Welcome to Rulemaking

IDAPA 20.03.09 Easements on State-Owned Submerged Lands and Formerly Submerged Lands
Agenda

- Introduction
- Fee Increase
- Using less and simpler words
- Reducing restrictive words
- Next Steps
Public Participation

- Bulletin
- Post cards & emails
- Press release
- Rulemaking Website: https://www.idl.idaho.gov/rulemaking/docket-20-0309-2101/
- Comment email address: rulemaking@idl.idaho.gov
- Public meetings
Guidelines for Success

- Stay on topic
  - Rules must stay within statutory authority
  - Rules must meet legislative intent
  - Rules must meet Executive Order: Zero Based Regulation
- Be respectful of others (raise hands & take turns speaking)
- Keep comments brief and relevant
- Offer specific wording suggestions
- Read updates on website
Fewer and less restrictive words

<table>
<thead>
<tr>
<th></th>
<th>Total Words</th>
<th>Total Restrictive Words</th>
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<tbody>
<tr>
<td>Current Rule</td>
<td>3120</td>
<td>54</td>
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<tr>
<td>4-20-21 Draft</td>
<td>2772</td>
<td>11</td>
</tr>
<tr>
<td>CHANGE</td>
<td>−348</td>
<td>−43</td>
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</table>
“Navigable Waterways”

- Change “submerged lands and formerly submerged lands” to “navigable waterways”
- Match language used in statutes.
- 25 replacements reducing word count by 100 words.
Fee Increase
Rule 020.01

- Increase current application fee of $300 to $500 to cover the actual cost to process an application.
- No change to supplemental compensation fees.
Fee Increase
Rule 020.01

Estimated Average Cost to Process an Application

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate(^1)</th>
<th>Hours</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Administrative Assistant</td>
<td>$20.46</td>
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<td>$10.23</td>
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<tr>
<td>Technical Records Specialist</td>
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<td>Resource Specialist</td>
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<td>GIS Specialist</td>
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<td>Program Manager</td>
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<tr>
<td>Legal Counsel</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td>11.25</td>
<td><strong>$478.92</strong></td>
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</table>

\(^1\) Hourly rate plus benefits.
Assignment Fees
Rule 050.01

- $50 to transfer each easement from one entity to another.
- Currently the rule states:
  If all state easements held by a grantee are assigned at one time, only one (1) assignment fee shall be required.
- There is no cost saving to the state to process multiple easements at one time. There are still costs associated to assign each easement.
Appraisals
Rule 020.02.b, 03, and 04

- Some easements require supplemental compensation based on an appraisal.
- IDL does not always employ licensed appraisers. This change would eliminate the possibility for an IDL employee to conduct the appraisal.
Applications
Rule 070.01.b, and 3

- Only 1 copy of documents required
Decision on Application
Rule 070.04 and 05

- Increase the scope of authority of the Director to decide on applications with fees up to $25,000 (an increase from $10,000).
- Consistent with the criteria used for other easements managed by IDL.
- Applications with fees exceeding $25,000 or those of a complex and unusual nature will be presented to the Board.
Tentative Next Steps

- April 28: Public meeting
- April 30: Deadline for comments on first draft of rules
- May 5: Public meeting
- June 30: Public’s deadline to submit comments to IDL
- July 20: IDL update to Land Board
- October 6: Proposed rule published in Bulletin and start of 21-day public comment period
- October 13: Public Hearing for Proposed Rule
- October 27: Public’s deadline to submit comments to IDL
- November 16: Present pending rule to Land Board
- 2022: Present pending rule to 2022 Legislature