

<b>Response to Comments on Draft Negotiated Rule</b> IDAPA 20.03.09, Easements on Submerged Lands and Formerly Submerged Lands				
<b>Comment</b>	<b>Rule Section</b>	<b>Response</b>	<b>Date</b>	<b>Author</b>
Replacing "Submerged Lands and Formerly Submerged Lands" with "Navigable Waters" makes for a clearer and more concise rule.	General	IDL agrees.	5-May-21	Austin D. Lowe
The term "arm's length sale" detracts from clarity and should be omitted.	010.09	The term "arm's length" is commonly used in real estate and business transactions. This term provides necessary clarity on the desired nature of transactions. The IDL has encountered entities conducting transactions within their ownership groups and a requirement for "arm's length sale" ensures a fair transaction. References added to the research materials and posted on the IDL website at <a href="https://www.idl.idaho.gov/wp-content/uploads/sites/2/2021/05/Arms-Length-References.pdf">https://www.idl.idaho.gov/wp-content/uploads/sites/2/2021/05/Arms-Length-References.pdf</a> .	5-May-21	Austin D. Lowe
"Information is available from the Department" could be clearer if it specified where or how to get the information.	011.02	All posted rules are now prefaced with a cover sheet that provides information regarding that rule. Regarding the information specific to Subsection 011.02, that information is currently available on IDL's website at: <a href="https://www.idl.idaho.gov/wp-content/uploads/sites/2/2020/01/list-navigable-lakes-rivers-1-1.pdf">https://www.idl.idaho.gov/wp-content/uploads/sites/2/2020/01/list-navigable-lakes-rivers-1-1.pdf</a>	5-May-21	Austin D. Lowe
Raising the application fee from \$300 to \$500 does not seem to be best course of action in the current COVID-19 economy.	020.01	These easements are part of a self-funded program that receives no taxpayer funds. As a result, the program must try to recoup the cost of each transaction that occurs from the applicants. The fee has been \$300 since at least 1992. Adjusting for inflation alone, a \$300 fee in 1992 would now cost approximately \$580. Executive Order 2020-01 establishes a five-year review cycle for fee rules; if the shortfall in covering transaction costs is not addressed now, it cannot be revisited for another five years. While the timing with COVID-19 is unfortunate, fees must be raised now or the cost of completing easements will be carried by other functions within this program.	5-May-21	Austin D. Lowe