

## State Board of Land Commissioners Open Meeting Checklist

Meeting Date: June 20, 2023

### Regular Meetings

5/24/2023 6/15/2023	Meeting Notice posted in IDL's Boise Director's office five (5) or more calendar days before meeting. Revised Meeting Notice posted.
5/24/2023 6/15/2023	Meeting Notice posted in IDL's Coeur d'Alene staff office five (5) or more calendar days before meeting. Revised Meeting Notice posted.
5/24/2023 6/15/2023	Meeting Notice posted at meeting location five (5) or more calendar days before meeting. Revised Meeting Notice posted.
5/24/2023 6/15/2023	Meeting Notice published on Townhall Idaho website <a href="https://townhall.idaho.gov">https://townhall.idaho.gov</a> five (5) or more calendar days before meeting. Revised Meeting Notice published.
5/24/2023 6/15/2023	Meeting Notice posted electronically on IDL's public website <a href="https://www.idl.idaho.gov">https://www.idl.idaho.gov</a> five (5) or more calendar days before meeting. Revised Meeting Notice posted.
6/15/2023	Agenda posted in prominent place in IDL's Boise Director's office forty-eight (48) hours before meeting.
6/15/2023	Agenda posted in prominent place in IDL's Coeur d'Alene staff office forty-eight (48) hours before meeting.
6/15/2023	Agenda posted in prominent place at meeting location forty-eight (48) hours before meeting.
6/15/2023	Agenda published on Townhall Idaho website <a href="https://townhall.idaho.gov">https://townhall.idaho.gov</a> forty-eight (48) hours before meeting.
6/15/2023	Agenda posted electronically on IDL's public website <a href="https://www.idl.idaho.gov">https://www.idl.idaho.gov</a> forty-eight (48) hours before meeting.
1/3/2023	Land Board annual meeting schedule posted – Boise Director's office, Coeur d'Alene staff office, and IDL's public website <a href="https://www.idl.idaho.gov">https://www.idl.idaho.gov</a> .

### Special Meetings

	Meeting Notice and Agenda posted in a prominent place in IDL's Boise Director's office twenty-four (24) hours before meeting.
	Meeting Notice and Agenda posted in a prominent place in IDL's Coeur d'Alene staff office twenty-four (24) hours before meeting.
	Meeting Notice and Agenda posted at meeting location twenty-four (24) hours before meeting.
	Meeting Notice and Agenda published on Townhall Idaho website <a href="https://townhall.idaho.gov">https://townhall.idaho.gov</a> twenty-four (24) hours before meeting.
	Meeting Notice and Agenda posted electronically on IDL's public website <a href="https://www.idl.idaho.gov">https://www.idl.idaho.gov</a> twenty-four (24) hours before meeting.
	Emergency situation exists – no advance Meeting Notice or Agenda needed. "Emergency" defined in Idaho Code § 74-204(2).

### Executive Sessions *(If only an Executive Session will be held)*

	Meeting Notice and Agenda posted in IDL's Boise Director's office twenty-four (24) hours before meeting.
	Meeting Notice and Agenda posted in IDL's Coeur d'Alene staff office twenty-four (24) hours before meeting.
	Meeting Notice and Agenda posted at meeting location twenty-four (24) hours before meeting.
	Meeting Notice and Agenda published on Townhall Idaho website <a href="https://townhall.idaho.gov">https://townhall.idaho.gov</a> twenty-four (24) hours before meeting.
	Meeting Notice and Agenda posted electronically on IDL's public website <a href="https://www.idl.idaho.gov">https://www.idl.idaho.gov</a> twenty-four (24) hours before meeting.
	Notice contains reason for the executive session and the applicable provision of Idaho Code § 74-206 that authorizes the executive session.

  
Recording Secretary

June 15, 2023

Date



## **Idaho State Board of Land Commissioners**

Brad Little, Governor and President of the Board

Phil McGrane, Secretary of State

Raúl R. Labrador, Attorney General

Brandon D Woolf, State Controller

Debbie Critchfield, Superintendent of Public Instruction

Dustin T. Miller, Secretary to the Board

# **REVISED NOTICE OF PUBLIC MEETING JUNE 2023**

The Idaho State Board of Land Commissioners will hold a Regular Meeting on Tuesday, June 20, 2023 in the **State Capitol, House Hearing Room EW42, Lower Level, East Wing, 700 W. Jefferson St., Boise**. The meeting is scheduled to begin at 9:00 AM (Mountain).

*Please note location.*

**The State Board of Land Commissioners will conduct this meeting in person and by virtual means. This meeting is open to the public.**

Meeting will be streamed live via IPTV: <https://www.idahoptv.org/shows/idahoinsession/>

Members of the public may register to attend the Zoom webinar through this link: [https://idl.zoom.us/webinar/register/WN\\_f174tVwQT82RSOrZAUcI8w](https://idl.zoom.us/webinar/register/WN_f174tVwQT82RSOrZAUcI8w)

Public comment will be accepted on the Bear Lake Management regular agenda item. Advanced sign-up is required. Please see details on page 2.

Second Notice Posted: 6/15/2023-IDL Boise; 6/15/2023-IDL CDA

First Notice Posted: 5/24/2023-IDL Boise; 5/24/2023-IDL CDA

This notice is published pursuant to Idaho Code § 74-204. For additional information regarding Idaho's Open Meeting law, please see Idaho Code §§ 74-201 through 74-208.

Idaho Department of Lands, 300 N 6th Street, Suite 103, Boise ID 83702, 208.334.0242

## Public Comment Procedure

Advanced sign-up is required, *no later than Friday, June 16, 2023 at 12 PM (MT)*.

Notify Renée Jacobsen ([rjacobsen@idl.idaho.gov](mailto:rjacobsen@idl.idaho.gov)) if you wish to provide comment.

Public comment may be submitted in the following manner:

- In writing prior to the meeting. Written comments will be included in the meeting record.
  - Email: [comments@idl.idaho.gov](mailto:comments@idl.idaho.gov)
  - Mail: Idaho Department of Lands  
Attn: Land Board Secretary  
PO Box 83720  
Boise ID 83720-0050
- In person at the Land Board meeting.
  - In person participation is highly encouraged.
- By Zoom webinar during the Land Board meeting.
  - Remote participants must complete Zoom registration:
    - [https://idl.zoom.us/webinar/register/WN\\_f174tVwQT82RSOrZAuCl8w](https://idl.zoom.us/webinar/register/WN_f174tVwQT82RSOrZAuCl8w)
    - Submit registration no later than 12:00 PM (MT) on June 16th.
- A measured amount of time will be allocated for public comment.
- Remarks will be limited to **3 minutes per individual or group representative**.
  - Groups, associations, organizations, etc. with multiple members in attendance must select one individual as spokesperson.
- The Land Board may conclude public comment at its discretion, at any time.

IDAHO DEPARTMENT OF LANDS

Second Notice Posted: 6/15/2023-IDL Boise; 6/15/2023-IDL CDA

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Dustin T. Miller, Secretary to the Board

### State Board of Land Commissioners Regular Meeting

June 20, 2023 – 9:00 AM (MT)

#### Final Agenda

Capitol, House Hearing Room EW42, Lower Level, East Wing, 700 W. Jefferson St., Boise, Idaho

*Please note location.*

**The State Board of Land Commissioners will conduct this meeting in person and by virtual means.**

**This meeting is open to the public.**

Meeting will be streamed live via IPTV: <https://www.idahoptv.org/shows/idahoinsession/>

**Public comment will be accepted on agenda item 10 only.**

Advanced sign-up is required. Comments may be given via webinar. Please see details on page 2.

Members of the public may register to attend the Zoom webinar through this link:

[https://idl.zoom.us/webinar/register/WN\\_f174tVwQT82RSOrZAuCl8w](https://idl.zoom.us/webinar/register/WN_f174tVwQT82RSOrZAuCl8w)

#### 1. Department Report – Presented by Dustin Miller, Director

##### Trust Land Revenue

- A. Timber Sales – May 2023
- B. Leases and Permits – May 2023

#### 2. Endowment Fund Investment Board – Presented by Chris Anton, EFIB Manager of Investments

- A. Manager's Report
- B. Investment Report

#### Information

#### 3. Pre-Season Fire Forecast/Update – Introduction by Craig Foss, State Forester/Division Administrator-Forestry and Fire

- A. Predictive Services Forecast – Nick Nauslar, Fire Meteorologist, BLM
- B. Resource Readiness – Josh Harvey, Bureau Chief-Fire Management
- C. Rangeland Fire Protection Associations – Josh Harvey, Bureau Chief-Fire Management

#### Consent—Action Item(s)

#### 4. Results of May 15, 2023 Minerals Lease Live Auction – Presented by Mike Murphy, Program Manager-Minerals Leasing

State Board of Land Commissioners

Final Agenda

Regular Meeting – June 20, 2023

Page 1 of 2

5. **Strategic Plan FY2024-FY2027** – Presented by Dustin Miller, Director
6. **State Membership in Timber Protective Associations** – Presented by Dustin Miller, Director
7. **Deficiency Warrant Authority for FY2024 Fire Suppression** – Presented by Dustin Miller, Director
8. **Approval of Draft Minutes** – May 16, 2023 Regular Meeting (Boise)

### **Executive Session**

- A. **Performance Evaluation – Director, Department of Lands**  
Idaho Code § 74-206(1)(b) – to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.
- B. **Bear Lake Management**  
Idaho Code § 74-206(1)(f) – to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

### **Regular—Action Item(s)**

9. **Personnel Matter** – *No Board Materials*
10. **Bear Lake Management (Order and MOU)** – Presented by Mick Thomas-Division Administrator-Minerals, Navigable Waterways, Oil and Gas

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#### **Public Comment Procedure – Agenda Item 10 Only**

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Attn: Land Board Secretary  
PO Box 83720  
Boise ID 83720-0050
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- Remarks will be limited to **3 minutes per individual or group representative**.
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- The Land Board may conclude public comment at its discretion, at any time.



# Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 74  
TRANSPARENT AND ETHICAL GOVERNMENT  
CHAPTER 2  
OPEN MEETINGS LAW

74-206. EXECUTIVE SESSIONS — WHEN AUTHORIZED. (1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds (2/3) vote of the governing body. An executive session may be held:

(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general;

(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;

(c) To acquire an interest in real property not owned by a public agency;

(d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code;

(e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;

(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement;

(g) By the commission of pardons and parole, as provided by law;

(h) By the custody review board of the Idaho department of juvenile corrections, as provided by law;

(i) To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement; or

(j) To consider labor contract matters authorized under section 74-206A (1) (a) and (b), Idaho Code.

(2) The exceptions to the general policy in favor of open meetings stated in this section shall be narrowly construed. It shall be a violation of this chapter to change the subject within the executive session to one not identified within the motion to enter the executive session or to any topic for which an executive session is not provided.

(3) No executive session may be held for the purpose of taking any final action or making any final decision.

(4) If the governing board of a public school district, charter district, or public charter school has vacancies such that fewer than two-thirds (2/3) of board members have been seated, then the board may enter into executive session on a simple roll call majority vote.

History:

[74-206, added 2015, ch. 140, sec. 5, p. 371; am. 2015, ch. 271, sec. 1, p. 1125; am. 2018, ch. 169, sec. 25, p. 377; am. 2019, ch. 114, sec. 1, p. 439.]



# STATE BOARD OF LAND COMMISSIONERS

June 20, 2023  
Trust Land Revenue

## Timber Sales

During May 2023, the Department of Lands sold ten endowment timber sales at auction. Seven sales had competitive bidding. One endowment timber sale, Big Fork Cedar, did not sell on its first attempt at auction. The net sale value represents a 23% up bid over the appraised value.

TIMBER SALE AUCTIONS								
Sale Name	Area	Sawlog MBF	Cedar Prod MBF	Pulp MBF	Appraised Net Value	Sale Net Value	Net \$/MBF	Purchaser
Pierce Shanghai OSR Cedar	CLW	1,540			\$ 315,508.50	\$ 331,679.35	\$215.38	IFG Timber LLC
Upper McKinnon	CLW	6,435			\$ 882,169.50	\$ 1,159,988.00	\$180.26	IFG Timber LLC
Log Cabin Cedar	MC	3,270			\$ 744,478.00	\$ 744,478.00	\$227.67	IFG Timber LLC
Milwaukee Line	POND	10,520			\$ 3,045,903.00	\$ 3,505,075.00	\$333.18	IFG Timber LLC
Moose Drool	POND	2,915			\$ 509,289.50	\$ 652,233.05	\$223.75	PotlatchDeltic
Elk Hyde	POND	6,740			\$ 1,841,888.00	\$ 2,829,816.00	\$419.85	IFG Timber LLC
Mussel Sprouts Cedar	MC	6,775			\$ 1,231,317.00	\$ 1,505,996.84	\$222.29	IFG Timber LLC
Benton West Cedar Salvage	CLW	4,090			\$ 650,270.76	\$ 650,270.76	\$158.99	Alta Forest
Benton Lookout Salvage	CLW	1,560			\$ 192,926.50	\$ 192,926.50	\$123.67	IFG Timber LLC
Poutine Cedar	POL	3,660			\$ 1,344,483.00	\$ 1,601,712.00	\$437.63	IFG Timber LLC
<b>Endowment</b>		<b>47,505</b>	<b>0</b>	<b>0</b>	<b>\$10,758,233.76</b>	<b>\$13,174,175.50</b>	<b>\$277.32</b>	

PROPOSED TIMBER SALES FOR AUCTION				
Sale Name	Volume MBF	Advertised Net Value	Area	Estimated Auction Date
North Operations				
P River Flat	3,000	\$ 888,816.50	Priest Lake	6/7/2023
Lower Robinson Cedar	6,120	\$ 2,161,053.00	Mica	6/20/2023
Scenic Lodge Cedar	4,840	\$ 1,714,304.00	Mica	6/20/2023
<b>TOTALS</b>	<b>13,960</b>	<b>\$ 4,764,173.50</b>		
South Operations				
Devils Gate Ton	4,760	\$ 179,499.11	Eastern	6/21/2023
Rocky B Ton	2,375	\$ 210,276.11	Payette Lakes	6/27/2023
Stony Point Ton	3,220	\$ 416,939.12	Payette Lakes	6/27/2023
Mudpuppy Ton	3,205	\$ 381,848.02	Payette Lakes	6/29/2023

PROPOSED TIMBER SALES FOR AUCTION continued				
Sale Name	Volume MBF	Advertised Net Value	Area	Estimated Auction Date
South Operations				
Sloans Point GNA Ton	4,060	\$ 100,746.70	Boise NF	6/1/2023
Hurd-Wyck GNA Ton	6,330	\$ 265,639.20	Boise NF	6/29/2023
Misery Vinter	2,920	\$ 333,563.50	MC	6/28/2023
Aldape GNA Ton	270	\$ 15,668.10	Boise NF	6/6/2023
West Pine GNA Ton	645	\$ 31,218.10	Boise NF	6/6/2023
<b>TOTALS</b>	<b>27,785</b>	<b>\$ 1,935,397.96</b>		

VOLUME UNDER CONTRACT as of May 31, 2023				
	Public School	Pooled	Total	3 Year Avg.
Active Contracts			<b>167</b>	172
Total Residual MBF Equivalent	356,442	208,188	<b>564,630</b>	576,973
Estimated residual value	\$104,334,618	\$59,271,224	<b>\$163,605,842</b>	\$146,468,813
Residual Value (\$/MBF)	\$292.71	\$284.70	<b>\$289.76</b>	\$253.86

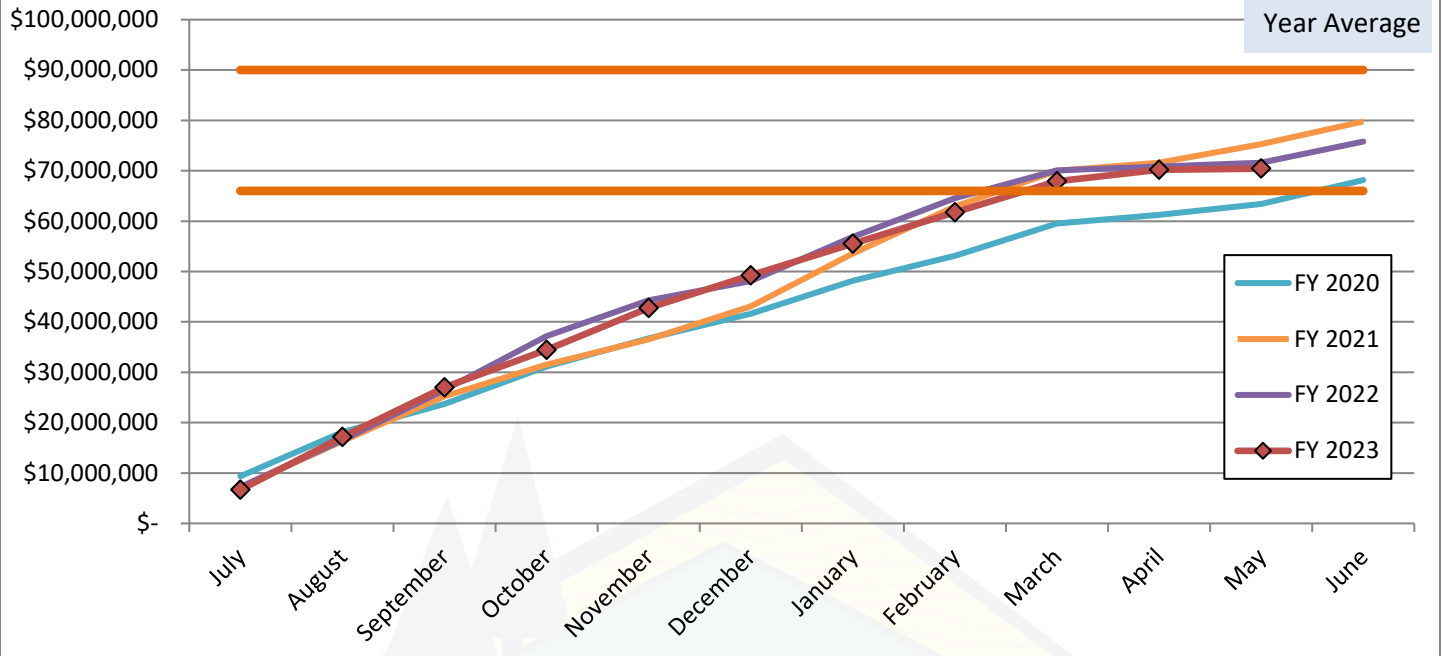
	TIMBER HARVEST RECEIPTS				
	May		FY to date	June Projected	
	Stumpage	Interest	Harvest Receipts	Stumpage	Interest
<b>Public School</b>	\$ 127,171.47	\$ 13,799.76	\$ 41,980,345.43	\$ 3,045,876.47	\$ 230,637.65
<b>Pooled</b>	\$ 86,417.36	\$ 4,014.44	\$ 28,445,247.29	\$ 1,321,095.24	\$ 100,399.02
<b>General Fund</b>	\$ 2.45	\$ 0.00	\$ 247.40	\$ 2.45	\$ 0.00
<b>TOTALS</b>	<b>\$ 213,591.28</b>	<b>\$ 17,814.20</b>	<b>\$ 70,425,840.12</b>	<b>\$ 4,366,974.16</b>	<b>\$ 331,036.67</b>

	Status of FY2023 Timber Sale Program					
	MBF Sawlog			Number Poles		
	Public School	Pooled	All Endowments	Public School	Pooled	All Endowments
Sold as of May 31, 2023	151,356	93,812	245,168	12,702	2,428	15,130
Currently Advertised	47,886	5,549	53,435	7,860	0	7,860
In Review	17,710	6,475	24,185	1,810	3,505	5,315
Did Not Sell*	0	0	0	0	0	0
<b>TOTALS</b>	<b>216,952</b>	<b>105,836</b>	<b>322,788</b>	<b>22,372</b>	<b>5,933</b>	<b>28,305</b>
FY2023 Sales Plan			326,000			20,000
Percent to Date			99%			142%

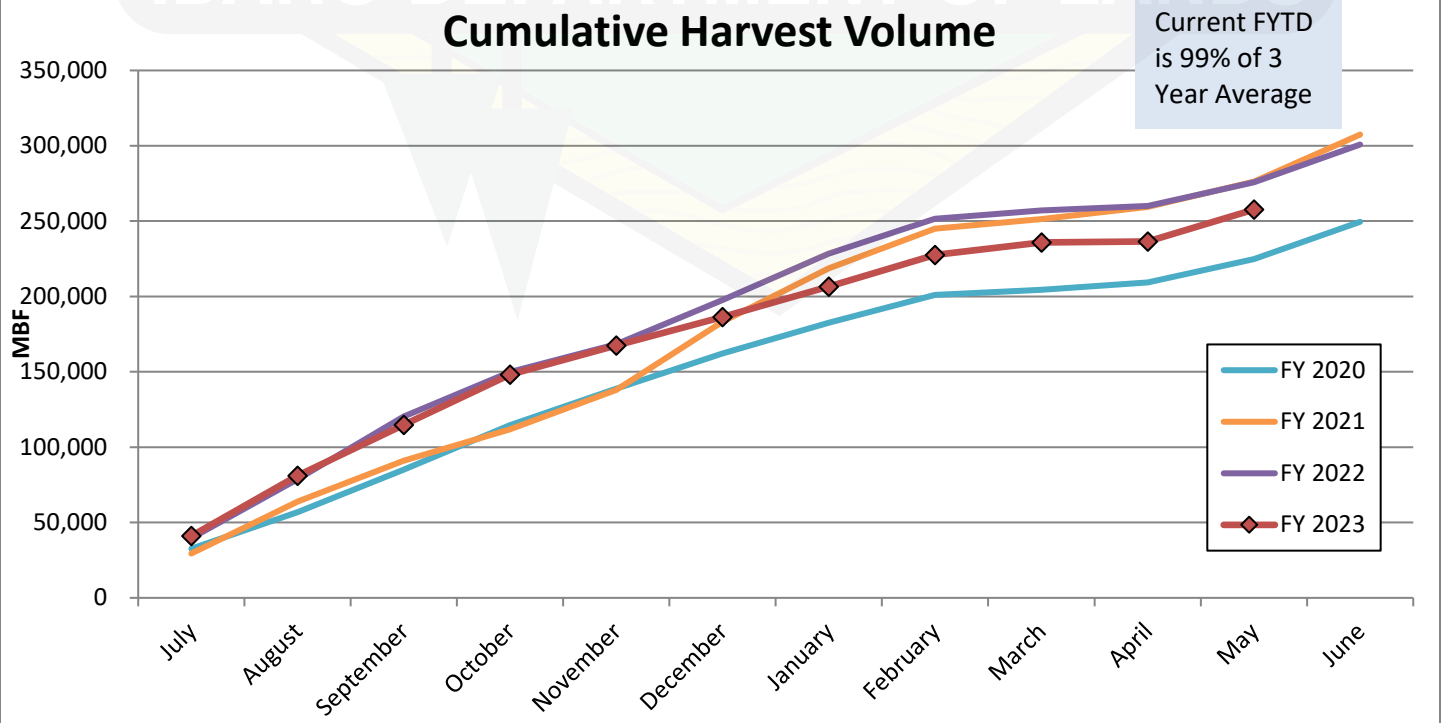
\* After three attempts at auction.



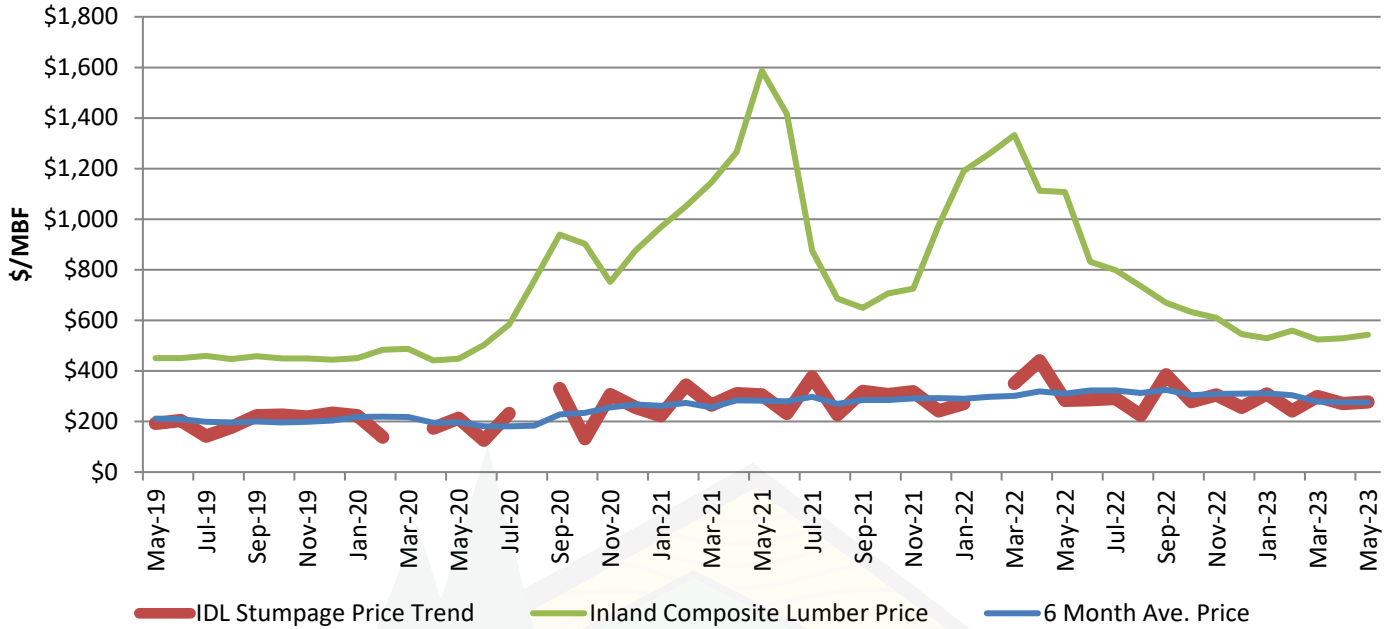
## Cumulative Harvest Receipts



## Cumulative Harvest Volume



## Monthly Lumber and Stumpage Price



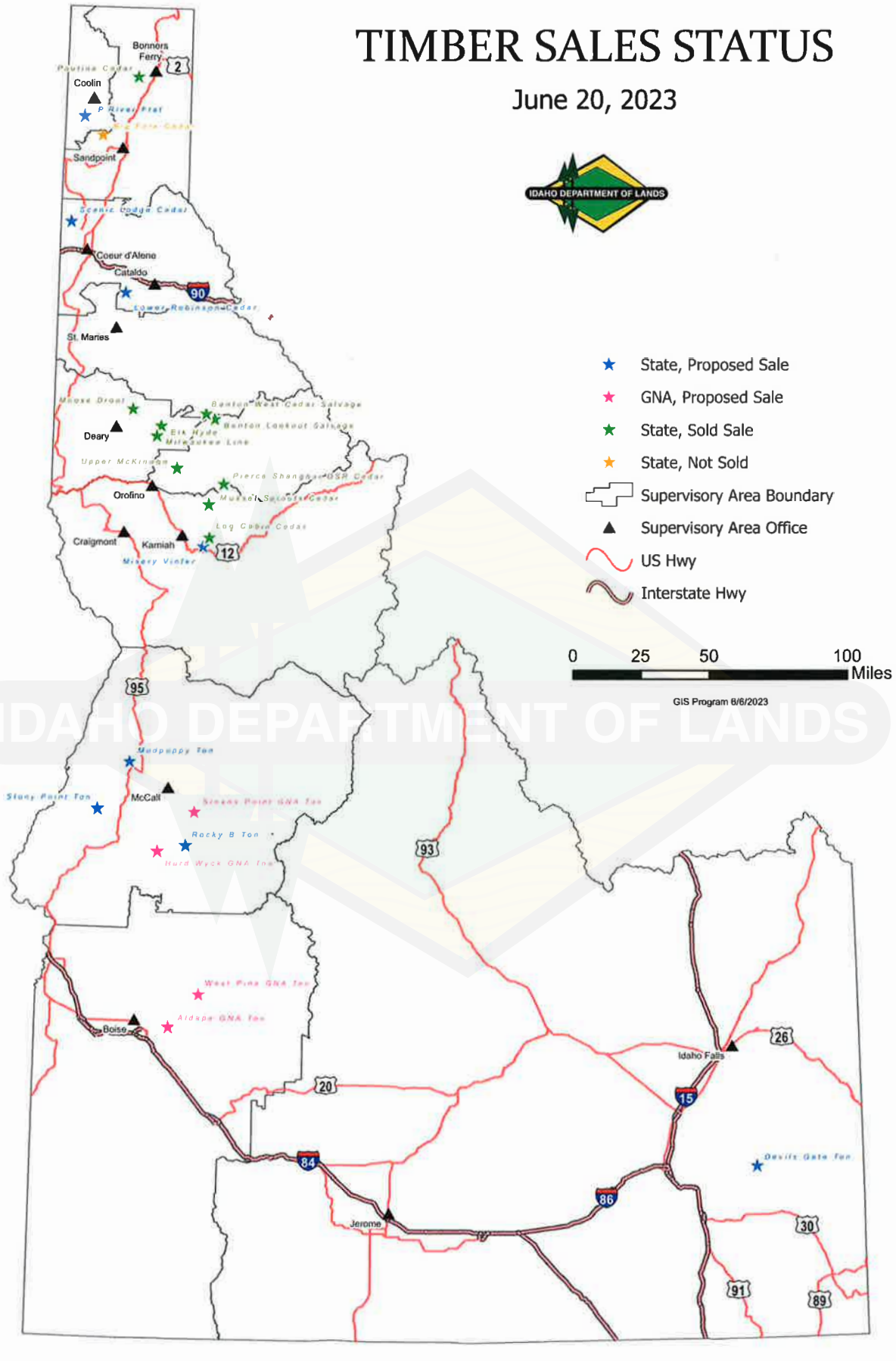
May 2023 6-month average price is \$275.76.

May 2022 6-month average price was \$310.52.

IDAHO DEPARTMENT OF LANDS

# TIMBER SALES STATUS

June 20, 2023



# STATE BOARD OF LAND COMMISSIONERS

June 20, 2023

## Endowment Transactions

### Leases and Permits

FISCAL YEAR 2023 – LEASING & PERMITTING TRANSACTIONS BY MONTH – through May 31, 2023													
ACTIVITY	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
<b>SURFACE</b>													
Agriculture	-	1	-	-	1	-	-	-	1	-	1		4
<i>Assignments</i>	-	-	-	-	-	-	-	-	-	1	-		1
Communication Sites	-	-	-	1	-	-	-	1	1	2	6		11
<i>Assignments</i>	1	2	-	-	-	-	-	-	-	-	-		3
Grazing	-	-	-	7	1	-	-	3	-	-	-		11
<i>Assignments</i>	3	2	-	1	-	-	5	2	-	3	4		20
Residential	-	4	-	1	-	-	-	2	-	-	-		7
<i>Assignments</i>	-	-	-	-	-	-	-	-	-	-	-		0
<b>COMMERCIAL</b>													
Alternative Energy	-	-	-	-	1	-	-	-	-	-	-		1
Industrial	-	-	-	-	-	-	-	7	-	-	-		7
Military	-	-	-	-	-	-	-	-	-	-	-		0
Office/Retail	1	-	-	-	-	-	-	-	-	1	-		2
Recreation	-	-	-	-	-	-	-	1	-	-	2		3
<i>Assignments</i>	-	-	-	-	-	-	-	-	-	-	1		1
<b>OTHER</b>													
Conservation	-	-	-	2	-	-	-	-	-	-	-		2
Geothermal	-	-	-	-	-	-	-	-	-	-	-		0
Minerals	2	2	1	-	-	-	-	4	1	-	-		10
<i>Assignments</i>	1	-	-	-	-	-	1	-	-	-	-		2
Non-Comm Recreation	-	-	-	-	-	-	-	-	-	-	-		0
Oil & Gas	-	-	-	-	-	-	-	1	-	-	5		6
<b>PERMITS</b>													
Land Use Permits	6	5	4	6	2	3	7	5	4	2	11		55
<b>TOTAL INSTRUMENTS</b>	<b>14</b>	<b>16</b>	<b>5</b>	<b>18</b>	<b>5</b>	<b>3</b>	<b>13</b>	<b>26</b>	<b>7</b>	<b>9</b>	<b>30</b>	<b>0</b>	<b>146</b>

### Real Estate

FISCAL YEAR 2023 – REAL ESTATE TRANSACTIONS BY MONTH – through May 31, 2023													
ACTIVITY	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
Deeds Acquired	-	-	-	-	-	-	7	-	3	-	-		10
Deeds Granted	-	-	5	3	1	1	-	-	4	-	-		14
Deeds Granted - Surplus	-	-	-	-	-	-	-	-	-	-	-		0
Easements Acquired	-	1	-	-	-	-	-	-	-	-	-		1
Easements Granted	2	1	-	-	-	-	-	-	-	-	-		3
<b>Notes :</b>													

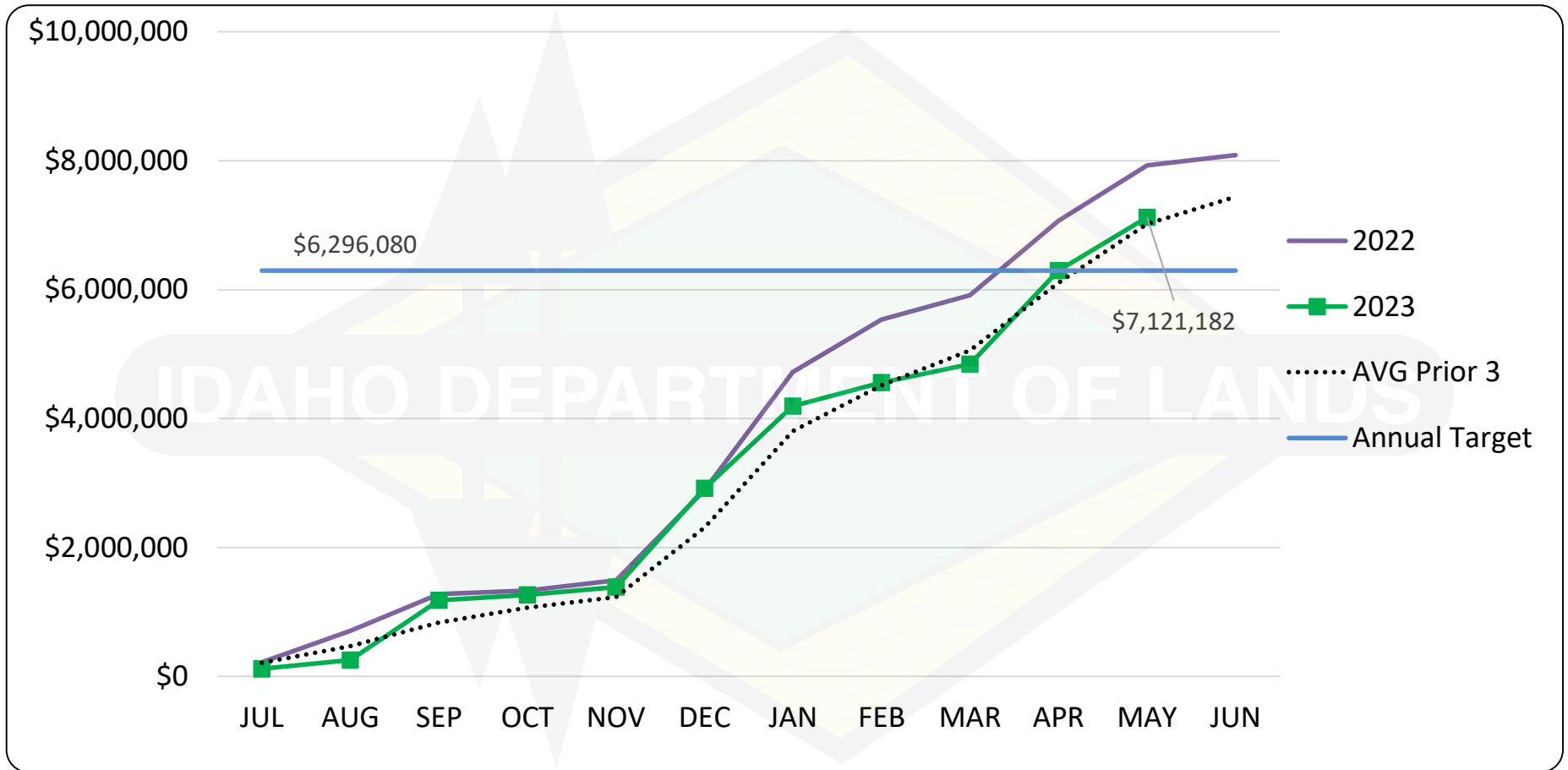
**TRUST LAND MANAGEMENT DIVISION**  
**FY2023 GROSS REVENUE (non-timber) - ACTUAL AND FORECASTED**  
**through May 31, 2023**

	ACTUAL RECEIPTS AS OF 5.31.2023	REVENUE EXPECTED BY 5.31.2023**	REVENUE EXPECTED BY 06.30.2023
<b>SURFACE</b>			
AGRICULTURE	\$ 614,174	\$ 505,000	\$ 505,000
COMMUNICATION SITES	\$ 1,170,569	\$ 999,731	\$ 1,009,239
GRAZING	\$ 1,874,860	\$ 1,850,000	\$ 1,870,000
RESIDENTIAL LEASES	\$ 955,596	\$ 1,010,394	\$ 1,095,851
<b>COMMERCIAL</b>			
COMMERCIAL ENERGY RESOURCES	\$ 57,920	\$ 47,763	\$ 47,763
COMMERCIAL INDUSTRIAL	\$ 169,200	\$ 73,550	\$ 74,504
COMMERCIAL MILITARY FACILITIES	\$ 168,078	\$ 91,117	\$ 91,117
COMMERCIAL OFFICE/RETAIL LEASES	\$ 798,185	\$ 510,352	\$ 527,352
COMMERCIAL RECREATION	\$ 1,132,298	\$ 897,057	\$ 899,978
<b>OTHER</b>			
CONSERVATION LEASES	\$ 70,285	\$ 65,000	\$ 65,000
GEOTHERMAL	\$ (5,339)	\$ -	\$ -
MINERAL LEASES	\$ 109,094	\$ 105,403	\$ 105,403
OIL AND GAS LEASES	\$ 6,261	\$ 4,874	\$ 4,874
<b>Sub Total</b>	<b>\$ 7,121,182</b>	<b>\$ 6,160,240</b>	<b>\$ 6,296,081</b>
REAL ESTATE SERVICES	\$ 183,632	*	
<b>Grand Total</b>	<b>\$ 7,304,813</b>		

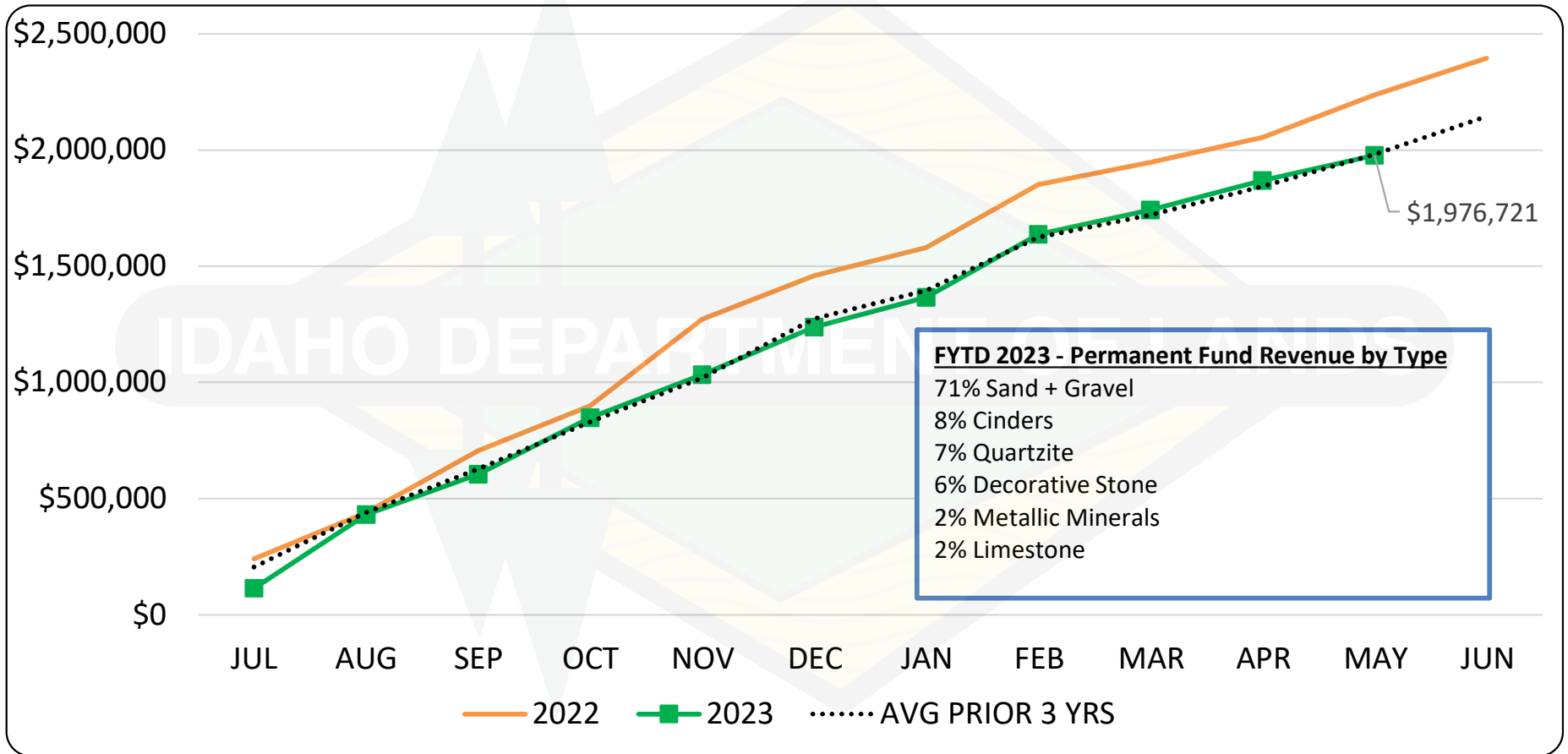
\* This category is not included in the annual forecast.

\*\* These figures are based on "normal" timing of revenue/billing throughout the year.

Cumulative Trust Land Program Receipts  
Earnings Reserve - All Programs excluding Timber  
FY 2022 - FY 2023



# Cumulative Trust Land Permanent Fund Revenue/Royalties (Does NOT include Land Bank or Timber Program Revenue) FY2022 - FYTD2023







Thomas J. Wilford :: Chairman  
Jerry F. Aldape      Irving Littman  
Bob Donaldson      Richelle A. Sugiyama  
Joseph Forney      Chuck Winder  
Steven C. Harris      Brian Yeargain  
  
Chris J. Anton :: Manager of Investments

## Monthly Report to the Board of Land Commissioners

### Investment performance through May 31, 2023

**Month: -1.2%      Fiscal year: 6.6%**

Domestic financial markets were up modestly in May but international markets declined as the U.S. Dollar strengthened and the industrial outlook particularly in China declined. The U.S. saw a boost in A.I. related issues as NVIDIA forecast a much stronger than expected year ahead.

With the Senate voting 63-36, the U.S. debt ceiling was increased capping months of debate. The May jobs report released Friday showed the US economy remains strong with more than 300,000 jobs created last month, while the unemployment rate rose to 3.7%. The US economy added 339,000 nonfarm payroll jobs last month, data from the Bureau of Labor Statistics showed Friday June 2. The ten-year Treasury yield was 3.8% in late May but settled in around 3.6%.

## IDAHO DEPARTMENT OF LANDS

### Status of endowment fund reserves

Distributions for FY2022 and FY2023 are well secured.

### Significant actions of the Endowment Fund Investment Board

None.

### Compliance/legal issues, areas of concern

**Material deviations from Investment Policy:** None.

**Material legal issues:** None.

**Changes in board membership or agency staffing:** None.

### Upcoming issues/events

Board Meeting – August 14, 2023

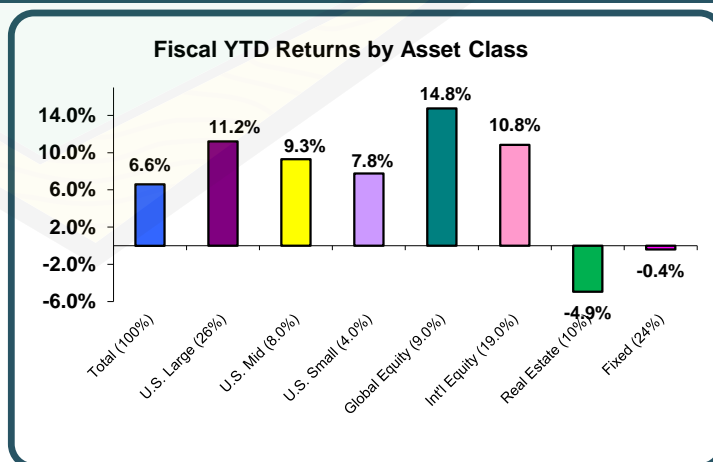
Board Meeting – November 21, 2023

	Month	FYTD
<b>Beginning Value of Fund</b>	<b>2,884,844,273</b>	<b>\$ 2,707,410,665</b>
Distributions to Beneficiaries	(8,359,583)	(92,205,413)
Land Revenue net of IDL Expenses	(6,032,361)	51,658,608
Change in Market Value net of Investment Mgt. Expenses	(20,226,187)	183,362,282
<b>Current Value of Fund</b>	<b>\$ 2,850,226,142</b>	<b>\$ 2,850,226,142</b>

	Current Month	Calendar Y-T-D	Fiscal Y-T-D	One Year	Three Year	Five Year	Ten Year
<b>Gross Returns</b>							
<b>Total Fund</b>	<b>-1.2%</b>	<b>3.7%</b>	<b>6.6%</b>	<b>-0.2%</b>	<b>7.2%</b>	<b>6.3%</b>	<b>7.3%</b>
Total Fund Benchmark*	-0.9%	5.0%	6.8%	1.0%	6.9%	6.0%	7.0%
<b>Total Fixed</b>	<b>-1.1%</b>	<b>2.7%</b>	<b>-0.4%</b>	<b>-2.2%</b>	<b>-2.5%</b>	<b>1.1%</b>	<b>1.4%</b>
BBG U.S. Agg. (Ag)	-1.1%	2.5%	-0.6%	-2.1%	-3.0%	1.1%	1.5%
<b>Total Equity</b>	<b>-0.9%</b>	<b>6.2%</b>	<b>11.2%</b>	<b>1.3%</b>	<b>11.1%</b>	<b>8.3%</b>	<b>9.5%</b>
57% R3 29% Ax 14% AC	-1.0%	7.5%	10.3%	1.0%	10.6%	7.4%	9.0%
<b>Domestic Equity</b>	<b>0.0%</b>	<b>5.3%</b>	<b>10.4%</b>	<b>0.5%</b>	<b>11.9%</b>	<b>9.2%</b>	<b>11.1%</b>
Russell 3000 (R3)	0.4%	8.7%	11.4%	2.0%	12.2%	10.1%	11.5%
<b>Global Equity</b>	<b>-1.1%</b>	<b>8.3%</b>	<b>14.8%</b>	<b>5.8%</b>	<b>11.0%</b>	<b>9.3%</b>	<b>7.7%</b>
MSCI ACWI (AC)	-1.1%	7.7%	10.1%	0.9%	10.1%	6.8%	7.8%
<b>Int'l. Equity</b>	<b>-2.6%</b>	<b>6.9%</b>	<b>10.8%</b>	<b>0.7%</b>	<b>9.6%</b>	<b>5.9%</b>	<b>6.1%</b>
MSCI ACWI ex-US (Ax)	-3.6%	4.8%	7.9%	-1.4%	7.2%	2.2%	3.8%
<b>Real Estate</b>			<b>-4.9%</b>	<b>-4.9%</b>	<b>6.2%</b>	<b>6.3%</b>	

\* Benchmark: 38% Russell 3000 19% ACWI ex-US 9% AC 24% BB Agg. 10% OD

	Mkt Value	Allocation
<b>Domestic Equity</b>	<b>\$ 1,071.7</b>	<b>37.6%</b>
Large Cap	736.6	25.8%
Mid Cap	220.3	7.7%
Small Cap	114.8	4.0%
<b>Global Equity</b>	<b>268.5</b>	<b>9.4%</b>
<b>Int'l Equity</b>	<b>556.7</b>	<b>19.5%</b>
<b>Fixed Income</b>	<b>660.1</b>	<b>23.2%</b>
<b>Real Estate</b>	<b>276.4</b>	<b>9.7%</b>
<b>Cash</b>	<b>15.7</b>	<b>0.5%</b>
<b>Total Fund</b>	<b>\$ 2,850.2</b>	<b>100.0%</b>



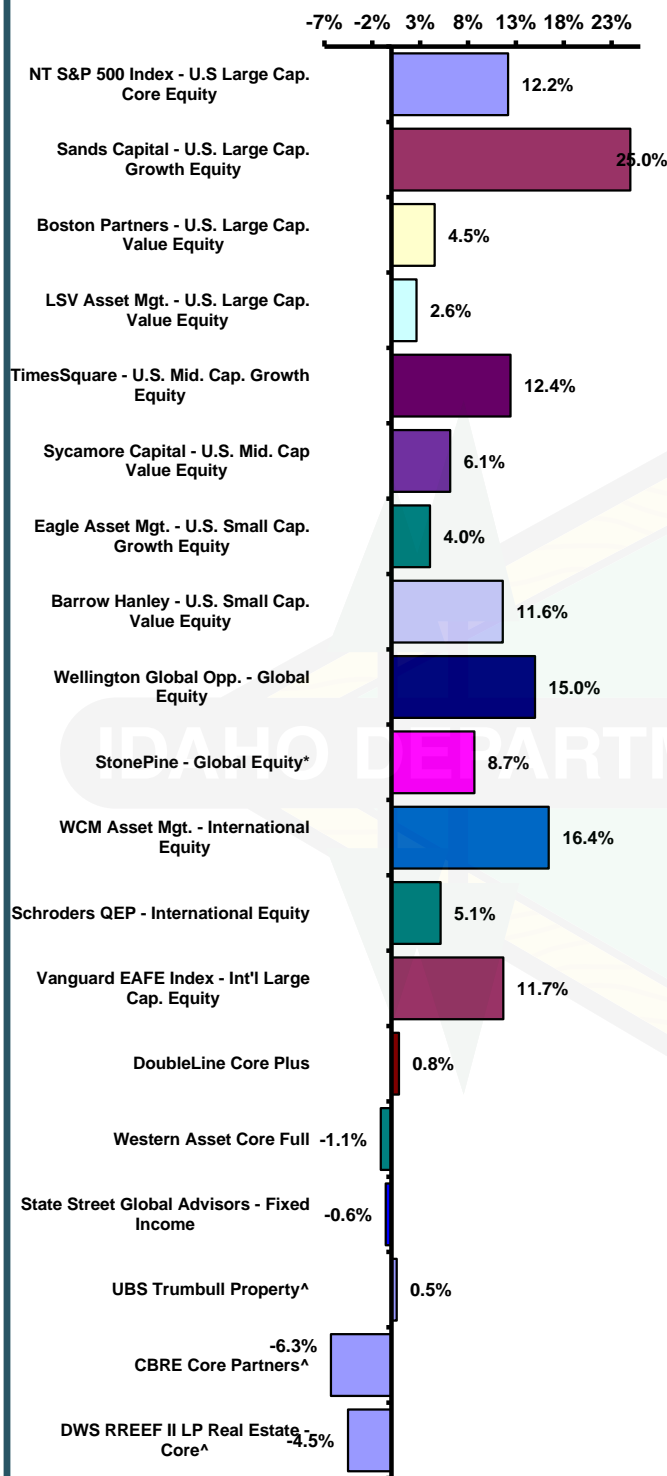
## Endowment Fund Staff Comments:

Domestic financial markets were up modestly in May but international markets declined as the U.S. Dollar strengthened and the industrial outlook particularly in China declined. The U.S. saw a boost in A.I. related issues as NVIDIA forecast a much stronger than expected year ahead. With the Senate voting 63-36, the U.S. debt ceiling was increased capping months of debate. The May jobs report released Friday showed the US economy remains strong with more than 300,000 jobs created last month, while the unemployment rate rose to 3.7%. The US economy added 339,000 nonfarm payroll jobs last month, data from the Bureau of Labor Statistics showed Friday June 2. The ten-year Treasury yield was 3.8% in late May but settled in around 3.6%.

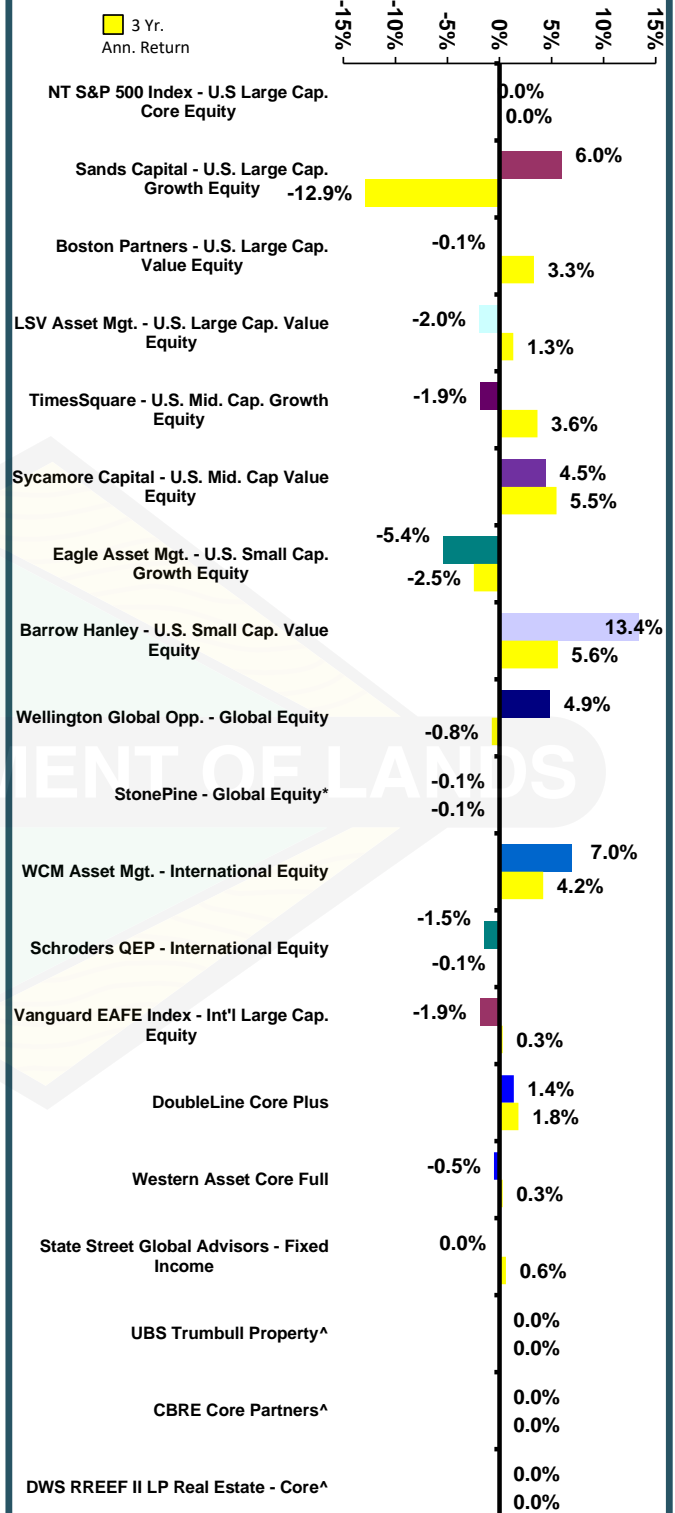
May 31, 2023

# INVESTMENT REPORT

## FYTD Manager Returns



## Manager Relative Returns Fiscal YTD and 3-Yr Ave\*



^ Most recent valuation. \* I-T-D

# Summer Wildfire Outlook

Nick Nauslar

Predictive Services

National Interagency Fire/Coordination Centers

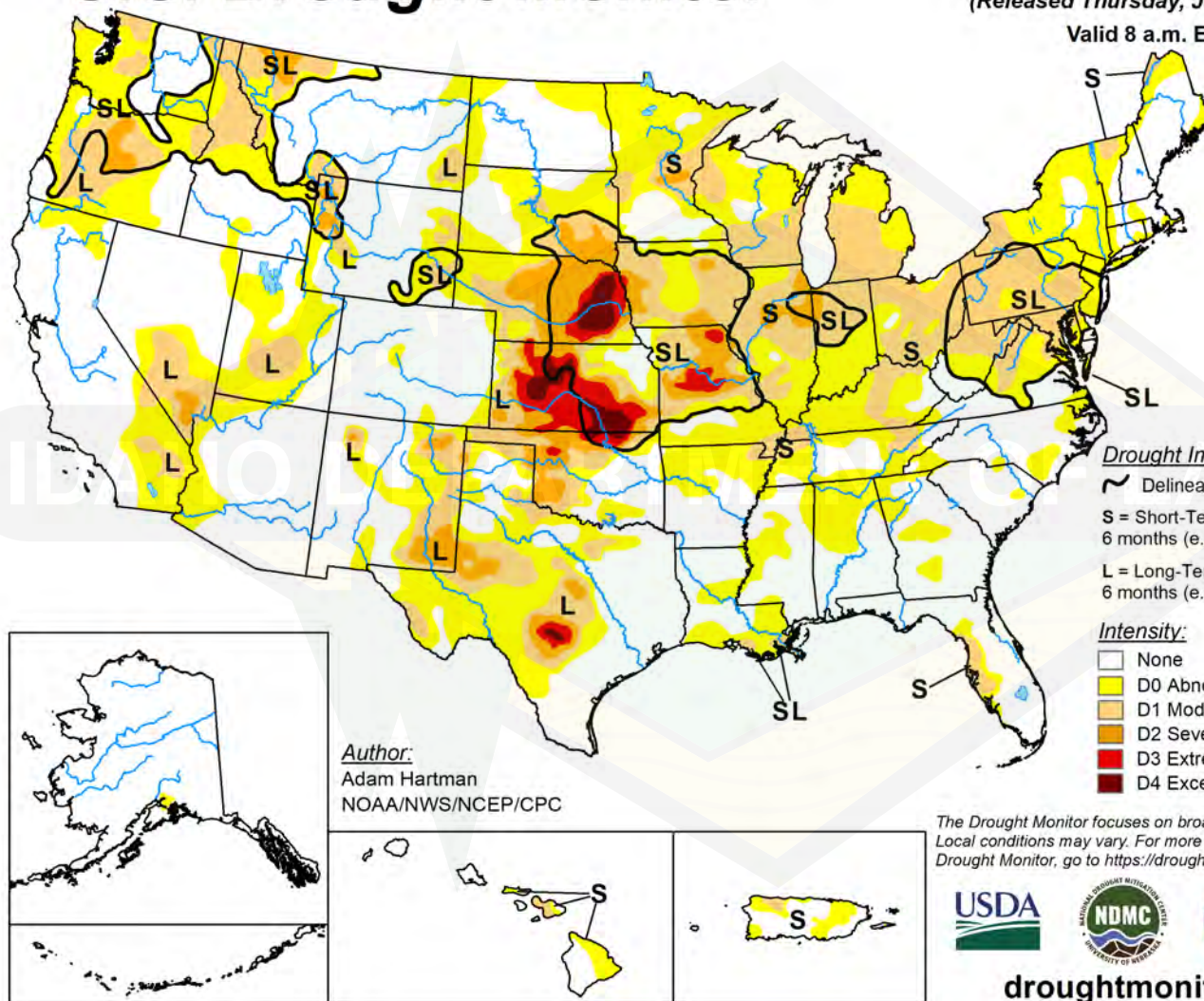
Boise, Idaho

# U.S. Drought Monitor

June 13, 2023

(Released Thursday, Jun. 15, 2023)

Valid 8 a.m. EDT



## Drought Impact Types:

- ~ Delineates dominant impacts
- S = Short-Term, typically less than 6 months (e.g. agriculture, grasslands)
- L = Long-Term, typically greater than 6 months (e.g. hydrology, ecology)

## Intensity:

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

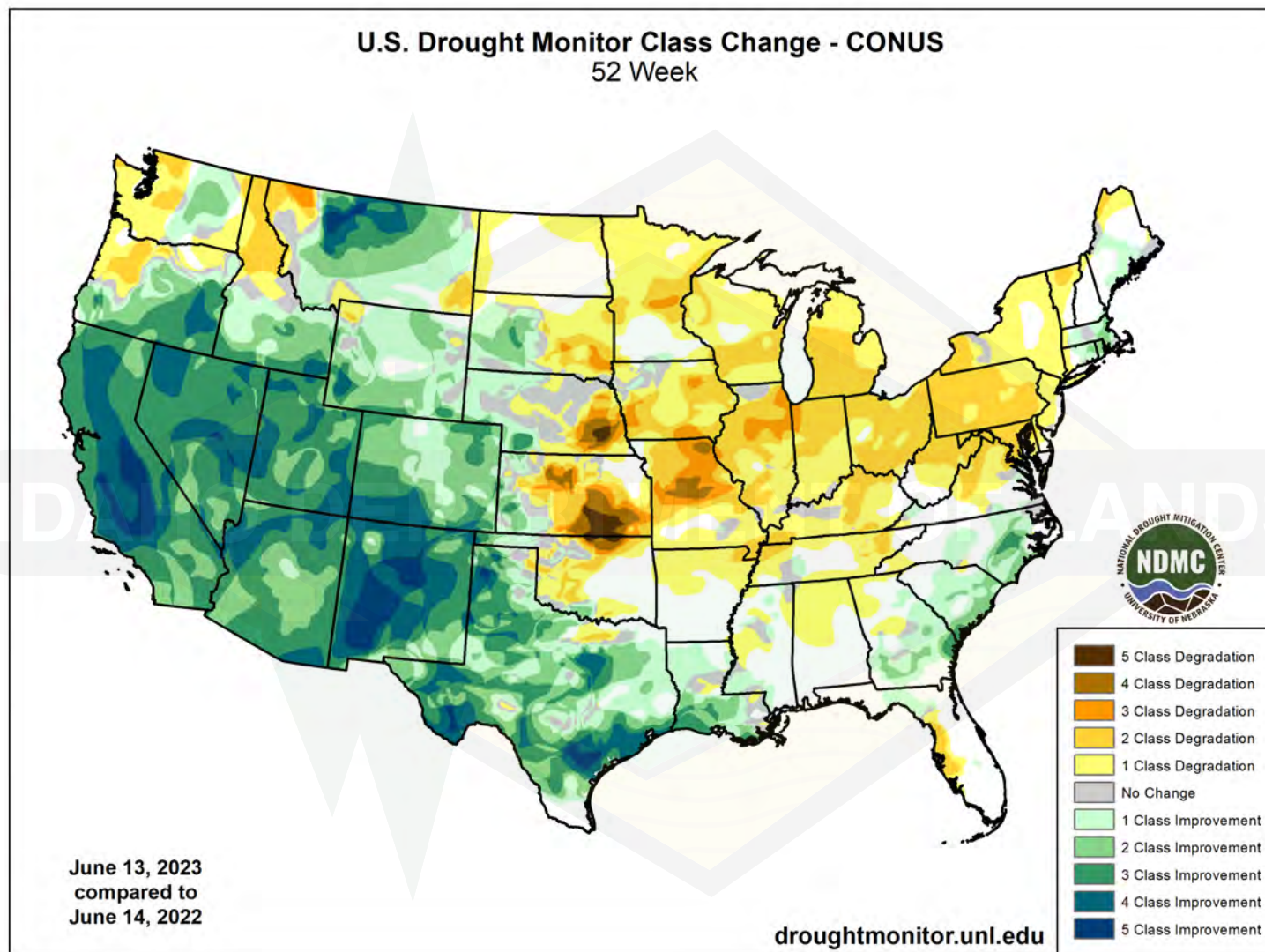
Author:  
Adam Hartman  
NOAA/NWS/NCEP/CPC

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>



[droughtmonitor.unl.edu](https://droughtmonitor.unl.edu)





# U.S. Drought Monitor Idaho

**June 13, 2023**

(Released Thursday, Jun. 15, 2023)

Valid 8 a.m. EDT

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
<b>Current</b>	53.84	46.16	21.57	0.00	0.00	0.00
<b>Last Week</b> 06-06-2023	53.81	46.19	21.61	0.00	0.00	0.00
<b>3 Months Ago</b> 03-14-2023	2.27	97.73	76.29	12.13	0.00	0.00
<b>Start of Calendar Year</b> 01-03-2023	2.28	97.72	71.70	21.85	0.00	0.00
<b>Start of Water Year</b> 09-27-2022	0.00	100.00	89.53	16.68	3.10	0.00
<b>One Year Ago</b> 06-14-2022	28.26	71.74	48.25	16.97	3.41	0.00

## Intensity:

None	D2 Severe Drought
D0 Abnormally Dry	D3 Extreme Drought
D1 Moderate Drought	D4 Exceptional Drought

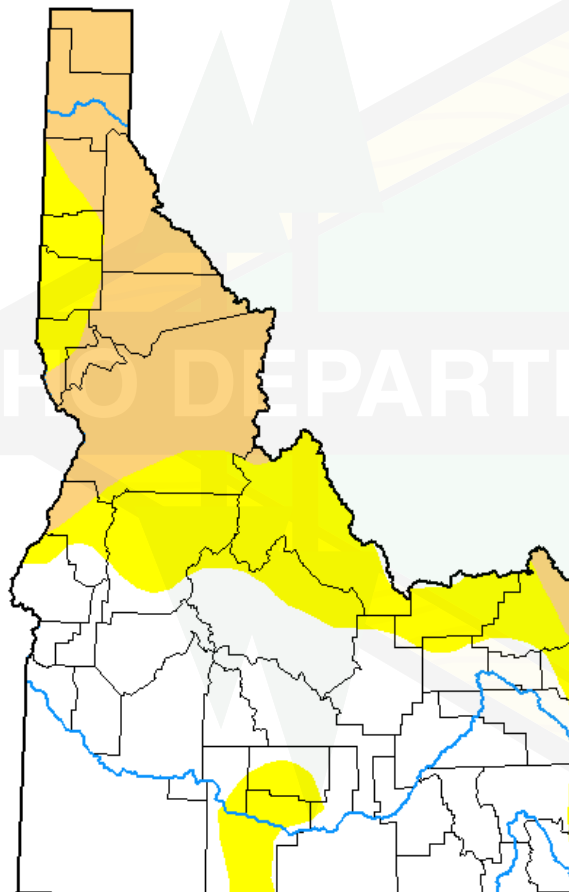
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## Author:

Adam Hartman  
NOAA/NWS/NCEP/CPC



[droughtmonitor.unl.edu](https://droughtmonitor.unl.edu)



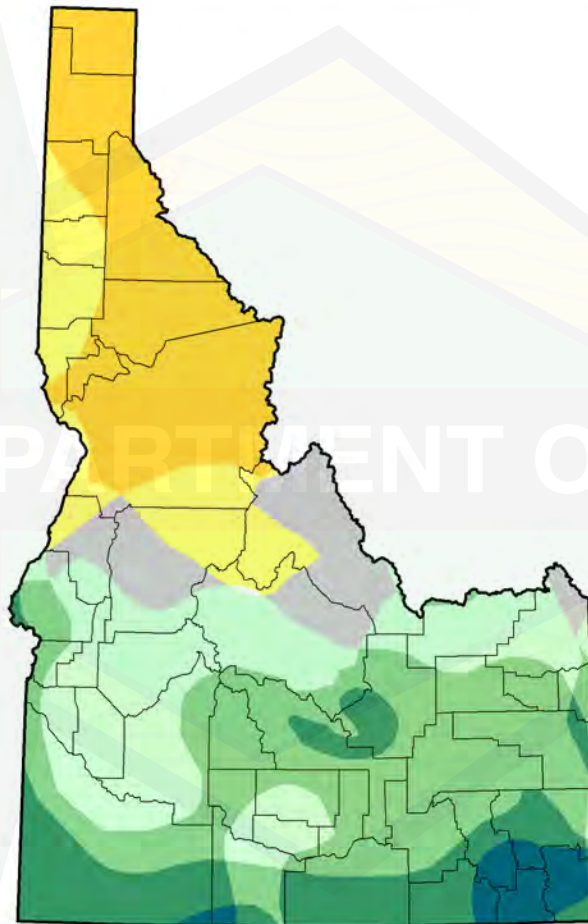


# U.S. Drought Monitor Class Change - Idaho 52 Week

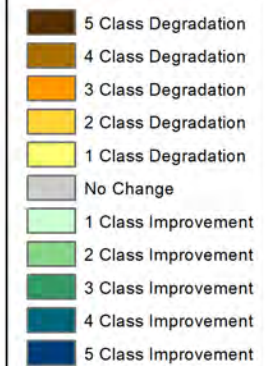
IDAHO DEPARTMENT OF LANDS



June 13, 2023  
compared to  
June 14, 2022



[droughtmonitor.unl.edu](http://droughtmonitor.unl.edu)



# Fuel Loading in Idaho Rangelands

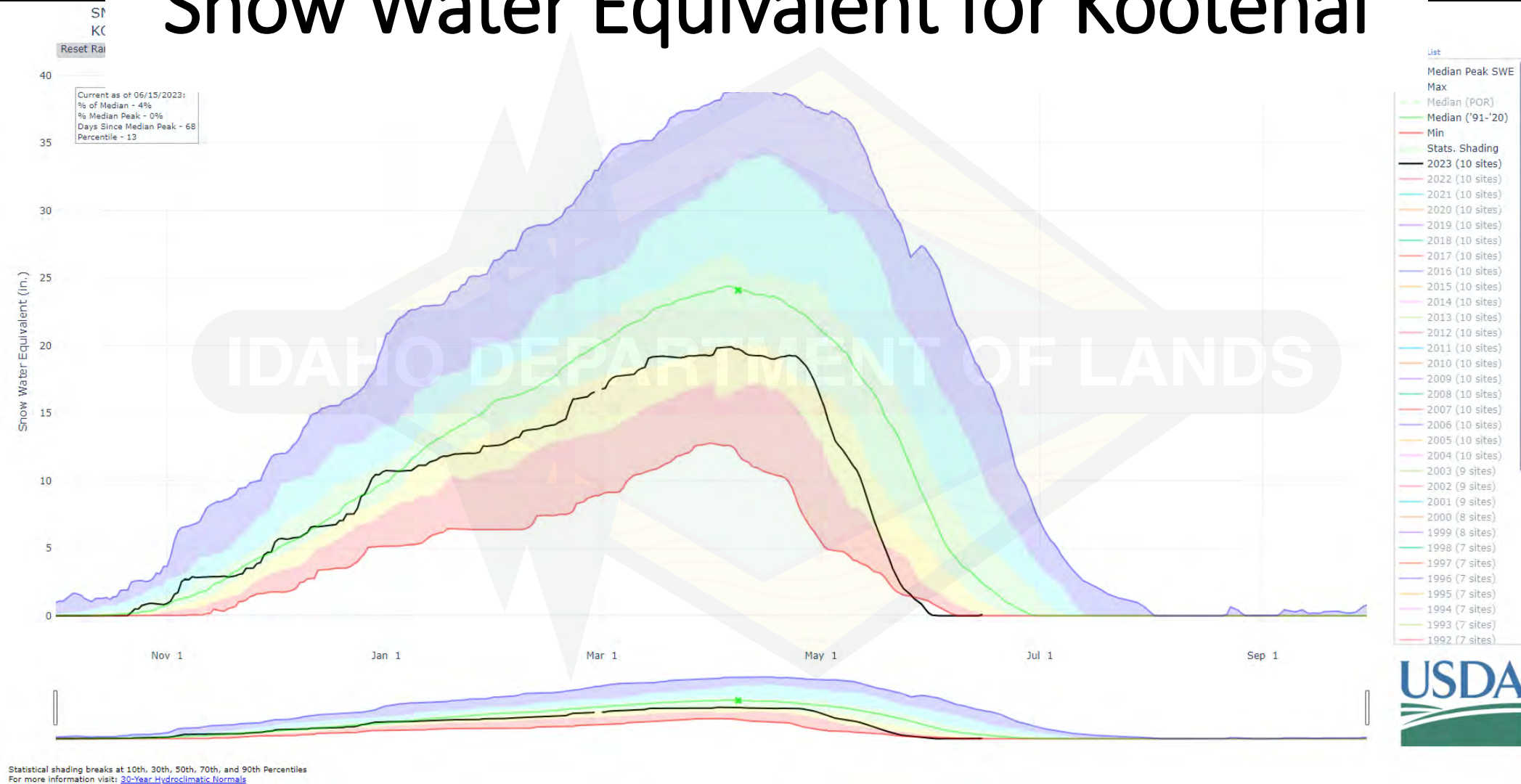
- Above normal fuel loading for southern Idaho
  - Still waiting on sampling due to recent wet weather
- Still needs time to dry out given recent wet weather
  - Have seen recent large grass fires in Columbia Basin but they are ahead of Idaho
- Anticipating more fire potential/activity in July – August due to the fuel loading and likely curing of these fuels

# Rapid Snowmelt in Northern Portions of the West

- Rapid snowmelt since late April, faster than normal
- Record to near record low snow water equivalent and snowpack values for this time of year



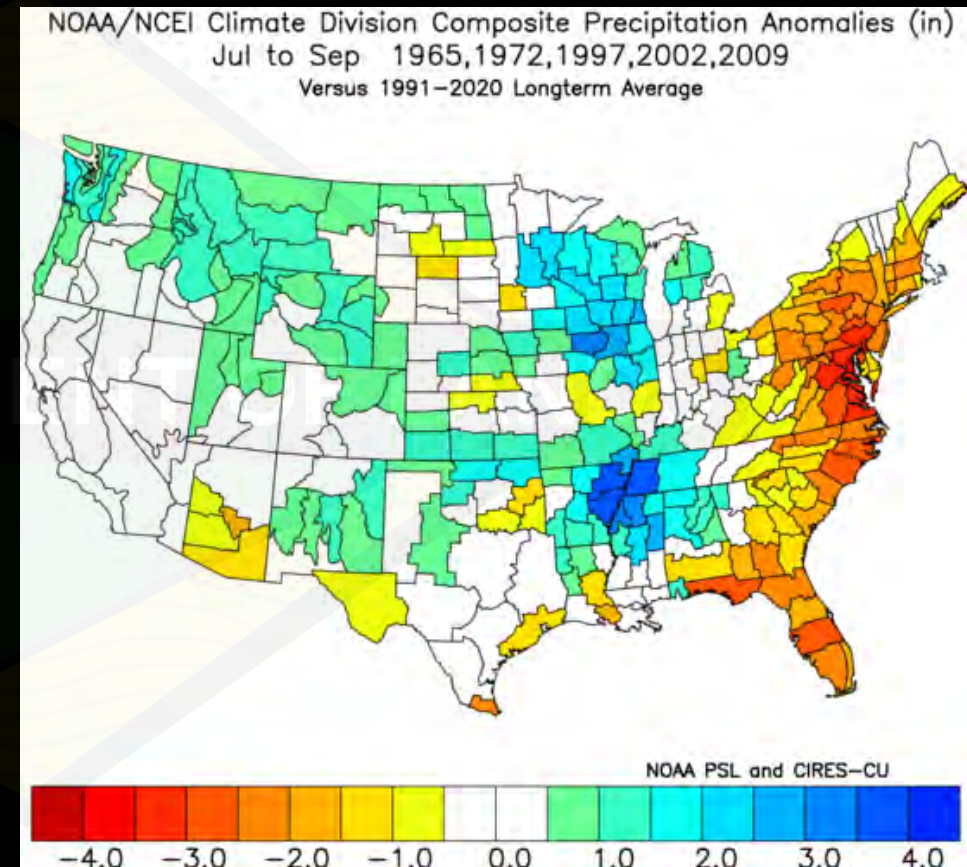
# Snow Water Equivalent for Kootenai





# El Niño is here

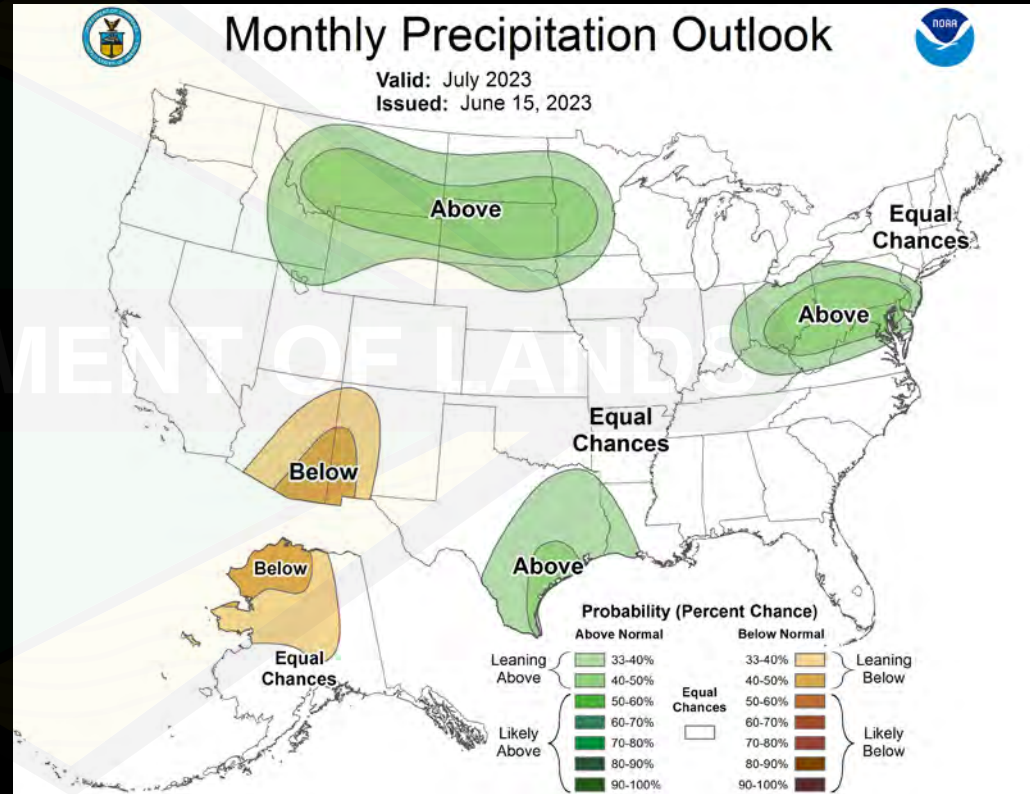
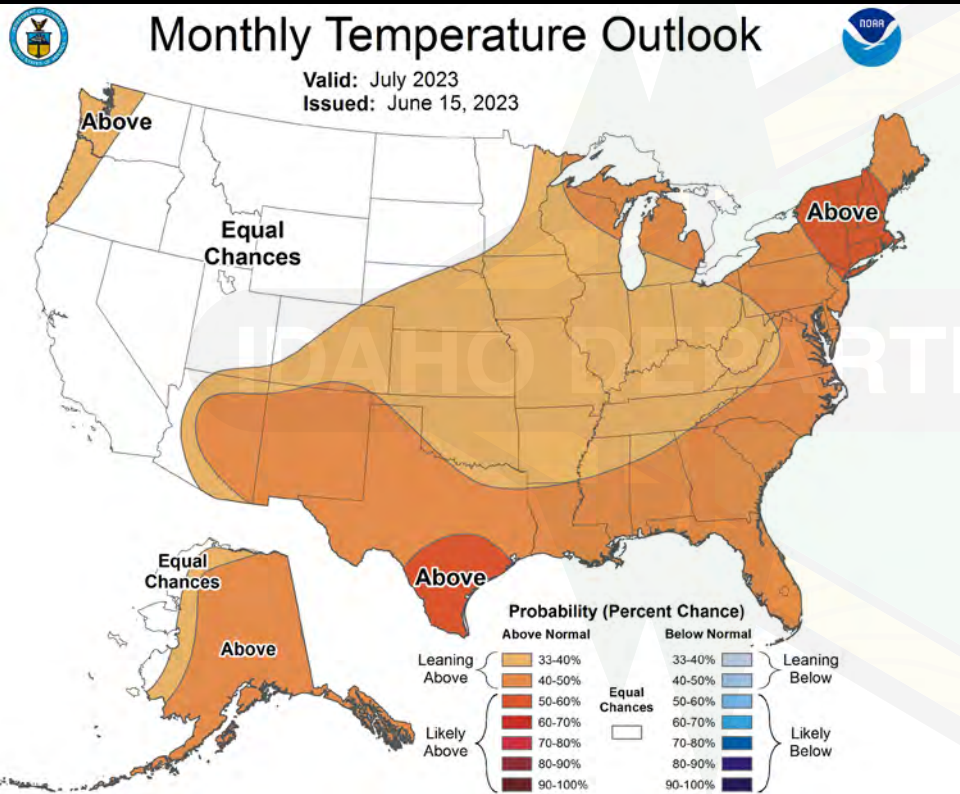
- Just had a 3-year “triple-dip” La Niña
- In a El Niño Advisory and composite of five similar previous years for rainfall
- 95% chance of El Niño continuing through winter



# Monthly/Seasonal Outlooks: How the sausage is made

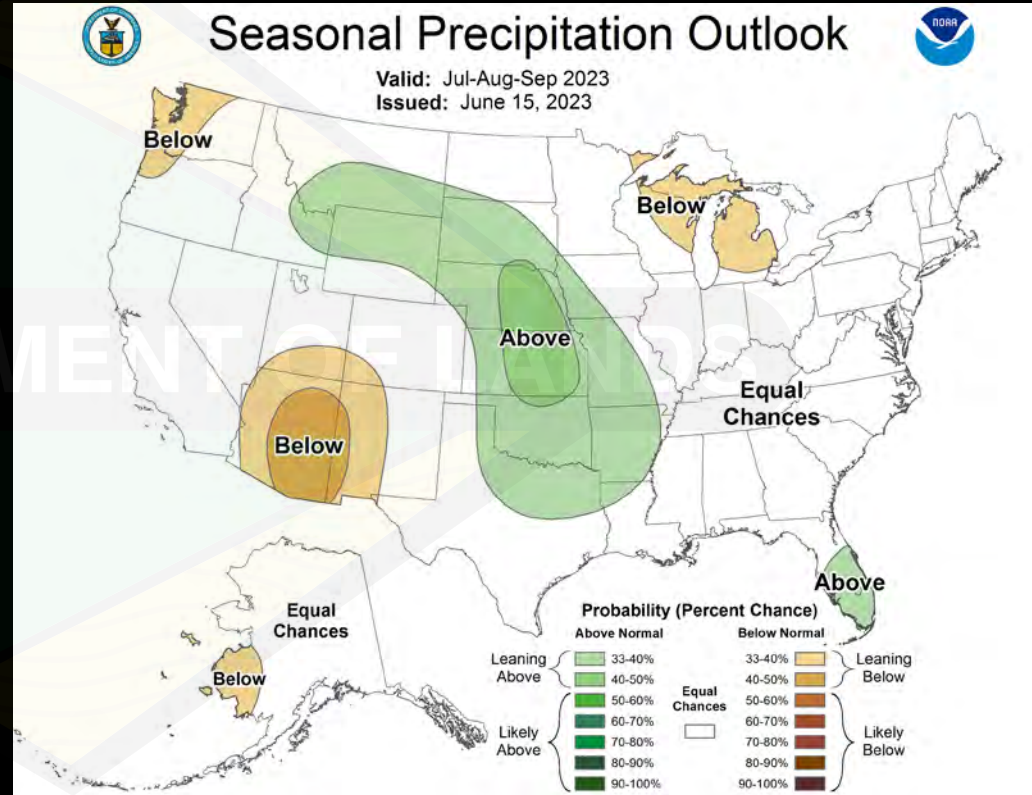
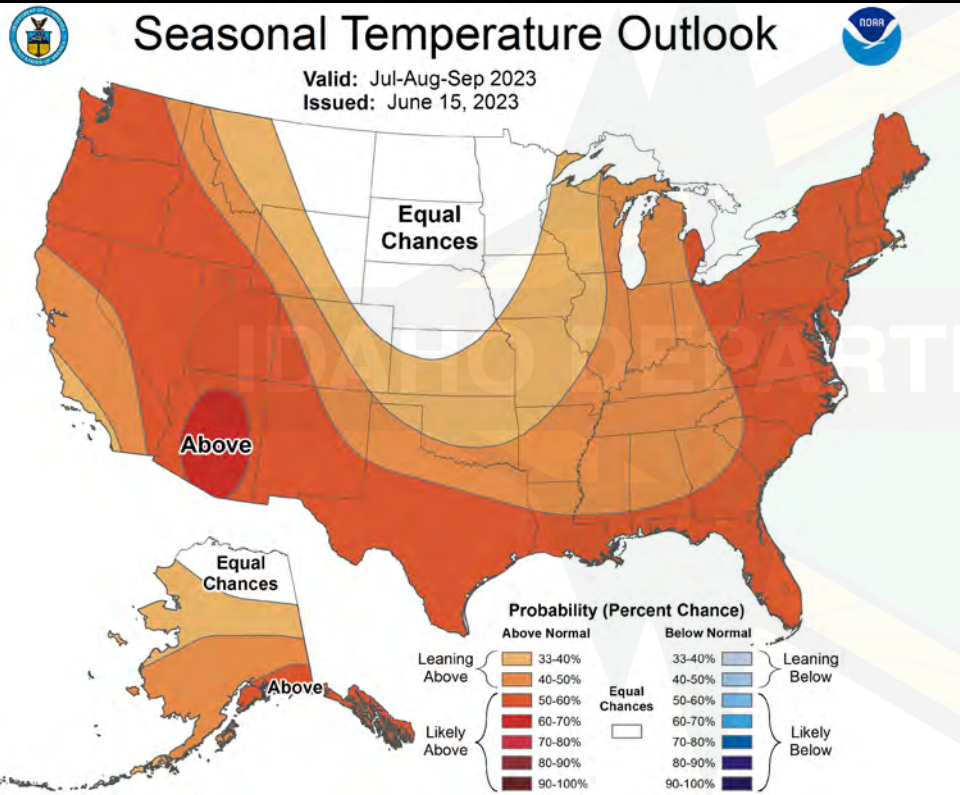
- Current conditions
  - Snowpack & recent precipitation
  - Drought & soil moisture
  - Fuel loading, phenology (cured, greening, leaf on/off, etc), & moisture content
- Weather and Climate Outlooks
  - Work with Climate Prediction Center and in-house expertise
  - Global circulations (e.g., ENSO)
- Fire season timing/climatology
- Blend together to anticipate above/below normal significant fire potential

# Climate Prediction Center (CPC) July Outlook

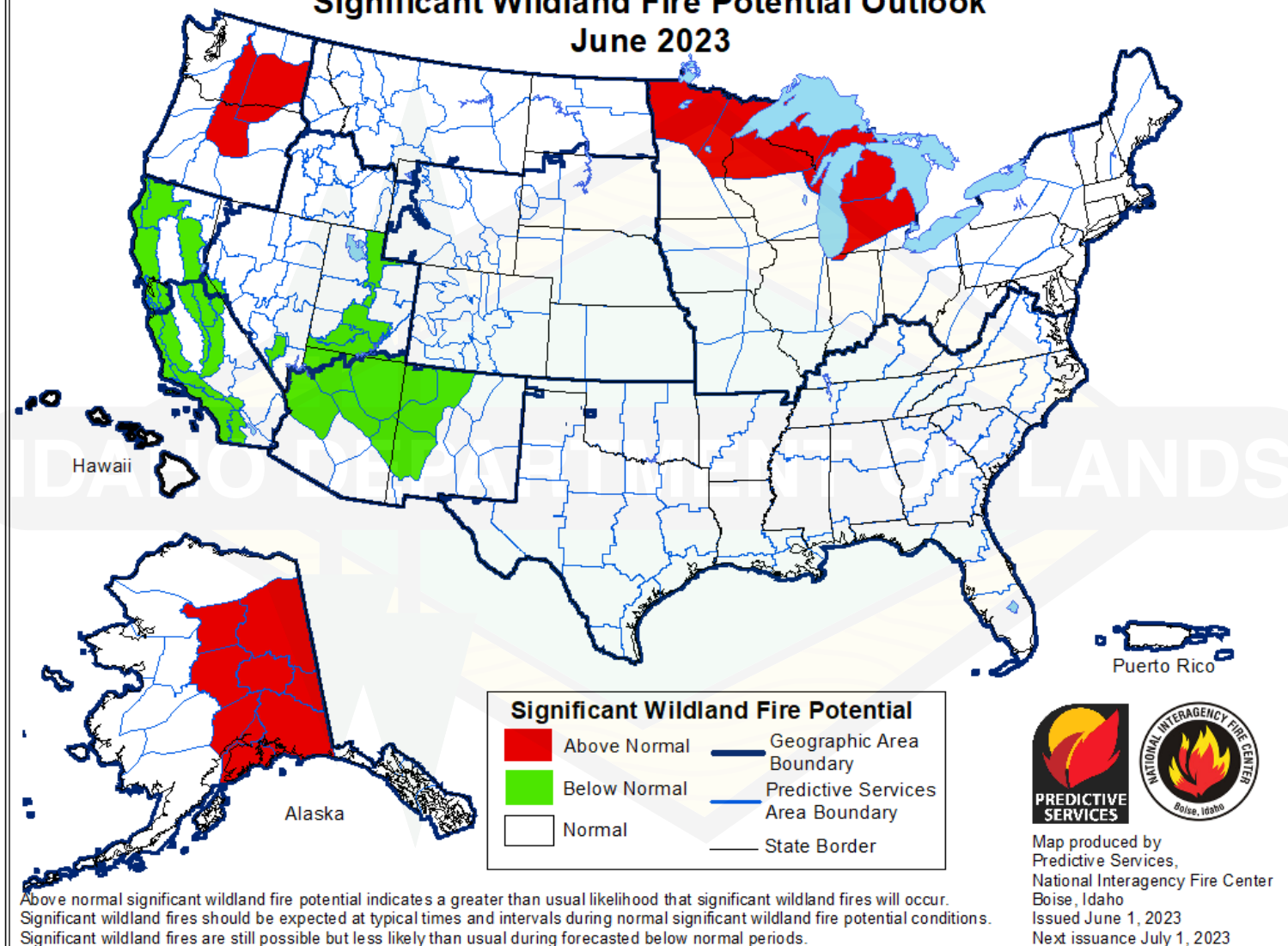




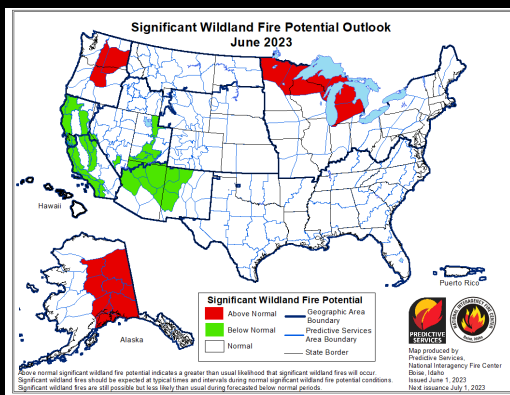
# CPC July – September Outlook



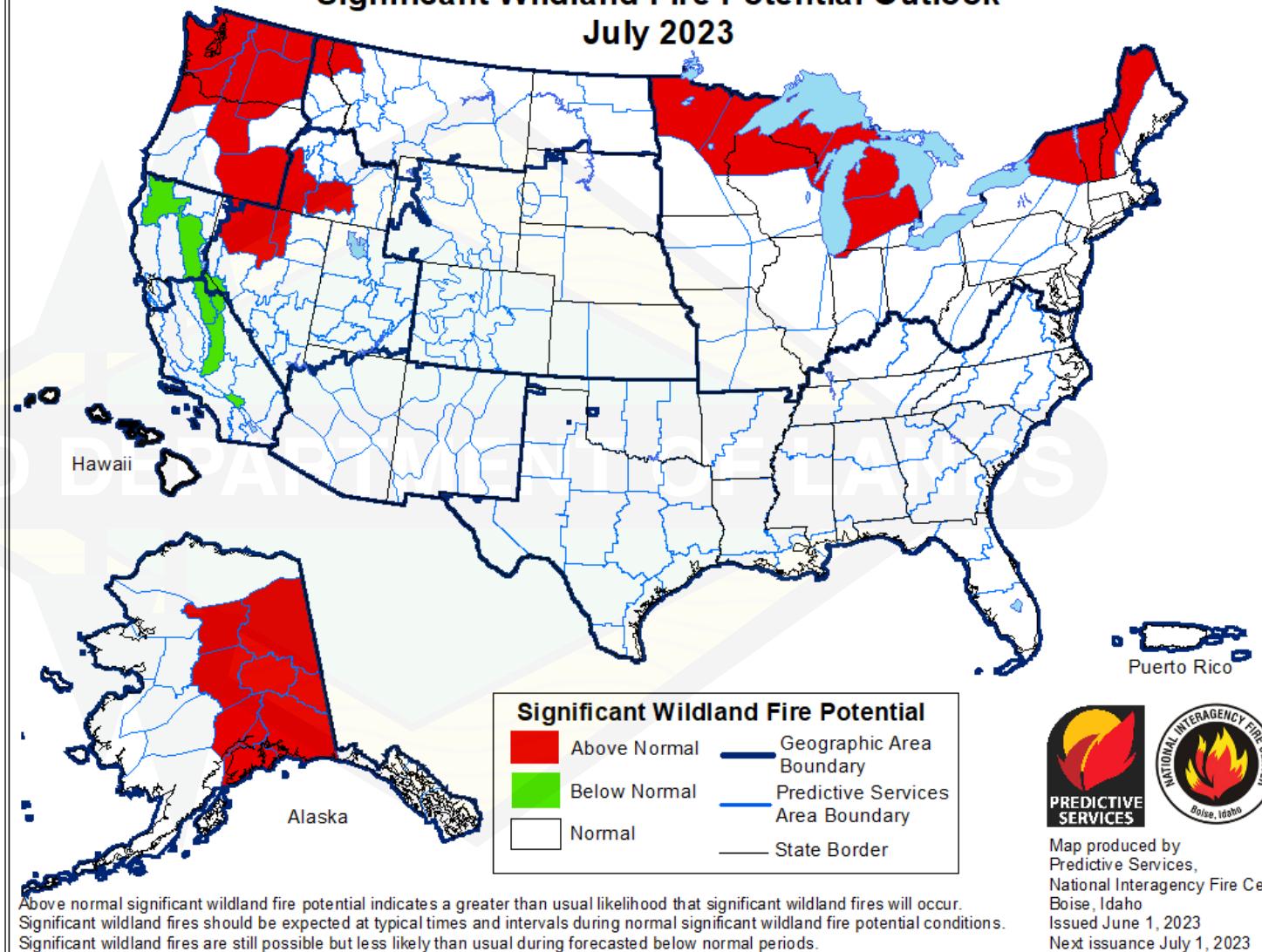
## Significant Wildland Fire Potential Outlook June 2023



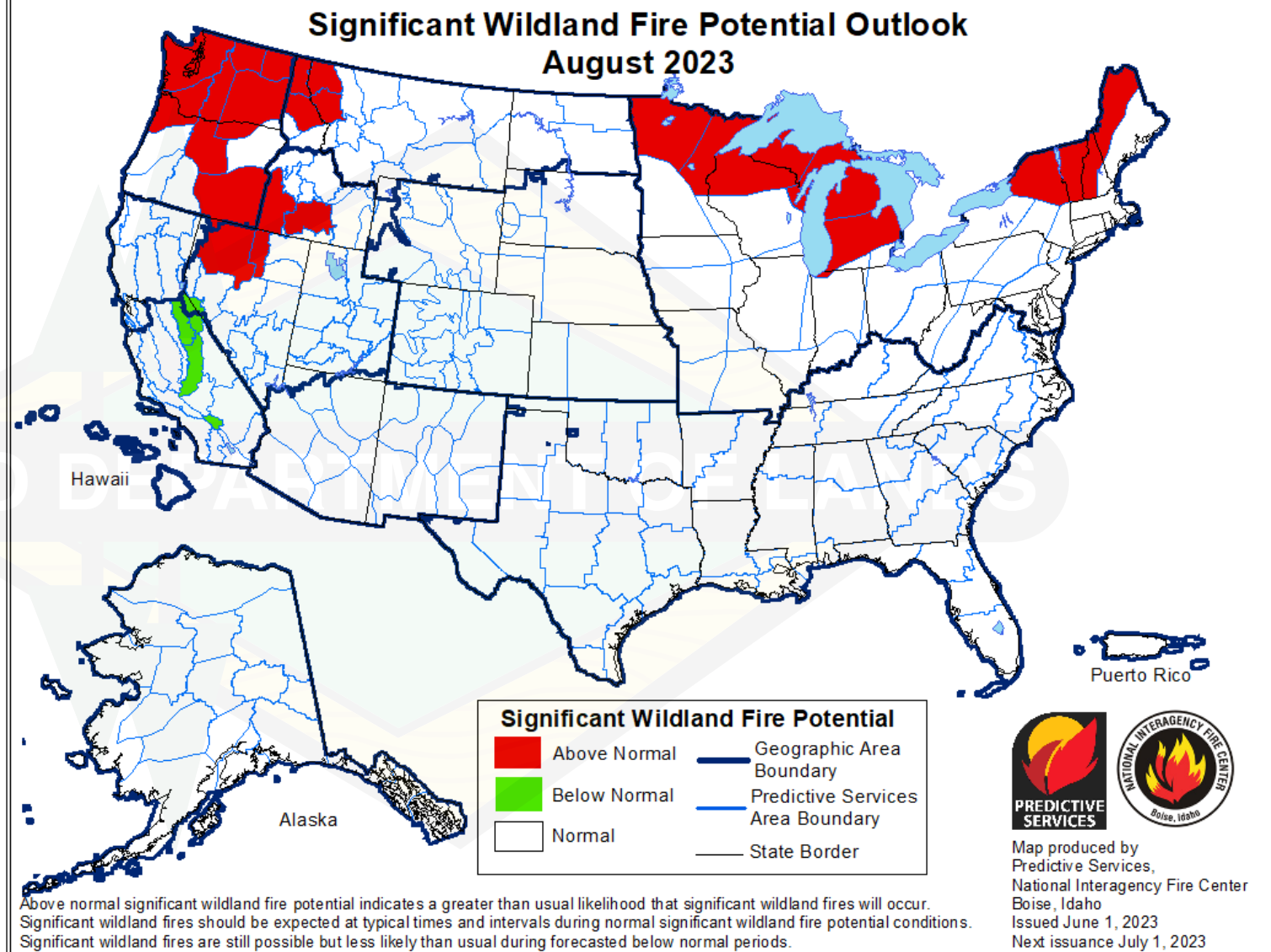
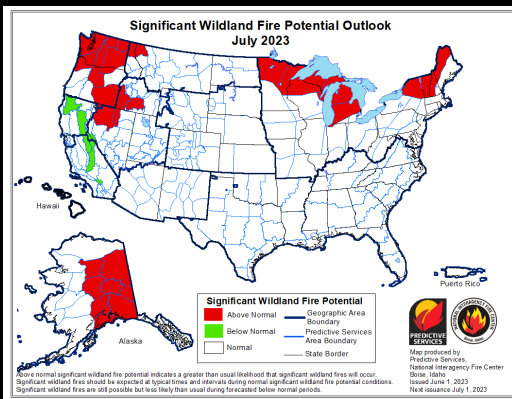
**June**



## Significant Wildland Fire Potential Outlook July 2023

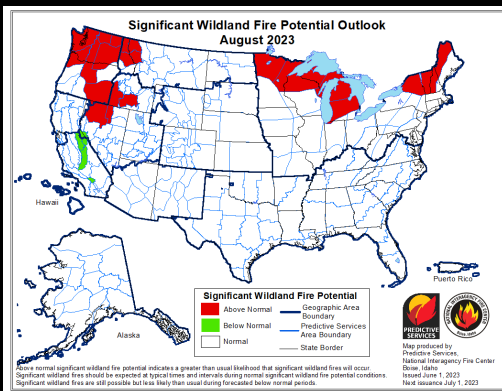


**July**

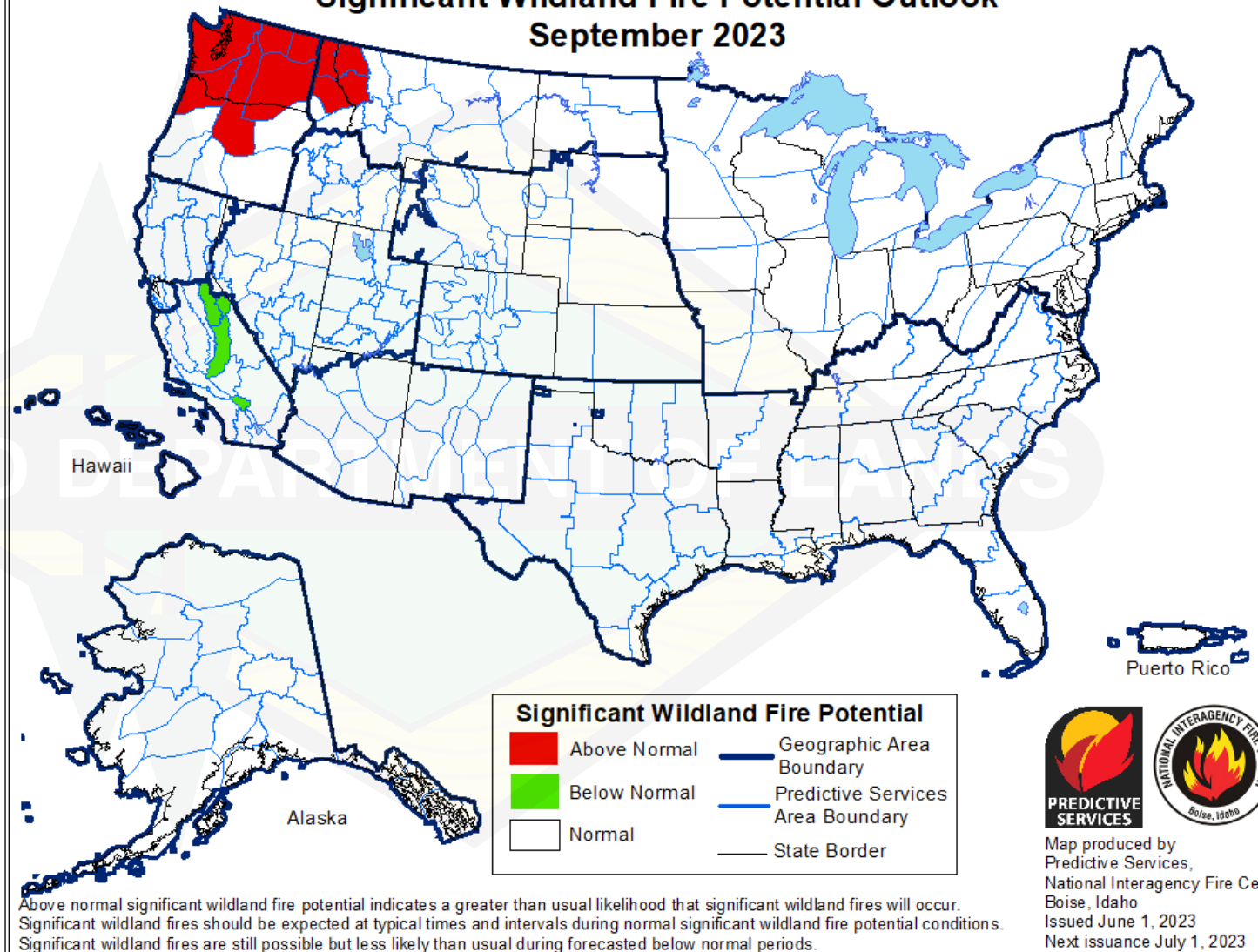




**August**



## Significant Wildland Fire Potential Outlook September 2023



# Summary

- Rangelands in southwest Idaho forecast to have above normal significant fire potential July – August
  - Above normal grass fuel loading is the main reason
- North Idaho forecast to have above normal potential July – September
  - Rapid snowmelt and drought
- Even near normal fire potential means large fires can/will happen

## IDAHO DEPARTMENT OF LANDS (IDL) AVIATION RESOURCES – 2023

---

All IDL aviation resources are available statewide to aid in wildland fire suppression. Though based as indicated in the information below they will be moved as dictated by fire activity.

### Coeur d'Alene:

- Two **Type 2 helicopters** with a crew of 8 each (2 Helicopter Managers, plus 6 crew members). Capable of transporting approx. 2,500 lbs of personnel or cargo per load and delivering 300 gals of water per drop.
  - VENDOR: Kachina Aviation, Nampa, ID
- Two **AWS (Amphibious Water Scooper)**, also known as a **FireBoss**. Capable of delivering 800 gallons of retardant, BlazeTamer380, or water on the first drop. Subsequent drops of 800 gallons of water scooped from an adequate lake or river, or BlazeTamer380 following scoop from lake or river. FireBosses are capable of mixing BlazeTamer gel while enroute to a fire after scooping from a water source. Returns to Air Tanker Base to refuel and can then again deliver retardant on first load when requested.
  - VENDOR: Dauntless Air, Appleton, MN

### Grangeville:

- Two **SEATs (Single Engine Air Tanker)**. Air Tractor 802 capable of delivering 800 gallons of water or retardant per drop. Returns to Air Tanker Base after each drop for refilling with retardant and, if necessary, fuel.
  - VENDOR: Aero Tech, Inc., Clovis, NM

### McCall:

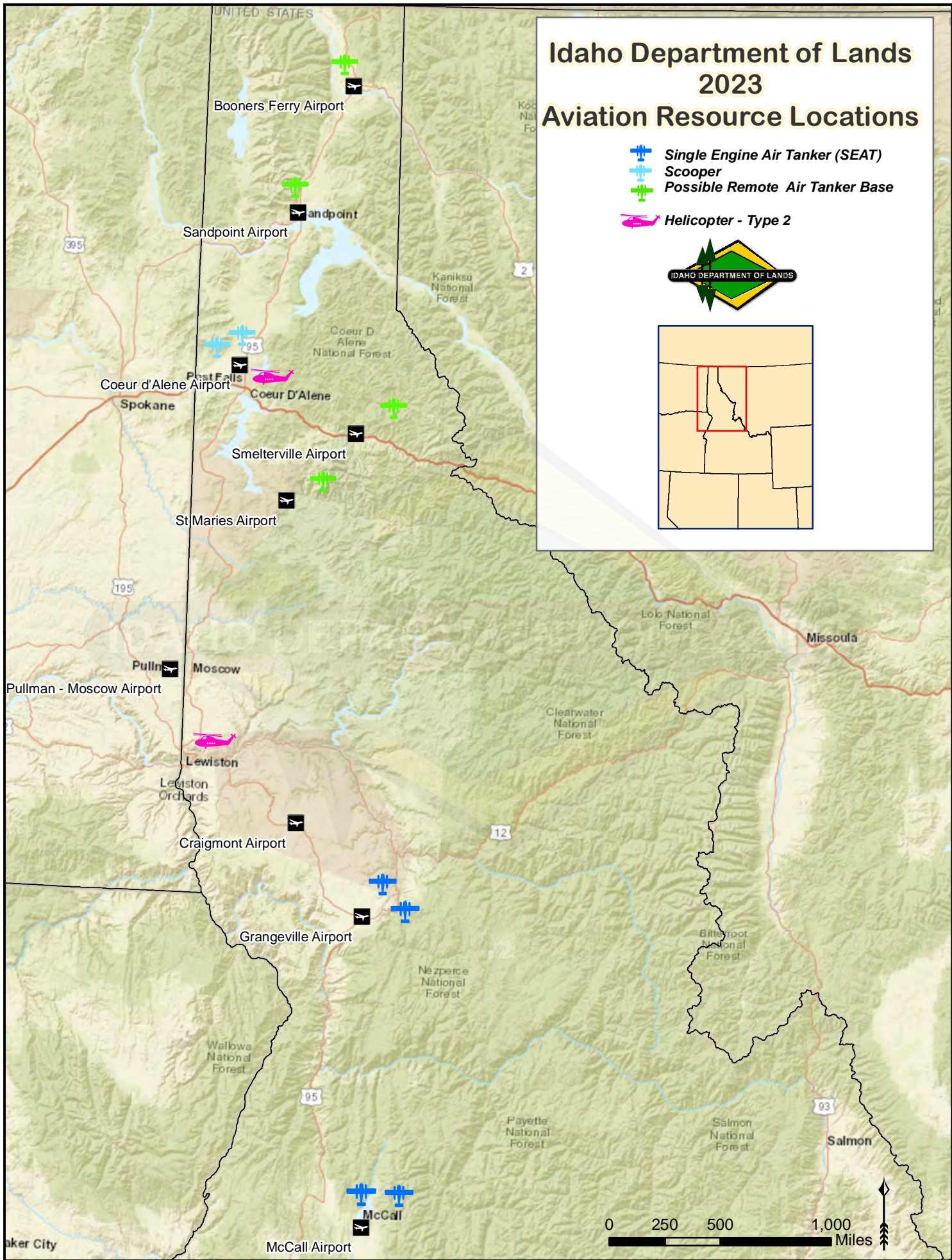
- Two **SEATs (Single Engine Air Tanker)**. Air Tractor 802 capable of delivering 800 gallons of water or retardant per drop. Returns to Air Tanker Base after each drop for refilling with retardant and, if necessary, fuel.
  - VENDOR: Aero Tech, Inc., Clovis, NM

In addition to the three Exclusive Use contracts, IDL enters into Pre-Season Aviation Agreements to support wildland fire suppression efforts as needed.

### Advancements in Operations:

- **Unmanned Aviation System (UAS)**: IDL has recently purchased legislatively approved UAS equipment and continues to build upon previous successes of safe and cost-effective reconnaissance in support of wildland fire suppression operations. Strict adherence to the Federal Aviation Administration regulation regarding operations within the National Airspace System is required. IDL has six certified UAS operators/pilots.









# Idaho Department of Lands 2023 Resource Locations

## KEY

State totals in parentheses

 Engine (28)

 Engine Crew  
Total persons (98)

 Northern Fire Suppression Module  
6 person (1)


 Teakean Hand Crew  
20 person (1)

 Helitack Crew  
8 person (2)


 Engine Formen  
Total persons (13)


 Contract Engines (10)

## Legend


 Eastern Idaho FPD

 Bureau of Land Management

 Other Federal

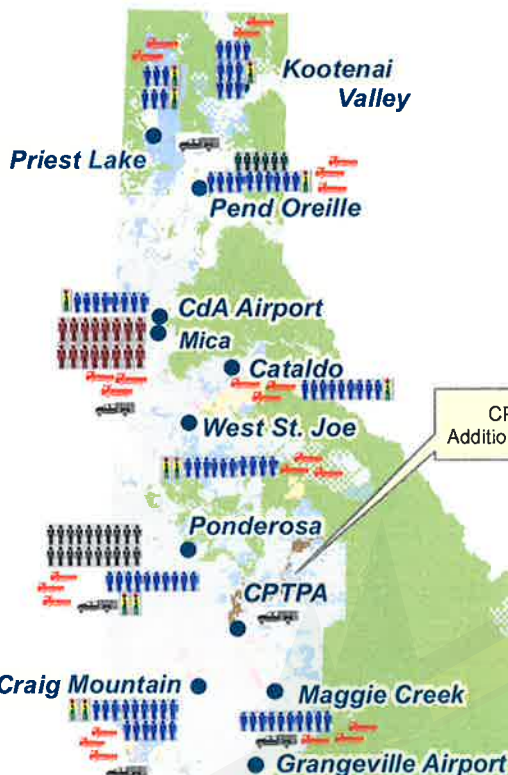
 Indian Reservation

 National Parks Service

 Private

 State

 United States Forest Service



SITPA Has  
Additional Resources

Eastern Idaho Forest  
Protective District  
Under Development



0 30 60 120 Miles

# IDAHO RANGELAND FIRE PROTECTION ASSOCIATIONS

## 2023

Since 2012, nearly 700 volunteer wildland firefighters have been trained by agency fire managers. These volunteers provide an important resource not only for their own land and assets, but also assist wildland fire managers protecting public lands.

The ten RFPAs combined protect 1.9 million acres of private rangeland that was previously unprotected, as well as providing secondary protection on 7.2 million acres of federal and state land.

### 2022 FIRE SEASON REVIEW

The 2022 fire season was busier for most RFPAs than 2021, with twice as many fires reported than the previous year.

### 2023 FIRE SEASON PREPAREDNESS

Over 300 RFA members attended in-person Fireline Refresher Training and 40 new members attended Basic Wildland Fire classes.

Mountain Home RFA expanded their boundaries to the north, adding 143,168 acres to their protection including almost 71,000 acres of National Forest. The Boise National Forest will be entering into a cooperative fire agreement with Mountain Home RFA.

#### Idaho RFPAs at a Glance

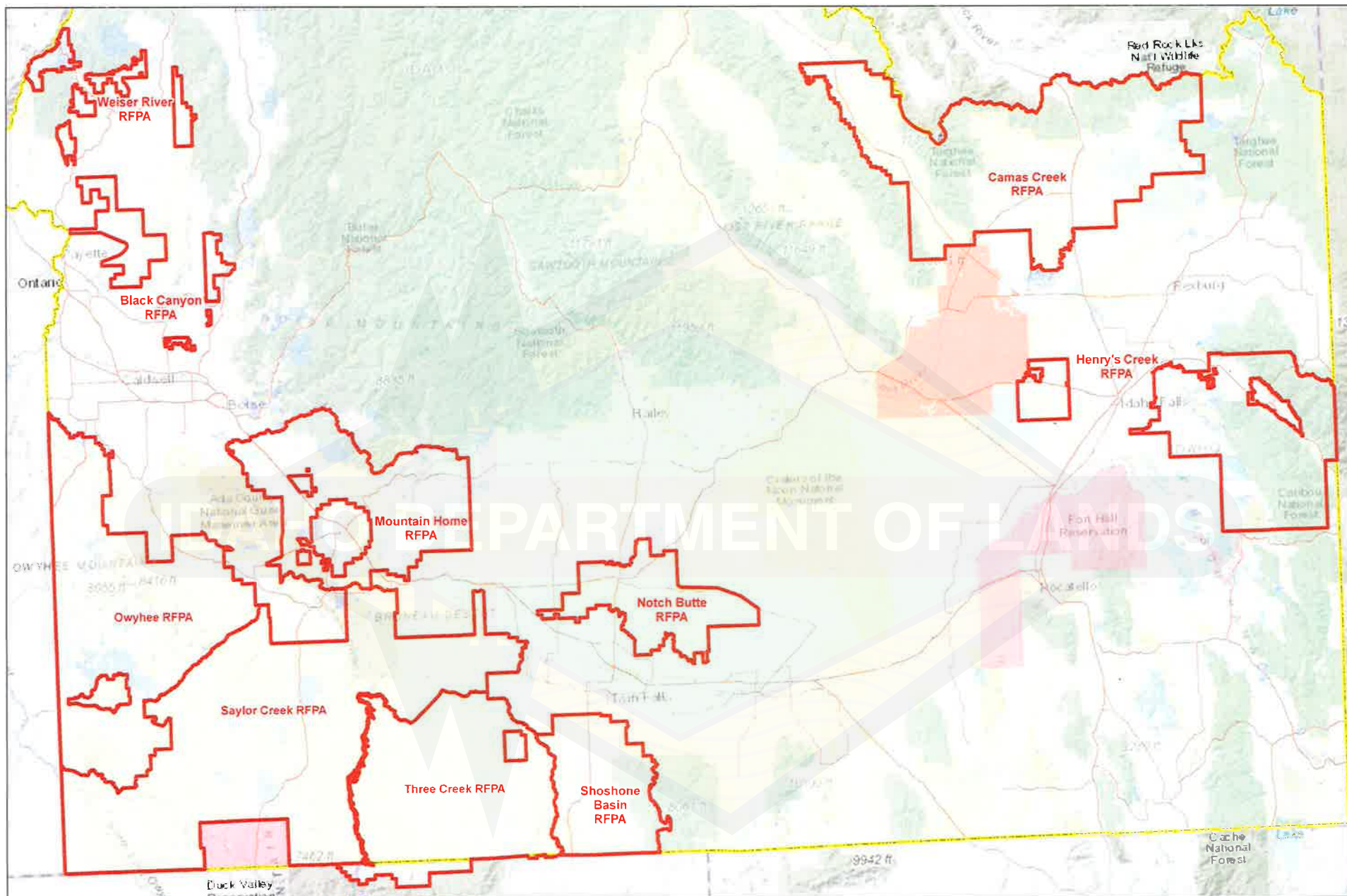
RFA	Established	Members <sup>1</sup>	Acres	Private	Federal <sup>2</sup>	State <sup>3</sup>	Fires 2022
Black Canyon	2013	22	185,384	108,555	61,111	15,719	2
Camas Creek	2016	29	1,494,608	363,005	1,019,277	112,327	3
Henry's Creek	2017	20	914,696	286,775	571,374	56,547	6
Mountain Home	2012	21	817,495	299,063	427,305	91,127	15
Notch Butte	2016	17	341,170	74,535	247,745	18,890	4
Owyhee	2013	35	1,370,873	254,175	972,268	144,430	5
Saylor Creek	2013	47	2,222,204	131,128	1,964,913	126,162	0
Shoshone Basin	2015	19	488,054	174,940	302,144	10,969	12
Three Creek	2013	58	1,120,203	114,599	951,243	54,362	12
Weiser River	2021	33	135,212	60,246	38,252	27,208	5
<b>TOTALS</b>		<b>301</b>	<b>9,089,900</b>	<b>1,867,021</b>	<b>6,555,632</b>	<b>657,741</b>	<b>64</b>

<sup>1</sup> Received Red Card for the 2023 fire season as of 6/5/2023. The Red Card identifies that annual training is current.

<sup>2</sup> Federal includes Military, NPS, BOR, BIA, DOE, BLM and USFS ownership.

<sup>3</sup> State includes Endowment, State F&G, State Parks and State other.





**Legend**

Highways	State Endowment
Existing RFPAs	Other State Land
Bureau of Land Management	US Forest Service
DOE-INL	Other Federal Ownership
Tribal	Idaho Boundary
Private	

Vicinity Map

## Rangeland Fire Protection Associations

5/24/2023

0 10 20 40 60 Miles

**Map Notes and Data Sources**  
Ownership current as of map date

**Disclaimer:**  
This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources.

# STATE BOARD OF LAND COMMISSIONERS

June 20, 2023  
Consent Agenda

## Subject

Mineral Lease Live Auction – May 15, 2023

## Question Presented

Shall the Land Board direct the Department to award a mineral lease to the high bidder at the live auction?

## Background

The Idaho Department of Lands (Department) received an application for a new basalt mineral lease located near the town of Mayfield in Elmore County (site maps included as Attachment 1). Pursuant to Idaho Code § 58-310 and Department procedure, a public auction was advertised and held to determine the high bidder for the lease. Auction participants, including the original applicant for the lease, were required to register for the live auction one week prior to the auction date. Department staff conducted the live auction.

## Discussion

For the purposes of securing a single lessee for the mineral lease, a live auction was held on May 15, 2023, at the Department's Southwest Area office. Premier, LLC submitted the successful premium bid of \$10,500 for mineral lease E600116 (a 160-acre parcel). Two bidders registered for this auction, including the original applicant (Premier, LLC). The lease includes a 10-year term for the extraction of basalt, including an annual rent of \$480 (based on an annual rate of \$3.00 per acre) and a minimum annual royalty payment of \$7,500. Attachment 2 summarizes the results of the live auction.

Idaho Code § 58-310(4) provides that the Idaho State Board of Land Commissioners (Land Board) has the right to reject any bid made at a live auction where fraud or collusion are present, or for any reason, all within the sole discretion of the Land Board. The Department completed the lease auction process in accordance with existing statute and procedures and did not observe any indication of fraud or collusion related to this process.

## Recommendation

Direct the Department to award mineral lease E600116 to Premier, LLC.

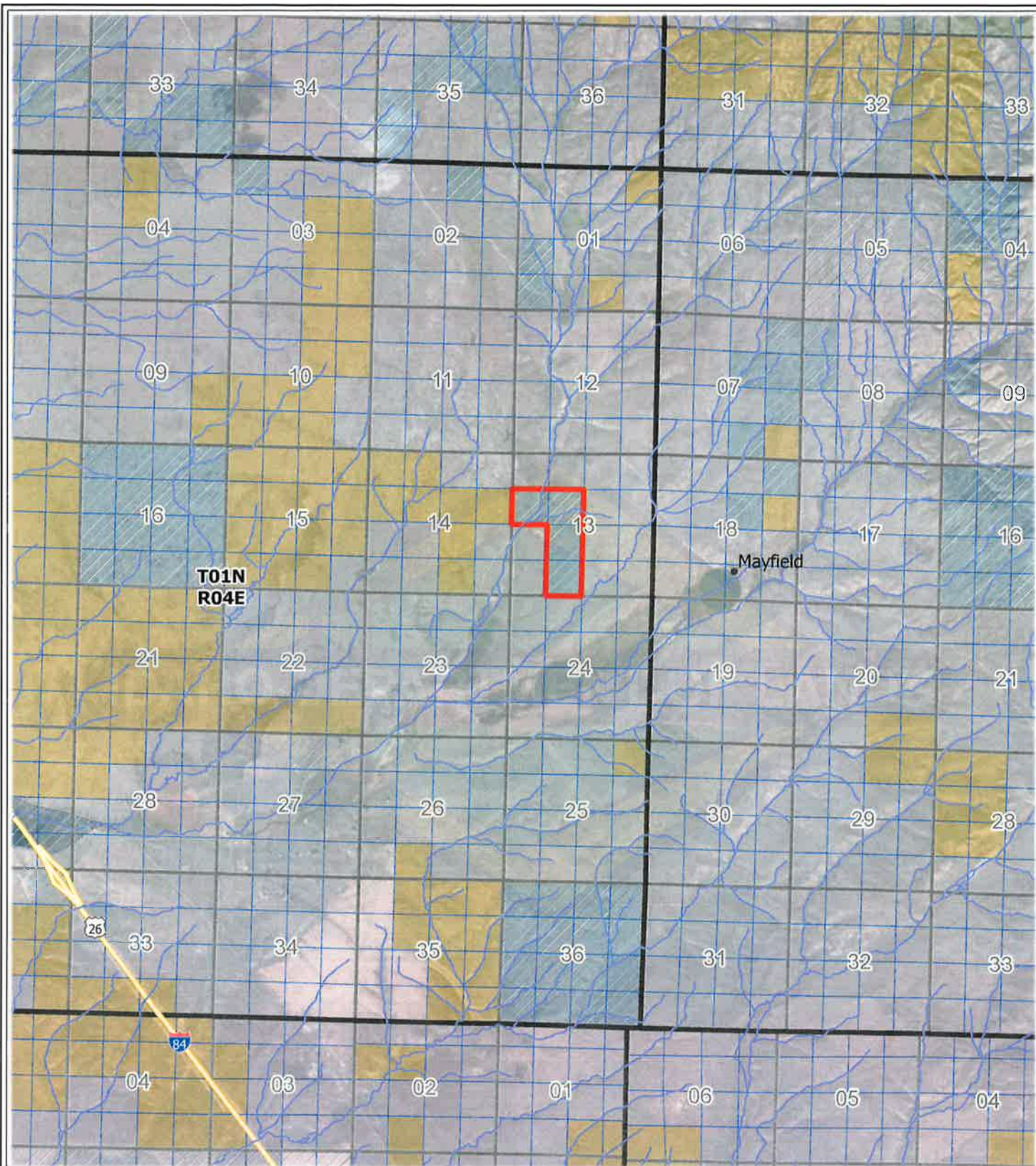
## **Board Action**

## **Attachments**

1. Site Maps
2. Summary of Auction Results







-  State Mineral Ownership
-  Bureau of Land Management
-  State
-  Private
-  E600116
-  Streams

### E600116 Vicinity Map

Section 13 - T1N - R4E

6/22/2022



0 0.25 0.5  
Miles

#### Map Notes

Projection: Idaho Transverse Mercator, NAD 83

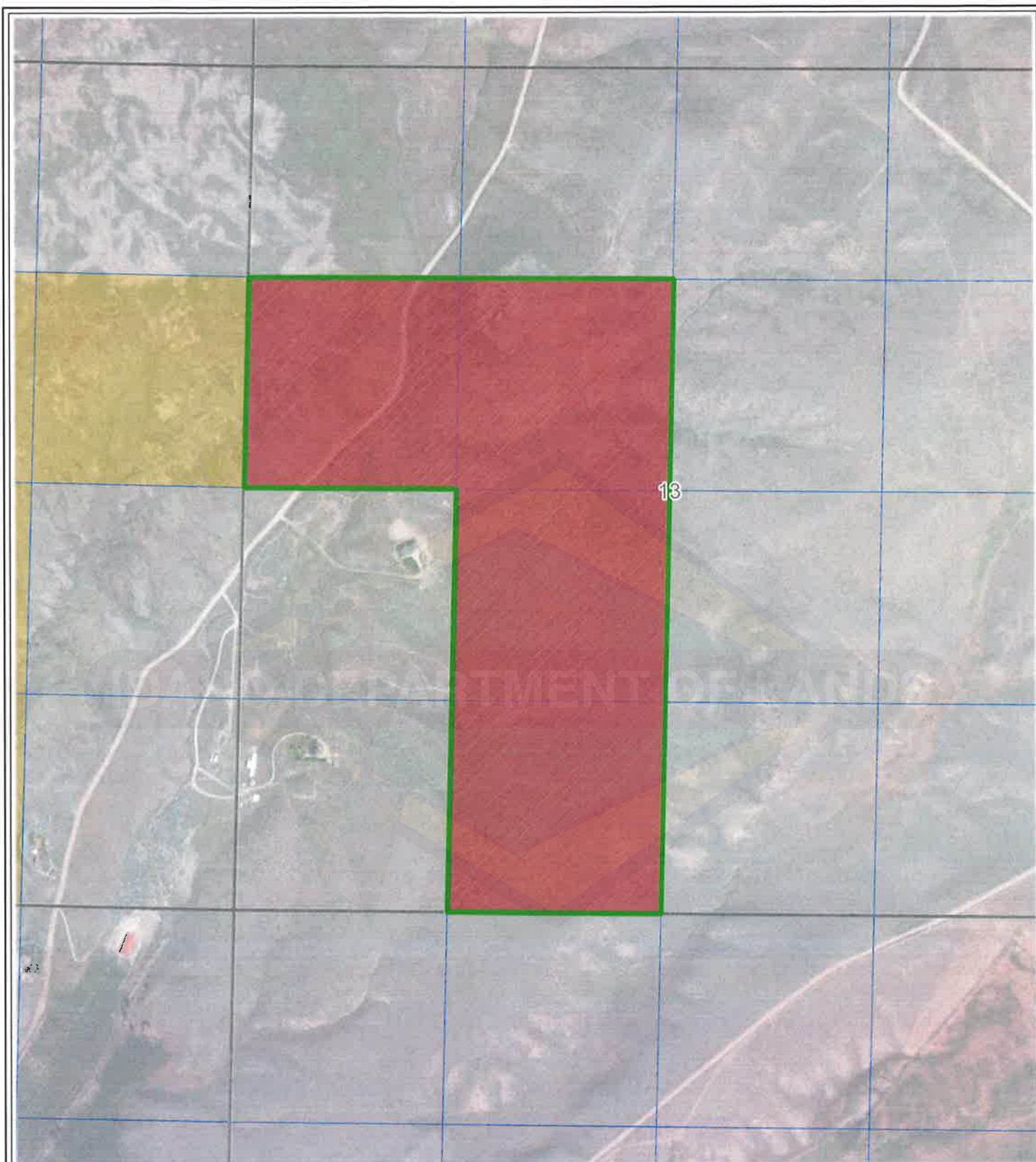
Map Notes and Data Sources


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## ATTACHMENT 1A





 G600150

 E600116

 State Mineral Ownership  
 Bureau of Land Management  
 State  
 Private

## E600116

Section 13 - T01N - R04E

7/26/2022



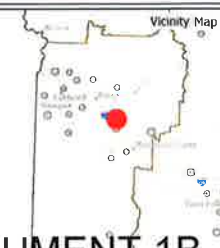
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## Map Notes

Projection: Idaho Transverse Mercator, NAD 83

Map Notes and Data Sources

**Disclaimer:**  
 This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data.



# ATTACHMENT 1B

Summary of May 15, 2023 Mineral Lease Live Auction

Supervisory Area	Lease Number	Endowment	Lease Term (Years)	Acres	Commodity	# of Participants	# of Bids	High Bid Amount	High Bidder
Southwest	E600116	PS	10	160.00	Basalt	2	72	\$10,500.00	Premier, LLC

**Total    \$10,500.00**

IDAHO DEPARTMENT OF LANDS

# STATE BOARD OF LAND COMMISSIONERS

June 20, 2023  
Consent Agenda

## Subject

Department of Lands FY2024-FY2027 Strategic Plan

## Question Presented

Shall the Land Board direct the Department to submit its FY2024-FY2027 Strategic Plan to the Division of Financial Management by July 1, 2023?

## Background

Each year the Division of Financial Management (DFM) collects agency strategic plans in accordance with Idaho Code §§ 67-1901–1904. This year's deadline for submittal is July 1, 2023.

## Discussion

In 2016, leaders in the Idaho Department of Lands (Department) worked with a consultant to define four foundational goals that are at the heart of its strategic plan. These four goals continue to represent the Department's core responsibilities and guide daily activities. The four foundational goals are:

1. **Financial Stewardship:** Fulfill the Land Board's fiduciary duties by maximizing long-term financial returns from the endowment lands and through prudent management of state funds and resources.
2. **Customer Focused:** Deliver programs with professionalism and integrity, providing exemplary service to external and internal customers.
3. **People:** Develop a well-trained, high-performing workforce focused on carrying out the Department's mission.
4. **Process:** Implement policies and procedures using integrated systems that support effective and informed decision-making.

While these goals continue to stand the test of time, the Department's leadership team recently developed a set of six secondary goals called future-proofing goals. The Department believes that to be ready to serve a changing Idaho, it needs to plan and act now to meet future needs.

For that reason, the Department developed the following future-proofing goals:

1. **Classification and Compensation:** Intentionally monitor the equity of pay and benefits to utilize PC appropriation to hire, develop and retain the right people in the right positions most effectively.

2. **Office Facilities:** Proactively plan for maintenance and replacement of offices throughout the state.
3. **Seasonal Housing Facilities:** Address the needs of temporary staff who are critical to achieving the Department's mission and must have available and affordable housing options.
4. **Fire:** Monitor, understand and respond to changes that are happening in wildland fire organizations across the country due to longer and hotter seasons, fewer firefighters entering the career field, lagging wages and more citizens residing in the Wildland Urban Interface (WUI).
5. **Fund Integrity:** Ensure dedicated fund dollars are put to work in the programs for which they are intended and that overhead activities are funded proportionately with the correct programmatic mix.
6. **Policy and Procedure:** Update and organize the Department's many policies and procedures that inform daily work while ensuring governance is clearly established and authority is delegated where appropriate.

While core goals are likely to remain long into the future, these future-proofing goals may change over time as the Department continues to identify and prioritize new initiatives that need attention.

The Department will continue to monitor the performance of all individuals by incorporating cascading tasks and setting objectives in performance plans that align with these goals. High level tasks have been identified for each of the goals to help guide staff with clear direction. This alignment ensures all efforts are focused on the most important goals and that each employee can more clearly see how his or her role directly links to the goals and mission of this organization.

The proposed strategic plan structure, which includes the Department's mission, vision, goals, and strategies is provided as Attachment 1.

The Department's final strategic plan submission on or before July 1, 2023 will meet all required elements as outlined by DFM.

## **Recommendation**

Direct the Department to submit its FY2024-FY2027 Strategic Plan to the Division of Financial Management by July 1, 2023.

## **Board Action**

## **Attachments**

1. FY2024-FY2027 Strategic Plan



# Idaho Department of Lands

## Strategic Plan FY2024 – FY2027

### Vision

Prepared for tomorrow's natural resource challenges.

### Mission

To professionally and prudently manage Idaho's endowment assets to maximize long-term financial returns to the public schools and other trust beneficiaries and to provide professional assistance to the citizens of Idaho to use, protect, and sustain their natural resources.

### Guiding Tenets

If we care for our staff, customers, processes, and finances, IDL will remain a healthy, proactive and effective organization. To that end, departmental decisions should consider the following:

- Fiduciary Duty – Does this decision maximize long term financial returns from endowment lands and provide for prudent management of state funds and resources?
- IDL Staff – Is this decision consistent with the development and retention of a high performing workforce that is cohesive and accountable?
- Customers – With this decision, are we providing exemplary service to our customers?
- Processes – Is the decision informed by data and consistent with our policies and procedures?
- Forward-looking – Is this decision preparing us for success in the future?

### IDL Programs Make Idaho Better!

First and foremost, we are committed to meeting our mission by executing our core programs with professionalism and a love of Idaho's natural resources.

In the **Timber** program we manage over 1 million acres of productive timberland to produce sustainable revenue for the endowment beneficiaries. Timberland is managed intensively while focusing on long term health and productivity. The Timberland asset class currently provides about 25-30% of timber utilized by Idaho's vibrant \$2.4 billion forest products industry while producing impressive returns on endowment lands. The department develops and follows the IDL Forest Asset Management Plan (FAMP) to attain our sustainable harvest goals.

The **Fire** program is responsible for fire suppression on over 9 million acres of endowment, private, and federal lands in Idaho and provides cooperative fire suppression throughout the state. Our fire suppression operations are conducted safely and aggressively with the goal of suppressing at least 94% of fires at 10 acres or less.

The **Real Estate and Endowment Leasing** programs lease land assets including rangeland, farmland, and residential and commercial real estate. These asset classes (timber excluded) make up approximately 1.4 million acres of land in Idaho. As the department has divested of much of the residential and commercial real estate over time, the programs continue to explore new ways to generate revenue for the beneficiaries such as alternative energy. Real Estate Services also manages land acquisitions, land disposals, exchanges and easements which are used to block up endowment lands, improve access to endowment lands, and to add desirable land to the portfolio.

The **Minerals, Navigable Waterways, and Oil & Gas** programs provide statewide regulatory oversight of active and legacy extraction operations while protecting the public's use of navigable lakes and rivers. We regularly partner with local, state, and federal agencies to ensure Idaho's beautiful outdoors are protected and restored.

The **Forestry Assistance, Shared Stewardship and Good Neighbor (GNA)** programs work with federal, state, county, municipal and private partners to help manage and protect forest and rangelands throughout the state. Since wildfire, insects and disease do not recognize ownership boundaries, it is vital that all owners of Idaho lands collaborate to actively manage their forests and implement fuel reduction treatments. Healthy forests are more resistant to negative impacts from fire, insect, and disease threats.

### External Factors Affecting Future Performance

We believe by maintaining our focus on our core competencies and simultaneously preparing for what a changing and growing Idaho may hold, we will continue to flourish. Some external factors that we will need to monitor, acknowledge, and respond to are:

- Population Growth
  - Increase in residents building homes in the Wildland-Urban Interface (WUI) creating greater risk of property and lives lost in wildland fires
  - Changing customer expectations for the work we are mandated to do
- Increased need to educate new residents of the management requirements on endowment, public, and private lands.
- Competition for Skilled Labor
  - Private sector and other public employers compete with IDL for employees
  - Increased housing cost makes talent recruitment difficult
  - Additional shortages of contractors including those that work for our timber purchasers such as log truck drivers
  - Changing workforce expectations related to employee experience level
- New initiatives, programs or mandates that increase our workload and create gaps in our expertise
- Changing public priorities that can lead to significant policy shifts in a short time
- World events that create economic challenges such as rising inflation, economic stagnation, or periods of recession

## Our Foundational Goals: 2024 – 2027

Under the direction of the Land Board, IDL is primarily concerned with meeting our constitutional mandate to manage state endowment trust lands in Idaho "in such a manner as will secure the maximum long-term financial return" to the beneficiary institutions. Further, IDL also (1.) administers Idaho's public trust lands – the lands beneath the beds of Idaho's navigable lakes and rivers for the benefit of all Idahoans, (2.) ensures protection of water quality and other resources by overseeing forest and mining practices, (3.) remediates abandoned mine lands, and (4.) provides service and assistance to Idahoans through forestry and fire management programs. The following foundational goals place these obligations front and center:

### **Foundational Goal 1 – Financial Stewardship**

Fulfill the Land Board's fiduciary duty by maximizing long term financial returns from the endowment lands and through prudent management of state funds and resources.

- Task 1 – Proactively monitor and take appropriate action to impact our ROI on state endowment land in line with Land Board direction.
- Task 2 – Meet our sustainable timber sales goals in accordance with the annual Forest Asset Management Plan.
- Task 3 – Manage our spending through regular communications, reporting and analysis.
- Task 4 – Explore, analyze and (where appropriate) introduce new income streams to the leasing programs.
- Task 5 – Ensure all financial audits are passed without impunity.
- Task 6 – Contain 94% of wildfires to 10 acres.

**Foundational Goal 2 – Customer Focus:** Deliver programs with professionalism and integrity, providing exemplary service to external and internal customers.

- Task 1 – Produce a variety of educational materials to help Idaho citizens legally and safely utilize the lands we manage and protect; and to assist municipalities and landowners in the stewardship and protection of their lands.
- Task 2 – Proudly reaffirm the endowment mission and continue to support the beneficiaries.
- Task 3 – Where appropriate, engage with the potentially affected customers to ensure quality and transparency of our actions.

**Foundational Goal 3 – People:** Develop a well-trained, high performing workforce focused on carrying out IDL's mission.

- Task 1 – Ensure we prioritize and fully support employment development from onboarding to growth of professional expertise.
- Task 2 – Grow leaders and reinforce our culture of career long learning and advancement.

**Foundational Goal 4 – Process:** Implement policies and procedures using integrated systems that support effective and informed decision making.

- Task 1 – Integrate and improve business processes with secure technology systems and infrastructure.
- Task 2 – Establish and update governance, policies, and procedures to direct agency operations.

## Our Stretch Goals: 2024 – 2027

Idaho is changing and we anticipate that the state will continue to evolve in both predictable and unpredictable ways. An expanding population creates more impacts in the wildland-urban interface (WUI), changing expectations around land uses and a general increase in the need for our services. Changing weather patterns and political demographics may also continue to impact our work. The Department recognizes that it must be sure-footed but ready to pivot and evolve as needs change.

In addition to our core fundamental goals, IDL leadership seeks to focus on several objectives during the next 4 years that we believe will help prepare us for success in the future. The objectives may evolve over time but will continue to focus on preparing for the future. The objectives are:

**Future-Proofing Goal 1 – Classification & Compensation:** Intentionally monitor our pay and benefits to ensure we are utilizing our PC appropriation to hire, develop and retain the right people in the right positions most effectively.

- Task 1 – Create a 5-year employee compensation plan to include the establishment of a compensation committee, class benchmarks, long-term goals for hiring rates, a communication plan, and a CEC implementation plan in line with SCO/DHR guidelines.
- Task 2 – Analyze the use of temporary and permanent staffing levels across IDL programs. Develop and implement guidelines for ensuring appropriate staffing levels.
- Task 3 – Implement telework and flexible scheduling where appropriate, effective, and consistent with IDL and state policies.
- Task 4 – Thoroughly investigate state provided and other potential employee benefits to determine current utilization. Structure a communication plan to improve marketing of benefits to employees and to help them realize the value of our generous benefit plans.

**Future-Proofing Goal 2 – Office Facilities:** Proactively plan for maintenance and replacement of our offices throughout the state.

- Task 1 – Develop a plan for office facility upgrades and replacement including a prioritized list of potential structure replacements, major expansion/remodel projects, and office relocations.
- Task 2 – Within the plan above, define the space needs and aesthetic expectations for future structures to provide uniformity and to be financially responsible.
- Task 3 – Present the facilities plan to the Land Board for information/consideration.
- Task 4 – Implement the prioritized plan and continue planning for future needs.

**Future-Proofing Goal 3 – Seasonal Housing Facilities:** Address the needs of temporary staff who are critical to achieving our mission and must have available and affordable housing options.

- Task 1 – Similar to office facilities, develop a plan for seasonal housing including a prioritized list of needs from most to least urgent and document the best potential solution for each area.
- Task 2 – Continue working with other agencies with similar needs to identify solutions, increase efficiency, and share expense and effort.
- Task 3 – Explore options for new structure types that could potentially serve the workforce (e.g., mobile homes, prefab bunkhouse, existing homes/apartments, etc.) considering feasibility for each sites including cost, pros/cons, lifespan, build time, etc.

- Task 4 – Utilize DPW information and expertise as we move forward at each location.
- Task 5 – Present the seasonal housing plan to the Land Board for information/consideration.

**Future-Proofing Goal 4 – Fire:** Monitor, understand and respond to changes that are happening in wildland fire organizations across the country due to longer & hotter seasons, fewer firefighters entering the career field, lagging wages and more citizens residing in the WUI.

- Task 1 – Implement the new master agreement and monitor successes and shortcomings for potential future adjustments.
- Task 2 – Create a comprehensive strategic plan within the IDL fire program to include a vision, mission, goals, factual current status data and future-state scenarios that must be met to ensure capacity to protect Idaho's natural resources. Prioritize work needed to close the gap.
- Task 3 – Create a comprehensive plan for fire prevention including natural resource management tactics, education, and prevention messaging.
- Task 4 – Continue to expand the department's ability to compete for and employ professional firefighters through pay, benefits, housing, and developmental opportunities.
- Task 5 – Issue and execute the Leader's Intent for each fire season.

**Future-Proofing Goals 5 – Fund Integrity:** Ensure our dedicated fund dollars are put to work in the programs for which they are intended and that overhead activities are funded proportionately with the correct programmatic mix.

- Task 1 – Collect data from IDL financial systems and develop an understanding of the existing fund sources supporting the agency. Determine if the current funding structure is congruous with our programmatic responsibilities.
- Task 2 – Continue data analysis and develop objectives that support recalibrating the funds sources to be more representative of the program services.
- Task 3 – Create a method to intentionally monitor progress; correct errors within the department's appropriated funding.

**Future-Proofing Goal 6 – Policy & Procedure:** Update and organize the many policies and procedures that inform our daily work while ensuring governance is clearly established and authority is delegated where appropriate.

- Task 1 – Establish a framework for developing, managing, and communicating policies and procedures that fulfill Land Board directives.
- Task 2 – Crosswalk existing directives in multiple formats (e.g., Land Board memos, minutes, governance delineations) into existing or new policy.
- Task 3 – Establish a schedule to review policy on a recurring basis and hold staff accountable to update policy as needed.



# STATE BOARD OF LAND COMMISSIONERS

June 20, 2023  
Consent Agenda

## Subject

State Participation as a Member of Timber Protective Associations

## Question Presented

Shall the Board authorize state participation as a member of the Clearwater-Potlatch Timber Protective Association (CPTPA) and Southern Idaho Timber Protective Association (SITPA)?

## Background

Title 38, Chapter 1, Idaho Code – Idaho Forestry Act

## Discussion

Idaho Code § 38-104 requires that prior to continued state participation as a member, the Director of the Department of Lands shall annually review each timber protective association for the following:

- a. The governing and managing structure;
- b. The condition of equipment and its proposed use;
- c. The adequacy of liability insurance; and
- d. The training of personnel.

Readiness reviews of the above items were conducted at CPTPA on May 31, 2023 and SITPA on May 19, 2023. No deficiencies were found during the readiness reviews and the Department has determined that both timber protective associations are able to perform their duties in a manner that justifies continued state participation.

## Recommendation

Authorize state participation as a member of the Clearwater-Potlatch Timber Protective Association and Southern Idaho Timber Protective Association.

## Board Action

# STATE BOARD OF LAND COMMISSIONERS

June 20, 2023  
Consent Agenda

## Subject

Deficiency Warrant Authority for Fire Suppression Costs in Fiscal Year 2024.

## Question Presented

Shall the Board authorize issuance of deficiency warrants to pay fire suppression costs in FY2024?

## Background

Title 38, Chapter 1, Idaho Code – Idaho Forestry Act.

## Discussion

Idaho Code § 38-131 states: *"In the event the actual cost for control or suppression of forest fires in any forest protective district exceeds in any one (1) year the maximum moneys available for forest protection in that district from the general fund provided for that purpose, the State Board of Land Commissioners may authorize the issuance of deficiency warrants for the purpose of defraying such excess costs and when so authorized the state controller shall, after notice to the state treasurer, draw deficiency warrants against the general fund."*

Annual fire suppression costs for the State of Idaho are impossible to predict; as a budgetary placeholder, the legislature includes a minimal suppression appropriation each year in the Department's budget. Actual costs will exceed the appropriation before the fire season is over. The Department will provide monthly fire suppression expense updates to the Land Board throughout the 2023 fire season.

## Recommendation

Authorize issuance of deficiency warrants to pay the fire suppression costs in FY2024.

## Board Action



## Idaho State Board of Land Commissioners

Brad Little, Governor and President of the Board

Phil McGrane, Secretary of State

Raúl R. Labrador, Attorney General

Brandon D Woolf, State Controller

Debbie Critchfield, Superintendent of Public Instruction

Dustin T. Miller, Secretary to the Board

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*Be it remembered, that the following proceedings were had and done by the State Board of Land Commissioners of the State of Idaho, created by Section Seven (7) of Article Nine (IX) of the Constitution.*

### Draft Minutes

#### State Board of Land Commissioners Regular Meeting

May 16, 2023

The regular meeting of the Idaho State Board of Land Commissioners was held on Tuesday, May 16, 2023 at the State Capitol, Lincoln Auditorium (WW02), Lower Level, West Wing, 700 West Jefferson St., Boise, Idaho, and via webinar. The meeting began at 9:00 a.m. The Honorable Governor Brad Little presided. The following members were in attendance:

Honorable Governor Brad Little  
Honorable Secretary of State Phil McGrane  
Honorable Attorney General Raúl Labrador  
Honorable State Controller Brandon Woolf  
Honorable Superintendent of Public Instruction Debbie Critchfield

For the record, all Land Board members were present. Governor Little, Secretary of State McGrane, Controller Woolf, and Superintendent Critchfield attended at the physical location; Attorney General Labrador attended via Zoom webinar.

#### 1. Department Report – Presented by Dustin Miller, Director

##### Trust Land Revenue

###### A. Timber Sales – April 2023

**Discussion:** Controller Woolf mentioned the attempts to sell Benton Butte salvage sales and wondered if there was a hurry to get the sales done due to blue out or other issues that may affect the timber prices. Director Miller stated that much of the timber was not burned severely and has remained viable; the Department is trying to move these salvage sales and recoup the value that remains.

###### B. Leases and Permits – April 2023

**Discussion:** Governor Little commented the minerals royalty revenue goes directly into the endowment because it is a depletion and asked if the sale of oil and gas also goes directly into the endowment. Director Miller said a response will be provided following the meeting.

## Status Updates

### C. Pre-Season Fire Brief

**Discussion:** Governor Little inquired if the Master Fire Agreement with the Forest Service was signed. Director Miller replied that it was signed the end of April. Governor Little asked what percent of the force are the Forest Service and BLM at with their firefighters, relative to where they want to be with staff. Director Miller's conversations with his counterparts in federal agencies indicate they are having similar experiences to the Department: there is competition to fill firefighting positions, firefighters are more difficult to come by, and a lot of fireline leadership has transitioned out of fire. Superintendent Critchfield commented, in keeping with the theme of attracting and retaining firefighters, that this topic has been a major point of discussion in her travels to area offices around the state. Superintendent Critchfield asked if the gap in salary between state and federal is closing, are there other aspects outside of salary that are issues, and what is a firefighter salary at the Department. Director Miller responded that compensation is probably the biggest piece; the Land Board and legislature have helped close the gap a bit. Director Miller stated rookie firefighters start at \$15/hour. Federal agencies are offering a \$5/hour incentive bonus for rookies. The Department has closed the gap with other benefits such as paid R&R [rest and recuperation]; it is crucial to have well-rested fire crew and fire staff. Hazard pay, when crews are on the fireline and putting themselves in hazardous situations, is another 25% premium above their base pay which is close to what federal agencies pay. Director Miller noted there still is a delta between what the Department can pay and what the federal agencies are paying. Department of Lands is a different organization. People like the culture, how the Department fights fire, and are wedded to the Department's mission. Director Miller said firefighters are appreciated, whether new to the organization or coming back year after year and working up through the ranks; they want to be here and are good at what they do. The Department has a solid wildland firefighting force. Director Miller cited housing for seasonal staff is another factor; the Department recently made a purchase in the Kamiah area for a facility that will work for seasonal fire crews and timber crews. Superintendent Critchfield remarked that housing was mentioned by area office staff in her visits.

Considering new career-focused programs with monies available for grades 7 through 12, Superintendent Critchfield asked if there is an area within this profession that could be applicable to a CTE program in high schools or perhaps a program that would offer credits in high school, and if starting with students that young is even feasible. Superintendent Critchfield offered that there are opportunities with new resources, counseling and advising to expose high school students to career opportunities in their own backyards which would include fighting fires. Director Miller stated that a firefighter must be 18 years or older to work for the Department, and to the extent that education and training can be provided in high school, it would be well worth it. Students would receive knowledge about what fire is, fire behavior, and basic suppression tactics, making them more marketable to work for the Department. Director Miller said piquing their interest at an early age is a good idea and he welcomes more conversations around that. Superintendent Critchfield added work is in progress with forestry, logging, and timber in the high school area and she would like to bring in other aspects of this type of training where possible.

Governor Little inquired how many loggers are red-carded and how much equipment is signed up. Director Miller did not have numbers at hand but offered to provide as soon as possible. Director Miller noted the Department has made a bigger push to get more loggers signed up. It is

not a problem to get their help; they provided a lot of work in creating fire line on the Cougar Rock Complex. The Department will continue to engage the logging community in firefighting.

Secretary of State McGrane remarked that in conversations with fire folks, senior fire leadership is one of the hardest hit areas, people transitioning out. Getting entry level staff is key for the program to be successful, but people get married and have kids, the fire jobs are over at the end of the season, yet team leads are needed each year. Secretary of State McGrane wondered is it a quality of life factor, are there other benefits besides compensation that might help retain people. Director Miller responded there are many facets to look at in the fire program regarding personnel. Fireline leadership is crucial, having people come back year after year with institutional knowledge that can safely lead men and women off the fireline. Director Miller noted the Department has created more of a path to permanency, many temporary engine boss positions are now permanent engine captains. Each district has a fire warden and two assistant wardens which provides upward mobility. The higher in rank, the further away from the fireline, so the Department created opportunities in the bureau such as fire zone officers for high-level leadership. Many fire staff are qualified to be on incident management teams for certain positions and that provides additional income when they spend two weeks helping on fires; that figures into annual compensation, too.

**2. Endowment Fund Investment Board Report** – *Presented by Tom Wilford, EFIB Chairman, and Chris Anton, EFIB Manager of Investments*

- A. Manager's Report
- B. Investment Report
- C. Semi-Annual Report

**Discussion:** Chairman Wilford introduced members of the Investment Board: Jerry Aldape, Bob Donaldson, Joe Forney, Irv Littman, Senator Chuck Winder, Brian Yeargain, and the newest member Representative Kenny Wroten. Also in attendance were Janet Becker-Wold from Callan and Julie Weaver from the Attorney General's office. EFIB staff present were Kathy Van Vactor, Fiscal Officer, Chris Halvorson, Investment Officer, and Chris Anton, Manager of Investments. Chairman Wilford announced Mr. Anton would present the reports.

For the record, prior to Mr. Anton speaking on the reports, Governor Little called for a brief intermission while audio and video issues in the meeting room were resolved. Attorney General Labrador left the meeting at approximately 9:31 a.m. to attend other business.

**Discussion continued:** Mr. Anton reported that financial markets were up modestly in April as large technology and energy companies reported strong first-quarter earnings. The portfolio was up 0.4% for the month, up 7.9% fiscal year-to-date. Through yesterday [May 15] the fund was about the same, up 7.7%; the market has been fairly stable. The Federal Reserve increased interest rates by 0.25% to a target range of 5-5.25% in early May and hinted that might be the last interest rate increase for a while in their aggressive efforts to fight inflation. Investors seem to be hoping that the U.S. economy will remain resilient as inflation continues to decline toward the Federal Reserve's target of 2%. Mr. Anton recalled that about a year ago Headline CPI was at 9%, and last month it had come down to 5%. Investors are hoping for this perfect landing that inflation will come down to 2% before the economy falls into recession. While that is possible, the impact of restrictive interest rates and tighter financial conditions due to stress in the banking system have increased the odds and the probability of a recession; time will tell.



Mr. Anton remarked that in the meantime, it has been a solid year and hopefully the fiscal year will end in positive territory. The next Investment Board meetings will be August 14 and then November 21.

Moving to the semi-annual report, Mr. Anton discussed EFIB's mission to provide outstanding investment management services to stakeholders, consistent with constitutional and statutory mandates. As of the end of April, the Endowment Fund Investment Board had oversight of about \$4 billion in funds. The largest at \$2.9 billion is the Land Grant Endowment Fund which is the primary focus of the Land Board. EFIB also oversees \$930 million for the State Insurance Fund, basically their reserve fund. Four state agencies have money invested in the Land Grant Endowment Fund strategy: DEQ at \$116 million, Fish and Game at \$50 million, Parks and Recreation at \$5.5 million, and IDL's Forest Legacy Program at about \$700,000. As mentioned earlier, through the first 10 months the fund is up 7.9% which equates to about \$183 million gain. Mr. Anton referred to page 8, the history of the fund's growth. It is impressive that the fund has grown two-fold from about \$1 billion 12 years ago to over \$3 billion. Work done by the Department of Lands to bring in revenue supplements the distributions to beneficiaries; approximately half of those beneficiary distributions are funded from Lands' revenue which allows EFIB to retain some of the investment earnings and grow the fund. Growing the fund then grows distributions. It is a compounding process, the bigger the fund the bigger the distributions. Mr. Anton pointed out the graph on page 9, for each beneficiary there is a permanent fund and an earnings reserve fund. Statute does not allow money to be taken out of the permanent fund; reserve funds pay EFIB expenses, Lands' expenses, and make beneficiary distributions. Through a lot of analysis EFIB has done with Callan and the Land Board over the years, a target level of seven years of annual distributions was determined as the target reserve level. Levels are down somewhat from that, 6 years for public school, and between 5 and 6 for most of the others. Thinking back on the last graph, the fund was up 30% in fiscal '21. Last year it was down -13% and that drop reduced the reserve levels. Reserves are still in a healthy place, certainly not at target, but in a healthy place. If earnings this fiscal year exceed inflation, there will be some money that will move from the permanent fund into the earnings reserve fund, the earnings above inflation. That may push levels back up toward the target of seven years.

Secretary of State McGrane recalled the last two years' record distributions and asked if distributions and the state of the economy are factors in terms of what reserves are holding, not just performance of investment. Mr. Anton referred to page 10 in the report that shows the history of distribution. In fiscal '23, the current year, there was a big bump from \$88 million to \$100 million; the Land Board approved keeping it at \$100 million next year. The fund had that strong year, up 30%, and there was a big bump because distributions are 5% of the 3-year average of the permanent fund balance to each beneficiary. When that big gain occurred and the permanent fund balance went up; the distributions went up, the boards elected, because of the down year in '22, to hold distributions flat. Fortunately, reserve levels allowed that. If levels are below the 7 year target at the end of the year, EFIB's recommendation may be to hold it flat for a third year.

Continuing with the report, Mr. Anton talked about the School Bond Credit Enhancement program. Many people have asked is this program still active now that the State has increased its credit rating to a triple A. It is still active and the reason for that is when the State provides its guarantee to the school districts, to Idaho Housing and Finance Authority, to the bond authority, the credit rating agencies still provide a little bit of a haircut. Even though the State's rating is

triple A, the guaranteed rating is double A1, slightly lower. What the credit enhancement program says is that the Public School Endowment Fund, in the event the State cannot cure a default with one of the school districts, would loan the State money from the Public School Endowment Fund up to \$300 million. That commitment to provide that credit enhancement bumps the credit rating for school district bonds to triple A and it reduces their borrowing costs. As of the end of April, there were \$540 million in outstanding commitments under the program. EFIB has a limit of \$40 million per bond and backs it up to \$300 million of the Public School Endowment Fund.

Controller Woolf extended his thanks to Mr. Anton and the Investment Board. Governor Little also expressed his appreciation.

### **Consent—Action Item(s)**

**3. Greer Access Site Surplus Property (Idaho Fish & Game)** – *Presented by Zane Lathim, Program Specialist-Real Estate*

**Recommendation:** Direct the Department to offer the Greer Site parcels for disposition in accordance with the Surplus Property Act, Idaho Code §§ 58-331–335, and authorize the Department to offer the Greer Site parcels at public auction in Clearwater or Ada County.

**Discussion:** Governor Little asked if anyone opposed this surplus. Mr. Lathim replied no.

**4. Results of April 12, 2023 Crop Lease Live Auction** – *Presented by Addie Faust, Program Manager-Natural Resources Leasing*

**Recommendation:** Direct the Department to award the crop lease CR8000145 to Evan Wood Farms, LLC.

**Discussion:** None.

**5. Forest Legacy–South Dawson Conservation Easement** – *Presented by Archie Gray, Bureau Chief-Forestry Assistance*

**Recommendation:** Authorize the Idaho Department of Lands to acquire the South Dawson conservation easement.

**Discussion:** Controller Woolf observed this item was held for a month for changes and asked if the Department is good with the changes. Mr. Gray explained the agenda item was pulled from the April Land Board meeting when Molpus Woodland Group, on behalf of their client, asked for clarification on a handful of terms in the conservation easement and provided some updated information that included a change of address for the client. The Department incorporated the new information and added some references for clarity, but no substantive changes were made to the conservation easement.

**6. Approval of Draft Minutes** – April 18, 2023 Regular Meeting (Boise)

**Consent Agenda Board Action:** A motion was made by Controller Woolf that the Land Board adopt and approve the Consent Agenda. Secretary of State McGrane seconded the motion. The motion carried on a vote of 4-0.

## Regular—Action Item(s)

### 7. Old Penitentiary MOU – Presented by Bill Haagenson, Deputy Director

**Recommendation:** Authorize the Director to execute the revised memorandum of understanding with the Idaho State Historical Society for the management of the Old Penitentiary Historic District.

**Discussion:** Secretary McGrane asked if the motivation for this MOU is the Land Board will not have to keep renewing the same agreements, like the Botanical Gardens and other activity. Mr. Haagenson said, yes, the idea is to not have those leases come back to the Land Board every five years.

**Board Action:** A motion was made by Superintendent Critchfield that the Land Board authorize the Director to execute the revised MOU. Controller Woolf seconded the motion. The motion carried on a vote of 4-0.

For the record, Governor Little mentioned an item initially scheduled for this meeting but removed, Bear Lake, and asked for a commitment that it will be presented at the next meeting. Director Miller affirmed the intention to bring the Bear Lake MOU for Land Board approval in June.

## Information

None

## Executive Session

None

There being no further business before the Land Board, at 9:54 a.m. a motion to adjourn was made by Controller Woolf. Superintendent Critchfield seconded the motion. The motion carried on a vote of 4-0.

## AGENDA ITEM 9 PERSONNEL MATTER

NO BOARD MATERIALS  
ARE PROVIDED FOR THIS ITEM

IDAHO DEPARTMENT OF LANDS

# STATE BOARD OF LAND COMMISSIONERS

June 20, 2023  
Regular Agenda

## Subject

Management of Bear Lake

## Question Presented

Shall the Land Board issue an order outlining restricted activities on the exposed lakebed below the ordinary high watermark of Bear Lake in Idaho, and sign a memorandum of understanding with Bear Lake County for enforcement of the order?

## Background

The State holds title to the beds and banks of navigable waters below the ordinary high water mark (OHWM) subject to the Public Trust Doctrine. Pursuant to Idaho Code § 58-104(9)(a), the State Board of Land Commissioners (Land Board) has authority to regulate and control the use or disposition of these lands.

5923.65 feet (UP&L datum) is the elevation of the OHWM for Bear Lake in both Idaho and Utah. Idaho claims ownership and regulatory authority of the bed of Bear Lake below the OHWM in Idaho.

In 1991, the Land Board issued an order limiting activities below the ordinary high watermark for Bear Lake in Idaho (Attachment 1).

This order restricted certain activities unless otherwise modified by Bear Lake County. This sentence clouded the authority of the Land Board, resulting in a lack of consistent management. The result has been damage to the exposed lakebed below the OHWM of Bear Lake in Idaho.

## Discussion

After discussion with Bear Lake County, the Department recommends the Board provide a revised order (Attachment 2).

The revised order removes the "unless otherwise modified" statement found in the 1991 order. This will clarify the authority of the Land Board. The revised order prohibits the following activities on the exposed bed of Bear Lake below the ordinary high water mark:

- A. Driving or operating motorized vehicles parallel to the shoreline.
- B. Parking motorized vehicles within 100 feet of the water edge.
- C. Overnight parking or camping.
- D. Leaving litter, trash, or human waste.

- E. Unauthorized digging, removal of dirt or sand, or depositing any foreign materials.
- F. Use of tractors or other heavy equipment for phragmites control methods that are ineffective.
- G. Constructing new fences.
- H. Constructing new buildings.

After this order is issued, a memorandum of understanding (MOU) with Bear Lake County would be signed. There are two potential MOUs (Attachments 3 and 4). These MOUs are essentially the same, except that Attachment 3 includes wording that allows Bear Lake County to assess a fee on vehicle traffic. This fee would be used to cover the cost of enforcement of the attached order.

This MOU states that Bear Lake County will adopt and enforce a revised Land Board order as a county ordinance.

If approved by the Land Board, the Department will provide the revised order to the Bear Lake County Commission as guidance and proceed to gather signatures on the MOU.

### **Recommendation**

Adopt the revised order regarding prohibited activities on the bed and banks of Bear Lake below the ordinary high water mark and provide direction to the Department on which MOU to proceed with, Draft 1 (Attachment 3) or Draft 2 (Attachment 4).

### **Board Action**

### **Attachments**

1. 1991 Bear Lake Land Board Order
2. Revised Order Draft
3. Draft 1–2023 Bear Lake Land Board MOU
4. Draft 2–2023 Bear Lake Land Board MOU



Before the Department of Lands  
State of Idaho

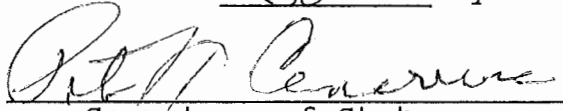
ORDER

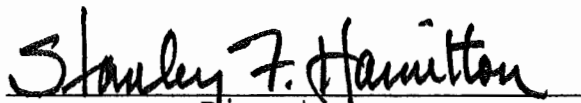
The State Board of Land Commissioners being fully advised, makes the following order:

The following activities are hereby expressly prohibited unless otherwise modified by the Bear Lake County Board of Commissioners on that portion of the bed of Bear Lake in Idaho, from the low water mark to the ordinary high water mark at an elevation of 5923.65 feet.

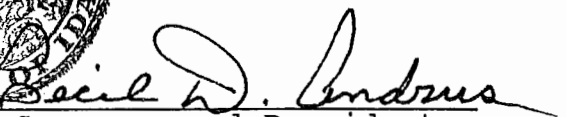
- A. Driving or parking of motorized vehicles except for:
1. Use of vehicles for launching of boats at authorized launch areas (no parking on the lake bed).
  2. Emergency, law enforcement, and government administrative vehicles.
  3. Other vehicles authorized by appropriate authority for specific purposes.
- B. All overnight camping.
- C. Leaving and/or depositing of litter, trash, or human waste.
- D. Unauthorized digging, removal of dirt or sand or depositing of any foreign materials.

DATED this 30<sup>th</sup> day of August

  
Secretary of State

  
Director



  
Governor and President  
of the State Board of  
Land Commissioners

ORDER RE: PROHIBITION OF CERTAIN ACTIVITIES ON THE BED  
AND BANKS OF BEAR LAKE BELOW THE  
ORDINARY HIGH WATER MARK

**I.  
BACKGROUND**

1. Pursuant to the Equal Footing Doctrine, when Idaho became a state on July 3, 1890, the State took title to the beds and banks of navigable waters below the ordinary high water mark. *See Newton v. MJK/BJK LLC*, 167 Idaho 236, 242, 469 P.3d 23, 29 (2020).

2. The State holds that title subject to the Public Trust Doctrine, which traditionally protected the public's right to navigate on the water but has expanded over time has expanded to include other public uses. *Id.* The Public Trust Doctrine is "solely a limitation on the power of the state to alienate or encumber title to the beds of navigable waters. I.C. § 58-1203(1).

3. Pursuant to Idaho Code § 58-104(9)(a), the Land Board has authority "[t]o regulate and control the use or disposition of lands in the beds of navigable lakes, rivers and streams, to the natural or ordinary high water mark thereof, so as to provide for their commercial navigational, recreational or other public use; . . ." *See also* I.C. § 58-1203(1).

4. Bear Lake is a navigable lake, located partly in Idaho and partly in Utah.

5. The Land Board has authority to regulate and control the use or disposition of those portions of Bear Lake that are located within the borders of the State of Idaho.

6. Based on elevation datum adopted by Utah Power & Light (UP&L), Idaho and Utah both use 5,923.65 feet as the elevation of the ordinary high water mark of Bear Lake. Idaho claims ownership of and regulatory authority over the bed of Bear Lake below that ordinary high water mark.

7. Due to the shallow gradient of the bed and shoreline of Bear Lake, it is not unusual for several hundred feet of the bed of Bear Lake below the ordinary high-water mark to be exposed, particularly during low precipitation years and the summer months. When that occurs, members of the public drive on the exposed lakebed in order to access the water and recreate. Unfortunately, some activities undertaken by the public on the exposed lakebed have resulted in physical damage, pollution, and other problems in the lake and lakebed.

8. The Board has determined that it is necessary to restrict certain activities on the bed of Bear Lake below the ordinary high water mark in order to protect the public trust lands.

## **II. ORDER**

The State Board of Land Commissioners being fully advised, and to protect the public trust resources of the State of Idaho, hereby orders as follows:

The prior Bear Lake Order dated August 30, 1991 is hereby revoked.

The following activities are hereby expressly prohibited on that portion of the bed of Bear Lake in Idaho, from the low water mark to the ordinary high-water mark, which is at elevation 5923.65 feet (UP&L Datum).

- A. Driving or operating motorized vehicles parallel to the shoreline. All motorized vehicle travel must be perpendicular to the shoreline, i.e., the most direct route from the ordinary high-water mark to the water's edge as it exists on the day of travel. This prohibition does not apply to emergency, law enforcement, and government administrative vehicles.
- B. Parking motorized vehicles within one hundred (100) feet of the water's edge as it exists on the day of travel.
- C. Overnight parking or camping.
- D. Leaving and/or depositing litter, trash, or human waste.
- E. Unauthorized digging, removal of dirt or sand, or depositing of any foreign materials.
- F. Use of tractors or other heavy equipment for common reed (phragmites) control that does not follow best management practices for effective control.
- G. Constructing new fences.
- H. Constructing new buildings

Existing fills, roadways, fences, buildings, or other encroachments below the ordinary high water mark at an elevation of 5923.65 feet (UP&L Datum) must be either approved through an encroachment permit or removed.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
President of the State Board of Land Commissioners  
and Governor of the State of Idaho

Countersigned:

\_\_\_\_\_  
Phil McGrane, Secretary of State of Idaho

\_\_\_\_\_  
Dustin T. Miller, Director of Idaho Department of Lands

The logo of the Idaho Department of Lands is a large, faint watermark in the center of the page. It features a diamond shape with a green mountain peak in the center, yellow wavy lines representing water or land, and a grey star at the top. A horizontal bar across the middle of the diamond contains the text "IDAHO DEPARTMENT OF LANDS" in white capital letters.

IDAHO DEPARTMENT OF LANDS

**\*\*\* DRAFT\*\*\* MEMORANDUM OF UNDERSTANDING \*\*\*DRAFT\*\*\***

**BETWEEN**

**BEAR LAKE COUNTY**

**AND**

**IDAHO STATE BOARD OF LAND COMMISSIONERS**

This Memorandum of Understanding is entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the Board of Commissioners of Bear Lake County, whose address is 30 North Main Street, PO Box 190, Paris, Idaho 83261 (“County”) and the State Board of Land Commissioners, acting by and through the Idaho Department of Lands (“IDL”), whose address is 300 North 6<sup>th</sup> Street, Suite 103, Boise, Idaho 83702 (“Land Board”). The County and the Land Board may be collectively referenced herein as “Parties”, and individually as “Party”.

**RECITALS**

**WHEREAS**, Bear Lake is a natural resource and a navigable lake, used for multiple purposes, including irrigation, navigation, recreation, and business; and

**WHEREAS**, the bed and banks of Bear Lake below the OHWM, including the previously-submerged lands, and lying north of the border shared with the State of Utah, are owned by the State of Idaho pursuant to the equal footing doctrine, and held in trust for the public pursuant to the Public Trust Doctrine (“Public Trust Lands”); and

**WHEREAS**, Bear Lake is a unique recreation site that attracts visitors from multiple states, and locations; and

**WHEREAS**, water shortages and drought reduce the water level of Bear Lake in many years; and

**WHEREAS**, when water levels are low, a substantial amount of previously-submerged land below the ordinary high water mark (“OHWM”) of 5923.65 feet, is exposed, and accessed by the public on foot or in vehicles; and

**WHEREAS**, pursuant to Idaho Code §§ 58-101 and 58-104(1), the Land Board exercises the general direction, control, and disposition of the public lands of the State; and

**WHEREAS**, and further pursuant to Idaho Code § 58-101, the Land Board exercises its authorities through the instrumentality of IDL; and

**WHEREAS**, pursuant to Idaho Code § 58-134, the Land Board has authority to cooperate or join with any county of the State of Idaho in any matter pertaining to the care, control and administration of land owned or acquired by the state, other than endowment lands, and may enter into written contracts with a county for the care, control, and administration of such non-endowment lands; and



**WHEREAS**, pursuant to Idaho Code § 58-104(9) and Title 58, Chapter 13, Idaho Code, the Land Board has the power and duty to regulate and control the use or disposition of Public Trust Lands, including Bear Lake, below the OHWM; and

**WHEREAS**, the County has vital interest in how the Public Trust Lands of Bear Lake are used and rules governing the use of the same; and

**WHEREAS**, the large and increasing volume of use of Public Trust Lands of Bear Lake, has led to abuse of said Lands, including but not limited to, increased vehicle traffic, unauthorized overnight camping, littering of trash and human waste, and digging and removal of sand from the lake bed; including Public Trust Lands of Bear Lake; and

**WHEREAS**, the County and Land Board agree there is a need to remedy the continuing problems set forth herein and develop a joint solution to governing the use of said Public Trust Lands of Bear Lake lying between the ordinary high water mark and the water's edge and for enforcement of said standards; and

**WHEREAS**, on June 20, 2023, the Land Board approved an order designating the prohibited uses and activities on Public Trust Lands of Bear Lake; and

**WHEREAS**, the County and the Land Board desire to reduce to writing their mutual desire, intent and understanding to address the improper uses of the Public Trust Lands of Bear Lake.

**NOW THEREFORE**, in consideration of the mutual promises set forth herein, the County and Land Board understand and agree as follows:

1. On June 20, 2023, the Land Board, following consultation with the County, issued an Order that lists prohibited activities on the exposed Public Trust Lands of Bear Lake. The June 20, 2023 Land Board Order ("Order") is attached hereto as Attachment 1 and incorporated herein by reference.
2. The County agrees to adopt an ordinance prohibiting the same activities as those set forth in the Order, without any alterations to those prohibitions ("Ordinance"). The County further agrees that said Ordinance will authorize the County Sheriff to enforce the prohibitions set forth therein on the Public Trust Lands of Bear Lake, with the exception of those lands lying between the littoral property lines of Bear Lake State Park below the OHWM. The duly-promulgated rules of the Idaho Department of Parks and Recreation apply to those lands lying between the littoral property lines of Bear Lake State Park, below the OHWM.
3. The Parties understand and agree that adoption and enforcement of said Ordinance shall in no way dilute or diminish the Board's authority and responsibility for management of the Public Trust Lands of Bear Lake.

4. Pursuant to Idaho Code § 58-104 the Board may assess a fee on activities to offset the administrative enforcement cost of protecting the Public Trust Land of Bear Lake below the OHWM. This fee will be collected by Bear Lake County.
5. Pursuant to Idaho Code § 31-870, the County may develop and impose a temporary permit system for terrestrial vehicles operating on Public Trust Lands below the OHWM and above the water's edge of Bear Lake, to defray the costs of enforcement. This permit system excludes the lands below the Ordinary High Water Mark and between the littoral property lines adjacent to Bear Lake State Park. The County is not authorized to issue encroachment permits pursuant to the Lake Protection Act, Title 58, Chapter 13, Idaho Code.
6. Nothing in this Agreement shall be construed as limiting or expanding the statutory or regulatory responsibilities of the Land Board, IDL or the County in performing functions granted to them by law, including but not limited to any existing law enforcement authority of the County. Each and every provision of this Agreement is subject to the laws and regulations of the State of Idaho.
7. The Land Board, IDL and the County shall be responsible only for the acts, omissions, or negligence of each such agency's own employees. The term "employee" is defined for the purposes of this section as set forth in Idaho Code § 6-902. Nothing in this Agreement shall extend the tort responsibility or liability of the Land Board, IDL or the County beyond that required by the Idaho Tort Claims Act, Idaho Code § 6-901 et seq. Each party shall be responsible for damage to property of the other party caused by its employees in the performance of the Agreement to the extent funds are legally available, therefore.

The Land Board and IDL participate in the comprehensive liability plan provided through the Risk Management Program established under Idaho Code § 67-5733 et seq. At the County's request, the Land Board and IDL shall provide confirmation of participation, including evidence of participation in workers' compensation provided by the State Insurance Fund. At the Land Board or IDL's request, the County shall provide evidence of participation in a self-insurance program or retained liability program or certificates of insurance evidencing liability and property coverage, including workers' compensation coverage.

If a property claim or damage is not covered by the party's Risk Management Program, self-insurance, or other property coverage, the responsible party shall pay the costs arising from such claim or damage to the extent funds are legally available therefore. If a claim or damage arises from more than one party's performance of the Agreement or is not allocable to any party, each party shall pay the costs to such party arising from the claim or damage.

8. This Agreement shall commence on the date last signed, below, and will expire on September 30, 2023 [Note: date TBD by Land Board]. Either Party may terminate this Agreement at any time, with or without cause, upon sixty (60) calendar days' written notice to the other Party, specifying the date of termination.
9. One Party under this Agreement shall have no authority to enter into contracts or agreements on behalf of the other Party.
10. This Agreement constitutes the entire agreement between the Parties and supersedes all prior agreements or understandings between the Parties.
11. This Agreement may be extended or modified upon written agreement of the Parties. However, no amendment or modification of this Agreement shall be effective unless in writing and executed by the Parties.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2023.

BEAR LAKE COUNTY:

IDAHO STATE BOARD OF LAND  
COMMISSIONERS:

IDAHO DEPARTMENT OF LANDS

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BRAD JENSEN, Chairman of the  
Bear Lake County Commission

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BRAD LITTLE, Governor and President  
of the Land Board.

**\*\*\* DRAFT\*\*\* MEMORANDUM OF UNDERSTANDING \*\*\*DRAFT\*\*\***

**BETWEEN**

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**WHEREAS**, water shortages and drought reduce the water level of Bear Lake in many years; and

**WHEREAS**, when water levels are low, a substantial amount of previously-submerged land below the ordinary high water mark of 5923.65 feet, Utah Power & Light Datum (“OHWM”) is exposed, and accessed by the public on foot or in vehicles; and

**WHEREAS**, pursuant to Idaho Code §§ 58-101 and 58-104(1), the Land Board exercises the general direction, control, and disposition of the public lands of the State; and

**WHEREAS**, and further pursuant to Idaho Code § 58-101, the Land Board exercises its authorities through the instrumentality of IDL; and

**WHEREAS**, pursuant to Idaho Code § 58-134, the Land Board has authority to cooperate or join with any county of the State of Idaho in any matter pertaining to the care, control and administration of land owned or acquired by the state, other than endowment lands, and may enter into written contracts with a county for the care, control, and administration of such non-endowment lands; and

**WHEREAS**, pursuant to Idaho Code § 58-104(9) and Title 58, Chapter 13, Idaho Code, the Land Board has the power and duty to regulate and control the recreational use or disposition of Public Trust Lands, including Bear Lake, below the OHWM; and

**WHEREAS**, the County has vital interest in how the Public Trust Lands of Bear Lake are used and rules governing the use of the same; and

**WHEREAS**, the large and increasing volume of use of Public Trust Lands of Bear Lake has led to abuse of said Public Trust Lands, including but not limited to, increased vehicle traffic, unauthorized overnight camping, littering of trash and human waste, and digging and removal of sand from the lake bed, including Public Trust Lands of Bear Lake; and

**WHEREAS**, the County and Land Board agree there is a need to remedy the continuing problems set forth herein and develop a joint solution to governing the use of said Public Trust Lands of Bear Lake lying between the ordinary high water mark and the water's edge and for enforcement of said standards; and

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**NOW THEREFORE**, in consideration of the mutual promises set forth herein, the County and Land Board understand and agree as follows:

1. On June 20, 2023, the Land Board, following consultation with the County, issued an Order that lists prohibited activities on the exposed Public Trust Lands of Bear Lake. The June 20, 2023 Land Board Order ("Order") is attached hereto as Attachment 1 and incorporated herein by reference.
2. The County agrees to adopt an ordinance prohibiting the same activities as those set forth in the Order, without any alterations to those prohibitions ("Ordinance"). The County further agrees that said Ordinance will authorize the County Sheriff to enforce the prohibitions set forth therein on the Public Trust Lands of Bear Lake, with the exception of those lands lying between the littoral lines of Bear Lake State Park, below the OHWM. The duly-promulgated rules of the Idaho Department of Parks and Recreation apply to those lands lying between the littoral lines of Bear Lake State Park, below the OHWM.
3. The Parties understand and agree that adoption and enforcement of said Ordinance shall in no way dilute or diminish the Board's authority and responsibility for management of the Public Trust Lands of Bear Lake.



4. Nothing in this Agreement shall be construed as limiting or expanding the existing statutory or regulatory responsibilities of the Land Board, IDL, or the County in performing the powers and functions granted to them by law, including but not limited to any existing law enforcement authority of the County. Each and every provision of this Agreement is subject to the laws and regulations of the State of Idaho.
5. The Land Board, IDL, and the County shall be responsible only for the acts, omissions, or negligence of each such agency's own employees. The term "employee" is defined for the purposes of this section as set forth in Idaho Code § 6-902. Nothing in this Agreement shall extend the tort responsibility or liability of the Land Board, IDL, or the County beyond that required by the Idaho Tort Claims Act, Title 6, Chapter 9, Idaho Code. Each Party shall be responsible for damage to property of the other Party caused by its employees in the performance of the Agreement to the extent funds are legally available, therefore.

The Land Board and IDL participate in the comprehensive liability plan provided through the Risk Management Program established under Idaho Code § 67-5733 *et seq.* At the County's request, the Land Board and IDL shall provide confirmation of such participation, including evidence of participation in workers' compensation provided by the State Insurance Fund. At the Land Board or IDL's request, the County shall provide evidence of participation in a self-insurance program or retained liability program or certificates of insurance evidencing liability and property coverage, including workers' compensation coverage.

If a property claim or damage is not covered by the responsible Party's Risk Management Program, self-insurance or other property coverage, the responsible Party shall pay the costs arising from such claim or damage to the extent funds are legally available therefore. If a claim or damage arises from more than one Party's performance of the Agreement or is not allocable to any Party, each Party shall pay the costs to such party arising from the claim or damage.
6. This Agreement shall commence on the date last signed, below, and will expire on September 30, 2023 [**Note: date TBD by Land Board**]. Either Party may terminate this Agreement at any time, with or without cause, upon sixty (60) calendar days' written notice to the other Party, specifying the date of termination.
7. One Party under this Agreement shall have no authority to enter into contracts or agreements on behalf of the other Party.
8. This Agreement constitutes the entire agreement between the Parties and supersedes all prior agreements or understandings between the Parties.
9. This Agreement may be extended or modified upon written agreement of the Parties. No amendment or modification of this Agreement shall be effective unless in writing and executed by the Parties.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2023.

BEAR LAKE COUNTY:

IDAHO STATE BOARD OF LAND  
COMMISSIONERS:

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BRAD JENSEN, Chairman of the  
Bear Lake County Commission

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BRAD LITTLE, Governor and President  
of the Land Board.

