

Dear Senators HEIDER, Brackett, Stennett, and  
Representatives GIBBS, Gestrin, Rubel:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Department of Parks and Recreation:

IDAPA 26.00.00 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No.  
26-0000-2000F).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 10/21/2020. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/18/2020.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee

**FROM:** Deputy Division Manager - Katharine Gerrity

**DATE:** October 02, 2020

**SUBJECT:** Department of Parks and Recreation

IDAPA 26.00.00 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No. 26-0000-2000F)

#### Summary and Stated Reasons for the Rule

The Department of Parks and Recreation submits notice of proposed fee rules. According to the department, the rulemaking republishes the following temporary rule chapters that were previously submitted: IDAPA 26.01.10, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation; IDAPA 26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities; and IDAPA 26.01.33, Rules Governing the Administration of the Land and Water Conservation Fund Program.

The department states that the fee rules do not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Legislature in the prior rules with one exception. The department notes that in anticipation of future changes to the Idaho Code raising the fee for the Idaho State Parks Passport, the department seeks a corresponding raise on the fee cap in IDAPA 26.01.20 for the annual motor vehicle entrance fee which is being imposed pursuant to Section 67-4223, Idaho Code.

#### Negotiated Rulemaking/Fiscal Impact

The department notes that negotiated rulemaking was not conducted because engaging in negotiated rulemaking for all previously existing rules would inhibit the agency from carrying out its ability to protect health, safety, and welfare. The department also confirms that the rulemaking is not anticipated to have any fiscal impact on the general fund.

#### Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 67-4223, 67-7115, and 67-7116, Idaho Code.

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

Statehouse, P.O. Box 83720  
Boise, Idaho 83720-0054

Tel: 208-334-2475  
www.legislature.idaho.gov

cc: Department of Parks and Recreation  
Anna Canning

**\*\*\* PLEASE NOTE \*\*\***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

# IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

DOCKET NO. 26-0000-2000F (FEE RULE)

## NOTICE OF OMNIBUS RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 67-4223, 67-7115, and 67-7116, Idaho Code.

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

<b>PUBLIC HEARING</b>
<b>Friday, October 9, 2020 - 11:00 a.m. - 11:30 a.m. (MDT)</b>
<b>Dial-in Number:</b>
<b>Toll Free: 1-877-820-7831</b>
<b>Access Code: 145511#</b>

The hearing site(s) 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 the required finding and concise statement of the purpose of the proposed rulemaking:

This proposed rulemaking re-publishes the following existing temporary rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA 26, rules of the Department of Parks and Recreation:

**IDAPA 26**

- 26.01.10, *Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation;*
- 26.01.20, *Rules Governing the Administration of Park and Recreation Areas and Facilities;* and
- 26.01.33, *Rules Governing the Administration of the Land and Water Conservation Fund Program.*

**FEE SUMMARY:** This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules, with one exception. In anticipation of future changes to Idaho Code raising the fee for the Idaho State Parks Passport, IDPR seeks a corresponding raise on the fee cap in IDAPA 26.01.20 for the annual motor vehicle entrance fee. The fee or charge is being imposed pursuant to Section 67-4223, Idaho Code.

**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: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2021 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rules attached hereto.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Anna Canning (208) 514-2252.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th day of August, 2020.

Anna Borchers Canning, AICP  
Management Services Administrator  
Idaho Department of Parks and Recreation  
5657 Warm Springs Avenue, Boise, ID  
P.O. Box 83720  
Boise, ID 83720-0065  
Phone: (208) 514-2252  
[anna.canning@idpr.idaho.gov](mailto:anna.canning@idpr.idaho.gov)

**26.01.10 – RULES GOVERNING THE ADMINISTRATION OF TEMPORARY PERMITS ON LANDS OWNED BY THE IDAHO DEPARTMENT OF PARKS AND RECREATION**

**000. LEGAL AUTHORITY.**

These rules set forth procedures concerning the issuance of temporary permits on all lands owned by the Idaho Department of Parks and Recreation. Requests for permits on lands administered, but not owned by IDPR must be made directly to the land owner. These rules are promulgated pursuant to Idaho Code Section 67-4223(a) and are construed in a manner consistent with the duties and responsibilities of the Idaho Parks and Recreation Board as set forth in Idaho Code Title 67, Chapter 42. These rules are not be construed as affecting any valid existing rights.

( )

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.10, “Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation.”

( )

**02. Scope.** These rules are intended to set forth the procedures for the administration of temporary permits on lands owned by the department.

( )

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Board.** The Idaho Parks and Recreation Board or such representative as may be designated by the board.

( )

**02. Department and IDPR.** The Idaho Department of Parks and Recreation.

( )

**03. Director.** The director of the Idaho Department of Parks and Recreation or such representative as may be designated by the director.

( )

**04. Grantee.** The party to whom a temporary permit is granted and their assigns and successors in interest.

( )

**05. Grantor.** The State of Idaho and its assigns and successors in interest.

( )

**06. Park Manager.** The person responsible for administering and supervising a specific state park area, or department owned land not yet a state park, as designated by the director of the Idaho Department of Parks and Recreation.

( )

**07. Person.** An individual, partnership, association, or corporation qualified to do business in the state of Idaho, and any federal, state, county or local unit of government.

( )

**08. Temporary Permit.** An instrument authorizing a temporary use of IDPR owned land for the construction, operation and maintenance of specific typically linear elements including but not limited to power and telephone lines, roadways, driveways, sewer lines, natural gas lines and water lines.

( )

**011. -- 049. (RESERVED)**

**050. POLICY.**

**01. Issuing Authority.** Temporary permits are issued by the director in lieu of easements, and are required for all activities on or over IDPR owned land.

( )

**02. Discretion.** The board retains absolute discretion to grant or withhold a temporary permit on land which it owns.

( )

**03. Consent Required.** Temporary permits, their amendment, renewal and assignment and all subsequent actions are not valid without the written consent of the director.

( )

**04. Modifications.** Temporary permits and subsequent modifications, assignments and renewals require a formal application, and payment of a processing fee to reimburse the agency for staff time devoted to processing the request.

( )

**05. Purpose Compatible.** The purpose for which the temporary permit is sought must not interfere with the existing or anticipated values, objectives, or operation of department owned lands. ( )

**06. Compensation.** An appropriate compensation for use of department-owned lands, as set out in Section 150 of this chapter, must be paid to the IDPR in cash or in the form of offsetting benefits to be determined by the director. ( )

**07. Control.** At all times the control of gates, roads and park lands is retained by the State. The permit granted is for the grantee's use only, is revocable for cause, is issued for a specific period of time, not to exceed ten (10) years, but usually five (5) years or less, and automatically expires if not used for a period of one (1) year. ( )

**051. -- 099. (RESERVED)**

**100. PROCESSING FEES.**

**01. Issuance or Modification.** The processing fee for a new temporary permit, or modification of an existing temporary permit, is one-hundred dollars (\$100), which must be received from all applicants before processing can proceed. The processing fees are designed to offset processing costs and are nonrefundable. ( )

**02. Assignment or Renewal.** The processing fee for assignment or renewal of an existing temporary permit is twenty-five dollars (\$25), and must be received before processing can proceed. The processing fees are designed to offset processing costs and are nonrefundable. ( )

**101. -- 149. (RESERVED)**

**150. COMPENSATION.**

**01. Payable in Advance.** Cash compensation for the entire term of the temporary permit will be collected from the applicant prior to issuance. ( )

**02. Cost per Acre.** Cash compensation for a temporary permit is charged at a rate of fifty dollars (\$50) per acre of IDPR land utilized per year or any portion thereof, and is specified in the temporary permit. Temporary permits of less than one (1) year in duration will not be prorated. ( )

**03. Noncash Compensation.** Offsetting (non-cash) compensation for a temporary permit may be approved on an individual basis by the director, and the terms of the agreement must be outlined in the temporary permit. ( )

**04. Nonrefundable.** Compensation to IDPR for a temporary permit is non-refundable, except as set out in Subsection 200.08 of this chapter. ( )

**151. -- 199. (RESERVED)**

**200. STANDARD CONDITIONS.**

All temporary permits issued are subject to the following standard conditions: ( )

**01. Term Limited.** The use and term of a temporary permit is limited solely to that specifically stated in the instrument. ( )

**02. Utilities.** Except under special circumstances with approval of the director, all utilities must be installed underground. ( )

**03. Construction, Operation and Maintenance.** The grantee must construct, maintain and operate at grantee's sole expense the facility for which the temporary permit is granted, and maintain the permit site in a condition satisfactory to the Park Manager. ( )

**04. Compliance with Laws.** The grantee will comply with all applicable state and local laws, rules, and ordinances, including but not limited to: state fire laws and all rules of the State Land Board pertaining to forest and watershed protection, and with the Stream Channel Protection Act as designated in Chapter 38, Title 42 of the Idaho Code. ( )

**05. Wetlands.** The grantee will comply with all state and federal statutes, rules, and regulations pertaining to wetlands protection. ( )

**06. Land and Water Conservation Fund.** Temporary permits on land located within Land and Water Conservation Fund 6(f) boundaries, their amendment, renewal, assignment and all subsequent actions must be subject to the terms and the requirements of the Land and Water Conservation Fund Act of 1965 (P.L. 88-578, 16 U.S.C.S. Section 4601-4 et seq.). ( )

**07. Hold Harmless.** The grantee, its agents and contractors must indemnify and hold harmless the department, the state of Idaho and its representatives against and from any and all demands, claims or liabilities of every nature whatsoever, arising directly or indirectly from or in any way connected with the use authorized under the temporary permit. ( )

**08. Withdrawal for Park Use.** Should the land be needed for park development or recreation use, the director reserves the right to order the change of location or the removal of any structure(s) or facility(ies) authorized by a temporary permit at any time. Any such change or removal will be made at the sole expense of the grantee, its successors or assigns. When a temporary permit is terminated prior to its stated expiration date pursuant to this provision, the grantee will receive a pro-rata refund of compensation paid. ( )

**09. Permits Not Exclusive.** The temporary permit is not exclusive to the grantee, and must not prohibit the department from granting other permits or franchise rights of like or other nature to other public or private entities, nor must it prevent the department from using or constructing roads and structures over or near the lands encompassed by the temporary permit, or affect the department's right to full supervision or control over any or all lands which are part of the temporary permit. ( )

**10. Cancellation.** The director may cancel the temporary permit or amend any of the conditions of the temporary permit if the grantee fails to comply with any or all of the provisions, or requirements set forth or through willful or unreasonable neglect, fails to heed or comply with notices given. ( )

**11. Removal of Facilities.** Upon termination of the temporary permit for any reason including cancellation, expiration, or relinquishment, the grantee must have thirty (30) days from the date of termination to remove any facilities and improvements constructed by the grantee, and must restore the permit site to the satisfaction of the park manager. Upon written request, and for good cause shown, the director may allow a reasonable additional time for the removal of improvements and facilities and the restoration of the site. ( )

**201. -- 249. (RESERVED)**

**250. SPECIAL CONDITIONS.**

Special conditions addressing unique situations may be included in the temporary permit to protect natural or park resources, or to safeguard public health, safety or welfare. ( )

**251. -- 299. (RESERVED)**

**300. APPLICATION PROCEDURE.**

**01. Contents of Application.** A temporary permit application must contain: ( )

**a.** A temporary permit application/action form; ( )

**b.** A plat of the proposed permit location; ( )



c. The appropriate application fee; ( )

d. An acceptable written legal description based on a survey of the centerline, or a metes and bounds survey of the temporary permit tract. The survey must be performed by a registered professional land surveyor as required by Idaho Code Section 54-1229. ( )

**02. Engineering Certification.** As required in Section 58-601, Idaho Code, for any application for a ditch, canal or reservoir, the plats and field notes must be certified by the engineer under whose direction such surveys or plans were made and four (4) copies filed with the department and one (1) copy with the director, Idaho Department of Water Resources. ( )

**03. Application Submission.** Temporary permit applications must be submitted to the Park Manager of the park in which the permit is requested. The park manager will forward it for processing as outlined in Section 800. of this chapter. ( )

**301. -- 349. (RESERVED)**

**350. MODIFICATION OF EXISTING TEMPORARY PERMIT.**

A modification of an existing temporary permit must be processed in the same manner as a new application. Modification includes change of use, enlarging the permit area, or changing the location of the permit area. Modification does not include ordinary maintenance, repair, or replacement of existing facilities. ( )

**351. -- 399. (RESERVED)**

**400. ASSIGNMENT.**

temporary permits issued by the director cannot be assigned without the approval of the director. To request approval of an assignment, the assignor and assignee must complete the department's standard temporary permit application/action form and forward it and the assignment fee to the park manager, for processing as outlined in Section 800 of this chapter. ( )

**401. -- 449. (RESERVED)**

**450. RENEWAL.**

Renewal of temporary permits may be sought by completing a temporary permit application/action form and forwarding it together with the renewal fee to the park manager for processing as outlined in Section 800 of this chapter. Renewal applications must be submitted at least forty-five (45) days prior to the expiration date of the temporary permit. ( )

**451. -- 499. (RESERVED)**

**500. ABANDONMENT.**

A temporary permit not used for the purpose for which it was granted for a period of one (1) year is presumed abandoned and must automatically terminate. The director must notify the grantee in writing of the termination. The grantee must have thirty (30) days from the date of the written notice to reply in writing to the director to show cause why the temporary permit should be reinstated. Within thirty (30) days of receipt of the statement to show cause, the director must notify the grantee in writing as to the director's decision concerning reinstatement. The grantee must have thirty (30) days after receipt of the director's decision to request to appear before the board as outlined in Section 003 of this chapter. Removal of property from and restoration of the site is governed by Subsection 200.11 of this chapter. ( )

**501. -- 549. (RESERVED)**

**550. RELINQUISHMENT.**

The Grantee may voluntarily relinquish a temporary permit any time by submitting a temporary permit application/action Form to the park manager. Upon relinquishment, removal of property from and restoration of the site is governed by Subsection 200.11 of this chapter. ( )

**551. -- 599. (RESERVED)**

**600. EXPIRATION.**

Upon expiration, and absent a request for renewal of the temporary permit, removal of property from and restoration of the site is governed by Subsection 200.11 of this chapter. ( )

**601. -- 649. (RESERVED)**

**650. CANCELLATION.**

The director may cancel a temporary permit if the grantee fails to comply with any or all of its provisions, terms, conditions, or rules; or through willful or unreasonable neglect, fails to heed or comply with notices given. ( )

**651. -- 699. (RESERVED)**

**700. ENFORCEMENT.**

Should it become necessary to enforce the terms of a temporary permit in a court of law and the grantor prevails, the grantee must pay all costs and fees. ( )

**701. -- 749. (RESERVED)**

**750. ADMINISTRATION.**

**01. Bureau Responsible.** The IDPR Development Bureau must be responsible for uniform statewide administration of all IDPR temporary permits. ( )

**02. Disposition of Fees.** All processing and compensation fees collected from applicants must be sent to the fiscal section for deposit into the appropriate account. ( )

**03. Status Report.** The IDPR Development Bureau must maintain an up-to-date status report on all temporary permits issued. ( )

**751. -- 799. (RESERVED)**

**800. PROCESSING.**

**01. Receipt of Application.** Upon receipt of a properly filed temporary permit application/action form and the appropriate application fee, the park manager must review the application and forward it, together with his comments, to the region supervisor. The region supervisor must review the application and forward his comments along with the temporary permit application/action package, to the chief, Development Bureau, IDPR for processing. ( )

**02. Time.** Processing of temporary permit application/action forms must not exceed one hundred twenty (120) days from the date of acceptance of a complete application by the park manager. Applications not acted on within one hundred twenty (120) days are deemed denied. ( )

**03. Notification.** All applicants must be notified in writing, by the development bureau chief, of the approval or denial of their application. ( )

**801. -- 999. (RESERVED)**

**26.01.20 – RULES GOVERNING THE ADMINISTRATION OF PARK  
AND RECREATION AREAS AND FACILITIES**

**000. LEGAL AUTHORITY.**

The Idaho Parks and Recreation Board is authorized under Section 67-4223, Idaho Code, to adopt, amend, or rescind rules as may be necessary for the proper administration of Title 67, Chapter 42, Idaho Code, and the use and protection of lands and facilities subject to its jurisdiction. The board is also authorized to further define and make specific the provisions regarding the winter recreational parking permit program as set forth in Sections 67-7115 through 67-7118, Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.20, “Rules Governing the Administration of Park and Recreation Areas and Facilities.” ( )

**02. Scope.** This chapter establishes fees for and rules governing the use of lands and facilities administered by the Department and the winter recreational parking permit; establishes procedures for obtaining individual and group use reservations; sets rules regarding visitor behavior and use of park lands and facilities; and authorizes employees to enforce these rules. ( )

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. ADA.** Americans with Disabilities Act ( )

**02. Annual Motor Vehicle Entrance Fee Sticker.** A sticker that allows a single motor vehicle to enter Idaho State Parks without being charged a motor vehicle entrance fee. ( )

**03. Annual Motor Vehicle Entrance Fee Sticker Replacement.** Replacement due to a motor vehicle sale or damage to an existing annual motor vehicle entrance fee sticker. ( )

**04. Board.** The Idaho Parks and Recreation Board, a bipartisan, six (6) member board, appointed by the Governor. ( )

**05. Camping Unit.** The combined equipment and people capacity that a campsite or facility will accommodate. ( )

**06. Camping Day.** ( )

**a.** For individual and group campsites the period between 2 p.m. of one (1) calendar day and 1 p.m. of the following calendar day. ( )

**b.** For individual and group facilities, the period between 4 p.m. of one (1) calendar day and 12 noon of the following calendar day. ( )

**07. Campsite.** ( )

**a.** Individual. An area within a department managed campground designated for camping use by an individual camping unit or camping party that includes a defined area for either a tent pad or RV pad/area and may include a table and/or grill. The definition includes companion campsites. ( )

**b.** Group. An area within a department managed campground designated for group camping use or a block of individual campsites designated for group use within a campground primarily managed for individual use. ( )

**08. Commercial Motor Vehicle.** A vehicle that has seating capacity of more than fifteen (15) persons including the driver, or that is maintained for the transportation of persons for hire, compensation or profit. ( )

**09. Day Use.** Use of any non-camping lands and/or facilities between the hours of 7 a.m. and 10 p.m. unless otherwise posted. ( )

**10. Department.** The Idaho Department of Parks and Recreation. ( )

11. **Designated Beach.** Waterfront areas designated by the park or program manager for water-based recreation activities. The length and width of each designated beach will be visibly identified with signs. ( )
12. **Designated Roads and Trails.** Facilities recognizable by reasonable formal development, signing, or posted rules. ( )
13. **Director.** The director and chief administrator of the department, or the designee of the director. ( )
14. **Division Administrator.** An employee, or designee, within the department that has supervisory authority over park and program managers. ( )
15. **Dock and Boating Facility.** Floats, piers, and mooring buoys owned or operated by the department. ( )
16. **Encroachments.** Non-recreational uses of lands under the control of the board including any utilization for personal, commercial, or governmental use by a non-department entity. ( )
17. **Extra Vehicle.** An additional motor vehicle without built-in temporary living quarters or sleeping accommodations registered to a camp site. ( )
18. **Facilities.** ( )
- a. Individual. A camping structure within department managed lands designated for use by an individual camping unit. ( )
- b. Group. A camping structure within department managed lands designated for group use. ( )
- c. Day Use. A non-camping area or structure within department managed lands designated for group use during day use periods. ( )
19. **Group Use.** Twenty-five (25) or more people, or any group needing special considerations or deviations from normal department rules or activities. ( )
20. **Idaho State Parks Passport.** A sticker, purchased from any county Department of Motor Vehicles' office in the state of Idaho, that matches a particular motor vehicle license number and expiration date, allowing that vehicle to enter Idaho State Parks without being charged a motor vehicle entrance fee. ( )
21. **Idaho State Parks Passport Replacement.** Replacement due to a motor vehicle registration transfer or damage to an existing passport. ( )
22. **Motor Vehicle.** Every vehicle that is self-propelled except for vehicles moved solely by human power, electric bikes, and motorized wheelchairs. ( )
23. **Motor Vehicle Entrance Fee (MVEF).** A fee charged for entry to or operation of a motor vehicle in an Idaho State Park. ( )
24. **Overnight Use.** Use of any non-camping lands for the parking of motor vehicles or trailers not associated with a campsite between the hours of 10 p.m. and 7 a.m. unless otherwise posted. ( )
25. **Overnight Use Fee.** A fee charged for overnight use of non-camping lands between the hours of 10 p.m. and 7 a.m. ( )
26. **Park or Program Manager.** The person, or the person's designee, responsible for administering and supervising particular lands, facilities, and employees that are under the jurisdiction of the department. ( )
27. **Recreational Vehicle (RV).** A vehicular type unit primarily designed as temporary living quarters

for recreational, camping, sleeping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The entities are travel trailer, camping trailer, truck camper, fifth-wheel trailer, and motorhome (all as defined in Section 39-4201, Idaho Code) and including buses or van type vehicles which are converted to recreation, camping, or sleeping use. It does not include pickup hoods, shells, or canopies designed, created, or modified for occupational use. ( )

**28. Vessel.** Every description of watercraft, including a seaplane on the water, used or capable of being used as a means of transportation on water, but not including float houses, diver's aids operated and designed primarily to propel a diver below the surface of the water, and non-motorized devices not designed or modified to be used as a means of transportation on the water such as inflatable air mattresses, single inner tubes, and beach and water toys as defined in Section 67-7003(22), Idaho Code. ( )

**011. PURCHASE, EXPIRATION, DISPLAY AND PLACEMENT OF MVEF AND PASSPORT STICKERS.**

**01. Daily MVEF.** ( )

**a.** The daily MVEF may be purchased at any Idaho state park or online. ( )

**b.** The daily MVEF expires at 10 p.m. on date of purchase or as posted; MVEF for overnight camping use expires upon checkout which is 1 p.m. for a campsite and 12 noon for a facility. ( )

**c.** The proof of purchase of the MVEF must be visible and properly displayed. ( )

**02. Annual MVEF.** ( )

**a.** The Annual MVEF may be purchased at any Idaho state park, the department's central or regional offices, or online. ( )

**b.** The Annual MVEF expires December 31 of the year issued. ( )

**c.** The Annual MVEF sticker must be visible, legible at all times, and permanently affixed to the vehicle as follows. For vehicles with a windshield, the sticker must be clearly displayed on the lower corner of the driver's side windshield. For vehicles without a windshield, the sticker must be clearly displayed in a similar location. ( )

**03. Annual MVEF Sticker Replacement.** ( )

**a.** The applicant may apply at any Idaho state park or at the department's central or regional offices for a replacement sticker due to damage. ( )

**b.** The applicant must establish proof of purchase of the original Annual MVEF. ( )

**c.** Display and placement of the replacement sticker must comply with Subsection 011.02.c. of this chapter. ( )

**04. Idaho State Parks Passport.** ( )

**a.** The Idaho State Parks Passport may be purchased from any county department of motor vehicles office in the state of Idaho. ( )

**b.** Idaho State Parks Passport expires concurrent with the expiration of that vehicle's registration. ( )

**c.** Display and placement of the Idaho State Parks Passport sticker must comply with Subsection 011.02.c of this chapter. ( )

**05. Idaho State Parks Passport Sticker Replacement. ( )**

**a.** The applicant may apply in person to a county department of motor vehicles office for a replacement sticker. ( )

**b.** Display and placement of the replacement sticker must comply with Subsection 011.02.c. of this chapter. ( )

**012. -- 074. (RESERVED)**

**075. AUTHORITY CONFERRABLE ON EMPLOYEES - ENFORCEMENT.**

**01. Director Authority.** The director may, pursuant to Section 67-4239, Idaho Code, authorize any employee of the department to exercise any power granted to, or perform any duty imposed upon the director. ( )

**02. Park or Program Manager Authority.** A park or program manager may establish and enforce all rules, including interim rules. Interim rules apply to the public safety, use, and enjoyment or protection of natural, cultural, or other resources within lands administered by the department. Interim rules will be posted for public view and will be consistent with established state laws and these rules. Interim rules expire in one hundred twenty (120) days from the established effective date unless approved by the board. ( )

**03. Additional Park or Program Manager Authority.** A park or program manager may deny entry to, or reservation of, any department day use area, campsite, or facility, to any individual or group whose prior documented behavior has violated department rules, whose activities are incompatible with operations, or whose activities will violate department rules. ( )

**076. -- 099. (RESERVED)**

**100. PENALTIES FOR VIOLATIONS.**

Failure of any person, persons, partnership, corporation, concessionaire, association, society, or any fraternal, social or other organized groups to comply with these rules constitutes an infraction. ( )

**01. Civil Claim.** The penalty established in this chapter does not prevent the department from filing a civil claim against a violator to collect damages incurred to lands, resources, or facilities administered by the Department. ( )

**02. Violators.** In addition to the penalty provided in chapter, or any other existing laws of the state of Idaho, any person failing to comply with any section of these rules or federal, state, or local laws, rules, or ordinances applicable under the circumstances, is a trespasser upon state land and subject to expulsion from any department managed lands for a period of time not less than forty-eight (48) hours. ( )

**101. -- 124. (RESERVED)**

**125. PRESERVATION OF PUBLIC PROPERTY.**

The destruction, injury, defacement, removal, or disturbance in or of any public building, sign, equipment, monument, statue, marker, or any other structures; or of any tree, flower, or other vegetation; or of any cultural artifact or any other public property of any kind, is prohibited unless authorized by the park or program manager of a specific area. ( )

**126. -- 149. (RESERVED)**

**150. USE OF MOTOR VEHICLES.**

Except where otherwise provided, motor vehicles may enter or be operated in park and recreation areas and facilities only upon payment of the motor vehicle entrance fee or display of a valid Idaho state Parks Passport or Annual Motor Vehicle Entrance Fee sticker. All motor vehicles must stay on authorized established department roadways or parking areas except for trails and areas which are clearly identified by signs for off-road use. Drivers and motor vehicles

operated within lands administered by the department must be licensed or certified as required under state law. The operators of all motor vehicles must comply with the motor vehicle entrance fee requirements, speed and traffic rules of the department, and all other federal, state, local laws, and ordinances governing traffic on public roads. ( )

**01. Use of Parking Spaces for Persons With a Disability.** Special zones and parking spaces within state parks are designated and signed for exclusive use by vehicles displaying a special license plate or card denoting legal handicap status as provided in Section 49-213, Idaho Code. ( )

**02. Overdriving Road Conditions and Speeding Prohibited.** No person may drive a vehicle at a speed greater than the posted speed or a reasonable and prudent speed under the conditions, whichever is less. Every person must drive at a safe and appropriate speed when traveling on park roads, in congested areas, when pedestrians or bicyclists are present, or by reason of weather or hazardous highway conditions as provided in Section 49-654, Idaho Code. ( )

**03. Safety Helmets.** Persons under eighteen (18) years of age must wear a protective safety helmet when riding upon a motorcycle, motorbike, utility type vehicle, or an all-terrain vehicle as operator or passenger as provided in Section 49-666, Idaho Code. ( )

**04. Snowmobile Operation.** No person may operate a snowmobile on any regularly plowed park road unless authorized by park or program manager. Access on non-plowed roads and trails are only permitted when authorized by the park or program manager. ( )

**05. Compliance with Posted Regulatory Signs.** Persons operating vehicles within state parks are required to obey posted regulatory signs as provided in Section 49-807, Idaho Code. ( )

**06. Obedience to Traffic Direction.** No person may willfully fail or refuse to comply with any lawful order or directions of any park employee invested with authority to direct, control, or regulate traffic within a state park. ( )

**07. Restrictions.** The operation of motor vehicles within a designated campground is restricted to ingress and egress to a campsite or other in-park destination by the most direct route. ( )

**08. Official Use.** This rule does not prohibit official use of motor vehicles by department employees anywhere within lands administered by the department. ( )

**09. Commercial Motor Vehicle.** Commercial motor vehicles may only enter or be operated in park and recreation areas and facilities upon payment of the appropriate daily fee. ( )

**151. PARKING VIOLATIONS.**

**01. Land or Facilities Administered by the Department.** No person may stop, stand, or park a motor vehicle or trailer anywhere within land or facilities administered by the department unless proof of payment of all required fees or other lawful authorization for entry is plainly visible and properly displayed. ( )

**02. Designated Campgrounds.** No person may stop, stand, or park a motor vehicle within designated campgrounds unless proof of payment of the applicable campsite fees is plainly visible and properly displayed. ( )

**03. Designated Overnight Use Area.** Except for authorized campers, no person may stop, stand, park, or leave a motor vehicle or trailer unattended outside day use hours unless the motor vehicle or trailer is in a designated overnight use area and proof of payment of the overnight-use fee is plainly visible and properly displayed. ( )

**04. Fee Collection Surcharge.** Any person stopping, standing, or parking a motor vehicle or trailer without payment or properly displaying proof of payment of all required fees is subject to the fee collection surcharge as provided in Subsection 225.06 and Section 245 of this chapter. ( )

**05. Citations for Violations.** Citations for violations of this section may be issued to the operator of the motor vehicle. If the operator cannot be readily identified, the citation may be issued to the registered owner or lessee of the motor vehicle, subject to the provisions of Section 67-4237, Idaho Code. ( )

**152. -- 174. (RESERVED)**

**175. PUBLIC BEHAVIOR.**

**01. Resisting and Obstructing a Park Employee.** Persons may not willfully resist, delay, obstruct, or interfere with any park employee in his or her duties to protect the state's resources and facilities and to provide a safe place to recreate. ( )

**02. Day Use.** Between the hours of 10 p.m. and 7 a.m., unless otherwise posted, all personal property must be removed from day use areas. ( )

**03. Quiet Hours.** Within lands administered by the department, the hours between 10 p.m. and 7 a.m. are considered quiet hours unless otherwise posted. During that time, users are restricted from the production of noise that may be disturbing to other users. ( )

**04. Noise.** Amplified sound, poorly muffled vehicles, loud conduct, or loud equipment are prohibited within lands administered by the department, except in designated areas or by authority of the park or program manager. ( )

**05. Alcohol.** State laws regulating alcoholic beverages and public drunkenness are enforced within lands administered by the department. ( )

**06. Littering.** Littering is prohibited within lands administered by the department. ( )

**07. Smoking.** Persons may not smoke within park structures or facilities, or at posted "no smoking" outdoor areas. ( )

**08. Trespass.** It is unlawful to enter, use, or occupy land or facilities administered by the department where such lands or facilities are posted against entry, use, or occupancy, except as authorized by the department. ( )

**09. Pets.** Pets are allowed within lands administered by the department only if confined or controlled on a leash not longer than six (6) feet in length. No person may allow their pet to create a disturbance which might be bothersome to other users. Excepting persons with disabilities who are assisted by service animals, no person may permit their pet animals to enter or remain on any swim area or beach. Pet owners are responsible to clean up after their animals. Pet owners may not leave pets unattended. Areas for exercising pets off leash may be designated by the park or program manager. Department employees may impound or remove any stray or unattended animals at the owner's expense. ( )

**10. Fires.** The use of fires is restricted to fire rings, grills or other places otherwise designated by the park or program manager. All fires must be kept under control at all times and must be extinguished before checking out of the campsite or whenever fire is left unattended. Areas may be closed to open fires during extreme fire danger. ( )

**11. Fireworks.** No person may use fireworks of any kind within lands administered by the department, except under special permit issued by the director for exhibition purposes, and then only by persons designated by the director. ( )

**12. Protection of Wildlife.** All molesting, feeding, injuring, or killing of any wild creature is strictly prohibited, except as provided by action of the board and as established in board policy. Persons in possession of wildlife, which may be legally taken within state park boundaries, must comply with Idaho Fish and Game rules. ( )

**13. Protection of Historical, Cultural and Natural Resources.** The digging, destruction or removal of historical, cultural or natural resources is prohibited. Collection for scientific and educational purposes may be



allowed through a permit. ( )

**14. Personal Safety, Firearms.** No person may purposefully or negligently endanger the life of any person or creature within any land administered by the department. No person may discharge firearms or other projectile firing devices within any lands administered by the department, except as follows: in the lawful defense of person, persons, or property; in the course of lawful hunting; for exhibition; or at designated ranges as authorized by the director. ( )

**15. Non-traditional Recreational Activities.** Non-traditional recreational activities such as model airplane and glider operations, geo-caching, gold panning, drone operation, and metal detecting may be authorized by the park or program manager if such activities do not interfere with traditional uses of the park and are consistent with preservation of park resources. ( )

**176. -- 199. (RESERVED)**

**200. CAMPING.**

**01. Occupancy and Capacity.** ( )

**a. Occupancy.** Camping is permitted only in designated campsites, areas, or facilities. A campsite or facility will be determined occupied only after all required fees have been paid, registration information completed, and all permits properly displayed. Unique circumstances may arise, and specific sites or facilities by virtue of design may require exceptions to the capacity limits. ( )

**b. Campsite Capacity.** Maximum capacity limits on each campsite are subject to each site's design and size. Unless otherwise specified, and provided the combined equipment and people fit within the designated camping area of the site selected, the maximum capacity will be one (1) family unit or a party of no more than eight (8) persons, two (2) tents and two (2) motor vehicles. No more than one (1) RV may occupy a site. Two (2) motorcycles are the equivalent of one (1) motor vehicle when determining campsite capacity. Each motorcycle will be subject to the MVEF. In general, companion campsites have double the capacity listed above. ( )

**c. Facility Capacity.** Maximum capacity limits on each facility are based on facility design, size, and applicable occupancy code. ( )

**02. Self Registration.** In those areas so posted, campers must register themselves for the use of campsites and facilities, paying all required fees as provided for herein and in accordance with all posted instructions. ( )

**03. Length of Stay.** Except as provided herein, no person, party or organization may be permitted to camp on any lands administered by the department for more than fifteen (15) days in any thirty (30) consecutive day period. This applies to both reservation and "first come first served" customers. The department operations division administrator may authorize shorter or longer periods for any individual area. ( )

**04. Registration.** All required fees must be paid, registration information completed, and all permits properly displayed prior to occupying a campsite or facility. Saving or holding campsites or facilities for individuals not physically present at the time of registration for "first come first served" camping is prohibited. ( )

**05. Condition of Campsite.** Campers must keep their individual or group campsite or facility and other use areas clean. ( )

**06. Liquid Waste Disposal.** All gray water and sewage wastes must be held in self-contained units or collected in water-tight receptacles in compliance with state adopted standards and dumped in sanitary facilities provided for the disposal of such wastes. ( )

**07. Motorized Equipment.** No generators or other motorized equipment emitting sound and exhaust are permitted to be operated during quiet hours. ( )

**08. Campsite Parking.** All motor vehicles and trailers, must fit entirely within the campsite parking pad/area provided with the assigned individual or group campsite or facility. All equipment that does not fit entirely within the designated campsite parking area must be parked at another location within the campground, or outside the campground, as may be designated by the park or program manager. If no outside parking is available, the park or program manager may require the party to register on a second campsite, if available. ( )

**09. Equipment.** All camping equipment and personal belongings of a camper must be maintained within the assigned individual or group campsite or facility perimeter. ( )

**10. Check Out.** Customers are required to clean, vacate, and check out of registered campsites or facilities as follows: ( )

**a.** Individual or group campsite by 1 p.m. of the day following the last paid night of camping. ( )

**b.** Individual or group facility by 12 noon of the day following the last paid night of camping. ( )

**11. Visitors.** Individuals visiting campers must park in designated areas, except with permission of the park or program manager. Visitors must conform to established day use hours and day use fee requirements. ( )

**12. Responsible Party.** The individual reserving or registering to use an individual or group campsite or facility is responsible for ensuring compliance with the rules within this chapter. ( )

**13. Camping.** Camping in individual or group facility sites is prohibited unless in areas specifically designated for camping or by authorization of the park or program manager. ( )

**14. ADA Designated Campsites.** Although the department offers campsites that are designated and built to meet ADA accessibility requirements, these campsites are not managed exclusively for ADA use. ( )

**15. ADA Accessible Facilities.** Although the department offers facilities that provide for ADA accessibility, these facilities are not managed exclusively for ADA use. ( )

**201. BOATING FACILITIES.**

The provisions of this section do not apply to department-operated marinas which provide moorage on a lease or long-term rental basis. ( )

**01. Moorage and Use of Marine Facilities.** No person or persons may moor or berth a vessel of any type in a department-owned or operated park or marine area that is signed for other use. Vessel moorage is limited to no more than fifteen (15) days in any consecutive thirty (30) day period. ( )

**02. Moorage Fees.** Vessels moored between 10 p.m. and 7 a.m. at designated facilities will be charged an overnight moorage fee. ( )

**03. Use of Onshore Campsites.** If any person or persons from a vessel moored at a department boating facility also occupies any designated campsite onshore, all required fees for such campsite(s) must be paid in addition to any moorage fee provided herein. ( )

**04. Self-Registration.** In those areas so posted, boaters must register themselves for the use of marine facilities and onshore campsites, paying all required moorage and campsite fees as provided for herein and in accordance with all posted instructions. ( )

**202. OVERNIGHT USE.**

**01. Occupancy.** Overnight use is permitted only in designated areas. Overnight use is only allowed after all required fees have been paid, registration information completed, and all permits properly displayed. ( )

**02. Overnight Use Fees.** Motor vehicles or trailers not associated with campers between 10:00 p.m. and 7:00 a.m. at designated facilities will be charged an overnight use fee. ( )

**03. Self Registration.** In those areas so posted, overnight users must register themselves for the use of overnight use areas, paying the appropriate fees as provided for herein and in accordance with all posted instructions. ( )

**04. Length of Stay.** Except as provided herein, no person, party, or organization may be permitted to utilize overnight use areas on any lands administered by the department for more than fifteen (15) days in any thirty (30) consecutive-day period. This applies to both reservation and “first come first served” customers. The director may authorize shorter or longer periods for any individual area. ( )

**05. Registration.** All required fees must be paid, registration information completed, and all permits properly displayed prior to occupying an overnight use area. ( )

**06. Check Out.** Overnight users are required to check out by 1 p.m. of the day following the last paid overnight of use. ( )

**07. Responsible Party.** The individual purchasing an overnight use permit or the registered owner of the motor vehicle or trailer is responsible for ensuring compliance with the rules within this chapter. ( )

**08. Overnight Use.** Overnight use is prohibited except in areas specifically designated for overnight use or by authorization of the park or program manager. ( )

### **203. WATERFRONT AREAS.**

**01. Swimming.** Swimming or water contact is at an individual’s own risk. ( )

**02. Restrictions on Designated Beaches.** No glass containers or pets are allowed on designated beaches or swim areas. ( )

**03. Restricted Areas.** Vessels must remain clear of designated beaches and other areas signed and buoyed for public safety. ( )

**04. Ramps and Docks.** The use of docks located next to boat ramps is limited to the active launching and loading of boats. ( )

**05. Compliance with Laws.** Vessels operating on public waters administered by the department must fully comply with the Idaho Safe Boating Act, Title 67, Chapter 70 and the Marine Sewage Disposal Act, Title 67, Chapter 75, Idaho Code, and the rules promulgated thereunder. The director may establish rules prohibiting the use of boat motors or to limit the horsepower capacity on those vessels operating on waters administered by the department. ( )

### **204. WINTER RECREATION PROGRAMS.**

The department manages two winter recreation programs: the winter access program which provides for recreation within state parks and the winter recreational parking pass program which provides for recreation outside of state parks. ( )

**01. Winter Access Program.** The purpose of the winter access program is to fund state park services such as maintaining parking areas, providing warming facilities and winter-accessible restroom facilities, regularly grooming trails, signing ski routes, and having ski patrol services available. Any person using winter access program facilities must purchase and properly display a daily or season pass. Winter access program areas are designated by board policy. ( )

**02. Winter Recreational Parking Permits.** The purpose of the winter recreational parking permit program, known as “Park N Ski”, is to designate winter recreational parking locations and use the funds from permit sales to maintain the designated parking areas. Winter recreational parking areas are designated by board policy. ( )

**a.** Permit. Any person parking a vehicle in a designated winter recreation parking location must purchase and properly display a winter recreation parking permit, except, snowmobilers may park their transportation vehicles in a designated parking area without displaying a parking permit when a current snowmobile validation sticker is affixed to the snowmobile. ( )

**b.** Designation of Primary Use Area. The purchaser of a permit will be allowed to designate on the appropriate form, a primary winter recreational parking use area. The full portion of fees not allocated to the vendor or the department will be apportioned to the designated use area. Should a purchaser fail to designate a primary use area, those fees will be apportioned to a use area determined by the department. ( )

**c.** Parking Restrictions. No person may park a vehicle in a designated winter recreational parking location in such a manner as to deprive other users of reasonable access to all or part of the remainder of that parking area. ( )

**d.** Permit Location. An annual winter recreational parking permit must be permanently affixed on the front window of the vehicle nearest the driver's seat. A temporary three-day permit must be displayed on the vehicle's dashboard with the dated side displayed to the front of the vehicle in such a manner that it is completely visible and kept in legible condition. ( )

**e.** Replacement Permits. No person may file or attempt to file for a duplicate annual winter recreational parking permit unless the original permit was stolen or destroyed. A temporary three (3) day winter recreational parking permit which is lost, stolen, or destroyed will not be reissued. ( )

**f.** Transfer. No person may transfer or attempt to transfer an annual winter recreational parking permit decal or a temporary three-day permit from the vehicle upon which it was legally permitted and placed. ( )

**g.** Permit Expiration. The annual winter recreational parking permit is valid until the expiration date printed on the decal. The temporary winter recreational parking permit is valid for only the three (3) consecutive days written on the permit. ( )

**205. -- 224. (RESERVED)**

**225. FEES AND SERVICES.**

**01. Authority. ( )**

**a.** All fees in this chapter are maximum fees unless otherwise stated. The board has the authority to set actual fees by board policy. ( )

**b.** Park and program managers have the authority to set fees for goods available for resale, equipment rentals, and services provided by employees to enhance the users experience unique to the individual park or program. ( )

**02. Payment. Visitors must pay all required fees. ( )**

**03. Camping.** Camping fees include the right to use designated campsites and facilities for the period camp fees are paid. Utilities and facilities may be restricted by weather or other factors. ( )

**04. Group Use. ( )**

**a.** Groups of twenty-five (25) persons or more, or any group needing special considerations or deviations from these rules must obtain a permit. Permits may be issued after arrangements have been made for proper sanitation, population density limitations, safety of persons and property, and regulation of traffic. ( )

**b.** Permits for groups of up to two hundred fifty (250) people may be approved by the park manager with thirty (30) days advance notice. Permits for groups of two hundred fifty (250) or more people may be approved by the director with forty-five (45) days advance notice. ( )

c. Group use fees for day use facilities, general use areas, and events may be negotiated by the park or program manager and will generally not fall below the cost of providing services. MVEF is required unless specifically waived by the park or program manager. ( )

**05. Fees and Deposits.** Fees and deposits, including cleaning fees or damage/cleaning deposits, may be required for certain uses or the reservation of certain facilities unique to an individual park. Where deposits are required, they are to be paid prior to check-in ( )

**06. Fee Collection Surcharge.** A surcharge may be added to all established fees when the operator of a motor vehicle or responsible party of a camping unit fails to pay all required fees or fails to properly display proof of payment for required fees prior to entering a park area or occupying a campsite. If the surcharge is assessed, and the operator of the vehicle or responsible party is not present, all required fees in addition to the surcharge will be assessed against the registered owner of the motor vehicle or camping unit. ( )

**07. Admission Fees.** An admission fee may be charged for internal park facilities which provide an educational opportunity or require special accommodations. ( )

**08. Cooperative Fee Programs.** The department may collect and disperse fees in cooperation with fee programs of other state and federal agencies. ( )

**09. Encroachment Permit Application Fee.** The department may assess an encroachment application fee as set by the board to cover administrative costs incurred by the department in reviewing the application and the site, and in preparing the appropriate document(s). ( )

**10. Sales Tax.** Applicable sales tax may be added to all sales. ( )

**11. Returned Checks.** The cost to the agency for returned checks will be passed on to the issuer of the insufficient funds check. ( )

**226. -- 244. (RESERVED)**

**245. FEE SCHEDULE: FEE COLLECTION SURCHARGE.**

Category	Fee
Fee Collection Surcharge	\$25/day

( )

**246. (RESERVED)**

**247. FEE SCHEDULE: ENTRANCE.**

Category	Fee
Daily MVEF	\$7/day/vehicle
Annual MVEF	\$80/year/vehicle
Annual MVEF Replacement	\$5/vehicle
Commercial Motor Vehicle Entrance	\$50/day/vehicle
Admission	\$20/person

( )

248. -- 249. (RESERVED)

**250. FEE SCHEDULE: INDIVIDUAL CAMPSITE OR FACILITY.**

Category	Fee
Basic Campsite: site may have water	\$34/day
Electric Campsite: site has electricity and may have water	\$42/day
Full Hook-up Campsite: site has electricity, water, and sewer	\$46/day
Companion Campsite: site has electricity and may have water	\$84/day
Hike-in/Bike-in Campsite	\$12/person/day
Extra Vehicle	\$8/day
Overnight Use of Parking Areas	\$20/night/vehicle, trailer, or vehicle with attached trailer
Use of Campground Showers by Non-campers	\$3/person/day
Camping Cabins and Yurts	\$500/night
Each additional person above the base occupancy of camping cabin or yurt	\$12/person/night
Pets	\$15/pet/night
Cleaning	\$50

( )

251. -- 253. (RESERVED)

**254. FEE SCHEDULE: GROUP CAMPSITE OR FACILITY.**

Group Facility Fees. Reservation service fee, designated group campground or facility.

( )

Category	Fee
Reservation Service Charge (non-transferable, non-refundable)	\$25
Group use of day use facility, overnight facility, or group camp (set by park or program manager)	Varies
Each additional person above the base occupancy of the overnight facility	\$12/person/night

( )

255. (RESERVED)

**256. FEE SCHEDULE: BOATING FACILITIES.**

Boating Facilities:

Category	Fee
Vessel Launching	MVEF or \$7/day/vessel
Overnight moorage at dock or buoy, person staying at campsite or facility and not staying on the vessel	\$9/night

<b>Category</b>	<b>Fee</b>
Overnight moorage at dock, person staying on vessel	\$10/night
Overnight moorage at buoy, person staying on vessel	\$9/night

( )

**257. -- 258. (RESERVED)**

**259. FEE SCHEDULE: WINTER RECREATION PROGRAMS.**

<b>Category</b>	<b>Fee</b>
Winter Access Daily Pass, individual	\$6/person/day
Winter Access Daily Pass, family	\$100/family/season
Winter Access Season Pass, individual	\$50/person/season
Winter Access Season Pass, couple	\$75/couple/season
Winter Recreation Parking, temporary three-day permit	\$10/three days
Winter Recreation Parking, annual permit	\$30/year

( )

**260. -- 274. (RESERVED)**

**275. CRITERIA FOR RESERVATIONS.**

**01. Responsible Party.** ( )

**a.** The person booking reservations for an individual campsite or facility is responsible for ensuring compliance with the rules within this chapter. ( )

**b.** The person booking reservations for multiple individual campsites is designated the group leader and is responsible for ensuring compliance with the rules within this chapter. The group leader may approve another person to register for a campsite as the primary occupant prior to check-in or at the park. Once the primary occupant registers for the campsite, the primary occupant becomes the responsible party. ( )

**c.** The person booking reservations for a group campsite or facility is designated the group leader and is responsible for ensuring compliance with the rules within this chapter. ( )

**02. Reservation Service Charges, Individual or Group Campsite or Facility.** Reservations are non-transferable (from one party to another). Reservation fees are non-refundable. ( )

**a.** A reservation service charge may be assessed for each individual or group campsite or facility reserved. ( )

**b.** The service charge for an individual campsite or facility will be waived for campers with a current Idaho RV registration sticker and reimbursed to the department by the RV Program. ( )

**03. Cleaning Fee.** A cleaning fee or a damage/cleaning deposit may be required by the park or program manager as a condition of reservation. ( )

**04. Confirmation Requirements.** ( )

**a.** Confirmation of an individual campsite or facility reservation. Full payment of all required fees must be made before a reservation is confirmed. ( )

**b.** Confirmation of a designated group campground, group campsite, or group facility reservation. Before a reservation is confirmed, the group leader must: ( )

**i.** Supply primary occupant (point of contact) name, address, and phone number for multiple bookings of individual campsites for a group. ( )

**ii.** Pay all required fees for each campsite or facility reserved. ( )

**05. Reservation Modifications.** A reservation service fee will be assessed for any modification to a previously made reservation that involves reducing the planned length of stay, or to change the reservation dates where part of the new stay includes part of the original stay booked (rolling window). Modifications that change the original stay so that no part of the new stay includes part of the original stay are to be considered a cancellation and re-book will be mandatory to keep a reservation. With the exception of the reservation service charge as defined in Section 276, any overpaid fees will be reimbursed at the time the reservation is modified. ( )

**06. Reservation Cancellations.** ( )

**a.** Individual Campsite or Facility. A reservation service fee will be assessed for the cancellation of a reservation. This service fee will be assessed for each campsite or facility involved. If the customer cancels after the scheduled arrival date the customer forfeits all usage fees for the time period already expired. Cancellations received after checkout time will result in the forfeiture of that day’s usage fees for the campsite or facility. At no time will the customer be charged a cancellation fee that exceeds the amount originally paid. The IDPR or its reservation service provider may cancel a customer’s reservation for insufficient payment of fees due. With the exception of the reservation service fees, all fees paid will be reimbursed at the time the reservation is cancelled. ( )

**b.** Park Board Designated Special Use Campsites and Facilities. A reservation service fee will be assessed for the cancellation of a reservation. If a cancellation for a group facility occurs twenty-one (21) or fewer calendar days prior to arrival, the customer forfeits the first night or daily facility usage fees (base rate). If a cancellation for a group facility occurs more than twenty-one (21) calendar days prior to arrival, a cancellation charge will be assessed. If the customer cancels after the arrival date the customer forfeits all usage fees for the time period already expired. Cancellations received after checkout time will result in the forfeiture of that day’s usage fees for the campsite or facility. At no time will the customer be charged a cancellation fee that exceeds the amount originally paid. The department or its reservation service provider may cancel a customer’s reservation for insufficient payment of fees due. An individual site cancellation fee applies to each campsite in a group campground. With the exception of the reservation service fees, all fees paid will be reimbursed at the time the reservation is cancelled. ( )

**07. Insufficient Payment.** The department may cancel a customer’s reservation for insufficient payment of fees due. ( )

**276. FEE SCHEDULE: RESERVATIONS.**

<b>Category</b>	<b>Fee</b>
Reservation Service Charge, individual campsite or facility	Current RV sticker or \$10/campsite or facility
Reservation Service Charge, group reservation for campsite or facility	\$25
Modification	\$10/campsite or facility
Cancellation, individual campsite or facility, prior to check-in time	\$10/campsite or facility



<b>Category</b>	<b>Fee</b>
Cancellation, individual campsite or facility, after check-in time	First night's fee
Cancellation, special use campsite or facility, more than 21 days in advance	\$50/facility
Cancellation, individual campsite or facility, 21 days or less in advance	First night's or daily usage fee

( )

**277. -- 399. (RESERVED)**

**400. PARK CAPACITIES.**

Where applicable, park or program managers may limit or deny access to an area whenever it has reached its designated capacity. ( )

**401. -- 499. (RESERVED)**

**500. LIVESTOCK.**

Grazing of livestock is not permitted within lands administered by the department. Exceptions may be made by the board for grazing permits or otherwise permitting the use of lands administered by the department for livestock. The use of saddle or other recreational livestock is prohibited on trails, roadways, and other areas unless designated through signing for that purpose or with permission of the park or program manager. ( )

**501. -- 576. (RESERVED)**

**577. SPREADING OF HUMAN ASHES.**

Persons may spread human ashes on lands owned by the Idaho Department of Parks and Recreation. The exact location must be pre-approved by the park or program manager. Persons may not spread ashes in the water within a state park. The department does not assign or convey any rights or restrictions by allowing the placement of ashes on the land, and there are no restrictions in the ability of the landowner to operate, develop, or otherwise use the land at their sole discretion without any obligation associated with the placement of ashes on the land. ( )

**578. -- 624. (RESERVED)**

**625. ADVERTISEMENTS/PROMOTIONS/DEMONSTRATIONS.**

**01. Printed Material.** Public notices, public announcements, advertisements, or other printed matter may only be posted or distributed in a special area approved by the park or program manager. ( )

**02. Political Advertising.** Political advertising is strictly prohibited within any lands administered by the Department. ( )

**03. Demonstrations.** Public demonstrations are limited to areas approved by the park or program manager and subject to an approved permit issued after arrangements for sanitation, population density limitations, safety of persons and property, and regulation of traffic are made. ( )

**626. -- 649. (RESERVED)**

**650. AUTHORIZED OPERATIONS.**

No person, firm, or corporation may operate any concession, business, or enterprise within lands administered by the Department without written permission or permit from the board. No person(s), partnership, corporation, association or other organized groups may: ( )

**01. Beg or Solicit for Any Purpose.** ( )

**02. Game or Operate a Gaming Device of Any Nature.** ( )

**03. Abandon Any Property.** Leave any property on department lands. Leaving property is prohibited unless registered in a campsite or permitted by the park or program manager. Property left on department lands for more than twenty-four (24) hours may be removed at the owner's expense. ( )

**651. -- 674. (RESERVED)**

**675. DEPARTMENT RESPONSIBILITY.**

The department is not responsible for damage to, or theft of personal property within lands administered by the department. All visitors use facilities and areas at their own risk. ( )

**676. NONDISCRIMINATION.**

No person may discriminate in any manner against any person or persons because of race, color, national origin, religion, gender, age or disability within lands administered by the department. Facilities constructed or maintained with, and programs supported by the cross-country skiing recreation account must be available for public use without discrimination and must comply with requirements as set out in the Americans with Disabilities Act. ( )

**677. -- 999. (RESERVED)**

**26.01.33 – RULES GOVERNING THE ADMINISTRATION OF  
THE LAND AND WATER CONSERVATION FUND PROGRAM**

**000. LEGAL AUTHORITY.**

The Idaho Parks and Recreation Board is authorized under Section 67-4223, Idaho Code, to adopt, amend, or rescind rules as may be necessary for proper administration of the department and its programs. ( )

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.33, “Rules Governing the Administration of the Land and Water Conservation Fund Program.” ( )

**02. Scope.** This chapter establishes procedures for the administration of the Land and Water Conservation Fund program, including requirements for project application, eligibility, review, award, and management. ( )

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

As used in this chapter: ( )

**01. Acquisition.** The gaining of rights of public use by purchase or donation of fee or less than fee interests in real property. ( )

**02. Board.** The Idaho Parks and Recreation Board, a bipartisan, six (6) member board, appointed by the governor. ( )

**03. Development.** The act of physically improving an area or constructing facilities necessary to increase its ability to serve outdoor recreation purposes. ( )

**04. Director.** The director and chief administrator of IDPR or the designee of the director. Designated by the governor to serve as the State Liaison Officer for the LWCF program. ( )

**05. Evaluation Committee.** Representatives from federal, state and local agencies with expertise in community development or public outdoor recreation needs. The committee determines acceptability of projects based on technical criteria, rates LWCF projects, and assists IDPR staff in making funding priority recommendations to the Idaho Parks and Recreation Board. ( )

**06. Grants Program.** All funding programs administered by IDPR. ( )

**07. IDPR.** The Idaho Department of Parks and Recreation. ( )

**08. LWCF.** The Land and Water Conservation Fund, a federal grant program that provides fifty percent (50%) matching grants to states, and through states to local governments, for the planning, acquisition and development of public outdoor recreation areas and facilities. ( )

**09. NPS.** The National Park Service. ( )

**10. Open Project Selection Process (OPSP).** The overall objective decision making process by which IDPR selects LWCF projects for funding. ( )

**11. Participation Manual and Internal Procedures Manuals.** A compilation of state procedures, rules, and instructions that have been assembled in manual form and that have been approved by the board for dissemination to the public and public agencies that may wish to participate in grant programs of IDPR or that outline operation of the Land and Water Conservation Program by IDPR for staff use. ( )

**12. Planning.** The development of documents and programs to identify and propose actions for managing recreational resources and the preparation and review of designs and specifications for such resources. ( )

**13. Priority Needs Assessment.** Incorporates SCORTP related activities that refined Idaho’s priorities for LWCF obligation. These area are reflected in the OPSP criteria (see Section 440 of this chapter). ( )

**14. Project.** The undertaking that is or may be funded in whole or in part with funds administered by IDPR. ( )

**15. Retroactive Cost.** Costs incurred after receipt of application but prior to the execution of the project contract. ( )

**16. SCORP/SCORTP.** Statewide Comprehensive Outdoor Recreation Plan/Statewide Comprehensive Outdoor Recreation and Tourism Plan. ( )

**17. Scope Element.** A specific item, for example, one (1) facility or amenity, listed on a project application or project agreement that is a part of the whole. ( )

**18. Sponsor.** A state or local government agency that solicits a grant of funds from IDPR for a projector is responsible for administering the grant or funding of an approved application or completed project. ( )

**19. State Liaison Officer (SLO).** The director is designated by the governor to serve as the State Liaison Officer to the National Park Service for the LWCF program. The chief of the Recreation Resources Bureau is designated as the Alternate State Liaison Officer. ( )

**011. -- 049. (RESERVED)**

**050. GENERAL PROVISIONS.**

Federal Land and Water Conservation Fund (LWCF) grants are available through IDPR for the acquisition or development of land to be used for outdoor recreation or for the combined acquisition and development of land to be used for outdoor recreation. Any land acquired or developed with these funds are held in perpetuity for outdoor recreation or, with approval from IDPR and NPS, be replaced with land of equal or higher fair market value, recreation utility and location. LWCF grants may be used for SCORTP activities. ( )

**051. -- 064. (RESERVED)**

**065. COMPLIANCE WITH LAWS.**

LWCF administration is subject to all applicable state and federal statutes, rules, regulations, ordinances and requirements. ( )

**066. -- 079. (RESERVED)**

**080. FUND ALLOCATION.**

**01. Eligible Applicants.** Governmental agencies that are eligible to receive or apply for the grant funds include incorporated cities, counties, state agencies, recreation districts and other state or local governmental agencies authorized to provide general public recreation facilities. ( )

**02. Allocation of Funds.** Idaho's cost of administering the SCORTP program, the LWCF program and a contingency fund are deducted from the state's annual apportionment. The remaining funds are divided fifty percent (50%) for local governmental agencies and fifty percent (50%) for state agencies. This policy may be altered in any year at the discretion of the board. ( )

**a.** To assure that the needs of rural areas are met, twenty percent (20%) of the amount dedicated for local governmental agencies is dedicated for use by governmental agencies of five thousand (5,000) population or less. If the cumulative request of the governmental agencies of five thousand (5,000) population or less is more than the twenty percent (20%) of the amount dedicated for local governmental agencies, governmental agencies of five thousand (5,000) population or less may compete for the total remaining allocation. ( )

**b.** If the total cost for a single project of a governmental agency with a population of five thousand (5,000) or less requires over one-half (1/2) of the twenty percent (20%) dedicated for use by governmental agencies

of five thousand (5,000) population or less, that project will compete with the large governmental agency projects. ( )

**03. Exceptions.** The board may suspend (through formal action at the board meeting at which LWCF grant requests are considered) any provision of Subsection 080.02 of this chapter if the allocation is too small to warrant viable projects. ( )

**04. Project Requests Insufficient.** The board is not required to distribute all available funds. IDPR staff may recommend, and the board determine, to reject projects with evaluation scores so low as to be noncompetitive. ( )

**081. -- 094. (RESERVED)**

**095. CONTINGENCY FUND.** Twenty percent (20%) of the total allocation may be held out for needed cost overruns, special projects, and emergency needs. Any unused funds at the end of the funding cycle are obligated through the normal process. ( )

**096. -- 109. (RESERVED)**

**110. SPONSOR'S MATCHING SHARE.** The sponsor will be reimbursed up to fifty percent (50%) of the approved project cost. The sponsor's share can be either local funds, acceptable state funds, force account, or donation of privately owned lands, goods or services. Reimbursement varies according to the type of project and total project cost (see Section 515 of this chapter). The use of specific types of sponsor's share match may be adjusted in any year at the discretion of the board (see Section 140.04 of this chapter). ( )

**111. -- 124. (RESERVED)**

**125. PROJECT TIME LIMITATIONS.** The project must be completed by the applicant within twenty-four (24) months of the federal contract signing. ( )

**126. -- 139. (RESERVED)**

**140. ELIGIBLE PROJECTS.**

**01. Generally.** LWCF grants are available for up to fifty percent (50%) of the cost to acquire or develop land that is to be used for outdoor recreation purposes and is to be held in perpetuity for public outdoor recreation uses. ( )

**02. Less Than Fee Acquisition.** Acquisition of less than fee interest, such as easements and development right, must be considered in the same manner as simple fee acquisition subject to the following conditions: ( )

- a. The interest cannot be revocable; ( )
- b. The value can be supported through standard appraisal techniques; and ( )
- c. Recreation can be demonstrated as the primary purpose of the acquisition. ( )

**03. Ineligible Projects.** Acquisitions or developments that do not contribute directly to general public outdoor recreation facilities or activities are ineligible for LWCF funding. Acquisition of leases are not eligible. ( )

**04. SCORTP.** LWCF grants are available for up to fifty percent (50%) of the cost of the SCORTP. ( )

**141. -- 154. (RESERVED)**

**155. ELIGIBLE PROJECT COSTS.**

IDPR may place restrictions on reimbursement of some acquisition and development costs. ( )

**156. -- 169. (RESERVED)**

**170. ACQUISITION OF PUBLICLY OWNED LANDS.**

The cost to the sponsor of land purchased from another public agency is generally not eligible for matching assistance. ( )

**171. -- 184. (RESERVED)**

**185. ACQUISITION OF STRUCTURES.**

Structures that are proposed to be retained and are incidental to the land are eligible for LWCF matching funds if they are to be used primarily for support facilities for outdoor recreation activities. The anticipated use must be clearly identified in the project application so that IDPR may exercise reasonable judgment in determining the eligibility of the structure for funding assistance. ( )

**186. -- 199. (RESERVED)**

**200. WAIVER OF RETROACTIVELY.**

**01. Generally.** The SLO may grant permission to a sponsor to proceed prior to normal processing of an application through a written waiver of retroactivity. This is not to be construed as a qualitative approval of the proposed project. Should the project subsequently be approved, the costs incurred must be eligible for assistance. ( )

**02. NPS Waiver Required.** The SLO may not grant a waiver of retroactivity until the NPS has issued its waiver of retroactivity. A waiver may be granted only if LWCF moneys are available and only if an emergency situation warrants it. ( )

**03. Limitations.** Retroactive development costs are not eligible for reimbursement, other than expenses necessary for planning a development project and then only if it is specifically requested in the project application. ( )

**201. -- 214. (RESERVED)**

**215. ENCUMBRANCES.**

Property rights obtained with LWCF assistance must be free of all reservations or encumbrances that would limit the use of the site disproportionate to the public benefit. ( )

**216. -- 229. (RESERVED)**

**230. ACQUISITION COSTS EXCEEDING FAIR MARKET VALUE.**

An approved appraisal is an acceptable estimate of property value (see Section 350 of this chapter). The negotiation between a willing seller and a willing buyer may set a price that is higher than the appraisal, and this market place value can be considered along with the appraised value in establishing the reasonable limits of assistance. If the sponsor believes that the negotiated price is a better indication of market value, yet it is higher than the appraised value, a detailed and well documented statement of this differences must be submitted, together with a formal request for a cost increase (see Section 620 of this chapter). ( )

**231. -- 259. (RESERVED)**

**260. ACQUISITIONS INVOLVING COMPATIBLE MULTIPLE USES.**

Nonrecreation uses, such as timber management, grazing, and other natural resource uses, may be carried out on

lands acquired with LWCF assistance if they are clearly compatible with and secondary to recreation use, and are approved by IDPR prior to execution of the project contract. ( )

**261. -- 274. (RESERVED)**

**275. ACQUISITIONS INVOLVING NONRECREATION USE.**

**01. Nonrecreation Use Limited.** Lands acquired with LWCF assistance are immediately dedicated to public outdoor recreation and therefore, in the interim period between acquisition and planned development, the public cannot be denied use. In some instances during this period the temporary continuation of nonrecreation uses of LWCF assisted areas may be appropriate if not at the expense of public use. Continuation of existing nonrecreation uses must be approved by IDPR. When approved by IDPR, the used will be phased out within three (3) years from the date of the acquisition. ( )

**02. Life Estates.** Life estates, whereby an owner is allowed to use the property to the end of his life, is an allowable nonrecreation use provided all of the following conditions are met: ( )

**a.** The life estate must not totally limit public use of the site; ( )

**b.** The value of the life estate is not included within the total project cost as established through acceptable appraisal techniques; and ( )

**c.** The life estate provisions are approved by IDPR. ( )

**276. -- 289. (RESERVED)**

**290. PUBLIC PARK AND SCHOOL DEVELOPMENT PROJECTS.**

Projects clearly designed and located to meet identified needs for general public recreation, as well as to provide school districts with outdoor education, physical education, and recreation facilities may be eligible for funding, provided general public recreation is clearly the primary use. ( )

**291. -- 304. (RESERVED)**

**305. DONATED REAL PROPERTY AS MATCHING SHARE.**

**01. Generally.** The value of privately owned donated real property may be used as a portion or as all of the sponsor's matching share of an approved project when the transfer of title to the sponsor has not been accomplished prior to the execution by IDPR of the project contract, unless such action has been previously approved by IDPR under the waiver of retroactivity procedure (see Section 200 of this chapter). ( )

**02. Limitations.** The donation must consist of real property that would normally qualify for LWCF funding. If the donation does not adjoin the tract being acquired or is not being developed as part of the project then it must stand on its own merits as an acceptable public recreation area in order to be considered an eligible donation. It also must be within the jurisdiction of the sponsor. ( )

**03. Appraisal Required.** The value of the donation must be established by an appraisal report prepared under the provision of Section 350 of this chapter. Any portion of the value of the donation not utilized by the sponsor for matching in the project is not available for subsequent projects. The amount of donation that is matchable is the value of the land donation up to the limit of the local agency's share of the project. The maximum reimbursed by IDPR may never exceed the cash expended on the project. ( )

**306. -- 319. (RESERVED)**

**320. DONATED GOODS AND SERVICES AS MATCHING SHARE.**

**01. Generally.** Donated services, materials and equipment are eligible for reimbursement. Allowable rates must be agreed upon by IDPR prior to initiation of construction and must be in accordance with current federal

regulations and state rules. Partial reimbursement on projects involving such donations are limited to the amount of actual cash outlay by the grantee. ( )

**02. Excess Value.** Donated services above the needs for a project are not eligible for further funding assistance. ( )

**03. Requirements.** Donated services may be furnished by professional and technical personnel, consultants, and other skilled or unskilled labor. The services must be an integral and necessary part of an approved project. Rates for donated services must be consistent with those paid for similar work in other activities of the state or local government. In those instances in which the required skills are not found in the sponsor's organization, rates must be consistent with those paid for similar work in the labor market in which the sponsor competes for the kind of services involved. ( )

**321. -- 334. (RESERVED)**

**335. FORCE ACCOUNT AS MATCHING SHARE.**

All or a portion of the sponsor's share can be provided through force account (i.e., use of sponsor's staff and equipment) when such contributions are verifiable from the sponsor's records, are not included as contributions for any other IDPR program, and are necessary and reasonable for proper and efficient accomplishment of the project. ( )

**336. -- 349. (RESERVED)**

**350. APPRAISAL REQUIREMENTS.**

A real estate appraisal is required for all land to be acquired. The appraisal must be prepared and paid for by the sponsor. The type of appraisal to be used must be determined by the cost of the property, and difficulty of the appraisal assignment. All appraisal must be done according to "Uniform Appraisal Standards for Federal Land Acquisitions." ( )

**351. -- 364. (RESERVED)**

**365. APPRAISAL REVIEWS.**

IDPR reviews appraisals as necessary. Any appraisal report that does not meet the basic content requirement or use correct analysis procedures must be corrected to the satisfaction of IDPR. All costs are paid by the sponsor. ( )

**366. -- 379. (RESERVED)**

**380. REVENUE FEASIBILITY STUDIES.**

At the discretion of the SLO, a feasibility report prepared by a fiscal specialist may be required prior to funding consideration by the board. Specifically, it must provide the SLO with detailed financial information and data that is incorporated in staff recommendations to the board. This report is paid for by the sponsor. ( )

**381. -- 394. (RESERVED)**

**395. TECHNICAL REVIEW.**

At the discretion of the SLO, a technical report prepared by a licensed, certified engineer may be required prior to funding consideration by the board. This report is paid for by the sponsor. ( )

**396. -- 409. (RESERVED)**

**410. FUNDING CYCLE.**

**01. Generally.** A funding cycle is held at a minimum of once every two (2) years with the following exception: subject to the level of funding, the board may suspend (through formal action at any regular meeting) a funding cycle. ( )

**02. Procedure.** The funding cycle consists of the following: ( )



a. Notification to begin a funding cycle must be made no less than ninety (90) days before applications are due. ( )

b. The evaluation committee meeting must be held within one hundred twenty (120) days of the application due date. ( )

c. Recommendations must be formulated by IDPR staff within thirty (30) days following the evaluation committee meeting and must be made to the board no later than the next regularly scheduled meeting. ( )

d. Subject to the level of funding, the board may suspend (through formal action at any regular meeting) the evaluation committee meeting and may elect to adopt staff recommendations. ( )

**03. Fees.** At the discretion of the SLO, fees may be charged for the various stages of any funding cycle. When charged, fees are assessed equally on all applicants. Fees charge may not exceed fifty dollars (\$50) for all stages combined. ( )

**411. -- 424. (RESERVED)**

**425. APPLICATION PROCEDURE.**

**01. Initial Review.** Participation manuals are available to guide sponsors in preparing projects for funding consideration. Materials submitted for consideration are reviewed by IDPR staff for completeness and for project eligibility. Once all application materials are submitted and a project is determined to be potentially eligible under criteria established in the OPSP, IDPR will ask the sponsor to make a presentation to the evaluation committee. ( )

**02. Eligible Projects.** Eligible projects are ranked according to the (OPSP (see Section 440 of this chapter) and approved by the board (see Section 470 of this chapter). Full federal application materials must be submitted to NPS for final funding approval (see Section 485 of this chapter). ( )

**426. -- 439. (RESERVED)**

**440. OPEN PROJECT SELECTION PROCESS (OPSP).**

**01. Generally.** The procedures outlined in OPSP through the SCORTP process are for the purpose of defining criteria that a proposed LWCF project must meet in order to be eligible for funding, and to establish priorities on the basis of which competing eligible projects can be rated objectively. The intent is to ensure that available funds are used to fund those projects that most nearly satisfy the intent of the LWCF Act, and the recreational needs of the people of Idaho. ( )

**02. Requirements.** Requirements for the SCORTP and the OPSP can be found in the "LWCF Participation Manual," available from IDPR or NPS. ( )

**03. Availability.** Copies of the SCORTP and the OPSP criteria used in prioritizing those projects submitted for LWCF assistance may be obtained from IDPR or NPS. Typically, this criteria is provided in all LWCF application guidelines. ( )

**04. Suspension of OPSP.** Subject to the level of funding, the board may elect to suspend OPSP (through formal action at any regular meeting). ( )

**441. -- 454. (RESERVED)**

**455. EVALUATION COMMITTEE.**

**01. Composition.** The evaluation committee includes representatives with experience in community

development or public outdoor recreation. The committee ranks projects based on its review of the application and a presentation by the sponsor. It rates all projects based on the selected criteria found in OPSP. The evaluation committee includes nine (9) members as follows: ( )

- a. Three (3) members are representatives of state and federal agencies with a technical relationship to community development or the outdoor recreation needs in the state. ( )
- b. One (1) member represents a community of five thousand (5,000) population or more ( )
- c. One (1) members represents a community of five thousand (5,000) population or less. ( )
- d. One (1) member represents the interests of ethnic minorities. ( )
- e. One (1) member represents the interests of the elderly. ( )
- f. One (1) member represents the interests of people with disabilities. ( )
- g. One (1) member must be from the board. ( )

**02. Quorum.** A quorum is required to conduct committee business. Five (5) people constitute a quorum. ( )

**03. Appointment and Term.** Members are appointed by and serve at the discretion of the SLO for three (3) funding sessions and may be reappointed, except, the board member must be selected by and serve at the discretion of the board. As necessary, the SLO provides public notice of available seats. Any interested individual or organization may nominate individuals to serve on the committee. ( )

**456. -- 469. (RESERVED)**

**470. BOARD REVIEW AND APPROVAL.**

The board reviews and approves projects according to the priority list provided by IDPR staff. Applications are submitted to NPS according to priority after LWCF moneys have been appropriated by congress and allocated to the state. ( )

**471. -- 484. (RESERVED)**

**485. NPS PROJECT APPROVAL.**

When a project is approved by NPS, the announcement is made by one of the state's congressional delegation following notification from IDPR. All appraisals, title and deed work must be finalized prior to submitting a project to NPS. ( )

**486. -- 499. (RESERVED)**

**500. PROCEEDING ON THE PROJECT.**

After project approval, the IDPR staff assists the sponsor in meeting the requirements of the LWCF including providing information on the steps and required documentation for acquisition and development projects along with financial responsibilities and allowable costs. The sponsor must complete work on the project according to the scope elements in the state/local agreement. ( )

**501. -- 514. (RESERVED)**

**515. DISBURSEMENT OF FUNDS.**

**01. Authorization.** Except as otherwise provided herein, the SLO must authorize disbursement of funds allocated to a project through reimbursement basis. The LWCF program is a reimbursement program, which means that the participants initially pay all project costs and then seek reimbursement through IDPR. ( )

**02. Documentation.** Reimbursement not be made by IDPR until deed, title insurance and appraisal requirements are satisfied on all projects. Reimbursement may be made on development or combination acquisition and development projects once construction shows evidence and reasonable progress toward the completion of all scope elements and LWCF requirements. ( )

**03. Partial Reimbursement.** Partial reimbursement is not made for projects where the project sponsor's matching share is less than fifteen thousand dollars (\$15,000). When reimbursement is granted prior to project completion, the sponsor receives a reimbursement for fifty percent (50%) of the eligible costs incurred less a fifteen percent (15%) hold back. When the project has been completed and receives final approval from IDPR, the sponsor is paid the fifteen percent (15%) hold back. If multiple payments are to be incurred as part of the project, the final payment may be used as the fifteen percent (15%) hold back. ( )

**04. Request for Reimbursement.** Reimbursement must be requested by local governmental agencies on voucher forms provided by IDPR and includes all required documentation. The sponsor will receive a reimbursement for fifty percent (50%) of the eligible costs incurred. The amount of reimbursement must never exceed the cash expended on the project. ( )

**05. Advance Payment.** An advance payment is a payment made to a sponsor upon its request before cash outlays are made by the sponsor or payment made through the use of predetermined payment schedules before such payments are due. Advance payment may be made subject to the conditions outlined below: ( )

**a.** IDPR will consider the payment of advances on development projects where the matching share is non-cash, and on acquisition projects where funds must be available up front in order to prevent the loss of an available site to other interested buyers. Such advances must receive prior approval of NPS. A written request must be submitted by the sponsor to IDPR to initiate the process. ( )

**b.** Advances must be timed and procedures observed to assure that cash withdrawals occur only as and when essential to meet the needs of the project sponsors. Advances are limited to the minimum amounts needed and timed to be in accord with the requirements of carrying out the purpose of the approved project. Any moneys advanced to the sponsor are public moneys (owned by the federal government and the State of Idaho) and must be deposited in a bank with FDIC insurance coverage and the balances exceeding the FDIC coverage must be collaterally secure. ( )

**c.** One (1) month after the advance has been received, the sponsor must submit a billing indicating expenditures made from the advanced funds. This will be used by IDPR as a basis for liquidating obligations, reducing the advance account and making charges to the appropriate cost account. ( )

**d.** At least monthly, IDPR reviews the sponsor's disbursements of advanced funds for reasonableness of cash balances on hand. In the event IDPR determines a sponsor is making insufficient progress using advanced funds, IDPR may request an immediate refund. ( )

**516. -- 529. (RESERVED)**

**530. PROJECT CONTRACT.**

For every funded project, a project contracts must be executed. The project contract must be prepared by the IDPR staff subsequent to approval of the project. Upon execution by the sponsor, the parties are thereafter bound by the project contract terms. The sponsor may not proceed with the project until the project contract has been executed. IDPR may not execute a project contract until federal funding has been authorized by NPS. ( )

**531. -- 544. (RESERVED)**

**545. CONTROL AND TENURE.**

The sponsor has title to or adequate control and tenure of the area to be developed. The sponsor must list all outstanding rights or interests held by others in the property to be developed. In the event that outstanding rights later prove to be incompatible with public outdoor recreation uses of the site, the sponsor assumes the responsibility for having to replace the facilities developed with state or federal assistance with others of at least equal value and reasonably equivalent usefulness and location at the sole cost of the sponsor. ( )

**546. -- 559. (RESERVED)**

**560. APPLICABILITY.**

All LWCF requirements apply to each area or facility, regardless of the extent of LWCF assistance. When LWCF development assistance is given to a project limited to less than a complete recreational property, all lands immediately adjacent to that LWCF development that are designated as recreational property must be identified as being within the LWCF project boundary and must be subject to LWCF guidelines. ( )

**561. -- 574. (RESERVED)**

**575. SPONSOR COMMITMENT.**

A proclamation from the sponsor's governing body committing the project and the sponsor to LWCF requirements must be submitted to IDPR prior to IDPR project approval. ( )

**576. -- 589. (RESERVED)**

**590. RESTRICTION ON TITLE.**

Land acquired in fee or developed with outdoor recreation funds must be dedicated to outdoor recreation use in perpetuity by a recorded "Deed of Right to Use Land for Public Recreation Purposes" (Deed of Right) that conveys a real property interest to the public. This must be executed and recorded by the sponsor after it has taken title to the property, and before it applies for reimbursement. ( )

**591. -- 604. (RESERVED)**

**605. RECORDS.**

Project records must be maintained by the state and sponsor for three (3) years after final payment. The material must be maintained beyond the required three (3) year period if audit findings have not been resolved. Property records must be maintained in perpetuity. ( )

**606. -- 619. (RESERVED)**

**620. PROJECT AMENDMENTS, COST INCREASES AND TIME EXTENSIONS.**

**01. Amendments.** The project contract may be amended by execution of a project amendment. All amendment requests must be made in writing and must include a detailed justification. Sponsors are expected to complete projects as originally proposed and evaluated. However, amendments for minor changes in scope may be requested. Cost increases of twenty-five percent (25%) or more or changes in project elements that change the total project cost by twenty-five percent (25%) or more require that the project be presented as a totally new proposal and compete through the OPSP (see Sections 440 through 485 of this chapter) during a current funding cycle. Should the revised project not receive enough points to be funded, the sponsor is required to complete the scope of the project as originally proposed at its expense or return any funds reimbursed so that the project may be canceled and the funds reallocated. This does not apply to SCORP projects. ( )

**02. Cost Increases on Development Projects.** For cost increase requests on development projects to be considered, all of the following requirements must be met: ( )

**a.** The increase, or any portion thereof, is to be used only for costs incurred on elements specified in the project agreement; and ( )

**b.** The sponsor has initiated implementation of the project in a timely manner and has had little control over the condition causing the cost overrun. ( )

**03. Cost Increases on Acquisition Projects.** Acquisition project cost increases must meet all of the following conditions: ( )

**a.** The increased market value is supported by an acceptable appraisal; ( )

b. The sponsor has diligently pursued the acquisition; and ( )

c. If increased relocation costs have caused a cost overrun, an explanation is required. ( )

**04. Condemnation.** Acquisition cost increases based on condemnation awards, if granted, must be based on compensation for the property and direct relocation costs; no court or legal costs are eligible for reimbursement. ( )

**05. Basis for Cost Increase.** Cost increase requests for development projects are based on the total approved costs. Cost increase requests for acquisition projects are based on a parcel by parcel determination. ( )

**06. Extensions of Time.** Extensions of time limitations will be considered if based on unavoidable circumstances such as condemnation of property for acquisition projects and delays due to unusually poor weather or unavailability of supplies for a development project. Extensions are generally granted in six (6) month intervals. Avoidable project delays may result in loss of funding with the sponsor being required to return any funds reimbursed so that the project can be canceled. ( )

**621. -- 634. (RESERVED)**

**635. DEVELOPMENT PROJECT CONTRACT REQUIREMENTS.**  
Development projects require competitive bidding according to state and federal statutes. ( )

**636. -- 649. (RESERVED)**

**650. CONVERSION TO OTHER USES.**

**01. Generally.** Property acquired or developed with LWCF assistance is not converted to other than public outdoor recreation uses without prior approval of the SLO and the NPS regional director. The SLO has authority to disapprove conversion requests or to reject proposed property substitutions. ( )

**02. Prerequisites to Approval of Conversion.** IDPR will only consider a conversion request once the following prerequisites have been met: ( )

a. All practical alternatives to the conversion have been evaluated and rejected on a sound basis. ( )

b. At least thirty (30) days prior to IDPR submitting a request to NPS to convert LWCF properties, the sponsors must hold a public hearing. ( )

c. The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by a state approved appraisal. ( )

d. The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. It must be administered by the same political jurisdiction as the converted property. ( )

e. The property proposed for substitution meets the eligibility requirements for LWCF assisted acquisition. The replacement property constitutes or is part of a viable recreation area. ( )

f. Public land may not be used for substitution on acquisition projects unless it meets the criteria for an eligible acquisition project. However, in the case of development projects for which the state match was not derived from the cost of the purchase or value of a donation of the land to be converted, public land not currently dedicated to recreation or conservation use may be used as replacement land even if this land is transferred from one public agency to another without cost. ( )

g. All necessary coordination with other federal agencies has been satisfactorily accomplished. ( )

- h.** The guidelines for environmental evaluation have been satisfactorily completed and considered. ( )
- i.** The proposed conversion and substitution are in accord with the SCORTP. ( )
- j.** Staff consideration of the above points reveals no reason for disapproval and the project files are so documented. ( )
- k.** It should also be noted that the acquisition of one (1) parcel of land may be used in satisfaction of several approved conversions. However, previously acquired property cannot be used to satisfy substitution requirements except in the case of development projects. ( )

**03. Project Amendments.** Approved conversions require amendments in the project contract when the property to be substituted is off site or when replacement of property is deferred. ( )

**04. Fees.** Deposit, cost and fees for the administration and management of the LWCF conversion process must be as follows: ( )

**a.** The sponsor is required to pay a deposit of two and five-tenths percent (2.5%) of the appraised value of the property or the total cost of the project grant, whichever is greater. This deposit may not be less than one thousand dollars (\$1,000). ( )

**b.** IDPR will charge the sponsor for all administrative costs relating to the conversion and a service fee of one percent (1%) of the current appraised value of the converted property. The service fee may not exceed three thousand five hundred dollars (\$3,500) for each converted tract of property. ( )

**c.** The administrative costs and the service fee will be deducted from the deposit. The sponsor will be reimbursed the remaining amount upon the successful completion of the conversion. Any incidental costs exceeding the deposit will be paid by the sponsor. ( )

**651. -- 664. (RESERVED)**

**665. USER FEES, CHARGES AND INCOME.**

**01. User Fees.** User or other types of fees may be charged in connection with facilities developed with LWCF grants, provided that the fees and charges are commensurate with the value of recreation services or opportunities furnished and are in the prevailing range of public fees and charges for the particular activity involved. Discrimination on the basis of residence, including preferential reservation or membership systems and annual permit systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence. ( )

**02. Nonrecreational User Fees.** Nonrecreational income that accrues to an outdoor recreation area other than the intended recreational use, including income from land management practices, must derive from use that is consistent with, and complementary to, the intended outdoor recreational use of the area. Gross nonrecreational income that accrues during the project period established in the project contract must be used to reduce the total cost of the project. Gross nonrecreational income that accrues subsequent to the ending date identified in the project contracts must be used only to offset the expense of operation and maintenance of the facility. ( )

**666. -- 679. (RESERVED)**

**680. PERMANENT PROJECT SIGNS.**

Permanent public acknowledgment of LWCF assistance at project sites is required on at least one (1) prominently placed area identification sign. The LWCF symbol established and provided by IDPR must be used for such acknowledgment at the project site entrance, or other appropriate locations. The sponsor may desire to provide a more detailed identification. IDPR staff must approve the sponsor's park sign prior to its construction to ensure proper

designation is included. ( )

**681. -- 694. (RESERVED)**

**695. ARCHITECTURAL BARRIERS.**

Sponsors in the LWCF programs must assure that persons with disabilities are not precluded from the use of LWCF assisted recreational facilities. ( )

**696. -- 709. (RESERVED)**

**710. UNIFORM RELOCATION COMPLAINT PROCEDURE.**

The two (2) appeal procedure recommended by NPS are an appeal to the SLO and then to the board for resolution (see IDAPA 26.01.01, Section 250, "Rules of Administrative Procedure of the Idaho Park and Recreation Board"). ( )

**711. -- 724. (RESERVED)**

**725. AVAILABILITY TO USERS.**

**01. Nondiscrimination.** Property must be open to entry and use by all persons regardless of race, color, or national origin. Discrimination is also prohibited on the basis of age, disability, religion or gender. ( )

**02. Seasons and Hours.** Facilities must be kept open for public use at reasonable hours and times of the year based on intended use. ( )

**726. -- 739. (RESERVED)**

**740. CIVIL RIGHTS COMPLAINT PROCEDURE.**

An opportunity is provided for filing civil rights complaints. A written complaint must be filed with the SLO within one hundred eighty (180) days from the date the alleged discrimination occurred. Within ten (10) working days of IDPR receiving the complaint, the complainant must be notified of action that has been or must be taken to resolve the complaint. An investigation must be conducted by the deputy director or his designee within thirty (30) working days of IDPR's receipt of the complaint. The SLO or SLO's designee must send a written response to the complainant regarding the results of the investigation within thirty (30) working days of the time the investigation began. If dissatisfied with the results of the investigation, the complainant may submit a written request for reconsideration to the SLO within ten (10) days of the receipt of resolution. The complainant may also file a complaint with the Idaho Human Rights Commission and The Office of Equal Opportunity. Addresses are available from IDPR. ( )

**741. -- 999. (RESERVED)**

# PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Idaho Department of Parks and Recreation

**Agency Contact:** Anna Canning **Phone:** 208.514.2252

**Date:** August 11, 2020

## **IDAPA, Chapter and Title Number and Chapter Name:**

IDAPA 26.01.10, RULES GOVERNING THE ADMINISTRATION OF TEMPORARY PERMITS ON LANDS OWNED BY THE IDAHO DEPARTMENT OF PARKS AND RECREATION. IDAPA 26.01.20 RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES. IDAPA 26.01.33, RULES GOVERNING THE ADMINISTRATION OF THE LAND AND WATER CONSERVATION FUND PROGRAM.

**Fee Rule Status:**       **Proposed**       **Temporary**

**Rulemaking Docket Number:** **26-0000-2000F**

## **STATEMENT OF ECONOMIC IMPACT:**

This rulemaking is not anticipated to have any fiscal impact to the general fund nor to the Idaho Department of Parks and Recreation (IDPR) dedicated funds.

IDAPA 26.01.10, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation. Fees related to: temporary permit processing, compensation, application and enforcement. The fees are unchanged from the previous year's temporary fee rule.

IDAPA 26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities. Fees related to motor vehicle entrance, parking violations, camping, reservations (placing, modifying, and canceling), vessel moorage, overnight use, surcharges, group facility use, winter access, and returned checks. The fees are unchanged from the previous year's temporary fee rule, with one exception. In anticipation of future changes to Idaho Code raising the fee for the Idaho State Parks Passport, IDPR seeks a corresponding raise on the fee cap in IDAPA 26.01.20 for the annual motor vehicle entrance fee. The Park and Recreation Board sets the actual fee at a noticed public hearing.

IDAPA 26.01.33, Rules Governing the Administration of the Land and Water Conservation Fund Program. Service fee to administer and manage process to convert property from a recreation use. The fees are unchanged from the previous year's temporary fee rule.