

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Idaho Department of Lands _____

Agency Contact: Lawson Tate, r-o-w manager Phone: 208-263-5104 _____

Date: 6-3-2025 _____

IDAPA, Chapter and Title Number and Chapter Name:

IDAPA 20.03.08, Rules Governing Easements on State-Owned Lands

Fee Rule Status: _____ ☒ Proposed _____ Temporary

Rulemaking Docket Number: Docket No. 20-0308-2501 _____

STATEMENT OF ECONOMIC IMPACT:

The proposed rule will not cost more for the department to implement than the existing rules.. No taxpayer funds support this program. The proposed rules eliminate two nominal fees for applications and assignments. Existing easements and permits are unaffected.

The proposed rule changes eliminate the \$100 application fee for easement applications. This will modestly decrease the revenue collected by the Department, with an annual net decrease estimated at \$2,000.

Additionally, the proposed rule changes eliminate the \$50 fee for processing easement Assignments. Eliminating the \$50 processing fee will marginally decrease the revenue collected by the Department, with an annual net decrease estimated at \$500.

The Rights of Way Program's annual loss in revenue is only marginal, while the increases in efficiency and staffing resource savings far exceed the modest revenue generated by application fees.

Removing the application fee and assignment fee results in more efficient processes for the public as well as for the Department. These changes save the Department processing time and reduce workloads of collecting, depositing, and tracking of nominal fees associated with r-o-w applications.

There are no fee changes for temporary permit application fees. Applicants seeking a temporary permit would continue to pay the existing application fees ranging from \$50 to \$500 for the variety of permits issued by the Department.

The proposed rules would codify the existing practices within many of the Department's cooperative road agreements (20.03.08.035 COOPERATIVE USE AND RECIPROCAL USE AGREEMENTS) where parties of easements proportionally buy into existing land improvements, mainly existing roads, bridges and drainage structures.

There is no increased costs to an easement applicant for surveys or appraisals, as the applicant currently bears these associated costs. The proposed rules clarify that easement applicants bear the costs of appraisals and surveys, when these professional services are necessary for the Department to grant an easement. Easement applicants currently pay for these items and the proposed rule text better clarify.

20.03.08.021.02. A commensurate portion of the value created by the right of way, as determined by the Director and supported by specific data such as an appraisal.

Under the proposed rules, an easement applicant may incur an additional or higher cost dependent on an appraiser's conclusion of what value is created by an easement. It would be speculative to forecast what an appraiser would conclude or what specific data an appraisal may contain.

Under the proposed rules, an easement applicant may incur a portion of the value of the existing right of way infrastructure, normally an existing road system. The cost dependent on an appraiser's conclusion or calculated value report of a road, and the percentage share the easement hold is responsible for, such as 10% , when grantee owns 10% of the tributary acres access by a road. An appraiser or valuation report would conclude these specific data.