

Dear Senators PEARCE, BAIR, Stennett, and  
Representatives DENNEY, Gibbs, Pence:

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

IDAPA 26.01.03 - Rules Governing Recreational Registration Vendors (Docket No. 26-0103-1401);

IDAPA 26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities  
(Docket No. 26-0120-1401);

IDAPA 26.01.30 - Idaho Safe Boating Rules (Docket No. 26-0130-1401);

IDAPA 26.01.31 - Rules Governing the Administration of the Idaho Department of Parks and  
Recreation State and Federal Grant Funds (Docket No. 26-0131-1401);

IDAPA 26.01.34 - Idaho Protection Against Invasive Species Sticker Rules (Docket No.  
26-0134-1401);

IDAPA 26.01.36 - Rules Governing the Winter Recreational Parking Permit Program (Docket No.  
26-0136-1401).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 08/01/2014. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 08/29/2014.

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

To notify Research and Legislation, call 334-4834, or send a written request to the address on the  
memorandum attached below.



Jeff Youtz  
Director

# Legislative Services Office

## Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

### MEMORANDUM

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

**FROM:** Principal Legislative Research Analyst - Katharine Gerrity

**DATE:** July 15, 2014

**SUBJECT:** Department of Parks and Recreation

IDAPA 26.01.03 - Rules Governing Recreational Registration Vendors (Docket No. 26-0103-1401)

IDAPA 26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities (Docket No. 26-0120-1401)

IDAPA 26.01.30 - Idaho Safe Boating Rules (Docket No. 26-0130-1401)

IDAPA 26.01.31 - Rules Governing the Administration of the Idaho Department of Parks and Recreation State and Federal Grant Funds (Docket No. 26-0131-1401)

IDAPA 26.01.34 - Idaho Protection Against Invasive Species Sticker Rules (Docket No. 26-0134-1401)

IDAPA 26.01.36 - Rules Governing the Winter Recreational Parking Permit Program (Docket No. 26-0136-1401)

The Idaho Department of Parks and Recreation submits notice of temporary and proposed rules at IDAPA 26.01.03 - Rules Governing Recreational Registration Vendors, IDAPA 26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities, IDAPA 26.01.30 - Idaho Safe Boating Rules, IDAPA 26.01.31 - Rules Governing the Administration of the Idaho Department of Parks and Recreation State and Federal Grant Funds, IDAPA 26.01.34 - Idaho Protection Against Invasive Species Sticker Rules and IDAPA 26.01.36 - Rules Governing the Winter Recreational Parking Permit Program. The department states that the changes are necessary to implement HB 492 from the 2014 Legislative Session. The Department indicates that the changes specifically revise terminology to clarify and distinguish between the recreational registrations that the department performs and the vehicle registrations performed by the Idaho Transportation Department.

According to the department, the temporary rules became effective on July 1, 2014. The department states that negotiated rulemaking was not conducted due to the need to comply with legislative changes. The rulemaking appears authorized pursuant to Sections 67-4210, 67-4223 and 67-4249, Idaho Code.

cc: Department of Parks and Recreation  
Anna Canning

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

## **IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION**

### **26.01.03 - RULES GOVERNING RECREATIONAL REGISTRATION VENDORS**

**DOCKET NO. 26-0103-1401**

#### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2014.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 67-4210, 67-4223, and 67-4249, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 16, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In order to implement the 2014 Legislative session, HB 492 which was signed into law on April 4, 2014 with an effective date of July 1, 2014, the Idaho Department of Parks and Recreation (IDPR) proposes changes to IDAPA 26, Title 01, Chapter 03 in order to change terminology to clarify and distinguish between the Recreational Registrations the IDPR performs and the Vehicle Registrations performed by the Idaho Transportation Department (ITD).

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The rule changes are required to implement 2014 Legislative session HB492.

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

No fees or charges are being imposed or changed in this rulemaking.

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

There is no expected fiscal impact.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because rule changes are required to come into compliance with law.

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

There are no documents being incorporated by reference.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July, 23 2014.

DATED this 6th day of June, 2014.

Anna Canning  
Division Administrator  
Management Services  
Idaho Department of Parks and Recreation  
5657 Warm Springs Avenue, Boise, ID 83716-8700  
P.O. Box 87320, Boise ID 83720-0065  
Telephone: (208) 514-2252; FAX (208) 334-5232

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 26-0103-1401  
(Only those Sections being amended are shown.)**

**26.01.03 - RULES GOVERNING RECREATIONAL REGISTRATION PROGRAM VENDORS**

**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. ~~These rules are intended to set forth the procedures for vendors to apply to sell recreational registrations for the Idaho Department of Parks and Recreation and to set forth procedures necessary to effect consistent, effective and efficient operation and management of the recreational registration program.~~ (7-1-93)(7-1-14)T

**001.—002. (RESERVED) TITLE AND SCOPE.**

**01. Title.** The title of this chapter shall be cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.03, "Rules Governing Recreational Registration Program Vendors." (7-1-14)T

**02. Scope.** These rules are intended to set forth the procedures for vendors to apply to sell Recreational Registration Program products including, but not limited to, certificates of number, permits, user certificates, and stickers for the Idaho Department of Parks and Recreation and to set forth procedures necessary to effect consistent, effective, and efficient operation and management of the recreational registration program. (7-1-14)T

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. (7-1-14)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**004.—009. (RESERVED) INCORPORATION BY REFERENCE.**

No documents have been incorporated by reference into these rules. (7-1-14)T

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

**01. Office Hours.** Central office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (7-1-14)T

**02. Mailing Address.** The mailing address for the central office is Idaho Department of Parks and

Recreation, PO Box 83720, Boise, ID 83720-0065.

(7-1-14)T

**03. Street Address.** The Central office of the Idaho Department of Parks and Recreation is located at 5657 Warm Springs Ave., Boise, ID 83716-8700.

(7-1-14)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 1, Idaho Code.

(7-1-14)T

**007. -- 009. (RESERVED)**

**010. DEFINITION OF TERMS.**

**01. Application.** A form prescribed and furnished to prospective vendors by the Department. (7-1-93)

**02. Department or Central Office.** The Idaho Department of Parks and Recreation. Location: 5657 Warm Springs Avenue, Boise, Idaho, 83716; Mailing Address: Statehouse Mail, Boise, Idaho 83720; Phone: 208-334-4199. (7-1-93)

**03. Memorandum of Agreement.** A contract between the Department and the Vendor. (7-1-93)

**04. Products.** Recreational Registration Program products shall include but not be limited to certificates of number, permits, user certificates, and stickers.

(7-1-14)T

~~**045. Recreational Registrations Program.** *Registration of various recreational vehicles, which includes, but is not limited to, snowmobiles, boats, off road motorbikes, and recreational activities such as use of Park 'N' Ski facilities. A unit within Idaho Department of Parks and Recreation responsible for the administration and oversight of the vendor program, the sale of program products, and the management and distribution of the resulting funds.*~~

~~(7-1-93)(7-1-14)T~~

~~**056. Vendor.** Any business authorized to sell recreational registration licenses products.~~

~~(7-1-93)(7-1-14)T~~

~~**067. Vendor Policy Manual.** A policy manual setting forth guidelines for selling recreational registration licenses products.~~

~~(7-1-93)(7-1-14)T~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**100. CRITERIA FOR APPLYING FOR VENDORSHIP.**

A prospective vendor may apply to sell one (1) or more types of registrations products. A prospective vendor may make a request to the Department at any time by phone, mail, or in person to receive Vendor Application forms and a copy of the applicable vendor Memorandum of Agreement. The application and the signed Memorandum of Agreement must be completed in full and returned to the Department for approval. If approved by the Department, the vendorship will be effective upon issuance of the signed Memorandum of Agreement by the Licensing Section, Department of Parks and Recreation. (7-1-93)(7-1-14)T

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

**150. MINIMUM QUALIFICATIONS OF VENDORS.**

**01. Established Business.** The prospective vendor's business must be known as an established business in the general area they will serve and they may need to provide additional references to establish, to the department's satisfaction, the likelihood of an ongoing business operation. No vendor will be given an exclusive territory or area in which to sell registrations and licenses products. (7-1-93)(7-1-14)T

02. **Taxes and Fees.** The applicant must not be delinquent in payment of any taxes or fees to the state of Idaho or any subdivision thereof. (7-1-93)

03. **Operating Hours.** The location of the business and hours of operation must be ~~such that registration will be available to registrants at a convenient time and place~~ convenient to the intended customers. (7-1-93)(7-1-14)T

04. **Service.** Every effort will be made by the applicant to provide satisfactory service to both ~~registrants in issuing registrations and~~ the Department and its customers in properly collecting fees, safeguarding supplies and reporting in a timely, accurate manner. (7-1-93)(7-1-14)T

05. **Bonding.** When applicable, a vendor must be bondable to the extent that his gross fees collected will exceed one thousand dollars (\$1,000); such bond to be provided by the Department. (7-1-93)

06. **Nondiscrimination.** Vendors shall not discriminate against any ~~registrant~~ Department customers on the basis of race, religion, or nationality or gender. (7-1-93)(7-1-14)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**250. VENDOR SUSPENSION AND TERMINATION.**

01. **Suspension.** A vendor may be suspended from selling ~~registrations~~ products for up to one (1) year for: (7-1-93)(7-1-14)T

a. Failure to file a sales report on or before the date required by law, even if there were no ~~registrations~~ products sold. (7-1-93)(7-1-14)T

b. Filing of inaccurate or incorrect reports. (7-1-93)

c. Failure to issue ~~registrations~~ products in accordance with the provisions of Idaho Code, the Vendor Memorandum of Agreement and procedures, policies and instructions of the Department. (7-1-93)(7-1-14)T

02. **Termination.** A vendor may be terminated permanently for: (7-1-93)

a. Being suspended twice in any three (3) year period. (7-1-93)

b. Breach of the vendor Contract. (7-1-93)

c. Remitting fees with a nonsufficient funds check which is not due to bank error. (7-1-93)

d. A volume of ten (10) or less ~~registrations, or total lack of~~ sales, for a one (1) year period. (7-1-93)(7-1-14)T

e. Refusal to remit fees collected or return voided or unused ~~sticker~~ product. (7-1-93)(7-1-14)T

f. Use of unacceptable or unbusiness-like conduct toward a ~~registrant~~ Department customer. (7-1-93)(7-1-14)T

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

**300. VENDOR FEES.**

In order to establish consistency in vendor ~~registration~~ fees, vendors are strongly encouraged to charge the maximum allowable vendor fee as established under appropriate statutes as outlined in Section 000 of this chapter, and to notify

the Department of vendor's intent to reduce the fee. The fee must remain consistent for a full season or program year, and changes must be approved by the Department in advance. [\(7-1-93\)\(7-1-14\)T](#)

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

**350. DEPARTMENT RESERVES EXCLUSIVE RIGHT TO RENEW REGISTRATIONS CERTIFICATES OF NUMBER BY MAIL.**

The Department reserves the exclusive right to mail out requests for renewal on all registrations certificates of number which it is authorized to administer. This does not preclude vendors from making arrangements with registrants Department customers who may be physically removed from their place of residence at a time when re-registration numbering becomes necessary. To perform such re-registration numbering as a service to that patron, vendor should follow the procedures as outlined in the Vendor Policy Manual. [\(7-1-93\)\(7-1-14\)T](#)

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

**400. VENDORS TO OBTAIN EVIDENCE OF OWNERSHIP PRIOR TO ISSUING REGISTRATIONS CERTIFICATES OF NUMBER.**

Vendors must take reasonable care that adequate evidence of ownership is presented prior to registration numbering. Prior registration certificate of number is sufficient evidence. [\(7-1-93\)\(7-1-14\)T](#)

## **IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION**

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

**DOCKET NO. 26-0120-1401**

#### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2014.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 67-4210, 67-4223, and 67-4249, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 16, 2014.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below. Hearings are not planned but will be held if requested.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In order to implement the 2014 Legislative session, HB 492 which was signed into law on April 4, 2014 with an effective date of July 1, 2014 the Idaho Department of Parks and Recreation (IDPR) proposes changes to IDAPA 26, Title 01, Chapter 20 in order to change terminology so as to clarify and distinguish between the Recreational Registrations the IDPR performs and the Vehicle Registrations performed by the Idaho Transportation Department (ITD).

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1),(b) Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The rule changes are required to implement 2014 Legislative session HB492.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: NA

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

There is no expected fiscal impact.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because rule changes are required to come into compliance with law.

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July, 23 2014.

DATED this 6th day of June, 2014.



Anna Canning  
Division Administrator  
Management Services  
Idaho Department of Parks and Recreation  
5657 Warm Springs Avenue, Boise, ID 83716-8700  
P.O. Box 87320, Boise ID 83720-0065  
Telephone: (208) 514-2252; FAX (208) 334-5232

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 26-0120-1401  
(Only those Sections being amended are shown.)**

**010. DEFINITIONS.**

As used in this chapter: (1-1-94)

**01. ADA Campsites and Facilities.** (3-30-06)

**a.** ADA Designated Campsites. Campsites that have been designated and built to meet ADA accessibility requirements. These campsites are not managed exclusively for ADA use. (3-27-13)

**b.** ADA Accessible Facilities. IDPR offers some facilities that provide for ADA accessibility. These facilities are not managed exclusively for ADA use. (3-30-06)

**02. Annual Motor Vehicle Entrance Fee.** A sticker that allows a single motor vehicle to enter Idaho State Parks without being charged a motor vehicle entrance fee. (3-27-13)

**a.** The Annual Motor Vehicle Entrance Fee sticker expires December 31 of the year issued. (3-27-13)

**b.** The Annual Motor Vehicle Entrance Fee sticker may be purchased at any Idaho State Park, the Idaho Department of Parks and Recreation central or regional offices, or online. (3-27-13)

**c.** Automobiles, Trucks, Motorhomes. The sticker must be permanently affixed on the lower corner of the driver's side windshield. (3-27-13)

**d.** All-Terrain Vehicles (ATVs), Utility Type Vehicles (UTVs), Speciality Off-Highway Vehicles (SOHVs). The sticker must be permanently affixed on the rear fender. (3-27-13)

**e.** Motorbikes. The sticker must be permanently affixed on the rider's right fork. (3-27-13)

**f.** Snowmobiles. The sticker must be permanently affixed to the right side of the cowling located just below the hood, to the right of the ~~registration~~ validation sticker. It must be visible and legible at all times. ~~(3-27-13)~~(7-1-14)T

**03. Annual Motor Vehicle Entrance Fee Replacement.** Replacement due to a motor vehicle sale or damage to an existing annual motor vehicle entrance fee sticker. (3-27-13)

**a.** The applicant must apply at any Idaho State Park, at the Idaho Department of Parks and Recreation central or regional offices, or online for replacement sticker. (3-27-13)

**b.** Proof of purchase must be established. (3-27-13)

**c.** Display and placement of the replacement sticker will comply with Subsections 010.02.c. through

- 010.02.f. of this Chapter. (3-27-13)
- 04. Board.** The Idaho Park and Recreation Board, a bipartisan, six (6) member Board, appointed by the Governor. (3-13-97)
- 05. Camping Unit.** A camping unit is the combined equipment and people capacity that a site or facility will accommodate. (3-30-06)
- a. Campsites.** Maximum capacity limits on each campsite are subject to each site's design and size. Unless otherwise specified, the maximum capacity will be one (1) family unit or a party of no more than eight (8) persons, two (2) motor vehicles or one (1) RV or two (2) motorcycles, and up to two (2) tents, provided the combined equipment and people fit within the designated camping area of the site selected. (4-4-13)
- b. Facilities.** Maximum capacity limits on each facility are subject to each facility's design and size. The combined equipment and people occupying a facility must fit within the designated areas of the facility selected. (3-30-06)
- 06. Camping Day.** (3-30-06)
- 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. (3-30-06)
- b.** For individual and group camping facilities, the period between 3 p.m. of one (1) calendar day and 12 noon of the following calendar day. (3-30-06)
- 07. Campsite.** (3-30-06)
- a. Individual.** An area within an IDPR managed campground designated for camping use by an individual camping unit or camping party. (3-30-06)
- b. Group.** An area within an IDPR 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. (3-30-06)
- c. Facility, Individual.** A camping structure within an IDPR managed campground or area designated for camping use by an individual camping party. (3-30-06)
- d. Facility, Group.** A camping structure within an IDPR managed campground or area designated for group use. (3-30-06)
- 08. 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. (3-30-06)
- 09. Department.** The Idaho Department of Parks and Recreation. (1-1-94)
- 10. Designated Beach.** Waterfront areas designated by the park manager or designee for water-based recreation activities. The length and width of each designated beach shall be visibly identified with signs. (3-30-06)
- 11. Designated Roads and Trails.** Facilities recognizable by reasonable formal development, signing, or posted rules. (3-7-03)
- 12. Director.** The Director and chief administrator of the Department, or the designee of the Director. (1-1-94)
- 13. Dock and Boating Facility.** Floats, piers, and mooring buoys owned or operated by the Department. (3-13-97)

- 14. 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. (4-4-13)
- 15. Extra Vehicle.** An additional motor vehicle without built in sleeping accommodations registered to a camp site. (3-27-13)
- 16. Facilities.** (3-30-06)
- a.** Individual. A camping structure within an IDPR managed campground or area designated for camping use by an individual camping party. (3-30-06)
- b.** Group. A camping structure within an IDPR managed campground or area designated for group use. (3-30-06)
- 17. Group Use.** Twenty-five (25) or more people, or any group needing special considerations or deviations from normal Department rules or activities. (1-1-94)
- 18. 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. (3-27-13)
- a.** Idaho State Parks Passport sticker expires concurrent with the expiration of that vehicle's registration. (3-27-13)
- b.** Display and placement of the Idaho State Parks Passport will comply with Subsections 010.02.c. through 010.02.f. of this rule. (3-27-13)
- 19. Idaho State Parks Passport Replacement.** Replacement due to a motor vehicle registration transfer or damage to an existing passport. (3-27-13)
- a.** The applicant must apply in person to their county Department of Motor Vehicles' office for this replacement sticker. (3-27-13)
- b.** Display and placement of the replacement sticker will comply with Subsections 010.02.c. through 010.02.f. of this rule. (3-27-13)
- 20. Motor Vehicle.** Every vehicle that is self-propelled except for vehicles moved solely by human power and motorized wheelchairs. (3-27-13)
- 21. Motor Vehicle Entrance Fee (MVEF).** A fee charged for entry to or operation of a motor vehicle in an Idaho State Park. Day use expires at 10 p.m. on date of purchase or as posted; overnight camping use expires upon checkout which is 1 p.m. for a campsite and 12 noon for a facility. (3-27-13)
- 22. 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. (4-4-13)
- 23. Overnight Use Fee.** A fee charged for overnight use of non-camping lands between the hours of 10 p.m. and 7 a.m. (4-4-13)
- 24. Park or Program Manager.** The person, designated by the Director, responsible for administering and supervising particular lands, facilities, and staff that are under the jurisdiction of the Department. (3-7-03)
- 25. Recreational Vehicle (RV).** A "recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, 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. It does not include pickup hoods, shells, or canopies designed, created, or modified for occupational use. (Section 39, Idaho Code) (3-27-13)

26. **Standard Amenities.** Campsite with no serviced amenities. (3-30-06)
27. **Serviced Amenities.** Serviced campsite amenities includes water, electricity, or sewer. (3-30-06)
28. **Primary Season.** The time of the year when the majority of use occurs at a park facility. (3-7-03)
29. **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. (3-7-03)
30. **Vessel Length.** The distance measured at the centerline at the highest point above the waterline from the fore-part of the outer hull at the bow to the aft-part of the outer hull at the stern, excepting any bowsprits, railings or extraneous or additional equipment. (3-13-97)

# IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

## 26.01.30 - IDAHO SAFE BOATING RULES

DOCKET NO. 26-0130-1401

### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2014.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 67-4210, 67-4223, and 67-4249, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 16, 2014.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below. Hearings are not planned but will be held if requested.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In order to implement the 2014 Legislative session, HB 492 which was signed into law on April 4, 2014 with an effective date of July 1, 2014 the Idaho Department of Parks and Recreation (IDPR) proposes changes to IDAPA 26, Title 01, Chapter 30 in order to change terminology so as to clarify and distinguish between the Recreational Registrations the IDPR performs and the Vehicle Registrations performed by the Idaho Transportation Department (ITD).

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The rule changes are required to implement 2014 Legislative session HB492.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: NA

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

There is no expected fiscal impact.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because rule changes are required to come into compliance with law.

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July, 23 2014.

DATED this 6th day of June, 2014.

Anna Canning  
Division Administrator  
Management Services  
Idaho Department of Parks and Recreation  
5657 Warm Springs Avenue, Boise, ID 83716-8700  
P.O. Box 87320, Boise ID 83720-0065  
Telephone: (208) 514-2252; FAX (208) 334-5232

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 26-0130-1401  
(Only those Sections being amended are shown.)**

**250. ~~REGISTRATION~~ ~~VESSEL~~ NUMBERS -- DISPLAY, SIZE, COLOR.**

- 01. Requirements.** Each ~~registration~~ ~~vessel~~ number required by Section 67-7008, Idaho Code shall: ~~(1-1-94)~~(7-1-14)T
- a.** Be in plain vertical block characters of not less than three (3) inches in height; (7-1-93)
  - b.** Contrast with the color of the background; (7-1-93)
  - 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); (7-1-93)
  - d.** Read from left to right; (7-1-93)
  - e.** Be maintained in legible condition; (7-1-93)
  - f.** Be as high above the waterline as practicable without decreasing the visibility of the number. (7-1-93)
- 02. Manufacturers and Dealers.** When a vessel is used by a manufacturer or dealer for testing or demonstrating, the ~~registration~~ ~~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. ~~(1-1-94)~~(7-1-14)T
- 03. Special Circumstances.** On vessels so configured that a ~~registration~~ ~~vessel~~ number on the hull or superstructure would not be easily visible, the ~~registration~~ ~~vessel~~ number shall be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the ~~registration~~ ~~vessel~~ number is visible from each side of the vessel. ~~(1-1-94)~~(7-1-14)T

**251. -- 274. (RESERVED)**

**275. ~~REGISTRATION~~ ~~VESSEL~~ NUMBERS -- FORM.**

- 01. Numbering.** Each ~~registration~~ ~~vessel~~ number issued according to Section 67-7008, Idaho Code, shall consist of the prefix “ID,” which denotes Idaho as the State of issuing authority, followed by: ~~(1-1-94)~~(7-1-14)T
- a.** Not more than four (4) numerals followed by not more than two (2) capital letters (Example: ID 1234 AB); or (1-1-94)
  - b.** Not more than three (3) numerals followed by not more than three (3) capital letters (Example: ID 123 ABC). (7-1-93)

**02. Prohibited Letters.** A registration vessel number suffix may not include the letters “I,” “O,” or “Q,” which may be mistaken for numerals. ~~(1-1-94)~~(7-1-14)T

**276. -- 299. (RESERVED)**

**300. ~~REGISTRATION/USE PERMIT~~—VALIDATION STICKERS.**

**01. Size and Location of Stickers.** ~~Registration~~→Validation stickers issued according to Section 67-7008, Idaho Code shall: ~~(1-1-94)~~(7-1-14)T

**a.** Be displayed within six (6) inches of and directly in line with the registration vessel number displayed on the vessel; ~~(7-1-93)~~(7-1-14)T

**b.** Be approximately three (3) inches square; and (7-1-93)

**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. (7-1-93)

**02. Removal of Stickers.** Validation stickers issued according to Sections 67-7008 or 67-7011, Idaho Code, which have become invalid, shall be removed from the vessel. (1-1-94)

**301. -- 324. (RESERVED)**

**325. APPLICATION AND CERTIFICATE OF REGISTRATION NUMBER -- CONTENTS.**

**01. Requirements.** Except as allowed in Subsections 325.03 and 325.04 of this chapter, each application for a certificate of registration number and each certificate of registration number, referred to in Section 67-7008, Idaho Code, shall contain the following information: ~~(1-1-94)~~(7-1-14)T

**a.** Number issued to the vessel; (7-1-93)

**b.** Expiration date of the certificate; (7-1-93)

**c.** State of principal use; (7-1-93)

**d.** Name of the owner; (7-1-93)

**e.** Address of owner, including ZIP code; (7-1-93)

**f.** Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing or other use; (7-1-93)

**g.** Manufacturer’s hull identification number (if any); (7-1-93)

**h.** Make of vessel; (7-1-93)

**i.** Year vessel was manufactured; (7-1-93)

**j.** Overall length of vessel; (7-1-93)

**k.** Whether the vessel is an open boat, cabin cruiser, houseboat, or other type; (7-1-93)

**l.** Hull material; (7-1-93)

**m.** Whether the propulsion is inboard, outboard, inboard-outdrive, or sail; (7-1-93)

- n. Whether the fuel is gasoline, diesel, or other; (7-1-93)
- o. The number previously issued by an issuing authority for the vessel, if any; (7-1-93)
- p. Whether the application is for a new ~~registration~~ **certificate of number**, renewal of a ~~registration~~ **certificate of number**, or transfer of ownership; ~~(7-1-93)~~**(7-1-14)T**
- q. The signature of the owner. (7-1-93)
- 02. Manufacturer or Dealer.** A certificate of ~~registration~~ **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. (7-1-93)
- 03. Livery Vessels.** A certificate of ~~registration~~ **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. (7-1-93)
- 04. Proof of Ownership.** Each applicant for a certificate of ~~registration~~ **number** as prescribed in Section 67-7008, Idaho Code, shall submit one (1) of the following documents to the Department or authorized vendor: (3-23-98)
- a. The bill of sale from the dealer or a bill of sale from the previous owner of the vessel; (3-23-98)
- 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; (3-23-98)
- 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; (3-23-98)
- 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. (3-23-98)



## **IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION**

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

**DOCKET NO. 26-0131-1401**

#### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2014.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 67-4210, 67-4223, and 67-4249, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 16, 2014.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below. Hearings are not planned but will be held if requested.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In order to implement the 2014 Legislative session, HB 492 which was signed into law on April 4, 2014 with an effective date of July 1, 2014 the Idaho Department of Parks and Recreation (IDPR) proposes changes to IDAPA 26, Title 01, Chapter 31 in order to change terminology so as to clarify and distinguish between the Recreational Registrations the IDPR performs and the Vehicle Registrations performed by the Idaho Transportation Department (ITD).

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The rule changes are required to implement 2014 Legislative session HB492.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: NA

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

There is no expected fiscal impact.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because rule changes are required to come into compliance with law.

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July, 23 2014.

DATED this 6th day of June, 2014.

Anna Canning  
Division Administrator  
Management Services  
Idaho Department of Parks and Recreation  
5657 Warm Springs Avenue, Boise, ID 83716-8700  
P.O. Box 87320, Boise ID 83720-0065  
Telephone: (208) 514-2252; FAX (208) 334-5232

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 26-0131-1401  
(Only those Sections being amended are shown.)**

**251. OFF-HIGHWAY VEHICLE LAW ENFORCEMENT FUND DISTRIBUTION.**

**01. Deposits Into and Usage of Fund.** One dollar (\$1) of every off-highway vehicle registration certificate of number shall be deposited into the off-highway vehicle law enforcement fund. Moneys in this fund shall be paid out and used as follows: ~~(3-29-10)~~(7-1-14)T

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

**b.** A program shall be 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)

**c.** The Department shall 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 shall be delivered to the Department by March 1 of each year and shall include: (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 shall 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 shall 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 shall 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 shall 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 shall be 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 shall have fourteen (14) days to request reconsideration of the Department's decision withholding recognition, and the Department shall act upon such request within fourteen (14) days. (3-29-10)

**03. Formula for Distribution of Funds.** The Department shall distribute 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 ~~registrations~~ certificates of number designations for each eligible county as compared to the entire state. ~~(3-29-10)~~(7-1-14)T

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 ~~registrations~~ certificates of number. This total will be the percentage of the off-highway vehicle law enforcement funds for which the individual county is eligible. ~~(3-29-10)~~(7-1-14)T

**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 ~~registrations~~ certificates of number, the funds return to the off-highway vehicle law enforcement fund. Any undistributed money shall be allocated as follows: ~~(3-29-10)~~(7-1-14)T

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

b. Fifty percent (50%) of the unallocated money shall 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 proved, upon approval of a grant application the grantee shall be 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 shall 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 shall 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 shall be available for public use regardless of race, color, religion, national origin, gender, age, or disability. Facilities constructed with grant moneys shall 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 shall 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 ~~Registration~~ Numbering Requirements.** Off-Road Motor Vehicle Account project applicants and sponsors shall be responsible for posting a written notice of the requirement of applicable ~~registration certificate of number~~ requirements and enforcing such requirements for special events as well as general use. ~~(7-1-99)~~(7-1-14)T
- 09. Project Liability.** Grantees, through a signed agreement, shall assume all project liability and hold the Department harmless. (4-11-06)
- 10. Purchase and Bidding Requirements.** The grantee shall follow all local, state and federal laws pertaining to the expenditure of public funds. (4-11-06)
- 11. Permits.** The grantee shall legally acquire all required local, state and federal permits for the construction or development of the project before grant funds shall be expended. Construction shall 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 shall result in the immediate revocation of an approved grant or shall constitute a conversion pursuant to Section 350 of this chapter, as applicable. (4-11-06)

## IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

### 26.01.34 - IDAHO PROTECTION AGAINST INVASIVE SPECIES STICKER RULES

DOCKET NO. 26-0134-1401

#### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2014.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 67-4210, 67-4223, and 67-4249, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 16, 2014.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below. Hearings are not planned but will be held if requested.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In order to implement the 2014 Legislative session, HB 492 which was signed into law on April 4, 2014 with an effective date of July 1, 2014 the Idaho Department of Parks and Recreation (IDPR) proposes changes to IDAPA 26, Title 01, Chapter 34 in order to change terminology so as to clarify and distinguish between the Recreational Registrations the IDPR performs and the Vehicle Registrations performed by the Idaho Transportation Department (ITD).

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The rule changes are required to implement 2014 Legislative session HB492.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: NA

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

There is no expected fiscal impact.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because rule changes are required to come into compliance with law.

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July, 23 2014.

DATED this 6th day of June, 2014.

Anna Canning  
Division Administrator  
Management Services  
Idaho Department of Parks and Recreation  
5657 Warm Springs Avenue, Boise, ID 83716-8700  
P.O. Box 87320, Boise ID 83720-0065  
Telephone: (208) 514-2252; FAX (208) 334-5232

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 26-0134-1401  
(Only those Sections being amended are shown.)**

**010. DEFINITIONS.**

- As used in this chapter: (3-29-10)
- 01. Commercial Outfitters.** As defined in Section 36-2102(b), Idaho Code. (3-29-10)
- 02. Department.** The Idaho Department of Parks and Recreation. (3-29-10)
- 03. Fund.** Invasive Species Fund as defined in Section 22-1911, Idaho Code. (3-29-10)
- 04. Idaho Invasive Species Act.** The Idaho Invasive Species Act of 2008 as established in Title 22, Chapter 19, Idaho Code. (3-29-10)
- 05. Motorized Vessel.** Any watercraft requiring ~~registration~~ certificate of number under Section 67-7008, Idaho Code, or any comparable U.S. vessel ~~registration~~ certificate of number program. ~~(3-29-10)~~(7-1-14)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. (3-29-10)
- 07. Protection Against Invasive Species Sticker.** Any sticker issued by the Department in accordance with the provisions of Section 67-7008(A), Idaho Code. (3-29-10)
- 08. ~~Registration~~ Validation Sticker.** Any sticker issued by the Department in accordance with the provisions of Section 67-7008, Idaho Code. ~~(3-29-10)~~(7-1-14)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**075. PROTECTION AGAINST INVASIVE SPECIES STICKER**

- 01. Motorized Vessels.** Beginning with the 2010 boating ~~registration~~ season, upon payment of the fees required by Section 050 of these rules, the ~~registration~~ 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 ~~registered~~ numbered pursuant to Section 67-7008, Idaho Code. ~~(3-29-10)~~(7-1-14)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. (3-29-10)

**076. PLACEMENT OF PROTECTION AGAINST INVASIVE SPECIES STICKER.**

**01. Location.** (3-29-10)

**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 ~~Registration V~~validation ~~S~~sticker on the port (left) side of the vessel. ~~(3-29-10)~~(7-1-14)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. (4-7-11)

**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. (3-29-10)

**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. (3-29-10)

**02. Removal.** Protection Against Invasive Species Stickers issued in accordance with Section 67-7008A, Idaho Code, which have become invalid, shall be removed from the vessel. (3-29-10)

## IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

### 26.01.36 - RULES GOVERNING THE WINTER RECREATIONAL PARKING PERMIT PROGRAM

DOCKET NO. 26-0136-1401

#### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2014.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 67-4210, 67-4223, and 67-4249, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 16, 2014.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below. Hearings are not planned but will be held if requested.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In order to implement the 2014 Legislative session, HB 492 which was signed into law on April 4, 2014 with an effective date of July 1, 2014 the Idaho Department of Parks and Recreation (IDPR) proposes changes to IDAPA 26, Title 01, Chapter 36 in order to change terminology so as to clarify and distinguish between the Recreational Registrations the IDPR performs and the Vehicle Registrations performed by the Idaho Transportation Department (ITD). Adds required sections to the rule.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The rule changes are required to implement 2014 Legislative session HB492.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: NA

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

There is no expected fiscal impact.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because rule changes are required to come into compliance with law.

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July, 23 2014.

DATED this 6th day of June, 2014.



Anna Canning  
Division Administrator  
Management Services  
Idaho Department of Parks and Recreation  
5657 Warm Springs Avenue, Boise, ID 83716-8700  
P.O. Box 87320, Boise ID 83720-0065  
Telephone: (208) 514-2252; FAX (208) 334-5232

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 26-0136-1401  
(Only those Sections being amended are shown.)**

**001.—~~049.~~      ~~(RESERVED)~~ TITLE AND SCOPE.**

**01.      Title.** The title of this chapter shall be cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.36, “Rules Governing the Winter Recreational Parking Permit Program.” (7-1-14)T

**02.      Scope.** This chapter establishes fees for and rules governing the winter recreational parking permit program administered by the Department, and establishes procedures for obtaining a winter recreational parking permit. (7-1-14)T

**002.      WRITTEN INTERPRETATIONS.**  
There are no written interpretations of these rules. (7-1-14)T

**003.      APPEALS.**  
Any person who may be adversely affected by a final decision, ruling, or direction of the director may appeal the decision, ruling, or direction as outlined under IDAPA 26.01.01.250, “Rules of Administrative Procedure of the Idaho Park and Recreation Board.” (7-1-14)T

**004.      INCORPORATION BY REFERENCE.**  
No documents have been incorporated by reference into these rules. (7-1-14)T

**005.      OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

**01.      Office Hours.** Central office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (7-1-14)T

**02.      Mailing Address.** The mailing address for the central office is Idaho Department of Parks and Recreation, PO Box 83720, Boise, ID 83720-0065. (7-1-14)T

**03.      Street Address.** The Central office of the Idaho Department of Parks and Recreation is located at 5657 Warm Springs Ave., Boise, ID 83716-8700. (7-1-14)T

**006.      PUBLIC RECORDS ACT COMPLIANCE.**  
Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 1, Idaho Code. (7-1-14)T

**007. -- 049.      (RESERVED)**

**050.      LOCATION OF PERMIT ON VEHICLE.**  
The annual winter recreational parking permit shall be permanently affixed on the front window of the vehicle nearest the driver’s seat and the temporary three-day permit shall be ~~hung on the vehicle’s interior rear view mirror~~ 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 shall be kept in legible condition at all times. No person shall transfer or attempt to transfer an annual winter recreational parking permit decal or a temporary three-day permit ~~hanging~~ from the vehicle upon which it was legally ~~registered~~ permitted and placed. ~~(7-1-93)~~(7-1-14)T

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

**100. PERMIT COST, EXPIRATION.**

The fee for an annual winter recreational parking permit shall not exceed thirty dollars (\$30). The fee for a temporary winter recreational parking permit shall not exceed ten dollars (\$10). 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 ~~hanging~~. ~~(7-1-99)~~(7-1-14)T

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

**150. USER EXCEPTION.**

Snowmobilers shall be allowed to park their transportation vehicles in a designated parking area without displaying a parking permit when the snowmobiles have current snowmobile ~~registration decals~~ validation stickers. ~~(7-1-93)~~(7-1-14)T