



# 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

**IDAHO CONSTITUTION**

**LEGISLATIVE STATUTES (IDAHO CODE)**

**STATE AGENCY RULES (ADMINISTRATIVE CODE)**

**POLICIES**

**PROCEDURES**

**GUIDELINES AND OTHER WRITTEN INTERPRETATIONS**



# 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

	Total Words	Total Restrictive Words
Current Rule	3120	54
4-20-21 Draft	2772	11
CHANGE	- 348	-43



# “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

Position	Rate <sup>1</sup>	Hours	Cost
Administrative Assistant	\$20.46	.5	\$10.23
Technical Records Specialist	\$23.85	.5	\$11.93
Resource Specialist	\$32.78	3.75	\$122.93
GIS Specialist	\$35.64	.5	\$17.82
Program Manager	\$44.07	2	\$88.14
Legal Counsel	\$56.97	4	\$227.88
Total		11.25	\$478.92

<sup>1</sup> 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