

IDAHO ADMINISTRATIVE BULLETIN

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THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 97-01

TRANSFER OF FUNDS TO THE DISASTER EMERGENCY ACCOUNT

WHEREAS, due to severe flooding in parts of the state of Idaho, the Office of the Governor, by virtue of the authority vested in me by Idaho Code Sections 46-601 and 46-1008, issued proclamation on the twenty-seventh day of December, 1996, declaring that states of extreme and disaster emergencies existed in the counties of Adams, Boise, Bonner, Boundary, Clearwater, Elmore, Gem, Gooding, Idaho, Latah, Nez Perce, Owyhee, Payette, Shoshone, Valley and Washington; and

WHEREAS, tremendous obligations and expenses have been and will be incurred by various departments and agencies of the state of Idaho in responding to assisting in efforts to deal with the extreme flooding emergency; and

WHEREAS, all funds in the Disaster Emergency Account created by Idaho Code Section 46-1005A have or soon will be expended; and

WHEREAS, no funds in the general account are available to transfer to the Disaster Emergency Account under the requirements set forth in Idaho Code Section 46-1005A(2)(b); and

WHEREAS, the Budget Reserve Fund #0150 is eligible under Idaho Code Section 46-1005A(2)(c) to have moneys transferred from such funds to the Disaster Emergency Account to pay obligations and expenses incurred by the state of Idaho in dealing with the flooding emergency; and

WHEREAS, it is my judgement, as Governor of the state of Idaho, that any moneys transferred from the Budget Reserve Fund up to the limits provided below would not be required to support the current year's appropriation of these funds;

NOW, THEREFORE, I, PHILIP E. BATT, Governor of the state of Idaho, by virtue of the authority vested in me by Section 46-1005A of the Idaho Code do hereby order as follows:

- 1. The state controller is directed to transfer moneys in the Budget Reserve Fund to the Disaster Emergency Account in such amount and at such times as directed by me or my designee, the Administrator of the Division of Financial Management. In no event shall more than five (5) million dollars be transferred from the Budget Reserve Fund to the Disaster Emergency Account during the current fiscal year.*
- 2. In no event may the revenues made available under this executive order exceed, during any fiscal year, one percent (1%) of the annual appropriation of general account moneys for the fiscal year.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise the Capital, the ninth day of January, in the year of our Lord nineteen hundred ninety-seven, and of the Independence of the United States of America the two hundred twenty-first and of the Statehood of Idaho the one hundred seventh.

PHILIP E. BATT
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL
DOCKET NO. 11-1101-9605

NOTICE OF CORRECTION TO PENDING RULE

CORRECTION: The following notice corrects a typographical error made during the publication of this rule. The error was made in the Subsection 11.11.01.115.09 of this rule. The text of the Subsection is being corrected and republished in this notice. The original temporary and proposed rule text was published in the November 6, 1996, Administrative Bulletin, Volume 96-11 on pages 52 through 58. All other text of the rule remains unchanged. This correction is being done in conjunction with the Office of the Administrative Rules Coordinator.

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5109, Idaho Code.

DESCRIPTIVE SUMMARY: The following Subsection is being reprinted to correct the phrase "have be" to "have been."

IDAPA 11.11.01.115.09

09. Appeal. Any handler who thinks there have been improper procedures applied in implementing the standards may report the facts to the Idaho Peace Officer Standards and Training Academy in writing. This report must be filed within thirty (30) days of the testing date. (1-1-97)T

The pending rules are being adopted as proposed. The original text of the proposed rule was published in the November 6, 1996, Administrative Bulletin, Volume 96-11, pages 52 through 58.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the correction to pending rule, contact Mike Becar, at (208) 884-7250.

DATED this 11th day of February, 1997.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO
DOCKET NO. 16-0101-9701

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 04.11.01.810 to .815, notice is hereby given that this agency intends to promulgate a rule and desires public participation in an informal, negotiated rulemaking process prior to the initiation of formal rulemaking procedures by the agency. The negotiated rulemaking action is authorized by Section 39-105, Idaho Code. The formal rulemaking action is authorized by Sections 39-105 and 39-107, Idaho Code. In addition, this rulemaking is mandated by the United States Environmental Protection Agency (EPA) for final interim approval of Idaho's Title V operating permit program pursuant to 61 Fed. Reg. 64,622-35 (December 6, 1996).

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the purpose and substance of the negotiated rulemaking and the principle issues involved:

The rulemaking has been undertaken to address the issues raised by EPA in the proposed interim approval notices published on October 27, 1995 (60 Fed. Reg. 54,990) and June 17, 1996 (61 Fed. Reg. 30,570) and the final interim approval notice published on December 6, 1996 (61 Fed. Reg. 64,622). The purpose of the rule is to make the changes necessary to gain full EPA approval of Idaho's Tier I operating permit program pursuant to Title V of the Clean Air Act. Idaho must address the deficiencies or face loss of primacy and sanctions such as a loss of federal highway funds. The rule will affect persons responsible for facilities affected by the Tier I operating permit program.

A preliminary draft of the text of the rule may be obtained by contacting Jessica Jones at (208)373-0502. Persons interested in participating in the negotiated rulemaking process are encouraged to attend meetings on:

March 26, 1997; April 9, 1997; and April 23, 1997
From 1:30 p.m. to 4:30 p.m. in Conference Room B
Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho.

Interested persons may also participate in the negotiated rulemaking process by submitting written comments as provided below.

The goal of the negotiated rulemaking process will be to develop by consensus the text of a recommended rule. If a consensus is reached, a draft of the rule, incorporating the consensus and any other appropriate information, recommendations, or materials, will be transmitted to the Department for consideration and use in the formal rulemaking process. If a consensus is unable to be achieved on particular issues, the negotiated rulemaking process may result in a report specifying those areas on which consensus was and was not reached, together with arguments for and against positions advocated by various participants. At the conclusion of the negotiated rulemaking process, the Department intends to commence formal rulemaking with the publication of a proposed rule, using and taking into consideration the results of the negotiated rulemaking process. The final rule is expected to be in place and effective upon the conclusion of the 1998 session of the Idaho Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the negotiated rulemaking, contact Sue Richards at (208)373-0502.

Anyone may submit written comments regarding this proposal to initiate negotiated rulemaking. All written comments must be received by the undersigned on or before March 26, 1997.

Dated this 5th day of March, 1997.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
Fax No. (208)373-0481

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

DOCKET NO. 16-0102-9701

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 04.11.01.810 to .815, notice is hereby given that this agency intends to promulgate a rule and desires public participation in an informal, negotiated rulemaking process prior to the initiation of formal rulemaking procedures by the agency. The negotiated rulemaking action is authorized by Section 39-105, Idaho Code. The formal rulemaking action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code, and is being conducted to meet the requirements of the Federal Water Pollution Control Act (Clean Water Act).

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the purpose and substance of the negotiated rulemaking and the principle issues involved:

Negotiated rulemaking is needed to classify as many new waters as possible based on Beneficial Use Reconnaissance Project (BURP) data as directed by Idaho Code Section 39-3601 et seq. The negotiated process will also address several other issues including revisions to the mixing zone policy, private waters exclusion, uses for 50 water bodies currently not meeting fishable/swimmable goals, and temperature criteria for bull trout, Snake River snails, and Kootenai River sturgeon. Additionally, the Department plans to remove those sections of the surface water rule which contain outdated ground water quality standards and may examine the need to revise designated use classes.

The text of the rule will be developed by the Department in conjunction with an advisory committee made up of persons having interests in the development of this rule. The goal of the negotiated rulemaking process will be to develop by consensus the text of a recommended rule. If a consensus is reached, a draft of the rule, incorporating the consensus and any other appropriate information, recommendations, or materials, will be transmitted to the Department for consideration and use in the formal rulemaking process. If a consensus is unable to be achieved on particular issues, the negotiated rulemaking process may result in a report specifying those areas on which consensus was and was not reached, together with arguments for and against positions advocated by various participants. At the conclusion of the negotiated rulemaking process, the Department intends to commence formal rulemaking with the publication of a proposed rule, using and taking into consideration the results of the negotiated rulemaking process. The formal rulemaking process shall be a part of the state's triennial review of the water quality standards. The final rule is expected to be in place and effective upon the conclusion of the 1998 session of the Idaho Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the negotiated rulemaking, contact Mark Shumar at (208)373-0502.

Anyone may submit written comments regarding this proposal to initiate negotiated rulemaking. All written comments must be received by the undersigned on or before March 26, 1997.

Dated this 5th day of March, 1997.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255
Fax No. (208)373-0481

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.11 - GROUND WATER QUALITY RULES

DOCKET NO. 16-0111-9501

NOTICE OF CORRECTION TO PENDING RULE

CORRECTION: The following notice and text are being reprinted due to an error made during the publishing of the rule by the Office of Administrative Rules. The error was made in the Section 301, Subsection 03.b. and is being corrected in this Bulletin. The text is being reprinted as it should read and as it was adopted by the Board. The original notice and text published in the January 1, 1997, Administrative Bulletin, Volume 97-1 on page 119.

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 1997 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Fifty-fourth Idaho Legislature unless prior to that date the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5228, Idaho Code, notice is hereby given that this agency and the Office of the Administrative Rules Coordinator have corrected a pending rule. The action is authorized by Sections 67-5228 and 39-105, 39-107, 39-120, and 39-126, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule along with 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.

In Section 301, Subsection 03.b. the word "categorized" should have been underscored to show it as new language and the word "designated" should have been struck through to show it is being deleted.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction, contact Dennis Stevenson at (208) 334-3558.

DATED this 24th day of January, 1997.

Dennis Stevenson
Office of the Administrative Rules Coordinator
Department of Administration
PO Box 83720
Boise, Idaho 83720-0011

**IDAPA 16
TITLE 01
Chapter 11**

GROUND WATER QUALITY RULE

Only that section that is being corrected is being reprinted in this Bulletin following this notice.

The text of the pending rule and amendment to temporary rule was published in the Idaho Administrative Bulletin, Volume 97-1, January 1, 1997, page 119.

This rule has been adopted as Final by the Agency and is now pending review by the 1997 Idaho State Legislature for final adoption.

TEXT OF CORRECTION TO DOCKET 16-0111-9501

301. MANAGEMENT OF ACTIVITIES WITH THE POTENTIAL TO DEGRADE AQUIFERS.

01. Sensitive Resource Category Aquifers. ()
- a. Activities with the potential to degrade Sensitive Resource aquifers shall be managed in a manner which maintains or improves existing ground water quality through the use of best management practices and best available methods. ()
- b. ~~The~~ Numerical and narrative standards identified in Section 200 shall apply to aquifers or portions of aquifers categorized as Sensitive Resource. In addition, stricter numerical and narrative standards, for specified constituents, may be adopted pursuant to Section 350 on a case by case basis and listed in Section 300. ()
02. General Resource Category Aquifers. ()
- a. Activities with the potential to degrade General Resource aquifers shall be managed in a manner which maintains or improves existing ground water quality through the use of best management practices and best practical methods to the maximum extent practical. ()
- b. Numerical and narrative standards identified in Section 200 shall apply to aquifers or portions of aquifers categorized designated as General Resource. ()
03. Other Resource Category Aquifers. ()
- a. Activities with the potential to degrade Other Resource aquifers shall be managed in a manner which maintains existing ground water quality, except for those identified constituents which may have a less stringent standard, through the use of best management practices and best practical methods to the maximum extent practical. ()
- b. Numerical and narrative standards identified in Section 200 shall apply to aquifers or portions of aquifers categorized designated as Other Resource. In addition, less strict numerical and narrative standards, for specified constituents, may be adopted pursuant to Section 350 on a case by case basis and listed in Section 300. ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.18 - IDAHO LAND REMEDIATION RULES

DOCKET NO. 16-0118-9601

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Fifty-fourth Idaho Legislature unless prior to that date the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution. This rule imposes a nonrefundable application fee and, therefore, shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature in accordance with Sections 67-5224 and 67-5291, Idaho Code. IDAPA 16.01.18 Subsection 020.02.e. contains the nonrefundable application fee.

AUTHORITY: In compliance with Sections 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized by Sections 39-105, 39-107, 39-4405, and 39-7210, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule. There was no change between the text of the proposed rule and the text of the pending rule.

The Department of Health and Welfare, Division of Environmental Quality (Department) received public comments concerning the proposed rule; however, the rule has not been changed in response to the comments. The rule has been adopted as initially proposed in the Idaho Administrative Bulletin, Volume 96-11, November 6, 1996, pages 73 through 85. The Department's Rulemaking and Public Comment Summary, which contains a complete consideration of the issues raised by the public, is included in the rulemaking record maintained by the Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706.

The rule was adopted by the Department because the rule responds to the needs of the regulated community while protecting the public health and environment.

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

IDAPA 16.01.18 Subsection 020.02.e. imposes a nonrefundable application fee of \$250 which will be charged to cover the cost of reviewing an application submitted to the Department to determine a person's eligibility to participate in the voluntary remediation program. Section 39-7210(5), Idaho Code, authorizes imposition of this fee.

With the exception of Subsection 020.02.e., this rule has been adopted as a temporary rule under Docket No. 16-0118-9701 with an effective date of February 14, 1997. Because Section 67-5226(2), Idaho Code, provides that a temporary rule shall not impose a fee unless the Governor finds that the fee is necessary to avoid immediate danger, Subsection 020.02.e. of the pending rule, which does not meet this requirement, has been removed from the temporary rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rule, contact Steve Manning at (208)373-0502.

DATED this 5th day of March, 1997.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255

IDAPA 16
TITLE 01
Chapter 18

IDAHO LAND REMEDIATION RULES

**There are no substantive changes
from the proposed rule text.**

**The original text was published in the Idaho
Administrative Bulletin, Volume 96-11, November 6, 1996,
pages 73 through 85.**

**This rule has been adopted as Final by the Agency
and is now pending review by the
Idaho State Legislature for final adoption.**

IDAPA 26- IDAHO DEPARTMENT OF PARKS AND RECREATION
26.01.20 - RULES GOVERNING THE ADMINISTRATION OF PARK
AND RECREATION AREAS AND FACILITIES

DOCKET NO. 26-0120-9701

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon passage of a concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

Section 010 was modified by the addition of definitions for dock and boating facilities, motorized vehicle entry fee, vessel, and vessel length. Other housekeeping changes were included in the definitions.

Section 050 was changed to reflect the fact that IDPR personnel have limited law enforcement authority outside of department operated facilities.

Section 200 includes a change to campsite occupancy provisions.

Section 201 is a new section which deals with department operated marine facilities. The section addresses overnight boat mooring, and boat camping, together with general rules regarding marine facilities. As originally published this section proposed to charge an overnight moorage fee to vessels moored between the hours of 10:00 p.m. and 7:00 a.m.. This section was changed to charge a vessel moorage fee to vessels moored between 8:00 p.m. and 8:00 a.m. This change was made to improve the ability of the department to enforce the collection of the moorage fee.

Section 225 provides that the board has the authority to set fees for use of facilities and equipment, but allows park personnel to set fees for goods and services unique to the individual park. Also of importance is the addition of a fee collection surcharge. The surcharge is intended as an incentive to encourage park users to pay fees where self-collection systems are in effect. If park personnel are compelled to collect from nonpayors, a surcharge of \$5.00 may be imposed. As originally proposed, the surcharge would only be charged to campers. This provision has been changed in response to comments received and will now be applicable to all self-pay facilities. The subsection pertaining to the application of the MVEF to group use was redesignated and the remainder of the subsections were renumbered as a result of comments received. Finally, the provision which provided for special rates for non profits was deleted.

Section 250 includes numerous changes including an increase in the cost of a developed campsite of \$2.00 per day, and \$1.00 increases in the cost of electrical and sewer hookups. Noncampers will be charged an additional \$1.00 for use of shower facilities. A new fee category for deluxe campsites has been added. These sites accommodate up to 12 people, and are \$22.00 per day.

The Idaho resident senior citizen and disabled discount was eliminated. It is being replaced by a low income discount for Idaho residents. The discount will only be available during the shoulder seasons, September 15 through April 15. The reasoning behind this change is a recognition that most department operated campsites are fully occupied during the summer season. In addition, the change recognizes that the department's concern is to make reasonable cost camping experiences available to all Idahoans, including those on limited incomes. The department believes that evidence of Medicaid eligibility is a better measure of economic disadvantage than age. This provision was modified slightly from the proposed rules by striking the language "of up to." This makes the discount a flat rate, rather than a sliding rate.

Motorized vehicle entry fees are being increased at seven of the most heavily used parks (Farragut, Old Mission, Eagle Island, Lucky Peak, Henry's Lake, Harriman and Ponderosa) with substantial visitor amenities. In these parks

the MVEF increases to \$3.00 per vehicle. The proposed rules included a seasonal increase in the MVEF at Harriman and Ponderosa to reflect the impact of cross-country skiers on park facilities and to assist in providing groomed trails and parking. This seasonal increase has been dropped and Harriman and Ponderosa have been added to the list of parks charging a \$3.00 MVEF. The MVEF remains at \$2.00 at all other facilities which charge an MVEF. Concurrent with the increase in MVEF, annual state park passports increase \$5.00, as will the cost of a discounted annual passport (purchased prior to February 1). Individuals needing additional annual passports for multiple vehicles will pay an additional \$10.00 per passport.

Water slide rides at Eagle Island increase by \$1.00 for a 10 ride bracelet, and by \$2.00 for an all day pass. This is reflective of the construction of a new water slide and the heavy use that it generates.

A new section was added which will allow the department to charge for the rental of yurts and cabins within department facilities.

The returned check surcharge increases to \$20.00 to reflect the cost of the state's collection contractor.

Group use facility fees have been rearranged, making it clear that the \$25.00 reservation fee is applicable to all group use facilities. This charge reflects the cost of processing group use reservations. Groups using department facilities will be required to pay the reservation fee, cleaning deposits, and the first night's camping fee in advance. Group use fees increase at all group use facilities except Farragut. New group use fees have been added for new group facilities at Three Island Crossing. The method of calculating the group use fees at Three Island Crossing was modified from the proposed rule. Group use fees for Walcott State Park, included in the proposed rule have been dropped from the pending rule.

Boating fees include the addition of a launching fee (applicable only at department facilities that do not charge an MVEF). Land based campers who wish to leave a boat moored (unoccupied) overnight will be charged \$5.00 per night. The cost of camping on a boat depends upon the vessel's size and whether it is located at a dock or buoy. Fees range from \$5.00 per night for any length vessel moored at a buoy, to \$11.00 per night for vessels over 26 feet in length moored at a dock.

A fee has been added for use of department operated RV dump stations by non park users.

Section 275 includes reservation changes similar to those for group use reservations, but applicable to individual campers. First nights camping fees must be paid in order for a reservation to be confirmed.

Section 400. The fee increase originally proposed for short-term overnight camping at Lakeview Village was reduced to \$16.00 as a result of staff comment.

Other minor housekeeping changes appear throughout the pending rule.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rules was published in the Idaho Administrative Bulletin, Volume 97-1, pages 276-292.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Rinda Just, Deputy Attorney General, at the address and telephone below.

Dated this 11th day of February, 1997

Rinda Just, Deputy Attorney General
P. O. Box 83720
Boise, ID 83720-0010
Phone: (208) 334-4120 (relay service is available by
calling 1-800-377-1363 (voice)
or 1-800-377-3529 (TDD)).
Fax: 334-2690

TEXT OF DOCKET NO. 26-0120-9701

201. BOATING FACILITIES.

The provisions of this section do not apply to department-operated marinas which provide moorage on a lease basis. ()

01. Moorage and Use of Marine Facilities. ()

a. No person or persons shall moor or berth a vessel of any type in a department-owned or operated park or marine area except in designated facilities. ()

b. In order to afford the general public the greatest possible use of marine facilities, continuous moorage at a facility by the same vessel, person or persons, shall be limited to fifteen (15) consecutive nights, unless otherwise posted by the park manager at any individual facility or area. ()

c. In order to maximize usable space at mooring facilities, boaters shall, whenever necessary, moor their vessels as close as reasonably possible to vessels already moored. Rafting of vessels is also permitted within posted limits, but is not mandatory. ()

d. Use of any state park marine facility shall be on a first-come, first-served basis only. Reserving or retaining space to moor or berth a vessel at any facility by means of a dinghy or any method other than occupying the space by the vessel to be moored is prohibited. ()

e. Dinghies shall be tied up only in designated spaces on moorage facilities. ()

f. Open flames or live coals, or devices containing or using open flames, live coals or combustible materials, including but not limited to barbecues, hibachis, stoves and heaters, are permitted on floats, docks, or piers only when placed on a fireproof base and the fire is located away from fuel tanks and/or fuel vents. In case of dispute related to fire safety, the park manager is authorized to allow or prohibit the use. ()

02. Moorage Fees. ()

a. Vessels moored between 8:00 p.m. and 8:00 a.m. at designated facilities shall be charged an overnight moorage fee. ()

b. Annual moorage permits will be issued to an identified vessel. The charge for annual moorage permits shall be based upon the length of the vessel to which the permit is issued. ()

c. Annual permits shall be visible from outside the vessel and shall be permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or if not equipped with a windshield, to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) trunk. ()

03. Use of Onshore Campsites. If any person or persons from a vessel moored at a department boating facility also occupies any designated campsite onshore, the appropriate established fee for such campsite(s) shall be paid in addition to any moorage fee provided herein. ()

04. Self-registration. In those areas so posted, boaters shall register themselves for the use of marine facilities and onshore campsites, paying the appropriate moorage and campsite fees as provided for herein and in accordance with all posted instructions. ()

2042. -- 224. (RESERVED).

225. FEES AND SERVICES.

01. Authority. ~~The board shall adopt fees for the use of lands, facilities, and equipment. Visitors shall pay all designated fees.~~ (1-1-94)(____)

a. The board shall adopt fees for the use of lands, facilities, and equipment. Visitors shall pay all fees. (____)

b. Park managers shall set fees for goods and services unique to the individual park. With the exception of those fees for services which are appropriately determined by negotiation on a case-by-case basis, all fees set by the park manager shall be clearly posted. (____)

02. Camping. Camping fees include the right to use designated campgrounds sites and facilities. Utilities and facilities may be restricted by weather or other factors. (7-1-93)(____)

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

a. Groups of twenty-five (25) persons or more, or any group needing special considerations or deviations from these rules shall have 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. (1-1-94)

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) to one thousand (1,000) may be approved by the director with forty-five (45) days advance notice. Groups over one thousand (1,000) may be approved by the board with sixty (60) days advance notice. The director may approve groups over one thousand (1,000) with thirty (30) days advance notice, if they are repeat users. (1-1-94)

~~04c. Motorized Vehicle Entrance Fee (MVEF). A The motorized vehicle entry fee may be charged for to groups entering a designated area for a noncamping visit by motorized vehicle.~~ (1-1-94)(____)

054. Fees And Deposits. Fees ~~or~~ and deposits may be required for certain uses or the reservation of certain facilities. (7-1-93)(____)

06. Exceptions. ~~Those public supported groups (by tax dollar or nationally recognized fund drive) which are nondenominational, open to the public and hold no ethnic barriers may negotiate a minimal cost arrangement for facility use. Costs shall be determined by the requirements of the group and the requirements of the department.~~ (1-1-94)

05. Fee Collection Surcharge. A surcharge may be assessed when department staff are compelled to collect fees at a self-collection facility. (____)

(BREAK IN CONTINUITY OF SECTIONS)

250. FEE SCHEDULE.

01. Campsites.

CAMPSITES TABLE	
Primitive Campsite (<u>may include:</u> table, grill, camp-spur, vault toilet, no water.)	\$7.00/day
Basic Campsite (<u>may include:</u> table, grill, camp-spur, central water, vault toilets.)	\$9.00/day
Developed Campsite (<u>may include:</u> table, grill, camp-spur, central water, flush toilets.)	\$10.00 12.00/day

CAMPSITES TABLE	
<u>Deluxe Campsite (designed to accommodate higher occupancy limits of up to twelve (12) persons)</u>	<u>\$22.00/day</u>
Electric hookups at site	additional \$3.00 <u>4.00/day</u>
Sewer hookups at site	additional \$1.00 <u>2.00/day</u>
Use of campground showers by noncampers	\$2.00 <u>3.00/person</u>
<u>Fee collection surcharge</u>	<u>\$5.00/occurrence</u>
Camping fee includes MVEF (see Subsection 250.04. of this chapter).	

(1-1-96)()

02. ~~Idaho Resident~~Low Income Discount.

LOW INCOME DISCOUNT TABLE.	
Idaho residents sixty-five (65) years of age or older and disabled Idaho residents <u>showing proof of limited income (Medicaid card or other evidence as approved by the board) may receive discount from September 15 through April 15 of per day of up to</u>	<u>\$4.00/day</u>
<u>Minimum charge is</u>	<u>\$7.00</u>

(1-1-96)()

03. Campsite Reservations. TABLE.	
Available at Farragut, Hells Gate, Ponderosa and Priest Lake State Parks	\$6.00

(1-1-94)

03. Reservation Service Charge. Where reservations are available a non-refundable service fee of six dollars (\$6) shall be charged. ()

04. Motorized Vehicle Entrance Fee (MVEF).

MOTORIZED VEHICLE ENTRY FEE (MVEF) TABLE.	
Daily charge per motorized vehicle Farragut, Old Mission, Eagle Island, Lucky Peak, Henrys Lake, Harriman, Ponderosa	\$2.00 <u>3.00</u>
<u>All other facilities which charge a MVEF</u>	<u>\$2.00</u>
Daily charge per commercial motor coach (no annual pass available)	\$20.00
Annual State Park Passport per motorized vehicle	\$30.00 <u>35.00</u>
Annual State Park Passport per motorized vehicle if purchased prior to February 1	\$20.00 <u>25.00</u>
Second Vehicle Annual Passport. a- <u>(The second vehicle passport shall be purchased at the same location as the first vehicle passport. A vehicle registration in the same owner's name is required).</u>	\$5.00 <u>10.00</u>

(7-1-96)()

b. ~~The MVEF applies to those persons entering a designated area by motorized vehicle for a noncamping visit. The MVEF does not permit use of campsites.~~ (1-1-94)

05. Eagle Island Waterslide Rides.

EAGLE ISLAND WATERSLIDE RIDES TABLE.	
Bracelet	10 rides for \$3.00 <u>4.00</u>
All day pass	\$6.00 <u>8.00</u>

(7-1-93)()

06. Yurts and Cabins.

<u>YURTS AND CABINS TABLE.</u>	
<u>Up to four (4) persons.</u>	<u>\$30.00/night</u>
<u>Up to six (6) additional persons.</u>	<u>\$4.00 each/night</u>

()

<u>06. Group Use Fees. TABLE.</u>	
Minimum reservation fee	\$25.00
Additional fee may be charged depending on the cost of providing the services. Reservation fee is nonrefundable. Contact the park manager.	
Special groups and overnight camping (per person)	\$2.00
The following minimum fees apply to group use at Farragut State Park:	
Thimbleberry	\$70.00
Kestrel	\$120.00
Nighthawk	\$240.00
Buttonhook Area A	\$50.00
Buttonhook Area B	\$80.00
Buttonhook Area C	\$30.00
Commercial group fees may be negotiated contract the park manager)	

(7-1-96)

07. Extra Vehicle. TABLE:	
One (1) extra vehicle allowed to park within the camp spur as long as it fits entirely, or in an overflow area, per night	\$5.00
Extra vehicle cannot be a camping unit.	

(1-1-96)

07. Extra Vehicle. One (1) extra vehicle is allowed to park either within the camp spur (so long as it fits entirely within the spur), or in an overflow area, for five dollars (\$5)/day. ()

08. Special Charges. TABLE:	
Returned checks—fee charged for checks returned because of insufficient funds	\$10.00

08. Special Charges. A fee of twenty dollars (\$20) will be charged for each check returned for insufficient funds. ()

09. Group Facility Fees. TABLE ()

a. A minimum reservation service charge of twenty-five dollars (\$25) will be charged for each group usereservation. Additional charges may be imposed depending upon the cost of providing services (contact the park manager). ()

b. Groups using overnight facilities shall be charged two dollars (\$2) per person per night camping fees. ()

c. The reservation service charge together with the first night group use fee and any required deposits are required to confirm a group use facility reservation. The reservation service charge is non-refundable. First night group use fee will be refunded if notice of cancellation is provided not later than 2:00 p.m., local time, ten (10) days prior to date of scheduled arrival. ()

d. Cleaning deposits may be required for certain facilities. Where cleaning deposits are required, they must be paid along with the reservation service charge and first night group use fee. Cleaning deposits will be fully refunded if the facilities are left in the same condition in which they were accepted. ()

e. Commercial group use fees may be negotiated (contact the park manager). ()

f. Fee Table. ()

FARRAGUT STATE PARK	
	(minimum fee per day)
<u>Thimbleberry</u>	<u>\$90.00</u>
<u>Kestrel</u>	<u>\$150.00</u>

FARRAGUT STATE PARK	
<u>Nighthawk</u>	<u>\$300.00</u>
<u>Buttonhook--Larch</u>	<u>\$70.00</u>
<u>Buttonhook--Oceanspray</u>	<u>\$90.00</u>
<u>Buttonhook--Saw-Whet</u>	<u>\$50.00</u>
<u>Cleaning Deposit</u>	<u>\$100.00</u>

HARRIMAN STATE PARK DORMITORY AND COOKHOUSE	
Dormitory (includes use of the <u>and</u> cookhouse) per person per night (fifteen (15) person minimum, forty (40) person maximum).	\$10.00 <u>12.00/night</u>
*Reservation Fee (refundable up to fifteen (15) days prior to your visit):	\$25.00
Cleaning Deposit	\$100.00 <u>150.00</u>
<u>Boy's House (Maximum capacity--Seventy (70) persons)</u>	
<u>Up to four (4) hours</u>	<u>\$50.00</u>
<u>Full day</u>	<u>\$80.00</u>
<u>Cleaning deposit</u>	<u>\$50.00</u>
This shall be paid along with the balance of the rental fee no later than fifteen (15) days prior to your visit. The cleaning deposit shall be fully refunded if the buildings are left in the same condition in which they were first accepted.	

GROUP CAMP AT LIONHEAD UNIT OF PRIEST LAKE STATE PARK	
Use of <u>g</u>Group <u>e</u>Camp area per day (including kitchen and sleeping quarters):	\$150.00 <u>175.00/day</u>
RV hookups per official <u>See</u> fee schedule set by Subsection 250.01 of this chapter:	
* Reservation Fee \$25.00 Cleaning Deposit may be required, not to exceed	\$50.00
This shall be paid along with the reservation fee no later than fifteen (15) days prior to your visit. The cleaning deposit shall be fully refunded if the building is left in the same condition in which it was first accepted.	

<u>THREE ISLAND CROSSING STATE PARK</u>	
<u>Group Camp (per day)</u>	<u>The basic campsite fee as set out in Subsection 250.01. In addition to the \$25.00 group reservation fee required by Subsection 250.08.a., a site reservation fee of \$6.00 will be charged for each campsite reserved.</u>

THREE MEADOWS GROUP CAMP WITHIN DWORSHAK STATE PARK	
Basic daily rate (includes lodge and two (2) sleeping cabins)	\$195.00 <u>225.00</u>
Lodge rental (day-use only) (per day)	\$50.00 <u>75.00/day</u>
Additional sleeping cabins (per night)	\$45.00 <u>50.00/night</u>
Group leader cabin rental (per night)	\$45.00 <u>50.00/night</u>
Tent sites	\$8.00 <u>9.00/night</u>
RV sites	\$10.00 <u>15.00/night</u>
* <u>Reservation Fee</u>	<u>\$25.00</u>
Cleaning Deposit	\$150.00
* <u>This shall be paid along with the balance of the rental fee no later than fifteen (15) days prior to your visit. The cleaning deposit shall be fully refunded if the buildings are left in the same condition in which they were first accepted.</u>	
* <u>Criteria for group use reservations contained in Section 300 of this chapter applies, except under Subsection 300.01. of this chapter, reservation requests for group facility use shall be accepted for the next calendar year by mail only with a post date on or after October 1. Notwithstanding the provisions of Subsection 300 of this chapter, reservation requests for group use facilities at Three Meadows Group Camp will be accepted by mail on and after October 1 for the following calendar year.</u>	

(7-1-96)()

10. Boating Facilities.

<u>BOATING FACILITIES TABLE</u>	
<u>Vessel launching (per vessel)</u> <u>(Annual park passport, daily MVEF, or payment of camping fees applies toward vessel launching fees)</u>	<u>\$2.00/ day</u>
<u>Overnight moorage--any length of vessel. (Applicable to persons who have paid for a park campsite and are not camping on the vessel)</u>	<u>\$5.00/night</u>
<u>Overnight moorage--persons camping on vessel</u>	
<u>Vessels under twenty-six (26) feet</u>	<u>\$8.00/night</u>

<u>BOATING FACILITIES TABLE</u>	
<u>Vessels twenty-six (26) feet and over</u>	<u>\$11.00/night</u>
<u>Any length vessel moored at buoy</u>	<u>\$5.00/night</u>

- ()
11. RV Dump Station Fees. ()
- a. A fee of two dollars (\$2) shall be charged for use of department dump stations. ()
- b. Annual park passport, daily MVE For payment of campsite fees will apply toward use of RV dump stations.
 ()
102. 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)
143. Sales Tax. All fees include applicable state tax. (7-1-93)
124. Length Of Stay. Fifteen (15) days in any thirty (30) day period. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

400. RENTAL RATES FOR SHORT-TERM CAMPING SITES WITHIN LAKEVIEW VILLAGE ADJACENT TO PONDEROSA STATE PARK. TABLE

Overnight camping, per night,	\$13.00 <u>16.00/night</u>
(less than thirty (30) nights) (see Subsection 250.01. of this chapter).	
Overnight camping, per night, (thirty (30) nights or more, paid in advance) <u>shall be at</u>	
the same rate as established in Section IDAPA 26.01.20.375 of this chapter for long-term camping sites with additional days pro rated at the monthly rate.	
Reservations are available subject to the terms of Section 275- of this chapter.	

(7-1-94)()

IDAPA 37 - DEPARTMENT OF WATER RESOURCES
37.02.02 - RULES GOVERNING THE IDAHO WATER RESOURCE FUNDING PROGRAMS
DOCKET NO. 37-0202-9601

NOTICE OF CORRECTION OF PENDING RULE

CORRECTION: The following text is being reprinted due to a transcription error made in the proposed rule. The error was made in Subsection 050.01 and is being corrected in this notice. The original docket published in the August 7, 1996, Administrative Bulletin, Volume 96-8 on pages 952 through 958. Only the section of the rule that is being corrected is being republished in this Bulletin.

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5228, Idaho Code, notice is hereby given that this agency and the Office of the Administrative Rules Coordinator is correcting a pending rule.

DESCRIPTIVE SUMMARY: The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 96-8, pages 952 through 958. The remaining pending rules are being adopted as proposed, with the correction being made to Subsection 050.01. In the proposed rule the word "loan" was inadvertently omitted from the text. It is being added back into the rule and will be submitted to the 54th Idaho Legislature for final approval and adoption.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction to the pending rule, contact Dennis Stevenson, Office of the Administrative Rules Coordinator, at (208) 334-3577.

DATED this 30th day of January, 1997.

KARL DREHER
DIRECTOR, Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

IDAPA37
TITLE 02
Chapter 02

RULES GOVERNING THE IDAHO WATER RESOURCE FUNDING PROGRAMS

**Only those sections that have changed from the original proposed text are
printed in this Bulletin following this notice.**

**The complete original text was published in the Idaho Administrative Bulletin,
Volume 96-8, August 7, 1996, pages 952 through 958.**

**This rule has been adopted as Final by the Agency and is now
pending review by the 1997 Idaho State Legislature for final adoption.**

CORRECTED TEXT OF PENDING RULE DOCKET NO. 37-0202-9601

050. BOARD ACTION (Rule 50).

01. Prepare Resolution. If a loan or grant is to be ~~committed~~ obligated, the Board will prepare a resolution committing the funds, ~~which~~. The resolution may include findings of fact with respect to: ~~(7-1-93)()~~

a. The ~~plan~~ project or study does not conflict with the Idaho State Water Plan; ~~(7-1-93)()~~

b. The proposed project or study is feasible from an engineering and legal standpoint and is ~~economically and~~ financially justified; ~~(7-1-93)()~~

c. ~~The plan for development of the proposed project is satisfactory;~~ ~~(7-1-93)~~

d. The applicant is qualified ~~and responsible~~; ~~(7-1-93)()~~

e. There is reasonable assurance that the ~~borrower~~ applicant can and will repay ~~any~~ the loan; ~~(7-1-93)()~~

f. ~~The loan does not exceed \$500,000 if the loan is to be made from state appropriations.~~ ~~(7-1-93)~~

~~02. Analysis and Consideration. During the board meeting, the director's analysis will be given and the Board will then consider the resolution. The Board may approve, deny, or approve with conditions, or refer the application to the Director for further study. (7-1-93)~~

~~0302. Other. The board's resolution will also identify the applicant, the purpose of the loan or grant, the project location, specify the maximum amount of the loan or grant, the interest rate and repayment period, and other conditions to be placed on the loan or grant. (7-1-93)()~~

03. Analysis and Consideration. During the board meeting, the staff analysis will be presented and the Board will then consider its resolution. The Board may approve, deny, or approve with conditions, or refer the application to the Director for further analysis. ()

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