

Dear Senators PEARCE, Bair, Werk, and
Representatives STEVENSON, Shepherd, Pence:

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

IDAPA 26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities
(Docket No. 26-0120-1201).

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 08/30/2012. 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 09/28/2012.

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 334-4845, or send a written request to the address on the memorandum attached below.



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee
FROM: Principal Legislative Research Analyst - Katharine Gerrity
DATE: August 13, 2012
SUBJECT: Idaho Department of Parks and Recreation

IDAPA 26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities (Docket No. 26-0120-1201)

The Idaho Department of Parks and Recreation submits notice of temporary and proposed rulemaking at IDAPA 26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities. According to the Department, the changes enhance the governing of the parks through explicit language to carry out enforcement such as parking violations and overnight usage. The Department states that the changes also encompass additional winter use activities on park trails and clarifies the language that involves reservation cancellations. The Department notes that it anticipates that the enforcement of existing rules for parking violations will generate approximately \$15,000 in revenue to state dedicated funds. The Department also indicates that there may be an increase in court and law enforcement agency activity for local jurisdictions.

The Department states that negotiated rulemaking was not conducted due to the lack of identifiable representatives. The rulemaking appears to be authorized pursuant to Section 67-4223, Idaho Code.

cc: Idaho Department of Parks and Recreation
Tamara Humiston, Deputy Director

IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION

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

DOCKET NO. 26-0120-1201

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 9, 2012.

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 Section(s) 67-4223 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 August 15, 2012.

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:

The Department has identified changes needed to enhance the governing of the parks through explicit language to carry out enforcement (parking violations and overnight use) and language to encompass additional winter use activities on park trails and clarify the language that involves Reservation Cancellations.

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

These changes address enforcement issues of existing fee rules that are critical to the parks' coming season enabling parks to provide for the safety and welfare of recreational users. The changes enhance the definition of winter use on park trails to provide safety for all recreational trail users. It clarifies the parameters of Reservation Cancellation.

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: It is anticipated that the enforcement of existing rules for parking violations will generate approximately \$15,000 in fee revenue to state dedicated funds. The impact on local jurisdiction may be an increase in activity for the courts and law enforcement agencies (county revenues and expenditures).

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the lack of identifiable representatives, the affected interests are varied.

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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Tamara Humiston, IDPR Deputy Director, 208.514.2450.

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 August 22, 2012.

DATED this 21st day of June, 2012.

Tamara Humiston
Deputy Director
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue
Boise, ID 83716-8700
PO Box 83720
Boise, ID 83720-0065
C: 208.514.2450; F: 208.334.3741

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
FOR DOCKET NO. 26-0120-1201**

010. DEFINITIONS.

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

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

a. ADA Designated Campsites. A reservable ADA campsite may only be reserved and occupied by a party that can provide proof of disability upon arrival. If not reserved after 6:00 p.m. and no other non-ADA designated sites of the same site type are available, the site would be available for one (1) night. (3-30-06)

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. Board. The Idaho Park and Recreation Board, a bipartisan, six (6) member Board, appointed by the Governor. (3-13-97)

03. 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, ~~one 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. ~~(4-2-08)~~(5-9-12)T

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)

04. Camping Day. (3-30-06)

a. For individual and group campsites the period between 2:00 p.m. of one (1) calendar day and 1:00 p.m. of the following calendar day. (3-30-06)

b. For individual and group camping facilities, the period between 3:00 p.m. of one (1) calendar day and 12:00 p.m. (noon) of the following calendar day. (3-30-06)

05. 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)
- 06. Day Use.** Use of any non-camping lands and/or facilities between the hours of 7:00 a.m. and 10:00 p.m. unless otherwise posted. (3-30-06)
- 07. Day Use Fee.** A fee charged for entry to a designated area. (3-30-06)
- 08. Department.** The Idaho Department of Parks and Recreation. (1-1-94)
- 09. 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)
- 10. Designated Roads and Trails.** Facilities recognizable by reasonable formal development, signing, or posted rules. (3-7-03)
- 11. Director.** The Director and chief administrator of the Department, or the designee of the Director. (1-1-94)
- 12. Dock and Boating Facility.** Floats, piers and mooring buoys owned or operated by the Department. (3-13-97)
- 13. 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.** (5-9-12)T
- 134. Extra Vehicle.** An additional motorized vehicle (not in tow at time of entry) without built in sleeping accommodations registered to a camp site. (3-13-97)
- 145. 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)
- 156. 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)
- 167. Motorized Vehicle.** Every vehicle that is self-propelled except for vehicles moved solely by human power and motorized wheelchairs as defined in Section 49-123(g), Idaho Code. (3-7-03)
- 18. 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.** (5-9-12)T
- 19. Overnight Use Fee. A fee charged for overnight use of non-camping lands between the hours of 10 p.m. and 7 a.m.** (5-9-12)T
- 1720. 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)

- ~~18~~**21.** **Standard Amenities.** Campsite with no serviced amenities. (3-30-06)
- ~~19~~**22.** **Serviced Amenities.** Serviced campsite amenities includes water, electricity, or sewer. (3-30-06)
- ~~20~~**3.** **Primary Season.** The time of the year when the majority of use occurs at a park facility. (3-7-03)
- ~~21~~**4.** **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 nonmotorized 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)
- ~~22~~**5.** **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)

(BREAK IN CONTINUITY OF SECTIONS)

151. PARKING VIOLATIONS.

- 01. Land or Facilities Administered by the Department.** No person shall stop, stand, or park a motor vehicle or trailer anywhere within land or facilities administered by the Department unless proof of payment of all required fees or other lawful authorization for entry is plainly visible and properly displayed. (5-9-12)T
- 02. Designated Campgrounds.** No person shall stop, stand, or park a motor vehicle within designated campgrounds unless proof of payment of the applicable campsite fees as set forth in Section 250 of this chapter is plainly visible and properly displayed on either the lower windshield or dashboard of the driver's side of the vehicle. (5-9-12)T
- 03. Designated Overnight Use Area.** Except for authorized campers, no person shall stop, stand, park, or leave a motor vehicle or trailer unattended outside day use hours unless the motor vehicle or trailer is in a designated overnight use area and proof of payment of the overnight-use fee is plainly visible and properly displayed. (5-9-12)T
- 04. Fee Collection Surcharge.** Any person stopping, standing, or parking a motor vehicle or trailer without payment of all required fees is subject to the fee collection surcharge as provided in Subsection 225.06 of this chapter. (5-9-12)T
- 05. Citations for Violations.** Citations for violations of this Section may be issued to the operator of the motor vehicle. If the operator cannot be readily identified, the citation may be issued to the registered owner or lessee of the motor vehicle, subject to the provisions of Section 67-4247, Idaho Code. (5-9-12)T

~~15~~**2. -- 174. (RESERVED)**

(BREAK IN CONTINUITY OF SECTIONS)

202. OVERNIGHT USE.

- 01. Occupancy.** Overnight use shall be permitted only in designated areas. Overnight use is only allowed after all required fees have been paid, registration information completed, and all permits properly displayed. (5-9-12)T
- 02. Overnight Use Fees.** Motor vehicles or trailers not associated with campers between 10:00 p.m. and 7:00 a.m. at designated facilities shall be charged an overnight use fee. (5-9-12)T

03. Self Registration. In those areas so posted, overnight users shall register themselves for the use of overnight use areas, paying the appropriate fees as provided for herein and in accordance with all posted instructions. (5-9-12)T

04. Length of Stay. Except as provided herein, no person, party, or organization may be permitted to utilize overnight use areas on any lands administered by the Department for more than fifteen (15) days in any thirty (30) consecutive-day period. This applies to both reservation and "first come first served" customers. The IDPR Director or designee may authorize shorter or longer periods for any individual area. (5-9-12)T

05. Registration Required. All required fees must be paid, registration information completed, and all permits properly displayed prior to occupying an overnight use area. (5-9-12)T

06. Check Out. Overnight users are required to check out by 1 p.m. of the day following the last paid overnight of use. (5-9-12)T

07. Responsible Party. The individual purchasing an overnight use permit or the registered owner of the motor vehicle or trailer is responsible for ensuring compliance with the rules within this chapter. (5-9-12)T

08. Overnight Use Prohibited. Overnight use is prohibited except in areas specifically designated for overnight use or by authorization of the park manager or designee. (5-9-12)T

2023. -- 224. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

250. FEE SCHEDULE: **CAMPSITES.**

01. Campsites.

CAMPSITE FEE TABLE	
Primitive Campsite No amenities at site, camping area not defined	\$13/day
Standard Campsite Any defined campsite, either tent pad or RV pad/area (may include: table and/or grill)	\$16/day
Serviced Campsite/ W Any defined campsite, either tent pad or RV pad/area, with water at site (may include: table and/or grill)	\$20/day
Serviced Campsite/ E Any defined campsite, either tent pad or RV pad/area, with electricity at site (may include: table and/or grill)	\$20/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)	\$24/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)	\$26/day

CAMPSITE FEE TABLE	
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)
Amenity Fee for Central Water Applies to "Standard" campsites in campgrounds with a central water supply. The Amenity Fee is charged in addition to the Standard Campsite fee.	\$2/night
Amenity Fee for Flush-Toilets/Shower Applies to "Standard" campsites in campgrounds with Flush-Toilets/Shower. The Amenity Fee is charged in addition to the Standard Campsite fee.	\$2/night
Use of Campground Showers by Non-campers	\$3/person
Overnight Use Fee Applies to non-campers leaving a vehicle unattended on park property overnight.	\$10/night
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	\$8/day
Camping Cabins and Yurts	\$150/night
Each additional person above the sleeping capacity of camping cabin or yurt	\$12/night

(4-7-11)

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)

251. (RESERVED)

252. FEE SCHEDULE: DAY USE.

~~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	\$40
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.	\$15

(4-7-11)

~~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)

253. (RESERVED)

254. FEE SCHEDULE: GROUP FACILITY.

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

~~a01.~~ **Non-Refundable, Non-Transferable.** 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~~)(5-9-12)T

~~b02.~~ **Individual Fees.** 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~~)(5-9-12)T

~~e03.~~ **Cleaning and Damage Deposits.** 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~~)(5-9-12)T

~~a04.~~ **Day Use.** 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~~)(5-9-12)T

255. (RESERVED)

256. FEE SCHEDULE: BOATING FACILITIES.

~~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)	\$9/night
Overnight moorage - persons camping on vessel	
Any length vessel	\$10/night
Any length vessel moored at buoy	\$9/night

(4-7-11)

257. (RESERVED)

258. FEE SCHEDULE: SPECIAL FEES.

071. 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)

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

03. Special Charges. The cost to the agency for returned checks will be passed on to the issuer of the insufficient funds check. (5-9-12)T

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

105. Nordic Ski Grooming Winter Access 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 winter access 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)(5-9-12)T

259. -- 274. (RESERVED)

275. CRITERIA FOR INDIVIDUAL CAMPSITE, CAMPING CABIN, AND YURT RESERVATIONS.

01. Confirmation Requirements. (3-30-06)

a. Confirmation of an Individual Campsite or Facility Reservation. Full payment of all appropriate camping and related service fees shall be made before a reservation is confirmed. (3-30-06)

b. Confirmation of a Designated Group Campground or Facility Reservation. (3-30-06)

i. Payment of the first night or daily base rate fee for a group facility and all related service fees shall be made before a reservation is confirmed. (3-30-06)

ii. Payment of all camping and related service fees applicable for each campsite or facility reserved within a group campground must be paid at the time of booking before a reservation is confirmed. (3-30-06)

02. Individual Campsite and Facility Reservations. Reservations for individual campsites, and facilities shall be managed in accordance with rules promulgated by the Idaho Park and Recreation Board. (4-7-11)

03. Reservation Modifications. Individual and group campsite(s) or facilities. A reservation service fee will be assessed for any modification to a previously made reservation that involves reducing the planned length of stay, or to change the reservation dates where part of the new stay includes part of the original stay booked (rolling window). With the exception of the reservation service fees as defined in Subsection 250.02, any overpaid fees will be reimbursed at the time the reservation is modified. (3-30-06)

04. Reservation Cancellations. (3-7-03)

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

reservation service fees, all fees paid will be reimbursed at the time the reservation is cancelled. (3-30-06)

b. Park Board Designated ~~Group Campsite or Facility~~ Special Use Campsites and Facilities. A reservation service fee will be assessed for the cancellation of a reservation. If a cancellation for a group facility occurs ~~fewer than~~ twenty-one (21) or fewer calendar days prior to arrival, the customer forfeits the first night or daily facility usage fees (base rate). If a cancellation for a group facility occurs more than twenty-one (21) calendar days prior to arrival, a cancellation charge of fifty dollars (\$50.00) will be assessed. If the customer cancels after the arrival date the customer forfeits all usage fees for the time period already expired. Cancellations received after checkout time will result in the forfeiture of that day's usage fees for the campsite or facility. At no time shall the customer be charged a cancellation fee that exceeds the amount originally paid. The IDPR or its reservation service provider may cancel a customer's reservation for insufficient payment of fees due. An individual site cancellation fee applies to each campsite in a group campground. With the exception of the reservation service fees, all fees paid will be reimbursed at the time the reservation is cancelled. ~~(3-30-06)~~(5-9-12)T