

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

Management Services Division

26.01.03 – Rules Governing Recreation Programs

Who does this rule apply to?

These rules apply to recreational registration program vendors.

What is the purpose of this rule?

These rules are promulgated by the Idaho Park and Recreation Board to further define and make specific how recreation registration program vendors will administer the Idaho Safe Boating Act and the statutes regarding Recreational Activities in Idaho Code.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

State Government and State Affairs -

- [Title 67, Chapter 70, et seq., Idaho Code](#) – Idaho Safe Boating Act
Recreational Activities:
- [Title 67, Chapter 71, Idaho Code](#) – Recreational Activities

Who do I contact for more information on this rule?

Idaho Department of Parks and Recreation

8:00 am to 5:00 pm MT

P.O. Box 83720, Boise, ID 83720

5657 Warm Springs Avenue, Boise, ID 83716

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<https://parksandrecreation.idaho.gov>

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IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.03 – RULES GOVERNING RECREATION PROGRAMS

000. LEGAL AUTHORITY.

The Parks and Recreation Board, State of Idaho, acting pursuant to the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, and its powers and responsibilities under the Parks and Recreation Act, Title 67, Chapter 42, Idaho Code, adopted the following rules. These rules are promulgated under the Department's authority to administer the following Acts: Recreational Activities, Sections 67-7101 through 67-7133, Idaho Code, and Idaho Safe Boating Act, Section 67-7001 et seq., Idaho Code. (7-1-21)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter are cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.03, "Rules Governing Recreation Programs." (7-1-21)T

02. Scope. These rules are intended to set forth the procedures for vendors to apply to sell Recreation Program products and the formula for off-highway vehicle law enforcement fund distribution. (7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITION OF TERMS.

01. Department. The Idaho Department of Parks and Recreation. (7-1-21)T

02. Memorandum of Agreement. A contract between the Department and the Vendor. (7-1-21)T

03. Payment in Lieu of Taxes. The Payments in Lieu of Taxes (PILT; 31 U.S.C. §§6901-6907) program provides compensation for certain tax-exempt federal lands, known as entitlement lands. PILT payments are made annually to units of general local government – typically counties – that contain entitlement lands. (7-1-21)T

04. Recreation Program Products. Products include, but are not limited to, certificates of number, permits, user certificates, and stickers. (7-1-21)T

05. Vendor. Any business or agency authorized to sell products. (7-1-21)T

011. – 099. (RESERVED)

100. CRITERIA FOR APPLYING FOR VENDORSHIP.

A prospective vendor may apply to sell one (1) or more types of products. A prospective vendor may make a request to the Department at any time by phone, mail, or in person to receive a copy of the applicable vendor Memorandum of Agreement. The Memorandum of Agreement must be signed and returned to the Department for approval. (7-1-21)T

101. – 199. (RESERVED)

200. NOTIFICATIONS AND TIME LIMITS.

01. Action on Application. The Department must provide written notification within thirty (30) days following receipt of a signed memorandum of agreement as to the approval or denial of same. This decision for approval or denial is based on the ability of the business or agency to sell recreation program products. (7-1-21)T

02. Notification. If approved, a fully executed copy of the vendor memorandum of agreement will be returned to the vendor. If denied, notification will outline reasons for such denial. (7-1-21)T

201. -- 499. (RESERVED)

500. OFF-HIGHWAY LAW ENFORCEMENT FUND DISTRIBUTION FORMULA.

01. Formula. As set forth in Section 7126, Idaho Code, the Department distributes the funds in the off-highway vehicle law enforcement fund based on the following formula: (7-1-21)T

- a.** Total federal acres with reference to the Payments in Lieu of Taxes (PILT) number for each eligible county minus large tracts of land not open to off-highway vehicle use. The result is the total off-highway vehicle opportunity on federal public land for that county. (7-1-21)T
- b.** Calculate the percentage of the total off-highway vehicle opportunity on federal public land for each eligible county as compared to the entire state. (7-1-21)T
- c.** Multiply this percentage by zero point six (0.6) to get sixty percent (60%) of the value. (7-1-21)T
- d.** Calculate the percentage of off-highway vehicle certificate of number designations for each eligible county as compared to the entire state. (7-1-21)T
- e.** Multiply this percentage by zero point four (0.4) to get forty percent (40%) of the value. (7-1-21)T
- f.** Add the sixty percent (60%) value from the total off-highway vehicle opportunity on federal public land to the forty percent (40%) value of the off-highway vehicle certificates of number. This total will be the percentage of the off-highway vehicle law enforcement funds for which the individual county is eligible. (7-1-21)T

501. -- 999. (RESERVED)

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IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

Operations Division

26.01.10 – Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation

Who does this rule apply to?

These rules apply to any persons seeking to gain temporary permits from the Idaho Department of Parks and Recreation.

What is the purpose of this rule?

These rules are promulgated by the Idaho Park and Recreation Board to further define and make specific the administration of temporary permits on lands owned by the Idaho Department of Parks and Recreation.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statute passed by the Idaho Legislature:

State Government and State Affairs -
State Parks:

- [Section 67-4223, Idaho Code](#) – Powers of Board

Who do I contact for more information on this rule?

Idaho Department of Parks and Recreation
8:00 am to 5:00 pm MT
P.O. Box 83720, Boise, ID 83720
5657 Warm Springs Avenue, Boise, ID 83716
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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.

(7-1-21)T

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.”

(7-1-21)T

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

(7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

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

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

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.

(7-1-21)T

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.

(7-1-21)T

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.

(7-1-21)T

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.

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

04. Nonrefundable. Compensation to IDPR for a temporary permit is non-refundable, except as set out in Subsection 200.08 of this chapter. (7-1-21)T

151. -- 199. (RESERVED)

200. STANDARD CONDITIONS.

All temporary permits issued are subject to the following standard conditions: (7-1-21)T

01. Term Limited. The use and term of a temporary permit is limited solely to that specifically stated in the instrument. (7-1-21)T

02. Utilities. Except under special circumstances with approval of the director, all utilities must be installed underground. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

05. Wetlands. The grantee will comply with all state and federal statutes, rules, and regulations pertaining to wetlands protection. (7-1-21)T

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.). (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

251. -- 299. (RESERVED)

300. APPLICATION PROCEDURE.

01. Contents of Application. A temporary permit application must contain: (7-1-21)T

a. A temporary permit application/action form; (7-1-21)T

b. A plat of the proposed permit location; (7-1-21)T

c. The appropriate application fee; (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

701. -- 749. (RESERVED)

750. ADMINISTRATION.

01. Bureau Responsible. The IDPR Development Bureau must be responsible for uniform statewide administration of all IDPR temporary permits. (7-1-21)T

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. (7-1-21)T

03. Status Report. The IDPR Development Bureau must maintain an up-to-date status report on all temporary permits issued. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

03. Notification. All applicants must be notified in writing, by the development bureau chief, of the approval or denial of their application. (7-1-21)T

801. -- 999. (RESERVED)

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IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

Operations Division

26.01.20 – Rules Governing the Administration of Park and Recreation Areas and Facilities

Who does this rule apply to?

These rules apply to any persons visiting a state park or recreation area or making a reservation to occupy an Idaho Department of Parks and Recreation area or facility.

What is the purpose of this rule?

These rules are promulgated by the Idaho Park and Recreation Board to further define and make specific the administration of state parks and recreation areas subject to its jurisdiction.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statute passed by the Idaho Legislature:

State Government and State Affairs -

State Parks:

- [Section 67-4223, Idaho Code](#) – Powers of Board

Who do I contact for more information on this rule?

Idaho Department of Parks and Recreation

8:00 am to 5:00 pm MT

P.O. Box 83720, Boise, ID 83720

5657 Warm Springs Avenue, Boise, ID 83716

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**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. (7-1-21)T

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.” (7-1-21)T

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. (7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. ADA. Americans with Disabilities Act (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

04. Board. The Idaho Parks and Recreation Board, a bipartisan, six (6) member board, appointed by the Governor. (7-1-21)T

05. Camping Unit. The combined equipment and people capacity that a campsite or facility will accommodate. (7-1-21)T

06. Camping Day. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

07. Campsite. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

10. Department. The Idaho Department of Parks and Recreation. (7-1-21)T

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. (7-1-21)T
12. **Designated Roads and Trails.** Facilities recognizable by reasonable formal development, signing, or posted rules. (7-1-21)T
13. **Director.** The director and chief administrator of the department, or the designee of the director. (7-1-21)T
14. **Division Administrator.** An employee, or designee, within the department that has supervisory authority over park and program managers. (7-1-21)T
15. **Dock and Boating Facility.** Floats, piers, and mooring buoys owned or operated by the department. (7-1-21)T
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. (7-1-21)T
17. **Extra Vehicle.** An additional motor vehicle without built-in temporary living quarters or sleeping accommodations registered to a camp site. (7-1-21)T
18. **Facilities.** (7-1-21)T
- a. Individual. A camping structure within department managed lands designated for use by an individual camping unit. (7-1-21)T
- b. Group. A camping structure within department managed lands designated for group use. (7-1-21)T
- c. Day Use. A non-camping area or structure within department managed lands designated for group use during day use periods. (7-1-21)T
19. **Group Use.** Twenty-five (25) or more people, or any group needing special considerations or deviations from normal department rules or activities. (7-1-21)T
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. (7-1-21)T
21. **Idaho State Parks Passport Replacement.** Replacement due to a motor vehicle registration transfer or damage to an existing passport. (7-1-21)T
22. **Motor Vehicle.** Every vehicle that is self-propelled except for vehicles moved solely by human power, electric bikes, and motorized wheelchairs. (7-1-21)T
23. **Motor Vehicle Entrance Fee (MVEF).** A fee charged for entry to or operation of a motor vehicle in an Idaho State Park. (7-1-21)T
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. (7-1-21)T
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. (7-1-21)T
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. (7-1-21)T
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. (7-1-21)T

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. (7-1-21)T

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

- 01. Daily MVEF.** (7-1-21)T
- a.** The daily MVEF may be purchased at any Idaho state park or online. (7-1-21)T
 - 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. (7-1-21)T
 - c.** The proof of purchase of the MVEF must be visible and properly displayed. (7-1-21)T
- 02. Annual MVEF.** (7-1-21)T
- a.** The Annual MVEF may be purchased at any Idaho state park, the department's central or regional offices, or online. (7-1-21)T
 - b.** The Annual MVEF expires December 31 of the year issued. (7-1-21)T
 - 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. (7-1-21)T
- 03. Annual MVEF Sticker Replacement.** (7-1-21)T
- 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. (7-1-21)T
 - b.** The applicant must establish proof of purchase of the original Annual MVEF. (7-1-21)T
 - c.** Display and placement of the replacement sticker must comply with Subsection 011.02.c. of this chapter. (7-1-21)T
- 04. Idaho State Parks Passport.** (7-1-21)T
- a.** The Idaho State Parks Passport may be purchased from any county department of motor vehicles office in the state of Idaho. (7-1-21)T
 - b.** Idaho State Parks Passport expires concurrent with the expiration of that vehicle's registration. (7-1-21)T
 - c.** Display and placement of the Idaho State Parks Passport sticker must comply with Subsection 011.02.c of this chapter. (7-1-21)T

05. Idaho State Parks Passport Sticker Replacement. (7-1-21)T

a. The applicant may apply in person to a county department of motor vehicles office for a replacement sticker. (7-1-21)T

b. Display and placement of the replacement sticker must comply with Subsection 011.02.c. of this chapter. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

08. Official Use. This rule does not prohibit official use of motor vehicles by department employees anywhere within lands administered by the department. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

05. Alcohol. State laws regulating alcoholic beverages and public drunkenness are enforced within lands administered by the department. (7-1-21)T

06. Littering. Littering is prohibited within lands administered by the department. (7-1-21)T

07. Smoking. Persons may not smoke within park structures or facilities, or at posted "no smoking" outdoor areas. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

176. -- 199. (RESERVED)

200. CAMPING.

01. Occupancy and Capacity. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

c. Facility Capacity. Maximum capacity limits on each facility are based on facility design, size, and applicable occupancy code. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

05. Condition of Campsite. Campers must keep their individual or group campsite or facility and other use areas clean. (7-1-21)T

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. (7-1-21)T

07. Motorized Equipment. No generators or other motorized equipment emitting sound and exhaust are permitted to be operated during quiet hours. (7-1-21)T

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. (7-1-21)T

09. Equipment. All camping equipment and personal belongings of a camper must be maintained within the assigned individual or group campsite or facility perimeter. (7-1-21)T

10. Check Out. Customers are required to clean, vacate, and check out of registered campsites or facilities as follows: (7-1-21)T

a. Individual or group campsite by 1 p.m. of the day following the last paid night of camping. (7-1-21)T

b. Individual or group facility by 12 noon of the day following the last paid night of camping. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

15. ADA Accessible Facilities. Although the department offers facilities that provide for ADA accessibility, these facilities are not managed exclusively for ADA use. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

02. Moorage Fees. Vessels moored between 10 p.m. and 7 a.m. at designated facilities will be charged an overnight moorage fee. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-

21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

05. Registration. All required fees must be paid, registration information completed, and all permits properly displayed prior to occupying an overnight use area. (7-1-21)T

06. Check Out. Overnight users are required to check out by 1 p.m. of the day following the last paid overnight of use. (7-1-21)T

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. (7-1-21)T

08. Overnight Use. Overnight use is prohibited except in areas specifically designated for overnight use or by authorization of the park or program manager. (7-1-21)T

203. WATERFRONT AREAS.

01. Swimming. Swimming or water contact is at an individual’s own risk. (7-1-21)T

02. Restrictions on Designated Beaches. No glass containers or pets are allowed on designated beaches or swim areas. (7-1-21)T

03. Restricted Areas. Vessels must remain clear of designated beaches and other areas signed and buoyed for public safety. (7-1-21)T

04. Ramps and Docks. The use of docks located next to boat ramps is limited to the active launching and loading of boats. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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.

(7-1-21)T

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.

(7-1-21)T

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.

(7-1-21)T

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.

(7-1-21)T

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.

(7-1-21)T

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.

(7-1-21)T

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.

(7-1-21)T

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.

(7-1-21)T

205. -- 224. (RESERVED)

225. FEES AND SERVICES.

01. Authority.

(7-1-21)T

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

(7-1-21)T

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.

(7-1-21)T

02. Payment. Visitors must pay all required fees.

(7-1-21)T

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.

(7-1-21)T

04. Group Use.

(7-1-21)T

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.

(7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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 (7-1-21)T

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. (7-1-21)T

07. Admission Fees. An admission fee may be charged for internal park facilities which provide an educational opportunity or require special accommodations. (7-1-21)T

08. Cooperative Fee Programs. The department may collect and disperse fees in cooperation with fee programs of other state and federal agencies. (7-1-21)T

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). (7-1-21)T

10. Sales Tax. Applicable sales tax may be added to all sales. (7-1-21)T

11. Returned Checks. The cost to the agency for returned checks will be passed on to the issuer of the insufficient funds check. (7-1-21)T

226. -- 244. (RESERVED)

245. FEE SCHEDULE: FEE COLLECTION SURCHARGE.

Category	Fee
Fee Collection Surcharge	\$25/day

(7-1-21)T

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

Category	Fee
Admission	\$20/person

(7-1-21)T

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

(7-1-21)T

251. -- 253. (RESERVED)

254. FEE SCHEDULE: GROUP CAMPSITE OR FACILITY.

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

(7-1-21)T

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

(7-1-21)T

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
Overnight moorage at dock, person staying on vessel	\$10/night
Overnight moorage at buoy, person staying on vessel	\$9/night

(7-1-21)T

257. -- 258. (RESERVED)

259. FEE SCHEDULE: WINTER RECREATION PROGRAMS.

Category	Fee
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

(7-1-21)T

260. -- 274. (RESERVED)

275. CRITERIA FOR RESERVATIONS.

01. Responsible Party. (7-1-21)T

a. The person booking reservations for an individual campsite or facility is responsible for ensuring compliance with the rules within this chapter. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

02. Reservation Service Charges, Individual or Group Campsite or Facility. Reservations are non-transferable (from one party to another). Reservation fees are non-refundable. (7-1-21)T

a. A reservation service charge may be assessed for each individual or group campsite or facility reserved. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

04. Confirmation Requirements. (7-1-21)T

a. Confirmation of an individual campsite or facility reservation. Full payment of all required fees must be made before a reservation is confirmed. (7-1-21)T

b. Confirmation of a designated group campground, group campsite, or group facility reservation. Before a reservation is confirmed, the group leader must: (7-1-21)T

i. Supply primary occupant (point of contact) name, address, and phone number for multiple bookings of individual campsites for a group. (7-1-21)T

ii. Pay all required fees for each campsite or facility reserved. (7-1-21)T

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. (7-1-21)T

06. Reservation Cancellations. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

07. Insufficient Payment. The department may cancel a customer's reservation for insufficient payment of fees due. (7-1-21)T

276. FEE SCHEDULE: RESERVATIONS.

Category	Fee
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

Category	Fee
Modification	\$10/campsite or facility
Cancellation, individual campsite or facility, prior to check-in time	\$10/campsite or facility
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

(7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

02. Political Advertising. Political advertising is strictly prohibited within any lands administered by the Department. (7-1-21)T

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. (7-1-21)T

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: (7-1-21)T

01. Beg or Solicit for Any Purpose. (7-1-21)T

02. Game or Operate a Gaming Device of Any Nature. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

677. -- 999. (RESERVED)

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IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

Operations Division

26.01.21 – Rules Governing Leasing Practices and Procedures for Recreational Residences Within Heyburn State Park

Who does this rule apply to?

These rules apply to recreational residence site lease holders within Heyburn State Park.

What is the purpose of this rule?

These rules are promulgated by the Idaho Park and Recreation Board to further define and make specific the administration of recreational residence site leases within Heyburn State Park.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statute passed by the Idaho Legislature:

State Government and State Affairs -

State Parks:

- [Section 67-4223, Idaho Code](#) – Powers of Board

Who do I contact for more information on this rule?

Idaho Department of Parks and Recreation

8:00 am to 5:00 pm MT

P.O. Box 83720, Boise, ID 83720

5657 Warm Springs Avenue, Boise, ID 83716

Phone: (208) 334-4199

Fax: (208) 334-3741

Email: inquiry@idpr.idaho.gov

<https://parksandrecreation.idaho.gov>

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**26.01.21 – RULES GOVERNING LEASING PRACTICES AND PROCEDURES
FOR RECREATIONAL RESIDENCES WITHIN HEYBURN STATE PARK**

000. LEGAL AUTHORITY.

These rules are promulgated by the Idaho Park and Recreation Board pursuant to Idaho Code, Section 67-4223 and are intended to further define and make specific Idaho Code, Section 67-4223 as it pertains to the administration of recreational residence site leases within Heyburn State Park. (7-1-21)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.21, “Rules Governing Leasing Practices and Procedures for Recreational Residences Within Heyburn State Park.” (7-1-21)T

02. Scope. This chapter establishes rules to effectuate the purposes of and aid in the administration of recreational residence site leases within Heyburn State Park. (7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

As used in this chapter: (7-1-21)T

01. Board. The Idaho Park and Recreation Board, a bipartisan, six (6) member board, appointed by the Governor. (7-1-21)T

02. Department. The Idaho Department of Parks and Recreation. (7-1-21)T

03. Director. The director and chief administrator of the Department, or the designee of the director. (7-1-21)T

04. Lease. The contract defining the rights and duties of the parties regarding a recreational residence site within Heyburn State Park. (7-1-21)T

05. Lease Payment. The annual fee paid by a Lessee to the Lessor. (7-1-21)T

06. Lessee. A person who holds a valid lease for a recreational residence site within Heyburn State Park. (7-1-21)T

07. Lessor. The Board or it’s authorized representative. (7-1-21)T

08. Recreational Residence Site. A particularly described parcel of real property, located within Heyburn State Park and owned by the Department, which has been made available to private individuals through a lease for the purpose of constructing and maintaining a recreational residence. (7-1-21)T

011. -- 049. (RESERVED)

050. LEASE TERM.

01. Cottage Site Leases. Leases are issued for a term not to exceed ten (10) years commencing upon January 1 of the year the lease is entered into and ending upon December 31 of the final year of the term. (7-1-21)T

02. Float Home Moorage Site Leases. Lease of a float home moorage site may be issued for a period of up to thirty (30) years commencing upon January 1 of the year the lease is entered into and ending upon December 31 of the final year of the term. (7-1-21)T

051. -- 069. (RESERVED)

070. RENEWAL.

No lease may include any right of renewal, whether expressed or implied. (7-1-21)T

071. -- 089. (RESERVED)

090. LEASE RATES.

01. Base Rates. Base lease rates are set so as to provide the Department a reasonable return based upon the fair market value of the lease site. (7-1-21)T

02. Lease Rate Adjustments. The lease provides for annual adjustments. (7-1-21)T

091. -- 109. (RESERVED)

110. OCCUPANCY.

01. Recreational Occupancy. With the exception of those leases that have been grandfathered for full-time occupancy, the leased premises may be used solely for recreational residential purposes. Use may be intermittent or seasonal but in no event may the residence be occupied in excess of six (6) months in any twelve (12) consecutive months or more than one hundred eighty five (185) days in any three hundred sixty five (365) day cycle. (7-1-21)T

02. Full-Time Occupancy. Leases that have been grandfathered for full-time occupancy revert to recreational residential purposes when they are transferred, whether by gift, sale, or devise. (7-1-21)T

111. -- 129. (RESERVED)

130. USE.

01. Commercial Use Prohibited. Leased premises may not be used for commercial purposes. This includes, but is not limited to, short- or long-term rental for profit, and the conduct of any enterprise of a commercial nature. (7-1-21)T

02. Public Use. Heyburn State Park is a public facility that is managed for the use and benefit of the public. Recreational residence leases reserve to the Department and its agents the right of ingress and egress across lease premises. Recreational residence leases preserve the right of the general public to cross the leased premises for any lawful purpose. (7-1-21)T

131. -- 999. (RESERVED)

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IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

Management Services Division

26.01.22 – Rules Governing Cooperating Associations

Who does this rule apply to?

These rules apply to how the Idaho Department of Parks and Recreation manages their relationships with cooperating associations.

What is the purpose of this rule?

These rules are promulgated by the Idaho Park and Recreation Board to further define and make specific how recreation registration program vendors will administer the Idaho Safe Boating Act and the statues regarding Recreational Activities in Idaho Code.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statute passed by the Idaho Legislature:

State Government and State Affairs -

State Parks:

- [Section 67-4223, Idaho Code](#) – Powers of Board

Who do I contact for more information on this rule?

Idaho Department of Parks and Recreation

8:00 am to 5:00 pm MT

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26.01.22 – RULES GOVERNING COOPERATING ASSOCIATIONS

000. LEGAL AUTHORITY.

These rules, promulgated by the Idaho Parks and Recreation Board pursuant to Section 67-5201, et seq., Idaho Code, and Section 67-4223, Idaho Code, are intended to further define and make specific Section 67-4238, Idaho Code, which deals with establishment of cooperating associations. (7-1-21)T

001. -- 009. (RESERVED)

010. DEFINITIONS.

When used in these rules, the terms set forth below have the following definitions: (7-1-21)T

01. Agreement. A written document between the association and the Department which defines a specific facility, terms, and conditions of operation to which both parties agree. (7-1-21)T

02. Cooperating Association. Any private, nonprofit organization that enters into an agreement with the Department to aid the interpretive, educational, and related visitor service activities of a state park facility in which the cooperating association is authorized to function. (7-1-21)T

03. Department. The Idaho Department of Parks and Recreation. (7-1-21)T

04. Director. The director of the Idaho Department of Parks and Recreation or his designee. (7-1-21)T

05. State Park Facility. A structure or area within an Idaho state park, the entire state park, state park region or state park system. (7-1-21)T

011. -- 049. (RESERVED)

050. PURPOSE OF COOPERATING ASSOCIATIONS.

01. Generally. The purpose of a cooperating association is to assist the Department at a local, regional, or statewide level to enhance the interpretive, educational, and/or related visitor services activities. (7-1-21)T

02. Authorized Organizations and Activities. The Department may enter into agreements with private nonprofit scientific, historic or educational organizations for the purpose of providing interpretive services to state park facilities in Idaho. Said associations may provide such services as educational or interpretive material for sale; acquire display materials and equipment for exhibits; provide support for park interpretive programs or environmental education programs; support park facility libraries; provide support for other interpretive projects related to a specific park facility; provide fund raising activities within the park facility; or other specifically approved activities. All proposed services or activities must receive approval of the director prior to the activity taking place. (7-1-21)T

051. -- 099. (RESERVED)

100. CRITERIA FOR COOPERATING ASSOCIATIONS.

01. Number Limited. No more than one (1) association may be created on behalf of any park. (7-1-21)T

02. Requirements. Associations are encouraged to incorporate under the laws of the state of Idaho and to attain nonprofit, tax-exempt status under provisions of Section 501(c)3 of the federal Internal Revenue Service tax code, but it is neither a requirement nor a responsibility of the Department. Requirements of an association are that they have, as a minimum, a chairman, vice-chairman, secretary and treasurer, who may also serve on the board of directors of the association. Each association determines the number of association board members. Summary minutes of official association meetings must be forwarded to the Department within thirty (30) days after the meeting. A department representative, designated by the director, is an ex-officio member of the board. Association membership dues may be established by the association. (7-1-21)T

101. -- 149. (RESERVED)

150. DEPARTMENT ASSISTANCE TO ASSOCIATIONS.

If the association desires, the Department, in its discretion, may provide assistance to the association on an incidental basis. The Department may provide space at a state park facility for the interpretive materials provided by the

association. (7-1-21)T

151. -- 199. (RESERVED)

200. AGREEMENT REQUIRED/PRIOR APPROVAL OF ACTIVITIES REQUIRED.

An agreement must be signed between officials of the association and the Department prior to an association undertaking activities enumerated under Subsection 050.02 of this chapter. Agreements signed by officials of the association and the Department are binding on successor officers of the association and the Department. Association activities at a park may not conflict with park resources or objectives, must comply with all applicable statutes, rules and regulations, and are subject to prior approval of the director. Decisions of the director are deemed to be a final decision. (7-1-21)T

201. -- 249. (RESERVED)

250. DISPOSITION OF ASSETS AND PROFITS.

01. Profits to Benefit Park Facilities. Any profits received from the sale of publications or other materials provided by an association pursuant to an agreement entered into under these rules must be used by the association for interpretive or educational purposes to benefit the state park facility for which the association provides services. (7-1-21)T

02. Dissolution of Association. In the event that the association disbands, dissolves, or the agreement between the association and the Department is terminated for any reason whatsoever, all profits that have accrued to the association as a result of the association/Department agreement must be donated to the Department. The Department will use such assets or profits for interpretive and educational purposes at the designated state park facility. (7-1-21)T

251. -- 299. (RESERVED)

300. ACCOUNTABILITY.

01. Annual Statements Required. An annual financial statement of the association must be prepared and presented to the department director by May 1 of each year. (7-1-21)T

02. Department Not Liable. In no event will the Department be held liable for any debts incurred by the association. (7-1-21)T

301. -- 349. (RESERVED)

350. TERMINATION.

An agreement between an association and the Department may be terminated upon thirty (30) days written notice by either party to the other at the address for "Notices" listed in the agreement. (7-1-21)T

351. -- 999. (RESERVED)

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IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

Management Services Division

26.01.24 – Rules Governing the Administration of the Sawtooth National Recreation Area Special License Plate Funds

Who does this rule apply to?

These rules apply to the Idaho Department of Parks and Recreation employees that administer the Sawtooth National Recreation Area Special License Plate funds.

What is the purpose of this rule?

These rules are promulgated by the Idaho Park and Recreation Board to further define and make specific the administration of the Sawtooth National Recreation Area Special License Plate funds.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statute passed by the Idaho Legislature:

State Government and State Affairs -

State Parks:

- [Section 67-4223, Idaho Code](#) – Powers of Board

Who do I contact for more information on this rule?

Idaho Department of Parks and Recreation

8:00 am to 5:00 pm MT

P.O. Box 83720, Boise, ID 83720

5657 Warm Springs Avenue, Boise, ID 83716

Phone: (208) 334-4199

Fax: (208) 334-3741

Email: inquiry@idpr.idaho.gov

<https://parksandrecreation.idaho.gov>

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**26.01.24 – RULES GOVERNING THE ADMINISTRATION OF THE SAWTOOTH NATIONAL
RECREATION AREA SPECIAL LICENSE PLATE FUNDS**

000. LEGAL AUTHORITY.

The Idaho Park and Recreation Board is authorized under Section 67-4223(a), Idaho Code, to adopt, amend, or rescind rules as may be necessary for proper administration of the Department and its programs. (7-1-21)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.24, “Rules Governing the Administration of the Sawtooth National Recreation Area Special License Plate Funds.” (7-1-21)T

02. Scope. This chapter establishes procedures for the administration of the Sawtooth National Recreation Area special plate funds, received pursuant to Section 49-419A, Idaho Code, including requirements for project application, eligibility, review, award and management. (7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Applicant. A public entity, user group, organization, or individual that identifies a need for a project and applies for a sawtooth national recreation area special license plate fund grant through the Department. (7-1-21)T

02. Board. The Idaho Park and Recreation Board, a bipartisan, six (6) member board, appointed by the governor. (7-1-21)T

03. Department. The Idaho Department of Parks and Recreation. (7-1-21)T

04. Director. The director and chief administrator of the Department or the designee of the director. (7-1-21)T

05. Park and Recreation Fund. That fund created in Section 67-4225, Idaho Code. (7-1-21)T

06. Project. Any effort in compliance with applicable rules and policies governing the use of Sawtooth National Recreation Area special license plate funds. (7-1-21)T

07. Sawtooth National Recreation Area (SNRA) Special License Plate Funds. Those funds derived from the sale and purchase of Sawtooth National Recreation Area special license plates pursuant to Section 49-419A, Idaho Code. (7-1-21)T

011. -- 049. (RESERVED)

050. ELIGIBLE APPLICANTS FOR SAWTOOTH NATIONAL RECREATION AREA SPECIAL LICENSE PLATE FUNDS.

Any public entity or private group, organization or individual which provides evidence of its ability to implement or operate and maintain the project following the completion of the project. (7-1-21)T

051. -- 099. (RESERVED)

100. ELIGIBLE PROJECTS.

01. Determination of Eligibility. The director determines eligibility of projects in accordance with Section 49-419A, Idaho Code, and this chapter. (7-1-21)T

02. Eligible Projects. Eligible projects are limited to planning, design, development, construction, repair and maintenance of: (7-1-21)T

a. Motorized and non-motorized trails; (7-1-21)T

b. Camping facilities; (7-1-21)T

- c. Bridges located on a motorized or non-motorized trail; (7-1-21)T
- d. Restrooms used primarily by recreationists; (7-1-21)T
- e. Parking areas used primarily to access outdoor recreation facilities; (7-1-21)T
- f. Boat launch facilities; (7-1-21)T
- g. Boat docks; (7-1-21)T
- h. Interpretive centers, facilities and services for recreationists including informational and directional signs; (7-1-21)T
- i. Emergency medical facilities and services for recreationists; and (7-1-21)T
- j. Unpaved roads leading to recreation areas. (7-1-21)T

03. Location of Eligible Projects. All eligible projects must be located within the SNRA and must be open to the public regardless of race, color, religion, national origin, gender, age or disability. (7-1-21)T

101. -- 149. (RESERVED)

150. APPLICATION PROCEDURES.

To be considered for a grant, an applicant must file with the Department a memorandum of understanding in a form prescribed by the director and bearing original signatures no later than January 1 of each year. (7-1-21)T

151. -- 199. (RESERVED)

200. DISBURSEMENT OF FUNDS.

The Department will remit to the applicant at least eighty-five percent (85%) of all moneys collected pursuant to Section 49-419A, Idaho Code, not later than January 25, April 25, July 25 and October 25 of each year. The Department retains up to fifteen percent (15%) to cover costs related to the administration of this chapter. (7-1-21)T

201. -- 249. (RESERVED)

250. EXPENDITURE OF FUNDS.

The applicant must expend all funds received pursuant to this chapter within two (2) years of receipt. (7-1-21)T

251. -- 299. (RESERVED)

300. RETURN OF FUNDS.

Any funds required by these rules to be returned from the applicant to the Department will be credited to the park and recreation account and disbursed on or before the dates provided in Section 150 of this chapter. (7-1-21)T

301. -- 349. (RESERVED)

350. DOCUMENTATION.

01. Allowable Costs. Applicable Office of Management and Budget (OMB) cost principles must be followed in determining reasonable and allowable costs. (7-1-21)T

02. Documentation and System of Internal Controls. The applicant must maintain a system of internal controls in order to identify the source and disbursement of funds provided for all project costs by project. Accounting records must be supported by source documentation such as vouchers, canceled checks, invoices, payroll, time and attendance records, contract and sub-grant award documents, and other required billing forms. (7-1-21)T

03. Record Retention. The applicant must retain all financial information referenced in these rules

regarding a project for a time period of three (3) years from the date of the receipt of funds, or until the satisfactory completion of any litigation or audit concerning the project, whichever date is later. (7-1-21)T

04. Audit Authority. The Department has the right of access to any pertinent books, documents, papers, or other records of applicant which are pertinent to these rules, in order to make audits, examinations, excerpts, and transcripts. An audit may result in the disallowance of costs incurred by the applicant and the establishment of a debt (account receivable) due the Department. (7-1-21)T

351. -- 399. (RESERVED)

400. MAINTENANCE STANDARDS.

The applicant must ensure facilities developed, constructed or repaired with SNRA special license plate funds are maintained and operated in a condition equivalent to that existing when it was funded, normal wear and tear excepted. Maintenance standards must be adopted by the applicant during the application phase of the grant. (7-1-21)T

401. -- 449. (RESERVED)

450. PROJECT CONVERSIONS.

No project funded by SNRA special license plate funds may, without prior approval of the Department, be converted to uses other than for the authorized purpose of the original grant. The Department must approve a conversion only when the SNRA special license plate funds expended on the project can be returned to the Department, or the applicant can provide an immediate substitution of other projects of at least equal current fair market value and of reasonable equivalent usefulness and location. (7-1-21)T

451. -- 499. (RESERVED)

500. PURCHASE AND BIDDING REQUIREMENTS.

All local, state and federal laws pertaining to the expenditure of SNRA special license plate funds must be followed by the applicant. (7-1-21)T

501. -- 999. (RESERVED)

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IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

Operations Division

26.01.30 – Idaho Safe Boating Rules

Who does this rule apply to?

These rules apply to all boat owners recreating in Idaho waters.

What is the purpose of this rule?

These rules are promulgated by the Idaho Park and Recreation Board to administer the Idaho Safe Boating Act.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

State Government and State Affairs -

- [Title 67, Chapter 70, et seq., Idaho Code](#) – Idaho Safe Boating Act

Who do I contact for more information on this rule?

Idaho Department of Parks and Recreation

8:00 am to 5:00 pm MT

P.O. Box 83720, Boise, ID 83720

5657 Warm Springs Avenue, Boise, ID 83716

Phone: (208) 334-4199

Fax: (208) 334-3741

Email: inquiry@idpr.idaho.gov

<https://parksandrecreation.idaho.gov>

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26.01.30 – IDAHO SAFE BOATING RULES

000. LEGAL AUTHORITY.

The Idaho Park and Recreation Board is authorized under Section 67-7002, Idaho Code to promulgate rules to effectuate the purposes of and aid in the administration of the Idaho Safe Boating Act, Title 67, Chapter 70, Idaho Code. (7-1-21)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.30, “Idaho Safe Boating Rules.” (7-1-21)T

02. Scope. This chapter establishes rules to effectuate the purposes of and aid in the administration and enforcement of the Idaho Safe Boating Act, Title 67, Chapter 70, Idaho Code. (7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

As used in this chapter: (7-1-21)T

01. Duly Constituted Water Ski School. A profit-making business that files Idaho income tax returns in accordance with the Idaho Income Tax Act (Title 63, Chapter 30, Idaho Code) substantiating that instruction of water ski students for the making of a profit is or was being performed by the instructor. (7-1-21)T

02. Lifeboat. A vessel that: (7-1-21)T

a. Is owned by the owner of a vessel for which a valid certificate of number has been issued; (7-1-21)T

b. Is kept with the numbered vessel during normal operation of the numbered vessel; and (7-1-21)T

c. Is used solely in life threatening situations. (7-1-21)T

03. Motorboat. Any vessel propelled by machinery, which is powered by an energy source other than human effort, whether or not such machinery is the principal source of propulsion. (7-1-21)T

04. Sailboat. Any vessel equipped with mast(s) and sail(s), dependent upon the wind to propel the vessel in the normal course of operation of the vessel. (7-1-21)T

05. Sailboard. A surfboard type sailboat with no freeboard and using a triangular sail on a swivel mounted mast not secured to a hull by guys or stays. (7-1-21)T

06. Tender. A vessel equipped with propulsion machinery of less than ten (10) horsepower that: (7-1-21)T

a. Is owned by the owner of a vessel for which a valid certificate of number has been issued; (7-1-21)T

b. Displays the number of that numbered vessel followed by the suffix “1”; and (7-1-21)T

c. Is used for direct transportation between the numbered vessel and the shore and for no other purpose. (7-1-21)T

07. Watercraft. Those devices designed as a means of transportation on water. The following devices are not considered watercraft: (7-1-21)T

a. Diver’s aids operated and designed primarily to propel a diver below the surface of the water; and (7-1-21)T

b. Non-motorized devices not designed as a means of transportation on water, such as inflatable air mattresses, single inner tubes, and beach and water toys. (7-1-21)T

c. Float houses as defined in Section 67-7003(8), Idaho Code. (7-1-21)T

08. Whistle or Horn. Any sound producing appliance capable of producing the prescribed blasts and which complies with the specifications of 33 U.S.C. Section 2001 et seq. and 33 CFR Section 86.01 et seq. (7-1-21)T

09. Other Definitions. Other definitions set forth in the Idaho Safe Boating Act (Title 67, Chapter 70, Idaho Code) are incorporated herein by reference. (7-1-21)T

011. -- 049. (RESERVED)

050. PERSONAL FLOTATION DEVICES (PFD'S).

01. Personal Flotation Devices Required. Except seaplanes, sailboards, and as provided in Subsections 050.03 and 050.04 of this chapter, no person may operate or permit to be operated any vessel on the waters of this state without carrying on board personal flotation devices (Type I life preservers, Type II buoyant vests, Type III special purpose marine buoyant devices, Type IV buoyant cushions or ring life buoys, or Type V restricted use devices) as follows: (7-1-21)T

a. Recreational vessels (used for non-commercial use) less than sixteen (16) feet in length, and canoes and kayaks of any length, must have one (1) type I, II, or III wearable personal flotation devices of a suitable size for each person on board. (7-1-21)T

b. Recreational vessels sixteen (16) feet in length and over, except as stated in Subsection 050.01.a. of this chapter, must have one (1) type I, II, or III wearable personal flotation device of a suitable size for each person on board and, in addition, one (1) type IV throwable device. (7-1-21)T

c. Commercial vessels less than forty (40) feet in length not carrying passengers for hire must have at least one (1) Type I, II, or III wearable personal flotation device of a suitable size for each person on board. (7-1-21)T

d. Commercial vessels carrying passengers for hire and commercial vessels forty (40) feet in length or longer not carrying passengers for hire must have at least one Type I wearable personal flotation device of a suitable size for each person on board. (7-1-21)T

e. Commercial vessels twenty-six (26) feet in length or longer must have at least one (1) Type IV throwable ring life buoy in addition to other requirements. (7-1-21)T

f. Children fourteen (14) years of age and younger, onboard vessels nineteen (19) feet or less, must wear an approved flotation device when the vessel is underway. (7-1-21)T

02. Location and Condition. All personal flotation devices required by Section 050 of this chapter must be readily accessible to persons on board and be of good and serviceable condition. When aboard a personal watercraft (Jet Ski, Wave Runner, etc.) or being towed by a boat (water ski, wake board, knee board, tube, etc.), an approved flotation device must be worn to be considered readily accessible. All such devices must be approved by the U.S. Coast Guard, and must be marked in accordance with U.S. Coast Guard standards. All such devices must comply with the construction and design standards set forth by 46 U.S.C. Section 2101 et seq. and Section 4301 et seq., and applicable federal regulations. (7-1-21)T

03. Alternative PFD Requirement. A Type V personal flotation device may be carried in lieu of any required personal flotation device if U.S. Coast Guard approved for the activity engaged in. (7-1-21)T

04. Exemptions. (7-1-21)T

a. Racing shells, rowing sculls and racing kayaks are exempt from the requirements of Section 050 of this chapter provided they are manually propelled, recognized by a national or international racing association and designed solely for competitive racing. (7-1-21)T

b. Float tubes are exempt from the requirements of Section 050 of this chapter while being operated

on lakes and reservoirs of this state of less than two hundred (200) surface acres in size at natural or ordinary high water. (7-1-21)T

051. -- 074. (RESERVED)

075. FIRE EXTINGUISHERS.

01. Fire Extinguishers Required. Except seaplanes and those motorboats less than twenty-six (26) feet in length, propelled by outboard motors, of open construction that will not permit the entrapment of explosive or flammable gases or vapors, and not carrying passengers for hire, no person may operate or permit to be operated any motorboat on the waters of this state unless it carries on board and have readily accessible at least the minimum number of serviceable U.S. Coast Guard approved fire extinguishers as set forth below. (7-1-21)T

02. Type and Size -- Table. Extinguishers approved for use on motorboats are hand portable of either B-I or B-II classification. "B" type is for gasoline, oil and grease fires. "I" and "II" denotes size as follows:

Classification	Foam Dioxide	Carbon Chemical	Dry Freon	Halon/
B-I	1.25 gals.	4 lbs.	2 lbs.	2.5 lbs.
B-II	2.50 gals.	15 lbs.	10 lbs.	

(7-1-21)T

03. Inspections. Dry chemical fire extinguishers without gauges or indicating devices must be inspected every six (6) months. If the gross weight of a carbon dioxide (CO₂) fire extinguisher is reduced by more than ten percent (10%) of the net weight, the extinguisher is not acceptable and must be recharged. (7-1-21)T

04. Specific Requirements. Except as provided in Subsection 075.01 of this chapter, the requirements for fire extinguishers by length of motorboat are as follows: (7-1-21)T

- a. Less than twenty-six (26) feet in length: At least one (1) B-I fire extinguisher is required. (7-1-21)T
- b. Twenty-six (26) feet to less than forty (40) feet in length: At least two (2) B-I fire extinguishers are required. (7-1-21)T
- c. Forty (40) feet to not more than sixty-five (65) feet in length: At least three (3) B-I fire extinguishers are required. (7-1-21)T
- d. Over sixty-five (65) feet in length: Federal requirements apply as stated in 46 U.S.C. Section 2101 et seq. and Section 4301 et seq., and 46 CFR Section 25.30-1 et seq. (7-1-21)T

05. Alternative Fire Extinguisher Requirement. One (1) B-II fire extinguisher may be substituted for two (2) B-I fire extinguishers. (7-1-21)T

06. Fixed Systems. When a fixed fire extinguishing system is installed in machinery space(s), one (1) less B-I fire extinguisher is required. (7-1-21)T

076. -- 099. (RESERVED)

100. LIGHTS AND SHAPES.

01. Lights Required. No person may operate or permit the operation of any vessel on the waters of this state between sunset and sunrise or in other times of restricted visibility unless the vessel is equipped with and displays the lights herein specified, and during such time no other lights which may be mistaken for those prescribed must be exhibited. (7-1-21)T

02. Motorized Vessels. A motorboat less than sixty-five and six-tenths (65.6) feet in length must exhibit navigation lights as follows: (7-1-21)T

a. A white light placed over the fore and aft centerline of the vessel showing an unbroken light over an arc of the horizon of two hundred twenty-five (225) degrees (twenty (20) points) and so fixed as to show the light from right ahead to twenty-two and five-tenths (22.5) degrees (two (2) points) abaft (toward the stern from) the beam on either side of the vessel. (7-1-21)T

b. A white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon one hundred thirty-five (135) degrees (twelve (12) points) and so fixed as to show the light sixty-seven and five-tenths (67.5) degrees (six (6) points) from right aft on each side of the vessel. (7-1-21)T

c. On the starboard side a green light and on the port side a red light each showing an unbroken light over an arc of the horizon of one hundred twelve and five-tenths (112.5) degrees (ten (10) points) and so fixed as to show the light from right ahead to twenty-two and five-tenths (22.5) degrees (two (2) points) abaft (toward the stern from) the beam on its respective side. These sidelights may be combined in one (1) lantern carried on the fore and aft centerline of the vessel. (7-1-21)T

d. A motorboat less than thirty-nine and four-tenths (39.4) feet in length may exhibit a white light aft visible all around the horizon in lieu of the white lights prescribed in Subsections 100.02.a. and 100.02.b. of this chapter. (7-1-21)T

03. Non-Motorized Vessels. A sailboat, under sail alone, and a vessel under oars or paddles, must exhibit navigation lights as follows: (7-1-21)T

a. On the starboard side a green light and on the port side a red light each showing an unbroken light over an arc of the horizon of one hundred twelve and five-tenths (112.5) degrees (ten (10) points) and so fixed as to show the light from right ahead to twenty-two and five-tenths (22.5) degrees (two (2) points) abaft (toward the stern from) the beam on its respective side. These sidelights may be combined in one (1) lantern carried on the fore and aft centerline of the vessel. (7-1-21)T

b. A white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon one hundred thirty-five (135) degrees (twelve (12) points) and so fixed as to show the light sixty-seven and five-tenths (67.5) degrees (six (6) points) from right aft on each side of the vessel. (7-1-21)T

c. A sailboat of less than twenty-three (23) feet in length or a vessel under oars or paddles must, if practicable, exhibit the lights prescribed in Subsections 100.03.a. and 100.03.b. of this chapter, but if it does not, it must have ready at hand an electric torch or lighted lantern showing a white light that must be exhibited in sufficient time to prevent collision. (7-1-21)T

04. Anchorage. All vessels must display a white light visible all around the horizon when anchored on the waters of this state, unless anchored in a designated mooring area. (7-1-21)T

05. Seaplanes. Where it is impracticable for a seaplane to exhibit lights of the characteristics or in the positions prescribed in Section 100 of this chapter, it must exhibit lights as similar in characteristics and position as is possible. (7-1-21)T

06. Sailboats. Between sunrise and sunset, a vessel proceeding under sail when also being propelled by machinery must exhibit forward where it can best be seen a conical shape, apex downward. A vessel of less than thirty-nine and four-tenths (39.4) feet in length is not required to exhibit this shape, but may do so. (7-1-21)T

07. Visibility. Every white light prescribed by Section 100 of this chapter must be of such character as to be visible at a distance of at least two (2) miles. Every other colored light must be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow and must be of such character as to be visible at a distance of at least one (1) mile. The word "visible" in Section 100 of this chapter means visible on a dark night with clear atmosphere. (7-1-21)T

08. Alternative Lights and Shapes. In lieu of the lights and shapes required in Section 100 of this chapter, a vessel may exhibit those lights and shapes provided for by 33 U.S.C. Section 1601 et seq., or 33 U.S.C. Section 2001 et seq. and applicable regulations, and as published by the U.S. Coast Guard in the Navigational Rules International - Inland. (7-1-21)T

101. -- 124. (RESERVED)

125. VENTILATION.

01. Ventilation Required. Except seaplanes, no person may operate or permit to be operated any vessel having aboard a gasoline engine used for any purpose, unless it is provided with proper ventilation. (7-1-21)T

02. Compartments With Gasoline Engines. Each compartment in a vessel that has a permanently installed gasoline engine with a cranking motor must be open to the atmosphere, or be ventilated by a natural ventilation system and a mechanical exhaust blower system as required by 46 U.S.C. Section 2101 et seq. and Section 4301 et seq., and 33 CFR Section 183.601 et seq. (7-1-21)T

03. Collection of Vapors or Gases. Each compartment or tank in a vessel that may permit the entrapment of explosive or flammable gases or vapors must be ventilated by a natural ventilation system. (7-1-21)T

04. Natural Ventilation System. A natural ventilation system must be approved for use by the U.S. Coast Guard and include a supply opening or duct from the atmosphere or from a ventilated compartment or from a compartment that is open to the atmosphere, and an exhaust opening into another ventilated compartment or an exhaust duct to the atmosphere. Each exhaust opening or duct must originate in the lower third of the compartment; and each supply opening or duct and each exhaust opening or duct in a compartment must be above the normal accumulation of bilge water. Each supply opening must be forward facing and located on the exterior surface of a vessel, or be constructed so that air effectively flows into or out of the supply or exhaust openings. (7-1-21)T

05. Exhaust Blowers. Each vessel that is required to have an exhaust blower must have a label that is located as close as practicable to each ignition switch, is in plain view of the operator, and has at least the following information:

**“WARNING -- GASOLINE VAPORS CAN EXPLODE. BEFORE STARTING ENGINE
OPERATE BLOWER FOR FOUR (4) MINUTES AND CHECK ENGINE
COMPARTMENT BILGE FOR GASOLINE VAPORS.”**

(7-1-21)T

06. Alternative Ventilation System. In lieu of the ventilation and warning label required in Section 125 of this chapter, a vessel may be provided with any type of ventilating system as required by 46 U.S.C. Section 2101 et seq. and Section 4301 et seq., and applicable federal regulations. (7-1-21)T

126. -- 149. (RESERVED)

150. SOUND PRODUCING DEVICES.

No person may operate or permit to be operated any vessel on the waters of this state without carrying on board sound producing devices as follows: (7-1-21)T

01. Vessels Thirty-Nine and Four-Tenths Feet and Over. A vessel of thirty-nine and four-tenths (39.4) feet or more in length must be provided with a whistle or horn capable of making the prescribed signals provided for by 33 U.S.C. Section 2001 et seq., and a bell. The whistle or horn must be audible for at least one-half (1/2) nautical mile, and the bell, when struck, must produce a clear bell-like tone of full sound characteristic. (7-1-21)T

02. Vessels Under Thirty-Nine and Four-Tenths Feet. A vessel of less than thirty-nine and four-tenths (39.4) feet in length must be provided with a whistle or horn capable of making the prescribed signals provided for by 33 U.S.C. Section 2001 et seq. The whistle or horn must be audible for at least one-half (1/2) nautical mile.

(7-1-21)T

151. -- 174. (RESERVED)

175. BACKFIRE FLAME CONTROL.

Except seaplanes, no person may operate or permit to be operated any motorboat on the waters of this state unless each carburetor on every inboard gasoline engine installed in a motorboat must be equipped with a U.S. Coast Guard approved backfire flame arrester or other means of backfire flame control approved for use by the U.S. Coast Guard, each of which is securely attached to the carburetor and in proper working order. (7-1-21)T

176. -- 199. (RESERVED)

200. WARNING FLAGS FOR DOWNED SKIERS.

No person may operate or permit to be operated any vessel used for towing waterskiers or similar devices in which persons or objects are being towed above, in, or on the waters of this state unless it has on board and displays a warning flag as specified in Section 200 of this chapter. (7-1-21)T

01. Size and Color. A warning flag must be international orange or red in color and must be at least one (1) foot square. (7-1-21)T

02. Use. When any person being towed by the vessel becomes disengaged from the towline and is down in the water, a person in the vessel must immediately hold the warning flag aloft, visible from all sides, as an indicator to other vessels in the area that a person is down in the water. As long as such downed person is in the water, the flag must remain displayed to prevent danger to that person and hazards to passing vessels. (7-1-21)T

03. Use Limited. Such warning flag must be displayed only under the conditions set forth in Section 200 of this chapter or when other eminent danger exists. (7-1-21)T

201. -- 224. (RESERVED)

225. VESSEL LIVERIES -- EQUIPMENT.

Neither the owner of a vessel livery nor his agent or employee may permit any vessel permitted by him to be operated as a vessel to depart from his premises unless it has been provided, either by owner or renter, with the equipment required pursuant to Title 67, Chapter 70, Idaho Code and this chapter. (7-1-21)T

226. PERSONAL WATERCRAFT LIVERIES.

01. Education Required. All liveries renting, leasing or hiring out any personal watercraft must provide education in the laws, rules and safe operation of the personal watercraft to each person that will operate the personal watercraft. No person may operate any personal watercraft that is rented, leased or hired without first completing instruction in the laws, rules and safe operation of the personal watercraft. This instruction must include: (7-1-21)T

a. The complete reading of "Personal Watercraft Laws and Safe Operation," IDPR form REV 50.13; and (7-1-21)T

b. The complete viewing of the video "Play It Safe" produced by the Personal Watercraft Industry Association. (7-1-21)T

02. Acknowledgment Required. All persons operating a rented, leased or hired personal watercraft must carry on board for inspection by any law enforcement officer a valid "Idaho PWC Renter's Acknowledgment of Education" form, IDPR form REV 50.14. (7-1-21)T

03. Provision of Forms, Videos, Publications. All forms, videos and other required educational materials will be provided to personal watercraft liveries by the Department at no charge to the livery. (7-1-21)T

227. -- 249. (RESERVED)

250. VESSEL NUMBERS -- DISPLAY, SIZE, COLOR.

- 01. Requirements.** Each vessel number required by Section 67-7008, Idaho Code, must: (7-1-21)T
- a.** Be in plain vertical block characters of not less than three (3) inches in height; (7-1-21)T
 - b.** Contrast with the color of the background; (7-1-21)T
 - c.** Have spaces or hyphens that are equal to the width of a letter other than “I” or a number other than “1” between the letter and number groupings (Example: ID 5678 A or ID-5678-A); (7-1-21)T
 - d.** Read from left to right; (7-1-21)T
 - e.** Be maintained in legible condition; (7-1-21)T
 - f.** Be as high above the waterline as practicable without decreasing the visibility of the number. (7-1-21)T
- 02. Manufacturers and Dealers.** When a vessel is used by a manufacturer or dealer for testing or demonstrating, the vessel number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel. (7-1-21)T
- 03. Special Circumstances.** On vessels so configured that a vessel number on the hull or superstructure would not be easily visible, the vessel number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the vessel number is visible from each side of the vessel. (7-1-21)T

251. -- 274. (RESERVED)

275. VESSEL NUMBERS -- FORM.

- 01. Numbering.** Each vessel number issued according to Section 67-7008, Idaho Code, must consist of the prefix “ID,” which denotes Idaho as the State of issuing authority, followed by: (7-1-21)T
- a.** Not more than four (4) numerals followed by not more than two (2) capital letters (Example: ID 1234 AB); or (7-1-21)T
 - b.** Not more than three (3) numerals followed by not more than three (3) capital letters (Example: ID 123 ABC). (7-1-21)T
- 02. Prohibited Letters.** A vessel number suffix may not include the letters “I,” “O,” or “Q,” which may be mistaken for numerals. (7-1-21)T

276. -- 299. (RESERVED)

300. VALIDATION STICKERS.

- 01. Size and Location of Stickers.** Validation stickers issued according to Section 67-7008, Idaho Code, must: (7-1-21)T
- a.** Be displayed within six (6) inches of and directly in line with the vessel number displayed on the vessel; (7-1-21)T
 - b.** Be approximately three (3) inches square; and (7-1-21)T
 - c.** Indicate the year in which each validation sticker expires by the colors, green, red, blue, and international orange, in rotation beginning with green for stickers that expire in 1987. (7-1-21)T

02. Removal of Stickers. Validation stickers issued according to Sections 67-7008 or 67-7011, Idaho Code, that have become invalid must be removed from the vessel. (7-1-21)T

301. -- 324. (RESERVED)

325. APPLICATION AND CERTIFICATE OF NUMBER -- CONTENTS.

01. Requirements. Except as allowed in Subsections 325.03 and 325.04 of this chapter, each application for a certificate of number and each certificate of number, referred to in Section 67-7008, Idaho Code, must contain the following information: (7-1-21)T

- a.** Number issued to the vessel; (7-1-21)T
- b.** Expiration date of the certificate; (7-1-21)T
- c.** State of principal use; (7-1-21)T
- d.** Name of the owner; (7-1-21)T
- e.** Address of owner, including ZIP code; (7-1-21)T
- f.** Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing or other use; (7-1-21)T
- g.** Manufacturer's hull identification number (if any); (7-1-21)T
- h.** Make of vessel; (7-1-21)T
- i.** Year vessel was manufactured; (7-1-21)T
- j.** Overall length of vessel; (7-1-21)T
- k.** Whether the vessel is an open boat, cabin cruiser, houseboat, or other type; (7-1-21)T
- l.** Hull material; (7-1-21)T
- m.** Whether the propulsion is inboard, outboard, inboard-outdrive, or sail; (7-1-21)T
- n.** Whether the fuel is gasoline, diesel, or other; (7-1-21)T
- o.** The number previously issued by an issuing authority for the vessel, if any; (7-1-21)T
- p.** Whether the application is for a new certificate of number, renewal of a certificate of number, or transfer of ownership; (7-1-21)T
- q.** The signature of the owner. (7-1-21)T

02. Manufacturer or Dealer. A certificate of number issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit the requirements of Subsections 325.01.g. through 325.01.n. of this chapter if the word "manufacturer" or "dealer" is plainly marked on the certificate. (7-1-21)T

03. Livery Vessels. A certificate of number issued to a vessel that is to be rented or leased without propulsion machinery may omit the requirements of Subsections 325.01.m. and 325.01.n. of this chapter if the words "livery vessel" are plainly marked on the certificate. (7-1-21)T

04. Proof of Ownership. Each applicant for a certificate of number as prescribed in Section 67-7008,

Idaho Code, must submit one (1) of the following documents to the Department or authorized vendor: (7-1-21)T

a. The bill of sale from the dealer or a bill of sale from the previous owner of the vessel; (7-1-21)T

b. If the vessel is home built, a sworn statement attesting to the identity of the builder, the location or place of construction, the source of the material used for construction and a description of the vessel. The statement must also be accompanied by any receipts received from the purchase or acquisition of the materials used in the construction of the vessel and a copy of the construction plans, if any; (7-1-21)T

c. If the vessel has been rebuilt, a sworn statement attesting to the identity of the builder, the location or place of rebuilding, the source of the material used for rebuilding and a description of the vessel. The statement must also be accompanied by any receipts received for the purchase or acquisition of the materials used in the rebuilding of the vessel and documentation indicating the source of the original hull and proof of ownership from the previous owner; (7-1-21)T

d. If none of the documents listed in Subsections 325.04.a. or 325.04.b. of this Section are available, the applicant must submit an affidavit of ownership to the Department. (7-1-21)T

326. -- 349. (RESERVED)

350. NUMBERING - EXEMPTIONS.

The following vessels are exempt from the numbering provisions of Title 67, Chapter 70, Idaho Code, pursuant to Section 67-7009(5), Idaho Code: (7-1-21)T

01. Rowboats. Rowboats without motors; (7-1-21)T

02. Canoes. Canoes without motors; (7-1-21)T

03. Kayaks. Kayaks without motors; (7-1-21)T

04. Inflatables. Inflatable vessels without motors; (7-1-21)T

05. Paddle Vessels. Paddle vessels without motors; (7-1-21)T

06. Sailboards. Sailboards without motors; (7-1-21)T

07. Tenders. Tenders; (7-1-21)T

08. Documented Vessels. Vessels properly documented with the U.S. Coast Guard, according to 46 U.S.C. 12101 et seq.; and (7-1-21)T

09. Government Vessels. Vessels exempted in Section 67-7009(3), Idaho Code, include those vessels owned by the United States, another state or a political subdivision thereof, which are used principally for governmental purposes other than recreation, and which are clearly identifiable as a government-owned vessel. (7-1-21)T

351. -- 399. (RESERVED)

400. COUNTY ELIGIBILITY TO RECEIVE MONEYS FROM THE STATE VESSEL ACCOUNT.

01. Boating Improvement Program. Only those counties in the state with a boating improvement program, as recognized by the Department, are eligible to receive moneys from the state vessel account. A “boating improvement program” means that one (1) or more recognized boating facilities are being developed and/or maintained within the county’s jurisdiction and/or that the county has or is actively developing a recognized boating law enforcement program” (Section 67-7013(6), Idaho Code). (7-1-21)T

02. Requirements for Boating Improvement Program. A boating improvement program is

recognized if it contains one (1) or more of the following: (7-1-21)T

a. Boating facilities that are being maintained within the county's jurisdiction. A boating facility is an improved public boating access site, which includes at least an improved (concrete or asphalt) boat ramp and any type parking area for vehicles and their attached boat trailers. (7-1-21)T

b. Boating facilities that are being developed within the county's jurisdiction. "Being developed" means that substantiating evidence can and must be presented in proof of the development. (7-1-21)T

c. The county has a boating law enforcement program. A boating law enforcement program is a program whereby an agent of the county sheriff's Department is currently, or has in the recent past, patrolled the county's waterways and enforced Title 67, Chapter 70, Idaho Code. (7-1-21)T

d. The county is actively developing a boating law enforcement program. "Actively developing" means that substantiating evidence can and must be presented in proof if the development. (7-1-21)T

401. -- 424. (RESERVED)

425. HULL IDENTIFICATION NUMBERS - REQUIRED.

01. Obtaining a Hull Identification Number. A person who builds or imports a vessel for his own use and not for the purposes of sale must request a hull identification number from the director and affix the number as instructed (Section 67-7004(2), Idaho Code). (7-1-21)T

02. Displaying the Hull Identification Number. A person must identify a vessel with the display of two (2) identical hull identification numbers, or as otherwise provided by 46 U.S.C. Section 2101 et seq. and Section 4301 et seq., and 33 CFR Section 181.21 et seq. (7-1-21)T

03. Duplicate Numbers Prohibited. The same hull identification number may not be assigned to more than one (1) vessel. (7-1-21)T

04. Proof of Ownership. Each applicant for a hull identification number as prescribed in Sections 67-7004(2) and 67-7004(4), Idaho Code, must submit one (1) of the following documents to the Department: (7-1-21)T

a. The bill of sale from the dealer or a bill of sale from the previous owner of the vessel; (7-1-21)T

b. If the vessel is home built, a sworn statement attesting to the identity of the builder, the location or place of construction, the source of the material used for construction and a description of the vessel. The statement must also be accompanied by any receipts received from the purchase or acquisition of the materials used in the construction of the vessel and a copy of the construction plans, if any; (7-1-21)T

c. If the vessel has been rebuilt, a sworn statement attesting to the identity of the builder, the location or place of rebuilding, the source of the material used for rebuilding and a description of the vessel. The statement must also be accompanied by any receipts received for the purchase or acquisition of the materials used in the rebuilding of the vessel and documentation indicating the source of the original hull and proof of ownership from the previous owner; (7-1-21)T

d. If none of the documents listed in Subsections 425.04.a. or 425.04.b. of this Section are available, the applicant must submit an affidavit of ownership to the Department. (7-1-21)T

426. -- 449. (RESERVED)

450. HULL IDENTIFICATION NUMBERS -- FORM.

Each hull identification number issued according to Section 67-7004(2), Idaho Code, consists of twelve (12) characters, uninterrupted by slashes, hyphens, or spaces, as follows: (7-1-21)T

01. Prefix. The first three (3) characters (prefix) are "IDZ," which denotes Idaho as the issuing

authority. (7-1-21)T

02. Hull Serial Number. Characters four (4) through eight (8) are the hull serial number assigned by the director in letters of the English alphabet, or Arabic numerals, or both, except the letters "I," "O," and "Q." (7-1-21)T

03. Date of Manufacture. Characters nine (9) and ten (10) indicate the month and year of manufacture. The date indicated can be no earlier than the date construction or assembly began and no later than the date construction or assembly is completed or the vessel is imported into the United States. Character nine (9) are indicated using letters of the English alphabet. The first month of the year, January, is designated by the letter "A," the second month, February, by the letter "B," and so on until the last month of the year, December. Character ten (10) is the last digit of the year of manufacture or import and must be an Arabic numeral. (7-1-21)T

04. Model Year. Characters eleven (11) and twelve (12) indicate the model year using Arabic numerals for the last two (2) numbers of the model year such as "87" for 1987 and "88" for 1988. (7-1-21)T

451. -- 474. (RESERVED)

475. HULL IDENTIFICATION NUMBERS -- DISPLAY.

Each hull identification number issued according to Section 67-7004(2), Idaho Code must be displayed as follows: (7-1-21)T

01. Primary Number. The primary hull identification number must be affixed: (7-1-21)T

a. On vessels with transoms, to the starboard outboard side of the transom within two (2) inches of the top of the transom, gunwale, or hull/deck joint, whichever is lowest. (7-1-21)T

b. On vessels without transoms or on vessels on which it would be impractical to use the transom, to the starboard outboard side of the hull, aft, within one (1) foot of the stern and within two (2) inches of the top of the hull side, gunwale or hull/deck joint, whichever is lowest. (7-1-21)T

c. On catamarans and pontoon vessels which have readily replaceable hulls, to the aft crossbeam within one (1) foot of the starboard hull attachment. (7-1-21)T

d. If the hull identification number would not be visible, because of rails, fittings, or other accessories, the number must be affixed as near as possible to the location specified in Subsection 475.01 of this chapter. (7-1-21)T

02. Duplicate Number. The duplicate hull identification number must be affixed in an unexposed location on the interior of the vessel or beneath a fitting or item of hardware. (7-1-21)T

03. Hull Identification Number to Be Permanently Affixed. Each hull identification number must be carved, burned, stamped, embossed, molded, bonded, or otherwise permanently affixed to the vessel so that alteration, removal, or replacement would be obvious. If the number is on a separate plate, the plate must be fastened in such a manner that its removal would normally cause some scarring of or damage to the surrounding hull area. A hull identification number may not be attached to parts of the vessel that are removable. (7-1-21)T

04. Size of Characters. The characters of each hull identification number may be no less than one-fourth (1/4) of an inch high. (7-1-21)T

476. -- 499. (RESERVED)

500. IDAHO WATERWAY MARKING SYSTEM.

01. Uniform System. In the marking of water areas, as described in Section 67-7031, Idaho Code, the Uniform State Waterway Marking System is used for the placement of aids to navigation and regulatory markers in the waters of the state. (7-1-21)T

02. Regulatory Markers. Regulatory markers are used to indicate to a vessel operator the existence of dangerous areas as well as those which are restricted or controlled, such as speed zones and areas dedicated to a particular use, or to provide general information and directions. (7-1-21)T

03. Colors. Each regulatory marker must be colored white with international orange geometric shapes. (7-1-21)T

04. Buoys. When a buoy is used as a regulatory marker it must be white with horizontal bands of international orange placed completely around the buoy circumference. One (1) band must be at the top of the buoy body, with a second band placed just above the waterline of the buoy so that both international orange bands are clearly visible to approaching vessels. The area of buoy body visible between the two (2) bands must be white. (7-1-21)T

05. Geometric Shapes. Geometric shapes must be placed on the white portion of the buoy body and must be colored international orange. The authorized geometric shapes and meanings associated with them are as follows: (7-1-21)T

a. A vertical open faced diamond shape to mean danger. (7-1-21)T

b. A vertical open faced diamond shape having a cross centered in the diamond to mean that a vessel is excluded from the marked area. (7-1-21)T

c. A circular shape to mean that vessel operated in the marked area is subject to certain operating restrictions. (7-1-21)T

d. A square or rectangular shape with directions or information lettered on the inside. (7-1-21)T

06. Signs. Where a regulatory marker consists of a square or rectangular shaped sign displayed from a structure, the sign must be white, with an international orange border. When a diamond or circular geometric shape associated with meaning of the marker is included it must be centered on the signboard. (7-1-21)T

07. Navigation Aids. Aids to navigation are used to supplement the federal lateral system of buoyage and have either a lateral or cardinal meaning. (7-1-21)T

08. Defined Channel. On a well defined channel including a river or other relatively narrow natural or improved waterway, an aid to navigation is normally a solid colored buoy. A buoy that marks the left side of the channel viewed looking upstream or toward the head of navigation must be colored all black. A buoy that marks the right side of the channel viewed looking upstream or toward the head of a navigation must be colored all red. On a well defined channel, solid colored buoys are established in pairs, one (1) on each side of the navigable channel that they mark, and opposite each other to inform the user that the channel lies between the buoys and that he should pass between the buoys. (7-1-21)T

09. Irregularly Defined Channel. On an irregularly defined channel, solid colored buoys may be used singly in staggered fashion on alternate sides of the channel provided they are spaced at sufficiently close intervals to inform the user that the channel lies between the buoys and that he should pass between the buoys. (7-1-21)T

10. Undefined Channel. Where there is no well defined channel or when a body of water is obstructed by objects whose nature or location is such that the obstruction can be approached by a vessel from more than one (1) direction, supplemental aids to navigation having cardinal meaning (i.e., pertaining to the cardinal points of the compass, north, east, south, and west) may be used. The use of an aid to navigation having cardinal meaning is discretionary provided that the use of such a marker is limited to wholly state owned waters and the state waters for private aids to navigation as defined and described in Section 500 of this chapter. (7-1-21)T

11. Cardinal System. Aids to navigation conforming to the cardinal system consist of three (3) distinctly colored buoys. (7-1-21)T

a. A white buoy with a red top may be used to indicate to a vessel operator that he will pass to the south or west of the buoy. (7-1-21)T

b. A white buoy with a black top may be used to indicate to a vessel operator that he will pass to the north or east of the buoy. (7-1-21)T

c. In addition, a buoy showing alternate vertical red and white stripes may be used to indicate to a vessel operator that an obstruction to navigation extends from the nearest shore to the buoy and that he may not pass between the buoy and shore. The number of white and red stripes is discretionary, provided that the white stripes are twice the width of the red stripes. (7-1-21)T

12. Markers to Be Visible. The size, shape, material, and construction of all markers, both fixed and floating, must be such as to be observable under normal conditions of visibility at a distance such that the significance of the marker or aid must be recognizable before the observer stands into danger. (7-1-21)T

13. Lettering to Be Visible. Numbers, letters or words on an aid to navigation or regulatory marker must be placed in a manner to enable them to be clearly visible to an approaching and passing vessel. They must be block style, well proportioned, and as large as the available space permits. Numbers and letters on red or black backgrounds must be white; numbers and letters on white backgrounds must be black. (7-1-21)T

14. Numbering Buoys. Odd numbers must be used to identify solid colored black buoys or black topped buoys; even numbers must be used to identify solid colored red buoys or red topped buoys. All numbers must increase in an upstream direction or toward the head of navigation. The use of numbers to identify buoys is discretionary. (7-1-21)T

15. Lettering Markers. Letters only may be used to identify regulatory and the white and red vertically striped obstruction markers. When used the letters must follow alphabetical sequence in an upstream direction or toward the head of navigation. The letters "I" and "O" are omitted to preclude confusion with numbers. The use of letters to identify regulatory markers and obstruction markers is discretionary. (7-1-21)T

16. Reflective Material. The use of reflectors or retroreflective materials is discretionary. (7-1-21)T

17. Color of Reflective Material. When used on buoys having lateral significance, red reflectors or retroreflective materials must be used on solid colored red buoys; green reflectors or retroreflective materials must be used on solid colored black buoys; white reflectors or retroreflective materials only may be used for all other buoys including regulatory markers, except that orange reflectors or retroreflective materials may be used on the orange portions of regulatory markers. (7-1-21)T

18. Lights. The use of navigational lights on state aids to navigation, including regulatory markers, is discretionary. When used, lights on solid colored buoys must be regularly flashing, regularly occulting, or equal interval lights. For ordinary purposes the frequency of flashes may not be more than thirty (30) flashes per minute (slow flashing). When it is desired that lights have a distinct cautionary significance, as at sharp turns or sudden constrictions in the channel or to mark wrecks or other artificial or natural obstructions, the frequency of flashes may not be less than sixty (60) flashes per minute (quick flashing). When a light is used on a cardinal system buoy or a vertically striped white and red buoy it must always be quick flashing. The colors of the lights must be the same as for reflectors; a red light only on a solid colored red buoy; a green light on solid colored black buoy; white light only for all other buoys including regulatory markers. (7-1-21)T

19. Ownership Identification. The use and placement of ownership identification is discretionary, provided that ownership identification is worded and placed in a manner that avoids detracting from the meaning intended to be conveyed by a navigational aid or regulatory marker. (7-1-21)T

20. Mooring Buoys. Mooring buoys in state waters for private aids to navigation must be colored white and must have a horizontal blue band around the circumference of the buoy centered midway between the top of the buoy and the waterline. (7-1-21)T

21. Lighted Mooring Buoys. A lighted mooring buoy must normally display a slow flashing white

light. When its location in a waterway is such that it constitutes an obstruction to a vessel operated during hours of darkness, it must display a quick flashing white light. (7-1-21)T

22. Identifying Mooring Buoys. A mooring buoy may bear ownership identification provided that the manner and placement of the identification does not detract from the meaning intended to be conveyed by the color scheme or identification letter when assigned. (7-1-21)T

501. -- 524. (RESERVED)

525. NEGLIGENCE OPERATION.

Negligent operation, as used in Section 67-7017, Idaho Code, includes, but not be limited to, the following: (7-1-21)T

01. Airborne. Becoming airborne or completely leaving the water while crossing the wake of another vessel at an unsafe distance from the vessel creating the wake; or (7-1-21)T

02. Weaving. Weaving through congested traffic; or (7-1-21)T

03. Speed or Proximity. Operating at such a speed and proximity to another vessel, a person, or property of other persons so as to require the operator to swerve at the last moment to avoid collision. (7-1-21)T

526. -- 999. (RESERVED)

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IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

Management Services Division

26.01.31 – Rules Governing the Administration of the Idaho Department of Parks and Recreation State and Federal Grant Funds

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**26.01.31 – RULES GOVERNING THE ADMINISTRATION OF THE IDAHO DEPARTMENT
OF PARKS AND RECREATION STATE AND FEDERAL GRANT FUNDS**

00. LEGAL AUTHORITY.

The Idaho Park and Recreation Board is authorized under Section 67-4223(a), Idaho Code, to adopt, amend, or rescind rules as may be necessary for proper administration of the Department and its programs. (7-1-99)

01. TITLE AND SCOPE.

01. Title. The title of this chapter is cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.31, “Rules Governing the Administration of the Idaho Department of Parks and Recreation State and Federal Grant Funds.” (4-11-06)

~~**02. Scope.** This chapter establishes procedures for grants administration of the Off-Road Motor Vehicle Account, the Recreational Vehicle Account, the Waterways Improvement Fund, the State Trust for Outdoor Recreation Enhancement, the Recreational Trails Program, the Motorbike Recreation Account, the Cutthroat License Plate Fund, and the Recreational Road and Bridge Fund. This chapter includes requirements for project application, eligibility, review, award and management. (4-11-06)~~

The purpose of this chapter is to ensure consistent administration of state and federal grant programs. It is the intent of the department, through the state and federal grant programs, to provide funds and planning assistance to entities consistent with the purpose statement outlined in Idaho Code for each program and the provisions detailed in this chapter and the recreation grant program guidance. ()

02. -- 009. (RESERVED)

10. DEFINITIONS.

As used in this chapter: (7-1-99)

01. 2CFR 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as set forth in 2 CRF 200 (Code of Federal Regulations). ()

~~**02. Applicant.** An IDPR approved entity, that identifies a need for a project, supplies initial support data, and applies for program grant through the Department. (4-11-06)~~

03. ATV: All-terrain vehicle. ()

04. Board. The Idaho Park and Recreation Board. (7-1-99)

~~**05. County Waterways Committee.** Those committees created by Section 67-7012, Idaho Code, whose purpose is to advise the county on the maintenance and improvements of waterways and expenditures of moneys deposited in the county vessel account. (4-11-06)~~

~~**06. Cutthroat License Plate Fund (CLP).** That portion of the Park and Recreation fund created in Section 67-4225, Idaho Code, received from the sale of cutthroat wildlife license plates. (4-11-06)~~

07. Department. The Idaho Department of Parks and Recreation. (7-1-99)

08. Director. The Idaho Department of Parks and Recreation ~~Director chief administrator of the Department,~~ or the designee ~~of the Director.~~ (7-1-99)

~~**09. Grant.** A grant from programs or funds as described in Section ~~001-02~~ 050 of this chapter. (4-11-06)~~

10. Grantee. An applicant who receives a grant from the Department for the programs or funds as described in Section ~~001-02~~ 050.

~~11. **Match.** The grantee's contribution of cash, material, labor, and third-party in-kind services needed to complete the project as defined in the grant agreement. ()~~

~~12. **Non-Profit:** An organization that qualifies for tax-exempt status by the IRS because its mission and purpose are to further a social cause and provide a public benefit. As used in this chapter, the term includes qualified non-for-profit organizations that benefit outdoor. Recreation.~~

~~13. **IDPR Grant Guidelines.** A compilation of state procedures, rules, and instructions assembled in manual form for dissemination to the potential applicant and public entities that may wish to apply for grants. (4-11-06)~~

~~10. **Management.** The actions taken in exercising control over, regulating the use, operation, and maintenance of facilities or programs. (7-1-99)~~

~~11. **Motorbike Recreation (MBR) Account.** This account, created by Section 67-7126, Idaho Code, may be used for all of the purposes outlined in Subsection 010.11 of this chapter and rider education programs. When reference is made to the ORMV Account in this chapter, it is intended to include the MBR Fund the same as if it was specifically denoted as such except enforcement of laws and rules governing the use of off road motor vehicles in Idaho. (4-11-06)~~

~~12. **Off Road Motor Vehicle (ORMV) Account.** That account created by Section 57-1901, Idaho Code. These moneys may be used to acquire, purchase, improve, repair, maintain, furnish and equip off road motor vehicle facilities and sites or areas used by off road vehicles on public or private land, and to assist with enforcement of laws and regulations governing the use of off road vehicles in the state of Idaho. (7-1-99)~~

~~13. **Off Road Motor Vehicle (ORMV) Account Advisory Committee.** A nine (9) member committee appointed by the Board to advise the Department on matters involving ORMV Fund grants. (7-1-99)~~

~~14. **Project.** An effort to comply with Idaho statutes and rules for which grant funds are used to assist the grantee in achieving the objectives of the grant programs. (4-11-06)~~
The purchases, construction, or other activities proposed by the applicant and documented in the grant agreement. ()

~~15. **Project Manager.** Any individual who has the principle responsibility for the ongoing management of projects. (7-1-99)~~

~~16. **Public Entity.** The state, federal or local government or a subdivision thereof (including recreation districts), or ~~an Indian tribe~~ a Native American Tribe. ()~~

~~17. **Recreational Grant Program Guidance:** A compilation of state procedures, rules, policies, and instructions assembled for dissemination to the potential entities that may wish to apply for grants. () (7-1-99)~~

~~18. **Recreational Road and Bridge Fund (RRBF).** That portion of the park and recreation capital improvement account designated for grants to improve roads, bridges, and parking lots in or leading to park and recreation areas of the state. (4-11-06)~~

~~19. **Recreational Trails Program (RTP).** The account created by the Transportation Equity Act for the 21st Century (Section 1112). This fund may be used for maintenance and restoration of existing recreational trails, development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails, purchase and lease of recreational trail construction equipment, construction of new recreational trails, acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors, and the operation of education programs to promote safety and environmental protection as those objectives relate to the use of recreational trails. (4-11-06)~~

~~20. **Recreational Trails Program (RTP) Advisory Committee.** A ten (10) member advisory committee appointed by the Board to advise the Department on matters related to the Recreational Trails Program. (4-11-06)~~

~~21. — **Recreational Vehicle (RV) Account.** That account created by Section 49-448, Idaho Code. The moneys may be used for the acquisition, lease, development, improvement, and maintenance of facilities designed to promote the health, safety, and enjoyment of recreational vehicle users. (7-1-99)~~

~~22. — **Recreational Vehicle (RV) Advisory Committee.** A six (6) member committee appointed by the Board to advise the Board and Department on matters involving the RV Account. (7-1-99)~~

~~23. — **Staff.** Any individual employed by the Department. (7-1-99)~~

24. State and Federal Grant Manager. The Department employee administrator in charge of Sstate and Ffederal grant programs. (4-11-06)

~~25. — **State and Federal Grant Program.** That section of the Department responsible for the administration of state and federal grant programs. (4-11-06)~~

~~26. — **State Trust for Outdoor Recreation Enhancement (STORE).** The recreation account created by Section 67-4247, Idaho Code. (7-1-99)~~

~~27. — **Waterways Improvement Fund (WIF).** That fund created by Section 57-1501, Idaho Code. These moneys may be used for the protection and promotion of safety, waterways improvements, creation and improvement of parking areas for boating purposes, making and improving boat ramps and moorings, marking of waterways, search and rescue, and all things incident to such purposes including the purchase of real and personal property. No such improvements may constructed in any county of the state without the approval of the county waterways committee of the plan for such improvements. (4-11-06)~~

~~28. — **Waterways Improvement Fund Grant Advisory Committee.** A six (6) member committee appointed by the Board to advise the Department on matters relating to Waterways Improvement Fund grants. (7-1-99)~~

11. -- 049. (RESERVED)

~~**50. — GENERAL PROVISIONS OF THE STATE AND FEDERAL GRANT PROGRAM.**~~

~~It is the intent of the Department, through the State and Federal Grant program, to provide funds and planning assistance to entities for the acquisition, lease, development, improvement and maintenance of facilities and equipment to promote the health, safety, enjoyment and general welfare of recreational users in the state of Idaho. (4-11-06)~~

51. -- 074. (RESERVED)

52. GRANT CYCLES. Applications for Off-Road Motor Vehicle (ORMV) Fund, Recreational Vehicle Fund (RV), Waterways Improvement Fund (WIF), Motorbike Recreation Account (MB), Mountain Bike License Plate (BK), Cutthroat License Plate (CP), and Recreational Road and Bridge (RB) grants will be considered at least once each state fiscal year (July 1 through June 30) dependent upon adequate funding availability. Applications for Recreational Trails Program (RTP) projects will be considered at least once each federal fiscal year (October 1 through September 30) dependent upon adequate funding availability. (

75. ELIGIBLE APPLICANTS.

Public entities are eligible to apply for all grant programs. Non-profit organizations are eligible to apply for the Recreational Trails Program and Mountain Bike Plate program. The state and federal grant manager determines if applicants are eligible based on federal code, state statutes and past performance of the applicant. Based on an applicant's past performance in managing a grant with the department the state and federal grant manager may recommend to the board that the applicant be considered ineligible for the current funding cycle, as defined in

~~Subsection 010.16, and sponsors as defined by Federal Highway Administration Recreation Trail Program Interim Guidance, are eligible to apply for and receive grants as described on Subsection 001.02 of this chapter. (4-11-06)~~

76. -- 099. (RESERVED)

100. APPLICATION PROCEDURE.

~~**01. Submittal.** Eligible applicant submits application prior to the stated deadline in the Recreational Grant Program Guidance. To be considered for a grant, an applicant must propose an eligible project and submit all documentation required by this chapter. ()~~

~~**02. Public Comment.** As part of the application, the applicant must provide an opportunity for public comment. The applicant must include proof of public comment regarding the project in the application. The opportunity for public comment should begin within one (1) year of submitting the application. Any projects with public comment conducted over one (1) year prior to application may be rejected by the state and federal grant manager and the project will be deemed ineligible. ()~~

~~**03. Complete Application.** Materials submitted by the sponsor are reviewed by the department for completeness and eligibility. ()~~

~~**04. Ranking.** The appropriate advisory committee establishes project rankings by rating each eligible project using criteria established by the board. To objectively rate competing eligible projects, the committee considers the application and how the project meets the criteria and established priorities for the program. ()~~

~~**05. Board Review.** The board reviews the priority list for awards and sets funding line based on recommendation of the advisory committees and the state and federal grant manager. ()~~

~~**06. Grant Award.** Upon grant approval by the board, the department will present the sponsor with a grant agreement that identifies eligible costs and obligates the applicant to a specified project scope and performance period. ()~~

~~**07. Grant Agreement** The applicant must sign the agreement prior to initiating work on the project. The signed agreement obligates the applicant to complete all elements of the project as described in the agreement and any applicable approved amendment. ()~~

~~All forms and documents required by these rules and the Department must be completed and submitted according to these rules in order for a grant application to be considered for approval. (7-1-99)~~

~~**01. Forms.** To be considered for a grant, an applicant must file with the Department a completed grant application form and other documentation specified in the IDPR Grant Guidelines, all of which must have original signatures. An applicant must file with the Department a completed grant agreement form, with original signatures, within sixty (60) calendar days of written notification of grant approval. The application and grant agreement forms must be provided to the applicant by the Department. (4-11-06)~~

~~**02. Review.** The applicant or applicant's representative may review the project and all associated documentation with the Department prior to submitting the application to ensure the project and documentation meet the criteria of the State and Federal grant program. When possible, Department staff may perform an on-site visit to the project site for preliminary fact finding and to evaluate the viability and eligibility of the project. (4-11-06)~~

~~**03. Public Comment.** The applicant must submit to the Department proof of public comment regarding the project. Proof of public comment may include the results of public meetings, scoping of National Environmental Policy Act (NEPA) processes, individual contacts with recreationists and others that may be affected by the project, newspaper articles and/or other media releases that describe the project and request public input. (4-11-06)~~

~~**04. Deadline.** The deadline for grant applications is established by the Department. The Department announces the availability of funds at least sixty (60) days prior to the deadline date for receipt of applications. (4-11-06)~~

101. -- 149. (RESERVED)

~~**150. ELIGIBILITY AND PRIORITY RATING OF PROJECTS. PROJECT REQUIREMENTS**~~

01. Real Property. The grantee must include any proposals to purchase real property with grant moneys in the grant application and must provide an appraisal consistent with Section 175 of this chapter. ()

02. Fees. The applicant is required to identify any existing or proposed fees associated with the grant request, including existing or proposed facilities. The applicant may propose fees for the use of or access to facilities or real property developed or purchased with grant funds at a level commensurate with the costs of maintenance and upkeep of the facility or real property. Requests for donations and fees for special events of limited duration at the facility are exempt when such are intended to cover extraordinary expenses. ()

03. Grant Modification. Only for good cause, and upon the submission of detailed justification in writing and approval by the state and federal grant manager, may the terms and obligations of the grant application or grant agreement be modified. Examples of “good cause” include extraordinary physical barriers, project re-routing necessary to avoid critical habitat, and other constraints beyond the control of the grantee. ()

Eligibility of all projects or applicants is determined by the State and Federal Grant Manager who considers relevant rules, statutes and past performance of the applicant. (4-11-06)

~~**01. Pre Application Activities.** Projects, or any part thereof, either paid for by the grantee or completed prior to the grant application deadline date established by the Department, are ineligible for grant funding or to be considered as match. However, costs for design and engineering incurred within one (1) year prior to the application deadline date may be considered as match, provided they are listed as a scope element on the application. Recreational Trail Program projects, or any part thereof, completed prior to the execution of the project agreement must be ineligible for grant funding or to be considered as match. (4-11-06)~~

~~**02. Priority Rating Criteria.** The Department and/or appropriate advisory committee establishes project rankings by rating each eligible project using criteria established by the Board. Specific evaluation criteria is listed in the IDPR Grant Guidelines. (4-11-06)~~

151. -- 174. (RESERVED)

~~**175. PROJECT TIME PERIOD. REAL PROPERTY APPRAISALS.**~~

01. Appraisal Required. A real estate appraisal is required for all real property to be acquired with grant funds. The appraisal must be paid for by the grantee but may be included as part of eligible project costs in the application. ()

02. Appraisal Review. The state and federal grant manager reviews appraisals for reasonableness at the time of application. The state and federal grant manager may reject a grant application that includes an unreasonable appraisal. ()

03. Negotiated Price. An approved appraisal is an acceptable estimate of property value. The negotiation between a willing seller and a willing buyer may set a price that is higher than the appraisal, and this value can be considered along with the appraised value in establishing the reasonable limits of grant assistance. If the grantee believes the negotiated price is a better indication of market value, yet is higher than the appraised value, a detailed statement of this difference must be submitted to the state and federal grant manager. ()

04. Adequate Title and Public Access. The grantee must have clear title to, or adequate control and tenure of, the real property (land, land improvement, structures, and appurtenances) to be developed. The term “adequate control and tenure” of real property means a lease or an easement

that provides the grantee sufficient control over the real property to permit the proposed development and use for a period of at least twenty-five (25) years from the date of application, unless specifically approved in writing by the department for a shorter term. The grantee must list all outstanding rights or interests held by others in the real property to be developed. If access to the real property to be developed is over private property, then the grantee must describe the provisions made to ensure adequate public access. In the event the real property becomes unusable for its intended purposes or if such use ceases, the grantee is responsible for conversion of the project. ()

05. Limitations on Use. Property rights obtained with grant funds must be free of all reservations or encumbrances that would limit the use of the site disproportionate to the public benefit. ()

~~**01. Grant Cycle.** Applications for ORMV Fund, RV Account, WIF, Motorbike Recreation Account (MRB), Cutthroat License Plate Fund, (CLP), Recreational Road and Bridge Fund (RRBF), or STORE will be considered at least once each state fiscal year (July 1 through June 30) dependent upon adequate funding availability. Applications for RTP projects will be considered at least once each federal fiscal year (October 1 through September 30) dependent upon adequate funding availability. (4-11-06)~~

~~**02. Expenditure of Grant Funds.** Except as herein provided, the grantee has only the designated state or federal fiscal year or years to expend grant funds. If the grant funds are not expended within the designated fiscal year or years, the grant will be revoked unless the applicant requests and receives an extension of time from the Department. (4-11-06)~~

~~**03. Requests for Extension.** A written request for an extension of the project period must be received by the Department prior to the end of the project period. The State and Federal Grant Manager must make the final determination of extensions. No project extension will be granted for more than one (1) year, however, project extensions may be granted in consecutive years. (4-11-06)~~

176. -- 199. (RESERVED)

~~**200. AUTHORITY FOR FUNDING APPROVAL. GRANT STANDARDS**~~

01. Minimum Project Match. Applicants must provide a minimum match of five percent (5%) of the total project cost, except recreational trails program which has a federal minimum match. ()

02. Minimum Motorized Equipment Match. Grants for motorized equipment are allowed in the waterways improvement fund, recreational vehicle, off-road motor vehicle, recreational trails program, motorbike recreation, and mountain bike plate grant programs. Applicants must provide a minimum match of twenty percent (20%) of the total equipment purchase. An applicant may claim up to fifteen percent (15%) match from the trade-in value of other equipment. A minimum of five percent (5%) must be a cash match. ()

03. Waterways Improvement Fund Grant Limit. The total sum of WIF grant funds approved to be used in any one (1) county may not exceed ~~thirty percent (30%)~~ fifty percent (50%) of the total WIF grant funds approved to be used statewide in any state fiscal year.

04.

201. MATCHING FUNDS. The following types of match may be used: ()

01. Force Account Labor and Equipment. Documentation of force account must include: the name of each employee, dates worked, hourly rate of pay, number of hours worked, and the total cost by each employee. Documentation of equipment costs includes the type of equipment used, dates used, hourly rate value, number of hours used, how the hourly rate was determined, and total cost. ()

02. Donated Materials. The value of donated material that is used as match cannot exceed the

costs of the materials as documented in an invoice or receipt, or the market price at the time the grantee requests reimbursement for the material, whichever is less. The grantee must provide a detailed invoice marked “donation” or a letter from the donor (including the value) as documentation of donated material. ()

03. Donated Contract Labor. When an employer, other than the grantee, donates the services of an employee, these services are valued at the employee’s regular rate of pay (not including fringe benefits and overhead costs). These services must be for the same skill for which the employee is normally paid. The grantee must provide documentation that includes the employee’s name, dates worked, hourly rate, number of hours worked, and total cost. ()

04. Rates for Volunteers. Skilled and unskilled volunteer labor rates must be consistent with the rate the grantee would pay for similar work in the grantee’s labor market. If the volunteer is professionally skilled and employed in the work being performed on the project, the grantee may use the volunteer’s normal wage rate. If the volunteer is not professionally employed in the work being performed on the project, the grantee must value the donated labor at the federal minimum wage rate. The grantee must provide documentation that includes the volunteer’s name, date worked, hourly rate, number of hours worked, and total cost. ()

202. -- 299. (RESERVED)

300. EXPENDITURE OF GRANT FUNDS. Grant funds not expended within the designated fiscal year or years as established by the project period in the project agreement, may be revoked unless the applicant requests and receives an extension of time from the state and federal grant manager. ()

301. PROJECT EXTENSION. A written request for an extension of the project period must be received and reviewed by the state and federal grant manager prior to the end of the project period. No project extension will be granted for more than one (1) year; however, an applicant may request project extensions in consecutive years. ()

302. COST INCREASES. ()

01. Cost Overruns. Twenty percent of any program allocation may be held out by the department for necessary cost overruns related to previously awarded grants. Any unused funds will be redistributed in the next funding cycle. ()

02. Minor Cost Increases. Cost increases of fifteen percent (15%) or less of the original grant amount that are less than or equal to twenty thousand dollars (\$20,000), may be approved by the director. Cost increases of fifteen percent (15%) or less of the original grant amount that exceed twenty thousand dollars (\$20,000) may be approved by the board. ()

03. Major Cost Increases. Cost increases of more than fifteen percent (15%) of the original grant amount are not allowed. The applicant must either resubmit the project or submit a new grant request to increase the current project. ()

303. -- 349. (RESERVED)

350. PROJECT MANAGEMENT AND DISBURSEMENT OF FUNDS. ()

01. Grant Agreement. A grantee must complete the grant agreement form, with original or authenticated digital signatures, within sixty (60) calendar days of written notification of grant award. The

agreement obligates the applicant to complete all elements of the project as specified in the signed grant agreement. ()

02. Purchase and Bidding Requirements. The grantee must follow all local, state and federal laws pertaining to the expenditure of public funds. ()

03. Permits. The grantee must legally acquire all required local, state and federal permits for the construction or development of the project before grant funds are expended. Construction must comply with the then current codes and standards. ()

04. Reimbursement of Project Costs. The grantee must initially pay all project costs and then seek reimbursement through the department. The grantee must complete the appropriate form provided by the department certifying that the data is correct and submit the form to the department with an original or authenticated signature. ()

05. Allowable Costs. The State and Federal Grant Manager determines what expenses are eligible for reimbursement based on federal code, state statutes and rules. Grantees must follow 2 CFR 200, in determining the reasonableness and allowability of costs. ()

a. Projects, or any part thereof, either paid for by the grantee or completed prior to the grant application deadline, are ineligible for grant funding or to be considered as match. However, costs for design and engineering incurred within one (1) year prior to the application deadline date may be considered as match, provided they are listed as a scope element on the application. ()

b. For Recreational Trail Program projects, any project activity conducted prior to the execution of the project agreement is ineligible for reimbursement or to be considered as match. ()

06. Matching Funds. All matching funds must meet the allowable costs criteria outlined in Section 201 of this chapter. ()

07. Documentation and System of Internal Controls. Grantees must follow 2 CFR 200 in maintaining a system of internal controls that provides reasonable assurance the grantee is managing the award in compliance with this chapter. Accounting records must be supported by source documentation such as vouchers, canceled checks, invoices, payroll, time and attendance records, contract and sub-grant award documents, and other required billing forms. ()

08. Reimbursement Requests and Reporting. Grantees must remit a performance report to the department with each reimbursement request. Failure of the grantee to report or poor performance indicated by the inspection report may disqualify grantee from any future grant applications with the department. ()

09. Grant Closeouts. Within forty-five (45) days after the completion of the project, the grantee must submit an appropriate closeout form as provided by the department. ()

10. Record Retention. The records relative to any grant project are public records. The grantee must retain all financial information referenced in this chapter regarding a project for a time period of three (3) years from the date of the final grant payment, unless any litigation or audit concerning the project has

been started or announced. ()

11. Audit Authority. The department has the right of access to any books, documents, papers, or other records of grantees that are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts. An audit of the grant may result in the disallowance of costs incurred by the recipient and the establishment of a debt (account receivable) due the department. The department may perform an audit randomly and without prior notice. ()

12. Failure to Comply. If a grantee fails to comply with the obligations as set forth in the signed grant agreement, the applicant must repay all or a portion of the expended grant funds as determined by the state and federal grant manager. ()

351. -- 399. (RESERVED)

~~Projects up to, and including, twenty thousand dollars (\$20,000) may be approved by the Director. Projects over twenty thousand dollars (\$20,000) must be presented to the Board for approval. (4-11-06)~~

~~**05. Minor Cost Increases.** Cost increases of fifteen percent (15%) or less of the original grant amount may be approved by the Director. (4-11-06)~~

~~**06. Major Cost Increases.** Cost increases of more than fifteen percent (15%) of the original grant amount require the project be presented as a totally new proposal and compete through the general application process described herein. Should the revised project not receive approval for cost increase grant funding, the grantee will be required to complete the scope of the project as originally proposed at its expense or return any project grant funds paid to it so that the project may be canceled and the grant funds reallocated. (4-11-06)~~

~~**07. Waterways Improvement Fund Grant Limit.** The total sum of WIF grant funds approved to be used in any one (1) county may not exceed thirty percent (30%) of the total WIF grant funds approved to be used statewide in any state fiscal year. (4-11-06)~~

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

~~**250. DISBURSEMENT OF FUNDS.**~~

~~**01. Allowable Costs.** Applicable Office of Management and Budget (OMB) cost principles, program regulations, and the terms of grant agreements must be followed in determining the reasonableness and allowability of costs. (7-1-99)~~

~~**02. Documentation and System of Internal Controls.** The grantee must maintain a system of internal controls in order to identify the source and disbursement of funds provided for all project costs and match by grant or project. Accounting records must be supported by source documentation such as vouchers, canceled checks, invoices, payroll, time and attendance records, contract and sub grant award documents, and other required billing forms. (4-11-06)~~

~~03. — Match. Match is the donation of cash, product or service used to complete the grant project as approved. The following types of match may be used: (4-11-06)~~

~~a. — Force account labor and equipment, i.e., the use of the grantee's staff (labor) and equipment costs. Documentation of force account must include: the name of each worker, dates worked, hourly rate of pay, number of hours worked, and the total cost by each person. Documentation of equipment costs includes the type of equipment used, dates used, hourly rate value, number of hours used, how the hourly rate was determined, and total cost. (7-1-99)~~

~~b. — Donated material that is used as match must be reasonable and cannot exceed the costs of the materials to the donor or the market price at the time they are charged to the project, whichever is less. A detailed invoice marked "donation" or a letter from the donor must be used as documentation of donated material. (7-1-99)~~

~~c. — Donated Contract Labor. When an employer, other than the grantee, furnishes the services of an employee, these services are valued at the employee's regular rate of pay (not including fringe benefits and overhead costs). These services must be for the same skill for which the employees is normally paid. Documentation must include the employee's name, dates worked, hourly rate, number of hours worked, and total cost. (7-1-99)~~

~~d. — Rates for Volunteers. Skilled and unskilled must be consistent with the rate regularly paid by the grantee for similar work or must be consistent with those paid for similar work in the grantee's labor market. If the volunteer is professionally skilled and employed in the work he is performing on the project, the grantee may use the individual's normal wage rate. If the volunteer is unskilled and not professionally employed in the work he is performing the grantee must value the donated labor at the national minimum wage rate. Documentation must include the volunteer's name, date worked, hourly rate, number of hours worked, and total cost. (7-1-99)~~

~~04. — Disbursement of Funds. Except as provided in Subsection 250.05 herein, the Department will authorize disbursement of funds allocated to a project on a reimbursement basis. This means that the grantee must initially pay all project costs and then seek reimbursement through the Department. (4-11-06)~~

~~a. — General. Grantees must use only the forms specified in this section, and such supplementary or other forms as may from time to time be authorized by the Department. (7-1-99)~~

~~b. — Request for Reimbursement. The grantee must complete an Idaho Department of Parks & Recreation (IDPR), Request for Reimbursement/Close-out Report form certifying that the data is correct and submit the form to the State and Federal grant program with an original signature. (4-11-06)~~

~~c. — Extend the Due Date. The Department may extend the due date of any financial report upon receiving a justified request from a grantee. (7-1-99)~~

~~d. — Accounting Basis. Each grantee must report program outlays and program income on a cash or accrual basis pursuant to Generally Accepted Accounting Principles. (7-1-99)~~

~~05. — Cash Advances. When approved for an advance grantees will be paid in advance no sooner than thirty (30) days prior to project start, provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds and their disbursement by the grantee. (4-11-06)~~

~~a. — Requesting an Advance. A disbursement of funds may be made on an advance basis by submitting an IDPR Request for Advancement form provided by the Department. Written Justification for an advance is required unless there is a Memorandum of Understanding or Collection Agreement on file. (4-11-06)~~

~~b. — Interest Earned on Advances. Grantees and subgrantees must promptly, at grant close-out, remit interest earned on advances to the Department. (7-1-99)~~

~~06. — Reporting. Each grantee receiving grant funds that require reporting must remit a complete activities report to the Department no later than January 31 of each year that covers the preceding calendar year and must be on forms provided by the Department. Failure to report or poor performance indicated by the report may~~

~~disqualify grantee from future grant application. (4-11-06)~~

~~07. — Grant Closeouts. Within forty five (45) days after the completion of the project, the grantee must submit an IDPR Request for Reimbursement/Close out form and immediately refund to the Department any balance of unobligated cash advanced and interest earned. (4-11-06)~~

~~08. — Record Retention. The grantee must retain all financial information referenced in these rules regarding a project for a time period of three (3) years from the date of the final grant payment, unless any litigation or audit concerning the project has been started or announced. (4-11-06)~~

~~09. — Audit Authority. The Department has the right of access to any pertinent books, documents, papers, or other records of grantees that are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts. An audit of the award may result in the disallowance of costs incurred by the recipient and the establishment of a debt (account receivable) due the Department. (7-1-99)~~

~~10. Contingency Fund. The Department may retain grant funds from each recreational program grant account for the exclusive purpose of providing facilities or services. (7-1-99)~~

~~251. — OFF HIGHWAY VEHICLE LAW ENFORCEMENT FUND DISTRIBUTION.~~

~~01. — Deposits Into and Usage of Fund. One dollar (\$1) of every off highway vehicle certificate of number will be deposited into the off highway vehicle law enforcement fund. Moneys in this fund are paid out and used as follows: (4-11-15)~~

~~a. — Sheriffs of counties with a current or an actively developing off highway vehicle law enforcement program recognized by the Department receive moneys from the fund based upon the formula provided in this rule. (3-29-10)~~

~~b. — A program is recognized as an off highway vehicle law enforcement program if it is sponsored by a county sheriff to promote off highway vehicle safety, education, and law enforcement and is overseen by an advisory committee of three (3) or more individuals to include at least one (1) sheriff or deputy sheriff, one (1) motorbike representative, and one (1) all terrain vehicle or utility type vehicle representative. (3-29-10)~~

~~e. — The Department must not withhold recognition of an off highway vehicle law enforcement program unless it is clearly demonstrated that the program has not performed its off highway vehicle enforcement duties within the past calendar year. An annual report of accomplishments of the previous calendar year by each participating sheriff must be delivered to the Department by March 1 of each year and includes (3-29-10)~~

~~i. — The number of citations issued; (3-29-10)~~

~~ii. — Assistance calls responded to; (3-29-10)~~

~~iii. — Off highway vehicle contacts made; and (3-29-10)~~

~~iv. — Safety classes held. (3-29-10)~~

~~d. — Money from the off highway vehicle law enforcement fund will be used to defray costs for enforcement by sheriffs' offices pertaining to the use of all terrain vehicles, motorbikes, specialty off highway vehicles, and utility type vehicles as defined in section 67-7101, Idaho Code. (3-29-10)~~

~~e. — Money in the off highway vehicle law enforcement fund will be used by the Department for the purpose of defraying costs of off highway vehicle related law enforcement activities that are conducted by a county sheriff's office and for no other purpose. Defrayable costs include: (3-29-10)~~

~~i. — Wages (including overtime wages) of county sheriff's deputies directly engaged in off highway vehicle law enforcement, as described in this Section; (3-29-10)~~

~~ii. Wages for court appearances pertaining to violations of Idaho law pertaining to off highway vehicles, as described in this Section; and (3-29-10)~~

~~iii. Direct costs to the sheriff's office required to facilitate the enforcement of off highway vehicle laws, including vehicle purchase costs, fuel costs, supply costs and vehicle maintenance costs. (3-29-10)~~

~~**02. Annual Notification of Qualifying Offices.** Each year no later than April 1, the Department will notify the Idaho Sheriffs' Association in writing regarding which sheriff's offices are recognized by the Department as qualifying for enforcement funding under Section 67-7126, Idaho Code, and the balance of the off highway vehicle law enforcement fund. It is the responsibility of each sheriff's office to provide information regarding its off-highway vehicle enforcement program in order for the Department to determine whether it recognizes the program. A sheriff's office has fourteen (14) days to request reconsideration of the Department's decision withholding recognition, and the Department must act upon such request within fourteen (14) days. (3-29-10)~~

~~**03. Formula for Distribution of Funds.** The Department distributes the funds in the off highway vehicle law enforcement fund based on the following formula: (3-29-10)~~

~~a. Total federal acres with reference to the Payments in Lieu of Taxes (PILT) number for each eligible county minus large tracts of land not open to off highway vehicle use. The result is the total off highway vehicle opportunity on federal public land for that county. (3-29-10)~~

~~b. Calculate the percentage of the total off highway vehicle opportunity on federal public land for each eligible county as compared to the entire state. (3-29-10)~~

~~c. Multiply this percentage by point zero six (0.6) to get sixty percent (60%) of the value. (3-29-10)~~

~~d. Calculate the percentage of off highway vehicle certificate of number designations for each eligible county as compared to the entire state. (4-11-15)~~

~~e. Multiply this percentage by point zero four (0.4) to get forty percent (40%) of the value. (3-29-10)~~

~~f. Add the sixty percent (60%) value from the total off highway vehicle opportunity on federal public land to the forty (40%) value of the off highway vehicle certificates of number. This total will be the percentage of the off highway vehicle law enforcement funds for which the individual county is eligible. (4-11-15)~~

~~**04. Distribution of Funds Not Used.** For the off highway vehicle law enforcement funds that are not allocated to a county because they do not have an off highway vehicle enforcement program as described by this rule, or for funds from undesignated certificates of number, the funds return to the off highway vehicle law enforcement fund. Any undistributed money must be allocated as follows: (4-11-15)~~

~~a. Fifty percent (50%) of the unallocated money must be distributed as per the distribution formula previously listed; and (3-29-10)~~

~~b. Fifty percent (50%) of the unallocated money will be held by the Idaho Sheriff's Association to be used for emphasis areas of off highway vehicle law enforcement. (3-29-10)~~

~~**05. Annual Audit.** All counties that receive off highway vehicle law enforcement funding are subject to an annual audit of the expenditure of the funds. (3-29-10)~~

252. -- 299. (RESERVED)

300. GRANTEE OBLIGATIONS.

~~**01. Project Completion.** Except as herein provided, upon approval of a grant application the grantee is obligated to complete all elements of a project as described on the approved grant application, grant agreement, or approved amendment. (4-11-06)~~

~~02. — **Project Management.** Except as herein provided, upon approval of a grant application the grantee must ensure adequate management of the project as specified in the approved grant application or grant agreement. (4-11-06)~~

~~03. — **Grant Modification.** Only for good cause, and upon the submission of detailed justification shown in writing and approval by the State and Federal Grant Manager may the terms and obligations of the grant application or grant agreement be modified. (4-11-06)~~

~~04. — **Maintenance and Operation.** Real property, physical facilities and equipment funded by a grant must be maintained and operated in the condition or state equivalent to that existing when such facility was completed or property or equipment purchased, normal wear and tear excepted. (4-11-06)~~

~~05. — **Public Use/Nondiscrimination.** Physical facilities and real property purchased in whole or in part with grant moneys must be available for public use regardless of race, color, religion, national origin, gender, age, or disability. Facilities constructed with grant moneys must meet the requirements as set by the Americans with Disabilities Act Guidelines. (4-11-06)~~

~~06. — **Fees And Donations.** Except as herein provided, fees may be charged or donations subscribed for the use of or access to facilities or real property developed or purchased with grant funds at a level commensurate with the costs of maintenance and upkeep of the facility or real property with the approval of the Board. Fees may be charged or donations subscribed for special events of limited duration at the facility when approved by the Department. (4-11-06)~~

~~07. — **Acknowledgment of Funding Assistance.** Grantee must post and maintain appropriate permanent signs or decals upon project sites or equipment acknowledging funding assistance from the appropriate grant fund and the Department upon start of the project or purchase of equipment. (4-11-06)~~

~~08. — **Notice Of Numbering Requirements.** Off Road Motor Vehicle Account project applicants and sponsors are responsible for posting a written notice of the requirement of applicable certificate of number requirements and enforcing such requirements for special events as well as general use. (4-11-15)~~

~~09. — **Project Liability.** Grantees, through a signed agreement, assume all project liability and hold the Department harmless. (4-11-06)~~

~~10. — **Purchase and Bidding Requirements.** The grantee must follow all local, state and federal laws pertaining to the expenditure of public funds. (4-11-06)~~

~~11. — **Permits.** The grantee must legally acquire all required local, state and federal permits for the construction or development of the project before grant funds are expended. Construction must comply with the then current codes and standards as set by the Uniform Building Code, Uniform Plumbing Code, and the National Electrical Code. (4-11-06)~~

~~12. — **Failure to Comply.** Failure by the grantee to comply with such terms and obligations as set forth in the approved grant application or grant agreement will result in the immediate revocation of an approved grant or constitutes a conversion pursuant to Section 350 of this chapter, as applicable. (4-11-06)~~

301. -- 349. (RESERVED)

400. ONGOING GRANTEE OBLIGATIONS. ()

01. Maintenance. The grantee must maintain any facilities, real property, and equipment funded by a grant in the condition equivalent to that existing when such facility was completed or property or equipment purchased, normal wear and tear excepted. ()

02. Public Use. The grantee must ensure that facilities and real property are available to the general public. ()

03. Nondiscrimination. The grantee must ensure that facilities and real property purchased in whole or in part with grant moneys are available for public use regardless of race, color, religion, national origin, gender, age, or disability. The grantee must ensure that facilities constructed with grant moneys meet the requirements as set by the Americans with Disabilities Act. ()

04. Acknowledgment of Funding Assistance. Grantee must post and maintain appropriate permanent signs or decals upon project sites or equipment acknowledging funding assistance from the appropriate grant fund and the department upon start of the project or purchase of equipment. ()

05. Project Liability. Grantees, through a signed agreement, assume all project liability and hold the department harmless. ()

06. Responsibility for Equipment. Motorized equipment purchased with grant funds becomes the property of the grantee and must be maintained for public use. ()

07. Failure to Comply. Failure by the grantee to comply with the ongoing obligations may require repayment all or a portion of the grant funding.

350. PROJECT CONVERSIONS.

No grant funded project may, without the prior written approval of the Board, be converted to uses other than for the authorized purposes specified in the original grant application or grant agreement. (4-11-06)

~~**01. Approval of a Conversion.** The Board may approve a conversion only when the grant moneys spent on the project can be returned to the appropriate grant fund or the grantee can provide an immediate substitution of other projects of at least equal current fair market value and of reasonably equivalent recreational usefulness and location. (4-11-06)~~

~~02. — Resolving a Conversion. If there is a project conversion, the grantee is responsible for repaying the appropriate grant fund an amount determined by investment amortization through use, project life expectancy, and depreciation or appreciation of the facilities or equipment. (4-11-06)~~

~~03. — Conversion Requests. Project conversion requests must be in writing by the grantee prior to any conversion attempts. (7-1-99)~~

~~351. -- 399. (RESERVED)~~

~~400. — RESPONSIBILITY FOR EQUIPMENT.~~

~~Motorized equipment purchased with grant funds become property of the grantee. Such units of motorized equipment are subject to Subsection 250.06 and Section 350 of this chapter. (4-11-06)~~

~~401. -- 449. (RESERVED)~~

~~450. — REAL PROPERTY.~~

~~01. — Appraisals. A real estate appraisal is required for all real property to be acquired with grant funds. All appraisals must be prepared according to Department procedures. The appraisal must be paid for by the grantee, but may be included as part of eligible project costs. The selection of the appraiser must be approved by the Department. (4-11-06)~~

~~02. — Appraisal Review. The Department reviews appraisals as necessary. Any appraisal report that does not meet content requirements or use correct analysis procedures must be corrected to the satisfaction of the Department. All costs are covered by the grantee. (4-11-06)~~

~~03. — Negotiated Price. An approved appraisal is an acceptable estimate of property value. The negotiation between a willing seller and a willing buyer may set a price that is higher than the appraisal, and this value can be considered along with the appraised value in establishing the reasonable limits of assistance. If the grantee believes the negotiated price is a better indication of market value, yet is higher than the appraised value, a detailed statement of this difference must be submitted to the Department. (4-11-06)~~

~~04. — Adequate Title and Public Access. The grantee must have clear title to, or adequate control and tenure of, the real property (land, land improvement, structures, and appurtenances) to be developed. The term "adequate control and tenure" of real property means a lease or an easement that provides the grantee sufficient control over the real property to permit the proposed development and use for a period of at least twenty five (25) years from the date of application, unless specifically approved in writing by the Department for a shorter term. The grantee must list all outstanding rights or interests held by others in the real property to be developed. If access to the real property to be developed is over private property, then the grantee must describe the provisions made to ensure adequate public access. In the event the real property becomes unusable for its intended purposes or if such use ceases, the grantee is responsible for conversion of the project as described in Section 350 of this chapter. (4-11-06)~~

~~05. — Limitations on Use. Property rights obtained with grant funds must be free of all reservations or encumbrances that would limit the use of the site disproportionate to the public benefit. (4-11-06)~~

~~451. -- 999. (RESERVED)~~

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

00. 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. ~~(3-20-20)T~~

01. 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.” ~~(3-20-20)T~~

~~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. ~~(3-20-20)T~~

02. -- 009. (RESERVED)

10. DEFINITIONS.

As used in this chapter: ~~(3-20-20)T~~

01. 2 CFR 200: Uniform Administrative Requirements, Cost Principles, and Audit requirements for Federal Awards as set forth in 2 CFR 200 (Code of Federal Regulations). ()

02. Acquisition. The gaining of rights of public use by purchase or donation of fee or less than fee interests in real property.

03. Alternate State Liaison Officer (ALSO): State official designated by the governor of Idaho to assist the State Liaison Officer in managing the LWCF Program. The State and Federal Grant Manager is the ALSO. ()

04. Board. The Idaho Parks and Recreation Board, a bipartisan, six (6) member board, appointed by the governor. ~~(3-20-20)T~~

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

06. Department: The Idaho Department of Parks and Recreation. ()

07. Director. The director and chief administrator of the Department or designee. ~~IDPR or the designee of the director. Designated by the governor to serve as the State Liaison Officer for the LWCF program.~~ ~~(3-20-20)T~~

08. LWCF: The Land and Water Conservation Fund, a federal grant program that provides matching grants to states, and through states to local governments, for the planning, acquisition and development of public outdoor recreation areas and facilities. ~~**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.~~ ~~(3-20-20)T~~

09. LWCF Advisory Committee: Representatives from federal, state and local entities and other subject matter experts with expertise in community development or public outdoor recreation needs. () ~~**Grants Program.** All funding programs administered by IDPR.~~ ~~(3-20-20)T~~

10. NPS: The National Park Service. () ~~**IDPR.** The Idaho Department of Parks and Recreation.~~ ~~(3-20-20)T~~

~~11. **Open Project Selection Process (OPSP):** The decision-making process and criteria by which the Department selects projects for the LWCF funding. The OPSP defines the criteria that propose LWCF projects must meet in order to be eligible for funding and establish priorities to objectively rate competing eligible projects. () 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. (3-20-20)T~~

~~12. **SCORP: Statewide Comprehensive Outdoor Recreation Plan.** () NPS. The National Park Service. (3-20-20)T~~

~~13. **Sponsor:** A state or local government agency that solicits a grant from the Department for a project or is responsible for administering the grant of an approved application or completed project. ()~~

~~14. **State Liaison Officer (SLO):** State official designated by the governor of Idaho to manage the LWCF Program with the assistance of the Alternate State Liaison Officer. The director is designated as the SLO. ()~~

~~10. **Open Project Selection Process (OPSP).** The overall objective decision making process by which IDPR selects LWCF projects for funding. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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). (3-20-20)T~~

~~14. **Project.** The undertaking that is or may be funded in whole or in part with funds administered by IDPR. (3-20-20)T~~

~~15. **Retroactive Cost.** Costs incurred after receipt of application but prior to the execution of the project contract. (3-20-20)T~~

~~16. **SCORP/SCORTP.** Statewide Comprehensive Outdoor Recreation Plan/Statewide Comprehensive Outdoor Recreation and Tourism Plan. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

11. -- ~~049-~~ **039. (RESERVED)**

40. LWCF ADVISORY COMMITTEE MEMBER SELECTION AND APPOINTMENT. ()

01. Members. The advisory 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 board for three (3) funding sessions and may be reappointed. ()

041. -- 049. (RESERVED)

50. GRANT CYCLE: The funding cycle must occur at least once every two years and may occur at any other regular interval within the fiscal year as determined by the state. () ~~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. (3 20 20)T~~

51. -- 064. (RESERVED)

65. ELIGIBLE SPONSORS. 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. () ~~COMPLIANCE WITH LAWS.~~ LWCF administration is subject to all applicable state and federal statutes, rules, regulations, ordinances and requirements. (3 20 20)T

66. ELIGIBLE PROJECTS. LWCF grants are available 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. The sponsor must have title to or adequate control and tenure of the area to be developed. 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. Projects must be consistent with the current LWCF Federal Assistance Manual. ()

67. INELIGIBLE PROJECTS. Acquisitions or development that do not contribute directly to general public outdoor recreation facilities or activities are ineligible for LWCF funding. Acquisition of leases are not eligible for LWCF funding. The cost to a sponsor of land purchased from another public agency is not eligible for LWCF funding.

68. -- 079. (RESERVED)

80. FUND ALLOCATION. APPLICATION PROCEDURE

01. Procedure: To be considered for a grant, a sponsor must follow the procedural requirements, file a completed grant application form prior to the stated deadline, propose an eligible project, and submit all other documentation specified in this rule. () ~~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. (3-20-20)T~~

~~**02. Review for Completeness and Eligibility.** Materials submitted by the sponsor are reviewed by the Department for completeness and for project eligibility. () **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. (3-20-20)T~~

~~**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. (3-20-20)T~~

~~**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. (3-20-20)T~~

~~**03. LWCF Advisory Committee Rating.** The LWCF Advisory Committee rates projects and assists the Department in making funding priority recommendations to the Idaho Park and Recreation Board. To objectively rate competing eligible projects, the committee considers the application, the presentation by the sponsor, and how the project meets the OPSP criteria and established priorities. () **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. (3-20-20)T~~

~~**04. Board and NPS Approval.** The board reviews and approves a priority list for submission to NPS. Applications are submitted to NPS according to priority after LWCF moneys have been appropriated by Congress and allocated to the state. () **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. (3-20-20)T~~

~~**05. Grant Agreement.** Upon approval of a grant application by NPS, the Department will present the sponsor with a grant agreement that identifies eligible costs and obligates the sponsor to a specified project scope. The sponsor must sign the agreement prior to initiating work on the project. The signed agreement obligates the sponsor to complete all elements of the project as described in the agreement and any applicable approved amendment. The signed agreement must include a proclamation from the sponsor's governing body committing the project and the sponsor to LWCF requirements in perpetuity. ()~~

~~81. -- 094.099. (RESERVED)~~

100. FEES 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 Income.** 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. ()~~

101. SPONSOR'S MATCHING SHARE. The sponsor must match a portion of the approved project cost as determined by the National Park Service. The sponsor's share can be either local funds, acceptable state funds, force account (labor or equipment), or donation of privately owned lands, goods or services. All matching funds must meet LWCF Program rules as well as the allowable cost rules under 2 CFR 200. ()

102. 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. All appraisals must be done according to "Uniform Appraisal Standards for Federal Land Acquisitions." NPS requires that the Department has each appraisal reviewed by a qualified appraiser. Any appraisal report that does not meet the basic content requirement or use correct analysis procedures must be corrected to the satisfaction of the Department. All costs are paid by the sponsor. ()

103. -- 299. (RESERVED)

95. 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. (3-20-20)T

96. 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). (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

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: (3-20-20)T

a. The interest cannot be revocable; (3-20-20)T

b. The value can be supported through standard appraisal techniques; and (3-20-20)T

c. Recreation can be demonstrated as the primary purpose of the acquisition. (3-20-20)T

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. (3-20-20)T

04. SCORTP. LWCF grants are available for up to fifty percent (50%) of the cost of the SCORTP. (3-20-20)T

~~141. -- 154. (RESERVED)~~

~~155. ELIGIBLE PROJECT COSTS.~~

~~IDPR may place restrictions on reimbursement of some acquisition and development costs. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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 used 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. (3-20-20)T~~

~~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 be construed as a qualitative approval of the proposed project. Should the project subsequently be approved, the costs incurred must be eligible for assistance. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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). (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T

~~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: (3-20-20)T

~~a. The life estate must not totally limit public use of the site; (3-20-20)T~~

~~b. The value of the life estate is not included within the total project cost as established through acceptable appraisal techniques; and (3-20-20)T~~

~~c. The life estate provisions are approved by IDPR. (3-20-20)T~~

~~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. (3-20-20)T~~

300. FUND ALLOCATION. ()

01. Administration Costs. Idaho's cost of administering the SCORP 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 standard may be altered in any year at the discretion of the board. ()

02. ALLOCATION BY POPULATION. ()

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. ()

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

03. Less Than Full Distribution. The board is not required to distribute all available funds. The Department may recommend, and the board determine, to reject projects with evaluation scores so low as to be noncompetitive. ()

04. Cost Overruns. Twenty percent (20%) of the total allocation may be held out for needed cost

~~overruns. Any unused funds at the end of the funding cycle are obligated through the normal process. ()~~

~~**301. -- 514. (RESERVED)**~~

~~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). (3-20-20)T~~

~~**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. (3-20-20)T~~

~~**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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~**02. Excess Value.** Donated services above the needs for a project are not eligible for further funding assistance. (3-20-20)T~~

~~**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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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." (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~02. Procedure. The funding cycle consists of the following: (3-20-20)T~~

~~a. Notification to begin a funding cycle must be made no less than ninety (90) days before applications are due. (3-20-20)T~~

~~b. The evaluation committee meeting must be held within one hundred twenty (120) days of the application due date. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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). (3-20-20)T~~

~~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. (3-20-20)T~~

~~02. Requirements. Requirements for the SCORTP and the OPSP can be found in the "LWCF Participation Manual," available from IDPR or NPS. (3-20-20)T~~

~~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. (3-20-20)T~~

~~04. Suspension of OPSP. Subject to the level of funding, the board may elect to suspend OPSP (through formal action at any regular meeting). (3-20-20)T~~

~~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: (3-20-20)T~~

~~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. (3-20-20)T~~

~~b. One (1) member represents a community of five thousand (5,000) population or more (3-20-20)T~~

~~c. One (1) members represents a community of five thousand (5,000) population or less. (3-20-20)T~~

~~d. One (1) member represents the interests of ethnic minorities. (3-20-20)T~~

~~e. One (1) member represents the interests of the elderly. (3-20-20)T~~

~~f. One (1) member represents the interests of people with disabilities. (3-20-20)T~~

~~g. One (1) member must be from the board. (3-20-20)T~~

~~02. Quorum. A quorum is required to conduct committee business. Five (5) people constitute a quorum. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

301. -- 514. (RESERVED)

515. PROJECT MANAGEMENT AND 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 sponsors initially pay all project costs and then seek reimbursement through the Department. ()

02. Documentation of Property Purchase. Prior to submitting for property acquisition cost reimbursement, the sponsor must document that all deed, title insurance and appraisal requirements are satisfied

03. Reimbursement. The sponsor must request reimbursement on forms provided by the Department and must include all required documentation. The amount of reimbursement must never exceed the cash expended on the project. ()

04. Development Project Contract Requirements. Development projects require competitive bidding and must comply with all local, state and federal requirements. ()

05. 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. ()

516. -- 649. (RESERVED)

~~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. (3-20-20)T

~~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. (3-20-20)T

~~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. (3-20-20)T~~

~~**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. (3-20-20)T~~

~~**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: (3-20-20)T~~

~~**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. (3-20-20)T~~

~~**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. (3-20-20)T~~

~~**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. (3-20-20)T~~

~~**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. (3-20-20)T~~

~~**516. 529. (RESERVED)**~~

~~**530. PROJECT CONTRACT.**~~

~~For every funded project, a project contract 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. (3-20-20)T~~

~~**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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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 SCORTP projects. (3-20-20)T~~

~~**02. Cost Increases on Development Projects.** For cost increase requests on development projects to be considered, all of the following requirements must be met: (3-20-20)T~~

~~**a.** The increase, or any portion thereof, is to be used only for costs incurred on elements specified in the project agreement; and (3-20-20)T~~

~~**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. (3-20-20)T~~

~~**03. Cost Increases on Acquisition Projects.** Acquisition project cost increases must meet all of the following conditions: (3-20-20)T~~

- ~~a. The increased market value is supported by an acceptable appraisal; (3-20-20)T~~
- ~~b. The sponsor has diligently pursued the acquisition; and (3-20-20)T~~
- ~~c. If increased relocation costs have caused a cost overrun, an explanation is required. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~621. – 634. (RESERVED)~~

~~635. **DEVELOPMENT PROJECT CONTRACT REQUIREMENTS.**
Development projects require competitive bidding according to state and federal statutes. (3-20-20)T~~

~~636. – 649. (RESERVED)~~

516. -- 649. (RESERVED)

650. CONVERSION TO OTHER USES. ()

01. **Conversion. The term “conversion” is used to identify properties that were acquired or developed with LWCF assistance that have been converted from a public outdoor recreation to other than public outdoor recreation uses without prior approval of NPS. ()**

02. **Fees. The sponsor must pay all costs associated with the LWCF conversion process. ()**

651. -- 724. (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. (3-20-20)T**

02. **Prerequisites to Approval of Conversion. IDPR will only consider a conversion request once the following prerequisites have been met: (3-20-20)T**

a. All practical alternatives to the conversion have been evaluated and rejected on a sound basis. (3-20-20)T

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. (3-20-20)T

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. (3-20-20)T

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~g. All necessary coordination with other federal agencies has been satisfactorily accomplished. (3-20-20)T~~

~~h. The guidelines for environmental evaluation have been satisfactorily completed and considered. (3-20-20)T~~

~~i. The proposed conversion and substitution are in accord with the SCORTP. (3-20-20)T~~

~~j. Staff consideration of the above points reveals no reason for disapproval and the project files are so documented. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~04. **Fees.** Deposit, cost and fees for the administration and management of the LWCF conversion process must be as follows: (3-20-20)T~~

~~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). (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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. (3-20-20)T~~

~~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.~~
(3-20-20)T

~~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.~~
(3-20-20)T

~~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.~~
(3-20-20)T

~~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").~~
(3-20-20)T

651. -- 724. (RESERVED)

725. ONGOING SPONSOR OBLIGATIONS. ()

01. Permanent Project Signs. The sponsor is required to install permanent public acknowledgment of LWCF assistance at project sites on at least one (1) prominent location, such as the project site entrance. The sponsor must use the LWCF symbol established and provided by the Department for such acknowledgment. If the sponsor wants to provide a more detailed sign, the Department must approve the sign prior to construction to ensure proper designation.
()

02. In Perpetuity. The sponsor must maintain any outdoor recreation use within LWCF boundaries in perpetuity.
()

726 -- 999. (RESERVED)

~~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.
(3-20-20)T

~~02. Seasons and Hours.~~ Facilities must be kept open for public use at reasonable hours and times of the year based on intended use.
(3-20-20)T

~~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. (3-20-20)T~~

~~741. 999. (RESERVED)~~

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IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

Operations Division

26.01.34 – Idaho Protection Against Invasive Species Sticker Rules

Who does this rule apply to?

These rules apply to all boat owners recreating in Idaho waters.

What is the purpose of this rule?

These rules are promulgated by the Idaho Park and Recreation Board to administer the Idaho Protection Against Invasive Species Sticker Rules.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

State Government and State Affairs -

Idaho Safe Boating Act:

- [Section 67-7002, Idaho Code](#) – Jurisdiction and Authority
- [Section 67-7008A, Idaho Code](#) – Additional Fess – Deposit into Invasive Species Fund

Who do I contact for more information on this rule?

Idaho Department of Parks and Recreation

8:00 am to 5:00 pm MT

P.O. Box 83720, Boise, ID 83720

5657 Warm Springs Avenue, Boise, ID 83716

Phone: (208) 334-4199

Fax: (208) 334-3741

Email: inquiry@idpr.idaho.gov

<https://parksandrecreation.idaho.gov>

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26.01.34 – IDAHO PROTECTION AGAINST INVASIVE SPECIES STICKER RULES

000. LEGAL AUTHORITY.

The Idaho Park and Recreation Board is authorized under Section 67-7002, Idaho Code to promulgate rules to aid in the administration of the Idaho Safe Boating Act, Title 67, Chapter 70, Idaho Code; and is authorized under Section 67-7008A, Idaho Code, to promulgate rules prescribing the display of protection against invasive species stickers. (7-1-21)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.34, “Idaho Protection Against Invasive Species Sticker Rules.” (7-1-21)T

02. Scope. This chapter establishes rules to aid in the administration and enforcement of the Idaho Safe Boating Act, Title 67, Chapter 70, Idaho Code. (7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

As used in this chapter: (7-1-21)T

01. Commercial Outfitters. As defined in Section 36-2102(b), Idaho Code. (7-1-21)T

02. Department. The Idaho Department of Parks and Recreation. (7-1-21)T

03. Fund. Invasive Species Fund as defined in Section 22-1911, Idaho Code. (7-1-21)T

04. Idaho Invasive Species Act. The Idaho Invasive Species Act of 2008 as established in Title 22, Chapter 19, Idaho Code. (7-1-21)T

05. Motorized Vessel. Any watercraft requiring certificate of number under Section 67-7008, Idaho Code, or any comparable U.S. vessel certificate of number program. (7-1-21)T

06. Non-Motorized Vessel. Any watercraft used or capable of being used as a means of transportation on water that is propelled by human effort. For the purpose of this chapter this term does not include small inflatable rafts or other inflatable vessels less than ten (10) feet in length. (7-1-21)T

07. Protection Against Invasive Species Sticker. Any sticker issued by the Department in accordance with the provisions of Section 67-7008(A), Idaho Code. (7-1-21)T

08. Validation Sticker. Any sticker issued by the Department in accordance with the provisions of Section 67-7008, Idaho Code. (7-1-21)T

011. -- 049. (RESERVED)

050. COLLECTION OF FEES AND DISTRIBUTION OF REVENUES INTO FUND.

In addition to any other moneys or fees collected pursuant to Section 67-7008 or any other provision of Title 67, Chapter 70, Idaho Code, all vessels are required to pay an additional fee as established in Section 67-7008A, Idaho Code. (7-1-21)T

01. Operator Responsibilities. The operator of any watercraft required to display a Protection Against Invasive Species Sticker pursuant to this chapter will ensure that fees are paid and that a Protection Against Invasive Species Sticker is displayed on the vessel, except as provided in Subsection 075.01 of this chapter, prior to launch into the public waters of Idaho. (7-1-21)T

02. Prorated Group Rates for Commercial Outfitters. (7-1-21)T

a. Group rates for commercial outfitters with nonmotorized fleets exceeding five (5) vessels will be determined using the number of vessels within the fleet at the time of purchase of the stickers, as provided in Section 67-7008A(1)(c). Previous or future sticker purchases will be prorated separately. (7-1-21)T

b. Protection Against Invasive Species Stickers purchased by outfitters or guides who are duly licensed in accordance with Title 36, Chapter 21, Idaho Code, must be accompanied by an affidavit that must be

signed by the outfitter or guide. The signed affidavit verifies the number of vessels within the covered fleet and that the appropriate number of Protection Against Invasive Species Stickers has been purchased. The Protection Against Invasive Species Stickers and affidavit must be kept on file at the outfitter or guide's physical address and must be made available for inspection upon request of the Department or upon request by law enforcement. Non-motorized commercial outfitters and guides are not required to place a Protection Against Invasive Species Sticker on their vessels. Identification of commercial outfitted and guided boats must be in compliance with IDAPA 25.01.01, "Rules of the Outfitters and Guides Licensing Board," Subsection 054.03.a. (7-1-21)T

03. Transfer of Funds. Fees collected will be transferred and deposited into the Fund no less than quarterly during any fiscal year. (7-1-21)T

051. -- 074. (RESERVED)

075. PROTECTION AGAINST INVASIVE SPECIES STICKER.

01. Motorized Vessels. Beginning with the 2010 boating season, upon payment of the fees required by Section 050 of these rules, the validation sticker as identified in IDAPA 26.01.30, "Idaho Safe Boating Rules," will also serve as the Protection Against Invasive Species Sticker for those vessels numbered pursuant to Section 67-7008, Idaho Code. (7-1-21)T

02. All Other Watercraft. A separate Protection Against Invasive Species Sticker will be issued for all other watercraft upon payment of the fees required under Section 050 of these rules. (7-1-21)T

076. PLACEMENT OF PROTECTION AGAINST INVASIVE SPECIES STICKER.

01. Location. (7-1-21)T

a. Motorized vessel. Except as provided in Subsection 075.01 of this chapter, the Protection Against Invasive Species Sticker should be affixed next to the current year validation sticker on the port (left) side of the vessel. (7-1-21)T

b. Non-motorized. Except as provided in Subsection 050.02.a. of this chapter, the Protection Against Invasive Species Sticker should be affixed in the following manner. (7-1-21)T

i. For canoes, kayaks, and other small rigid vessels, the Protection Against Invasive Species Sticker should be affixed near the bow above the waterline on the port (left) side, or on top of the vessel if there is little or no waterline distinction. (7-1-21)T

ii. For inflatable (non-rigid) vessels, the Protection Against Invasive Species Sticker can be modified to allow attachment of a zip tie, plastic attachment, or other similar mechanism, or be laminated into a hang tag. (7-1-21)T

02. Removal. Protection Against Invasive Species Stickers issued in accordance with Section 67-7008A, Idaho Code, that have become invalid, must be removed from the vessel. (7-1-21)T

077. ENFORCEMENT.

All operators of vessels as defined in this chapter must ensure their vessel is in compliance with the provisions of this chapter when launched upon the public waters of the state of Idaho. Non-compliance with the provisions of this chapter will result in possible assessment of penalties as described in Sec. 67-7033, Idaho Code, the Idaho Safe Boating Act. (7-1-21)T

078. -- 999. (RESERVED)

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IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

Operations Division

26.01.37 – Rules Governing Test Procedures and Instruments for Noise Abatement of Off Highway Vehicles

Who does this rule apply to?

These rules apply to any person seeking to measure the noise emission of an off-highway vehicle in meeting the decibel limit set forth in Section 67-7125, Idaho Code.

What is the purpose of this rule?

These rules are promulgated by the Idaho Park and Recreation Board to further define and make specific how to measure the noise emission of an off-highway vehicle.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statute passed by the Idaho Legislature:

State Government and State Affairs -

- [Section 67-7125, Idaho Code](#) – Recreational Activities: Noise Abatement

Who do I contact for more information on this rule?

Idaho Department of Parks and Recreation

8:00 am to 5:00 pm MT

P.O. Box 83720, Boise, ID 83720

5657 Warm Springs Avenue, Boise, ID 83716

Phone: (208) 334-4199

Fax: (208) 334-3741

Email: inquiry@idpr.idaho.gov

<https://parksandrecreation.idaho.gov>

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**26.01.37 – RULES GOVERNING TEST PROCEDURES AND INSTRUMENTS
FOR NOISE ABATEMENT OF OFF HIGHWAY VEHICLES**

000. LEGAL AUTHORITY.

The Idaho Park and Recreation Board is authorized under Section 67-7125, Idaho Code to promulgate rules to effectuate the purposes of and aid in the administration of Section 67-7125, Idaho Code. (7-1-21)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.37, “Rules Governing Test Procedures and Instruments for Noise Abatement of Off Highway Vehicles.” (7-1-21)T

02. Scope. This chapter establishes rules to effectuate the purposes of and aid in the administration and enforcement of Section 67-7125, Idaho Code. (7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

As used in this chapter: (7-1-21)T

01. All Terrain Vehicle (ATV). Any recreation vehicle with three (3) or more tires, under eight hundred fifty (850) pounds and less than forty-eight (48) inches in width, having a wheelbase of sixty-one (61) inches or less, traveling on low pressure tires, less than ten (10) pounds per square inch (psi). (7-1-21)T

02. A-Weighting Scale. A sound filtering system contained in a sound meter which adjusts (weights) the incoming sound energy to approximate human hearing. (7-1-21)T

03. Calibrator. A device used to standardize the reading of a sound level meter. (7-1-21)T

04. CC. The displacement (size) of an engine in cubic centimeters. The cc’s of an engine refers to the piston displacement or engine size. (7-1-21)T

05. Db or Decibel. A unit used to measure the amplitude of sounds. As a sound measured in decibels increases, so does its loudness. (7-1-21)T

06. Off Highway Vehicle (OHV). Any ATV or motorbike as defined in Section 67-7101, Idaho Code, used off public highways but excluding those vehicles used exclusively on private land for agricultural use or used exclusively for snow removal purposes. These vehicles, together with others not covered by these rules, are sometimes commonly known as off-road vehicles or ORMV’s. (7-1-21)T

07. Operator. Any person who is in physical control of an OHV. (7-1-21)T

08. Red-Line Speed. The lowest numerical engine speed included in the red zone on the OHV tachometer or prescribed by the manufacturer as compiled in the “Off-Highway Motorcycle and ATV Stationary Sound Test Manual” published by the Motorcycle Industry Council, Inc. (7-1-21)T

09. Revolutions per Minute (RPM). The number of times the crankshaft of an engine revolves in one (1) minute. (7-1-21)T

10. Sound Level Meter. An instrument used for measuring sound levels, which includes a microphone, an amplifier, and meter with frequency weighing networks, such as the A-weighting scale. (7-1-21)T

11. Tachometer. A device used to measure RPM of an engine. Tachometers used to obtain sound level measurements may be permanently affixed to the OHV or may be portable units such as hand-held electric, vibrating reed, or inductive tachometers. (7-1-21)T

011. -- 049. (RESERVED)

050. TEST PROCEDURE.

01. Test Site. The test site must be a flat, open surface free of large reflecting surfaces, other than the ground, such as parked vehicles, signboards, or hillsides located within sixteen (16) feet of the (OHV) being tested

and the location of the microphone of the sound level meter. (7-1-21)T

a. Ambient sound level. The ambient sound level, including wind effects, at the test site due to sources other than the OHV being measured must be at least ten (10) dB lower than the sound produced by the OHV under test. (7-1-21)T

b. Wind speed. Wind speed at the test site must be less than twenty (20) miles per hour. (7-1-21)T

c. Persons in test area. While making sound level measurements, not more than one (1) person other than the operator, the measurer, and the assistant, if necessary, may be within ten (10) feet of the OHV under test or the microphone of the sound level meter, and that person must be directly behind the measurer on a line through the microphone of the sound level meter and the measurer. (7-1-21)T

02. Test Surface. The surface of the ground within the test area must be paving or hard packed earth, level within an average slope of five (5) inches per foot and must be free of loose or powdered snow, plowed soil, grass of a height greater than six (6) inches, trees, or other extraneous materials. (7-1-21)T

03. Position of OHV. (7-1-21)T

a. For two (2) wheeled OHV's, the operator may sit astride of the OHV, in normal riding position with both feet on the ground. If this is not possible because of the seat height of the OHV, an assistant may hold the OHV by the forks, front wheel, or handlebars so that it is stationary with its longitudinal plane of symmetry vertical. If an assistant is not available to assist in holding the OHV upright, the operator may use a box, rock or other object to rest his feet upon to steady the OHV, so long as the OHV longitudinal plane of symmetry is vertical and stationary. (7-1-21)T

b. For three (3) wheeled and four (4) wheeled ATV's, the operator may sit in the normal riding position with one (1) or both feet on the footrests. (7-1-21)T

04. Operation of OHV. (7-1-21)T

a. If the OHV has a neutral gear, the operator must run the engine with the gear box in neutral at a speed equal to one-half (1/2) of the rated engine speed or one-half (1/2) of the red line speed specified by the manufacturer as compiled in the "Off Highway Motorcycle and ATV Stationary Sound Test Manual." (7-1-21)T

b. If the OHV has no neutral gear, it must be operated either with the rear wheel(s) at least two (2) inches clear of the ground or with the drive chain or belt removed, or the clutch, if the OHV is so equipped, disengaged. (7-1-21)T

05. Engine Temperature. The engine of the OHV being tested must be at a normal operating temperature during the test. (7-1-21)T

051. -- 099. (RESERVED)

100. MEASUREMENT.

01. Sound Level Meter Settings. The sound meter must be set for the A-weighting scale and may be set for either slow or fast dynamic response. (7-1-21)T

02. Exhaust Outlets. Tests must be made on each side of the OHV having an exhaust outlet. (7-1-21)T

03. Location of the Microphone of the Sound Level Meter. (7-1-21)T

a. The microphone of the sound level meter must be located twenty (20) inches - one-half (1/2) inch behind the exhaust. If there is more than one (1) exhaust outlet per side, the microphone of the sound level meter must be located with reference to the rear most outlet. (7-1-21)T

b. The microphone of the sound level meter must be within one-half (1/2) inch of the height of the exhaust outlet. (7-1-21)T

c. The microphone of the sound level meter must be at a forty-five (45) degree - ten (10) degree angle to the normal line of travel of the OHV. (7-1-21)T

d. The longitudinal axis of the microphone of the sound level meter must be in a plane parallel to the ground plane. (7-1-21)T

e. The axis of the microphone of the sound level meter must be oriented as specified for field response by the manufacturer. (7-1-21)T

04. Attachments Prohibited. No wire or other rigid means of distance measurement may be attached to the sound level meter measuring system. (7-1-21)T

05. Sound Level. The sound level recorded must be that measured during steady state operation at the engine speed specified in Subsections 050.04 and 050.05 of this chapter, two hundred (200) RPM, measured on the loudest side of the OHV. The test speed in RPM must also be recorded. (7-1-21)T

06. Calibration. Calibration of the sound level meter using a sound level calibrator with an accuracy of one-half (1/2) dB must be made immediately before the first test of each day. Field calibration should be made at intervals of no more than one (1) hour. (7-1-21)T

101. -- 149. (RESERVED)

150. EQUIPMENT.

01. Sound Level Meter. A type one (1) sound level meter, which generally can provide the most accurate measurements, must be used for certification of exhaust systems and for law enforcement purposes. (7-1-21)T

02. Tachometer. A hand-held tachometer of the type described in Subsection 010.11 must be used if the OHV does not have a permanently affixed tachometer. (7-1-21)T

03. Calibrator. A calibrator appropriate for use with the sound level meter must be used to calibrate the sound level meter. (7-1-21)T

04. Manual. Persons measuring sound levels for law enforcement purposes must use the "Off-Highway Motorcycle and ATV Stationary Sound Test Manual," published by the Motorcycle Industry Council, Inc. for current information concerning manufacturer's specifications for OHV operation. (7-1-21)T

151. -- 999. (RESERVED)

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