



IDL ADMINISTRATIVE RULES AND NEGOTIATED RULEMAKING

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June 23, 2009 Negotiated Rulemaking

Sixteen members of the public and two IDL employees attended this session. A few changes were made to the Lake Protection Rules (20.03.04).

Updated tables of the specific changes can be read here:

- [Table of draft changes to 20.03.04](#)
- [Table of draft changes to 20.03.17](#)

Here are the updated draft rules:

- [Lake Protection Rules Draft Changes](#)
- [Submerged Leasing Draft Changes \(no changes were made from the previous draft\)](#)

These are draft copies of proposed rule changes. For official rules, see this website:

<http://adm.idaho.gov/adminrules/rules/idapa20/20index.htm>

Resolution was not reached on these topics:

- The treatment of float homes in Subsection 015.03 was again discussed at length. Several participants would like float homes to be removed from the comparison with boat slips (two public boat slips per private float home moorage in paragraphs f and g), or have the comparison made based on the exact square footage of the float home and boat slips involved. Some participants claimed that the current rule language was forcing marinas to privatize float homes, or would prevent the creation of an all float home marina. IDL and others disagreed, and stated that market conditions and marina owners are determining how float home moorage is being treated. IDL also stated the need for a simple process to address private float home moorage, and a need to provide a tangible benefit to the public trust in exchange for the privatization of float home moorage.

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- The determination of “similar size and quality” in paragraphs 015.03.f and g was also discussed. This was related to item 1 above, and some more clarification on how IDL determines “similar size” was requested. IDL is comfortable with the current language that leaves some flexibility in determining what is “similar”, but some participants want more tangible criteria (slip square footage, length, etc.) to be used so applicants and others can use the same methodology in determining “similar”. The treatment of approaches and fairways in the calculation of area could also be a reasonable approach, but would further complicate the permitting process.
 - The requirement for yearly sewer inspections may be burdensome, and unnecessary for those systems that have been recently upgraded. Actual standards for float home sewer systems, especially for the lines from the float homes to the shore, are needed so float home owners and marina operators know what the requirements are. IDL will attempt to contact some plumbing professionals with float home experience to help flesh out these standards. These requirements would need to be implemented by 2012, at which time IDL will obtain baseline information about all float homes to determine where improvements are needed.
 - Boat lifts were discussed at length. A possible agreement was reached, and draft language is included in the rule changes. The proposed agreement would not require a permit for lifts installed within the boundaries of permitted dock.

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