

From: [Michael Gibson](#)
To: [Rulemaking](#)
Subject: Trout Unlimited Comments on IDL Rulemaking
Date: Monday, July 17, 2023 9:19:01 PM
Attachments: [Trout Unlimited Comments on IDL Rulemaking.pdf](#)

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Please see attached comments.



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July 17, 2023

Todd Wernex
Recreation Program Manager
Idaho Department of Lands
P.O. Box 83720
Boise, Idaho 83702-3698

RE: IDAPA 20.05.01- Rules Pertaining to the Recreational Use of Endowment Land

Mr. Wernex,

Thank you for the opportunity to comment on the Idaho Department of Lands (IDL) negotiated rulemaking process for Rules Pertaining to the Recreational Use of Endowment Land. Trout Unlimited (TU) is the nation's oldest and largest non-profit coldwater conservation organization with over 300,000 members and supporters dedicated to conserving, protecting and restoring North America's coldwater fisheries and their watersheds. Since 1959, TU staff and volunteers have worked toward the protection of sensitive ecological systems necessary to support robust native and wild trout and salmon populations in their respective ranges. Trout Unlimited has nine chapters in Idaho serving nearly 3,000 members. Our members fish, hunt and camp throughout Idaho, including on state owned lands.

IDL manages 2.5 million acres of state endowment trust land, with more than 96% of all endowment land accessible by foot, watercraft, or vehicle. About 2.3 million acres are available for recreation purposes, such as hunting, hiking, fishing, or camping. While not the primary purpose, recreation can occur on endowment lands so long as those activities do not degrade the land, interfere with management activities, or otherwise negatively affect the long-term financial return to beneficiaries. Unfortunately, we are seeing countless examples of public misuse of endowment lands, causing irreparable damage to riparian areas, important wildlife habitat, and marketable timberlands. Previous enforcement mechanisms were seen as too heavy-handed and an overly high bar to enforce. As a result, Senate Bill 1049 was passed in the 2023 regular session to help curb negative recreational impacts on endowment land. Trout Unlimited supported the legislation and supports the intent of the subsequent negotiated rulemaking. We believe the creation of citations is important for the continued use of endowment lands. IDL's only other option to control misuse is to close its lands to recreation. We appreciate this effort to curb bad actors while maintaining access, both of which are important to the sporting community.

We offer our brief comments and suggestions on the draft rule below.

Section 020 (Regulated Uses of Endowment Land), Subsection 02 (Continued Camping) states that “continued camping on endowment lands beyond fourteen (14) days is allowed if the camp is moved outside of a ten (10) mile radius of the prior site, and if the campers otherwise comply with the requirements of Subsection 20.01.” We understand that it is difficult to align these rules with other land-management agencies, such as U.S. Forest Service and Bureau of Land Management. Still, we ask that IDL attempt to closely align these to create a more seamless user experience and promote better user compliance. As an example, the Payette National Forest prohibits camping within the same five-mile radius for more than 14 days in any 30 consecutive days. In addition, TU asks that language be added to Section 020.02 to state that “residing on IDL lands is not permitted, unless a lease permits such activity.”

Section 020, Subsection 03 (Roads and Trails) clarifies that using roads and trails on endowment land is allowed, provided that users comply with various rules (a-f). We interpret this subsection as rules that guide recreationists while they are on IDL-designated roads and trails. It does not explicitly state that motorized and mechanized travel is only permitted on IDL-designated roads and trails, meaning that these forms of recreation are not permitted off any IDL-designated road or trail. We recommend the addition of a separate subsection that clarifies this, with language such as “Motorized/Mechanized Use: Motorized and mechanized travel is permitted only on Idaho Department of Lands designated roads and trails.” We believe this addition can provide clear language for Idaho Department of Fish & Game (IDFG) conservation officers to enforce illegal off-road activities.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Michael T. Gibson". The signature is written in a cursive, flowing style.

Michael Gibson
Idaho Policy Advisor
Trout Unlimited