

## IDAPA 20 – IDAHO DEPARTMENT OF LANDS

### 20.03.04 – RULES FOR THE REGULATION OF BEDS, WATERS, AND AIRSPACE OVER NAVIGABLE LAKES IN THE STATE OF IDAHO

DOCKET NO. 20-0304-1901

#### NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 58-104(6), 58-105, and 58-1304, Idaho Code.

**MEETING SCHEDULE:** Scheduled negotiated rulemaking meetings will begin during the week of June 10, 2019, and will be posted on the agency website at [www.idl.idaho.gov/rulemaking](http://www.idl.idaho.gov/rulemaking). Please contact Andrew Smyth at (208) 334-0248 or [asmith@idl.idaho.gov](mailto:asmith@idl.idaho.gov) to be added to the email list of interested parties.

The meeting sites will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

**METHOD OF PARTICIPATION:** Those interested in participating in the negotiated rulemaking process are encouraged to attend scheduled meetings and submit written comments to the address below or by email to [rulemaking@idl.idaho.gov](mailto:rulemaking@idl.idaho.gov). If providing comments by email, please enter IDAPA 20.03.04 in the subject line.

Preliminary rule drafts, research materials, and supporting documents will be posted to the agency website throughout the rulemaking process at [www.idl.idaho.gov/rulemaking](http://www.idl.idaho.gov/rulemaking).

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available on the agency website and to interested persons who contact the agency.

**DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

All funding used to manage the beds of navigable waterways comes from the fees and rent collected from the use of these lands; no general tax dollars support this work. The costs for processing encroachment permit applications for single-family docks, two-family docks, water-intake lines, and assignments exceed the current application fees collected. The Idaho Department of Lands (IDL) is considering raising the fees for these four types of applications to ensure fees cover the respective processing costs. IDL is also considering potentially removing the fee schedule from the rules to have encroachment permit fees set by the Land Board within the limitations provided in Section 58-1307, Idaho Code.

In addition, Section 58-1305, Idaho Code, does not specify who should provide notice of application to adjacent property owners for all noncommercial navigational encroachments. IDL is considering changing the rules to prescribe that the department shall provide notice.

**ASSISTANCE ON TECHNICAL QUESTIONS AND OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Andrew Smyth at (208) 334-0248 or [asmith@idl.idaho.gov](mailto:asmith@idl.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts and the schedule of negotiated rulemaking meetings, can be found on the agency website at the following web address: [www.idl.idaho.gov/rulemaking](http://www.idl.idaho.gov/rulemaking).

**SUBMISSION OF WRITTEN COMMENTS:** Anyone may submit written comments regarding this negotiated rulemaking to the address below or by email to [rulemaking@idl.idaho.gov](mailto:rulemaking@idl.idaho.gov). All written comments must be directed to the undersigned and must be delivered on or before July 12, 2019.

Dated this 3rd day of May, 2019.

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