

Idaho Department of Lands

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Dustin T. Miller, Director
Working Lands, Trusted Stewards

State Board of Land Commissioners

Brad Little, Governor
Phil McGrane, Secretary of State
Raúl R. Labrador, Attorney General
Brandon D Woolf, State Controller
Debbie Critchfield, Sup't Public Instruction

July 2, 2025

Idaho Farm Bureau Federation
ATTN: Bryan Searle, President
500 West Washington St.
Boise, Idaho 83702

via email: bsearle@idahofb.org

Re: Decision Regarding Petition for Negotiated Rulemaking for I.C. § 38-1304(1)(f)

Dear Mr. Searle:

This letter is in response to your petition dated April 22, 2025, requesting the Idaho Department of Lands to initiate negotiated rulemaking for rules related to Idaho Code § 38-1304(1)(f) of The Idaho Forest Practices Act ("Petition"). After receipt of the Petition, the Department reached out to request a meeting to gather additional information the proposal. On June 4th, 2025, I met with a representative of the Farm Bureau to further discuss the details of the Petition. The Department appreciates the Farm Bureau's attention to this matter. At this time, for the reasons set forth below, the Petition for negotiated rulemaking is denied.

The primary reason for denial of the Petition is that the proposed rulemaking concept has not been vetted by the Forest Practice Advisory Committee ("FPAC"), as is typical for our rulemaking process under the Idaho Forest Practices Act. Pursuant to Idaho Code § 38-1305 the FPAC exists "for the purpose of providing technical advice to the board in carrying out the board's powers and duties as set forth in section [38-1304](#), Idaho Code." I.C. 38-1305(2)(a). The FPAC consists of members qualified to provide technical expertise related to forest practices and represents multiple forest stakeholders including private landowners, private timber owners, timber operators, the general public, nonindustrial forest landowners, and other demographics.

In its advisory role, the FPAC acts as the conduit to IDL and the Land Board for Forest Protection Act-related rulemaking; reviewing, providing stakeholder input, and refining rulemaking concepts prior to the Department initiating the rulemaking process. Such review helps ensure that rulemaking proposals are practical, technically sound, and workable for various forest stakeholders. To that end, the proposal for rulemaking contained in the Petition must first be presented to and considered by the FPAC prior to initiating the rulemaking process. The Department intends to take this matter to the FPAC at their next regularly scheduled meeting, currently set for November 12th, 2025. The Farm Bureau is encouraged to attend this meeting and provide their input on the proposal.

Bryan Searle
July 2, 2025
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The Department appreciates the Farm Bureau's interest in this matter and looks forward to the Farm Bureau's continued participation in further discussion of the rulemaking concept.

Sincerely,

A handwritten signature in blue ink that reads "Dustin T. Miller". The signature is written in a cursive style with a large initial "D".

Dustin Miller
Director
Idaho Department of Lands

cc: Russ Hendricks