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STATE BOARD OF LAND COMMISSIONERS
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August 15, 2013

The Honorable Grant Burgoyne
Idaho House of Representatives
State Capitol Building
P.O. Box 83720
Boise, ID 83720-0038

Sent via e-mail to gburgoyne@house.idaho.gov

Dear Representative Burgoyne,

Thank you for your e-mail requesting information about recreation on state endowment trust lands in Idaho.

The Idaho Department of Lands' (IDL) responses are included below, each starting with your specific request for information.

1. The types of recreation (including off roading, snowmobiling, hunting, fishing, hiking, camping, picnicking, target shooting, swimming, etc.) conducted on endowment lands, if any;

Generally, there are no limitations on the types of dispersed recreation allowed on state endowment trust lands as long as the recreation activity does not interfere with the trust mandate to maximize long-term revenue from the use of the lands.

2. The types of roads, trails, road signs, trail signs, fences, improved picnicking and camping grounds, parking areas, hunting and fishing and other recreation related improvements, if any, constructed on endowment lands over and above what would exist if there was no recreation on endowment lands, and the annual amount spent on any such improvements;

Many roads and other features on endowment trust lands are put in place to enable primary revenue generating activities such as timber harvesting, but are utilized by dispersed recreationists as well. So even if no recreation took place on endowment trust lands, roads and other improvements would still be constructed on endowment trust lands.

The IDL does not *manage* for recreation in the sense that we allocate funds to construct or maintain facilities or trails for the primary purpose of providing recreational opportunities.

However, where necessary IDL field staff mitigate impacts from secondary recreation uses in a number of ways. We may place signage informing recreationists to stay on trails, install gates to redirect recreationists off of certain roads for their safety and to

protect the condition of roads, or conduct forest road repairs for damage caused in part by motorized recreation in order to make a timber sale accessible. Spending money on security contracts to monitor recreation and protect endowment resources is included in these activities. This is done on a targeted, case-by-case basis. In 2008 the IDL studied the recreation issue in more detail and determined at that time the agency spends approximately \$1 million annually to mitigate impacts from recreation on all state endowment trust lands in Idaho. The fund from which these costs are paid is the Earnings Reserve (or endowment) fund. These expenses are not broken out or identified as "recreation management" but rather as activities necessary to manage endowment trust lands for the long-term.

The IDL also receives \$1 from the registration of every ATV in Idaho annually (per Idaho Code 37-7126). The money goes into an account dedicated to managing recreation on state endowment trust lands. In the past, the money has been used on new signage, construction of bridges over streams, trailhead information, parking, trail inventories, and other infrastructure and activities. In FY13, IDL received \$132,159 from this source. The agency typically combines the ATV tag money with grant funds to mitigate recreation damage on endowment trust lands. To determine where and how the money will be spent on endowment trust lands, the IDL carries out a process for ranking and prioritizing internal needs for recreation mitigation. The funds provided do not fully mitigate the cost and damage to endowment trust lands.

3. *Agreements between the IDL, the Land Board/trustees with public and private entities pertaining to recreational activities on endowment lands, if any;*

There are no statewide agreements between IDL and other public or private entities pertaining to recreation, but our 10 Supervisory Areas (including 14 field offices) have in place a number of local agreements with other agencies and groups related to recreation. Our agency works with local partners throughout the year on access issues important to the people of those areas. For instance, at the Priest Lake Supervisory Area, the East Shore Road co-op agreement between IDL and other local partners maintains primary road access across 19 miles of State and private land that is heavily used by the recreating public. Additionally, the IDL has a memorandum of understanding with the Idaho Department of Fish and Game (IDFG) to provide enforcement and monitoring of gate closures on endowment trust lands in northern Idaho, primarily to protect endangered or at-risk species. **I included that agreement as an attachment for your information.** There are many other examples of similar agreements held between IDL and other entities across Idaho.

Additionally, other "agreements" between IDL and other entities include the many instruments the IDL issues for use of endowment trust lands for recreation-related purposes. For example, the IDL permits snowmobile grooming, parking, and warming huts at Priest Lake covering more than 100 miles of endowment roads. In FY13, the IDL issued 34 instruments for noncommercial and commercial recreation uses of endowment trust lands.

4. Security and law enforcement costs charged against endowments arising from recreation related activities on endowment lands;

In FY13 the IDL spent \$22,876 on three security contracts for endowment trust lands in various locations throughout northern Idaho. The contractors monitor endowment trust lands in areas where recreation has been known to interfere with the trust mandate (i.e., dumping of trash, damage to gates and roads, etc.). However, the IDL does benefit from law enforcement provided by other agencies, particularly IDFG, an expense not attributed to the IDL.

5. The sources of funding and annual funding amounts for any expenditures in support of recreation-related activities on endowment lands (including staff time); and

See response to question 2 for a summary of expenses and funding sources for activities. Staff time is not broken out by recreation activities, so there is no information to respond to that portion of your request.

6. The annual income derived, if any, by the endowments from recreation on endowment lands.

In FY12, the IDL earned \$540,000 from commercial recreation uses of endowment trust lands. The "commercial recreation" asset class describes lands managed for resort recreation, RV parks, ski hills, or water parks; outfitter and guide services; dispersed recreation; and facilities operated by related public entities such as developed campgrounds, fishing access sites, or other similar recreation activities. These activities are governed by formal contracts including leases or land use permits.

Thank you again for your request and please let me know if you have any additional questions.

Sincerely,



Thomas M. Schultz, Jr.
Director

Cc: State Board of Land Commissioners
Senator Michelle Stennett

ROAD CLOSURE SUPPLEMENT
PRIEST LAKE, PEND OREILLE and KOOTENAI VALLEY AREAS

This Supplement, made this 8th day of February, 2012, by and between the Idaho Department of Fish and Game, Panhandle Region, hereinafter called the "Region", and the Idaho Department of Lands, Priest Lake, Pend Oreille and Kootenai Valley Supervisory Areas, hereinafter called the "Areas", is entered into for the purpose of protecting, conserving and managing fish and wildlife resources of the State of Idaho within the ownership of state endowment lands.

WHEREAS, Section 36-104 (b) (10), Idaho Code authorized the Idaho Department of Fish and Game to enter into cooperative agreements to enforce road closures for the protection of wildlife and wildlife habitat on state lands which lie within or adjacent to the proclaimed boundaries of the national forest, and

WHEREAS, the Master Cooperative Agreement between the Idaho Department of Fish and Game and Idaho Department of Lands to implement Section 36-104 (b) (10) Idaho Code provides for supplements to implement individual road closure programs and authorizes the appropriate Fish and Game Regional Supervisor and Lands Area Supervisor to execute these programs, and

WHEREAS, the Priest Lake, Pend Oreille and the Kootenai Valley Supervisory Areas are known to be an area of great concern for water quality and are also areas with significant wildlife values, and

WHEREAS, all parties agree that controlling access is important to accomplish the following objectives:

1. Reduce road erosion caused by hunters, fishermen and other recreationists.
2. Enhance security of wildlife.
3. Assist the Region and Areas in achieving management goals and objectives.
4. Reduce human caused grizzly bear mortality.

NOW, THEREFORE, all parties agree to provide for this cooperative road closure enforcement effort as follows:

A. It is mutually agreed and understood by and between the said parties:

1. A road Closure Map to include gate locations and the types of associated road closures will be updated annually by concurrence of the Region and the Areas.
2. That administrative access shall be limited to:
 - a. Access by the Idaho Department of Lands and the Idaho Department of Fish and Game for purposes of resource management, fire control and law enforcement.
 - b. Access by other private landowners to access their lands.
 - c. Access by parties with authorized written permits.
 - d. All gates will be closed year round to automobiles and trucks, but will be open to motorcycles, 4-wheelers and snowmobiles unless otherwise designated as critical grizzly bear or caribou habitat, or on the "Special Gate Restrictions" addendum

to this agreement. This addendum will be updated annually by the Areas and the Region.

- d. Gated roads which access active state timber sales will be kept open as necessary for management access. Except for roads in important grizzly bear or caribou habitat, the Areas may leave the road open after sales are completed for one season July through September to allow public access to firewood. The Areas will notify the Region of these temporary road openings.
3. That signing of gates will be accomplished and maintained, to specifications in Section 36-104 (b) (10), Idaho Code by the Areas.
4. That all public notification procedures will be developed and handled cooperatively by the Areas and the Region.
5. That meetings will be held as needed between the Areas and the Region to discuss problems and review/modify this agreement.

B. The Areas agrees to:

1. Provide copies of current road closure maps to the Region.
2. Cooperate in wildlife law enforcement by reporting violations or suspected violations to the appropriate conservation officer, the Region, or Citizen's Against Poaching (1-800-632-5999).
3. Provide \$30,000.00 annually to the Department for law enforcement efforts.

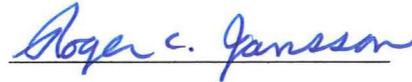
C. The Region agrees to:

1. Enforce Section 36-104 (b) (10) Idaho Code on road closures as agreed to in this road closure plan. This includes but is not limited to:
 - a. Making routine gate checks on as many different IDL gates as possible with emphasis on those gates and roads known to have frequent violations and damage. Primary responsibility for gate checks and enforcement will be with the grizzly bear officer. Other Region officers will assist and may in some cases handle the majority of gate checks and investigations depending on the locality and seasonal needs. A minimum of 200 gate checks will be made per year.
 - b. Conducting snowmobile patrols for area closures associated with IDL's Interim Winter Access Plan.
 - c. Conducting follow up investigations of gate and road violation.
 - d. Conducting surveillance techniques where appropriate, utilizing surveillance cameras and remote detection devices and plainclothes operations when necessary.
2. Recognize permits issued by the Areas to enter closed roads so long as activity is strictly work related.
3. Inform the Areas of gate conditions – damaged, open, with signs down, etc.

4. Make an annual report at the end of the calendar year to the Areas regarding numbers of gate checks, violations detected and outcome of court cases related to this agreement.

This agreement may be modified by mutual agreement. It may be terminated by either party by giving thirty (30) days notice in writing to the other. Unless so terminated, it shall remain in force indefinitely.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last date written above.



Roger Jansson
Operations Chief, North
Idaho Department of Lands



Chip Corsi
Regional Supervisor, Panhandle Region
Idaho Department of Fish and Game