

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of Application for)	PH-2026-NAV-22-002
Encroachment ERL95S1741Q, to)	
reconfigure and expand a commercial)	OAH Case No. 26-320-04
marina and relocate gas lines and fuel)	
dispensars,)	SCHEDULING ORDER
)	
)	
Lindsey Olmstead,)	
)	
Applicant.)	
_____)	

A scheduling conference was conducted via Zoom on February 24, 2026. Attending were: Hearing Officer Scott Zanzig; Applicant Lindsey Olmstead for Southern Marinas Hayden Lake, LLC (SMHL); Objector Dennis Kerr; Idaho Department of Lands (IDL) counsel, Kayleen Richter; and several IDL representatives who observed.

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

1. The only parties who will be permitted to participate in the evidentiary portion of the administrative public hearing (*i.e.*, present sworn testimony and exhibits, cross-examine witnesses, and present argument) are Applicant Lindsey Olmstead/SMHL, Objector Dennis Kerr, and IDL. By determining that Dennis Kerr will be permitted to participate in the administrative hearing, his designation as a “party” for this purpose does not determine that he would necessarily have party status for purposes of seeking judicial review of any orders that arise from this proceeding. IDL has received comments from a number of other persons who did not submit a fee to request a hearing as provided by IDAPA 20.03.04.030.04.b. Those persons will not be permitted to participate as parties in the evidentiary portion of the hearing, but they may observe and provide public comments following the evidentiary portion of the hearing.

2. On or before **April 1, 2026**, the parties participating in the evidentiary portion of

the hearing will file the following with the Hearing Officer and serve copies on opposing counsel and parties:

- a. A disclosure of witnesses by name, address, and telephone number who will testify at the evidentiary hearing in this matter, including expert witnesses, along with a summary of the anticipated testimony of each witness;
- b. An exhibit list;
- c. The parties shall provide a copy of their proposed exhibits to one another and the Hearing Officer. Applicant SMHL shall number its exhibits as follows: “SMHL-01,” “SMHL-02,” “SMHL-03,” etc.; IDL shall number its exhibits as follows: “IDL-01,” “IDL-02,” “IDL-03,” etc.; Objector Dennis Kerr shall number his exhibits as follows: “OBJ-01,” “OBJ-02,” “OBJ-03,”.

3. On or before **April 1, 2026**, the parties may file with the Hearing Officer and serve each other their prehearing statements. Each party’s prehearing statement should summarize the facts and law they intend to rely on at the hearing.

4. **A remote Prehearing Conference will be held via Zoom on April 8, 2026, at 10:00 a.m. Mountain Time.** A Zoom link for the prehearing conference will be sent contemporaneously with this order.

5. The in-person public hearing in this matter is scheduled on **April 15, 2026, in Coeur d’Alene, Idaho at a location to be determined by the Hearing Officer. The evidentiary portion of the hearing will commence at 12:00 p.m. Pacific Time and conclude at 7:00 p.m. Pacific Time. The hearing will be open for public comment beginning at 7:00 p.m. Pacific Time and will conclude no later than 9:00 p.m. Pacific Time.**

6. The Hearing Officer understands that the parties anticipate that the hearing may be

attended by a large number of interested members of the public, so the typical hearing rooms at North Idaho College (NIC) may not be large enough to accommodate the hearing. The Office of Administrative Hearings is contacting NIC to determine whether it has appropriate alternative space available. The Hearing Officer intends to set a location for the hearing as soon as possible, but in no event later than March 15, 2026. If the parties can estimate the number of expected attendees before that date, please advise the Hearing Officer.

7. The hearing will be recorded via Zoom. A Zoom link will be sent after the prehearing conference. Counsel or self-represented parties who wish to present evidence or argument or cross-examine witnesses must appear at the hearing. Witnesses may testify via Zoom. Any party who intends to present testimony from a witness via Zoom is responsible for sharing the Zoom link with the witness. Applicant has reserved the right to request a court reporter be present to transcribe the hearing. Applicant will notify the Hearing Officer as soon as possible if they request that a court reporter be present.

8. 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 scott.zanzig@oah.idaho.gov and filings@oah.idaho.gov.

9. Should any party or counsel require special accommodations pursuant to the Americans with Disabilities Act, they must notify the Hearing Officer of such request on or before **April 8, 2026**.

DATED: February 25, 2026.

OFFICE OF ADMINISTRATIVE HEARINGS

/s/ W. Scott Zanzig
W. Scott Zanzig
Lead ALJ/Hearing Officer

DEPUTY CLERK’S CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of February, 2026, I caused to be served a true and correct copy of the foregoing by the following method to:

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/s/ Elaine Maneck

Elaine Maneck, Deputy Clerk
Office of Administrative Hearing