



Managing Recreational Use on State Endowment Lands

This guidance document is not a new law. This document is an agency interpretation of existing law, except as authorized by Idaho Code or incorporated into a contract.

Agency Contact

Recreation Program Manager

Purpose

This policy provides guidance to Idaho Department of Lands (IDL) staff in managing recreational use on state endowment lands to enable a uniform approach and maximize long-term financial return to the endowment beneficiaries. Recreation that is incompatible with IDL's fiduciary and resource protection responsibilities is not allowed on endowment lands.

This policy is adopted pursuant to the Land Board Recreation Policy authorizing the Director to adopt policies necessary for the management, protection, utilization, and conservation of endowment lands, and to bring uniformity to how endowment land managers handle recreation-related management decisions across the state.

Applicability

This policy applies to IDL staff in managing the public's general recreation on endowment lands.

This policy does not cover activities that are not general recreation. Examples of activities not considered general recreation are cutting or gathering firewood, using backcountry aircraft, collecting valuable rocks or minerals, exploring for minerals, and collecting or disturbing archaeological, historical, or paleontological sites (fossils, artifacts, dinosaur bones, old buildings, etc.). These activities require separate authorization from IDL and may require authorization from other local, state, or federal agencies.

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Background

Recreational access to endowment lands for hunting, fishing, and outdoor recreation is part of the fabric of Idaho's history and culture. Increased recreational use on endowment lands has prompted the need for a policy outlining consistent management practices for IDL.

Article IX, Section 8 of the Idaho Constitution mandates that state endowment trust lands are to be managed to secure the maximum long-term financial return to the endowment beneficiaries. Revenue-generating activities on endowment lands and earnings on invested funds provide millions of dollars annually in support of Idaho's public school system and numerous other state of Idaho institutions. In addition to providing financial support to the beneficiaries of nine endowment funds, endowment lands may also benefit the public by providing access for recreational pursuits, so long as recreational activities are consistent with the constitutional mandate.

To maximize long-term financial return to the endowments, while also providing access for noncommercial recreation, IDL will seek compensation through a variety of different avenues, including compensation through means other than individual user fees. By pursuing funding sources other than direct fees, IDL and the Land Board limit liability for recreational access to endowment lands under Idaho Code § 36-1604. This statute limits landowner liability where endowment lands remain open and freely accessible to the general public for recreation – where users do not pay a direct fee for access. For example, under Idaho Code § 36-1604 the Idaho Department of Fish and Game compensates landowners who provide recreational access through the Access Yes Program, and Idaho Code § 36-1604 provides certain liability protections for landowners participating in the Access Yes Program.

1. Associated Policies

- A. Idaho Constitution, [Article I, Section 23](#): The Rights to Hunt, Fish and Trap
- B. Idaho Constitution, [Article IX, Section 7](#): State Board of Land Commissioners
- C. Idaho Constitution, [Article IX, Section 8](#): Location and Disposition of Public Lands
- D. Idaho Code [§ 18-3302J](#): Preemption of Firearms Regulation
- E. Idaho Code [§ 18-3906](#): Placing Debris on Highways

- F. Idaho Code [§ 18-7001](#): Malicious Injury to Property
- G. Idaho Code [§ 18-7008](#): Criminal Trespass – Definitions and Acts Constituting
- H. Idaho Code [§ 18-7031](#): Placing Debris on Public or Private Property
- I. Idaho Code [§ 36-1508\(a\)](#): Shooting from Public Highways
- J. Idaho Code [§ 36-1510](#): Interference with Hunting, Fishing, Trapping or Wildlife Control
- K. Idaho Code [§ 36-1604](#): Limitation of Liability of Landowner
- L. Idaho Code [§ 38-116](#): Campfires – Acts Prohibited – Penalty
- M. Idaho Code [Title 49](#): Motor Vehicles
- N. Idaho Code [§ 58-132](#): Extension and Declaration of Powers and Duties of State Board of Land Commissioners
- O. Idaho Code [§ 67-7101](#): Recreational Activities – Definitions
- P. Idaho Code [§ 67-7102](#): Requirement that Snowmobile be Numbered
- Q. Idaho Code [§ 67-7103](#): Application for Number -- Attachment of Validation Stickers – Certificate – Application for Transfer of Certificate – Transfer of Certificate Fee – Temporary Number – Fees
- R. Idaho Code [§ 67-7112](#): Groomed Snowmobile Trails
- S. Idaho Code [§ 67-7113](#): Recreational Activities – Violations – Accountable for Property Damage
- T. Idaho Code [§ 67-7122](#): Application for Certificate of Number—Attachment of Validation Stickers—Certificate—Fees
- U. Idaho Code [§ 67-7125](#): Noise Abatement
- V. Idaho Code [Title 67, Chapter 91](#): Idaho Outdoor Sport Shooting Range Act
- W. IDAPA [20.03.14](#), Rules Governing Grazing, Farming, Conservation, Noncommercial Recreation, and Communication Site Leases
- X. IDAPA [20.04.01.080](#), Spark Arresters
- Y. IDAPA [20.04.01.100.02](#), Warming Fires or Campfires
- Z. Idaho Fire Restriction Plan: Fire Restriction or Closures Due to Fire including Campfires and Motorized Use (find most recent version online at <https://www.idl.idaho.gov/fire-management/fire-restrictions-finder/>)
- AA. Land Board Recreation Policy 8/21/2018
- BB. Department Policy 206: Public Information

2. Definitions

All-Terrain Vehicle (ATV): For routes open to ATV use, an ATV is defined as any recreational motor vehicle designed for or capable of traveling off developed roadways and highways, with 3 or more tires, and 50 inches or less in width.

Campfire: An open-air fire that is less than or equal to 4 feet in diameter contained within a ring of non-flammable material.

Campground: A designated recreation area made up of campsites and/or group sites for overnight use by visitors with tents or recreational vehicles which may require a fee. Day use facilities may also be found in a campground.

Closure: When referring to access and travel management restrictions, the term "closure" means the route or area is closed *to all types of traffic, including foot traffic*. The term "closed" should not be used to refer to routes that have been decommissioned or converted, nor on routes where only some uses have been restricted.

Director: The Director of the Idaho Department of Lands.

Endowment Beneficiaries: Endowment trust lands are tied to specific funds and beneficiaries. There are nine state endowment funds, the largest of which supports Idaho's public school system.

Beneficiaries of endowment funds are:

- Public School Endowment Fund
- Agricultural College Fund (*at the University of Idaho*)
- Charitable Institutions Fund (*benefiting Idaho State University, State Juvenile Corrections Center, State Hospital North, Idaho State Veterans Homes, and Idaho School for the Deaf and Blind*)
- Normal School Fund (*benefiting the Idaho State University Department of Education and Lewis-Clark State College*)
- Penitentiary Fund
- School of Science Fund (*at the University of Idaho*)
- State Hospital South Fund
- University Fund (*at the University of Idaho*)
- Capitol Permanent Fund (*Capitol building – major maintenance*)

Endowment Lands: Parcels of land held in trust by the state to provide long-term financial returns to the endowment beneficiaries.

Extinguished Campfire: A campfire that was previously burning, but no longer has the heat or energy to reignite the fuels within or outside of the campfire location. To achieve an extinguished state, the fire fuels must be cool to the touch of a bare hand.

General Recreation: Includes, but is not limited to, any of the following activities or any combination thereof: hunting, fishing, swimming, boating, rafting, tubing, camping, picnicking, hiking, scenic driving, bicycling, running, playing on playground equipment, shooting, nature study, animal riding, motorcycling, snowmobiling, skiing, snowshoeing, snow biking, using recreational vehicles, and participating in winter sports. This term also includes viewing or enjoying historical, archaeological, scenic, geological or scientific sites, but does not include collecting valuable rocks or minerals, exploring for minerals, and collecting or disturbing archaeological, historical, or paleontological sites.

Land Information Management System (LIMS): Centralized data management system. There are two "LIMS" systems: one for Forestry and Fire using Trimble's LRM (Land Resource Manager) and one for Lands and Waterways and Land Records using Trimble's Landfolio.

Landowner: The real property owner or proprietor of land.

May: (Optional) Means it carries no requirement or recommendation.

Motorbike (OHM): Any self-propelled two-wheeled motorcycle or motor-driven cycle, excluding a tractor, designed for or capable of traveling off developed roadways and highways and also referred to as trail bikes, enduro bikes, motocross bikes or dual-purpose motorcycles. Idaho Code § 67-7101(9).

Must: (Standard) Means a required, mandatory, or prohibitive practice.

Off-Highway Vehicle (OHV): An all-terrain vehicle, motorbike, specialty off-highway vehicle, or utility-type vehicle as further defined in Idaho Code § 67-7101.

Over-Snow Vehicle (OSV): Any motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis while in use over snow. This includes snowmobiles, snow bikes, UTVs/ATVs. It does not include groomers or tracked full-size vehicles.

Should: (Recommended) Means a recommended, but not mandatory, practice with deviations allowed where professional judgment indicates that a deviation is appropriate.

Snowmobile: Any self-propelled vehicle under 2,000 pounds unladen gross weight, designed primarily for travel on snow or ice or over natural terrain, which may be steered by tracks, skis, or runners. Idaho Code § 67-7101(15).

Specialty Off-Highway Vehicle: Any vehicle manufactured, designed or constructed exclusively for off-highway operation that does not fit the definition of an all-terrain vehicle, utility-type vehicle or motorbike as defined in this policy. Idaho Code § 67-7101(16).

Utility-Type Vehicle (UTV): Any recreational motor vehicle other than an ATV, motorbike, or snowmobile as defined in this section, designed for and capable of travel over designated roads, traveling on 4 or more tires, maximum width less than 74 inches, maximum weight less than 2,000 pounds, and having a wheelbase of 110 inches or less. A utility-type vehicle must have a minimum width of 50 inches, a minimum weight of at least 900 pounds or a wheelbase of over 61 inches. Utility-type vehicle does not include golf carts, vehicles specially designed to carry a disabled person, implements of husbandry as defined in Idaho Code § 49-110(2), or vehicles otherwise registered under Title 49, Idaho Code. A utility-type vehicle also means a recreational off-highway vehicle, or ROV. Idaho Code § 67-7101(17).

3. Policy

While providing recreational opportunities, IDL will manage recreation to minimize conflict with the primary revenue-generating use of endowment lands. A person may not recreate on endowment lands in a manner closed to such use.

A. Community and Stakeholder Outreach

IDL recognizes the importance of informing stakeholders of management activities, seasonal closures, organized or road-based events, and other situations that affect recreation areas, roads, and trails.

1. Advance notification may include but is not limited to electronic media, local paper posts, signage, and direct communication.
2. Employees are encouraged to contact IDL public information officers for help with newsletters, publications, news releases, IDL website, social media accounts, and all communication with the public or news media. The public information officers will ensure compliance with Department Policy 206: Public Information.
3. As appropriate, IDL will work collaboratively with local communities, recreation groups, stakeholders, and adjacent landowners concerning the development and management of recreational use on endowment lands.

B. Trails

Many endowment lands have trails available for recreational use. As time and funding allow, trails may be evaluated to determine compatibility with endowment lands objectives.

1. Trail construction requires prior approval of an Area Manager. IDL staff should consult with the Recreation Program before developing recreational trails and trail systems. The Recreation Program will assist with contracting, implementing, and approving trail construction.
2. Recreation planning efforts should be developed in consultation with the Recreation Program. Recreation planning provides the framework for managing effective and consistent trail systems and recreation areas by determining future budget requirements and identifying which materials, time, and efforts are needed and which would be unnecessary or redundant. Recreation planning may range in scope from in-depth, multi-year processes for large landscapes to smaller scale, site-specific efforts.
3. The trail designation process must include the following steps:
 - a. Inventory
 - b. Trail condition assessment
 - c. Allowed uses
4. As trails are inventoried and designated, they must be appropriately signed according to the IDL Recreation Sign Manual.
5. After the trail designation process, IDL should consider removing, rerouting, or blocking access to undesignated trails.
6. Quarterly, IDL area staff must provide a list of inventoried and designated trails to IDL's GIS Technical Services staff to be maintained in the GIS/LIMS database.
7. IDL should consider leases, land-use permits, memorandums of understanding, volunteer agreements, or other forms of agreements to manage trails and trail systems.
8. For maps, see the "Recreational Travel Maps" section of this policy.

C. Signage

Signs must be used judiciously to provide clear, concise delivery of simple and consistent messages across landscapes. Signs should inform, educate, and provide direction and guidance to recreational use on endowment lands and facilities. A separate IDL Recreation Sign Manual is available on the IDL intranet and must be used to guide recreation sign development.

A sign plan provides for the systematic development and maintenance of a sign system for a given area, such as a supervisory office or a recreation site, by ensuring that signs are consistent with planning documents, policies, and outreach.

D. Recreational Travel Maps

Recreational travel maps identify recreational roads, trails, campgrounds, trail heads, and points of interest. As resources allow, IDL may produce hardcopy or web-based maps to assist in the management of recreational resources and trails.

1. Recreational travel maps must be uniform in content and provide clear, concise delivery of consistent messages across landscapes.
 - a. A map template will assist with consistent map production, and the Recreation Program will provide monitoring and advice.
 - b. Recreation symbols and attributes on maps must be consistent across the state.
2. Other maps, such as mushroom or firewood maps, may be exempt from the provisions in this section.
3. Maps may be produced and made available for sale.

E. Recreational Closures and Restrictions

This policy does not address closures or restrictions for resource management that are within the authority granted to the Director by the Land Board and are unrelated to recreation. Restrictions may include limiting access to protect the public or the underlying value and productivity of endowment lands. The term "closed" should not be used to refer to routes that have been converted, or on routes where only some uses have been restricted.

1. The Land Board, or the Director at the discretion of the Land Board, can implement closures or restrictions planned to be in place 10 years or longer.
2. The Director or designee may carry out temporary closures or restrictions on a case-by-case basis.
3. The reasons for closures or restrictions include but are not limited to public safety concerns, resource damage, rehabilitation, and protection of resources or equipment.
4. Closures and restrictions, other than for resource management or public safety purposes, are management tools to be used only when necessary to give IDL time to address concerns.
5. Recreational closures or restrictions should not exceed a reasonable timeframe to address the problem.
6. Prior to a temporary closure or restriction, Area Managers must inform the appropriate regional Operations Chief of the specific closure or restriction and the reasons for the closure or restriction.
7. Closures or restrictions must be in writing and provided to the affected surface lessee, provided to area law enforcement, and available to stakeholders where the closure or restriction is located. The notification will explain:
 - the reasons for the closure or restriction;
 - the specific area, trail, road, or segment to which the closure or restriction applies;
 - how and where the closure or restriction will be posted.
8. The Area Manager should revisit closures or restrictions yearly to review their status and determine an appropriate action.
9. For shooting closures or shooting restrictions, see the "Target Shooting" section of this policy.

F. Leases, Land-Use Permits, and Contractual Agreements

Organized, developed, or commercial recreational activities on endowment lands are managed through a lease, land-use permit, or other contractual agreement, such as a memorandum of understanding or memorandum of agreement.

Leases and permits allow for quality recreational experiences while ensuring the use is consistent with IDL's mission, values, and goals.

Commercial recreation leases authorize long-term commercial use that allows for recreational activities and/or providing vending services or supplies associated with recreation. Land-use permits authorize short-term competitive events, group activities, recreational events, and/or providing vending services or supplies associated with recreational events.

G. Designated Campgrounds or Campsites

IDL may consider allowing designated campgrounds on endowment lands under a lease, land-use permit, or other contractual agreement. Designated recreational campgrounds are made up of campsites and/or group sites for overnight use by visitors with tents or recreational vehicles. Day use facilities may also be provided in a campground. The information below guides the development of contractual agreements.

It is recommended to include the following terms in a permitting instrument:

- Campfires must be confined to a fire ring provided for such use. See the "Campfires" section of this policy.
- If a person brings an animal into a campground, the animal must be on a leash not longer than 6 feet and secured to a fixed object or under control of a person, or otherwise physically restricted, at all times. Within a campground, an animal's owner is responsible for the removal and proper disposal of their animal's waste.
- No more than eight people and two motor vehicles may occupy a campsite unless otherwise designated and posted.
- A camper must occupy the campsite each night during the entire length of stay unless other arrangements have been made with the IDL contractual designee.
- Quiet hours are between the hours of 10 p.m. and 7 a.m.
- IDL does not provide garbage collection. Disposal of garbage is the visitor's responsibility. (See Idaho Code § 18-7031.)

H. Dispersed Camping

Dispersed camping is the occupation of any endowment lands for recreational purposes with tent camps, motorhomes, campers, or other types of structures with facilities for living, sleeping, eating, or cooking.

1. Dispersed camping will likely not offer any toilets, picnic tables, treated water, or fire grates or rings.
2. Camping on endowment lands is restricted to a period of no longer than 14 consecutive days without a written permit from the Area Manager.

- a. If the 14-day limit is reached, camping on endowment lands in the same vicinity is prohibited for 21 days. The Area Manager will determine which land is considered in the same vicinity.
 - b. Camping limits begin when camping-related vehicles or equipment are parked or placed on endowment lands.
 3. Taking possession of, occupying, or otherwise using endowment lands for residential purposes without a permit, lease, or as otherwise authorized by state law or regulation is prohibited.
 4. Camping is restricted to campsites at least 30 feet from a body of water or wetland area.
 5. IDL does not provide garbage collection. Disposal of garbage is the visitor's responsibility. (See Idaho Code § 18-7031.)
 6. For campfires and firewood, see the "Campfires" section of this policy.
 7. For sanitation, see the "Sanitation" section of this policy.
- * Currently, there is no avenue to enforce camping limit violations other than misdemeanor trespassing. Further action is needed with statutory legislation and/or IDAPA to assist with enforcement and implement infractions.

I. Campfires

1. All federal, state, and local campfire restrictions and regulations must be observed. (See Idaho Code § 38-116.)
2. During closed fire season (May 10–October 20) of each year, any person or party lighting a campfire must have 1 shovel at least 24 inches in length and 1 water container at least 1 gallon in capacity.
3. A campfire must not be left unattended and must be extinguished before its user leaves the area.
4. If one or more cords of firewood is collected for a campfire, a firewood permit must be obtained from the supervisory area where the firewood is collected from.
5. Firewood is to be collected from dead and down wood only. Using live timber or log decks for firewood is prohibited.

J. Motorized Recreation

Motorized recreation includes recreational pursuits powered or partially powered by a motor. (E-bikes are considered motorized use.)

1. Snow-Free Motorized Recreation

- a. Responsible use of off-highway vehicles (OHVs) is allowed in many places on endowment lands. OHVs as defined in Idaho Code § 67-7101 are allowed on endowment lands unless designated areas are otherwise closed.
- b. OHVs operating on endowment lands must comply with all applicable laws, including but not limited to Title 67, Chapter 71, Idaho Code and IDAPA 20.04.01.080.

- c. Gated roads are generally open to vehicles 50 inches wide or less, unless otherwise posted or conditions exist that would degrade the road surface causing ruts or other physical damage outside of normal wear and tear.
 - d. An individual must not recreate in a manner that damages existing road or trail structures.
 - e. In areas with designated trail systems, an individual must only recreate according to the designated use.
 - f. For the construction of trails, see the "Trails" section of this policy.
- * Currently, there is no avenue to enforce violations for off-route travel and unauthorized trail construction from trail-based recreation. Further action is needed with statutory legislation or IDAPA to enable enforcement and set infraction fines.

2. Snow-Based Motorized Recreation

Over-snow vehicle (OSV) use is managed by the following:

- a. Snowmobiles as defined in Idaho Code § 67-7101 and OSVs as defined in this policy are allowed on endowment lands unless designated areas are otherwise closed.
- b. Snowmobiles operating on endowment lands must comply with all applicable laws, including but not limited to Title 67, Chapter 71, Idaho Code and IDAPA 20.04.01.080
- c. Cross-county travel by snowmobiles and OSVs is discouraged where less than adequate snow cover exists, typically 12 inches or less, to prevent resource degradation.
- d. OSV use is discouraged through tree plantations that have treetops exposed or just beneath the snow.
- e. In areas where extensive damage to trees is occurring, temporary closures may be implemented. IDL will work with local snowmobiling clubs and grooming programs to help identify plantations where snowmobiles are prohibited.

K. Non-Motorized Recreation

Non-motorized recreational pursuits are human, gravity, wind, or animal powered and are not powered or partially powered by a motor. (E-bikes are considered motorized use.)

1. Snow-Free Non-Motorized Recreation

- a. When recreating with livestock, certified noxious weed-free hay and straw must be used to reduce the chance of weed infestation.
- b. An individual must not recreate in a manner that damages existing road or trail structures.
- c. In areas with designated trail systems, an individual must only recreate according to the designated use.
- d. For the construction of trails, see the "Trails" section of this policy.

* Currently, there is no avenue to enforce violations for off-route travel and unauthorized trail construction from trail-based recreation. Further action is needed with statutory legislation or IDAPA to enable enforcement and set infraction fines.

2. Snow-Based Non-Motorized Recreation

Non-motorized snow-based recreation occurs on endowment lands on groomed trails and across the landscape.

Non-motorized recreational activities on groomed snowmobile trails are subject to county snowmobile grooming program restrictions. If any restrictions exist, the county where the trail is located will have those restrictions. (See Idaho Code § 67-7112.)

L. Target Shooting (Firearms and Archery)

1. Target shooting is allowed on endowment lands when it is conducted in a safe manner and does not lead to undesirable damage of the endowment resources. Target shooting activities must not interfere with revenue generation for the endowments.
2. Failure to comply with IDL policy could result in a requirement that the violator pay for any resulting damages.
3. All target shooting activities must be restricted to areas that have an adequate earthen backstop or a commercially manufactured bullet recovery system capable of safely stopping all projectiles and resulting debris.
4. All spent shells, brass, paper, and other debris from target shooting activities must be removed. (See Idaho Code § 18-7031.)
5. Target shooting is prohibited along or across any road and discouraged across any recreational trail. It is the responsibility of the shooter to verify safe shooting practices.
6. Shooting closures and restrictions must be issued in cooperation with the pertinent cities and counties and reviewed by the deputy attorney general before implementation. (See Idaho Code § 18-3302J.)

M. Sanitation

1. On all endowment lands, it is prohibited to place or dispose of any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animals, recreational vehicle sewage, or other offensive material. (See Idaho Code § 18-7031.)
2. No abandoned property or material may be placed or left on endowment lands.
3. An individual may not:
 - dispose of any garbage except in designated places or receptacles provided for that purpose;
 - drain sewage or petroleum products, or dump refuse or waste (other than grey water), except in places or receptacles designed and approved for that purpose;
 - dispose of any household, commercial, or industrial refuse or waste brought from private or municipal property, including but not limited to automobiles, household appliances, and furnishings;

- pollute or contaminate water supplies or water used for human consumption;
 - use a refuse container or disposal facility for any purpose other than for which it is supplied;
 - wash any clothing, dishware, cookware, or other materials in any lake, stream, river, well pump, or other body of water on endowment lands;
 - deposit human waste within 100 feet of any campsite, trail, or body of water.
4. Where toilet or sewage facilities are provided, an individual may not dispose of human waste except in those facilities.
 5. Where toilet or sewage facilities are not provided, human waste must be disposed of by burying to a depth of at least 6 inches.

4. Procedures

Not applicable

5. Exception Authorization

None

6. Revision History

05/20/2019 New department policy.
 01/01/2024 Version 1.1, renumbered from Policy #23 to #2205 and reformatted. No content changes; review due by 5/20/2024.

7. Implementation

This policy is effective immediately and will remain in effect for five years unless amended, replaced, or rescinded prior to expiration.



DUSTIN T. MILLER
 Director

January 1, 2024
 Date