



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

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MEMORANDUM

TO: Senators VICK, Johnson, Stennett and,
Representatives GIBBS, Lickley, Rubel

FROM: Katharine Gerrity - Deputy Division Manager

DATE: August 04, 2021

SUBJECT: Temporary Rule

IDAPA 26.00.00 - Notice of Omnibus Rulemaking (Fee Rule) - Adoption of Temporary Rule \ Rescission of Previous Temporary Rule - Docket No. 26-0000-2100F

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Katharine Gerrity at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

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IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

DOCKET NO. 26-0000-2100F (FEE RULE)

NOTICE OF OMNIBUS RULEMAKING – ADOPTION OF TEMPORARY RULE \ RESCISSION OF PREVIOUS TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rules being adopted through this omnibus rulemaking as listed in the descriptive summary of this notice is July 1, 2021. The rescission of previous temporary rules under docket 26-0000-2000F is effective July 1, 2021.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted temporary rules and rescinded previous temporary rules. The action is authorized pursuant to Sections 67-4223, 67-7115, and 67-7116, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting temporary rules and rescinding previous temporary rules:

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

IDAPA 26

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

Rescission of previous temporary rule aligns these chapters wholly with the administrative code effective 7-1-21.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a-c) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These temporary rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. These temporary rules establish the fees and associated revenue the Department receives from camping, entrance into our parks and facilities, and temporary permits throughout our system of parks and other properties.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fees or charges being imposed or increased are justified and necessary to avoid immediate danger and the fees are described herein:

The fees or charges, authorized in Sections 67-4223, 67-7115, and 67-7116, Idaho Code, are part of the agency's 2022 budget that relies upon the existence of these fees or charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these temporary rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho's constitutional requirement that it balance its budget.

The following is a specific description of the fees or charges:

- IDAPA 26.01.10, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation. Fees related to temporary permit processing, compensation, application and enforcement.
- IDAPA 26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities. Fees related to motor vehicle entrance, parking violations, camping, reservations (placing, modifying, and canceling), vessel moorage, overnight use, surcharges, group facility use, winter access, returned checks, and winter recreation programs.
- IDAPA 26.01.33, Rules Governing the Administration of the Land and Water Conservation Fund Program. Service fee to administer and manage process to convert property from a recreation use.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the adoption of temporary rules and rescission of temporary rules, contact Seth Hobbs, (208) 514-2427, seth.hobbs@idpr.idaho.gov.

DATED this 1st day of July, 2021.

Seth Hobbs
Rules Review Officer
Idaho Department of Parks and Recreation
5657 Warm Springs Ave.
Boise, ID 83716
Phone: (208) 514-2427

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

000. LEGAL AUTHORITY.

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

(7-1-21)T

001. TITLE AND SCOPE.

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

(7-1-21)T

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

(7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

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

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

011. -- 049. (RESERVED)

050. POLICY.

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

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

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

processing the request. (7-1-21)T

05. Purpose Compatible. The purpose for which the temporary permit is sought must not interfere with the existing or anticipated values, objectives, or operation of department owned lands. (7-1-21)T

06. Compensation. An appropriate compensation for use of department-owned lands, as set out in Section 150 of this chapter, must be paid to the IDPR in cash or in the form of offsetting benefits to be determined by the director. (7-1-21)T

07. Control. At all times the control of gates, roads and park lands is retained by the State. The permit granted is for the grantee's use only, is revocable for cause, is issued for a specific period of time, not to exceed ten (10) years, but usually five (5) years or less, and automatically expires if not used for a period of one (1) year. (7-1-21)T

051. -- 099. (RESERVED)

100. PROCESSING FEES.

01. Issuance or Modification. The processing fee for a new temporary permit, or modification of an existing temporary permit, is one-hundred dollars (\$100), which must be received from all applicants before processing can proceed. The processing fees are designed to offset processing costs and are nonrefundable. (7-1-21)T

02. Assignment or Renewal. The processing fee for assignment or renewal of an existing temporary permit is twenty-five dollars (\$25), and must be received before processing can proceed. The processing fees are designed to offset processing costs and are nonrefundable. (7-1-21)T

101. -- 149. (RESERVED)

150. COMPENSATION.

01. Payable in Advance. Cash compensation for the entire term of the temporary permit will be collected from the applicant prior to issuance. (7-1-21)T

02. Cost per Acre. Cash compensation for a temporary permit is charged at a rate of fifty dollars (\$50) per acre of IDPR land utilized per year or any portion thereof, and is specified in the temporary permit. Temporary permits of less than one (1) year in duration will not be prorated. (7-1-21)T

03. Noncash Compensation. Offsetting (non-cash) compensation for a temporary permit may be approved on an individual basis by the director, and the terms of the agreement must be outlined in the temporary permit. (7-1-21)T

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

151. -- 199. (RESERVED)

200. STANDARD CONDITIONS.

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

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

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

03. Construction, Operation and Maintenance. The grantee must construct, maintain and operate at grantee's sole expense the facility for which the temporary permit is granted, and maintain the permit site in a

condition satisfactory to the Park Manager. (7-1-21)T

04. Compliance with Laws. The grantee will comply with all applicable state and local laws, rules, and ordinances, including but not limited to: state fire laws and all rules of the State Land Board pertaining to forest and watershed protection, and with the Stream Channel Protection Act as designated in Chapter 38, Title 42 of the Idaho Code. (7-1-21)T

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

06. Land and Water Conservation Fund. Temporary permits on land located within Land and Water Conservation Fund 6(f) boundaries, their amendment, renewal, assignment and all subsequent actions must be subject to the terms and the requirements of the Land and Water Conservation Fund Act of 1965 (P.L. 88-578, 16 U.S.C.S. Section 4601-4 et seq.). (7-1-21)T

07. Hold Harmless. The grantee, its agents and contractors must indemnify and hold harmless the department, the state of Idaho and its representatives against and from any and all demands, claims or liabilities of every nature whatsoever, arising directly or indirectly from or in any way connected with the use authorized under the temporary permit. (7-1-21)T

08. Withdrawal for Park Use. Should the land be needed for park development or recreation use, the director reserves the right to order the change of location or the removal of any structure(s) or facility(ies) authorized by a temporary permit at any time. Any such change or removal will be made at the sole expense of the grantee, its successors or assigns. When a temporary permit is terminated prior to its stated expiration date pursuant to this provision, the grantee will receive a pro-rata refund of compensation paid. (7-1-21)T

09. Permits Not Exclusive. The temporary permit is not exclusive to the grantee, and must not prohibit the department from granting other permits or franchise rights of like or other nature to other public or private entities, nor must it prevent the department from using or constructing roads and structures over or near the lands encompassed by the temporary permit, or affect the department's right to full supervision or control over any or all lands which are part of the temporary permit. (7-1-21)T

10. Cancellation. The director may cancel the temporary permit or amend any of the conditions of the temporary permit if the grantee fails to comply with any or all of the provisions, or requirements set forth or through willful or unreasonable neglect, fails to heed or comply with notices given. (7-1-21)T

11. Removal of Facilities. Upon termination of the temporary permit for any reason including cancellation, expiration, or relinquishment, the grantee must have thirty (30) days from the date of termination to remove any facilities and improvements constructed by the grantee, and must restore the permit site to the satisfaction of the park manager. Upon written request, and for good cause shown, the director may allow a reasonable additional time for the removal of improvements and facilities and the restoration of the site. (7-1-21)T

201. -- 249. (RESERVED)

250. SPECIAL CONDITIONS.

Special conditions addressing unique situations may be included in the temporary permit to protect natural or park resources, or to safeguard public health, safety or welfare. (7-1-21)T

251. -- 299. (RESERVED)

300. APPLICATION PROCEDURE.

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

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

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

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

d. An acceptable written legal description based on a survey of the centerline, or a metes and bounds survey of the temporary permit tract. The survey must be performed by a registered professional land surveyor as required by Idaho Code Section 54-1229. (7-1-21)T

02. Engineering Certification. As required in Section 58-601, Idaho Code, for any application for a ditch, canal or reservoir, the plats and field notes must be certified by the engineer under whose direction such surveys or plans were made and four (4) copies filed with the department and one (1) copy with the director, Idaho Department of Water Resources. (7-1-21)T

03. Application Submission. Temporary permit applications must be submitted to the Park Manager of the park in which the permit is requested. The park manager will forward it for processing as outlined in Section 800. of this chapter. (7-1-21)T

301. -- 349. (RESERVED)

350. MODIFICATION OF EXISTING TEMPORARY PERMIT.

A modification of an existing temporary permit must be processed in the same manner as a new application. Modification includes change of use, enlarging the permit area, or changing the location of the permit area. Modification does not include ordinary maintenance, repair, or replacement of existing facilities. (7-1-21)T

351. -- 399. (RESERVED)

400. ASSIGNMENT.

temporary permits issued by the director cannot be assigned without the approval of the director. To request approval of an assignment, the assignor and assignee must complete the department's standard temporary permit application/action form and forward it and the assignment fee to the park manager, for processing as outlined in Section 800 of this chapter. (7-1-21)T

401. -- 449. (RESERVED)

450. RENEWAL.

Renewal of temporary permits may be sought by completing a temporary permit application/action form and forwarding it together with the renewal fee to the park manager for processing as outlined in Section 800 of this chapter. Renewal applications must be submitted at least forty-five (45) days prior to the expiration date of the temporary permit. (7-1-21)T

451. -- 499. (RESERVED)

500. ABANDONMENT.

A temporary permit not used for the purpose for which it was granted for a period of one (1) year is presumed abandoned and must automatically terminate. The director must notify the grantee in writing of the termination. The grantee must have thirty (30) days from the date of the written notice to reply in writing to the director to show cause why the temporary permit should be reinstated. Within thirty (30) days of receipt of the statement to show cause, the director must notify the grantee in writing as to the director's decision concerning reinstatement. The grantee must have thirty (30) days after receipt of the director's decision to request to appear before the board as outlined in Section 003 of this chapter. Removal of property from and restoration of the site is governed by Subsection 200.11 of this chapter. (7-1-21)T

501. -- 549. (RESERVED)

550. RELINQUISHMENT.

The Grantee may voluntarily relinquish a temporary permit any time by submitting a temporary permit application/action Form to the park manager. Upon relinquishment, removal of property from and restoration of the site is governed by Subsection 200.11 of this chapter. (7-1-21)T

551. -- 599. (RESERVED)

600. EXPIRATION.

Upon expiration, and absent a request for renewal of the temporary permit, removal of property from and restoration of the site is governed by Subsection 200.11 of this chapter. (7-1-21)T

601. -- 649. (RESERVED)

650. CANCELLATION.

The director may cancel a temporary permit if the grantee fails to comply with any or all of its provisions, terms, conditions, or rules; or through willful or unreasonable neglect, fails to heed or comply with notices given. (7-1-21)T

651. -- 699. (RESERVED)

700. ENFORCEMENT.

Should it become necessary to enforce the terms of a temporary permit in a court of law and the grantor prevails, the grantee must pay all costs and fees. (7-1-21)T

701. -- 749. (RESERVED)

750. ADMINISTRATION.

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

02. Disposition of Fees. All processing and compensation fees collected from applicants must be sent to the fiscal section for deposit into the appropriate account. (7-1-21)T

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

751. -- 799. (RESERVED)

800. PROCESSING.

01. Receipt of Application. Upon receipt of a properly filed temporary permit application/action form and the appropriate application fee, the park manager must review the application and forward it, together with his comments, to the region supervisor. The region supervisor must review the application and forward his comments along with the temporary permit application/action package, to the chief, Development Bureau, IDPR for processing. (7-1-21)T

02. Time. Processing of temporary permit application/action forms must not exceed one hundred twenty (120) days from the date of acceptance of a complete application by the park manager. Applications not acted on within one hundred twenty (120) days are deemed denied. (7-1-21)T

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

801. -- 999. (RESERVED)

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

000. LEGAL AUTHORITY.

The Idaho Parks and Recreation Board is authorized under Section 67-4223, Idaho Code, to adopt, amend, or rescind rules as may be necessary for the proper administration of Title 67, Chapter 42, Idaho Code, and the use and protection of lands and facilities subject to its jurisdiction. The board is also authorized to further define and make specific the provisions regarding the winter recreational parking permit program as set forth in Sections 67-7115 through 67-7118, Idaho Code. (7-1-21)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.20, “Rules Governing the Administration of Park and Recreation Areas and Facilities.” (7-1-21)T

02. Scope. This chapter establishes fees for and rules governing the use of lands and facilities administered by the Department and the winter recreational parking permit; establishes procedures for obtaining individual and group use reservations; sets rules regarding visitor behavior and use of park lands and facilities; and authorizes employees to enforce these rules. (7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

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

02. Annual Motor Vehicle Entrance Fee Sticker. A sticker that allows a single motor vehicle to enter Idaho State Parks without being charged a motor vehicle entrance fee. (7-1-21)T

03. Annual Motor Vehicle Entrance Fee Sticker Replacement. Replacement due to a motor vehicle sale or damage to an existing annual motor vehicle entrance fee sticker. (7-1-21)T

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

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

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

a. For individual and group campsites the period between 2 p.m. of one (1) calendar day and 1 p.m. of the following calendar day. (7-1-21)T

b. For individual and group facilities, the period between 4 p.m. of one (1) calendar day and 12 noon of the following calendar day. (7-1-21)T

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

a. Individual. An area within a department managed campground designated for camping use by an individual camping unit or camping party that includes a defined area for either a tent pad or RV pad/area and may include a table and/or grill. The definition includes companion campsites. (7-1-21)T

b. Group. An area within a department managed campground designated for group camping use or a block of individual campsites designated for group use within a campground primarily managed for individual use. (7-1-21)T

08. Commercial Motor Vehicle. A vehicle that has seating capacity of more than fifteen (15) persons including the driver, or that is maintained for the transportation of persons for hire, compensation or profit. (7-1-21)T

09. Day Use. Use of any non-camping lands and/or facilities between the hours of 7 a.m. and 10 p.m. unless otherwise posted. (7-1-21)T

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

11. **Designated Beach.** Waterfront areas designated by the park or program manager for water-based recreation activities. The length and width of each designated beach will be visibly identified with signs. (7-1-21)T
12. **Designated Roads and Trails.** Facilities recognizable by reasonable formal development, signing, or posted rules. (7-1-21)T
13. **Director.** The director and chief administrator of the department, or the designee of the director. (7-1-21)T
14. **Division Administrator.** An employee, or designee, within the department that has supervisory authority over park and program managers. (7-1-21)T
15. **Dock and Boating Facility.** Floats, piers, and mooring buoys owned or operated by the department. (7-1-21)T
16. **Encroachments.** Non-recreational uses of lands under the control of the board including any utilization for personal, commercial, or governmental use by a non-department entity. (7-1-21)T
17. **Extra Vehicle.** An additional motor vehicle without built-in temporary living quarters or sleeping accommodations registered to a camp site. (7-1-21)T
18. **Facilities.** (7-1-21)T
- a. Individual. A camping structure within department managed lands designated for use by an individual camping unit. (7-1-21)T
- b. Group. A camping structure within department managed lands designated for group use. (7-1-21)T
- c. Day Use. A non-camping area or structure within department managed lands designated for group use during day use periods. (7-1-21)T
19. **Group Use.** Twenty-five (25) or more people, or any group needing special considerations or deviations from normal department rules or activities. (7-1-21)T
20. **Idaho State Parks Passport.** A sticker, purchased from any county Department of Motor Vehicles' office in the state of Idaho, that matches a particular motor vehicle license number and expiration date, allowing that vehicle to enter Idaho State Parks without being charged a motor vehicle entrance fee. (7-1-21)T
21. **Idaho State Parks Passport Replacement.** Replacement due to a motor vehicle registration transfer or damage to an existing passport. (7-1-21)T
22. **Motor Vehicle.** Every vehicle that is self-propelled except for vehicles moved solely by human power, electric bikes, and motorized wheelchairs. (7-1-21)T
23. **Motor Vehicle Entrance Fee (MVEF).** A fee charged for entry to or operation of a motor vehicle in an Idaho State Park. (7-1-21)T
24. **Overnight Use.** Use of any non-camping lands for the parking of motor vehicles or trailers not associated with a campsite between the hours of 10 p.m. and 7 a.m. unless otherwise posted. (7-1-21)T
25. **Overnight Use Fee.** A fee charged for overnight use of non-camping lands between the hours of 10 p.m. and 7 a.m. (7-1-21)T
26. **Park or Program Manager.** The person, or the person's designee, responsible for administering and supervising particular lands, facilities, and employees that are under the jurisdiction of the department. (7-1-21)T
27. **Recreational Vehicle (RV).** A vehicular type unit primarily designed as temporary living quarters

for recreational, camping, sleeping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The entities are travel trailer, camping trailer, truck camper, fifth-wheel trailer, and motorhome (all as defined in Section 39-4201, Idaho Code) and including buses or van type vehicles which are converted to recreation, camping, or sleeping use. It does not include pickup hoods, shells, or canopies designed, created, or modified for occupational use. (7-1-21)T

28. Vessel. Every description of watercraft, including a seaplane on the water, used or capable of being used as a means of transportation on water, but not including float houses, diver's aids operated and designed primarily to propel a diver below the surface of the water, and non-motorized devices not designed or modified to be used as a means of transportation on the water such as inflatable air mattresses, single inner tubes, and beach and water toys as defined in Section 67-7003(22), Idaho Code. (7-1-21)T

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

- 01. Daily MVEF.** (7-1-21)T
- a.** The daily MVEF may be purchased at any Idaho state park or online. (7-1-21)T
- b.** The daily MVEF expires at 10 p.m. on date of purchase or as posted; MVEF for overnight camping use expires upon checkout which is 1 p.m. for a campsite and 12 noon for a facility. (7-1-21)T
- c.** The proof of purchase of the MVEF must be visible and properly displayed. (7-1-21)T
- 02. Annual MVEF.** (7-1-21)T
- a.** The Annual MVEF may be purchased at any Idaho state park, the department's central or regional offices, or online. (7-1-21)T
- b.** The Annual MVEF expires December 31 of the year issued. (7-1-21)T
- c.** The Annual MVEF sticker must be visible, legible at all times, and permanently affixed to the vehicle as follows. For vehicles with a windshield, the sticker must be clearly displayed on the lower corner of the driver's side windshield. For vehicles without a windshield, the sticker must be clearly displayed in a similar location. (7-1-21)T
- 03. Annual MVEF Sticker Replacement.** (7-1-21)T
- a.** The applicant may apply at any Idaho state park or at the department's central or regional offices for a replacement sticker due to damage. (7-1-21)T
- b.** The applicant must establish proof of purchase of the original Annual MVEF. (7-1-21)T
- c.** Display and placement of the replacement sticker must comply with Subsection 011.02.c. of this chapter. (7-1-21)T
- 04. Idaho State Parks Passport.** (7-1-21)T
- a.** The Idaho State Parks Passport may be purchased from any county department of motor vehicles office in the state of Idaho. (7-1-21)T
- b.** Idaho State Parks Passport expires concurrent with the expiration of that vehicle's registration. (7-1-21)T
- c.** Display and placement of the Idaho State Parks Passport sticker must comply with Subsection 011.02.c of this chapter. (7-1-21)T

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

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

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

012. -- 074. (RESERVED)

075. AUTHORITY CONFERRABLE ON EMPLOYEES - ENFORCEMENT.

01. Director Authority. The director may, pursuant to Section 67-4239, Idaho Code, authorize any employee of the department to exercise any power granted to, or perform any duty imposed upon the director. (7-1-21)T

02. Park or Program Manager Authority. A park or program manager may establish and enforce all rules, including interim rules. Interim rules apply to the public safety, use, and enjoyment or protection of natural, cultural, or other resources within lands administered by the department. Interim rules will be posted for public view and will be consistent with established state laws and these rules. Interim rules expire in one hundred twenty (120) days from the established effective date unless approved by the board. (7-1-21)T

03. Additional Park or Program Manager Authority. A park or program manager may deny entry to, or reservation of, any department day use area, campsite, or facility, to any individual or group whose prior documented behavior has violated department rules, whose activities are incompatible with operations, or whose activities will violate department rules. (7-1-21)T

076. -- 099. (RESERVED)

100. PENALTIES FOR VIOLATIONS.

Failure of any person, persons, partnership, corporation, concessionaire, association, society, or any fraternal, social or other organized groups to comply with these rules constitutes an infraction. (7-1-21)T

01. Civil Claim. The penalty established in this chapter does not prevent the department from filing a civil claim against a violator to collect damages incurred to lands, resources, or facilities administered by the Department. (7-1-21)T

02. Violators. In addition to the penalty provided in chapter, or any other existing laws of the state of Idaho, any person failing to comply with any section of these rules or federal, state, or local laws, rules, or ordinances applicable under the circumstances, is a trespasser upon state land and subject to expulsion from any department managed lands for a period of time not less than forty-eight (48) hours. (7-1-21)T

101. -- 124. (RESERVED)

125. PRESERVATION OF PUBLIC PROPERTY.

The destruction, injury, defacement, removal, or disturbance in or of any public building, sign, equipment, monument, statue, marker, or any other structures; or of any tree, flower, or other vegetation; or of any cultural artifact or any other public property of any kind, is prohibited unless authorized by the park or program manager of a specific area. (7-1-21)T

126. -- 149. (RESERVED)

150. USE OF MOTOR VEHICLES.

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

operated within lands administered by the department must be licensed or certified as required under state law. The operators of all motor vehicles must comply with the motor vehicle entrance fee requirements, speed and traffic rules of the department, and all other federal, state, local laws, and ordinances governing traffic on public roads. (7-1-21)T

01. Use of Parking Spaces for Persons With a Disability. Special zones and parking spaces within state parks are designated and signed for exclusive use by vehicles displaying a special license plate or card denoting legal handicap status as provided in Section 49-213, Idaho Code. (7-1-21)T

02. Overdriving Road Conditions and Speeding Prohibited. No person may drive a vehicle at a speed greater than the posted speed or a reasonable and prudent speed under the conditions, whichever is less. Every person must drive at a safe and appropriate speed when traveling on park roads, in congested areas, when pedestrians or bicyclists are present, or by reason of weather or hazardous highway conditions as provided in Section 49-654, Idaho Code. (7-1-21)T

03. Safety Helmets. Persons under eighteen (18) years of age must wear a protective safety helmet when riding upon a motorcycle, motorbike, utility type vehicle, or an all-terrain vehicle as operator or passenger as provided in Section 49-666, Idaho Code. (7-1-21)T

04. Snowmobile Operation. No person may operate a snowmobile on any regularly plowed park road unless authorized by park or program manager. Access on non-plowed roads and trails are only permitted when authorized by the park or program manager. (7-1-21)T

05. Compliance with Posted Regulatory Signs. Persons operating vehicles within state parks are required to obey posted regulatory signs as provided in Section 49-807, Idaho Code. (7-1-21)T

06. Obedience to Traffic Direction. No person may willfully fail or refuse to comply with any lawful order or directions of any park employee invested with authority to direct, control, or regulate traffic within a state park. (7-1-21)T

07. Restrictions. The operation of motor vehicles within a designated campground is restricted to ingress and egress to a campsite or other in-park destination by the most direct route. (7-1-21)T

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

09. Commercial Motor Vehicle. Commercial motor vehicles may only enter or be operated in park and recreation areas and facilities upon payment of the appropriate daily fee. (7-1-21)T

151. PARKING VIOLATIONS.

01. Land or Facilities Administered by the Department. No person may stop, stand, or park a motor vehicle or trailer anywhere within land or facilities administered by the department unless proof of payment of all required fees or other lawful authorization for entry is plainly visible and properly displayed. (7-1-21)T

02. Designated Campgrounds. No person may stop, stand, or park a motor vehicle within designated campgrounds unless proof of payment of the applicable campsite fees is plainly visible and properly displayed. (7-1-21)T

03. Designated Overnight Use Area. Except for authorized campers, no person may stop, stand, park, or leave a motor vehicle or trailer unattended outside day use hours unless the motor vehicle or trailer is in a designated overnight use area and proof of payment of the overnight-use fee is plainly visible and properly displayed. (7-1-21)T

04. Fee Collection Surcharge. Any person stopping, standing, or parking a motor vehicle or trailer without payment or properly displaying proof of payment of all required fees is subject to the fee collection surcharge as provided in Subsection 225.06 and Section 245 of this chapter. (7-1-21)T

05. Citations for Violations. Citations for violations of this section may be issued to the operator of the motor vehicle. If the operator cannot be readily identified, the citation may be issued to the registered owner or lessee of the motor vehicle, subject to the provisions of Section 67-4237, Idaho Code. (7-1-21)T

152. -- 174. (RESERVED)

175. PUBLIC BEHAVIOR.

01. Resisting and Obstructing a Park Employee. Persons may not willfully resist, delay, obstruct, or interfere with any park employee in his or her duties to protect the state's resources and facilities and to provide a safe place to recreate. (7-1-21)T

02. Day Use. Between the hours of 10 p.m. and 7 a.m., unless otherwise posted, all personal property must be removed from day use areas. (7-1-21)T

03. Quiet Hours. Within lands administered by the department, the hours between 10 p.m. and 7 a.m. are considered quiet hours unless otherwise posted. During that time, users are restricted from the production of noise that may be disturbing to other users. (7-1-21)T

04. Noise. Amplified sound, poorly muffled vehicles, loud conduct, or loud equipment are prohibited within lands administered by the department, except in designated areas or by authority of the park or program manager. (7-1-21)T

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

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

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

08. Trespass. It is unlawful to enter, use, or occupy land or facilities administered by the department where such lands or facilities are posted against entry, use, or occupancy, except as authorized by the department. (7-1-21)T

09. Pets. Pets are allowed within lands administered by the department only if confined or controlled on a leash not longer than six (6) feet in length. No person may allow their pet to create a disturbance which might be bothersome to other users. Excepting persons with disabilities who are assisted by service animals, no person may permit their pet animals to enter or remain on any swim area or beach. Pet owners are responsible to clean up after their animals. Pet owners may not leave pets unattended. Areas for exercising pets off leash may be designated by the park or program manager. Department employees may impound or remove any stray or unattended animals at the owner's expense. (7-1-21)T

10. Fires. The use of fires is restricted to fire rings, grills or other places otherwise designated by the park or program manager. All fires must be kept under control at all times and must be extinguished before checking out of the campsite or whenever fire is left unattended. Areas may be closed to open fires during extreme fire danger. (7-1-21)T

11. Fireworks. No person may use fireworks of any kind within lands administered by the department, except under special permit issued by the director for exhibition purposes, and then only by persons designated by the director. (7-1-21)T

12. Protection of Wildlife. All molesting, feeding, injuring, or killing of any wild creature is strictly prohibited, except as provided by action of the board and as established in board policy. Persons in possession of wildlife, which may be legally taken within state park boundaries, must comply with Idaho Fish and Game rules. (7-1-21)T

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

allowed through a permit. (7-1-21)T

14. Personal Safety, Firearms. No person may purposefully or negligently endanger the life of any person or creature within any land administered by the department. No person may discharge firearms or other projectile firing devices within any lands administered by the department, except as follows: in the lawful defense of person, persons, or property; in the course of lawful hunting; for exhibition; or at designated ranges as authorized by the director. (7-1-21)T

15. Non-traditional Recreational Activities. Non-traditional recreational activities such as model airplane and glider operations, geo-caching, gold panning, drone operation, and metal detecting may be authorized by the park or program manager if such activities do not interfere with traditional uses of the park and are consistent with preservation of park resources. (7-1-21)T

176. -- 199. (RESERVED)

200. CAMPING.

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

a. Occupancy. Camping is permitted only in designated campsites, areas, or facilities. A campsite or facility will be determined occupied only after all required fees have been paid, registration information completed, and all permits properly displayed. Unique circumstances may arise, and specific sites or facilities by virtue of design may require exceptions to the capacity limits. (7-1-21)T

b. Campsite Capacity. Maximum capacity limits on each campsite are subject to each site's design and size. Unless otherwise specified, and provided the combined equipment and people fit within the designated camping area of the site selected, the maximum capacity will be one (1) family unit or a party of no more than eight (8) persons, two (2) tents and two (2) motor vehicles. No more than one (1) RV may occupy a site. Two (2) motorcycles are the equivalent of one (1) motor vehicle when determining campsite capacity. Each motorcycle will be subject to the MVEF. In general, companion campsites have double the capacity listed above. (7-1-21)T

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

02. Self Registration. In those areas so posted, campers must register themselves for the use of campsites and facilities, paying all required fees as provided for herein and in accordance with all posted instructions. (7-1-21)T

03. Length of Stay. Except as provided herein, no person, party or organization may be permitted to camp on any lands administered by the department for more than fifteen (15) days in any thirty (30) consecutive day period. This applies to both reservation and "first come first served" customers. The department operations division administrator may authorize shorter or longer periods for any individual area. (7-1-21)T

04. Registration. All required fees must be paid, registration information completed, and all permits properly displayed prior to occupying a campsite or facility. Saving or holding campsites or facilities for individuals not physically present at the time of registration for "first come first served" camping is prohibited. (7-1-21)T

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

06. Liquid Waste Disposal. All gray water and sewage wastes must be held in self-contained units or collected in water-tight receptacles in compliance with state adopted standards and dumped in sanitary facilities provided for the disposal of such wastes. (7-1-21)T

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

08. Campsite Parking. All motor vehicles and trailers, must fit entirely within the campsite parking pad/area provided with the assigned individual or group campsite or facility. All equipment that does not fit entirely within the designated campsite parking area must be parked at another location within the campground, or outside the campground, as may be designated by the park or program manager. If no outside parking is available, the park or program manager may require the party to register on a second campsite, if available. (7-1-21)T

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

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

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

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

11. Visitors. Individuals visiting campers must park in designated areas, except with permission of the park or program manager. Visitors must conform to established day use hours and day use fee requirements. (7-1-21)T

12. Responsible Party. The individual reserving or registering to use an individual or group campsite or facility is responsible for ensuring compliance with the rules within this chapter. (7-1-21)T

13. Camping. Camping in individual or group facility sites is prohibited unless in areas specifically designated for camping or by authorization of the park or program manager. (7-1-21)T

14. ADA Designated Campsites. Although the department offers campsites that are designated and built to meet ADA accessibility requirements, these campsites are not managed exclusively for ADA use. (7-1-21)T

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

201. BOATING FACILITIES.

The provisions of this section do not apply to department-operated marinas which provide moorage on a lease or long-term rental basis. (7-1-21)T

01. Moorage and Use of Marine Facilities. No person or persons may moor or berth a vessel of any type in a department-owned or operated park or marine area that is signed for other use. Vessel moorage is limited to no more than fifteen (15) days in any consecutive thirty (30) day period. (7-1-21)T

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

03. Use of Onshore Campsites. If any person or persons from a vessel moored at a department boating facility also occupies any designated campsite onshore, all required fees for such campsite(s) must be paid in addition to any moorage fee provided herein. (7-1-21)T

04. Self-Registration. In those areas so posted, boaters must register themselves for the use of marine facilities and onshore campsites, paying all required moorage and campsite fees as provided for herein and in accordance with all posted instructions. (7-1-21)T

202. OVERNIGHT USE.

01. Occupancy. Overnight use is permitted only in designated areas. Overnight use is only allowed after all required fees have been paid, registration information completed, and all permits properly displayed. (7-1-

21)T

02. Overnight Use Fees. Motor vehicles or trailers not associated with campers between 10:00 p.m. and 7:00 a.m. at designated facilities will be charged an overnight use fee. (7-1-21)T

03. Self Registration. In those areas so posted, overnight users must register themselves for the use of overnight use areas, paying the appropriate fees as provided for herein and in accordance with all posted instructions. (7-1-21)T

04. Length of Stay. Except as provided herein, no person, party, or organization may be permitted to utilize overnight use areas on any lands administered by the department for more than fifteen (15) days in any thirty (30) consecutive-day period. This applies to both reservation and “first come first served” customers. The director may authorize shorter or longer periods for any individual area. (7-1-21)T

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

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

07. Responsible Party. The individual purchasing an overnight use permit or the registered owner of the motor vehicle or trailer is responsible for ensuring compliance with the rules within this chapter. (7-1-21)T

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

203. WATERFRONT AREAS.

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

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

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

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

05. Compliance with Laws. Vessels operating on public waters administered by the department must fully comply with the Idaho Safe Boating Act, Title 67, Chapter 70 and the Marine Sewage Disposal Act, Title 67, Chapter 75, Idaho Code, and the rules promulgated thereunder. The director may establish rules prohibiting the use of boat motors or to limit the horsepower capacity on those vessels operating on waters administered by the department. (7-1-21)T

204. WINTER RECREATION PROGRAMS.

The department manages two winter recreation programs: the winter access program which provides for recreation within state parks and the winter recreational parking pass program which provides for recreation outside of state parks. (7-1-21)T

01. Winter Access Program. The purpose of the winter access program is to fund state park services such as maintaining parking areas, providing warming facilities and winter-accessible restroom facilities, regularly grooming trails, signing ski routes, and having ski patrol services available. Any person using winter access program facilities must purchase and properly display a daily or season pass. Winter access program areas are designated by board policy. (7-1-21)T

02. Winter Recreational Parking Permits. The purpose of the winter recreational parking permit

program, known as “Park N Ski”, is to designate winter recreational parking locations and use the funds from permit sales to maintain the designated parking areas. Winter recreational parking areas are designated by board policy.

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

205. -- 224. (RESERVED)

225. FEES AND SERVICES.

01. Authority.

(7-1-21)T

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

(7-1-21)T

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

(7-1-21)T

02. Payment. Visitors must pay all required fees.

(7-1-21)T

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

(7-1-21)T

04. Group Use.

(7-1-21)T

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

(7-1-21)T

b. Permits for groups of up to two hundred fifty (250) people may be approved by the park manager with thirty (30) days advance notice. Permits for groups of two hundred fifty (250) or more people may be approved by the director with forty-five (45) days advance notice. (7-1-21)T

c. Group use fees for day use facilities, general use areas, and events may be negotiated by the park or program manager and will generally not fall below the cost of providing services. MVEF is required unless specifically waived by the park or program manager. (7-1-21)T

05. Fees and Deposits. Fees and deposits, including cleaning fees or damage/cleaning deposits, may be required for certain uses or the reservation of certain facilities unique to an individual park. Where deposits are required, they are to be paid prior to check-in (7-1-21)T

06. Fee Collection Surcharge. A surcharge may be added to all established fees when the operator of a motor vehicle or responsible party of a camping unit fails to pay all required fees or fails to properly display proof of payment for required fees prior to entering a park area or occupying a campsite. If the surcharge is assessed, and the operator of the vehicle or responsible party is not present, all required fees in addition to the surcharge will be assessed against the registered owner of the motor vehicle or camping unit. (7-1-21)T

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

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

09. Encroachment Permit Application Fee. The department may assess an encroachment application fee as set by the board to cover administrative costs incurred by the department in reviewing the application and the site, and in preparing the appropriate document(s). (7-1-21)T

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

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

226. -- 244. (RESERVED)

245. FEE SCHEDULE: FEE COLLECTION SURCHARGE.

Category	Fee
Fee Collection Surcharge	\$25/day

(7-1-21)T

246. (RESERVED)

247. FEE SCHEDULE: ENTRANCE.

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

Category	Fee
Admission	\$20/person

(7-1-21)T

248. -- 249. (RESERVED)

250. FEE SCHEDULE: INDIVIDUAL CAMPSITE OR FACILITY.

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

(7-1-21)T

251. -- 253. (RESERVED)

254. FEE SCHEDULE: GROUP CAMPSITE OR FACILITY.

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

(7-1-21)T

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

(7-1-21)T

255. (RESERVED)

256. FEE SCHEDULE: BOATING FACILITIES.

Boating Facilities:

Category	Fee
Vessel Launching	MVEF or \$7/day/vessel
Overnight moorage at dock or buoy, person staying at campsite or facility and not staying on the vessel	\$9/night
Overnight moorage at dock, person staying on vessel	\$10/night
Overnight moorage at buoy, person staying on vessel	\$9/night

(7-1-21)T

257. -- 258. (RESERVED)

259. FEE SCHEDULE: WINTER RECREATION PROGRAMS.

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

(7-1-21)T

260. -- 274. (RESERVED)

275. CRITERIA FOR RESERVATIONS.

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

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

b. The person booking reservations for multiple individual campsites is designated the group leader and is responsible for ensuring compliance with the rules within this chapter. The group leader may approve another person to register for a campsite as the primary occupant prior to check-in or at the park. Once the primary occupant registers for the campsite, the primary occupant becomes the responsible party. (7-1-21)T

c. The person booking reservations for a group campsite or facility is designated the group leader and is responsible for ensuring compliance with the rules within this chapter. (7-1-21)T

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

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

b. The service charge for an individual campsite or facility will be waived for campers with a current Idaho RV registration sticker and reimbursed to the department by the RV Program. (7-1-21)T

03. Cleaning Fee. A cleaning fee or a damage/cleaning deposit may be required by the park or program manager as a condition of reservation. (7-1-21)T

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

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

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

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

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

05. Reservation Modifications. A reservation service fee will be assessed for any modification to a previously made reservation that involves reducing the planned length of stay, or to change the reservation dates where part of the new stay includes part of the original stay booked (rolling window). Modifications that change the original stay so that no part of the new stay includes part of the original stay are to be considered a cancellation and re-book will be mandatory to keep a reservation. With the exception of the reservation service charge as defined in Section 276, any overpaid fees will be reimbursed at the time the reservation is modified. (7-1-21)T

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

a. Individual Campsite or Facility. A reservation service fee will be assessed for the cancellation of a reservation. This service fee will be assessed for each campsite or facility involved. If the customer cancels after the scheduled arrival date the customer forfeits all usage fees for the time period already expired. Cancellations received after checkout time will result in the forfeiture of that day's usage fees for the campsite or facility. At no time will the customer be charged a cancellation fee that exceeds the amount originally paid. The IDPR or its reservation service provider may cancel a customer's reservation for insufficient payment of fees due. With the exception of the reservation service fees, all fees paid will be reimbursed at the time the reservation is cancelled. (7-1-21)T

b. Park Board Designated Special Use Campsites and Facilities. A reservation service fee will be assessed for the cancellation of a reservation. If a cancellation for a group facility occurs twenty-one (21) or fewer calendar days prior to arrival, the customer forfeits the first night or daily facility usage fees (base rate). If a cancellation for a group facility occurs more than twenty-one (21) calendar days prior to arrival, a cancellation charge will be assessed. If the customer cancels after the arrival date the customer forfeits all usage fees for the time period already expired. Cancellations received after checkout time will result in the forfeiture of that day's usage fees for the campsite or facility. At no time will the customer be charged a cancellation fee that exceeds the amount originally paid. The department or its reservation service provider may cancel a customer's reservation for insufficient payment of fees due. An individual site cancellation fee applies to each campsite in a group campground. With the exception of the reservation service fees, all fees paid will be reimbursed at the time the reservation is cancelled. (7-1-21)T

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

276. FEE SCHEDULE: RESERVATIONS.

Category	Fee
Reservation Service Charge, individual campsite or facility	Current RV sticker or \$10/campsite or facility
Reservation Service Charge, group reservation for campsite or facility	\$25

Category	Fee
Modification	\$10/campsite or facility
Cancellation, individual campsite or facility, prior to check-in time	\$10/campsite or facility
Cancellation, individual campsite or facility, after check-in time	First night's fee
Cancellation, special use campsite or facility, more than 21 days in advance	\$50/facility
Cancellation, individual campsite or facility, 21 days or less in advance	First night's or daily usage fee

(7-1-21)T

277. -- 399. (RESERVED)

400. PARK CAPACITIES.

Where applicable, park or program managers may limit or deny access to an area whenever it has reached its designated capacity. (7-1-21)T

401. -- 499. (RESERVED)

500. LIVESTOCK.

Grazing of livestock is not permitted within lands administered by the department. Exceptions may be made by the board for grazing permits or otherwise permitting the use of lands administered by the department for livestock. The use of saddle or other recreational livestock is prohibited on trails, roadways, and other areas unless designated through signing for that purpose or with permission of the park or program manager. (7-1-21)T

501. -- 576. (RESERVED)

577. SPREADING OF HUMAN ASHES.

Persons may spread human ashes on lands owned by the Idaho Department of Parks and Recreation. The exact location must be pre-approved by the park or program manager. Persons may not spread ashes in the water within a state park. The department does not assign or convey any rights or restrictions by allowing the placement of ashes on the land, and there are no restrictions in the ability of the landowner to operate, develop, or otherwise use the land at their sole discretion without any obligation associated with the placement of ashes on the land. (7-1-21)T

578. -- 624. (RESERVED)

625. ADVERTISEMENTS/PROMOTIONS/DEMONSTRATIONS.

01. Printed Material. Public notices, public announcements, advertisements, or other printed matter may only be posted or distributed in a special area approved by the park or program manager. (7-1-21)T

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

03. Demonstrations. Public demonstrations are limited to areas approved by the park or program manager and subject to an approved permit issued after arrangements for sanitation, population density limitations, safety of persons and property, and regulation of traffic are made. (7-1-21)T

626. -- 649. (RESERVED)

650. AUTHORIZED OPERATIONS.

No person, firm, or corporation may operate any concession, business, or enterprise within lands administered by the

Department without written permission or permit from the board. No person(s), partnership, corporation, association or other organized groups may: (7-1-21)T

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

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

03. Abandon Any Property. Leave any property on department lands. Leaving property is prohibited unless registered in a campsite or permitted by the park or program manager. Property left on department lands for more than twenty-four (24) hours may be removed at the owner's expense. (7-1-21)T

651. -- 674. (RESERVED)

675. DEPARTMENT RESPONSIBILITY.

The department is not responsible for damage to, or theft of personal property within lands administered by the department. All visitors use facilities and areas at their own risk. (7-1-21)T

676. NONDISCRIMINATION.

No person may discriminate in any manner against any person or persons because of race, color, national origin, religion, gender, age or disability within lands administered by the department. Facilities constructed or maintained with, and programs supported by the cross-country skiing recreation account must be available for public use without discrimination and must comply with requirements as set out in the Americans with Disabilities Act. (7-1-21)T

677. -- 999. (RESERVED)

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

000. LEGAL AUTHORITY.

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

001. TITLE AND SCOPE.

01. Title. The title of this chapter is cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.33, “Rules Governing the Administration of the Land and Water Conservation Fund Program.” (7-1-21)T

02. Scope. This chapter establishes procedures for the administration of the Land and Water Conservation Fund program, including requirements for project application, eligibility, review, award, and management. (7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

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

01. 2 CFR 200. Uniform Administrative Requirements, Cost Principles, and Audit requirements for Federal Awards as set forth in 2 CFR 200 (Code of Federal Regulations). (7-1-21)T

02. Acquisition. The gaining of rights of public use by purchase or donation of fee or less than fee interests in real property. (7-1-21)T

03. Alternate State Liaison Officer (ALSO). State official designated by the governor of Idaho to assist the State Liaison Officer in managing the LWCF Program. The State and Federal Grant Manager is the ALSO. (7-1-21)T

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

05. Development. The act of physically improving an area or constructing facilities necessary to increase its ability to serve outdoor recreation purposes. (7-1-21)T

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

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

08. LWCF. The Land and Water Conservation Fund, a federal grant program that provides matching grants to states, and through states to local governments, for the planning, acquisition and development of public outdoor recreation areas and facilities. (7-1-21)T

09. LWCF Advisory Committee. Representatives from federal, state and local entities and other subject matter experts with expertise in community development or public outdoor recreation needs. (7-1-21)T

10. NPS. The National Park Service. (7-1-21)T

11. Open Project Selection Process (OPSP). The decision-making process and criteria by which the Department selects projects for the LWCF funding. The OPSP defines the criteria that propose LWCF projects must meet in order to be eligible for funding and establish priorities to objectively rate competing eligible projects. (7-1-21)T

12. SCORP. Statewide Comprehensive Outdoor Recreation Plan. (7-1-21)T

13. Sponsor. A state or local government agency that solicits a grant from the Department for a project or is responsible for administering the grant of an approved application or completed project. (7-1-21)T

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

(7-1-21)T

011. -- 039. (RESERVED)

040. LWCF ADVISORY COMMITTEE MEMBER SELECTION AND APPOINTMENT.

01. Members. The advisory committee includes nine (9) members as follows: (7-1-21)T

a. Three (3) members are representatives of state and federal agencies with a technical relationship to community development or the outdoor recreation needs in the state. (7-1-21)T

b. One (1) member represents a community of five thousand (5,000) population or more. (7-1-21)T

c. One (1) member represents a community of five thousand (5,000) population or less. (7-1-21)T

d. One (1) member represents the interests of ethnic minorities. (7-1-21)T

e. One (1) member represents the interests of the elderly. (7-1-21)T

f. One (1) member represents the interests of people with disabilities. (7-1-21)T

g. One (1) member must be from the board. (7-1-21)T

02. Quorum. A quorum is required to conduct committee business. Five (5) people constitute a quorum. (7-1-21)T

03. Appointment and Term. Members are appointed by and serve at the discretion of the board for three (3) funding sessions and may be reappointed. (7-1-21)T

041. -- 049. (RESERVED)

050. GRANT CYCLE.

The funding cycle must occur at least once every two (2) years and may occur at any other regular interval within the fiscal year as determined by the state. (7-1-21)T

051. -- 064. (RESERVED)

065. ELIGIBLE SPONSORS.

Governmental agencies that are eligible to receive or apply for the grant funds include incorporated cities, counties, state agencies, recreation districts, and other state or local governmental agencies authorized to provide general public recreation facilities. (7-1-21)T

066. ELIGIBLE PROJECTS.

LWCF grants are available to acquire or develop land that is to be used for outdoor recreation purposes and is to be held in perpetuity for public outdoor recreation uses. The sponsor must have title to or adequate control and tenure of the area to be developed. Projects clearly designed and located to meet identified needs for general public recreation, as well as to provide school districts with outdoor education, physical education, and recreation facilities may be eligible for funding, provided general public recreation is clearly the primary use. Projects must be consistent with the current LWCF Federal Assistance Manual. (7-1-21)T

067. INELIGIBLE PROJECTS.

Acquisitions or development that do not contribute directly to general public outdoor recreation facilities or activities are ineligible for LWCF funding. Acquisition of leases are not eligible for LWCF funding. The cost to a sponsor of land purchased from another public agency is not eligible for LWCF funding. (7-1-21)T

068. -- 079. (RESERVED)

080. APPLICATION PROCEDURE.

01. Procedure. To be considered for a grant, a sponsor must follow the procedural requirements, file a completed grant application form prior to the stated deadline, propose an eligible project, and submit all other documentation specified in this rule. (7-1-21)T

02. Review for Completeness and Eligibility. Materials submitted by the sponsor are reviewed by the Department for completeness and for project eligibility. (7-1-21)T

03. LWCF Advisory Committee Rating. The LWCF Advisory Committee rates projects and assists the Department in making funding priority recommendations to the Idaho Park and Recreation Board. To objectively rate competing eligible projects, the committee considers the application, the presentation by the sponsor, and how the project meets the OPSP criteria and established priorities. (7-1-21)T

04. Board and NPS Approval. The board reviews and approves a priority list for submission to NPS. Applications are submitted to NPS according to priority after LWCF moneys have been appropriated by Congress and allocated to the state. (7-1-21)T

05. Grant Agreement. Upon approval of a grant application by NPS, the Department will present the sponsor with a grant agreement that identifies eligible costs and obligates the sponsor to a specified project scope. The sponsor must sign the agreement prior to initiating work on the project. The signed agreement obligates the sponsor to complete all elements of the project as described in the agreement and any applicable approved amendment. The signed agreement must include a proclamation from the sponsor's governing body committing the project and the sponsor to LWCF requirements in perpetuity. (7-1-21)T

081. -- 099. (RESERVED)

100. FEES AND INCOME.

01. User Fees. User or other types of fees may be charged in connection with facilities developed with LWCF grants, provided that the fees and charges are commensurate with the value of recreation services or opportunities furnished and are in the prevailing range of public fees and charges for the particular activity involved. Discrimination on the basis of residence, including preferential reservation or membership systems and annual permit systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence. (7-1-21)T

02. Nonrecreational Income. Nonrecreational income that accrues to an outdoor recreation area other than the intended recreational use, including income from land management practices, must derive from use that is consistent with, and complementary to, the intended outdoor recreational use of the area. Gross nonrecreational income that accrues during the project period established in the project contract must be used to reduce the total cost of the project. Gross nonrecreational income that accrues subsequent to the ending date identified in the project contracts must be used only to offset the expense of operation and maintenance of the facility. (7-1-21)T

101. SPONSOR'S MATCHING SHARE.

The sponsor must match a portion of the approved project cost as determined by the National Park Service. The sponsor's share can be either local funds, acceptable state funds, force account (labor or equipment), or donation of privately owned lands, goods or services. All matching funds must meet LWCF Program rules as well as the allowable cost rules under 2 CFR 200. (7-1-21)T

102. APPRAISAL REQUIREMENTS.

A real estate appraisal is required for all land to be acquired. The appraisal must be prepared and paid for by the sponsor. All appraisals must be done according to "Uniform Appraisal Standards for Federal Land Acquisitions." NPS requires that the Department has each appraisal reviewed by a qualified appraiser. Any appraisal report that does not meet the basic content requirement or use correct analysis procedures must be corrected to the satisfaction of the Department. All costs are paid by the sponsor. (7-1-21)T

103. -- 299. (RESERVED)

300. FUND ALLOCATION.

01. Administration Costs. Idaho's cost of administering the SCORP program, the LWCF program and a contingency fund are deducted from the state's annual apportionment. The remaining funds are divided fifty percent (50%) for local governmental agencies and fifty percent (50%) for state agencies. This standard may be altered in any year at the discretion of the board. (7-1-21)T

02. Allocation by Population. (7-1-21)T

a. To assure that the needs of rural areas are met, twenty percent (20%) of the amount dedicated for local governmental agencies is dedicated for use by governmental agencies of five thousand (5,000) population or less. If the cumulative request of the governmental agencies of five thousand (5,000) population or less is more than the twenty percent (20%) of the amount dedicated for local governmental agencies, governmental agencies of five thousand (5,000) population or less may compete for the total remaining allocation. (7-1-21)T

b. If the total cost for a single project of a governmental agency with a population of five thousand (5,000) or less requires over one-half (1/2) of the twenty percent (20%) dedicated for use by governmental agencies of five thousand (5,000) population or less, that project will compete with the large governmental agency projects. (7-1-21)T

c. The board may suspend (through formal action at the board meeting at which LWCF grant requests are considered) any provision of this section if the allocation is too small to warrant viable projects. (7-1-21)T

03. Less Than Full Distribution. The board is not required to distribute all available funds. The Department may recommend, and the board determine, to reject projects with evaluation scores so low as to be noncompetitive. (7-1-21)T

04. Cost Overruns. Twenty percent (20%) of the total allocation may be held out for needed cost overruns. Any unused funds at the end of the funding cycle are obligated through the normal process. (7-1-21)T

301. -- 514. (RESERVED)

515. PROJECT MANAGEMENT AND DISBURSEMENT OF FUNDS.

01. Authorization. Except as otherwise provided herein, the SLO must authorize disbursement of funds allocated to a project through reimbursement basis. The LWCF program is a reimbursement program, which means that the sponsors initially pay all project costs and then seek reimbursement through the Department(7-1-21)T

02. Documentation of Property Purchase. Prior to submitting for property acquisition cost reimbursement, the sponsor must document that all deed, title insurance and appraisal requirements are satisfied. (7-1-21)T

03. Reimbursement. The sponsor must request reimbursement on forms provided by the Department and must include all required documentation. The amount of reimbursement must never exceed the cash expended on the project. (7-1-21)T

04. Development Project Contract Requirements. Development projects require competitive bidding and must comply with all local, state and federal requirements. (7-1-21)T

05. Records. Project records must be maintained by the state and sponsor for three (3) years after final payment. The material must be maintained beyond the required three (3) year period if audit findings have not been resolved. (7-1-21)T

516. -- 649. (RESERVED)

650. CONVERSION TO OTHER USES.

01. Conversion. The term “conversion” is used to identify properties that were acquired or developed with LWCF assistance that have been converted from a public outdoor recreation to other than public outdoor recreation uses without prior approval of NPS. (7-1-21)T

02. Fees. The sponsor must pay all costs associated with the LWCF conversion process. (7-1-21)T

651. -- 724. (RESERVED)

725. ONGOING SPONSOR OBLIGATIONS.

01. Permanent Project Signs. The sponsor is required to install permanent public acknowledgment of LWCF assistance at project sites on at least one (1) prominent location, such as the project site entrance. The sponsor must use the LWCF symbol established and provided by the Department for such acknowledgment. If the sponsor wants to provide a more detailed sign, the Department must approve the sign prior to construction to ensure proper designation. (7-1-21)T

02. In Perpetuity. The sponsor must maintain any outdoor recreation use within LWCF boundaries in perpetuity. (7-1-21)T

726. -- 999. (RESERVED)