

IN THE SENATE

SENATE BILL NO. 1279

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 been expanded  
16 in dimension or height or changed in orientation or location. Persons pro-  
17 viding such documentation shall receive an encroachment permit and shall not  
18 be required to pay the application and publication fees established in this  
19 chapter. Such substantive documentation shall include but not be limited  
20 to dated aerial photographs, tax records, or other historical information  
21 deemed reliable 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.