

# STATE BOARD OF LAND COMMISSIONERS

October 15, 2024

Regular Agenda

## Subject

Adoption of Pending Rule, IDAPA 20.04.01 *Rules Pertaining to Forest Fire Protection*

## Question Presented

Shall the Land Board adopt the pending rule IDAPA 20.04.01?

## Background

The Idaho Department of Lands (Department) is responsible for fire suppression on all private timber lands and endowment timber and rangelands. IDAPA 20.04.01 identifies the persons responsible for and staffing for forest protective districts, as well as enforcement authorities for those individuals. The Forest Fire Protection rules also identify assessment rates levied on timber lands to fund forest protective district personnel and equipment. Furthermore, they provide rules related to the use of deficiency warrants as well as guidance for entering into fire protection agreements with other fire suppression entities.

Following Executive Order 2020-01, Zero-Based Regulation, this rule chapter is scheduled to be repealed and replaced in 2024 for review during the 2025 legislative session.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 State Board of Land Commissioners (Land Board) approval on August 15, 2023 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.
- Posted meeting information on social media.
- Posted rulemaking notices to Townhall Idaho.
- Emailed draft rules to 197 interested members of the public.
- Posted two draft rules in strikethrough format with reasonable periods of time for public comment.
- Engaged in discussions with Associated Logging Contractors, Idaho Department of Environmental Quality, Idaho Forest Owners Association, and Idaho Forest Industry group members.

The Department held two public negotiated rulemaking meetings with options for in person or virtual participation. Three participants attended the October 10, 2023 meeting in Coeur d'Alene; no members of the public attended the October 11, 2023 meeting in McCall. There were no public comments provided during the meetings. The comment period ended April 17, 2024. Written comments were received from PotlatchDeltic, the Associated Logging Contractors, Inc., and the Department of Environmental Quality. All comments were addressed with changes to the rule text consistent with statutes and other Department regulations. There are no unresolved issues from the negotiated rulemaking process.

The Notice of Proposed Rulemaking was published in the Idaho Administrative Bulletin, Vol. 24-7 on July 3, 2024 (Attachment 1). No public hearings were requested or held. There was one written supportive comment from PotlatchDeltic.

If approved by the Land Board, the Department will submit the Notice of Adoption of Pending Rule (Attachment 2) to the Office of the Administrative Rules Coordinator for the 2025 legislative session.

## **Recommendation**

Adopt the pending rule for IDAPA 20.04.01 *Rules Pertaining to Forest Fire Protection*.

## **Board Action**

A motion was made by Controller Woolf that the Land Board adopt the pending rule for IDAPA 20.04.01 *Rules Pertaining to Forest Fire Protection*. Superintendent Critchfield seconded the motion. The motion carried on a vote of 4-0.

## **Attachments**

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

