



Welcome to Rulemaking

IDAPA 20.03.09 Easements on
State-Owned Submerged Lands
and Formerly Submerged Lands

Agenda

- Introduction
- 3 Changes in Second Draft
- Next Steps

Public Participation

- Bulletin
- Post cards & emails
- Press release
- Rulemaking Website:
<https://www.idl.idaho.gov/rulemaking/docket-20-0309-2101/>
- Comment email address: rulemaking@idl.idaho.gov
- Public meetings

Guidelines for Success

- Stay on topic
 - Rules must stay within statutory authority
 - Rules must meet legislative intent
 - Rules must meet Executive Order: Zero Based Regulation
- Be respectful of others (raise hands & take turns speaking)
- Keep comments brief and relevant
- Offer specific wording suggestions
- Read updates on website

Change in Second Draft (1 of 3)

Rule 010.10. Natural or Ordinary High Water Mark. The line ~~which~~ that the water impresses upon the soil by covering it for sufficient periods of time to deprive the soil of its vegetation and destroy its value for agricultural purposes. When the soil, configuration of the surface, or vegetation has been altered by human activity, the natural or ordinary high water mark will be located where it would have been if this alteration had not occurred.

Change in Second Draft (2 of 3)

Rule 010.11. Person. An individual, corporation, partnership, limited liability company, an association, a joint venture or a corporation trust, unincorporated organization or other legal entity qualified to do business in the **s**State of Idaho, and any federal, state, county, or local unit of government, or an individual.

Rule 011.02. Exercise of State Title. The **s**State of Idaho exercises its title over the beds of all lakes, rivers, and streams that are navigable in fact. Information about lakes, rivers, and streams deemed navigable by the **s**State of Idaho is available from the Department.

Change in Second Draft (3 of 3)

Rule 010.12. State-Owned Navigable Waterways and Navigable Waterways. As used in these rules, the beds of all navigable waterways up to the natural or ordinary high water mark as of the date Idaho was admitted into statehood. This includes any such bed that was formerly submerged and subsequently filled, and is now uplands because of human activity (e.g. dikes, berms, jetties, etc.) or by natural processes, and includes islands within navigable waterways resulting from human activity or by natural processes.

Tentative Next Steps

- ~~April 28~~ ~~Public meeting~~
- ~~April 30~~ ~~Deadline for comments on first draft of rules~~
- May 5 Public meeting
- June 30 Public's deadline to submit comments to IDL
- July 20 IDL update to Land Board
- October 6 Proposed rule published in Bulletin and start of 21-day public comment period
- October 13 Public Hearing for Proposed Rule
- October 27 Public's deadline to submit comments to IDL
- November 16 Present pending rule to Land Board
- 2022 Present pending rule to 2022 Legislature