

IDAPA 20 - DEPARTMENT OF LANDS
20.03.14 - RULES GOVERNING GRAZING, FARMING, CONSERVATION, NONCOMMERCIAL
RECREATION AND COMMUNICATION SITE LEASES
DOCKET NO.

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE
(with scheduled Public Hearings)

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2009.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 59-104(6), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

Wednesday, August 19, 2009

10:00AM to Noon mst **Nampa Civic Center, 311 Third Street South, Central Nampa, Idaho**

1:00PM to 3:00PM mst **Idaho Dept. of Fish & Game, 324 South 417 East, Suite 1, Jerome, Idaho**

3:00PM to 5:00PM mst **Idaho Dept. of Fish & Game, 3316 16th St. Lewiston, Idaho**

Please note meeting time is 2:00PM to 4:00PM Pacific

Thursday, August 20, 2009

10:00AM to Noon mst **Idaho Dept. of Fish & Game, 1345 Barton Rd., Pocatello, Idaho**

1:00PM to 3:00PM mst **Idaho Dept. of Fish & Game, 99 Hwy. 93 North, Salmon, Idaho**

3:00PM to 5:00PM mst **Idaho Dept. of Fish & Game, 4279 Commerce Circle, Idaho Falls, Idaho**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The revisions provide for (1) acceptance of lease applications for competing uses; (2) development of lease terms by the Department and the applicant based on pre-identified criteria; (3) minimum bids at conflict auctions; (4) penalties for applicant withdrawal prior to or after a conflict auction; and (5) new improvement crediting procedures for improvements approved after July 1, 2009.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The procedures for lease applications and conflict auctions provided for in the current rules have resulted in administrative inefficiencies, uncertainty, and litigation for the Land Board, the Department, and lease applicants. The procedural changes provided by this temporary rule are necessary to establish transparency, fairness, and consistency to the lease application and conflict auction processes—which confers a benefit on all affected groups and citizens. These changes will reduce personnel and operating costs thereby improving the financial performance of the Endowment Land Grazing Program consistent with the Land Board's and Departments constitutional mandate to maximize financial returns to endowment beneficiaries. The Department further anticipates that the new procedures will benefit the

general welfare by increasing competition for state endowment land leases, thereby increasing financial return to endowment beneficiaries.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this is a temporary rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Bob Brammer, Division Administrator (208) 334-0239.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2009.

DATED this 6th day of July, 2009.

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