

# Welcome to Rulemaking

IDAPA 20.04.01 and IDAPA 20.04.02



# Public Meeting Agenda

- Welcome and Introductions
  - Participation & guidance
  - Rulemaking
- Draft Negotiated Rule
  - Substantive recommendations
  - Miscellaneous recommendations
- Discussion
  - Please send written comments on this Draft Negotiated Rule by Nov 17, 2021





# Public Participation

<https://idl.Idaho.gov/rulemaking>

- Idaho Administrative Bulletin
- Social Media Posts
- Public Meetings
- Comments
  - [rulemaking@idl.Idaho.gov](mailto:rulemaking@idl.Idaho.gov)
  - Online Comment Form
  - 300 N. 6<sup>th</sup> St. Suite 103 – Boise, ID 83720





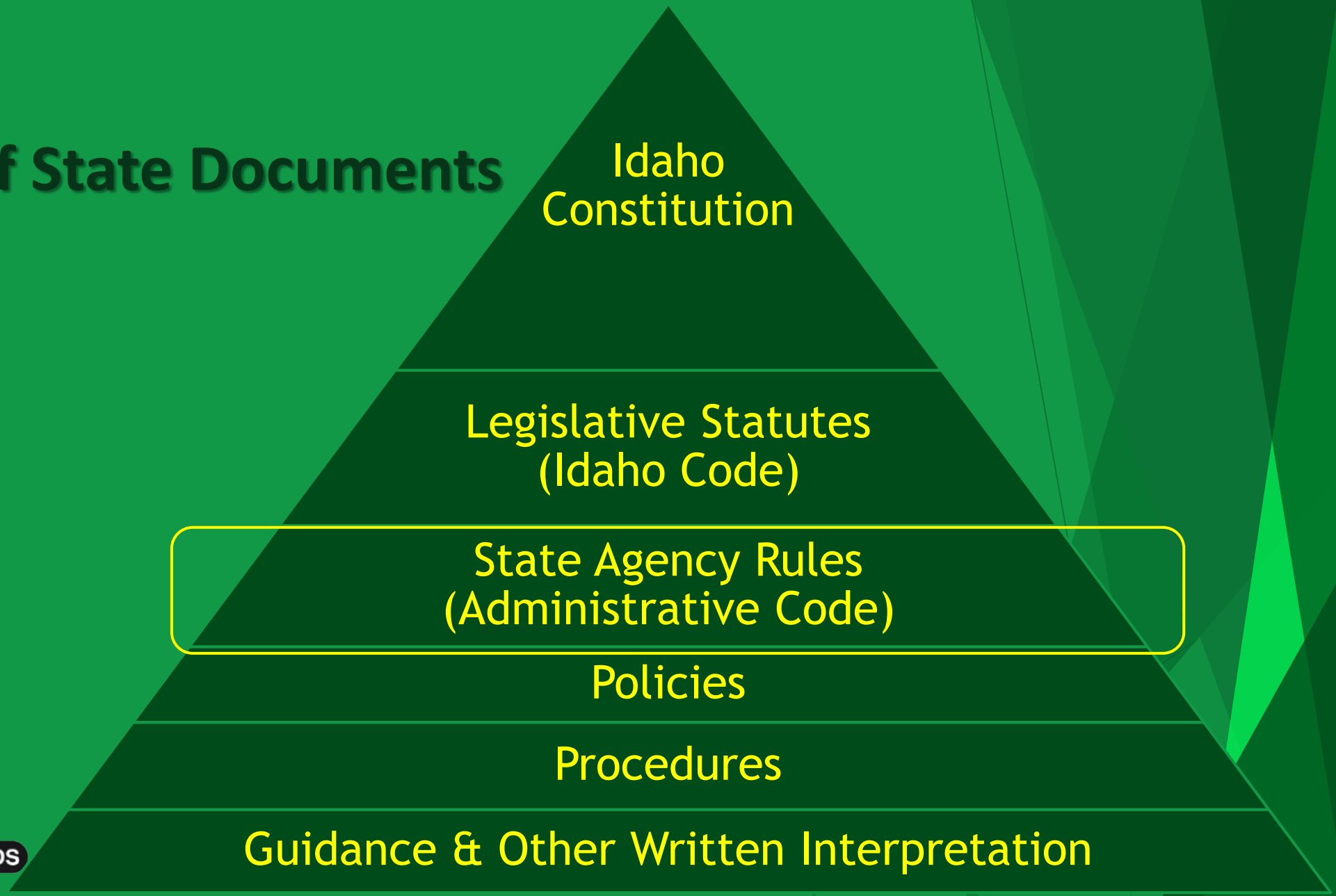
## Guidelines for Success

- Stay on Topic
- Be respectful of others (raise hand / take turns speaking)
- Keep comments brief and relevant
- Offer specific wording suggestions





# Hierarchy of State Documents



# What is Rulemaking?

- We are modifying rules
- Rules have the force and effect of law
- Rules are created by agencies with input from stakeholders and reviewed by the Governor's Office and Legislature
- Negotiation makes for better rules
- Governed by the Administrative Procedure Act (Title 67, Chapter 52, Idaho Code)



# Rulemaking Limitations

- Authority for rules is in statute
- Rules must stay within statutory authority and legislative intent
- These rules are mandated by Title 38, Chapter 4, Idaho Code
- Governor's Zero-Based Regulation Executive Order is the Motivation and Requirement



# Rulemaking Timeline





# Negotiated Rulemaking

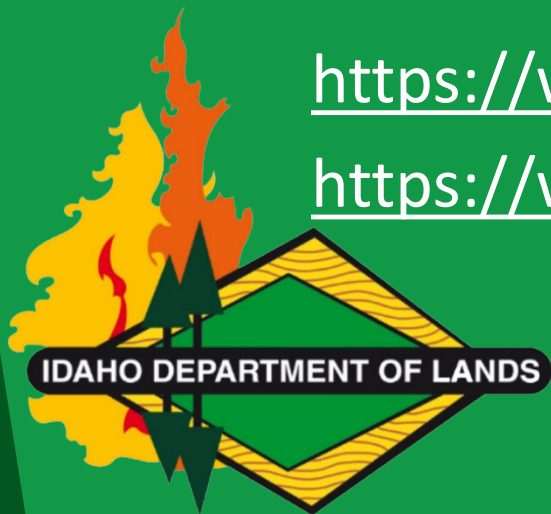
- Notice of Intent to Promulgate Rules Administrative Bulletin Volume 29-10, October 4, 2023, IDAPA 20.04.01 pg. 512, IDAPA 20.04.02 pg. 514

<https://adminrules.idaho.gov/bulletin/index.html>

- Initial comment period October 4 to November 17, 2023
- Draft rule text posted on IDL website

<https://www.idl.idaho.gov/rulemaking/docket-20-0401-2301/>

<https://www.idl.idaho.gov/rulemaking/docket-20-0402-2301/>

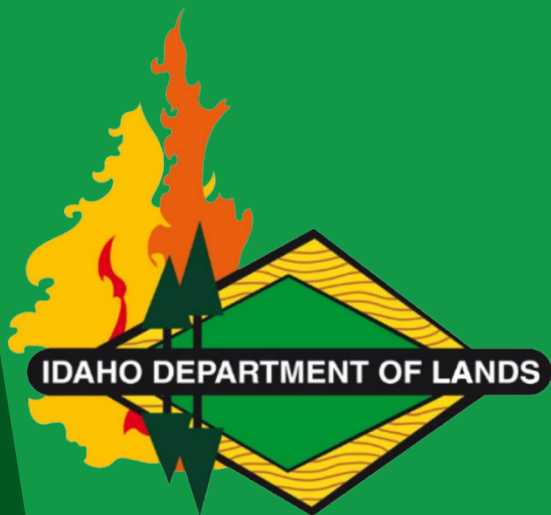




# Negotiated Rulemaking

Additional draft rule text may be posted before  
November 17, 2023 on IDL website

<https://www.idl.idaho.gov/rulemaking/>



# Example Miscellaneous Changes 20.04.01.010

## 010. DEFINITIONS.

The terms Fire Warden, Forest Land, Person, Range Land, Slash and State have meanings provided in Section 38-101, Idaho Code. In addition to the definitions set forth in the Act, the following definitions apply to these rules:

**01. Block.** A piece of logging equipment where steel rope or cable ~~is actively~~ turnsing the block's pulley ~~and used~~ as part of a cable logging/yarding system. ~~for the specific purposes of establishing~~ It is used to install tail hold anchor points, intermediate support of main lines, or carriage haul-back capability for ~~the purposes of~~ yarding or hauling ~~of logs to a log-landing for transportation to a mill or processing facility.~~

~~07. Fire Warden. A duly appointed fire warden or deputy. (3-31-22)~~

~~08. Forest Land. Any land which has upon it sufficient brush or flammable forest growth of any kind or size, living or dead, standing or down, including debris or growth following a fire or removal of forest products, to constitute a fire menace to life (including animal) or property.~~



# Relevant Idaho Forestry Act Definitions

## TITLE 38

### FORESTRY, FOREST PRODUCTS AND STUMPAGE DISTRICTS

#### CHAPTER 1 IDAHO FORESTRY ACT

**38-101. DEFINITIONS.** As used in this chapter, the following terms are defined as follows:

"Forest land" means any land which has upon it sufficient brush or flammable forest growth of any kind or size, living or dead, standing or down, including debris or growth following a fire or removal of forest products, to constitute a fire menace to life (including animal) or property.

"Range land" means any land which is not cultivated and which has upon it native grasses or other forage plants making it best suited for grazing of domestic and wild animals and which land is adjacent to or intermingled with forest land.

"Person" shall mean and include any person or persons, and any corporation, firm or other entity.

"State" shall mean the state of Idaho.

"Fire warden" or "forest warden" shall mean duly appointed fire wardens or their deputies.

"Slash" or "slashing" shall mean brush, severed limbs, poles, tops and/or other waste material incident to such cutting or to the clearing of land, which are four (4) inches and under in diameter.



# Zero-Based Regulation 20.04.01

## Red Tape Reduction

Ensure Idaho regulations remain streamlined, user-friendly, and easy to understand

Rule Text	Word Count	Restrictive Words	Must	Required
Current Text	2941	30	24	6
IDL Draft	2574	26	23	3
Reductions	- 367	- 4	- 1	- 3
High Success	- 12.5 %	- 13 %		



# Example Miscellaneous Changes 20.04.02.010

## 010. DEFINITIONS.

The terms Fire Warden, Person and State have meanings provided in Section 38-101, Idaho Code. In addition to the definitions set forth in the Idaho Forestry Act, the following definitions apply to these rules: ~~Unless otherwise required by context, as used in these rules:~~

~~08. **Fire Warden.** A duly appointed fire warden or deputy.~~

**12. Initial Purchaser or Purchaser.** The first person, ~~company, partnership, corporation, or association of whatever nature~~ who purchases a forest product after it is harvested.

**14. Slash or Slashing.** Brush, severed limbs, poles, tops and/or other waste material incident to such cutting or to the clearing of land, which are four (4) inches and under in diameter. However, ~~for the purpose of these rules and to correspond with standard fire classifications,~~ for these rules slash ~~will~~ only includes material less than or equal to three (3) inches or less in diameter.



# Relevant Idaho Forestry Act Definitions

## TITLE 38

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#### CHAPTER 1 IDAHO FORESTRY ACT

**38-101. DEFINITIONS.** As used in this chapter, the following terms are defined as follows:

"Person" shall mean and include any person or persons, and any corporation, firm or other entity.

"State" shall mean the state of Idaho.

"Fire warden" or "forest warden" shall mean duly appointed fire wardens or their deputies.

"Slash" or "slashing" shall mean brush, severed limbs, poles, tops and/or other waste material incident to such cutting or to the clearing of land, which are four (4) inches and under in diameter.



# Example Substantive Change 20.04.02.110

## 110. BURNING OF SLASH

**02. Burn Plan.** Burning ~~of~~ within specifically designated blocks or areas of forest land for any purpose must be conducted in accordance with a prescribed burn plan approved by the fire warden in whose area of responsibility the burn occurs.





# Zero-Based Regulation 20.04.02

## Red Tape Reduction

Ensure Idaho regulations remain streamlined, user-friendly, and easy to understand

Rule Text	Word Count	Restrictive Words	Must	Required
Current Text	4006	34	33	1
IDL Draft	3849	23	22	1
Reductions	- 157	- 11	- 11	0
Moderate Success	- 4 %	- 32 %		



# “ Thank you for your comments!”

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Idaho Department of Lands - Forestry and  
Fire Division, Fire Bureau



# Prevention

