



NEWS RELEASE

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Report confirms no widespread violation of constitutional limitations on historic state land sales

(BOISE) – The Idaho Department of Lands (IDL) concluded a 21-month review of historic endowment trust land sales to determine whether sales exceeded constitutional provisions limiting how many acres may be sold to one individual, company or corporation.

The review determined at least **98 percent of acres sold since statehood did not exceed sale thresholds in the Idaho Constitution, and most of the remaining subset did not clearly demonstrate overages because historical records are unclear or do not exist, or because it is unknown if today's legal interpretations of the limitations were applied historically.**

The final Historic Endowment Land Transaction Review report is available [here](#).

The Wilderness Society and Idaho Conservation League issued a news release in February 2017 saying there "appear to be widespread violations of the Idaho constitutional limit on how much land the State Land Board can sell to private parties," and that "the state of Idaho has a history of breaking its own Constitution to hand public land to private ownership." The statements followed public records requests for spreadsheets containing land sale data. The IDL initiated an effort in March 2017 to review historic land sale data and research the background of certain transactions. Contracted resources and IDL staff contributed to the extensive review.

"The examination of more than 100 years of historic endowment land sales confirms there is no basis for claims by environmental advocacy groups that past Land Boards engaged in widespread violations of the Idaho Constitution," IDL Director Dustin Miller said. "Considering the lack of modern computer tracking systems in the state's first 100 years and the difficulty of manual record keeping statewide, it speaks well of the commitment to managing endowment lands for the beneficiaries."

Idaho was granted approximately 3.6 million acres of land at statehood to generate revenue for Idaho's public school system and other State of Idaho institutions. The state's founders decided to keep some of the lands to be held in trust to generate revenue for public schools and other state institutions, and to sell other lands to help settle Idaho. Idahoans passed constitutional amendments throughout history limiting the number of acres that can be sold to an individual. Approximately 2.4 million acres of endowment land remain today.

The IDL reviewed land sale certificates, deeds, and other historical documents associated with 39,681 transactions and flagged only 166 names of individuals or entities that appear to have more than the

legally allowable acres attributed to their names. The transactions involving the 166 individuals or entities all occurred prior to 1983, with half of them occurring before 1916. It is possible some acreages in violation of the Constitution may have occurred with some of the 166 individuals or entities but it would take significant time and resources to answer that question for several reasons, including but not limited to the following:

- It is unknown if today's legal understanding of the "lifetime" limitation on how many acres could be purchased by one individual was applied historically. Back then, the constitutional limitations may have been interpreted to apply to only individual sales, not an individual's entire lifetime.
- It is unknown if today's legal understanding that "indemnity school" lands are the same as "public school" lands was applied historically. Back then, the two categories of lands may have been interpreted to be different.
- It is unknown if the land sale deeds that were granted to one individual may have actually been purchased by a family member with the same name decades earlier or later.
- There may have been settlement agreements or litigation that resulted in one entity being deeded lands after the land sales occurred.

MEASURES IN PLACE TODAY

The IDL requires purchasers of endowment land to sign an affidavit verifying the purchase will not result in the purchaser owning lands in excess of the acreage limitations. The land sale can be forfeited if the individual does not comply with the terms of the affidavit. In the past two years, IDL worked with the Attorney General's Office to strengthen the language in the affidavit.

The IDL also cross-references names of potential purchasers in a statewide comprehensive land records system prior to selling any endowment lands to make sure the purchase does not exceed constitutional limitations. Professional staff maintain the system. The IDL is using what it learned during the historic land transaction review to design its new enterprise systems to even more efficiently structure land records data.

Endowment land sales have been minimal for much of the late 20th century through today. In fact, IDL sold only 670 acres of endowment land in the past 10 years.

"We spent considerable staff time and resources to conduct this thorough review," Director Miller said. "Further expenditure of endowment resources to continue researching these historic issues is not warranted."

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