



STATE BOARD OF LAND COMMISSIONERS

James E. Risch, Governor and President of the Board

Ben Ysursa, Secretary of State

Lawrence G. Wasden, Attorney General

Keith L. Johnson, State Controller

Marilyn Howard, Superintendent of Public Instruction

George B. Bacon, Secretary to the Board

Final Minutes  
Regular Land Board Meeting  
November 14, 2006

The regular meeting of the Idaho State Board of Land Commissioners was held on Tuesday, November 14, 2006 in Boise, Idaho. The meeting began at 10:14 a.m. in the second floor courtroom of the Borah Post Office building. The Honorable James Risch presided. The following members were present:

Honorable Secretary of State Ben Ysursa  
Honorable Attorney General Lawrence G. Wasden (via conference phone)  
Honorable State Controller Keith L. Johnson  
Honorable Superintendent of Public Instruction Marilyn Howard

Secretary to the Board Interim Director George Bacon

The meeting began with Interim Director Bacon introducing new IDL employees to the Board.

1. Rob Sosnowski, GIS Analyst, Sr., Director's Office, Boise
2. John Westbrook, Scaler, Payette Lakes Supervisory Area, McCall
3. Jill Pakkala, Scaler, Lewiston
4. Mike Buchholz, Scaler, Payette Lakes Supervisory Area, McCall
5. Tyler Nelson, Forester, Maggie Creek Supervisory Area, Kamiah
6. Brian Brown, Forester, Payette Lakes Supervisory Area, McCall
7. Lorrie Yearout, Office Specialist, St. Joe Supervisory Area, St. Maries
8. Jennifer Pew, Forester, St. Joe Supervisory Area, St. Maries
9. Rick Arcano, Forester, St. Joe Supervisory Area, St. Maries
10. Ryan Small, Data Coordinator, Director's Office, Boise
11. Michael Rath, Forester, St. Joe Supervisory Area, St. Maries
12. Laurel Hoffman, Technical Records Specialist, Director's Office, Boise
13. Kate Langford, Land Use Planner, Director's Office, Boise
14. Craig Thompson, Commercial Leasing, Director's Office, Boise
15. Carl Ritchie, Priest Lake Supervisory Area, Coolin

Governor Risch welcomed the new employees.

- **CONSENT**

A motion was made by Attorney General Wasden to approve the Consent Agenda in its entirety. Controller Johnson seconded the motion. The motion carried on a vote of 5-0.

1. **Director's Report – approved**

- A. Interest Rate on Department Transactions – October 2006
- B. Bureau of Real Estate, Land Sale Section, Official Transactions – September 2006
- C. Bureau of Real Estate, Easement Section, Official Transactions – September 2006
- D. Timber Sale Official Transactions – September 23, 2006 through October 27, 2006
- E. Timber Sale Activity Report
- F. Legal Matter Summary
- G. Bureau of Surface and Mineral Resources, Official Transactions – September 2006

2. **Timber Sales – Staffed by Roger Jansson, Operations Chief-North, and Steve Douglas, Operations Chief-South – approved**

- A. Cedar Mountain                      CR-22-5009                      5,100                      MBF                      Kootenai County

3. **Agreement to Accept Donation of Conservation Easement – Roger Williams – Staffed by Steve Douglas, Operations Chief-South – approved**

*DEPARTMENT RECOMMENDATION:* That the Board authorize the Department to accept the donation of the described 5.64 acre conservation easement.

*BOARD ACTION:* Approved.

4. **Conceptual Approval to Initiate an Exchange Between the State of Idaho and Pleasant Valley South, LLC – Staffed by Perry Whittaker, Chief, Bureau of Real Estate – approved**

*DEPARTMENT RECOMMENDATION:* That the Board direct the Department to begin the studies and appraisals necessary to determine an equal value exchange between Pleasant Valley South LLC and the State of Idaho with the understanding that a final exchange package will be brought back to the Land Board for final approval.

*BOARD ACTION:* Approved.

5. **Auction Results G-3081 – Parkins/Henderson – Staffed by Tracy Behrens, Program Manager, Range – approved**

*DEPARTMENT RECOMMENDATION:* That the Board accept the high bid of \$5,500 submitted by Bob and Krista Parkins for grazing lease G-3081 and direct the Department to issue a new ten-year lease. The lease will include a summary of the grazing management proposal submitted by the high bidder and accepted by the Department.

*BOARD ACTION:* Approved.

6. **Minutes – approved**

- A. Regular Land Board Meeting – October 10, 2006

- **REGULAR**

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

A. EFIB Manager's Report

Mr. Johnson provided an overview of the monthly Manager's Report and EFIB Annual Report. Fiscal year-to-date, the Endowments have earned 5.5%.

B. Joint Meeting with the Endowment Fund Investment Board

Dean Buffington, Chairman, Endowment Fund Investment Board, introduced John Taylor, Chairman, EFIB Audit Committee. Mr. Taylor reported the current audit shows that the EFIB is in conformance with government auditing and accounting standards. No exceptions were noted, and this year's management letter carries only one very minor item.

No action was taken on this agenda item.

**8. Floathome Moorage Rate Negotiations** – *Presented by Mike Murphy, Chief, Bureau of Surface and Mineral Resources*

*DEPARTMENT RECOMMENDATION:* (1) The Department recommends that the Board rescind the second paragraph of the July 6, 1999 Marina Maintenance and Moorage Rate Facility Policy related to floathome moorage rates because it establishes the expectation that the Board should, or can, regulate rents charged by marina owners; (2) the Department also recommends that the remaining portion of the policy stay in place under the new title of "Marina Maintenance Policy" to protect the interests of Public Trust values; (3) lastly, the Department recommends that the Board direct the Department to issue a letter to the floathome owners clarifying the Board's authority relative to the Floating Homes Residency Act and its position relative to regulatory compliance and existing submerged land leases.

*DISCUSSION:* A transcript is available upon written request to Susan Terry, Idaho Department of Lands, 954 West Jefferson Street, Post Office Box 83720, Boise ID 83720-0050.

*BOARD ACTION:* A motion was made by Secretary of State Ysursa to table this agenda item until the February 2007 regular Board meeting. Controller Johnson seconded the motion. The motion carried on a vote of 5-0.

**9. State Board of Land Commissioners/Department of Lands Director Roles, Relationships and Expectations – Transition Guidance** – *Presented by George Bacon, Interim Director, Department of Lands*

*DEPARTMENT RECOMMENDATION:* That the Board adopt the outline as a transition document and general guideline to help clarify the roles, relationships and expectations of the State Board of Land Commissioners and the Director of the Department of Lands.

*DISCUSSION:* Controller Johnson cautioned the Board about the potential of creating an employment contract. The Board would not want to characterize this document as impairing its ability to change, alter or terminate an employment relationship under the at-will provisions of Idaho Code. With that caveat, Controller Johnson commended both the Director and those responsible for crafting this document.

Attorney General Wasden stated it is his understanding that the language does not constitute a contract but is an outline of expectations. He agrees with Controller Johnson's caution to be careful not to provide a contract which would in any way inhibit the Board from exercising its responsibility as an employer. He believes the paper is well written, the language is needed, and the guidance and understanding are appropriate.

*BOARD ACTION:* A motion was made by Attorney General Wasden to adopt the outline as presented to the Board as a recommendation of the Director of the Department of Lands but that this does not constitute a contract and that the Board would be free to exercise its responsibility as an employer. Secretary of State Ysursa seconded the motion. Governor Risch reiterated that a motion has been made that the transition guidance document be adopted with the conditions placed on it by Attorney General Wasden, namely that this is not part of a contractual relationship but rather is a guidance document. The motion carried on a vote of 5-0.

**10. Auction Results G-4056 Van Buren Ranch LLC/Lazy Y LTD – Presented by George Bacon, Interim Director, Department of Lands**

*DEPARTMENT RECOMMENDATION:* That the Board reject the high bid of \$1,000 submitted by Lazy Y Ranch LTD for grazing lease G-4056 and offer a new ten-year lease to Van Buren Ranch, LLC, at their high bid of \$900.

*DISCUSSION:* A transcript is available upon written request to Susan Terry, Idaho Department of Lands, 954 West Jefferson Street, Post Office Box 83720, Boise ID 83720-0050.

*BOARD ACTION:* A motion was made by Controller Johnson to support the recommendation of the Department and award the lease to Van Buren. Secretary of State Ysursa seconded the motion. The motion carried on a vote of 5-0.

• **INFORMATION**

**No Land Board action is required on the Information Agenda.**

**11. Land Bank Purchase – Due Diligence Investigation (Bovey Site, Craigmont) – Staffed by Steve Douglas, Operations Chief-South and Kathy Opp, Division Administrator, Support Services**

**12. Status of Public Outreach Strategy for the Statewide Exchange Concepts (Orchard Training Range) – Staffed by Perry Whittaker, Chief, Bureau of Real Estate**

*At 11:33 a.m., a motion was made by Attorney General Wasden to resolve into Executive Session to consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation [[Idaho Code § 67-2345\(1\)\(f\)](#)].*

• **EXECUTIVE SESSION**

**A. To Consider Records that are Exempt from Disclosure [[Idaho Code § 67-2345\(1\)\(d\)](#)] – withdrawn**

**B. To Consider and Advise Its Legal Representatives in Pending Litigation or Where There is a General Public Awareness of Probable Litigation [[Idaho Code § 67-2345\(1\)\(f\)](#)]**

