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December 1, 2020

Idaho State Board of Land Commissioners

Brad Little, Governor

Lawrence E. Denney, Secretary of State

Lawrence G. Wasden, Attorney General

Brandon D. Woolf, State Controller

Sherri Ybarra, Superintendent of Public Instruction

Dustin T. Miller, Director & Secretary to the Board

RE: Request for Informational Agenda item re: The River Club (aka Plantation) proposal for lease of public trust lands

Dear Director Miller and Members of the Idaho Board of Land Commissioners:

The Idaho Conservation League (ICL) hereby respectfully requests that the Land Board include an informational agenda item at the December 2020 Meeting of the Idaho Board of Land Commissioners to learn more about the status of a proposal to lease public trust lands below the ordinary highwater mark of the Boise River in Garden City.

Discussions with representatives of the River Club/Plantation have been occurring between IDL staff and the proponents since at least January.

In August 2020, a Land Use Permit was issued for soil sampling and wetland delineation.

Most recently, a field trip with IDL staff, along with other federal, state and local agencies was held at the site in late October.

Because lands below the ordinary highwater mark and formerly submerged lands are managed for public benefits pursuant to the Public Trust Doctrine, ICL feels that IDL and the Land Board should err on the side of public disclosure and public involvement. As courts have found, “[p]ublic trust resources may only be alienated or impaired through open and visible actions, where the public is in fact informed of the proposed action and has substantial opportunity to respond to the proposed action before a final decision is made thereon.”¹

¹ See *Kootenai Envtl. Alliance v. Panhandle Yacht Club*, 671 P.2d 1085 (Idaho 1983)

Please feel free to contact me at your convenience if you have any questions, or if you would like to further discuss this request.

Respectfully submitted,



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