

## 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, 5, and 7. The rest of the form must be completed prior to the adoption of the proposed rule.**

**Agency Name:** Idaho Department of Lands

**Rule Docket Number:** 20-0308-2501

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

Statute Section (include direct link)	Is the authority mandatory or discretionary?
Title 58, Chapter 1, <i>et seq</i> <a href="https://legislature.idaho.gov/statutesrules/idstat/title58/t58ch1/">https://legislature.idaho.gov/statutesrules/idstat/title58/t58ch1/</a>	Discretionary
Title 58, Chapter 6, <i>et seq</i> <a href="https://legislature.idaho.gov/statutesrules/idstat/Title58/T58CH6/">https://legislature.idaho.gov/statutesrules/idstat/Title58/T58CH6/</a>	Discretionary

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

IDAPA 20.03.08 sets procedures for easements and other rights-of-ways on lands within the jurisdiction of the State Board of Land Commissioners. The rule establishes policy; fees and compensation for easements; guidelines and duration of temporary permits; amendments to existing easements; emergency work; cooperative use and reciprocal easement agreements; assignments of easements; abandonment, relinquishment, and termination of easements; procedure; and easements on state land under sale contract.

The general intent of this rule change is to:

- align the (20.03.08.020.07) Limit of Director's Discretion with the delegated authority levels as approved by the Land Board, from time to time.
- Better define and eliminate outdated definitions and terms, such as changing "easement application" to "right-of-way application" and create flexibility for digital submission of materials.
- Reduce the cumbersome and costly contents currently required within IDAPA for easement applications.

- Adjust ROW duration periods for temporary permits to align with longer-term rights-of way activities. Extending permit duration reduces re-issue frequency related to expiring permits. Extending the duration of temporary permits improves customer service and produces a substantial savings for IDL staff and its rights-of-way customers.
- The proposed changes seek to comply with Executive Order 2020-01 and will streamline the processing of rights-of-ways
- Review and revise “Consideration” table to ensure consistency with the market.

**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? NO**

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

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

<b>State</b>	<b>Summary of Law (include direct link)</b>	<b>How is the proposed Idaho rule more stringent? (if applicable)</b>
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 you will involve stakeholders in the negotiated rulemaking process?**

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	This change may result in increased compensation for certain types of rights of ways, which would result in a positive fiscal impact to endowment distributions. Issuing 5 and 10 year term permits synchronizes interval frequency resulting in reduced expenditure of Department resources while improving processing efficiencies.
Impact to Idaho businesses, with special consideration for small businesses	This change may result in fewer required application submission fees paid by applicants.
Impact to any local government in Idaho	SAME beneficial points as the above item.

**#6 What cumulative regulatory volume does this proposed rule add?**

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

**#7 Should this rule chapter remain as a rule chapter or be moved to statute as suggested in Section 67- 5292, Idaho Code? Yes, remain as a rule chapter.**

Category	Impact
What is the cost of publishing this rule chapter annually? (Multiply the number of pages x \$56)	This rule is seven (7) pages. 7 pages @ \$56 per page equates to a total of \$392
How frequently has this rule chapter been substantively updated over the past 5 years? (Exclude republishing triggered solely by recent sunset dates)	This rule has not been substantively updated in the past 5 years.
What is the benefit of having all related requirements in a single location in Idaho Code?	This rule is a part of the Idaho Administrative Procedures Act (IDAPA) and is not located in Idaho Code.