



STATE BOARD OF LAND COMMISSIONERS  
C. L. "Butch" Otter, Governor and President of the Board  
Ben Yursa, Secretary of State  
Lawrence G. Wasden, Attorney General  
Donna M. Jones, State Controller  
Tom Luna, Superintendent of Public Instruction

Tom Schultz, Secretary to the Board

Summary Minutes  
State Board of Land Commissioners' Regular Meeting  
January 17, 2012

The regular meeting of the Idaho State Board of Land Commissioners was held on Tuesday, January 17, 2012 in Boise, Idaho. The meeting began at 8:59 a.m. in the second floor courtroom of the Borah Building, 304 North 8th Street, Boise. The Honorable Governor C. L. "Butch" Otter presided. The following members were present:

Honorable Secretary of State Ben Yursa  
Honorable Attorney General Lawrence Wasden  
Honorable State Controller Donna Jones

For the record, Governor Otter recognized the presence of all Board members with the exception of Superintendent Tom Luna who was presenting testimony to the Senate Education Committee.

• **CONSENT**

**1. Director's Report**

- A. Interest Rate on Department Transactions – January 2012
- B. Timber Sale Activity and Information Report – December 2011
- C. Division of Lands, Minerals, Range Official Transactions – December 2011
- D. Legal Matter Summary – December 2011

**2. Timber Sales for Approval** – Staffed by Roger Jansson, Operations Chief-North, and Kurt Houston, Operations Chief-South

NORTH OPERATIONS

A. Kat Tail	CR-21-3023	1,960	MBF	<u>COUNTY</u> Boundary	<u>AREA OFFICE</u> Kootenai Valley (Bonners Ferry)
-------------	------------	-------	-----	---------------------------	--

SOUTH OPERATIONS

B. Bip Creek Road	CR-40-1080	3,165	MBF	<u>COUNTY</u> Clearwater	<u>AREA OFFICE</u> Clearwater (Orofino)
-------------------	------------	-------	-----	-----------------------------	--

**3. Determination of Ordinary High Water Mark and Disclaimer of Interest in Uplands Adjacent to the Clearwater River, Clearwater County, Idaho – Staffed by Steve Schuster, Deputy Attorney General**

*DEPARTMENT RECOMMENDATION:* Direct IDL to issue a disclaimer of interest to the land along the Clearwater River north of the surveyed OHWM shown on Attachment 3, including the 20-foot limitation to the 25-foot public access easement near the identified structures. Direct legal counsel to then proceed to stipulate to dismissal of the pending lawsuit, Clearwater River Properties LLC v. State of Idaho Department of Lands et al., Clearwater County Case No. CV-2009-84, after all instruments have been executed and recorded.

**4. Approval of Minutes – December 20, 2011 Regular Meeting (Boise)**

**CONSENT AGENDA BOARD ACTION:** A motion was made by Controller Jones that the Board adopt the Consent Agenda. Attorney General Wasden seconded the motion. The motion carried on a vote of 4-0.

- **REGULAR**

**5. Land Board Meetings Outside of Boise – Presented by Tom Schultz, Director**

*DEPARTMENT RECOMMENDATION:* That the State Board of Land Commissioners forego setting two regular meetings outside of Boise in calendar year 2012 due to budgetary concerns.

*BOARD ACTION:* A motion was made by Secretary of State Ysursa that the Board approve the Department recommendation. Controller Jones seconded the motion. The motion carried on a vote of 4-0.

- **INFORMATION**

**6. Land Revenue Forecast – Presented by Patrick Hodges, Division Administrator-Support Services**

**7. Endowment Fund Investment Board Manager’s Report – Presented by Larry Johnson, EFIB Manager of Investments**

- A. Manager’s Report
- B. Investment Report
- C. Updated Forecast of Endowment Fund Reserves

At 9:25 a.m. a motion was made by Attorney General Wasden to resolve into Executive Session pursuant to Idaho Code § 67-2345 subsection (1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Attorney General Wasden requested that a roll call vote be taken and that the Secretary record the vote in the minutes of the meeting. Secretary of State Ysursa seconded the motion. Roll Call Vote: *Aye:* Ysursa, Wasden, Jones, Otter; *Nay:* None; *Absent:* Luna.

- **EXECUTIVE SESSION**

- A. Idaho Code 67-2345(1)(f) – to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. [TOPIC: Update on Cottage Site Defaults]

At 9:39 a.m. the Board resolved out of Executive Session by unanimous consent. No action was taken by the Board during the Executive Session.

There being no further business before the Board, at 9:40 a.m. a motion was made by Attorney General Wasden to adjourn. Secretary of State Ysursa seconded the motion. The motion carried on a vote of 4-0. Meeting adjourned.