

## Negotiated Rulemaking Meeting Notes – April 25, 2024

**Name of Negotiated Rulemaking:** Rules for the Regulation of Beds, Waters, and Airspace over Navigable Lakes in the State of Idaho (IDAPA 20.03.04)

**Docket number:** 20-0304-2401

**Location:** Coeur d'Alene, IDL Coeur d'Alene Office and on Zoom/Teleconference

**Date/Time:** Thursday, April 25, 2024 – 2:00 p.m. PT

**Attendees:** See participant list

**Facilitated by:** Marde Mensinger, Navigable Waterways Program Manager – Resource Protection and Assistance Bureau, Idaho Department of Lands (IDL)

This is the second of 5 scheduled meetings during the public comment period April 3, 2024 – June 5, 2025.

Marde Mensinger presented an overview of rulemaking and reviewed the draft rule changes.

### Discussion:

Discussion began with questions about why IDL included a definition of Private Submerged Lands. It was explained that there are certain lakes in the state that have an artificial high water mark, and it is important to define and recognize that Private submerged land affects certain encroachment permit holders.

There was also discussion about the cleanup of construction debris and the permitting around floating dock replacement. There are already some permitting guidelines around cleanup of waste in the rule.

There was a question about the permitting of encroachments built before 1975. Encroachment holders may apply for encroachments built prior to 1975 per Idaho Code 58-1312. No changes in the draft rule will affect those encroachment permitting processes. IDL staff explained the process for those permit applications and explained the difference between rule changes and statute changes.

There was some discussion about float homes and whether they could be rebuilt or have additional stories added. Per IDAPA 20.03.04.020.10.c, float homes may be replaced or have additional stories added, but owners must first apply for those changes with IDL.