

Comparison of Navigable Water Easement Fees and Terms

Agency	Application/Processing Fee	Other fee(s)	Terms
Idaho Department of Lands (Navigable Waterways Proposed Changes)	\$500	<p>\$1,000 for hydroelectric dams and dams >10 feet in height plus \$5/megawatt of installed generating capacity.</p> <p>Other uses that substitute navigable waters for uplands will have additional fees based on acreage used and the value of adjacent uplands.</p>	<p>Hydroelectric dams have terms up to 55 years that correspond with FERC licensing. Term easements can last 10 to 55 years. Permanent structures such as bridges, utilities, and roads are typically perpetual.</p>
Idaho Department of Lands (Endowment Lands)	\$100	Up to 100% of land value, plus damage to the remainder as justified.	Term easements can last 10 to 55 years.
Bureau of Land Management	\$130 to over \$1,239 based on Agency time to process. Actual costs are recovered if more than 50 hours are estimated to be needed.	Monitoring Fee which may be the same amount as the Application Fee. Rent may also be charged from almost \$9/acre to \$30,000/acre.	Variable depending on the proposed use.
<p>Washington</p> <p>https://app.leg.wa.gov/RCW/default.aspx?cite=79.36.350</p> <p>https://app.leg.wa.gov/RCW/default.aspx?cite=79.110</p> <p>https://app.leg.wa.gov/wac/default.aspx?cite=332-30-122&pdf=true</p>	\$25	From \$5,000 for lengths of up to one mile up to \$20,000 for lengths greater than five miles.	30 years
<p>Oregon</p> <p>https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=4854</p>	<p>\$125 for structures or facilities necessary for the use of water.</p> <p>\$750 all other structures and facilities.</p> <p>No application fee for water, gas, electric or communication service</p>	<p>Compensatory payment based on 33 1/3 percent of the market value of the adjacent riparian tax lots up to \$11.93 per square foot.</p> <p>Compensatory payment not required for some uses, especially utilities and public bridges.</p>	Have terms up to 30 years, unless otherwise authorized by the director.

Agency	Application/Processing Fee	Other fee(s)	Terms
	lines across non-trust lands outside of city limits.		
Nevada https://www.leg.state.nv.us/NAC/NAC-322.html https://lands.nv.gov/uploads/documents/APPNavWaterGenFill.pdf	Any commercial use of state land other than an agricultural use, \$500. Any agricultural use of state land, \$300. Any other use of state land, \$250.	Varies by use.	Varies by use.
Utah Fee-Schedule-2017.pdf (utah.gov) and R652-40-800	\$150	Assessment fee 10% every 3 years Minimum easement fee of \$225	Normally 30-year terms
Wyoming https://lands.wyo.gov/trust-land-management/surface-leasing/easements and https://drive.google.com/file/d/1cqgLOzsXaCHE1QlrdchXHS351X3EO5-m/view	\$100	Consideration fee is greater of \$250 or market value.	Normally not longer than 35-year terms.
Montana https://rules.mt.gov/gateway/Subchapterhome.asp?scn=36%2E25.11 https://leg.mt.gov/bills/mca/title_0770/chapter_0010/part_0110/sections_index.html https://rules.mt.gov/gateway/ruleno.asp?RN=36%2E2%2E1003	\$50	Greater of \$100, calculated market value of footprint, market evidence, or current fee schedule.	Varies by use.
Alaska http://www.akleg.gov/basis/aac.asp#11.51 http://www.akleg.gov/basis/aac.asp#11.05.070	\$480 for 1 acre or less. \$1,200 for larger easements that are processed in 60 hours or less. Additional fees are then due for time spent over 60 hours.	Varies by use.	22 to 55 years for private easements. Indefinite for some others.

Agency	Application/Processing Fee	Other fee(s)	Terms
https://dnr.alaska.gov/mlw/pdf/DMLWFeeOrder3-v2.pdf https://dnr.alaska.gov/mlw/lands/			
South Dakota https://sdlegislature.gov/Statutes/CodifiedLaws/2053131 https://sdlegislature.gov/Statutes/CodifiedLaws/2034102 https://sdlegislature.gov/Statutes/CodifiedLaws/2034103	Appraised value of the land, minimum \$500.	None.	Perpetual if used continuously.

	Assignment/Processing Fee
Idaho Navigable Waterways	\$50
Idaho Endowment Lands	\$100
Bureau of Land Management	Unknown
Washington	No fee
Oregon	\$750
Nevada	N/A. Require new easement
Utah	\$50
Wyoming ¹	No fee
Montana ²	\$50
Alaska	\$400, more if over 20 hours needed to process.
South Dakota	No fee

¹ <https://lands.wyo.gov/trust-land-management/surface-leasing/easements> and <https://drive.google.com/file/d/1cggLOzsXaCHE1QlrdchXHS351X3EO5-m/view>

² <http://www.mtrules.org/gateway/ruleno.asp?RN=36%2E2%2E1003>

Washington

- Statute: <https://app.leg.wa.gov/rcw/default.aspx?cite=79.110&full=true>
- WA Aquatic Land Management Rules: <https://apps.leg.wa.gov/wac/default.aspx?cite=332-30>
- Emailed ard@dnr.wa.gov on 3/29/21.

Alaska

- Kriss Hess, kris.hess@alaska.gov, (907) 269-8501, left voice mail at 10:04 am 3/18/21. She did presentation at WSLCA committee meeting.
- Missed Kriss's call. Called her back and then emailed her on 3/23/21.
- <https://dnr.alaska.gov/mlw/lands/easements/>

South Dakota

- Emailed Cammie Schmidt, SD Office of School & Trust Lands, 3/29/21. She forwarded my email to Ryan on 3/29/21.
- Ryan emailed 3/29/21. I followed up to ask about assignments, but have not heard back.

Wyoming

- Called Mardy Rapp - 307.777.6521 - email: mardy.rapp@wyo.gov at 10:55 am, 3/18/21, left voice mail. Asked if they manage navigable waterways or just endowment lands.
- <https://lands.wyo.gov/trust-land-management/surface-leasing/easements.>
- Talked to Mardy 3/18. \$100 app fee (or \$150 for temp permit). 75% of consideration fee due up front based on market value.

BLM

<https://www.blm.gov/programs/lands-and-realty/rights-of-way>

https://www.blm.gov/sites/blm.gov/files/Lands_ROW_ObtainingaROWPamphlet.pdf

<https://www.blm.gov/sites/blm.gov/files/policies/IM2020-009att1.pdf>

https://www.blm.gov/sites/blm.gov/files/Lands_ROW_2-17-18_CustomerService_Flow_Chart.pdf

Title 43 of the Code of Federal Regulations, Parts 2800 and 2880

BLM fees:

- Processing fee: Based on the time BLM estimates it will take to process the application. There are six categories starting at \$130 for up to 8 hours of work up to the full cost if estimated to exceed 50 hours. The next category for 8-24 hours is \$459.
- Monitoring fee: Same structure as processing fee.
- Rent: linear rent schedule that is adjusted annually based on inflation index or communication use schedule.
- No fee is required for state or local agencies that serve the public.