The regular meeting of the Idaho State Board of Land Commissioners was held on Tuesday, February 18, 2020 in the Boise City Council Chambers, Boise City Hall, 3rd Floor, 150 N. Capitol Blvd., Boise, Idaho. The meeting began at 9:00 a.m. The Honorable Governor Brad Little presided. The following members were in attendance:

- Honorable Governor Brad Little
- Honorable Secretary of State Lawerence Denney
- Honorable Attorney General Lawrence Wasden
- Honorable State Controller Brandon Woolf
- Honorable Superintendent of Public Instruction Sherri Ybarra

For the record, all Board members were present.

1. **Department Report** – Presented by Dustin Miller, Director

   **Endowment Transactions**
   - A. Timber Sales – January 2020
   - B. Leases and Permits – January 2020

   **Status Updates**
   - C. Legislative Summary
   - D. Resource Protection and Assistance Bureau Update

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. **Approval of Minutes** – January 21, 2020 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 5-0.
Regular—Action Item(s)

4. Omnibus Rulemaking – Adoption of Temporary Rules – Presented by Dustin Miller, Director

**Recommendation:** Adopt as conditional temporary rules all of the Department’s temporary and pending rules, as set forth in Attachment 2. The rules will become effective only if the temporary and pending rules are not otherwise approved or rejected by the 2020 Idaho Legislature and/or not extended pursuant to the Idaho Administrative Procedure Act.

**Board Action:** A motion was made by Attorney General Wasden to adopt the rules identified in Attachment 2 of the Department’s memo as temporary rules to be effective sine die of the 2020 session of the Idaho Legislature. This approval and adoption is conditional and will only become effective if the rules previously adopted by this Board as final rules and currently pending before the Idaho Legislature are not otherwise effective upon sine die pursuant to Idaho Code § 67-5291 and § 67-5292. Controller Woolf seconded the motion. The motion carried on a vote of 5-0.

At 9:30 a.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, Ybarra, Little; Nay: None; Absent: None.

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: GNA Timber Sale]

B. 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: Recommended Order]

At 10:06 a.m., a motion was made by Attorney General Wasden that the Board resolve out of Executive Session. Attorney General Wasden requested that the official minutes of the meeting reflect that no action was taken by the Board during the Executive Session. Attorney General Wasden asked for an opportunity to make a statement for the record after his motion was considered. Controller Woolf seconded the motion. The motion carried on a vote of 5-0.

For the record, Attorney General Wasden stated that during the Executive Session, the Board had a discussion on the Hanna Flats GNA1 litigation. The Department advised the Board that it is planning on participating in that litigation by filing an amicus brief. Attorney General noted that a decision was not required of the Board, and the Board took no action during Executive Session.

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1 Good Neighbor Authority
Regular—Action Item(s)

5. Review Recommended Decision and Order – Sharlie-Grouse Neighborhood Association v. State Board of Land Commissioners – Presented by Becky Ophus, Section Chief - Fair Hearings Unit, Office of the Attorney General

   Board Action: A motion was made by Attorney General Wasden that the Land Board issue a final order, without modification, that was recommended by the hearing officer, former Justice Jim Jones. Controller Woolf seconded the motion. The motion carried on a vote of 5-0.

Information

None

There being no further business before the Board, at 10:07 a.m. a motion to adjourn was made by Attorney General Wasden. Controller Woolf seconded the motion. The motion carried on a vote of 5-0.