

STATE BOARD OF LAND COMMISSIONERS

December 17, 2024

Regular Agenda

Subject

Negotiated rulemaking for IDAPA 20.03.08 *Easements on State-Owned Lands*.

Question Presented

Shall the Land Board authorize the Department to initiate negotiated rulemaking for IDAPA 20.03.08 Easements on State-Owned Lands?

Background

The Idaho Department of Lands (Department) administers Right of Way programs on behalf of the State Board of Land Commissioners (Land Board) for state endowment trust lands. This program is responsible for granting and acquiring easements on state-owned endowment lands. These activities are authorized by Idaho Code Title 58, Chapter 6—Rights of Way Over State Lands. 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Following Executive Order 2020-01, Zero-Based Regulation, this rule chapter is scheduled to be repealed and replaced in 2025 for review during the 2026 legislative session.

Discussion

The Department will begin the negotiated rulemaking process, including, but not limited to, legal and internal review of the rule, as well as review with stakeholders to ensure the rules provide appropriate guidance for lessees, interested parties, and the Department.

A proposed timeline for the rulemaking process is provided in Attachment 1.

Recommendation

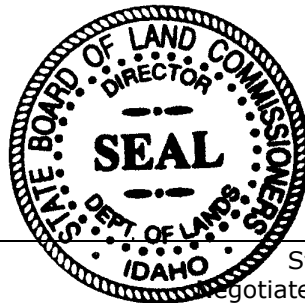
Authorize the Department to initiate negotiated rulemaking for IDAPA 20.03.08 *Easements on State-Owned Lands*.

Board Action

A motion was made by Controller Woolf that the Land Board authorize the Department to initiate negotiated rulemaking for IDAPA 20.03.08 *Easements on State-Owned Lands*. Secretary of State McGrane seconded the motion. The motion carried on a vote of 5-0.

Attachments

1. Draft Rulemaking Timeline





Draft Rulemaking Timeline

IDAPA 20.03.08

Easements on State-Owned Lands

December 17, 2024	Approval from Land Board to start negotiated rulemaking (regular agenda)
January 24, 2025	Submit <i>the Prospective Analysis Form</i> (Sections 1,2,5 and 7) to the Division of Financial Management (DFM) for notification before the Notice of Intent is submitted to the OAR's office
January 2025	Create Rulemaking webpage on Idaho Department of Lands website about this rulemaking
February 7, 2025	Last Day to submit <i>Notice of Intent to Promulgate Rules</i> to the Office of the Administrative Rules Coordinator (OARC) for publication in March
March 5, 2025	<i>Notice of Intent to Promulgate Rules</i> publishes in the Idaho Administrative Bulletin; negotiated rulemaking and public comment period begins
TBD, 2025	Negotiated rulemaking public meeting in <i>[set location]</i>
TBD, 2025	Negotiated rulemaking public meeting in <i>[set location]</i>
TBD, 2025	Negotiated rulemaking public meeting in <i>[set location]</i> (A total of 42 days is available for scheduling these meetings)
April 16, 2025	End of public comment period for negotiated rulemaking
May 20, 2025	Present update to the Land Board, <i>optional</i> (information agenda)
June 20, 2025	Last day to submit <i>Proposed Rule to DFM + Prospective Analysis Form</i> (all Sections) for notification and before the Notice of Proposed is submitted to the OAR's office
July 3, 2025	Last day to submit <i>Notice of Proposed Rule</i> to the Office of the Administrative Rules Coordinator (OARC) for Bulletin publication in August
August 6, 2025	Proposed rule publishes in the Idaho Administrative Bulletin and 21-day written public comment period begins

August 20, 2025	Deadline to request a public hearing on proposed rule
August 27, 2025	End of written public comment period on proposed rule
September 16, 2025	Request approval from Land Board to adopt pending fee rule (regular agenda)
October 3, 2025	Last day to submit <i>Notice of Pending Fee Rule</i> to OAR for publication pending review from the Legislative Session 2026
November 5, 2025	Notice of Pending Fee Rule publishes in the Idaho Administrative Bulletin
January 2026	Pending Fee Rule to be reviewed during the 2026 legislative session

Note: All dates are subject to change.