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BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of the Application for
Encroachment L95S6163A, a Community
Dock,

River's Edge Apartments, LLC;
Lanzce Douglass,

Applicant.

AGENCY Case No. PH-2025-NAV-22-005

OAH Case No. 25-320-07

**PREHEARING STATEMENT OF
CONCERNED CITIZENS**

Concerned Citizens Against Additional 100 Boat Slips ("Concerned Citizens"), by and
through counsel, submit this Prehearing Statement pursuant to the Scheduling Order.

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I. FACTS TO BE RELIED UPON

1. On June 23, 2025, River’s Edge Apartments, LLC filed the sole application for Encroachment L95S6163A proposing a 74–slip community dock totaling 11,064 square feet on the Spokane River.

2. After objections were filed, including by Coeur d’Alene Land Company on August 1, 2025, the Applicant executed last-minute deeds and leases on August 21, 2025, attempting to involve Boardwalk and Docks, LLC and Residences on the Spokane, LLC. On August 22, 2025, those entities filed a Petition to Intervene seeking to alter the application.

3. No re-publication of notice has occurred identifying these new entities as applicants, depriving the public, adjacent littoral owners, and agencies of their rights under Idaho Code § 58-1306(b)–(d) and IDAPA 20.03.04.030.01.

4. The project site is in a narrow, congested, high-use section of the Spokane River. The Kootenai County Sheriff has formally opposed additional boat slips, citing increased navigational hazards.

5. DEQ officials and University of Idaho research have documented that increased boat traffic elevates turbidity, resuspends metals, accelerates shoreline erosion, damages existing docks, degrades aquatic habitat, and diminishes recreation and water quality. On one summer day in 2024, researchers counted 900 boats on this stretch of river. See Carolyn Bostick, *Spokane River traffic data*, CDA Press (Mar. 9, 2025), <https://cdapress.com/news/2025/mar/09/spokane-river-traffic-data/>.

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II. LAW TO BE RELIED UPON

- **Idaho Code §§ 58-101, 58-1201, 58-1203, 58-1301, 58-1306** (state ownership of riverbeds, public trust doctrine, encroachment regulation, notice and signature requirements).
- **IDAPA 20.03.04.010.11, 012.01, 015.02, 020.01, 020.02, 020.07, 030.01** (community dock definition, environmental and navigational protections, applicant eligibility, complete application requirements).
- **Case Law:**
 - *Callahan v. Price*, 26 Idaho 745, 146 P. 732 (1915).
 - *Kootenai Env't Alliance v. Panhandle Yacht Club, Inc.*, 105 Idaho 622, 671 P.2d 1085 (1983).
 - *Idaho Forest Indus. v. Hayden Lake Watershed Improvement Dist.*, 112 Idaho 512, 733 P.2d 733 (1987).
 - *In re Sanders Beach*, 143 Idaho 443, 147 P.3d 75 (2006).

These authorities confirm that:

- Community docks require more than one littoral owner with enforceable, recorded common rights.
- A complete application requires signatures of all littoral owners.
- Encroachments must be denied if they unduly interfere with navigation, recreation, aesthetics, habitat, or water quality.
- Public trust resources cannot be converted to restricted private use at the expense of the general public.

III. RELIEF REQUESTED

Concerned Citizens respectfully request that the Hearing Officer and the Department of Lands:

1. Deny the Petition to Intervene by Boardwalk and Docks, LLC and Residences on the Spokane, LLC.
2. In the alternative, require re-publication of notice identifying all applicants before proceeding.
3. Deny the application because it fails to meet the requirements for a community dock, lacks complete signatures, and would cause significant harm to navigation, recreation, fish and wildlife habitat, aquatic life, aesthetic beauty, and water quality.

DATED this 5th day of September 2025.

FENNEMORE CRAIG, P.C.



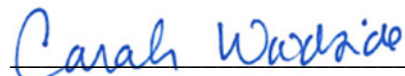
PETER J. SMITH IV, ISB #6997
Attorney for Concerned Citizens

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of September, 2025, I cause to be served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

Elizabeth A. Tellessen WINSTON & CASHATT, LAWYERS, P.S. 250 Northwest Boulevard, Suite 206 Coeur d'Alene, Idaho 83814 Telephone: (208) 667-2103 Facsimile: (208) 765-2121 <i>Attorneys for River's Edge Apartments, LLC and Lanzce Douglass</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email eat@winstoncashatt.com
Lanzce Douglass 1402 E. Magnesium Rd. # 202 Spokane, WA 99217 (509) 951-4785 <i>Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email lanzce@lgdproperties.com
Cindy Richardson R&R Northwest 1857 W. Hayden Avenue, # 102 Hayden, ID 83835 (208) 818-6478 <i>Agent for Applicant</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email cindy.richardson@rorthwest.com
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Sheriff Robert B. Norris Kootenai County Sheriffs Office P.O. Box 9000 Coeur d'Alene, ID 83816 (208) 446-1300 <i>Objector</i>	<input type="checkbox"/> By U.S. Mail <input checked="" type="checkbox"/> By Email kcsso@kcgov.us

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