

Zero-Based Regulation Prospective Analysis

Fill out entire form to the best of your ability, unless submitting a Notice to Negotiate only fill out 1, 2, and 5

Agency Name: Idaho Department of Lands

Rule Docket Number: 20-0317-2201

1. What is the specific legal authority for this proposed rule?

Statute Section (include direct link)	Is the authority mandatory or discretionary?
Idaho Code § 58-104(6) – State Land Board – Powers and Duties	Discretionary
Idaho Code Title 58 Chapter 3 – Appraisalment, Lease, and Sale of Lands	Discretionary
Idaho Code Title 58 Chapter 12 – Public Trust Doctrine	Discretionary

2. Define the specific problem that the proposed rule is attempting to solve? Can the problem be addressed by non-regulatory measures?

Upon statehood, Idaho obtained title to the beds of navigable lakes and rivers to hold in trust for the benefit of the public. IDAPA 20.03.17 establishes a consistent process to compensate the state of Idaho for specific commercial and private uses of state-owned navigable waterways. These uses typically include marinas, community docks, non-navigational encroachments, and oversized private docks, which occupy the state's lakes. The proposed changes seek to comply with Executive Order 2020-01, simplify the application process, and adjust the fees so they cover the cost of processing lease applications and assignments.

3. How have other jurisdictions approached the problem this proposed rule intends to address?

a. Is this proposed rule related to any existing federal law?

Federal citation	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)

b. How does this proposed rule compare to other state laws?

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Washington		
Oregon		
Nevada		
Utah		
Wyoming		
Montana		
Alaska		
South Dakota		

c. If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

4. What evidence is there that the rule, as proposed, will solve the problem?

5. What is the anticipated impact of the proposed rule on various stakeholders? Include, how will you involve them in the negotiated rulemaking process?

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	This lease program is funded by the Navigable Waterways Fund, a state dedicated fund. Increased fees will result in an estimated annual increase of \$8,200 and allow IDL to cover the costs of processing submerged land leases. Current lease holders will not be affected, but applicants for new leases will pay an increased fee. No fiscal impact to the General Fund is anticipated. Impacts to state funds are expected to be diminutive. A notice of rulemaking will be sent to the one state agency that has an active submerged land lease.

Category	Potential Impact
Impact to Idaho businesses, with special consideration for small businesses	This lease program is funded by the Navigable Waterways Fund, a state dedicated fund. Increased fees will result in an estimated annual increase of \$8,200 and allow IDL to cover the costs of processing submerged land leases. Current lease holders will not be affected. Applicants for new leases will pay an increased fee. Most leases are issued for community docks, commercial marinas and various non-navigational encroachments for a term of ten years. Because an application fee is only paid once every ten years, this is expected to have minimal fiscal impact to applicants.
Impact to any local government in Idaho	This lease program is funded by the Navigable Waterways Fund, a state dedicated fund. Increased fees will result in an estimated annual increase of \$8,200 and allow IDL to cover the costs of processing submerged land leases. Current lease holders will not be affected. Applicants for new leases will pay an increased fee once every ten years when the lease expires. One lease is currently issued to a local government agency, so impact to this agency would be minimal. A notice of rulemaking will be sent to the local government agency that has an active submerged land lease.

6. What cumulative regulatory volume does this proposed rule add?

Category	Impact
Net change in word count	
Net change in restrictive word count	