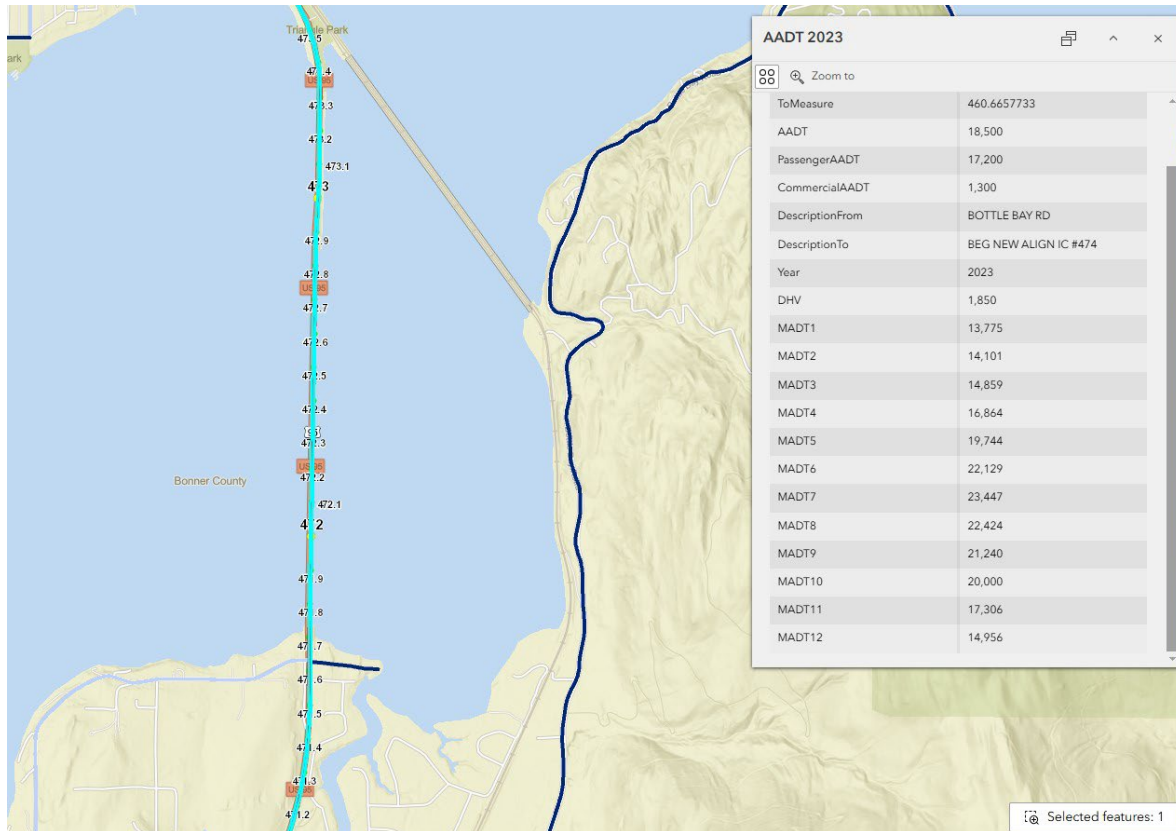


Figure 1. US-95, Sandpoint Long Bridge to Sagle Annual Average Daily Traffic.

1. During certain times of the day, traffic on the side streets can experience a lack of gaps to make their turns. This could lead to increased intersection delay.
2. Drivers tend to then take riskier and brazen moves to reduce the delay they experience. This poor judgement can lead to an increased chance of a crash.
3. Lack of storage space for queues and turning traffic.
4. Vehicles with trailers using turns onto Lakeshore could find it difficult to turn due to lack of adequate gaps, leading to increased queueing. The southbound right turn should be adequate for any development placed on Lakeshore Drive.
5. The northbound left turn bay, on the other hand, is substandard. Due to the proximity to Greenwood Drive, the left turn bay for Lakeshore Drive cannot be extended without eliminating the much-needed left turn refuge for Greenwood Drive. The queue space is limited and with vehicles with trailers using the facility increasing, there is a greater chance these drivers will be unable to find a gap to turn, leading to traffic potentially backing up into, or past, the Greenwood intersection.

Access Locations too Close to Busy Intersection

The approach to the marina is located only 60 feet and the proposed access to the marina parking area is only 45 feet from the intersection of US-95 and Lakeshore Drive. On occasions, and mostly during peak times, long queues can develop on the side roads, like Lakeshore Drive, due to the lack

of gaps available for vehicles to turn onto US-95. If these queues block the access necessary for patrons to get to the marina's parking lot to the south of Lakeshore Drive, vehicles may stack up to, and possibly into the intersection, and continue into the turn bay on US-95. This could cause all traffic safety and mobility problems if drivers are unable to get moving.

Bonner County Road Standards Manual, Section 3.3 Standards, specifies that whenever possible, no new access on collectors or arterial roads shall be located within three hundred and thirty (330) feet of an existing access, or the intersection of two public road rights-of-way, and to locate accesses directly across from existing accesses where possible. Bonner County Road and Bridge Department granted the Marina an approach only 60 feet from the intersection of US-95 and Lakeshore Drive. The approach distances from the intersection for both the marina and proposed parking are grossly substandard and are not directly across from an existing approach (Figure 2).



Figure 2. US-95 and Lakeshore Drive Intersection and Marina Approaches

Pedestrian Facilities

ITD is concerned that the proposed parking plan and access improvements do not provide pedestrian crossing facilities from the parking lot to the Marina. Traffic volumes and turning movements will conflict with safe pedestrian movements at this busy intersection.

Incident Response to US-95 and Lakeshore Drive

Crashes at US-95 and Lakeshore Drive cause traffic to back up on the Long Bridge into Sandpoint. ITD Maintenance Operations personnel in coordination with local law enforcement and emergency services, routinely have to close traffic in one direction to allow response vehicles to travel down the opposing traffic direction. If ITD is unable to get through traffic on the Long Bridge, Operations personnel from the Ponderay Maintenance Shed will divert onto US-2 and head west to Priest River to the next bridge crossing and proceed to Dufort Rd to get to US-95 creating significant delay in incident response. Operations personnel may also have to be dispatched from its Athol Shed in Kootenai County if crews in the Sandpoint area are unable to get to the crash location.

Sandpoint Area Operations Foreman noted that very often secondary crashes occur when traffic comes to a stop on the Long Bridge due to an accident at US-95 and Lakeshore Drive. This requires

law enforcement, emergency services and ITD Operations to respond to and clear additional crashed vehicles.

ITD is also concerned about the ability of emergency services to respond to crashes on the Long Bridge. Water based firefighting boats may be required on the Long Bridge and response could be impeded with marina facilities that encroach upon the Long Bridge right-of-way. According to the 2017 Lake Pend Oreille and Pend Oreille River Geographic Response Plan more than 300,000 rail cars containing various forms of hazardous materials and crude oil travel through the city of Sandpoint. Areas adjacent to the US-95 Long Bridge are identified in the Geographic Response Plan as staging and recovery areas, and locations to deploy collection boom and contaminant recovery.

Impacts to Utilities

ITD would like to make the Applicant aware of a fiber optic cable utility permitted along the west side of US-95. Fatbeam Fiber, a north Idaho based broadband provider, has a fiber optic cable running from Coeur d'Alene north to Sandpoint. Their fiber optic cable runs along the west side of US-95 and goes underground at the northwest corner of Lakeshore Drive then proceeds down along the ditch line where it enters Lake Pend Orielle then proceeds diagonally to downtown Sandpoint to provide essential internet services for the Sandpoint School District. Fatbeam Fiber has an easement across Lake Pend Orielle from the Idaho Department of Lands for this utility. The proposed piers of the marina extension will impact the fiber optic cable requiring relocation prior to construction of new marina facilities.

US-95 Corridor Improvements

US-95 is a Principal Arterial that provides critical transportation and freight corridor from the Canadian to the Mexican borders. ITD is currently conducting an environmental re-evaluation for future expansion of the US-95 Corridor from Dufort Road to Lakeshore Drive of approved Final Environmental Impact Statement alignments. This re-evaluation of proposed highway corridor improvements will expand US-95 from two to four lanes and control access through the corridor and limit access to US-95 to proposed interchanges at Dufort Road and Brisboys Road.

The highway expansion and access control design proposed action would remove direct access to US-95 at Lakeshore Drive and would route traffic back to the proposed interchange at Brisboys Road along existing and future state highway right-of-way on the west side of US-95 which will include Smokehouse Road. The proposed frontage road along Smokehouse Rd would impact the marina expansion parking lot. Figure 3 shows the proposed action with frontage road directing Lakeshore Drive traffic south to the proposed interchange at Brisboys Road.



Figure 3. US-95 Proposed Action - Access Controlled Highway and Frontage Roads

ITD has initiated a Sandpoint Long Bridge Study to begin development of a bridge replacement project to remove the deficient pedestrian bridge and construct a new north bound bridge with pedestrian facilities. ITD wants to ensure that the US-95 Long Bridge easement on state-owned navigable waterways, the state highway system right-of-way, and littoral rights are protected to allow for the future construction, operations and maintenance of current and future bridge facilities.

The US-95 corridor expansion is in the environmental re-evaluation phase and construction funding has not been identified at this time. The Long Bridge Study has received initial funding to look at replacing the old pedestrian bridge with an expanded north bound bridge with pedestrian facilities.