

## Zero-Based Regulation Prospective Analysis

**Agency Name:** Idaho Department of Lands

**Rule Docket Number:** 20-0314-2401

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

Statute Section (include direct link)	Is the authority mandatory or discretionary?
<a href="#">Idaho Code Title 58, Chapter 3</a> - Appraisal, Lease, and Sale of Land	Discretionary
<a href="#">Idaho Code Title 58, Chapter 104(6)</a> - State Land Board – Powers and Duties	Discretionary
<a href="#">Idaho Code Title 58, Chapter 105</a> - 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 20.03.14 provides guidance for grazing, farming, conservation, noncommercial recreation, and communication site leasing on state lands. The rules include guidance regarding administrative appeals, the application process, valuation of improvements, and conflict auctions. Of particular importance are the rules regarding conflict auctions, which are typically not outlined in a lease. These rules ensure a smooth and transparent auction process and eliminate time consuming improvement valuation disputes and ensure committed parties participate at auction. Many of these rules were developed in close conjunction with, and at the request of, the livestock industry. 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)
43 FR 4100	<a href="https://www.ecfr.gov/current/title-43/subtitle-B/chapter-II/subchapter-D/part-4100">https://www.ecfr.gov/current/title-43/subtitle-B/chapter-II/subchapter-D/part-4100</a> Bureau of Land Management 4100-Grazing Administration-Exclusive of Alaska is the BLM’s national regulations for grazing administration across federally owned public lands. This regulation has a	N/A the Idaho rule focuses more on the leasing process for grazing and farming on endowment lands.

	management and multiple use focus for grazing in rangeland ecosystems.	
36 FR 222	United States Forest Service Title 36 Chapter II Part 222 is the USFS's national regulations for grazing and range management. The focus of these regulations is like IDL's rules as it describes the permitting process and the agency's abilities and duties to manage the permits.	N/A the rules are similar, but IDL's rule is less stringent.

**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	<a href="https://app.leg.wa.gov/WAC/default.aspx?cite=332-22">https://app.leg.wa.gov/WAC/default.aspx?cite=332-22</a> <a href="https://app.leg.wa.gov/WAC/default.aspx?cite=332-20">https://app.leg.wa.gov/WAC/default.aspx?cite=332-20</a> Washington Administrative Code Chapter 332-22 outlines the states leasing rules and process including applications, auctions, lease terms etc. that is universal for various uses. Chapter 332-20 Grazing Lands outlines grazing and range specific leasing and management activities including range improvements, rental rate calculation and trailing permits.	Idaho Natural Resource leasing rules are similar and, in some cases, less stringent.
Oregon	<a href="https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=362">https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=362</a> Department of State Lands Chapter 141 Division 110 Management and Leasing of Rangeland Forage outlines the leasing processes and policies for grazing activities on state lands. The rule highlights the grazing rate calculation and terms and conditions as well as other terms expected to be met in the lease.	Idaho Natural Resource leasing rules are similar and, in some cases, less stringent.
Nevada	Nevada no longer has a leasing program or associated rules.	N/A
Utah	<a href="https://adminrules.utah.gov/public/rule/R652-50/Current%20Rules?searchText=undefined">https://adminrules.utah.gov/public/rule/R652-50/Current%20Rules?searchText=undefined</a> Natural Resources: Forestry, Fire, and state Lands-Range Management outlines the leasing processes and policies for grazing activities on state lands. The rule highlights the special permit, provisions, range improvements etc.	Idaho Natural Resource leasing rules are similar and, in some cases, less stringent.

Wyoming	<a href="https://drive.google.com/file/d/1J9YR2sEtBfrwAPsc75YlwJdazv9X-z-/view">https://drive.google.com/file/d/1J9YR2sEtBfrwAPsc75YlwJdazv9X-z-/view</a> Office of Lands and Investments: Chapter 4: Grazing and Agricultural Leasing outlines the leasing processes and policies for grazing activities on state lands. The rule highlights the special permit, provisions, range improvements etc.	Idaho Natural Resource leasing rules are similar and, in some cases, less stringent.
Montana	<a href="https://rules.mt.gov/BookView/PrintContent.asp?SL=CHPT&amp;ID=413&amp;BD=4%2F29%2F2024">https://rules.mt.gov/BookView/PrintContent.asp?SL=CHPT&amp;ID=413&amp;BD=4%2F29%2F2024</a> Department of Montana Natural Resources and Conservation-Stat Land leasing-Surface Management Rules outlines the leasing processes and policies for grazing activities on state lands. The rule highlights terms and conditions as well as other terms expected to be met in the lease, application process and other lease activity guidelines. There are also additional rules regarding sheep grazing in Big Horn Sheep sensitivity areas.	Idaho Natural Resource leasing rules are similar and, in some cases, less stringent.
Alaska	<a href="https://www.akleg.gov/basis/aac.asp#11.58.020">https://www.akleg.gov/basis/aac.asp#11.58.020</a> Alaska Administrative Code: Leasing of Lands <a href="https://www.akleg.gov/basis/aac.asp#11.60">https://www.akleg.gov/basis/aac.asp#11.60</a> Alaska Administrative Code: Grazing leases  Alaska Administrative Code: Leasing of Lands outlines the states leasing rules and process including applications, auctions, lease terms etc. that is universal for various uses. Alaska Administrative Code: Grazing leases outlines grazing and range specific leasing and management activities including range improvements, water rights, trailing permits as well as compatible uses.	Idaho Natural Resource leasing rules are similar and, in some cases, less stringent.
South Dakota	<a href="https://sdlegislature.gov/Statutes/5-5">https://sdlegislature.gov/Statutes/5-5</a> South Dakota Laws Chapter 5-5 Agricultural and Grazing Leases of School and Public Lands outlines factors considered in grazing and agricultural leases as well as general lease expectations on state lands.	Idaho Natural Resource leasing rules are similar and, in some cases, less stringent.

**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?**

The rule text reduced the total word count and restrictive statements. The proposed rule remains to be less restrictive.

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

<b>Category</b>	<b>Potential Impact</b>
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	No fiscal impact to the General Fund, Earnings Reserve, any other dedicated fund, or federal funds.
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?**

<b>Category</b>	<b>Impact</b>
Net change in word count	Reduced by 536 words (-10.35%)
Net change in restrictive word count	Reduced by 17 words (-37.78%)