

STATE BOARD OF LAND COMMISSIONERS

November 21, 2023

Regular Agenda

Subject

Adoption of Pending Rule, IDAPA 20.05.01 *Rules Pertaining to the Recreational Use of Endowment Land*

Question Presented

Shall the Land Board adopt the pending rule for IDAPA 20.05.01?

Background

The Idaho Department of Lands (Department) 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, fishing, hiking, 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, there are several examples of public mistreatment of endowment lands, causing damage to rangelands and marketable timberlands. Destructive behaviors on endowment lands reduce revenue generation potential of the land and cost money to mitigate.

For those damaging endowment land, Idaho law provided only severe remedies - misdemeanor or felony criminal trespass charges - until the Legislature passed Senate Bill 1049, which became effective on July 1, 2023. The new law, Section 58-156, Idaho Code, allows POST certified Idaho law enforcement to issue warnings/citations for minor offenses and help deter destructive behaviors on endowment land. Rulemaking is required under the new law before a warning or infraction ticket may be written.

Negotiated rulemaking for a new rule chapter related to the recreational use of endowment land was approved by the State Board of Land Commissioners (Land Board) on April 18, 2023.

Discussion

The Department's outreach for negotiated rulemaking included the following:

- Published the Notice of Negotiated Rulemaking in the Idaho Administrative Bulletin.
- Created a rulemaking webpage to post the draft rule, scheduling information, and comments.
- Issued a press release: Help Be Part of the Solution in Keeping Endowment Land Open for Recreation.
- Posted rulemaking meeting notices and details on social media.

- Posted rulemaking notices to Townhall Idaho.
- Emailed 2,457 customers and other interested parties.

The Department held two negotiated rulemaking public meetings with options for in person or virtual participation. Eleven participants attended the June 22 meeting in Boise, and seven participants attended the July 10 meeting in Coeur d'Alene. The Department received several written comments during the negotiated rulemaking public comment period. Multiple responses expressed support for the rules, while some responses expressed specific concerns with the rule language as initially drafted. The Department made many changes to the draft rules based on comments received. A summary of negotiated rulemaking is included in Attachment 1.

The proposed rule was published in the October 4, 2023 Administrative Bulletin. The Notice of Proposed Rulemaking and published rule text are in Attachment 2. A public hearing on the proposed rule was held on October 11, 2023. Three oral comments were received at the public hearing, and they were all in support of the proposed rule and the rulemaking process. No written comments were received during the proposed rulemaking comment period, and the Department recommends no changes for the pending rule.

If approved by the Land Board, the Department will submit the Notice of Adoption of Pending Rule (Attachment 3) to the Office of the Administrative Rules Coordinator for the 2024 legislative session.

Recommendation

Adopt the pending rule for IDAPA 20.05.01 *Rules Pertaining to the Recreational Use of Endowment Land*.

Board Action

Attachments

1. Summary of Negotiated Rulemaking
2. Notice of Proposed Rulemaking with Rule Text
3. Draft Notice of Adoption of Pending Rule

Negotiated Rulemaking Summary

IDAPA 20.05.01, Rules Pertaining to the Recreational Use of Endowment Land

Docket No. 20-0501-2301 (New Chapter)

The Idaho Department of Lands (IDL) administers these rules under Public Lands (Title 58, Chapters 1 through 14, Idaho Code). IDAPA 20.05.01 allows for responsible recreation use of endowment lands.

Negotiated rulemaking for a new rule chapter related to the recreational use of endowment land was approved by the Land Board on April 18, 2023. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the Idaho Administrative Bulletin on June 7, 2023.

Stakeholder Outreach

The IDL's outreach for negotiated rulemaking included the following:

- Published the Notice of Negotiated Rulemaking in the Idaho Administrative Bulletin.
- Created a rulemaking webpage to post the draft rule, scheduling information, and comments (<https://www.idl.idaho.gov/rulemaking/docket-20-0501-2301/>).
- Issued a press release.
- Posted meeting information on social media.
- Sent email or text messages about the meetings to almost 2,500 stakeholders.

Negotiated Rulemaking Public Meetings

Two public meetings were held to discuss the draft rule:

- **June 22, 2023 public meeting in Boise (and Zoom)**
 - 11 participants
 - Affiliations: Canyon County ATV Club, Mountain Home ATV Club & Idaho State ATV Association, Idaho Fish and Game Commission, Idaho Department of Fish and Game, Idaho Department of Parks and Recreation, Sawtooth Law Offices, Idaho Rivers United
- **July 10, 2023 public meeting in Coeur d'Alene (and Zoom)**
 - 7 participants
 - Affiliations: Idaho Wildlife Foundation, Idaho Sportsmen, ISDA Range, Idaho Department of Fish and Game, Idaho Cattle Association & Federal Woolgrowers Association

Negotiated rulemaking meetings were held on June 22 and July 10, 2023, to discuss the draft rule and receive comments from interested parties. The public meetings, one in Boise and one in Coeur d'Alene, included a Zoom option for remote participation.

The discussion focused on regulated uses of endowment lands. Camping regulations were centered around the radius of the distance a person must move their belongings following a 14-day stay within a period of 28-day consecutive days. The initial relocation radius was ten (10) miles. Several participants thought that was too great of a distance to move, particularly for hunters. Participants also recommended consistency of camping spot relocation distance with other land management agencies. The required relocation radius required by other land management agencies varies not only by land

management agency but also from district to district. The research showed the most consistent relocation radius is five (5) miles from the current camping location. From the research and discussion, the camping radius was adjusted to five (5) miles. An addition to camping regulations included defining the size of a campfire ring as being no more than three (3) feet in diameter.

Discussions about the Roads and Trails section of the draft rules led to the removal of citing for the creation of two-inch ruts and the difficulty of enforcing that section of the rule.

It was recommended the Gates and Fences section include a modification, adding blocking of gates and fences, including livestock handling equipment. These changes were included to address persistent access problems, occurring intentionally or unintentionally.

Clarifying regulation of Motorized and Mechanized was a discussion of interest, and a new section was added to clearly identify where motorized and mechanized use is permitted to travel.

Litter was another topic of concern in the meetings, as the increasing number of people in the forest, including long term campers, has created additional challenges. Meeting participants recommended the section be expanded to include two subsections, addressing the disposal of human waste.

Written Comments

Many of the written comments submitted were by meeting participants, as requested by IDL to help ensure their comments were correctly captured and allow them to expand on their comment if needed. In addition to meeting participant comments, comments from interested parties who were unable to attend were also received. Aside from comments suggesting changes, several letters of support and expressing the need for the rule were also received.

In addition to reiterations of meeting verbal comments, adding fire restrictions to the rule was recommended as a need for a proactive approach rather than the current reactive approach. These comments were considered and added to the rule.

The applicability of these rules to recreation use on endowment lands were modified and improvements made to the original document.

Concluding Negotiated Rulemaking

IDL concluded the negotiated rulemaking process and submitted the revised draft rule for publication as a proposed rule in the October 4, 2023, edition of the Idaho Administrative Bulletin. Key documents from the rulemaking record, including written public comments, are available at <https://www.idl.idaho.gov/rulemaking/docket-20-0501-2301/>

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

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 McIver	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.
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.

Topic	Comment	Affiliation	Commentor	Response to comments
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 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.

Topic	Comment	Affiliation	Commentor	Response to comments
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.
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.

Topic	Comment	Affiliation	Commentor	Response to comments
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 or any other livestock handling equipment located on public lands.	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.
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.

Topic	Comment	Affiliation	Commentor	Response to comments
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.
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.

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.05.01 – RULES PERTAINING TO THE RECREATIONAL USE OF ENDOWMENT LAND

DOCKET NO. 20-0501-2301 (NEW CHAPTER)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 58-156 and 58-104(6), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

<p>Wednesday, October 11, 2023 2:00 p.m. (MT)</p>
<p><i>In-person participation is available at:</i> Idaho Department of Lands Boise Staff Office Garnet Conference Room 300 N 6th St., Suite 103 Boise, Idaho 83702</p> <p><i>Join on your computer, mobile app, or room device via Zoom at:</i> https://idl.zoom.us/j/88116158144?from=addon</p> <p><i>To attend by telephone call:</i> +1 (253)-215-8782 Meeting ID: 881 1615 8144</p>

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The purpose of this rulemaking is to address distinct problems at specific locations on state endowment trust lands. Endowment lands are different than other types of publicly managed land. Idaho’s 2.5 million acres of endowment lands are meant to generate revenue through timber, grazing, and other management activities. This revenue helps fund the endowment beneficiaries, primarily K-12 education, and reduces taxes on hard-working Idahoans. Recreational use of endowment land is a secondary privilege allowed only if it does not cause damage or disturb the revenue-generating potential of the land. Unfortunately, damage to endowment land happens all too frequently.

Idaho’s increasing population has resulted in more people recreating and compounding damage to endowment land. Destructive behaviors on endowment land reduce the revenue-generating potential of the land and are costly to mitigate.

This rulemaking implements Senate Bill 1049, passed during the 2023 legislative session to help deter destructive behaviors on endowment land. The new law, Section 58-156, Idaho Code, provides an alternative to heavy handed misdemeanor or felony criminal trespass changes for those who damage endowment land. Instead, it allows POST certified Idaho law enforcement to issue warnings/citations for minor offenses. Under the new law, rulemaking is required before a warning ticket or infraction citation may be written.

The proposed rule creates a targeted approach to curb damage to endowment land. The proposed rule addresses extended camping in one location, trail misuse, blocking access points, dumping, and damaging signs. It requires proper use of roads and trails on endowment land; campfires to be contained within a ring; and adherence to Stage 1 and Stage 2 fire restrictions as listed in the Idaho Fire Restrictions Plan. By regulating recreational use of endowment land, the proposed rule will help deter destructive behavior and preserve the lands' revenue-generating potential for the beneficiaries so endowment land can remain open to the public.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 7, 2023, Idaho Administrative Bulletin, [Vol. 23-6, pages 58-59](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Todd Wernex at (208) 334-0282 or twernex@idl.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2023.

DATED this 29th day of August, 2023.

Todd Wernex, Recreation Program Manager
Idaho Department of Lands
300 N. 6th Street, Suite 103
P.O. Box 83720 Boise, Idaho 83720-0050
Phone: (208) 334-0282 Fax: (208) 334-3698
rulemaking@idl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 20-0501-2301
(New Chapter)

20.05.01 – RULES PERTAINING TO THE RECREATIONAL USE OF ENDOWMENT LAND

000. LEGAL AUTHORITY.
Sections 58-104(6), 58-105, and 58-156, Idaho Code. ()

001. SCOPE.
These rules govern the closure, restriction, regulation, or prohibition of certain regulated recreational uses on Idaho endowment lands, that are subject to a warning ticket, citation, or misdemeanor pursuant to Idaho Code Section 58-156. Nothing in these rules precludes enforcement under any other applicable state statutes, including enforcement under Sections 18-7031, 18-3906, 18-7012, 18-7001, 18-7008, and 31-4410, Idaho Code. Uses of endowment land authorized by lease or permit are not regulated under this rule. ()

002. – 009. (RESERVED)

010. DEFINITIONS.

01. Camping. To use a location as a temporary or with the intent to use as a permanent place of dwelling, lodging or living accommodation. Indicators of camping may include, but are not limited to, storing personal belongings, using tents or other temporary structures for storing personal belongings or for sleeping, carrying on cooking activities, laying out bedding or making any fire. ()

02. Creation of a Trail or Road. Modifying the natural condition of the landscape by manipulating rocks, vegetation, soils or other materials to purposely create a travel way. ()

03. Department. The Idaho Department of Lands. ()

04. Endowment Lands. Lands held in trust by the State of Idaho and managed for the benefit of specific endowment beneficiaries. ()

011. – 019. (RESERVED)

020. REGULATED USES OF ENDOWMENT LAND.

01. Camping. Permanent camping is prohibited. Temporary camping on endowment land is allowed, provided: ()

a. Camping in one location is limited to a total of fourteen (14) days within a period of twenty-eight (28) consecutive days. Continued camping on endowment lands beyond fourteen (14) days is allowed if the camp, all camping equipment, and all personal belongings are moved outside of a five (5) mile radius of the prior site, and if the campers otherwise comply with the requirements of Subsection 20.01. ()

b. Campers must not leave any personal property unattended for more than forty-eight (48) hours; ()

c. The location is not posted as “closed to camping”; and ()

d. Campfires are contained within a ring no wider than three (3) feet in diameter. ()

02. Roads and Trails. Using roads and trails on endowment land is allowed, provided users: ()

a. May not create any roads or trails. ()

b. Follow vehicle width, weight, length, and type limitations. ()

c. Comply with any posted road or trail closures. ()

d. Follow road and trail limitations and closures posted at trailheads, gates, and local Department offices, as shown on maps and the Department website (www.idl.idaho.gov). ()

e. May not block, obstruct, or interfere with vehicular or pedestrian traffic, with vehicles or by any other means. ()

03. Motorized and Mechanized Use. Motorized and mechanized travel is permitted on department designated roads, trails, and cross-country travel areas. ()

04. Gates and Fences. Blocking gates, fence access points, or livestock handling equipment is prohibited. ()

05. Litter. Depositing any debris, paper, litter, glass bottles, glass, nails, tacks, hooks, hoops, cans, barbed wire, boards, trash, garbage, or other waste substances on endowment land is prohibited. ()

a. When toilet facilities are unavailable, solid human waste must be disposed of at least two hundred (200) feet from water sources, trails, parking areas and campsites. Waste can either be bagged and carried out or buried in a hole at least six (6) inches deep. ()

b. Any construction or placement of restroom facilities must be temporary in nature. All concentrations of solid human waste must be packed out. ()

06. Signs. Interfering with or damaging signs is prohibited. ()

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. ()

021. – 999. (RESERVED)

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.05.01 - RULES PERTAINING TO THE RECREATIONAL USE OF ENDOWMENT LAND

DOCKET NO. 20-0501-2301 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and the Idaho State Board of Land Commissioners and is now pending review by the 2024 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 58-156 and 58-104(6), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Aside from misdemeanor or felony criminal trespass charges, Idaho Code 58-156 offers a less severe remedy for those who inflict relatively minor damage to endowment land while recreating. Idaho's increasing population has resulted in more people recreating on endowment land and more damage to the land. Allowing POST certified Idaho law enforcement to issue warnings/citations for relatively minor offenses will help discourage destructive behaviors on endowment land which both reduces the revenue generating potential of the land and costs money to remediate. Rulemaking is required under the new law before a warning or infraction ticket may be written.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023 Idaho Administrative Bulletin, Vol. 23-10, pages 516-519.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Todd Wernex at (208) 334-0282 or twernex@idl.idaho.gov.

DATED this 21st day of November, 2023.

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