

**OTHER CASE TRANSMITTAL SHEET – ADJUDICATION, ARBITRATION, or
MEDIATION pursuant to I.C. § 67-5280(2)(b)**

State of Idaho - Office of Administrative Hearings

TO: **OFFICE OF ADMINISTRATIVE HEARINGS** (email: Bryan.Nickels@oah.idaho.gov)

DATE: November 21, 2024

FROM: **Idaho Department of Lands** (Referring Agency/Board)

AGENCY CASE/PROCEEDING NO.: PH-2024-NAV-20-003

***Please attach a copy of:**

- **Petition/order/notice giving rise to the proceeding**
- **Order assigning this matter to the OAH (if applicable)**

AGENCY REQUEST:



Adjudication

If adjudication, order requested: ☒ Preliminary ☐ Recommended



Arbitration



Mediation



Other (Please explain below)

PARTY/ATTORNEY:

Name: Long Bridge Land Holding Company LLC; Benjamin Milbrath

Address: PO Box 1942, Spokane, WA 99210

Email: longbridgemarina@outlook.com

Phone Number: 612-245-9665

PARTY/ATTORNEY:

Name: Robert Beachler

Firm: Idaho Transportation Department

Address: 600 W Prairie Ave, Coeur d'Alene, ID 83815

Email: Robert.beachler@itd.idaho.gov

Phone Number: 208-772-1216

SHORT STATEMENT OF THE NATURE OF THIS CASE (e.g., "Suspension of license based on following grounds: ..."):

The Long Bridge Marina has applied for a marina expansion. Idaho Transportation Department, as the littoral neighbor, objected to the application and called for a public hearing. The hearing will ideally be held in Sandpoint, after 4 or 5pm to accommodate public work schedules.

ARE THERE SPECIFIC STATUTORY/REGULATORY RULES ON THE TIME FOR HEARING OR DECISION?

YES: ☒ NO: ☐

[OAH typically sets hearings based on parties' availability and agreement, with written decision no later than the end of the month following the month the hearing was held]

If yes:

Deadline for hearing: January 22, 2025

Deadline for decision: 30 days after the hearing

Statute(s)/Rule(s) citation: Idaho Code 58-1306 and IDAPA 20.03.04.030

DO ANY HEARING PROCEDURAL RULES, OTHER THAN THE IDAHO RULES OF ADMINISTRATIVE PROCEDURE OF THE ATTORNEY GENERAL, APPLY TO THIS PROCEEDING?

YES: ☒ NO: ☐

If yes, statute(s)/rule(s) citation: Idaho Code 58-1306 and IDAPA 20.03.04.030

- OAH will confirm that the agency has a current MOU in place for the requested service(s); if not, OAH will contact the agency to set up the needed MOU.
- Unlike contested case proceedings arising from the appeal of an agency order, OAH's provision of mediation, arbitration, and adjudication services are subject to acceptance by OAH. If OAH is unable to accept a request for mediation, arbitration, or arbitration services in a matter, OAH will still endeavor to assist the agency in identifying an alternative service provider.

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 38, Idaho Code and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code). In addition the information will be used to determine compliance with Section 401 of the Clean Water Act by the appropriate State, Tribal or Federal entity.

Joint Application: Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary. Failure to supply the requested information may delay processing and issuance of the appropriate permit or authorization. **Applicant will need to send a completed application, along with one (1) set of legible, black and white (8 1/2"x11"), reproducible drawings that illustrate the location and character of the proposed project / activities to both the Corps and the State of Idaho.**

See Instruction Guide for assistance with Application. Accurate submission of requested information can prevent delays in reviewing and permitting your application. Drawings including vicinity maps, plan-view and section-view drawings must be submitted on 8-1/2 x 11 papers.

Do not start work until you have received all required permits from both the Corps and the State of Idaho

FOR AGENCY USE ONLY									
USACE NWW-		Date Received:		<input type="checkbox"/> Incomplete Application Returned		Date Returned:			
Idaho Department of Water Resources No.		Date Received:		<input type="checkbox"/> Fee Received DATE:		Receipt No.:			
Idaho Department of Lands No. L9680884G		Date Received: 9/19/24		<input type="checkbox"/> Fee Received By: 8/21/23 DATE:		Receipt No.: # 4165		\$2075.00	
INCOMPLETE APPLICATIONS MAY NOT BE PROCESSED									
1. CONTACT INFORMATION - APPLICANT Required:					2. CONTACT INFORMATION - AGENT:				
Name: Benjamin Milbrath					Name: Neva Lane				
Company: Long Bridge Land Holding Company LLC					Company: Laneco Marine				
Mailing Address: PO Box 1942					Mailing Address: Po Box 541				
City: Spokane		State: WA	Zip Code: 99210		City: Kootenai		State: Idaho	Zip Code: 83840	
Phone Number (include area code): 612-245-9665		E-mail: longbridgemarina@outlook.com			Phone Number (include area code): 208-514-3900		E-mail: info@lanecomarine.com		
3. PROJECT NAME or TITLE: Commercial Dock					4. PROJECT STREET ADDRESS: 31 Lakeshore Dr				
5. PROJECT COUNTY: Bonner		6. PROJECT CITY: Sagle			7. PROJECT ZIP CODE: 83860		8. NEAREST WATERWAY/WATERBODY: Pend Oreille		
9. TAX PARCEL ID#: RP0023401002B0A		10. LATITUDE: 48°14'24"		11a. 1/4: SW	11b. 1/4: SW	11c. SECTION: 35	11d. TOWNSHIP: 57N		11e. RANGE: 02W
12a. ESTIMATED START DATE: 9/25		12b. ESTIMATED END DATE: 7/27			13a. IS PROJECT LOCATED WITHIN ESTABLISHED TRIBAL RESERVATION BOUNDARIES? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Tribe:				
13b. IS PROJECT LOCATED IN LISTED ESA AREA? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES					13c. IS PROJECT LOCATED ON/NEAR HISTORICAL SITE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES				
14. DIRECTIONS TO PROJECT SITE: Include vicinity map with legible crossroads, street numbers, names, landmarks. From Sandpoint, head south on Fifth Ave toward Cedar St. Turn left onto Church St then take a right onto N 1st Ave. Turn left onto E Superior St and merge onto US-95 S. Turn right onto Lakeshore Dr and take a right. The destination will be on the right.									
15. PURPOSE and NEED: <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Other Describe the reason or purpose of your project; include a brief description of the overall project. Continue to Block 16 to detail each work activity and overall project. To permit the existing dock as built, as well as the future expansion of the marina to also include boat lifts.									

16. DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: Include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:

662) 10" Dia steel pipe will be installed by a vibratory hammer on an excavator during winter pool. The rest of the work will be done using hand tools and a welder. The dock will be constructed with 4" C channel and composite decking.

17. DESCRIBE ALTERNATIVES CONSIDERED to AVOID or MEASURES TAKEN to MINIMIZE and/ or COMPENSATE for IMPACTS to WATERS of the UNITED STATES, INCLUDING WETLANDS: See Instruction Guide for specific details.

Piling will be done during winter pool. There are no spawning beds in the area of subjects property to consider. Use of Vibratory hammer minimizes the impact of the environment.

18. PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.

There is no mitigation plan needed since the subject is near no stream or spawning grounds.

19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:

Dirt or Topsoil: _____ cubic yards

Dredged Material: _____ cubic yards

Clean Sand: _____ cubic yards

Clay: _____ cubic yards

Gravel, Rock, or Stone: _____ cubic yards

Concrete: _____ cubic yards

Other (describe): _____ : _____ cubic yards

Other (describe): _____ : _____ cubic yards

TOTAL: _____ cubic yards

20. TYPE and QUANTITY of impacts to waters of the United States, including wetlands:

Filling: _____ acres _____ sq ft _____ cubic yards

Backfill & Bedding: _____ acres _____ sq ft _____ cubic yards

Land Clearing: _____ acres _____ sq ft _____ cubic yards

Dredging: _____ acres _____ sq ft _____ cubic yards

Flooding: _____ acres _____ sq ft _____ cubic yards

Excavation: _____ acres _____ sq ft _____ cubic yards

Drainage: _____ acres _____ sq ft _____ cubic yards

Other: _____ : _____ acres _____ sq ft _____ cubic yards

TOTALS: _____ acres _____ sq ft _____ cubic yards

21. HAVE ANY WORK ACTIVITIES STARTED ON THIS PROJECT? ☒ NO ☐ YES If yes, describe ALL work that has occurred including dates.

22. LIST ALL PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS:

23. ☐ YES, Alteration(s) are located on Public Trust Lands, Administered by Idaho Department of Lands

24. SIZE AND FLOW CAPACITY OF BRIDGE/CULVERT and DRAINAGE AREA SERVED: _____ Square Miles

25. IS PROJECT LOCATED IN A MAPPED FLOODWAY? ☒ NO ☐ YES If yes, contact the floodplain administrator in the local government jurisdiction in which the project is located. A Floodplain Development permit and a No-rise Certification may be required.

26a WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, anyone who wishes to discharge dredge or fill material into the waters of the United States, either on private or public property, must obtain a Section 401 Water Quality Certification (WQC) from the appropriate water quality certifying government entity.
See Instruction Guide for further clarification and all contact information.

The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation:

☒ NO ☐ YES Is applicant willing to assume that the affected waterbody is high quality?
☒ NO ☐ YES Does applicant have water quality data relevant to determining whether the affected waterbody is high quality or not?
☒ NO ☐ YES Is the applicant willing to collect the data needed to determine whether the affected waterbody is high quality or not?

26b. BEST MANAGEMENT PRACTICES (BMP's): List the Best Management Practices and describe these practices that you will use to minimize impacts on water quality and anti-degradation of water quality. All feasible alternatives should be considered - treatment or otherwise. Select an alternative which will minimize degrading water quality

Any fueling of equipment off-site.

Through the 401 Certification process, water quality certification will stipulate minimum management practices needed to prevent degradation.

27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.

Activity	Name of Water Body	Intermittent Perennial	Description of Impact and Dimensions	Impact Length Linear Feet
Dock Construction	Pend Oreille Lake	Perennial	marina is 639' by 480 4'	481
TOTAL STREAM IMPACTS (Linear Feet):				

28. LIST EACH WETLAND IMPACT include mechanized clearing, fill, excavation, flood, drainage, etc. Attach site map with each impact location.

Activity	Wetland Type: Emergent, Forested, Scrub/Shrub	Distance to Water Body (linear ft)	By: _____ Description of Impact Purpose: road crossing, compound, culvert, etc.	Impact Length (acres, square ft linear ft)
N/A				
TOTAL WETLAND IMPACTS (Square Feet):				

Name Lodge at Sandpoint Inc Glenn Harvey Mailing Address 41 Lakeshore Dr City Sagle State ID Zip Code 83864 Phone Number (area and code) 805 880.1251 E-mail glenn.leslie@live.com	Name Idaho Dept of Transportation Mailing Address 600 W Prairie City Coeur d'Alene State ID Zip Code 83815 Phone Number (area and code) 208-772-1215 E-mail N/A ATIN Robert. Bleacher @ ITD.IDAHO.GOV
Name Glenn.leslie@live.com Mailing Address City State Zip Code Phone Number (area and code) E-mail	Name Mailing Address City State Zip Code Phone Number (area and code) E-mail IDAHO DEPARTMENT OF LANDS AUG 21 2023 PEND OREILLE LAKE AREA
Name Mailing Address City State Zip Code Phone Number (area and code) E-mail	Name Mailing Address City State Zip Code Phone Number (area and code) E-mail
Name Mailing Address City State Zip Code Phone Number (area and code) E-mail	Name Mailing Address City State Zip Code Phone Number (area and code) E-mail RECEIVED SEP 16 2024

30 SIGNATURES: STATEMENT OF AUTHORIZATION / CERTIFICATION OF AGENT / ACCESS

Application is hereby made for permit, or permits to authorize the work described in this application and all supporting documentation. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant (Block 2). I hereby grant the agencies to which this application is made, the right to access/come upon the above-described location(s) to inspect the proposed and completed work/activities.

Signature of Applicant: Ben [Signature] LBLHCODate: 6/27/23Signature of Agent: [Signature]Date: 6/26/23

This application must be signed by the person who desires to undertake the proposed activity AND signed by a duly authorized agent (see Block 1, 2, 30). Further, 18 USC Section 1001 provides that: "Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both".

NOTE:
 THE USGS LAKE PEND OREILLE SUMMER POOL ELEVATION IS 2,052.5 FT-NGVD29. THIS WAS CONVERTED TO 2,066.37 FT-NAVD88 FOR USE AS THE ORDINARY HIGH WATER (OHW).
 THE USGS LAKE PEND OREILLE WINTER POOL ELEVATION IS 2,051.0 FT-NGVD29. THIS WAS CONVERTED TO 2,054.87 FT-NAVD88 FOR USE AS THE APPROXIMATE LOW WATER.
 270 TOTAL SLIPS. ALL SLIPS MAY HAVE LIFTS AND COVERS.
 NO SIDE TIES ALONG LITTORAL OFFSET ADJACENT TO THE LODGE.



LONG BRIDGE LAKE ACCESS

BONNER COUNTY, ID

NOT
 APPROVED
 FOR
 CONSTRUCTION

SCALE: 1"=20' (SEE DWG.)
 DWG:
 PROJECT NO:
 DRAWN BY:
 CHECKED BY:
 DATE:
 REVISIONS
 NO. DATE BY DESCRIPTION

DOCK
 LAYOUT

DRAWING:
 SHEET: 1 OF 1

DEPT OF LANDS

JUN 06 2024

NOTE:
THE USGS LAKE PEND OREILLE SUMMER POOL ELEVATION IS 2,062.5 FT-NGVD29. THIS WAS CONVERTED TO 2,066.37 FT-NAVD88 FOR USE AS THE ORDINARY HIGH WATER (OHW).
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270 TOTAL SLIPS. ALL SLIPS MAY HAVE LIFTS AND COVERS.
NO SIDE TIES ALONG LITTORAL OFFSET ADJACENT TO THE LODGE.

LONG BRIDGE LAKE ACCESS
BONNER COUNTY, ID

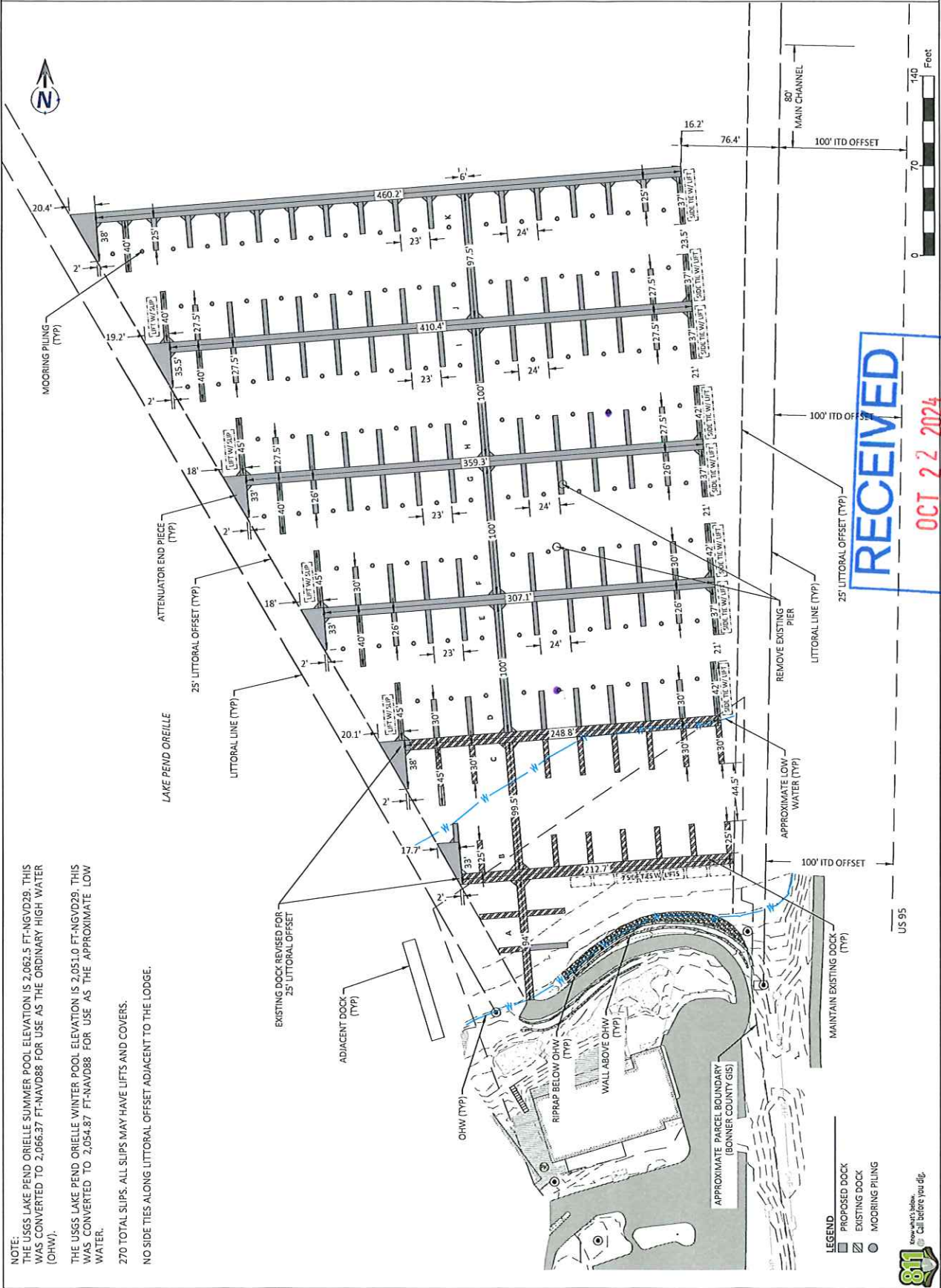
NOT APPROVED FOR CONSTRUCTION
PRELIMINARY

SCALE (TEXT ONLY)
1" = 30'
DWG: PROJECT NO:
DRAWN BY:
CHECKED BY:
DATE:

REVISIONS
NO. DATE BY DESCRIPTION

DOCK LAYOUT MASTER

DRAWING:
SHEET: 1 OF 5



NOT APPROVED FOR CONSTRUCTION
PRELIMINARY

1" SCALE (11x17 ONLY)

DWG: PROJECT NO:
 DRAWN BY:
 CHECKED BY:
 DATE:

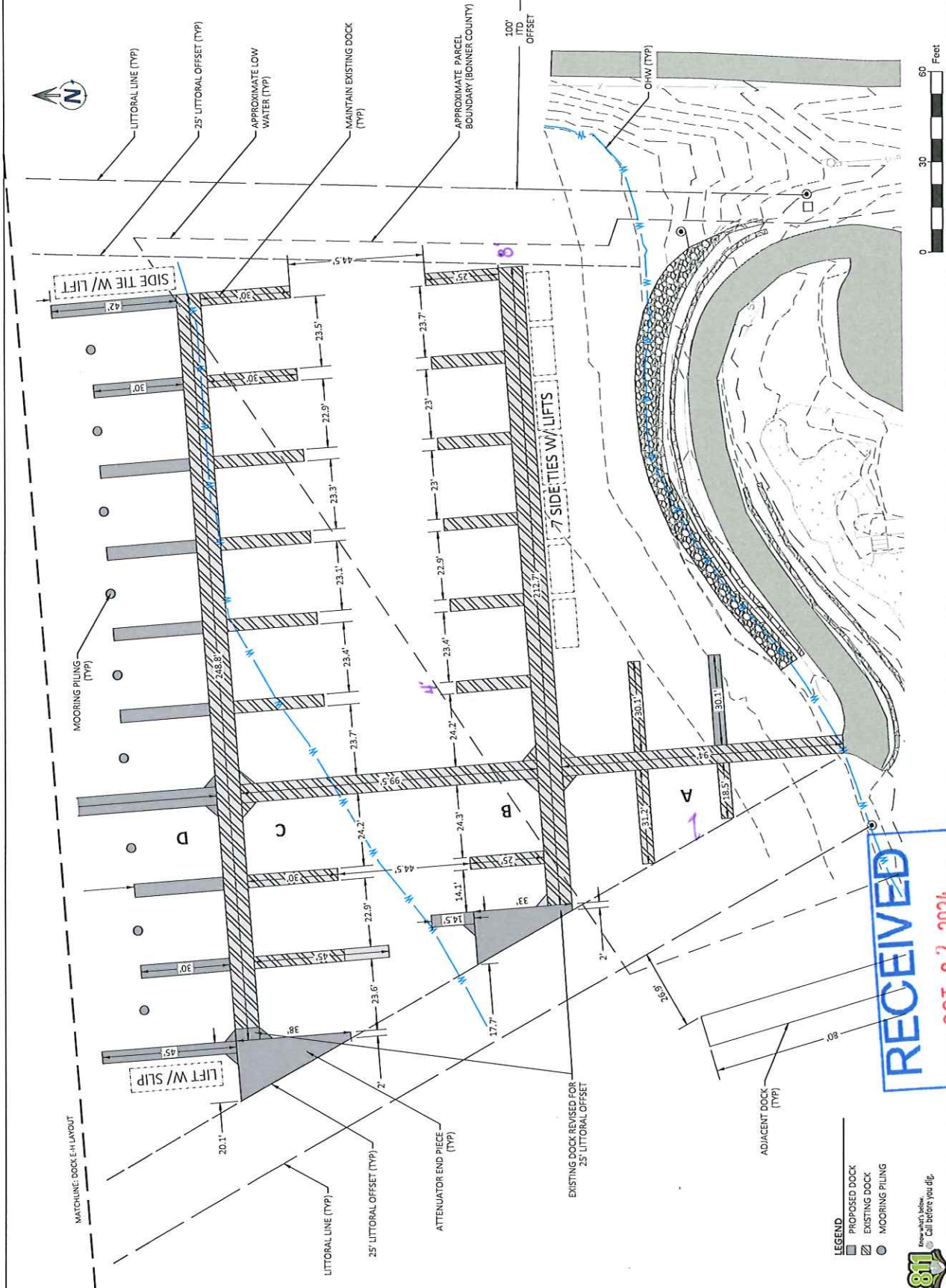
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REVISONS

NO.	DATE	BY	DESCRIPTION
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DOCK A-D LAYOUT

DRAWING: 20



RECEIVED

OCT 22 2024

IDAHO DEPT. OF LANDS
MINING SUPERVISORY AREA OFFICE

NOT
APPROVED
PRELIMINARY
FOR
CONSTRUCTION

9"

DWG:

PROJECT NO:

DRAWN BY:

CHECKED BY: _____
DATE: _____

DATE _____

NAME _____

1. **Introduction**

NO. DATE

DOD

7

1

DRAWING

SHEET:

115

1

DOCK E-H LAYOUT

DRAWING:

SHEET: 3 OF 5

RECEIVED

OCT 22 2024

IDAHO DEPT. OF LANDS
MINICA SUPERVISORY AREA OFFICE

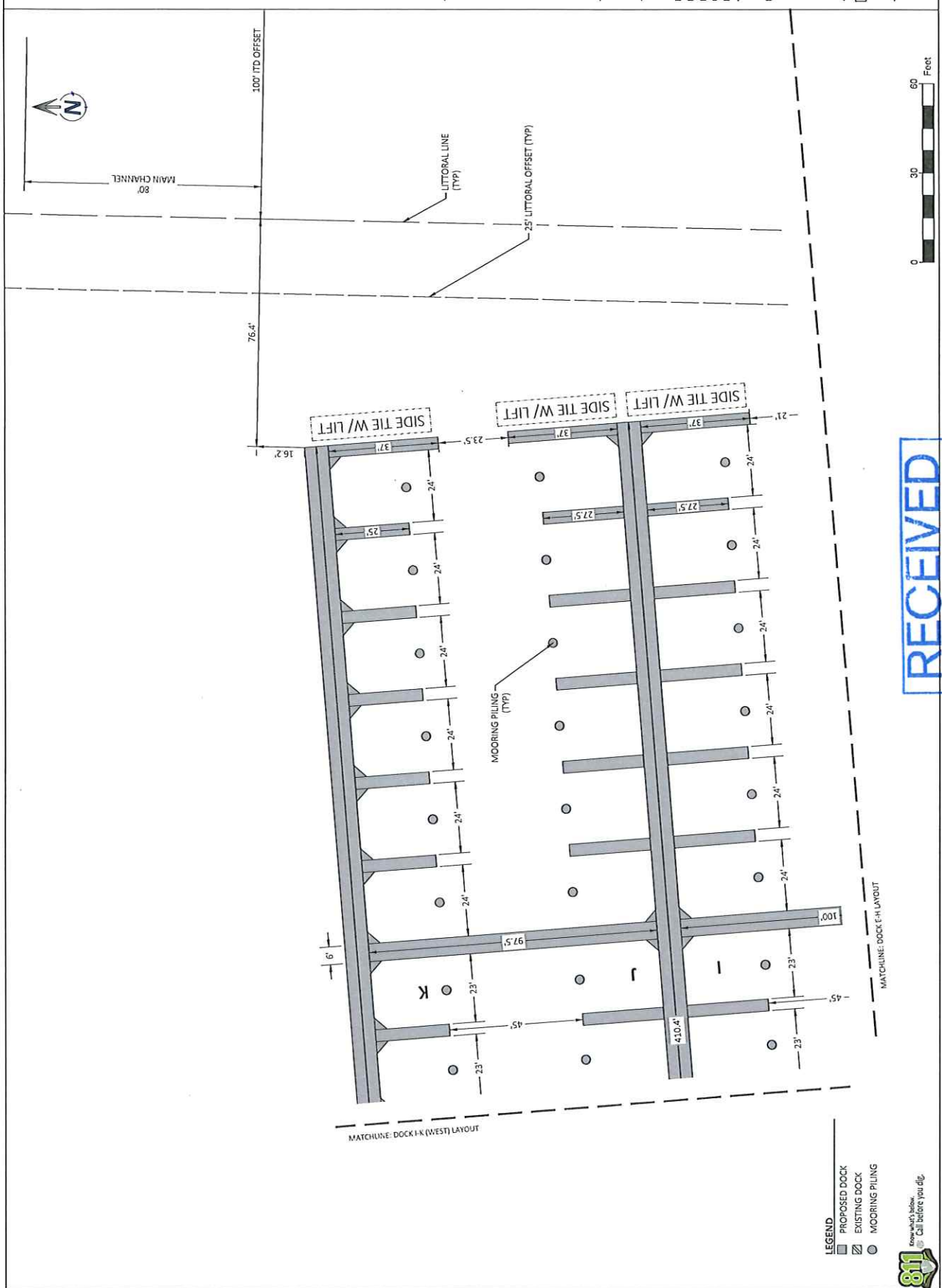
LONG BRIDGE LAKE ACCESS

BONNER COUNTY, ID

NOT
APPROVED
PRELIMINARY
FOR
CONSTRUCTION

SCALE (AS SHOWN)
1" = 30'
DWG: PROJECT NO:
DRAWN BY:
CHECKED BY:
DATE:
© 2024 KAL EIGHT HOLDING
REVISIONS
NO. DATE BY DESCRIPTION

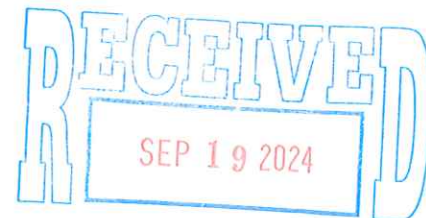
DOCK I-K(EAST)
LAYOUT
DRAWING:
SHEET: 5 OF 5



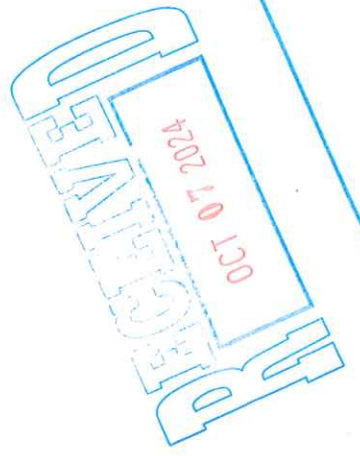
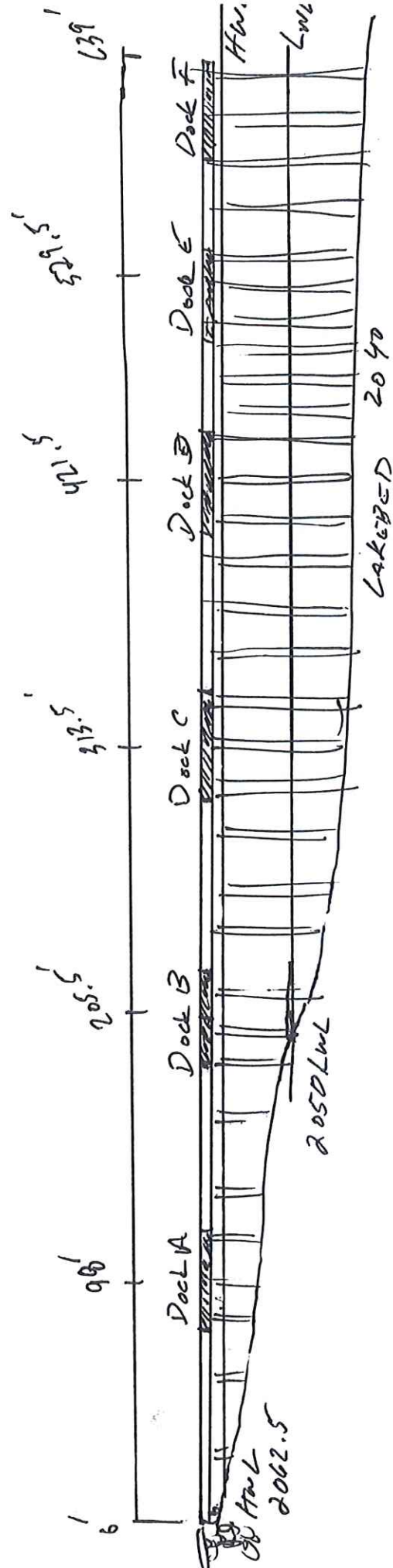
RECEIVED
OCT 22 2024
IDAHO DEPT. OF LANDS
MICA SUPERVISORY AREA OFFICE

Aug 10/22/24

	Count #	Width (FT)	Length (FT)	Total Area (SF)	Total Cum. Area (SF)	
Main Line						
Main A-	1	6	94	564	36,567.94	Max Length: 639 FT
Main B-C	1	6	99.5	597		Max Width: 480.6
Main D-E	1	6	100	600		
Main F-G	1	6	100	600		
Main H-I	1	6	100	600		
Main J-K	1	6	97.5	585		
				<u>3546</u>		
DOCK A						
Finger 1	1	4	30.1	120.4		
Finger 2	1	4	18.5	74		
Finger 3	1	4	30.1	120.4		
Finger 4	1	4	31.2	124.8		
Wedge	2	5	5	25		
				<u>464.6</u>		
DOCK B						
Pier	1	8	212.7	1701.6		
Finger 1	7	4	25	700		
Finger 2	1	4	14.5	58		
Breakwater (End)	1	17.7	33.1	326.04	585.87	
Wedge	4	4	4	32		
				<u>2817.64</u>		
DOCK C						
Pier	1	8	248.8	1990.4		
Finger 1	7	4	30	840		
Finger 2	1	4	45	180		
Breakwater (End)	1	20.1	38	420	763.8	
Wedge	3	4	4	24		
				<u>3454.4</u>		
DOCK D						
Finger 1	7	4	30	840		
Finger 2	1	4	45	180		
Finger 3	1	4	42	168		
Wedge	4	4	4	32		
				<u>1220</u>		
DOCK E						
Pier	1	8	307.1	2456.8		
Finger 1	8	4	26	832		
Finger 2	1	4	40	160		
Finger 3	1	4	37	148		
Breakwater (End)	1	18	33	330	594	
Wedge	4	4	4	32		
				<u>3958.8</u>		
DOCK F						
Finger 1	9	4	30	1080		
Finger 2	1	4	45	180		
Finger 3	1	4	42	168		
Wedge	5	4	4	40		
				<u>1468</u>		
DOCK G						
Pier	1	8	359.3	2874.4		
Finger 1	10	4	26	1040		
Finger 2	1	4	40	160		
Finger 3	1	4	37	148		
Breakwater (End)	1	18	33	330	594	
Wedge	4	4	4	32		
				<u>4584.4</u>		
DOCK H						
Finger 1	11	4	27.5	1210		
Finger 2	1	4	45	180		
Finger 3	1	4	42	168		
Wedge	5	4	4	40		
				<u>1598</u>		
DOCK I						
Pier	1	8	410.4	3283.2		
Finger 1	12	4	27.5	1320		
Finger 2	1	4	40	160		
Finger 3	1	4	37	148		
Breakwater (End)	1	19.2	35.5	375.9	691.6	
Wedge	4	4	4	32		
				<u>5319.1</u>		
DOCK J						
Finger 1	13	4	27.5	1430		
Finger 2	1	4	40	160		
Finger 3	1	4	37	148		
Wedge	5	4	4	40		
				<u>1778</u>		
DOCK K						
Pier	1	8	460.2	3681.6		
Finger 1	14	4	25	1400		
Finger 2	1	4	40	160		
Finger 3	1	4	37	148		
Breakwater (End)	1	20.4	38	697.4	775.2	
Wedge	34	4	4	272		
				<u>6359</u>		



By: _____



BN:

AUG 21 2023

PEND OREILLE LAKE AREA

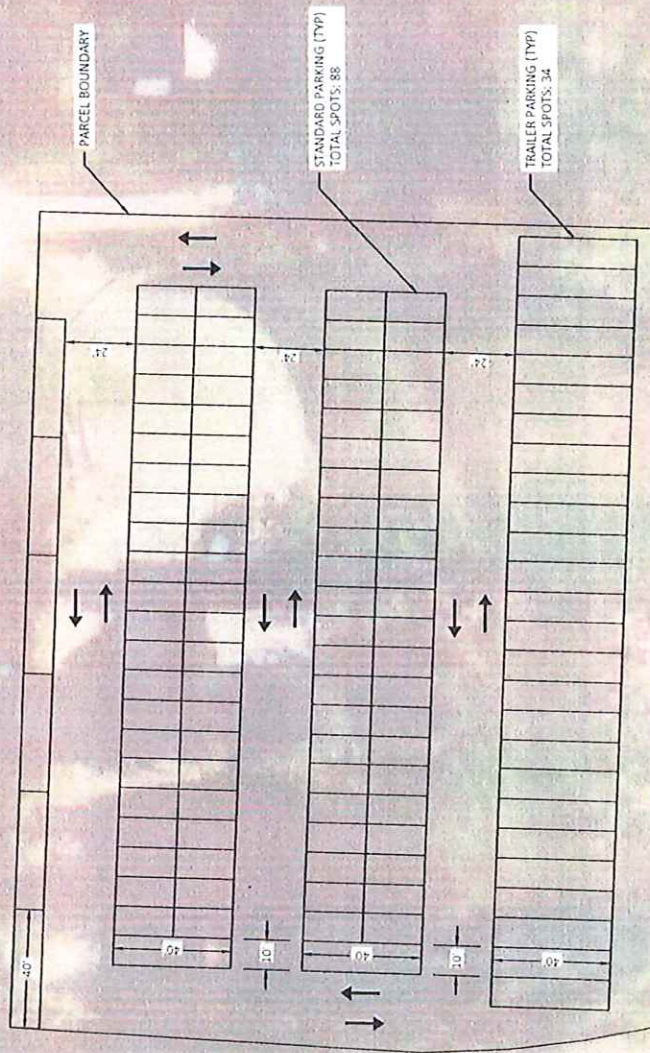
Long Bridge Marina Proposed Parking Plan

The following describes the intended parking allocated for the Long Bridge Marina. The proposed parking will include an estimated 36,000 square feet that will include 60- 9' wide parking spots. Truck and trailer spots will accommodate 21 while the other 39 will accommodate a vehicle only. The proposed parking will be paved and stripped with signage. Attached is the parking layout diagram.



U.S. HIGHWAY 95

SMOKEHOUSE ROAD



LAKE SHORE DRIVE



PARKING EXHIBIT
SHEET: 1 OF 1

LONG BRIDGE LAKE ACCESS

BONNER COUNTY, ID

RECEIVED
SEP 19 2024

By: _____

HMH
engineering
3882 N. Schreiber Way, Suite 104
Coeur d'Alene, ID 83815
(208) 635-5825



IDL02-015

IDL02-016



0005284072

**STATE OF IDAHO****Office of the secretary of state, Phil McGrane
CERTIFICATE OF ORGANIZATION LIMITED
LIABILITY COMPANY**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$100.00

For Office Use Only

-FILED-

File #: 0005284072

Date Filed: 6/14/2023 12:24:39 PM

Certificate of Organization Limited Liability Company

Select one: Standard, Expedited or Same Day Service (see descriptions below) Expedited (+\$40; filing fee \$140)

1. Limited Liability Company Name

Type of Limited Liability Company

Limited Liability Company

Entity name

Long Bridge Land Holding Company LLC

2. The complete street address of the principal office is:

Principal Office Address

41 LAKESHORE DRIVE
SAGLE, ID 83860

3. The mailing address of the principal office is:

Mailing Address

PO BOX 1942
SPOKANE, WA 99210-1942

4. Registered Agent Name and Address

Registered Agent

Benjamin Milbrath
Registered Agent

Physical Address

41 LAKESHORE DR
SAGLE, ID 83860

Mailing Address

41 LAKESHORE DR
SAGLE, ID 83860-9271

☒ I affirm that the registered agent appointed has consented to serve as registered agent for this entity.

5. Governors

Name	Address
Benjamin Milbrath	PO BOX 1942 SPOKANE, WA 99210

Signature of Organizer:

Benjamin Milbrath

Sign Here

06/14/2023

Date



B0812-66/4 06/14/2023 12:25 PM Received by Office of the Idaho Secretary of State

AUG 21 2023

PEND OREILLE LAKE AREA

LEASE AND MANAGEMENT AGREEMENT

This lease and management agreement (the "**Agreement**") is made and entered into as of the date set forth on the signature page hereto (the "**Effective Date**"), by and between Long Bridge Land Holding Company LLC (the "**LBLHC**"), an Idaho limited liability company, and Long Bridge Marina LLC (the "**LBM**"), an Idaho limited liability company. LBLHC and LBM are hereinafter sometimes referred to separately as a "**party**" or collectively as the "**parties**".

RECITALS:

A. LBLHC is the owner of certain real property located in Bonner County, Idaho and is the lessee of certain submerged lands and littoral rights, also located in Bonner County, Idaho, pursuant to a submerged lease issued by the State of Idaho, on which LBLHC has constructed a boat marina (the "**Long Bridge Marina**"). The real property, submerged land and littoral rights, and marina are more particularly described on Exhibit A hereto and are hereinafter collectively referred to as the "**Long Bridge Marina Property**".

B. LBLHC desires to lease the Long Bridge Marina Property to LBM and grant LBM the sole and exclusive right to manage and operate the Long Bridge Marina, and LBM desires to do the same.

C. LBLHC and LBM are entering into this Agreement to memorialize and set forth the terms and conditions of their lease and management arrangement.

AGREEMENT:

In consideration of the premises, the covenants and obligations herein contained and other good and valuable consideration, LBLHC and LBM agree as follows:

1. **Lease of the Long Bridge Property.** LBLHC hereby leases the Long Bridge Property to LBM for the term and upon payment of the rental set forth in this Section 1.

1.1 *Initial Term of Lease; Renewal of Lease.* The initial term of the lease shall commence on the Effective Date and shall continue until December 31, 2023. Provided it is not then in default, LBM shall have the right to renew the lease for up to 3 additional terms of one year each on such terms and subject to such conditions as LBLHC and LBM shall agree. Each renewal term shall be deemed to commence on January 1st and end on December 31st.

1.2 *Earlier Termination of Lease.* Subsection 1.1 to the contrary notwithstanding, LBLHC may terminate the lease at any time if LBM violates any provision of this Agreement or any applicable state, federal or local law, rule or regulation pertaining to the operation and maintenance of marinas and the dockage and rental of slip spaces for private watercraft. LBLHC shall give LBM ten (10) days written notice of such violation or violations by certified mail, return receipt requested, or by overnight delivery prior to termination.



By: _____

AUG 21 2023

POND ORVILLE LAKE AREA

1.3 **Rental Amount; Late Fees.** LBM shall pay LBLHC a yearly rental equal to fifty percent (50%) of the gross rental revenue from the Long Bridge Marina. Such rent shall be due and payable annually on December 15th. LBLHC reserves the right to charge a late fee equal to the lesser of 1.3% per month or the highest rate allowed by applicable law if LBM is delinquent in the payment of any monthly rental, and LBM hereby agrees to pay the same as additional rental.

2. **Management of the Long Bridge Marina.** LBM shall have the sole and exclusive right to manage and operate the Long Bridge Marina for so long as its lease of the Long Bridge Marina Property is in effect. Without limiting the generality of the foregoing, LBM shall have the right to hire or retain employees; to retain contractors and materialmen to make such repairs to the marina as LBM determines are reasonably necessary; to establish safety rules and regulations applicable to all persons who rent boat slips; to lease dockage and boat slips to patrons on such terms and subject to such conditions as LBM shall determine (which shall as nearly as practicable conform to the form of Dockage and Boat Slip Lease Agreement attached to this Agreement as Exhibit B); to collect dockage and slip rental fees from persons leasing slip space, and to deposit the same; to enter contracts or agreements with third parties for the provision of supplies, equipment and such other items as are reasonably necessary to operate a marina; and to procure one or more policies of insurance with a reputable insurance company insuring LBM and LBLHC against all risks and perils reasonably associated with marina operations.

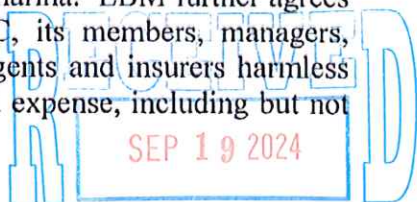
3. **Taxes and Assessments.** LBLHC shall be solely responsible for paying the real property taxes assessed against the Long Bridge Marina Property on or before the same become due, and for paying all charges relating to the existing water and sewer connection. LBM shall be solely responsible for paying all other costs and expenses relating or pertaining to the Long Bridge Marina Property and the Long Bridge Marina, including but not limited to (a) electrical, gas and garbage disposal charges, (b) lease obligations and assessments relating or pertaining to the State of Idaho submerged lands lease and (c) annual taxes on slip rental revenues.

4. **Covenants of LBM.**

(a) LBM shall at all times ensure that persons renting slip spaces at the marina comply with all present and future ordinances, resolutions, statutes and established regulations relating or pertaining to LBLHC's marina.

(b) LBM shall comply with all present and future health, safety, environmental and sanitary rules and regulations of any and all applicable regulatory bodies, including but not limited to those established by any federal, state or local government agency having jurisdiction over LBLHC's marina.

(c) LBM agrees that LBLHC, its members, managers, directors, officers, employees, volunteers, representatives, agents and insurers shall not be liable to LBM or any other person for any loss, injury, death or damage to persons or property that may arise directly or indirectly from LBM's management and operation of the marina. LBM further agrees to indemnify, defend, release, discharge and hold LBLHC, its members, managers, directors, officers, employees, volunteers, representatives, agents and insurers harmless from and against any and all loss, cost, liability, damage and expense, including but not

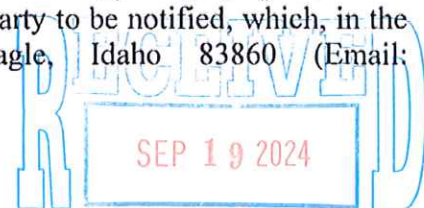


limited to reasonable attorney's fees and costs, penalties and fees incurred in connection with or arising from:

- (i) any default by LBM of the terms and conditions of this Agreement;
- (ii) the use of the marina slips by lessees of the slips and their family members, guests, invitees, licensees, vendors, visitors or agents;
- (iii) acts, omissions of LBM, its members, managers, directors, officers, employees, volunteers, representatives or agents in or around the marina, except for acts or omissions constituting gross negligence or willful misconduct;
- (iv) storm, fire, theft, acts of God or other casualty whatsoever;
- (v) any claims by any other person by reason of loss, injury, death or damage to persons or property due to an act, occurrence or omission set forth above in this Section 4(c).
- (vii) any damage to the marina caused (or suffered to be caused) by LBM or watercraft owned or controlled by lessees of slip space at the marina, it being understood and agreed that LBM shall repair any damage to the slip promptly and at LBM's sole expense, and that LBM's failure to repair damage to the Slip within fourteen (14) days after notification by LBLHC may, at the discretion of the LBLHC, result in the termination of this Agreement.

5. **Miscellaneous Provisions.**

- (a) In the event of emergency that poses any risk to life, safety or property, LBM is hereby authorized to (but under no duty to) to take such action as is reasonably necessary to alleviate the emergency condition without liability for damages or loss of any kind.
- (b) LBM shall comply with all laws and regulations now or hereafter in effect concerning the protection of the environment in and around the marina.
- (c) This Agreement represents the entire agreement between the parties, and there are no representations, warranties, covenants or conditions, except those specified herein, or those specifically incorporated by reference to other documents, laws, rules or regulations.
- (d) This Agreement may be amended or modified only by a written agreement signed by the parties.
- (e) All notices given under this Agreement must be in writing. A notice is effective upon receipt and shall be sent via one of the following methods: electronic notice; personal delivery; overnight courier service; or certified or registered mail, postage prepaid, return receipt requested. All notices shall be addressed to the party to be notified, which, in the case of LBLHC is 41 Lakeshore Drive, Sagle, Idaho 83860 (Email:



AUG 21 2023

LBLHCO@outlook.com) and in the case of LBM is 31 Lakeshore Drive, Sagley, Idaho 83860 (Email: longbridgemarina@outlook.com).

(f) No party shall be deemed to have waived any provision of this Agreement or the exercise of any rights held hereunder unless such waiver is made expressly and in writing.

(g) If any provision of this Agreement shall be found to be void, such determination shall not affect any other provision of this Agreement.

(h) In the event any suit, claim, action or any other legal proceeding is instituted to enforce this Agreement, the prevailing party shall be entitled to recover, in addition to costs and expenses provided by statute or otherwise, all reasonable attorney's fees, including but not limited to attorney's fees incurred at trial or on appeal. This Agreement shall be governed by the laws of the State of Idaho and the United States. Venue for any action hereunder shall be in the District Court of the First Judicial District of Idaho in and for Bonner County.

IN WITNESS WHEREOF, this Agreement has been executed by LBLHC and LBM as of the 22 day of June 2023.

LBLHC:

Long Bridge Land Holding Company LLC,
an Idaho limited liability company

By: Ben Milbrath

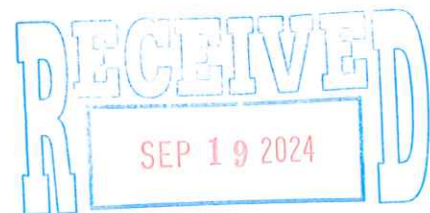
Benjamin Milbrath
Its duly authorized signatory

LBM:

Long Bridge Marina LLC,
an Idaho limited liability company

By: Ben Milbrath

Benjamin Milbrath
Its duly authorized signatory



AUG 21 2023

Exhibit A to Lease and Management Agreement
(Description of Long Bridge Marina Property)

Real Property:

Lot 2B of Replat of Lot 1A, Block 10, Lakeside Place, according to the plat thereof, recorded in Book 12 of Plats, Page 55, records of Bonner County, Idaho

Submerged Leased Lands and Littoral Rights:

[to be added when obtained from the State of Idaho]

Long Bridge Marina:

See dock and slip diagram attached hereto.



By: _____

AUG 21 2023

Limited Liability Company Act, as so amended. Any repeal or modification of this paragraph by the members of the Company shall not adversely affect any right or protection of a member of the Company existing at the time of such repeal or modification.

DATED this 14th day of June 2023.



Benjamin Milbrath, its Organizer

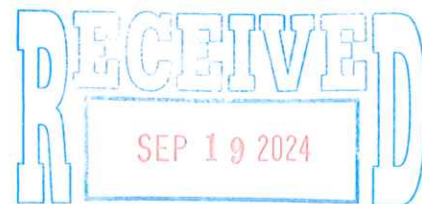
CONSENT TO SERVE AS REGISTERED AGENT

I, Benjamin Milbrath, hereby consent to serve as registered agent in the State of Idaho for Long Bridge Land Holding Company LLC, an Idaho limited liability company. I understand that as registered agent for the limited liability company, it will be my responsibility to accept service of process in the name of the limited liability company, to forward all mail and license renewals to the appropriate members of the limited liability company, and to immediately notify the Office of the Secretary of State of my resignation or of any change of address of the registered office of the limited liability company for which I am agent.

DATED this 14th day of June 2023.



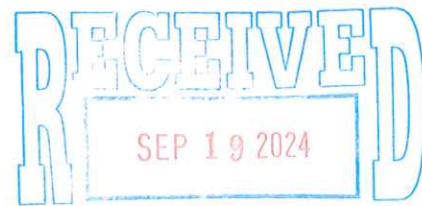
Benjamin Milbrath



By: _____

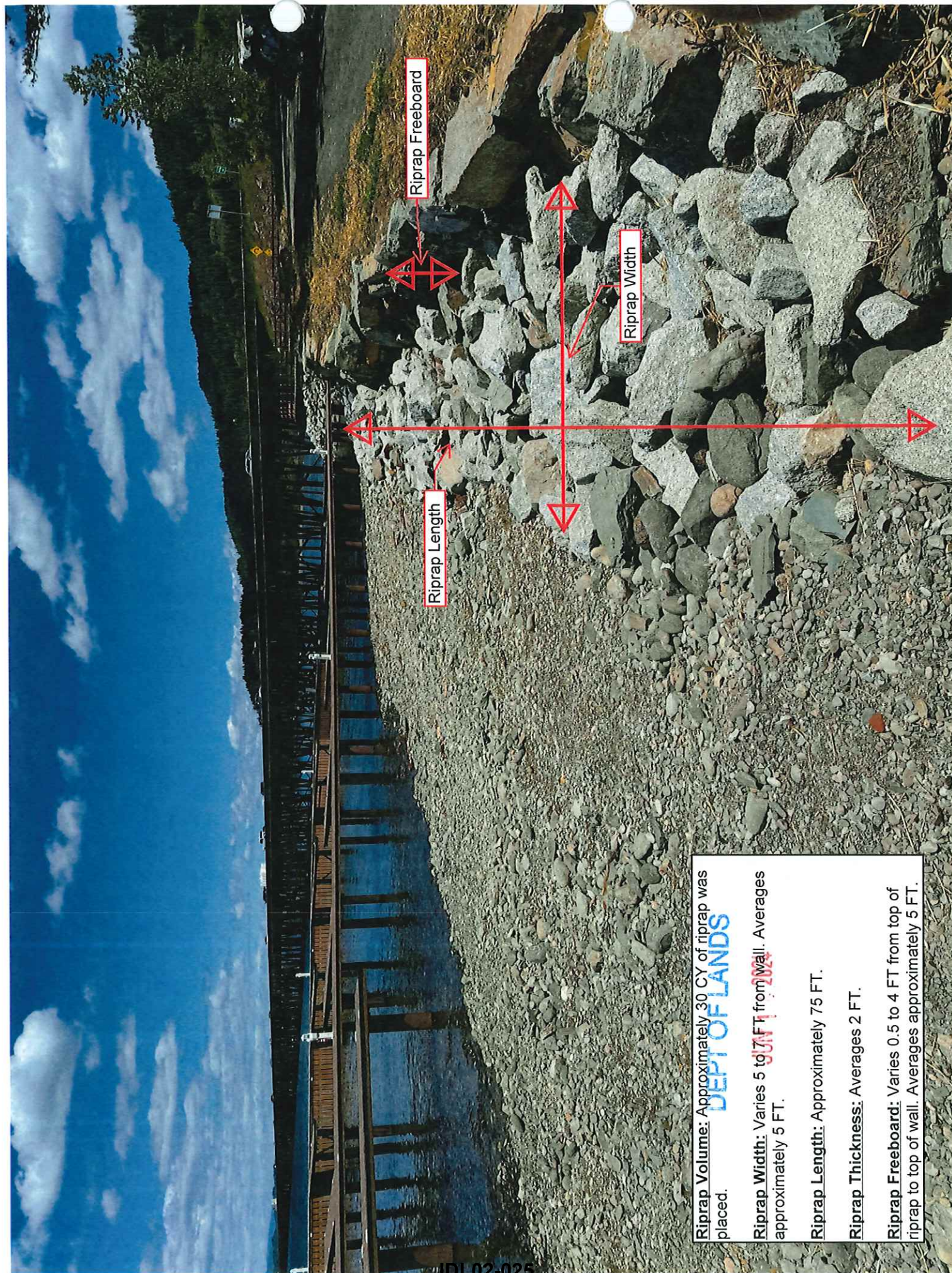
40520\Long Bridge Land Holding Company Articles of Organization

IDAHO DEPARTMENT OF LANDS
AUG 21 2023
PEND OREILLE LAKE AREA



ARTICLES OF ORGANIZATION - 3

By: _____



Riprap Volume: Approximately 30 CY of riprap was placed.

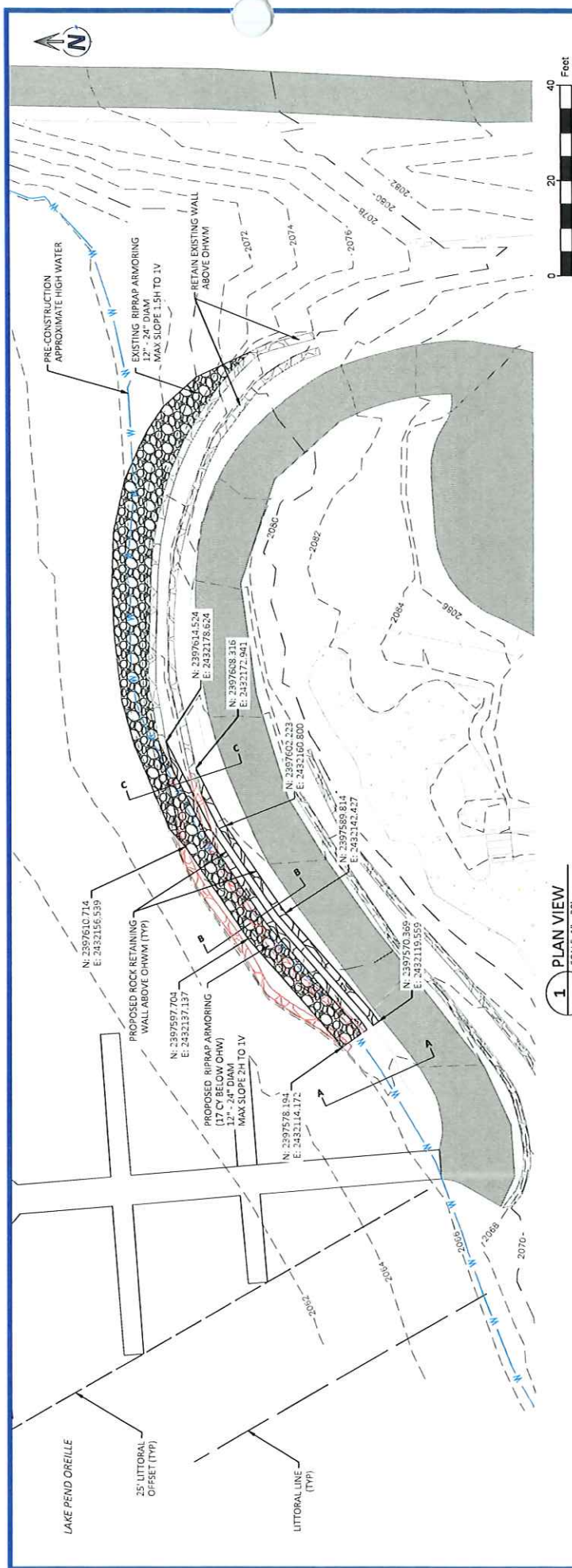
DEPT OF LANDS

Riprap Width: Varies 5 to 7 FT from wall. Averages approximately 5 FT.

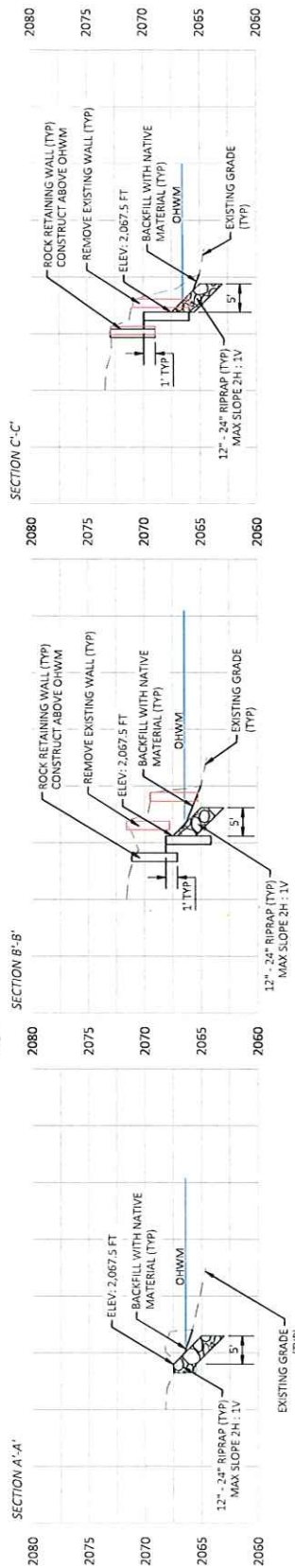
Riprap Length: Approximately 75 FT.

Riprap Thickness: Averages 2 FT.

Riprap Freeboard: Varies 0.5 to 4 FT from top of riprap to top of wall. Averages approximately 5 FT.



1 PLAN VIEW
SCALE: 1" = 20'



2 SECTION VIEW
N/S

NOTE:
- THE USGS LAKE PEND ORELLE SUMMER POOL ELEVATION IS 2,062.5 FT-NGVD29. THIS WAS CONVERTED TO 2,066.37 FT-NAVD88 FOR USE AS THE ORDINARY HIGH WATER (OHWM).
- THE USGS LAKE PEND ORELLE WINTER POOL ELEVATION IS 2,051.0 FT-NGVD29. THIS WAS CONVERTED TO 2,054.87 FT-NAVD88 FOR USE AS THE APPROXIMATE LOW WATER. RIPRAP TO BE PLACED IS APPROXIMATELY 35 CY TOTAL (17 CY BELOW OHWM).

LONG BRIDGE LAKE ACCESS

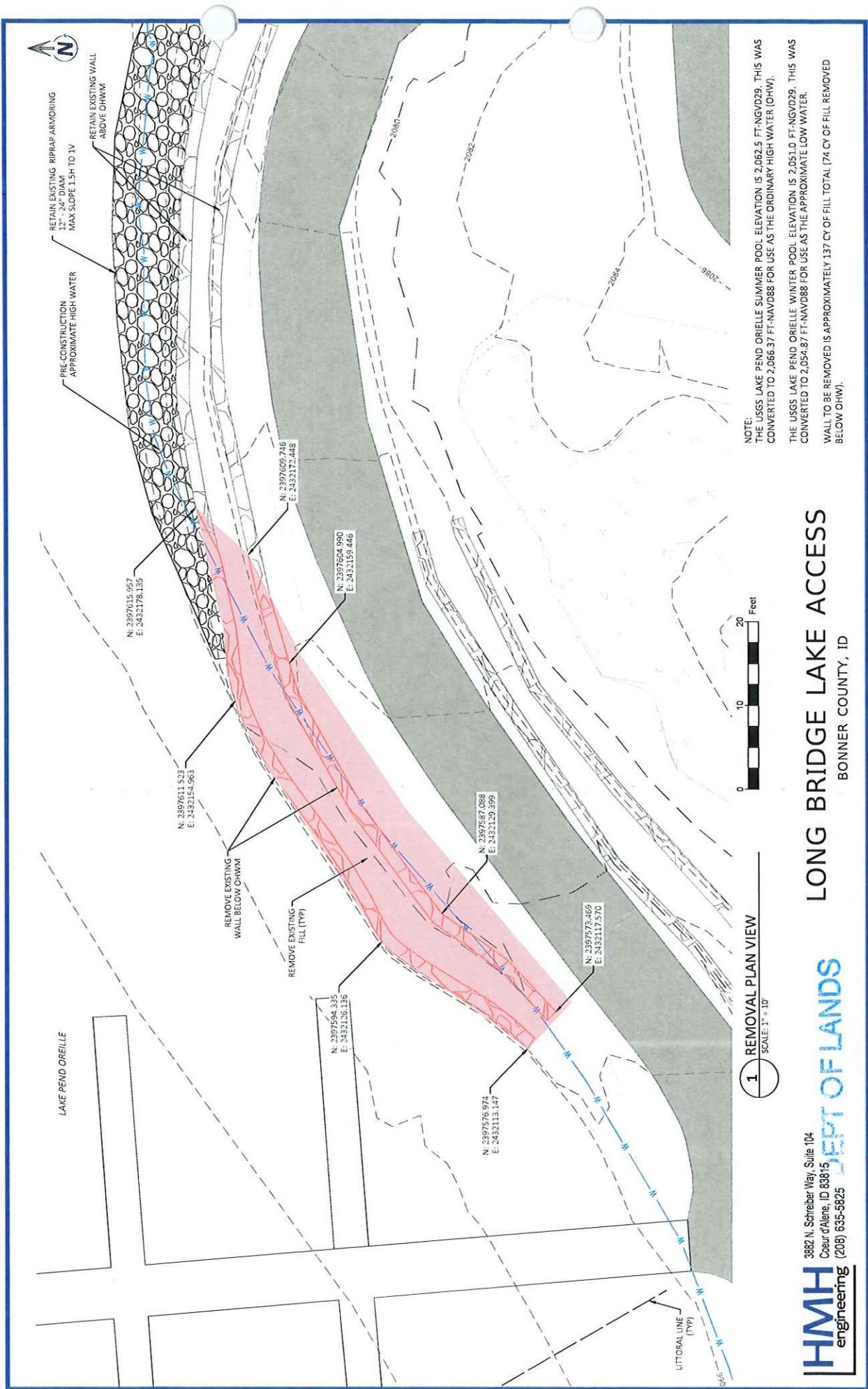
BONNER COUNTY, ID

HMH engineering

3882 N. Schreiber Way, Suite 104
Coeur d'Alene, ID 83815
(208) 635-5825

DEPT OF LANDS

MAY 11 2024

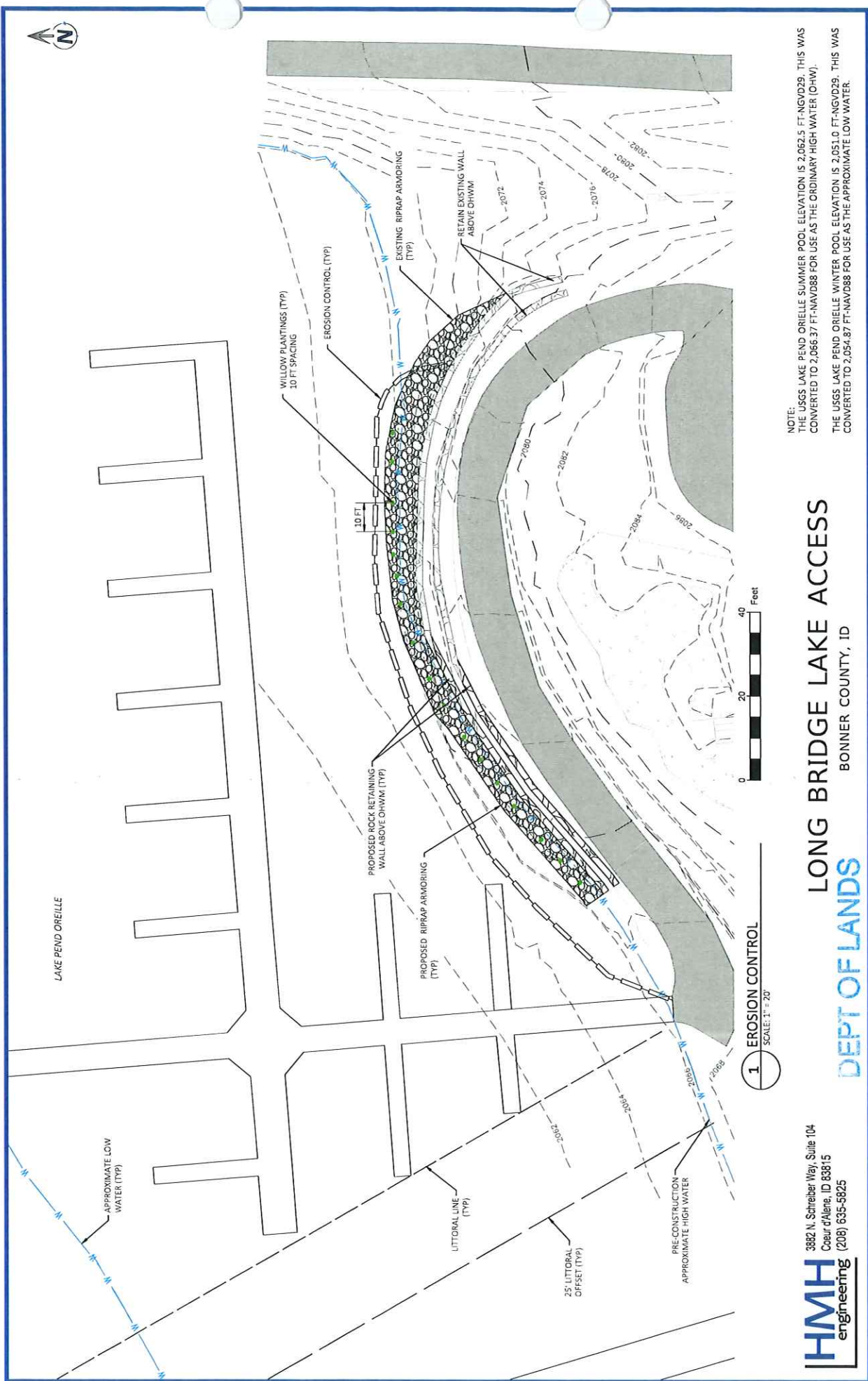


LONG BRIDGE LAKE ACCESS

BONNER COUNTY, ID

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3882 N. Schreiber Way, Suite 104
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(208) 635-5825

MAY 01 2024



HMH engineering
 3882 N. Schreiber Way, Suite 104
 Coeur d'Alene, ID 83815
 (208) 635-5825

DEPT OF LANDS
LONG BRIDGE LAKE ACCESS
 BONNER COUNTY, ID

MAY 01 2024

GENERAL NOTES:

EROSION CONTROL SHALL CONFORM TO BONNER COUNTY REVISED CODE. THE CONTRACTOR SHALL PROVIDE DUST CONTROL FOR CONSTRUCTION OPERATIONS. THESE PLANS AND CONDITIONS ENTERED IN THE FIELD TO THE OWNER AND THE ENGINEER OR THE ENGINEER'S REPRESENTATIVE. THE CONTRACT SHALL MAKE ALL NECESSARY CONSTRUCTION NOTIFICATIONS.

EROSION CONTROL - EROSION CONTROL SHALL BE MAINTAINED THROUGH THE USE OF EXISTING VEGETATION, SILT FENCING, STRAW WATTLES, EROSION CONTROL BLANKETS AND RE-SEEDING SLOPES STEEPER THAN 2H:1V. SILT FENCING SHALL BE PLACED DOWN-SLOPE OF ALL CONSTRUCTION AREAS WITHIN 100 FEET OF SURFACE WATER AREAS WHERE CONSTRUCTION ACTIVITIES TEMPORARILY CLOSE FOR MORE THAN 21 DAYS SHALL BE STABILIZED WITH SEEDING OR OTHER METHODS OF STABILIZATION APPROVED BY THE ENGINEER OR HIS REPRESENTATIVE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF EROSION CONTROL MEASURES UNTIL SUCH TIME THAT FINAL STABILIZATION OF THE SITE IS COMPLETE.

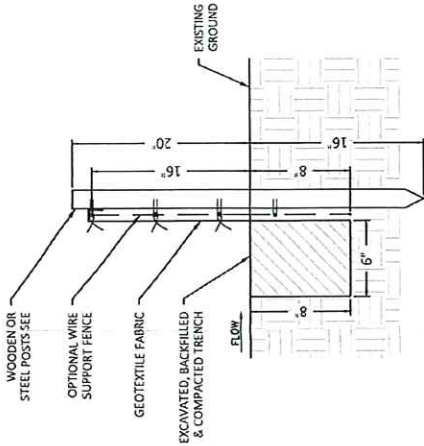
DROP-LINE TRENCHES - TRENCHES SHALL BE INSTALLED UNDER NEATH ALL ROOF DRAIN LINES TO PREVENT EROSION, WHERE PAVEMENT IS NOT PRESENT.

INSPECTIONS - THE CONTRACTOR SHALL INSPECT ALL STORM-WATER AND EROSION CONTROL MEASURES AT LEAST ONCE EVERY 7 DAYS AND FOLLOWING ANY STORM EVENT OF 0.25 INCHES OR GREATER UNTIL SUCH TIME THAT FINAL STABILIZATION IS COMPLETE. THE FOLLOWING ITEMS SHALL BE INSPECTED:

- SILT FENCE
 - DEPTH OF SEDIMENT (SEDIMENT SHALL BE REMOVED FROM SILT FENCE WHEN IT HAS REACHED 1/2 THE HEIGHT OF THE SILT FENCE)
 - TURNS IN FABRIC
 - FABRIC SECURED TO FENCE POSTS
 - FENCE POST FIRMLY IN GROUND
- RESEEDING
 - BARE SPOTS, WASHOUTS, AND HEALTHY GROWTH

FINAL STABILIZATION - ALL DISTURBED SOIL AREAS SHALL BE RE-SEEDING AND RECLAIMED WITH NATIVE VEGETATION HAVING SOIL HOLDING PROPERTIES PER BCRC 12-714 (C). ALL RESEEDING OF AREAS WITHIN 40' SETBACK MUST CONSIST OF NATIVE SPECIES SPECIFIED IN BCRC APPENDIX B OF TITLE 12.

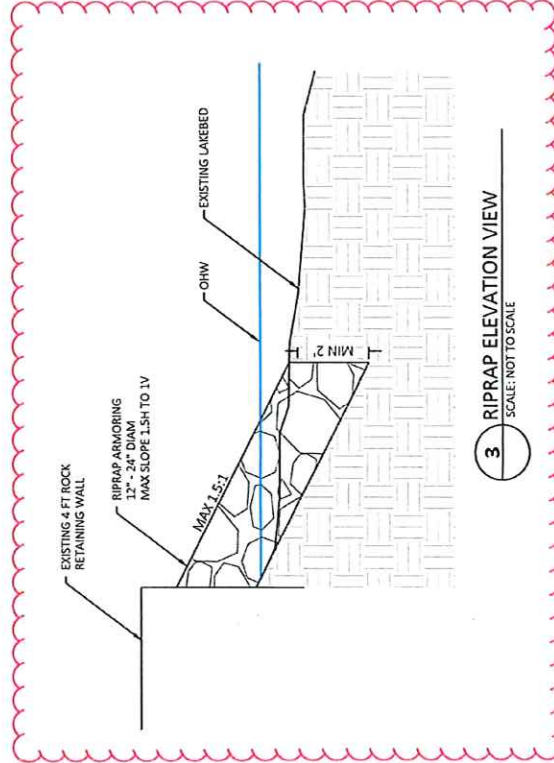
THE ENGINEER SHALL BE NOTIFIED AND SHALL HAVE THE OPPORTUNITY TO INSPECT THE STORM WATER MANAGEMENT AND EROSION CONTROL SYSTEM.



- NOTES:
1. FIBER ROLLS SHALL BE PLACED ALONG A LEVEL CONTOUR UNLESS OTHERWISE SHOWN.
 2. TURN THE END OF THE FIBER ROLL UP SLOPE TO PREVENT RUNOFF FROM GOING AROUND THE ROLL.
 3. IF MORE THAN ONE FIBER ROLL IS PLACED IN A ROW, THE ROLLS SHALL BE OVERLAPPED A MINIMUM 12\".
 4. SEDIMENT SHALL BE REMOVED WHEN SEDIMENT ACCUMULATION REACHES ONE-HALF OF THE EXPOSED HEIGHT OF THE FIBER ROLL.

1 FIBER ROLLS / STRAW WATTLES

SCALE: NOT TO SCALE



2 RIPRAP ELEVATION VIEW

SCALE: NOT TO SCALE

3 SILT FENCE DETAIL

SCALE: NOT TO SCALE

HMH engineering
3882 N. Schreiber Way, Suite 104
Coeur d'Alene, ID 83815
(208) 635-5825

LONG BRIDGE LAKE ACCESS

BONNER COUNTY, ID



By: _____

SECTION 35, TOWNSHIP 57 NORTH, RANGE 2 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO

IDAHO DEPT. OF LANDS
MICA SUPERVISORY AREA OFFICE

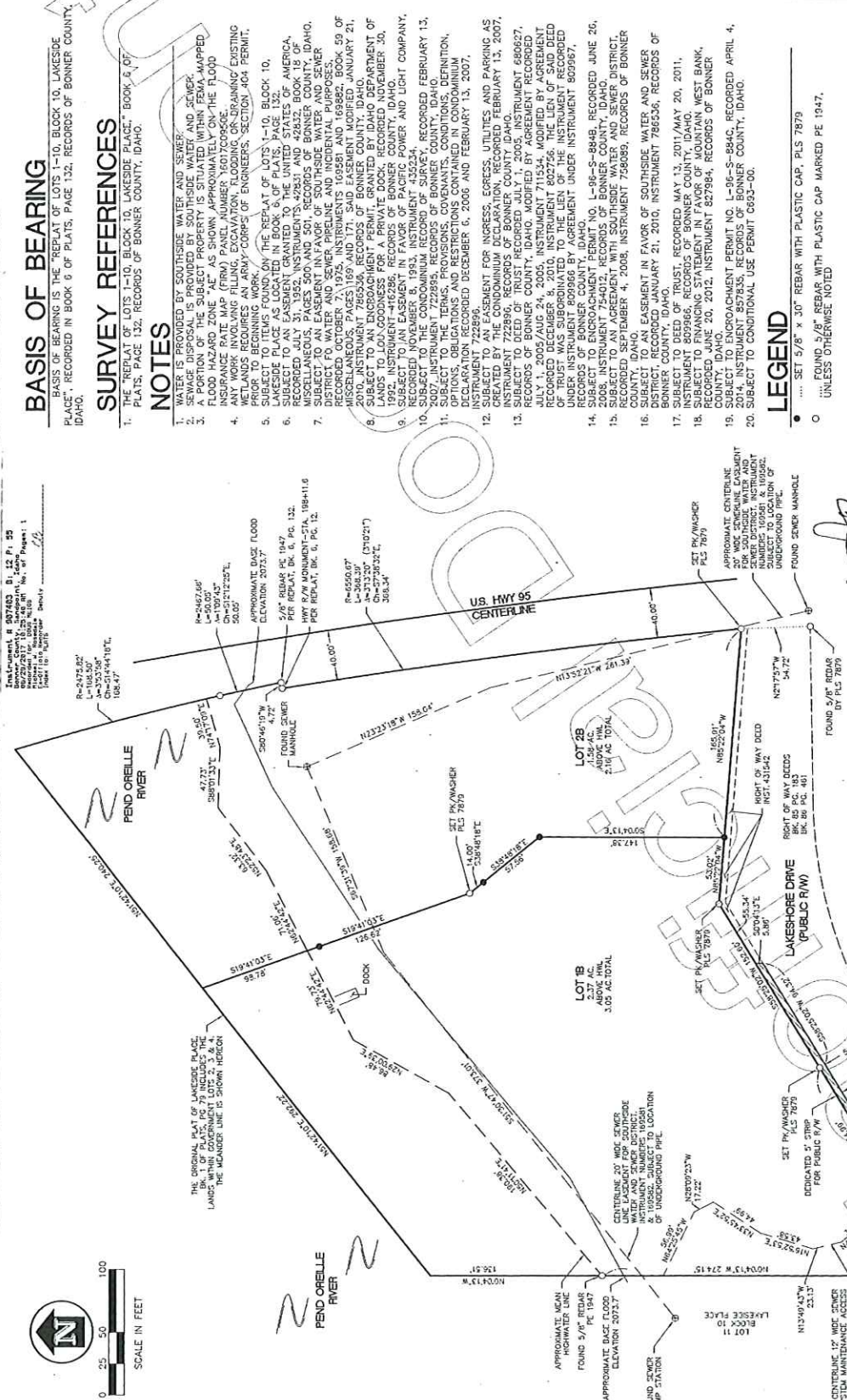
DATED THIS 18 DAY OF JUNE, 2017.

CUT 1 OF 2

907403 BK 12 PG 55 2022

REPLAT OF LOT 1A, BLOCK 10, LAKESIDE PLACE

SECTION 35, TOWNSHIP 57 NORTH, RANGE 2 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO



BASIS OF BEARING

BASIS OF BEARING IS THE "REPLAT OF LOTS 1-10, BLOCK 10, LAKESIDE PLACE", RECORDED IN BOOK 6 OF PLATS, PAGE 132, RECORDS OF BONNER COUNTY, IDAHO.

SURVEY REFERENCES

1. THE "REPLAT OF LOTS 1-10, BLOCK 10, LAKESIDE PLACE", BOOK 6 OF PLATS, PAGE 132, RECORDS OF BONNER COUNTY, IDAHO.

NOTES

1. WATER IS PROVIDED BY SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO.
2. SEWAGE DISPOSAL IS PROVIDED BY SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO.
3. FLOOD HAZARD ZONE "AE" AS SHOWN APPROXIMATELY ON THE FLOOD INSURANCE RATE MAP (FIRM) PANEL NUMBER 16017C09450E.
4. ANY WORK INVOLVING FILLING, EXCAVATION, FLOODING, OR DRAINING EXISTING WETLANDS REQUIRES AN ARMY-CORPS OF ENGINEERS, SECTION 404 PERMIT.
5. SUBJECT TO ITEMS FOUND ON THE REPLAT OF LOTS 1-10, BLOCK 10, LAKESIDE PLACE AS LOCATED IN BOOK 6 OF PLATS, PAGE 132.
6. SUBJECT TO AN EASEMENT GRANTED TO THE UNITED STATES OF AMERICA, BY INSTRUMENT 722896, RECORDS OF BONNER COUNTY, IDAHO.
7. SUBJECT TO AN EASEMENT IN FAVOR OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO.
8. SUBJECT TO AN EASEMENT IN FAVOR OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO.
9. SUBJECT TO AN EASEMENT IN FAVOR OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO.
10. SUBJECT TO AN EASEMENT IN FAVOR OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO.
11. SUBJECT TO AN EASEMENT IN FAVOR OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO.
12. SUBJECT TO AN EASEMENT IN FAVOR OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO.
13. SUBJECT TO AN EASEMENT IN FAVOR OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO.
14. SUBJECT TO AN EASEMENT IN FAVOR OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO.
15. SUBJECT TO AN EASEMENT IN FAVOR OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO.
16. SUBJECT TO AN EASEMENT IN FAVOR OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO.
17. SUBJECT TO AN EASEMENT IN FAVOR OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO.
18. SUBJECT TO AN EASEMENT IN FAVOR OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO.
19. SUBJECT TO AN EASEMENT IN FAVOR OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO.
20. SUBJECT TO AN EASEMENT IN FAVOR OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO.

LEGEND

- SET 5/8" x 30" REBAR WITH PLASTIC CAP, PLS 7879
- FOUND 5/8" REBAR WITH PLASTIC CAP MARKED PE 1947, UNLESS OTHERWISE NOTED

SURVEYOR'S NOTE

THIS SURVEY WAS PERFORMED USING A 3 SECOND GLOBAL POSITIONING SYSTEM (GPS) INSTRUMENT. THE LINEAR ERROR OF CLOSURE MEETS OR EXCEEDS REQUIREMENTS OF THE STATE OF IDAHO.

RECEIVED

OCT 22 2024

IDAHO DEPT. OF LANDS

MICA SUPERVISORY AREA OFFICE

James A. Sewell and Associates, LLC

1319 NORTH DIVISION AVENUE

SANDPOINT, IDAHO 83864, (208) 263-4160

REPLAT OF LOT 1A, BLOCK 10, LAKESIDE PLACE

1319 NORTH DIVISION AVENUE

SANDPOINT, IDAHO 83864, (208) 263-4160



Application Number:

Commercial/Community/Non-navigational Encroachment Permit Application

This application and required documents must be completed when submitting an encroachment permit application. Incomplete applications will be returned without processing.

ENCROACHMENT TYPE(S):
(Check all that apply)

- | | |
|--|---------------------------------------|
| <input type="checkbox"/> Community dock | <input type="checkbox"/> Float home |
| <input checked="" type="checkbox"/> Commercial marina | <input type="checkbox"/> Boat garage |
| <input type="checkbox"/> Bank stabilization or Rip Rap | <input type="checkbox"/> Mooring buoy |
| <input type="checkbox"/> Other – describe: | |

Applicant's Littoral Rights Are:

- ☒ Owned, fee simple title holder
☐ Leased
☐ Signature of littoral rights owner is obtained if Applicant is not the owner of the riparian/littoral rights
☐ Other – describe: _____

Provide a Copy of Each Required Document on 8½"x14" or Smaller Paper:

- ☒ County plat map showing both neighboring littoral lots.
☒ Tax record identifying the owner of the upland parcel(s).
☒ Lakebed profile with encroachment and water levels of winter and summer.
☒ General vicinity map that allows Department to find the encroachment.
☒ Scaled air photo or map showing lengths of nearby encroachments, distances to adjacent encroachments, and location and orientation of the proposed encroachment.

Are Existing Docks or Other Encroachment(s) Permitted On This Parcel(s)?

- ☐ No
☒ Yes. Please attach a current photograph and a "to scale" drawing (see Document Requirements Above)

Permit # L96S08846

Date of Construction: _____

What will happen to the existing dock or encroachment if this permit application is approved?

- ☐ Remain unchanged
☐ Complete removal
☒ Modification
☐ Other:

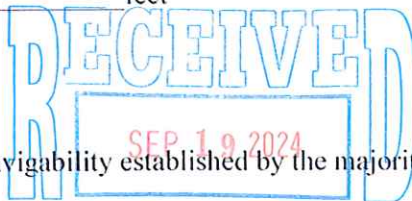
(Please note that old dock materials must be removed from the lake. Discarding these materials creates serious boating safety issues and offenders will be subject to prosecution and penalties.)

How Many Feet Does the Proposed Encroachment(s) Extend Beyond the Ordinary (or Artificial) High Water Mark?

Encroachment Type: Dock 639 feet
Encroachment Type: _____ feet
Encroachment Type: _____ feet

The Proposed Dock Length Is:

- ☐ The same or shorter than the two adjacent docks
☒ Longer than the two adjacent docks
☐ Longer than the two adjacent docks, but within the line of navigability established by the majority of existing docks in the area.
☐ _____ feet and not located near any other docks or encroachments.



By: _____

How many frontage parcel lots does the applicant own?

1 / 1 parcels

For Community Docks, Does the Property Have at Least 50 Feet of Littoral Frontage?

☐ No☒ Yes Total front footage: 199 feetFor Community Docks, Does the Proposed Dock Exceed the Maximum Square Footage of 7 ft² per Littoral Front Foot?☐ No Total square footage: _____ ft²☐ Yes _____ ft²

Will any Proposed Docks Exceed the Maximum Width of 10 Feet?

☒ No☐ Yes If yes, explain why: _____

Will the Proposed Encroachment (besides riprap) Be Located Closer Than 25 Feet to the Riparian/Littoral Right Lines Established with Your Neighbors?

☒ No☐ Yes If yes, what are the proposed distances?

Encroachment Type: _____ feet

Encroachment Type: _____ feet

Encroachment Type: _____ feet

☐ Consent of affected neighbor was attained**Determining Riparian/Littoral Right Lines**

Littoral right lines are not simple extensions of the upland property lines. Littoral right lines are generally perpendicular, or at right angles, to the shoreline. Curved shorelines or unusual circumstances may require Department Staff, or other professionals, to closely examine littoral right lines and assess the potential for infringement on adjacent littoral property owners.

I hereby certify that I am the applicant or authorized representative of the applicant and that the information contained in this application is true and correct to the best of my knowledge and further acknowledge that falsification or misrepresentation of any information contained herein or provided herewith will be grounds for denial of the application.

[Signature]
Applicant Signature

LANCE LANE
Applicant Name

6-27-23
Date

Applicant Title (if applicable)

Second Applicant (If applicable)

Applicant Signature

Applicant Print Name

Date

Applicant Title (if applicable)

By: _____

RP0023401001B0

Status: Active

Primary Owner:

HARVEY, GLEN R

Mailing Address:

41 LAKESHORE DR
SAGLE, ID 83860

Situs:

51 LAKESHORE DR, SAGLE, ID 83860

Legal Description:

34/35-57N-2W LAKESIDE PLACE BLK 10 LOT 1B REPLAT THE LODGE AT
SANDPOINT 50% INT EACH

Code Area: 36-0000 Owner Code: -none-

Parcel Type: MM MM- Location: 430 SAGLE

Effective: 04/04/2018 Expires:

Cat	Ext	RY	Qty	Unit	Value	HOMkt	HO Exempt	PTR Market	Mkt Adj	UR Base
16	L00	2021	2.370	AC	1,567,611	0	0	0	0	0 Edit
18	L00	2021	0.680	AC	275	0	0	0	0	0 Edit
38	C01	2021	0.000		3,492,197	0	0	0	0	0 Edit
38	C02	2021	0.000		2,006,484	0	0	0	0	0 Edit
38	R01	2021	0.000		76,500	0	0	0	0	0 Edit
Subtotals					\$7,143,067	\$0	\$0	\$0	\$0	\$0

Photo

By:



MICA
SUPERVISORY AREA
3258 W. Industrial Loop
Coeur d'Alene, ID 83815
Phone (208) 769-1577



STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D Woolf, State Controller
Debbie Critchfield, Sup't of Public Instruction

October 23, 2024

Stacy Simkins
Idaho Transportation Department
Right of Way Agent / District 1
600 W. Prairie Ave.
Coeur d'Alene, ID 83815

Re: Courtesy Notification of Application for Encroachment L96S0884G

To Whom it Concerns:

This letter is to inform you as a courtesy that your adjacent neighbor Long Bridge Land Holding Company LLC has applied for a permit with Idaho Department of Lands to expand existing commercial marina out to 639 feet and add boat lifts on Lake Pend Oreille. The enclosed applications with site diagrams show the location and indicate dimensions and distances to your mutual property/riparian boundary.

If you do not have concerns about the proposed project after reviewing the application packet, and you do not wish to object to the application, please complete the attached form (sign box 1) and return it to our office as quickly as possible.

If you object to the proposed application and would like to request a public hearing, in which you will be named as the objecting party, please complete and return the attached form to IDL. State law IDAPA 20.03.04.030.04 requires you submit your written objection (specifically asking for a public hearing) and a **\$75 fee** to cover the cost of publishing notice of hearing within thirty (30) days of the first date of publication (the first date it appears in the local newspaper advertising the application). Please ensure the Department receives this information by **November 27, 2024**. Objections should be based on the standards for commercial, community, or nonnavigational encroachments, which can be found here: <https://adminrules.idaho.gov/rules/current/20/200304.pdf>. Failure to provide contact information may result in dismissal of the objection due to strict timelines for hearings.

Sincerely,



Amidy Fuson
Lands Resource Specialist-Navigable Waters
afuson@idl.idaho.gov

Enclosures

STATE OF IDAHO
DEPARTMENT OF LANDS
ATTACHMENT FOR ENCROACHMENT

COMMERCIAL DOCK REQUIREMENTS AND SETBACKS

General requirements are as follows:

- 1) **Commercial Marina.** A commercial navigational encroachment whose primary purpose is to provide moorage for rental or for free to the general public.
- 2) Commercial marinas must have a minimum of fifty percent (50%) of their moorage available for use by the general public on either a first come, first served basis for free or rent, or a rent or lease agreement for a period of time up to one (1) year. Moorage contracts may be renewed annually, so long as a renewal term does not exceed one (1) year. Moorage for use by the general public may not include conditions that result in a transfer of ownership of moorage or real property, or require membership in a club or organization.
- 4) 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.
- 5) It will be presumed, subject to rebuttal, that single-family and two-family navigational encroachments will have an adverse effect upon adjacent littoral rights if located closer than ten (10) feet from adjacent littoral right lines, and that commercial navigational encroachments, community docks or nonnavigational encroachments will have a like adverse effect upon adjacent littoral rights if located closer than twenty-five (25) feet to adjacent littoral right lines. Written consent of the adjacent littoral owner or owners will automatically rebut the presumption. All boat lifts and other structures attached to the encroachments shall be subject to the above presumptions of adverse effects.

Please check one and initial:

☐

I have reviewed the application, including the scope and location of the proposed encroachment as depicted. **I consent** to the application and do not wish to participate in a public hearing. _____ (initial)

☐

I have reviewed the application, including the scope and location of the proposed encroachment as depicted. **I object to the application and request a Public Hearing** in which I will be named as an objecting party. I have attached a summary of my objection to this form on a separate page **and a \$75 publication fee**. I UNDERSTAND THAT I AM REQUIRED TO SUBMIT MY CONTACT INFORMATION (NAME, PHONE NUMBER, EMAIL ADDRESS) IN ORDER TO SET A HEARING DATE. _____ (initial)

***IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT AMIDY FUSON AFUSON@IDL.IDAHO.GOV AS SOON AS POSSIBLE.**

Date

Name

Address City State Zip

Phone Number Email Address

MICA
SUPERVISORY AREA
3258 W. Industrial Loop
Coeur d'Alene, ID 83815
Phone (208) 769-1577



STATE BOARD OF LAND COMMISSIONERS

Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D Woolf, State Controller
Debbie Critchfield, Sup't of Public Instruction

October 23, 2024

Leslie Wood / Glenn Harvey Estate
41 Lakeshore Dr
Sagle ID 83864

Re: Courtesy Notification of Application for Encroachment L96S0884G

To Whom it Concerns:

This letter is to inform you as a courtesy that your adjacent neighbor **Long Bridge Land Holding Company LLC** has applied for a permit with Idaho Department of Lands to **expand existing commercial marina out to 639 feet and add boat lifts on Lake Pend Oreille**. The enclosed applications with site diagrams show the location and indicate dimensions and distances to your mutual property/riparian boundary.

If you **do not** have concerns about the proposed project after reviewing the application packet, and you **do not** wish to object to the application, please complete the attached form (sign box 1) and return it to our office as quickly as possible.

If you **object** to the proposed application and would like to **request a public hearing**, in which you will be named as the objecting party, please complete and return the attached form to IDL. State law IDAPA 20.03.04.030.04 requires you submit your written objection (specifically asking for a public hearing) and a **\$75 fee** to cover the cost of publishing notice of hearing **within thirty (30) days of the first date of publication** (the first date it appears in the local newspaper advertising the application). Please ensure the Department receives this information by **November 27, 2024**. Objections should be based on the standards for commercial, community, or nonnavigational encroachments, which can be found here: <https://adminrules.idaho.gov/rules/current/20/200304.pdf>. Failure to provide contact information may result in dismissal of the objection due to strict timelines for hearings.

Sincerely,

Armidy Fuson
Lands Resource Specialist-Navigable Waters
afuson@idl.idaho.gov

Enclosures

STATE OF IDAHO
DEPARTMENT OF LANDS
ATTACHMENT FOR ENCROACHMENT

COMMERCIAL DOCK REQUIREMENTS AND SETBACKS

General requirements are as follows:

- 1) **Commercial Marina.** A commercial navigational encroachment whose primary purpose is to provide moorage for rental or for free to the general public.
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Please check one and initial:

☐

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***IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT AMIDY FUSON AFUSON@IDL.IDAHO.GOV AS SOON AS POSSIBLE.**

Date

Name

Address City State Zip

Phone Number Email Address

**PEND OREILLE
SUPERVISORY AREA**
2550 Highway 2 West
Sandpoint, ID 83864
Phone (208) 263-5104



DUSTIN T. MILLER, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D Woolf, State Controller
Debbie Critchfield, Sup't of Public Instruction

MEMORANDUM

TO: Idaho Department of Fish and Game
Idaho Department of Environmental Quality
Idaho Department of Water Resources
Idaho Department of Transportation
Idaho Department of Agriculture
US Army Corps of Engineers-Sandpoint
Bonner County Parks and Waterways
Bonner County Building, Planning and Zoning
Panhandle Health District 1-Bonner County
Lakes Commission
Idaho Conservation League
Adjacent Neighbors

FROM: Amidy Fuson Resource Specialist Sr., Navigable Waters

DATE: **October 23, 2024**

SUBJECT: NOTICE OF APPLICATION L96S0884G – Long Bridge Land Holding Company LLC

Enclosed is an application requesting permission to **expand the existing commercial marina to 639 feet and add boat lifts on Lake Pend Oreille.**

Please submit your comments, recommendations, or objections to IDL by **November 27, 2024**, regarding the likely effect of the proposed encroachment upon adjacent property, lake, and streambed value factors of navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, or water quality. If you have concerns or are opposed to the project as proposed, please list your specific reasons for concern or opposition and any facts or documentation to support your position.

You should recommend alternate plans if they are economically feasible to accomplish the purpose of the proposed encroachment. You should also recommend any mitigation measures or special restrictions/provisions you would like included as part of the permit if one is issued.

If you do not submit a comment, IDL will assume you have no objections to the application. If you have questions concerning the application, we suggest you contact the applicant. If the applicant cannot answer your questions, please contact us.

Enclosures

IDL04-001



**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT
600 W. Prairie Ave. • Coeur d'Alene, ID 83815-8764
(208) 772-1200 • itd.idaho.gov

Idaho Department of Lands
Mica Supervisory Area
3258 W. Industrial Loop
Coeur d'Alene, ID 83815
Attn: Amidy Fuson, Lands Resource Specialist

RE: Long Bridge Holding Company LLC, Commercial Marina Expansion. Encroachment No. L96S0884G

The Idaho Transportation Department (ITD) respectfully requests a public hearing regarding the proposed marina expansion by the Long Bridge Land Holding Company LLC which would expand the marina facilities out 639 feet on Lake Pend Oreille adjacent to the US-95 Long Bridge facility.

The proposed marina expansion is a significant change in use from current operations. The marina currently operates approximately 30 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 on the south end and 200' of centerline at the north end of the bridge. ITD wants to ensure that the safe operations and maintenance of the US-95 Long Bridge and is concerned that the increased boating traffic adjacent to and underneath the bridge has the potential to cause damage to recently repaired bridge pilings and bridge abutments.

The intersection of US-95 and Lakeshore Drive is one of the most of the most problematic accident locations along the US-95 corridor due to traffic volumes and left-hand turning movements. This has required ITD to recently 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 within 90 feet of the intersection of US-95 and Lakeshore Drive and has the potential for vehicles and trucks with trailers attempting to access the proposed parking area on the south side of Lakeshore Drive to backup traffic onto US-95. This could result in increased numbers of crashes at this intersection.

ITD is concerned that the proposed parking area does 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.

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 expansion and access control design will also construct frontage roads that will route traffic through existing state highway right-of-way on the west side of US-95 which includes Smokehouse Road.

ITD welcomes the opportunity to hear more about the proposed expanded marina operations and discuss traffic impacts to US-95 corridor and the local road system.

Respectfully,

Robert Beachler
Planning & Scoping Program Manager

STATE OF IDAHO
DEPARTMENT OF LANDS
ATTACHMENT FOR ENCROACHMENT

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I have reviewed the application, including the scope and location of the proposed encroachment as depicted. **I object to the application and request a Public Hearing** in which I will be named as an objecting party. I have attached a summary of my objection to this form on a separate page **and a \$75 publication fee**. I UNDERSTAND THAT I AM REQUIRED TO SUBMIT MY CONTACT INFORMATION (NAME, PHONE NUMBER, EMAIL ADDRESS) IN ORDER TO SET A HEARING DATE. RB (initial)

*IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT AMIDY FUSON AFUSON@IDL.IDAHO.GOV AS SOON AS POSSIBLE.

Date 11/6/2024
Name ROBERT BEACHLER, IDAHO TRANSPORTATION DEPT.
Address 600 W. PRAIRIE AVE, City COEUR D'ALENE, State ID Zip 83815
Phone Number (208) 772-1216 Email Address robert.beachler@itd.idaho.gov



Thank you!



PURCHASE RECEIPT

Department of Lands

300 North 6th Street, Suite 103

Boise ID 83702

(208)334-0200

OTC Local Ref ID: 126396742

11/19/2024 12:34 PM

Your credit card or bank statement will show a charge from Idaho.gov.

Status: **APPROVED**
 Customer Name: Sara Trutter
 Type: Visa
 Credit Card Number: **** * 6887

Items	Quantity	TPE Order ID	Total Amount
Payments	1	68437344	\$75.00
Customer Name: Idaho Transportation Department			
Instrument Number: L96S0884G			
Payment Type (Rent/Use/Permit Fees, Timber Sale, Fire, Bond, Other): Publication Fee			
Description: Publication Fee			
Total remitted to the Department of Lands			\$75.00
Tyler Technologies Fee	1	68437344	\$2.88
Total Amount Charged			\$77.88

To offer the convenience of an electronic payment, a service fee has been added to your transaction. This fee goes to our third-party provider, Tyler Technologies. The Agency does not keep any portion of this fee.

From: [Robert Beachler](#)
To: [Amidy Fuson](#)
Subject: RE: Commercial Marina Expansion on Lake Pend Oreille L96S0884G
Date: Thursday, November 14, 2024 9:58:29 AM
Attachments: [image002.png](#)
[image003.png](#)
[ITD-RequestForPublicHearing-LongBridgeMarinaExpansion-L96S0884G.pdf](#)

Amidy,

Please see attached Request for Public Hearing regarding the Long Bridge Marina Expansion. I will be calling in later today with a credit card to pay for the \$75 for the hearing notification publication. I have to head to a meeting in Kellogg, but I wanted to get you this IDL form and letter from the Idaho Transportation Department as adjacent landowner.

Rob

Robert Beachler
District 1 Planning Program Manager
Idaho Transportation Department
600 W. Prairie Ave
Coeur d'Alene, ID 83815
robert.beachler@itd.idaho.gov
(208) 772-1216
Office Hours M-TH 6-4:30

From: Amidy Fuson <AFuson@idl.idaho.gov>
Sent: Thursday, October 24, 2024 8:23 AM
To: Robert Beachler <Robert.Beachler@itd.idaho.gov>
Subject: RE: Commercial Marina Expansion on Lake Pend Oreille L96S0884G

Morning Robert,

Thanks for reaching out to me, I was given your name, however, the email bounced back as undelivered. The Department was given Stacy Smikins name as well and I had sent the Neighbor Notice to her directly. Please see the attached Neighbor Notice that is sent to your office as this encroachment is on the neighboring parcel from the Long Bridge and we are relying on your comments.

Thanks,

|

IDL05-004



Amidy Fuson
Lands Resource Specialist, Sr.
Navigable Waters
Monday – Thursday
Idaho Department of Lands
3258 Industrial Loop, Coeur d’Alene, ID 83815
Office: (208) 769-1577
Email: afuson@idl.idaho.gov
<https://www.idl.idaho.gov>

From: Robert Beachler <Robert.Beachler@itd.idaho.gov>
Sent: Thursday, October 24, 2024 7:45 AM
To: Amidy Fuson <AFuson@idl.idaho.gov>
Subject: RE: Commercial Marina Expansion on Lake Pend Oreille L96S0884G

Amidy,

The Idaho Transportation Department will review the proposed expansion of the marina and provide comments. I have been working Nike Ahmer and Gwen Victorson on your side of the house.

For future correspondence my correct email address is: robert.beachler@itd.idaho.gov

Thank you,

Robert Beachler
District 1 Planning Program Manager
Idaho Transportation Department
600 W. Prairie Ave
Coeur d’Alene, ID 83815
robert.beachler@itd.idaho.gov
(208) 772-1216
Office Hours M-TH 6-4:30

From: Amidy Fuson <AFuson@idl.idaho.gov>
Sent: Wednesday, October 23, 2024 9:10 AM
To: ROBERT.BLEACHER@ITD.IDAHO.GOV; Aaron Golart <aaron.golart@idwr.idaho.gov>; Army Corps <CENWW-RD-CDA@usace.army.mil>; Austin Terrell <austin.terrell@osc.idaho.gov>; B Smith <bsmith@idahoconservation.org>; Bonner County Waterways (Matt.Zoeller@bonnercountyid.gov) <Matt.Zoeller@bonnercountyid.gov>; Bonner Planning <planning@bonnercountyid.gov>;

chace.bell@idwr.idaho.gov; Chantilly Higbee <Chantilly.Higbee@deq.idaho.gov>; City of Dover <cityclerk@cityofdoveridaho.org>; D1Permits <D1Permits@itd.idaho.gov>; Debbie Butler <debra.butler@usda.gov>; Emily Barnes <emily.barnes@idwr.idaho.gov>; fw1idahoconsultationrequests@fws.gov <fw1idahoconsultationrequests@fws.gov>; Graham Freeman <graham.freeman@osc.idaho.gov>; IDWR <northerninfo@idwr.idaho.gov>; J Johnson <jjohnson@bonnercountyid.gov>; Jason Kimberling <Jason.Kimberling@itd.idaho.gov>; Jennifer Ekstrom <jekstrom@idahoconservation.org>; Jeremy Varley <Jeremy.Varley@isda.idaho.gov>; Jessie Berner <jessie.berner@usda.gov>; Joseph Maroney <jmaroney@kalispeltribe.com>; k kolberg <kkolberg@phd1.idaho.gov>; Lakes Commission <lakescommission@gmail.com>; Marvin Fenn <Marvin.Fenn@itd.idaho.gov>; merrett Horsmon <merritt.horsmon@idfg.idaho.gov>; Nic Zurfluh <Nicholas.Zurfluh@ISDA.IDAHO.GOV>; Robert Steed <robert.steed@deq.idaho.gov>; Selkirk Conservation Alliance <sca@scawild.org>; Stacy Simkins <Stacy.Simkins@itd.idaho.gov>; Symone Legg <Symone.Legg@itd.idaho.gov>; Taylor.M.Johnson@usace.army.mil
Subject: Commercial Marina Expansion on Lake Pend Oreille L96S0884G

Good morning,

Please review the attached application for a commercial marina expansion on Lake Pend Oreille. Have all comments in by November 27, 2024.

Thanks,



Amidy Fuson
Lands Resource Specialist, Sr.
Navigable Waters
Monday – Thursday

Idaho Department of Lands
3258 Industrial Loop, Coeur d'Alene, ID 83815
Office: (208) 769-1577
Email: afuson@idl.idaho.gov
<https://www.idl.idaho.gov>



Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (208) 265-1463

Email: planning@bonnercountyid.gov - Web site: www.bonnercountyid.gov

November 4, 2024

3258 Industrial Loop
Coeur d'Alene
ID 83815

Amidy Fuson, Idaho Department of Lands

Reply: Commercial Marina Expansion on Lake Pend Oreille L96S0884G

The Bonner County Planning Department has reviewed the IDL application L96S0884G and offers the following comments:

This property has a history of commercial and public uses permitted under two previous land use files, C659-99 and C693-00. The uses specified in those files include a commercial resort, restaurant, rental cabins, inn, and retail operations. Notably, no approval was given for docks or a marina.

A marina, as it existed on November 18, 2008, was granted a non-conforming status under Bonner County Revised Code (BCRC) 12-3.4. However, the current proposal involves a significant expansion of marina use, which requires a conditional use permit according to BCRC 12-3.4 and 12-335. To date, the applicant has not applied for this permit, making the expansion of the marina a violation of BCRC regulations. Additionally, a floodplain development permit may be required for this project, for which no application has been submitted yet.

Please contact the Planning office at 208-265-1458 if you have any questions.

Sincerely,

Jake Gabell, Planning Director
Bonner County Planning Department

From: [Jake Gabell](#)
To: [Amidy Fuson](#)
Subject: Re: [EXT SENDER] Commercial Marina Expansion on Lake Pend Oreille L96S0884G
Date: Monday, November 04, 2024 12:40:45 PM
Attachments: [image001.png](#)
[Agency Comment - L96S0884G.pdf](#)

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good afternoon Amidy,

Attached is my comment regarding this application.

Respectfully,

Jake Gabell, Director
Bonner County Planning Department
1500 Highway 2, Suite 208
Sandpoint, ID 83864
Phone: 208-265-1458

On Wed, Oct 23, 2024 at 9:10 AM Amidy Fuson <AFuson@idl.idaho.gov> wrote:

Good morning,

Please review the attached application for a commercial marina expansion on Lake Pend Oreille. Have all comments in by November 27, 2024.

Thanks,

Amidy Fuson
Lands Resource Specialist, Sr.
Navigable Waters



Monday – Thursday

Idaho Department of Lands

3258 Industrial Loop, Coeur d'Alene, ID 83815

Office: (208) 769-1577

Email: afuson@idl.idaho.gov

<https://www.idl.idaho.gov>

Order Confirmation

<u>Ad Order Number</u>	<u>Customer</u>	<u>Payor Customer</u>	<u>PO Number</u>
0000029358	IDAHO DEPT OF LANDS - NAV	IDAHO DEPT OF LANDS - NAV	
<u>Sales Rep</u>	<u>Customer Account</u>	<u>Payor Account</u>	<u>Ordered By</u>
kpacker+bcbhous@ha...	12057	12057	rlindstrom@cdapress.com
<u>Order Taker</u>	<u>Customer Address</u>	<u>Payor Address</u>	<u>Customer Fax</u>
rlindstrom@cdapress.com	2550 HIGHWAY 2 WEST SANDPOINT, ID 83864	2550 HIGHWAY 2 WEST SANDPOINT, ID 83864	
<u>Order Source</u>	<u>Customer Phone</u>	<u>Payor Phone</u>	<u>Special Pricing</u>
	2082635104	2082635104	

<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>	<u>Blind Box</u>	<u>Promo Type</u>	<u>Materials</u>
0	0	1	0	0	0

Invoice Text

BCB#6543 NOA - L96S0884G

Ad Order Notes

Run dates October 25, November 1, 2024

<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>
69.04	\$0.00	69.04	Invoice	\$0.00	69.04

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>
0000029358	ID-Metro	1 x 4.691" (41 lines)

<u>Run Date</u>	<u>Product</u>	<u>Placement</u>	<u>Position</u>	<u>Rate</u>	<u>Cost</u>
10/25/2024	ID-BONNER COUNTY DAI	LEGALS	Any	\$0.77	\$41.57
11/01/2024	ID-BONNER COUNTY DAI	LEGALS	Any	\$0.67	\$27.47

NOTICE OF APPLICATION

Pursuant to Section 58-104(9) and 58-1301, et seq., Idaho Code (The Lake Protection Act) and rules of the State Board of Land Commissioners, notice is hereby given that Long Bridge Land Holding Company LLC has made application to expand existing commercial marina out to 639 feet and add boat lifts.

Location: Adjacent to Lakeside Place Blk 10 Lot 2B Replat the Landing 41 South Restaurant, Lake Pend Oreille, Sagle, Idaho, in Section 34/35 Township 57 North, Range 2 West; B.M., in Bonner County.

Written objections to or requests for hearing in this matter must be on file with the Idaho Department of Lands, 2550 Highway 2 West, Sandpoint, Idaho 83864 within thirty (30) days after the first appearance of this notice. Specific information regarding this application may be obtained from Amidy Fuson, Resource Specialist on behalf of Navigable Waterway - at the above address or by email afuson@idl.idaho.gov

/S/

Erik Sjoquist, Area Manager
Idaho Department of Lands

Legal#6543

AD#29368

IDL07-003

Oct. 25, Nov. 1, 2024

**PEND OREILLE
SUPERVISORY AREA**
2550 Highway 2 West
Sandpoint ID 83864
Phone (208) 263-5104
Fax: Area (208) 263-0724
Fax: District (208) 265-7263



DUSTIN T. MILLER, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
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Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D Woolf, State Controller
Debbie Critchfield, Sup't of Public Instruction

October 23, 2024

Coeur d'Alene Press
Attn: Bonner County Daily Bee
215 N 2nd St.
Coeur d'Alene ID 83814

Re: Legal Notice of Application L96S0884G

Enclosed is a notice of application. Please publish this as a legal advertisement for two consecutive weeks starting on the earliest date available.

Upon completion, please provide a tear sheet for the publication, an affidavit of publication, and statement of cost.

Thank you. Your help in this matter is greatly appreciated.

Sincerely,

Amidy Fuson - Lands Resource Specialist Sr.
Public Trust

Enclosures

IDL08-001

NOTICE OF APPLICATION

Pursuant to Section 58-104(9) and 58-1301, et seq., Idaho Code (The Lake Protection Act) and rules of the State Board of Land Commissioners, notice is hereby given that Long Bridge Land Holding Company LLC has made application to expand existing commercial marina out to 639 feet and add boat lifts. Location: Adjacent to Lakeside Place Blk 10 Lot 2B Replat the Landing 41 South Restaurant, Lake Pend Oreille, Sagle, Idaho, in Section 34/35 Township 57 North, Range 2 West; B.M., in Bonner County.

Written objections to or requests for hearing in this matter must be on file with the Idaho Department of Lands, 2550 Highway 2 West, Sandpoint, Idaho 83864 within thirty (30) days after the first appearance of this notice. Specific information regarding this application may be obtained from Amidy Fuson, Resource Specialist on behalf of Navigable Waterway - at the above address or by email afuson@idl.idaho.gov

/S/

Erik Sjoquist, Area Manager
Idaho Department of Lands

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of Marina Expansion,)	
	)	AGENCY Case No. PH-2024-NAV-20-003
Long Bridge Land Holding Company, LLC,)	
Benjamin Milbrath,	)	OAH Case No. 24-320-10
)	
Applicant.	)	NOTICE OF APPOINTMENT OF
	)	HEARING OFFICER
)	

TO ALL PARTIES AND COUNSEL OF RECORD:

The Chief Administrative Hearing Officer of the Office of Administrative Hearings, pursuant to their authority under Idaho Code § 67-5282(1)(d), hereby appoints the following administrative law judge as the duly authorized Hearing Officer in this matter:

Leslie M. Hayes
Office of Administrative Hearings
P.O. Box 83720
Boise, ID 83720-0104
(208) 605-4300
leslie.hayes@oah.idaho.gov

This administrative law judge is appointed to conduct a hearing in this matter in accord with all governing statutes and rules, and make appropriate findings of fact, conclusions of law, and preliminary or recommended orders (as may be requested or mandated) to the Director of the Idaho Department of Lands. The administrative law judge is required to comply with the Office of Administrative Hearings' Code of Conduct.

AUTHORITY AS HEARING OFFICER

As Hearing Officer, the administrative law judge has the authority to:

1. Schedule and conduct motion hearings and enter the appropriate orders disposing of all pre-hearing motions, such as motions for notices of proposed default orders, motions on the admissibility of evidence, and motions for continuances.

2. Schedule and conduct any pre-hearing conference and enter the appropriate orders for any purpose recognized by IDAPA 62.01.01.402.

3. Perform other duties assigned by the Board and as authorized by the Idaho Administrative Procedure Act, promulgated at Idaho Code §§ 67-5201 *et seq.*, the Idaho Rules of Administrative Procedure promulgated at IDAPA 62.01.01 *et seq.*, and such other statutes and rules as may govern the proceedings.

4. The Hearing Officer may not engage in *ex parte* communications concerning the substance of this matter, except as provided in Idaho Code § 67-5253 and IDAPA 62.01.01.255.

FILING AND SERVICE OF DOCUMENTS

All documents filed in this matter must be filed by email with the Office of Administrative Hearings at the following email address: filings@oah.idaho.gov

Additionally, all documents filed in this matter must also be served by email upon the Hearing Officer and all other parties to the proceeding at the email addresses listed in the Certificate of Service attached hereto, which list may be updated from time to time by the Hearing Officer.

Original and/or paper documents do not need to be filed with the Office of Administrative Hearings, except upon request by the Hearing Officer. If you are requested to submit original and/or paper documents by the Hearing Officer, submit those documents to the Office of Administrative Hearings at the following address:

Office of Administrative Hearings
General Government Division
P.O. Box 83720
Boise, ID 83720-0104
(208) 605-4300

DATED November 25, 2024.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ *Bryan A. Nickels*

Bryan A. Nickels

Chief Administrative Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of November, 2024, I caused to be served a true and correct copy of the foregoing by the following method to:

Benjamin Milbrath
Long Bridge Land Holding Company
P.O. Box 1942
Spokane, WA 99210
(612) 245-9665
Applicant

☐ U.S. Mail
☒ Email: longbridgemarina@outlook.com

Neva Lane
Laneco Marine
PO Box 541
Kootenai, ID 83840
(208) 514-3900
Applicant's Agent

☐ U.S. Mail
☒ Email: info@lanecomarine.com

Idaho Transportation Department
Robert Beachler
600 W. Prairie Ave.
Coeur d'Alene, ID 83815
(208) 772-1216
Planning & Scoping Program Manager

☐ U.S. Mail
☒ Email: robert.beachler@itd.idaho.gov

Idaho Department of Lands
John Richards
General Counsel
300 N. 6th Street, Ste. 103
Boise, ID 83702
(208) 334-0200
Counsel for IDL

☐ U.S. Mail
☒ Email: jrichards@idl.idaho.gov

Idaho Department of Lands
Marde Mensinger
300 N. 6th Street
Boise, ID 83720
(208) 334-0248
IDL Program Manager for Navigable Waters

☐ U.S. Mail
☒ Email: mmensinger@idl.idaho.gov

Kourtney Romine
Service Contact for IDL

☐ U.S. Mail
☒ Email:
kromine@idl.idaho.gov

Leslie M. Hayes
Office of Administrative Hearings
P.O. Box 83720
Boise, ID 83720-0104
(208) 605-4300
Hearing Officer

☐ U.S. Mail
☒ Email:
leslie.hayes@oah.idaho.gov

OAH
General Government Division
P.O. Box 83720
Boise, ID 83720-0104
Located at: 350 N. 9th St., Ste 300
(208) 605-4300

☐ U.S. Mail
☒ Email:
filings@oah.idaho.gov

/s/ Bryan A. Nickels
Bryan A. Nickels, CAHO
Office of Administrative Hearings

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of Marina Expansion,)	
	)	AGENCY Case No. PH-2024-NAV-20-003
Long Bridge Land Holding Company, LLC,)	
Benjamin Milbrath,	)	OAH Case No. 24-320-10
)	
Applicant.	)	NOTICE OF SCHEDULING
	)	CONFERENCE
)	

Please take notice that Leslie M. Hayes, the designated Hearing Officer in the above-entitled action, will call this matter for a scheduling videoconference on **Friday, December 6, 2024, at 10:00 a.m. Mountain Time**, or as soon thereafter as the parties may be heard. The parties will be sent a Zoom link for this conference contemporaneously with this notice.

The scheduling conference will be informal, and the purpose of the conference will be to:

1. Identify or simplify the issues in the case;
2. Determine if there are any areas of agreement between the parties;
3. Discuss the number and type of documents and witnesses each party intends to use and/or call if a hearing needs to be held;
4. Discuss any other procedural or evidentiary matters relevant to this case which may tend to expedite or clarify this case; and
5. Determine a hearing date and location, and any pre-hearing filing deadlines, if necessary.

If either party is unable to participate in the scheduling conference at the date and time identified in this notice, the Hearing Officer may grant a postponement. To request a postponement of the scheduling conference please contact the Officer of Administrative Hearings at elaine.maneck@oah.idaho.gov and filings@oah.idaho.gov to seek additional available dates and/or times. The original date of the scheduling conference will remain in effect until the Hearing Officer has been assured that the opposing party has been contacted and that both parties have agreed upon a new specific date and time for a re-set hearing.

DATED: November 27, 2024.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Leslie M. Hayes

Leslie M. Hayes

Deputy Chief Administrative Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of November, 2024, I caused to be served a true and correct copy of the foregoing by the following method to:

Benjamin Milbrath
Long Bridge Land Holding Company
P.O. Box 1942
Spokane, WA 99210
(612) 245-9665
Applicant

☐ U.S. Mail
☒ Email: longbridgemarina@outlook.com

Neva Lane
Laneco Marine
PO Box 541
Kootenai, ID 83840
(208)514-3900
Applicant's Agent

☐ U.S. Mail
☒ Email: info@lanecomarine.com

Idaho Transportation Department
Robert Beachler
600 W. Prairie Ave.
Coeur d'Alene, ID 83815
(208) 772-1216
Planning & Scoping Program Manager

☐ U.S. Mail
☒ Email: robert.beachler@itd.idaho.gov

Idaho Department of Lands
John Richards
General Counsel
300 N. 6th Street, Ste. 103
Boise, ID 83702
(208) 334-0200
Counsel for IDL

☐ U.S. Mail
☒ Email: jrichards@idl.idaho.gov

Idaho Department of Lands
Marde Mensinger
300 N. 6th Street
Boise, ID 83720
(208) 334-0248
IDL Program Manager for Navigable Waters

☐ U.S. Mail
☒ Email: mmensinger@idl.idaho.gov

Kourtney Romine
Service Contact for IDL

☐ U.S. Mail
☒ Email: kromine@idl.idaho.gov

OAH
General Government Division
P.O. Box 83720
Boise, ID 83720-0104
Located at: 350 N. 9th St., Ste 300
(208) 605-4300

☐ U.S. Mail
☒ Email: filings@oah.idaho.gov

/s/ Leslie M. Hayes

Leslie M. Hayes
Office of Administrative Hearings

From: [benjamin.milbrath](#)
To: [Robert Beachler](#); [lance.lanecomarine.com](#)
Cc: [Elaine Maneck](#); [jrichards@idl.idaho.gov](#); [Marde Mensinger](#); [Kourtney Romine](#); [Leslie Hayes](#); [Mike Ahmer](#); [Bryan Nickels](#)
Subject: Updated drawing showing ITD ROW on proposed LBLHCO marina expansion and request for a quick call if possible
Date: Wednesday, December 4, 2024 10:58:06 AM
Attachments: [Dock Exhibit 24.12.03.pdf](#)
[ROW Exhibit 24.12.03.pdf](#)

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Greetings Robert, I left you a voicemail this am in hopes of having a quick chat to address some of IDT concerns outlined in your letter dated 11/6/24.

In your letter you stated the easement currently in place was 150 feet at the south end of Highway 95,
So we had our licensed surveyor do a quick update to place that easement on the proposed expansion.

We were happy to see that the proposed expansion falls completely outside of the stated IDT easement.

Let me know if you have time for a quick call before the call on Friday so I can address some of the other IDT concerns outlined in your letter.

I am not super familiar with these types of proceedings and I think it would be helpful for all parties so we have a more constructive call on Friday.

I am open till 2 pm today and virtually all day tomorrow if you have a time that works for you.

Send me a text or email with a time that would work for you.

Looking forward to hearing from you.

Sincerely,

Benjamin Milbrath
Managing Partner
Long Bridge Land Holding Company
Cell 612-245-9665

From: Finn Hall <fhall@hmf-llc.com>
Sent: Tuesday, December 3, 2024 11:45 AM
To: benjamin milbrath <blhco@outlook.com>; Justin Shaw <jshaw@hmf-llc.com>
Cc: lance lanecomarine.com <lance@lanecomarine.com>
Subject: Re: LONG BRIDGE MARINA EXPANSION NEW UPDATE NEEDED - for hearing next week!!!

Ben,

I have attached the updated dock plans showing the approximate IDT ROW and I included a separate Right-of-Way exhibit showing the ROW delineation.

The ITD Right-of-Way is outside of the Littoral offset and does not impact the proposed marina.

Finn Hall, EIT

Project Engineer | HMF Engineering

3882 N. Schreiber Way, Suite 104 | Coeur d'Alene | Idaho 83815

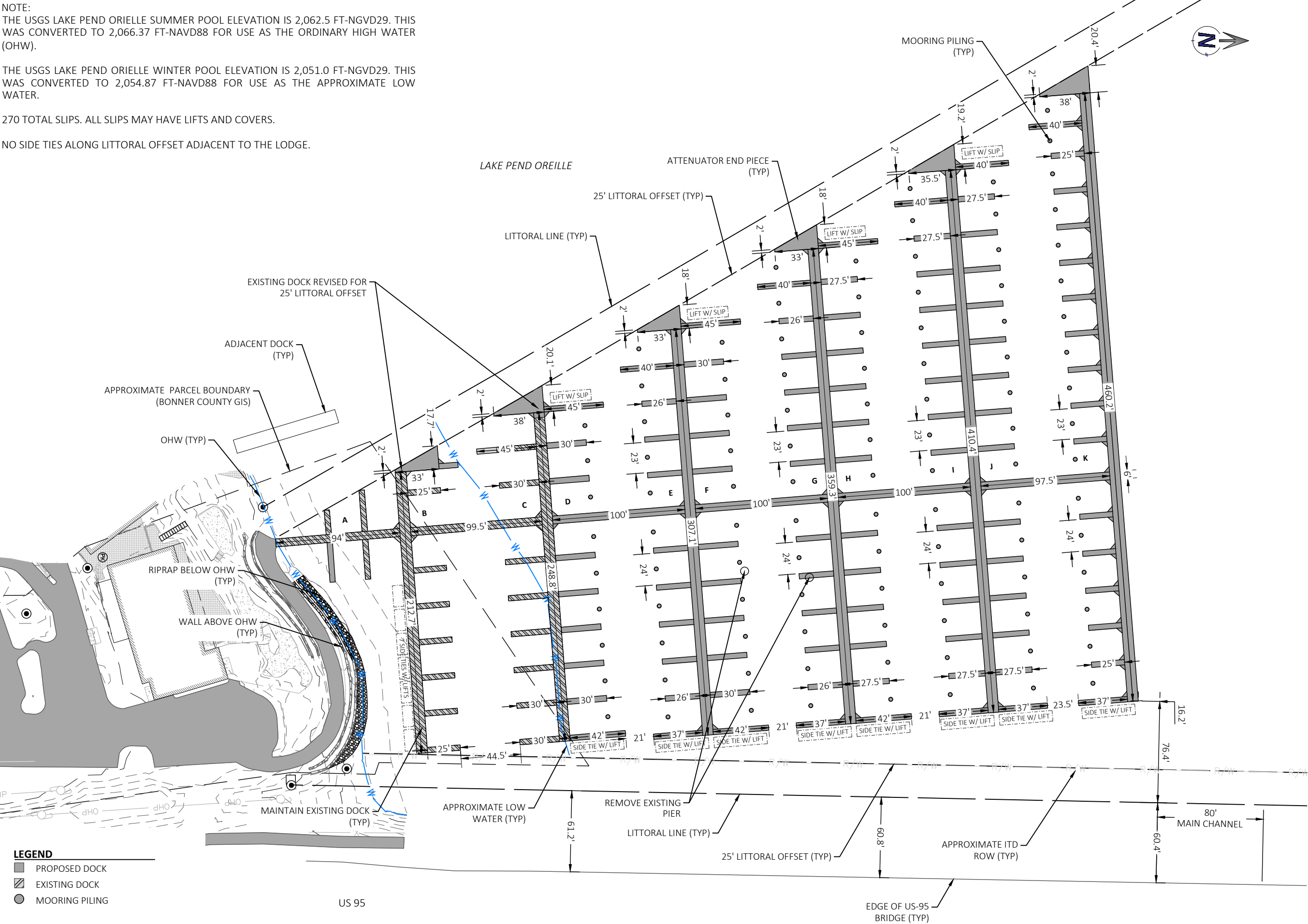
Office: 208.635.5825 | Cell: 208.755.3076 | www.hmf-llc.com

NOTE:
THE USGS LAKE PEND ORELLE SUMMER POOL ELEVATION IS 2,062.5 FT-NGVD29. THIS WAS CONVERTED TO 2,066.37 FT-NAVD88 FOR USE AS THE ORDINARY HIGH WATER (OHW).

THE USGS LAKE PEND ORELLE WINTER POOL ELEVATION IS 2,051.0 FT-NGVD29. THIS WAS CONVERTED TO 2,054.87 FT-NAVD88 FOR USE AS THE APPROXIMATE LOW WATER.

270 TOTAL SLIPS. ALL SLIPS MAY HAVE LIFTS AND COVERS.

NO SIDE TIES ALONG LITTORAL OFFSET ADJACENT TO THE LODGE.

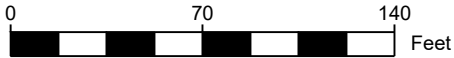


LEGEND

- PROPOSED DOCK
- EXISTING DOCK
- MOORING PILING



IDL11-003



LONG BRIDGE LAKE ACCESS
BONNER COUNTY, ID

NOT
APPROVED
PRELIMINARY
FOR
CONSTRUCTION

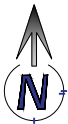
1"
SCALE: (11X17 ONLY)

DWG:
PROJECT NO:
DRAWN BY:
CHECKED BY:
DATE:

© 2024 | ALL RIGHTS RESERVED			
REVISIONS			
NO.	DATE	BY	DESCRIPTION

DOCK LAYOUT
MASTER

DRAWING:
SHEET: 1 OF 5



LONG BRIDGE LAKE ACCESS
BONNER COUNTY, ID

NOT
APPROVED
PRELIMINARY
FOR
CONSTRUCTION

1"
SCALE: (11X17 ONLY)

DWG:
PROJECT NO:
DRAWN BY:
CHECKED BY:
DATE:

© 2024 | ALL RIGHTS RESERVED

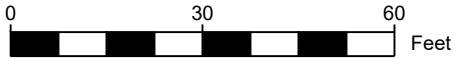
REVISIONS			
NO.	DATE	BY	DESCRIPTION

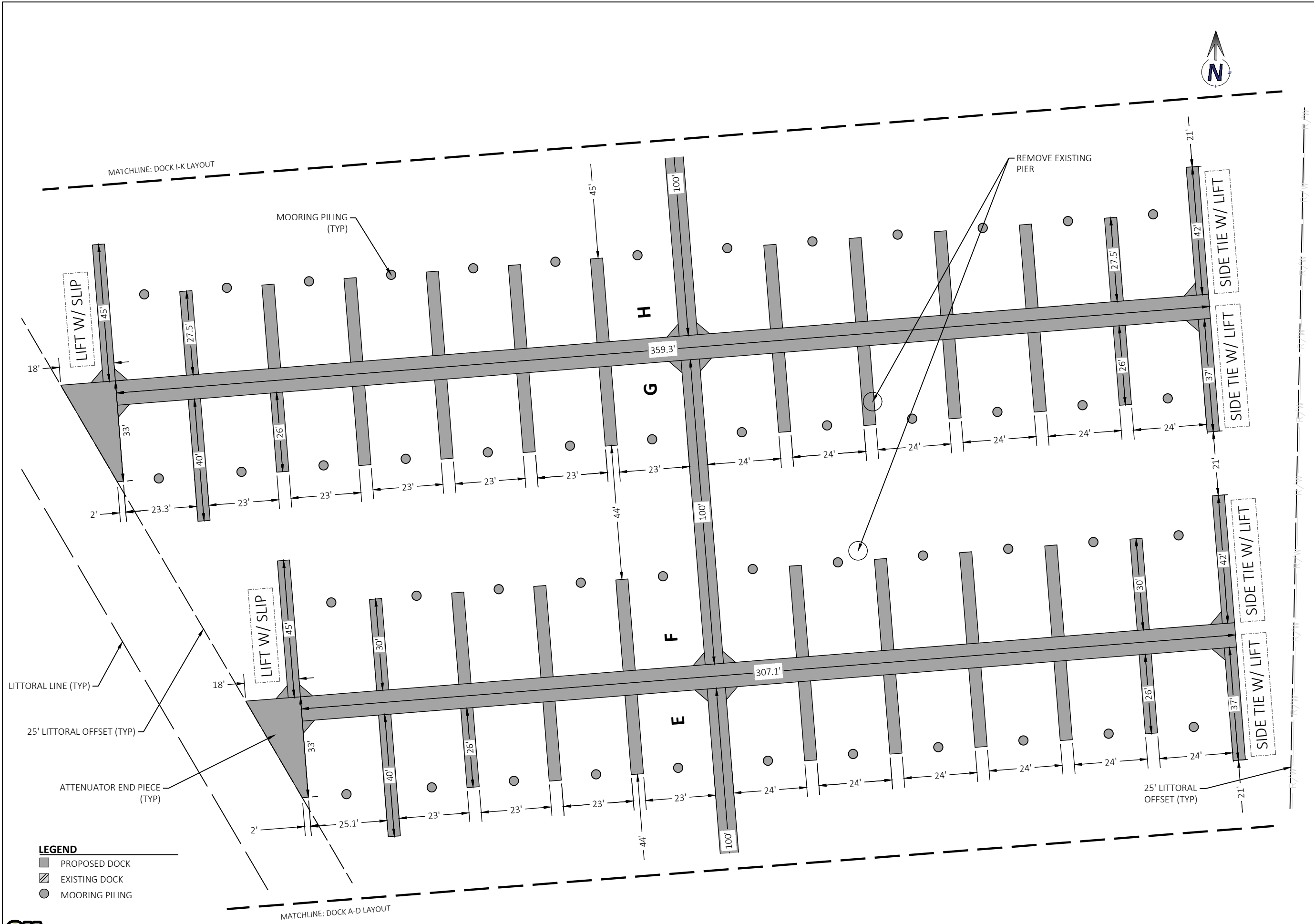
DOCK A-D
LAYOUT

DRAWING:
SHEET: 2 OF 5

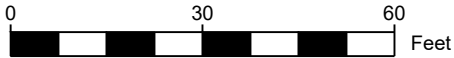


IDL11-004





IDL11-005



LONG BRIDGE LAKE ACCESS
BONNER COUNTY, ID

NOT
APPROVED
PRELIMINARY
FOR
CONSTRUCTION

1"
SCALE: (11X17 ONLY)

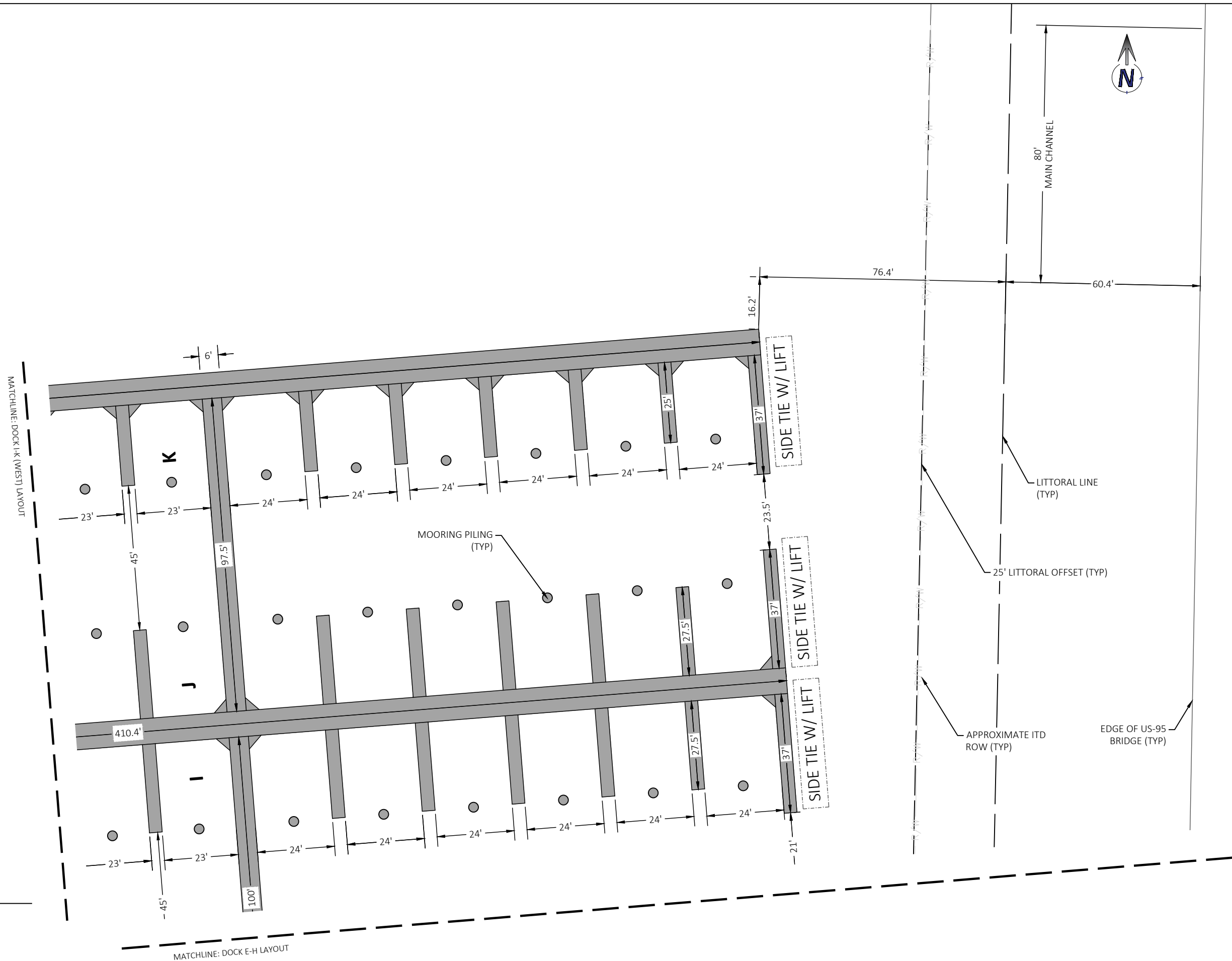
DWG:			
PROJECT NO:			
DRAWN BY:			
CHECKED BY:			
DATE:			
© 2024 | ALL RIGHTS RESERVED			
REVISIONS			
NO.	DATE	BY	DESCRIPTION

DOCK E-H
LAYOUT

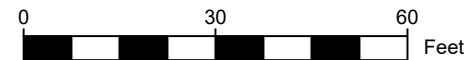
DRAWING:
SHEET: 3 OF 5



- LEGEND**
- PROPOSED DOCK
 - EXISTING DOCK
 - MOORING PILING



IDL11-007



LONG BRIDGE LAKE ACCESS

BONNER COUNTY, ID

NOT
APPROVED
PRELIMINARY
FOR
CONSTRUCTION

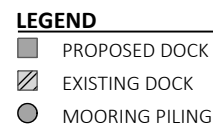
1"
SCALE: (11X17 ONLY)

DWG:	
PROJECT NO:	
DRAWN BY:	
CHECKED BY:	
DATE:	
© 2024 | ALL RIGHTS RESERVED	
REVISIONS	
NO.	DATE BY DESCRIPTION

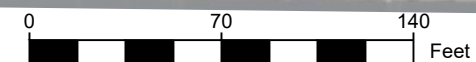
DOCK I-K(EAST)
LAYOUT

DRAWING:
SHEET: 5 OF 5

NO SIDE TIES ALONG LITTORAL OFFSET ADJACENT TO THE LODGE.



IDL11-008



NOT
APPROVED
PRELIMINARY
FOR
CONSTRUCTION

1"
SCALE: (11X17 ONLY)

© 2024 | ALL RIGHTS RESERVED

REVISIONS

NO.	DATE	BY	DESCRIPTION
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SHEET: 1 OF 1

From: [Robert Beachler](#)
To: [benjamin.milbrath](#); [lance.lanecomarine.com](#)
Cc: [Elaine.Maneck](#); [jrichards@idl.idaho.gov](#); [Marde.Mensing](#); [Kourtney.Romine](#); [Leslie.Hayes](#); [Mike.Ahmer](#); [Bryan.Nickels](#)
Subject: RE: Updated drawing showing ITD ROW on proposed LBLHCO marina expansion and request for a quick call if possible
Date: Thursday, December 5, 2024 2:44:05 PM

Mr. Milbrath,

Thank you for additional drawings. Tomorrow's meeting is to schedule a future public hearing where all the items can be discussed. This will be our first hearing with IDL so we will get the scheduling figured out.

Talk to you tomorrow.

Thank you,

Robert Beachler
District 1 Planning Program Manager
Idaho Transportation Department
600 W. Prairie Ave
Coeur d'Alene, ID 83815
robert.beachler@itd.idaho.gov
(208) 772-1216
Office Hours M-TH 6-4:30

From: benjamin.milbrath <blhco@outlook.com>
Sent: Wednesday, December 4, 2024 9:55 AM
To: Robert Beachler <Robert.Beachler@itd.idaho.gov>; lance.lanecomarine.com <lance@lanecomarine.com>
Cc: Elaine.Maneck@oah.idaho.gov; jrichards@idl.idaho.gov; Marde.Mensing <mmensing@idl.idaho.gov>; Kourtney.Romine <kromine@idl.idaho.gov>; Leslie.Hayes <Leslie.Hayes@oah.idaho.gov>; Mike.Ahmer <mahmer@idl.idaho.gov>; bryan.nickels@oah.idaho.gov
Subject: Updated drawing showing ITD ROW on proposed LBLHCO marina expansion and request for a quick call if possible

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Greetings Robert, I left you a voicemail this am in hopes of having a quick

chat to address

some of IDT concerns outlined in your letter dated 11/6/24.

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So we had our licensed surveyor do a quick update to place that easement on the proposed expansion.

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I am not super familiar with these types of proceedings and I think it would be helpful for all parties so we have a more constructive call on Friday.

I am open till 2 pm today and virtually all day tomorrow if you have a time that works for you.

Send me a text or email with a time that would work for you.

Looking forward to hearing from you.

Sincerely,

Benjamin Milbrath
Managing Partner
Long Bridge Land Holding Company
Cell 612-245-9665

From: Finn Hall <fhall@hmf-llc.com>

Sent: Tuesday, December 3, 2024 11:45 AM

To: benjamin milbrath <blhco@outlook.com>; Justin Shaw <jshaw@hmf-llc.com>

Cc: lance lanecomarine.com <lance@lanecomarine.com>

Subject: Re: LONG BRIDGE MARINA EXPANSION NEW UPDATE NEEDED - for hearing next week!!!

IDL12-002

Ben,

I have attached the updated dock plans showing the approximate IDT ROW and I included a separate Right-of-Way exhibit showing the ROW delineation.

The ITD Right-of-Way is outside of the Littoral offset and does not impact the proposed marina.

Finn Hall, EIT

Project Engineer | HMM Engineering

3882 N. Schreiber Way, Suite 104 | Coeur d'Alene | Idaho 83815

Office: 208.635.5825 | Cell: 208.755.3076 | www.hmh-llc.com

Reserved

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of Marina Expansion,)	
	)	AGENCY Case No. PH-2024-NAV-20-003
Long Bridge Land Holding Company, LLC,)	
Benjamin Milbrath,	)	OAH Case No. 24-320-10
)	
Applicant.	)	SCHEDULING ORDER
)	
)	

A scheduling videoconference was conducted on December 6, 2024. Appearances were made by Hearing Officer Leslie Hayes, Applicant Benjamin Milbrath, Scott Hanson and Lance Lane of Laneco Marine for Applicant, Idaho Department of Lands (IDL) counsel, John Richards, and Robert Beachler and Jerry Wilson for Objector Idaho Transportation Department (ITD).

At the prehearing scheduling conference, Applicant Benjamin Milbrath waived the statutory deadline for the hearing, which is currently set as January 22, 2025. Following the administrative hearing, the Applicant will determine the date that the record of these proceedings will close for purposes of determining the statutory deadline for IDL's final order to issue in these proceedings.

IT IS HEREBY ORDERED that the following deadlines and procedures will govern this matter going forward:

1. On or before **January 13, 2025**, the parties will file the following with the Hearing Officer and serve on the opposing party:

- a) A disclosure of witnesses, by name, address, and telephone number, who will testify at the final hearing in this matter, including expert witnesses, along with a summary of the anticipated testimony of each witness; and
- b) An exhibit list of all documents, drawings, photographs, or other

demonstrative evidence to be considered at the hearing; and

c) The parties shall provide a copy of their proposed exhibits to one another and the Hearing Officer. All exhibits should be marked to reflect the party offering the exhibit and the exhibit number. Copies of all exhibits on the exhibit list. All exhibits should be marked to reflect the party offering the exhibit. Applicant's exhibits shall begin with "LBM" (LBM-1, LBM-2, LBM-3, etc.); IDL's exhibits shall begin with "IDL" (IDL-1, IDL-2, IDL-3, etc.); and Objector ITD's exhibits shall begin with "ITD" (ITD-1, ITD-2, ITD-3, etc.).

2. On or before **January 13, 2025**, the parties will file with the Hearing Officer and serve each other their prehearing statement. Each party's prehearing statement should summarize the facts and law they intend to rely on at the hearing. Applicant may rely on the application as the prehearing statement and Objector may rely on the objection as the prehearing statement.

3. **An in-person, one-day evidentiary hearing is scheduled for January 27, 2025, beginning at 4:00 p.m. Pacific Time at a location to be determined in Sandpoint, Idaho.** An optional Zoom link will be available for remote viewing of the proceedings. Testimony/Public Comment will not be taken from remote participants. The hearing will be recorded and the ordering of transcripts, if any, will be discussed at the time of the hearing.

4. A remote Prehearing Conference will be held via Zoom on **January 21, 2025, at 2:00 p.m. Mountain Time.** A Zoom hearing link will be sent contemporaneously with this order.

5. To "file" and "serve" their documents, the parties may email them to all other parties at the addresses listed in the attached Certificate of Service before any deadline, with a copy to elaine.maneck@oah.idaho.gov and filings@oah.idaho.gov.

6. The Hearing Officer will arrange for a court reporter. IDL will bear the cost of the

appearance of the court reporter. The cost of transcripts, if any, will be governed by IDAPA 62.01.01.601.

7. Should any party or their counsel require special accommodations pursuant to the Americans with Disabilities Act, the Hearing Officer shall be notified of such request at or before the time of the prehearing conference.

NOTICE AND REMINDER: The Hearing Officer shall not be contacted by either party *ex parte*. To schedule a status conference to address any case matters, the parties are directed to first confer about agreed-to dates and times, and then to contact Elaine Maneck at elaine.maneck@oah.idaho.gov to schedule a status conference.

DATED: December 12, 2024.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Leslie M. Hayes
Leslie M. Hayes
Deputy Chief Administrative Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of December, 2024, I caused to be served a true and correct copy of the foregoing by the following method to:

Benjamin Milbrath
Long Bridge Land Holding Company
P.O. Box 1942
Spokane, WA 99210
(612) 245-9665
Applicant

☐ U.S. Mail
☒ Email: LBLHCO@outlook.com

Neva Lane
Laneco Marine
PO Box 541
Kootenai, ID 83840
(208) 514-3900
Applicant's Agents

☐ U.S. Mail
☒ Email: info@lanecomarine.com

Idaho Transportation Department
Robert Beachler
600 W. Prairie Ave.
Coeur d'Alene, ID 83815
(208) 772-1216
Planning & Scoping Program Manager

☐ U.S. Mail
☒ Email: robert.beachler@itd.idaho.gov

Idaho Department of Lands
John Richards
General Counsel
300 N. 6th Street, Ste. 103
Boise, ID 83702
(208) 334-0200
Counsel for IDL

☐ U.S. Mail
☒ Email: jrichards@idl.idaho.gov

Idaho Department of Lands
Marde Mensinger
300 N. 6th Street
Boise, ID 83720
(208) 334-0248
IDL Program Manager for Navigable Waters

☐ U.S. Mail
☒ Email: mmensinger@idl.idaho.gov

SCHEDULING ORDER

(AGENCY Case No. PH-2024-NAV-20-003; OAH Case No. 24-320-10) - 4

IDL14-004

Kourtney Romine
Service Contact for IDL

☐ U.S. Mail
☒ Email: kromine@idl.idaho.gov

OAH
General Government Division
P.O. Box 83720
Boise, ID 83720-0104
Located at: 350 N. 9th St., Ste 300
(208) 605-4300

☐ U.S. Mail
☒ Email: filings@oah.idaho.gov

/s/ Leslie M. Hayes

Leslie M. Hayes
Office of Administrative Hearings

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of Marina Expansion,)	
	)	AGENCY Case No. PH-2024-NAV-20-003
Long Bridge Land Holding Company, LLC,)	
Benjamin Milbrath,	)	OAH Case No. 24-320-10
)	
Applicant.	)	NOTICE OF LOCATION OF
	)	EVIDENTIARY HEARING
)	

The evidentiary hearing scheduled on January 27, 2025, in the above-captioned matter, **will be held at the Sandpoint Community Hall located at 204 S. First Avenue in Sandpoint, Idaho.** The hearing will commence at 4:00 p.m. Pacific Time and conclude no later than 8:00 p.m. Pacific Time. An optional Zoom link will be available on the Idaho Department of Lands' website for remote viewing of the proceedings. Testimony/Public Comment will not be taken from remote participants. The hearing will be recorded and the ordering of transcripts, if any, will be discussed at the time of the hearing.

DATED: January 3, 2025.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Leslie M. Hayes
Leslie M. Hayes
Deputy Chief Administrative Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of January, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

Benjamin Milbrath
Long Bridge Land Holding Company
P.O. Box 1942
Spokane, WA 99210
(612) 245-9665
Applicant

☐ U.S. Mail
☒ Email: LBLHCO@outlook.com

Neva Lane
Laneco Marine
PO Box 541
Kootenai, ID 83840
(208) 514-3900
Applicant's Agents

☐ U.S. Mail
☒ Email: info@lanecomarine.com

Idaho Transportation Department
Robert Beachler
600 W. Prairie Ave.
Coeur d'Alene, ID 83815
(208) 772-1216
Planning & Scoping Program Manager

☐ U.S. Mail
☒ Email: robert.beachler@itd.idaho.gov

Idaho Department of Lands
John Richards
General Counsel
300 N. 6th Street, Ste. 103
Boise, ID 83702
(208) 334-0200
Counsel for IDL

☐ U.S. Mail
☒ Email: jrichards@idl.idaho.gov

Idaho Department of Lands
Marde Mensinger
300 N. 6th Street
Boise, ID 83720
(208) 334-0248
IDL Program Manager for Navigable Waters

☐ U.S. Mail
☒ Email: mmensinger@idl.idaho.gov

Kourtney Romine
Service Contact for IDL

☐ U.S. Mail
☒ Email: kromine@idl.idaho.gov

OAH
General Government Division
P.O. Box 83720
Boise, ID 83720-0104
Located at: 350 N. 9th St., Ste 300
(208) 605-4300

☐ U.S. Mail
☒ Email: filings@oah.idaho.gov

/s/ Leslie M. Hayes

Leslie M. Hayes
Office of Administrative Hearings

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of Marina Expansion,)
) AGENCY Case No. PH-2024-NAV-20-003
Long Bridge Land Holding Company, LLC,)
Benjamin Milbrath,) OAH Case No. 24-320-10
)
Applicant.) **ORDER VACATING EVIDENTIARY**
) **HEARING AND PREHEARING**
) **DEADLINES**
)
_____)

On January 9, 2025, the parties stipulated to vacate the evidentiary hearing and reset at a later date to allow Mr. Milbrath time to contact his attorney. The public notice in this matter has not been published.

IT IS ORDERED that the evidentiary hearing set for January 27, 2025, and all prehearing deadlines are VACATED and will be reset at a later date.

IT IS SO ORDERED.

DATED: January 10, 2025.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Leslie M. Hayes
Leslie M. Hayes
Deputy Chief Administrative Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

Benjamin Milbrath
Long Bridge Land Holding Company
P.O. Box 1942
Spokane, WA 99210
(612) 245-9665
Applicant

☐ U.S. Mail
☒ Email: LBLHCO@outlook.com

Neva Lane
Laneco Marine
PO Box 541
Kootenai, ID 83840
(208)514-3900
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Idaho Transportation Department
Robert Beachler
600 W. Prairie Ave.
Coeur d'Alene, ID 83815
(208) 772-1216
Planning & Scoping Program Manager

☐ U.S. Mail
☒ Email: robert.beachler@itd.idaho.gov

Idaho Department of Lands
John Richards
General Counsel
300 N. 6th Street, Ste. 103
Boise, ID 83702
(208) 334-0200
Counsel for IDL

☐ U.S. Mail
☒ Email: jrichards@idl.idaho.gov

Idaho Department of Lands
Marde Mensinger
300 N. 6th Street
Boise, ID 83720
(208) 334-0248
IDL Program Manager for Navigable Waters

☐ U.S. Mail
☒ Email: mmensinger@idl.idaho.gov

Kourtney Romine
Service Contact for IDL

☐ U.S. Mail
☒ Email: kromine@idl.idaho.gov

OAH
General Government Division
P.O. Box 83720
Boise, ID 83720-0104
Located at: 350 N. 9th St., Ste 300
(208) 605-4300

☐ U.S. Mail
☒ Email: filings@oah.idaho.gov

/s/ Leslie M. Hayes

Leslie M. Hayes
Office of Administrative Hearings

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of Marina Expansion,)	
	)	AGENCY Case No. PH-2024-NAV-20-003
Long Bridge Land Holding Company, LLC,)	
Benjamin Milbrath,	)	OAH Case No. 24-320-10
)	
Applicant.	)	SECOND NOTICE OF SCHEDULING
	)	CONFERENCE
)	

Please take notice that Leslie M. Hayes, the designated Hearing Officer in the above-entitled action, will call this matter for a scheduling videoconference on **Tuesday, January 21, 2025, at 2:00 p.m. Mountain Time**, or as soon thereafter as the parties may be heard. The parties will be sent a Zoom link for this conference contemporaneously with this notice.

The scheduling conference will be informal, and the purpose of the conference will be to:

1. Identify or simplify the issues in the case;
2. Determine if there are any areas of agreement between the parties;
3. Discuss the number and type of documents and witnesses each party intends to use and/or call if a hearing needs to be held;
4. Discuss any other procedural or evidentiary matters relevant to this case which may tend to expedite or clarify this case; and
5. Determine a hearing date and location, and any pre-hearing filing deadlines, if necessary.

If either party is unable to participate in the scheduling conference at the date and time identified in this notice, the Hearing Officer may grant a postponement. To request a postponement of the scheduling conference please contact the Officer of Administrative Hearings at elaine.maneck@oah.idaho.gov and filings@oah.idaho.gov to seek additional available dates and/or times. The original date of the scheduling conference will remain in effect until the Hearing Officer has been assured that the opposing party has been contacted and that both parties have agreed upon a new specific date and time for a re-set hearing.

DATED: January 10, 2025.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Leslie M. Hayes
Leslie M. Hayes
Deputy Chief Administrative Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

Benjamin Milbrath
Long Bridge Land Holding Company
P.O. Box 1942
Spokane, WA 99210
(612) 245-9665
Applicant

☐ U.S. Mail
☒ Email: longbridgemarina@outlook.com

Neva Lane
Laneco Marine
PO Box 541
Kootenai, ID 83840
(208)514-3900
Applicant's Agent

☐ U.S. Mail
☒ Email: info@lanecomarine.com

Idaho Transportation Department
Robert Beachler
600 W. Prairie Ave.
Coeur d'Alene, ID 83815
(208) 772-1216
Planning & Scoping Program Manager

☐ U.S. Mail
☒ Email: robert.beachler@itd.idaho.gov

Idaho Department of Lands
John Richards
General Counsel
300 N. 6th Street, Ste. 103
Boise, ID 83702
(208) 334-0200
Counsel for IDL

☐ U.S. Mail
☒ Email: jrichards@idl.idaho.gov

Idaho Department of Lands
Marde Mensinger
300 N. 6th Street
Boise, ID 83720
(208) 334-0248
IDL Program Manager for Navigable Waters

☐ U.S. Mail
☒ Email: mmensinger@idl.idaho.gov

Kourtney Romine
Service Contact for IDL

☐ U.S. Mail
☒ Email: kromine@idl.idaho.gov

OAH
General Government Division
P.O. Box 83720
Boise, ID 83720-0104
Located at: 350 N. 9th St., Ste 300
(208) 605-4300

☐ U.S. Mail
☒ Email: filings@oah.idaho.gov

/s/ Leslie M. Hayes

Leslie M. Hayes
Office of Administrative Hearings

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of Marina Expansion,)	
	)	AGENCY Case No. PH-2024-NAV-20-003
Long Bridge Land Holding Company, LLC,)	
Benjamin Milbrath,	)	OAH Case No. 24-320-10
)	
Applicant.	)	SECOND SCHEDULING ORDER
)	
)	

A second scheduling videoconference was conducted on January 21, 2025. Appearances were made by Hearing Officer Leslie Hayes, Applicant Benjamin Milbrath and his counsel, John Finney, Scott Hanson and Lance Lane of Laneco Marine for Applicant, Idaho Department of Lands (IDL) counsel, John Richards, and Robert Beachler and Jerry Wilson for Objector Idaho Transportation Department (ITD).

IT IS HEREBY ORDERED that the following deadlines and procedures will govern this matter going forward:

1. On or before **February 21, 2025**, the parties will file the following with the Hearing Officer and serve on the opposing party:
 - a) A disclosure of witnesses, by name, address, and telephone number, who will testify at the final hearing in this matter, including expert witnesses, along with a summary of the anticipated testimony of each witness; and
 - b) An exhibit list of all documents, drawings, photographs, or other demonstrative evidence to be considered at the hearing; and
 - c) The parties shall provide a copy of their proposed exhibits to one another and the Hearing Officer. All exhibits should be marked to reflect the party offering the exhibit and the exhibit number. Copies of all exhibits on the exhibit

list. All exhibits should be marked to reflect the party offering the exhibit.

Applicant's exhibits shall begin with "LBM" (LBM-1, LBM-2, LBM-3, etc.);

IDL's exhibits shall begin with "IDL" (IDL-1, IDL-2, IDL-3, etc.); and

Objector ITD's exhibits shall begin with "ITD" (ITD-1, ITD-2, ITD-3, etc.).

2. On or before **February 21, 2025**, the parties will file with the Hearing Officer and serve each other their prehearing statement. Each party's prehearing statement should summarize the facts and law they intend to rely on at the hearing. Applicant may rely on the application as the prehearing statement and Objector may rely on the objection as the prehearing statement.

3. **An in-person, one-day evidentiary hearing is scheduled for March 6, 2025, beginning at 4:00 p.m. Pacific Time and going no later than 8:00 p.m. Pacific Time. The hearing will be at Sagle Elementary School in the school's gym. The address of the school is 550 Sagle Rd. Sagle, Idaho 83860.** An optional Zoom link will be available for remote viewing of the proceedings after the prehearing conference. Testimony/Public Comment will not be taken from remote participants. The hearing will be recorded and the ordering of transcripts, if any, will be discussed at the time of the hearing.

4. **A remote prehearing conference will be held via Zoom on February 27, 2025, at 2:00 p.m. Mountain Time.** A Zoom hearing link will be sent contemporaneously with this order.

5. To "file" and "serve" their documents, the parties may email them to all other parties at the addresses listed in the attached Certificate of Service before any deadline, with a copy to elaine.maneck@oah.idaho.gov and filings@oah.idaho.gov.

6. The Hearing Officer will arrange for a court reporter, if necessary. The cost of transcripts, if any, will be governed by IDAPA 62.01.01.601.

7. Should any party or their counsel require special accommodations pursuant to the Americans with Disabilities Act, the Hearing Officer shall be notified of such request at or before the time of the prehearing conference.

NOTICE AND REMINDER: The Hearing Officer shall not be contacted by either party *ex parte*. To schedule a status conference to address any case matters, the parties are directed to first confer about agreed-to dates and times, and then to contact Elaine Maneck at elaine.maneck@oah.idaho.gov to schedule a status conference.

DATED: January 23, 2025.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Leslie M. Hayes
Leslie M. Hayes
Deputy Chief Administrative Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January, 2025, I caused to be served a true and correct copy of the foregoing by the following method to:

Benjamin Milbrath
Long Bridge Land Holding Company
P.O. Box 1942
Spokane, WA 99210
(612) 245-9665
Applicant

☐ U.S. Mail
☒ Email: LBLHCO@outlook.com

John Finney
120 E. Lake Street, Ste. 217
Sandpoint, ID 83864
(208) 263-8211
Counsel for Applicant

☐ U.S. Mail
☒ Email: johnfinney@finneylaw.net

Neva Lane
Laneco Marine
PO Box 541
Kootenai, ID 83840
(208) 514-3900
Applicant's Agents

☐ U.S. Mail
☒ Email: info@lanecomarine.com

Idaho Transportation Department
Robert Beachler
600 W. Prairie Ave.
Coeur d'Alene, ID 83815
(208) 772-1216
Planning & Scoping Program Manager

☐ U.S. Mail
☒ Email: robert.beachler@itd.idaho.gov

Leslie Hayes
Officer of Administrative Hearings
Hearing Officer

☐ U.S. Mail
☒ Email: leslie.hayes@oah.idaho.gov

Idaho Department of Lands
John Richards
General Counsel
300 N. 6th Street, Ste. 103
Boise, ID 83702
(208) 334-0200
Counsel for IDL

☐ U.S. Mail
☒ Email: jrichards@idl.idaho.gov

Idaho Department of Lands
Marde Mensinger

☐ U.S. Mail
☒ Email:

SECOND SCHEDULING ORDER

(AGENCY Case No. PH-2024-NAV-20-003; OAH Case No. 24-320-10) - 4

IDL18-004

300 N. 6th Street
Boise, ID 83720
(208) 334-0248

IDL Program Manager for Navigable Waters

mmensinger@idl.idaho.gov

SECOND SCHEDULING ORDER

(AGENCY Case No. PH-2024-NAV-20-003; OAH Case No. 24-320-10) - 5

IDL18-005

Kourtney Romine
Service Contact for IDL

☐ U.S. Mail
☒ Email: kromine@idl.idaho.gov

OAH
General Government Division
P.O. Box 83720
Boise, ID 83720-0104
Located at: 350 N. 9th St., Ste 300
(208) 605-4300

☐ U.S. Mail
☒ Email: filings@oah.idaho.gov

/s/ Leslie M. Hayes

Leslie M. Hayes
Office of Administrative Hearings

JOHN A. FINNEY
FINNEY FINNEY & FINNEY, P.A.
Attorneys at Law
Old Power House Building
120 East Lake Street, Suite 317
Sandpoint, Idaho 83864
Phone: 208-263-7712
Fax: 208-263-8211
Email: johnfinney@finneylaw.net
ISB No. 5413

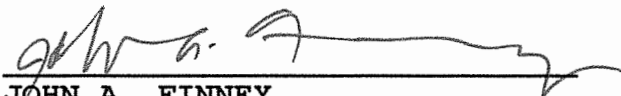
BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of Marina	)	Agency Case No.
Expansion,	)	PH-2024-NAV-20-003
)	
LONG BRIDGE LAND HOLDING	)	OAH Case No.
COMPANY LLC, BENJAMIN	)	24-320-10
MILBRATH,)	
	)	NOTICE OF CONTACT INFORMATION
Applicant.)	
)	

COMES NOW the Applicant's attorney JOHN A. FINNEY, and
gives notice that the correct contact information for counsel is
as follows:

JOHN A. FINNEY
FINNEY FINNEY & FINNEY, P.A.
Attorneys at Law
Old Power House Building
120 East Lake Street, Suite 317
Sandpoint, Idaho 83864
Phone: 208-263-7712
Fax: 208-263-8211
Email: johnfinney@finneylaw.net

DATED this 31st day January, 2025.



JOHN A. FINNEY
Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed and served through direct email, or as otherwise indicated below, this 31st day of January, 2025, and was addressed as follows:

Elaine Maneck
Office of Administrative Hearings
State of Idaho
Boise, Idaho
Via Email: elaine.maneck@oah.idaho.gov
and: filings@oah.idaho.gov

Leslie M. Hayes
Deputy Chief Administrative Hearing Officer
Boise, Idaho
Via e-mail: leslie.hayes@oah.idaho.gov

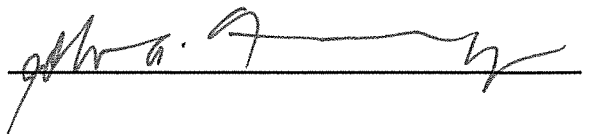
Benjamin Milbath
Long Bridge Land Holding Company LLC
Spokane, Washington
Via Email: lblhco@outlook.com

Laneco Marine
Kootenai, Idaho
Via Email: info@lanecomarine.com

John Richards
General Counsel
Idaho Department of Lands
Boise, Idaho
Via email: jrichards@idl.idaho.gov

Marde Mensinger
Program Manager for Navigable Waters
Idaho Department of Lands
Boise, Idaho
Via email: mmensinger@idl.idaho.gov

Robert Beachler
Idaho Transportation Department
Coeur d'Alene, Idaho
Via e-mail: robert.beachler@itd.idaho.gov

A handwritten signature in dark ink, appearing to read "John Richards", is written over a horizontal line.

JOHN A. FINNEY
FINNEY FINNEY & FINNEY, P.A.
Attorneys at Law
Old Power House Building
120 East Lake Street, Suite 317
Sandpoint, Idaho 83864
Phone: 208-263-7712
Fax: 208-263-8211
Email: johnfinney@finneylaw.net
ISB No. 5413

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of Marina	)	Agency Case No.
Expansion,	)	PH-2024-NAV-20-003
)	
LONG BRIDGE LAND HOLDING	)	OAH Case No.
COMPANY, LLC, BENJAMIN	)	24-320-10
MILBRATH,)	
	)	PREHEARING STATEMENT
Applicant.)	
)	

COMES NOW the Applicant, by and through counsel JOHN A. FINNEY, pursuant to the Second Scheduling Order dated January 23, 2025, and for pre-hearing compliance, submits these disclosures and statement, as follows:

STATEMENT:

The Applicant relies upon its application and supplemental submittals for its pre-hearing statement.

WITNESS LIST:

The anticipated witnesses are:

1. Lance Lane, Laneco Marine
2. Craig Mearns, M2 Construction LLC
3. Benjamin Milbrath, Long Bridge Land Holding Company LLC

4. Finn Hall, Project Manager, and other representatives,
HMH Engineering

EXHIBIT LIST:

The contemplated exhibits are:

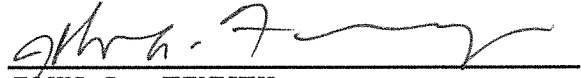
LBM-1 Joint Application For Permits with attachments (34
pages)

LBM-2 Updated Drawing Showing ITD ROW

LBM-3 Aerial Photo

True and correct copies are provided herewith.

DATED this 13 day February, 2025.


JOHN A. FINNEY
Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed and served through direct email, or as otherwise indicated below, this 13 day of February, 2025, and was addressed as follows:

Elaine Maneck
Office of Administrative Hearings
State of Idaho
Boise, Idaho
Via Email: elaine.maneck@oah.idaho.gov
and: filings@oah.idaho.gov

Leslie M. Hayes
Deputy Chief Administrative Hearing Officer
Boise, Idaho
Via e-mail: leslie.hayes@oah.idaho.gov

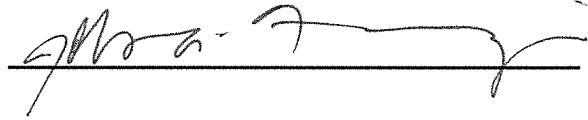
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Long Bridge Land Holding Company LLC
Spokane, Washington
Via Email: lblhco@outlook.com

Laneco Marine
Kootenai, Idaho
Via Email: info@lanecomarine.com

John Richards
General Counsel
Idaho Department of Lands
Boise, Idaho
Via email: jrichards@idl.idaho.gov

Marde Mensinger
Program Manager for Navigable Waters
Idaho Department of Lands
Boise, Idaho
Via email: mmensinger@idl.idaho.gov

Robert Beachler
Idaho Transportation Department
Coeur d'Alene, Idaho
Via e-mail: robert.beachler@itd.idaho.gov

A handwritten signature in black ink, appearing to read "Robert Beachler", is written over a horizontal line.

Reserved

Reserved

Reserved

From: [Chantilly Higbee](#)
To: [Amidy Fuson](#)
Subject: RE: Commercial Marina Expansion on Lake Pend Oreille L96S0884G
Date: Monday, November 25, 2024 1:20:49 PM
Attachments: [image001.png](#)

Amidy,

The Idaho Department of Environmental Quality (DEQ) has reviewed the application for the proposed marina expansion which includes the construction of additional docks. Below are DEQ's comments and concerns regarding the application as it relates to the protection of water quality:

1. Construction Debris Management: No shavings, cuttings, or construction debris should be allowed to enter the lake. The application does not describe measures to prevent materials from entering the water during construction. DEQ requests all construction debris be captured and disposed of appropriately.
2. Excavation/Fill for Riprap Work: The drawings show excavation and fill activities related to riprap work, but no description of these activities is provided in the application or request for agency comment. It is not clear whether this work would be included in the permit.

Thank you for the opportunity to comment. I am available if there are questions.

Chantilly Higbee | Environmental Programs and Regulatory Specialist

Idaho Department of Environmental Quality
2110 Ironwood Parkway, Coeur d'Alene, ID 83814
Direct: (208) 666-4605
www.deq.idaho.gov

Our mission: To protect human health and the quality of Idaho's air, land, and water.

From: Amidy Fuson <AFuson@idl.idaho.gov>
Sent: Wednesday, October 23, 2024 9:10 AM
To: ROBERT.BLEACHER@ITD.IDAHO.GOV; Golart, Aaron <Aaron.Golart@idwr.idaho.gov>; Army Corps <CENWW-RD-CDA@usace.army.mil>; Austin Terrell <austin.terrell@osc.idaho.gov>; bsmith@idahoconservation.org; Bonner County Waterways (Matt.Zoeller@bonnercountyid.gov) <Matt.Zoeller@bonnercountyid.gov>; Bonner Planning <planning@bonnercountyid.gov>; Bell, Chace <Chace.Bell@idwr.idaho.gov>; Chantilly Higbee <Chantilly.Higbee@deq.idaho.gov>; City of Dover <cityclerk@cityofdoveryidaho.org>; D1Permits <D1Permits@itd.idaho.gov>; Debbie Butler <debra.butler@usda.gov>; Barnes, Emily <Emily.Barnes@idwr.idaho.gov>; fw1idahoconsultationrequests@fws.gov <fw1idahoconsultationrequests@fws.gov>; Graham Freeman <Graham.Freeman@osc.idaho.gov>; Northern Info <northerninfo@idwr.idaho.gov>; J Johnson <jjohnson@bonnercountyid.gov>; Jason Kimberling <Jason.Kimberling@itd.idaho.gov>;

IDL24-001

jekstrom@idahoconservation.org; Jeremy Varley <Jeremy.Varley@isda.idaho.gov>; Jessie Berner <jessie.berner@usda.gov>; Joseph Maroney <jmaroney@kalispeltribe.com>; k kolberg <kkolberg@phd1.idaho.gov>; lakescommission@gmail.com; Marvin Fenn <marvin.fenn@itd.idaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Nicholas Zurfluh <Nicholas.Zurfluh@ISDA.IDAHO.GOV>; Robert Steed <Robert.Steed@deq.idaho.gov>; Selkirk Conservation Alliance <sca@scawild.org>; Stacy Simkins <Stacy.Simkins@itd.idaho.gov>; Symone Legg <Symone.Legg@itd.idaho.gov>; Taylor.M.Johnson@usace.army.mil
Subject: Commercial Marina Expansion on Lake Pend Oreille L96S0884G

Good morning,

Please review the attached application for a commercial marina expansion on Lake Pend Oreille. Have all comments in by November 27, 2024.

Thanks,



Amidy Fuson
Lands Resource Specialist, Sr.
Navigable Waters
Monday – Thursday

Idaho Department of Lands
3258 Industrial Loop, Coeur d'Alene, ID 83815
Office: (208) 769-1577
Email: afuson@idl.idaho.gov
<https://www.idl.idaho.gov>

From: [Horsmon, Merritt](#)
To: [Amidy Fuson](#)
Subject: RE: Commercial Marina Expansion on Lake Pend Oreille L96S0884G
Date: Wednesday, November 27, 2024 11:11:37 AM
Attachments: [image002.png](#)
[image003.png](#)

Hi Amidy,

Docks, piers and pilings are an encroachment in lakes and rivers that can be detrimental to fish and fish habitat. The Pend Oreille River has been ESA designated as Critical Habitat for Bull Trout (threatened) by the U.S. Fish and Wildlife Service. A Critical Habitat designation identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and that may require special management or protection.

Shoreline modifications such as docks and breakwaters benefit piscivorous predatory fish species including Smallmouth Bass, Walleye, and Northern Pike, all of which have become increasingly common in the Pend Oreille River in recent years. Northern Pike and Walleye, based on diet analysis, pose a risk to the established fishery, to include native Bull Trout and Westslope Cutthroat Trout.

This encroachment is a sizeable one, and will take up a portion of the Pend Oreille River that is popular with anglers, and bring piscivorous fish habitat closer to the channel used by native salmonids for annual migrations. This could have a negative effect on those populations.

Thanks you for the opportunity to comment.

Have a nice Thanksgiving,

Merritt Horsmon

Regional Technical Assistance Manager
Panhandle Region
2885 W. Kathleen Ave.
Coeur d'Alene, ID 83815
208.769.1414 office
208.251.4509 mobile
merritt.horsmon@idfg.idaho.gov



From: Amidy Fuson <AFuson@idl.idaho.gov>
Sent: Wednesday, October 23, 2024 9:10 AM
To: ROBERT.BLEACHER@ITD.IDAHO.GOV; Golart, Aaron <Aaron.Golart@idwr.idaho.gov>; Army Corps <CENWW-RD-CDA@usace.army.mil>; Austin Terrell <austin.terrell@osc.idaho.gov>;

IDL25-001

bsmith@idahoconservation.org; Bonner County Waterways (Matt.Zoeller@bonnercountyid.gov) <Matt.Zoeller@bonnercountyid.gov>; Bonner Planning <planning@bonnercountyid.gov>; Bell, Chace <Chace.Bell@idwr.idaho.gov>; Chantilly Higbee <Chantilly.Higbee@deq.idaho.gov>; City of Dover <cityclerk@cityofdoveridaho.org>; D1Permits <D1Permits@itd.idaho.gov>; Debbie Butler <debra.butler@usda.gov>; Barnes, Emily <Emily.Barnes@idwr.idaho.gov>; fw1idahoconsultationrequests@fws.gov <fw1idahoconsultationrequests@fws.gov>; Graham Freeman <Graham.Freeman@osc.idaho.gov>; Northern Info <northerninfo@idwr.idaho.gov>; J Johnson <jjohnson@bonnercountyid.gov>; Jason Kimberling <Jason.Kimberling@itd.idaho.gov>; jekstrom@idahoconservation.org; Jeremy Varley <Jeremy.Varley@isda.idaho.gov>; Jessie Berner <jessie.berner@usda.gov>; Joseph Maroney <jmaroney@kalispeltribe.com>; k kolberg <kkolberg@phd1.idaho.gov>; lakescommission@gmail.com; Marvin Fenn <marvin.fenn@itd.idaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Nicholas Zurfluh <Nicholas.Zurfluh@ISDA.IDAHO.GOV>; Robert Steed <Robert.Steed@deq.idaho.gov>; Selkirk Conservation Alliance <sca@scawild.org>; Stacy Simkins <Stacy.Simkins@itd.idaho.gov>; Symone Legg <Symone.Legg@itd.idaho.gov>; Taylor.M.Johnson@usace.army.mil
Subject: Commercial Marina Expansion on Lake Pend Oreille L96S0884G

Good morning,

Please review the attached application for a commercial marina expansion on Lake Pend Oreille. Have all comments in by November 27, 2024.

Thanks,



Amidy Fuson
Lands Resource Specialist, Sr.
Navigable Waters
Monday – Thursday
Idaho Department of Lands
3258 Industrial Loop, Coeur d’Alene, ID 83815
Office: (208) 769-1577
Email: afuson@idl.idaho.gov
<https://www.idl.idaho.gov>

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.

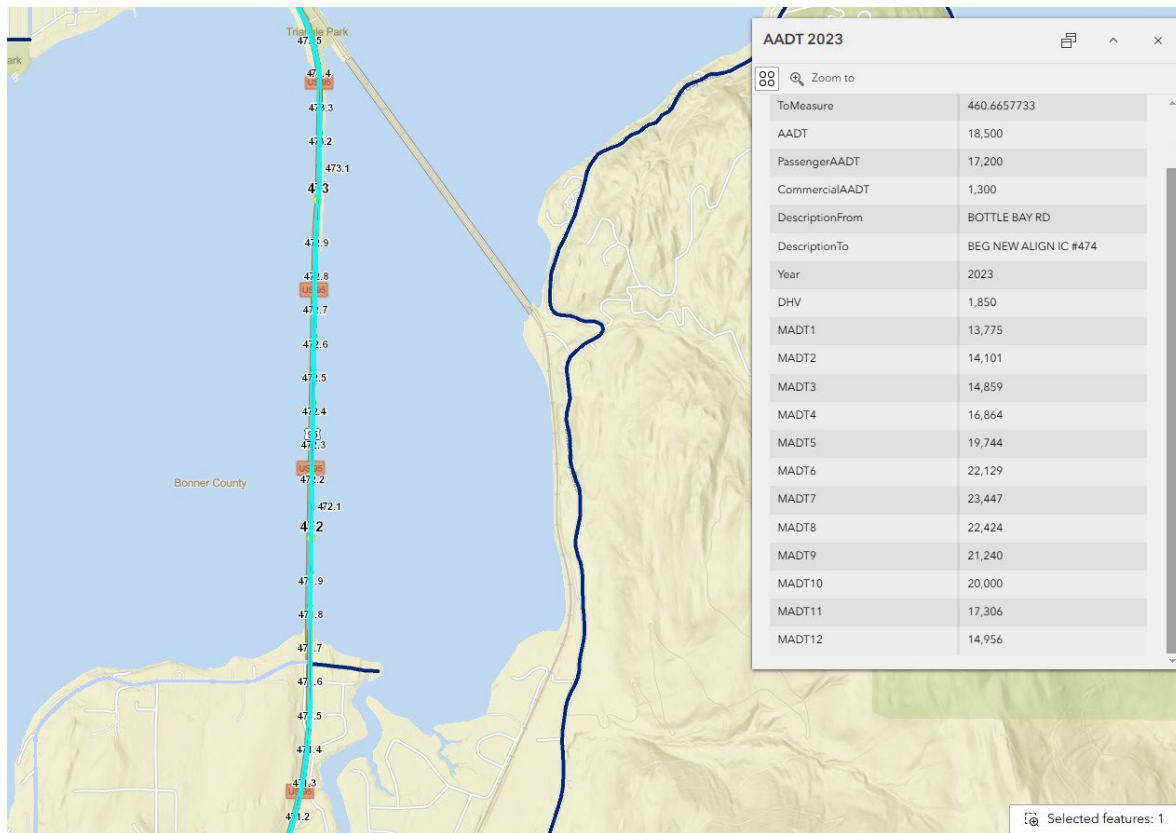


Figure 1. US-95, Sandpoint Long Bridge to Sagle Annual Average Daily Traffic.

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.

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Attorney for Idaho Department of Lands, Navigable Waterways Program

BEFORE THE STATE BOARD OF LAND COMMISSIONERS
STATE OF IDAHO

IN THE MATTER OF

Encroachment Permit Application No.
L96S0884G

Long Bridge Land Holding, LLC

Applicants.

Agcy Case No. PH-2024-NAV-20-003

OAH Case No. 24-320-10

**IDAHO DEPARTMENT OF LANDS’
PRE-HEARING STATEMENT**

The Idaho Department of Lands (IDL), by and through its counsel of record, and in accordance with the *Second Scheduling Order* issued January 23, 2025, submits the following Pre-hearing Statement for the above-titled matter, which has a public hearing set for March 6, 2025, at 4:00 p.m. PST. The Department also concurrently submits an Exhibit List and Witness List.

I. BACKGROUND

A. Application

B. Long Bridge Land Holding, LLC (Applicant) seeks an encroachment permit to enlarge an existing commercial marina to a total of 270 slips, on the south side of the Pend Oreille River, just west of the Highway 95 Long Bridge. IDL-002. (Application)

C. Procedural Background

On October 22, 2024, IDL received a complete application from the Applicant. IDL-002. On October 23, 2024, IDL sent resource agency notice and contacted the Daily Bonner Bee to publish public notice of the application in the local newspaper. IDL-004, 007-008. On October 23, 2024, IDL sent out notices to landowners immediately adjacent to the Applicant's parcel. IDL-003. On October 25, 2024, and November 1, 2024 an advertisement was run in the local newspaper providing notice to the public of the Application. IDL-007. On November 19, 2024, IDL received an objection and publication fee from the Idaho Transportation Department requesting a Public Hearing in accordance with IDAPA 20.03.04.030.04(b). IDL-005. On November 25, 2024, notice was received that a Hearing Officer had been appointed for this matter. IDL-009. A scheduling order was issued on December 12, 2024, setting the date for public hearing for January 27, 2025, and setting other associated deadlines. IDL-014. On January 9th, 2025, the parties stipulated to vacate the evidentiary hearing and reset for a later date to allow the applicant to contact and consult legal counsel. On January 10th, 2025, an Order was issued vacating the evidentiary hearing and prehearing deadlines. IDL-016. A second scheduling conference was conducted on January 21, 2025. IDL-017. A Second Scheduling Order was issued on January 23, 2025 resetting the date for public hearing for March 6, 2025 at 4:00pm PST, and setting other associated deadlines. IDL-018. IDL scheduled publication of the date, time, and location of the March 6, 2025 public hearing in the local newspaper for two consecutive weeks to provide public notice of the hearing.

D. Comments

To date, IDL has received agency responses from Idaho Transportation Department (ITD) Idaho Department of Environmental Quality (IDEQ), Idaho Department of Fish and Game (IDFG) and Bonner County. IDL-005-006, 024-025. As of the date of this submission, IDL has

received no comment from members of the general public on this Application. In addition to the public hearing scheduled for March 6, 2025, IDL is also accepting written comment on the Application, so additional agency and public comment may be forthcoming.

II. APPLICABLE LEGAL PROVISIONS

A. Lake Protection Act, Title 58, Chapter 13, Idaho Code

The Lake Protection Act (LPA), Title 58, Chapter 13, Idaho Code, governs encroachments upon Idaho's navigable lakes, and provides in pertinent part that "[n]o encroachment on, in or above the beds or waters of any navigable lake in the state shall hereafter be made unless approval therefor has been given as provided in this act." I.C. § 58-1301. IDL, acting on behalf of the State of Idaho Board of Land Commissioners (Board) has the power to "regulate, control and [] permit encroachments in aid of navigation or not in aid of navigation on, in or above the beds or waters of navigable lakes as provided herein." I.C. § 58-1303.

The following provisions of the Lake Protection Act, Title 58, Chapter 13, Idaho Code ("LPA") are applicable to the Application, and helpful to understanding IDL's analysis of the Application:

I.C. § 58-1301 – Legislative Intent (*see also* IDAPA 20.03.04.012):

The legislature of the state of Idaho hereby declares that the public health, interest, safety and welfare requires that all encroachments upon, in or above the beds or waters of navigable lakes of the state be regulated in order that the protection of property, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and water quality be given due consideration and weighed against the navigational or economic necessity or justification for, or benefit to be derived from the proposed encroachment. No encroachment on, in or above the beds or waters of any navigable lake in the state shall hereafter be made unless approval therefor has been given as provided in this act.

I.C. § 58-1302 - Definitions:

(b) "Beds of navigable lakes" means the lands lying under or below the "natural or ordinary high water mark" of a navigable lake and, for purposes of this act only, the lands lying between the natural or ordinary high water mark and the artificial high water mark, if there be one.

(c) "Natural or ordinary high water mark" means the high water elevation in a lake over a period of years, uninfluenced by man-made dams or works, at which elevation the water impresses a line on the soil by covering it for sufficient periods to deprive the soil of its vegetation and destroy its value for agricultural purposes.

(d) "Artificial high water mark" means the high water elevation above the natural or ordinary high water mark resulting from construction of man-made dams or control works and impressing a new and higher vegetation line.

(f) "Riparian or littoral rights" means only the rights of owners or lessees of land adjacent to navigable waters of the lake to maintain their adjacency to the lake and to make use of their rights as riparian or littoral owners or lessees in building or using aids to navigation but does not include any right to make any consumptive use of the waters of the lake. (*See also* IDAPA 20.03.04.010.32).

(h) "Encroachments in aid of navigation" means and includes docks, piers, floats, pilings, breakwaters, boat ramps, channels or basins, and other such aids to the navigability of the lake, on, in or above the beds or waters of a navigable lake. The term "encroachments in aid of navigation" may be used interchangeably herein with the term "navigational encroachments." (*See also* IDAPA 20.03.04.010.15).

(i) "Encroachments not in aid of navigation" means and includes all other encroachments on, in or above the beds or waters of a navigable lake, including landfills or other structures not constructed primarily for use in aid of the navigability of the lake. The term "encroachments not in aid of navigation" may be used interchangeably herein with the term "nonnavigational encroachments." (*See also* IDAPA 20.03.04.010.16).

(k) "Plans" means maps, sketches, engineering drawings, aerial and other photographs, word descriptions, and specifications sufficient to describe the extent, nature and approximate location of the proposed encroachment and the proposed method of accomplishing the same

I.C. § 58-1306:

(a) Applications for construction, enlargement or replacement of a nonnavigational encroachment, a commercial navigational encroachment, a community navigational encroachment, or for a navigational encroachment extending beyond the line of navigability shall be submitted upon forms to be furnished by the board and accompanied by plans of the proposed encroachment containing information required by section [58-1302\(k\)](#), Idaho Code, and such other information as the board may by rule require in conformance with the intent and purpose of this chapter. Applications for nonnavigational, community navigational, or

commercial navigational encroachments must be submitted or approved by the riparian or littoral owner.

(b) Within ten (10) days of receipt of an application submitted under subsection (a) of this section, the board shall cause to be published . . . a notice advising of the application and describing the proposed encroachment and general location thereof. Applications for installation of buried or submerged water intake lines and utility lines shall be exempt from the newspaper publication process. The board may also furnish copies of the application and accompanying plans to other state agencies having an interest in the lake to determine the opinion of such state agencies as to the likely effect of the proposed encroachment upon adjacent property and lake value factors of navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty or water quality. Within thirty (30) days following receipt of such copy of the application and plans from the board, such other state agency shall notify the board of its opinion and recommendations, if any, for alternate plans determined by such agency to be economically feasible to accomplish the purpose of the proposed encroachment without adversely affecting unreasonably adjacent property or other lake value factors.

(e) In recognition of continuing private property ownership of lands lying between the natural or ordinary high water mark and the artificial high water mark, the board shall consider unreasonable adverse effect upon adjacent property and undue interference with navigation the most important factors to be considered in granting or denying an application for a nonnavigational encroachment, a commercial navigational encroachment, or a community navigational encroachment not extending below the natural or ordinary high water mark. If . . . following a hearing, the board determines that the benefits, whether public or private, to be derived from allowing such encroachment exceed its detrimental effects, it shall grant the permit.

B. Applicable IDAPA Rules Pertaining to Subject Application

The following provisions of the Rules For the Regulation of Beds, Waters and Airspace Over Navigable Lakes in the State of Idaho, IDAPA 20.03.04 (“LPA Rules”) are applicable to this Application, and helpful in understanding IDL’s analysis of the Application.

IDAPA 20.03.04.010 DEFINITIONS

03. Artificial High Water Mark. The high water elevation above the natural or ordinary high water mark resulting from construction of man-made dams or control works and impressing a new and higher vegetation line.

04. Beds of Navigable Lakes. The lands lying under or below the “natural or ordinary high water mark” of a navigable lake and, for purposes of these rules only, the lands lying between the natural or ordinary high water mark and the artificial high water mark, if there be one.

08. Boat Ramp. A structure or improved surface extending below the ordinary or artificial high water mark whereby watercraft or equipment are launched from land-based vehicles or trailers.

09. Commercial Marina. A commercial navigational encroachment whose primary purpose is to provide moorage for rental or for free to the general public.

10. Commercial Navigational Encroachment. A navigational encroachment used for commercial purposes

15. Encroachments in Aid of Navigation. Includes docks, piers, jet ski and boat lifts, buoys, pilings, breakwaters, boat ramps, channels or basins, and other facilities used to support water craft and moorage on, in, or above the beds or waters of a navigable lake. The term “encroachments in aid of navigation” is used interchangeably with the term “navigational encroachments.”

16. Encroachments Not in Aid of Navigation. Includes all other encroachments on, in, or above the beds or waters of a navigable lake, including landfills, bridges, utility and power lines, or other structures not constructed primarily for use in aid of navigation, such as float homes and boat garages. The term “encroachments not in aid of navigation” is used interchangeably with the term “nonnavigational encroachments.”

20. Line of Navigability. A line located at such distance waterward of the low water mark established by the length of existing legally permitted encroachments, water depths waterward of the low water mark, and by other relevant criteria determined by the board when a line has not already been established for the body of water in question

23. Natural or Ordinary High Water Mark. The high water elevation in a lake over a period of years, uninfluenced by man-made dams or works, at which elevation the water impresses a line on the soil by covering it for sufficient periods to deprive the soil of its vegetation and destroy its value for agricultural purposes.

29. Public Hearing. The type of hearing where members of the public are allowed to comment, in written or oral form, on the record at a public meeting held at a set time and place and presided over by a designated representative of the Department who acts as the hearing coordinator. This type of hearing is an informal opportunity for public comment and does not involve the presentation of witnesses, cross examination, oaths, or the rules of evidence. A record of any oral presentations at such hearings will be taken by the Department by tape recorder. The hearing coordinator exercises such control at hearings as necessary to maintain order, decorum and common courtesy among the participants.

32. Riparian or Littoral Rights. The rights of owners or lessees of land adjacent to navigable waters of the lake to maintain their adjacency to the lake and to make use of

their rights as riparian or littoral owners or lessees in building or using aids to navigation but does not include any right to make any consumptive use of the waters of the lake.

34. Riparian or Littoral Right Lines. 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.

40. Upland. The land bordering on navigable lakes, rivers, and streams.

IDAPA 20.03.04.012. POLICY.

01. Environmental Protection and Navigational or Economic Necessity. It is the express policy of the State of Idaho that the public health, interest, safety and welfare requires that all encroachments upon, in or above the beds or waters of navigable lakes of the state be regulated in order that the protection of property, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and water quality be given due consideration and weighed against the navigational or economic necessity or justification for, or benefit to be derived from the proposed encroachment. Moreover, it is the responsibility of the State Board of Land Commissioners to regulate and control the use or disposition of state-owned lake beds, so as to provide for their commercial, navigational, recreational or other public use.

02. No Encroachments Without Permit. No encroachment on, in or above the beds or waters of any navigable lake in the state may be made unless approval has been given as provided in these rules. An encroachment permit does not guarantee the use of public trust lands without appropriate compensation to the state of Idaho.

IDAPA 20.03.04.015. ENCROACHMENT STANDARDS.

003. Commercial Marina.

a. Commercial marinas must have a minimum of fifty percent (50%) of their moorage available for use by the general public on either a first come, first served basis for free or rent, or a rent or lease agreement for a period of time up to one (1) year. Moorage contracts may be renewed annually, so long as a renewal term does not exceed one (1) year. Moorage for use by the general public may not include conditions that result in a transfer of ownership of moorage or real property, or require membership in a club or organization.

b. Commercial marinas that are converted to a community dock must conform to all the community dock standards, including frontage requirements and square footage restrictions. This change of use must be approved by the Department through a new encroachment permit prior to implementing the change.

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. If private moorage is tied to specific parking spaces or designated parking areas, then one (1)

parking space per one (1) private watercraft or float home moorage must be provided. In the event of conflict, the local ordinances prevail.

d. If a commercial marina can be accessed from a road, marina customers must be allowed access via that road.

e. Moorage that is not available for public use as described in Paragraph 015.03.a. of these rules is private moorage.

f. When calculating the moorage percentage, the amount of public moorage is to be compared to the amount of private moorage. Commercial marinas with private float home moorage are required to provide either nonprivate float home moorage or two (2) public use boat moorages for every private float home moorage in addition to any other required public use boat moorages.

g. When private moorage is permitted, the public moorage must be of similar size and quality as private moorage, except for float home moorage as provided in Paragraph 015.03.f.

h. Commercial marinas with private moorage must form a condominium association, co-op, or other entity that owns and manages the marina, littoral rights, upland property sufficient to maintain and operate a marina, and private submerged land, if present. This entity is responsible for obtaining and maintaining an encroachment permit under these rules and a submerged lands lease under IDAPA 20.03.17, "Rules Governing Leases on State-Owned Submerged lands and Formerly Submerged Lands."

i. Existing commercial marinas that desire to change their operations and convert some of their moorage to private use must keep at least fifty percent (50%) of their moorage available for use by the general public. This change in operations must be approved by the Department through a new encroachment permit prior to implementation of the change. The permit application must describe, in text and in drawings, which moorage will be public and which moorage will be private.

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 water craft 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.

e. Presumed Adverse Effect. It will be presumed, subject to rebuttal . . . that commercial navigational encroachments, community docks or nonnavigational encroachments will have a like adverse effect upon adjacent littoral rights if located closer than twenty-five (25) feet to adjacent littoral right lines.

f. Weather Conditions. Encroachments and their building materials must be designed and installed to withstand normally anticipated weather conditions in the area. Docks, piers, and similar structures must be adequately secured to pilings or anchors to prevent displacement due to ice, wind, and waves. Flotation devices for docks, float homes, etc. must be reasonably resistant to puncture and other damage.

IDAPA 20.03.04.020. APPLICATIONS

01. Encroachment Applications. No person shall hereafter make or cause to be made any encroachment on, in or above the beds or waters of any navigable lake in the state of Idaho without first making application to and receiving written approval from the department. The placing of dredged or fill material, refuse or waste matter intended as or becoming fill material, on or in the beds or waters of any navigable lake in the state of Idaho shall be considered an is required prior to construction of the proposed encroachment, then the application must describe the demolition activities and the steps that will be taken to protect water quality and other public trust values. No demolition activities may proceed until the permit is issued.

02. Signature Requirement. Only persons who are littoral owners or lessees of a littoral owner shall be eligible to apply for encroachment permits. A person who has been specifically granted littoral rights or dock rights from a littoral owner shall also be eligible for an encroachment permit; the grantor of such littoral rights, however, shall no longer be eligible to apply for an encroachment permit. Except for waterlines or utility lines, the possession of an easement to the shoreline does not qualify a person to be eligible for an encroachment permit.

03. Other Permits. Nothing in these rules shall excuse a person seeking to make an encroachment from obtaining any additional approvals lawfully required by federal, local or other state agencies.

05. Dock Reconfiguration.

a. Rearrangement of single-family and two-family docks will require a new application for an encroachment permit.

b. Rearrangement of community docks and commercial navigational encroachments may not require a new application for an encroachment permit if the changes are only internal. The department shall be consulted prior to modifications being made, and shall use the following criteria to help determine if a new permit must be submitted:

- i.** Overall footprint does not change in dimension or orientation;
- ii.** No increase in the square footage, as described in the existing permit and in accordance with Paragraph 015.13.a., occurs. This only applies to community docks;
- iii.** The entrances and exits of the facility do not change

IDAPA 20.03.04.030. PROCESSING OF APPLICATIONS FOR ALL OTHER TYPES OF ENCROACHMENTS.

01. Nonnavigational, Community, and Commercial Navigational Encroachments. Within ten (10) days of receiving a complete application for a nonnavigational encroachment, a community dock, a commercial navigational encroachment, or a navigational encroachment extending beyond the line of navigability, the Department will cause to be published a notice of application once a week for two (2) consecutive weeks in a newspaper of general circulation in the county in which the encroachment is proposed.

03. Notifications. Upon request or when the Department deems it appropriate, the Department may furnish copies of the application and plans to federal, state and local agencies and to adjacent littoral owners, requesting comment on the likely effect of the proposed encroachment upon adjacent littoral property and public trust values such as navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, water quality, etc.

04. Written Comments or Objections. Within thirty (30) days of the first date of publication, an agency, adjacent littoral owner or lessee, or any resident of the state of Idaho may do one (1) of the following:

- a. Notify the Department of their opinions and recommendation, if any, for alternate plans they believe will be economically feasible and will accomplish the purpose of the proposed encroachment without unreasonably adversely affecting adjacent littoral property or public trust values; or
- b. File with the Department written objections to the proposed encroachment and request a public hearing on the application. The hearing must be specifically requested in writing. Any person or agency requesting a hearing on the application must deposit and pay to the Department an amount sufficient to cover the cost of publishing notice of hearing provided in Subsection 030.05.

05. Hearing. Notice of the time and place of public hearing on the application will be published by the Director once a week for two (2) consecutive weeks in a newspaper in the county in which the encroachment is proposed, which hearing will be held within ninety (90) days from the date the application is accepted for filing.

06. Hearing Participants. Any person may appear at the public hearing and present oral testimony. Written comments will also be received by the Department.

10. Factors in Decision. In recognition of continuing private property ownership of lands lying between the natural or ordinary high water mark and the artificial high water mark, if present, the Department will consider unreasonable adverse effect upon adjacent property and undue interference with navigation the most important factors to be considered in granting or denying an application for either a nonnavigational encroachment or a commercial navigational encroachment not extending below the natural or ordinary high water mark. If . . . following a public hearing, the Department determines that the

benefits, whether public or private, to be derived from allowing such encroachment exceed its detrimental effects, the permit will be granted.

III. IDL'S ANALYSIS OF COMPLIANCE WITH THE LPA AND RULES - GENERAL

A. Littoral Ownership.

The Applicant is a littoral owner and owns one (1) parcel adjacent to the Pend Oreille River identified as Bonner County Parcel No. RP0023401002B0A, with a common address of 31 Lakeshore Drive, Sagle, Idaho 83860. The parcel appears to be a waterfront parcel with littoral rights. There are no other parcels or roads between the parcel and the Artificial High Water Mark (AHWM).

B. Type of Encroachment.

The Applicant is seeking an encroachment permit to enlarge an existing commercial marina, which is a Navigational Encroachment.

C. Shoreline Length.

According to the application, the Applicant's parcel contains approximately 199 feet of water frontage. IDL-002.

D. Line of Navigability.

The proposed commercial marina expansion will extend farther out into the river than the current/existing marina. As described above, the Line of Navigability (LON) in IDAPA is based on the current length of permitted encroachments in the area. IDAPA 20.03.04.010.20. Commercial encroachments typically extend much farther out into the water than a residential dock and often extend beyond the LON. However, a long commercial facility typically does not

set the LON. This is evident from the fact that the IDAPA Rules allow commercial navigational encroachments and community docks to extend beyond the LON only if authorized by IDL to do so. See IDAPA 20.03.04.015.13(d).

Looking at the existing encroachments, there are single-family docks to the west, the site contains an existing commercial marina, and there is a highway bridge to the east. The existing commercial marina and bridge do not govern the LON and the location of the LON is determined by the length of the single family docks to the west. Given the nature of the area and the existing encroachments, it appears that the proposed encroachment would extend beyond the LON.

The proposed marina expansion extends out into the river approximately 655 feet according to the drawings, although there is one page in the application that appears to show the marina extends out 639 feet. IDL-002. The 655-foot measurement was based on calculations from the detailed marina drawings. *Id.* The Applicant should clarify at hearing the accurate length of the proposed commercial marina.

E. Distance from Littoral Lines.

IDAPA 20.03.04.015.13.e provides a rebuttable presumption that commercial navigational encroachments will have a like adverse effect upon adjacent littoral rights if located closer than twenty-five (25) feet to adjacent littoral right lines.

Based on the Application, the commercial marina will provide a twenty-five (25) foot buffer to the western littoral right lines and a twenty-five (25) foot buffer to the eastern littoral right lines. IDL-002 at 6. It should be noted that the eastern littoral line is unique. The Highway 95 Long Bridge provides an empty space between privately-owned parcels with shared property corners. Typically, IDL uses the chord method in determining littoral right lines, wherein you create chords between points where the property lines intersect with the AHW/OWM. *See*

Brett v. Eleventh St. Dockowner's Ass'n, Inc., 141 Idaho 517, 522, 112 P.3d 805, 810 (2005). Once the chords are created, an angle is created and the littoral line extends out into the water bisecting that angle (i.e. if the shoreline is straight and the angle is 180 degrees, the littoral line would then extend 90 degrees out into the water). The littoral right line extends out to the LON to define a littoral owner's littoral right area. IDAPA 20.03.04.010.34.

IDL created a littoral line based on the chord method and using the parcel on the east side of the Highway and determined that it would extend out into the water flaring towards the Long Bridge. Idaho Courts have recognized that, given the endless variability and irregularity in shorelines, there is no hard-and-fast rule for determining littoral lines that is applicable in all cases. *Eleventh St. Dockowner's Ass'n, Inc.*, 141 Idaho at 517. Ultimately, "the controlling thought in every case is to treat each case in an equitable manner so that, so far as it is possible, all property owners on such a body of water have access to the water." *Id.* It is IDL's determination that, based on the unique aspects of this shoreline and the presence of the Long Bridge, the Applicant's eastern littoral line extends waterward parallel with the Long Bridge as depicted in the Application. IDL-002 at 6. Based on this littoral line and the diagrams in the Application, it appears that the proposed project will maintain a 25 foot buffer from the littoral lines and the presumption of adverse effect on adjacent littoral rights does not arise. IDAPA 20.03.04.015.13.e. At this time, there does not appear to be other evidence in the record that the proposed project would adversely affect adjacent littoral rights.

F. Signature Requirement.

IDAPA 20.03.04.020.02 states that "[o]nly persons who are littoral owners or lessees of a littoral owner shall be eligible to apply for encroachment permits" and "[a] person who has been specifically granted littoral rights or dock rights from a littoral owner shall also be eligible for an

encroachment permit; the grantor of such littoral rights, however, shall no longer be eligible to apply for an encroachment permit.” In this matter, Applicant is the littoral owner of the parcels in question and there are no other parcels between the subject parcels and the river. Thus, Applicant satisfies IDAPA 20.03.04.020.02.

IV. IDL’S ANALYSIS OF COMPLIANCE WITH THE LPA AND RULES - SPECIFIC

The Application only contains one component, the expansion and extension of the existing commercial marina. The Applicant is not proposing any other encroachments through this Application.

Commercial Marina Expansion

As described herein, applications for commercial marinas must satisfy the specific requirements of IDAPA 20.03.04.15.03. Based on the application materials, it appears the Applicant is proposing to install a commercial marina containing a total of 270 slips, with an overall footprint of 460 feet wide by approximately 655 feet long. IDL-002.

The application does not state how many of the overall slips will be available to the general public and how many of the overall proposed slips will be private. Therefore, the application does not contain sufficient information to determine whether it satisfies the 50/50 ratio of public to private moorage requirement of IDAPA 20.03.04.15.03(a). The applicant ought to provide additional information at public hearing to determine whether the requirements of IDAPA 20.03.04.15.03(a) are satisfied.

The proposed marina expansion does not appear to satisfy the parking requirements under IDAPA 20.03.04.015.03(c). This provision provides that:

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. If private moorage is tied to specific parking spaces or designated parking areas, then one (1) parking space per one (1) private watercraft or float home moorage must be provided. In the event of conflict, the local ordinances prevail.

Bonner County has adopted parking requirements for marinas, which requires .5 spaces per boat slip with 25% of parking spaces arranged as tandem spaces not less than 10 feet by 40 feet. Bonner County Ordinance 12-432. Pursuant to this ratio, with 270 proposed slips, the proposed expansion requires a minimum of 135 parking spaces if all slips are public. If any of the slips are private, the proposed expansion may require more spaces. On page 13 of the Application, it states there will be sixty (60) 9-foot parking spaces, while another page showing the parking diagram shows there will be 122 parking spaces. The Applicant should clarify at hearing the total number of parking spaces that would serve the proposed expansion. Additionally, it will be necessary to identify the number of private and public slips to determine the total number of parking spaces required. Lastly, once the foregoing is established, the Applicant should provide additional information to how the parking requirements of IDAPA 20.03.04.015.03(c) are satisfied based on the available number of parking spaces and proposed slips.

According to the application, it appears that all slips will be of a like kind and quality. Therefore, should there be a mixture of private and public mortgage included in the proposed expansion, the requirements of IDAPA 20.03.04.15.03(g) would be satisfied.

IDAPA 20.03.04.15.03(h) requires that “[c]ommercial marinas with private moorage must form a condominium association, co-op, or other entity that owns and manages the marina, littoral rights, upland property sufficient to maintain and operate a marina, and private submerged land, if present.” As stated above, it is unclear whether there will be private moorage associated with the proposed expansion and it is therefore unclear whether IDAPA 20.03.04.15.03(h). The Applicant

ought to provide additional information on whether there will be any private moorage and, if so, whether the provisions of IDAPA 20.03.04.15.03(h) are satisfied.

In sum, additional information is required to determine whether the proposed encroachment satisfies the requirements of IDAPA 20.03.04.15.03. The Applicant ought to provide the information requested hereinabove so compliance may be determined.

V. IDL ANALYSIS OF COMMENTS

To date, IDL has received comments from ITD, IDEQ, IDFG, and Bonner County. Based on the objection letter from the Idaho Transportation Department (ITD), they have concerns related to the proposed commercial marina expansion's close proximity to the Highway 95 Long Bridge and its associated easement, as well as potential traffic issues on Lakeshore Drive and pedestrian crossing at Lakeshore Drive to access the marina from the proposed parking lot. It should be noted that ITD also has an existing easement with IDL for the long bridge. IDAPA 20.03.04 does not list any specific setback buffer requirements from easement boundaries or right-of-way lines, only littoral lines. The proposed marina appears to provide a twenty-five (25) foot buffer to the eastern littoral line that borders the long bridge. However, it does appear that the proposed marina may be within the easement boundaries, and it appears that it does not provide a buffer to the right-of-way for the long bridge. The scope of potential impacts to ITD's easement area are not entirely clear in ITD's letter. It may be beneficial to obtain additional information from ITD and the Applicant to determine what the full scope of potential impacts may be. It also appears that the proposed marina will cross over another existing easement for an internet cable that crosses the Pend Orielle River.

IDL does not have regulatory jurisdiction over upland issues, such as increased traffic, pedestrian crossings, and parking lots. IDL's regulatory authority is limited to only those areas

specifically identified in the LPA. The LPA grants IDL the authority to “regulate, control and [] permit encroachments in aid of navigation or not in aid of navigation on, in or above the beds or waters of navigable lakes.” I.C. § 58-1303. This grants IDL the “authority to regulate encroachments *below* either the ordinary or artificial high water marks,” but not above. Byrd v. Idaho State Bd. of Land Commissioners, 169 Idaho 922, 929, 505 P.3d 708, 715 (2022)(emphasis added). However, IDL recognizes the difficult position that the approval of the proposed marina would place on ITD. Significant work has already taken place to alleviate traffic concerns at Lakeshore Drive and Highway 95, and there is currently funding in place for future studies on more work to alleviate traffic concerns and increase safety, along with plans to expand Highway 95 and the long bridge. IDL-005 The approval of the proposed marina could result in ITD having to spend even more money and resources to deal with traffic and safety issues at the Lakeshore Drive and Highway 95 intersection. *Id.* As stated above, IDL does not have jurisdiction over upland issues such as traffic and pedestrian when processing a commercial marina encroachment permit application. However, if there are other federal, state, or local laws applicable to the upland portions or impacts of the application, the Applicant will still be required to comply with those requirements. An encroachment permit from IDL does not excuse an applicant from obtaining any additional approvals lawfully required or from complying with other laws. IDAPA 20.03.04.020.03; .080.04.

IDL also received comment letters from IDEQ and IDFG regarding the Application. IDEQ stated concerns with construction debris management and also riprap and excavation. The riprap drawings in the Application were from a previously issued IDL encroachment permit. IDL requires that all encroachments be shown on drawings within the Application, since the most current permit supersedes and voids previous permits. Therefore, the riprap

drawings from the previous permit are incorporated in any new permit that is issued to reflect work that has already been performed. There will not be any new excavation or riprap work as part of this Application. However, IDL agrees with the concerns raised by IDEQ about construction debris management. If a permit is issued it will require that the Applicant effectively manage demolition and construction debris in an effective manner and dispose of any waste in an approved upland location.

IDFG raised concerns about how docks provide habitat for predatory fish that eat native salmonoids that travel in the river channel near the proposed marina, and that the proposed marina is very large in size. IDFG did not offer any mitigation measures to limit the impact, did not provide any information on how large a proposed marina could be to avoid negative impacts to native salmonoids, nor did they state the project should not be approved. IDFG did submit a letter stating the proposed marina could have a negative impact on native fisheries, however, the proposed marina will also provide a public benefit through a significant increase in boat slip availability offered to the general public.

The impacts outlined above that fall within IDL's jurisdiction ought to be considered when making the final determination of whether the benefits of the proposed expansion exceed its detriments, in accordance I.C. 58-1306(3).

VI. CONCLUSION

Given the reasons described above, the application satisfies the encroachment standards applicable to the proposed expansion, save for the additional information required to: (1) demonstrate compliance with IDAPA 20.03.04.015.03(a),(c), and (h) and (2) confirm the overall length of the proposed commercial marina. Additional information regarding the

potential impacts to ITD's easement rights may also be helpful determining the full scope of impacts of the proposed project.

Because the record for this matter remains open, the full potential impacts of this application may have not yet been fully determined and additional information may be forthcoming. IDL respectfully reserves the right to supplement, clarify, or modify its statements based on the availability of new information.

DATED this 21st day of February, 2025.

IDAHO DEPARTMENT OF LANDS

/s/John Richards
John Richards
Counsel for IDL

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February, 2025, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

John Finney 120 E. Lake Street, Ste. 217 Sandpoint, ID 83864 (208) 263-8211 <i>Counsel for Applicant</i>	<input checked="" type="checkbox"/> Email: johnfinney@finneylaw.com
Benjamin Milbrath Long Bridge Land Holding Company P.O. Box 1942 Spokane, WA 99210 (612) 245-9665 <i>Applicant</i>	<input checked="" type="checkbox"/> Email: blhco@outlook.com
Neva Lane Laneco Marine PO Box 541 Kootenai, ID 83840 (208)514-3900 <i>Applicant's Agents</i>	<input checked="" type="checkbox"/> Email: info@lanecomarine.com
Idaho Transportation Department Robert Beachler 600 W. Prairie Ave. Coeur d'Alene, ID 83815 (208) 772-1216 <i>Planning & Scoping Program Manager</i>	<input checked="" type="checkbox"/> Email: Robert.beachler@itd.idaho.gov
Marde Mensinger Idaho Department of Lands 300 N. 6 th St. Boise, ID 83720 (208) 334-0248 <i>IDL Program Manager for Navigable Waters</i>	<input checked="" type="checkbox"/> Email: mmensinger@idl.idaho.gov
Kourtney Romine Kayla Dawson <i>Service Contact for IDL</i>	<input checked="" type="checkbox"/> Email: kromine@idl.idaho.gov kdawson@idl.idaho.gov

OAH General Government Division P.O. Box 83720 Boise, ID 83720-0104 816 W. Bannock St. (208) 605-4300	☒ Email: filings@oah.idaho.gov Leslie.hayes@oah.idaho.gov
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/s/John Richards
John Richards
Counsel for IDL

PEND OREILLE
SUPERVISORY AREA
2550 Hwy 2 West
Sandpoint, ID 83864
208-263-5104



DUSTIN T. MILLER, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D Woolf, State Controller
Debbie Critchfield, Sup't of Public Instruction

June 25, 2024

Long Bridge Land Holding Company LLC
PO Box 1942
Spokane, WA, 99210

Re: Encroachment Permit L96S0884F

To Whom it May Concern:

Enclosed is the subject permit in accordance with the application you filed with this office. Please note, this permit does not preclude you from getting other permits from other agencies or the County. Please read the entire permit and comply with all special terms and conditions.

WHAT NEXT

- 1. Record the Encroachment Permit with Bonner County Recorder's Office to validate it.** This permit is not valid until you provide us with proof of recordation (they will place a sticker with a bar code on top of the 1st page of the permit). Please note that the original notarized and signed permit must be presented to the Recorders Office, a copy will not be accepted. **Please submit a copy of the recorded Encroachment Permit to the Idaho Department of Lands Pend Oreille office (address listed on top of this page). Please have the entire permit packet recorded.**
- 2. The encroachment permit number (0884) must be displayed upon the most waterward area of your encroachment** with metal, plastic (vinyl) or wooden numerals at least three inches in size. IDL staff should be able to see the permit numbers when driving by your property in a work boat.
- 3. Thank you for continuing to work with IDL to bring the marina back into compliance through incomplete application L96S0884G.**

Best,

A handwritten signature in blue ink, appearing to read "Gwen M Victorson".

Gwen M. Victorson, Lands Resource Specialist, Sr.
Navigable Waterways

Enclosures

CC: L&W Doc Exchange
Bonner County Assessor's Office
Idaho Department of Water Resources
U. S. Army Corps of Engineers / Coeur d'Alene
Justin Shaw / HMM, LLC / jshaw@hmm-llc.com

IDL28-001

This space is reserved for recording purposes only



ENCROACHMENT PERMIT NO. L96S0884F

Permission is hereby granted to Long Bridge Land Holding Company LLC of PO Box 1942, Spokane, WA, 99210, United States (USA) to install and maintain the following encroachment(s) subject to the terms and conditions of this Permit and the approved application, plans and drawings incorporated herein:

Encroachment	Description	Effective Date	Construction to be completed by
Encroachment: Commercial Marina	250'x139' marina with 13 public slips, 13 private slips, 7 public side ties and 6 private side ties for a total of 2,775 square feet of deck space	03/10/2014	
Encroachment: Rip Rap	30 cubic yards	75 Feet	06/25/2024

Located on **PEND OREILLE RIVER** in BONNER COUNTY, adjacent to:

Parcel Number	RP0023401002B0A
Lot, Block, Subdivision	Lot: 2B Replat The Landing 41 South Restaurant Block: 10 Subdivision: Lakeside Place
Section, Township, Range	T57N R02W, Sec 34/35, Boise Meridian
Physical Addresses	41 Lakeshore Dr., Sagle, ID, 83860, United States (USA)

1. General

- A. In order for this permit to be valid, Permittee must record this permit in the records of the county in which the encroachment is located and furnish proof of recordation to the Department pursuant to Idaho Code §§ 58-1305(h) and -1306(f).
- B. All applicable provisions of the Lake Protection Act (Idaho Code Title 58, Chapter 13) and Rules for Regulation of Beds, Waters, and Airspace over Navigable Lakes and Streams in the State of Idaho (IDAPA 20.03.04.000 *et seq.*) are incorporated herein by reference and made a part hereof.
- C. This permit does not convey the State's title to nor jurisdiction or management of lands lying below the natural or ordinary high-water mark.
- D. Construction must follow details and specifications shown on the approved application, plans, and drawings provided by Permittee. Should such information prove to be materially false, incomplete and/or inaccurate, this authorization may be modified, suspended, or revoked in accordance with the Administrative Procedures Act, Idaho Code Title 67, Chapter 52 and IDAPA 20.03.04.080.07. At any time, and prior to any modification to the application, plans, drawings, or encroachments Permittee must consult with the Idaho Department of Lands to determine if a new permit is required.
- E. Permittee shall maintain the structure or work authorized herein in a good and safe condition and in accordance with the approved application, plans and drawings. Permittee shall contact the Idaho Department of Lands 10 days prior to the planned start date of any maintenance or replacement activities.
- F. Acceptance of this permit constitutes permission by Permittee for representatives of the Idaho Department of Lands to come upon Permittee's Property at all reasonable times to inspect the encroachment authorized by this permit.
- G. Permittee shall indemnify, defend, and save harmless the State, its officers, agents, and employees from and against any and all liability, claims, damages, losses, expenses, actions, settlements, attorneys' fees, and suits whatsoever caused by, arising out of, or in connection with Permittee's acts or omissions under this permit or Permittee's failure to comply with any state or federal statute, law, regulation, or rule.
- H. Authorization for any activity authorized herein that is not completed on or before the completion date identified above, shall automatically terminate unless an extension was granted in writing by IDL.
- I. This permit supersedes and voids any permit previously issued for this property. Unless specifically authorized in this permit, any pre-existing or abandoned portions of encroachments, whether previously permitted or not, shall be removed from below the ordinary or artificial high-water mark.
- J. This permit does not relieve Permittee from obtaining additional approvals or otherwise complying with other local, state, or federal laws.
- K. Idaho State Water Quality Standards (IDAPA 58.01.02.000 *et seq.*) shall be maintained at all times during and after project start up.
- L. This permit is issued contingent upon Permittee's continuing status as an owner or lessee of the littoral right associated with the property described on page 1 of this permit.
- M. Permittee shall not assign this permit without first obtaining the written consent of IDL. Any request for approval of an assignment must be in writing, on forms provided by IDL, and accompanied by the applicable processing fee.
- N. Permittee assumes all liability for damages, which may result from the exercise of this permit.

2. Construction

- A. The Permittee or contractor shall have a copy of this permit available on site for inspection at all times during construction.

- B. Permittee is responsible for all work done by any contractor. Permittee shall provide contractor with a copy of this permit. Permittee shall ensure any contractor who performs the work is informed of and follows all the terms and conditions of this permit.
- C. Construction barges or other watercraft shall not be grounded on the lakebed for any reason.
- D. Permittee, contractor, and anyone acting on their behalf are prohibited from allowing equipment, boats, barges, or associated machinery to create petroleum product sheen on the water or otherwise create a release of petroleum or petroleum products due to petroleum products handling, use or storage. The contractor shall maintain an adequate supply of petroleum absorbent pads. The Emergency Response Team phone number, 1-800-632-8000, must be readily available at all times.
- E. Operation of excavation equipment will not be allowed below the ordinary or artificial high-water mark without prior written authorization from IDL. Equipment may be operated only on dry land above the level of the lake at the time of operation.
- F. Demolition debris and construction waste shall be removed from the lake and disposed of at an approved upland location.
- G. Foam flotation shall be completely encased in a manner that will maintain the structural integrity of the foam. The encasement shall be resistant to the entry of rodents and shall be replaced if cracked, damaged, or similarly compromised.
- H. It is illegal to possess or transport Quagga or Zebra mussels into or through Idaho, and to launch infested watercraft. Used boat lifts shall be inspected for invasive species and determined to be free from such species prior to installation. Permittee shall provide IDL with proof of inspection by an authorized inspector prior to installing the boat lift and/or placing it in the water. Prior to installation call 877-336-8676 for decontamination.
- I. Piles and pylons shall be driven with noise reduction devices.
- J. Construction materials shall be natural, or pressure treated utilizing only those preservative chemicals registered for the specific uses by the U.S. Environmental Protection Agency (EPA). All treated wood materials shall be produced in compliance with "Best Management Practices (BMPs) For the Use of Treated Wood in Aquatic and other Sensitive Environments" issued by the Western Wood Preservers Institute (WWPI) 2012. Treated materials not in contact with the water shall be completely dry before use near navigable waters. Use of Chromated Copper Arsenate (CCA) treated wood shall adhere to the EPA recommendations regarding use of arsenate treated wood. Contact Idaho Department of Environmental Quality for information on acceptable treatment methods and materials.
- K. All construction material including maintenance material must be stockpiled landward of the ordinary or artificial high-water mark
- L. No trees or vegetation shall be removed below the ordinary high-water mark without written approval of the Idaho Department of Lands.
- M. The disturbed portion of the lakebed shall be shaped to its original contour upon completion of the project.
- N. Any vegetation located below the ordinary high-water mark disturbed by construction activity shall be replanted with native plants, unless otherwise agreed to in writing by IDL.
- O. All construction shall meet the standards of the Uniform Building and International Fire Codes. Permittee shall contact the appropriate body of jurisdiction concerning these codes prior to installation.
- P. A silt curtain, fence, or other appropriate Best Management Practice (BMP) shall be installed waterward of the project site. It must remain in place and functional until the turbidity level inside the curtain, fence or BMP equals the turbidity outside the curtain, or until all disturbed sediment has been removed from the BMP and stabilized in an upland location.

Q. If any excavation or pile driving occurs the operator must comply with the provisions of the Underground Facilities Damage Prevention Law (Idaho Code Title 55, Chapter 22). The one-call locator service number is 811.

3. Submerged Land Leases and Easements

- A. This permit is issued contingent upon Permittee's agreement to enter into a submerged land lease or easement when notified by the IDL director that a lease or easement is necessary to occupy state-owned lake or riverbeds pursuant to IDAPA 20.03.04.055. In the event the submerged lands lease or easement is terminated, Permittee shall be solely responsible for removal of the encroachment.
- B. This permit is issued contingent upon the Permittee's agreement to enter into a submerged land lease pursuant to IDAPA 20.03.04.055. In the event the submerged lands lease is terminated, the Permittee may be solely responsible for removal of the encroachment.
- C. This permit is issued contingent upon the Permittee's agreement to obtain a submerged land easement pursuant to IDAPA 20.03.04.055. In the event the easement is terminated, the Permittee may be solely responsible for removal of the encroachment.

4. Riprap

- A. No riprap shall be placed in excess of the minimum needed for erosion control.
- B. Riprap shall be placed along the present contour of the shoreline.
- C. BMPs must be implemented to prevent sediment or sediment laden water from reentering the lake. BMPs must remain in place until the risk of sediment reentering the lake has been fully mitigated. Sediment mitigation BMPs must be removed prior to or designed to withstand any rise in lake water level which might cause an unplanned release of trapped sediment.
- D. Any excavated material shall be sidecast to only one side of the trench and shall either be replaced in the trench or removed to an area above the ordinary or artificial high-water mark and in a position such that it will not reenter the lake.

5. Lake Specific Terms

A. Lake Pend Oreille

Existing piling to be removed that are in a known spawning area or near the confluence of a bull trout stream shall be cut off. Other existing piling to be removed may be snapped off with a tug or barge, however, this method shall not cause turbidity from prop wash, and the remaining piling shall not become a hazard to navigation nor protrude more than two feet above the bed of the waterway.

ON BEHALF OF THE DIRECTOR

By:

Gwen Victorson, Resource Specialist - Public Trust
Navigable Waterways – Pend Oreille Office

06/25/2024
Date

STATE OF IDAHO

BONNER COUNTY

)
) ss
)

DENA J KIRTLEY

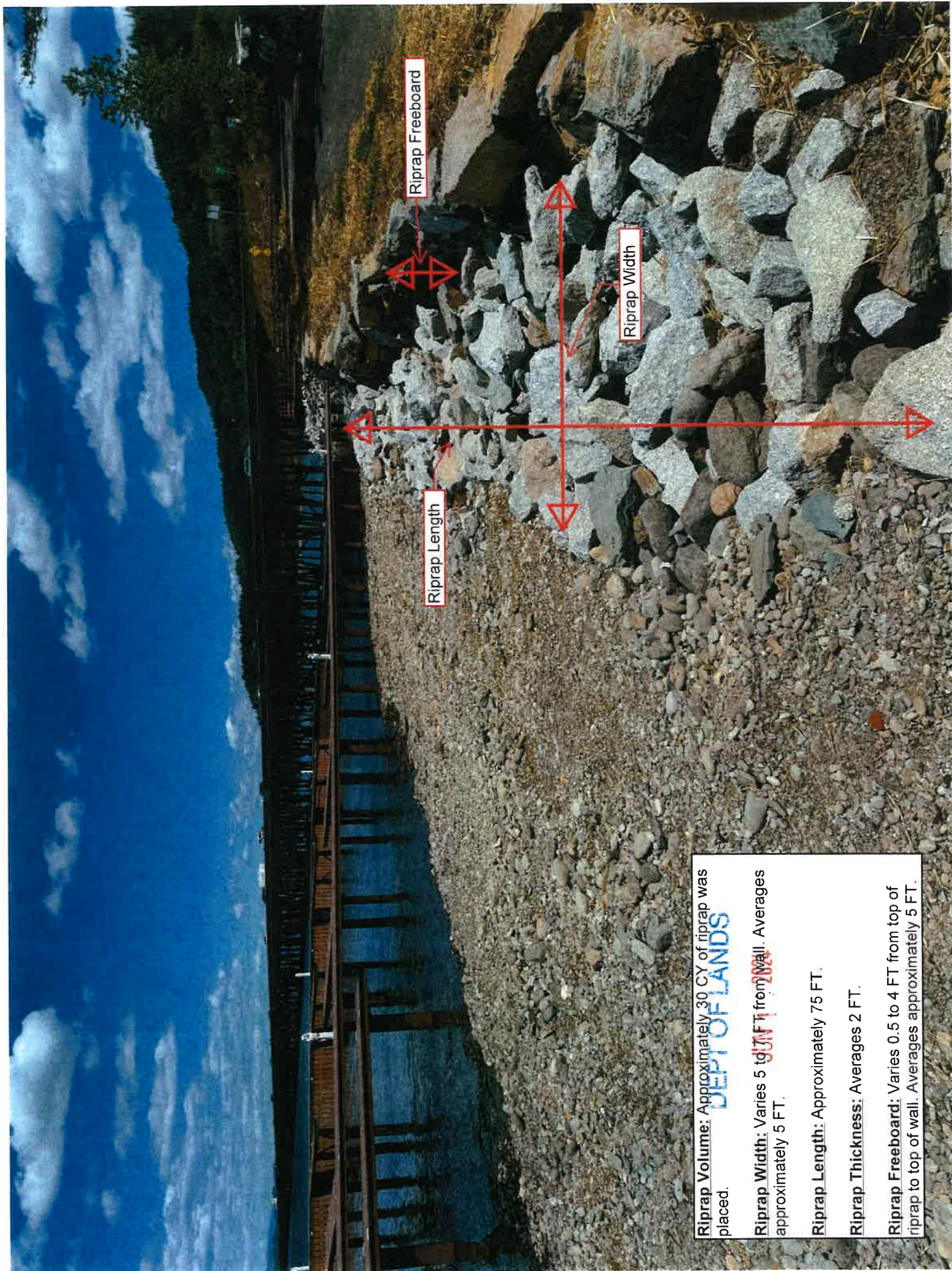
Notary Public - State of Idaho

COMMISSION # 20222175

On June 25, 2024 personally appeared before me Gwen Victorson, whose identity is personally known to me and who by me duly affirmed that he/she is the Resource Specialist - Public Trust, Navigable Waterways Pend Oreille Office of the Idaho Department of Lands, and acknowledged that the foregoing document was signed by him/her on behalf of said state agency by authority of a Resolution of the State Land Board

Dena J Kirtley

Notary Public for Idaho Department of Lands
My commission expires on 4/22/2026



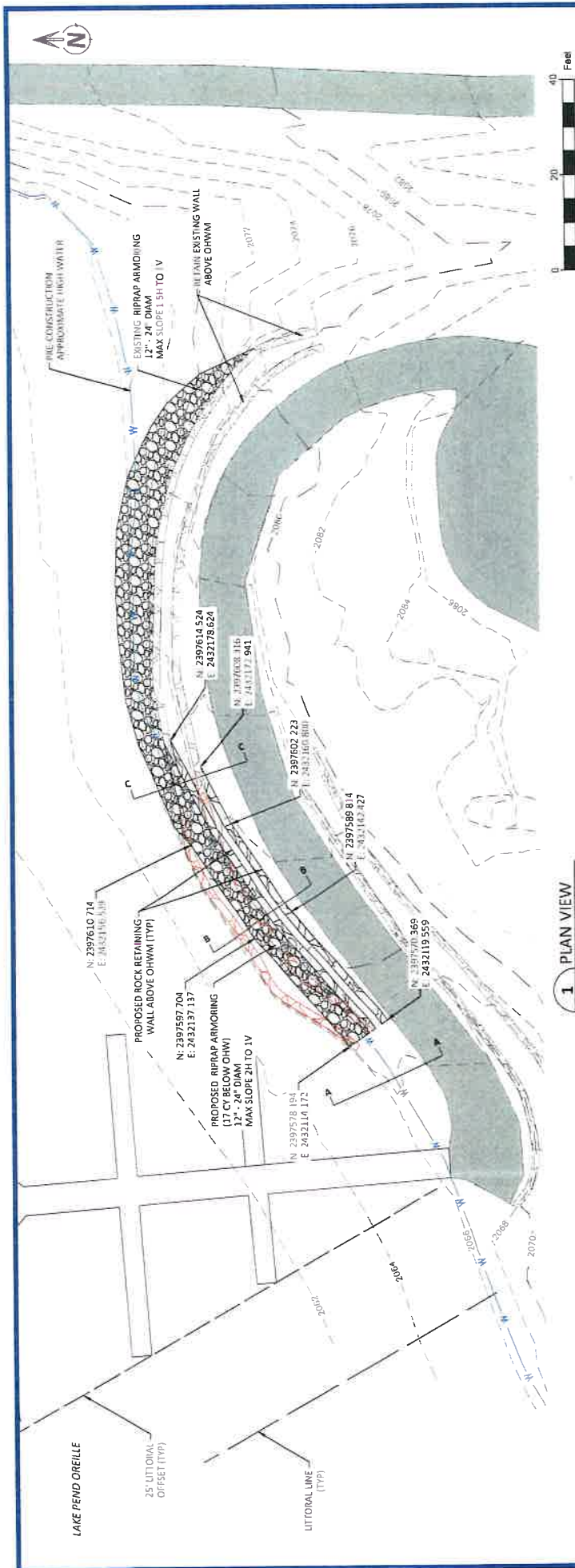
Riprap Volume: Approximately 30 CY of riprap was placed.

Riprap Width: Varies 5 to 7 FT from wall. Averages approximately 5 FT.

Riprap Length: Approximately 75 FT.

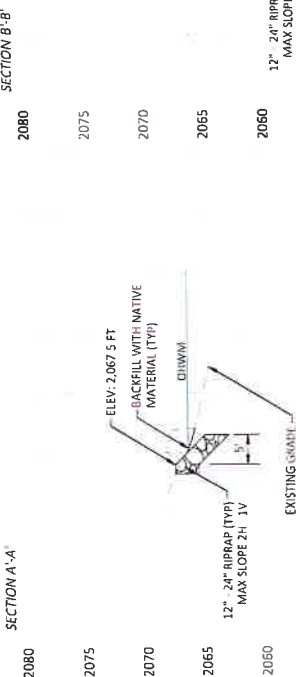
Riprap Thickness: Averages 2 FT.

Riprap Freeboard: Varies 0.5 to 4 FT from top of riprap to top of wall. Averages approximately 5 FT.

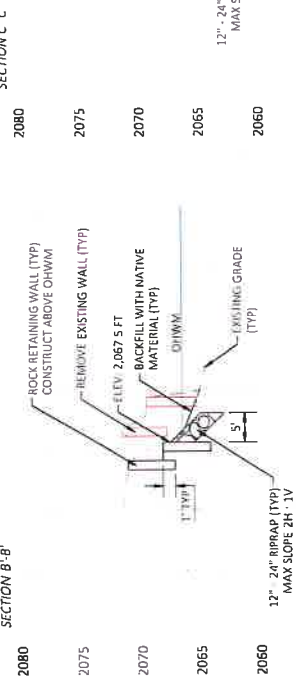


1 PLAN VIEW SCALE: 1" = 20'

SECTION B-B'



SECTION C-C'



NOTE:
THE USGS LAKE PEND OREILLE SUMMER POOL ELEVATION IS 2,062.5 FT-NGVD29. THIS WAS CONVERTED TO 2,066.37 FT-NAVD88 FOR USE AS THE ORDINARY HIGH WATER (OHW).
THE USGS LAKE PEND OREILLE WINTER POOL ELEVATION IS 2,051.0 FT-NGVD29. THIS WAS CONVERTED TO 2,054.87 FT-NAVD88 FOR USE AS THE APPROXIMATE LOW WATER.
RIPRAP TO BE PLACED IS APPROXIMATELY 35 CY TOTAL (17 CY BELOW OHW)

2 SECTION VIEW NTS

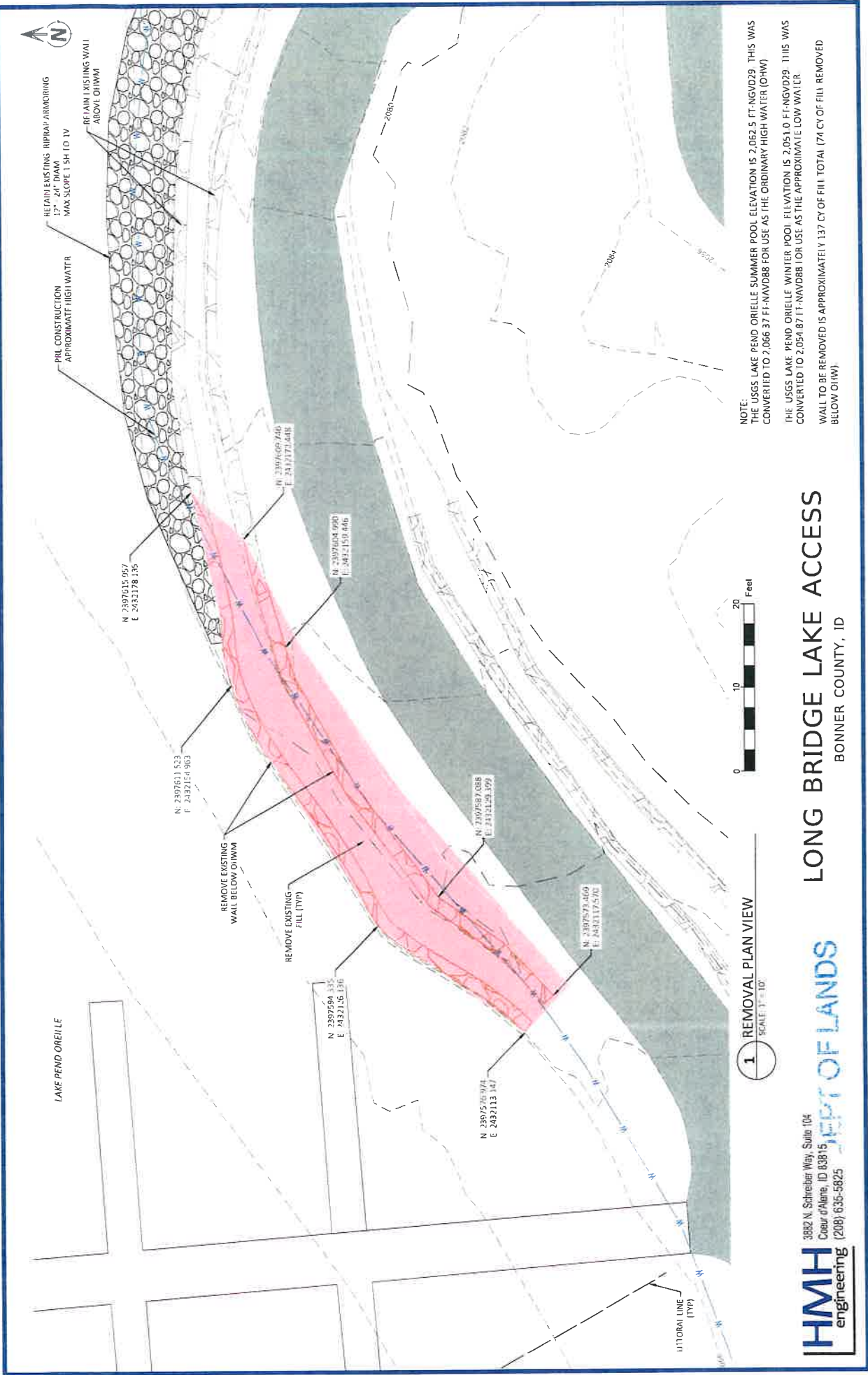
LONG BRIDGE LAKE ACCESS

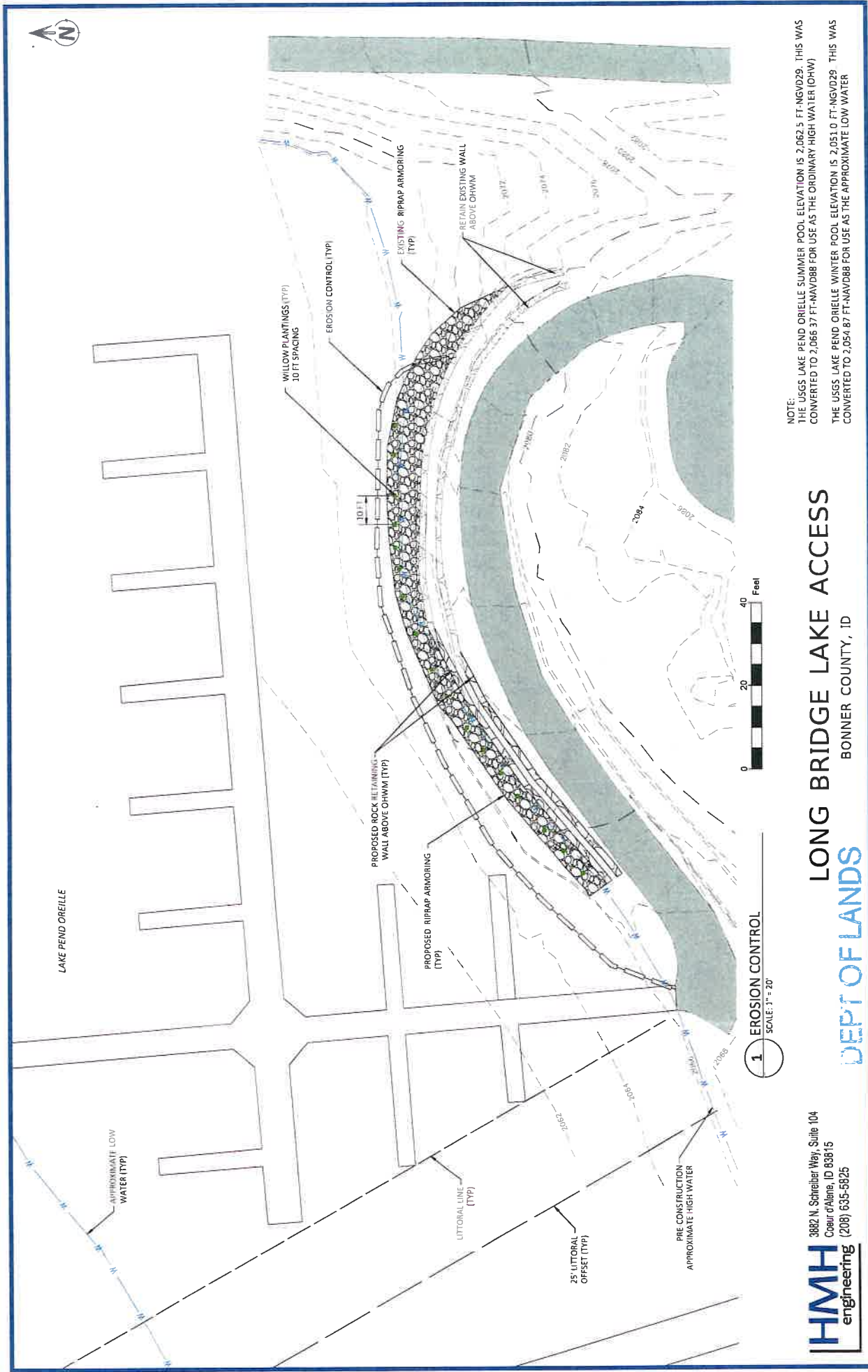
BONNER COUNTY, ID

DEPT OF LANDS

HMMH
engineering
3882 N. Schreiber Way, Suite 104
Coeur d'Alene, ID 83815
(208) 635-5825

MAY 11 2024





HMH 3882 N. Schreiner Way, Suite 104
 Coeur d'Alene, ID 83815
engineering (208) 635-5925

LONG BRIDGE LAKE ACCESS
 BONNER COUNTY, ID
DEPT OF LANDS

MAY 01 2024

BEFORE THE STATE BOARD OF LAND COMMISSIONERS
STATE OF IDAHO

In the Matter of
Application for Encroachment Permit,

Long Bridge Land Holding Company, LLC,
Benjamin Milbrath,

APPLICANT.

Agency Case No. PH-2023-NAV-20-005

OAH Case No. 24-320-01

FINAL ORDER

I. NATURE OF PROCEEDINGS

The Idaho Department of Lands ("IDL"), through the State Board of Land Commissioners, "shall regulate, control and may permit encroachments in aid of navigation or not in aid of navigation on, in or above the beds or waters of navigable lakes" as provided in the Lake Protection Act, title 58, chapter 13, Idaho Code. Idaho Code § 58-1303. The corresponding administrative rules promulgated by the State Board of Land Commissioners are IDAPA 20.03.04, "Rules for the Regulation of Beds, Waters, and Airspace over Navigable Lakes in the State of Idaho."

On or around December 22, 2023, IDL received an encroachment permit application for the placement of a seawall and riprap at and below the artificial high water mark (AHWM) on Lake Pend Oreille. A hearing was held on March 5, 2024. Leslie Hayes served as duly appointed hearing officer. On March 27, 2024, the hearing officer issued her Findings of Fact, Conclusions of Law, and Recommended Order ("Recommended Order").

As Director of IDL, my responsibility is to render a decision pursuant to Idaho Code § 58-1306 and IDAPA 20.03.04.030, on behalf of the State Board of Land Commissioners and based on the record, which I have reviewed in the context of my personal expertise gained through education, training, and experience. I relied on the available record for this matter, including examining the hearing officer's Recommended Order in light of the entire available record.

II. FINDINGS OF FACT

I adopt the Recommended Order's Findings of Fact as my Findings of Fact.

III. CONCLUSIONS OF LAW

I adopt the Recommended Order's Conclusion of Law as my Conclusions of Law.

IV. ORDER

I conclude that the hearing officer's Recommended Order is based on substantial evidence in the record and consistent with the Conclusions of Law with one exception. The hearing officer recommended approving Applicant's request for an encroachment permit for work completed above the AHW. Recommended Order at 7. Yet, IDL's authority in this matter is limited to encroachments "on, in or above the beds or waters" of Lake Pend Oreille. Idaho Code § 58-1303; *see also Byrd v. Idaho State Bd. of Land Comm'rs*, 169 Idaho 922, 929 (2022) (explaining that "The State has authority to regulate encroachments *below* either the ordinary or artificial high water marks.") (emphasis added). Therefore, I decline to adopt the hearing officer's recommendation to approve work completed above the AHW, because such approval is outside the scope of IDL's jurisdiction.¹ Save that small difference with the hearing officer's recommendations, I adopt the Recommended Order as my decision in this matter. I hereby incorporate by reference the Recommended Order's Preliminary Evidentiary Rulings, Findings of

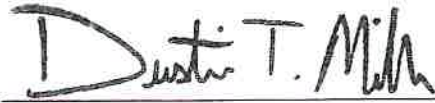
¹ Declining to approve or not approve of work above the AHW makes no difference to the outcome of this matter, as IDL only objected to Applicant's encroachment permit request as to work performed below the AHW. IDL Exhibit 1, p. 10.

Fact, Conclusions of Law, and Recommended Order into this Final Order. I have enclosed and served the Recommended Order along with this Final Order.

Based on the adopted Findings of Fact and Conclusions of Law, I HEREBY ORDER that the Encroachment Permit Application L-96-S-0884F is DENIED to the extent that it seeks authorization of fill and seawall placed below the AHWL. Removal of the unauthorized fill and seawall is subject to the following conditions: (1) IDL will not require an additional application or permit to remove the seawall and fill below the AHWL; (2) Applicant will provide IDL with a revised plan and timeframe prior to beginning work to remove the seawall and fill below the AHWL; (3) Applicant will not begin work on removal of the seawall and fill below the AHWL until IDL approves the plan and timeline; (4) Applicant will restabilize the bank with native vegetation; and (5) Applicant will complete work prior to January 1, 2025.

This is a final order of the agency. Pursuant to Idaho Code § 58-1306(c) and IDAPA 20.03.04.030.09, the Applicant or any aggrieved party who appeared at the hearing has a right to have the proceedings and Final Order reviewed by the district court in the county where the encroachment is proposed by filing a notice of appeal within thirty (30) days from the date of the final decision. Pursuant to Idaho Code § 58-1306(c) and IDAPA 20.03.04.030.09, an adjacent littoral owner or other aggrieved party shall be required to deposit an appeal bond with the court in an amount to be determined by the court but not less than five hundred dollars (\$500) insuring payment to the Applicant of damages caused by delay and costs and expenses, including reasonable attorney fees, incurred on the appeal in the event the district court sustains the Final Order. The Applicant does not need to post a bond with the district court for an appeal. The filing of the petition for review to the district court does not itself stay the effectiveness or enforcement of the order under appeal, Idaho Code § 67-5274.

DATED this 5th day of April, 2024.

A handwritten signature in black ink that reads "Dustin T. Miller". The signature is written in a cursive style with a large initial "D".

DUSTIN T. MILLER
Director, Idaho Department of Lands

CERTIFICATE OF MAILING

I hereby certify that on this 5th day of April 2024, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Long Bridge Land Holding Co., LLC
Benjamin Milbrath
P.O. Box 1942
Spokane, WA 99210
Applicant

☒ U.S. Mail, postage prepaid
☒ Email: lbhco@outlook.com

HMH Engineering, LLC
Justin Shaw
Agent for Long Bridge Land Holding Co., LLC

☒ Email: jshaw@hmh-llc.com

Idaho Department of Lands
Deputy Attorney General
JJ Winters
Allison Olson
P.O. Box 83720
Boise, ID 83720-0010
Counsel for IDL

☒ Statehouse Mail
☒ Email: jj.winters@ag.idaho.gov
allison.olson@ag.idaho.gov

Idaho Department of Lands
Marde Mensinger
300 N. 6th Street
Boise, ID 83720
IDL Program Manager, Navigable Waters

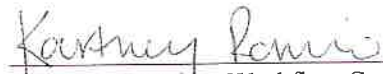
☒ Hand Delivery
☒ Email: mmensinger@idl.idaho.gov

Idaho Department of Lands
Mike Ahmer
3258 W. Industrial Loop
Coeur d'Alene ID 83815
IDL Resource Supervisor, Navigable Waters

☒ U.S. Mail, postage prepaid
☒ Email: mahmer@idl.idaho.gov

Office of Administrative Hearings
816 W. Bannock St., Suite 203
P.O. Box 83720
Boise, ID 83720-0104

☒ Statehouse Mail
☒ Email: filings@oah.idaho.gov
elaine.maneck@oah.idaho.gov
leslie.hayes@oah.idaho.gov


Kourtney Romine, Workflow Coordinator

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of)	
	)	AGENCY Case No. PH-2023-NAV-20-005
Application for Encroachment Permit,)	
	)	OAH Case No. 24-320-01
Long Bridge Land Holding Company, LLC,)	
	)	FINDINGS OF FACT, CONCLUSIONS
Benjamin Milbrath,	)	OF LAW, AND RECOMMENDED
	)	ORDER
Applicant.)	
<hr/>		

This matter was assigned to Hearing Officer Leslie Hayes on January 4, 2024. A public, in-person administrative Hearing was set for March 5, 2024. A prehearing conference was held and recorded on March 1, 2024. The hearing was held on March 5, 2024, in Sandpoint, Idaho, at the Sandpoint VFW, Post 2453, commencing at 5:00 p.m. Pacific Time. Present at the hearing were Hearing Officer Leslie Hayes, Deputy Attorney General Allison Olson, counsel for Idaho Department of Lands (“IDL”), Mike Ahmer, IDL Lands Resource Supervisor, and Justin Shaw, representative for Long Bridge Land Holding Co., LLC (“Long Bridge”). Also present were IDL representatives Amidy Fuson, Lynn Buhl, Erik Sjoquist, C.R. Christians, and Gwen Victorson. Appearing via Zoom were Eric Wilson and Marde Mensinger for IDL; Ryan Hanna and Jenny Roman for ISDA; and J.J. Winters, Deputy Attorney General, for IDL. The record for these proceedings closed on March 6, 2024.

The Hearing Officer, having considered the matter herein, including documents contained in the Administrative Record as well as the written public comment, makes the following Findings of Fact and Conclusions of Law pursuant to Idaho Code section 58-1306.

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER
(AGENCY Case No. PH-2023-NAV-20-005; OAH Case No. 24-320-01) - 1

PRELIMINARY EVIDENTIARY RULINGS

The parties stipulated to all exhibits, including IDL Exhibit 5 (exhibit made at the hearing) and IDL Exhibit 6 (additional public comments received and not distributed prior to the hearing). IDL Exhibits 1-6 are admitted into the agency record.

FINDINGS OF FACT

1. Applicant Benjamin Milbrath is the manager member of Long Bridge Land Holding Company, LLC, seeking an after-the-fact encroachment permit for riprap and a seawall on private submerged lands near the long bridge over Lake Pend Oreille on Highway 95. IDL Exhibit 1, p. 1.

2. On May 11, 2023, IDL completed a site inspection and noticed that seawall and riprap had been placed at and below the Artificial High Water Mark (AHWM). IDL subsequently issued a stop work Order on the construction. IDL Exhibit 2, p. 3.

3. At the time of the stop work Order, neither Long Bridge nor its contractor had applied for a land use permit for the construction. IDL Exhibit 1, p. 10.

4. Construction was halted due to the stop work Order, and on May 19, 2023, Applicant applied for a temporary land use permit allowing for installation of emergency riprap to stabilize the shoreline. IDL Exhibit 2, p. 24.

5. IDL issued the land use permit which became effective on May 26, 2023. IDL Exhibit 2.

6. The permit was issued because the stop work Order resulted in “the bank not being stabilized prior to the elevation of the lake rising to summer pool levels, which could lead to property loss and water quality degradation.” IDL Exhibit 1, p. 10.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER
(AGENCY Case No. PH-2023-NAV-20-005; OAH Case No. 24-320-01) - 2

7. On December 22, 2023, IDL received a completed application from Applicant seeking an encroachment permit to allow for the previously completed construction to be retroactively authorized. IDL Exhibit 1, p. 3.

8. The Application seeks to “regrade and pave a pedestrian path adjacent to the waterfront to promote better access to the waterfront” by placing seawall and riprap at and below the AHWL on Lake Pend Orielle. IDL Exhibit 2, p. 4.

9. The project creates a safer pathway for waterfront access for the general public. IDL Exhibit 2, p. 2.

10. There is no evidence that this project will have any impact on adjacent property owners or have any undue interference with navigation. *See* IDL Exhibit 4.

11. IDL has no objection to the work completed at or above AHWL. IDL Exhibit 1, p. 10. IDL opposes work that was completed below the AHWL which is within IDL’s jurisdiction to regulate. I.C. § 58-1303.

12. IDL’s objection is to the “approximately 80 lineal feet and 470 square feet of fill, seawall and riprap [that] were constructed below the AHWL[.]” IDL Exhibit 1, p. 10.

13. IDL’s objection impacts a small portion of the pathway. IDL Exhibit 5, p. 2 (noting the area to the right of the red line is the area of impact); Hearing Recording at 18:25-18:55, 19:20-20:00.

14. Mr. Shaw testified, on behalf of Applicant, that the constructed plan deviated from the original design plan by pushing the fill into the lakebed below the AHWL in order to create a path that is more accessible to the public and safer for the public to use. Hearing Recording at 16:30-16:56.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER
(AGENCY Case No. PH-2023-NAV-20-005; OAH Case No. 24-320-01) - 3

15. Mr. Shaw further testified that Applicant understands that these types of non-navigational encroachments are normally not allowed, but request that the Application be granted because of the increased benefit of public access to the marina and the increased safety of the path. Hearing Recording 17:20-17:50.

16. IDL sent adjacent neighbor notices to the Idaho Transportation Department (ITD), Glen Harvey, and Leslie Wood, as well as to applicable federal, state, and local agencies and organizations. IDL Exhibit 1, p. 3.

17. An advertisement ran in the Bonner County Daily Bee February 14 and 21, 2024. IDL Exhibit 3, p. 11.

18. IDL received public comments from Idaho Department of Environmental Quality (IDEQ), Idaho Conservation League (ICL), and Idaho Department of Fish and Game (IDFG). IDL Exhibit 4.

CONCLUSIONS OF LAW

1. The Idaho legislature enacted the Lake Protection Act (“LPA”), Title 58, Chapter 13, Idaho Code, in 1974 stating:

The legislature of the state of Idaho hereby declares that the public health, interest, safety and welfare requires that all encroachments upon, in or above the beds of waters of navigable lakes of the state be regulated in order that the protection of property, navigation, fish and wildlife, habitat, aquatic life, recreation, aesthetic beauty and water quality be given due consideration and weighed against the navigational or economic necessity or justification for, or benefit to be derived from the proposed encroachment. No encroachment on, in or above the beds or waters of any navigable lake in the state shall hereafter be made unless approval therefore has been given as provided in this act.

I.C. § 58-1301.

2. IDL, through the State Board of Land Commissioners, “shall regulate, control and may permit encroachments in aid of navigation or not in aid of navigation on, in or above the beds

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER
(AGENCY Case No. PH-2023-NAV-20-005; OAH Case No. 24-320-01) - 4

of waters of navigable lakes[.]” I.C. § 58-1303; I.C. § 58-119(1); see also *Newton v. MJK/BJK, LLC*, 167 Idaho 236, 242 (2020).

3. Through its statutory authority, IDL promulgated Rules for Regulation of Beds, Waters and Airspace Over Navigable Lakes in the State of Idaho. IDAPA 20.03.04.

4. Lake Pend Oreille is a navigable lake and is within IDL’s authority to regulate encroachment permits. See *Kaseburg v. Bd. of Land Comm’rs*, 154 Idaho 570 (2013) (applying LPA to Lake Pend Oreille encroachment).

5. IDL’s authority in this matter is limited to encroachments “on, in or above the beds or waters” of Lake Pend Orielle. See I.C. § 58-1301; see also *Byrd v. Idaho State Bd. of Land Commissioners*, 169 Idaho 922, 929 (2022).

6. The seawall and riprap are “on, in or above the beds or waters” of Lake Pend Orielle.

7. Encroachments not in aid of navigation or non-navigational encroachments include encroachments not constructed for the primary use in aid of navigation of the lake. IDAPA 20.03.04.010.16. See also I.C. § 58-1302(i).

8. The seawall and riprap are non-navigational encroachments. See IDAPA 20.03.04.015.07, .08.

9. The Application complies with the IDAPA 20.03.04.020.02 signature requirement because Applicant is the littoral owner and has not granted permission for anyone else to permit an encroachment from its property.

10. IDL complied with the IDAPA 20.03.04.030.01 and .03 notice requirements after it received the Application.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER
(AGENCY Case No. PH-2023-NAV-20-005; OAH Case No. 24-320-01) - 5

11. In considering an application for a non-navigational encroachment, the following conditions apply:

In recognition of continuing private property ownership of lands lying between the natural or ordinary high water mark and the artificial high water mark, the board shall consider unreasonable adverse effect upon adjacent property and undue interference with navigation the most important factors to be considered in granting or denying an application for a . . . community navigational encroachment not extending below the natural or ordinary high water mark. . . . [After a hearing, if] the board determines that the benefits, whether public or private, to be derived from allowing such encroachment exceed its detrimental effects, it shall grant the permit.

I.C. § 58-1306(e).

12. Non-navigational encroachments will not normally be approved by IDL unless the project involves major economic, environmental, or social benefits available to the general public. IDAPA 20.03.04.030.02. “Approval under these circumstances is authorized only when consistent with the public trust doctrine and when there is no feasible alternative with less impact on the public trust values.” IDAPA 20.03.04.030.02.

13. IDL provided testimony through Mr. Ahmer that the non-navigational encroachment fails to provide a major economic, environmental, or social benefit. Hearing Recording at 11:58-12:01. This Hearing Officer disagrees as to the social benefit. Applicant has demonstrated that the safety of the path has vastly increased access to the waterfront, especially for individuals that may be disabled. *Compare* before and after photos from IDL Exhibit 2, p. 2.

14. Despite this social benefit, however, this Hearing Officer finds that the area of impact is insignificant and unlikely to impact the social benefit of the path, and the Hearing Officer agrees with IDL that there are feasible alternatives available. IDL Exhibit 1, p. 10; Hearing Recording at 12:01-12:18 (“Here, the riprap and seawall could have been constructed and built at or above the AHWM and still provided a path down to the water for customers and the public.”)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER
(AGENCY Case No. PH-2023-NAV-20-005; OAH Case No. 24-320-01) - 6

15. Only a portion of the asphalt path will be impacted if the seawall and riprap are required to be removed. Hearing Recording at 18:25-18:55; 19:20-20:00 and IDL Exhibit 5 (area of impact to the right of the red line).

16. Applicant raised concerns that because the work has already been performed, removing the seawall and riprap would cause disturbance to the lakebed especially since the issue addresses such a small portion of the lakebed. Hearing Recording at 28:43-29:14; *see also* IDL 5.

17. This Hearing Officer expresses similar concerns on the disturbance of the lakebed, but ultimately finds that due to the small size of the area of impact and that most of the path will remain and provide a social benefit that these concerns will be mitigated by IDL and Applicant working together to decrease any negative impact.

19. IDL has requested that if the seawall and fill are removed below the AHWL that Applicant restabilize the bank with native vegetation, complete the project by January 1, 2025, and provide a revised plan to IDL staff prior to beginning work. IDL Exhibit 1, p. 11. IDL will not require a permit for this work. *Id.*

18. Applicant does not object to restabilizing the bank with native vegetation or the timeline requested by IDL. Hearing Recording at 21:20-21:45.

RECOMMENDED ORDER

Based on the foregoing Findings of Facts and Conclusions of Law, the Hearing Officer recommends that Applicant's request be GRANTED as to the work at or above the AHWL and that the Applicant's request be DENIED as to the work below the AHWL. It is further recommended that the following conditions be applied to this Application: (1) IDL will not require an additional application or permit to remove the seawall and fill below the AHWL; (2) Applicant will provide IDL with a revised plan and timeframe prior to beginning work to remove the seawall

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER
(AGENCY Case No. PH-2023-NAV-20-005; OAH Case No. 24-320-01) - 7

and fill below the AHWL; (3) Applicant will not begin work on removal of the seawall and fill below the AHWL until IDL approves the plan and timeline; (4) Applicant will restabilize the bank with native vegetation; and (5) Applicant will complete work prior to January 1, 2025.

RECOMMENDED ORDER NOTICE

This is a recommended order of the hearing officer. It will not become final without action of the agency head. By law, the agency head must issue a final order within thirty (30) days of the close of the evidentiary portion in this case, which occurred on March 5, 2024. *See* I.C. § 58-1306(c). The agency head's final order in this case must be issued no later than **April 5, 2024.**

Pursuant to Idaho Code section 67-5244, the parties may file an exception to this recommended order with the agency head. Any such exception must be filed within two (2) business days after the service date of this recommended order or no later than March 29, 2024. Public witnesses under Idaho's Administrative Procedure Act are not considered parties and, therefore, exceptions from the public cannot be accepted. *See* IRAP Rules 5.13, 150, 158, and 355 (found at IDAPA 04.11.01). Written briefs in support of or taking exception to the recommended order shall be filed with the agency head. If time permits, the agency head may schedule oral argument in the matter before issuing a final order. Following the agency head's issuance of a final order, the parties' rights to seek reconsideration of or appeal that order are prescribed by Idaho Code section 58-1306(c), (d), and IDAPA 20.03.04.025.08.

IT IS SO ORDERED

DATED March 27, 2024.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ Leslie M. Hayes

Leslie M. Hayes
Administrative Hearing Officer

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER
(AGENCY Case No. PH-2023-NAV-20-005; OAH Case No. 24-320-01) - 8

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of March, 2024, I caused to be served a true and correct copy of the foregoing by the following method to:

Long Bridge Land Holding Co., LLC
Benjamin Milbrath
P.O. Box 1942
Spokane, WA 99210
(612) 245-9665
Applicant

☐ U.S. Mail
☒ Email: blhco@outlook.com

HMH Engineering, LLC
Justin Shaw
Agent for Long Bridge Land Holding Co., LLC

☐ U.S. Mail
☒ Email: jshaw@hmf-llc.com

Idaho Department of Lands
Deputy Attorneys General
J.J. Winters
Allison Olson
P.O. Box 83720
Boise, ID 83720-0010
(208) 334-2400
Counsel for Respondent IDL

☐ U.S. Mail
☒ Email: jjwinters@ag.idaho.gov
allison.olson@ag.idaho.gov

Idaho Department of Lands
Marde Mensinger
300 N. 6th Street
Boise, ID 83720
(208) 334-0248
IDL Program Manager for Navigable Waters

☐ U.S. Mail
☒ Email: mmensinger@idl.idaho.gov

Idaho Department of Lands
Mike Ahmer
IDL Resource Specialist

☐ U.S. Mail
☒ Email: mahmer@idl.idaho.gov

Kourtney Romine
Service Contact for IDL

☐ U.S. Mail
☒ Email: kromine@idl.idaho.gov

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER
(AGENCY Case No. PH-2023-NAV-20-005; OAH Case No. 24-320-01) - 9

OAH
P.O. Box 83720
Boise, ID 83720-0104
Located at: 816 W. Bannock St., Suite 203
(208) 605-4300

☐ U.S. Mail
☒ Email:

filings@oah.idaho.gov

/s/ Leslie M. Hayes
Leslie M. Hayes

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER
(AGENCY Case No. PH-2023-NAV-20-005; OAH Case No. 24-320-01) - 10

Gwen Victorson

From: Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>
Sent: Tuesday, January 2, 2024 12:00 PM
To: Gwen Victorson
Subject: RE: L96S0884F Notice of Application for an after the fact permit to place Riprap, a Seawall and Fill on Pend Oreille River and Notice of Hearing

Hi Gwen,

Please consider this email as comment from Idaho Department of Fish and Game (IDFG) regarding application L960884F submitted by Long Bridge Land Holding Company LLC. The purpose of these comments is to assist the decision-making authority by providing technical information addressing potential effects on wildlife and wildlife habitat and how any adverse effects might be mitigated.

It appears that shoreline vegetation was removed during the construction of this project. Additionally, there was no mention of shoreline planting in the application. Riparian vegetation has complex root systems that can withstand increased wave action more effectively than banks that are sparsely vegetated or grass covered.

IDFG recommends retention of existing, native vegetation as much as can be possible.

IDFG recommends that willow or other shoreline trees/shrubs be integrated into the final design of the project. These plantings will help stabilize the banks to reduce erosion and, in time, those trees and shrubs will provide shade and cover for fish and habitat for many species of wildlife.

To avoid negative effects to the waterway, all current BMP's for sedimentation and spills should be adhered to while the project is being completed.

Thank you,

Merritt Horsmon

Regional Technical Assistance Manager
Panhandle Region
2885 W. Kathleen Ave.
Coeur d'Alene, ID 83815
208.769.1414 office
208.251.4509 mobile
merritt.horsmon@idfg.idaho.gov

DEPT OF LANDS
JAN 02 2024



From: Gwen Victorson <GVictorson@idl.idaho.gov>
Sent: Friday, December 22, 2023 11:04 AM
To: Robert Beachler <robert.beachler@itd.idaho.gov>; Glenn Harvey <glenn.harv@icloud.com>; Golart, Aaron <Aaron.Golart@idwr.idaho.gov>; Army Corps <CENWW-RD-CDA@usace.army.mil>; Austin Terrell

<austin.terrell@osc.idaho.gov>; bsmith@idahoconservation.org; Bonner Planning <planning@bonnercountyid.gov>; Chantilly Higbee <Chantilly.Higbee@deq.idaho.gov>; City of Dover <cityclerk@cityofdoverydaho.org>; D1Permits <D1Permits@itd.idaho.gov>; Debbie Butler <debra.butler@usda.gov>; Barnes, Emily <Emily.Barnes@idwr.idaho.gov>; fw1idahoconsultationrequests@fws.gov <fw1idahoconsultationrequests@fws.gov>; Graham Freeman <Graham.Freeman@osc.idaho.gov>; IDWR File <file@idwr.idaho.gov>; Northern Info <northerninfo@idwr.idaho.gov>; J Johnson <jjohnson@bonnercountyid.gov>; Jason Kimberling <Jason.Kimberling@itd.idaho.gov>; jekstrom@idahoconservation.org; Jeremy Varley <Jeremy.Varley@isda.idaho.gov>; Jessie Berner <jessie.berner@usda.gov>; Joseph Maroney <jmaroney@kalispeltribe.com>; k kolberg <kkolberg@phd1.idaho.gov>; lakescommission@gmail.com; Marvin Fenn <marvin.fenn@itd.idaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; Richman, Michelle <Michelle.Richman@idwr.idaho.gov>; Nicholas Zurfluh <Nicholas.Zurfluh@ISDA.IDAHO.GOV>; Pete Hughes <pete.hughes@bonnercountyid.gov>; Robert Steed <Robert.Steed@deq.idaho.gov>; Selkirk Conservation Alliance <sca@scawild.org>; Stacy Simkins <Stacy.Simkins@itd.idaho.gov>; Symone Legg <Symone.Legg@itd.idaho.gov>; Taylor.M.Johnson@usace.army.mil
Subject: L96S0884F Notice of Application for an after the fact permit to place Riprap, a Seawall and Fill on Pend Oreille River and Notice of Hearing

Good Day –

Please review the attached application materials for an **after the fact permit to place riprap, a seawall, and fill, with a portion of it below the Artificial High-Water Mark**, on the **Pend Oreille River** and have all comments in by **January 25, 2024**.

IDL has called for a public hearing on this matter. Hearing information will be shared when available.

Please note this application does not include the commercial marina improvements in the water which will be addressed via a separate application in the coming months.

Best,

Gwen Victorson
Lands Resource Specialist
Navigable Waters
Idaho Department of Lands
2550 Highway 2
Sandpoint, ID 83864
Office: (208) 263-5104
Email: GVictorson@idl.idaho.gov
<https://www.idl.idaho.gov>



IDAHO DEPARTMENT OF LANDS
JAN 22 2024

Gwen Victorson

From: Jennifer Ekstrom <jekstrom@idahoconservation.org>
Sent: Thursday, January 25, 2024 5:45 PM
To: Gwen Victorson
Cc: Brad Smith; Mike Ahmer; Erik Sjoquist
Subject: Encroachment Permit Application L96S0884F
Attachments: Encroachment Comments ICL L96S0884F.pdf

DEPT OF LANDS

JAN 25 2024

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

RE: Encroachment Permit Application L96S0884F

Dear Ms Victorson:

We are writing to provide the Idaho Department of Lands (IDL) input on the 'after the fact' Encroachment Permit Application L96S0884F. We appreciate that IDL is calling a hearing about this lakebed encroachment violation by 41 South, a private resort facility located prominently at the south end of the 'long bridge' over Lake Pend Oreille where the Pend Oreille River begins. The location, including the unpermitted encroachment, is visible from Highway 95.

We assert that the violation at this highly visible location is indicative of a pervasive problem in our region, where private interests and developers engage in unpermitted work and only apply for permits after the fact if they are forced to. We share concerns with the Idaho Department of Lands about applications being submitted after encroachments are completed. This flagrant disregard for Idaho law, and of our agencies' authority, needs to be corrected. The best way to correct this type of disregard for the law is to immediately begin assessing the maximum allowable penalty for violations.

Under Idaho Statute 58-1308, civil penalties for violations may be assessed up to \$10,000, or \$1,000 per day for continuing violations, whichever is greater.

58-1308 (2) In addition to the civil penalty set forth in subsection (1) of this section, any person who violates any of the provisions of this chapter or any valid and authorized regulation, rule, permit or order of the board, and the violation causes harm to water quality, fisheries, or other public trust values, shall be liable for a civil penalty not to exceed ten thousand dollars (\$10,000) per violation or one thousand dollars (\$1,000) for each day of a continuing violation, whichever is greater.

The public trust values that are harmed in this case are the public's right to the aesthetic benefit of the undisturbed area, accessibility, and deference given to a private entity. It should be noted that the private entity claims that they own the public's resource that lies below the ordinary high water mark.

In considering the issuance of a grant to a private corporation to use surface waters of a navigable lake, the Idaho Supreme Court has determined that conveyances of trust lands must ensure that:

- 1) the grant would aid trust purposes like navigation and commerce;
 - 2) the conveyance would not substantially impair the public's rights in the lands.
- The court supplied factors to weigh in applying this two-part test, including:

- 1) the effect of the proposal on traditional trust purposes
- 2) the extent to which an individual project affects the resource both on its own and in conjunction with any other existing effects
- 3) the degree to which private interests are favored over public interests.

Prior to conveyances or encumbrances of trust lands, the state must ensure the two-part test is satisfied, taking into account the factors established by the court. In this situation a private interest is attempting to assert

itself as the owner of the public lakebed. Also, this project is associated with a larger private development and marina. There is no assurance that the public will be allowed to utilize the facility in the future. We ask IDL to assess the maximum penalty possible and send a clear message that they are working to protect our public resources. Thank you for your consideration. Sincerely,

Jennifer Ekstrom
North Idaho Lakes Conservation Associate
208.318.5812

Idaho Conservation League
P.O. Box 2308
Sandpoint, ID 83864

<https://www.idahoconservation.org/>
[Twitter](#) / [Facebook](#) / [Instagram](#)



Protecting Idaho's environment since 1973

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DEPT OF LANDS

JAN 25 2024



Gwen Victorson
Lands Resource Specialist, Navigable Waters
Idaho Department of Lands
2550 Highway 2
Sandpoint, Idaho 83864

January 25, 2024

RE: Encroachment Permit Application L96S0884F

Dear Ms Victorson:

We are writing to provide the Idaho Department of Lands (IDL) input on the 'after the fact' Encroachment Permit Application L96S0884F. We appreciate that IDL is calling a hearing about this lakebed encroachment violation by 41 South, a resort facility located prominently at the south end of the 'long bridge' over Lake Pend Oreille where the Pend Oreille River begins. The location, including the unpermitted encroachment, is visible from Highway 95.

We assert that the violation at this highly visible location is indicative of a pervasive problem in our region, where private interests and developers engage in unpermitted work and only apply for permits after the fact if they are forced to. We share concerns with the Idaho Department of Lands about applications being submitted after encroachments are completed. This flagrant disregard for Idaho law, and of our agencies' authority, needs to be corrected. The best way to correct this type of disregard for the law is to immediately begin assessing the maximum allowable penalty for violations.

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DEPT OF LANDS

JAN 25 2024

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- 1) the grant would aid trust purposes like navigation and commerce;
- 2) the conveyance would not substantially impair the public's rights in the lands.

The court supplied factors to weigh in applying this two-part test, including:

- 1) the effect of the proposal on traditional trust purposes
- 2) the extent to which an individual project affects the resource both on its own and in conjunction with any other existing effects
- 3) the degree to which private interests are favored over public interests.

Prior to conveyances or encumbrances of trust lands, the state must ensure the two-part test is satisfied, taking into account the factors established by the court. In this situation a private interest is attempting to assert itself as the owner of the public lakebed. Also, this project is associated with a larger private development and marina. There is no assurance that the public will be allowed to utilize the facility in the future.

We ask IDL to assess the maximum penalty possible and send a clear message that they are working to protect our public resources.

Thank you for your consideration.
Sincerely,

Jennifer Ekstrom
North Idaho Lakes Conservation Associate
208.318.5812

Idaho Conservation League
P.O. Box 2308
Sandpoint, ID 83864

DEPT OF LANDS
JAN 25 2024

Idaho Department of Lands Encroachment Memo

From: Justin Shaw, PE, CFM

Date: December 15, 2023

Re: 41 Lakeshore Drive: Walking Path

Justin Shaw with HMH Engineering developed the original design plans for the walking path at 41 Lakeshore Drive in Bonner County. This path was designed to improve public pedestrian access from the 41 South public parking area to the existing public dock slips on Lake Pend Oreille.

The original construction plans were designed for riprap to be placed above the Ordinary High Water (OHW) line. During construction, riprap was placed below OHW and IDL issued a Stop Work Order. Portions of the seawall shown on the plans encroach below a small section of the OHW.

The applicant recommends leaving the constructed seawall and riprap as is because it provides the public safe access to the exiting public dock slips. Removing the wall and reshaping the lakefront will disturb additional lakebed material, reduce lake water quality by decreasing stormwater treatment, and increase fall risk to the public. The applicant owns the submerged land where fill was placed below OHW.

A two-step wall system was constructed to improve pedestrian safety to the public marina by reducing danger from excess heights, and providing stormwater treatment through infiltration. Lake Pend Oreille has few accessible public marinas. The developer strives to provide a family friendly marina with safe parking and safe, accessible access for local residents.

The paved path provides a gentle slope allowing for strollers, coolers, and people with difficulty walking to reach the dock in all weather conditions. It also provides a safety shoulder for larger groups to pass each other. The walking path was constructed using native materials to blend in with the surrounding environment and maintain the natural aesthetics.

Attached to this memo are revised drawings, a non-navigational encroachment permit application, a Joint Application for Permit, and the temporary IDL permit. A Joint Application for Permit was approved by USACE on October 30, 2023.

Please contact Justin Shaw at 208-635-5825 or jshaw@hmh-llc.com with any questions or concerns.

DEPT OF LANDS
DEC 15 2023



Pre-Construction Aerial



Existing Conditions Aerial

DEPT OF LANDS

3882 N. Schreiber Way, Suite 104 • CDA, Idaho 83815 • Tel: 208-635-5825 • Web: hmh-llc.com

Equal Opportunity Employer

SEP 19 2023

DEC 1 2023

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 38, Idaho Code and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code). In addition the information will be used to determine compliance with Section 401 of the Clean Water Act by the appropriate State, Tribal or Federal entity.

Joint Application: Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary. Failure to supply the requested information may delay processing and issuance of the appropriate permit or authorization. **Applicant will need to send a completed application, along with one (1) set of legible, black and white (8 1/2"x11")**, reproducible drawings that illustrate the location and character of the proposed project / activities to both the Corps and the State of Idaho.

See **Instruction Guide** for assistance with Application. Accurate submission of requested information can prevent delays in reviewing and permitting your application. Drawings including vicinity maps, plan-view and section-view drawings must be submitted on 8-1/2 x 11 papers.

Do not start work until you have received all required permits from both the Corps and the State of Idaho

FOR AGENCY USE ONLY									
USACE NWW-	Date Received		<input type="checkbox"/> Incomplete Application Returned		Date Returned:				
Idaho Department of Water Resources No.	Date Received:		<input type="checkbox"/> Fee Received DATE:		Receipt No.				
Idaho Department of Lands No. L96S0884F	Date Received: 5/24/23		<input type="checkbox"/> Fee Received 5/19/23 DATE: #625 + 12/5/23 \$1000 @ LWA 61032510 CC 9690		Receipt No. CC 1002				
INCOMPLETE APPLICATIONS MAY NOT BE PROCESSED									
1. CONTACT INFORMATION - APPLICANT Required:					2. CONTACT INFORMATION - AGENT:				
Name: Benjamin Milbrath					Name: Justin Shaw				
Company: Long Bridge Land Holding Company LLC					Company: HMH, LLC				
Mailing Address: 41 Lakeshore Drive PO Box 1942					Mailing Address: 3882 N. Schreiber Way, Suite 104				
City: Sagle	State: WA ID	Zip Code: 83860	City: Coeur d'Alene		State: ID	Zip Code: 83815			
Phone Number (include area code): 612-245-9665	E-mail: lbhco@outlook.com		Phone Number (include area code): 208-518-8850		E-mail: jshaw@hmh-llc.com				
3. PROJECT NAME or TITLE: Long Bridge Lake Access					4. PROJECT STREET ADDRESS: 41 Lakeshore Drive				
5. PROJECT COUNTY: Bonner County		6. PROJECT CITY: Sagle, ID		7. PROJECT ZIP CODE: 83860		8. NEAREST WATERWAY/WATERBODY: Lake Pend Oreille			
9. TAX PARCEL ID#: RP0023401002B0A		10. LATITUDE: 48 2399 N LONGITUDE: 116.54 W		11a. 1/4:	11b. 1/4:	11c. SECTION: 35		11d. TOWNSHIP: 57N	11e. RANGE: 2W
12a. ESTIMATED START DATE: Jan 9, 2023		12b. ESTIMATED END DATE: May 2, 2023		13a. IS PROJECT LOCATED WITHIN ESTABLISHED TRIBAL RESERVATION BOUNDARIES? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Tribe					
13b. IS PROJECT LOCATED IN LISTED ESA AREA? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES				13c. IS PROJECT LOCATED ON/NEAR HISTORICAL SITE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES					
14. DIRECTIONS TO PROJECT SITE: Include vicinity map with legible crossroads, street numbers, names, landmarks Traveling North on Hwy 95 towards Sandpoint, ID, turn left onto Lakeshore Dr just before crossing the bridge spanning the Pend Oreille River. The project will be on the immediate right of Lakeshore Drive, adjacent to US-95.									
15. PURPOSE and NEED: <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Other Describe the reason or purpose of your project; include a brief description of the overall project. Continue to Block 16 to detail each work activity and overall project The purpose of this project is to regrade and pave a pedestrian path adjacent to the waterfront to promote better access to the waterfront . The project includes the construction of a seawall and riprap placement within OIIW.									

16. DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: Include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:

Unpermitted fill was placed on this site summer 2023. This permit is for the unpermitted fill to get the site into compliance. Approximately, 250 SF of riprap and 100 linear FT (470 SF) of seawall was constructed below OHW.

This project will generally involve the use of excavators, back hoes, and dump truck for the construction of the seawall and riprap stabilization.

17. DESCRIBE ALTERNATIVES CONSIDERED to AVOID or MEASURES TAKEN to MINIMIZE and/ or COMPENSATE for IMPACTS to WATERS of the UNITED STATES, INCLUDING WETLANDS: See Instruction Guide for specific details.

Work will be performed in the dry when water levels are lowest.

18. PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.

A mitigation plan is not anticipated for this project.

DEPT OF LANDS

DEC 1 2023

19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:

Dirt or Topsoil:	_____	cubic yards
Dredged Material:	_____	cubic yards
Clean Sand:	_____	cubic yards
Clay:	_____	cubic yards
Gravel, Rock, or Stone:	_____	cubic yards
Concrete:	_____	cubic yards
Other (describe):	Riprap	20 cubic yards
Other (describe):	Seawall	40 cubic yards

TOTAL: 60 cubic yards

20. TYPE and QUANTITY of impacts to waters of the United States, including wetlands:

Riprap	Filling:	0.01	acres	250	sq ft	20	cubic yards
	Backfill & Bedding:	_____	acres	_____	sq ft	_____	cubic yards
	Land Clearing:	_____	acres	_____	sq ft	_____	cubic yards
	Dredging:	_____	acres	_____	sq ft	_____	cubic yards
	Flooding:	_____	acres	_____	sq ft	_____	cubic yards
	Excavation:	_____	acres	_____	sq ft	_____	cubic yards
	Draining:	_____	acres	_____	sq ft	_____	cubic yards
Other:	Seawall	0.01	acres	470	sq ft	40	cubic yards

TOTALS: 0.02 acres 720 sq ft 60 cubic yards

21. HAVE ANY WORK ACTIVITIES STARTED ON THIS PROJECT? ☐ NO ☒ YES If yes, describe ALL work that has occurred including dates

The seawall has been constructed and riprap stabilization has been placed. The path has been constructed.

The project was designed for construction above OHW. However, fill was placed below OHW and IDL issued a stop work order. The contractor has stopped work and is awaiting permits from USACE and IDL. Once permitted, riprap fill will be added to meet IDL standards.

22. LIST ALL PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS:

Bonner County Flood Development permit
Bonner County Grading, Storm water, and Erosion Control Permit
IDL Temporary Commercial/Community/Non-Navigational Encroachment Permit

23. ☐ YES, Alteration(s) are located on Public Trust Lands, Administered by Idaho Department of Lands

24. SIZE AND FLOW CAPACITY OF BRIDGE/CULVERT and DRAINAGE AREA SERVED: NA Square Miles

25. IS PROJECT LOCATED IN A MAPPED FLOODWAY? ☒ NO ☐ YES If yes, contact the floodplain administrator in the local government jurisdiction in which the project is located. A Floodplain Development permit and a No-rise Certification may be required.

26a. WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, anyone who wishes to discharge dredge or fill material into the waters of the United States, either on private or public property, must obtain a Section 401 Water Quality Certification (WQC) from the appropriate water quality certifying government entity.

See Instruction Guide for further clarification and all contact information.

The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation:

☒ NO ☐ YES Is applicant willing to assume that the affected waterbody is high quality?
☒ NO ☐ YES Does applicant have water quality data relevant to determining whether the affected waterbody is high quality or not?
☒ NO ☐ YES Is the applicant willing to collect the data needed to determine whether the affected waterbody is high quality or not?

26b. BEST MANAGEMENT PRACTICES (BMP's): List the Best Management Practices and describe these practices that you will use to minimize impacts on water quality and anti-degradation of water quality. All feasible alternatives should be considered - treatment or otherwise. Select an alternative which will minimize degrading water quality.

Fiber rolls and silt fence will be placed along the perimeter of construction to reduce erosion and capture sediment. Work will be performed in the dry when water levels are lowest.

DEPT OF LANDS

DEC 14 2023

Through the 401 Certification process, water quality certification will stipulate minimum management practices needed to prevent degradation.

27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.

Activity	Name of Water Body	Intermittent Perennial	Description of Impact and Dimensions	Impact Length Linear Feet
Bank Stabilization - Riprap	Lake Pend Oreille	Perennial	Riprap placement	95
Bank Stabilization - Seawall	Lake Pend Oreille	Perennial	Seawall construction	85

TOTAL STREAM IMPACTS (Linear Feet): 180

28. LIST EACH WETLAND IMPACT include mechanized clearing, fill excavation, flood, drainage, etc. Attach site map with each impact location.

Activity	Wetland Type: Emergent, Forested, Scrub/Shrub	Distance to Water Body (linear ft)	Description of Impact Purpose: road crossing, compound, culvert, etc.	Impact Length (acres, square ft linear ft)

TOTAL WETLAND IMPACTS (Square Feet):

Name:
Idaho Transportation Department
Mailing Address:
600 West Prairie Ave

City: CDA State: ID Zip Code: 83815

Phone Number (include area code): 208-772-1215 E-mail: N/A

Attn: Robert
Bleacher

Name:
Harvey, Glen R
Mailing Address:
51 Lakeshore Dr

City: Sagle State: ID Zip Code: 83860

Phone Number (include area code): N/A E-mail: N/A

12/14/23
form
Leslie Wood
41 Lakeshore Dr.
Sagle ID 83860
← Mailing
Bonnar
CO
Assessors
Records

Name:

Mailing Address:

City: State: Zip Code:

Phone Number (include area code): E-mail:

Name:

Mailing Address:

City: State: Zip Code:

Phone Number (include area code): E-mail:

Name:

Mailing Address:

City: State: Zip Code:

Phone Number (include area code): E-mail:

Name:

Mailing Address:

City: State: Zip Code:

Phone Number (include area code): E-mail:

Name:

Mailing Address:

City: State: Zip Code:

Phone Number (include area code): E-mail:

Name:

Mailing Address:

City: State: Zip Code:

Phone Number (include area code): E-mail:

DEPT OF LANDS

OCT 18 2023

30 SIGNATURES: STATEMENT OF AUTHORIZATION / CERTIFICATION OF AGENT / ACCESS

Application is hereby made for permit, or permits, to authorize the work described in this application and all supporting documentation. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein; or am acting as the duly authorized agent of the applicant (Block 2). I hereby grant the agencies to which this application is made, the right to access/come upon the above-described location(s) to inspect the proposed and completed work activities.

Signature of Applicant:

Date:

8/29/23

Signature of Agent:

Date:

8/28/2023

This application must be signed by the person who desires to undertake the proposed activity AND signed by a duly authorized agent (see Block 1, 2, 30). Further, 18 USC Section 1001 provides that "Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both".



Application Number _____

**COMMERCIAL/COMMUNITY/NON-NAVIGATIONAL
ENCROACHMENT PERMIT APPLICATION**

This information sheet and checklist must be completed when submitting an encroachment permit application. Incomplete applications will be returned without processing.

ENCROACHMENT TYPE:

(Check all that apply)

☐ - Community dock☐ - Float home☐ - Commercial marina☐ - Boat garage☒ - Bank stabilization☐ - Mooring buoy(s)☒ - Other – describe: Sea Wall**Applicant's Littoral Rights Are:**☒ - Owned, fee simple title holder☐ - Leased☐ - Other – describe: _____☐ - Signature of littoral rights owner is obtained if applicant is not the owner of the riparian/littoral rights**Provide a Black/White Copy of Each Required Document on 8½"x14" or Smaller Paper:**☒ - County plat map showing both neighboring littoral lots.☒ - Tax record identifying the owner of the upland parcel(s)☒ - Lakebed profile with encroachment and water levels of winter and summer☒ - General vicinity map that allows Department to find the encroachment☒ - Scaled air photo or map showing lengths of nearby encroachments, distances to adjacent encroachments, and location and orientation of the proposed encroachment.**Are Existing Docks or Other Encroachment(s) Permitted On This Parcel(s)?**☐ - No☒ - Yes

Please attach a current photograph and a "to scale" drawing (see Document Requirements Above)

Permit # L96S0884E Date of Construction: _____

What will happen to the existing dock or encroachment if this permit application is approved?

☐ - Remain unchanged☐ - Complete removal☒ - Modification☐ - Other: _____

(Please note that old dock materials must be removed from the lake. Discarding these materials creates serious boating safety issues and offenders will be subject to prosecution and penalties.)

How Many Feet Does the Proposed Encroachment Extend Beyond the Ordinary (or Artificial) High Water Mark? 2-4 feet**The Proposed Dock Length Is:**☐**The same or shorter** than the two adjacent docks☐**Longer** than the two adjacent docks☐**Longer** than the two adjacent docks, but within the line of navigability established by the majority of existing docks in the area.☐ feet and not located near any other docks or other encroachments.**For Community Docks, Does the Proposed Dock Exceed the Maximum Square Footage of 7 ft² per Littoral Front Foot?**☐ - No☐ - YesTotal square footage: _____ ft²**For Community Docks, Does the Property Have at Least 50 Feet of Littoral Frontage?**☐ - Yes

Total front footage: _____ feet

☐ - No

Will the Proposed Encroachment Exceed the Maximum Width of 10 Feet?

☒ - No
☐ - Yes

If yes, explain why: _____

Will the Proposed Encroachment Be Located Closer Than 25 Feet to the Riparian/Littoral Right Lines Established With Your Neighbors?

☐ - No
☒ - Yes

If yes, what are the proposed distances? 26 FT & 0 FT feet See comment below

☐ - Consent of affected neighbor was obtained

Determining Riparian/Littoral Right Lines

Littoral right lines are not simple extensions of the upland property lines. Littoral right lines are generally perpendicular, or at right angles, to the shoreline. Curved shorelines or unusual circumstances may require Department Staff, or other professionals, to closely examine littoral right lines and assess the potential for infringement on adjacent littoral property owners.

Benjamin Milbrath owner 8/29/23
Printed Name managing member Date

Benjamin Milbrath
Signature of Applicant or Agent

Additional Comments

Riprap encroachment is greater than 25 feet from the west Littoral Right Line with Harvey property. Riprap encroachment ends at the east Littoral Right Line with ITD property.

DEPT OF LANDS

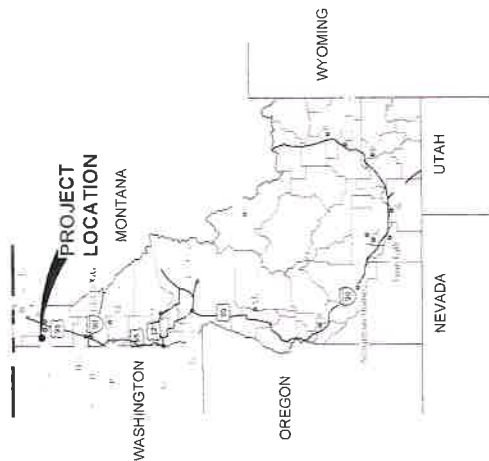
SEP 12 2023

LONG BRIDGE LAKE ACCESS

BONNER COUNTY, ID

CONTACT:
M2 CONSTRUCTION, CRAIG MEANS
35 AVALANCHE ROAD
SANDPOINT, ID 83864
(208) 255-9279

PROJECT ADDRESS:
41 LAKESHORE DR
SAGLE, ID 83860



DEPT OF LANDS

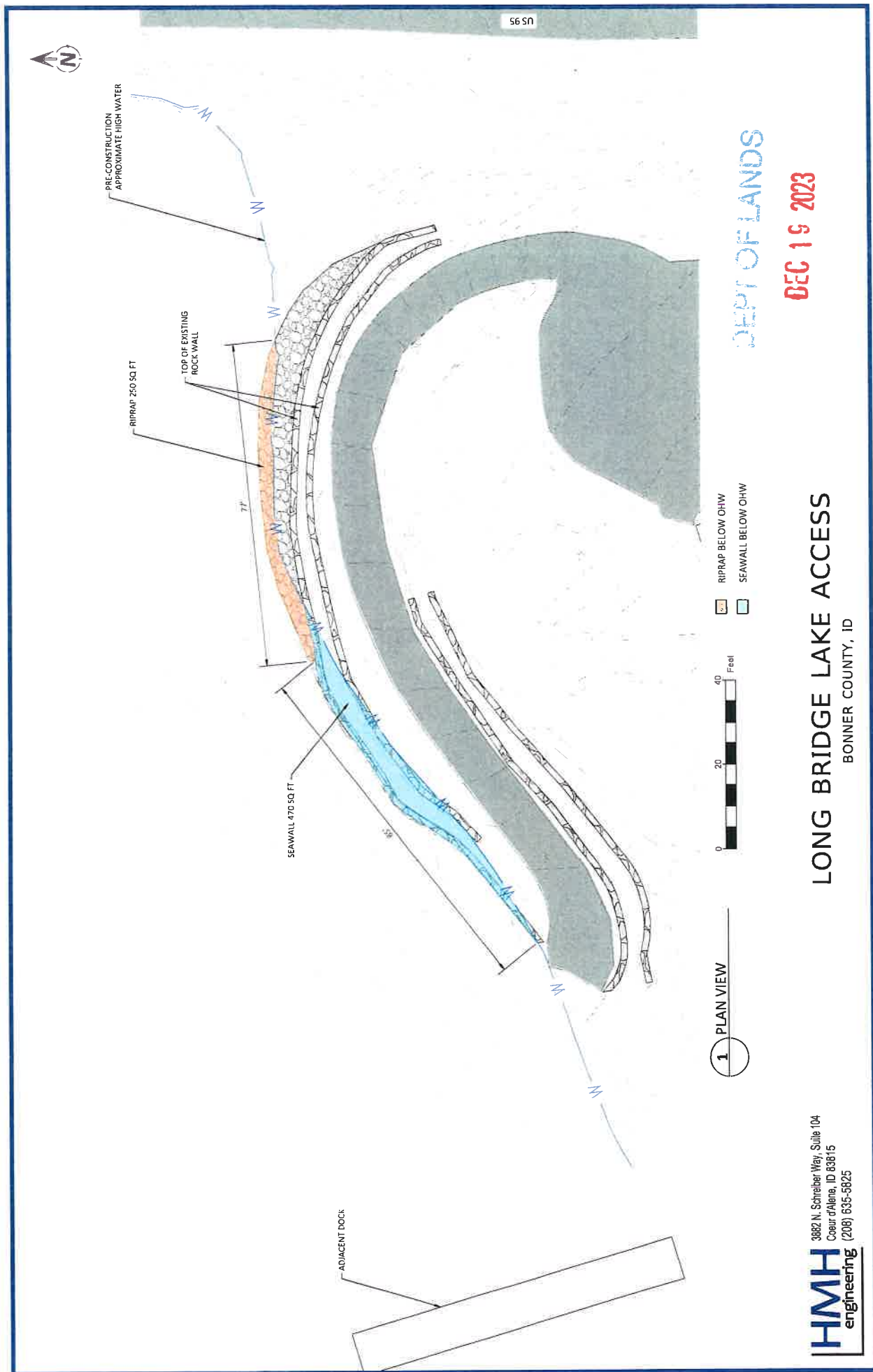
AUG 31 2023



VICINITY MAP
SCALE: NTS

HMH
engineering
3882 N. Schreier Way, Suite 104
Coeur d'Alene, ID 83815
(208) 635-5825

SHEET 1001-1





NOTE:
THE USGS LAKE PEND OREILLE SUMMER POOL ELEVATION IS 2,062.5 FT-NGVD29. THIS WAS CONVERTED TO 2,066.37 FT-NAVD88 FOR USE AS THE ORDINARY HIGH WATER (OHW).
THE USGS LAKE PEND OREILLE WINTER POOL ELEVATION IS 2,051.0 FT-NGVD29. THIS WAS CONVERTED TO 2,054.87 FT-NAVD88 FOR USE AS THE APPROXIMATE LOW WATER.

RECEIVED
DEC 06 2023

By: _____

1 PLAN VIEW
SCALE: 1" = 30'
0 30 60 Feet

LONG BRIDGE LAKE ACCESS

BONNER COUNTY, ID

HMMH engineering
3882 N. Schreiner Way, Suite 104
Coeur d'Alene, ID 83815
(208) 635-5825

GENERAL NOTES:

EROSION CONTROL SHALL CONFORM TO BONNER COUNTY REVISED CODE. THE CONTRACTOR SHALL PROVIDE EROSION CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PERIOD. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

EROSION CONTROL - EROSION CONTROL SHALL BE MAINTAINED THROUGH THE USE OF EXISTING VEGETATION, SILT FENCING, STRAW WATTLES, EROSION CONTROL BLANKETS AND RESEEDING SLOPES STEEPER THAN 2H:1V. SILT FENCING SHALL BE PLACED DOWN-SLOPE OF ALL CONSTRUCTION AREAS WITHIN 100 FEET OF SURFACE WATER AREAS WHERE CONSTRUCTION ACTIVITIES TEMPORARILY CEASE FOR MORE THAN 21 DAYS. SALT BE STABILIZED WITH SEEDING OR OTHER METHODS OF STABILIZATION APPROVED BY THE ENGINEER OR HIS REPRESENTATIVE. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED IN GOOD WORKING ORDER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF EROSION CONTROL MEASURES UNTIL SUCH TIME THAT FINAL STABILIZATION OF THE SITE IS COMPLETE.

DRIP-LINE TRENCHES - TRENCHES SHALL BE INSTALLED UNDER NEARLY ALL ROOF DRIP-LINES TO PREVENT EROSION, WHERE PAVEMENT IS NOT PRESENT.

INSPECTIONS - THE CONTRACTOR SHALL INSPECT ALL STORM WATER AND EROSION CONTROL MEASURES AT LEAST ONCE EVERY 7 DAYS AND FOLLOWING ANY STORM EVENT OF 0.25 INCHES OF GREATER UNTIL SUCH TIME THAT FINAL STABILIZATION IS COMPLETE. THE FOLLOWING ITEMS SHALL BE INSPECTED:

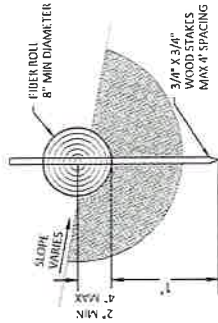
- SILT FENCE
 - DEPTH OF SEDIMENT (SEDIMENT SHALL BE REMOVED FROM SILT FENCE WHEN IT HAS REACHED THE HEIGHT OF THE SILT FENCE)

TRENCHES IN FABRIC
FABRIC SECURED TO FENCE POSTS
FENCE POST FIRMLY IN GROUND

- RESEEDING
 - BARE SPOILS, WASHOUTS, AND HEAVY GROWTH

FINAL STABILIZATION - ALL DISTURBED SOIL AREAS SHALL BE RE-SEEDING AND RECLAIMED WITH NATIVE VEGETATION HAVING SOIL HOLDING PROPERTIES PER BCIC 12-714 (C). ALL RE-SEEDING OF AREAS WITHIN 40' SETBACK MUST CONSIST OF NATIVE SPECIES SPECIFIED IN BCIC APPENDIX B OF 1111F.12.

THE ENGINEER SHALL BE NOTIFIED AND SHALL HAVE THE OPPORTUNITY TO INSPECT THE STORM WATER MANAGEMENT AND EROSION CONTROL SYSTEM.

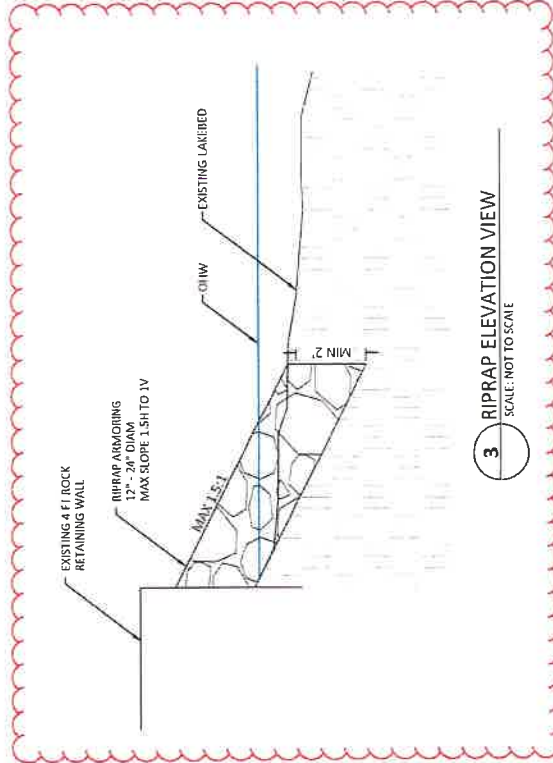


NOTES:

1. FIBER ROLLS SHALL BE PLACED ALONG A LEVEL CONTOUR UNLESS OTHERWISE SHOWN.
2. THE EDGES OF THE FIBER ROLL UP-SLOPE TO PREVENT RUNOFF FROM GOING AROUND THE ROLL.
3. IF MORE THAN ONE FIBER ROLL IS PLACED IN A ROW, THE ROLLS SHALL BE OVERLAPPED A MINIMUM 12\".
4. SEDIMENT SHALL BE REMOVED WHEN SEDIMENT ACCUMULATION REACHES ONE HALF OF THE EXPOSED HEIGHT OF THE FIBER ROLL.

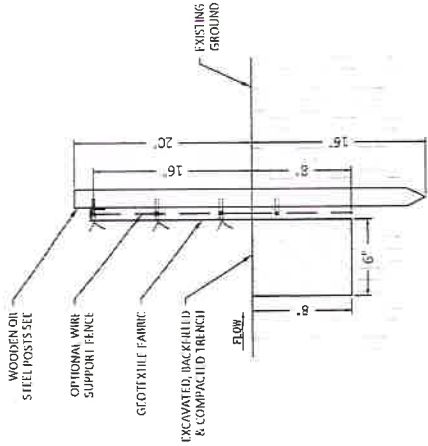
1 FIBER ROLLS / STRAW WATTLES

SCALE: NOT TO SCALE



3 RIPRAP ELEVATION VIEW

SCALE: NOT TO SCALE



2 SILT FENCE DETAIL

SCALE: NOT TO SCALE



By: _____

Justin Eshelman

From: Justin Eshelman
Sent: Wednesday, January 12, 2022 1:32 PM
To: Lance Lane
Subject: L96S0884E Reconfiguration; 41 South
Attachments: L96S0884E Reconfiguration Plan.pdf

Lance,

The submitted plan appears to meet the dock reconfiguration language (below) and therefore does not require a new IDL encroachment permit. I have saved the plan to the file for documentation and have also included it in the recently issued permit assignment. Please let me know if construction details or scope of work changes.

05. Dock Reconfiguration. (7-1-21)T **a.** Rearrangement of single-family and two-family docks will require a new application for an encroachment permit. (7-1-21)T **b.** Rearrangement of community docks and commercial navigational encroachments may not require a new application for an encroachment permit if the changes are only internal. The department shall be consulted prior to modifications being made, and shall use the following criteria to help determine if a new permit must be submitted: (7-1-21)T i. Overall footprint does not change in dimension or orientation; (7-1-21)T ii No increase in the square footage, as described in the existing permit and in accordance with Paragraph 015.13.a., occurs. This only applies to community docks; (7-1-21)T iii. The entrances and exits of the facility do not change. (7-1-21)T

Thanks and have a great day,
Justin



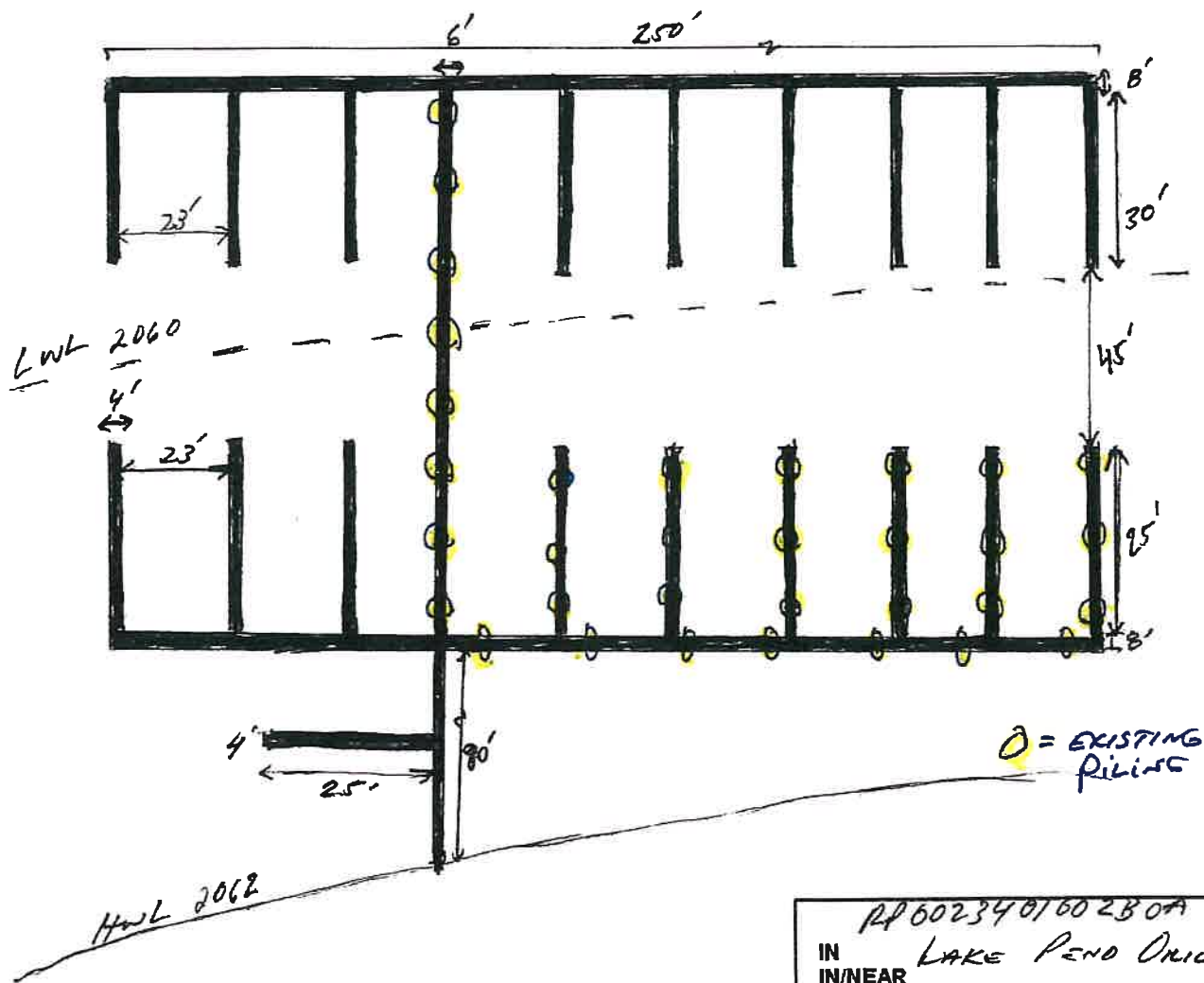
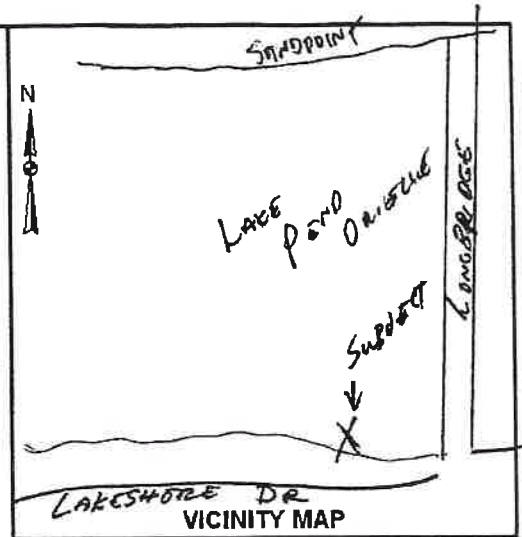
Justin Eshelman
Lands Resource Specialist, Sr.
Idaho Department of Lands
2550 Highway 2 West, Sandpoint, ID 83864
Office: (208) 263-5104
Email: jeshelman@idl.idaho.gov
<https://www.idl.idaho.gov>



19 Double Slips
(9 @ 30' x 23')
(10 @ 25' x 23')

DEPT OF LANDS

JAN 12 2022



RP602340160230A
IN LAKE POND ORILLIE
IN/NEAR BONNER COUNTY,
DATE: 1-5-21 SHEET 1 OF
APPLICATION BY: LANE CO MARINE

STATE OF IDAHO EASEMENT

NO. 4780

THIS INDENTURE, made this 24th day of January, 1979, by and between the STATE OF IDAHO, acting by and through the State Board of Land Commissioners, as party of the first part, and the Idaho Transportation Department, Division of Highways, Box 7129, Boise, ID 83707, as party of the second part;

WITNESSETH: That for and in consideration of the sum of One Hundred and no/ 100ths DOLLARS (\$100.00), lawful money of the United States of America, receipt whereof is hereby acknowledged, the party of the first part does hereby grant to the party of the second part an easement for the purpose of constructing a bridge over and across the following described lands situated in Bonner County, State of Idaho, to-wit: so much of the following described lands that were below the ordinary or natural high water mark on the date the State of Idaho was admitted to the Union with the right to additions thereto and subject to deletions therefrom that have occurred causing the boundary of the State's ownership to change;

A strip of land being on both sides of the centerline of U.S. Highway No. 95 Project No. F-5116(3) Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and lying between the Southerly and Northerly Natural Highwater lines of Lake Pend Oreille lying situate in Sections 26 and 35, Township 57 North, Range 2 West, Boise Meridian, and being as shown colored in red on the print marked Exhibit "A" attached hereto and herewith made a part hereof.

A tract of land more particularly described as follows:

Beginning at the southwest section corner of Section 35, Township 57 North, Range 2 West, Boise Meridian, thence South 89°25' East a distance of 1,808.70 feet along the south section line, thence North 0°59' East, 1,255 feet to a point, said point being the REAL POINT OF BEGINNING, thence continuing North 0°59' East, 5,667.7 feet, thence South 89°01' East, 250 feet; thence North 0°59' East, 3,201.28 feet; thence North 36°01' West, 270.8 feet; thence South 4°30' West, 490 feet; thence South 10° West, 1,130 feet; thence North 22°30' West, 1,125 feet; thence South 0°59' West, 2,800 feet; thence South 89°01' East, 250 feet; thence South 0°59' West, 5,572.3 feet; thence South 72° East, 320 feet to the point of beginning and the terminus of said easement.

It is understood and agreed that the bridge is 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 State Board of Land Commissioners reserves the right to terminate this easement for failure to construct and maintain the bridge as herein provided, upon thirty (30) days written notice to the party of the second part.

It is further understood and agreed that in the event the lands hereinabove described are not used for the purposes herein specified for any five year period the State Board of Land Commissioners may declare such right-of-way forfeited and the use of the lands will revert back to the State of Idaho or to the record owner of the lands.

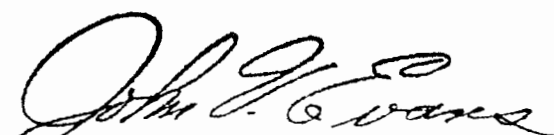
IN WITNESS WHEREOF, the State Board of Land Commissioners has caused these presents to be executed by its President, the Governor of the State of Idaho, and countersigned by the Secretary of State and the Director.

STATE BOARD OF LAND COMMISSIONERS

Countersigned:


Secretary of State




Governor of the State of Idaho and
President of the State Board of
Land Commissioners


Director

STATE OF _____)
COUNTY OF _____) ss

On this _____ day of _____, 19____, before me, the undersigned, a notary public in and for said State, personally appeared _____

known to me to be the person whose name is/are subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

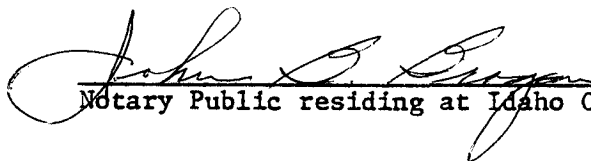
Notary Public residing at

My Bond Expires _____

STATE OF IDAHO)
COUNTY OF ADA) ss

On this 5 day of February, 1979, before me, a notary public in and for said State, personally appeared John V. Evans, known to me to be the Governor of the State of Idaho and President of the State Board of Land Commissioners, Pete Cenarrusa, known to me to be the Secretary of State of Idaho, and G.C. Trombley, known to me to be the Director of the Department of Lands of the State of Idaho, that executed the said instrument and acknowledged to me that such State of Idaho and State Board of Land Commissioners executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

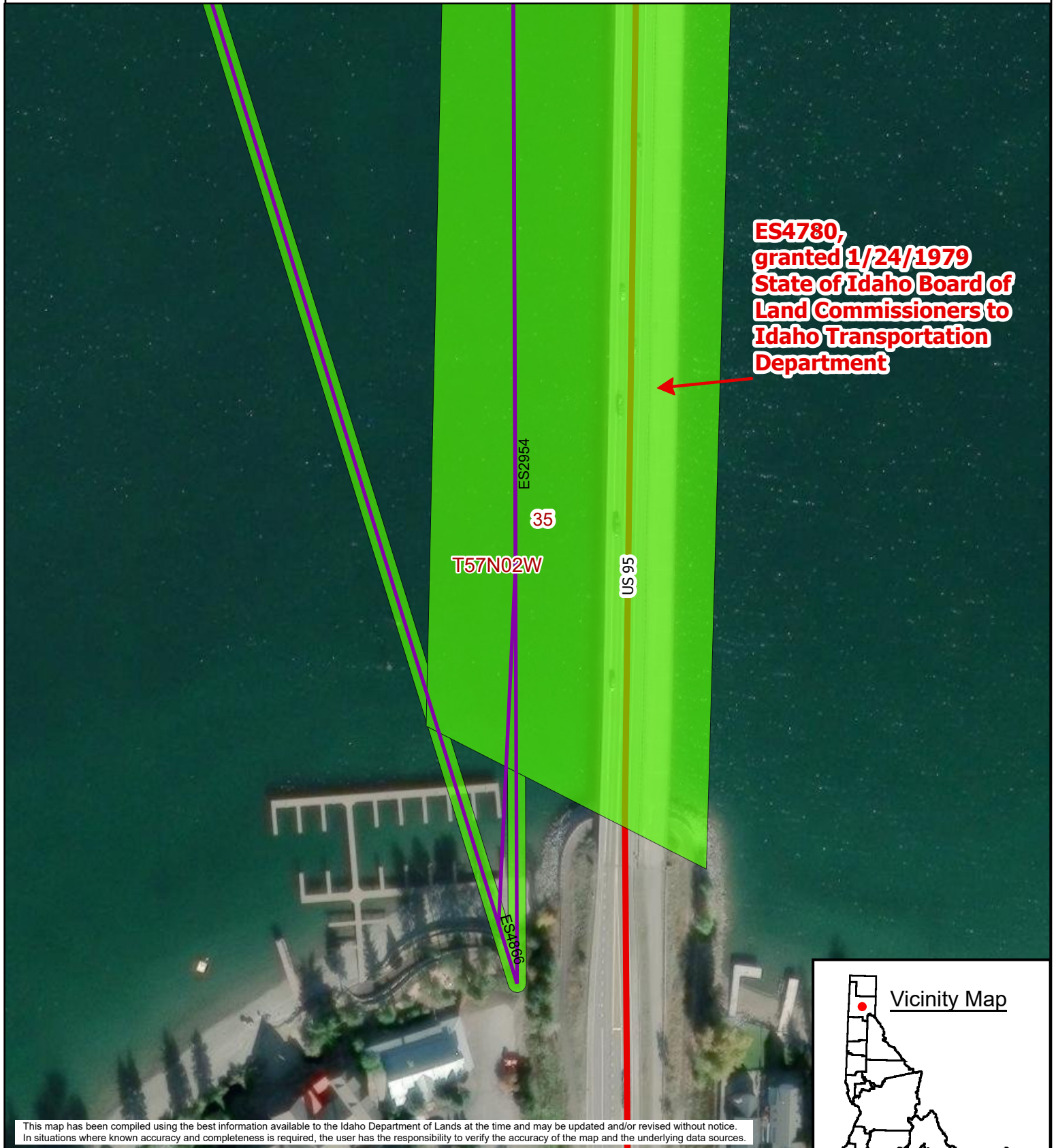


Notary Public residing at Idaho City, Idaho

My Bond expires Aug. 25, 1982

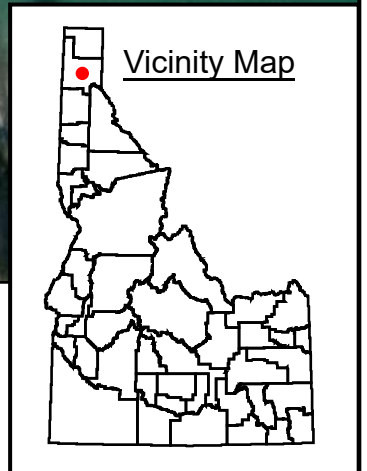


0 100 200
Feet



This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources.

- Highway
- EasementLine
- Granted Easement



IDL29-003