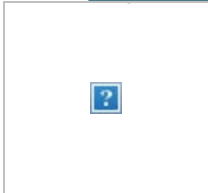


From: [Marde Mensinger](#)
To: [Rulemaking](#)
Cc: [Marde Mensinger](#); [Andrew Smyth](#)
Subject: IDL Rulemaking Comments
Date: Wednesday, September 24, 2025 11:55:57 AM
Attachments:

Please include the attached rulemaking comments in the rulemaking record for the proposed rule.

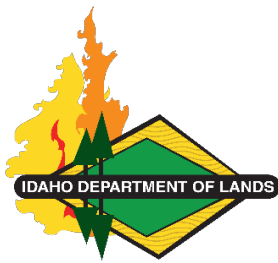
Thank you!

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Dustin T. Miller, Director
Working Lands, Trusted Stewards
Equal Opportunity Employer

State Board of Land Commissioners

Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D Woolf, State Controller
Debbie Critchfield, Sup't Public Instruction

September 24, 2025

Rulemaking
300 N. 6th Street
Boise, ID 83702

via email: rulemaking@idl.idaho.gov

Re: Rulemaking Comments on IDAPA 20.03.04 – Rules for the Regulation of Beds, Waters, and Airspace over Navigable Lakes in the State of Idaho Proposed Rule

Idaho Department of Lands suggests the following comments on the IDAPA 20.03.04 – Rules for the Regulation of Beds, Waters, and Airspace over Navigable Lakes in the State of Idaho Proposed Rule.

Under Section 20.03.04.010.26., Public Hearing, the word coordinator should be removed and replaced with the word "officer".

Under Section 20.03.04.020.07.c., there is an "a" missing from the sentence. The correct language should read as "If more than one (1) littoral owner exists, the application must bear the signature of all littoral owners, or the signature of an authorized officer of *an* entity or a designated homeowner's or property management association." (Emphasis added)

Under Section 20.03.04.015.13.f., Weather Conditions, there is a stray period that needs to be removed from the sentence. The sentence should read as "Flotation devices must be reasonably resistant to puncture and other damage."

Under Section 20.03.04.015.13.l.i., Overhead Clearance, the words "in the permit" need to be removed from the last sentence of the paragraph.

Under Section 20.03.04.015.13.l.ii., Overhead Clearance, the reference to Paragraph 015.13.h needs to be replaced with an updated reference to Paragraph 015.13.l.

Under Section 20.03.04.015.14.a., Floating Toys, the sentence should be amended to remove the words "encroachment, and an" so that the sentence simply reads as "An encroachment permit is required for floating toys when they are anchored to the lakebed with an anchor that requires equipment for removal or when located waterward of the line of navigability for more than twenty-four (24) consecutive hours."

Under Section 20.03.04.020.07.a., the word "must" should be included in the first sentence. It should read as "Plans must include detailed information to demonstrate compliance with the applicable standards of these rules, and the following information at a scale sufficient to show the information requested:"

Under Section 20.03.04.020.07.h., the word "intake" should be removed from the sentence. It should read as "No publication cost is required for applications for noncommercial navigational encroachments not extending beyond the line of navigability or for application for installation of buried or submerged water lines and utility lines."

Under Section 20.03.04.030.09., Judicial Review, the word "decision" should be removed from the first sentence. It should read as "Any applicant or party aggrieved by the Director's final order has the right to judicial review of the final order by the district court in the county in which the encroachment is proposed by filing a notice of appeal within thirty (30) days from the date of the final order."

Under Section 20.03.04.055.02., Seawalls, Breakwaters, Fill., there is a stray comma after the word "authorized" that needs to be removed from the sentence. It should read as "Seawalls, breakwaters, and fill on or over state-owned beds, designed primarily to create additional land surface, will only be authorized by an encroachment permit and submerged land lease or easement, upon approval by the Department."

Respectfully,

Marde Mensinger

Marde Mensinger
Navigable Waterways Program Manager

ec: Marde Mensinger – mmensinger@idl.idaho.gov