



# Idaho Lake Protection Act Commercial Marinas

**Commercial Marinas** offer moorage to the general public for free or for rent.

An **encroachment permit** from the Idaho Department of Lands (IDL) is required for marinas located on navigable lakes and certain reservoirs. (Idaho Code § 58-1303) Marina requirements are found in IDAPA 20.03.04.

## Covered Slip Requirements

- May not have a temporary or permanent residential area.
- Colors should blend with the natural surroundings. Marinas often use blue enabling boaters to easily identify a safe port in emergency situations.
- May not be supported by extra piling.
- May not be constructed with a hard roof.
- Eaves may not extend beyond underlying dock.
- Fabric canopies with sides are discouraged, but if sides are to be installed, then:
  - Two feet of open space must be left between the bottom of the cover and the dock surface.
  - Canopy fabric must transmit at least 75% of natural light.



## Commercial Marina Requirements

- A minimum of 50% of moorages must be made available to the general public. Moorage for use by the general public must meet the following:
  - Be of similar size and quality as any private moorage on site
  - Rent or lease agreements do not exceed 1 year, although agreements may be renewed annually
  - Ownership of moorage or real property is not a condition of use
  - Membership in a club or organization is not required
- Marinas must comply with local parking ordinances. If local parking ordinances have not been adopted, then marinas must provide at least:
  - One parking space per two public watercraft or float home moorages
  - One parking space per moorage for each moorage tied to a specific parking space
- Docks should protrude at a right angle to the general shoreline.
- Docks may not be located closer than 25 feet from adjacent littoral right lines, unless written consent from the adjacent littoral owner is obtained.
- Docks must be designed and installed to withstand normally anticipated weather conditions.
- Foam is discouraged, but if used, it must be completely encased and resistant to the entry of rodents.

# Submerged Land Lease

A **state submerged land lease** is also required for commercial marinas located on navigable waterways. Annual rent is 3.75% of the gross receipts received from public moorages and 5% of the average moorage rate charged at nearby marinas for private moorages. Additional rent may be required for other encroachments.

Lessees are required to carry \$1 million commercial general liability insurance with an endorsement for marina liability, employer's liability insurance, and workers compensation insurance. Registration with the Idaho Secretary of State is required.

## Privatize Moorages & Conversion to a Community

A permit is required to privatize moorages or convert a commercial marina to a community dock. Please contact IDL prior to submitting an application to discuss the plans.

The difference between a community dock and a commercial marina is who uses the moorages. Facilities with at least 50% of moorages available to the public (for free or rent) may qualify as a commercial marina. Facilities with less than 50% of moorages available to the public are considered community docks.

Please see the Idaho Lake Protection Act community dock brochure for permitting requirements for community docks.

## Application Process

Permits are typically issued 2-4 months after an application is received.

### 1. **Apply.** Applicant submits:

- ☐ Joint Application Form (The Joint Application Form is used by both IDL and the [United States Army Corp of Engineers](https://www.usace.army.mil/) (https://www.usace.army.mil/) (USACE). Depending on the nature of the work, a permit may be required from the USACE under the Rivers and Harbors Act or the Clean Water Act.)
- ☐ IDL Application Form
- ☐ Supporting documents (drawings, maps, etc.)
- ☐ \$2,075 application & newspaper publication fee (If the costs of processing an application exceed this amount, then the applicant may be charged the actual cost to process the application.)

### 2. **Review.** IDL reviews application and notifies applicant if additional information is needed.

### 3. **Comments.** IDL publishes a notice of the application in the local paper and provides notice of the application to adjacent landowners and other agencies seeking input as to the likely effect of the encroachment upon navigation, habitat, aquatic life, recreation, aesthetic beauty, or water quality. IDL will hold a public hearing, if requested. The purpose of the hearing is to gather the facts concerning the proposed encroachment and public testimony in support of, or in opposition to, the encroachment.

### 4. **Issue Permit.** If the proposed marina meets all relevant standards, IDL issues a permit.

### 5. **Record Permit.** Applicant, now Permittee, records the permit with the county recorder's office.

### 6. **Obtain Lease.** Permittee applies for and obtains a submerged land lease from IDL.

### 7. **Construction.** Permittee constructs the marina.

### 8. **File Report.** Once the marina is built, the permittee submits a work completion report with IDL.

### 9. **Inspection.** IDL inspects the marina to verify compliance with the permit terms and standards.

## Contact us

For more information, visit the [IDL Encroachments webpage](https://www.idl.idaho.gov/lakes-rivers/encroachments/). (https://www.idl.idaho.gov/lakes-rivers/encroachments/) Or scan the QR code.

