

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

37.03.07 –STREAM CHANNEL ALTERATION RULES

DOCKET NO. 37-0307-2501

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 Section 42-1805(8), Idaho Code. This action is consistent with Executive Order 2020-01: Zero-Based Regulation, which directs agencies to review all administrative rules over the five-year period of 2021-2025 (completing review no later than Idaho Legislature sine die 2026).

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows. Any additional meeting dates will be posted on IDWR's website at <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2025-2026/stream-channel-rules/>.

<p style="text-align: center;">*PUBLIC MEETING* April 30, 2025, 1:00 PM-5:00 PM (Mountain Time)</p>
<p style="text-align: center;">In Person: Idaho Dept. of Water Resources 322 E Front St. Boise, ID 83720-0098 (Meeting to be held at the University of Idaho Conference Room 156, located on the 1st Floor of the University of Idaho Water Center)</p> <p style="text-align: center;"><i>To sign up for attendance via telephone/videoconference,</i> <i>Contact rulesinfo@idwr.idaho.gov or Erik Boe at 208-287-4800 by April 23, 2025</i></p> <p>Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency web site at the following web address: https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2025-2026/stream-channel-rules/</p>

The meeting site(s) 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 at the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must either attend the above-scheduled meeting or identify themselves to IDWR using the phone number or email address listed above in advance of the above-scheduled meeting. Upon conclusion of 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 to interested persons who contact IDWR or, if IDWR chooses, the summary may be posted on IDWR's website listed above.

Should a reasonable number of persons respond to this notice, additional negotiated meetings may be scheduled, and all scheduled meetings shall be posted and made accessible on IDWR's website listed in this notice.

A lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, IDWR has sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

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:

This rulemaking will review the "Stream Channel Alteration Rules," IDAPA 37.03.07, consistent with Executive Order 2020-01. The Stream Channel Alteration Rules govern the permitting of stream channel alterations and include minimum standards that specify procedures for processing applications in a short period of time where the applications are of a common type, which do not propose alterations which will be a hazard to the stream channel and its environment. The intent of the Rule is to protect stream channels against

alteration for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality.

IDWR identified the following areas as potential changes from the existing chapter:

- Simplify, condense, and modernize rule language.
- Remove obsolete or unnecessarily duplicative rule language.
- Clarify rule language not adequately explained.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:

For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact rulesinfo@idwr.idaho.gov or contact Erik Boe, IDWR Rules Regulation Officer at (208) 287-4800. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the IDWR website at the following web address: <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2025-2026/stream-channel-rules/>

Anyone may submit written comments regarding this negotiated rulemaking. All written comments on topics covered during the April 30, 2025 meeting must be directed to the undersigned and must be delivered on or before May 14, 2025. Information regarding any additional public comment opportunities will be posted on IDWR's website listed above.

DATED this 1st day of April, 2025

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