

From: [Randy Fox](#)
To: [Rulemaking](#)
Subject: Rulemaking for IDAPA 20.03.08
Date: Friday, March 21, 2025 1:01:54 PM
Attachments:

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Please accept the attached document as Idaho Conservation League's comments and recommendations Rulemaking for IDAPA 20.03.08, Easements on State-Owned Lands. If you have any questions regarding these comments, please do not hesitate to contact me.

Respectfully,

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Randy Fox
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March 21, 2025

Mr. Lawson Tate
Right-of-Way Program Manager
Idaho Department of Lands
P.O. Box 83720
Boise, ID 83720-0050
(208)263-5104, ext. 5125

Electronically submitted: rulemaking@idl.idaho.gov

RE: Idaho Conservation League's Comments on Rulemaking for IDAPA 20.03.08, Easements on State-Owned Lands

Dear Mr. Tate:

I am writing on behalf of the Idaho Conservation League (ICL) to provide our comments on Rulemaking for IDAPA 20.03.08, Easements on State-Owned Lands.

Founded in 1973, the mission of ICL is to create a conservation community and pragmatic, enduring solutions that protect and restore the air you breathe, the water you drink, and the land and wildlife you love. ICL's seven strategic initiatives include confronting climate change, recovering Idaho's wild salmon and steelhead, cleaning up the Snake River, protecting public land, restoring abundance and diversity of Idaho's wildlife, safeguarding North Idaho lakes and waters, and reducing pollution. ICL achieves these goals through public outreach and professional advocacy. With offices in Boise, McCall, Ketchum, and Sandpoint, the organization is a consistent, statewide voice for conservation in Idaho and represents more than 26,000 members and supporters. ICL's members and supporters care deeply about protecting and restoring the environment.

We appreciate the opportunity to contribute to this rulemaking process. I attended the March 20, 2025 public meeting (using the virtual option) and thank you and the Idaho Department of Lands (IDL) staff who were present to answer questions and provide clarity on several proposed changes to the existing rule. Our general and specific comments and recommendations are below.

In Section 010. Definitions, the most significant proposed change is to the definition of “Endowment Lands,” and the majority of the text that is redlined for removal refers to the history and background of endowment lands. As a member of United Payette, a coalition of individuals and organizations working to conserve the endowment lands that surround Payette and Little Payette Lakes, I know firsthand that despite our numerous efforts to help educate the public on the differences between endowment lands, state-owned lands, and public lands, many people still do not understand the intrinsic differences regarding land-ownership and management in Idaho. While the proposed definition, “Lands held in trust by the State of Idaho and managed for the benefit of specific endowment beneficiaries,” is wholly accurate, it does not provide the full context for the endowment lands, leaving many to believe that endowment lands are indistinguishable from state-owned lands, or even federally-owned public lands. We recommend that IDL reincorporate a portion of the existing definition, with the updated version reading, “Lands granted to the State of Idaho by the United States Congress on statehood that are held in trust by the State of Idaho and managed for the benefit of specific endowment beneficiaries.” We believe that reincorporating these few words can have an impact on land ownership and management comprehension for citizens or organizations considering an easement application.

We also recommend that IDL add a definition for “Assignments”, which is covered in Section 040. While many familiar with real estate terminology may possess a working knowledge of the term, many do not and we did not find an associated definition, such as the definition for “arm’s length sale,” which is found immediately following the reference to the phrase.

In Section 021. Fees and Compensation, in subsection 07, we note that the textual reference to “five hundred” remains in place, while the numerical reference (\$500) is redlined for removal. We recommend removing the textual reference for consistency and clarity.

Regarding Section 030. Emergency Work, we recommend adding vandalism as an emergency situation that could require an easement grantee to access adjoining grantor-controlled lands. Examples could be damage to a trail or direction sign when repair/replacement is best accomplished by working from outside the easement (the emergency being public health and safety) or if a water/gas line within an easement develops a leak and repairs are best accomplished by working from outside the easement. Natural disasters such as wildfire and flood are certainly cause for providing emergency access.

Lastly, in Section 046. Procedure, we recommend adding a colon at the end of the sentence in subsection 01 so that the introductory sentence reads, "A right-of-way application contains:". This will provide grammatical consistency with the following sections.

Again, thank you for the opportunity to provide comments during this rulemaking session. If you have any questions about these comments and recommendations, please feel free to contact me using the information in the signature block below.

Respectfully submitted,



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