

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



STATE BOARD OF LAND COMMISSIONERS

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January 20, 2026

Thomas Brown Etux
PO Box 1161
Hayden ID 83835

Re: Courtesy Notification of Application of Encroachment ERL95S1741Q

To Whom it May Concern:

This letter is to inform you as a courtesy that your adjacent neighbor, SOUTHERN MARINAS HAYDEN LAKE LLC, has applied for a permit with Idaho Department of Lands for a Commercial marina reconfiguration/expansion and relocate fuel station on Hayden Lake. The enclosed applications with site diagrams show the location and indicate dimensions and distances to your mutual property/riparian boundary.

Please review the application and all materials carefully.

If you **consent** to the proposed encroachment, please complete the attached form by checking the first box, initial, and return it to our office as quickly as possible. No response will also be considered consent.

If you **object** to the proposed encroachment and would like to **request a public hearing**, please complete the attached form by checking the second box, initial, and return to our office no later than **February 24, 2026**. If you request a public hearing, state law requires you submit your written objection and a **\$75 fee** to cover the cost of publishing notice of hearing. Objections should be based on the standards for commercial, community, or nonnavigational encroachments, which can be found in the IDAPA 20.03.04 Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho (<https://adminrules.idaho.gov/rules/current/20/200304.pdf>). Failure to provide contact information may prevent IDL from holding a public hearing due to strict timelines as provided by law.

Please complete and return the attached form to IDL via email or mail by **February 24, 2026**,

Sincerely,

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

Enclosures

STATE OF IDAHO
DEPARTMENT OF LANDS
ATTACHMENT FOR ENCROACHMENT

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 IDL hold a Public Hearing.** 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