

From: [Wade Semeliss](#)
To: [Rulemaking](#)
Cc: [Trevor Stone](#); [Kristy Tucker](#); [Kit Hart](#)
Subject: Written response - IDL Docket 20-0402-2301
Date: Wednesday, February 21, 2024 3:13:56 PM
Attachments:

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Mr. Harvey,

We appreciate the opportunity to provide written comment on the above referenced docket. Please don't hesitate to reach out if you have any further questions.

Thanks,
Wade

Wade Semeliss
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February 19, 2024

Idaho Department of Lands – CDA staff office
Attn: Josh Harvey - Rulemaking
3284 W. Industrial Loop
Coeur d’Alene, ID 83815
Submitted via email to: rulemaking@idl.idaho.gov

Re: Idaho Department of Lands zero-based regulation negotiated rulemaking Docket 20-0402-2301 – Rules pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws

Dear Mr. Harvey,

PotlatchDeltic appreciates the opportunity to provide comments on the IDL’s proposed zero-based regulation negotiated rulemaking document regarding IDAPA 20.04.02 rules pertaining to the Idaho Forestry Act and Fire Hazard Reduction laws. As stated in the October 4, 2023 notice of ZBR negotiated rulemaking, the intent of Zero-Based Regulation (Executive Order No. 2020-01) is to “remove unnecessary language and amend other rules to reduce verbiage and improve readability.”

While we concur that the proposed changes in rulemaking docket meet the aforementioned goal of simplifying the rules, we are concerned about changes made to Section 120. Specifically, there are multiple places in this section and the supporting tables that remove language regarding hazard points and credits given to landowners for items such as gated access and nearby water supply. It is our understanding that these details that are proposed for removal will be moved to a guidance document maintained by the department.

OUR CURRENT CONCERNS & RECOMMENDATIONS

By moving the hazard point information to a guidance document, any information contained in such document will be outside of the formal negotiated rulemaking process and as such creates the risk for subsequent administrative changes which may have the potential to increase regulatory burdens on the landowner.

The Governor’s Executive Order 2020-01, section 4(c) states that “The new rule chapter that the agency finalizes must reduce the overall regulatory burden, or remain neutral, as compared to the previous rule chapter.” Landowners like us have relied on the hazard points system currently in place to guide past investment decisions for items such as gates and water supplies, for example. In the event this point system is modified in the future in a guidance document, outside of the negotiated rule making process and opportunity for public comment, creates the potential for changes to the point system that may reduce the benefits of these past infrastructure investments and/or require additional new investments to meet hazard reduction goals and requirements.

Therefore, we recommend that the agency either retain the current hazard points system language in the rules document or move these elements to another document structure that requires public comment and negotiated rulemaking for any substantive proposed future changes to the system.

Thank you for allowing us to provide these comments and your consideration of our concerns and recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Anna Torma". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Anna Torma
Vice President Public Affairs and Chief Sustainability Officer