

Response to Comments on Draft Rule – Negotiated Rulemaking
 IDAPA 20.05.01, Rules Pertaining to the Recreational Use of Endowment Land

The Idaho Department of Lands appreciates the written comments received on the draft rule and the public participation and discussion at the two public meetings. Oral comments from the June 22 and July 10 negotiated rulemaking meetings were also reflected in the written comments. The written comments are summarized in the table below with the Department's responses.

Topic	Comment	Affiliation	Commentor	Response to comments
Letter of Support	Letter of Support	Idaho Sportsmen	Benn Brocksome	Your support for the Department Recreation Rule is greatly appreciated.
Letter of Support	Letter of Support	Private Citizen	Brenda Stibal	Your support for the Department Recreation Rule is greatly appreciated.
Letter of Support	Letter of Support	Private Citizen	Jack Wassard	Your support for the Department Recreation Rule is greatly appreciated.
Letter of Support	Letter of concern/support for better regulation	Private Citizen	Jim Mclver	Your support for the Department Recreation Rule is greatly appreciated. Most of the regulations in your letter are already addressed in other statutes and IDAPA rules. Unauthorized trail construction is addressed in the Recreation Rules.
Letter of Support	Support 100%	Boise ATV /UTV Trail Riders	Jim Maxey	Your support for the Department Recreation Rule is greatly appreciated.

ATTACHMENT 2

Topic	Comment	Affiliation	Commentor	Response to comments
Letter of Support	Wants stronger violations and a reward for people turning others in	Idaho Chukar Foundation	Drew Wahlin	The new rule if passed will address your concerns with a graduated approach, by increasing penalties for repeat offenders.
Add to definitions	What is the understanding of what creating a trail is? What constitutes creating a trail? Is it cutting brush? Is it cutting dirt? Suggest a definition of what constitutes as creating a trail.	Inland Empire Paper	Paul Buckland	An additional definition was added to the document, defining what is considered constructing a road or trail travel way.
Definition of Endowment Lands	Does this definition include lands the state has traded? Is it limited to the lands granted at statehood? A better definition please.	Idaho Outfitter and Guides	Jeff Britton	The definition was modified to cover a broader definition of endowment lands.
Camping	In Section 020.02, the IDL should consider adding a specific statement that 'residing on endowment lands is not permitted'	Theodore Roosevelt Conservation Partnership	Rob Thornberry	Camping on endowment lands was clarified in the definitions and under <u>Regulated Uses of Endowment Land</u> , under 01. and 02.
Camping Limits	IDL should investigate rules for camping limits on nearby federally managed public lands and match its language for Camping limits with that of federal agencies.	Theodore Roosevelt Conservation Partnership	Rob Thornberry	Both camping limits and relocation distances vary from area to area for both federal and state land management. The rule was adjusted to reflect the most common time and distances.
Camping	IDL should investigate rules for camping limits on nearby federally managed public lands and match its language for Camping limits with that of federal agencies.	Idaho Wildlife Foundation and Trout Unlimited	Garrett Visser and Michael Gibson	Both camping limits and relocation distances vary from area to area for both federal and state land management. The rule

Topic	Comment	Affiliation	Commentor	Response to comments
				was adjusted to reflect the most common time and distances.
Additional Camping Language	Residing on IDL lands is not permitted, unless a lease permits such activity.	Idaho Wildlife Foundation and Trout Unlimited	Garrett Visser and Michael Gibson	The recreation rule scope was adjusted to identify that permits and leases are not regulated under this rule.
Continued Camping	Consider adding "or under permit" at the end. Many Outfitters will have a permit which allows for a longer period of use.	Idaho Outfitter and Guides	Jeff Bitton	The recreation rule scope was adjusted to identify that permits and leases are not regulated under this rule.
Roads and Trails Additional Subsection	It does not explicitly state that motorized and mechanized travel is <i>only</i> 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."	Idaho Wildlife Foundation and Trout Unlimited	Garrett Visser and Michael Gibson	An additional Subsection Motorized and Mechanized use was added to address use restrictions.
Roads and Trails	"Motorized/Mechanized Use: Motorized and mechanized travel is permitted only on Idaho Department of Lands designated roads and trails."	Idaho Wildlife Foundation and Trout Unlimited	Garrett Visser and Michael Gibson	An additional Subsection Motorized and Mechanized use was added to address use restrictions.

Topic	Comment	Affiliation	Commentor	Response to comments
Roads and Trails	In Section 020.03, the TRCP encourages IDL to be more direct, adding language that makes it clear motorized and mechanized travel is limited to designated routes.	Theodore Roosevelt Conservation Partnership	Rob Thornberry	An additional Subsection Motorized and Mechanized use was added to address use restrictions.
Roads and Trails	Consider adding "unless otherwise permitted" at the end. Many Outfitters will have a permit for the use of roads after the normal road closure time. IE cougar hunts, wolf hunting, over snow use.	Idaho Outfitter and Guides	Jeff Bitton	The recreation rule scope was adjusted to identify that permits and leases are not regulated under this rule.
Roads and Trails	Wants some sort of distance like 150' for off trail travel to retrieve game or camp during hunting season.	Idaho Recreation Council	David Claiborne	The recreation rule scope was adjusted to identify that permits and leases are not regulated under this rule.
Gates and Fences	Add livestock movement to 020.03(f) so as prevent livestock from freely moving down a trail or road. Obstructions will occur, but if a person is intentionally moving the livestock in the wrong direction, it can be a significant detriment. Additionally, IWGA would encourage either the word "corral" or "livestock handling equipment" to be added to 020.03 (Gates and Fences). This would clear any confusion if a recreator or user of endowment land parked a vehicle in front of a corral or damaged a corral	Idaho Wool Growers Association	John Peterson, Patxi Larrocea-Philips, and Liz Wilder	Gates and fences are addressed in statute 18-7012. This section of rule was modified to address the concern of blocking access.

Topic	Comment	Affiliation	Commentor	Response to comments
	or any other livestock handling equipment located on public lands.			
Gates and Fences	"Corral" or "livestock handling equipment" to be added to section 020.03 (Gates and Fences). This would clear any confusion if a recreator or user of endowment land parked a vehicle in front of a corral or damaged a corral or any other livestock handling equipment located on public lands.	Idaho Cattle Association	Kim Burton Brackett and Morgan Lutgen	Gates and fences are addressed in statute 18-7012. This section of rule was modified to address the concern of blocking access.
Fire Additional Topic	We recommend that IDAPA 20.05.01 include the following provision to incorporate by reference the Idaho Fire Restriction Plan and issue warnings or citations to those who engage in prohibited acts during Stage 1 and Stage 2 restrictions. Currently, Idaho law does not penalize those who engage in prohibited actions under the plan on endowment land.	Idaho Firewise	Ivy Dickenson	Fire restrictions were added to the draft for a proactive rather than reactive approach to unwanted fire related activities occurring during stage 1 and stage 2 fire restrictions.

Topic	Comment	Affiliation	Commentor	Response to comments
Fire Additional Topic	07. Fire Restrictions. Prohibited acts enumerated in the annual Idaho Fire Restrictions Plan for Stage 1 and Stage 2 fire restrictions apply to endowment land.	Idaho Fire Council	Heather Heward	Fire restrictions were added to the draft for a proactive rather than reactive approach to unwanted fire related activities occurring during stage 1 and stage 2 fire restrictions.
Addition/Comment	A monitoring system, so that these abuses of our lands CAN BE REPORTED.....EASILY.	Private Citizen	Georgene Moore	The recreation rule defines regulated recreation actions allowed on Idaho endowment lands. A system of reporting to monitor abuses will have to be developed outside of the rulemaking process.
Addition/Comment	Would like a system for easy reporting of endowment land abuse.	Private Citizen	Suzan Drumheller	The recreation rule defines regulated recreation actions allowed on Idaho endowment lands. A system of reporting to monitor abuses will have to be developed outside of the rule making process.