

SECTION 35 - ASSIGNMENTS, AMENDMENTS and EXTENSIONS

A. Assignments of Encroachment Permits

Forms	All requests for assignment shall be on the Department of Lands Request for Assignment of Encroachment Permit form (Attachment 16) (IDAPA 20.03.04.065.01).
Signatures	The request for assignment shall have the signatures of the new property owner and the notarized signature of the prior owner or their agents (IDAPA 20.03.04.065.01).
Fees	All requests for an assignment shall require a \$150 processing fee. Submerged land leases will require a separate assignment form and fee (IDAPA 20.03.04.065.02).
File Review	A review of the file is necessary to complete the assignment. All non-compliance must be addressed (IDAPA 20.03.04.065.04).
Site Inspections	It is recommended that Area staff conduct site inspections for encroachment assignments, when possible, with an emphasis on completing inspections with encroachment permits older than 15 years. Approval of the assignment may be delayed until weather conditions allow an inspection. Upon completing the site visit, it may be necessary to either request an encroachment application for an unpermitted portion of the encroachment or request removal of unpermitted structures.
File Update	A request for an assignment shall be logged into the Area ledger or electronic journal, indicating the encroachment activity. A new file label is prepared if necessary and the file is updated with the new encroachment information.
Document Distribution	The assignment original form and related paperwork will be forwarded to the Bureau for record keeping after the assignment is completed

Cottage Sites

Encroachment permits associated with a state cottage site lease will not be assigned until the cottage site lease is assigned. The cottage site lease will require a separate assignment form and fee.

B. Amendments to Encroachment Permits

Community Docks and Commercial Marinas

Changes to the interior of these facilities may qualify as a reconfiguration or rearrangement as per [IDAPA 20.03.04.020.05.b](#). See Section 40 of these Procedures for more information.

Forms

A request to amend an existing encroachment permit must be submitted on an encroachment application ([Attachment 3](#) with either [Attachment 4](#) or [Attachment 5](#)) and processed as a new permit with the required application fee ([IDAPA 20.03.04.020.04](#)).

Permit Number

An extension (A, B, C, etc.) is given to the end of the encroachment number to indicate the encroachment activity.

C. Extensions of Encroachment Permits

Sunset Clause

Permit extensions are only needed for those encroachment permits that have not been completely built out to permit size within a specified period. Any or all of the permitted encroachment can be cancelled by the Department if the entire encroachment structure has not been constructed within three (3) years ([IDAPA 20.03.04.060.04](#)). Depending on the type of encroachment, there are several alternatives available to address extension permits.

The Department should not give a permittee the impression that extensions for uncompleted encroachments are automatically granted. It should be clearly stated in any communication that completion of the encroachment is critical, if a continued valid permit is to be guaranteed.

Single and Two-family Encroachments

Request Submittal

Permit extensions may be granted after receiving a request in writing. The request for an extension must be received prior to the time that the three (3) year sunset clause terminates ([IDAPA 20.03.04.060.04](#)). The Area will review the extension request to determine whether an extension will be granted. Extensions of unfinished permits are normally granted for one (1) year intervals, but can be issued for up to three years if there is justification. There is no guarantee that a permit will be given additional extensions, so the need for completion of the encroachment within three (3) years should be stressed to the permittee.

Expired Permits

If a permit extension request is received after the sunset clause expires, or the Department learns the sunset clause has expired and construction is not complete, the Area will review the encroachment permit file and the uncompleted encroachment. After the Area completes these reviews and determines that the encroachment permit qualifies for extension as permitted, the Area may reinstate the permit. The Area will then notify the permittee in writing that a one (1) year extension of the permit has been granted.

Denial

Permit extension requests may be denied after the Area has completed their review. The Area has two (2) options after the decision to deny the extension has been made. The first would be to cancel the entire permit and have the former permittee reapply for a new encroachment permit. The second option would be to modify the existing or former permit to the as-built encroachment and require the permittee apply to complete the encroachment as previously permitted.

File Update

The requested extension activity is logged into the Area ledger or journal and an extension is given to the encroachment number such as an A or B to indicate the encroachment activity.

All other encroachments

Extension Requests

Permit extensions may be granted after receiving a written request. The request for an extension must

be received prior to the permit's termination. The Area will review the permit extension request to determine whether an extension will be granted. Extensions of unfinished permits can only be granted for one (1) additional year. No additional extensions will be allowed. If the encroachment is not completed by the end of the one (1) year extension, all or part of the permit will be cancelled.

Denial

Permit extension requests can be denied after the Area has reviewed the uncompleted encroachment. The Area has two (2) options after the decision is made to deny the extension. First would be to cancel the whole permit and have the former permittee reapply for a new encroachment permit. The second option would be to modify the existing or former permit to the as-built encroachment and make the permittee apply to complete the encroachment as previously permitted. If the applicant refuses to comply, an order to remove the encroachment may be required.

If the three year construction period expires and the Area determines that the permit should not be reinstated, the permittee shall be notified by letter that the permit has been cancelled, per the sunset clause. In the letter, there shall be information as to what extent the permit has been cancelled. If it is partially cancelled, a new permit shall be issued and included in the same letter to the permittee. A blank application shall also be included in case the permittee wishes to reapply for modifications to the existing build-out, or applies for an entirely new encroachment.

Communications

The extensions are granted by letter. The letter shall state the extension is being granted and the termination date of the extension. If the request is timely then a one (1) year extension can be granted.

File Update

The requested extension activity is logged into the Area ledger or journal and an extension is given to the encroachment number such as an A or B to indicate the encroachment activity.