

Dear Senators SCHROEDER, Pearce & Stennett, and
Representatives STEVENSON, Wood(35) & Saylor:

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

IDAPA 26.01.20 - Rules Governing the Administration of Park and Recreation Areas and
Facilities - Docket No. 26-0120-0801

IDAPA 26.01.20 - Rules Governing the Administration of Park and Recreation Areas and
Facilities - Docket No. 26-0120-0802

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be
called by the cochairmen or by two (2) or more members of the subcommittee giving oral or
written notice to Research and Legislation no later than fourteen (14) days after receipt of the
rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is
no later than 10-10-08. If a meeting is called, the subcommittee must hold the meeting within
forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to
hold a meeting on the enclosed rules is 11-7-08.

_____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 334-2475, or send a written request to the
address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

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

FROM: Katharine Gerrity, Principal Legislative Research Analyst

DATE: September 23, 2008

SUBJECT: Idaho Department of Parks and Recreation

1. IDAPA 26.01.20 - Rules Governing The Administration Of Park And Recreation Areas And Facilities - Docket No. 26-0120-0801

2. IDAPA 26.01.20 - Rules Governing The Administration Of Park And Recreation Areas And Facilities - Docket No. 26-0120-0802

1. IDAPA 26.01.20 - Rules Governing The Administration Of Park And Recreation Areas And Facilities

The Idaho Department of Parks and Recreation submits notice of proposed rule at IDAPA 26.01.20 - Rules Governing The Administration Of Park And Recreation Areas And Facilities. According to the Department, it derives a significant portion of its annual operating budget for the agency from self-generated dedicated funds. The Department states that in order to be able to take optimum advantage of resource values related to campsites, the agency wants to increase the fee ceiling for park campsites as currently delineated in the rules. The Department states that this will provide future flexibility for the agency to create unique “shoulder” and “prime” season rates that will help to sustain the level of service and quality of facilities and programs expected by visitors. The Department notes that negotiated rulemaking was not conducted.

This is a fee rule. The rule increases the fees charged for primitive campsites, standard campsites, and the various levels of serviced campsites by \$4.00 each. We contacted the Department for some additional information. Apparently, the fee schedule has traditionally been treated as providing a fee ceiling and, in some instances, fees charged are less than the amount appearing in the fee table. The Department states that they will continue to treat the noted fees as fee ceilings.

The rule appears to be authorized pursuant to Sections 67-4249, Idaho Code.

2. IDAPA 26.01.20 - Rules Governing The Administration Of Park And Recreation Areas And Facilities

The Idaho Department of Parks and Recreation submits notice of proposed rule at IDAPA 26.01.20 - Rules Governing The Administration Of Park And Recreation Areas And Facilities. The rule changes: 1) provide that the operation of motorized vehicles within any Idaho state park is restricted to ingress and egress to campsites or other in-park destinations by the most direct route; 2) clarify that permits are required for groups with more than 250 people and those that will involve the sale of alcoholic beverages, and require a 45 day advance notice, unless waived by the Director; 3) provide that recreational packing animals are prohibited on park trails unless otherwise allowed in designated areas or by permission of the park manager; 4) clarify fire management provisions; and 5) provide that persons in possession of wildlife in parks must also comply with Fish and Game rules. Negotiated rulemaking was not conducted.

We have no specific comments regarding this rule as the result of our review. The rule appears to be authorized pursuant to Sections 67-4249, Idaho Code.

cc: Idaho Dept. Of Parks and Recreation
Dean Sangrey

IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION

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

DOCKET NO. 26-0120-0802

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 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 October 15, 2008.

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This proposed rule addresses several issues pertaining to the operation of state parks and protection of the natural resources of the state. This will clarify that operation of motorized vehicles for ingress and egress to campsites or other in-park destinations is permitted within the boundary of any Idaho state park, and not just designated campgrounds. The new rule will clarify that group use permits require agency Director approval for groups larger than 250 people, including those permits that will involve the sale of alcoholic beverages. The 45 day advance notice requirement may be waived with approval of the Director or designee. This rule change will clarify that the use of saddle or other recreational packing livestock, such as llamas, goats, etc., is prohibited on trails, roadways, and other areas unless designated through signing for that purpose or with permission of the park manager or designee. Clarification is needed to effectively address more definitive guidance for agency staff when dealing with wildfire management issues. The change will speak to proper procedures to follow when large geographic areas may be affected by fire closures as mandated by statewide fire management agencies. The agency has a responsibility to inform the public regarding protection of wildlife within the boundaries of state park property. We currently enforce prohibitions related to molesting, injuring, or killing any wild creatures in the parks, except as provided by specific action of the Park Board. It is necessary to clarify that any hunting or pursuit of wildlife in a park setting must also comply with current IDFG rules and regulations.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because it was determined there was insufficient time from the formal approval of the proposed rules by the Idaho Park and Recreation Board. Public meetings will be scheduled prior to the upcoming legislative session if requested.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dean Sangrey, 208-514-2260.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 19th day of August, 2008.

Dean Sangrey
Division Administrator, Operations
Idaho Department of Parks and Recreation
5657 Warm Springs Ave.
Boise, ID 83716
PO Box 83720
Boise, ID 83720-0065
Phone: 208-334-4199 Fax: 208-334-3741

THE FOLLOWING IS THE TEXT OF DOCKET NO. 26-0120-0802

150. USE OF MOTORIZED VEHICLES.

All motorized vehicles shall 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 vehicles operated within lands administered by the Department shall be licensed or certified as required under state law. The operators of all vehicles shall comply with the day use fee requirements, speed and traffic rules of the Department, and all other federal, state, local laws, and ordinances governing traffic on public roads. (3-30-06)

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. (3-7-03)

02. Overdriving Road Conditions and Speeding Prohibited. No person shall 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 shall 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. (3-7-03)

03. Motorcycle and ATV Safety Helmets. Persons under eighteen (18) years of age shall wear a protective safety helmet when riding upon a motorcycle or an all-terrain vehicle as operator or passenger as provided in Section 49-666, Idaho Code. (3-30-06)

04. Snowmobile Operation Limited. No person shall operate a snowmobile on any regularly plowed park road unless authorized by park manager or designee. Access on non-plowed roads and trails shall only be permitted when authorized by the park manager. (3-30-06)

05. Compliance With Posted Regulatory Signs Required. Persons operating vehicles within state parks are required to obey posted regulatory signs as provided in Section 49-807, Idaho Code. (3-7-03)

06. Obedience to Traffic Direction Required. No person shall 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. (3-30-01)

07. Restrictions. The operation of motorized vehicles within ~~a designated campground~~ any Idaho state park is restricted to ingress and egress to a campsite or other in-park destination by the most direct route. ~~(3-30-06)~~(____)

08. Official Use. This rule does not prohibit official use of motorized vehicles by Department employees anywhere within lands administered by the Department. (1-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

225. FEES AND SERVICES.

01. Authority. (3-13-97)

a. The Board shall adopt fees for the use of lands, facilities, and equipment. Visitors shall pay all applicable fees. (3-7-03)

b. Park managers or designees may set fees for goods available for resale and services provided by staff that enhance the users experience unique to the individual park. Fees for lands, facilities and equipment unique to an individual park will be posted at that site. (3-7-03)

02. General Provisions. All fees in this chapter are maximum fees unless otherwise stated. Actual fees charged shall be established by Board Policy. (3-7-03)

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. (3-16-04)

04. Group Use. (7-1-93)

a. Groups of twenty-five (25) persons or more, or any group needing special considerations or deviations from these rules shall 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. (3-30-06)

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 more than two hundred fifty (250) to one thousand (1,000) people may be approved by the Director with forty-five (45) days advance notice, including permits that will involve the sale of alcoholic beverages. Groups over one thousand (1,000) may be approved by the Board with sixty (60) days advance notice. The Director may approve groups over one thousand (1,000) with thirty (30) days advance notice, if they are repeat users. The advance notice requirement may be waived with approval of the director or designee. (1-1-94)()

c. The day use fee may be charged to groups entering a designated area for a noncamping visit. (3-30-06)

05. Fees and Deposits. Fees and deposits may be required for certain uses or the reservation of certain facilities unique to an individual park and will be posted at that site. (3-30-06)

06. Fee Collection Surcharge. A five dollar (\$5) surcharge may be added to all established fees when the operator of a motorized vehicle or responsible party of a camping unit fails to pay 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 five dollar (\$5) surcharge will be assessed against the registered owner of the motorized vehicle or camping unit. (3-30-06)

07. Admission Fees. A maximum per person fee of ten dollars (\$10) may be charged for internal park facilities which provide an educational opportunity or require special accommodations. (3-10-00)

08. Cooperative Fee Programs. The Department may collect and disperse fees in cooperation with fee programs of other state and federal agencies. (3-10-00)

(BREAK IN CONTINUITY OF SECTIONS)

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 packing livestock, such as llamas, goats, etc., is prohibited on trails, roadways, and other areas unless designated through signing for that purpose or with permission of the park manager or designee.

(3-7-03)(____)

501. -- 524. (RESERVED).

525. FIRES.

The use of fires shall be restricted to fire circles, grills or other places otherwise designated by the park manager. All fires shall be kept under control at all times, ~~and shall be extinguished before checking out of the campsite or whenever fire is left unattended.~~ Fires shall not be left unattended and will be extinguished before checking out of the campsite. Some park Areas may be closed to open fires during extreme fire danger implement restrictions in the use of open fires during extreme fire events. In certain instances, large geographic areas may be affected by fire closures as mandated by statewide fire management agencies. The Department will coordinate closely with field staff and these fire management agencies during these periods. Field staff will follow the established IDPR fire management policy and standard operating procedures.

(3-13-97)(____)

(BREAK IN CONTINUITY OF SECTIONS)

575. PROTECTION OF WILDLIFE.

All molesting, 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, shall comply with all Idaho Department of Fish and Game rules and regulations.

(3-7-03)(____)

IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION

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

DOCKET NO. 26-0120-0801 (FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 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 October 22, 2008.

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

A significant portion of the annual operating budget for the agency is derived from self-generated dedicated funds. In order to be able to take optimum advantage of resource values related to campsites, the agency wants to increase the fee ceiling for park campsites as currently delineated in IDAPA. This adjustment will provide future flexibility for the agency to create unique "shoulder" and "prime" season rates, thereby improving agency revenues that help to sustain the level of service and quality of facilities and programs expected by our visitors.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased, in compliance with Section 67-4210, Idaho Code: The intent of this fee proposal is to increase the current authorized fee ceiling for park campsites in IDAPA 26.01.20.250.01. By taking this action, the agency will have future flexibility to establish adjusted "shoulder" and "prime" season rates at an amount less than the IDAPA-approved ceiling.

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 resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because it was determined there was insufficient time from the formal approval of the proposed rules by the Idaho Park and Recreation Board. Public meetings will be scheduled prior to the upcoming legislative session if requested.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dean Sangrey, 208-514-2260.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2008.

DATED this 19th day of August, 2008.

Dean Sangrey
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THE FOLLOWING IS THE TEXT OF DOCKET NO. 26-0120-0801

250. FEE SCHEDULE.

01. Campsites.

CAMPSITE FEE TABLE	
Primitive Campsite No amenities at site, camping area not defined	\$ 9 <u>13</u> /day
Standard Campsite Any defined campsite, either tent pad or RV pad/area (may include: table and/or grill)	\$ 12 <u>6</u> /day
Serviced Campsite/ W Any defined campsite, either tent pad or RV pad/area, with water at site (may include: table and/or grill)	\$ 16 <u>20</u> /day
Serviced Campsite/ E Any defined campsite, either tent pad or RV pad/area, with electricity at site (may include: table and/or grill)	\$ 16 <u>20</u> /day
Serviced Campsite/ W, E Any defined campsite, either tent pad or RV pad/area, with water and electricity at site (may include table and/or grill)	\$ 20 <u>24</u> /day
Serviced Campsite/ W, E, SWR Any defined campsite, either tent pad or RV pad/area, with water, electricity, and sewer at site (may include table and/or grill)	\$ 22 <u>26</u> /day
Companion Campsite May be any campsite type, regardless of amenities, that has greater equipment/people capacity (may include table and/or grill) Fee determined by actual site type.	Site type multiplied by two (2)
Use of Campground Showers by Noncampers	\$3/person
Limited Income Discount - Idaho residents showing proof of limited income (Medicaid card or other evidence approved by the Board) may receive a camping fee discount of:	\$4/day
Resident Disabled Idaho Veterans - Campsite fees are waived for resident Idaho veterans showing proof of a one hundred percent (100%) permanent and total service related disability	
Senior Citizen Discount - Pursuant to Section 67-4223, Idaho Code, and at the discretion of the Director, IDPR may provide, at selected under utilized locations and times, a senior citizen discount,	Maximum 50% of RV camping fee
Extra Vehicle Charge	\$ 7/day
Camping Cabins and Yurts	\$150/night
Each additional person above the sleeping capacity of camping cabin or yurt	\$12/night

(~~3-30-06~~)()

02. Reservation Service Fees, Individual Campsite or Facility. A non-refundable non-transferable

(from one (1) party to another) service charge of ten dollars (\$10) may be assessed for each individual campsite or facility reserved. This fee will be waived for campers with a current Idaho RV registration sticker and reimbursed to the Department by the RV Program. A service charge of ten dollars (\$10) or the first night's fee, whichever is less, will be assessed for the cancellation or modification of each individual campsite or facility reserved 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) if notice is received more than twenty-four (24) hours in advance of the scheduled arrival time. Cancellations or modifications made less than twenty-four (24) hours in advance of the scheduled arrival time shall result in assessment of a ten dollar (\$10) service charge and may require the forfeiture of the first night's camping fee. 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 a re-book will be required. (3-30-06)

03. Day Use Fee.

DAY USE FEE TABLE.	
Daily charge per motorized vehicle. The day use fee expires at 10:00 p.m. on date of purchase or as posted Overnight camping guests are exempt from this fee.	\$ 5
Daily charge per commercial motor coach (no annual pass available)	\$25
Statewide Annual State Park Passport per motorized vehicle	\$35
Disabled Idaho Resident Veterans - The day use fee is waived for resident Idaho veterans showing proof of a one hundred percent (100%) permanent and total service related disability	
Second Vehicle Annual Passport.	\$ 5

(3-30-06)

04. Special Charges. The cost to the agency for returned checks will be passed on to the issuer of the insufficient funds check. (3-7-03)

05. Group Facility Fees. Reservation service fee, designated group campground or facility. (3-30-06)

a. A non-refundable, non-transferable (from one (1) party to another) service charge of twenty-five dollars (\$25) will be assessed per designated group area or facility reserved. This fee will be charged in addition to the usage fees for each group or campsite or facility. (3-30-06)

b. Groups using overnight facilities shall be charged three dollars (\$3) per person per night camping fees for each individual above the authorized base occupancy rate for the specific site or facility. (3-30-06)

c. Cleaning/damage deposits may be required for certain facilities. Where cleaning/damage deposits are required, they shall be paid prior to check-in. Cleaning/damage deposits shall be fully refunded if the facility is left in the same condition in which it was accepted. (3-30-06)

d. Group use fees for day use facilities may be negotiated by the park manager or designee and will generally not fall below the cost of providing services. (3-30-06)

06. Boating Facilities.

BOATING FACILITIES FEE TABLE	
Vessel launching (per vessel/per day) (Annual park passport or day use fee apply toward vessel launching fees)	\$5/ day
Overnight moorage - any length of vessel. (Applicable to persons who have paid for a park campsite and are not camping on the vessel)	\$5/night

BOATING FACILITIES FEE TABLE

Overnight moorage - persons camping on vessel	
Any length vessel	\$8/night
Any length vessel moored at buoy	\$5/night

(3-30-06)

07. Modification of Fees. Additional fees or deposits may be required for certain uses or for the reservation of certain facilities. The Department reserves the right to waive or reduce fees and charges for Department sponsored promotions. (7-1-93)

08. Sales Tax. Applicable sales tax may be added to all sales excluding the day use fee. (3-30-06)

09. Length of Stay. Fifteen (15) days in any consecutive thirty (30) day period. (3-30-06)

10. Nordic Ski Grooming Program Fee. A fee of four dollars (\$4) per person per day and thirty-five dollars (\$35) per family per season will be required at Board-approved premium Nordic ski grooming program locations. These programs may include: maintained parking areas, warming facilities, winter accessible restroom facilities, regularly groomed ski trails, extensive signing, trail mapping and ski patrol services. (3-16-04)