

# IDAHO STATE HISTORICAL SOCIETY

## REFERENCE SERIES

### UNDERWATER ARCHAEOLOGICAL SITES PROTECTION

Number 819

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Although federal agencies have an interest in and paramount right for control over navigable waters and passage through them, actual stream channels and lake beds are state owned, but held in trust for public use and passage. States (in this case through Idaho's State Land Department) can allow encroachment upon channels and lake beds, and statutory provisions allow leases of such lands, but they still are held in trust. Whether such lands are public lands has not been adjudicated, but they could be regarded as public land subject to regulation under Idaho's State Antiquities Act. Special regulations for underwater archaeology on this class of public land have not been adopted in Idaho, but general regulations provided for by statute should apply.

Information supplied by Warren Felton