

Welcome to Rulemaking!

IDAPA 20.03.04

Rules for the Regulation of Beds, Waters, and
Airspace Over Navigable Lakes in the State of
Idaho

Agenda

- Welcome and Introductions
- Rulemaking Overview
- Participation & guidance
- Draft Changes to Negotiated Rule
- Discussion
- Next Steps

IDAHO CONSTITUTION

LEGISLATIVE STATUTES (IDAHO CODE)

STATE AGENCY RULES (ADMINISTRATIVE CODE)

POLICIES

PROCEDURES

GUIDELINES AND OTHER WRITTEN INTERPRETATIONS

Public Participation

<https://www.idl.idaho.gov/rulemaking/docket-20-0304-2401/>

- Idaho Administrative Bulletin
- Postcards, Emails, Social Media Posts
- Public Meetings
- Comments
 - rulemaking@idl.idaho.gov
 - Online Comment Form
 - 300 N. 6th St., Suite 103 – Boise ID 83720



Guidelines for Success

- Stay on topic
- Be respectful of others (raise hand / take turns speaking)
- Keep comments brief and relevant
- Offer specific wording suggestions

Zero-Based Regulation

Red Tape Reduction

Ensure Idaho regulations remain streamlined, user-friendly, and easy to understand.

Rule Text	Word Count	Restrictive Words	shall	must	may not	required
Current Rule Text	10715	160	44	69	12	35
IDL Draft	10,006	126	0	82	9	35
Reductions	- 709 (6.62%)	34	44	+13	3	0

Changes to Draft Rule Text (1 of 3)

Reduction to Overall Word Count

Omitting Duplicative Definitions found in Title 58, Chapter 13

- ~~**Eneroachments in Aid of Navigation.** Includes docks, piers, jet ski and boat lifts, buoys, pilings, breakwaters, boat ramps, channels or basins, and other facilities used to support water craft and moorage on, in, or above the beds or waters of a navigable lake. The term “eneroachments in aid of navigation” is used interchangeably with the term “navigational eneroachments.~~
- ~~**Eneroachments Not in Aid of Navigation.** Includes all other eneroachments on, in, or above the beds or waters of a navigable lake, including landfills, bridges, utility and power lines, or other structures not constructed primarily for use in aid of navigation, such as float homes and boat garages. The term “eneroachments not in aid of navigation” is used interchangeably with the term “nonnavigational eneroachments.”~~
- ~~**Line of Navigability.** A line located at such distance waterward of the low water mark established by the length of existing legally permitted eneroachments, water depths waterward of the low water mark, and by other relevant criteria determined by the board when a line has not already been established for the body of water in question.~~
- ~~**Natural or Ordinary High Water Mark.** The high water elevation in a lake over a period of years, uninfluenced by man-made dams or works, at which elevation the water impresses a line on the soil by covering it for sufficient periods to deprive the soil of its vegetation and destroy its value for agricultural purposes.~~
- ~~**Navigable Lake.** Any permanent body of relatively still or slack water, including man-made reservoirs, not privately owned and not a mere marsh or stream eddy, and capable of accomodating boats or canoes. This definition does not include man-made reservoirs where the jurisdiction thereof is asserted and exclusively assumed by a federal agency.~~

Changes to Draft Rule Text (2 of 3)

Clarity

- **IDAPA 18.08.01, “Adoption of the International Fire Code.”** This rule is available at <https://adminrules.idaho.gov/rules/current/18/180801.pdf>
- **IDAPA 24.39.30, “Rules of Building Safety (Building Code Rules).”** This rule is available at <https://adminrules.idaho.gov/rules/current/24/243930.pdf>.
- **Boat Basin.** A navigational dredged channel that provides access to navigable waters via a partially enclosed area where boats may be moored.
- **Breakwater.** A navigational structure that is designed to protect moorage by reducing wave energy.
- **Private Submerged Lands.** Privately-owned land that lies between an artificial high water mark and the ordinary high water mark on some navigable lakes.

Changes to Draft Rule Text (3 of 3)

Clarity

- Removed use of the word “shall”.
- Changing the name: **20.03.04 – RULES FOR ~~THE REGULATION OF BEDS, WATERS, AND AIRSPACE OVER NAVIGABLE LAKES IN THE STATE OF IDAHO~~ ENCROACHMENTS ON NAVIGABLE LAKES**
- Adding clarity to definitions to define what is navigational and nonnavigational.

Next Steps

- April 24-May 7 Public meetings – Sandpoint, Coeur d’Alene, McCall, Jerome, Pocatello
- Summer 2024 Conduct additional research and create a new draft based on comments and internal review
- June 16, 2025 Public’s deadline to submit comments to IDL
- July 2025 IDL update to Land Board
- September 2025 Proposed rule published in Bulletin and start of 21-day public comment period
- October 2025 Present pending rule to Land Board
- 2026 Present pending rule to 2026 Legislature

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Thank you for your input today!

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Idaho Department of Lands · Navigable Waterways Program

<https://www.idl.idaho.gov/rulemaking/docket-20-0304-2401/>