

STATE BOARD OF LAND COMMISSIONERS

August 15, 2023

Regular Agenda

Subject

Negotiated rulemaking for IDAPA 20.04.02 *Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Law*.

Question Presented

Shall the Land Board authorize the Department to initiate negotiated rulemaking for IDAPA 20.04.02 *Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Law*.

Background

The Idaho Department of Lands (Department) is responsible for ensuring the reduction of hazardous wildland fuels created by forest products removal. IDAPA 20.04.02 establishes a consistent process for ensuring the reduction of hazardous fuels, establishing bond rates for operators, as well as penalties for non-compliant contractors.

Discussion

Following Executive Order 2020-01, Zero-Based Regulation, this rule chapter is scheduled to be repealed and replaced in 2024 for review during the 2025 legislative session. The Department will review the rules with stakeholders to ensure they provide clarity in our processes. Preliminary research from the Department has not identified any major changes. The Department anticipates reducing the total word count by removing repetitive statements from the rule chapter.

A proposed timeline for the rulemaking process is provided as Attachment 1.

Recommendation

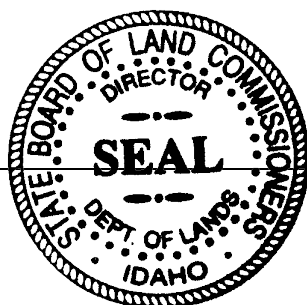
Authorize the Department to initiate negotiated rulemaking for IDAPA 20.04.02 *Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Law*.

Board Action

A motion was made by Attorney General Labrador that the Land Board authorize the Department to initiate negotiated rulemaking for IDAPA 20.04.02 *Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Law*. Secretary of State McGrane seconded the motion. The motion carried on a vote of 5-0.

Attachments

1. Draft rulemaking timeline





Draft Rulemaking Timeline

IDAPA 20.04.02

Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws

August 15, 2023	Approval from Land Board to start negotiated rulemaking (regular agenda)
September 1, 2023	Submit <i>Notice of Intent to Promulgate Rules</i> to the Office of the Administrative Rules Coordinator (OARC) for publication in October 2023
September 2023	Post information on IDL website about this rulemaking
October 4, 2023	<i>Notice of Intent to Promulgate Rules</i> publishes in the Idaho Administrative Bulletin; negotiated rulemaking and public comment period begins
Oct/Nov TBD, 2023	Negotiated rulemaking public meeting in location TBD and via Zoom
Jan/Feb TBD, 2024	Negotiated rulemaking public meeting in location TBD and via Zoom
Feb/Mar TBD, 2024	End of comment period for negotiated rulemaking.
March 8, 2024	Submit <i>Notice of Proposed Rule</i> to OAR for the 2025 Legislature
April 3, 2024	Proposed rule publishes in the Idaho Administrative Bulletin and 21-day written public comment period begins
April TBD, 2024	Public Hearing (OPTIONAL)
April 17, 2024	Deadline to request a public hearing on proposed rule
April 24, 2024	End of written public comment period on proposed rule
May 16, 2024	Request approval from Land Board to adopt pending rule (regular agenda)
June 7, 2024	Submit <i>Notice of Pending Rule</i> to OARC for publication on July 3, 2024
January 2025	Pending rule to be reviewed during the 2025 legislative session

Note: All dates are subject to change.