Summary Minutes
State Board of Land Commissioners Regular Meeting
October 17, 2019

The regular meeting of the Idaho State Board of Land Commissioners was held on Thursday, October 17, 2019 in the State Capitol, Hearing Room EW42, 700 W Jefferson Street, Boise, Idaho. The meeting began at 1:30 p.m. The Honorable Governor Brad Little presided. The following members were in attendance:

Honorable Secretary of State Lawerence Denney
Honorable Attorney General Lawrence Wasden
Honorable State Controller Brandon Woolf

For the record, four Board members were present. Superintendent Ybarra was absent due to meeting conflicts.

For the record, Governor Little announced that testimony would be accepted on several agenda items and asked those wanting to testify to please sign in.

1. Department Report – Presented by Dustin Miller, Director

   Endowment Transactions
   A. Timber Sales – September 2019
   B. Leases and Permits – September 2019

   Status Updates
   C. Land Bank Fund
   D. Fire Season Report - Final

2. Endowment Fund Investment Board Report – Presented by Chris Anton, EFIB Manager of Investments

   A. Manager's Report
   B. Investment Report
Consent—Action Item(s)

3. **Results of September 2019 Grazing and Crop Conflict Auctions** – *Presented by Dustin Miller, Director*

   **Recommendation:** Direct the Department to award grazing leases to: Blue Butte Grazing Association (G700316), Star Gate Ranch (G700336), Karl Studer (G700326), Carl Horn (G700338), Macade Bingham (G800462), Lake Family Ranches (G800460), Neal Ward (G800468 & G800461), Fish Creek Cattle (G800444), and Perry Ward (C800070).

4. **Approval of Minutes** – September 13, 2019 Regular Meeting (Boise)

   **Consent Agenda Board Action:** A motion was made by Attorney General Wasden that the Board adopt and approve the Consent Agenda. Controller Woolf seconded the motion. The motion carried on a vote of 4-0.

Regular—Action Item(s)

5. **Adoption of Pending Rule–IDAPA 20.03.03, Rules Governing Administration of the Reclamation Fund** – *Presented by Eric Wilson, Bureau Chief-Resource Protection and Assistance*

   **Recommendation:** Adopt the pending rule with changes to the proposed rule text to amend IDAPA 20.03.03, Rules Governing Administration of the Reclamation Fund.

   **Board Action:** A motion was made by Attorney General Wasden that the Board adopt the pending rule changes to the proposed rule text to amend IDAPA 20.03.03, Rules Governing Administration of the Reclamation Fund. Controller Woolf seconded the motion. The motion carried on a vote of 4-0.

6. **Adoption of Pending Rule–IDAPA 20.03.04, Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho** – *Presented by Mick Thomas, Division Administrator, Oil and Gas*

   **Recommendation:** Adopt the pending fee rule to amend IDAPA 20.03.04, Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in Idaho.

   **Board Action:** A motion was made by Attorney General Wasden that the Board approve the Department recommendation that is adopt the pending fee rule to amend IDAPA 20.03.04, Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in Idaho. Controller Woolf seconded the motion. The motion carried on a vote of 4-0.

7. **Adoption of Pending Rules–Omnibus Rulemaking** – *Presented by David Groeschl, Deputy Director*

   **Recommendation:** Adopt the Department's amended proposed rules as pending rules and approve the Department's Notices of Omnibus Rulemaking for adoption of pending rules and pending fee rules.
Board Action: A motion was made by Attorney General Wasden that the Board adopt the Department recommendation that is adopt the Department's amended proposed rules as pending rules and approve the Department's Notices of Omnibus Rulemaking for adoption of pending rules and pending fee rules. Controller Woolf seconded the motion. The motion carried on a vote of 4-0.

8. Approval of Lower Cranberry Timber Sale — Presented by Bill Haagenson, Division Administrator-Operations

Recommendation: The Department recommends that the Board authorize auction of the Lower Cranberry timber sale which includes clearcut harvest units exceeding 100 acres.

Board Action: A motion was made by Attorney General Wasden that the Board adopt the Department recommendation that is that the Board authorize auction of the Lower Cranberry Timber Sale which includes clearcut harvest units exceeding 100 acres. Controller Woolf seconded the motion. The motion carried on a vote of 4-0.

9. Department of Lands' Lease Auction Process — Presented by Bill Haagenson, Division Administrator-Operations

For the record, Governor Little recused himself from discussion and the vote on this item. Governor Little has interest in his family's ranching operation; one of the leases that is subject to this item is part of the family's ranch operations. Governor Little asked Secretary of State Denney to chair this agenda item.

Recommendation: Approve the Department's proposed lease advertising and auction process.

Board Action: A motion was made by Attorney General Wasden that the Board adopt the Department recommendation to approve the Department's proposed lease advertising and auction process. Controller Woolf asked if there was any public comment regarding this matter. Secretary of State Denney noted that no one signed up to provide public testimony. Controller Woolf seconded the motion. The motion carried on a vote of 3-0.

Information

Background information was provided by the presenter indicated below. No Land Board action is required on the Information Agenda.

10. 2020 Grazing Lease Rate and Non-Fee Grazing Cost Study Update — Presented by Bill Haagenson, Division Administrator-Operations

At 2:23 p.m. a motion was made by Attorney General Wasden to resolve into Executive Session pursuant to Idaho Code § 74-206(1)(f) to communicate with legal counsel for the Land Board 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. Controller Woolf seconded the motion. Roll Call Vote: Aye: Denney, Wasden, Woolf, Little; Nay: None; Absent: Ybarra.
Executive Session

A. Idaho Code § 74-206(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: Lease M500031]

At 3:11 p.m. the Board resolved out of Executive Session by unanimous consent. No action was taken by the Board during the Executive Session.

Regular—Action Item(s)

11. Settlement Negotiations for Lease M500031

   **Board Action:** A motion was made by Attorney General Wasden that the Director of the Department of Lands, with the assistance of the Attorney General, be authorized to settle the matter concerning lease number M500031 within the parameters recommended by the Attorney General’s Office during executive session. Controller Woolf seconded the motion. The motion carried on a vote of 4-0.

There being no further business before the Board, at 3:12 p.m. a motion to adjourn was made by Attorney General Wasden. Controller Woolf seconded the motion. The motion carried on a vote of 4-0.