

IN THE SENATE

SENATE BILL NO. 1257

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1
2 RELATING TO NAVIGATIONAL ENCROACHMENTS; AMENDING SECTION 58-1312, IDAHO
3 CODE, TO DEFINE A PHRASE AND TO REVISE A PROVISION REGARDING CERTAIN
4 DOCUMENTATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
5 DATE.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 58-1312, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 58-1312. PERMITTING OF EXISTING ENCROACHMENTS. (1) Unless otherwise
10 prohibited, every person seeking a permit for a navigational or nonnavigational
11 encroachment constructed prior to January 1, 1975, shall provide
12 the board with substantive documentation of the age of the encroachment and
13 documentation that the encroachment has not been modified since 1974. For
14 purposes of this section, the phrase "has not been modified" means that the
15 overall footprint of the encroachment on the lake bed has not changed in
16 dimension, orientation, height, or location. Persons providing such docu-
17 mentation shall receive an encroachment permit and shall not be required to
18 pay the application and publication fees established in this chapter. Such
19 substantive documentation shall include but not be limited to dated aerial
20 photographs, tax records, or other historical information deemed reliable
21 by the board.

22 (2) Every person seeking a permit for a navigational or nonnavigational
23 encroachment constructed, replaced or modified on or after January 1, 1975,
24 shall submit a permit application and enter the same permitting process as
25 required for new encroachments.

26 SECTION 2. An emergency existing therefor, which emergency is hereby
27 declared to exist, this act shall be in full force and effect on and after
28 July 1, 2024.