

Idaho Department of Lands

Forestry and Fire Division
Forest Practices Advisory
Committee
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Dustin T. Miller, Director
Working Lands, Trusted Stewards
Equal Opportunity Employer

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

December 1, 2025

State Board of Land Commissioners
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Secretary of State Phil McGrane
Attorney General Raúl R. Labrador
State Controller Brandon D Woolf
Superintendent of Public Instruction Debbie Critchfield
Director of Idaho Department of Lands Dustin T. Miller

via email:

Re: Forest Practices Advisory Committee Recommendation – 38-1304(1)(f)

Director Miller and State Land Board Commissioners:

This letter is to notify the board of the recommendation of the Forest Practices Advisory Committee (FPAC) related to the question of entering into rule promulgation related specifically to 38-1304(1)(f).

On April 22, 2025, the Idaho Farm Bureau Federation sent a letter to the Director of the Idaho Department of Lands, Dustin Miller asking the Department to enter into rulemaking related to 38-1304(1)(f). "38-1304 states in part: "The board: (Idaho Board of Land Commissioners) (1.) **shall** adopt rules . . . for the conduct of forest practices on forest land" (emphasis added). Although IDL promulgated rules for subsections (a) through (e) of this section, it has not promulgated rules for subsection (f)." Section 1. Subsection (f) states: *(f) Provide for the timely salvage logging on all forest lands of dead or dying timber or timber that is threatened by various physical elements. Rules developed pursuant to this section shall consider both the economic value of the timber to be salvaged, the immediate costs of the salvage efforts, and the long-term costs to all forest resources and values associated with insect, disease or fire conditions which might otherwise be controlled by the salvage operations. The provisions of this subpart shall not apply to single contiguous forest ownerships less than two thousand (2,000) acres in size. Nothing in this paragraph shall be construed as requiring the removal of timber from private lands against the wishes of the private landowner.*

The Department then responded that the appropriate starting point for requesting rule promulgation was to bring the matter before FPAC. FPAC was established under the Idaho Forest Practices Act under 38-1305 Duties, Powers of the Department (2)(a) *The Department shall, through the director, appoint a forest practices advisory committee to the board 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.* Traditionally, rulemaking related to Forest Practices undertaken by the Department has originated from FPAC. A special FPAC meeting was held on August 27, 2025, where The Idaho Farm Bureau Federation presented their case for entering

into rule promulgation related to 38-1304(1)(f). The full committee at that time formed a sub-committee to explore the issue and return to the full committee at the November 12, 2025, meeting with a recommendation. The sub-committee was made up of two voting members, an ex-officio member, two representatives of the Farm Bureau, two volunteers with forest practices experience, and two IDL employees as subject matter experts.

The sub-committee subsequently met on October 6 and November 7, 2025, to discuss the request to enter rule promulgation. There was consensus on the sub-committee that many federal lands within Idaho are in desperate need of treatment, but a consensus could not be reached on whether Forest Practices rules are an appropriate mechanism to encourage or force federal land management agencies to take action. Several other alternatives were discussed including encouragement to use successful programs, specifically Shared Stewardship and Good Neighbor Authority, or the possibility of resolutions or other statutes to address the issue. The sub-committee prepared a handful of alternatives for FPAC to consider:

- Recommend to the Land Board that the Department enter into rule promulgation related to 38-1304(1)(f).
 - This option was not selected because FPAC concluded that any rule promulgated under this section would be redundant to 38-1304(1)(f) and would be unenforceable.
- Recommend to the Land Board that the Department not enter into rule promulgation.
 - This was the chosen alternative because FPAC concluded that current rules do not inhibit any landowner from choosing to treat lands at risk of catastrophic wildfire.
- Recommending that the Land Board or the State find alternative options through policy, resolution, or statute to address the issue.
 - The full committee and subcommittee discussed a variety of other options for the state to address forest health and fire risk issues. Those options included additional policy or statutes to encourage treatment or using statute to assign liability for failure to treat a recognized threat.
 - Ultimately FPAC elected to develop a letter to the Land Board expressing support for the state's Good Neighbor Authority and Shared Stewardship efforts based on the demonstrated efficacy of these programs.

At the November 12, 2025, FPAC meeting there was a lengthy discussion of the issue and the options available. Ultimately, FPAC elected to recommend to the Land Board that IDL not enter into rule promulgation related to 38-1304(1)(f) because there are already sufficient rules in place to allow for the timely application of salvage harvests by willing and able landowners. Also, the statute directs federal forest land managers to undertake salvage where feasible, making a rule redundant and subservient. With eight of nine voting members present a roll call vote was taken with all eight members present voting in favor.

It is the recommendation of the Forest Practices Advisory Committee that the Idaho Department of Lands not enter into rulemaking related to Idaho Code Section 38-1304(1)(f) at this time.

Sincerely,

Christopher P. Hart

Kit Hart, Chairman Forest Practices Advisory Committee



Dr. Timothy E. Link, Vice Chair Forest Practices Advisory Committee

cc: Julia Lauch – State Forester, IDL
Archie Gray – Chief, Forestry Assistance Bureau, IDL
Jeanne Bradley – Regulatory/Stewardship Program Manager, IDL