

# Negotiated Public Meeting - Notes

**Name of Negotiated Rulemaking:** IDAPA 20.03.14 Rules Governing Grazing, Farming, Conservation, Noncommercial Recreation, and Communication Site Leases.

**Docket Number:** 20-0314-2401

**Date & Time:** April 4, 2024, at 1:00 MST

**Location:** Idaho Department of Lands – Boise Staff Office

**Meeting Facilitator:** Jason Laney

## Staff:

- In Person: Jason Laney, Heath Hancock
- Via Zoom: Roger Hall

## Audience:

- In Person: Cameron and Janel Williams- Idaho Citizen Grazing Association/ Chesterfield L&L
- Via Zoom: Alli Olson-Office of Attorney General, Randy Fox-Idaho Conservation League (ICL), Patxi Larrocea-Phillips- Idaho Cattle Association (ICA)/ Idaho Wool Growers Association (IWGA)

### 1. Welcome & Introductions

- Jason Laney started off the meeting with a brief introduction. He then outlined the agenda, emphasizing the next meeting date and comment deadlines for the negotiated rule making.
- A description of the executive order regarding Zero Based Regulations was given and highlights of what changes were made in the draft rule to align with the EO.
- Jason gave an overview of the participation guidelines for both virtual and in person attendees before presenting the draft rule.

### 2. Draft Negotiated Rules

- Jason shared the draft rule with the tracked changes and identified the changes made in each section, opening the floor for questions or comments.
- Randy Fox, with ICL had a general question regarding the removal of the Communication Site and non-commercial recreation lease verbiage from the rule. Randy indicated that he is a part of a group that holds two non-commercial recreation leases and was curious about how the removal of these programs from the rule would affect the administration of those types of leases. Jason explained that the current rule was geared mainly toward the agricultural lease types and that, other than the names in the

rule verbiage, there are no other references to these two leasing activities, therefore IDL removed them. Jason also explained that the communication site and recreation lease administration will not change as they are being managed more in line with policy and procedure for commercial leasing.

- Randy Fox highlighted some grammatical and formatting errors in section 03. Expiring Leases. Upon further review and comment from Roger Hall (IDL) it was discovered this section has some repetitive language that should be removed.
- After Jason had gone through the entire rule and asked for additional questions, Patxi Larrocea-Phillips (ICA & IWGA) inquired about section 050.02 Change in Land Use, and the comments previously submitted by ICA on 3/27/24. Patxi asked why the comment submitted had not been incorporated into the version shared at this meeting. Jason explained that IDL had not had time to discuss the comment internally prior to this meeting. Patxi offered that the verbiage would be submitted as a written comment but asked that we would amend the section to state, “If the endowment lands are to be leased for any other use as designated by the Board or the department and the new use is incompatible with the existing lease, a change in land use can be executed at the conclusion if the existing lease term.” Jason indicated that there is some concern about the Board and Department’s ability and willingness to relinquish their control of the land for such extended periods of time and gave examples of 20–40-year leases where a change in land use is initiated early in the lease term, the proposed language would significantly hinder the Board and Departments abilities and duties of the trust. Patxi understood the concerns and needs of the Board but indicated that a longer notice period for change in use would provide consistency and predictability for the lessees. Jason reiterated the request for written comments and that alternatives to the 180-day notice would be considered.
- There were no additional questions.

### **3. Meeting Adjournment**

- Jason reiterated the process to submit comments, and the timeline for the next steps before the meeting adjourned.