

Dear Senators BURTENSHAW, Adams, Semmelroth, and  
Representatives MENDIVE, Shepherd, Burns:

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

IDAPA 26.01.10 - Rules Governing the Administration of Temporary Permits on Lands Owned  
by the Idaho Department of Parks and Recreation (ZBR Chapter Rewrite, Fee Rule) -  
Proposed Rule (Docket No. 26-0110-2301);

IDAPA 26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities  
(Fee Rule) - Proposed Rule (Docket No. 26-0120-2301).

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 11/17/2023. 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 12/15/2023.

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 334-4854, or send a written request to the address on the  
memorandum attached below.



**Terri Kondeff**  
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:** Deputy Division Manager - Katharine Gerrity  
**DATE:** October 31, 2023  
**SUBJECT:** Department of Parks and Recreation

IDAPA 26.01.10 - Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 26-0110-2301)

IDAPA 26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities (Fee Rule) - Proposed Rule (Docket No. 26-0120-2301)

#### **1. IDAPA 26.01.10 - Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation**

##### **Summary and Stated Reasons for the Rule**

The Idaho Department of Parks and Recreation submits notice of rulemaking at IDAPA 26.01.10 - Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation. This is a fee rule. According to the department, the purpose of the proposed rulemaking is to change and update definitions and standards, update processing fees on issuance or modifications and update fees on compensation for cost per acre to be set by official board action, update processing time, and incorporate edits for clarity and brevity consistent with the Governor's Red Tape Reduction Act. The department states that the rulemaking raises processing fees for issuance or modification and raises the compensation for cost per acre to be set by official board action and vote.

##### **Negotiated Rulemaking / Fiscal Impact**

The department states that negotiated rulemaking was conducted and that there is no fiscal impact to the general fund as a result of the rulemaking.

##### **Statutory Authority**

There appears to be statutory authority for the rulemaking pursuant to Sections 67-4223 and 67-4249, Idaho Code.

Paul Headlee, Deputy Director    Matt Drake, Manager    Keith Bybee, Manager    April Renfro, Manager    Norma Clark, Manager  
Legislative Services Office    Research & Legislation    Budget & Policy Analysis    Legislative Audits    Information Technology

Statehouse, P.O. Box 83720  
Boise, Idaho 83720-0054

Tel: 208-334-2475  
legislature.idaho.gov

## **2. IDAPA 26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities**

### **Summary and Stated Reasons for the Rule**

The Idaho Department of Parks and Recreation submits notice of rulemaking at IDAPA 26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities. This is a fee rule. According to the department, the purpose of the rulemaking is to update definitions and standards, remove redundant or unnecessary sections, update the check-out time for facilities, update fee caps on items that are currently at or near the fee cap, add ability for day, month, season admission to the admission fee, remove fee schedule for the winter recreational parking permit program as they are already in Idaho Code, remove fee schedule for winter access passes which will be managed by the admission fee, update the modification fee to separate out individual campsites and facilities from special use and group, and incorporate edits for clarity and brevity consistent with the Governor's Red Tape Reduction Act. The department states that the rule adds fees and fee caps for admission for day, month, season, and modification of special use campsites and facilities. The rule also raises fee caps for fee collection surcharge, daily and annual motor vehicle entrance fee, commercial motor vehicle entrance, campsites, use of campground showers by non-campers, cleaning, reservation service charge for group campsites and facilities, vessel launching, overnight moorage, and cancellation of special use campsites and facilities.

### **Negotiated Rulemaking / Fiscal Impact**

The department states that negotiated rulemaking was conducted and that there is no fiscal impact to the general fund as a result of the rulemaking.

### **Statutory Authority**

There appears to be statutory authority for the rulemaking pursuant to Sections 67-4223 and 67-4249, Idaho Code.

cc: Department of Parks and Recreation  
Seth Hobbs

### **\*\*\* PLEASE NOTE \*\*\***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

## IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

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

DOCKET NO. 26-0110-2301 (ZBR CHAPTER REWRITE, FEE RULE)

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-4223 and 67-4249 Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

<b>Thursday, October 26, 2023 10:00 a.m. to 11:00 a.m. (MT)</b>
<b>Meeting held via video conference:</b> <a href="#">Click here to join the meeting</a> <b>Meeting ID: 237 765 287 372</b> <b>Passcode: LZH8Ub</b> <a href="#">Download Teams</a>   <a href="#">Join on the web</a>
<b>Join with a video conferencing device</b> <a href="mailto:idahogov@m.webex.com">idahogov@m.webex.com</a> <b>Video Conference ID: 112 753 588 1</b> <a href="#">Alternate VTC instructions</a>
<b>Or call in (audio only)</b> <b>+1 208-985-2810,,288298300# United States, Boise</b> <b>Phone Conference ID: 288 298 300#</b> <a href="#">Find a local number</a>   <a href="#">Reset PIN</a>

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: The proposed rule change updates definitions and standards, updates processing fees on issuance or modifications and updates fees on compensation for cost per acre to be set by official board action, updates processing time, and incorporates edits for clarity and brevity consistent with the Red Tape Reduction Act.

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

The Park 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. The proposed rule accomplishes the following:

1. Raises the Processing Fees for Issuance or Modification.
2. Raises the Compensation for Cost per Acre to be set by official board action and vote.

**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 as a result of this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 02, 2023 Idaho Administrative Bulletin, [Vol. 23-8, page 327](#).

**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 proposed rule, contact Seth Hobbs, (208) 514-2427, [seth.hobbs@idpr.idaho.gov](mailto:seth.hobbs@idpr.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2023.

DATED this 28th day of August, 2023.

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

**THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 26-0110-2301**  
**(ZBR Chapter Rewrite)**

**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.~~

~~(3-18-22)( )~~

**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.”~~

~~(3-18-22)~~

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

~~(3-18-22)( )~~

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

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

**02. Contract Officer.** The person assigned by the director of the Idaho Department of Parks and Recreation that is responsible for the administration of temporary permits on lands owned by the Idaho Department of Parks and Recreation. ( )

**023. Department and IDPR.** The Idaho Department of Parks and Recreation. ( )

**034. Director.** The director of the Idaho Department of Parks and Recreation or such representative as may be designated by the director. ( )

**045. Grantee.** The party to whom a temporary permit is granted and their assigns and successors in interest. ( )

**056. Grantor.** The State of Idaho and its assigns and successors in interest. ( )

**067. 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. ( )

**078. 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. ( )

**089. 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. ( )

**011. -- 049. (RESERVED)**

**050. POLICY.**

**01. Issuing Authority.** Temporary permits are issued by the director, or designee in lieu of easements, and are required for all activities on, ~~or~~ over, through IDPR owned land. (3-18-22)( )

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

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

**04. Modifications.** Temporary permits and subsequent modifications, assignments and renewals require a formal application, ~~must~~ will be paid to ~~the~~ IDPR in cash or in the form of offsetting benefits to be determined by the director. ( )

**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. ( )

**06. Compensation.** An appropriate compensation for use of department-owned lands, as set out in Section 150 of this chapter, ~~must~~ will be paid to ~~the~~ IDPR in cash or in the form of offsetting benefits to be determined by the director. (3-18-22)( )

**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. ( )

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~~<sup>three</sup> hundred dollars (\$~~1~~<sup>3</sup>00), which ~~must needs to~~ be received from all applicants before processing can proceed. The processing fees are designed to offset processing costs and are nonrefundable. (3-18-22)( )

02. **Assignment or Renewal.** The processing fee for assignment or renewal of an existing temporary permit is ~~twenty five~~ <sup>fifty</sup> dollars (\$~~25~~<sup>50</sup>), and ~~must needs to~~ be received before processing can proceed. The processing fees are designed to offset processing costs and are nonrefundable. (3-18-22)( )

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. ( )

02. **Cost per Acre.** Cash compensation for a temporary permit is charged at a rate ~~of fifty dollars (\$50)~~ <sup>set by official board action and vote</sup> 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. (3-18-22)( )

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 will~~ be outlined in the temporary permit. (3-18-22)( )

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

151. -- 199. (RESERVED)

200. STANDARD CONDITIONS.

All temporary permits issued are subject to the following standard conditions: ( )

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

02. **Utilities.** Except under special circumstances with approval of the director, all utilities ~~must need to~~ be installed underground. (3-18-22)( )

03. **Construction, Operation and Maintenance.** The grantee ~~must will~~ 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. (3-18-22)( )

~~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. (3-18-22)~~

~~05. **Wetlands.** The grantee will comply with all state and federal statutes, rules, and regulations pertaining to wetlands protection. (3-18-22)~~

~~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.).~~ (3-18-22)

**074. 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. ( )

**085. 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. ( )

**096. Permits Not Exclusive.** The temporary permit is not exclusive to the grantee, and ~~must will~~ not prohibit the department from granting other permits or franchise rights of like or other nature to other public or private entities, nor ~~must will~~ 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. (3-18-22)( )

**107. 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. ( )

**108. Removal of Facilities.** Upon termination of the temporary permit for any reason including cancellation, expiration, or relinquishment, the grantee ~~must will~~ have thirty (30) days from the date of termination to remove any facilities and improvements constructed by the grantee, and ~~must will~~ 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. (3-18-22)( )

**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. ( )

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

**300. APPLICATION PROCEDURE.**

**01. Contents of Application.** A temporary permit application ~~must contain~~ will be completed on the form required by the Department: (3-18-22)( )

- ~~a.~~ A temporary permit application/action form; (3-18-22)
- ~~b.~~ A plat of the proposed permit location; (3-18-22)
- ~~c.~~ The appropriate application fee; (3-18-22)
- ~~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. (3-18-22)

**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.~~

~~(3-18-22)~~

**032. Application Submission.** Temporary permit applications ~~must~~ need to 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. ~~(3-18-22)~~( )

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

**350. MODIFICATION OF EXISTING TEMPORARY PERMIT.**

A modification of an existing temporary permit ~~must~~ will 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. ~~(3-18-22)~~( )

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

**400. ASSIGNMENT.**

Temporary permits issued by the director cannot be assigned without the approval of the director, or designee. To request approval of an assignment, the assignor and assignee ~~must~~ will 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. ~~(3-18-22)~~( )

**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~~ will be submitted at least forty-five (45) days prior to the expiration date of the temporary permit. ~~(3-18-22)~~( )

**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~~ will automatically terminate. The director ~~must~~ or designee will notify the grantee in writing of the termination. The grantee ~~must~~ will 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~~ will notify the grantee in writing as to the director's decision concerning reinstatement. The grantee ~~must~~ will 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. ~~(3-18-22)~~( )

**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. ( )

**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. ( )

**601. -- 649. (RESERVED)**

**650. CANCELLATION.**

The director or designee 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. (3-18-22)( )

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.~~ (3-18-22)

~~701.~~ -- 749. (RESERVED)

**750. ADMINISTRATION.**

**01. Bureau Responsible.** The IDPR ~~Development Bureau must~~ contract officer will be responsible for uniform statewide administration of all IDPR temporary permits. (3-18-22)( )

**02. Disposition of Fees.** All processing and compensation fees collected from applicants ~~must will~~ be sent to the fiscal section for deposit into the appropriate account. (3-18-22)( )

**03. Status Report.** The IDPR ~~Development Bureau must~~ contract officer will maintain an up-to-date status report on all temporary permits issued. (3-18-22)( )

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 will~~ review the application and forward it, together with his their comments, to the region ~~supervisor manager~~. The region ~~supervisor must manager will~~ review the application and forward his their comments along with the temporary permit application/action package, to the ~~chief, Development Bureau, IDPR contract office~~ for processing. (3-18-22)( )

**02. Time.** Processing of temporary permit application/action forms ~~must will~~ not exceed ~~one hundred twenty (120) ninety (90)~~ days from the date of acceptance of a complete application by the park manager. Applications not acted on within ~~one hundred twenty (120) ninety (90)~~ days are deemed denied. (3-18-22)( )

**03. Notification.** All applicants ~~must will~~ be notified in writing, by the ~~development bureau chief, contract officer~~ of the approval or denial of their application. (3-18-22)( )

801. -- 999. (RESERVED)

# PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** DEPARTMENT OF PARKS AND RECREATION\_\_\_\_\_

**Agency Contact:** Seth Hobbs\_\_\_\_\_ **Phone:** 208-514-2427\_\_\_\_\_

**Date:** 30 August 2023\_\_\_\_\_

## **IDAPA, Chapter and Title Number and Chapter Name:**

26.01.10(F) - RULES GOVERNING THE ADMINISTRATION OF TEMPORARY PERMITS ON LANDS OWNED BY THE IDAHO DEPARTMENT OF PARKS AND RECREATION\_\_\_\_\_

**Fee Rule Status:** X\_\_\_\_\_ **Proposed** \_\_\_\_\_ **Temporary**

**Rulemaking Docket Number:** 26-0110-2301\_\_\_\_\_

## **STATEMENT OF ECONOMIC IMPACT:**

Increasing the processing fees for issuance or modification of temporary permits will result in the grantee paying an additional \$200 per instance. Idaho Parks and Recreation completes an issuance or modification for these types of temporary permits two to four times a calendar year. The cost per acre rate will be set by official board action and vote. This will be determined by the project impact to IDPR lands and operations. Idaho Parks and Recreation completes an average of three instances a calendar year that have these fees.

## IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

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

DOCKET NO. 26-0120-2301 (FEE RULE)

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-4223 and 67-4249 Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing concerning this rulemaking will be held as follows:

<b>Thursday, October 26, 2023 10:00 a.m. to 11:00 a.m. (MT)</b>
<b>Meeting held via video conference:</b> <a href="#">Click here to join the meeting</a> <b>Meeting ID: 237 765 287 372</b> <b>Passcode: LZH8Ub</b> <a href="#">Download Teams</a>   <a href="#">Join on the web</a>
<b>Join with a video conferencing device</b> <a href="mailto:idahogov@m.webex.com">idahogov@m.webex.com</a> <b>Video Conference ID: 112 753 588 1</b> <a href="#">Alternate VTC instructions</a>
<b>Or call in (audio only)</b> <b>+1 208-985-2810,,288298300# United States, Boise</b> <b>Phone Conference ID: 288 298 300#</b> <a href="#">Find a local number</a>   <a href="#">Reset PIN</a>

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: The proposed rule change updates definitions and standards; removes redundant or unnecessary sections; updates the check-out time for facilities, updates fee caps on items that are currently at or near the fee cap; adds ability for day, month, season admission to the admission fee; removes fee schedule for the winter recreational parking permit program as they are already in Idaho Code 67-7115; removes fee schedule for winter access passes which will be managed by the admission fee; updates the modification fee to separate out individual campsites and facilities from special use and group; and incorporates edits for clarity and brevity consistent with the Red Tape Reduction Act.

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

1. Adds fees and fee caps for: admission for day, month, season; and modification of special use campsites and facilities.
2. Raises fee caps for: fee collection surcharge; daily MVEF; annual MVEF; commercial motor vehicle entrance; campsites; use of campground showers by non-campers; cleaning; reservation service charge for group campsites and facilities; vessel launching; overnight moorage; and cancellation of special use campsites and facilities.

**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 as a result of this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 02, 2023 Idaho Administrative Bulletin, [Vol. 23-8, page 329](#).

**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 proposed rule, contact Seth Hobbs, (208) 514-2427, [seth.hobbs@idpr.idaho.gov](mailto:seth.hobbs@idpr.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2023.

DATED this 28th day of August, 2023.

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

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 26-0120-2301**  
**(Only Those Sections With Amendments Are Shown.)**

**000. LEGAL AUTHORITY.**

~~The Idaho Parks and Recreation Board is authorized under Sections 67-4223 and 67-7115 through 67-7118, 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.~~ (3-18-22)(    )

**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."~~ (3-18-22)

~~**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.~~ (3-18-22)

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. ADA.** Americans with Disabilities Act (3-18-22)

- 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. (3-18-22)
- 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. (3-18-22)
- 04. Board.** The Idaho Parks and Recreation Board, a bipartisan, six (6) member board, appointed by the Governor. (3-18-22)
- 05. Camping Unit.** The combined equipment and people capacity that a campsite or facility will accommodate. (3-18-22)
- 06. Camping Day.** (3-18-22)
- a.** For individual and group campsites the period between 2 p.m. of one (1) calendar day and 1 p.m. of the following calendar day. (3-18-22)
- 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. (3-18-22)
- 07. Campsite.** (3-18-22)
- 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. (3-18-22)
- 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. (3-18-22)
- 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. (3-18-22)
- 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. (3-18-22)
- 10. Department.** The Idaho Department of Parks and Recreation. (3-18-22)
- 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. (3-18-22)
- 12. Designated Roads and Trails.** Facilities recognizable by reasonable formal development, signing, or posted rules. (3-18-22)
- 13. Director.** The director and chief administrator of the department, or the designee of the director. (3-18-22)
- 14. Division Administrator.** An employee, or designee, within the department that has supervisory authority over park and program managers. (3-18-22)
- 15. Dock and Boating Facility.** Floats, piers, and mooring buoys owned or operated by the department. (3-18-22)
- 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. (3-18-22)

17. **Extra Vehicle.** An additional motor vehicle without built-in temporary living quarters or sleeping accommodations registered to a camp site. (3-18-22)
18. **Facilities.** (3-18-22)
- a. Individual. A camping structure within department managed lands designated for use by an individual camping unit. (3-18-22)
- b. Group. A camping structure within department managed lands designated for group use. (3-18-22)
- c. Day Use. A non-camping area or structure within department managed lands designated for group use during day use periods. (3-18-22)
19. **Group Use.** Twenty-five (25) or more people, or any group needing special considerations or deviations from normal department rules or activities. (3-18-22)
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. (3-18-22)
21. **Idaho State Parks Passport Replacement.** Replacement due to a motor vehicle registration transfer or damage to an existing passport. (3-18-22)
22. **Motor Vehicle.** Every vehicle that is self-propelled except for vehicles moved solely by human power, electric bikes, and motorized wheelchairs. (3-18-22)
23. **Motor Vehicle Entrance Fee (MVEF).** A fee charged for entry to or operation of a motor vehicle in an Idaho State Park. (3-18-22)
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. (3-18-22)
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. (3-18-22)
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. (3-18-22)
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~~ **Includes** 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. (3-18-22)( )
- ~~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. (3-18-22)~~
- 011. PURCHASE, EXPIRATION, DISPLAY AND PLACEMENT OF MVEF AND PASSPORT STICKERS.**
01. **Daily MVEF.** (3-18-22)
- a. The daily MVEF may be purchased at any Idaho state park or online. (3-18-22)

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~~ 11 a.m. for a facility. (3-18-22)(    )

c. The proof of purchase of the MVEF must be visible and properly displayed. (3-18-22)

**02. Annual MVEF.** (3-18-22)

a. The Annual MVEF may be purchased at any Idaho state park, the department's central or regional  
offices, or online. An applicant may, after establishing proof of purchase of the original MVEF, apply at any Idaho  
state park or at the department's central or regional offices for a replacement sticker due to damage. (3-18-22)(    )

b. The Annual MVEF expires December 31 of the year issued. (3-18-22)

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. (3-18-22)

~~**03. Annual MVEF Sticker Replacement.**~~ (3-18-22)

~~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.~~ (3-18-22)

~~b. The applicant must establish proof of purchase of the original Annual MVEF.~~ (3-18-22)

~~e. Display and placement of the replacement sticker must comply with Subsection 011.02.c. of this  
chapter.~~ (3-18-22)

~~**043. Idaho State Parks Passport.**~~ (3-18-22)

a. The Idaho State Parks Passport, or a replacement, may be purchased from any county department  
of motor vehicles office in the state of Idaho. (3-18-22)(    )

b. Idaho State Parks Passport expires concurrent with the expiration of that vehicle's registration. (3-18-22)

c. Display and placement of the Idaho State Parks Passport sticker must comply with Subsection  
011.02.c of this chapter. (3-18-22)

~~**05. Idaho State Parks Passport Sticker Replacement.**~~ (3-18-22)

~~a. The applicant may apply in person to a county department of motor vehicles office for a  
replacement sticker.~~ (3-18-22)

~~b. Display and placement of the replacement sticker must comply with Subsection 011.02.c. of this  
chapter.~~ (3-18-22)

**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.~~  
(3-18-22)

~~**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. (3-18-22)~~

**031. Additional Park or Program Manager Authority.** A park or program manager may enforce all rules, 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. (3-18-22)(    )

**(BREAK IN CONTINUITY OF SECTIONS)**

**~~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. (3-18-22)~~

**~~126~~5. -- 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. (3-18-22)

~~**01. Use of Parking Spaces for Persons With a Disability.** Special zones and parking spaces within state parks are designated and signed for exclusive use by vehicles displaying a special license plate or card denoting legal handicap status as provided in Section 49-213, Idaho Code. (3-18-22)~~

~~**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. (3-18-22)~~

~~**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. (3-18-22)~~

**041. 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. (3-18-22)

~~**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. (3-18-22)~~

**062. 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. (3-18-22)

**073. 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. (3-18-22)

**084. Official Use.** This rule does not prohibit official use of motor vehicles by department employees anywhere within lands administered by the department. (3-18-22)

**095. 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. (3-18-22)

**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. (3-18-22)

**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. (3-18-22)

**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. (3-18-22)

**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. (3-18-22)

**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. (3-18-22)

**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. (3-18-22)

**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. (3-18-22)

**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. (3-18-22)

**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. (3-18-22)

~~**05. Alcohol.** State laws regulating alcoholic beverages and public drunkenness are enforced within lands administered by the department. (3-18-22)~~

~~**06. Littering.** Littering is prohibited within lands administered by the department. (3-18-22)~~

~~**07. Smoking.** Persons may not smoke within park structures or facilities, or at posted "no smoking" outdoor areas. (3-18-22)~~

~~**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.~~  
(3-18-22)

**095. 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. (3-18-22)

**106. 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. (3-18-22)

**107. 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. (3-18-22)

**128. 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. (3-18-22)

**139. 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. (3-18-22)

**140. 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. (3-18-22)

**151. 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. (3-18-22)

**176. -- 199. (RESERVED)**

**200. CAMPING.**

**01. Occupancy and Capacity.** (3-18-22)

**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. (3-18-22)

**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. (3-18-22)

c. **Facility Capacity.** Maximum capacity limits on each facility are based on facility design, size, and applicable occupancy code. (3-18-22)

**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. (3-18-22)

**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. (3-18-22)

**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. (3-18-22)

**05. Condition of Campsite.** Campers must keep their individual or group campsite or facility and other use areas clean. (3-18-22)

**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. (3-18-22)

**07. Motorized Equipment.** No generators or other motorized equipment emitting sound and exhaust are permitted to be operated during quiet hours. (3-18-22)

**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. (3-18-22)

**09. Equipment.** All camping equipment and personal belongings of a camper must be maintained within the assigned individual or group campsite or facility perimeter. (3-18-22)

**10. Check Out.** Customers are required to clean, vacate, and check out of registered campsites or facilities as follows: (3-18-22)

a. Individual or group campsite by 1 p.m. of the day following the last paid night of camping. (3-18-22)

b. Individual or group facility by ~~12 noon~~ 11 a.m. of the day following the last paid night of camping. ~~(3-18-22)~~ ( )

**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. (3-18-22)

**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. (3-18-22)

**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. (3-18-22)

~~**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. (3-18-22)~~

~~15. **ADA Accessible Facilities.** Although the department offers facilities that provide for ADA accessibility, these facilities are not managed exclusively for ADA use. (3-18-22)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**225. FEES AND SERVICES.**

**01. Authority.** (3-18-22)

**a.** All fees in this chapter are maximum fees unless otherwise stated. The board has the authority to set actual fees by board policy. (3-18-22)

**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. (3-18-22)

**02. Payment.** Visitors must pay all required fees. (3-18-22)

**03. Camping.** Camping fees include the right to use designated campsites and facilities for the period camp fees are paid. Utilities and facilities may be restricted by weather or other factors. (3-18-22)

**04. Group Use.** (3-18-22)

**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. (3-18-22)

**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. (3-18-22)

**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. (3-18-22)

**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 (3-18-22)

**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. (3-18-22)

**07. Admission Fees.** An admission fee may be charged for ~~internal~~ park facilities, areas, programs, or recreational activities which provide an educational opportunity, ~~or~~ require special accommodations or special services. Admission fees are set by the park or program manager and will generally not fall below the cost of providing services. (3-18-22)(    )

**08. Cooperative Fee Programs.** The department may collect and disperse fees in cooperation with fee programs of other state and federal agencies. (3-18-22)

**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). (3-18-22)

~~10. Sales Tax. Applicable sales tax may be added to all sales. (3-18-22)~~

~~140. Returned Checks.~~ The cost to the agency for returned checks will be passed on to the issuer of the insufficient funds check. (3-18-22)

226. -- 244. (RESERVED)

245. FEE SCHEDULE: FEE COLLECTION SURCHARGE.

Category	Fee
Fee Collection Surcharge	\$ <del>25</del> 35/day

(3-18-22)(    )

246. (RESERVED)

247. FEE SCHEDULE: ENTRANCE.

Category	Fee
Daily MVEF	\$ <del>72</del> 0/day/vehicle
Annual MVEF	\$ <del>80</del> 120/year/vehicle
Annual MVEF Replacement	\$5/vehicle
Commercial Motor Vehicle Entrance	\$ <del>50</del> 100/day/vehicle
Admission, <u>Day</u>	\$20/person
<u>Admission, Month</u>	\$100/Person
<u>Admission, Season</u>	\$500/Person

(3-18-22)(    )

248. -- 249. (RESERVED)

250. FEE SCHEDULE: INDIVIDUAL CAMPSITE OR FACILITY.

Category	Fee
Basic Campsite: site may have water	\$ <del>34</del> 72/day
Electric Campsite: site has electricity and may have water	\$ <del>42</del> 90/day
Full Hook-up Campsite: site has electricity, water, and sewer	\$ <del>46</del> 96/day
Companion Campsite: site has electricity and may have water	\$ <del>84</del> 192/day
Hike-in/Bike-in Campsite	\$ <del>12</del> 36/person/day
Extra Vehicle	\$8/day
Overnight Use of Parking Areas	\$20/night/vehicle, trailer, or vehicle with attached trailer

Category	Fee
Use of Campground Showers by Non-campers	\$ <del>3</del> 10/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	\$ <del>50</del> 500

(3-18-22)(    )

251. -- 253. (RESERVED)

254. FEE SCHEDULE: GROUP CAMPSITE OR FACILITY.

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

(3-18-22)

Category	Fee
Reservation Service Charge (non-transferable, non-refundable)	\$ <del>25</del> 50
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

(3-18-22)(    )

255. (RESERVED)

256. FEE SCHEDULE: BOATING FACILITIES.

Boating Facilities:

Category	Fee
Vessel Launching	MVEF or \$ <del>7</del> 20/day/vessel
Overnight moorage at dock or buoy, person staying at campsite or facility and not staying on the vessel	\$ <del>9</del> 30/night
Overnight moorage at dock, person staying on vessel	\$ <del>10</del> 40/night
Overnight moorage at buoy, person staying on vessel	\$ <del>9</del> 30/night

(3-18-22)(    )

257. -- 258. (RESERVED)

~~259. FEE SCHEDULE: WINTER RECREATION PROGRAMS.~~

Category	Fee
<del>Winter Access Daily Pass, individual</del>	<del>\$6/person/day</del>
<del>Winter Access Daily Pass, family</del>	<del>\$100/family/season</del>
<del>Winter Access Season Pass, individual</del>	<del>\$50/person/season</del>

Category	Fee
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

(3-18-22)

~~260.~~—274. (RESERVED)

**275. CRITERIA FOR RESERVATIONS.**

**01. Responsible Party.** (3-18-22)

**a.** The person booking reservations for an individual campsite or facility is responsible for ensuring compliance with the rules within this chapter. (3-18-22)

**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. (3-18-22)

**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. (3-18-22)

**02. Reservation Service Charges, Individual or Group Campsite or Facility.** Reservations are non-transferable (from one party to another). Reservation fees are non-refundable. (3-18-22)

**a.** A reservation service charge may be assessed for each individual or group campsite or facility reserved. (3-18-22)

**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. (3-18-22)

**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. (3-18-22)

**04. Confirmation Requirements.** (3-18-22)

**a.** Confirmation of an individual campsite or facility reservation. Full payment of all required fees must be made before a reservation is confirmed. (3-18-22)

**b.** Confirmation of a designated group campground, group campsite, or group facility reservation. Before a reservation is confirmed, the group leader must: (3-18-22)

**i.** Supply primary occupant (point of contact) name, address, and phone number for multiple bookings of individual campsites for a group. (3-18-22)

**ii.** Pay all required fees for each campsite or facility reserved. (3-18-22)

**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. (3-18-22)



**06. Reservation Cancellations.** (3-18-22)

**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 check-out-in 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. (3-18-22)( )

**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. (3-18-22)

**07. Insufficient Payment.** The department may cancel a customer's reservation for insufficient payment of fees due. (3-18-22)

**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	\$2550
Modification, individual campsite or facility	\$10/campsite or facility
Modification, special use campsite, or facility	First night's fee or daily usage fee
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	First night's fee plus \$50/facility
Cancellation, individual special use campsite or facility, 21 days or less in advance	First night's or daily usage fee

(3-18-22)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**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. (3-18-22)~~

~~6776~~ -- 999. (RESERVED)

# PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** DEPARTMENT OF PARKS AND RECREATION\_\_\_\_\_

**Agency Contact:** Seth Hobbs\_\_\_\_\_ **Phone:** 208-514-2427\_\_\_\_\_

**Date:** 30 August 2023\_\_\_\_\_

**IDAPA, Chapter and Title Number and Chapter Name:**

26.01.20(F) - RULES GOVERNING THE ADMINISTRATION OF PARKS AND RECREATION AREAS AND FACILITIES\_\_\_\_\_

**Fee Rule Status:** X\_\_\_\_\_ **Proposed** \_\_\_\_\_ **Temporary**

**Rulemaking Docket Number:** 26-0120-2301\_\_\_\_\_

## **STATEMENT OF ECONOMIC IMPACT:**

Fees in this chapter are maximum fees. The board has the authority to set actual fees by board policy. Any fee change is presented to the board in a public meeting. Many of the fee caps have been reached with previous board actions and legislative changes for non-residents. This fee cap increase will allow the board the flexibility to increase fees as economic changes deem necessary.