

STATE BOARD OF LAND COMMISSIONERS

August 20, 2024

Regular Agenda

Subject

Adoption of Pending Rule for IDAPA 20.03.14 *Rules Governing Grazing, Farming, and Conservation Leases*

Question Presented

Shall the Land Board adopt the pending rule for IDAPA 20.03.14?

Background

The Idaho Department of Lands (Department) administers grazing, farming, conservation, commercial recreation, and communication site leasing programs on behalf of the State Board of Land Commissioners (Land Board) for state endowment lands. These activities are authorized by Idaho Code Title 58, Chapter 1 – State Land Board – Powers and Duties. The adoption of related rules is authorized by Idaho Code § 58-104.

Following Executive Order 2020-01, Zero-Based Regulation, this rule chapter is scheduled to be repealed and replaced in 2024 for review during the 2025 legislative session.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 received Land Board approval on January 16, 2024 to enter negotiated rulemaking.

Discussion

The Department's outreach for negotiated rulemaking included the following:

- Published the Notice of Negotiated Rulemaking in the Idaho Administrative Bulletin.
- Created a rulemaking webpage to post documents, scheduling information, and comments (<https://www.idl.idaho.gov/rulemaking/docket-20-0314-2401/>).
- Posted Rulemaking Notice of Negotiated Rulemaking to Townhall Idaho.
- Mailed notices of the negotiated rulemaking to 904 lessees.
- Posted two draft rules in strikethrough format for public review and comment.

Through the negotiated rulemaking, the Department removed noncommercial recreation and communication site leases from the rule, eliminated two unnecessary clauses, and reduced the restrictive word count by 38% and overall word count by 10%.

The Department held two public negotiated rulemaking meetings with options for in-person or virtual participation. Six participants attended the March 27th meeting in Boise and three attended the April 4th meeting in Idaho Falls. The Department offered open comment periods for the public, consistent with recommended timelines established by the Division of

Financial Management. Four written comments were received during the negotiated rulemaking comment period; a summary of the negotiated rulemaking can be found in Attachment 1, which contains a synopsis of comments received.

The proposed rule was posted in the Administrative Bulletin on July 3, 2024 (Attachment 2). The public comment period for the proposed rule closed on July 24, 2024. No comments were received during this open comment period.

If approved by the Land Board, the Department will submit the Notice of Adoption of Pending Rule (Attachment 3) to the Office of the Administrative Rules Coordinator for the 2025 legislative session.

Recommendation

Adopt the pending rule for IDAPA 20.03.14 *Rules Governing Grazing, Farming, and Conservation Leases*.

Board Action

A motion was made by Superintendent Critchfield that the Land Board adopt the pending rule for IDAPA 20.03.14 *Rules Governing Grazing, Farming, and Conservation Leases*. Attorney General Labrador seconded the motion. The motion carried on a vote of 5-0.

Attachments

1. Negotiated Rulemaking Summary
2. Notice of Rulemaking – Proposed Rule with Rule Text
3. Draft Notice of Adoption of Pending Rule

