

Negotiated Rulemaking Meeting Notes – April 23, 2025

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: Boise, IDL Boise Bureau Office and on Zoom/Teleconference

Date/Time: Wednesday, April 23, 2025 – 1:00 p.m. MT

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 third and final of 3 scheduled meetings during the public comment period April 3, 2024 – June 13, 2025.

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

Discussion:

- There was some discussion surrounding the difference between a commercial marina and a community dock, using the McCall city dock as an example. Commercial marinas may submit applications to expand their operation, and unlike community docks, they do not have a limit on how large they may expand. However, IDL may only approve those applications to expand as long as they do not negatively impact navigation or other public trust values.
- Commercial marina applications are also subject to public hearings. The public may present evidence about why they believe a commercial marina application may or may not be a detriment to public trust.
- There was a question about the proposed requirement to have any petroleum spills immediately reported. That is an enforcement issue that lies with the local marine deputies or the local deputized Fire Marshall. IDL may receive complaints as well, and can alert the local authorities to go investigate.
- There was a larger discussion around dumping and abandoning old docks. This is a problem statewide, and IDL is trying to address it through the appropriate channels. The IDAPA rules are not clear on dumping or waste issues. That may need to be addressed on a later revision. There was a suggestion to add a disposal fee that would be deposited up front with the application fee.
- There was a discussion about the requirement to advertise applications in the local newspaper. While this method is considered outdated, it is a requirement by statute. In order to change this, the public would need to bring a new method to their local representative to propose a statute change.
- There were questions about who can apply for breakwaters. Breakwaters are issued to entities that may benefit a large number of users, such as commercial marinas or community docks.

After answering some questions about the rulemaking comment process, the meeting was concluded.