

RESOURCES & CONSERVATION COMMITTEE

ADMINISTRATIVE RULES REVIEW

Table of Contents

2014 Legislative Session

IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities

Docket No. 26-0120-1301 (Fee Rule)	2
LSO Rules Analysis Memo	
Docket No. 26-0120-1302 (Fee Rule)	8
LSO Rules Analysis Memo	

IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

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

DOCKET NO. 26-0120-1301 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective on July, 1 2014.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 67-4210, 67-4223, and 67-4249, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 360 through 363](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to IDAPA 26, Title 1, Chapter 20, Section 250.0.

The rule changes requested are to increase the IDAPA approved Fee Caps by \$10 per night for all Idaho state park campsites and by \$50 per night for Idaho state park Camper Cabins and Yurts, as demonstrated in the following table:

Campsite Type	Current IDAPA Approved Fee	Proposed IDAPA Fee
Primitive Campsite	\$13.00	\$23.00
Standard Campsite	\$16.00	\$26.00
Serviced Campsite/W	\$20.00	\$30.00
Serviced Campsite/E	\$20.00	\$30.00
Serviced Campsite/W, E	\$24.00	\$34.00
Serviced Campsite/W, E, SWR	\$26.00	\$36.00
Companion Campsite	Site type x 2	Site type x 2
Camper Cabins and Yurts	\$150.00	\$200.00

The adjustments are necessary in order for Parks and Recreation to apply the following fee changes:

- Increase the fee charged for all serviced campsite types by \$2 per night for all camping customers;
- Increase the fee charged for all campsites by an additional \$3 per night for all non-resident camping customers;
- Increase the fee charged for all camper cabins and yurts by an additional \$5 per night for all non-resident camping customers; and
- Increase the fee charged for all other overnight facilities (Deluxe Cabins, Cottages, Houses, Group Yurts, Lodges, and Lodge Rooms) and group campsites by an additional 10% per night for all non-resident camping customers.

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 direct result of the fees requested, we are unable to provide a reasonable forecast for future usage numbers for this fiscal impact statement. We cannot predict how many of our customers will be able to continue to consider camping in Idaho's state parks an affordable option. As such, the fiscal impact assumes no decrease in occupancy and has been calculated against averaged site usage using the past three years' occupancy. Revenue potential is \$347,149. The potential revenue generated is split as follows:

- \$156,839 - calculated for a \$2 per night increase to the rate charged for all serviced campsite types for all resident and non-resident camping customers.
- \$190,310 - calculated for fee increases for non-resident camping customers for all overnight stays on all individual and group campsites and facilities.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Tammy L. Kolsky, 208-514-2427.

DATED this November 15, 2013.

Tammy L. Kolsky
Program Manager
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue, Boise, ID 83716-8700
P.O. Box 87320, Boise ID 83720-0065
Telephone: 208-514-2427; FAX 208-334-3741

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED FEE 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(s) 67-4210, 67-4223, and 67-4249, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

October 21, 2013 (Monday); 6 P.M. – 8 P.M.	October 23, 2013 (Wednesday); 6 P.M. – 8 P.M.	October 24, 2013 (Thursday); 6 P.M. – 8 P.M.
5657 Warm Springs Ave Boise, Idaho	2885 Kathleen Ave, Suite 1 Coeur d’Alene, Idaho	4279 Commerce Circle, Suite B Idaho Falls, Idaho

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no 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 Idaho Department of Parks and Recreation proposes changes to IDAPA 26, Title 1, Chapter 20, Section 250.01 to increase the IDAPA approved Fee Caps by \$10 per night for all Idaho state park campsites and by \$50 per night for Idaho state park Camper Cabins and Yurts.

In order to allow time for user notification and system implementation it is further requested that if approved these rule changes go into effect on Tuesday, July 1, 2014.

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

The rule changes requested are to increase the IDAPA approved Fee Caps by \$10 per night for all Idaho state park campsites and by \$50 per night for Idaho state park Camper Cabins and Yurts, as demonstrated in the following table:

Campsite Type	Current IDAPA Approved Fee	Proposed IDAPA Fee
Primitive Campsite	\$13.00	\$23.00
Standard Campsite	\$16.00	\$26.00
Serviced Campsite/W	\$20.00	\$30.00
Serviced Campsite/E	\$20.00	\$30.00
Serviced Campsite/W, E	\$24.00	\$34.00
Serviced Campsite/W, E, SWR	\$26.00	\$36.00
Companion Campsite	Site type x 2	Site type x 2

Campsite Type	Current IDAPA Approved Fee	Proposed IDAPA Fee
Camper Cabins and Yurts	\$150.00	\$200.00

The adjustments are necessary in order for Parks and Recreation to apply the following fee changes:

Increase the fee charged for all serviced campsite types by \$2 per night for all camping customers

Increase the fee charged for all campsites by an additional \$3 per night for all non-resident camping customers.

Increase the fee charged for all camper cabins and yurts by an additional \$5 per night for all non-resident camping customers.

Increase the fee charged for all other overnight facilities (Deluxe Cabins, Cottages, Houses, Group Yurts, Lodges, and Lodge Rooms) and group campsites by an additional 10% per night for all non-resident camping customers.

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:

As a direct result of the fees requested, we are unable to provide a reasonable forecast for future usage numbers for this fiscal impact statement. We cannot predict how many of our customers will be able to continue to consider camping in Idaho's state parks an affordable option. As such, the fiscal impact assumes no decrease in occupancy and has been calculated against averaged site usage using the past three years' occupancy. Revenue potential is \$347,149. The potential revenue generated is split as follows:

\$156,839 - calculated for a \$2 per night increase to the rate charged for all serviced campsite types for all resident and non-resident camping customers.

\$190,310 - calculated for fee increases for non-resident camping customers for all overnight stays on all individual and group campsites and facilities.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted as the changes being requested were first submitted as Temporary Rules. Upon notification that the Temporary Rules were denied, the agency immediately scheduled public hearings.

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: Not Applicable

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Tammy L. Kolsky, 208-514-2427.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Monday, October 28, 2013.

DATED this September 3, 2014.

LSO Rules Analysis Memo

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 26-0120-1301

250. FEE SCHEDULE: CAMPSITES.

01. Campsites:

CAMPSITE FEE TABLE	
Maximum Fee Allowed	
Primitive Campsite No amenities at site, camping area not defined	\$ 42 3/day
Standard Campsite Any defined campsite, either tent pad or RV pad/area (may include: table and/or grill)	\$ 42 6/day
Serviced Campsite/ W Any defined campsite, either tent pad or RV pad/area, with water at site (may include: table and/or grill)	\$ 23 0/day
Serviced Campsite/ E Any defined campsite, either tent pad or RV pad/area, with electricity at site (may include: table and/or grill)	\$ 23 0/day
Serviced Campsite/ W, E Any defined campsite, either tent pad or RV pad/area, with water and electricity at site (may include table and/or grill)	\$ 23 4/day
Serviced Campsite/ W, E, SWR Any defined campsite, either tent pad or RV pad/area, with water, electricity, and sewer at site (may include table and/or grill)	\$ 23 6/day
Companion Campsite May be any campsite type, regardless of amenities, that has greater equipment/people capacity (may include table and/or grill) Fee determined by actual site type.	Site type multiplied by two (2)
Amenity Fee for Central Water Applies to "Standard" campsites in campgrounds with a central water supply. The Amenity Fee is charged in addition to the Standard Campsite fee.	\$2/night

CAMPSITE FEE TABLE Maximum Fee Allowed	
Amenity Fee for Flush-Toilets/Showers Applies to "Standard" campsites in campgrounds with Flush-Toilets/Showers. The Amenity Fee is charged in addition to the Standard Campsite fee.	\$2/night
Use of Campground Showers by Non-campers	\$3/person
Overnight Use Fee per motor vehicle or trailer per night Applies to non-campers leaving a motor vehicle or trailer on park property overnight.	\$10/night
Limited Income Discount - Idaho residents showing proof of limited income (Medicaid card or other evidence approved by the Board) may receive a camping fee discount of:	\$4/day
Resident Disabled Idaho Veterans - Campsite fees are waived for resident Idaho veterans showing proof of a one hundred percent (100%) permanent and total service related disability	
Senior Citizen Discount - Pursuant to Section 67-4223, Idaho Code, and at the discretion of the Director, IDPR may provide, at selected under-utilized locations and times, a senior citizen discount.	Maximum 50% of RV camping fee
Camping Cabins and Yurts	\$150 200/night
Each additional person above the sleeping capacity of camping cabin or yurt	\$12/night

~~(3-27-13)~~()

02. Reservation Service Fees, Individual Campsite or Facility. A non-refundable non-transferable (from one party to another) service charge of ten dollars (\$10) may be assessed for each individual campsite or facility reserved. This fee will be waived for campers with a current Idaho RV registration sticker and reimbursed to the Department by the RV Program. A service charge of ten dollars (\$10) or the first night's fee, whichever is less, will be assessed for the cancellation or modification of each individual campsite or facility reserved that involves reducing the planned length of stay or to change the reservation dates where part of the new stay includes part of the original stay booked (rolling window) if notice is received more than twenty-four (24) hours in advance of the scheduled arrival time. Cancellations or modifications made less than twenty-four (24) hours in advance of the scheduled arrival time shall result in assessment of a ten dollar (\$10) service charge and may require the forfeiture of the first night's camping fee. Modifications that change the original stay so that no part of the new stay includes part of the original stay are to be considered a cancellation and a re-book will be required. (3-30-06)

IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

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

DOCKET NO. 26-0120-1302 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective on July, 1 2014.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 67-4210, 67-4223 and 67-4249, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 364 through 366](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to IDAPA 26, Title 1, Chapter 20, Section 258.05.

This rule change will increase the IDAPA fee caps for the Winter Access Program's existing passes as follows:

- Daily Per Person Pass \$6 (currently \$4);
- Family Season Pass \$100 (currently \$35).

Additionally, this rule change will establish two new Winter Access Program pass types and set IDAPA fee caps for them to be as follows:

- Individual Season Pass \$50;
- Couples Season Pass \$75.

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:

Fiscal impact is based upon historical usage trends computed against new rates. Total projected positive fiscal impact is \$29,636.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions

concerning this pending fee rule, contact Tammy L. Kolsky, 208-514-2427.

DATED this November 15, 2013.

Tammy L. Kolsky
Program Manager
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue, Boise, ID 83716-8700
P.O. Box 87320, Boise ID 83720-0065
Telephone: 208-514-2427; FAX 208-334-3741

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED FEE 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(s) 67-4210, 67-4223, and 67-4249, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

October 21, 2013 (Monday); 6 P.M. – 8 P.M.	October 23, 2013 (Wednesday); 6 P.M. – 8 P.M.	October 24, 2013 (Thursday); 6 P.M. – 8 P.M.
5657 Warm Springs Ave Boise, Idaho	2885 Kathleen Ave, Suite 1 Coeur d'Alene, Idaho	4279 Commerce Circle, Suite B Idaho Falls, Idaho

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no 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 Idaho Department of Parks and Recreation proposes changes to IDAPA 26, Title 1, Chapter 20, Section 258.05 which increase the established IDAPA fee caps for the Winter Access Program passes offered by Harriman and Ponderosa State Parks. Additionally, this rule change will add two new pass types to better meet the pass needs of the program's customers.

In order to allow time for user notification and system implementation, it is further requested that, if approved, these rule changes go into effect on Tuesday, July 1, 2014.

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

increased:

This rule change will increase the IDAPA fee caps for the Winter Access Program's existing passes as follows:

Daily Per Person Pass	\$6	(currently \$4)
Family Season Pass	\$100	(currently 35)

Additionally, this rule change will establish two new Winter Access Program pass types and set IDAPA fee caps for them to be as follows:

Individual Season Pass	\$50
Couples Season Pass	\$75

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:

Fiscal impact is based upon historical usage trends computed against new rates. Total projected positive fiscal impact is \$29,636.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted as the changes being requested were first submitted as Temporary Rules. Upon notification that the Temporary Rules were denied, the agency immediately scheduled public hearings.

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: Not Applicable.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Tammy L. Kolsky, 208-514-2427.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Monday, October 28, 2013.

DATED this September 3, 2014.

LSO Rules Analysis Memo

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 26-0120-1302

258. FEE SCHEDULE: SPECIAL FEES.

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

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

03. Special Charges. The cost to the agency for returned checks will be passed on to the issuer of the insufficient funds check. (4-4-13)

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

~~**05. Winter Access Program Fee.** A fee of four dollars (\$4) per person per day and thirty-five dollars (\$35) per family per season will be required at Board-approved premium winter access locations. These programs may include: maintained parking areas, warming facilities, winter accessible restroom facilities, regularly groomed trails, extensive signing, trail mapping and ski patrol services. (4-4-13)~~

259. FEE SCHEDULE: WINTER ACCESS PROGRAM FEES.

<u>WINTER ACCESS PROGRAM FEE TABLE</u>	
<u>Maximum Fee Allowed</u>	
<u>Winter Access Daily per Person Pass – per person per season</u>	<u>\$6</u>
<u>Winter Access Daily Family Pass – per family per season</u>	<u>\$100</u>
<u>Winter Access Individual Season Pass -- per person per season</u>	<u>\$50</u>
<u>Winter Access Couples Season Pass -- per couple per season</u>	<u>\$75</u>

01. Winter Access Program Fee – Daily Pass. A fee of six dollars (\$6) per person per day and one hundred dollars (\$100) per family per season will be required at Board-approved premium winter access locations. These programs may include: maintained parking areas, warming facilities, winter accessible restroom facilities, regularly groomed trails, extensive signing, trail mapping, and ski patrol services. ()

02. Winter Access Program Fee – Season Pass. A fee of fifty dollars (\$50) per Individual Season Pass per person per winter access season and a fee of seventy-five dollars (\$75) per Couples Season Pass per couple per winter access season will be required at Board-approved premium winter access locations. These programs may include maintained parking areas, warming facilities, winter accessible restroom facilities, regularly groomed trails, extensive signing, train mapping, and ski patrol services. ()

~~259~~**60. -- 274. (RESERVED)**