

STATE OF IDAHO
DEPARTMENT OF LANDS
ATTACHMENT FOR ENCROACHMENT

*Pd \$7500
OK#*

COMMERCIAL 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. *TH* (initial)

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

DECEMBER 17, 2025
Date

Fudge Family Trust - Thomas & Connie Fudge, Trustees
Name

2536 Rimrock Ave Ste 400-360, Grand Jct, CO 81505
Address City State Zip

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Phone Number

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December 17, 2025

Idaho Department of Lands
Mica Supervisory Area
3258 W. Industrial Loop
Coeur d'Alene, ID 83815

RE: Request for Public Hearing in re Application of Encroachment ERL95S1227K

Attention:
Amidy Fusion
Lands Resource Specialist - Navigable Waters

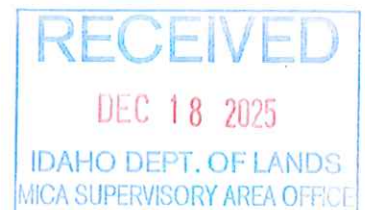
Enclosed please find our notice of objection to the application for encroachment ERL95S1227K and our request for a public hearing along with a check for the \$75.00 publication fee. Please confirm receipt and that a public hearing will be scheduled.

A partial list of our reasons for objecting follows:

Section 17 of the application suggests there is no impact to waters because a system is already installed; however, the applicant is proposing to construct a new dock (D) which is in a different location and of different dimensions than the existing docs. It will be located along our littoral line, which is what accounts for the applicant's increase from 34 moorage spaces to 51 spaces. The additional 17 slips will impact our littoral rights and the waterway, the bay, neighbors and nature which will be even greater if the existing moorages are put to use. They have had little use over the past several years as exhibited by their current state of disrepair.

Section 18 of the application suggests no mitigation is necessary. However, as described above, mitigation is appropriate given the new size and location of the additional 17 boat slips.

The layout of Dock D is inappropriate because IDAPA requires that the dock be constructed "as nearly as possible at right angles to the general shoreline, lessening the potential for infringement on adjacent littoral rights." See IDAPA 20.03.04.015.13(c). This proposed dock is closer to a 60-degree angle directed toward the neighboring littoral waterfront (Fudge Family Trust Parcel # 037600000010) and creates a potential infringement on our usage.



The currently proposed position of Dock D has a high probability of boats crossing the neighboring littoral line while lining up to enter the east slips (finger 2), especially when factoring in the prevailing westerly winds.

There is sufficient room within the applicant's external and internal littoral lines to rotate the orientation of Dock D 30 degrees north and/or position the connection to the shore further to the west which would significantly mitigate this issue.

The length of Dock D is proposed to be 150' from the shoreline. The line of navigability must be established, and these docks should not extend beyond that length without a showing of necessity. See IDAPA 20.03.04.015.13(d). Generally, that line of navigation is established by considering the length of the adjacent docks. The adjacent docks to the east extend approximately 82' and 69' from the shoreline. The existing marina extends well beyond that. This factor alone should not create a new standard of what is acceptable and the applicant must demonstrate its appropriateness and necessity, particularly when Dock D is currently planned to be so close to the neighboring waterfront and dock and will have boats entering/exiting directly towards that waterfront (see figures 1 and 2). This creates a safety issue and uses the public waterfront well beyond the line of navigation which should not be permitted unless absolutely necessary. Keep in mind that the dock to be removed only extends approximately 110' from the shoreline.

The above issues could be mitigated by moving the dock to the west and rotating the orientation of proposed Dock D 30 degrees northward and perpendicular to the shoreline as required by IDAPA 20.03.04.015.13(c).

As a commercial marina 50% of the moorage must be available to the public, there doesn't appear to be any designation of public moorage spots in the application. ((See IDAPA 20.03.04.015.03(a)).

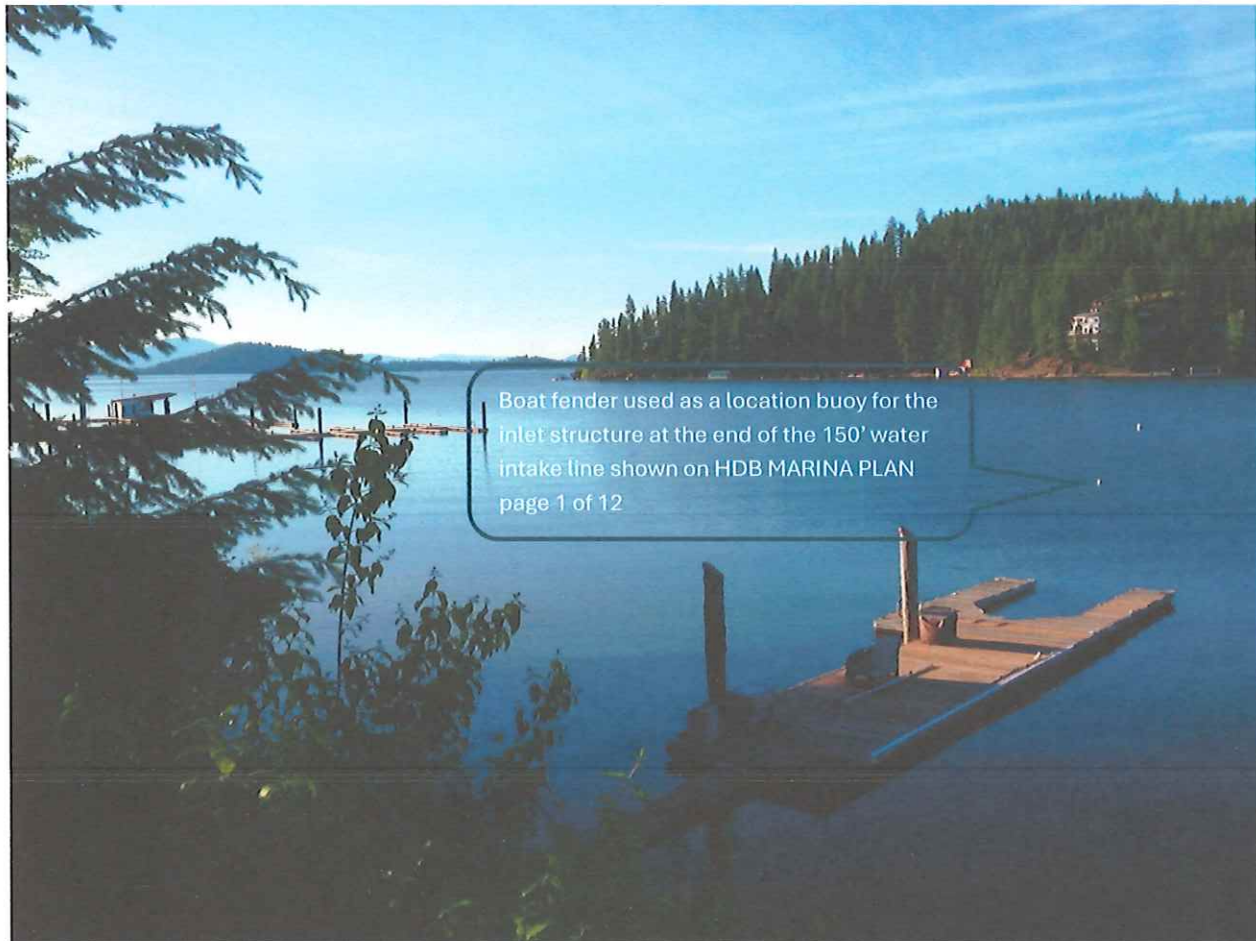
In summary the full impact of 51 moorages (vs. the historic occupancy of only 2 or 3) on road and marine traffic, marine navigation, neighboring waterfronts, fisheries, the aquatic environment, and other factors that must be weighed per the Lake Protection Act, have not been adequately considered. No alternatives have been presented and the waterfront community of the bay has not been informed.

Appended to this letter are photographs that depict the proposed project in relation to our neighboring property.

Sincerely,

 
Tom and Connie Fudge, Trustees of the Fudge Family Trust





Boat fender used as a location buoy for the inlet structure at the end of the 150' water intake line shown on HDB MARINA PLAN page 1 of 12

Figure 1 – Fudge Family Trust Dock (former configuration) Parcel # 03700000010





Figure 2 – Fudge Family Trust Dock (current configuration) Parcel # 03700000010

