

Zero-Based Regulation Prospective Analysis

Agency Name: Idaho Department of Lands

Rule Docket Number: 20-0313-2401

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

Statute Section (include direct link)	Is the authority mandatory or discretionary?
Idaho Code Title 58, Chapter 3 – Appraisal, Lease, and Sale of Lands	Discretionary
Idaho Code Title 58, Chapter 104(6) – State Land Board – Powers and Duties	Discretionary
Idaho Code Title 58, Chapter 105 – Director	Discretionary

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

IDAPA 20.03.13 provides guidance for residential cottage site leasing on state lands by establishing restrictions regarding assignments and describing how annual rent will be determined. The proposed changes seek to comply with Executive Order 2020-01.

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)
N/A	N/A	N/A

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	https://app.leg.wa.gov/WAC/default.aspx?cite=332-22 Washington Administrative Code Chapter 332-22 broadly covers the state land leasing program rules. Chapter 332-22-105 discusses leases for residential uses by negotiation, also discussing therein fair market compensation. Chapter 332-22-110 mandates certain necessary lease terms. Chapter 332-22-130 contemplates waivers and modifications to existing residential lease conditions.	Idaho cottage site leasing rules are similar in some respects, and in some cases less stringent.
Oregon	https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=366 Oregon Administrative Code Chapter 141-125 outlines the authorization of special uses of state-owned land holdings, among which residential uses are included. Chapter 141-125-0160 outlines expected compensation provided by lessees for these types of leases. Chapter 141-125-0170 details the general terms and conditions for these types of instruments.	Idaho cottage site leasing rules are similar in some respects, and in some cases less stringent.
Nevada	Nevada no longer has a leasing program or associated rules.	N/A
Utah	https://adminrules.utah.gov/public/rule/R850-30/Current%20Rules?searchText=trust%20lands Utah Administrative Code Chapter R850-30 discusses special use leases of trust lands, which includes leasing for residential purposes. Chapter R850-30-400 sets forth expectations with respect to lease rates; meanwhile, Chapter R850-30-600 outlines required lease provisions in such leases.	Idaho cottage site leasing rules are similar in some respects, and in some cases less stringent.
Wyoming	Available at https://rules.wyo.gov/ (ref. number: 060.0002.5.12122023) Wyoming Administrative Code Chapter 060.0002.5 covers special uses leases of Wyoming state lands, among which recreational uses, as defined by W.S. 36-5-115, which specifically mentions cabin sites, are included. Chapter 060.0002.5.5 discusses the term of such leases, and related considerations that may be appropriate. Chapter 060.0002.5.7 considers appropriate annual rental figures for this category of leases.	Idaho cottage site leasing rules are similar in some respects, and in some cases less stringent.

Montana	https://rules.mt.gov/gateway/ChapterHome.asp?Chapter=36%2E25 Montana Administrative Code Chapter 36.25 generally covers the leasing of state lands in Montana. Chapter 36.25.110 sets forth minimum rental rates for each lease category. Chapter 36.25.1009 specifically addresses the issuance of cabin site leases on previously unleased or reclassified land.	Idaho cottage site leasing rules are similar in some respects, and in some cases less stringent.
Alaska	https://www.akleg.gov/basis/aac.asp#11.67.800 11 AAC 67.805 sets forth the manner in which remote recreational cabin sites are designated by Alaska. 11 AAC 67.835 outlines conditions which remote recreational cabin site leases are expected to carry in Alaska.	Idaho cottage site leasing rules are similar in some respects, and in some cases less stringent.
South Dakota	South Dakota law, nor its administrative rules, does not appear to contemplate analogous uses of South Dakota endowment lands.	N/A

- 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:**

N/A

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

Since the adoption of IDAPA 20.03.13, this rule has successfully guided the Idaho Department of Lands' cottage site leasing program. As currently proposed, the rule's total word count has decreased along with the number of restrictive words, as well.

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	No fiscal impact to the state General Fund, Earnings Reserve, any other dedicated fund, or federal funds.

Category	Potential Impact
Impact to Idaho businesses, with special consideration for small businesses	No impact to Idaho businesses.
Impact to any local government in Idaho	No impact to local governments.

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

Category	Impact
Net change in word count	Reduction of 75 words, or 19.43%
Net change in restrictive word count	Reduction of 1 restrictive word, or 50%