

IDAHO ADMINISTRATIVE BULLETIN

July 6, 2011 -- Volume 11-7

Idaho Department of Administration
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IDAHO ADMINISTRATIVE BULLETIN

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Preface

The Idaho Administrative Bulletin is a monthly publication of the Office of the Administrative Rules Coordinator, Department of Administration, pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all administrative rulemaking documents in Idaho that are statutorily required to be published in the Bulletin. All official rulemaking notices, official rule text, executive orders of the Governor, all legislative documents affecting rules, and other such documents an agency may want promulgated through the Bulletin.

State agencies are required to provide public notice of all proposed rulemaking actions and must invite public input once formal rulemaking procedures have been initiated. The public receives notice that an agency has initiated formal rulemaking procedures through the Idaho Administrative Bulletin and a Public Notice of Intent (legal notice) that publishes in specific newspapers throughout the state. The legal notice provides reasonable opportunity for the public to participate when a proposed rule publishes in the Bulletin. Interested parties can submit written comments to the agency or request public hearings of the agency if none have been scheduled. Such submissions or requests must be presented to the agency within the time and manner specified in the individual "Notice of Rulemaking" for each proposed rule that is published in the Bulletin. After the comment period closes, the agency considers fully all information submitted regarding the proposed rule. Comment periods and public hearings are not provided for when the agency adopts a temporary or pending rule.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is cited by year and issue number. For example, Bulletin **09-1** refers to the first Bulletin issued in calendar year **2009**; Bulletin **10-1** refers to the first Bulletin issued in calendar year **2010**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **10-1** refers to January 2010; Volume No. **10-2** refers to February 2010; and so forth. Example: The Bulletin published in January 2010 is cited as Volume **10-1**. The December 2009 Bulletin is cited as Volume **09-12**.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

The **Idaho Administrative Code** is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are only published in the Bulletin and **not** printed in the Administrative Code.

To determine if a particular rule remains in effect or whether any amendments have been made to the rule, the reader should refer to the **Cumulative Rulemaking Index** that can be accessed through the Administrative Rules homepage at adminrules.idaho.gov.

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho's administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises five distinct activities: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings incorporate all five of these actions. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies often engage in negotiated rulemaking at the beginning of the process to facilitate consensus building in controversial or complex rulemakings. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of administrative rule.

NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested parties and the agency seek consensus on the content of a rule. Agencies are encouraged, and in some cases required, to engage in this rulemaking activity whenever it is feasible to do so. Publication of a “Notice of Intent to Promulgate - Negotiated Rulemaking” in the Administrative Bulletin by the agency is optional. This process normally results in the formulation of a proposed and the initiation of formal rulemaking procedures but the result may also be that formal rulemaking is not initiated and no further action is taken by the agency. The rulemaking effectively stops before it gets started.

PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a “Notice of Rulemaking - Proposed Rule” in the Bulletin. This notice must include:

- a) the specific statutory authority (from Idaho Code) for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking;
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;
- c) 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 when the pending rule will become effective; provided, however, that notwithstanding Section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or enforceability of the rule.
- d) the text of the proposed rule prepared in legislative format;
- e) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;
- f) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;
- g) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and
- h) the deadline for public (written) comments on the proposed rule.

Any proposed rulemaking that is submitted for publication in the Bulletin that would impose a fee or charge must be accompanied by a cost/benefit analysis that is prepared by the agency. This cost/benefit analysis must estimate, as reasonably as possible, the costs to the agency to implement the rule and the estimated costs that would be borne by citizens or the private sector. This analysis is filed with the Director of LSO who then forwards it to the appropriate germane joint subcommittee assigned to review the promulgating agency’s proposed rules.

When incorporating by reference, the notice of proposed rulemaking must include a brief synopsis detailing the need to incorporate by reference any additional materials into the rule. The agency must also provide information regarding access to the incorporated materials. At a minimum, and when available, the agency must provide an electronic link to the documents that can be accessed on a website or post this information on its own website, or both. This link can be placed into the rule and activated once it is posted on the Coordinator’s website.

As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may proceed to the pending rule stage. A proposed rule does not have an assigned effective date, even when published in conjunction with a temporary rule, and therefore, is not enforceable. An agency may vacate (terminate) a rulemaking after the publication of a proposed rule if it decides, for whatever reason, not to proceed further to finalize the rulemaking. The publication of a “Notice of Vacation of Proposed Rulemaking” in the Bulletin officially stops the formal rulemaking process.

TEMPORARY RULEMAKING

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) protection of the public health, safety, or welfare; or
- b) compliance with deadlines in amendments to governing law or federal programs; or
- c) conferring a benefit.

If a rulemaking meets one or more of the above legal criteria and the governor finds it is necessary that a rule become effective before it has been submitted to the legislature for review and approval and without allowing for any public input, the agency may proceed and adopt a temporary rule. The law allows that agency to make a temporary rule immediately effective upon adoption. However, a temporary rule that imposes a fee or charge may be adopted only if the governor finds that the fee or charge is necessary to avoid an immediate danger which justifies the imposition of the fee or charge.

A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is extended by concurrent resolution, is replaced by a final rule, or expires under its own terms.

State law requires that the text of both a proposed rule and a temporary rule be published in the Administrative Bulletin. In cases where the text of the temporary rule is the same as the proposed rule, the rulemaking can be done concurrently as a proposed/temporary rule. Combining the rulemaking allows for a single publication of the text.

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rule that is being vacated, the agency, in most instances, will rescind the temporary rule.

PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule.

When a pending rule is published in the Bulletin, the agency is required to include certain information in the "Notice of Rulemaking Pending Rule." This includes:

- a) a statement giving the reasons for adopting the rule;
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;
- c) the date the pending rule will become final and effective and a statement that the pending rule may be rejected, amended or modified by concurrent resolution of the legislature;
- d) an identification of any portion of the rule imposing or increasing a fee or charge and a statement that this portion of the rule shall not become final and effective unless affirmatively approved by concurrent resolution of the legislature;
- (e) the specific statutory authority for the rulemaking including a citation to the specific section of the Idaho Code that has occasioned the rulemaking, or the federal statute or regulation if that is the basis of authority or requirement for the rulemaking; and
- (f) 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 when the pending rule will become

effective; provided however, that notwithstanding section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or the enforceability of the rule.

Agencies are required to republish the text of the rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the Section(s) that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the "Notice of Pending Rulemaking" is published.

FINAL RULEMAKING

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is in effect and enforceable.

No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that an agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution may be adopted to reject the rulemaking or any part thereof. A "Notice of Final Rule" must be published in the Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule reviewed by the legislature and not rejected, amended or modified becomes final with no further legislative action. No rule shall become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule that is final and effective may be applied retroactively, as provided in the rule.

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

Internet Access - The Administrative Code and Administrative Bulletin are available on the Internet at the following address: adminrules.idaho.gov

SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, telephone (208) 332-1820.

The Idaho Administrative Code - annual subscription on CD-ROM. The Code is an annual compilation of all final administrative rules and all enforceable temporary rules and also includes all executive orders of the Governor that have published in the Bulletin, all legislative documents affecting rules, a table of contents, reference guides, and a subject index.

The Idaho Administrative Bulletin - annual subscription available on individual CD-ROM sent out monthly. The Bulletin is an official monthly publication of the State of Idaho and is available for purchase on CD-ROM only. Yearly subscriptions or individual CD-ROM's are available for purchase.

Internet Access - The Administrative Code and Administrative Bulletin, and many other rules-related documents are available on the Internet at the following address: adminrules.idaho.gov

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the **Idaho Administrative Bulletin** are organized by a numbering system. Each state agency has a two-digit identification code number known as the “**IDAPA**” number. (The “IDAPA” Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit “TITLE” number is assigned. There are “CHAPTER” numbers assigned within the Title and the rule text is divided among major sections with a number of subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.200.02.c.ii.

“**IDAPA**” refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

“**38.**” refers to the Idaho Department of Administration

“**05.**” refers to Title **05**, which is the Department of Administrations’s Division of Purchasing

“**01.**” refers to Chapter **01** of Title 05, “Rules of the Division of Purchasing”

“**200.**” refers to Major Section **200**, “Content of the Invitation to Bid”

“**02.**” refers to Subsection 200.02.

“**c.**” refers to Subsection 200.02.c.

“**ii.**” refers to Subsection 200.02.c.ii.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a “DOCKET NUMBER.” The “Docket Number” is a series of numbers separated by a hyphen “-”, (**38-0501-1001**). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket number:

“DOCKET NO. 38-0501-1001”

“**38-**” denotes the agency’s **IDAPA** number; in this case the Department of Administration.

“**0501-**” refers to the **TITLE AND CHAPTER** numbers of the agency rule being promulgated; in this case the Division of Purchasing (**TITLE 05**), Rules of the Division of Purchasing (**Chapter 01**).

“**1001**” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in **calendar year 2010**. A subsequent rulemaking on this same rule chapter in calendar year 2010 would be designated as “**1002**”. The docket number in this scenario would be 38-0501-**1002**.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section “200” appears before Section “345” and so on). Whenever the sequence of the numbering is broken the following statement will appear:

(BREAK IN CONTINUITY OF SECTIONS)

INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection of a rule that is part of the same rule, a typical internal citation may appear as follows:

“...as found in Section 201 of these rules.” OR “...in accordance with Subsection 201.06.c. of these rules.”

The citation may also include the IDAPA, Title, or Chapter number, as follows”

“...in accordance with IDAPA 38.05.01.201...”

“38” denotes the IDAPA number of the agency.

“05” denotes the TITLE number of the rule.

“01” denotes the Chapter number of the rule.

“201” denotes the main Section number of the rule to which the citation refers.

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

“...as outlined in the Rules of the Department of Administration, IDAPA 38.04.04, “Rules Governing Capitol Mall Parking.”

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2011

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
11-1	January 2011	*November 19, 2010	January 5, 2011	January 26, 2011
11-2	February 2011	January 14, 2011	February 2, 2011	February 23, 2011
11-3	March 2011	February 11, 2011	March 2, 2011	March 23, 2011
11-4	April 2011	March 11, 2011	April 6, 2011	April 27, 2011
11-5	May 2011	April 8, 2011	May 4, 2011	May 25, 2011
11-6	June 2011	May 13, 2011	June 1, 2011	June 22, 2011
11-7	July 2011	June 10, 2011	July 6, 2011	July 27, 2011
11-8	August 2011	July 8, 2011	August 3, 2011	August 24, 2011
11-9	September 2011	August 5, 2011	September 7, 2011	September 28, 2011
11-10	October 2011	**August 31, 2011	October 5, 2011	October 26, 2011
11-11	November 2011	October 7, 2011	November 2, 2011	November 23, 2011
11-12	December 2011	November 4, 2011	December 7, 2011	December 28, 2011

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2012

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
12-1	January 2012	*November 25, 2011	January 4, 2012	January 25, 2012
12-2	February 2012	January 13, 2012	February 1, 2012	February 22, 2012
12-3	March 2012	February 10, 2012	March 7, 2012	March 28, 2012
12-4	April 2012	March 9, 2012	April 4, 2012	April 25, 2012
12-5	May 2012	April 6, 2012	May 2, 2012	May 23, 2012
12-6	June 2012	May 4, 2012	June 6, 2012	June 27, 2012
12-7	July 2012	June 8, 2012	July 4, 2012	July 25, 2012
12-8	August 2012	July 6, 2012	August 1, 2012	August 22, 2012
12-9	September 2012	August 3, 2012	September 5, 2012	September 28, 2012
12-10	October 2012	**August 31, 2012	October 3, 2012	October 24, 2012
12-11	November 2012	October 5, 2012	November 7, 2012	November 28, 2012
12-12	December 2012	November 2, 2012	December 5, 2012	December 26, 2012

****Last day to submit a proposed rulemaking before moratorium begins and last day to submit a pending rule to be reviewed by the legislature.***

*****Last day to submit a proposed rule in order to have the rulemaking completed and submitted for review by legislature.***

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IDAPA 03	Athletic Commission
IDAPA 04	Attorney General , Office of the
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IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.18 - RULES GOVERNING CAFO SITE ADVISORY TEAM

DOCKET NO. 02-0418-1101

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 22-110(1), Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Wednesday, July 13, 2011 -- 9:00 am

**Idaho State Department of Agriculture
2270 Old Penitentiary Road, Boise, ID**

Additional public meetings are not anticipated. Please contact the Idaho State Department of Agriculture ("ISDA") at 208-332-8550 to be included on the distribution list for the meeting announcements and materials.

The meeting 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.

METHOD OF PARTICIPATION: Persons wishing to participate in the informal negotiated rulemaking must do the following:

1. A person may attend the negotiated rule making meeting; or
2. A person may deliver written comments via U.S. Postal Mail, email to the undersigned, or facsimile on or before August 15, 2011.

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

House Bill No. 150 aa was passed and effective April 5, 2011 amending Chapter 65, Title 67, Idaho Code. The current Rules Governing CAFO Site Advisory Team (IDAPA 02.04.18) will be amended through negotiated rulemaking to carry out the intent of the legislation. The amendments will be centered on incorporating new county CAFO definitions and establishing the application fees for the CAFO Site Advisory Team.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the negotiated rulemaking, contact John Bilderback, Section Manager, Dairy and CAFO Programs, 208-332-8550 or john.bilderback@agri.idaho.gov.

Anyone may deliver written comments regarding the negotiated rulemaking on or before August 15, 2011.

Signed this 9th day of June, 2011.

Brian J. Oakey
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road, Boise, ID 83712
P.O. Box 790, Boise, ID 83701-0790
p: (208) 322-8500; f: (208) 332-4062

IDAPA 02 - DEPARTMENT OF AGRICULTURE
02.04.30 - RULES GOVERNING NUTRIENT MANAGEMENT

DOCKET NO. 02-0430-1101

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 22-110(1), Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Thursday, July 14, 2011 -- 9:00 am

**Idaho State Department of Agriculture
2270 Old Penitentiary Road, Boise, ID**

Additional public meetings are not anticipated. Please contact the Idaho State Department of Agriculture ("ISDA") at 208-332-8550 to be included on the distribution list for the meeting announcements and materials.

The meeting 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.

METHOD OF PARTICIPATION: Persons wishing to participate in the informal negotiated rulemaking must do the following:

1. A person may attend the negotiated rule making meeting(s); or
2. A person may deliver written comments via U.S. Postal Mail, email to the undersigned, or facsimile on or before August 15, 2011.

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

House Bill No. 206 was passed with an emergency clause and became effective April 6, 2011. The bill established the Poultry Environmental Act, Title 25, Chapter 40, Idaho Code. The statutory change necessitated amendments to IDAPA 02.04.30, Rules Governing Nutrient Management, including adding the definition of "poultry concentrated animal feeding operations" and revising the rule to incorporate the most current publication (June 2007) by the United States Department of Agriculture Idaho Natural Resources Conservation Service Conservation Practice Standard, Nutrient Management Code 590 as the nutrient management standard for poultry concentrated animal feeding operations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the negotiated rulemaking, contact Hilary Collinsworth, Nutrient Management Program Manager, 208-332-8550 or hilary.collinsworth@agri.idaho.gov.

Anyone may deliver written comments regarding the negotiated rulemaking on or before August 15, 2011.

Signed this 9th Day of June, 2011.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road, Boise, ID 83712
P.O. Box 790, Boise, ID 83701-0790
Phone: (208) 322-8500 / Fax: (208) 332-4062

IDAPA 02 - DEPARTMENT OF AGRICULTURE
02.04.32 - RULES GOVERNING POULTRY OPERATIONS

DOCKET NO. 02-0432-1101

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 22-110(1), Idaho Code.

MEETING SCHEDULE: A public negotiated rulemaking meeting will be held as follows:

Wednesday, July 13, 2011 -- 1:00 pm

**Idaho State Department of Agriculture
2270 Old Penitentiary Road, Boise, ID**

At least one (1) additional meeting is expected to be held but the additional meeting date has not been set. Please contact the Idaho State Department of Agriculture ("ISDA") at 208-332-8550 to be included on the distribution list for the meeting announcements and materials.

The meeting 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.

METHOD OF PARTICIPATION: Persons wishing to participate in the informal negotiated rulemaking must do the following:

1. A person may attend the negotiated rule making meeting(s); or
2. A person may deliver written comments via U.S. Postal Mail, email, or facsimile to the undersigned on or before August 15, 2011.

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

House Bill No. 206 was passed and effective April 6, 2011 upon Governor Otter's signature establishing the Poultry Environmental Act, Title 25, Chapter 40, Idaho Code. These rules will be proposed as IDAPA 02.04.32, Rules Governing Poultry Operations, and will be promulgated by rule negotiation to specifically carry out the provisions pursuant to the law.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the negotiated rulemaking, contact John Bilderback, Section Manager, Dairy and CAFO Programs, 208-332-8550 or john.bilderback@agri.idaho.gov.

Anyone may deliver written comments regarding the negotiated rulemaking on or before August 15, 2011.

Signed this 27th Day of May, 2011.

Brian J. Oakey
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road, Boise, ID 83712
P.O. Box 790, Boise, ID 83701-0790
phone; (208) 322-8500
facsimile: (208) 332-4062

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.33 - RULES GOVERNING MILK AND CREAM PROCUREMENT AND TESTING

DOCKET NO. 02-0433-1101

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 22-110(1), Idaho Code.

MEETING SCHEDULE: Public negotiated rulemaking meetings will be held during June, July, and/or August 2011. Please contact the Idaho State Department of Agriculture ("ISDA") at 208-332-8550 to be included on the distribution list for the meeting announcements.

The meeting 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.

METHOD OF PARTICIPATION: Persons wishing to participate in the informal negotiated rulemaking must do the following:

1. A person may attend the negotiated rule making meeting(s); or
2. A person may deliver written comments via U.S. Postal Mail, email, or facsimile to the undersigned on or before August 15, 2011.

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

House Bill 152 amending Chapter 5, Title 37, Idaho Code, Inspection and Licensing of Dairy Product Dealers and Establishments Milk Components and Quality Testing, will become effective July 1, 2011. The Idaho State Department of Agriculture will negotiate a new rule under IDAPA 02.04.33 Rules Governing Milk and Cream Procurement and Testing. The negotiated rule process will be conducted to provide specific parameters and protocols for milk component testing.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the negotiated rulemaking, contact Marv Patten, Bureau Chief, Dairy and CAFO Programs, 208-332-8550 or marv.patten@agri.idaho.gov.

Anyone may deliver written comments regarding the negotiated rulemaking on or before August 15, 2011.

Signed this 27th Day of May, 2011.

Brian J. Oakey
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road, Boise, ID 83712
P.O. Box 790, Boise, ID 83701-0790
Phone: (208) 322-8500
Fax: (208) 332-4062

IDAPA 08 - STATE BOARD AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1101

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 18, 2011.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105, 33-107, 33-2002, Idaho Code, and 34 CFR Part 200 Elementary and Secondary Education Act.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 20, 2011.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In September 2010, the ISAT-Alternate Achievement Standards were approved by the State Board of Education and incorporated by reference into the rule under temporary rule docket 08-0203-1001 which expired sine die 2011. The rulemaking is now being promulgated as a temporary and proposed rule to include the latest revisions. The revisions of the ISAT-Alt to a portfolio system in mathematics, science, reading and language usage during the 2009-2010 school year required that new achievement standards be set. In addition, the science and mathematics achievement levels were reset in April 2011 based on the recommendations of the standards setting participants to add a fourth complexity level.

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

To maintain compliance with deadlines in amendments to governing law.

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:

If the achievement standards are not approved and consequently the ISAT-Alt scoring cannot be completed, Idaho could lose 25%, or \$105,000, of its Title I administrative funding in the form of a compliance fine from the U.S. Department of Education.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need to be in compliance with the requirements of the Elementary and Secondary Education Act, which must be completed during June-July 2011. The alternate achievement standards are necessary to calculate Adequate Yearly Progress for schools and districts that have students who take the alternate assessment. Without those standards to do the calculations the state would be in violation of the requirements of the Act.

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:

The alternate achievement standards for the alternate assessment were established in the Incorporation by Reference section of the rule at the onset of the alternate assessment program dating back to 2005. This change is an update to the current standards that are incorporated by reference effective May 18, 2011.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact: Carissa Miller, Deputy Superintendent,

Division of Assessment, State Department of Education, P.O. Box 83720, Boise, Idaho 83720-0027, cmiller@sde.idaho.gov, 208-332-6901.

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 July 27, 2011.

DATED this 31st day of May, 2011.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT FOR DOCKET NO. 08-0203-1101

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-30-07)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (3-29-10)

- a.** Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- b.** Health, as revised and adopted on April 17, 2009. (3-29-10)
- c.** Humanities Categories: (3-29-10)
 - i.** Art, as revised and adopted on April 17, 2009; (3-29-10)
 - ii.** Dance, as revised and adopted on April 17, 2009; (3-29-10)
 - iii.** Drama, as revised and adopted on April 17, 2009; (3-29-10)
 - iv.** Interdisciplinary, as revised and adopted on April 17, 2009; (3-29-10)
 - v.** Music, as revised and adopted on April 17, 2009; (3-29-10)
 - vi.** World languages, as revised and adopted on April 17, 2009. (3-29-10)
- d.** English Language Arts, as revised and adopted on August 11, 2010. (4-7-11)
- e.** Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)

- f. Mathematics, as revised and adopted on August 11, 2010. (4-7-11)
- g. Physical Education, as revised and adopted on April 17, 2009. (3-29-10)
- h. Science, as revised and adopted on April 17, 2009. (3-29-10)
- i. Social Studies, as revised and adopted on April 17, 2009. (3-29-10)
- j. Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)
- 02. The Idaho English Language Development Standards.** The Idaho English Language Development Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (4-2-08)
- 03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at www.sde.idaho.gov. (4-7-11)
- 04. The Idaho English Language Assessment (IELA) Achievement Standards.** The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at www.sde.idaho.gov. (4-7-11)
- 05. The Idaho Standards Achievement Tests (ISAT) Achievement Standards.** Achievement Standards as adopted by the State Board of Education on May 30, 2007. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (4-2-08)
- 06. The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at www.boardofed.idaho.gov. (5-8-09)
- 07. The Idaho Alternative Assessment ~~Extended~~ Achievement Standards.** Alternative Assessment ~~Extended~~ Achievement Standards as adopted by the State Board of Education on ~~February 28, 2008~~ May 18, 2011. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. ~~(5-8-09)~~(5-18-11)T
- 08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (4-2-08)
- 09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (4-2-08)

**IDAPA 10 - IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

10.01.01 - RULES OF PROCEDURE

DOCKET NO. 10-0101-1101

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 54-1208, Idaho Code.

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

Wednesday, July 13, 2011 - 9:00 am

**1510 E. Watertower St.
Meridian, ID 83642**

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:

1. Eliminate the need for engineer intern and land surveyor intern applicants to provide references on their examination application;
2. Adopt national standards for the evaluation of non-accredited engineering programs;
3. Allow individuals to select retired status at any time upon request; and
4. Amend the examination submittal deadlines to accommodate converting some examinations to computer-based format.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There is no fee associated with this proposed rule.

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:

There is no impact to the state general fund or to the dedicated fund of the Board.

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 [May 4, 2011 Idaho Administrative Bulletin, Vol. 11-5, Page 52](#).

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: No materials are cited as being incorporated by reference into this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact David L. Curtis, P.E., Executive Director at dave.curtis@ipels.idaho.gov or at (208) 373-7210.

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 July 27, 2011.

DATED this 9th day of June, 2011.

David L. Curtis, P.E., Executive Director
Board of Professional Engineers and Professional Land Surveyors
1510 E. Watertower St., Meridian, Idaho 83642
Voice (208) 373-7210; Fax (208) 373-7213
email: dave.curtis@ipels.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 10-0101-1101

013. PUBLICATIONS.

01. Annual Report. An annual report shall be submitted to the governor, the contents of which shall comply with the provisions of Section 54-1210, Idaho Code. (7-1-93)

02. Roster. A roster of professional engineers, professional land surveyors, engineer interns, land surveyor interns, and engineering and land surveying business entities in good standing and licensees and certificate holders in the retired status as provided in these rules shall be maintained in an electronic format available to the public. (5-8-09)

03. Retired Status. Those licensees who ~~have reached the age of sixty (60) (or are totally and permanently disabled) and~~ are retiring from practice may be listed in the retired section of the Roster ~~upon application to the Board~~. The biennial fee for being thus listed shall be established by the Board. Such listing does not permit a licensee to engage in the practice of engineering or land surveying. The fee for reinstatement to active practice shall be as required for delayed renewals in Section 54-1216, Idaho Code. (5-8-09)()

(BREAK IN CONTINUITY OF SECTIONS)

016. APPLICATION FOR LICENSURE OR CERTIFICATION.

01. Forms. Application forms for licensure as a professional engineer, or professional land surveyor, certification as an engineer intern, land surveyor intern or certificates of authorization to practice or offer to practice engineering or land surveying by a business entity may be obtained from the office of the Executive Director of the Board of Professional Engineers and Professional Land Surveyors. (5-8-09)

02. Completion of Application. Applications shall be made on such forms as may be prescribed by the Board. An application which is not fully completed by the applicant need not be considered or acted upon by the Board. The application by a business entity for a certificate of authorization to practice or offer to practice engineering or land surveying must set forth their address, and name and address of the individual, or individuals, duly licensed to practice engineering or land surveying in this state, who will be in responsible charge of engineering or land surveying services offered or rendered by the business entity in this state. (5-8-09)

03. Dates of Submittal and Experience Cutoff Date. ~~Applications for the Spring and Fall examination, respectively, must be received by the Executive Director or postmarked by January 10 or August 1 of any year.~~ Examinations may be given in various formats and different submittal dates apply depending on the examination format. For examinations administered once or twice a year in the Spring and Fall, there is an

~~examination assignment cutoff date that varies depending on the actual date of the examination. For examinations administered once or twice a year in the Spring and Fall, receipt of the applications after October 10 for the Spring exam or after July 1 for the Fall exam, may not provide sufficient time for required credentials to arrive at the Board office prior to the exam assignment cutoff date. If this occurs, the applicant will be assigned to a later examination if all requirements are met. For examinations administered in a computer-based format during testing windows, there is no deadline for submittal of the application and the applicant, if assigned to the exam, will be allowed to test during the current testing window, if open on the date of the letter notifying of assignment, or during the next two (2) available testing windows. Failure to test during these periods will void the assignment. For examinations administered continuously in a computer-based format, there is no deadline for submittal of the application and the applicant, if assigned to the exam, will be allowed to test during a nine (9) month period beginning on the date of the letter notifying of assignment. Failure to test during this period will void the assignment.~~ In order for the Board to be able to verify experience, only experience up to the date of submittal of the application will be considered as valid. Experience anticipated between the date of the application submittal and the date of the examination or issuance of license or certificate will not be considered. For students, the application filing date for the Fundamentals of Engineering and the Fundamentals of Surveying examination may be extended at the discretion of the Board.

~~(5-8-09)~~()

04. Residency Requirement. Except for military personnel stationed in Idaho, only Idaho residents and students at Idaho universities will be assigned to examinations, unless otherwise approved by the Board. (5-8-09)

05. Confidentiality of References. All information received from references named by the applicant shall be held in confidence by the Board except as provided by Section 9-342, Idaho Code. Neither members of the Board nor relatives of the applicant by blood or marriage shall be named or accepted as references. (5-8-09)

06. Minimum Standards -- References. An applicant may not be admitted to the examination until satisfactory replies have been received from a minimum of five (5) of his references for professional engineers or land surveyors ~~and three (3) references for engineer interns and land surveyor interns~~. It shall be the responsibility of each applicant to furnish their references with the forms prescribed by the Board. ~~(5-8-09)~~()

017. EXAMINATIONS.

01. Special or Oral Examination. Examinations for licensure as a professional engineer or professional land surveyor, or certification as an engineer intern or land surveyor intern will be held on dates and at times and places to be determined by the Board. Special oral or written examinations may be given by the Board as necessary. (3-29-10)

02. Eligibility for Examinations, Educational Requirements. The application for licensure as a professional engineer, professional land surveyor or certification as an engineer intern or land surveyor intern, together with the written examination, shall be considered in the determination of the applicant's eligibility. Each applicant must meet the minimum requirements as set forth in Section 54-1212, Idaho Code, before being assigned to any examination. (3-29-10)

a. In regard to educational requirements, the Board will consider as unconditionally approved only those engineering programs which are accredited by the Engineering Accreditation Commission (EAC) of ABET, Inc. Non-EAC/ABET accredited engineering programs, related science programs, and engineering technology programs will be considered by the Board on their specific merits, but are not considered equal to engineering programs accredited by EAC/ABET. The Board may continue consideration of an application for valid reasons for a period of one (1) year, without forfeiture of the application fee. (3-29-10)

b. An applicant who has completed a four (4) year bachelor degree program in engineering not accredited by EAC/ABET or a four (4) year bachelor degree program in engineering technology, or in a related science degree program other than engineering must have completed ~~a minimum of fifteen (15) semester credits of Engineering Science at a Sophomore and Junior level, six (6) semester credits of Engineering Design related courses at a Senior level, twelve (12) semester credits of Advanced Mathematics including Calculus and Differential Equations, and twelve (12) semester credits of basic science courses including Chemistry, calculus-based Physics and other appropriate basic science courses~~ the following before the Board will consider them to possess knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum as

required by Section 54-1212(3)(b), Idaho Code, for assignment to the examination for certification as an Engineer Intern or as required by Section 54-1212(1)(b), Idaho Code, for assignment to the examination for licensure as a professional engineer: ~~(5-8-09)~~()

i. Thirty-two (32) college semester credit hours of higher mathematics and basic sciences. The credits in mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in calculus and differential equations are required. Additional courses may include linear algebra, numerical analysis, probability and statistics and advanced calculus. The credits in basic sciences must include courses in chemistry and calculus-based general physics with a minimum of a two (2) semester (or equivalent) sequence in one or the other. Additional basic sciences courses may include life sciences (biology), earth sciences (geology, ecology), and advanced chemistry or physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements. Basic engineering science courses or sequence of courses in this area are acceptable for credit but may not be counted twice. ()

ii. Sixteen (16) college credit hours in a general education component that complements the technical content of the curriculum. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, social responsibility. No more than six (6) credit hours of languages other than English or other than the applicant's native language are acceptable for credit. English and foreign language courses in literature and civilization may be considered in this area. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not. ()

iii. Forty-eight (48) college credit hours of engineering science and engineering design. Courses shall be taught within the college / faculty of engineering having their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering science courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. Graduate level engineering courses can be included to fulfill curricular requirements in this area. Engineering technology courses cannot be considered to meet engineering topic requirements. ()

iv. Standard, regularly scheduled courses from accredited university programs, (on campus, correspondence, video, etc.) are normally acceptable without further justification other than transcript listing. The Board may require detailed course descriptions for seminar, directed study, special problem and similar courses to insure that the above requirements are met. (7-1-93)

v. Graduate level engineering courses, i.e. courses which are available only to graduate students, are normally not acceptable since the Board believes graduate engineering courses may not provide the proper fundamental foundation to meet the broad requirements of professional engineering. (7-1-93)

c. Beginning July 1, 2010, an applicant who has completed a four (4) year bachelor degree program in a related science must have completed a minimum of the following college level academic courses, or their equivalents as determined by the Board, before the Board will consider them to possess knowledge and skill approximating that attained through graduation from an approved four (4) year surveying curriculum as required by Section 54-1212(4)(b), Idaho Code, for assignment to the examination for certification as a Land Surveyor Intern or as required by Section 54-1212(2)(b), Idaho Code, for assignment to the examination for licensure as a professional land surveyor: (5-8-09)

- i. Three (3) credits in Surveying Law and Boundary Descriptions; (3-30-07)
- ii. Three (3) credits in Route Surveying; (3-30-07)
- iii. Three (3) credits in Public Land Surveying; (3-30-07)
- iv. Three (3) credits in Surveying Software Applications; (3-30-07)
- v. Three (3) credits in Research and Evidence in Surveying; (3-30-07)

- vi. Three (3) credits in Surveying Adjustments and Coordinate Systems; (3-30-07)
- vii. Three (3) credits in Subdivision Planning and Platting; (3-30-07)
- viii. Three (3) credits in Geodesy; and (3-30-07)
- ix. Three (3) credits in Survey Office Practice and Business Law in Surveying. (3-30-07)

d. The Board may require an independent evaluation of the engineering education of an applicant who was educated outside the United States. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant. Such evaluation shall not be required if the applicant has received a master's degree or Doctor of Philosophy degree from an U.S. institution which has a bachelor degree program accredited by the Engineering Accreditation Commission of ABET, Inc. in the discipline of the applicant's master's degree or Doctor of Philosophy degree, and, in addition, has completed the coursework requirements of Subsection 017.02.b. The Board may table action on the application pending receipt of the evaluation, and, in the event the applicant does not provide the evaluation within one (1) year, the Board may terminate the application, in which case the application fee shall be forfeited. (3-29-10)

03. Excused Non-Attendance at Exam. In the event that an applicant cannot attend an examination, he shall immediately notify the Board to that effect and shall state the reason for non-attendance. Normally, no more than one (1) valid excuse and reassignment shall be granted to an applicant. If an applicant fails to appear for two (2) administrations of an examination their application may be terminated and they may be required to submit a new application and pay a new application fee in order to be reconsidered. (3-30-01)

04. Two Examinations for Engineering Licensure. The complete examining procedure for licensure as a professional engineer normally consists of two (2) separate written examinations. The first is the Fundamentals of Engineering examination for engineer intern certification, and the second is the Principles and Practice of Engineering for professional engineer licensure. The examination shall be a duration as determined by the Board. Normally, applicants are eligible to take the Fundamentals of Engineering examination during the last or second-to-last semester of or after graduation from an accredited bachelor of science engineering program. A certificate as an Engineer Intern will be issued only to those student applicants who earn a passing grade on the examination and who receive a degree. Having passed the Fundamentals of Engineering examination, applicants will be required to take the Principles and Practice of Engineering examination at a later date when qualified by experience. (3-29-10)

05. Fundamentals of Engineering. The Fundamentals of Engineering examination will cover such subjects as are ordinarily given in engineering college curricula and which are common to all fields of practice. The examination may also cover subject matters that are specific to the engineering discipline of the applicants' education. (5-8-09)

06. Principles and Practice of Engineering -- Disciplines. The Principles and Practice of Engineering examination will cover the practice of engineering to test the applicant's fitness to assume responsibility for engineering works affecting the public health, safety and welfare. Separate examinations will be given to test the applicant's fitness in any discipline for which there is an examination which, in the opinion of the Board, meets the requirements of duration and difficulty necessary to adequately test the applicant's fitness to practice in that particular discipline. The Board may use examinations prepared by the National Council of Examiners for Engineering and Surveying (NCEES) or it may prepare or commission the preparation of examinations in disciplines other than those for which examinations may be available from NCEES. (4-22-94)

07. Two Examinations for Land Surveying Licensure. The complete examining procedure for licensure as a professional land surveyor consists of two (2) separate written examinations. The first is the Fundamentals of Surveying examination for land surveyor intern certification, and the second is the Principles and Practice of Surveying for professional land surveyor licensure. The examination shall be a duration as determined by the Board. Having passed the Fundamentals of Surveying examination, applicants will be required to take the Principles and Practice of Surveying examination at a later date when qualified by experience. The examination shall cover the theory and principles of surveying, the practice of land surveying and the requirements of legal enactments. The Principles and Practice of Surveying examination may consist of separate modules, each of which must be passed. (3-29-10)

08. Oral or Unassembled Examinations. An oral examination or unassembled written examination, in addition to the prescribed written examination, may be required for professional engineer and professional land surveyor applicants. (7-1-93)

09. Special Examinations. A special examination, written or oral or both, may be required in certain instances where the applicant is seeking licensure through comity or reciprocity with another state or political entity having required written examinations that are not wholly comparable in length, nature or scope. This examination supplements the certified qualifying record of the applicant and establishes a more common basis for judging the application and awarding a certificate of qualification or licensure in this state. The length of these special examinations shall be determined by the Board, but shall in no case exceed the lengths specified for the regular examination. Special examinations may be given at any date and need not conform with regular examination dates. (5-8-09)

10. Grading. Each land surveyor intern, engineer intern and professional engineer applicant must normally attain a scaled score of seventy (70) or above on the entire examination or modules as determined by the Board, before being awarded certification or licensure. Examinees on the Principles and Practice of Land Surveying examination must normally attain a scaled score of seventy (70) or above on each module of the examination. (3-29-10)

11. Use of NCEES Examinations. Examinations prepared and graded by the National Council of Examiners for Engineering and Surveying (NCEES) for professional engineer, engineer intern, professional land surveyors, and land surveyor intern may be used by the Board. The examination for the field of structural engineering shall be the examination as determined by the Board. (3-29-10)

12. Review of Examination by Examinee. Due to security concerns about the examinations, examinees shall not be allowed to review their examination. Examinees who fail an examination will be provided a diagnostic analysis of their performance on the examination if such an analysis is available to the Board. (3-20-04)

13. Proctoring of Examinations. Unless otherwise approved, the Board will not proctor an examination for another jurisdiction except State-Specific examinations nor will they request another jurisdiction to proctor an examination for an Idaho applicant. (5-8-09)

(BREAK IN CONTINUITY OF SECTIONS)

019. LICENSEES OR CERTIFICATE HOLDERS OF OTHER STATES AND BOARDS.

01. Interstate Licensure Evaluation. Each application for Idaho professional engineer license or professional land surveyor license submitted by an applicant who is licensed as a professional engineer, or licensed as a professional land surveyor, respectively, in one (1) or more states, territories or foreign countries, shall be considered by the Board on its merits, and the application evaluated for substantial compliance with respect to the requirements of the Idaho law. Graduates of programs accredited by organizations signatory to the "Washington Accord" and graduates from programs evaluated by ABET as being substantially equivalent to EAC/ABET programs shall be considered to have satisfied the educational requirement for issuance of a license as a professional engineer. Individuals who have passed examinations considered by the Board to be of comparable difficulty and duration as those utilized by the Board shall be considered to have satisfied the examination requirement for issuance of a license as a professional engineer or professional land surveyor. (5-8-09)

a. The Board may require an independent evaluation of the engineering education of an applicant who was educated outside the United States. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant. Such evaluation shall not be required if the applicant has been licensed in another jurisdiction of the United States for a minimum of ten (10) years and has not had any disciplinary action against them and there is none pending, and possesses the education, experience and examination credentials that were specified in the applicable registration chapter in effect in this state at the time such certification was issued.

The Board may table action on the application pending receipt of the evaluation, and, in the event the applicant does not provide the evaluation within one (1) year, the Board may terminate the application, in which case the application fee shall be forfeited. (5-8-09)

b. An applicant who was originally licensed in another jurisdiction after June 30, 1996 and who has completed a four (4) year bachelor degree program in engineering not accredited by EAC/ABET or a four (4) year bachelor degree program in engineering technology, or in a related science degree program other than engineering must have completed ~~a minimum of fifteen (15) semester credits of Engineering Science at a Sophomore and Junior level, six (6) semester credits of Engineering Design related courses at a Senior level, twelve (12) semester credits of Advanced Mathematics including Calculus and Differential Equations, and twelve (12) semester credits of basic science courses including Chemistry, calculus based Physics and other appropriate basic science courses~~ the following before the Board will consider them to possess knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum as required by Section 54-1212(1)(b), Idaho Code: ~~(3-30-07)~~ ()

i. Thirty-two (32) college semester credit hours of higher mathematics and basic sciences. The credits in mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in calculus and differential equations are required. Additional courses may include linear algebra, numerical analysis, probability and statistics and advanced calculus. The credits in basic sciences must include courses in chemistry and calculus-based general physics with a minimum of a two (2) semester (or equivalent) sequence in one or the other. Additional basic sciences courses may include life sciences (biology), earth sciences (geology, ecology), and advanced chemistry or physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements. Basic engineering science courses or sequence of courses in this area are acceptable for credit but may not be counted twice. ()

ii. Sixteen (16) college credit hours in a general education component that complements the technical content of the curriculum. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, social responsibility. No more than six (6) credit hours of languages other than English or other than the applicant's native language are acceptable for credit. English and foreign language courses in literature and civilization may be considered in this area. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not. ()

iii. Forty-eight (48) college credit hours of engineering science and engineering design. Courses shall be taught within the college / faculty of engineering having their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering science courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. Graduate level engineering courses can be included to fulfill curricular requirements in this area. Engineering technology courses cannot be considered to meet engineering topic requirements. ()

c. An applicant who was originally licensed in another jurisdiction after June 30, 2010 who has completed a four (4) year bachelor degree program in a related science must have completed a minimum of the following college level academic courses, or their equivalents as determined by the Board, before the Board will consider them to possess knowledge and skill approximating that attained through graduation from an approved four (4) year surveying curriculum as required by Section 54-1212(2)(b), Idaho Code, for licensure as a professional land surveyor: (3-30-07)

- i. Three (3) credits in Surveying Law and Boundary Descriptions; (3-30-07)
- ii. Three (3) credits in Route Surveying; (3-30-07)
- iii. Three (3) credits in Public Land Surveying; (3-30-07)
- iv. Three (3) credits in Surveying Software Applications; (3-30-07)
- v. Three (3) credits in Research and Evidence in Surveying; (3-30-07)

- vi. Three (3) credits in Surveying Adjustments and Coordinate Systems; (3-30-07)
- vii. Three (3) credits in Subdivision Planning and Platting; (3-30-07)
- viii. Three (3) credits in Geodesy; and (3-30-07)
- ix. Three (3) credits in Survey Office Practice and Business Law in Surveying. (3-30-07)

02. Denials or Special Examinations. An application from a licensee of another state, territory or foreign country may be denied by the Board for any just cause and the application fee retained; or the Board may approve the applicant for a special written and/or oral examination. (3-29-10)

03. Business Entity Requirements. No application for a certificate of authorization to practice or offer to practice professional engineering or professional land surveying, or both, in Idaho by a business entity authorized to practice professional engineering or professional land surveying or both in one (1) or more states, territories or foreign countries shall be considered by the Board unless such application includes the name and address of the individual or individuals, duly licensed to practice professional engineering or professional land surveying or both in this state, who will be in responsible charge of the engineering or land surveying services, or both, as applicable, to be rendered by the business entity in Idaho. The said individual or individuals must certify or indicate to the Board their willingness to assume responsible charge. (5-8-09)

**IDAPA 10 - IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY

DOCKET NO. 10-0102-1101

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 54-1208, Idaho Code.

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

Wednesday, July 13, 2011 - 9:00 am

**1510 E. Watertower St.
Meridian, ID 83642**

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

1. Reduced from 60 to 20 the number of days which a license holder has to respond to notification of discovery of a material discrepancy by another license holder;
2. Provide for an exception to the rule requiring license holders to notify other license holders of the discovery of material discrepancy if the licensee is working in the employ of an attorney as an expert witness;
3. Provide for a two-staged process of notification of discovery of material discrepancy, first informally, then in writing, and make notification to the Board optional rather than mandatory if the discoverer does not receive a response that answers the concerns of the discoverer; and
4. Establish a limitation on the amount of time that can pass following discovery of an event for the Board to accept an affidavit of complaint.

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

There is no fee associated with this proposed rule.

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:

There is no impact to the state general fund or to the dedicated fund of the Board.

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 [May 4, 2011 Idaho Administrative Bulletin, Vol. 11-5, Page 53](#).

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:

No materials are cited as being incorporated by reference into this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact David L. Curtis, P.E., Executive Director at dave.curtis@ipels.idaho.gov or at (208) 373-7210.

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 July 27, 2011.

DATED this 9th day of June, 2011.

David L. Curtis, P.E., Executive Director
Board of Professional Engineers and Professional Land Surveyors
1510 E. Watertower St.
Meridian, Idaho 83642
Voice (208) 373-7210 - Fax (208) 373-7213
email: dave.curtis@ipels.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 10-0102-1101

005. RESPONSIBILITY TO THE PUBLIC.

01. Primary Obligation. All Licensees and Certificate Holders shall at all times recognize their primary obligation is to protect the safety, health and welfare of the public in the performance of their professional duties. (5-8-09)

02. Standard of Care. Each Licensee and Certificate Holder shall exercise such care, skill and diligence as others in that profession ordinarily exercise under like circumstances. (3-29-10)

03. Professional Judgment. If any Licensee's or Certificate Holder's professional judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, the Licensee or Certificate Holder shall inform the employer or client of the possible consequences and, where appropriate, notify the Board or such other authority of the situation. (5-8-09)

04. Obligation to Communicate Discovery of Discrepancy. Except as provided in the Idaho Rules of Civil Procedure 26(b)(4)(B), if a Licensee or Certificate Holder, during the course of his work, discovers a material discrepancy, error, or omission in the work of another Licensee or Certificate Holder, which may impact the health, property and welfare of the public, the discoverer shall make a reasonable effort to inform, ~~in writing,~~ the Licensee or Certificate Holder whose work is believed to contain the discrepancy, error or omission. Such communication shall reference specific codes, standards or physical laws which are believed to be violated and identification of documents which are believed to contain the discrepancies. The Licensee or Certificate Holder whose work is believed to contain the discrepancy shall respond ~~in writing~~ within ~~sixty~~ twenty (20) calendar days to any question about his work raised by another Licensee or Certificate Holder. In the event a response is not received within twenty (20) days, the discoverer shall notify the Licensee or Certificate Holder in writing, who shall have another twenty (20) days to respond. Failure to respond on the part of the Licensee or Certificate Holder whose work is believed to contain the discrepancy shall be considered a violation of these rules and may subject the Licensee or Certificate Holder to disciplinary action by the Board. The discoverer ~~shall~~ may notify the Board in the event a response ~~satisfactory to the discoverer~~ that does not answer the concerns of the discoverer is not obtained within ~~sixty~~ the second twenty (20) days. (5-8-09)()

05. Obligation to Comply with Rules of Continuing Professional Development. All Licensees shall comply with the requirements contained in IDAPA 10.01.04, "Rules of Continuing Professional Development." (5-8-09)

(BREAK IN CONTINUITY OF SECTIONS)

011. RULE AND STATUTE VIOLATIONS.

01. Affidavits for Rule and Statute Violations. Any person who believes that a Licensee or Certificate Holder by his actions, or failure to properly act, is guilty of fraud, deceit, negligence, incompetence, misconduct, or violation of these rules, or any applicable statute, may file a written affidavit with the Executive Director of the Board which shall be sworn to or affirmed under penalty of perjury, signed and in which the alleged rule and statute violations shall be clearly set forth and that the applicable Licensee or Certificate Holder, or both, should be considered for the appropriate disciplinary action by the Board. Following the receipt of such affidavit, the Board may investigate, hold hearings and adjudicate the charges. ~~Proceedings shall be exempt from all statutes of limitations.~~ The Board will not accept an affidavit more than two (2) years after discovery of the matter by the complainant. ~~(3-29-10)()~~

02. Investigation of Statute or Rule Violations. The Board may, at its own discretion, initiate investigation of alleged or possible statute or rule violations that have come to its attention. (5-3-03)

**IDAPA 10 - IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

10.01.04 - RULES OF CONTINUING PROFESSIONAL DEVELOPMENT

DOCKET NO. 10-0104-1101

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 54-1208, Idaho Code.

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

Wednesday, July 13, 2011 - 9:00 am

**1510 E. Watertower St.
Meridian, ID 83642**

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:

1. Clarify that routine job assignments are not considered qualified activities for continuing professional development purposes;
2. Allow newly licensed persons to carry forward professional development hours earned during the biennium prior to the first renewal following the issuance of the license;
3. Allow continuing professional development credit for authoring each chapter of a book;
4. Allow professional development hours for peer review of published technical or professional papers, articles or book chapters; and
5. Allow license holders who are residing outside the United States to earn the required professional development hours upon return to the United States.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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:

There is no impact to the state general fund or to the dedicated fund of the Board.

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 [May 4, 2011 Idaho Administrative Bulletin, Vol. 11-5, Page 54](#).

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:

No materials are cited as being incorporated by reference into this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact David L. Curtis, P.E., Executive Director at dave.curtis@ipels.idaho.gov or at (208) 373-7210.

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 July 27, 2011.

DATED this 9th day of June, 2011.

David L. Curtis, P.E., Executive Director
Board of Professional Engineers and Professional Land Surveyors
1510 E. Watertower St.
Meridian, Idaho 83642
Voice (208) 373-7210 - Fax (208) 373-7213
email: dave.curtis@ipels.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 10-0104-1101

004. DEFINITIONS.

For the purposes of these rules, the following terms are used as defined below: (7-1-99)

01. College Semester or Quarter Credit Hour. Credit for college courses. (7-1-99)

02. Continuing Education Unit (CEU). Unit of credit customarily used for continuing education courses. One (1) continuing education unit equals ten (10) hours of class in an approved continuing education course. (7-1-99)

03. Professional Development Hour (PDH). A contact hour (minimum of fifty (50) minutes) of instruction or presentation. The common denominator for other units of credit. (7-1-99)

04. Activity. Any qualifying action with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice or practices. Routine job assignments are not considered qualified activities. (~~5-8-09~~)()

05. Licensee. A person who is licensed to practice as a professional engineer or professional land surveyor or both. (5-8-09)

06. Board. The Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors. (5-8-09)

07. Documented Self-Study. Documented study of professional/technical journals, published papers, articles, books, software or other areas of training which increase knowledge of the technology above and beyond routine job assignments. (5-8-09)

08. Active Participation. Serving as an officer or committee chair at either the national, state or local (section or chapter) level. (5-8-09)

005. REQUIREMENTS.

Every Licensee is required to obtain thirty (30) PDH units during the renewal period biennium (beginning on the first day of the month following the month in which the Licensee was born). Alternatively, the licensee may choose to obtain thirty (30) PDH units cumulative during the two (2) calendar years which are closest to the renewal period biennium. If a Licensee exceeds the biennial requirement in any renewal period or earns PDHs during a period in which he is exempt, a maximum of thirty (30) PDH units may be carried forward into the subsequent renewal period. If the exemption is for the "First Renewal Period" (see Rule 009.01), then at any time in the full biennium before this

first license renewal the licensee may earn up to 30 PDHs to carry forward into their second renewal period following licensure. If the licensee chooses to use the calendar year basis, PDH's in excess of thirty (30) cumulative in two (2) years, or PDH's earned during a period in which he is exempt, can be carried forward to the next two (2) year calendar period, not to exceed thirty (30) PDH's carried forward to the next two (2) year calendar period. PDH units may be earned in the following activities, however, PDH units must come from two (2) or more activities.

~~(5-8-09)~~()

- 01. Successful Completion of College Credits.** (7-1-99)
- 02. Successful Completion of Continuing Education Units.** (7-1-99)
- 03. Successful Completion of Other Courses.** Correspondence, televised, videotaped, and other short courses/tutorials for which college credits or CEUs are awarded. (7-1-99)
- 04. Attending Qualifying Seminars.** Attending qualifying seminars, inhouse courses, workshops, or technical or professional presentations made at meetings, conventions, or conferences. (7-1-99)
- 05. Teaching or Instructing.** Teaching or instructing in Subsections 005.01 through 005.04 above, above and beyond routine job assignments. (7-1-99)
- 06. Authoring Published Papers, Articles, or Books.** (7-1-99)
- 07. Membership in Technical or Professional Organizations.** (7-1-99)
- 08. Active Participation in Technical or Professional Organizations.** (7-1-99)
- 09. Patents.** (7-1-99)
- 10. Presentations to Technical, Professional or Civic Organizations.** (7-1-99)
- 11. Documented Self Study.** (5-8-09)

006. UNITS.

The conversion of other units of credit to PDH (Professional Development Hour) units is as follows:

1 College semester credit hour equals	45 PDH
1 College quarter credit hour equals	30 PDH
1 Continuing Education Unit equals	10 PDH
1 Hour of attendance in course work, seminars, or technical or professional presentations made at meetings, conventions, or conferences equals	1 PDH
Teaching the above, above and beyond normal job assignments, apply multiple of 2 for teaching the first time only	
Each published technical or professional paper, article, or book <u>chapter</u> not to exceed a total of 10 PDH's per year, above and beyond normal job assignments	5 PDH per paper, article, or book <u>chapter</u>
<u>Each peer review of a published technical or professional paper, article, or book chapter not to exceed a total of 6 PDH's per year, above and beyond normal job assignments</u>	<u>3 PDH per paper, article, or book chapter</u>
Membership in technical or professional organizations (Maximum of two organizations) equals	1 PDH per year per organization
Active participation in technical or professional organizations (Maximum of two organizations) equals	1 PDH per year per organization
Each patent 5 PDH's, not to exceed per year	5 PDH

Presentations to technical, professional, or civic organizations, first presentation only, equals	2 PDH per hour of presentation
Documented self-study not to exceed	3 PDH per year at the rate of ½ PDH per hour of self-study

~~(5-8-09)~~ ()

(BREAK IN CONTINUITY OF SECTIONS)

009. EXEMPTIONS.

A Licensee may be exempt from the continuing professional development requirements for one (1) of the following reasons: (7-1-99)

01. First Renewal Period. New Licensees by way of examination or comity shall be exempt from compliance with these rules during the time between issuance of the license and the due date of their first renewal following the issuance of the license. (5-8-09)

02. Active Duty in the Armed Forces. A Licensee serving on active duty in the armed forces of the United States and temporarily assigned duty at a location other than their normal home station for a period of time exceeding one hundred twenty (120) consecutive days in a renewal period or the two (2) calendar year period closest to the renewal biennium shall be exempt from obtaining the professional development hours required during that renewal period or the two (2) calendar year period closest to the renewal biennium. (5-8-09)

03. Extenuating Circumstances. A Licensee experiencing physical disability, serious illness, or other extenuating circumstances accepted by the board. (7-1-99)

04. Retired and Receiving No Remuneration. A Licensee who has chosen and qualified for the "Retired" status and who further certifies that they are no longer receiving any remuneration from providing professional engineering or professional land surveying services shall be exempt from the professional development hours required. In the event such a person elects to return to active practice of professional engineering or professional land surveying, professional development hours must be earned before returning to active practice for each biennium or the two (2) calendar year period closest to the renewal biennium exempted not to exceed the requirement for two (2) bienniums or four (4) calendar years. (5-8-09)

05. Expired License. A Licensee who has chosen to allow his license to expire shall be exempt from the professional development hours required. In the event such a person elects to reactivate the license, professional development hours must be earned and documented before reinstating the license for each biennium or two (2) calendar years exempted not to exceed the requirement for two (2) bienniums or four (4) calendar years. (5-8-09)

06. Renewal Period Following Adoption of These Rules as They are Amended to Include Professional Engineers. All professional engineers shall be exempt from compliance with these rules during the time between the effective date of this subsection and the due date of their first renewal following the effective date of this subsection. (5-8-09)

07. Licensees Residing Outside the United States of America. Licensees employed and residing outside the United States may delay the time required for fulfilling the continuing professional development requirements for a maximum of two (2) biennia or four (4) calendar years until the end of the six (6) month period beginning upon their return to the United States. ()

IDAPA 11 - IDAHO STATE POLICE

11.05.01 - RULES GOVERNING ALCOHOL BEVERAGE CONTROL

DOCKET NO. 11-0501-1101

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of this temporary rule is July 6, 2011.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 23-901, 23-932, 23-1330, 23-1408, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This temporary rule provides a definition of "Multipurpose Arena" currently listed in Section 23-943, Idaho Code, clarifies existing rules providing additional information for licensees to ensure compliance with regulations and allow more consistent enforcement of alcohol beverage laws. This rule provides specific circumstances when minors are permitted or prohibited, considering modern business concepts and the specific types of establishments. This rule also protects public safety by restricting minors from primarily drinking establishments, regulating "over/under" clubs.

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

This rule is needed to provide licensees with more specific information upon which to make business decisions and to allow more consistent enforcement of Title 23, Alcohol Beverage Code. Currently, Section 23-943, Idaho Code, lists an exception to the restrictions of minors in a "Multi Purpose Arena" without providing a definition for such a facility. This rule would provide a needed definition for a specific type of facility which provides ticketed entertainment and shows, and regulates how and when minors would be permitted, and protects public safety by restricting minors from primarily drinking establishments.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Lt. Bob Clements at (208) 884-7062.

DATED this 20th day of May, 2011.

Colonel G. Jerry Russell
Director
Idaho State Police
700 S. Stratford Dr.
Meridian, ID 83642
phone: (208) 884-7003
fax: (208) 884-7290

THE FOLLOWING IS THE TEMPORARY RULE TEXT FOR DOCKET NUMBER 11-0501-1101

010. DEFINITIONS.

01. Licensee. Any person who has received a license from the Director under any of the provisions of Title 23, Chapters 9, 10 or 13, Idaho Code. (7-1-93)

02. Licensed Premises. Any premises for which a license has been issued under any of the provisions of Title 23, Chapters 9, 10 or 13, Idaho Code. All areas included on the floor plan submitted to the Director with the licensee's application for a license constitute the licensed premises. In the event of loss or move of the physical licensed premises, the licensee has ninety (90) days to secure and occupy a new premises in which to display the license. All licenses must be prominently displayed in a suitable premises and remain in actual use by the licensee and available for legitimate sales of alcoholic beverages by the drink. An additional sixty (60) days may be granted by the Director, upon petition by the license holder. (3-6-07)

03. New Licenses. For purposes of Section 23-908(4), Idaho Code, a "new license" is one that has become available as an additional license within a city's limits under the quota system after July 1, 1980. The requirement of Section 23-908(4), Idaho Code, that a new license be placed into actual use by the licensee and remain in use for at least six (6) consecutive months is satisfied if the licensee makes actual sales of liquor by the drink during at least eight (8) hours per day, no fewer than six (6) days per week. (3-6-07)

04. Multipurpose Arena. (7-6-11)T

a. For purposes of Section 23-944(3), Idaho Code, a Multipurpose Arena is a: (7-6-11)T

i. Publicly or privately owned or operated arena, coliseum, stadium, or other facility where sporting events, concerts, live entertainment, community events, and other functions are presented for a ticketed price of admission or one whose premises are leased for private events such as receptions; (7-6-11)T

ii. Facility that is licensed to sell liquor by the drink at retail for consumption upon the premises; and (7-6-11)T

iii. Facility that has been endorsed by the director. (7-6-11)T

b. A Multipurpose Arena facility must apply annually for an endorsement on its alcohol beverage license. (7-6-11)T

c. To receive a Multipurpose Arena endorsement under this Section will require the facility to have food available including, but not limited to, hamburgers, sandwiches, salads, or other snack food. The director may also restrict the type of events at a Multipurpose Arena facility at which beer, wine, and liquor by the drink may be served. The director will also consider the seating accommodations, eating facilities, and circulation patterns in such a facility, and other amenities available at a Multipurpose Arena facility before the director will endorse the license. (7-6-11)T

d. A licensee that applies for a Multipurpose Arena endorsement must submit with the application an operating/security plan to the director and the local law enforcement agency for review and approval. Once approved, the plan remains in effect until the licensee requests a change or the director determines that a change is necessary due to demonstrated problems or conditions not previously considered or adequately addressed in the original plan. The plan must be submitted in a format designated by the director and must contain all of the following elements: (7-6-11)T

i. How the Multipurpose Arena facility will prevent the sale and service of alcohol to persons under twenty-one (21) years of age and those who appear to be intoxicated; (7-6-11)T

ii. The ratio of alcohol service staff and security staff to the size of the audiences at events where alcohol is being served; (7-6-11)T

iii. Training provided to staff who serve, regulate, or supervise the service of alcohol; (7-6-11)T

iv. The facility's policy on the number of alcoholic beverages that will be served to an individual patron during one (1) transaction; (7-6-11)T

v. A list of event type/categories to be held in the facility at which alcohol service is planned, along with a request for the level of alcohol service at each event; and (7-6-11)T

vi. Diagrams and designation of alcohol service areas for each type of event category with identified restrictions of minors. (7-6-11)T

e. Prior to the first of each month, the licensee must provide a schedule of events for the upcoming month to the director and local law enforcement office. This schedule must show the date and time of each event during which alcohol service is planned. The licensee must notify the director and local law enforcement at least twenty-four (24) hours in advance of any events where alcohol service is planned that were not included in the monthly schedule. (7-6-11)T

f. To prevent persons who are under twenty-one (21) years of age or who appear intoxicated from gaining access to alcohol, the director may require that an operating plan include additional mandatory requirements if it is determined that the plan does not effectively prevent violations of liquor laws and regulations, particularly those that prevent persons under twenty-one (21) years of age or who are apparently intoxicated from obtaining alcohol. (7-6-11)T

g. If premises, licensed as a Multipurpose Arena, subsequently ceases to meet the qualifications of a Multipurpose Arena, the restrictions contained in Section 23-943, Idaho Code, shall apply and the posting of signs as provided for in Section 23-945, Idaho Code, shall be required. The licensee shall advise the director, by mail, that his premises no longer constitute a Multipurpose Arena, so that the license may be modified accordingly. (7-6-11)T

045. Partition. A partition, as used in Section 23-944 Idaho Code, is defined as a structure separating the place from the remainder of the premises. Access through the structure to the place will be controlled to prevent minors from entering the place. The structure must be: (3-6-07)

- a. Permanently fixed from the premises ceiling to the premises floor. (3-6-07)
- b. Made or constructed of solid material such as glass, wood, metal or a combination of those products. (3-6-07)
- c. Designed to prevent an alcoholic beverage from being passed over, under or through the structure. (3-6-07)
- d. All partitions must be approved by the Director. (3-6-07)

056. Place. For the purposes of Section 23-943, Idaho Code, "Place" as defined by Section 23-942(b), for a one (1) room restaurant without a barrier or partition, refers to the immediate bar area wherein there is seating alongside a counter or barrier that encloses bar supplies and equipment that are kept, and where alcoholic beverages are mixed, poured, drawn or served for consumption. (3-6-07)

067. Restaurant. The term Restaurant, as defined by Section 23-942(c), Idaho Code, is further defined as an establishment maintained, advertised and held out to the public as primarily a food eating establishment, where individually priced meals are prepared and regularly served to the public, primarily for on-premises consumption. The establishment must also have a dining room or rooms, kitchen and cooking facilities for the preparation of food, and the number, and type of employees normally used in the preparing, cooking and serving of meals. Primarily as defined for the purposes of Section 010, also includes that the licensee must show to the director the following: (3-6-07)

- a. An established menu identifying the individually priced meals for consumption; (3-20-04)
- b. Food service and preparation occurs on the premises by establishment employees; (3-20-04)

c. Stoves, ovens, refrigeration equipment or such other equipment usually and normally found in restaurants are located on the premises of the establishment; (3-20-04)

d. The licensee must demonstrate to the satisfaction of the Director, through appropriate business records, that the establishment is advertised and held out to the public as primarily a food eating establishment, or that at least forty percent (40%) of the establishments consumable purchases are derived from purchases of food and non-alcoholic beverages. (3-20-04)

~~078.~~ **Stock Transfer.** For the purposes of Section 23-908, Idaho Code, the sale or exchange of stock in a closely held corporation holding a license is deemed a transfer of the license. However, the sale or exchange of shares in a family corporation among family members, is not a transfer. (3-6-07)

(BREAK IN CONTINUITY OF SECTIONS)

021. AGE RESTRICTION REQUIREMENTS.

01. Over/Under Clubs. Minors shall not enter, remain or loiter in any licensed establishment that sells alcoholic beverages by the drink ~~except for those premises listed in Section 23-944, Idaho Code.~~ where drinking alcohol is the predominant activity or where an environment is created in which drinking alcohol appears to be the predominant activity. This includes an establishment that provides entertainment and whose primary source of revenue comes from the sale of alcoholic beverages for consumption on the premises, or cover charges, or both. (~~3-6-07~~)(7-6-11)T

02. Posting of Age Restriction Signs. Sections 23-945 and 23-1026, Idaho Code, require every alcoholic beverage licensee to post an age restriction sign. Such sign must contain the following words in lettering of at least one (1) inch in height: "Admittance of persons under twenty-one (21) years of age prohibited by law." Such sign must be placed conspicuously over or on the door of each entrance to the licensed premises and must be clearly visible from the exterior approached to such premises. (3-6-07)

03. Counterfeit or Altered Age Documents. If alcoholic beverage licensees, their employees, or agents receive age identification documents which have been lost or voluntarily surrendered, they shall deliver the documents to an agent or investigator of the Alcohol Beverage Control Bureau or to other law enforcement officials within fifteen (15) days from the date they were received, found or voluntarily surrenders. When identification documents that appear to be mutilated, altered or fraudulent are presented to a licensee, their employees or agents, they must contact law enforcement and/or refuse service. (3-6-07)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.01 - EMERGENCY MEDICAL SERVICES (EMS) -- ADVISORY COMMITTEE (EMSAC)

DOCKET NO. 16-0101-1101 (NEW CHAPTER)

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 Sections 56-1003 and 56-1023, Idaho Code.

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

Tuesday, August 2, 2011 at 6:00 p.m. (Local)	
Central Fire District 697 Annis Hwy. Rigby, ID	Kamiah Emergency Services 515 Main Street Kamiah, ID
Wednesday, August 3, 2011 at 6:00 p.m. (Local)	
Caribou County Fire Station 665 E. 2nd S. Soda Springs, ID	New Meadows Fire Station 200 Hwy. 95 New Meadows, ID
Thursday, August 4, 2011 at 6:00 p.m. (Local)	
Jerome City Fire/Rescue 110 W. Yakima Ave. Jerome, ID	EMS Bureau Conf. Rm. B25 LBJ Office Bldg. 650 W. State St. Boise, ID
Friday, August 5, 2011 at 6 p.m. (Local)	Saturday, August 6, 2011 at 6 p.m. (Local)
Bonner County EMS 521 3rd Ave. Sandpoint, ID	Moscow Fire Station #3 229 Pintail Ln. Moscow, ID

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 current EMS rules establish a statewide EMS Advisory Committee (EMSAC) to provide counsel to the Department in administering the Emergency Medical Services Act (Sections 56-1011 through 56-1023, Idaho Code).

The membership requirements and organizational representation on the EMSAC need to be updated in these rules to reflect the addition of the Idaho Transportation Department. The Department is writing this new chapter to provide the representation on the committee, and the committee's duties and responsibilities.

Under Section 56-1013A, Idaho Code, the Idaho EMS Physician Commission was created and assumed responsibility for the provider scopes of practice from the Board of Medicine. Because of this change, the representation of the Board of Medicine will be removed from the EMS Advisory Committee and replaced with

representation from the Idaho Transportation Department (ITD), Office of Highway Operations and Safety, since the majority of EMS requests for services are related to traffic accidents.

This new chapter of rules will provide the following for EMS Advisory Committee:

1. Establish the required membership and organizational representation, including the addition of the Idaho Transportation Department (ITD), and removal of the Idaho Board of Medicine representation;
2. Provide length of terms of membership;
3. Provide guidelines, duties, and responsibilities of the committee; and
4. Provide definitions and other required sections needed to meet APA requirements for rules.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking has no fiscal impact to the state general fund. The Emergency Medical Services (EMS) program is funded through dedicated funds.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted. The "Notice of Intent to Promulgate Rules - Negotiated Rulemaking," was published in the [March 2, 2011, Idaho Administrative Bulletin, Vol. 11-3, pages 14 and 15.](#)

INCORPORATION BY REFERENCE: No materials are being incorporated by reference into these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Wayne Denny at (208) 334-4000.

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 August 12, 2011.

DATED this 3rd day of June, 2011.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5564; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE TEXT OF THE PROPOSED RULE FOR DOCKET NO. 16-0101-1101

IDAPA 16, TITLE 01, CHAPTER 01

16.01.01 - EMERGENCY MEDICAL SERVICES (EMS) -- ADVISORY COMMITTEE (EMSAC)

000. LEGAL AUTHORITY.

The Idaho Board of Health and Welfare is authorized under Section 56-1023, Idaho Code, to adopt rules concerning the administration of the Idaho Emergency Medical Services Act. The Director is authorized under Section 56-1003, Idaho Code, to supervise and administer an emergency medical service program. ()

001. TITLE AND SCOPE.

01. Title. The title of these rules is IDAPA 16.01.01, "Emergency Medical Services (EMS) -- Advisory Committee (EMSAC)." ()

02. Scope. These rules define the membership duties and responsibilities of the Emergency Medical Services Advisory Committee. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for these rules. ()

003. ADMINISTRATIVE APPEALS.

All contested cases are governed by the provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into this chapter of rules. ()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE NUMBER -- INTERNET WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. ()

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. ()

03. Street Address. ()

a. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. ()

b. The EMS Bureau is located at 650 W. State Street, Suite B-17, Boise, Idaho 83702. ()

04. Telephone. ()

a. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. ()

b. The telephone number for the EMS Bureau is (208) 334-4000. The toll-free, phone number is 1-877-554-3367. ()

05. Internet Websites. ()

a. The Department's internet website is found at <http://www.healthandwelfare.idaho.gov>. ()

b. The Emergency Medical Services Bureau's internet website is found at <http://www.idahoems.org>. ()

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS ACT REQUESTS.

01. Confidentiality of Records. Any information about an individual covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, "Use and Disclosure of Department

Records.” ()

02. Public Records Act. The Department will comply with Sections 9-337 through 9-350, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. ()

007. -- 009. (RESERVED)

010. DEFINITIONS AND ABBREVIATIONS.

For the purposes of this chapter of rules the following terms apply: ()

01. Emergency Medical Services Advisory Committee (EMSAC). The statewide advisory board of the EMS Bureau whose members are appointed by the Director of the Idaho Department of Health and Welfare to provide counsel to the Department on administering the EMS Act. ()

02. Third Service. An EMS agency that is neither fire- nor law enforcement-based. ()

011. -- 099. (RESERVED)

**STATEWIDE EMS ADVISORY COMMITTEE
(Sections 100 through 130)**

100. APPOINTMENT OF EMS ADVISORY COMMITTEE AND TERMS OF SERVICE.

The Director will appoint a Statewide EMS Advisory Committee to provide counsel to the Department in administering the EMS Act. The Committee members will have a normal tenure of three (3) years after which time they may be excused or reappointed. However, in order to afford continuity, initial appointments will be made to one-third (1/3) of the membership for two (2) years, one-third (1/3) for three (3) years, and one-third (1/3) of the membership for four (4) years. The Committee chairman will be selected by the State Health Officer. ()

101. -- 109. (RESERVED)

110. EMS ADVISORY COMMITTEE MEMBERSHIP.

The Statewide EMS Advisory Committee must include the following representatives: ()

01. Idaho Transportation Department. One (1) representative recommended by the Idaho Transportation Department, Office of Highway Operations and Safety. ()

02. American College of Emergency Physicians (ACEP). One (1) representative recommended by the Idaho Chapter of American College of Emergency Physicians (ACEP). ()

03. American College of Surgeons. One (1) representative recommended by the Committee on Trauma of the Idaho Chapter of the American College of Surgeons. ()

04. Idaho Board of Nursing. One (1) representative recommended by the Idaho Board of Nursing. ()

05. Idaho Medical Association. One (1) representative recommended by the Idaho Medical Association. ()

06. Idaho Hospital Association. One (1) representative recommended by the Idaho Hospital Association. ()

07. Idaho Association of Counties. One (1) representative of local government recommended by the Idaho Association of Counties. ()

08. Career Third Service EMS/Ambulance Service. One (1) representative of a Career Third Service

EMS/Ambulance Service. ()

09. Volunteer Third Service EMS/Ambulance Service. One (1) representative of a volunteer third service EMS/ambulance service. ()

10. Third Service Nontransport EMS Service. One (1) representative of a third service nontransport EMS service. ()

11. Idaho Fire Chiefs Association. One (1) representative of a fire department-based EMS/ambulance service recommended by the Idaho Fire Chiefs Association. ()

12. Fire Department-Based Nontransport EMS Service. One (1) representative of a fire department-based nontransport EMS service. ()

13. Air Medical Service. One (1) representative of an air medical service. ()

14. Emergency Medical Technician. One (1) Emergency Medical Technician who represents the interests of Idaho personnel licensed at that level. ()

15. Advanced Emergency Medical Technician. One (1) Advanced Emergency Medical Technician who represents the interests of Idaho personnel licensed at that level. ()

16. Paramedic. One (1) paramedic who represents the interests of Idaho personnel licensed at that level. ()

17. Administrative County EMS Director. One (1) representative who is an Administrative County EMS Director. ()

18. EMS Instructor. One (1) EMS instructor who represents the interests of Idaho EMS educators and evaluators. ()

19. Consumer. One (1) Idaho citizen with experience involving EMS; ()

20. Private EMS Ambulance Service. One (1) representative of a private EMS ambulance service. ()

21. American Academy of Pediatrics. One (1) pediatrician who represents the interests of children in the EMS system recommended by the Idaho Chapter of the American Academy of Pediatrics. ()

22. Pediatric Emergency Medicine Physician. One (1) board-certified, or equivalent, Pediatric Emergency Medicine Physician. ()

111. -- 119. (RESERVED)

120. RESPONSIBILITIES OF THE EMS ADVISORY COMMITTEE.

The EMS Advisory Committee will meet at least annually, or as needed, for the purposes of: ()

01. Reviewing Policies and Procedures. Reviewing policies and procedures for provision of emergency medical services and recommending same to the EMS Bureau; ()

02. Establishing Standard Protocols for EMS Personnel to Respond to Advance DNR Directives. The protocols will be reviewed at least annually to determine if changes in protocol need to be made in order to reflect technological advances. ()

03. Reviewing Educational Curricula and Standards. Reviewing EMS education curricula, education standards, and examination processes and recommending same to the EMS Bureau. ()

04. Personnel Licensing Policies and Standards. Making recommendations to the EMS Bureau regarding implementation of personnel licensing policy and standards. ()

05. Reviewing Grant Applications. Reviewing grant applications and making recommendations for eligibility and awards for the dedicated grant funds program in accordance with IDAPA 16.02.04, "Rules Governing Emergency Medical Services Account III Grants," Section 300. ()

06. Ambulance and Nontransport Services. Reviewing and making recommendations on the licensing of ambulance and of nontransport services in Idaho. ()

121. -- 999. (RESERVED)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.07 - EMERGENCY MEDICAL SERVICES (EMS) -- PERSONNEL LICENSING REQUIREMENTS

DOCKET NO. 16-0107-1101 (NEW CHAPTER)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of this temporary rule is July 1, 2011.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. This action is authorized pursuant to Section 56-1023, Idaho Code.

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

Tuesday, August 2, 2011 at 6:00 p.m. (Local)	
Central Fire District 697 Annis Hwy. Rigby, ID	Kamiah Emergency Services 515 Main Street Kamiah, ID
Wednesday, August 3, 2011 at 6:00 p.m. (Local)	
Caribou County Fire Station 665 E. 2nd S. Soda Springs, ID	New Meadows Fire Station 200 Hwy. 95 New Meadows, ID
Thursday, August 4, 2011 at 6:00 p.m. (Local)	
Jerome City Fire/Rescue 110 W. Yakima Ave. Jerome, ID	EMS Bureau Conf. Rm. B25 LBJ Office Bldg. 650 W. State St. Boise, ID
Friday, August 5, 2011 at 6 p.m. (Local)	Saturday, August 6, 2011 at 6 p.m. (Local)
Bonner County EMS 521 3rd Ave. Sandpoint, ID	Moscow Fire Station #3 229 Pintail Ln. Moscow, ID

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Department is updating the Emergency Medical Services rules and the Idaho EMS system to reflect current national standards for safety and quality of services. Through the process of implementing new rules, the Department is reorganizing the EMS rules. This new chapter of rule in IDAPA 16.01.07, is part of that reorganization and provides for the licensing of EMS personnel:

1. Standards and requirements for personnel licensure;
2. Application process;

3. Scope of practice including definitions and terminology for best practice of national standards;
4. Records management,
5. References to chapters for complaints, investigations, compliance and enforcement of these rules; and
6. Required sections for rule requirements of the Administrative Procedures Act.

Other dockets publishing in this bulletin that implement the reorganization of EMS services are: 16-0203-1101, 16-0107-1102, 16-0112-1101, and 16-0101-1101.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of these rules are appropriate in order to protect the public health, safety or welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking has no fiscal impact to the state general fund. The Emergency Medical Services (EMS) program is funded through dedicated funds.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was conducted over several years. The negotiated rulemaking notice for this rulemaking published in the [March 2, 2011, Idaho Administrative Bulletin, Vol. 11-3, page 14](#), under the current rule, IDAPA 16.02.03, "Emergency Medical Services," Docket No. 16-0203-1101.

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:

The Department incorporated by reference the "Idaho Emergency Medical Services (EMS) Physician Commission Standards Manual," edition 2011-1, because this manual sets the scope of practice for Emergency Medical Services in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Wayne Denny at (208) 334-4000.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 12, 2011.

DATED this 3rd day of June, 2011.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5564; fax: (208) 334-6558
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THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT OF DOCKET NO. 16-0107-1101

IDAPA 16, TITLE 01, CHAPTER 07

16.01.07 -- EMERGENCY MEDICAL SERVICES (EMS) -- PERSONNEL LICENSING REQUIREMENTS

000. LEGAL AUTHORITY.

The Idaho Board of Health and Welfare is authorized under Section 56-1023, Idaho Code, to adopt rules and standards concerning the administration of the Idaho Emergency Medical Services Act, Sections 56-1011 through 56-1023, Idaho Code. The Director is authorized under Section 56-1003, Idaho Code, to supervise and administer an emergency medical service program. (7-1-11)T

001. TITLE AND SCOPE.

01. Title. The title of these rules is IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements." (7-1-11)T

02. Scope. These rules include requirements and standards for certification and licensure of emergency medical personnel, the establishment of fees for licensure, renewals of licensure, and education criteria for needed skills to perform duties of specific types of licensure. Emergency medical personnel licensed under these rules work or provide EMS services for agencies licensed by the state. (7-1-11)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, the Department may have written statements that pertain to the interpretation of this chapter, or to the documentation of compliance with these rules. (7-1-11)T

003. ADMINISTRATIVE APPEALS.

Administrative appeals and contested cases are governed by the provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (7-1-11)T

004. INCORPORATION BY REFERENCE.

The Department has incorporated by reference the "Idaho Emergency Medical Services (EMS) Physician Commission Standards Manual," edition 2011-1. Copies of this Standards Manual may be obtained from the EMS Bureau described in Section 005 of these rules, or online at: <http://www.emspc.dhw.idaho.gov>. (7-1-11)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE NUMBER -- INTERNET WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (7-1-11)T

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (7-1-11)T

03. Street Address. (7-1-11)T

a. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (7-1-11)T

b. The EMS Bureau is located at 650 W. State Street, Suite B-17, Boise, Idaho 83702. (7-1-11)T

04. Telephone. (7-1-11)T

a. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500.

(7-1-11)T

b. The telephone number for the EMS Bureau is (208) 334-4000. The toll-free, phone number is 1-877-554-3367. (7-1-11)T

05. Internet Websites. (7-1-11)T

a. The Department's internet website is found at <http://www.healthandwelfare.idaho.gov>. (7-1-11)T

b. The Emergency Medical Services Bureau's internet website is found at <http://www.idahoems.org>. (7-1-11)T

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS ACT COMPLIANCE AND REQUESTS.

01. Confidentiality of Records. Any information about an individual covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (7-1-11)T

02. Public Records Act. The Department will comply with Sections 9-337 through 9-350, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. (7-1-11)T

007. -- 008. (RESERVED)

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

Licensed EMS personnel must comply with the provisions in IDAPA 16.05.06, "Criminal History and Background Checks," to include: (7-1-11)T

01. Initial Licensure. An individual applying for initial licensure described in Section 110 of these rules. (7-1-11)T

02. Reinstatement of Licensure. An individual applying for reinstatement of licensure described in Section 131 of these rules. (7-1-11)T

03. Certificate of Eligibility. An individual applying for a certificate of eligibility described in Section 150 of these rules. (7-1-11)T

04. Additional Criminal Background Check. The EMS Bureau may require an updated or additional criminal background check at any time, without expense to the candidate, if there is cause to believe new or additional information will be disclosed. (7-1-11)T

010. DEFINITIONS AND ABBREVIATIONS.

For the purposes of this chapter of rules, the following terms apply: (7-1-11)T

01. Advanced Emergency Medical Technician (AEMT). An AEMT is a person who: (7-1-11)T

a. Has met the qualifications for licensure in Sections 56-1011 through 56-1023, Idaho Code, and these rules; (7-1-11)T

b. Is licensed by the EMS Bureau under Sections 56-1011 through 56-1023, Idaho Code; (7-1-11)T

c. Carries out the practice of emergency medical care within the scope of practice for AEMT determined by the Idaho Emergency Medical Services Physicians Commission (EMSPC), under IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physicians Commission;" and (7-1-11)T

d. Practices under the supervision of a physician licensed in Idaho. (7-1-11)T

- 02. Affiliation.** The formal association that exists between an agency and those licensed personnel who appear on the agency's roster, which includes active participation, collaboration, and involvement. Affiliation can be demonstrated by the credentialing of licensed personnel by the agency medical director. (7-1-11)T
- 03. EMS Agency.** Any organization required to be licensed under the provisions in IDAPA 16.02.03, "Emergency Medical Services," by the EMS Bureau that operates an air medical service, ambulance service, or nontransport service. (7-1-11)T
- 04. Board.** The Idaho Board of Health and Welfare. (7-1-11)T
- 05. Candidate.** Any individual who is requesting an EMS personnel license under Sections 56-1011 through 56-1023, Idaho Code. (7-1-11)T
- 06. Certificate of Eligibility.** Documentation that an individual is eligible for affiliation with an EMS agency, having satisfied all requirements for an EMS Personnel Licensure except for affiliation, but is not licensed to practice. (7-1-11)T
- 07. Commission.** The Idaho Emergency Medical Services Physician Commission. (7-1-11)T
- 08. Competency.** The expected behavior, skill performance and knowledge identified in the description of the profession and the allowable skills and interventions as defined by the scope of practice in the EMS Physicians Commissions Standards Manual incorporated in Section 004 of these rules. (7-1-11)T
- 09. Department.** The Idaho Department of Health and Welfare. (7-1-11)T
- 10. Emergency Medical Care.** The care provided to a person suffering from a medical condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in placing the person's health in serious jeopardy, or in causing serious impairments of bodily function or serious dysfunction of any bodily organ or part. (7-1-11)T
- 11. Emergency Medical Responder (EMR).** An EMR is a person who: (7-1-11)T
- a.** Has met the qualifications for licensure in Sections 56-1011 through 56-1023, Idaho Code, and these rules; (7-1-11)T
 - b.** Is licensed by the EMS Bureau under Sections 56-1011 through 56-1023, Idaho Code; (7-1-11)T
 - c.** Carries out the practice of emergency medical care within the scope of practice for EMR determined by the Idaho Emergency Medical Services Physicians Commission (EMSPC), under IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physicians Commission"; and (7-1-11)T
 - d.** Practices under the supervision of a physician licensed in Idaho. (7-1-11)T
- 12. Emergency Medical Services (EMS).** The services utilized in responding to a perceived individual need for immediate care in order to prevent loss of life or aggravation of physiological or psychological illness or injury. (7-1-11)T
- 13. EMS Bureau.** The Emergency Medical Services (EMS) Bureau of the Idaho Department of Health and Welfare. (7-1-11)T
- 14. Emergency Medical Technician (EMT).** An EMT is a person who: (7-1-11)T
- a.** Has met the qualifications for licensure in Sections 56-1011 through 56-1023, Idaho Code, and these rules; (7-1-11)T

- b.** Is licensed by the EMS Bureau under Sections 56-1011 through 56-1023, Idaho Code; (7-1-11)T
 - c.** Carries out the practice of emergency medical care within the scope of practice for EMT determined by the Idaho Emergency Medical Services Physicians Commission (EMSPC), under IDAPA 16.02.02, “Rules of the Idaho Emergency Medical Services (EMS) Physicians Commission”; and (7-1-11)T
 - d.** Practices under the supervision of a physician licensed in Idaho. (7-1-11)T
 - 15. Licensed Personnel.** Those individuals who are emergency medical responders, emergency medical technicians, advanced emergency medical technicians, and paramedics. (7-1-11)T
 - 16. National Registry of Emergency Medical Technicians (NREMT).** An independent, non-governmental, not for profit organization which prepares validated examinations for the state's use in evaluating candidates for licensure. (7-1-11)T
 - 17. Paramedic.** A paramedic is a person who: (7-1-11)T

 - a.** Has met the qualifications for licensure in Sections 56-1011 through 56-1023, Idaho Code, and these rules; (7-1-11)T
 - b.** Is licensed by the EMS Bureau under Sections 56-1011 through 56-1023, Idaho Code; (7-1-11)T
 - c.** Carries out the practice of emergency medical care within the scope of practice for paramedic determined by the Idaho Emergency Medical Services Physicians Commission (EMSPC), under IDAPA 16.02.02, “Rules of the Idaho Emergency Medical Services (EMS) Physicians Commission”; and (7-1-11)T
 - d.** Practices under the supervision of a physician licensed in Idaho. (7-1-11)T
 - 18. Patient.** A sick, injured, incapacitated, or helpless person who is under medical care or treatment. (7-1-11)T
 - 19. Patient Assessment.** The evaluation of a patient by EMS licensed personnel intending to provide treatment or transportation to that patient. (7-1-11)T
 - 20. Patient Care.** The performance of acts or procedures under emergency conditions in responding to a perceived individual need for immediate care in order to prevent loss of life or aggravation of physiological or psychological illness or injury. (7-1-11)T
 - 21. Skills Proficiency.** The process overseen by an EMS agency medical director to verify competency in psychomotor skills. (7-1-11)T
 - 22. Supervision.** The medical direction by a licensed physician of activities provided by licensed personnel affiliated with a licensed ambulance, air medical, or nontransport service, including: establishing standing orders and protocols, reviewing performance of licensed personnel, providing instructions for patient care via radio or telephone, and other oversight. (7-1-11)T
 - 23. State Health Officer.** The Administrator of the Division of Public Health. (7-1-11)T
- 011. -- 074. (RESERVED)**
- 075. STANDARDS OF PROFESSIONAL CONDUCT FOR EMS PERSONNEL.**
- 01. Method of Treatment.** EMS personnel must practice medically acceptable methods of treatment and must not endeavor to extend their practice beyond their competence and the authority vested in them by the medical director. (7-1-11)T
 - 02. Commitment to Self-Improvement.** EMS personnel must continually strive to increase and

improve their knowledge and skills and render to each patient the full measure of their abilities. (7-1-11)T

03. Respect for the Patient. EMS personnel must provide all services with respect for the dignity of the patient, unrestricted by considerations of social or economic status, personal attributes, or the nature of health problems. (7-1-11)T

04. Confidentiality. EMS personnel must hold in strict confidence all privileged information concerning the patient except as disclosure or use of this information is permitted or required by law or Department rule. (7-1-11)T

05. Conflict of Interest. EMS personnel must not accept gratuities for preferential consideration of the patient and must guard against conflicts of interest. (7-1-11)T

06. Professionalism. EMS personnel must uphold the dignity and honor of the profession and abide by its ethical principles and should be familiar with existing laws governing the practice of emergency medical services and comply with those laws. (7-1-11)T

07. Cooperation and Participation. EMS personnel must cooperate with other health care professionals and participate in activities to promote community and national efforts to meet the health needs of the public. (7-1-11)T

08. Ethical Responsibility. EMS personnel must refuse to participate in unethical procedures, and assume the responsibility to expose incompetence or unethical conduct of others to the appropriate authority in a proper and professional manner. (7-1-11)T

076. -- 099. (RESERVED)

**PERSONNEL LICENSURE REQUIREMENTS
(Sections 100-199)**

100. PERSONNEL LICENSURE REQUIRED.

Any individual who provides emergency medical care must obtain and maintain a current EMS personnel license issued by the EMS Bureau, or recognition by the EMS Bureau described under Section 140 of these rules. The levels of Idaho personnel licensure are: (7-1-11)T

01. Emergency Medical Responder (EMR). (7-1-11)T

02. Emergency Medical Technician (EMT). (7-1-11)T

03. Advanced Emergency Medical Technician (AEMT). (7-1-11)T

04. Paramedic. (7-1-11)T

101. AFFILIATION REQUIRED TO PRACTICE.

Licensed EMS personnel must be affiliated with an EMS agency, and only practice under the supervision of the agency medical director as required in IDAPA 16.02.02, "Rules of the Idaho EMS Physician Commission." (7-1-11)T

102. -- 104. (RESERVED)

105. APPLICATION AND INSTRUCTIONS FOR EMS PERSONNEL LICENSURE.

A personnel license or certificate of eligibility application and instructions may be obtained from the EMS Bureau described in Section 005 of these rules, or online at: <http://www.idahoems.org>. (7-1-11)T

106. TIME FRAME FOR PERSONNEL LICENSURE AFTER SUCCESSFUL COMPLETION OF EDUCATION COURSE.

An individual who has successfully completed an EMS education course is eligible to attempt the certification examination for the appropriate level of licensure. (7-1-11)T

01. Complete Standardized Certification Examination. A candidate must successfully complete all components of the standardized certification examination within twenty-four (24) months of completing an EMS training course in order to be eligible for an Idaho EMS personnel license. (7-1-11)T

02. Certification Examination Not Completed. If all components of the standardized certification examination are not completed within twenty-four (24) months of course completion, the candidate must repeat the initial training course and all components of the certification examination in order to be eligible for and Idaho EMS personnel license. (7-1-11)T

106. -- 109. (RESERVED)

110. INITIAL PERSONNEL LICENSURE.

Upon successful completion of an approved course recognized by the EMS Bureau under IDAPA 16.02.03, "Emergency Medical Services," an individual may apply to the EMS Bureau for licensure. The candidate must meet the following: (7-1-11)T

01. Candidate Age Requirements. An individual applying for licensure must meet the following age requirements: (7-1-11)T

a. An EMR and EMT candidate must be either sixteen (16) or seventeen (17) years old with parental or legal guardian consent, or eighteen (18) years old. (7-1-11)T

b. An AEMT and Paramedic candidate must be eighteen (18) year old. (7-1-11)T

02. Declaration of Previous Applications and Licensures. A candidate must declare each state or jurisdiction in which he has applied for, been denied, or held an EMS license or certification. (7-1-11)T

03. Authorization for Release of Information. A candidate must provide authorization for the EMS authority in other states or jurisdictions to release the candidate's registration, licensure, and certification information to the Idaho EMS Bureau. (7-1-11)T

04. Provide Current Affiliation with EMS Agency. A candidate must declare all organizations in which they are allowed to practice as licensed personnel. A candidate must have: (7-1-11)T

a. Current affiliation with a licensed EMS agency that functions at, or above, the level of licensure being sought by the candidate; or (7-1-11)T

b. A certificate of eligibility issued by the EMS Bureau described in Section 150 of these rules. (7-1-11)T

05. Valid Identification. A candidate must have a valid state driver's license, an Idaho identification card issued by a county driver's license examining station, or an identification card issued by the Armed Forces of the United States. (7-1-11)T

06. Criminal History and Background Check. A candidate must successfully complete a criminal history and background check according to the provisions in IDAPA 16.05.06, "Criminal History and Background Checks." Denial without the grant of an exemption under the provisions in IDAPA 16.05.06, "Criminal History and Background Checks," will result in denial or revocation of licensure. (7-1-11)T

07. Pass Standardized Examination. A candidate must successfully complete the standardized examination for the level of licensure on the application required under IDAPA 16.02.03, "Emergency Medical Services." (7-1-11)T

a. A candidate for EMR licensure must have successfully completed the standardized certification

examination at the EMR or EMT level within the preceding thirty-six (36) months. (7-1-11)T

b. A candidate for EMT licensure must have successfully completed the standardized certification examination at the EMT or Paramedic level within the preceding thirty-six (36) months. (7-1-11)T

c. A candidate for AEMT or Paramedic licensure must have successfully completed the standardized certification examination at the level being sought within the preceding twenty-four (24) months. (7-1-11)T

08. Standardized Exam Attempts For Initial Licensure. A candidate for initial licensure is allowed to attempt to successfully pass the standardized exam as follows: (7-1-11)T

a. An EMR candidate is allowed three (3) attempts to pass the exam, after which the initial EMR course must be successfully completed again before another three (3) attempts are allowed. (7-1-11)T

b. An EMT candidate is allowed three (3) attempts to pass the exam, after which twenty-four (24) hours of remedial education must be successfully completed before another three (3) attempts are allowed. (7-1-11)T

c. An AEMT candidate is allowed three (3) attempts to pass the exam, after which thirty-six (36) hours of remedial education must be successfully completed before another three (3) attempts are allowed. (7-1-11)T

d. A Paramedic candidate is allowed three (3) attempts to pass the exam, after which forty-eight (48) hours of remedial education must be successfully completed before another three (3) attempts are allowed. (7-1-11)T

09. Submit Required Licensure Fee. A candidate must submit the applicable initial licensure fee provided in Section 111 of these rules. A candidate for EMR or EMT level of licensure has no fee requirement. (7-1-11)T

111. -- 114. (RESERVED)

115. EMS PERSONNEL LICENSE DURATION. Duration of a personnel license is determined using the following specified time intervals. (7-1-11)T

01. Initial License Duration for EMR and EMT Level Licensure. EMR and EMT personnel licenses expire on March 31 or September 30. Expiration dates for EMR and EMT initial licenses are set for not less than thirty-six (36) months and not more than forty-two (42) months from the date of successful certification examination completion in order to establish an expiration date of March 31 or September 30. (7-1-11)T

02. Initial License Duration for AEMT and Paramedic Level Licensure. AEMT and Paramedic personnel licenses expire on March 31 or September 30. Expiration dates for AEMT and Paramedic initial licenses are set for not less than twenty-four (24) months and not more than thirty (30) months from the date of successful certification examination completion in order to establish an expiration date of March 31 or September 30. (7-1-11)T

03. EMS Personnel License Renewal Duration for EMR and EMT Level Licensure. An EMR and EMT level personnel license is renewed for three (3) years. (7-1-11)T

04. EMS Personnel License Renewal Duration for AEMT and Paramedic Level Licensure. An AEMT and Paramedic level personnel license is renewed for two (2) years. (7-1-11)T

116. PERSONNEL LICENSE TRANSITION. Between the years of 2011 and 2016, the scope of practice and the accompanying license levels for EMS personnel will change. The scope of practice for licensed EMS personnel is provided in the EMS Physician Commission Standards Manual incorporated by reference under Section 004 of these rules. Personnel licensed at the AEMT level can opt to either transition to the AEMT-2011 level, or they may remain at the AEMT-1985 level. In order to renew a license, personnel licensed at the EMR, EMT, or Paramedic level must transition and meet the following requirements. (7-1-11)T

01. General Transition Requirements for Licensed Personnel. Licensed personnel transitioning to a

new licensure level must: (7-1-11)T

a. Successfully complete an Idaho-approved transition course appropriate for the level of licensure; (7-1-11)T

b. Provide documentation of verification by the course physician of competency in the knowledge and skills identified in the appropriate transition course curriculum; and (7-1-11)T

c. Include proof of completion of transition requirements with the license renewal application. All other license renewal requirements listed in Section 120 of these rules must be completed. The transition course may be counted towards the renewal continuing education requirements. (7-1-11)T

02. Transition Options Specific for Personnel Licensed at the AEMT Level. Personnel licensed at the AEMT level have options specific to transitioning as follows: (7-1-11)T

a. In addition to the general transition requirements under Subsection 116.01 of this rule, personnel licensed at the AEMT level may choose to transition to the AEMT-2011. To transition to the AEMT-2011 level, the applicant must successfully pass the Idaho-approved written and practical examinations for that level of licensure by the deadlines provided in Subsection 116.03.b of this rule. (7-1-11)T

b. Personnel licensed at the AEMT level who choose not to complete the transition requirements according to Subsection 116.03.b. of this rule, will be allowed to renew their personnel license at the AEMT-1985 level, if the all other license renewal requirements listed in Section 120 of these rules are met. (7-1-11)T

03. Application Deadlines for Transition of Licensed Personnel. Licensed personnel who choose to transition must submit an “EMS Personnel License Transition Application” according to the following deadline dates: (7-1-11)T

a. For personnel licensed at the EMR and EMT levels, an application for transition must be submitted after January 1, 2012, and before September 30, 2016, according to the effective date of the initial license or renewal date provided in the table below:

Table 116.03.a. PERSONNEL LICENSED AT EMR AND EMT LEVELS - TRANSITION DEADLINE DATES	
Effective Date of Initial License	Date Transition Requirements MUST be Completed
April 1, 2011 - September 30, 2011	September 30, 2014
October 1, 2011 - December 31, 2011	March 31, 2015
Effective Date of Renewed License	Date Transition Requirements MUST be Completed
April 1, 2011	March 31, 2014
October 1, 2011	September 30, 2014
April 1, 2012	March 31, 2015
October 1, 2012	September 30, 2015
April 1, 2013	March 31, 2016
October 1, 2013	September 30, 2016

(7-1-11)T

b. For personnel licensed at the AEMT and Paramedic levels, an application for transition must be submitted after January 1, 2013, and before September 30, 2015, according to the effective date of the initial license or renewal date provided in the table below:

Table 116.03.b. PERSONNEL LICENSED AT AEMT AND PARAMEDIC LEVELS - TRANSITION DEADLINE DATES	
Effective Date of Initial License	Date Transition Requirements MUST be Completed
April 1, 2012 - September 30, 2012	September 30, 2014
October 1, 2012 - December 31, 2012	March 31, 2015
Effective Date of Renewed License	Date Transition Requirements MUST be Completed
April 1, 2012	March 31, 2014
October 1, 2012	September 30, 2014
April 1, 2013	March 31, 2015
October 1, 2013	September 30, 2015

(7-1-11)T

04. Early Transition of Licensed Personnel. Licensed personnel who meet all transition requirements and choose to transition prior to their license renewal date will be issued a license as follows: (7-1-11)T

a. Continuing education completed during the period between the effective and the expiration date of the current license may be used to meet requirements listed in Section 120 of these rules for renewal of the transition license; (7-1-11)T

b. The new license will have the same expiration date as the current license; and (7-1-11)T

c. The new license will have a new effective date, based on the date the transition was approved by the EMS Bureau. (7-1-11)T

117. -- 119. (RESERVED)

120. PERSONNEL LICENSE RENEWAL.

Licensed personnel must provide documentation that they meet the following requirements: (7-1-11)T

01. Documentation of Affiliation with EMS Agency. A candidate applying for renewal of licensure must be affiliated with a licensed EMS agency which functions at, or above, the level of licensure being renewed. Documentation that the license holder is currently credentialed or undergoing credentialing by an affiliating EMS agency medical director must be submitted as assurance of affiliation for license renewal. (7-1-11)T

02. Documentation of Continuing Education for Level of Licensure Renewal. A candidate for renewal of licensure must provide documentation of continuing education consistent with the license holder's level of licensure. All continuing education and skill proficiency requirements must be completed under the provisions in Sections 300 through 335 of these rules. The time frame for continuing education courses must meet the following requirements: (7-1-11)T

a. All continuing education and skill proficiency requirements for renewal of an initial Idaho

personnel license must be completed as follows: (7-1-11)T

- i. For EMR or EMT, within the thirty-six (36) months preceding renewal. (7-1-11)T
 - ii. For AEMT and Paramedic, within the twenty-four (24) months preceding renewal. (7-1-11)T
- b.** All continuing education and skill proficiency requirements for successive licenses must be completed between the effective and expiration dates of the license being renewed. (7-1-11)T

03. Declarations of Convictions or Adjudications. A candidate for renewal of licensure must provide a declaration of any misdemeanor or felony adjudications. (7-1-11)T

04. Time Frame for Application of Licensure Renewals. Documentation of license renewal requirements is due to the EMS Bureau prior to the license expiration date. Failure to submit a complete renewal application by the license expiration date renders the license invalid and the individual must not practice or represent himself as a license holder. (7-1-11)T

05. Submit Required Licensure Renewal Fees. A candidate must submit the applicable license renewal fee provided in Section 111 of these rules. A candidate for EMR or EMT level of licensure has no fee requirement. (7-1-11)T

121. -- 124. (RESERVED)

125. SUBMISSION OF EMS PERSONNEL LICENSURE APPLICATION AND DOCUMENTATION. Each EMS personnel license holder or candidate is responsible for meeting license renewal requirements and submitting completed license renewal documentation to the EMS Bureau by the current license expiration date. (7-1-11)T

01. Earliest Submission Date for License Renewal. Licensed EMS personnel may submit renewal application and documentation to the EMS Bureau up to six (6) months prior to the current license expiration date. (7-1-11)T

02. EMS Personnel License Expiration Date Falls on a Non-Work Day. When a license expiration date falls on a weekend, holiday, or other day the EMS Bureau is closed, the EMS Bureau will accept applications until the close of the next regular business day following the non-work day. (7-1-11)T

126. -- 129. (RESERVED)

130. LAPSED LICENSE. Licensed personnel who fail to submit a complete renewal application prior to the expiration date of their license cannot practice or represent themselves as licensed EMS personnel. (7-1-11)T

01. Failure to Submit an Application and Renewal Documentation. No grace periods or extensions to an expiration date may be granted. After the expiration date the EMS personnel license will no longer be valid. (7-1-11)T

02. Application Under Review by the EMS Bureau. Provided the license renewal candidate submitted the renewal application to the EMS Bureau prior to the application deadline, a personnel license does not lapse while under review by the EMS Bureau. (7-1-11)T

03. Failure to Provide Application Information Requested by the EMS Bureau. After the expiration date of a license, a candidate for license renewal who does not provide the information requested by the EMS Bureau within twenty-one (21) days from the date of notification to the last known address, will be considered to have a lapsed license. (7-1-11)T

04. Reinstatement of Lapsed EMS Personnel License. In order to reinstate at lapsed license, a candidate must submit an application for license reinstatement to the EMS Bureau within twenty-four (24) months of

the expiration date of the lapsed license. (7-1-11)T

131. REINSTATEMENT OF A LAPSED EMS PERSONNEL LICENSE.

An individual desiring to reinstate a lapsed personnel license must provide documentation that he meets the following requirements: (7-1-11)T

01. Documentation of Affiliation with EMS Agency for Reinstatement. Affiliation with a licensed EMS agency which functions at, or higher than, the level of the lapsed license being reinstated. (7-1-11)T

02. Documentation of Continuing Education for Lapsed License Reinstatement. A candidate for reinstatement of a lapsed license must provide documentation of continuing education consistent with the license holder's lapsed license. Continuing education requirements are provided in Sections 300 through 335 of these rules. The time frame for meeting the continuing education requirements for reinstatement are as follows: (7-1-11)T

a. The candidate must meet continuing education requirements under Sections 320 through 335 of these rules for the last valid licensure cycle; and (7-1-11)T

b. Additional continuing education hours in any combination of categories and venues, proportionate to the amount of time since the expiration date of the lapsed license, as follows: (7-1-11)T

i. EMR -- Three-quarters (3/4) of one (1) hour of continuing education per month of lapsed time. (7-1-11)T

ii. EMT -- One and one-half (1 ½) hours of continuing education per month of lapsed time. (7-1-11)T

iii. AEMT -- Two and one-quarter (2 ¼) hours of continuing education per month of lapsed time. (7-1-11)T

iv. Paramedic -- Three (3) hours of continuing education per month of lapsed time. (7-1-11)T

03. Valid Identification for Reinstatement of Lapsed License. A reinstatement candidate must have a valid state driver's license, an Idaho identification card which is issued by a county driver's license examining station, or identification card issued by the Armed Forces of the United States. (7-1-11)T

04. Criminal History and Background Check for Reinstatement of Lapsed License. A reinstatement candidate must successfully complete a criminal background check under the provisions in IDAPA 16.05.06, "Criminal History and Background Checks." Denial without the grant of an exemption under IDAPA 16.05.06 will result in denial of reinstatement of licensure. (7-1-11)T

05. Pass Standardized Examination for Reinstatement. A reinstatement candidate must successfully complete the standardized examination for the lapsed level of licensure required under IDAPA 16.02.03, "Emergency Medical Services." A candidate for reinstatement must successfully complete the standardized certification examination within the time period during which the license was lapsed. (7-1-11)T

06. Standardized Exam Attempts For Reinstatement. A candidate for licensure reinstatement is allowed to attempt to successfully pass the standardized exam for initial licensure as follows: (7-1-11)T

a. An EMR candidate is allowed three (3) attempts to pass the exam, after which the initial EMR course must be successfully completed again before another three (3) attempts are allowed. (7-1-11)T

b. An EMT candidate is allowed three (3) attempts to pass the exam, after which twenty-four (24) hours of remedial education must be successfully completed before another three (3) attempts are allowed. (7-1-11)T

c. An AEMT candidate is allowed three (3) attempts to pass the exam, after which thirty-six (36) hours of remedial education must be successfully completed before another three (3) attempts are allowed. (7-1-11)T

d. A Paramedic candidate is allowed three (3) attempts to pass the exam, after which forty-eight (48)

hours of remedial education must be successfully completed before another three (3) attempts are allowed. (7-1-11)T

07. Submit Required Licensure Fee for Reinstatement. A candidate must submit the applicable reinstatement license fee provided in Section 111 of these rules. A candidate for reinstatement of an EMR or EMT level of licensure has no fee requirement. (7-1-11)T

08. Expiration Date of a Reinstated License. The expiration date for a lapsed license that is reinstated is determined as provided in Section 115 of these rules. (7-1-11)T

09. Reinstatement of an EMS Personnel License Lapsed for More Than Twenty-Four Months. An individual whose license lapsed for more than twenty-four (24) months must meet all the initial licensure requirements in Section 110 of these rules. This includes attending and successfully completing an initial education course for the level of licensure for reinstatement. (7-1-11)T

132. -- 139. (RESERVED)

140. RECOGNITION OF REGISTRATION, CERTIFICATION OR LICENSURE FROM OTHER JURISDICTIONS.

01. EMS Personnel Licensed or Certified in Other States. An individual, possessing an EMS personnel license or certification from a state other than Idaho, must have prior recognition or reciprocity granted by the EMS Bureau prior to providing emergency medical care in Idaho. The following applies: (7-1-11)T

a. An individual certified or licensed in a state that has an interstate compact with Idaho that allows reciprocal recognition of EMS personnel may practice as licensed personnel as defined in the interstate compact. (7-1-11)T

b. An individual who is currently licensed or certified by another State to provide emergency medical care can apply to the EMS Bureau for limited recognition to practice in Idaho. Limited recognition does not grant an individual the ability to practice outside of those specified and approved by the EMS Bureau. (7-1-11)T

c. An individual, possessing a current NREMT registration or a current EMS certification or license from another state at or above the level of licensure they are seeking in Idaho, is eligible for an Idaho EMS personnel licensure if they satisfy the requirements in Section 110 of these rules prior to providing emergency medical care in Idaho. (7-1-11)T

02. Personnel Licensure Candidate Trained in Other States. A candidate trained outside of Idaho must apply for and obtain an Idaho EMS license as required in Section 110 of these rules prior to providing emergency medical care in Idaho. A declaration that the candidate is fully eligible for EMS licensure in the state in which he was trained, must be obtained from the EMS licensing authority in that state and submitted to the EMS Bureau. (7-1-11)T

03. Individual With a NREMT Registration. An individual possessing only a registration with the National Registry of Emergency Medical Technicians (NREMT) must obtain an Idaho EMS personnel license as required in Section 110 of these rules prior to providing emergency medical care in Idaho. (7-1-11)T

141. -- 144. (RESERVED)

145. CHANGES TO AN EXISTING LICENSE.

01. Surrender of a Current EMS Personnel License. An individual who possesses a current EMS personnel license may surrender that license at any time by submitting a letter of intent and his license, to the EMS Bureau. (7-1-11)T

02. Surrender of License to Prevent Investigation or Disciplinary Action. Surrendering or expiration of a license does not prevent an investigation or disciplinary action against the individual. (7-1-11)T

03. Relinquish a Current EMS Personnel License for a Lower Level License. An individual who possesses a current license may relinquish that license and receive a license at a lower level with the same expiration date as the original license. The individual must have current affiliation with a licensed EMS agency which functions at, or higher than, the level of licensure being sought. (7-1-11)T

04. Relinquishment of a License to a Lower Level License to Prevent Investigation or Disciplinary Action. Relinquishing a personnel license does not prevent an investigation or disciplinary action against the individual. (7-1-11)T

05. Reporting Requirements for Changes in Status. Licensed personnel must notify the EMS Bureau within thirty (30) days of a change in name, mailing address, telephone number or agency affiliation. (7-1-11)T

06. Personnel License Duration Shortened. The EMS Bureau will issue a license with a shortened licensure duration upon the request of the license holder. (7-1-11)T

146. MULTIPLE LICENSES.

An individual may hold more than one (1) level of personnel licensure in Idaho, but can only renew one (1) personnel license at one (1) level. (7-1-11)T

147. -- 149. (RESERVED)

150. CERTIFICATE OF ELIGIBILITY REQUIREMENTS.

01. Personnel Licensure Requirements are Met. An individual, who has successfully completed an approved course, and meets all requirements for EMS personnel licensure required in Section 110 of these rules, except for obtaining an agency affiliation provided in Subsection 110.04 of these rules, may apply to the EMS Bureau for a certificate of eligibility. (7-1-11)T

02. Certificate of Eligibility Duration. Duration of a certificate of eligibility is determined using the specified time intervals of the personnel licensure level requirements in Section 115 of these rules. (7-1-11)T

03. Criminal History and Background Check. An individual applying for a certificate of eligibility must successfully complete a criminal history and background check within the six (6) months prior to the issuance or renewal of a certificate of eligibility, according to the provisions in IDAPA 16.05.06, "Criminal History and Background Checks." Denial without the grant of an exemption under the provisions in IDAPA 16.05.06, "Criminal History and Background Checks," will result in denial of a certificate of eligibility. (7-1-11)T

04. Renewal of Certificate of Eligibility. An individual must provide documentation that the following requirements have been met in order to renew a certificate of eligibility: (7-1-11)T

a. Continuing education requirements for the level of licensure listed under the license renewal requirements in Section 120 of these rules have been met; and (7-1-11)T

b. Successful completion of the standardized examination designated by the EMS Bureau for the certificate of eligibility. (7-1-11)T

05. Revocation of Certificate of Eligibility. The EMS Bureau will revoke a certificate of eligibility if the certificate holder is determined to no longer meet eligibility requirements or has obtained a personnel license. (7-1-11)T

175. EMS BUREAU REVIEW OF APPLICATIONS.

01. Review of License Applications. The EMS Bureau reviews each application for completeness and accuracy. Random applications are selected for audit by the EMS Bureau. Applications will also be audited when information declared on the application appears incomplete, inaccurate, or fraudulent. (7-1-11)T

02. EMS Bureau Review of Renewal Application. A personnel license does not expire while under review by the EMS Bureau, provided the license renewal candidate submitted the renewal application to the EMS Bureau prior to the application deadline required under Section 130 of these rules. (7-1-11)T

176. -- 299. (RESERVED)

**CONTINUING EDUCATIONAL AND SKILLS PROFICIENCY REQUIREMENTS
FOR PERSONNEL LICENSURE
(Sections 300 - 399)**

300. CONTINUING EDUCATION AND SKILLS PROFICIENCY.

01. Continuing Education Must Meet Objectives of Initial Course Curriculum. All continuing education and skills proficiency assurance must be consistent with the objectives of the initial course curriculum or be a logical progression of those objectives. (7-1-11)T

02. Documentation of Continuing Education. Licensed personnel must maintain documentation of all continuing education as follows: (7-1-11)T

a. An EMR and EMT must maintain documentation of continuing education for four (4) years. (7-1-11)T

b. An AEMT and Paramedic must maintain documentation of continuing education for three (3) years. (7-1-11)T

03. Transition to New Scope of Practice. Education required to transition to a new scope of practice must meet the following: (7-1-11)T

a. Within the same level of licensure, all transition education may count on an hour-for-hour basis in the appropriate categories within a single venue. When transition education hours exceed seventy-five percent (75%) of the total continuing education hours required, all continuing education hours can be in a single venue; and (7-1-11)T

b. Education must be completed during a single license duration. (7-1-11)T

04. Continuing Education Records are Subject to Audit. The EMS Bureau reserves the right to audit continuing education records to verify that renewal requirements have been met. (7-1-11)T

301. -- 304. (RESERVED)

305. CONTINUING EDUCATION CATEGORIES FOR PERSONNEL LICENSURE RENEWAL.

01. Pediatric Assessment and Management. (7-1-11)T

02. Anatomy and Physiology. (7-1-11)T

03. Medical Terminology. (7-1-11)T

04. Pathophysiology. (7-1-11)T

05. Life Span Development. (7-1-11)T

06. Public Health. (7-1-11)T

07. Pharmacology. (7-1-11)T

- 08. **Airway Management, Ventilation, and Oxygenation.** (7-1-11)T
- 09. **Patient Assessment.** (7-1-11)T
- 10. **Medical Conditions.** (7-1-11)T
- 11. **Shock and Resuscitation.** (7-1-11)T
- 12. **Trauma.** (7-1-11)T
- 13. **Special Patient Populations.** Such as bariatric, geriatric, obstetrics, pregnancy, etc. (7-1-11)T
- 14. **EMS Systems and Operations.** (7-1-11)T
- 306. -- 309. **(RESERVED)**
- 310. **VENUES OF CONTINUING EDUCATION FOR PERSONNEL LICENSURE RENEWAL.**
 - 01. **Structured Classroom Sessions.** (7-1-11)T
 - 02. **Refresher Programs.** Refresher programs that revisit the original curriculum and have an evaluation component. (7-1-11)T
 - 03. **Nationally Recognized Courses.** (7-1-11)T
 - 04. **Regional and National Conferences.** (7-1-11)T
 - 05. **Teaching Continuing Education Topics.** The continuing education topics being taught must fall under the categories in Section 305 of these rules. (7-1-11)T
 - 06. **Agency Medical Director-Approved Self-Study or Directed Study.** This venue is not allowed to be used for a certificate of eligibility continuing education requirement under Section 350 of these rules. (7-1-11)T
 - 07. **Case Reviews and Grand Rounds.** (7-1-11)T
 - 08. **Distributed Education.** This venue includes distance and blended education using computer, video, audio, Internet, and CD resources. (7-1-11)T
 - 09. **Journal Article Review with an Evaluation Instrument.** (7-1-11)T
 - 10. **Author or Co-Author an EMS-Related Article in a Nationally Recognized Publication.** The article must be published in an EMS-specific publication. (7-1-11)T
- 311. -- 319. **(RESERVED)**
- 320. **EMR LEVEL LICENSE RENEWAL CONTINUING EDUCATION AND SKILLS PROFICIENCY REQUIREMENTS.**

An EMR level license renewal candidate must provide documentation of the following during each licensure period. (7-1-11)T

 - 01. **EMR Level Continuing Education Hours Needed for License Renewal.** A candidate must provide proof of successful completion of twenty-four (24) hours of continuing education. The types of continuing education courses and the number of hours required for EMR level licensure are: (7-1-11)T
 - a. A minimum of two (2) hours in pediatrics; (7-1-11)T
 - b. A minimum of three (3) hours in EMS Systems and Operations earned by completing state-

approved Landing Zone Officer (LZO) and extrication awareness training. Continuing education hours are awarded as follows: (7-1-11)T

- i. For LZO training, two (2) hours in classroom presentation, or one (1) hour in distributed education; (7-1-11)T
- ii. For extrication awareness training, two (2) hours in distributed education; (7-1-11)T
- c. Two (2) hours in six (6) different remaining categories listed in Section 305 of these rules, for twelve (12) continuing education hours; and (7-1-11)T
- d. Seven (7) hours of continuing education can be from any single category or combination of the remaining categories listed in Section 305 of these rules. (7-1-11)T

02. Venues Where Continuing Education May be Taken. Continuing education for personnel licensed at the EMR level must include two (2) of the continuing education venues listed in Section 310 of these rules during each licensure period. (7-1-11)T

03. Skills Proficiency for EMR Level License Renewal. A candidate must demonstrate proficiency in the skills necessary to provide safe and effective patient care at the EMR licensure level under the authority of IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services Physician Commission," as follows: (7-1-11)T

- a. Recognize and manage acute traumatic and medical life threats or conditions based on patient assessment findings for pediatric, adult, geriatric, and special needs patients; and (7-1-11)T
- b. Specific skills for an EMR that includes: (7-1-11)T
 - i. Airway, ventilation, and oxygenation; (7-1-11)T
 - ii. Cardiovascular and circulation; (7-1-11)T
 - iii. Immobilization; (7-1-11)T
 - iv. Medication administration; (7-1-11)T
 - v. Normal childbirth; (7-1-11)T
 - vi. Patient care reporting documentation; and (7-1-11)T
 - vii. Safety and operations. (7-1-11)T

321. -- 324. (RESERVED)

325. EMT LEVEL LICENSE RENEWAL CONTINUING EDUCATION AND SKILLS PROFICIENCY REQUIREMENTS.

An EMT level license renewal candidate must provide documentation of the following during each licensure period. (7-1-11)T

01. EMT Level Continuing Education Hours Needed for License Renewal. A candidate must provide proof of successful completion of forty-eight (48) hours of continuing education. The types of continuing education courses and the number of hours needed for EMT level licensure are: (7-1-11)T

- a. A minimum of four (4) hours in pediatrics; (7-1-11)T
- b. A minimum of three (3) hours in EMS Systems and Operations earned by completing state-approved Landing Zone Officer (LZO) and extrication awareness training. Continuing education hours are awarded as follows: (7-1-11)T

- i. For LZO training, two (2) hours in classroom presentation, or one (1) hour in distributed education; (7-1-11)T
- ii. For extrication awareness training, two (2) hours in distributed education; (7-1-11)T
- c. Four (4) hours in eight (8) different remaining categories listed in Section 305 of these rules for thirty-two (32) hours; and (7-1-11)T
- d. Nine (9) hours can be from any single category or combination of the remaining categories listed in Section 305 of these rules. (7-1-11)T

02. Venues Where Continuing Education May be Taken. Continuing education for personnel licensed at the EMT level must include four (4) of the continuing education venues listed in Section 310 of these rules during each licensure period. (7-1-11)T

03. Skills Proficiency for EMT Level License Renewal. A candidate must demonstrate proficiency in the skills necessary to provide safe and effective patient care at the EMT licensure level under the authority of IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services Physician Commission," as follows: (7-1-11)T

- a. Recognize and manage acute traumatic and medical life threats or conditions based on patient assessment findings for pediatric, adult, geriatric, and special needs patients; and (7-1-11)T
- b. Specific skills for an EMT that includes: (7-1-11)T
 - i. Airway, ventilation, and oxygenation; (7-1-11)T
 - ii. Cardiovascular and circulation; (7-1-11)T
 - iii. Immobilization; (7-1-11)T
 - iv. Medication administration; (7-1-11)T
 - v. Normal and complicated childbirth; (7-1-11)T
 - vi. Patient care reporting documentation; and (7-1-11)T
 - vii. Safety and transport operations. (7-1-11)T

326. -- 329. (RESERVED)

330. AEMT LEVEL LICENSE RENEWAL CONTINUING EDUCATION AND SKILLS PROFICIENCY REQUIREMENTS.

An AEMT license renewal candidate must provide documentation of the following during each licensure period: (7-1-11)T

01. AEMT Level Continuing Education Hours Needed for License Renewal. A candidate must provide proof of successful completion of fifty-four (54) hours of continuing education. The types of continuing education courses and the number of hours needed for AEMT level licensure are: (7-1-11)T

- a. A minimum of six (6) hours in pediatrics; (7-1-11)T
- b. A minimum of three (3) hours in EMS Systems and Operations earned by completing state-approved Landing Zone Officer (LZO) and extrication awareness training. Continuing education hours are awarded as follows: (7-1-11)T
 - i. For LZO training, two (2) hours in classroom presentation, or one (1) hour in distributed education;

- (7-1-11)T
- ii. For extrication awareness training, two (2) hours in distributed education; (7-1-11)T
 - c. Four (4) hours in nine (9) different remaining categories listed in Section 305 of these rules, for thirty-six (36) hours; and (7-1-11)T
 - d. Nine (9) hours of continuing education can be from any single category or combination of the remaining categories listed in Section 305 of these rules. (7-1-11)T

02. Venues Where Continuing Education for AEMT License Renewal May be Taken. Continuing education for personnel licensed at the AEMT level must include four (4) of the continuing education venues listed in Section 310 of these rules during each licensure period. (7-1-11)T

03. Skills Proficiency for AEMT Level License Renewal. A candidate must demonstrate proficiency in the skills necessary to provide safe and effective patient care at the AEMT licensure level under the authority of IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services Physician Commission," as follows: (7-1-11)T

- a. Recognize and manage acute traumatic and medical life threats or conditions based on patient assessment findings for pediatric, adult, geriatric, and special needs patients; and (7-1-11)T
- b. Specific skills for an AEMT that includes: (7-1-11)T
 - i. Advanced airway, ventilation, and oxygenation; (7-1-11)T
 - ii. Cardiovascular and circulation; (7-1-11)T
 - iii. Immobilization; (7-1-11)T
 - iv. Medication administration; (7-1-11)T
 - v. Normal and complicated childbirth; (7-1-11)T
 - vi. Patient care reporting documentation; (7-1-11)T
 - vii. Safety and transport operations; and (7-1-11)T
 - viii. Vascular access. (7-1-11)T

331. -- 334. (RESERVED)

335. PARAMEDIC LEVEL LICENSE RENEWAL CONTINUING EDUCATION AND SKILLS PROFICIENCY REQUIREMENTS.

A paramedic license renewal candidate must provide documentation of the following during each licensure period. (7-1-11)T

01. Paramedic Level Continuing Education Hours Needed for License Renewal. A candidate must provide proof of successful completion of seventy-two (72) hours of continuing education. The types of continuing education courses and the number of hours needed for paramedic level licensure are: (7-1-11)T

- a. A minimum of eight (8) hours in pediatrics; (7-1-11)T
- b. A minimum of three (3) hours in EMS Systems and Operations earned by completing state-approved Landing Zone Officer (LZO) and extrication awareness training. Continuing education hours are awarded as follows: (7-1-11)T
 - i. For LZO training, two (2) hours in classroom presentation, or one (1) hour in distributed education;

- (7-1-11)T
- ii. For extrication awareness training, two (2) hours in distributed education; (7-1-11)T
- c. Four (4) hours in eleven (11) different remaining categories listed in Section 305 of these rules, for forty-four (44) hours; and (7-1-11)T
- d. Seventeen (17) hours can be from any single category or a combination of the remaining categories listed in Section 305 of these rules. (7-1-11)T

02. Venues Where Continuing Education for Paramedic Level License Renewal May be Taken. Continuing education for personnel licensed at the paramedic level must include six (6) of the continuing education venues listed in Section 310 of these rules during each licensure period. (7-1-11)T

03. Skills Proficiency for Paramedic Level License Renewal. A candidate must demonstrate proficiency in the skills necessary to provide safe and effective patient care at the Paramedic licensure level under the authority of IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services Physician Commission," as follows: (7-1-11)T

- a. Recognize and manage acute traumatic and medical life threats or conditions based on patient assessment findings for pediatric, adult, geriatric, and special needs patients; and (7-1-11)T
- b. Specific skills for a Paramedic that includes: (7-1-11)T
 - i. Advanced airway, ventilation, and oxygenation, to include endotracheal intubation; (7-1-11)T
 - ii. Cardiovascular and circulation, to include cardiac rhythm interpretation; (7-1-11)T
 - iii. Immobilization; (7-1-11)T
 - iv. Medication administration, to include parenteral drug administration; (7-1-11)T
 - v. Normal and complicated childbirth; (7-1-11)T
 - vi. Patient care reporting documentation; (7-1-11)T
 - vii. Safety and transport operations; (7-1-11)T
 - viii. Vascular access; and (7-1-11)T
 - ix. Manual defibrillation. (7-1-11)T

336. -- 349. (RESERVED)

350. CONTINUING EDUCATION AND SKILLS PROFICIENCY FOR RENEWAL OF CERTIFICATE OF ELIGIBILITY REQUIREMENTS.

A certificate of eligibility renewal candidate must provide documentation demonstrating completion of the following during each period of eligibility. (7-1-11)T

01. Examination. A candidate must have successfully completed the standardized examination designated by the EMS Bureau for the certificate of eligibility. (7-1-11)T

02. Continuing Education for Certificate of Eligibility Licensure Level. A candidate must provide proof of successful completion of continuing education hours for the types of continuing education courses, the number of hours needed for a specific certificate of eligibility licensure level, and in the venues as required for the following: (7-1-11)T

- a. EMR licensure level renewal required in Section 320 of these rules. (7-1-11)T
- b. EMT licensure level renewal required in Section 325 of these rules. (7-1-11)T
- c. AEMT licensure level renewal required in Section 330 of these rules. (7-1-11)T
- d. Paramedic licensure level renewal required in Section 335 of these rules. (7-1-11)T

351. -- 399. (RESERVED)

400. INVESTIGATION OF COMPLAINTS FOR PERSONNEL LICENSING VIOLATIONS.

Investigation of complaints and disciplinary actions for personnel licensing are provided under IDAPA 16.01.12, "Emergency Medical Services (EMS) - Complaints, Investigations, and Disciplinary Actions." (7-1-11)T

401. ADMINISTRATIVE LICENSE OR CERTIFICATION ACTION.

Any license or certification may be suspended, revoked, denied, or retained with conditions for noncompliance with any standard or rule. Administrative license or certification actions imposed by the EMS Bureau for any action, conduct, or failure to act which is inconsistent with the professionalism, or standards, or both, are provided under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.12, "Emergency Medical Services (EMS) - Complaints, Investigations, and Disciplinary Actions." (7-1-11)T

402. -- 999. (RESERVED)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.07 - EMERGENCY MEDICAL SERVICES (EMS) -- PERSONNEL LICENSING REQUIREMENTS

DOCKET NO. 16-0107-1102 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of this temporary rule is July 1, 2011.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. This action is authorized pursuant to Section 56-1023, Idaho Code.

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

Tuesday, August 2, 2011 at 6:00 p.m. (Local)	
Central Fire District 697 Annis Hwy. Rigby, ID	Kamiah Emergency Services 515 Main Street Kamiah, ID
Wednesday, August 3, 2011 at 6:00 p.m. (Local)	
Caribou County Fire Station 665 E. 2nd S. Soda Springs, ID	New Meadows Fire Station 200 Hwy. 95 New Meadows, ID
Thursday, August 4, 2011 at 6:00 p.m. (Local)	
Jerome City Fire/Rescue 110 W. Yakima Ave. Jerome, ID	EMS Bureau Conf. Rm. B25 LBJ Office Bldg. 650 W. State St. Boise, ID
Friday, August 5, 2011 at 6 p.m. (Local)	Saturday, August 6, 2011 at 6 p.m. (Local)
Bonner County EMS 521 3rd Ave. Sandpoint, ID	Moscow Fire Station #3 229 Pintail Ln. Moscow, ID

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Department is updating the Emergency Medical Services rules and the Idaho EMS system to reflect current national standards for safety and quality of services. Through the process of implementing new rules, the Department is adding personnel licensing fees to IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements." The personnel licensing fees in this docket are the same as in current rule, with no increase to fees.

Other dockets publishing in this bulletin that implement the reorganization of EMS services are: 16-0203-1101, 16-0107-1101, 16-0112-1101, and 16-0101-1101.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of these rules are appropriate in order to protect the public health, safety or welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: EMS personnel are required to be licensed and currently pay fees for licensure. The fees added to this new chapter of rules do not impose any new or additional fees from those currently in rule.

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year.

This rulemaking has no fiscal impact to the state general fund. The Emergency Medical Services (EMS) program is funded through dedicated funds paid for by licensing fees.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was conducted over several years. The negotiated rulemaking notice for this rulemaking published in the [March 2, 2011, Idaho Administrative Bulletin, Vol. 11-3, page 14](#), under the current rule, IDAPA 16.02.03, "Emergency Medical Services," Docket No. 16-0203-1101.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference into these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Wayne Denny at (208) 334-4000.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 12, 2011.

DATED this 3rd day of June, 2011.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5564; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND PROPOSED TEXT
OF FEE DOCKET NO. 16-0107-1102**

111. APPLICATION FEES FOR PERSONNEL LICENSURE.

01. Initial Licensure. A candidate applying for an initial personnel license must submit the following license fee at time of application: (7-1-11)T

a. EMR and EMT have no license fee. (7-1-11)T

- b.** AEMT and Paramedic license fee is thirty-five dollars (\$35). (7-1-11)T
- 02. Renewal.** A candidate applying for personnel license renewal must submit the following amount at the time of application: (7-1-11)T

 - a.** EMR and EMT have no license renewal fee. (7-1-11)T
 - b.** AEMT and Paramedic license renewal fee is twenty-five dollars (\$25). (7-1-11)T
- 03. Reinstatement.** A candidate applying for a personnel license reinstatement must pay the following amount at the time of application: (7-1-11)T

 - a.** EMR and EMT have no reinstatement fee. (7-1-11)T
 - b.** AEMT and Paramedic reinstatement fee is thirty-five dollars (\$35). (7-1-11)T
- 114.2. -- 114. (RESERVED)**

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

**16.01.12 - EMERGENCY MEDICAL SERVICES (EMS) -- COMPLAINTS,
INVESTIGATIONS, AND DISCIPLINARY ACTIONS**

DOCKET NO. 16-0112-1101 (NEW CHAPTER)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of this temporary rule is July 1, 2011.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. This action is authorized pursuant to Section 56-1023, Idaho Code.

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

Tuesday, August 2, 2011 at 6:00 p.m. (Local)	
Central Fire District 697 Annis Hwy. Rigby, ID	Kamiah Emergency Services 515 Main Street Kamiah, ID
Wednesday, August 3, 2011 at 6:00 p.m. (Local)	
Caribou County Fire Station 665 E. 2nd S. Soda Springs, ID	New Meadows Fire Station 200 Hwy. 95 New Meadows, ID
Thursday, August 4, 2011 at 6:00 p.m. (Local)	
Jerome City Fire/Rescue 110 W. Yakima Ave. Jerome, ID	EMS Bureau Conf. Rm. B25 LBJ Office Bldg. 650 W. State St. Boise, ID
Friday, August 5, 2011 at 6 p.m. (Local)	Saturday, August 6, 2011 at 6 p.m. (Local)
Bonner County EMS 521 3rd Ave. Sandpoint, ID	Moscow Fire Station #3 229 Pintail Ln. Moscow, ID

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Department is updating the Emergency Medical Services rules and the Idaho EMS system to reflect current national standards for safety and quality of services. Through the process of implementing new rules, the Department is reorganizing the EMS rules. This new chapter of rule in IDAPA 16.01.12, is part of that reorganization and provides for the investigation of complaints and disciplinary actions for licensure and certification as follows:

1. Requirements for filing complaints, and disclosure of records;
2. Requirements for handling investigations of complaints, and compliance with licensing standards;
3. Enforcement and disciplinary actions;
4. Notification of disciplinary actions,
5. References to chapters that these rules provide disciplinary actions and compliance enforcement for; and
6. Required sections to meet rule requirements of the [Administrative Procedures Act](#).

Other dockets publishing in this bulletin that implement the reorganization of EMS services are: 16-0203-1101, 16-0107-1101, 16-0107-1102, and 16-0101-1101.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of these rules are appropriate in order to protect the public health, safety or welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking has no fiscal impact to the state general fund. The Emergency Medical Services (EMS) program is funded through dedicated funds.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was conducted over several years. The negotiated rulemaking for these rules published in the [March 2, 2011, Idaho Administrative Bulletin, Vol. 11-3, page 14](#), under the current rule, IDAPA 16.02.03, "Emergency Medical Services," Docket No. 16-0203-1101.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference into these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Wayne Denny at (208) 334-4000.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 12, 2011.

DATED this 3rd day of June, 2011.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5564; fax: (208) 334-6558
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THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT OF DOCKET NO. 16-0112-1101

IDAPA 16, TITLE 01, CHAPTER 12

**16.01.12 - EMERGENCY MEDICAL SERVICES (EMS) -- COMPLAINTS,
INVESTIGATIONS, AND DISCIPLINARY ACTIONS**

000. LEGAL AUTHORITY.

The Idaho Board of Health and Welfare is authorized under Sections 56-1005 and 56-1023, Idaho Code, to adopt rules concerning the administration of the Idaho Emergency Medical Services Act. The Director is authorized under Section 56-1003, Idaho Code, to supervise and administer an emergency medical service program. The EMS Bureau is authorized under Section 56-1022, Idaho Code, to manage complaints and investigations, and implement license actions against EMS personnel and agencies, that includes levying fines against an EMS agency. (7-1-11)T

001. TITLE AND SCOPE.

01. Title. The title of these rules is IDAPA 16.01.12, "Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions." (7-1-11)T

02. Scope. These rules provide for the management of complaints, investigations, enforcement, and disciplinary actions by the EMS Bureau for personnel and agency licensure and certification. (7-1-11)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, the Department may have written statements that pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. (7-1-11)T

003. ADMINISTRATIVE APPEALS.

Administrative appeals and contested cases are governed by the provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (7-1-11)T

004. INCORPORATION BY REFERENCE.

No documents are incorporated in this chapter of rule. (7-1-11)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE NUMBER -- INTERNET WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (7-1-11)T

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (7-1-11)T

03. Street Address. (7-1-11)T

a. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (7-1-11)T

b. The EMS Bureau is located at 650 W. State Street, Suite B-17, Boise, Idaho 83702. (7-1-11)T

04. Telephone. (7-1-11)T

a. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (7-1-11)T

b. The telephone number for the EMS Bureau is (208) 334-4000. The toll-free, phone number is 1-

877-554-3367. (7-1-11)T

05. Internet Websites. (7-1-11)T

a. The Department's internet website is found at <http://www.healthandwelfare.idaho.gov>. (7-1-11)T

b. The Emergency Medical Services Bureau's internet website is found at <http://www.idahoems.org>. (7-1-11)T

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS ACT COMPLIANCE AND REQUESTS.

01. Confidentiality of Records. (7-1-11)T

a. Any information about an individual covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (7-1-11)T

b. Preliminary investigations and related documents are confidential until a notice of certificate or license action is issued by the EMS Bureau. (7-1-11)T

02. Public Records Act. The Department will comply with Sections 9-337 through 9-350, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. (7-1-11)T

007. -- 009. (RESERVED)

010. DEFINITIONS AND ABBREVIATIONS.

For the purposes of this chapter of rules the following terms apply: (7-1-11)T

01. Affiliating EMS Agency. The licensed EMS agency, or agencies, under which licensed personnel are authorized to provide patient care. (7-1-11)T

02. Board. The Board of Health and Welfare. (7-1-11)T

03. Certified EMS Instructor. An individual approved by the EMS Bureau, who has met the requirements in IDAPA 16.02.03, "Emergency Medical Services," to provide EMS education and training. (7-1-11)T

04. Department. The Idaho Department of Health and Welfare. (7-1-11)T

05. Emergency Medical Services (EMS). The system utilized in responding to a perceived individual need for immediate care in order to prevent loss of life or aggravation of physiological or psychological illness or injury. (7-1-11)T

06. EMS Agency. An organization licensed by the EMS Bureau to provide air medical, ambulance, or non-transport services. (7-1-11)T

07. EMS Agency Medical Director. A physician who supervises the medical activities of licensed personnel affiliated with an EMS agency. (7-1-11)T

08. EMS Bureau. The Emergency Medical Services (EMS) Bureau of the Idaho Department of Health and Welfare. (7-1-11)T

09. EMS Physicians Commission (EMSPC). The Idaho Emergency Medical Services Physician Commission as created under Section 56-1013A, Idaho Code, hereafter referred to as "the Commission." (7-1-11)T

10. Investigation. Research of the facts concerning a complaint or issue of non-compliance which may include performing or obtaining interviews, inspections, document review, detailed subject history, phone calls,

witness statements, other evidence and collaboration with other jurisdictions of authority. (7-1-11)T

11. National Registry of Emergency Medical Technicians (NREMT). An independent, non-governmental, not-for-profit organization that prepares validated examinations for the state's use in evaluating candidates for licensure. (7-1-11)T

12. Personnel License or Certificate Holder. Individuals who possess a valid license or certificate issued by the EMS Bureau. Includes individuals who are Emergency Medical Responders (EMR), Emergency Medical Technicians (EMT), Advanced Emergency Medical Technicians (AEMT), Paramedics, and Certified EMS Instructors. (7-1-11)T

13. Physician. In accordance with Section 54-1803, Idaho Code, a person who holds a current active license issued by the State Board of Medicine to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine in Idaho and is in good standing with no restrictions upon, or actions taken against, his license. (7-1-11)T

011. -- 074. (RESERVED)

075. PEER REVIEW TEAM.

The EMS Bureau may elect to conduct a peer review for an alleged statute or rule violation when it determines that a peer review is an appropriate action. The EMS Bureau will determine who serves on a peer review team. (7-1-11)T

076. MEMBERS OF A PEER REVIEW TEAM.

The peer review team will consist of four (4) team members selected by the EMS Bureau as appropriate to the case being considered from the following: (7-1-11)T

- 01. Licensed Personnel.** EMS personnel licensed at, or above, the license level of the subject; or (7-1-11)T
- 02. Agency Administrator.** EMS agency administrator; or (7-1-11)T
- 03. Training Officer.** EMS agency training officer; or (7-1-11)T
- 04. Course Coordinator.** Course coordinator of an EMS Bureau-approved education program or course; or (7-1-11)T
- 05. Instructor.** EMS Bureau-certified EMS instructor; and (7-1-11)T
- 06. Chairman of Peer Review Team.** Each peer review team will be chaired by a licensed Idaho EMS physician as follows: (7-1-11)T
 - a.** An Idaho EMS Physician Commissioner for cases involving EMS personnel; or (7-1-11)T
 - b.** An Idaho EMS agency medical director for cases involving an EMS agency; or (7-1-11)T
 - c.** An Idaho EMS Bureau-approved education program or course sponsoring physician for cases involving educators who are not licensed EMS personnel. (7-1-11)T

077. QUALIFICATIONS REQUIRED OF A PEER REVIEW TEAM MEMBER.

An individual, serving as a member of an EMS peer review team, must have successfully completed an orientation to EMS-related statute, rules and procedures and have signed confidentiality and conflict of interest agreements provided by the EMS Bureau. (7-1-11)T

078. -- 099. (RESERVED)

REPORTING OF COMPLAINTS AND SUSPECTED VIOLATIONS

(Sections 100-199)

100. COMPLAINT SUBMITTED WHEN A VIOLATION IS SUSPECTED.

Complaints must be submitted in writing on a complaint intake form found online at: <http://www.idahoems.org>.

(7-1-11)T

101. -- 109. (RESERVED)

110. REPORTING SUSPECTED VIOLATION.

Any person who suspects a violation of Sections 56-1011 through 56-1023, Idaho Code, IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission," IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements," IDAPA 16.02.03, "Emergency Medical Services," may report the violation to the EMS Bureau.

(7-1-11)T

111. ANONYMOUS COMPLAINTS.

Anonymous complaints are accepted; however, the inability to collect further information from the complainant may hinder the progress of the investigation.

(7-1-11)T

112. -- 199. (RESERVED)

INVESTIGATION OF COMPLAINTS AND SUSPECTED VIOLATIONS

(Sections 200-299)

200. EMS BUREAU INITIATES OFFICIAL INVESTIGATION.

An official investigation will be initiated when the any of the following occurs:

(7-1-11)T

01. Complaint with Allegations. A complaint with an allegation that, if substantiated, would be in violation of Sections 56-1011 through 56-1023, Idaho Code, IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements," IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission," or IDAPA 16.02.03, "Emergency Medical Services."

(7-1-11)T

02. Discovery of Potential Violation of Statute or Administrative Rule. EMS Bureau staff or other authorities discover a potential violation of Sections 56-1011 through 56-1023, Idaho Code, IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements," IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission," or IDAPA 16.02.03, "Emergency Medical Services."

(7-1-11)T

201. -- 209. (RESERVED)

210. VIOLATIONS THAT MAY RESULT IN ADMINISTRATIVE ACTIONS.

The EMS Bureau may impose an administrative action, such as denial, revocation, suspension, under conditions that include, but are not limited to, those specified in these rules. Administrative actions may be imposed on any of the following: the holder of a license or certificate, or on an applicant or candidate for an EMS license or certificate. Administrative actions may be imposed on any of the previously mentioned for any action, conduct, or failure to act that is inconsistent with the professionalism, standards, or both, established by statute or rule.

(7-1-11)T

01. Violation of Statute or Administrative Rules.

(7-1-11)T

a. Sections 56-1011 through 56-1023, Idaho Code;

(7-1-11)T

b. IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements;" IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission," IDAPA 16.02.03, "Emergency Medical Services," and this chapter of rules.

(7-1-11)T

02. Unprofessional Conduct. Any act that violates professional standards required under IDAPA 16.01.07, "EMS -- Personnel Licensure Requirements."

(7-1-11)T

03. Failure to Maintain Standards of Knowledge, Proficiency, or Both. Failure to maintain standards of knowledge, or proficiency, or both, required under IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensure Requirements," and IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission." (7-1-11)T

04. Mental Incompetency. A lawful finding of mental incompetency by a court of competent jurisdiction. (7-1-11)T

05. Impairment of Function. Performance of duties pursuant to an EMS personnel license while under the influence of alcohol, illegal substance, or legal drug or medication causing impairment of function. (7-1-11)T

06. Denial of Criminal History Clearance. Any conduct, action, or conviction that does or would result in denial of a criminal history clearance under IDAPA 16.05.06, "Criminal History and Background Checks." (7-1-11)T

07. Discipline, Restriction, Suspension, or Revocation. Discipline, restriction, suspension, or revocation by any other jurisdiction. (7-1-11)T

08. Danger or Threat to Persons or Property. Any conduct, condition, or circumstance determined by the EMS Bureau that constitutes a danger or threat to the health, safety, or well-being of persons or property. (7-1-11)T

09. Performing Medical Procedure or Providing Medication that Exceeds the Scope of Practice of the Level of Licensure. Performing any medical procedure or providing medication that deviates from or exceeds the scope of practice for the corresponding level of licensure established under IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission." (7-1-11)T

10. Falsification of Applications or Reports. The submission of fraudulent or false information in any report, application, or documentation to the EMS Bureau. (7-1-11)T

11. Attempting to Obtain a License by Means of Fraud. Misrepresentation in an application, or documentation, for licensure by means of concealment of a material fact. (7-1-11)T

211. -- 219. (RESERVED)

220. REFUSAL TO PARTICIPATE IN AN INVESTIGATION.
The refusal to participate by the subject will not prohibit full investigation or a peer review, nor prevent potential administrative license action. (7-1-11)T

221. -- 229. (RESERVED)

230. SURRENDER OR LAPSE OF LICENSE.
Surrender or lapse of a license will not prohibit full investigation with the potential consequence of EMS Bureau imposing a formal administrative license action or fine. (7-1-11)T

231. -- 239. (RESERVED)

240. INVESTIGATION CONFIDENTIALITY.

01. Informal Resolution. Informal resolution of complaints or non-compliance by guidance or warning letter is considered official correspondence and is public information. (7-1-11)T

02. Administrative License Action. Preliminary investigations and documents supplied or obtained in connection with them are confidential until a formal notice of administrative license action is issued. (7-1-11)T

241. -- 249. (RESERVED)

250. NOTICE OF THE FINAL DISPOSITION OF AN INVESTIGATION.

01. Subject. The EMS Bureau will send notification to the last known address of the subject of the disposition of the investigation, including any pending or current administrative actions. (7-1-11)T

02. Other Jurisdiction for EMS Personnel. A copy of administrative action imposed on EMS personnel will be sent to each agency of affiliation, agency medical director, the National Practitioners Data Base, and the National Registry of Emergency Medical Technicians. (7-1-11)T

03. Other Jurisdictions for EMS Agencies. A copy of administrative action or nature of fines imposed on EMS agencies will be sent to the agency governing authorities and the agency medical director. (7-1-11)T

04. Other Jurisdictions for Educational Programs or Instructors. A copy of any administrative action imposed on an EMS educational program or instructor may be sent to the state Board of Education, the sponsoring physician, the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions (CoAEMSP), and the National Registry of Emergency Medical Technicians (NREMT). (7-1-11)T

251. -- 299. (RESERVED)

**DISCIPLINARY AND CORRECTIVE ACTIONS
(Sections 300 through 399)**

300. PERSONNEL ACTIONS RESULTING FROM INVESTIGATIONS.

The following actions may be imposed upon the subject of an investigation by the EMS Bureau without peer review: (7-1-11)T

01. Personnel Letter of Guidance. The EMS Bureau may issue a letter of guidance, directing the subject of the investigation to the standards, rules, educational resources, or local jurisdiction for resolution of minor non-compliance issues where no injury or threat of harm to the public, profession, or EMS system occurred. The subject of the investigation must show a willingness to become compliant and correct the issue within thirty (30) days of receipt of the personnel guidance letter. (7-1-11)T

02. Personnel Warning Letter. The EMS Bureau may issue a warning letter for a first offense where an unlicensed individual is providing patient care in violation of Section 56-1020, Idaho Code; or (7-1-11)T

03. Negotiated Resolution for Personnel. The EMS Bureau may negotiate a resolution with the subject of an investigation where allegations of misconduct or medical scope of practice non-compliance, if found to be true, did not cause, or is not likely to cause, injury or harm to the public, profession, or EMS system. The issue must be resolved and corrected within thirty (30) days of the negotiated resolution or settlement agreed to by both the subject of the investigation and the EMS Bureau. (7-1-11)T

a. Negotiated resolution participants will include the subject of the investigation, EMS Bureau staff and other parties deemed appropriate by the EMS Bureau. (7-1-11)T

b. During the negotiated resolution process, the subject of the investigation may be offered specific remediation or disciplinary action by consent, which, if agreed to, will resolve the matter with no further right to appeal unless stipulated and agreed to at the time that the remediation or disciplinary action is agreed upon. (7-1-11)T

c. When the remediation or disciplinary action is not agreed to by consent of both the subject of the investigation and the EMS Bureau, the matter may then be referred to a peer review. (7-1-11)T

301. -- 309. (RESERVED)

310. AGENCY ACTIONS RESULTING FROM INVESTIGATIONS.

The following actions may be imposed upon an EMS agency that is the subject of an investigation by the EMS Bureau without peer review: (7-1-11)T

01. Agency Letter of Guidance. The EMS Bureau may issue a letter of guidance, directing the EMS agency to the standards, rules, educational resources, or local jurisdiction for resolution of minor non-compliance issues where no injury or threat of harm to the public or EMS system occurred. The EMS agency must show a willingness to become compliant and correct the issue within thirty (30) days of receipt the agency guidance letter. (7-1-11)T

02. Agency Warning Letter. The EMS Bureau may issue a warning letter for a first offense where an organization is providing unlicensed emergency medical services in violation of Section 56-1021, Idaho Code; (7-1-11)T

03. Negotiated Resolution for an Agency. The EMS Bureau may negotiate a resolution with the subject of an investigation, where the allegations, if found to be true, did not cause, or is not likely to cause, injury or harm to the public or EMS system. The issue must be resolved within thirty (30) days of the negotiated resolution or a settlement agreed to by both the subject of the investigation and the EMS Bureau. (7-1-11)T

a. Negotiated resolution participants will include representatives from the EMS agency or the subject under investigation, EMS Bureau staff, and other parties deemed appropriate by the EMS Bureau. (7-1-11)T

b. During the negotiated resolution process, the subject of the investigation may be offered specific remediation or disciplinary action by consent, which, if agreed to, will resolve the matter with no further right to appeal unless stipulated and agreed to at the time that the remediation or disciplinary action is agreed upon. (7-1-11)T

c. When remediation or disciplinary action is not agreed to by consent of both the subject of the investigation and the EMS Bureau, the matter may then be referred to a peer review. (7-1-11)T

310. -- 319. (RESERVED)

320. PEER REVIEW.

The EMS Bureau may elect to conduct a peer review for an alleged statute or rule violations when it determines that a peer review is an appropriate action, or a negotiated resolution or settlement agreement described in Sections 300 and 310 of these rules, is not reached. The peer review is conducted as follows: (7-1-11)T

01. Review of Case by Peer Review Team. The peer review team reviews the case details, subject's background, affiliation, licensure history, associated evidence, and documents, and then considers aggravating and mitigating circumstance as follows: (7-1-11)T

a. Aggravating circumstances can include: prior or multiple offenses, vulnerability of victim, obstruction of the investigation, and dishonesty. (7-1-11)T

b. Mitigating circumstances can include: absence of prior offenses, absence of dishonest or selfish motive, timely effort to rectify situation, interim successful rehabilitation, misdirection per agency protocol, or medical direction. (7-1-11)T

02. Subject Given Opportunity to Respond. The subject of the investigation will be given the opportunity to respond in writing, by teleconference, or at the option of the EMS Bureau, in person to the alleged violation. (7-1-11)T

03. Evaluation of Evidence. The peer review team will evaluate the evidence and make a majority decision of the finding for each alleged statute, rule, or standards violation, including any additional detected violations. (7-1-11)T

04. Recommend Action. The peer review team will recommend actions to the EMS Bureau. If subject is found to have violated statutes, rules, or standards, the recommendations may include the following: (7-1-11)T

- a.** Administrative license action, time frames, conditions, and fines, if imposed, on an EMS agency. (7-1-11)T
- b.** Administrative license action, time frames, and conditions, if imposed, on EMS personnel. (7-1-11)T

321. -- 329. (RESERVED)

330. ADMINISTRATIVE ACTIONS IMPOSED FOR LICENSURE OR CERTIFICATION.

The EMS Bureau may impose the following administrative actions: (7-1-11)T

01. Deny or Refuse to Renew EMS Personnel License or Certification. The EMS Bureau may deny an EMS personnel license or certification, or refuse to renew an EMS personnel license or certification: (7-1-11)T

a. When the application for licensure or certification is not complete or the individual does not meet the eligibility requirements provided in Sections 56-1011 through 56-1023, Idaho Code, IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements," IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission," IDAPA 16.02.03, "Emergency Medical Services"; or (7-1-11)T

b. Pending final outcome of an EMS investigation or criminal proceeding when criminal charges or allegations indicate an imminent danger or threat to the health, safety, or well being of persons or property. (7-1-11)T

c. For any reason that would justify an administrative action according to Section 210 of these rules. (7-1-11)T

d. Decisions to deny or refuse to renew an EMS license will be reviewed by the Idaho EMS Physicians Commission at the Commission's next available meeting. (7-1-11)T

02. Deny or Refuse to Renew EMS Agency License. The EMS Bureau may deny an EMS agency license or refuse to renew a EMS agency license: (7-1-11)T

a. When the application for licensure is not complete or does not meet the eligibility requirements provided in Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.02.03, "Emergency Medical Services"; or (7-1-11)T

b. Pending final outcome of an EMS investigation or criminal proceeding when criminal charges or allegations indicate an imminent danger or threat to the health, safety, or well-being of persons or property. (7-1-11)T

c. For any reason that would justify an administrative action according to Section 210 of these rules. (7-1-11)T

03. Retain with Probationary Conditions for Personnel License or Certification. The EMS Bureau may allow an EMS personnel license or certificate holder to retain a license or certificate as agreed to in a negotiated resolution, settlement, or with conditions imposed by the EMS Bureau. Decisions to retain an EMS personnel license with probationary conditions will be reviewed by the Idaho EMS Physician Commission at the Commission's next available meeting. (7-1-11)T

04. Retain with Probationary Conditions for Agency License. The EMS Bureau may allow an EMS agency to retain a license as agreed to in a negotiated resolution, settlement, or with conditions imposed by the EMS Bureau. (7-1-11)T

05. Suspend EMS Personnel License or Certificate. The EMS Bureau may suspend an EMS personnel license or certificate for: (7-1-11)T

- a. A period of time up to twelve (12) months, with or without conditions; or (7-1-11)T
- b. Pending final outcome of an EMS investigation or criminal proceeding when criminal charges or allegations indicate an imminent danger or threat to the health, safety, or well-being of persons or property. (7-1-11)T
- c. Decisions to suspend an EMS personnel license will be reviewed by the Idaho EMS Physician Commission at the Commission's next available meeting. (7-1-11)T

06. Revoke EMS Personnel License or Certificate. The EMS Bureau may revoke an EMS personnel license or certificate when: (7-1-11)T

- a. A peer review team recommends license or certificate revocation; or (7-1-11)T
- b. The license holder is found to no longer be eligible for criminal history clearance per IDAPA 16.05.06, "Criminal History and Background Checks." (7-1-11)T
- c. Decisions to revoke an EMS personnel license will be reviewed by the Idaho EMS Physician Commission at the Commission's next available meeting. (7-1-11)T

07. Revoke EMS Agency License. The EMS Bureau may revoke an EMS agency license when: (7-1-11)T

- a. A peer review team recommends license revocation; (7-1-11)T
- b. The EMS Bureau will notify the city, fire district, hospital district, ambulance district, dispatch center, and county in which the EMS agency provides emergency prehospital response that the EMS Bureau is considering license revocation. (7-1-11)T

331. -- 339. (RESERVED)

340. VIOLATIONS THAT MAY RESULT IN FINES BEING IMPOSED ON EMS AGENCY.

In addition to administrative license actions provided in Section 56-1022, Idaho Code, and these rules, a fine may be imposed by the EMS Bureau upon recommendation of a peer review team on a licensed EMS agency as a consequence of agency violations. Fines may be imposed for the following violations: (7-1-11)T

01. Operating An Unlicensed EMS Agency. Operating without a license required in IDAPA 16.02.03, "Emergency Medical Services," including: (7-1-11)T

- a. Failure to obtain an initial license; (7-1-11)T
- b. Failure to obtain a license upon change in ownership; or (7-1-11)T
- c. Failure to renew a license and continues to operate as an EMS agency. (7-1-11)T

02. Unlicensed Personnel Providing Patient Care. Allowing an unlicensed individual to provide patient care without first obtaining an EMS personnel license required in IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements," at the appropriate level for the EMS agency. (7-1-11)T

03. Failure to Respond. Failure of the EMS agency to respond to a 911 request for service within the agency primary response area in a typical manner of operations when dispatched to a medical illness or injury, under licensure requirements in IDAPA 16.02.03, "Emergency Medical Services," except when the responder reasonably determines that: (7-1-11)T

- a. There are disaster conditions; (7-1-11)T
- b. Scene safety hazards are present or suspected; or (7-1-11)T

c. Law enforcement assistance is necessary to assure scene safety, but has not yet allowed entry to the scene. (7-1-11)T

04. Unauthorized Response by EMS Agency. Responding to a request for service which deviates from or exceeds those authorized by the EMS agency license requirements in IDAPA 16.02.03, "Emergency Medical Services." (7-1-11)T

05. Failure to Allow Inspections. Failure to allow the EMS Bureau or its representative to inspect the agency facility, equipment, records, and other licensure requirements provided in IDAPA 16.02.03, "Emergency Medical Services." (7-1-11)T

06. Failure To Correct Unacceptable Conditions. Failure of the EMS agency to correct unacceptable conditions within the time frame provided in a negotiated resolution settlement, or a warning letter issued by the EMS Bureau. Including the following: (7-1-11)T

- a. Failure to maintain an EMS vehicle in a safe and sanitary condition; (7-1-11)T
- b. Failure to have available minimum EMS Equipment; (7-1-11)T
- c. Failure to correct patient or personnel safety hazards; or (7-1-11)T
- d. Failure to retain an EMS agency medical director: (7-1-11)T

07. Failure to Report Patient Care Data. Failure to submit patient care data as required in IDAPA 16.02.03, "Emergency Medical Services." (7-1-11)T

341. FINES IMPOSED ON EMS AGENCY.

In addition to administrative license action allowed by statute and rule, a fine may be imposed by the EMS Bureau upon the recommendation of a peer review team. Fines are imposed on licensed EMS agency as a consequence of agency licensure violations. (7-1-11)T

01. Maximum Amount of a Fine. A fine may not exceed one thousand dollars (\$1000) for each specified violation. (7-1-11)T

02. Fines Levied After Peer Review. The EMS Bureau may levy a fine against an EMS agency following a peer review that has a majority decision on finding and outcomes, and includes a fine be imposed as part of the recommended action. (7-1-11)T

03. Table for Maximum Fine Amount. The maximum amount of a fine that may be imposed on an EMS agency for certain violations listed in Section 330 of these rules are provided in the table below:

EMS AGENCY FINE AMOUNT FOR VIOLATIONS Section 341.03		
Rule Violation Subsection	TYPE OF VIOLATION	Maximum Fine (each violation)
340.01.	Operating an Unlicensed EMS Agency.	
	a. Failure to obtain an initial license:	\$1000
	b. Failure to obtain a license upon change of ownership:	\$ 500
	c. Failure to successfully renew a license:	\$ 500
340.02.	Unlicensed EMS Personnel Providing Patient Care.	\$ 500
340.03.	Failure to Respond.	\$ 750

EMS AGENCY FINE AMOUNT FOR VIOLATIONS Section 341.03		
Rule Violation Subsection	TYPE OF VIOLATION	Maximum Fine (each violation)
340.04.	Unauthorized Response by EMS Agency. Licensed EMS agency responds to a request for service which deviates from or exceeds those authorized by the EMS agency license.	\$ 500
340.05.	Failure to Allow an Inspection of an EMS Agency.	\$ 500
340.06.	Failure to Correct Unacceptable Conditions. a. Failure to maintain an EMS vehicle in a safe and sanitary condition: b. Failure to have available minimum EMS equipment: c. Failure to correct patient or personnel safety hazards: d. Failure to retain an EMS agency medical director:	\$ 250 \$ 250 \$ 250 \$ 500
340.07.	Failure to Report Patient Care Data.	\$ 500

(7-1-11)T

342. COLLECTED FINES.

Money collected from EMS agency fines will be deposited into the Emergency Medical Services Fund III provided for in Section 56-1018B, Idaho Code, a dedicated fund account for the purpose of providing grants to acquire vehicles and equipment for use by emergency medical services personnel in the performance of their duties. (7-1-11)T

343. -- 349. (RESERVED)

350. REINSTATEMENT OF EMS LICENSE FOLLOWING REVOCATION.

An application of any revoked EMS agency or personnel license may be filed with the EMS Bureau no earlier than one (1) year from the date of the license revocation. (7-1-11)T

01. Peer Review for Reinstatement. The EMS Bureau will conduct a peer review to consider the reinstatement application. (7-1-11)T

02. Recommendation of Peer Review Team. The peer review team will make a recommendation to the EMS Bureau to accept or reject the application for reinstatement. (7-1-11)T

03. Reinstatement Determination. The EMS Bureau will accept or reject the reinstatement application based on the peer review team recommendation and other extenuating circumstances. (7-1-11)T

a. Reinstatement of a revoked EMS personnel license is subject to the lapsed license reinstatement requirements in IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements." (7-1-11)T

b. Reinstatement of a revoked EMS agency license will be subject to an initial agency application requirements in IDAPA 16.02.03, "Emergency Medical Services." (7-1-11)T

351. -- 999. (RESERVED)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.03 - EMERGENCY MEDICAL SERVICES

DOCKET NO. 16-0203-0901

NOTICE OF RESCISSION OF TEMPORARY RULE AND VACATION OF PROPOSED RULEMAKING

EFFECTIVE DATE FOR RESCISSION OF TEMPORARY RULE: The effective date of the rescission of the temporary rule is July 1, 2011.

AUTHORITY: In compliance with Section 67-5221 and 67-5226, Idaho Code, notice is hereby given that this agency has rescinded the temporary rule previously adopted and is vacating the proposed rulemaking initiated under this docket. The action is authorized pursuant to Section 56-1023, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for rescinding the temporary rule and vacating the previously initiated rulemaking:

The temporary rules published under this Docket No. 16-0203-0901 are being rescinded as of July 1, 2011, and the proposed rules are being vacated. The Department is working with stakeholders on rule revisions in this chapter that will reorganize the structure of the Emergency Medical Services rules. Most changes that were made under this Docket 16-0203-0901, that published in the [October 7, 2009, Idaho Administrative Bulletin, Vol. 09-10, pages 316 through 341](#), are still needed in this chapter of rules. Those rules changes are being republished in this Bulletin under Docket No. 16-0203-1101.

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact to state general funds for the rescission of the temporary rule and vacation of the proposed rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the rescission of this temporary rule and vacation of the proposed rulemaking, contact Wayne Denny at (208) 334-4000.

DATED this 3rd day of June, 2011.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.03 - EMERGENCY MEDICAL SERVICES

DOCKET NO. 16-0203-1101

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of this temporary rule is July 1, 2011.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. This action is authorized pursuant to Section 56-1023, Idaho Code.

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

Tuesday, August 2, 2011 at 6:00 p.m. (Local)	
Central Fire District 697 Annis Hwy. Rigby, ID	Kamiah Emergency Services 515 Main Street Kamiah, ID
Wednesday, August 3, 2011 at 6:00 p.m. (Local)	
Caribou County Fire Station 665 E. 2nd S. Soda Springs, ID	New Meadows Fire Station 200 Hwy. 95 New Meadows, ID
Thursday, August 4, 2011 at 6:00 p.m. (Local)	
Jerome City Fire/Rescue 110 W. Yakima Ave. Jerome, ID	EMS Bureau Conf. Rm. B25 LBJ Office Bldg. 650 W. State St. Boise, ID
Friday, August 5, 2011 at 6 p.m. (Local)	Saturday, August 6, 2011 at 6 p.m. (Local)
Bonner County EMS 521 3rd Ave. Sandpoint, ID	Moscow Fire Station #3 229 Pintail Ln. Moscow, ID

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Department is updating the Emergency Medical Services rules and the Idaho EMS system to reflect current national standards for safety and quality of services. Through the process of implementing new rules, the Department is reorganizing the EMS rules. The current chapter of rules is being updated as follows:

1. Removes EMS personnel licensure standards, requirements, scope of practice, application, fees, and records management;

2. Amends the scope of practice including definitions and terminology needed to meet agency requirements and rules that stay in this chapter;
3. Removes investigation, enforcement and compliance requirements for agency and personnel licensing;
4. Adds references to new chapters for personnel licensure, complaints, investigations, compliance, and enforcement of all EMS rules; and
5. Amends sections to meet statutory requirements, standards, terminology from previous rulemaking under Docket 16-0203-0901 that is being rescinded and vacated in this bulletin.

Other dockets publishing in this bulletin that implement the reorganization of EMS services are: 16-0107-1101, 16-0107-1102, 16-0112-1101, and 16-0101-1101.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of these rules are appropriate in order to protect the public health, safety or welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking has no fiscal impact to the state general fund. The Emergency Medical Services (EMS) program is funded through dedicated funds.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was conducted over several years. The negotiated rulemaking for these rules published in the [March 2, 2011, Idaho Administrative Bulletin, Vol. 11-3, page 14](#), under the current rule, IDAPA 16.02.03, "Emergency Medical Services," Docket No. 16-0203-1101.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference into these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Wayne Denny at (208) 334-4000.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 12, 2011.

DATED this 3rd day of June, 2011.

Tamara Prisock
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THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT OF DOCKET NO. 16-0203-1101

000. LEGAL AUTHORITY.

The Idaho Board of Health and Welfare is authorized under Section 56-10~~723~~, Idaho Code, to adopt rules concerning the administration of the Idaho Emergency Medical Services Act, Sections 56-1011 through 56-1023, Idaho Code. The Director is authorized under Section 56-1003, Idaho Code, to supervise and administer an emergency medical service program. ~~(4-6-05)~~(7-1-11)T

001. TITLE AND SCOPE.

021. Title. ~~These rules shall be cited in full as~~ The title of these rules is IDAPA 16.02.03, Idaho Department of Health and Welfare, "Rules Governing Emergency Medical Services." ~~(7-1-97)~~(7-1-11)T

042. Scope. These rules include criteria for training education programs, certification of personnel instructors, licensure of ambulance services and nontransport services including required agency personnel, licensure of ambulances and nontransport vehicles, establishment of fees for training, inspections, and certifications, ~~and appropriate requirements for recertification of personnel.~~ ~~(7-1-97)~~(7-1-11)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this Bureau has an EMS Standards Manual that contains policy and interpretation of these se rules ~~of this Chapter, or to~~ and the documentation of compliance with these se rules ~~of this Chapter~~. Copies of the Standards Manual may be obtained from the EMS Bureau, 650 W. State Street, Suite B-17, Boise, Idaho 83702, P.O. Box 83720, Boise, Idaho 83720-0036. ~~(3-30-01)~~(7-1-11)T

003. ADMINISTRATIVE APPEALS.

~~All~~ Administrative appeals and contested cases ~~shall be~~ are governed by the provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." ~~(7-1-97)~~(7-1-11)T

004. INCORPORATION BY REFERENCE.

The Board of Health and Welfare has adopted the Minimum Equipment Standards for Licensed EMS Services, 20~~04~~11 edition, Version 41.0, as its standard on required EMS equipment and hereby incorporates the Equipment Standards by reference. Copies of the Equipment Standards may be obtained from the EMS Bureau, 650 W. State Street, Suite B-17, Boise, Idaho 83702, P.O. Box 83720, Boise, Idaho 83720-0036. ~~(4-6-05)~~(7-1-11)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE NUMBER -- INTERNET WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (4-6-05)

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (4-6-05)

03. Street Address. ~~(7-1-11)T~~

a. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (4-6-05)

b. The EMS Bureau is located at 650 W. State Street, Suite B-17, Boise, Idaho 83702. ~~(7-1-11)T~~

04. Telephone. ~~(7-1-11)T~~

a. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (4-6-05)

b. The telephone number for the EMS Bureau is (208) 334-4000. The toll-free, phone number is 1-877-554-3367. ~~(7-1-11)T~~

05. Internet Websites. (4-6-05)

- a. The Department's internet website is found at <http://www.healthandwelfare.idaho.gov>. (4-6-05)
- b. The Emergency Medical Services Bureau's internet website is found at <http://www.idahoems.org>. (4-6-05)

(BREAK IN CONTINUITY OF SECTIONS)

007. -- 009. (RESERVED)

010. DEFINITIONS AND ABBREVIATIONS.

For the purposes of these rules, the following terms and abbreviations will be used, as defined below: (7-1-80)

01. Advanced Emergency Medical Technician-Ambulance (AEMT-A). ~~An individual certified by the EMS Bureau of the Idaho Department of Health and Welfare on the basis of successful completion of an advanced EMT training program, examination, subsequent required continuing training, and recertification. A person who has met the qualifications for AEMT licensure defined in Section 56-1012, Idaho Code, and in IDAPA 16.01.07, "Emergency Medical Services - Personnel Licensing Requirements."~~ ~~(4-6-05)(7-1-11)T~~

02. Advanced Life Support (ALS). The provision of medical care, medication administration and treatment with medical devices ~~which that~~ correspond to the knowledge and skill objectives in the ~~EMT-Paramedic~~ curriculum currently approved by the State Health Officer in accordance with Subsection 201.04 of these rules and within the scope of practice defined in IDAPA ~~22.01.06, "Rules for EMS Personnel," Subsection 011.05, 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission,"~~ by persons ~~certified licensed~~ as ~~EMT-Paramedics in accordance with these rules~~ by the EMS Bureau. ~~(4-5-00)(7-1-11)T~~

03. Advertise. Communication of information to the public, institutions, or to any person concerned, by any oral, written, or graphic means including handbills, newspapers, television, radio, telephone directories, and billboards. (4-5-00)

04. Agency. ~~An applicant for designation or a licensed EMS service seeking designation~~ Any organization required to be licensed by the EMS Bureau that operates an air medical service, ambulance service, or nontransport service. ~~(4-5-00)(7-1-11)T~~

05. Air Ambulance. Any privately or publicly owned fixed wing aircraft or rotary wing aircraft used for, or intended to be used for, the transportation of persons experiencing physiological or psychological illness or injury who may need medical attention during transport. This may include dual or multipurpose vehicles that comply with Sections 56-1011 through 56-1023, Idaho Code. ~~(7-1-11)T~~

056. Air Medical Response. The deployment of an aircraft licensed as an air ambulance to an emergency scene intended for the purpose of patient treatment and transportation. ~~(4-11-06)(7-1-11)T~~

07. Air Medical Service. An agency required to be licensed by the EMS Bureau that responds to requests for patient care and transportation from hospitals and EMS agencies using a fixed wing aircraft or rotary wing aircraft. ~~(7-1-11)T~~

068. Ambulance. Any privately or publicly owned ground motor vehicle, or nautical vessel, ~~fixed wing aircraft or rotary wing aircraft~~ used for, or intended to be used for, the transportation of sick or injured persons who may need medical attention during transport. This may include dual or multipurpose vehicles that comply with Sections 56-1011 through 56-1023, Idaho Code. ~~(7-1-97)(7-1-11)T~~

079. Ambulance-Based Clinicians. Licensed Professional Nurses, Advanced Practice Professional Nurses, and Physician Assistants with current licenses from the Board of Nursing or the Board of Medicine, who are personnel provided by licensed EMS services. (4-5-00)

10. Ambulance Service. An agency required to be licensed by the EMS Bureau operated with the intent to provide personnel and equipment for medical treatment at an emergency scene, during transportation, or during transfer of persons experiencing physiological or psychological illness or injury who may need medical attention during transport. (7-1-11)T

11. Applicant. Any organization that is requesting an agency license under these rules and includes the following: (7-1-11)T

a. An organization seeking a new license: (7-1-11)T

b. An existing agency that intends to change the level of licensed personnel it utilizes: (7-1-11)T

c. An existing agency that intends to change its geographic coverage area, except by agency annexation: (7-1-11)T

d. An existing nontransport service that intends to provide ambulance service; and (7-1-11)T

e. An existing ambulance service that intends to discontinue transport and become a nontransport service. (7-1-11)T

~~08~~**12. Board.** The Idaho ~~State~~ Board of Health and Welfare. (~~12-31-91~~)(7-1-11)T

~~09~~**13. Certification.** A credential issued to an individual by the EMS Bureau for a specified period of time indicating that minimum standards ~~corresponding to one (1) or several levels of EMS proficiency~~ have been met. (~~7-1-97~~)(7-1-11)T

~~10.~~ ~~Certified Personnel.~~ ~~Individuals who have completed training and successfully passed examinations for training and skills proficiency in one (1) or several levels of emergency medical services.~~ (~~7-1-97~~)

~~14.~~ **Critical Care Transfer (CCT).** The transportation of a patient with continuous care, monitoring, medication or procedures requiring knowledge or skills not contained within the ~~EMT~~ Paramedic curriculum approved by the State Health Officer. Interventions provided by ~~EMT~~ Paramedics are governed by the scope of practice defined in IDAPA ~~22.01.06, "Rules for EMS Personnel~~ 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physicians Commission." (~~4-6-05~~)(7-1-11)T

15. Commission. The Idaho Emergency Medical Services Physician Commission (EMSPC).(7-1-11)T

16. Department. The Idaho Department of Health and Welfare. (7-1-11)T

127. Director. The Director of the Idaho Department of Health and Welfare or ~~designated individual~~ his ~~(12-31-91)~~(7-1-11)T

~~138.~~ **Division.** The Idaho Division of Public Health, Department of Health and Welfare. (~~11-19-76~~)(7-1-11)T

149. Emergency. A medical condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in placing the person's health in serious jeopardy, or in causing serious impairments of bodily function or serious dysfunction of any bodily organ or part. (4-5-00)

20. Emergency Medical Responder (EMR). A person who has met the qualifications for EMR licensure defined in Section 56-1012, Idaho Code, and in IDAPA 16.01.07, "Emergency Medical Services - Personnel Licensing Requirements." (7-1-11)T

~~1521.~~ **Emergency Medical Services (EMS).** The ~~services~~ system utilized in responding to a perceived

individual need for immediate care in order to prevent loss of life or aggravation of physiological or psychological illness or injury. ~~(11-19-76)~~(7-1-11)T

22. Emergency Medical Technician (EMT). A person who has met the qualifications for EMT licensure defined in Section 56-1012, Idaho Code, and in IDAPA 16.01.07, "Emergency Medical Services - Personnel Licensing Requirements." (7-1-11)T

223. **Emergency Scene.** Any setting (including standbys) outside of a hospital, with the exception of the inter-facility transfer, in which the provision of EMS may take place. (4-11-06)

~~16~~**24.** **EMS Bureau.** The Emergency Medical Services (EMS) Bureau of the Idaho Department of Health and Welfare. (11-19-76)

~~17~~**25.** **EMS Standards Manual.** A manual published by the EMS Bureau detailing policy information including EMS education, ~~training~~, certification, licensure, and data collection. ~~(7-1-97)~~(7-1-11)T

~~18.~~ ~~Emergency Medical Technician Ambulance (EMT-A).~~ A designation issued to an EMT B by the EMS Bureau of the Idaho Department of Health and Welfare on the basis of successful completion of supervised in-field experience. ~~(7-1-97)~~

~~19.~~ ~~Emergency Medical Technician Basic (EMT-B).~~ An individual certified by the EMS Bureau of the Idaho Department of Health and Welfare on the basis of successful completion of a basic EMT training program, examination, subsequent required continuing training, and recertification. ~~(7-1-97)~~

~~20.~~ ~~Emergency Medical Technician Intermediate (EMT-I).~~ An individual certified by the EMS Bureau of the Idaho Department of Health and Welfare on the basis of successful completion of an intermediate training program, examination, subsequent required continuing training, and recertification. ~~(4-6-05)~~

~~21.~~ ~~Emergency Medical Technician Paramedic (EMT-P).~~ An individual certified by the EMS Bureau of the Idaho Department of Health and Welfare on the basis of successful completion of a paramedic training program, examination, subsequent required continuing training, and recertification. ~~(7-1-97)~~

236. **Glasgow Coma Score (GCS).** A scale used to determine a patient's level of consciousness. It is a rating from three (3) to fifteen (15) of the patient's ability to open his eyes, respond verbally, and move normally. The GCS is used primarily during the examination of patients with trauma or stroke. (4-11-06)

247. **Ground Transport Time.** The total elapsed time calculated from departure of the ambulance from the scene to arrival of the ambulance at the patient destination. (4-11-06)

~~25.~~ ~~First Responder.~~ An individual certified by the EMS Bureau of the Idaho Department of Health and Welfare on the basis of successful completion of a first responder training program, examination, subsequent required continuing training, and recertification. ~~(7-1-97)~~

268. **Licensed EMS Services.** Air medical services, Ambulance services, and nontransport services licensed by the EMS Bureau to function in Idaho. ~~(7-1-97)~~(7-1-11)T

29. Licensed Personnel. Individuals licensed by the EMS Bureau who are Emergency Medical Responders (EMR), Emergency Medical Technicians (EMT), Advanced Emergency Medical Technicians (AEMT), and Paramedics. (7-1-11)T

~~27~~**30.** **Local Incident Management System.** The local system of interagency communications, command, and control established to manage emergencies or demonstrate compliance with the National Incident Management System. (4-11-06)

31. National Emergency Medical Services Information System (NEMSIS) Technical Assistance Center. An organization that validates software for compliance with the EMS data set defined by the United States Department of Transportation National Highway Traffic Safety Administration. (7-1-11)T

~~28~~32. **National Registry of Emergency Medical Technicians (NREMT).** An independent, non-governmental, not for profit organization which prepares validated examinations for the state's use in evaluating candidates for certification licensure. (7-1-97)(7-1-11)T

~~29~~. **Non-Transport.** A vehicle design or organizational configuration which brings EMS personnel or equipment to a location, but does not move any sick or injured person from that location. (7-1-97)

33. Nontransport Service. An agency required to be licensed by the EMS Bureau that is operated with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but that is not intended to be the service that will actually transport sick or injured persons. (7-1-11)T

34. Nontransport Vehicle. Any vehicle that is operated by an agency with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but that is not intended as the vehicle that will actually transport sick or injured persons. (7-1-11)T

35. Out-of-Hospital. Any setting outside of a hospital, including inter-facility transfers, in which the provision of EMS may take place. (4-5-00)

36. Paramedic. A person who has met the qualifications for paramedic licensure defined in Section 56-1012, Idaho Code, and in IDAPA 16.01.07, "Emergency Medical Services - Personnel Licensing Requirements." (7-1-11)T

37. Patient Assessment. The evaluation of a patient by EMS certified licensed personnel intending to provide treatment or transportation to that patient. (4-11-06)(7-1-11)T

38. Patient Care. The performance of acts or procedures under emergency conditions in responding to a perceived individual need for immediate care in order to prevent loss of life or aggravation of physiological or psychological illness or injury. (7-1-11)T

329. Physician. In accordance with Section 54-1803, Idaho Code, A person who holds a current active license issued by the State Board of Medicine to practice medicine ~~or~~ and surgery, ~~or~~ osteopathic medicine ~~or~~ and surgery, or osteopathic medicine in Idaho and is in good standing with no restrictions upon, or actions taken against, his license. (11-17-96)(7-1-11)T

~~33~~40. Pre-Hospital. Any setting, (including standbys), outside of a hospital, with the exception of the inter-facility transfer, in which the provision of EMS may take place. (4-5-00)(7-1-11)T

341. State Health Officer. The Administrator of the Division of Public Health. (11-19-76)(7-1-11)T

42. Supervision. The medical direction by a licensed physician of activities provided by licensed personnel affiliated with a licensed ambulance, air medical, or nontransport service, including: (7-1-11)T

a. Establishing standing orders and protocols; (7-1-11)T

b. Reviewing performance of licensed personnel; (7-1-11)T

c. Providing instructions for patient care via radio or telephone; and (7-1-11)T

d. Other oversight. (7-1-11)T

~~35~~43. Transfer. The transportation of a patient from one (1) medical care facility to another by ambulance. (4-5-00)(7-1-11)T

011. -- ~~099~~74. (RESERVED)

075. INVESTIGATION OF COMPLAINTS FOR EMS LICENSING VIOLATIONS.

Investigation of complaints and disciplinary actions for EMS agency licensing are provided under IDAPA 16.01.12, "Emergency Medical Services (EMS) - Complaints, Investigations, and Disciplinary Actions." (7-1-11)T

076. ADMINISTRATIVE LICENSE OR CERTIFICATION ACTION.

Any license or certification may be suspended, revoked, denied, or retained with conditions for noncompliance with any standard or rule. Administrative license or certification actions, including fines, imposed by the EMS Bureau for any action, conduct, or failure to act which is inconsistent with the professionalism, or standards, or both, are provided under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.12, "Emergency Medical Services (EMS) - Complaints, Investigations, and Disciplinary Actions." (7-1-11)T

077. -- 099. (RESERVED)

100. STATEWIDE EMS ADVISORY COMMITTEE.

The Director will appoint a Statewide EMS Advisory Committee to provide counsel to the Department in administering the EMS Act. The Committee members will have a normal tenure of three (3) years after which time they may be excused or reappointed. However, in order to afford continuity, initial appointments will be made to one-third (1/3) of the membership for two (2) years, one-third (1/3) for three (3) years, and one-third (1/3) of the membership for four (4) years. The Committee chairman will be selected by the State Health Officer. (7-1-97)

- 01. Committee Membership.** The Statewide EMS Advisory Committee will be constituted as follows: (7-1-80)
- a. One (1) representative recommended by the State Board of Medicine; *and* (4-8-94)(7-1-11)T
 - b. One (1) representative recommended by the Idaho Chapter of ACEP; *and* (4-8-94)(7-1-11)T
 - c. One (1) representative recommended by the Committee on Trauma of the Idaho Chapter of the American College of Surgeons; *and* (4-8-94)(7-1-11)T
 - d. One (1) representative recommended by the State Board of Nursing; *and* (4-8-94)(7-1-11)T
 - e. One (1) representative recommended by the Idaho Medical Association; *and* (4-8-94)(7-1-11)T
 - f. One (1) representative recommended by the Idaho Hospital Association; *and* (4-8-94)(7-1-11)T
 - and* g. One (1) representative of local government recommended by the Idaho Association of Counties; (4-8-94)(7-1-11)T
 - h. One (1) representative of a career third service EMS/Ambulance *organization service*; *and* (4-8-94)(7-1-11)T
 - i. One (1) representative of a volunteer third service EMS/Ambulance *organization service*; *and* (4-8-94)(7-1-11)T
 - j. One (1) representative of a third service nontransport EMS *organization service*; *and* (4-8-94)(7-1-11)T
 - k. One (1) representative of a fire department-based EMS/Ambulance *service* recommended by the Idaho Fire Chiefs Association; *and* (4-8-94)(7-1-11)T
 - l. One (1) representative of a fire department-based nontransport EMS *organization service*; *and* (4-8-94)(7-1-11)T
 - m. One (1) representative of an air medical *EMS organization service*; *and* (7-1-97)(7-1-11)T
 - n. One (1) Emergency Medical Technician *Basic* who represents the interests of Idaho *providers certified personnel licensed* at that level; *and* (4-8-94)(7-1-11)T

~~o.~~ One (1) Advanced Emergency Medical Technician-~~Ambulance~~ who represents the interests of Idaho ~~providers certified~~ personnel licensed at that level; ~~and~~ ~~(7-1-97)~~~~(7-1-11)T~~

~~p.~~ ~~One (1) Emergency Medical Technician Intermediate who represents the interests of Idaho providers certified at that level; and~~ ~~(4-6-05)~~

~~q.~~ One (1) ~~Emergency Medical Technician~~-Paramedic who represents the interests of Idaho ~~providers certified~~ personnel licensed at that level; ~~and~~ ~~(4-8-94)~~~~(7-1-11)T~~

~~r.~~ One (1) representative who is an administrative county EMS director; ~~and~~ ~~(4-8-94)~~~~(7-1-11)T~~

~~s.~~ One (1) EMS instructor who represents the interests of Idaho EMS educators and evaluators; ~~and~~ ~~(4-8-94)~~~~(7-1-11)T~~

~~t.~~ One (1) consumer; ~~and~~ ~~(4-5-00)~~~~(7-1-11)T~~

~~u.~~ One (1) representative of a private EMS transport ~~organization~~ service; ~~and~~ ~~(4-5-00)~~~~(7-1-11)T~~

~~v.~~ One (1) pediatrician who represents the interests of children in the EMS system recommended by the Idaho Chapter of the American Academy of Pediatrics; and (3-30-01)

~~w.~~ One (1) board certified or equivalent pediatric emergency medicine physician. (3-30-01)

02. Responsibilities of Committee. The EMS Advisory Committee will meet at least annually or as needed for the purposes of: (7-1-80)

~~a.~~ Reviewing policies and procedures for provision of emergency medical services and recommending same to the ~~Division~~ EMS Bureau; ~~(11-19-76)~~~~(7-1-11)T~~

~~b.~~ Reviewing EMS ~~training~~ education curricula, ~~training~~ education standards, and examination processes and recommending same to the ~~Division~~ EMS Bureau; ~~(4-8-94)~~~~(7-1-11)T~~

~~c.~~ Reviewing EMS candidate selection policy and candidate performance requirements and recommending to the ~~Division~~ EMS Bureau certification ~~of~~ and standards for EMS personnel; ~~(7-1-97)~~~~(7-1-11)T~~

~~d.~~ ~~Reviewing and making recommendations for disciplinary action regarding EMS personnel who have not complied with EMS policies;~~ ~~(11-19-76)~~

~~e.~~ Reviewing and making recommendations on the licensing of ambulance services in Idaho. (11-19-76)

~~f.~~ Reviewing and making recommendations on the licensing of nontransport services in Idaho. (7-1-97)

101. -- 199. (RESERVED)

200. EMS TRAINING EDUCATION PROGRAMS.

EMS ~~training~~ education programs must meet all requirements ~~in accordance with~~ under the standards listed in Section 201 of these rules. In order for the EMS Bureau to verify compliance, the course coordinator must submit an application to the EMS Bureau before the course begins. The EMS ~~Training~~ Education Program may be approved by the EMS Bureau only if all requirements are met. The EMS ~~Training~~ education Program must be approved in order for candidates to qualify for access to a certification examination. ~~(7-1-97)~~~~(7-1-11)T~~

201. STANDARDS.

All initial ~~training~~ education programs must be conducted ~~in accordance~~ using with the following criteria: ~~(4-6-05)~~~~(7-1-11)T~~

01. **Course Coordinator.** Each EMS ~~training~~ education program must have a designated course coordinator who has overall responsibility for management of the course and specific duties, including:

~~(4-6-05)~~(7-1-11)T

- a. Documentation of candidate qualifications, attendance, skill proficiency, and clinical sessions; (7-1-97)
- b. Advance scheduling and prior orientation of all other instructors and guest lecturers to the knowledge and skills objectives of the session being taught; (7-1-97)
- c. Coordination of access for candidates into health care facilities and licensed EMS services ~~in accordance with~~ using the curriculum of the course; ~~(7-1-97)~~(7-1-11)T
- d. Acquisition of equipment for all skills objectives within the curriculum being taught. (7-1-97)

02. **Instructor Qualifications.** The course instructor(s) conducting EMS ~~training~~ education courses must meet the appropriate qualifications established in Sections 225 through 230 of these rules. ~~(4-6-05)~~(7-1-11)T

03. **Physician Oversight.** AEMT-A, EMT-I, and EMT-Paramedic ~~training~~ education courses must be conducted under the direction of a physician. ~~(4-6-05)~~(7-1-11)T

04. **Curriculum and Equipment.** Training Education courses must use course curricula approved by the State Health Officer and have access to equipment related to all skills objectives within the curricula. ~~(7-1-97)~~(7-1-11)T

202. CERTIFICATION EXAMINATIONS.

Certification examinations ~~shall~~ will be approved by the State Health Officer and conducted by individuals who are certified or licensed at or above the skill level being examined, or by registered nurses, or by licensed physicians.

~~(7-1-97)~~(7-1-11)T

203. MONITORING OF INSTRUCTOR PERFORMANCE.

The EMS Bureau ~~shall~~ will monitor instructor performance for all EMS ~~training~~ education programs, including candidates' performance on National Registry and other standardized examinations, surveys of candidate satisfaction, and results of other evaluation instruments. Summary findings ~~shall~~ will be made available to licensed EMS services and other organizations sponsoring EMS ~~training~~ education programs.

~~(7-1-97)~~(7-1-11)T

(BREAK IN CONTINUITY OF SECTIONS)

205. CONSISTENCY WITH SCOPE OF PRACTICE.

All curricula approved for use in Idaho or used as the basis for certification licensure by a candidate trained elsewhere must be consistent with the scope of practice established by the Board of Medicine Commission for the level of certification licensure requested by the candidate.

~~(7-1-97)~~(7-1-11)T

206. CONSISTENCY WITH NATIONAL STANDARDS.

The EMS Bureau considers the National Standard Curriculum and the National EMS Scope of Practice Model as models for design or adaptation of EMS ~~training~~ education program content and EMS certification licensure levels.

~~(4-6-05)~~(7-1-11)T

207. -- 224. (RESERVED)

225. QUALIFICATIONS OF FIRST EMERGENCY MEDICAL RESPONDER COURSE INSTRUCTORS.

First Emergency Medical Responder Course Instructors must be approved by the EMS Bureau, based on being

~~certified~~ licensed for at least three (3) years at or above the level of the session of the curriculum being taught.

~~(7-1-97)~~(7-1-11)T

226. QUALIFICATIONS OF EMT-~~BASIC~~ COURSE INSTRUCTORS.

EMT-~~Basic~~ course instructors must be approved by the EMS Bureau, based on the following requirements:

~~(7-1-97)~~(7-1-11)T

- 01. Application.** Submission of an application to the EMS Bureau; (7-1-97)
- 02. Adult Instructional Methodology.** Completion of one (1) or more courses approved by the EMS Bureau based on content that includes the following instructional methodologies: (4-6-05)
 - a. The adult learner; (4-6-05)
 - b. Learning objectives; (4-6-05)
 - c. Learning process; (4-6-05)
 - d. Lesson plans; (4-6-05)
 - e. Course materials; (4-6-05)
 - f. Preparation; (4-6-05)
 - g. Teaching aids; (4-6-05)
 - h. Teaching methods; and (4-6-05)
 - i. Evaluations. (4-6-05)
- 03. EMS Instructor Orientation.** Completion of the EMS Bureau orientation program for EMS instructors or equivalent; and (4-6-05)
- 04. ~~Certification~~ Licensure.** ~~Certification~~ Licensure at or above the level of curriculum being taught, for at least three (3) years. Licensed individuals and other health care providers must also be ~~certified~~ licensed at the EMT level. ~~(7-1-97)~~(7-1-11)T

227. PRIMARY OR LEAD EMT-~~BASIC~~ INSTRUCTORS.

Primary or lead instructors must be approved as EMT-~~Basic~~ Course Instructors, personally instruct at least seventy-five percent (75%) of the didactic ~~training~~ instruction of the course, and instruct or oversee the skills training in the curriculum. ~~(4-6-05)~~(7-1-11)T

228. EMT-~~BASIC~~ SKILLS INSTRUCTORS.

EMT-~~Basic~~ skills instructors ~~shall~~ must be approved as EMT-~~Basic~~ Course Instructors and shall personally instruct the psychomotor portions of the curriculum. ~~(7-1-97)~~(7-1-11)T

229. ADVANCED EMT AND ~~EMT~~-PARAMEDIC INSTRUCTORS.

AEMT-~~A~~ and ~~EMT~~-Paramedic Instructors must be approved by the EMS Bureau based on having credentials, education, or experience that correspond to the knowledge and skills objectives being taught. ~~(7-1-97)~~(7-1-11)T

~~230. EMT-INTERMEDIATE INSTRUCTORS.~~

~~All EMT-I primary or lead instructors must meet the following criteria:~~

~~(4-6-05)~~

- ~~01. Certification.~~** ~~One (1) of the following must be documented:~~ (4-6-05)
 - ~~a. Three (3) or more years of certification at or above the EMT-I level;~~ (4-6-05)

- ~~b. Idaho licensure as a physician, licensed professional nurse or other mid-level health care provider; and current certification at any EMS provider level; (4-6-05)~~
- ~~e. Employment as an instructor by a college or university and teaching an accredited paramedic program. (4-6-05)~~
- ~~02. **Adult Instructional Methodology.** Completion of one (1) or more courses approved by the EMS Bureau based on content as listed in Subsection 226.02 of these rules. (4-6-05)~~
- ~~03. **EMS Instructor Orientation.** Completion of an EMS Bureau orientation program for EMS instructors, or equivalent, within eighteen (18) months of the proposed course start date or instructor application submission. (4-6-05)~~
- ~~04. **Application.** Submission of an application to the EMS Bureau documenting credentials, education or experience that correspond to the knowledge and skills objectives being taught. (4-6-05)~~
- ~~05. **Bureau Approval.** Approval will be verified for every primary or lead EMT Intermediate instructor listed on each EMT Intermediate course application. (4-6-05)~~
- ~~06. **Primary or Lead Instructors.** Primary or lead instructors must personally instruct or monitor at least ninety percent (90%) of the didactic training of the course, and must instruct or oversee the skills training in the curriculum. (4-6-05)~~

~~2340.~~ -- 299. (RESERVED)

300. AMBULANCE SERVICE STANDARDS.

To qualify for licensing as an ambulance service under Section 56-1016, Idaho Code, the applicant must demonstrate compliance with the following: (4-6-05)

- 01. Ambulance Vehicles.** All ambulance and air ambulance vehicles must meet one (1) of the following conditions to be licensed: ~~(4-6-05)~~(7-1-11)T
- a.** The vehicle meets or exceeds any federal, industry, or trade specifications or standards for ambulance and air ambulance vehicles as identified by the applicant. ~~(7-1-97)~~(7-1-11)T
- b.** The vehicle has been uniquely configured or modified to meet specialized needs and has been inspected and approved by the EMS Bureau. (7-1-97)
- 02. Required Ambulance and Air Ambulance Equipment.** Each ambulance must be equipped with the following: ~~(7-1-97)~~(7-1-11)T
- a.** Medical care supplies and devices as specified in the Minimum Equipment Standards for Licensed EMS Services. Exceptions to the minimum equipment requirements may be granted by the EMS Bureau upon inspection, when the circumstances and available alternatives assure that appropriate patient care will be provided for all foreseeable incidents. (7-1-97)
- b.** Mobile radio on 155.340 MHZ and 155.280 MHZ frequencies with encoding capabilities to allow access to the Idaho EMS radio communications system; and (11-19-76)
- c.** Safety equipment and personal protective supplies for certified licensed personnel and other vehicle occupants as specified in the Minimum Equipment Standards, including materials to provide for body substance isolation and protection from exposure to communicable diseases and pathogens under Section 56-1017, Idaho Code. ~~(4-6-05)~~(7-1-11)T
- 03. Ambulance Personnel.** The ambulance service must demonstrate that a sufficient number of personnel are affiliated with the service to accomplish a twenty-four (24) hour a day, seven (7) day a week response capability in accordance with Section 56-1016, Idaho Code. The service must describe its anticipated staffing patterns

per vehicle and shift on the application supplied by the EMS Bureau. The annual inspection by the EMS Bureau must include a review of the ambulance service personnel staffing configuration. (4-6-05)

04. Records to be Maintained. The ambulance service must maintain records of each ambulance and air ambulance response and submit them to the EMS Bureau at least quarterly in a form approved by the EMS Bureau. These records must include at least the following information: ~~(7-1-97)~~(7-1-11)T

- a. Name of ambulance service; and ~~(11-19-76)~~(7-1-11)T
 - b. Date of response; and ~~(7-1-97)~~(7-1-11)T
 - c. Time call received; and ~~(11-19-76)~~(7-1-11)T
 - d. Time en route to scene; and ~~(7-1-97)~~(7-1-11)T
 - e. Time arrival at scene; and ~~(11-19-76)~~(7-1-11)T
 - f. Time service departed scene; and ~~(7-1-97)~~(7-1-11)T
 - g. Time arrival at hospital; and ~~(11-19-76)~~(7-1-11)T
 - h. Location of incident; and ~~(11-19-76)~~(7-1-11)T
 - i. Description of illness/injury; and ~~(11-19-76)~~(7-1-11)T
 - j. Description of patient management; and ~~(11-19-76)~~(7-1-11)T
 - k. Patient destination; and ~~(11-19-76)~~(7-1-11)T
 - l. Ambulance unit identification; and ~~(11-19-76)~~(7-1-11)T
 - m. Identification and certification licensure level of each ambulance crew member on the response; ~~(7-1-97)~~(7-1-11)T
- and
- n. Response outcome. (7-1-97)

05. Communications. Ambulance service dispatch must be in accordance with Section 56-1016, Idaho Code. The application for licensure must describe the radio, telephonic, or other electronic means by which patient care instructions from an authorized medical source will be obtained. The annual inspection by the EMS Bureau will include a review of the ambulance service dispatch and communications configuration. (4-6-05)

06. Medical Control Plan. The ambulance service must describe the extent and type of supervision by a licensed physician that is available to certified licensed personnel. The annual inspection by the EMS Bureau will include a review of the ambulance service medical control configuration. ~~(4-6-05)~~(7-1-11)T

07. Medical Treatment Protocols. The ambulance service must submit a complete copy of the medical treatment protocols and written standing orders under which its certified licensed personnel will function with the application for licensure. ~~(4-6-05)~~(7-1-11)T

08. Training Facility Access. The applicant must describe the arrangements which will provide access to clinical and didactic training locations, in the initial application for service licensure. (4-6-05)

09. Geographic Coverage Description. Each application for initial licensure must contain a specific description of the Idaho jurisdiction(s) that the ambulance service will serve using known geopolitical boundaries or geographic coordinates. (4-6-05)

10. Required Application. The applicant must submit a completed application to the EMS Bureau to

be considered for licensure. The most current standardized form will be available from the EMS Bureau. An additional application may be required prior to subsequent annual inspection by the EMS Bureau. (4-6-05)

11. Inspection. Representatives of the EMS Bureau are authorized to enter the applicant's facility or other location as designated by the applicant at reasonable times, for the purpose of inspecting the ambulance services' vehicle(s) and equipment, ambulance and air ambulance response records, and other necessary items to determine eligibility for licensing by the state of Idaho in relation to the minimum standards in Section 56-1016, Idaho Code. ~~(4-6-05)~~(7-1-11)T

12. License. Ambulance services must be licensed on an annual basis by the EMS Bureau. (7-1-97)

301. NONTRANSPORT SERVICE STANDARDS.

In order to qualify for licensing as a nontransport service under Section 56-1016, Idaho Code, the applicant must demonstrate compliance with the following: (4-6-05)

01. Vehicles. All vehicles must meet one (1) of the following conditions to be licensed: (7-1-97)

a. The vehicle meets or exceeds standards for that type vehicle, including federal, industry, or trade specifications, as identified by the applicant and recognized and approved by the EMS Bureau. (7-1-97)

b. The vehicle has been uniquely configured or modified to meet specialized needs and has been inspected and approved by the EMS Bureau. (7-1-97)

02. Required Equipment for Nontransport Services. Certified Licensed personnel must have access to required equipment. The equipment must be stored on a dedicated response vehicle, or in the possession of certified licensed personnel. The application for licensure as a nontransport service must include a description of the following: ~~(4-6-05)~~(7-1-11)T

a. Medical care supplies and devices as specified in the Minimum Equipment Standards for Licensed EMS Services. Exceptions to the minimum equipment requirements may be granted by the EMS Bureau upon inspection, when the circumstances and available alternatives assure that appropriate patient care will be provided for all foreseeable incidents. (7-1-97)

b. Mobile or portable radio(s) on 155.340 MHZ and 155.280 MHZ frequencies with encoding capabilities to allow access to the Idaho EMS radio communications system; and (7-1-97)

c. Safety equipment and personal protective supplies for certified licensed personnel and other vehicle occupants as specified in the Minimum Equipment Standards for Licensed EMS Services, including materials to provide for body substance isolation and protection from exposure to communicable diseases under Section 56-101723, Idaho Code. ~~(4-6-05)~~(7-1-11)T

03. Nontransport Service Personnel. The nontransport service must demonstrate that a sufficient number of certified licensed personnel are affiliated with the service to accomplish a twenty-four (24) hour a day, seven (7) day a week response capability. Exceptions to this requirement may be granted by the EMS Bureau when strict compliance with the requirement would cause undue hardship on the community being served, or would result in abandonment of the service. The annual inspection by the EMS Bureau will include a review of the personnel staffing configuration. ~~(4-6-05)~~(7-1-11)T

04. Records to Be Maintained. The nontransport service must maintain records of each EMS response in a form approved by the EMS Bureau. that All applicant nontransport services who submit an application to the EMS Bureau after July 1, 2009, must submit records of each EMS response to the EMS Bureau at least quarterly in a form approved by the EMS Bureau. These records must include at least the following information: ~~(7-1-97)~~(7-1-11)T

a. Identification of nontransport service; and ~~(7-1-97)~~(7-1-11)T

b. Date of response; and ~~(7-1-97)~~(7-1-11)T

- c. Time call received; ~~and~~ (7-1-97)(7-1-11)T
- d. Time en route to scene; ~~and~~ (7-1-97)(7-1-11)T
- e. Time arrival at scene; ~~and~~ (7-1-97)(7-1-11)T
- f. Time service departed scene; ~~and~~ (7-1-97)(7-1-11)T
- g. Location of incident; ~~and~~ (7-1-97)(7-1-11)T
- h. Description of illness/injury; ~~and~~ (7-1-97)(7-1-11)T
- i. Description of patient management; ~~and~~ (7-1-97)(7-1-11)T
- j. Patient destination; ~~and~~ (7-1-97)(7-1-11)T
- k. Identification and licensure level of nontransport service personnel on response ~~and certification~~; (7-1-97)(7-1-11)T
- and
- l. Response outcome. (7-1-97)
- 05. Communications.** The application for licensure must describe the radio, telephonic, or other electronic means by which patient care instructions from an authorized medical source will be obtained. The annual inspection by the EMS Bureau will include a review of the nontransport service dispatch and communications configuration. (4-6-05)
- 06. Medical Control Plan.** The nontransport service must describe the extent and type of supervision by a licensed physician that is available to certified licensed personnel. The annual inspection by the EMS Bureau will include a review of the nontransport service medical control configuration. (4-6-05)(7-1-11)T
- 07. Medical Treatment Protocols.** The nontransport service must submit a complete copy of the medical treatment protocols and written standing orders under which its certified licensed personnel will function with the initial application for licensure. (4-6-05)(7-1-11)T
- 08. Training Facility Access.** The applicant must describe the arrangements which will provide access to clinical and didactic training locations in the initial application for service licensure. (4-6-05)
- 09. Geographic Coverage Description.** Each application for initial licensure must contain a specific description of the Idaho jurisdiction(s) that the nontransport service will serve using known geopolitical boundaries or geographic coordinates. (4-6-05)
- 10. Required Application.** The applicant must submit a completed application to the EMS Bureau to be considered for licensure. The most current standardized form is available from the EMS Bureau. An additional application may be required prior to subsequent annual inspection by the EMS Bureau. (4-6-05)
- 11. Inspection.** Representatives of the Department are authorized to enter the applicant's facility or other location as designated by the applicant at reasonable times, for the purpose of inspecting the nontransport services' vehicle(s) and equipment, nontransport response records, and other necessary items to determine eligibility for licensing by the state of Idaho. (7-1-97)
- ~~12. Nontransport Service Minimum Standards Waiver. The controlling authority providing nontransport services may petition the EMS Bureau for waiver of the nontransport service standards of these rules, if compliance with the service standards would cause undue hardship on the community being served. (7-1-97)~~
- 132. License.** Nontransport services must be licensed on an annual basis by the EMS Bureau. (7-1-97)
302. -- 319. (RESERVED)

320. DESIGNATION OF CLINICAL CAPABILITY.

All ambulance and nontransport licenses issued by the EMS Bureau must indicate the clinical level of service which can be provided by the ambulance or nontransport service after verification of compliance with Section 300 or Section 301 of these rules. Agencies which provide certified licensed personnel at the First Responder, EMR or EMT-B, or EMT-A level will be designated as Basic Life Support services. Agencies which provide certified licensed personnel at the AEMT-A or EMT-Intermediate level will be designated as Intermediate Life Support services. Designation of services Agencies which function provide licensed personnel at or above the paramedic level will be designated as Advanced Life Support services level will be issued in accordance with under Section 340 of these rules. Licensed EMS Services may function at one (1) or more ALS levels corresponding to the designation issued by the EMS Bureau as a result of the application and inspection process required in Sections 300 and 301 of these rules.

(4-6-05)(7-1-11)T

321. -- 3234. (RESERVED)

~~324. STANDARDS FOR AGENCIES UTILIZING EMT-INTERMEDIATE PERSONNEL.~~

~~An agency which has demonstrated compliance with Section 300 or Section 301 of these rules may qualify to utilize EMT-Intermediate personnel if the following criteria are met:~~ (4-6-05)

~~**01. Personnel.** The agency must have one (1) or more EMT-Intermediates listed on the agency personnel roster. The agency is specifically prohibited from utilizing other licensed health care providers unless they are accompanied by or are cross-trained and certified as an EMS provider.~~ (4-6-05)

~~**a.** EMT-Intermediate personnel must hold current certification issued by the EMS Bureau in accordance with Sections 501 and 510 of these rules.~~ (4-6-05)

~~**b.** An agency may use Ambulance-Based Clinicians who function with an EMT-I or are cross-trained and certified as an EMT-I. The agency must verify that all Ambulance-Based Clinicians have successfully completed a formal training program of pre-hospital medical care which meets or exceeds the objectives of the curriculum approved by the State Health Officer. The agency must assure that any Ambulance-Based Clinicians meet additional requirements of the corresponding licensing board.~~ (4-6-05)

~~**c.** Personnel must initiate intermediate life support as authorized by the physician designated as the medical director of the agency, and other physicians providing on-line medical direction as specified in IDAPA 22.01.06, "Rules for EMS Personnel."~~ (4-6-05)

~~**d.** Personnel must initiate requests for on-line medical direction as dictated by the EMS agency's protocols.~~ (4-6-05)

~~**02. Required Documentation.** The affiliation status and ongoing proficiency maintenance of the certified personnel and Ambulance-Based Clinicians associated with the agency must be documented on a periodic basis to the EMS Bureau.~~ (4-6-05)

~~**a.** The agency must submit a roster of all certified personnel and Ambulance-Based Clinicians with the initial and renewal application for licensure.~~ (4-6-05)

~~**b.** The agency must maintain documentation of proficiency assurance of all certified personnel and Ambulance-Based Clinicians in accordance with the EMS Standards Manual in effect at the time of certification.~~ (4-6-05)

~~**03. Required Equipment.** The agency vehicle(s) must be equipped with the minimum required equipment listed in the EMT-Intermediate Services section of the Minimum Equipment Standards incorporated in these rules. The agency must disclose all additional medical equipment routinely carried on the agency vehicle(s) not included in the Minimum Equipment Standards in the application provided by the EMS Bureau.~~ (4-6-05)

325. PRE-HOSPITAL ADVANCED LIFE SUPPORT (ALS) STANDARDS.

Pre-hospital ALS designation of an agency by the EMS Bureau is required for any agency which will advertise or

supply clinical personnel and equipment capabilities which are within the scope of practice established for ALS under IDAPA ~~22.01.06, "Rules for EMS Personnel," Subsection 011.05,~~ 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission," for the purposes of responding to emergencies in any 911 service area, standby, or other area on an emergency basis. Designation is for the same duration as the license issued to the EMS agency. An agency which has demonstrated compliance with Section 300 or Section 301 of these rules may qualify for Pre-hospital ALS designation if the following criteria are met: ~~(4-6-05)(7-1-11)T~~

01. Personnel. The agency must have a sufficient number of ~~EMT~~-Paramedics to assure availability of such personnel corresponding to the anticipated call volume of the agency. The agency is specifically prohibited from utilizing other licensed health care providers for pre-hospital and emergency responses to requests for EMS unless they are accompanied by or cross-trained and ~~certified~~ licensed as an ~~EMT~~-Paramedic. ~~(4-5-00)(7-1-11)T~~

a. ~~EMT~~-Paramedic personnel must hold a current ~~certification~~ paramedic license issued by the EMS Bureau ~~in accordance with Sections 501 and 510 of these rules under IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements."~~ ~~(4-5-00)(7-1-11)T~~

b. An agency may use Ambulance-Based Clinicians who function with an ~~EMT~~-Paramedic or are cross-trained and ~~certified~~ licensed as an ~~EMT~~-Paramedic. The agency must verify that all Ambulance-Based Clinicians have successfully completed a formal ~~training~~ education program of pre-hospital medical care which meets or exceeds the objectives of the curriculum approved by the State Health Officer. The agency ~~shall~~ must assure that any Ambulance-Based Clinicians meet additional requirements of the corresponding licensing board. ~~(4-6-05)(7-1-11)T~~

c. Personnel must initiate advanced life support as authorized by the physician designated as the Medical Director of the agency, and other physicians providing on-line medical ~~direction~~ supervision as specified in IDAPA ~~22.01.06, "Rules for EMS Personnel," Subsection 011.05,~~ 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission." ~~(4-6-05)(7-1-11)T~~

02. Required Documentation. The employment status and ongoing proficiency maintenance of the ~~certified~~ licensed personnel and Ambulance-Based Clinicians associated with the agency must be documented on a periodic basis to the EMS Bureau. ~~(4-5-00)(7-1-11)T~~

a. The agency must submit a roster of all ~~certified~~ licensed personnel and Ambulance-Based Clinicians with the application for licensure. Any change in the roster due to attrition or hiring must be documented to the EMS Bureau in writing within sixty (60) calendar days of the change. ~~(4-5-00)(7-1-11)T~~

b. The agency must maintain documentation of continuing education, refresher courses, and proficiency assurance of all ~~certified~~ licensed personnel and Ambulance-Based Clinicians in accordance with the EMS Standards Manual in effect at the time of designation and any EMS Standards Manual which takes effect during the designation period. ~~(4-5-00)(7-1-11)T~~

03. Required Equipment. The agency vehicle(s) must be equipped with the Minimum Required Equipment listed in the ALS section of the Minimum Equipment Standards incorporated in these rules. The agency must disclose all additional medical equipment routinely carried on the agency vehicle(s) not included in the Minimum Equipment Standards in the application provided by the EMS Bureau. (4-6-05)

04. Administrative License Action. A pre-hospital ALS designation may be ~~suspended or~~ revoked ~~in accordance with Section 515 of these rules under IDAPA 16.01.12, "Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions."~~ The agency is specifically prohibited from advertising as or responding to requests for critical care transfer service unless the agency also holds a Critical Care Transfer Service designation ~~in accordance with~~ under Section 335 of these rules. ~~(4-5-00)(7-1-11)T~~

326. -- 329. (RESERVED)

330. ADVANCED LIFE SUPPORT (ALS) TRANSFER STANDARDS.

ALS Transfer designation of an agency by the EMS Bureau is required for any agency which will advertise or supply clinical personnel and equipment capabilities which are within the scope of practice established for ALS under

IDAPA ~~22.01.06, "Rules for EMS Personnel," Subsection 011-05,~~ 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission," for the purposes of providing medical care and transportation between medical care facilities. Designation is for the same duration as the license issued to the EMS agency. An agency which has demonstrated compliance with Section 300 or Section 301 of these rules may qualify for ALS Transfer designation if the following criteria are met: ~~(4-6-05)(7-1-11)T~~

01. Personnel. The agency must have a sufficient number of personnel to assure availability corresponding to the anticipated call volume of the agency. (4-5-00)

a. ~~EMT~~ Paramedic personnel must hold a current ~~certification~~ paramedic license issued by the EMS Bureau ~~in accordance with Sections 501 and 510 of these rules under IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements."~~ (4-5-00)(7-1-11)T

b. An agency which will advertise or provide ALS transfer of patients may use Ambulance-Based Clinicians as the medical care provider for those patients. The agency ~~shall~~ must verify that all Ambulance-Based Clinicians have successfully completed a formal ~~training~~ education program of out-of-hospital medical care which meets or exceeds the objectives of the curriculum approved by the State Health Officer. The agency ~~shall~~ must assure that any Ambulance-Based Clinicians meet additional requirements of the corresponding licensing board. ~~(4-5-00)(7-1-11)T~~

c. Personnel ~~shall~~ will initiate advanced life support as authorized by the physician designated as the Medical Director of the agency, and other physicians providing on-line medical ~~direction~~ supervision as specified in IDAPA ~~22.01.06, "Rules for EMS Personnel," Subsection 011-05~~ 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission." ~~(4-5-00)(7-1-11)T~~

02. Required Documentation. The employment status and ongoing proficiency maintenance of the ~~certified~~ licensed personnel and Ambulance-Based Clinicians associated with the agency must be documented on a periodic basis to the EMS Bureau. ~~(4-5-00)(7-1-11)T~~

a. The agency must submit a roster of all ~~certified~~ licensed personnel and Ambulance-Based Clinicians with the application for licensure. Any change in the roster due to attrition or hiring must be documented to the EMS Bureau in writing within sixty (60) calendar days of the change. ~~(4-5-00)(7-1-11)T~~

b. The agency must maintain documentation of continuing education, refresher courses, and proficiency assurance of all ~~certified~~ licensed personnel and Ambulance-Based Clinicians in accordance with the EMS Standards Manual in effect at the time of designation and any EMS Standards Manual which takes effect during the designation period. ~~(4-5-00)(7-1-11)T~~

03. Required Equipment. The agency vehicle(s) must be equipped with the Minimum Required Equipment listed in the ALS section of the Minimum Equipment Standards incorporated in these rules. The agency must disclose all additional medical equipment routinely carried on the agency vehicle(s) not included in the Minimum Equipment Standards in the application provided by the EMS Bureau. (4-6-05)

04. Administrative License Action. An ALS Transfer designation may be ~~suspended or~~ revoked ~~in accordance with Section 515 of these rules under IDAPA 16.01.12, "Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions."~~ The agency is specifically prohibited from advertising or responding to pre-hospital and emergency requests for ALS unless the agency also holds a pre-hospital ALS designation in accordance with Section 325 of these rules. The agency is specifically prohibited from advertising as or responding to requests for critical care transfer service unless the agency also holds a Critical Care Transfer (CCT) Service designation in accordance with Section 335 of these rules. ~~(4-5-00)(7-1-11)T~~

331. -- 334. (RESERVED)

335. CRITICAL CARE TRANSFER (CCT) SERVICE STANDARDS.

Critical Care Transfer (CCT) Service designation of an agency by the EMS Bureau is required for any agency which will advertise or supply clinical personnel and equipment capabilities requiring knowledge or skills not contained within the ~~EMT~~ Paramedic curriculum approved by the State Health Officer. Designation ~~shall~~ will be for the same

duration as the license issued to the EMS agency. An agency which has demonstrated compliance with Section 300 of these rules may qualify for Critical Care Transfer (CCT) Service designation if the following criteria are met:

~~(4-5-00)~~(7-1-11)T

01. Personnel. The agency must have a sufficient number of personnel to assure availability corresponding to the anticipated call volume of the agency. (4-5-00)

a. ~~EMT~~ Paramedic personnel must hold a current ~~certification~~ paramedic license issued by the EMS Bureau ~~in accordance with Sections 501 and 510 of these rules~~ under IDAPA 16.01.07, "Emergency Medical Services (EMS) - Personnel Licensing Requirements." All ~~EMT~~ Paramedics who will be the primary or the only care provider during critical care transfers must have successfully completed a formal ~~training~~ education program in critical care transport which meets or exceeds the objectives of the curriculum approved by the State Health Officer.

~~(4-5-00)~~(7-1-11)T

b. An agency which will advertise or provide ~~ALS~~ CCT transfer of patients may use Ambulance-Based Clinicians as the medical care provider for those patients. The agency ~~shall~~ must verify that all Ambulance-Based Clinicians have successfully completed a formal ~~training~~ education program of out-of-hospital medical care which meets or exceeds the objectives of the curriculum approved by the State Health Officer. The agency ~~shall~~ must assure that any Ambulance-Based Clinicians meet additional requirements of the corresponding licensing board.

~~(4-5-00)~~(7-1-11)T

c. Personnel ~~shall~~ will initiate critical care as authorized by the physician designated as the Medical Director of the agency, and other physicians providing on-line medical ~~direction~~ supervision as specified in IDAPA ~~22-01-06, "Rules for EMS Personnel," Subsection 011.05~~ 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission."

~~(4-5-00)~~(7-1-11)T

02. Required Documentation. The employment status and ongoing proficiency maintenance of the ~~certified~~ licensed personnel and Ambulance-Based Clinicians associated with the agency must be documented on a periodic basis to the EMS Bureau.

~~(4-5-00)~~(7-1-11)T

a. The agency must submit a roster of all ~~certified~~ licensed personnel and Ambulance-Based Clinicians with the application for licensure. Any change in the roster due to attrition or hiring must be documented to the EMS Bureau in writing within sixty (60) calendar days of the change.

~~(4-5-00)~~(7-1-11)T

b. The agency must maintain documentation of continuing education, refresher courses, and proficiency assurance of all ~~certified~~ licensed personnel and Ambulance-Based Clinicians in accordance with the EMS Standards Manual in effect at the time of designation and any EMS Standards Manual which takes effect during the designation period.

~~(4-5-00)~~(7-1-11)T

03. Required Equipment. The agency vehicle(s) must be equipped with the Minimum Required Equipment listed in the ALS section of the Minimum Equipment Standards incorporated in these rules. The agency must disclose all additional medical equipment routinely carried on the agency vehicle(s) not included in the Minimum Equipment Standards in the application provided by the EMS Bureau. (4-6-05)

04. Administrative License Action. A Critical Care Transfer Service designation may be ~~suspended~~ or revoked ~~in accordance with Section 515 of these rules~~ under IDAPA 16.01.12, "Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions." The agency is specifically prohibited from advertising or responding to pre-hospital and emergency requests for ALS unless the agency also holds pre-hospital ALS designation ~~in accordance with~~ under Section 325 of these rules.

~~(4-5-00)~~(7-1-11)T

(BREAK IN CONTINUITY OF SECTIONS)

400. ADVANCE DO NOT RESUSCITATE (DNR) DIRECTIVES.

- 01. Protocols.** (11-10-94)
- a.** The EMS Advisory Committee will establish standard protocols for EMS personnel to respond to advance DNR directives. (11-10-94)
- b.** The protocol will be reviewed at least annually by the EMS Advisory Committee to determine if changes in protocol should be made to reflect technological advances. (11-10-94)
- c.** The Department will notify Idaho EMS ~~providers~~ personnel of DNR protocols and any subsequent changes. ~~(11-10-94)~~(7-1-11)T
- 02. Do Not Resuscitate (DNR) Order.** ~~(11-10-94)~~(7-1-11)T
- a.** A standard DNR form will be made available to physicians by the Department or its designee. (11-10-94)
- b.** One (1) copy will be maintained in the patient's file and one (1) copy will be kept by the patient. (11-10-94)
- 03. Do Not Resuscitate (DNR) Identification.** ~~(11-10-94)~~(7-1-11)T
- a.** Only a physician signed DNR order or a Department approved bracelet or necklace will be honored by EMS personnel. (11-10-94)
- b.** The bracelet or necklace will have an easily identifiable logo that solely represents a DNR code. (11-10-94)
- c.** The Department will advise EMS personnel of what constitutes an acceptable identification. (11-10-94)
- d.** No DNR identification may be issued without a valid DNR order in place. (11-10-94)
- e.** Only vendors authorized by the Department may sell or distribute DNR identifications. (11-10-94)
- 401. -- 404. (RESERVED)**
- 405. STANDARDS FOR THE APPROPRIATE USE OF AIR MEDICAL AGENCIES BY CERTIFIED LICENSED EMS PERSONNEL AT EMERGENCY SCENES.**
- 01. Who Establishes Training Education Curricula and Continuing Education Requirements for Air Medical Criteria?** The EMS Bureau will incorporate education and training regarding the air medical criteria established in Section 425 of ~~this~~ these rules into initial training curricula and required continuing education of certified licensed EMS personnel. ~~(4-11-06)~~(7-1-11)T
- 02. Who Must Establish Written Criteria Guiding Decisions to Request an Air Medical Response?** Each licensed EMS service must establish written criteria, approved by the EMS service medical director, to guide the decisions of the service's certified licensed EMS personnel to request an air medical response to an emergency scene. The criteria will include patient conditions found in Section 415 of these rules. ~~(4-11-06)~~(7-1-11)T
- 03. What Written Criteria is Required for EMS Service Licensure?** Written criteria guiding decisions to request an air medical response will be required for all initial and renewal applications for EMS service licensure for licenses effective on November 1, 2006, or later. (4-11-06)
- 04. Who Is Responsible for Requesting an Air Medical Response?** Certified Licensed EMS personnel en route to or at the emergency scene have the primary responsibility and authority to request the response of air medical services in accordance with using the local incident management system and licensed EMS service written criteria. ~~(4-11-06)~~(7-1-11)T

05. When Can ~~Certified~~ **Licensed** EMS Personnel Cancel an Air Medical Response? ~~Certified~~ **Licensed** EMS personnel must complete a patient assessment prior to their cancellation of an air medical response.

~~(4-11-06)~~(7-1-11)T

06. Who May Establish Criteria for Simultaneous Dispatch? The licensed EMS service may establish criteria for simultaneous dispatch for air and ground medical response. Air medical services will not respond to an emergency scene unless requested.

(4-11-06)

07. Who Is Responsible for Selecting an Appropriate Air Medical Service? Selection of an appropriate air medical service is the responsibility of the licensed EMS service.

(4-11-06)

a. The licensed EMS service, through written policy, will establish a process of air medical selection.

(4-11-06)

b. The written policy must direct EMS personnel to honor a patient request for a specific air medical service when the circumstances will not jeopardize patient safety or delay patient care.

(4-11-06)

406. -- 414. (RESERVED)

415. AIR MEDICAL RESPONSE CRITERIA.

The need for an air medical request will be determined by the licensed EMS service ~~certified~~ **licensed** personnel based on their patient assessment and transport time. Each licensed EMS service must develop written criteria based on best medical practice principles. The following conditions must be included in the criteria:

~~(4-11-06)~~(7-1-11)T

01. What Clinical Conditions Require Written Criteria? The licensed EMS service written criteria will provide guidance to the ~~certified~~ **licensed** EMS personnel for the following clinical conditions:

~~(4-11-06)~~(7-1-11)T

a. The patient has a penetrating or crush injury to head, neck, chest, abdomen, or pelvis; (4-11-06)

b. Neurological presentation suggestive of spinal cord injury; (4-11-06)

c. Evidence of a skull fracture (depressed, open, or basilar) as detected visually or by palpation; (4-11-06)

d. Fracture or dislocation with absent distal pulse; (4-11-06)

e. A Glasgow Coma Score of ten (10) or less; (4-11-06)

f. Unstable vital signs with evidence of shock; (4-11-06)

g. Cardiac arrest; (4-11-06)

h. Respiratory arrest; (4-11-06)

i. Respiratory distress; (4-11-06)

j. Upper airway compromise; (4-11-06)

k. Anaphylaxis; (4-11-06)

l. Near drowning; (4-11-06)

m. Changes in level of consciousness; (4-11-06)

n. Amputation of an extremity; and (4-11-06)

- o.** Burns greater than twenty percent (20%) of body surface or with suspected airway compromise. (4-11-06)

02. What Complicating Conditions Require Written Criteria? When associated with clinical conditions in Subsection 415.01 of these rules, the following complicating conditions require written guidance for EMS personnel: (4-11-06)

- a.** Extremes of age; (4-11-06)
- b.** Pregnancy; and (4-11-06)
- c.** Patient “do not resuscitate” status as described in Section 400 of these rules. (4-11-06)

03. What Operational Conditions Require Written Guidance for an Air Medical Response? The licensed EMS service written criteria will provide guidance to the ~~certified~~ licensed EMS personnel for the following operational conditions: ~~(4-11-06)~~(7-1-11)T

- a.** Availability of local hospitals and regional medical centers; (4-11-06)
- b.** Air medical response to the scene and transport to an appropriate hospital will be significantly shorter than ground transport time; (4-11-06)
- c.** Access to time sensitive medical interventions such as percutaneous coronary intervention, thrombolytic administration for stroke, or cardiac care; (4-11-06)
- d.** When the patient's clinical condition indicates the need for advanced life support and air medical is the most readily available access to advanced life support capabilities; (4-11-06)
- e.** As an additional resource for a multiple patient incident; (4-11-06)
- f.** Remote location of the patient; and (4-11-06)
- g.** Local destination protocols. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

425. LANDING ZONE AND SAFETY.

01. Who Is Responsible for Setting Up Landing Zone Procedures? The licensed EMS service in conjunction with the air medical service(s) must have written procedures for establishment of landing zones. Such procedures will be compatible with the local incident management system. (4-11-06)

02. What Are the Responsibilities of Landing Zone Officers? The procedures for establishment of landing zones must include identification of Landing Zone Officers with responsibility for the following: (4-11-06)

- a.** Landing zone preparation; (4-11-06)
- b.** Landing zone safety; and (4-11-06)
- c.** Communication between ground and air agencies. (4-11-06)

03. What Training Is Required for Landing Zone Officers? The licensed EMS service will assure that EMS ~~certified~~ licensed personnel, designated as Landing Zone Officers, have completed training in establishing

an air medical landing zone based on the following elements:

~~(4-11-06)~~(7-1-11)T

- a. The required size of a landing zone; (4-11-06)
- b. The allowable slope of a landing zone; (4-11-06)
- c. The allowable surface conditions; (4-11-06)
- d. Hazards and obstructions; (4-11-06)
- e. Marking and lighting; (4-11-06)
- f. Landing zone communications; and (4-11-06)
- g. Landing zone safety. (4-11-06)

04. What Is the Deadline for Obtaining Training as Landing Zone Officers? Current EMS ~~certified~~ licensed personnel, designated as Landing Zone Officers, must complete the required training described in Subsection 425.03 of ~~these~~ this rules by June 30, 2007. ~~(4-11-06)~~(7-1-11)T

05. What Is the Deadline for Training as a Landing Zone Officer for EMS Recertification License Renewal? All EMS certified personnel will complete training described in Subsection 425.03 of ~~these~~ this rules as a component of required continuing education for recertification license renewal not later than ~~June~~ September 30, 2010. ~~(4-11-06)~~(7-1-11)T

06. Who Has the Final Decision to Use an Established Landing Zone? The air medical pilot may refuse the use of an established landing zone. In the event of pilot refusal, the landing zone officer will initiate communications to identify an alternate landing zone. (4-11-06)

426. -- 429. (RESERVED)

430. PATIENT DESTINATION.

The air medical service must have written procedures for determination of patient destination. (4-11-06)

01. Procedures for Destination Protocol and Medical Direction Supervision. The air medical service written procedure will consider the licensed EMS service destination protocol and medical direction supervision received. ~~(4-11-06)~~(7-1-11)T

02. Availability of Written Procedures. The air medical service must make the written procedures available to licensed EMS services that utilize their services. (4-11-06)

03. Determination of Destination Will Honor Patient Preference. The air medical procedures for determination of destination will honor patient preference if the requested facility is capable of providing the necessary medical care and if the requested facility is located within a reasonable distance not compromising patient care or the EMS system. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

436. -- ~~499~~. (RESERVED)

~~500. CERTIFICATION.~~

~~In order to practice or represent himself as a First Responder, EMT-B, AEMT-A, EMT-I, or EMT-P, an individual must maintain current certification issued by the EMS Bureau. (4-6-05)~~

~~501. INITIAL CERTIFICATION.~~

~~Upon successful completion of an EMS training program, a candidate may apply for certification to the EMS Bureau. In addition, candidates must satisfy the following requirements: (4-6-05)~~

~~01. **Affiliation Required.** Candidates for certification at the EMT B, AEMT A, EMT I, and EMT Paramedic levels must have current affiliation with a licensed EMS service which functions at, or higher than, the level of certification being sought by the applicant; (4-6-05)~~

~~02. **Required Identification.** Candidates for certification at any level must have a state driver's license, an Idaho identification card which is issued by a county driver's license examining station, or identification card issued by the Armed Forces of the United States; and (7-1-97)~~

~~03. **Criminal Background Check.** A criminal background check must be conducted for all applicants for initial certification in accordance with the standards and procedures established in IDAPA 16.05.06, "Criminal History and Background Checks." The Division or the EMS Bureau may require an updated or additional criminal background check at any time, without expense to the applicant, if there is cause to believe new or additional information will be disclosed. Denial without the grant of an exemption under IDAPA 16.05.06, will result in denial or revocation of certification. (4-6-05)~~

~~04. **Fee for Initial Certification.** The fee for initial certification for AEMT A, EMT I, and EMT P is thirty five dollars (\$35). (4-6-05)~~

~~05. **Required Examination.** Candidates for certification at any level must obtain a passing score on the standardized examination designated by the EMS Bureau. The examination type must correspond to the level of certification being sought in accordance with the EMS Standards Manual in effect at the time of application. (4-6-05)~~

~~502.—509. (RESERVED)~~

~~510. CERTIFICATION DURATION AND RECERTIFICATION.~~

~~All certification is for the following specified intervals of time, during which time required continuing education, refresher courses and other proficiency assurances must be completed in order to renew the certification. (4-6-05)~~

~~01. **First Responder Certification.** A First Responder will be issued certification for three (3) years. The duration of initial certification may be up to forty two (42) months from the date of examination. Continuing education and refresher course must be conducted in accordance with the EMS Standards Manual in effect at the beginning of the certification interval. (4-6-05)~~

~~02. **EMT B Certification.** An EMT B will be issued certification for three (3) years. The duration of initial certification may be up to forty two (42) months from the date of examination. Continuing education, refresher course, and proficiency assurance documentation must be conducted in accordance with the EMS Standards Manual in effect at the beginning of the certification interval. (4-6-05)~~

~~03. **AEMT A Certification.** An AEMT A will be issued certification for two (2) years. The duration of initial certification may be up to thirty (30) months from the date of examination. Continuing education, refresher course, and proficiency assurance documentation must be conducted in accordance with the EMS Standards Manual in effect at the beginning of the certification interval. The fee for recertification is twenty five dollars (\$25). (4-6-05)~~

~~04. **EMT I Certification.** An EMT I will be issued certification for two (2) years. The duration of initial certification may be up to thirty (30) months from the date of examination. Continuing education, refresher course, and proficiency assurance documentation must be conducted in accordance with the EMS Standards Manual in effect at the beginning of the certification interval. The fee for recertification is twenty five dollars (\$25). (4-6-05)~~

~~05. **EMT P Certification.** An EMT P will be issued certification for two (2) years. The duration of initial certification may be up to thirty (30) months from the date of examination. Continuing education, refresher courses, and proficiency assurance documentation will be conducted in accordance with the EMS Standards Manual in effect at the beginning of the certification interval. The fee for recertification is twenty five dollars (\$25). (4-6-05)~~

~~06. **Required Documentation.** Documentation of recertification requirements is due to the EMS Bureau prior to the certification expiration date. Failure to submit complete documentation of requirements by the certification expiration date renders the certification invalid and the candidate must not practice or represent himself as certified personnel. (4-6-05)~~

~~07. **Affiliation Required.** Candidates for recertification at the EMT-B, AEMT-A, EMT-I, and EMT-P levels must have current affiliation with a licensed EMS service. (4-6-05)~~

~~511. **LAPSED CERTIFICATION.**~~

~~After the expiration date of certification issued by the EMS Bureau, the certification will no longer be valid unless required recertification documentation has been submitted. No grace periods or extensions to an expiration date may be granted. (4-6-05)~~

~~01. **Reinstatement of Certification.** An individual may submit recertification documentation up to a maximum of two (2) years following the certification expiration date. In order for certification to be reinstated individuals must meet the requirements for initial certification. Continuing education proportionate to the amount of time since the last recertification must be documented. (7-1-97)~~

~~02. **Re-Entry.** An individual whose certification has been expired for more than two (2) years must attend and successfully complete an initial training program for the level of certification being sought. All other requirements for initial certification must be met. (4-6-05)~~

~~512. **SURRENDER OF CERTIFICATION.**~~

~~An individual who possesses current certification may relinquish that certification at any time by submitting a letter of intent to the EMS Bureau. This action may not prevent investigative or disciplinary action against the individual, which may take place thereafter. (7-1-97)~~

~~513. **REVERSION.**~~

~~An individual who possesses current certification may relinquish that certification and receive a certification at a lower level with the same expiration date as the original certification. The individual must meet all requirements for initial certification. This action may not prevent investigative or disciplinary action against the individual which may take place thereafter. (7-1-97)~~

~~514. **RECIPROCITY.**~~

~~An individual who has successfully completed an EMS training program approved by another state, U.S. Territory, or branch of the U.S. Armed Services may apply for EMS certification if the individual satisfies the criteria for initial certification and has current NREMT registration or state EMS certification at or above the level of certification being sought. (7-1-97)~~

~~515. **ADMINISTRATIVE LICENSE ACTION.**~~

~~Any license or certification may be suspended, revoked, denied, or retained only upon compliance with conditions imposed by the Bureau Chief, for any action, conduct, or failure to act which is inconsistent with the professionalism and/or standards established by these rules including, but not limited to the following: (7-1-97)~~

~~01. **Any Violation.** Any violation of these rules. (7-1-97)~~

~~02. **Failure to Maintain Standards of Knowledge and/or Proficiency.** Failure to maintain standards of knowledge, and/or proficiency required under these rules; (7-1-97)~~

~~03. **A Lawful Finding.** A lawful finding of mental incompetency. (7-1-97)~~

~~04. **Performance of Duties.** Performance of duties pursuant to said license or certificate while under the influence of alcohol or any illegal substance. (7-1-97)~~

~~05. **Any Conduct, Action, or Conviction.** Any conduct, action, or conviction which does or would result in denial without exemption of a criminal history clearance under IDAPA 16.05.06, "Criminal History and Background Checks." (7-1-97)~~

~~06. **Discipline, Restriction, Suspension or Revocation.** Discipline, restriction, suspension or revocation in any other jurisdiction. (7-1-97)~~

~~07. **Any Conduct, Condition, or Circumstance.** Any conduct, condition, or circumstance determined by the Bureau Chief which constitutes a danger or threat to the health, safety, or well-being of persons or property. (7-1-97)~~

~~08. **Performing Any Medical Procedure or Providing Medication.** Performing any medical procedure or providing medication which deviates from or exceeds the scope of practice for the corresponding level of certification established under IDAPA 22.01.06, "Rules for EMS Personnel." (7-1-97)~~

~~09. **Providing Any Service Without Licensure or Designation.** Advertising or providing any service which exceeds the level of licensure and ALS designation; responding to any jurisdiction outside of the coverage area declared on the current EMS service application, with the exception of responses to any locally declared disaster when the response is specifically requested by the incident commander or his designee; or responding in a manner which is in violation of the county EMS ordinance in which the call originates. (4-5-00)~~

~~10. **Falsification of Applications or Reports.** The submission of fraudulent or false information in any report, application, or documentation to the EMS Bureau. (4-5-00)~~

~~516.—599. (RESERVED)~~

~~600. **WHO MAY REPORT A DISCIPLINARY VIOLATION.**
Any person who knows of a violation of any law or rule by the holder of an emergency medical services certificate issued pursuant to these rules may report the violation to the EMS Bureau. (7-1-97)~~

~~601. **PRELIMINARY INVESTIGATION.**
The EMS Bureau shall make a preliminary investigation of all the facts and circumstances surrounding the reported facts and events and shall make a report of such facts to the Emergency Medical Services Advisory Committee Disciplinary Subcommittee for a recommendation of appropriate action. The subject of the investigation shall be given an opportunity to respond in writing, or at the option of the EMS Bureau, in person, to the reported violation. (7-1-97)~~

~~602. **CONFIDENTIALITY OF INVESTIGATION.**
Preliminary investigations and papers in connection with them shall be confidential until a notice of certificate action is issued. (7-1-97)~~

~~603. **NOTICE OF CERTIFICATE ACTION.**
The Bureau Chief shall notify the certificate holder of any intended license action, or shall notify the certificate holder that no action will be taken. If the certificate holder fails to file an administrative appeal, the intended license action shall become effective without further notice. (7-1-97)~~

~~604.—999. (RESERVED)~~

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.19 - CERTIFIED FAMILY HOMES

DOCKET NO. 16-0319-1101 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2011.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 56-264,(6),(f), Idaho Code, as adopted in HB 260 by the 2011 Legislature.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 20, 2011.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Department, under HB 260 adopted by the 2011 Legislature, is required to implement licensing fees to cover the certification and recertification costs for certified family homes. These rule changes adopt fees to cover the costs of certification and recertification of certified family homes, add and correct references to statutes, and provides enforcement action for nonpayment of the recertification fees.

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

The 2011 Legislature adopted HB 260, which added Sections 56-260 through 56-266, Idaho Code, effective on July 1, 2011.

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

The 2011 Legislature under HB 260 requires the Department to implement applicant and licensing fees for certification and re-certification costs for certified family homes. This statute is effective July 1, 2011.

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

Total projected income from collections for SFY2012 is anticipated to be \$660,000. The Department's projected cost for ongoing operation is \$599,400. The remainder of the collections will be used for indirect service costs. The collections are to be used to offset Personnel and Operating expenditures. This Certified Family Home Fund for fees will shift and reduce state general and federal funds by \$299,700 each, and will increase the Department's dedicated fund receipts by \$599,400.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the 2012 Legislature adopted HB 260 that requires the Department to collect fees for certification and recertification of Certified Family Homes.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference into these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Karen Vasterling at (208) 239-6260.

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 July 27, 2011.

DATED this 3rd day of June, 2011.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5564; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT
OF FEE DOCKET NO. 16-0319-1101**

000. LEGAL AUTHORITY.

The ~~State of~~ Idaho Board of Health and Welfare is authorized under Sections 56-1005 and 39-350~~4~~⁵, Idaho Code, to adopt and enforce rules and standards for Certified Family Homes. The Department is authorized under Sections 56-264 and 56-1007, Idaho Code, to adopt and develop certification and recertification criteria, and to charge and collect initial certification and recertification fees. ~~(4-11-06)~~(7-1-11)T

(BREAK IN CONTINUITY OF SECTIONS)

101. APPLICATION FOR CERTIFICATION.

The applicant must apply for certification on forms provided by the Department, pay the initial certification fee, and ~~must~~ provide information required by the Department. ~~(4-11-06)~~(7-1-11)T

- 01. Completed and Signed Application.** A completed application form signed by the applicant. (4-11-06)
- 02. Statement to Comply.** A written statement that the applicant has thoroughly read and reviewed this chapter and is prepared to comply with all of its provisions. (4-11-06)
- 03. Criminal History and Background Clearance.** Satisfactory evidence that the applicant and all adults living in the home are of reputable and responsible character, including a criminal history clearance as provided in Section 009 of these rules. (4-11-06)
- 04. Statement Disclosing Revocation or Disciplinary Actions.** A written statement that discloses any revocation or other disciplinary action taken or in the process of being taken against the applicant as a care provider in Idaho or any other jurisdiction, or a statement from the applicant stating he has never been involved in any such action. (4-11-06)
- 05. Electrical Inspection.** A current statement from a licensed electrician or the local/state electrical inspector that all wiring in the home complies with applicable local code. (4-11-06)
- 06. Environmental Sanitation Inspection.** If the home is not on a municipal water supply or sewage disposal system, a current statement is needed from the local environmental health agency that the water supply and

sewage disposal system meet the legal standards. If the local environmental health agency cannot provide this information, the home must obtain a statement to that effect. In addition, the applicant must provide a signed statement that the water supply and sewage disposal system are in good working order. (4-11-06)

07. Proof of Insurance. Proof of homeowner's or renter's insurance on the home and the resident's belongings. For continued certification, insurance must be kept current. (4-11-06)

08. List of Individuals Living in the Home. A list of all individuals living in the home at the time of application and their relationship to the applicant. (4-11-06)

09. Payment of Initial Certification. Payment of the initial certification fee required in Section 109 of these rules. (7-1-11)T

109. Other Information as Requested. Other information that may be requested by the Department for the proper administration and enforcement of the provisions of this chapter. (4-11-06)

101. Termination of Application Process. Failure of the applicant to cooperate with the Department in the application process will result in the termination of the application process. Failure to cooperate means that the information described in Section 101 of these rules is not provided in a timely manner, or not provided in the form requested by the Department, or both. (4-11-06)

102. -- 1098. (RESERVED)

109. INITIAL CERTIFICATION AND RECERTIFICATION FEES FOR CERTIFIED FAMILY HOMES.

01. Initial Certification Fee Amount. A provider is required to pay to the Department at the time of application a one-time non-refundable certification fee of one hundred fifty (\$150) dollars. (7-1-11)T

02. Recertification Fees. A provider is required to pay to the Department a recertification fee of twenty-five (\$25) dollars per month. This amount will be billed to the provider quarterly, and is due and payable within thirty (30) days of date of the invoice. Failure of the provider to pay recertification fees when due may cause the Department to take enforcement action described in Section 913 of these rules. (7-1-11)T

(BREAK IN CONTINUITY OF SECTIONS)

913. ENFORCEMENT REMEDY OF REVOCATION OF CERTIFICATE.

01. Revocation of the Home's Certificate. The Department may institute a revocation action when persuaded by a preponderance of the evidence that the home is not in substantial compliance with this chapter. (4-11-06)

02. Causes for Revocation of the Certificate. The Department may revoke any certificate to include the following causes: (4-11-06)

a. The certificate holder has willfully misrepresented or omitted information on the application or other documents pertinent to obtaining a certificate; (4-11-06)

b. The home is not in substantial compliance with these rules; (4-11-06)

c. When persuaded by a preponderance of the evidence that such conditions exist which endanger the health or safety of any resident; (4-11-06)

d. Any act adversely affecting the welfare of residents is being permitted, aided, performed, or abetted

by the person or persons in charge of the home. Such acts may include, but are not limited to, neglect, physical abuse, mental abuse, emotional abuse, violation of civil rights, or exploitation; (4-11-06)

e. The provider has demonstrated or exhibited a lack of sound judgment essential to the operation and management of a home; (4-11-06)

f. The provider has violated any of the conditions of a provisional certificate; (4-11-06)

g. The home has one (1) or more core issues. A core issue is a deficiency that endangers the health, safety, or welfare of any resident; (4-11-06)

h. An accumulation of minor violations that, taken as a whole, would constitute a major deficiency; (4-11-06)

i. Repeat violations of any requirement of these rules or of the Idaho Code; (4-11-06)

j. The home lacks the ability to properly care for the type of residents residing at the home, as required by these rules or as directed by the Department; (4-11-06)

k. The home is not in substantial compliance with the provisions for services, resident rights or admissions; (4-11-06)

l. Certificate holder refuses to allow the Department or Protection and Advocacy agencies full access to the home environment, home records, or the residents; ~~or~~ ~~(4-11-06)~~(7-1-11)T

m. Any condition exists in the home which endangers the health or safety of any resident.; ~~or~~ ~~(4-11-06)~~(7-1-11)T

n. The provider fails to pay the recertification fee as specified in Subsection 109.02 of these rules. The recertification fee is considered delinquent if not paid within thirty (30) days of due date on the invoice. (7-1-11)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.05.04 - RULES OF THE IDAHO COUNCIL ON DOMESTIC VIOLENCE
AND VICTIM ASSISTANCE GRANT FUNDING

DOCKET NO. 16-0504-1101

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2011.

AUTHORITY: In compliance with Section 67-5221(1), and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 39- 5209, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 20, 2011.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In accordance with input from stakeholders and legislative intent, Section I.B.4. of the document entitled: "Minimum Standards for the Domestic Violence Offender Intervention Programs," is being revised so as to prohibit conjoint treatment (couples counseling) as an alternative intervention. This revision reflects changes to language in the standards document negotiated with stakeholders during the 2011 legislative session. To review the standards document showing the negotiated revisions, go to <http://www.icdv.idaho.gov>.

In the Incorporations by Reference section of the chapter, a new volume number is being added to the citation for the revised standards document.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of this rule is appropriate as it necessary to protect the public health, safety, or welfare.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no anticipated fiscal impact to the state general fund related to this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, informal negotiated rulemaking was conducted during the 2011 legislative session with interested stakeholders. No "Notice of Intent to Promulgate Rules - Negotiated Rulemaking" was published in the Idaho Administrative Bulletin.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the revised Minimum Standards for Domestic Violence Offender Intervention Programs document, edition 2011-1, is being incorporated by reference into these rules to give it the force and effect of law. The document is not being published in this chapter of rules due to its length and format, and because of the cost for republication. The document will be available at <http://www.icdv.idaho.gov> on its effective date, July 1, 2011.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Luann Dettman at (208) 332-1540.

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 July 27, 2011.

DATED this 3rd day of June, 2011.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5564; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT OF DOCKET NO. 16-0504-1101

004. INCORPORATION BY REFERENCE.

01. General. Unless provided otherwise, any reference in these rules to any document identified in Section 004 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term “document” includes codes, standards, or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (5-3-03)

02. Availability of Reference Material. Copies of the documents incorporated by reference into these rules are available: (5-3-03)

a. At the Idaho Council on Domestic Violence and Victim Assistance, 304 North 8th Street, Suite 140, P.O. Box 83720, Boise, Idaho 83720-0036. (3-30-11)

b. On the internet at: <http://www.icdv.idaho.gov>. (5-3-03)

03. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules: (5-3-03)

a. “Domestic Violence Program and Personnel Standards,” published by the Idaho Council on Domestic Violence and Victim Assistance, effective November 20, 1998. (5-3-03)

b. “Minimum Standards for Domestic Violence Offender Intervention Programs,” published by the Idaho Council on Domestic Violence and Victim Assistance, edition 2011-1, effective July 1, 2011. ~~(3-30-11)~~(7-1-11)T

c. “Sexual Assault Program and Personnel Standards,” published by the Idaho Council on Domestic Violence and Victim Assistance, effective April 27, 2001. (5-3-03)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.06.02 - RULES GOVERNING STANDARDS FOR CHILD CARE LICENSING
DOCKET NO. 16-0602-1101 (FEE RULE)
NOTICE OF RULEMAKING -TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of this temporary rule is July 1, 2011.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 39-1111, 39-1209, 39-1210, 39-1211, 39-1213, 56-1003, 56-1004A, and 56-1005, Idaho Code, and House Bill (HB)129a.

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

Thursday, July 14, 2011 3:00 p.m. local time	Monday, July 18, 2011 1:00 p.m. local time
DHW - Region I 1250 Ironwood Dr. #100 Conf. Room 44 Coeur d Alene, ID	DHW - Region III 3402 Franklin Rd. Teton Room Caldwell, ID
Tuesday, July 26, 2011 2:00 p.m. local time	Wednesday, July 27, 2011 12:00 p.m. local time
DHW - Blackfoot Field Office 701 East Alice Self-Reliance Conf. Rm. Blackfoot, ID	DHW - Region V 601 Pole Line Road Front Conf. Rm. Twin Falls, ID

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The 2011 Legislature adopted HB129a that increased the maximum fee amount that could be assessed for daycare centers in Section 39-1107, Idaho Code. Under Section 39-1109, Idaho Code, the safety standards and staff child ratios were also amended. This temporary and proposed rule docket makes changes to the Child Care Licensing rules to meet statutory requirements for daycare licensing effective July 1, 2011.

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

These temporary rules are necessary to protect the public health, safety, and welfare of children in daycare and to comply with statutory requirements. These rules became effective on July 1, 2011.

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

Section 39-1107, Idaho Code, established a maximum licensing fee for a basic daycare license not to exceed \$325 for daycare centers with more than 25 children, \$250 for daycare centers with 13 - 25 children, and \$100 for group daycare facilities and family daycare homes who choose to be voluntarily licensed.

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

The projected income from fees is \$60,630. The Department estimates the health and safety inspections will cost \$102,660. The total fiscal impact of these rules is (\$42,030), which will be covered by the Federal Child Care Development Fund that is 100% federally funded.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted during 2011, because these licensing requirements were established by statutory requirements adopted by the 2011 Legislature in HB 129a.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Valerie Burgess (208) 334-5648.

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 July 27, 2011.

DATED this 3rd day of June, 2011.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5564; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND PROPOSED TEXT
OF FEE DOCKET NO. 16-0602-1101**

102. DISPOSITION OF APPLICATIONS.

The Department will initiate action on each completed application within thirty (30) days after receipt that addresses each requirement for the specific type of home, facility, or agency. Upon receipt of a completed application and study, the licensing authority will review the materials for conformity with these rules. (4-7-11)

01. Approval of Application. A license will be issued to any daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, foster home, children's residential facility, children's therapeutic outdoor program, children's camp, or children's agency found to be in conformity with these rules governing the home or facility. The license is issued according to the terms specified in the licensing study and will be mailed to the applicant. (4-7-11)

02. Regular License. A regular license will be issued to any daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, foster home, children's residential care facility, children's therapeutic outdoor program, children's camp, or children's agency found to be in conformity with these

- rules governing the facility and will specify the terms of licensure, such as: (4-7-11)
- a. Full time or daycare; (3-30-01)
 - b. The number of children who may receive care at any one (1) time; and (3-30-01)
 - c. Age range and gender, if there are conditions in the foster home or children's residential care facility making such limitations necessary; (3-30-01)
 - d. The regular license for a foster home, children's agency, children's residential care facility, children's therapeutic outdoor program, or children's camp is in effect for one (1) year from the date of issuance unless suspended or revoked earlier; (4-7-11)
 - e. A regular license for a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department is in effect for two (2) years from the date of issuance unless suspended or revoked earlier; and (4-7-11)
 - f. If the license for a foster home is for a specific child only, the name of that child will be shown on the foster home license. (3-30-01)
- 03. Waiver.** A regular license may be issued to the foster home of a relative who has received a waiver of licensing rules provided: (4-7-11)
- a. The waiver is considered on an individual case basis; (3-30-01)
 - b. The waiver is approved only for non-safety foster care rules; (7-1-09)
 - c. All other licensing requirements have been met; (4-7-11)
 - d. The approval of a waiver of any foster home rules requires the licensing authority to document a description of the reasons for issuing a waiver, the rules being waived, and assurance that the waiver will not compromise the child's safety; and (7-1-09)
 - e. The approved waiver must be reviewed for continued need and approval at regular intervals not to exceed six (6) months. (7-1-09)
- 04. Variance.** A regular license will be issued to a foster home, children's residential care facility or children's agency approved for a variance of a licensing rule provided: (4-7-11)
- a. The variance is considered on an individual case basis; (3-30-01)
 - b. The variance is approved for a non-safety licensing rules; (3-30-01)
 - c. The approval of a variance must have no adverse effect on the health, safety, and well-being of any child in care at the foster home or facility; (7-1-09)
 - d. The approval of a variance is documented by the licensing agency and includes a description of the reasons for issuing a variance and assurances that the variance will not compromise any child's health, safety, and well-being; and (7-1-09)
 - e. The approved variance must be reviewed for continued need and approval annually. (7-1-09)
- 05. Provisional License.** A provisional license may be issued to a ~~daycare center, group daycare facility, family daycare home voluntarily licensed by the Department,~~ foster home, children's residential care facility, children's therapeutic outdoor program, children's camp, or children's agency when a licensing standard cannot be met but can be expected to be corrected within six (6) months, provided this does not affect the health, safety and well-being of any child in care at the home or facility. (~~4-7-11~~)(7-1-11)T

- a. A provisional license will be in effect for not more than six (6) months. (4-7-11)
- b. Only one (1) provisional license will be issued to a ~~daycare center, group daycare facility, family daycare home voluntarily licensed by the Department,~~ foster home, children's residential care facility, children's agency, children's therapeutic outdoor program, or children's camp in any twelve-month period of time under Sections 39-1216 ~~and 39-1102,~~ Idaho Code. ~~(4-7-11)~~(7-1-11)T
- 06. Limited License.** A limited license for a foster home may be issued for the care of a specific child in a home which may not meet the requirements for a license, provided that: (3-30-01)
- a. The child is already in the home and has formed strong emotional ties with the foster parents; and (3-30-01)
- b. It can be shown that the child's continued placement in the home would be more conducive to their welfare than would removal to another home. (3-30-01)
- 07. Denial of Application.** In the event that an application is denied, a signed letter will be sent directly to the applicant by registered or certified mail, advising the applicant of the denial and stating the basis for such denial. An applicant whose application has been denied may not reapply until after one (1) year has elapsed from the date on the denial of application. (4-7-11)
- 08. Failure to Complete Application Process.** (7-1-09)
- a. Failure of the applicant to complete the application process within six (6) months of the original date of application will result in a denial of the application. (7-1-09)
- b. An applicant whose application has been denied for being incomplete may not reapply until after one (1) year has elapsed from the date on the denial of application. (7-1-09)

(BREAK IN CONTINUITY OF SECTIONS)

112. ENFORCEMENT REMEDY REVOCATION OF LICENSE AND TRANSFER OF RESIDENTS OR CHILDREN.

The Department may revoke the license of a daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, foster home, children's agency, children's therapeutic outdoor program, or children's residential care facility when the Department determines the operator is not in compliance with these rules. Children in a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, will not be transported from the facility, instead the parent or legal guardian will be contacted. Revocation and transfer of residents or children may occur under the following circumstances: (4-7-11)

- 01. Endangers Health or Safety.** Any condition that endangers the health or safety of any resident or child. (4-7-11)
- 02. Not in Substantial Compliance.** A foster home, children's agency, daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, children's therapeutic outdoor program, children's camp, or children's residential care facility is not in substantial compliance with these rules. (4-7-11)
- 03. No Progress to Meet Plan of Correction.** A foster home, children's agency, daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, children's therapeutic outdoor program, children's camp, or children's residential care facility has made little or no progress in correcting deficiencies within thirty (30) days from the date the Department accepted a plan of correction. (4-7-11)
- 04. Repeat Violations.** Repeat violations of any requirement of these rules or provisions of Title 39,

Chapters 11 and 12, Idaho Code.

(4-7-11)

05. Misrepresented or Omitted Information. A foster home, children's agency, daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, children's therapeutic outdoor program, children's camp, or children's residential care facility has knowingly misrepresented or omitted information on the application or other documents pertinent to obtaining a license. (4-7-11)

06. Refusal to Allow Access. Refusal to allow Department representatives full access to the foster home, children's agency, daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, children's therapeutic outdoor program, children's camp, or children's residential care facility and its grounds facilities and records. (4-7-11)

07. Violation of Terms of Provisional License. A children's agency, ~~daycare center, group daycare facility, family daycare home voluntarily licensed by the Department~~ foster home, children's therapeutic outdoor program, children's camp, or children's residential care facility that has violated any of the terms or conditions of a provisional license. ~~(4-7-11)~~(7-1-11)T

(BREAK IN CONTINUITY OF SECTIONS)

310. -- ~~320~~19. (RESERVED)

320. DAYCARE LICENSING MAXIMUM TOTAL FEES.

A nonrefundable licensing fee must be paid to the Department prior to the issuance or renewal of a daycare license.

(7-1-11)T

01. Daycare Licensing Maximum Total Fee Amounts. The maximum total fee for initial licensure or renewal of a daycare center, group daycare facility, or family daycare home voluntarily licensed must not exceed the following amounts: (7-1-11)T

a. For a daycare center with more than twenty-five (25) children in attendance at any given time - three hundred twenty-five dollars(\$325). (7-1-11)T

b. For a daycare center with thirteen (13) to twenty-five (25) children in attendance at any given time - two hundred fifty dollars (\$250). (7-1-11)T

c. For a group daycare facility - one hundred dollars (\$100). (7-1-11)T

d. For a family daycare home voluntary license - one hundred dollars (\$100). (7-1-11)T

02. Daycare Fire Inspection Fee. Daycare fire inspection fees are payable to the local fire department or fire district official. (7-1-11)T

(BREAK IN CONTINUITY OF SECTIONS)

325. ISSUANCE OF LICENSE.

01. Department Action. The Department will order a health and safety inspection of the daycare facility once the application for licensure is complete and the licensing fee has been paid. (4-7-11)

02. Issuance of a Regular License. If the Department determines the applicant is in compliance with the rules and minimum standards set forth in these rules, the Department will, within sixty (60) days from the date the completed application is submitted, issue one (1) of the following licenses: (4-7-11)

- a. Daycare Center License, stating the type of facility, the number of children who may be in attendance, and the length of time the license is in effect; (4-7-11)
- b. Group Daycare Facility License, stating the type of facility, the number of children who may be in attendance, and the length of time the license is in effect; or (4-7-11)
- c. Family Daycare Home License, stating the type of facility, the number of children who may be in attendance, and the length of time the license is in effect. (4-7-11)

~~**03.** *Issuance of Provisional License.* A provisional daycare license may be issued for a period of time not to exceed one hundred eighty (180) days provided this does not effect the health, safety, and well-being of any child in daycare at the home or facility and the Department determines that a licensing standard cannot be met but is expected to be corrected within six (6) months. A provisional daycare license automatically expires after one hundred eighty (180) days and can only be issued one (1) time in any twelve month period. (4-7-11)~~

043. **Denial of Licensure.** If the Department determines the applicant is not in compliance with the rules and minimum standards set forth in this chapter and further determines not to issue a regular license or provisional license, the Department will, within thirty (30) days from the date the completed application is submitted, issue a letter of denial of licensure stating the basis for the denial. (4-7-11)

054. **Incomplete Application.** The Department is not required to take any action on an application until the application is complete. (4-7-11)

065. **Notification of License Renewal.** The Department will notify the licensed daycare operator at least ninety (90) days prior to expiration of the license. (4-7-11)

076. **List of Licensed Daycare Facilities.** The Department will maintain a list of all licensed daycare facilities for public use. (4-7-11)

(BREAK IN CONTINUITY OF SECTIONS)

335. CHILD-STAFF RATIOS AND MAXIMUM GROUP SIZES.

~~Under Section 39-1109, Idaho Code, the Department determines the maximum allowable child-staff ratio of children to staff and maximum group size as described in the tables provided in Subsections 335.01 and 335.02 of this rule based on a point system. (4-7-11)(7-1-11)T~~

01. Daycare ~~Centers~~ Child-Staff Ratios and Maximum Group Size Point System.

DAYCARE CENTERS CHILD-STAFF RATIOS AND MAXIMUM GROUP SIZE Based on Age of Youngest Child TABLE 335.01		
Agess and Counts Based on Age of Youngest Child	Child:Staff Ratio	Maximum Group Size
<i>A child or children birth to two (2) years of age</i>	<i>6:1 or 12:2</i>	<i>12</i>
<i>All children at least two (2) years of age</i>	<i>8:1 or 16:2</i>	<i>16</i>
<i>All children at least three (3) years of age</i>	<i>10:1 or 20:2</i>	<i>20</i>
<i>All children at least four (4) years of age</i>	<i>12:1 or 24:2</i>	<i>24</i>

DAYCARE CENTERS CHILD-STAFF RATIOS AND MAXIMUM GROUP SIZE Based on Age of Youngest Child TABLE 335.01		
Agers and Counts Based on Age of Youngest Child	Child:Staff Ratio	Maximum Group Size
All children at least five (5) years of age	18:1 or 36:2	36

The maximum allowable points for each staff member is twelve (12), using the following point system which is based on the age of each child in attendance: ~~(4-7-11)~~(7-1-11)T

- a. Under the age of twenty-four (24) months, each child equals two (2) points. ~~(7-1-11)T~~
- b. From the age of twenty-four (24) months to under the age of thirty-six (36) months, each child equals one and one-half (1 1/2) points. ~~(7-1-11)T~~
- c. From the age of thirty-six (36) months to under the age of five (5) years, each child equals one (1) point. ~~(7-1-11)T~~
- d. From the age of five (5) years to under the age of thirteen (13) years, each child equals one-half (1/2) point. ~~(7-1-11)T~~

~~02. Group Daycare Facilities and Licensed Family Daycare Homes — Child Staff Ratios and Maximum Group Size.~~

GROUP DAYCARE FACILITIES AND LICENSED FAMILY DAYCARE HOMES CHILD-STAFF RATIOS AND MAXIMUM GROUP SIZE Based on Age of Youngest Child TABLE 335.02		
Agers and Counts Based on Age of Youngest Child	Child:Staff Ratio	Maximum Group Size
No child or children under the age of two (2)	12:1	12
One (1) or two (2) children under the age of two (2) years	10:1 or 12:2	10 or 12
Three (3) or more children under the age of two (2) years	9:1 or 12:2	9 or 12

~~(4-7-11)~~

~~032. Compliance with Child-Staff Ratios and Maximum Group Sizes.~~ Child-staff ratios ~~and maximum group sizes~~ must be maintained at all times during all hours of operation when children are in attendance and when transporting children. ~~(4-7-11)~~(7-1-11)T

a. Each child in attendance is counted by the Department ~~as one (1) child~~ for the purposes of calculating maximum allowable points, counting the number of children in attendance, and for determining compliance with child-staff ratios; ~~(4-7-11)~~(7-1-11)T

b. ~~The ratio of children to staff and maximum group size in mixed age groups is determined by the age of the youngest child in attendance;~~ ~~(4-7-11)~~

eb. Each adult staff member who is providing direct care for a child or children is counted by the Department as one (1) staff member for the purposes of counting the number of staff on-duty and determining compliance with child-staff ratios; and (4-7-11)

ec. Each staff member sixteen (16) and seventeen (17) years of age under the supervision of an adult staff member, when providing direct care for a child or children, may be counted by the Department as one (1) staff member for the purposes of counting the number of staff on-duty and determining compliance with child-staff ratios. (4-7-11)

04. Supervision of Children. The owner or operator and all staff are responsible for the direct care, protection, supervision, and guidance of children through active involvement or direct observation. In addition to meeting all of the minimum requirements of child-staff ratio ~~and maximum group size~~, the owner or operator of a daycare center, group daycare facility, or family daycare home licensed by the Department must ensure that at least one (1) adult staff member is: ~~(4-7-11)~~(7-1-11)T

a. Awake and on duty on the premises at all times during regular business hours or when children are in attendance, and (4-7-11)

b. Currently certified in pediatric rescue breathing, infant-child CPR, and first-aid treatment. (4-7-11)

05. Napping Children. Napping children who are not within sight of a staff member must be within easy hearing distance at all times. (4-7-11)

06. Overnight Daycare. For daycare operators providing overnight care of children, the following must apply: (4-7-11)

a. A sleeping child must sleep on the same level as the staff member who must be able to hear the child; and (4-7-11)

b. A staff member must be awake and on duty to release and receive a child. (4-7-11)

IDAPA 20 - DEPARTMENT OF LANDS

20.03.15 - THE ISSUANCE OF GEOTHERMAL RESOURCE LEASES

DOCKET NO. 20-0315-1101

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2011.

AUTHORITY: In compliance with Section 67-5224 Idaho Code and IDAPA 20.01.01, Rules of Practice and Procedure Before the State Board of Land Commissioners (Board), Section 840, notice is hereby given that this agency has adopted a temporary rule. This action is authorized pursuant to Section 58-104(6), Idaho Code.

DESCRIPTIVE SUMMARY: Four changes were made to Title 47, Chapter 16, Idaho Code, in the 2011 legislative session. Those changes take effect July 1, 2011, but will be in conflict with the existing administrative rules. This temporary rule has the minimum changes required to implement the revised Section 47-1605, Idaho Code. These changes include extending lease terms up to 49 years, negotiating rent and royalty based on market rates, increasing lease size to cover an entire project, and setting bond amounts based on reasonable reclamation costs.

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

This rule is needed to ensure compliance with amendments to the governing statute and to confer a benefit.

FEE SUMMARY: No fee is being imposed by this rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this temporary rule, contact Eric Wilson, (208) 334-0261 or ewilson@idl.idaho.gov.

DATED this 18th day of May, 2011.

Eric Wilson
Minerals Program Manager
Idaho Department of Lands
PO Box 83720, Boise, Idaho 83720
(208) 334-0261/ Fax (208) 334-3698
ewilson@idl.idaho.gov

THE FOLLOWING IS THE TEMPORARY RULE TEXT OF DOCKET NO. 20-0315-1101

030. TERM.

01. ~~Ten-Year~~ Lease **Term**. All leases ~~shall~~ **may** be for a ~~primary~~ term of ~~ten up to forty-nine (49)~~ years from the effective date of the lease. ~~The effective date of the lease shall be the first day of the month following Board approval.~~ ~~(9-3-91)(7-1-11)T~~

02. **Diligent Drilling**. If, at the expiration of the primary term of the lease, geothermal resources are not being produced or demonstrably capable of being produced from the leased land, but the lessee is actively engaged in drilling operations one thousand (1,000) feet or deeper, then the lease shall continue in force so long as drilling operations are being diligently and continuously prosecuted on the leased land or upon lands with which the leased land is unitized. Drilling operations shall be considered to be diligently and continuously prosecuted if not more than

one hundred twenty (120) days shall elapse between the completion or abandonment of one (1) well and the beginning of operations for the drilling of another well. For good cause shown, the director may extend the time for an additional period, not to exceed one hundred twenty (120) days. A written request must be received by the director at least ten (10) calendar days before the expiration of the initial one hundred twenty (120) day period.

~~(9-3-91)(7-1-11)T~~

03. Continuation of Lease. If geothermal resources are produced or utilized in paying quantities within the ~~primary~~ term of the lease or as extended under Subsection 030.02, that lease shall continue for so long thereafter as geothermal resources are produced or utilized in paying quantities, but the lease shall in no event continue for more than ~~forty-nine (409)~~ years after the end of the ~~primary initial~~ term. The lessee shall have a preferential right to a renewal of his lease for an ~~additional second forty (40) year~~ term ~~of up to forty-nine (49) years~~ upon such terms and conditions as the Board deems appropriate after notice and an opportunity to be heard, if at the end of the first ~~forty (40) year~~ term geothermal resources are produced or utilized in paying quantities; ~~provided, however, that the royalty during the second forty (40) year term shall not exceed fifteen percent (15%).~~ Production or utilization of geothermal resources in paying quantities shall be deemed to include the completion of one or more wells producing or capable of producing geothermal resources for delivery to or utilization by a facility or facilities not yet installed, but scheduled for installation.

~~(9-3-91)(7-1-11)T~~

04. Diligence in Utilization. Lessee shall use due diligence to market or utilize geothermal resources in paying quantities. If leased land is capable of producing geothermal resources in paying quantities, but production is shut-in, the lease shall continue in force upon payment of rentals for the duration of the ~~primary lease~~ term or five (5) years after shut-in, whichever is ~~longer shorter~~. If the director determines that the lessee is proceeding diligently to acquire a contract to sell or to utilize the production or is progressing with installations needed for production, the lease shall continue in force for an additional five (5) years, upon payment of rentals, otherwise the lease may be terminated by the Board. The director shall continue to review shut-in leases every five (5) years until production and payment of royalties takes place or the lease is terminated by the Board for lessee's lack of diligence or surrendered by the lessee.

~~(9-3-91)(7-1-11)T~~

05. By-Products. A lease that has been extended by reason of production or utilization of geothermal resources and which has been determined by the director to be incapable of further commercial production and utilization may be further extended for five (5) years if one or more valuable by-products are produced in commercial quantities. The Board may extend the lease for one or more additional five (5) year terms upon such terms and conditions as the Board deems fit to allow continued production of one or more valuable by-products in commercial quantities.

(9-3-91)

031. -- 034. (RESERVED)

035. RENTALS.

01. Advance Annual Rental. Lessee shall pay to the state of Idaho in advance each year an annual rental for each acre or fraction thereof under lease. The annual rental for the first year of the term shall be due and payable and shall be received in the offices of the department in Boise, together with a lease agreement executed by lessee within thirty (30) days of the date of notice of approval or award. The department will notify the applicant or his representative designated in the application to lease by certified or registered mail of the Board's approval of a lease and specify the exact amount of rental due thereon and the bond requirement under Section 100. Failure to return an executed lease together with the first year rental and bond within thirty (30) days shall result in automatic rejection of the application without further action of the director or Board. Second year and subsequent rental payments must be received in the office of the department in Boise on or before the anniversary date of the lease. Failure to pay exact rental shall constitute grounds for immediate termination of the lease by the director who shall note the termination on the official records of the department.

(9-3-91)

02. Amount. Annual rentals for each acre or fraction thereof under lease shall be ~~as follows:~~ set by the Board through competitive bidding, negotiation, fixed amounts, formulas, or some any other method so long as it is a minimum of twenty-five (25) cents per acre.

~~(9-3-91)(7-1-11)T~~

~~a. One dollar (\$1) per acre for the first five (5) years;~~

~~(9-3-91)~~

- ~~b. Two dollars (\$2) per acre for the second five (5) years; (9-3-91)~~
~~c. Three dollars (\$3) per acre thereafter. (9-3-91)~~

036. ROYALTIES.

01. Royalty Payments. The lessee shall cause to be paid to the state of Idaho the following royalties on the value of geothermal production from the leased premises. The royalty rate shall be established by the Board based on the market value of the geothermal resources produced from the lands under lease. The royalties specified in geothermal leases shall be fixed in any manner by the state board of land commissioners, including but not limited to competitive bidding, negotiation, fixed amounts, or formulas. The following guidelines will be used for royalty rates not subject to competitive bidding: (9-3-91)(7-1-11)T

a. A royalty of ~~ten percent (10%)~~ between five percent (5%) and twenty percent (20%) of the amount or value of geothermal resources, or any other form of heat or energy excluding electrical power generation, derived from production under the lease and sold or utilized by the lessee or reasonably susceptible to sale or utilization by the lessee, unless used or consumed by lessee in his production operations; (9-3-91)(7-1-11)T

b. A royalty of ~~five percent (5%)~~ between two percent (2%) and fifteen percent (15%) of the amount or value of any associated by-product derived from production under the lease and sold or utilized or reasonably susceptible of sale or utilization by the lessee, including commercially demineralized water, except that no payment of a royalty will be required on such water if it is used in plant operation for cooling or in the generation of electric energy or otherwise. No royalty shall be paid for associated by-products used or consumed by lessee in his production operations. (9-3-91)(7-1-11)T

c. A royalty of two percent (2%) to five percent (5%) of gross receipts for sale of electrical power. (7-1-11)T

02. Calculation of Value. The value of geothermal production from the leased premises for the purpose of computing royalties shall be the following: (9-3-91)

a. The total consideration accruing to the lessee from the sale thereof in cases where geothermal resources are sold by the lessee to another party in an arms-length transaction; or (9-3-91)

b. The value of the end product attributable to the geothermal resource produced from a particular lease where geothermal resources are not sold by the lessee before being utilized, but are instead directly used in manufacturing power production, or other industrial activity; or (9-3-91)

c. When a part of the resource only is utilized by the lessee and the remainder sold, the sum of Subsections 036.02.a. and 036.02.b. immediately above. (9-3-91)

03. Notice of Discovery. Lessee shall within fifteen (15) days notify the director of the discovery upon the leased premises of geothermal resources before any such geothermal resources are used or removed for commercial purposes from the leased land or utilized thereon. (9-3-91)

04. Due Date. Royalties will be due and payable monthly in the office of the department in Boise on or before the last day of the calendar month following the month in which the geothermal resources and/or their associated by-products are produced and utilized or sold. (9-3-91)

05. Disposal of Geothermal Resources. The lessee shall file with the director within thirty (30) days after execution a copy of any contract for the disposal of geothermal resources from the lease. Reports of sales or utilization by lessee and royalty for each productive lease must be filed each month once production begins, even though production may be intermittent, unless otherwise authorized by the director. Total volumes of geothermal resources produced and utilized or sold, including associated by-products, the value of production, and the royalty due the state of Idaho must be shown. This report is due on or before the last day of the month following the month in which production was obtained and sold or utilized, together with the royalties due the state of Idaho. (9-3-91)

06. Measurement. The lessee shall measure or gauge all production in accordance with methods approved by the director. The quantity and quality of all production shall be determined in accordance with the standard practices, procedures and specifications generally used in industry. All measuring equipment shall be tested consistent with industry practice and, if found defective, the director will determine the quantity and quality of production from the best evidence available. (9-3-91)

07. By-Product Testing. The lessee shall periodically furnish the director the results of periodic tests showing the content of by-products in the produced geothermal resources. Such tests shall be taken as specified by the director and by the method of testing approved by him, except that tests not consistent with industry practices shall be conducted at the expense of the state of Idaho. (9-3-91)

08. Commingling. The director may authorize a lessee to commingle production from wells on his lease with production from other leases held by him or by other lessees subject to such conditions as he may prescribe, but lessee shall not do so without the director's approval. (9-3-91)

037. -- 039. (RESERVED)

040. SIZE OF A LEASABLE TRACT.

01. Maximum Size. ~~A geothermal resource lease will include all available state lands within a section, at time of lease issuance, with only lands from one (1) section allowed to be included in any one (1) lease. A geothermal resource lease on state lands will therefore be limited to six hundred and forty (640) acres, or one (1) Section, should the entire section be larger than six hundred and forty (640) acres.~~ **Surface Area.** Geothermal leases are not limited in surface area. The Board will determine the surface area of a lease after consultation with other state agencies and prospective lessees. The probable extent of a geothermal reservoir, the surface area needed for a viable project, and other relevant factors will be used to help determine lease surface area. (9-3-91)(7-1-11)T

02. Navigable Water Courses. Geothermal resources leases may be issued for state lands underlying navigable water courses in Idaho. Such lands are considered "state lands" and will be leased in accord with Subsection 040.01. Operations in the beds of navigable water courses will not be authorized except in extraordinary circumstances and then only with express written approval of the Board upon such conditions and security as the director deems appropriate. (9-3-91)

(BREAK IN CONTINUITY OF SECTIONS)

100. BOND REQUIREMENTS.

01. Minimum Bond. ~~Concurrent with the execution of the lease by the lessee, lessee shall furnish to director a good and sufficient bond in the amount of two thousand dollars (\$2,000)~~ **Prior to initiation of operations to drill a well, conduct seismic shot surveys, construct roads, or any other surface disturbing activities, lessee shall furnish a bond. This bond shall be** in favor of the state of Idaho, conditioned on the payment of all damages to the land surface and all improvements thereon, including without limitation crops on the lands, whether or not the lands under this lease have been sold or leased by the Board for any other purpose; conditioned also upon compliance by lessee of his obligations under this lease and these rules. ~~Prior to initiation of operations to drill a well for any purpose to one thousand (1,000) feet or deeper, lessee shall increase such bond to the amount of ten thousand dollars (\$10,000).~~ The director may require a new bond in a greater amount at any time after operations have begun, upon a finding that such action is reasonably necessary to protect state resources. (9-3-91)(7-1-11)T

02. Statewide Bond. In lieu of the aforementioned bonds, lessee may furnish a good and sufficient "statewide" bond conditioned as ~~above in the amount of fifty thousand dollars (\$50,000) in favor of the state of Idaho,~~ **in Subsection 100.01 of this rule. This bond will** cover all lessee's leases and operations carried on under all geothermal resource leases issued and outstanding to lessee by the Board at any given time during the period when the "statewide" bond is in effect. **The amount of such bond shall be equal to the total of the requirements of the separate bonds being combined into a single bond.** (9-3-91)(7-1-11)T

03. Period of Liability. The period of liability of any bond will not be terminated until all lease terms and conditions have been fulfilled and the bond is released in writing by the director. (9-3-91)

~~**04. General Lease Bond.** An operator, or, if there is more than one for different portions of the lease, each operator, may furnish a general lease bond of not less than ten thousand dollars (\$10,000) in his own name as principal on the bond in lieu of the lessee. Where there is more than one operator's bond affecting a single lease, each such bond must be conditioned upon compliance with all lease terms for that portion of the leasehold for which each operator is responsible. (9-3-91)~~

054. Operator Bond. Where a bond is furnished by an operator, suit may be brought thereon without joining the lessee if he is not a party to the bond. (9-3-91)

IDAPA 20 - IDAHO DEPARTMENT OF LANDS

20.03.15 - THE ISSUANCE OF GEOTHERMAL RESOURCE LEASES

DOCKET NO. 20-0315-1102

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 58-104(6) and 58-105, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Thursday, July 28, 2011 -- 8 am - 12 noon

**Department of Lands - Garnet Conference Room
300 North 6th St., Suite 103, Boise, ID**

Additional meetings will be held as needed through August 16, 2011.

Visit www.idl.idaho.gov/adminrule/geothermalrulemaking.html for more info.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Please contact Eric Wilson at (208) 334-0261 or ewilson@idl.idaho.gov to be added to the e-mail list of interested parties. This list will be used to keep people informed of the rulemaking process.

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

A permanent rule change is needed to eliminate conflicts between Section 47-16, Idaho Code, and IDAPA 20.03.15. The conflicts would be eliminated by making the following rule changes: Lease term increases from 10 years to a maximum of 49 years; rent and royalty may be negotiated based on market rates; lease surface area is not restricted to one Section or 640 acres; and arbitrary bond amounts are removed so the Department can require bonds that cover reasonable reclamation costs. In addition, the Department proposes the following additional rule changes to further improve the geothermal leasing program: Requiring leases to be auctioned in most circumstances; eliminating overriding royalty; requiring timely performance for exploration and development; requiring reinjection to ensure the resource is not depleted; and limiting the confidentiality of drill data to one year.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Eric Wilson, (208) 334-0261 or ewilson@idl.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 26th, 2011.

DATED this 25th day of May, 2011.

Eric Wilson
Minerals Program Manager
Idaho Department of Lands

PO Box 83720, Boise, Idaho 83720
(208) 334-0261/ Fax (208) 334-3698
email: ewilson@idl.idaho.gov

IDAPA 20 - IDAHO DEPARTMENT OF LANDS

20.07.02 - CONSERVATION OF CRUDE OIL AND NATURAL GAS IN THE STATE OF IDAHO

DOCKET NO. 20-0702-1102

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 58-104(6), 58-105, and 47-317 Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

Wednesday, July 20, 2011 -- 8:00 am - 5:00 pm

Thursday, July 21, 2011 -- 8:00 am - 5:00 pm

**Idaho State Capitol Building
Room WW53, Boise, ID**

Additional meetings will be held as needed through August 16, 2011.

Visit www.idl.idaho.gov/adminrule/oilgasrulemaking.html for more info.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Please contact Eric Wilson at (208) 334-0261 or ewilson@idl.idaho.gov to be added to the email list of interested parties. This list will be used to keep people informed of the rulemaking process.

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

Permanent rule changes are required to address well treatments and hydraulic fracturing. In addition, the Department also proposes the following changes: increasing minimum bond rates for single wells and blanket bonds; requiring inactive wells to be covered by an individual bond instead of a blanket bond; providing basic surface owner notification and damage compensation requirements; providing more comprehensive minimum standards for casing and cementing; requiring liners for all pits used for fluid storage and disposal; and requiring all holes to be logged.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Eric Wilson, (208) 334-0261 or ewilson@idl.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 26, 2011.

DATED this 25th day of May, 2011.

Eric Wilson
Minerals Program Manager
Idaho Department of Lands

PO Box 83720, Boise, Idaho 83720
(208) 334-0261/ Fax (208) 334-3698
email: ewilson@idl.idaho.gov

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.70 - RULES GOVERNING RESTRICTED DRIVING PERMITS

DOCKET NO. 39-0270-1101

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2011.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rule-making procedures have been initiated. The action is authorized pursuant to Sections 18-8002A, 49-325, and 49-326, Idaho Code, and Section 49-306, Idaho Code, as amended in House Bill 334, 2009, effective 1/1/10.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 20th, 2011.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rule-making:

Rule changes are being proposed to replace a fee with a code reference since the fee has been codified, update terminology, remove restricted driving permit provisions for drivers under the age of 17 for consistency with graduated licensing laws, remove time limitations for application for a restricted driving permit, and add prescribed subsections to meet formatting requirements of the Office of Administrative Rules.

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

Compliance with changes to Section 49-306, Idaho Code, in House Bill 334, 2009, effective 1/1/10, which codified the fee previously listed in this rule. Outdated language also needed to be updated.

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

This rulemaking does not impose or change a fee, but removes the fee amount from the rule and replaces it with a reference to the Section 49-306, Idaho Code, where it was codified.

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: N/A

NEGOTIATED RULE-MAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rulemaking is based primarily on Legislative changes to Idaho Code.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Ed Pemble, Driver Services Manager, 332-7830.

Anyone may submit written comments regarding the proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before July 27, 2011.

DATED this 9th day of June, 2011.

Linda L. Emry
Office of Governmental Affairs
Idaho Transportation Department
3311 West State Street
P.O. Box 7129, Boise ID 83707-1129
Phone: 208-334-8810 / FAX: 208-332-4107

THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT OF DOCKET NO. 39-0270-1101

000. LEGAL AUTHORITY.

Under authority of Sections 18-8002A, 49-325, and 49-326, Idaho Code, the Idaho Transportation Board adopts the following Rule for the issuance of Restricted Driving Permits for licensed drivers ~~licensed in Idaho~~ who face certain suspension or revocation of driving privileges in the state of Idaho. ~~(3-19-99)~~(7-1-11)T

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 39.02.70 "Rules Governing Restricted Driving Permits," IDAPA 39, Title 02, Chapter 70. (7-1-11)T

02. Scope. ~~It is the purpose of this rule to provide~~ This rule contains guidelines for issuance of non-commercial restricted driving privileges for those individuals whose driving privileges have been suspended or revoked under authority of Idaho law. ~~This rule;~~ and establishes minimum standards for the issuance, denial and cancellation of non-commercial Restricted Driving Permits pursuant to Sections 18-8002A, 49-325 and 49-326, Idaho Code. ~~(10-1-94)~~(7-1-11)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. (7-1-11)T

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (7-1-11)T

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (7-1-11)T

005. OFFICE - OFFICE HOURS - MAILING AND STREET ADDRESS - PHONE NUMBERS.

01. Street and Mailing Address. The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street, with a mailing address of P O Box 7129, Boise ID 83707-1129. (7-1-11)T

02. Office Hours. Daily office hours are 8:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays. (7-1-11)T

03. Telephone and FAX numbers. The central office may be contacted during office hours by phone at 208-334-8000 or by fax at 208-334-8739. (7-1-11)T

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code. (7-1-11)T

0027. -- 099. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

200. DURATION AND EXPIRATION OF RESTRICTED DRIVING PERMIT.

01. ~~Department Stay~~ **Duration and Expiration.** ~~The Department may stay the suspension or revocation of applicant's driving privileges for the duration of the suspension or revocation upon receipt and approval of all necessary requirements for a restricted driving permit.~~ The Restricted Driving Permit shall remain in effect for the period of time the driver's privileges have been suspended or revoked unless cancelled by the department or otherwise provided by law. (10-1-94)(7-1-11)T

02. **Reinstatement Action.** Satisfactory completion of the terms and conditions of the Restricted Driving Permit will be noted in the driving records of the participant as maintained by the Department, and the Department shall reinstate the applicant's regular driving privileges at the expiration of the Restricted Driving Permit if he has complied with all conditions of the ~~Restricted Driving Permit~~ and reinstatement requirements. Any convictions or notices of suspensions or revocations shall remain a part of the driver's file. (10-1-94)(7-1-11)T

201. -- 299. (RESERVED)

300. RESTRICTED DRIVING PERMITS MAY BE ISSUED.

The Department may only issue Restricted Driving Permits to individuals whose driving privileges have been suspended or revoked for: (10-1-94)

01. **Reckless Driving.** Conviction of reckless driving-~~Ref.~~ per Sections 49-1401 and 49-326(1)(f), Idaho Code. (10-1-94)(7-1-11)T

02. **Fleeing or Eluding an Officer.** Conviction of fleeing or attempting to elude a peace officer-~~Ref.~~ per Sections 49-1404 and 49-326(1)(f), Idaho Code. (9-14-92)(7-1-11)T

03. **Points.** Accumulation of excessive "point" violations- per Sections 49-326(1)(i) and (j), Idaho Code. (8-31-89)(7-1-11)T

04. **Leaving Scene of Accident.** Conviction of leaving the scene of an accident involving damage to a vehicle-~~Ref.~~ per Sections 49-1301, and 49-326(1)(l), Idaho Code. (9-14-92)(7-1-11)T

05. **Using Motor Vehicle.** Conviction of using a motor vehicle in the commission of a felony-~~Ref.~~ per Section 49-325(1)(b), Idaho Code. (8-31-89)(7-1-11)T

06. **Offense in Another State.** Conviction of an offense in another state that would be grounds for suspension/revocation in this state-~~Ref.~~ per Section 49-326(1)(e), Idaho Code. (8-31-89)(7-1-11)T

07. **Restricted License.** Conviction of violation of a restricted license-~~Ref.~~ per Sections 49-317 and 49-326(1)(k), Idaho Code. (9-14-92)(7-1-11)T

08. **Administrative License Suspension.** An Aadministrative suspension of driving privileges for a first-time failure of an evidentiary test for the last sixty (60) days of that suspension, for Class D privileges only ~~if driver was operating a commercial vehicle.~~ ~~Ref.~~ per Section 18-8002A, Idaho Code. (3-19-99)(7-1-11)T

301. -- 399. (RESERVED)

400. RESTRICTED DRIVING PERMITS SHALL NOT BE ISSUED.

Restricted Driving Permits shall not be issued by the Department to: (8-31-89)

~~01. **Non-Residents.** Non residents, except for active military stationed in the state of Idaho. (8-31-89)~~

021. Privileges Suspended. Individuals who have had their driving privileges suspended or revoked by the Court and/or Department three (3) or more times during the three (3) year period prior to the effective date of the current suspension. (10-1-94)

032. Like Offense. Individuals who have been issued a Restricted Driving Permit by the Department or by an Idaho Court for a like offense within a previous two (2) year period prior to the effective date of the current suspension or revocation. (10-1-94)

~~04. **Time Period.** Any individual whose suspension/revocation period has less than twenty one (21) days remaining. (10-1-94)~~

053. Violation of Restrictions. An individual found to be in violation of restrictions on any court or Department-issued permit ~~if the permit was issued by the Department pursuant to IDAPA 39.02.70 or if the restricted permit was issued by a Court.~~ (9-14-92)(7-1-11)T

064. Revoked Out-of-State Drivers. An individual who was an out-of-state resident at the time driving privileges were revoked or suspended in that state or any other state. (10-1-94)

05. Under Seventeen. An individual who is not at least seventeen (17) years of age at the time of issuance of the permit. (7-1-11)T

401. -- 499. (RESERVED)

500. GENERAL APPLICATION PROCEDURE FOR A NON-COMMERCIAL RESTRICTED DRIVING PERMIT.

01. Applicant Submissions. Applicant must submit the following before their suspension or revocation is stayed: (10-1-94)

a. Completed Form No. ITD-3227, Application for Restricted Driving Permit; (8-31-89)

b. Completed Form No. ITD-3208, Work Verification; (8-31-89)

c. Proof of motor vehicle liability insurance coverage in the amount required by Idaho law to cover any and all vehicles to be used by the applicant. ~~Additionally, an applicant operating a vehicle other than his own shall provide a letter of permission from the owner to operate the vehicle and to verify the insurance coverage on that vehicle;~~ (3-19-99)(7-1-11)T

d. ~~Financial responsibility in the form of an SR-22 is required for Idaho or out-of-state convictions for driving under the influence of alcohol or other intoxicating substances, reckless driving, eluding a peace officer, driving without privileges, leaving the scene of an accident, or using a motor vehicle in the commission of a felony. Or other acceptable forms of insurance pursuant to Section 49-1209, Idaho Code.~~ All applicable reinstatement requirements must be satisfied; (10-1-94)(7-1-11)T

e. A non-refundable application fee ~~of thirty five dollars (\$35)~~ pursuant to Section 49-306, Idaho Code; (10-1-94)(7-1-11)T

~~f. A reinstatement fee for regular driving privileges pursuant to Section to Section 49-328, Idaho Code.~~ (10-1-94)

02. Written Agreement. If the Department determines that an applicant is eligible for a non-commercial Restricted Driving Permit, the applicant must then sign written agreements, prepared by the Department, affirming that: (3-19-99)(7-1-11)T

a. Cause exists to suspend or revoke the driver's license or privileges of the applicant and that the driver's license of the applicant is suspended or revoked; ~~(8-31-89)~~(7-1-11)T

~~**b.** The driver's license of the applicant is suspended or revoked but that such suspension or revocation shall be stayed pending completion of the Restricted Driving Permit and suspension;~~ (10-1-94)

eb. The applicant shall obey all motor vehicle laws; (10-1-94)

~~**d.** The applicant may be required to attend and complete defensive drivers courses or obtain an alcohol evaluation and follow the recommendations of the evaluator if the suspension is based upon conviction of an alcohol related offense;~~ (9-14-92)

ec. The applicant shall provide and maintain adequate motor vehicle liability insurance; (10-1-94)

fd. The applicant shall notify the Department within ~~twenty-four (24) hours~~ one business day following arrest, citation, accident or warnings by any law enforcement officer with regard to motor vehicle violations or alleged violations, and any change of address, telephone number, place of employment; ~~(8-31-89)~~(7-1-11)T

~~**g.** The applicant understands that if they plead guilty to, are found guilty, or forfeit bond as to any moving traffic violation while operating with a Restricted Driving Permit, their Restricted Driving Permit may be cancelled;~~ (3-19-99)

ke. The applicant shall not operate any motor vehicle after consuming any alcohol, drugs, or other intoxicating substances; (3-19-99)

if. The applicant shall submit to any evidentiary testing to determine alcohol concentration at any time at the request of any peace officer; (9-14-92)

fg. The applicant shall operate a motor vehicle only for those reasons specified on the Restricted Driving Permit (See Section 600); (10-1-94)

~~**kh.** The applicant shall abide by all rules and regulations concerning the Restricted Driving Permit;~~ (8-31-89)

hi. The applicant's Restricted Driving Permit may be cancelled by the Department without a hearing for violation of the terms of the agreement or other conditions specified on the Restricted Driving Permit; and (10-1-94)

mj. The applicant understands that if, while driving on a Restricted Driving Permit, he/she receives an additional Department or court suspension that results in cancellation of the restricted permit, the applicant will not be eligible to receive another Restricted Driving Permit for said suspension. (10-1-94)

03. Restricted Driving Permit Approval. Approval will be given and a Restricted Driving Permit shall be issued if the following conditions are met: (7-1-94)

a. Submission and approval of all requirements listed in Subsection 500.01; and (10-1-94)

b. No other suspensions or revocations are in effect which preclude issuance of a Restricted Driving Permit. (10-1-94)

501. -- 599. (RESERVED)

600. DRIVING RESTRICTIONS SPECIFIED.

The Department may impose the following restrictions upon an applicant's driving privileges and such restrictions shall be specified on the Restricted Driving Permit: (10-1-94)

01. Operation of Vehicle. Time of operation of a motor vehicle, i.e. restricted to certain days, or hours of a day. (8-31-89)

02. Geographic Area. Geographic limitations within limits of states, counties, cities. (8-31-89)

03. Purpose of Permit. Purposes of travel such as to and from employment, to and from counseling sessions, to and from medical appointments, to and from grocery store, church, etc. (10-1-94)

~~**04. Vehicles Approved for Operation.** Operation of only those vehicles approved under Section 500 of this rule. (10-1-94)~~

054. Purpose of Permit Administrative License Suspension. To travel to and from work and for work purposes, to attend an alternative high school, work on a GED, for post-secondary education, or to meet the medical needs of the person or their family. (3-19-99)

601. -- 699. (RESERVED)

700. CANCELLATION OF RESTRICTED DRIVING PERMIT.

The Department may cancel a Restricted Driving Permit and shall re-activate the suspension or revocation order which will expire according to the original order if: (10-1-94)

01. Violation of Terms. There is a violation of terms of the written driver's agreement set forth in Section 500.02. herein. (8-31-89)

02. Violation of Restrictions. There is a violation of any of the restrictions set forth in the applicant's Restricted Driving Permit, see Section 600. (10-1-94)

~~**03. Change in Employment.** There is a substantial change in the driver's employment that affects the necessity of driving privileges in order to maintain livelihood. (8-31-89)~~

~~**04. Applicant Moves Out of State.** The applicant moves from the state of Idaho and comes under the jurisdiction of another state. (8-31-89)~~

701. -- 999. (RESERVED)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 - WATER QUALITY STANDARDS

DOCKET NO. 58-0102-1103

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. This action is authorized by Sections 39-105, 39-107, and 39-3601 *et seq.*, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before July 22, 2011. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: In November 2010, antidegradation implementation procedures were adopted by the Idaho Board of Environmental Quality and then submitted to the 2011 Idaho Legislature for review (Docket No. 58-0102-1001). Under House Concurrent Resolution 16 (HCR16), the Legislature rejected certain portions of the rule and approved the remainder of the rule. The Legislature also adopted House Bill 153 (HB153) that revised the Idaho Code to include sections addressing antidegradation, including sections regarding the definition of degradation, the treatment of general permits, the identification of Tier II waters, and insignificant discharges or activities. The new sections added to Idaho law by HB153 correspond to the portions of the rule rejected by HCR16.

This rulemaking is necessary to make the language on implementation of antidegradation procedures in Idaho's water quality standards complete and consistent with changes in state law brought about by the 2011 Legislature's passage of HB153. DEQ proposes to revise the Water Quality Standards, IDAPA 58.01.02, with respect to antidegradation implementation, for consistency with HB153.

The proposed rule includes the following:

1. The definition of "degradation or lower water quality" and "general permit" will be added to Section 010.
2. Subsection 051.03 regarding outstanding resource waters will be revised due to language added in HB153.
3. Language regarding application of antidegradation to general permits will be inserted as Subsection 052.03.
4. Language regarding identification of Tier II waters will be inserted as Subsection 052.05.
5. Language regarding insignificant activity or discharge will be inserted as Subsection 052.08.a.
6. Reference to special resource waters and the designation of waters determined to be special resource waters will be deleted.

This proposed rule also includes a housekeeping revision that is necessary due to EPA's disapproval of a prior rule docket. Docket No. 58-0102-0101, adopted by the Idaho Board of Environmental Quality in 2001 and submitted to EPA for approval on March 18, 2002, changed the aquatic life use designations for 8 Boise River tributaries. On November 29, 2004, EPA disapproved all 8 changes in aquatic life use designations for those waterbodies. With this rulemaking, DEQ is proposing to reinstate the use designations for those 8 Boise River tributaries that were in place prior to the 2001 adoption of Docket No. 58-0102-0101. This proposed revision is found in Subsection 140.12 and Section 278.

Idahoans that recreate in, drink from, or fish Idaho's surface waters and all who discharge pollutants to those same waters may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality at the November 2011 Board meeting for adoption as a pending rule. The rule is expected to be final and effective upon the adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

NEGOTIATED RULEMAKING: Due to the nature of this rulemaking, negotiations were not held.

IDAHO CODE SECTION 39-107D STATEMENT: The standards included in this proposed rule are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

FISCAL IMPACT STATEMENT: 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 when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Don Essig at don.essig@deq.idaho.gov, (208)373-0119.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before August 5, 2011.

DATED this 10th day of June, 2011.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
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THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 58-0102-1103

010. DEFINITIONS.

For the purpose of the rules contained in IDAPA 58.01.02, "Water Quality Standards," the following definitions apply: (4-11-06)

01. Activity. For purposes of antidegradation review, an activity that causes a discharge to a water subject to the jurisdiction of the Clean Water Act. (3-18-11)

02. Acute. A stimulus severe enough to induce a rapid response. In aquatic toxicity tests, acute refers to a single or short-term (i.e., ninety-six (96) hours or less) exposure to a concentration of a toxic substance or effluent which results in death to fifty percent (50%) of the test organisms. When referring to human health, an acute effect is not always measured in terms of lethality. (3-30-07)

03. Acute Criteria. Unless otherwise specified in these rules, the maximum instantaneous or one (1) hour average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from acute toxicity due to exposure to the toxic substance or effluent. Acute criteria are expected to adequately protect the designated aquatic life use if not exceeded more than once every three (3) years. This is also known as the Criterion Maximum Concentration (CMC). There are no specific acute criteria for human health; however, the human health criteria are based on chronic health effects and are expected to adequately protect against acute effects. (3-30-07)

- 04. Aquatic Species.** Any plant or animal that lives at least part of its life in the water column or benthic portion of waters of the state. (8-24-94)
- 05. Assigned Criteria.** Criteria associated with beneficial uses from Section 100 of these rules. (3-18-11)
- 06. Background.** The biological, chemical or physical condition of waters measured at a point immediately upstream (up-gradient) of the influence of an individual point or nonpoint source discharge. If several discharges to the water exist or if an adequate upstream point of measurement is absent, the Department will determine where background conditions should be measured. (8-24-94)
- 07. Basin Advisory Group.** No less than one (1) advisory group named by the Director, in consultation with the designated agencies, for each of the state's six (6) major river basins which shall generally advise the Director on water quality objectives for each basin, work in a cooperative manner with the Director to achieve these objectives, and provide general coordination of the water quality programs of all public agencies pertinent to each basin. Each basin advisory group named by the Director shall reflect a balanced representation of the interests in the basin and shall, where appropriate, include representatives from each of the following: agriculture, mining, nonmunicipal point source discharge permittees, forest products, local government, livestock, Indian tribes (for areas within reservation boundaries), water-based recreation, and environmental interests. (3-20-97)
- 08. Beneficial Use.** Any of the various uses which may be made of the water of Idaho, including, but not limited to, domestic water supplies, industrial water supplies, agricultural water supplies, navigation, recreation in and on the water, wildlife habitat, and aesthetics. The beneficial use is dependent upon actual use, the ability of the water to support a non-existing use either now or in the future, and its likelihood of being used in a given manner. The use of water for the purpose of wastewater dilution or as a receiving water for a waste treatment facility effluent is not a beneficial use. (8-24-94)
- 09. Best Management Practice.** A practice or combination of practices, techniques or measures developed, or identified, by the designated agency and identified in the state water quality management plan which are determined to be the cost-effective and practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals. (3-20-97)
- 10. Bioaccumulation.** The process by which a compound is taken up by, and accumulated in the tissues of an aquatic organism from the environment, both from water and through food. (8-24-94)
- 11. Biological Monitoring or Biomonitoring.** The use of a biological entity as a detector and its response as a measure to determine environmental conditions. Toxicity tests and biological surveys, including habitat monitoring, are common biomonitoring methods. (8-24-94)
- 12. Board.** The Idaho Board of Environmental Quality. (7-1-93)
- 13. Chronic.** A stimulus that persists or continues for a long period of time relative to the life span of an organism. In aquatic toxicity tests, chronic refers to continuous exposure to a concentration of a toxic substance or effluent which results in mortality, injury, reduced growth, impaired reproduction, or other adverse effect to aquatic organisms. The test duration is long enough that sub-lethal effects can be reliably measured. When referring to human health, a chronic effect is usually measured in terms of estimated changes in rates (# of cases/ 1000 persons) of illness over a lifetime of exposure. (3-30-07)
- 14. Chronic Criteria.** Unless otherwise specified in these rules, the four (4) day average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from chronic toxicity due to exposure to the toxic substance or effluent. Chronic criteria are expected to adequately protect the designated aquatic life use if not exceeded more than once every three (3) years. This is also known as the Criterion Continuous Concentration (CCC). Human health chronic criteria are based on lifetime exposure. (3-30-07)
- 15. Compliance Schedule or Schedule Of Compliance.** A schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard. (8-24-94)

16. Cost-Effective and Reasonable Best Management Practices (BMPs) for Nonpoint Sources. All approved BMPs specified in Subsections 350.03 and 055.07 of these rules. BMPs for activities not specified are, in accordance with Section 350, determined on a case-by-case basis. (3-18-11)

17. Daily Maximum (Minimum). The highest (lowest) value measured during one (1) calendar day or a twenty-four (24) hour period, as appropriate. For ambient monitoring of dissolved oxygen, pH, and temperature, multiple measurements should be obtained at intervals short enough that the difference between consecutive measurements around the daily maximum (minimum) is less than zero point two (0.2) ppm for dissolved oxygen, zero point one (0.1) SU for pH, or zero point five (0.5) degree C for temperature. (3-30-07)

18. Daily Mean. The average of at least two (2) appropriately spaced measurements, acceptable to the Department, calculated over a period of one (1) day: (3-20-97)

a. Confidence bounds around the point estimate of the mean may be required to determine the sample size necessary to calculate a daily mean; (8-24-94)

b. If any measurement is greater or less than five-tenths (0.5) times the average, additional measurements over the one-day period may be needed to obtain a more representative average; (3-20-97)

c. In calculating the daily mean for dissolved oxygen, values used in the calculation shall not exceed the dissolved oxygen saturation value. If a measured value exceeds the dissolved oxygen saturation value, then the dissolved oxygen saturation value will be used in calculating the daily mean. (8-24-94)

d. For ambient monitoring of temperature, the daily mean should be calculated from equally spaced measurements, at intervals such that the difference between any two (2) consecutive measurements does not exceed one point zero (1.0) degree C. (3-30-07)

19. Degradation or Lower Water Quality. “Degradation” or “lower water quality” means, for purposes of antidegradation review, a change in a pollutant that is adverse to designated or existing uses, as calculated for a new point source, and based upon monitoring or calculated information for an existing point source increasing its discharge. Such degradation shall be calculated or measured after appropriate mixing of the discharge and receiving water body. ()

~~19~~**20. Deleterious Material.** Any nontoxic substance which may cause the tainting of edible species of fish, taste and odors in drinking water supplies, or the reduction of the usability of water without causing physical injury to water users or aquatic and terrestrial organisms. (8-24-94)

~~20~~**1. Department.** The Idaho Department of Environmental Quality. (7-1-93)

~~21~~**2. Design Flow.** The critical flow used for steady-state wasteload allocation modeling. (8-24-94)

~~22~~**3. Designated Agency.** The department of lands for timber harvest activities, oil and gas exploration and development, and mining activities; the soil conservation commission for grazing and agricultural activities; the transportation department for public road construction; the department of agriculture for aquaculture; and the Department’s division of environmental quality for all other activities. (3-20-97)

~~23~~**4. Designated Beneficial Use or Designated Use.** Those beneficial uses assigned to identified waters in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, “Water Quality Standards and Wastewater Treatment Requirements,” Sections 110 through 160, whether or not the uses are being attained. (4-5-00)

~~24~~**5. Desirable Species.** Species indigenous to the area or those introduced species identified as desirable by the Idaho Department of Fish and Game. (3-15-02)

~~25~~**6. Director.** The Director of the Idaho Department of Environmental Quality or his authorized agent. (7-1-93)

~~267~~. **Discharge.** When used without qualification, any spilling, leaking, emitting, escaping, leaching, or disposing of a pollutant into the waters of the state. For purposes of antidegradation review, means “discharge” as used in Section 401 of the Clean Water Act. (3-18-11)

~~278~~. **Dissolved Oxygen (DO).** The measure of the amount of oxygen dissolved in the water, usually expressed in mg/l. (7-1-93)

~~289~~. **Dissolved Product.** Petroleum product constituents found in solution with water. (8-24-94)

~~2930~~. **Dynamic Model.** A computer simulation model that uses real or derived time series data to predict a time series of observed or derived receiving water concentrations. Dynamic modeling methods include continuous simulation, Monte Carlo simulations, lognormal probability modeling, or other similar statistical or deterministic techniques. (8-24-94)

~~301~~. **E. coli (Escherichia coli).** A common fecal and intestinal organism of the coliform group of bacteria found in warm-blooded animals. (4-5-00)

~~342~~. **Effluent.** Any wastewater discharged from a treatment facility. (7-1-93)

~~323~~. **Effluent Biomonitoring.** The measurement of the biological effects of effluents (e.g., toxicity, biostimulation, bioaccumulation, etc.). (8-24-94)

~~334~~. **EPA.** The United States Environmental Protection Agency. (7-1-93)

~~345~~. **Ephemeral Waters.** A stream, reach, or water body that flows naturally only in direct response to precipitation in the immediate watershed and whose channel is at all times above the water table. (4-11-06)

~~356~~. **Existing Activity or Discharge.** An activity or discharge that has been previously authorized or did not previously require authorization. (3-18-11)

~~367~~. **Existing Beneficial Use Or Existing Use.** Those beneficial uses actually attained in waters on or after November 28, 1975, whether or not they are designated for those waters in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, “Water Quality Standards.” (4-11-06)

~~378~~. **Facility.** As used in Section 850 only, any building, structure, installation, equipment, pipe or pipeline, well pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft, area, place or property from which an unauthorized release of hazardous materials has occurred. (8-24-94)

~~389~~. **Four Day Average.** The average of all measurements within a period of ninety-six (96) consecutive hours. While a minimum of one (1) measurement per each twenty-four (24) hours is preferred, for toxic chemicals in Section 210, any number of data points is acceptable. (3-30-07)

~~3940~~. **Free Product.** A petroleum product that is present as a nonaqueous phase liquid. Free product includes the presence of petroleum greater than one-tenth (0.1) inch as measured on the water surface for surface water or the water table for ground water. (7-1-93)

~~401~~. **Full Protection, Full Support, or Full Maintenance of Designated Beneficial Uses of Water.** Compliance with those levels of water quality criteria listed in Sections 200, 210, 250, 251, 252, 253, and 275 (if applicable) or where no major biological group such as fish, macroinvertebrates, or algae has been modified by human activities significantly beyond the natural range of the reference streams or conditions approved by the Director in consultation with the appropriate basin advisory group. (3-15-02)

~~42~~. **General Permit.** An NPDES permit issued by the U.S. Environmental Protection Agency authorizing a category of discharges under the federal Clean Water Act or a nationwide or regional permit issued by the U.S. Army Corps of Engineers under the federal Clean Water Act. ()

~~443~~. **Geometric Mean.** The geometric mean of “n” quantities is the “nth” root of the product of the

quantities. (7-1-93)

424. Ground Water. Any water of the state which occurs beneath the surface of the earth in a saturated geological formation of rock or soil. (3-30-07)

435. Harmonic Mean Flow. The number of daily flow measurements divided by the sum of the reciprocals of the flows (i.e., the reciprocal of the mean of reciprocals). (8-24-94)

446. Hazardous Material. A material or combination of materials which, when discharged in any quantity into state waters, presents a substantial present or potential hazard to human health, the public health, or the environment. Unless otherwise specified, published guides such as Quality Criteria for Water (1976) by EPA, Water Quality Criteria (Second Edition, 1963) by the state of California Water Quality Control Board, their subsequent revisions, and more recent research papers, regulations and guidelines will be used in identifying individual and specific materials and in evaluating the tolerances of the identified materials for the beneficial uses indicated. (7-1-93)

457. Highest Statutory and Regulatory Requirements for Point Sources. All applicable effluent limits required by the Clean Water Act and other permit conditions. It also includes any compliance schedules or consent orders requiring measures to achieve applicable effluent limits and other permit conditions required by the Clean Water Act. (3-18-11)

468. Hydrologic Unit Code (HUC). A unique eight (8) digit number identifying a subbasin. A subbasin is a United States Geological Survey cataloging unit comprised of water body units. (4-5-00)

479. Hydrologically-Based Design Flow. A statistically derived receiving water design flow based on the selection and identification of an extreme value (e.g., 1Q10, 7Q10). The underlying assumption is that the design flow will occur X number of times in Y years, and limits the number of years in which one (1) or more excursions below the design flow can occur. (8-24-94)

4850. Hypolimnion. The bottom layer in a thermally-stratified body of water. It is fairly uniform in temperature and lays beneath a zone of water which exhibits a rapid temperature drop with depth such that mixing with overlying water is inhibited. (3-30-07)

4951. Integrated Report. Refers to the consolidated listing and reporting of the state's water quality status pursuant to Sections 303(d), 305(b), and 314 of the Clean Water Act. (3-18-11)

502. Inter-Departmental Coordination. Consultation with those agencies responsible for enforcing or administering the practices listed as approved best management practices in Subsection 350.03. (7-1-93)

513. Intermittent Waters. A stream, reach, or water body which naturally has a period of zero (0) flow for at least one (1) week during most years. Where flow records are available, a stream with a 7Q2 hydrologically-based unregulated flow of less than one-tenth (0.1) cubic feet per second (cfs) is considered intermittent. Streams with natural perennial pools containing significant aquatic life uses are not intermittent. (4-11-06)

524. LC-50. The toxicant concentration killing fifty percent (50%) of exposed organisms at a specific time of observation (e.g., ninety-six (96) hours). (3-20-97)

535. Load Allocation (LA). The portion of a receiving water's loading capacity that is attributed either to one (1) of its existing or future nonpoint sources of pollution or to natural background sources. (8-24-94)

546. Loading Capacity. The greatest amount of pollutant loading that a water can receive without violating water quality standards. (8-24-94)

557. Lowest Observed Effect Concentration (LOEC). The lowest concentration of a toxic substance or an effluent that results in observable adverse effects in the aquatic test population. (3-30-07)

568. Man-Made Waterways. Canals, flumes, ditches, wasteways, drains, laterals, and/or associated

features, constructed for the purpose of water conveyance. This may include channels modified for such purposes prior to November 28, 1975. These waterways may have uniform and rectangular cross-sections, straight channels, follow rather than cross topographic contours, be lined to reduce water loss, and be operated or maintained to promote water conveyance. (3-30-07)

579. Maximum Weekly Maximum Temperature (MWMT). The weekly maximum temperature (WMT) is the mean of daily maximum temperatures measured over a consecutive seven (7) day period ending on the day of calculation. When used seasonally, e.g., spawning periods, the first applicable WMT occurs on the seventh day into the time period. The MWMT is the single highest WMT that occurs during a given year or other period of interest, e.g., a spawning period. (3-30-07)

5860. Milligrams Per Liter (mg/l). Milligrams of solute per liter of solution, equivalent to parts per million, assuming unit density. (7-1-93)

5961. Mixing Zone. A defined area or volume of the receiving water surrounding or adjacent to a wastewater discharge where the receiving water, as a result of the discharge, may not meet all applicable water quality criteria or standards. It is considered a place where wastewater mixes with receiving water and not as a place where effluents are treated. (7-1-93)

602. National Pollutant Discharge Elimination System (NPDES). Point source permitting program established pursuant to Section 402 of the federal Clean Water Act. (8-24-94)

643. Natural Background Conditions. The physical, chemical, biological, or radiological conditions existing in a water body without human sources of pollution within the watershed. Natural disturbances including, but not limited to, wildfire, geologic disturbance, diseased vegetation, or flow extremes that affect the physical, chemical, and biological integrity of the water are part of natural background conditions. Natural background conditions should be described and evaluated taking into account this inherent variability with time and place. (3-30-07)

624. Nephelometric Turbidity Units (NTU). A measure of turbidity based on a comparison of the intensity of the light scattered by the sample under defined conditions with the intensity of the light scattered by a standard reference suspension under the same conditions. (8-24-94)

635. New Activity or Discharge. An activity or discharge that has not been previously authorized. Existing activities or discharges not currently permitted or licensed will be presumed to be new unless the Director determines to the contrary based on review of available evidence. An activity or discharge that has previously taken place without need for a license or permit is not a new activity or discharge when first licensed or permitted. (3-18-11)

646. Nonpoint Source Activities. Activities on a geographical area on which pollutants are deposited or dissolved or suspended in water applied to or incident on that area, the resultant mixture being discharged into the waters of the state. Nonpoint source activities on ORWs do not include issuance of water rights permits or licenses, allocation of water rights, operation of diversions, or impoundments. Nonpoint sources activities include, but are not limited to: (3-20-97)

- a. Irrigated and nonirrigated lands used for: (7-1-93)
 - i. Grazing; (7-1-93)
 - ii. Crop production; (7-1-93)
 - iii. Silviculture; (7-1-93)
- b. Log storage or rafting; (7-1-93)
- c. Construction sites; (7-1-93)
- d. Recreation sites; (3-20-97)

- e. Septic tank disposal fields. (8-24-94)
 - f. Mining; (3-20-97)
 - g. Runoff from storms or other weather related events; and (3-20-97)
 - h. Other activities not subject to regulation under the federal national pollutant discharge elimination system. (3-20-97)
- 657.** **Nuisance.** Anything which is injurious to the public health or an obstruction to the free use, in the customary manner, of any waters of the state. (7-1-93)
- 668.** **Nutrients.** The major substances necessary for the growth and reproduction of aquatic plant life, consisting of nitrogen, phosphorus, and carbon compounds. (7-1-93)
- 679.** **One Day Minimum.** The lowest daily instantaneous value measured. (3-20-97)
- 6870.** **One Hour Average.** The mean of at least two (2) appropriately spaced measurements, as determined by the Department, calculated over a period of one (1) hour. When three (3) or more measurements have been taken, and if any measurement is greater or less than five-tenths (0.5) times the mean, additional measurements over the one-hour period may be needed to obtain a more representative mean. (3-20-97)
- 6971.** **Operator.** For purposes of Sections 851 and 852, any person presently or who was at any time during a release in control of, or having responsibility for, the daily operation of the petroleum storage tank (PST) system. (4-2-03)
- 702.** **Outstanding Resource Water (ORW).** A high quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, which has been designated by the legislature and subsequently listed in this chapter. ORW constitutes an outstanding national or state resource that requires protection from point and nonpoint source activities that may lower water quality. (3-20-97)
- 713.** **Outstanding Resource Water Mixing Zone.** An area or volume of an ORW where pollutants are allowed to mix with the ORW receiving water at a location distinct from the sampling point where compliance with ORW quality standards is measured. An ORW mixing zone will be downstream from the discharge of a tributary or a segment immediately upstream which contains man caused pollutants as a result of nonpoint source activities occurring on that tributary or segment. As a result of the discharge, the mixing zone may not meet all water quality standards applicable to the ORW, but shall still be protected for existing beneficial uses. The Department, after consideration of input from interested parties, will determine the size, configuration and location of mixing zones which are necessary to meet the requirements of this chapter. (7-1-93)
- 724.** **Owner.** For purposes of Sections 851 and 852, any person who owns or owned a petroleum storage tank (PST) system any time during a release and the current owner of the property where the PST system is or was located. (4-2-03)
- 735.** **Permit or License.** A permit or license for an activity that is subject to certification by the state under Section 401 of the Clean Water Act, including, for example, NPDES permits, dredge and fill permits, and FERC licenses. (3-18-11)
- 746.** **Person.** An individual, public or private corporation, partnership, association, firm, joint stock company, joint venture, trust, estate, state, municipality, commission, political subdivision of the state, state or federal agency, department or instrumentality, special district, interstate body or any legal entity, which is recognized by law as the subject of rights and duties. (3-20-97)
- 757.** **Petroleum Products.** Products derived from petroleum through various refining processes. (7-1-93)

768. Petroleum Storage Tank (PST) System. Any one (1) or combination of storage tanks or other containers, including pipes connected thereto, dispensing equipment, and other connected ancillary equipment, and stationary or mobile equipment, that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. (7-1-93)

779. Point Source. Any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture, discharges from dams and hydroelectric generating facilities or any source or activity considered a nonpoint source by definition. (7-1-93)

780. Pollutant. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, unitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, silt, cellar dirt; and industrial, municipal and agricultural waste, gases entrained in water; or other materials which, when discharged to water in excessive quantities, cause or contribute to water pollution. Provided however, biological materials shall not include live or occasional dead fish that may accidentally escape into the waters of the state from aquaculture facilities. (3-20-97)

7981. Project Plans. Documents which describe actions to be taken under a proposed activity. These documents include environmental impact statements, environmental assessments, and other land use or resource management plans. (7-1-93)

802. Public Swimming Beaches. Areas indicated by features such as signs, swimming docks, diving boards, slides, or the like, boater exclusion zones, map legends, collection of a fee for beach use, or any other unambiguous invitation to public swimming. Privately owned swimming docks or the like which are not open to the general public are not included in this definition. (4-11-06)

813. Receiving Waters. Those waters which receive pollutants from point or nonpoint sources. (7-1-93)

824. Reference Stream or Condition. A water body which represents the minimum conditions necessary to fully support the applicable designated beneficial uses as further specified in these rules, or natural conditions with few impacts from human activities and which are representative of the highest level of support attainable in the basin. In highly mineralized areas or in the absence of such reference streams or water bodies, the Director, in consultation with the basin advisory group and the technical advisors to it, may define appropriate hypothetical reference conditions or may use monitoring data specific to the site in question to determine conditions in which the beneficial uses are fully supported. (3-20-97)

835. Release. Any unauthorized spilling, leaking, emitting, discharging, escaping, leaching, or disposing into soil, ground water, or surface water. (8-24-94)

846. Resident Species. Those species that commonly occur in a site including those that occur only seasonally or intermittently. This includes the species, genera, families, orders, classes, and phyla that: (8-24-94)

- a. Are usually present at the site; (8-24-94)
- b. Are present only seasonally due to migration; (8-24-94)
- c. Are present intermittently because they periodically return or extend their ranges into the site; (8-24-94)
- d. Were present at the site in the past but are not currently due to degraded conditions, and are expected to be present at the site when conditions improve; and (8-24-94)
- e. Are present in nearby bodies of water but are not currently present at the site due to degraded conditions, and are expected to be present at the site when conditions improve. (8-24-94)

857. Responsible Persons in Charge. Any person who: (8-24-94)

- a.** By any acts or omissions, caused, contributed to or exacerbated an unauthorized release of hazardous materials; (8-24-94)
- b.** Owns or owned the facility from which the unauthorized release occurred and the current owner of the property where the facility is or was located; or (8-24-94)
- c.** Presently or who was at any time during an unauthorized release in control of, or had responsibility for, the daily operation of the facility from which an unauthorized release occurred. (8-24-94)
- 868.** **Sediment.** Undissolved inorganic matter. (3-30-07)
- 879.** **Seven Day Mean.** The average of the daily mean values calculated over a period of seven (7) consecutive days. (3-20-97)
- 8890.** **Sewage.** The water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present. (8-24-94)
- 891.** **Short-Term or Temporary Activity.** An activity which is as short as possible but lasts for no more than one (1) year, is limited in scope and is expected to have only minimal impact on water quality as determined by the Director. Short-term or temporary activities include, but are not limited to, those activities described in Subsection 080.02. (3-30-07)
- 902.** **Silviculture.** Those activities associated with the regeneration, growing and harvesting of trees and timber including, but not limited to, disposal of logging slash, preparing sites for new stands of trees to be either planted or allowed to regenerate through natural means, road construction and road maintenance, drainage of surface water which inhibits tree growth or logging operations, fertilization, application of herbicides or pesticides, all logging operations, and all forest management techniques employed to enhance the growth of stands of trees or timber. (3-20-97)
- 943.** **Sludge.** The semi-liquid mass produced by partial dewatering of potable or spent process waters or wastewater. (7-1-93)
- ~~**92.** **Special Resource Water.** Those specific segments or bodies of water which are recognized as needing intensive protection. (7-1-93)~~
- ~~**a.** To preserve outstanding or unique characteristics; or (7-1-93)~~
- ~~**b.** To maintain current beneficial use. (7-1-93)~~
- 934.** **Specialized Best Management Practices.** Those practices designed with consideration of geology, land type, soil type, erosion hazard, climate and cumulative effects in order to fully protect the beneficial uses of water, and to prevent or reduce the pollution generated by nonpoint sources. (3-3-87)
- 945.** **State.** The state of Idaho. (7-1-93)
- 956.** **State Water Quality Management Plan.** The state management plan developed and updated by the Department in accordance with Sections 205, 208, and 303 of the Clean Water Act. (3-20-97)
- 967.** **Suspended Sediment.** The undissolved inorganic fraction of matter suspended in surface water. (3-30-07)
- 978.** **Suspended Solids.** The undissolved organic and inorganic matter suspended in surface water. (3-30-07)
- 989.** **Technology-Based Effluent Limitation.** Treatment requirements under Section 301(b) of the

Clean Water Act that represent the minimum level of control that must be imposed in a permit issued under Section 402 of the Clean Water Act. (8-24-94)

99100. Total Maximum Daily Load (TMDL). The sum of the individual wasteload allocations (WLAs) for point sources, load allocations (LAs) for nonpoint sources, and natural background. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. (8-24-94)

1001. Toxicity Test. A procedure used to determine the toxicity of a chemical or an effluent using living organisms. A toxicity test measures the degree of response of an exposed test organism to a specific chemical or effluent. (8-24-94)

1012. Toxic Substance. Any substance, material or disease-causing agent, or a combination thereof, which after discharge to waters of the State and upon exposure, ingestion, inhalation or assimilation into any organism (including humans), either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, malignancy, genetic mutation, physiological abnormalities (including malfunctions in reproduction) or physical deformations in affected organisms or their offspring. Toxic substances include, but are not limited to, the one hundred twenty-six (126) priority pollutants identified by EPA pursuant to Section 307(a) of the federal Clean Water Act. (8-24-94)

1023. Treatment. A process or activity conducted for the purpose of removing pollutants from wastewater. (7-1-93)

1034. Treatment System. Any physical facility or land area for the purpose of collecting, treating, neutralizing or stabilizing pollutants including treatment by disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such plants or sewers, equipment and furnishing thereof and their appurtenances. A treatment system may also be known as a treatment facility. (4-11-06)

1045. Twenty-Four Hour Average. The mean of at least two (2) appropriately spaced measurements, as determined by the Department, calculated over a period of twenty-four (24) consecutive hours. When three (3) or more measurements have been taken, and if any measurement is greater or less than five-tenths (0.5) times the mean, additional measurements over the twenty-four (24)-hour period may be needed to obtain a more representative mean. (3-20-97)

1056. Unique Ecological Significance. The attribute of any stream or water body which is inhabited or supports an endangered or threatened species of plant or animal or a species of special concern identified by the Idaho Department of Fish and Game, which provides anadromous fish passage, or which provides spawning or rearing habitat for anadromous or desirable species of lake dwelling fishes. (8-24-94)

1067. Wasteload Allocation (WLA). The portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. (8-24-94)

1078. Wastewater. Unless otherwise specified, sewage, industrial waste, agricultural waste, and associated solids or combinations of these, whether treated or untreated, together with such water as is present. (7-1-93)

1089. Water Body Unit. Includes all named and unnamed tributaries within a drainage and is considered a single unit unless designated otherwise. (4-5-00)

10910. Water Pollution. Any alteration of the physical, thermal, chemical, biological, or radioactive properties of any waters of the state, or the discharge of any pollutant into the waters of the state, which will or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to fish and wildlife, or to domestic, commercial, industrial, recreational, aesthetic, or other beneficial uses. (8-24-94)

1101. Water Quality-Based Effluent Limitation. An effluent limitation that refers to specific levels of

water quality that are expected to render a body of water suitable for its designated or existing beneficial uses. (8-24-94)

1142. Water Quality Limited Water Body. After monitoring, evaluation of required pollution controls, and consultation with the appropriate basin and watershed advisory groups, a water body identified by the Department, which does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards after the application of required pollution controls. A water body identified as water quality limited shall require the development of a TMDL or other equivalent process in accordance with Section 303 of the Clean Water Act and Sections 39-3601 et seq., Idaho Code. (3-20-97)

1123. Waters and Waters Of The State. All the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state. (7-1-93)

1134. Watershed. The land area from which water flows into a stream or other body of water which drains the area. (3-20-97)

1145. Watershed Advisory Group. An advisory group appointed by the Director, with the advice of the appropriate Basin Advisory Group, which will recommend to the Department those specific actions needed to control point and nonpoint sources of pollution affecting water quality limited water bodies within the watershed. Members of each watershed advisory group shall be representative of the industries and interests affected by the management of that watershed, along with representatives of local government and the land managing or regulatory agencies with an interest in the management of that watershed and the quality of the water bodies within it. (3-20-97)

1156. Whole-Effluent Toxicity. The aggregate toxic effect of an effluent measured directly with a toxicity test. (8-24-94)

1167. Zone of Initial Dilution (ZID). An area within a Department authorized mixing zone where acute criteria may be exceeded. This area should be as small as practicable and assure that drifting organisms are not exposed to acute concentrations for more than one (1) hour more than once in three (3) years. The actual size of the ZID will be determined by the Department for a discharge on a case-by-case basis, taking into consideration mixing zone modeling and associated size recommendations and any other pertinent chemical, physical, and biological data available. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

051. ANTIDegradation Policy.

01. Maintenance of Existing Uses for All Waters (Tier I Protection). The existing in stream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected. (3-18-11)

02. High Quality Waters (Tier II Protection). Where the quality of the waters exceeds levels necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the Department finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the Department's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the Department shall assure water quality adequate to protect existing uses fully. Further, the Department shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and cost-effective and reasonable best management practices for nonpoint source control. In providing such assurance, the Department may enter together into an agreement with other state of Idaho or federal agencies in accordance with Sections 67-2326 through 67-2333, Idaho Code. (3-18-11)

03. Outstanding Resource Waters (Tier III Protection). Where *high quality waters* an outstanding

~~resource water has been~~ designated by the legislature ~~constitute an outstanding national resource, such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance~~, that water quality shall be maintained and protected from the impacts of point and nonpoint source activities.

~~(3-18-11)~~()

04. Thermal Discharges. In those cases where potential water quality impairment associated with a thermal discharge is involved, antidegradation shall be implemented consistent with Section 316 of the Clean Water Act. (3-18-11)

05. Waters Subject to the Antidegradation Policy. Idaho's antidegradation policy only applies to waters subject to the jurisdiction of the Clean Water Act. (3-18-11)

052. ANTIDegradation IMPLEMENTATION.

The antidegradation policy shall be implemented as follows: (3-18-11)

01. Waters Protected. All waters receive Tier I protection. Waters receiving Tier II protection will be identified using a water body by water body approach during the antidegradation review. Waters given Tier III protection are designated in law. (3-18-11)

02. Restoration Projects. Changes in water quality may be allowed by the Department without an antidegradation review where determined necessary to secure long-term water quality improvement through restoration projects designed to trend toward natural characteristics and associated uses to a water body where those characteristics and uses have been lost or diminished. Restoration projects shall implement best management practices. (3-18-11)

03. General Permits. For general permits issued on or after July 1, 2011, the Department will conduct an antidegradation review, including any required Tier II analysis, at the time at which general permits are certified. For general permits that the Department determines adequately address antidegradation, review of individual applications for coverage will not be required unless it is required by the general permit. For general permits that the Department determines do not adequately address antidegradation, the Department may conclude that other conditions, such as the submittal of additional information or individual certification at the time an application is submitted for coverage under a general permit, may be necessary in the general permit to provide reasonable assurance of compliance with the antidegradation policy. If supported by the permit record, the Department may also presume that discharges authorized under a general permit are insignificant or that the pollution controls required in the general permit are the least degrading alternative as specified in Subsection 052.08.c. ()

034. Initiation of Antidegradation Review. Review of degradation potential and application of the appropriate level of protection from degradation will be triggered by an application for a new or reissued permit or license. (3-18-11)

05. Identification of Tier II Waters. The Department will utilize a water body by water body approach in determining where Tier II protection is appropriate in addition to Tier I protection. This approach shall be based on an assessment of the chemical, physical, biological and other information regarding the water body. The most recent federally approved Integrated Report and supporting data will be used to determine the appropriate level of protection as follows: ()

a. Water bodies identified in the Integrated Report as fully supporting assessed uses will be provided Tier II protection. ()

b. Water bodies identified in the Integrated Report as not assessed will be provided an appropriate level of protection on a case-by-case basis using information available at the time of a proposal for a new or reissued permit or license. ()

c. Water bodies identified in the Integrated Report as not fully supporting assessed uses will receive Tier I protection for the impaired aquatic life or recreational use, except as follows: ()

i. For aquatic life uses identified as impaired for dissolved oxygen, pH or temperature, if biological or

aquatic habitat parameters show a healthy, balanced biological community is present, as described in the “Water Body Assessment Guidance” published by the Idaho Department of Environmental Quality, then the water body shall receive Tier II protection for aquatic life uses. ()

ii. For recreational uses, if water quality data show compliance with those levels of water quality criteria listed in Sections 200, 210, 251, and 275 (where applicable), then the water body shall receive Tier II protection for recreational uses. ()

046. Evaluation of Effect of an Activity or Discharge on Water Quality. The Department will evaluate the effect on water quality for each pollutant. The Department will determine whether an activity or discharge results in an improvement, no change, or degradation of water quality. (3-18-11)

a. Effect on water quality will be based on the calculated change in concentration in the receiving water as a result of a new or reissued permit or license. With respect to a discharge, this calculation will take into account dilution using appropriate mixing of the receiving water under critical conditions coupled with the design flow of the discharge. For a reissued permit or license, the calculated change will be the difference in water quality that would result from the activity or discharge as authorized in the current permit or license and the water quality that would result from the activity or discharge as proposed in the reissued permit or license. For a new permit or license, the calculated change will be the difference between the existing receiving water quality and water quality that would result from the activity or discharge as proposed in the new permit or license. (3-18-11)

i. Current Discharge Quality. For pollutants that are currently limited, current discharge quality shall be based on limits in the current permit or license. For pollutants not currently limited, current discharge quality shall be based on available discharge quality data collected within five years of the application for a permit or license or other relevant information. (3-18-11)

ii. Proposed Quality for an Existing Discharge. Future discharge quality shall be based on proposed permit limits. For pollutants not limited in the proposed permit or license, future discharge quality will be estimated from available discharge quality data since the last permit or license was issued accounting for any changes in production, treatment or operation. For the proposed discharge of a new pollutant or a proposed increased discharge of a pollutant, future discharge quality will be estimated based on information provided by the applicant or other relevant information. (3-18-11)

iii. New Permit Limits for an Existing Discharge. When new permit limits are proposed for the first time for a pollutant in an existing discharge, then for purposes of calculating the change in water quality, any statistical procedures used to derive the proposed new limits will be applied to past discharge quality as well, where appropriate. (3-18-11)

iv. Proposed Quality for a New Discharge. Future discharge quality shall be based on proposed permit limits. For pollutants not limited in the proposed permit or license, future discharge quality will be based on information provided by the applicant or other relevant information. (3-18-11)

b. Receiving water quality will be the quality measured, or modeled as appropriate, immediately above the discharge for flowing waters and outside any Department authorized mixing zone for lakes and reservoirs. (3-18-11)

c. Offsets. In determining the effect of an activity or discharge on water quality of Tier II or Tier III waters, the Department may take into account reductions in pollution from other sources that are tied to the proposed activity or discharge. These offsets in pollution must be upstream of the degradation in water quality due to the proposed activity or discharge and occur before the activity or discharge is allowed to begin. The applicant seeking a permit or license for an activity or discharge based on offsets will be held responsible for assuring offsets are achieved and maintained as a condition of their permit or license. (3-18-11)

057. Tier I Review. Tier I review will be performed for all new or reissued permits or licenses. Existing uses and the water quality necessary to protect the existing uses must always be maintained and protected. No degradation or lowering of water quality may be allowed that would cause or contribute to violation of water quality criteria as calculated after authorized mixing of the discharge with the receiving water. Identification of existing uses

and the water quality necessary for their protection will be based on all available information, including any water quality related data and information submitted during the public comment period for the permit or license. (3-18-11)

068. Tier II Analysis. A Tier II analysis will only be conducted for activities or discharges, subject to a permit or a license, that cause degradation. The Department may allow significant degradation of surface water quality that is better than assigned criteria only if it is determined to be necessary to accommodate important economic or social development in the area in which the waters are located. The process and standard for this determination are set forth below. (3-18-11)

a. Insignificant Activity or Discharge. The Department shall consider the size and character of an activity or discharge or the magnitude of its effect on the receiving stream and shall determine whether it is insignificant. If an activity or discharge is determined to be insignificant, then no further Tier II analysis for other source controls (Subsection 052.08.b.), alternatives analysis (Subsection 052.08.c.) or socioeconomic justification (Subsection 052.08.d.) is required. ()

i. The Department shall determine insignificance when the proposed change in an activity or discharge, from conditions as of July 1, 2011, will not cumulatively decrease assimilative capacity by more than ten percent (10%). ()

ii. The Department may request additional information from the applicant in making a determination whether a proposed change in an activity or discharge is insignificant. ()

b. Other Source Controls. In allowing any degradation of high water quality, the Department must assure that there shall be achieved in the watershed the highest statutory and regulatory requirements for all new and existing point sources and cost-effective and reasonable best management practices for all nonpoint source controls. In providing such assurance, the Department may enter together into an agreement with other State of Idaho or federal agencies in accordance with Sections 67-2326 through 67-2333, Idaho Code. (3-18-11)

c. Alternatives Analysis. Degradation will be deemed necessary only if there are no reasonable alternatives to discharging at the levels proposed. The applicant seeking authorization to degrade high water quality must provide an analysis of alternatives aimed at selecting the best combination of site, structural, managerial and treatment approaches that can be reasonably implemented to avoid or minimize the degradation of water quality. To identify the least degrading alternative that is reasonable, the following principles shall be followed: (3-18-11)

i. Controls to avoid or minimize degradation should be considered at the earliest possible stage of project design. (3-18-11)

ii. Alternatives that must be evaluated as appropriate, are: (3-18-11)

(1) Relocation or configuration of outfall or diffuser; (3-18-11)

(2) Process changes/improved efficiency that reduces pollutant discharge; (3-18-11)

(3) Seasonal discharge to avoid critical time periods for water quality; (3-18-11)

(4) Non-discharge alternatives such as land application; and (3-18-11)

(5) Offsets to the activity or discharge's effect on water quality. (3-18-11)

iii. The Department retains the discretion to require the applicant to examine specific alternatives or provide additional information to conduct the analysis. (3-18-11)

iv. In selecting the preferred alternative the applicant shall: (3-18-11)

(1) Evaluate economic impacts (total cost effectiveness, incremental cost effectiveness) of all technologically feasible alternatives; (3-18-11)

- (2) Rank all technologically feasible treatment alternatives by their cost effectiveness at pollutant reduction; (3-18-11)
- (3) Consider the environmental costs and benefits across media and between pollutants; and (3-18-11)
- (4) Select the least degrading option or show that a more degrading alternative is justified based on Subsections 052.068.b.c.iv.(1), 052.068.b.c.iv.(2), or 052.068.b.c.iv.(3) above. (3-18-11)()

ed. Socioeconomic Justification. Degradation of water quality deemed necessary must also be determined by the Department to accommodate important economic or social development. Therefore, the applicant seeking authorization to degrade water quality must at a minimum identify the important economic or social development for which lowering water quality is necessary and should use the following steps to demonstrate this: (3-18-11)

- i. Identify the affected community; (3-18-11)
- ii. Describe the important social or economic development associated with the activity which can include cleanup/restoration of a closed facility; (3-18-11)
- iii. Identify the relevant social, economic and environmental health benefits and costs associated with the proposed degradation in water quality for the preferred alternative. Benefits and costs that must be analyzed include, but are not limited to: (3-18-11)
- (1) Economic benefits to the community such as changes in employment, household incomes and tax base; (3-18-11)
- (2) Provision of necessary services to the community; (3-18-11)
- (3) Potential health impacts related to the proposed activity; (3-18-11)
- (4) Impacts to direct and indirect uses associated with high quality water, e.g., fishing, recreation, and tourism; and (3-18-11)
- (5) Retention of assimilative capacity for future activities or discharges. (3-18-11)
- iv. Factors identified in the socioeconomic justification should be quantified whenever possible but for those factors that cannot be quantified a qualitative description of the impacts may be accepted; and (3-18-11)
- v. If the Department determines that more information is required, then the Department may require the applicant to provide further information or seek additional sources of information. (3-18-11)

de. Process. (3-18-11)

- i. Analysis. The Department in cooperation with State of Idaho designated management agencies and/or federal agencies will collect information regarding the other source controls specified in Subsection 052.068.#b. The applicant for a new or reissued permit or license is responsible for providing information pertinent to determining significance/insignificance of proposed changes in water quality and completing an alternatives analysis and socioeconomic justification as appropriate and submitting them to the Department for review. (3-18-11)()
- ii. Departmental review. The Department shall review all pertinent information and, after intergovernmental coordination, public notice and input, make a determination as to whether there is assurance that the other source controls specified in Subsection 052.068.#b. shall be achieved, and whether degradation of water quality is necessary to accommodate important economic or social development. (3-18-11)()
- iii. Public Involvement. The Department will satisfy the public participation provisions of Idaho's continuing planning process. Public notice and review of antidegradation will be coordinated with existing 401 certification notices for public review. (3-18-11)

079. Tier III - Outstanding Resource Waters (ORWs). ORWs are designated by the legislature. Subsection 052.079 describes the nomination, public notice and comment, public hearing, and board review process for directing the Department to develop legislation designating ORWs. Only the legislature may designate ORWs. Once designated by the legislature, the ORWs are listed in these rules. (3-18-11)

a. Nominations. Any person may request, in writing to the board, that a stream segment be considered for designation as an Outstanding Resource Water. To be considered for ORW designation, nominations must be received by the board by April 1 or ten (10) days after the adjournment sine die of that year's regular session of the legislature, whichever is later, for consideration during the next regular session of the legislature. All nominations shall be addressed to:

Idaho Board of Environmental Quality
Department of Environmental Quality
Outstanding Resource Water Nomination
1410 N. Hilton
Boise, Idaho 83706-1255

The nomination shall include the following information: (3-18-11)

- i. The name, description and location of the stream segment; (3-18-11)
- ii. The boundaries upstream and downstream of the stream segment; (3-18-11)
- iii. An explanation of what makes the segment a candidate for the designation; (3-18-11)
- iv. A description of the existing water quality and any technical data upon which the description is based as can be found in the most current basin status reports; (3-18-11)
- v. A discussion of the types of nonpoint source activities currently being conducted that may lower water quality, together with those activities that are anticipated during the next two (2) years, as described in the most current basin status reports; and (3-18-11)
- vi. Any additional evidence to substantiate such a designation. (3-18-11)

b. Public Notice and Public Comment. The board will give public notice that one (1) or more stream segments are being considered for recommendation to the legislature as outstanding resource waters. Public notice will also be given if a public hearing is being held. Public comments regarding possible designation will be accepted by the board for a period of at least forty-five (45) days. Public comments may include, but are not limited to, discussion of socioeconomic considerations; fish, wildlife or recreational values; and other beneficial uses. (3-18-11)

c. Public Hearing. A public hearing(s) may be held at the board's discretion on any stream segment nominated for ORW designation. Public notice will be given if a hearing is held. The decision to hold a hearing may be based on the following criteria: (3-18-11)

- i. One (1) or more requests contain supporting documentation and valid reasons for designation; (3-18-11)
- ii. A stream segment is generally recognized as constituting an outstanding national resource, such as waters of national and state parks, and wildlife refuges; (3-18-11)
- iii. A stream segment is generally recognized as waters of exceptional recreational or ecological significance; (3-18-11)
- iv. The board shall give special consideration to holding a hearing and to recommending for designation by the legislature, waters which meet criteria found in Subsections 052.079.c.ii. and 052.079.c.iii.; (3-18-11)()

v. Requests for a hearing will be given due consideration by the board. Public hearings may be held at the board's discretion. (3-18-11)

d. Board Review. The board shall review the stream segments nominated for ORW designation and based on the hearing or other written record, determine the segments to recommend as ORWs to the legislature. The board shall submit a report for each stream segment it recommends for ORW designation. The report shall contain the information specified in Subsection 052.079.a. and information from the hearing record or other written record concerning the impacts the designation would have on socioeconomic conditions; fish, wildlife and recreational values; and other beneficial uses. The Department shall then prepare legislation for each segment that will be recommended to the legislature as an ORW. The legislation shall provide for the listing of designated segments in these rules without the need for formal rulemaking procedures, pursuant to Sections 67-5201, et seq., Idaho Code. (3-18-11)()

e. Designated Waters. Those stream segments designated by the legislature as ORWs are listed in Sections 110 through 160. (3-18-11)

f. Restriction of Nonpoint Source Activities on ORWs. Nonpoint source activities on ORWs shall be restricted as follows: (3-18-11)

i. The water quality of ORWs shall be maintained and protected. After the legislature has designated a stream segment as an outstanding resource water, no person shall conduct a new or substantially modify an existing nonpoint source activity that can reasonably be expected to lower the water quality of that ORW, except for conducting short term or temporary nonpoint source activities which do not alter the essential character or special uses of a segment, allocation of water rights, or operation of water diversions or impoundments. Stream segments not designated as ORWs that discharge directly into an ORW shall not be subject to the same restrictions as an ORW, nor shall the ORW mixing zone be subject to the same restrictions as an ORW. A person may conduct a new or substantially modify an existing nonpoint source activity that can reasonably be expected to lower the water quality of a tributary or stream segment, which discharges directly into an ORW or an ORW mixing zone, provided that the water quality of that ORW below the mixing zone shall not be lowered. (3-18-11)

ii. After the legislature has designated a stream segment as an outstanding resource water as outlined in Subsection 052.079.e., existing nonpoint source activities may continue and shall be conducted in a manner that maintains and protects the current water quality of an ORW. The provisions of this section shall not affect short term or temporary activities that do not alter the essential character or special uses of a segment, allocation of water rights, or operations of water diversions or impoundments, provided that such activities shall be conducted in conformance with applicable laws and regulations. (3-18-11)()

g. Restriction of Point Source Discharges to ORWs. The water quality of ORWs shall be maintained and protected. Point source discharges that may cause degradation to ORWs may be allowed only if they are offset by reductions in other discharges per Subsection 052.046.c. (3-18-11)()

(BREAK IN CONTINUITY OF SECTIONS)

~~056. SPECIAL RESOURCE WATERS.~~

~~01. Designations. Waters of the state may be designated as special resource waters. Designation as a special resource water recognizes at least one (1) of the following characteristics: (7-1-93)~~

~~a. The water is of outstanding high quality, exceeding both criteria for primary contact recreation and cold water aquatic life; (4-5-00)~~

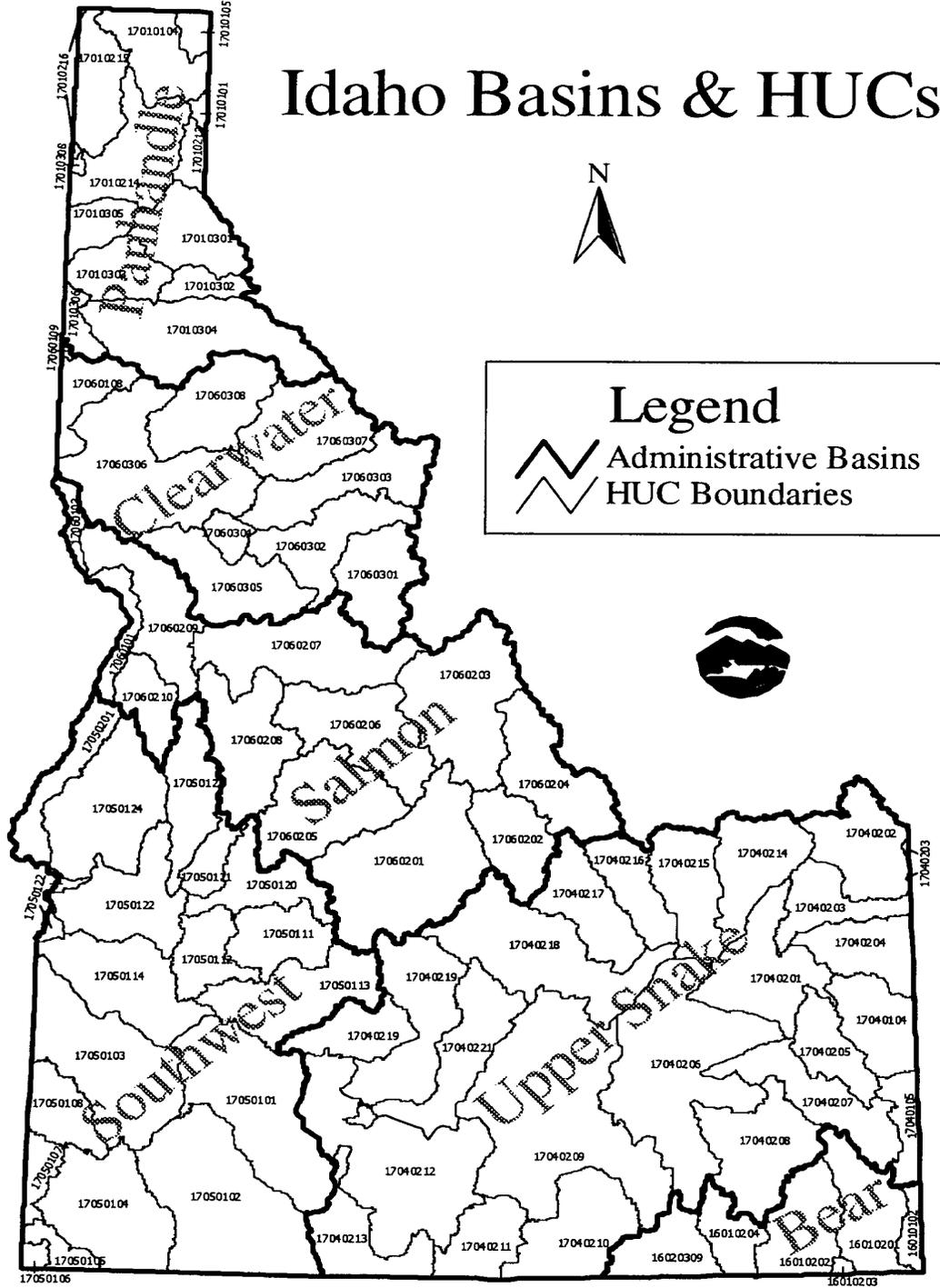
~~b. The water is of unique ecological significance; (7-1-93)~~

- ~~e. The water possesses outstanding recreational or aesthetic qualities; (7-1-93)~~
- ~~d. Intensive protection of the quality of the water is in paramount interest of the people of Idaho; (7-1-93)~~
- ~~e. The water is a part of the National Wild and Scenic River System, is within a State or National Park or wildlife refuge and is of prime or major importance to that park or refuge; or (4-5-00)~~
- ~~f. Intensive protection of the quality of the water is necessary to maintain an existing, but jeopardized beneficial use. (4-5-00)~~
- ~~02. **Designated Waters.** Those waters of the state determined to be special resource waters are listed in Sections 110 through 160. (4-5-00)~~
- ~~03. **Restrictions of Point Source Discharges to Special Resource Waters and Their Tributaries.** Point source discharges to special resource waters and their tributaries shall be restricted as specified in Subsection 400.01.b. (7-1-93)~~
- 057~~6~~. -- 059. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

109. HUC INDEX AND ABBREVIATIONS FOR SECTIONS 110, 120, 130, 140, 150, AND 160.

- 01. Map.** The following map depicts the hydrologic units and basins described here in. (4-5-00)



02. Table. The following table describes the hydrologic unit code (HUC), associated subbasin name, and the rule section describing the water bodies within the subbasin.

HUC	SUBBASIN	RULE SECTION	HUC	SUBBASIN	RULE SECTION
16010102	Central Bear	160.01	16010201	Bear Lake	160.02
16010202	Middle Bear	160.03	16010203	Little Bear-Logan	160.04
16010204	Lower Bear-Malad	160.05	16020309	Curlew Valley	160.06
17010101	Upper Kootenai	110.01	17010104	Lower Kootenai	110.02
17010105	Moyie	110.03	17010213	Lower Clark Fork	110.04
17010214	Pend Oreille Lake	110.05	17010215	Priest	110.06
17010216	Pend Oreille	110.07	17010301	Upper Coeur d'Alene	110.08
17010302	South Fork Coeur d'Alene	110.09	17010303	Coeur d'Alene Lake	110.10
17010304	St. Joe	110.11	17010305	Upper Spokane	110.12
17010306	Hangman	110.13	17010308	Little Spokane	110.14
17040104	Palisades	150.01	17040105	Salt	150.02
17040201	Idaho Falls	150.03	17040202	Upper Henrys	150.04
17040203	Lower Henrys	150.05	17040204	Teton	150.06
17040205	Willow	150.07	17040206	American Falls	150.08
17040207	Blackfoot	150.09	17040208	Portneuf	150.10
17040209	Lake Walcott	150.11	17040210	Raft	150.12
17040211	Goose	150.13	17040212	Upper Snake-Rock	150.14
17040213	Salmon Falls	150.15	17040214	Beaver-Camas	150.16
17040215	Medicine Lodge	150.17	17040216	Birch	150.18
17040217	Little Lost	150.19	17040218	Big Lost	150.20
17040219	Big Wood	150.21	17040220	Camas	150.22
17040221	Little Wood	150.23	17050101	C.J. Strike Reservoir	140.01
17050102	Bruneau	140.02	17050103	Middle Snake-Succor	140.03
17050104	Upper Owyhee	140.04	17050105	South Fork Owyhee	140.05
17050106	East Little Owyhee	140.06	17050107	Middle Owyhee	140.07
17050108	Jordan	140.08	17050111	North/Middle Fork Boise	140.09
17050112	Boise-Mores	140.10	17050113	South Fork Boise	140.11
17050114	Lower Boise	140.12	17050115	Middle Snake-Payette	140.13
17050120	South Fork Payette	140.14	17050121	Middle Fork Payette	140.15
17050122	Payette	140.16	17050123	North Fork Payette	140.17
17050124	Weiser	140.18	17050201	Brownlee Reservoir	140.19

HUC	SUBBASIN	RULE SECTION	HUC	SUBBASIN	RULE SECTION
17060101	Hells Canyon	130.01	17060103	Lower Snake-Asotin	130.02
17060108	Palouse	120.01	17060109	Rock	120.02
17060201	Upper Salmon	130.03	17060202	Pahsimeroi	130.04
17060203	Middle Salmon-Panther	130.05	17060204	Lemhi	130.06
17060205	U. Middle Fork Salmon	130.07	17060206	L. Middle Fork Salmon	130.08
17060207	Mid. Salmon-Chamberlain	130.09	17060208	South Fork Salmon	130.10
17060209	Lower Salmon	130.11	17060210	Little Salmon	130.12
17060301	Upper Selway	120.03	17060302	Lower Selway	120.04
17060303	Lochsa	120.05	17060304	Middle Fork Clearwater	120.06
17060305	South Fork Clearwater	120.07	17060306	Clearwater	120.08
17060307	U. North Fork Clearwater	120.09	17060308	L. North Fork Clearwater	120.10

(4-5-00)

03. Abbreviations.

(4-5-00)

a. COLD -- Cold Water Communities.

(4-5-00)

b. SS -- Salmonid Spawning.

(4-5-00)

c. SC -- Seasonal Cold Water Communities.

(4-5-00)

d. WARM -- Warm Water Communities.

(4-5-00)

e. MOD -- Modified Communities.

(4-5-00)

f. PCR -- Primary Contact Recreation.

(4-5-00)

g. SCR -- Secondary Contact Recreation.

(4-5-00)

h. DWS -- Domestic Water Supply.

(4-5-00)

~~i. SRW -- Special Resource Water.~~

~~(4-5-00)~~

~~j. NONE -- Use Unattainable.~~

~~(4-5-00)~~

~~k. No entry in the Aquatic Life or Recreation columns -- nondesignated waters for those uses.~~

~~(3-15-02)~~

110. PANHANDLE BASIN.

Surface waters found within the Panhandle basin total fourteen (14) subbasins and are designated as follows:

(4-5-00)

01. Upper Kootenai Subbasin. The Upper Kootenai Subbasin, HUC 17010101, is comprised of six (6) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Star Creek - source to Idaho/Montana border	COLD SS	PCR	
P-2	North Callahan Creek - source to Idaho/Montana border	COLD SS	PCR	
P-3	South Callahan Creek - Glad Creek to Idaho/Montana border	COLD SS	PCR	
P-4	South Callahan Creek - source to Glad Creek	COLD SS	PCR	
P-5	Glad Creek - source to mouth	COLD SS	PCR	
P-6	Keeler Creek - source to Idaho/Montana border	COLD SS	PCR	

(3-30-01)

02. Lower Kootenai Subbasin. The Lower Kootenai Subbasin, HUC 17010104, is comprised of forty (40) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Kootenai River - Shorty's Island to the Idaho/Canadian border	COLD SS	PCR	DWS <i>SRW</i>
P-2	Boundary Creek - Idaho/Canadian border to mouth	COLD SS	PCR	
P-3	Grass Creek - source to Idaho/Canadian border	COLD SS	PCR	
P-4	Blue Joe Creek - source to Idaho/Canadian border	COLD SS	PCR	
P-5	Smith Creek - Cow Creek to mouth	COLD SS	PCR	
P-6	Cow Creek - source to mouth	COLD SS	PCR	
P-7	Smith Creek - source to Cow Creek	COLD SS	PCR	
P-8	Long Canyon Creek - source to mouth	COLD SS	PCR	
P-9	Parker Creek - source to mouth	COLD SS	PCR	
P-10	Trout Creek - source to mouth	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
P-11	Ball Creek - source to mouth	COLD SS	PCR	
P-12	Kootenai River - Deep Creek to and including Shorty's Island	COLD SS	PCR	DWS <u>SRW</u>
P-13	Myrtle Creek - source to mouth	COLD SS	PCR	
P-14	Cascade Creek - source to mouth	COLD SS	PCR	
P-15	Deep Creek - Snow Creek to mouth	COLD SS	PCR	DWS <u>SRW</u>
P-16	Snow Creek - source to mouth	COLD SS	PCR	
P-17	Caribou Creek - source to mouth	COLD SS	PCR	
P-18	Deep Creek - Brown Creek to Snow Creek	COLD SS	PCR	DWS <u>SRW</u>
P-19	Deep Creek - Trail Creek to Brown Creek	COLD SS	PCR	DWS <u>SRW</u>
P-20	Ruby Creek - source to mouth	COLD SS	PCR	
P-21	Fall Creek - source to mouth	COLD SS	PCR	
P-22	Deep Creek - McArthur Lake to Trail Creek	COLD SS	PCR	DWS <u>SRW</u>
P-23	McArthur Lake	COLD		
P-24	Dodge Creek - source to mouth	COLD SS	SCR	
P-25	Deep Creek - source to McArthur Lake	COLD SS	PCR	
P-26	Trail Creek - source to mouth	COLD SS	PCR	
P-27	Brown Creek - source to mouth	COLD SS	PCR	
P-28	Twentymile Creek - source to mouth	COLD SS	PCR	
P-29	Kootenai River - Moyie River to Deep Creek	COLD SS	PCR	DWS <u>SRW</u>
P-30	Cow Creek - source to mouth	COLD SS	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
P-31	Kootenai River - Idaho/Montana to Moyie River	COLD SS	PCR	DWS <u>SRW</u>
P-32	Boulder Creek - East Fork Boulder Creek to mouth	COLD SS	PCR	
P-33	Boulder Creek - source to East Fork Boulder Creek	COLD SS	PCR	
P-34	East Fork Boulder Creek - source to mouth	COLD SS	PCR	
P-35	Curley Creek - source to mouth	COLD SS	SCR	
P-36	Flemming Creek - source to mouth	COLD SS	SCR	
P-37	Rock Creek - source to mouth	COLD SS	SCR	
P-38	Mission Creek - Brush Creek to mouth	COLD SS	PCR	
P-39	Brush Creek - source to mouth	COLD SS	SCR	
P-40	Mission Creek - Idaho/Canadian border to Brush Creek	COLD SS	SCR	

(3-30-01)()

03. **Moyie Subbasin.** The Moyie Subbasin, HUC 17010105, is comprised of twelve (12) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Moyie River - Moyie Falls Dam to mouth	COLD SS	PCR	DWS <u>SRW</u>
P-2	Moyie River - Meadow Creek to Moyie Falls Dam	COLD SS	PCR	DWS <u>SRW</u>
P-3	Skin Creek - Idaho/Montana border to mouth	COLD SS	PCR	
P-4	Deer Creek - source to mouth	COLD SS	PCR	
P-5	Moyie River - Round Prairie Creek to Meadow Creek	COLD SS	PCR	DWS <u>SRW</u>
P-6	Moyie River - Idaho/Canadian border to Round Prairie Creek	COLD SS	PCR	DWS <u>SRW</u>

Unit	Waters	Aquatic Life	Recreation	Other
P-7	Canuck Creek - Idaho/Montana border to Idaho/Canadian border	COLD SS	SCR	
P-8	Round Prairie Creek - Gillon Creek to mouth	COLD SS	PCR	
P-9	Gillon Creek - Idaho/Canadian border to mouth	COLD SS	PCR	
P-10	Round Prairie Creek - source to Gillon Creek	COLD SS	PCR	
P-11	Miller Creek - source to mouth	COLD SS	PCR	
P-12	Meadow Creek - source to mouth	COLD SS	PCR	

(3-30-01)()

04. Lower Clark Fork Subbasin. The Lower Clark Fork Subbasin, HUC 17010213, is comprised of twenty-one (21) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Clark Fork River Delta - Mosquito Creek to Pend Oreille Lake	COLD SS	PCR	DWS SRW
P-2	Johnson Creek - source to mouth			
P-3	Clark Fork River - Cabinet Gorge Dam to Mosquito Creek	COLD SS	PCR	DWS SRW
P-4	Dry Creek - source to mouth			
P-5	Clark Fork River - Idaho/Montana border to Cabinet Gorge Dam	COLD SS	PCR	DWS SRW
P-6	West Fork Elk Creek - source to Idaho/Montana border			
P-7	West Fork Blue Creek - source to Idaho/Montana border			
P-8	Gold Creek - source to Idaho/Montana border			
P-9	Mosquito Creek - source to mouth			
P-10	Lightning Creek - Spring Creek to mouth	COLD SS	PCR	DWS SRW
P-11	Lightning Creek - Cascade Creek to Spring Creek	COLD SS	PCR	DWS SRW
P-12	Cascade Creek - source to mouth			
P-13	Lightning Creek - East Fork Creek to Cascade Creek	COLD SS	PCR	DWS SRW
P-14	East Fork Creek - Idaho/Montana border to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
P-15	Savage Creek - Idaho/Montana border to mouth			
P-16	Lightning Creek - Wellington Creek to East Fork Creek	COLD SS	PCR	DWS SRW
P-17	Lightning Creek - Rattle Creek to Wellington Creek	COLD SS	PCR	DWS SRW
P-18	Rattle Creek - source to mouth			
P-19	Lightning Creek - source to Rattle Creek	COLD SS	PCR	DWS SRW
P-20	Wellington Creek - source to mouth			
P-21	Spring Creek - source to mouth			

(4-5-00)()

05. Pend Oreille Lake Subbasin. The Pend Oreille Lake Subbasin, HUC 17010214, is comprised of sixty-one (61) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Pend Oreille River - Priest River to Albeni Falls Dam	COLD	PCR	DWS
P-2	Pend Oreille River - Pend Oreille Lake to Priest River	COLD	PCR	DWS
P-3	Hoodoo Creek - source to mouth			
P-4	Kelso Lake and outlet	COLD SS	PCR	DWS
P-5	Granite Lake			
P-6	Beaver Lake			
P-7	Spirit Creek - source to mouth			
P-8	Blanchard Lake			
P-9	Spirit Lake	COLD SS	PCR	DWS SRW
P-10	Brickel Creek - Idaho/Washington border to mouth			
P-11	Jewell Lake			
P-12	Cocolalla Creek - Cocolalla Lake to mouth	COLD	PCR	DWS SRW
P-13	Cocolalla Lake	COLD	PCR	DWS SRW
P-14	Cocolalla Creek - source to Cocolalla Lake			
P-15	Fish Creek - source to mouth			
P-16	Fry Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
P-17	Shepard Lake			
P-18	Pend Oreille Lake	COLD SS	PCR	DWS SRW
P-19	Gamble Lake			
P-20	Mirror Lake			
P-21	Gold Creek - West Gold Creek to mouth			
P-22	West Gold Creek- source to mouth			
P-23	Gold Creek - source to West Gold Creek			
P-24	Chloride Creek - source to mouth			
P-25	North Gold Creek - source to mouth			
P-26	Cedar Creek - source to mouth			
P-27	Granite Creek - source to mouth	COLD SS	SCR	SRW
P-28	Riser Creek - source to mouth			
P-29	Strong Creek - source to mouth			
P-30	Trestle Creek - source to mouth	COLD SS	SCR	SRW
P-31	Lower Pack River - Sand Creek to mouth	COLD SS	PCR	DWS
P-32	Trout Creek - source to mouth			
P-33	Rapid Lightning Creek - source to mouth			
P-34	Gold Creek - source to mouth			
P-35	Grouse Creek - North Fork Grouse Creek to mouth			
P-36	Grouse Creek - source to North Fork Grouse Creek			
P-37	North Fork Grouse Creek - source to mouth			
P-38	Sand Creek - source to mouth			
P-39	Upper Pack River - Lindsey Creek to Sand Creek	COLD SS	PCR	DWS
P-40	Walsh Lake			
P-41	Upper Pack River - source to and including Lindsey Creek	COLD SS	PCR	DWS
P-42	McCormick Creek - source to mouth			
P-43	Jeru Creek - source to mouth			
P-44	Hellroaring Creek - source to mouth			
P-45	Caribou Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
P-46	Berry Creek - source to mouth			
P-47	Colburn Creek - source to mouth			
P-48	Sand Creek - Schweitzer Creek to mouth			
P-49	Sand Creek - source to Schweitzer Creek			
P-50	Spring Jack Creek - source to mouth			
P-51	Swede Creek - source to mouth			
P-52	Schweitzer Creek - source to mouth			
P-53	Little Sand Creek - source to mouth			
P-54	Syringa Creek - source to mouth			
P-55	Carr Creek - source to mouth			
P-56	Hornby Creek - source to mouth			
P-57	Smith Creek - source to mouth			
P-58	Johnson Creek - source to mouth			
P-59	Riley Creek - source to mouth			
P-60	Manley Creek - source to mouth			
P-61	Strong Creek - source to mouth			

(4-5-00)

06. Priest Subbasin. The Priest Subbasin, HUC 17010215, is comprised of thirty-one (31) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Lower Priest River - Upper West Branch Priest River to mouth	COLD	PCR	DWS <i>SRW</i>
P-2	Big Creek - source to mouth			
P-3	Middle Fork East River - source to mouth			
P-4	North Fork East River - source to mouth			
P-5	Lower Priest River - Priest Lake to Upper West Branch Priest River	COLD	PCR	DWS <i>SRW</i>
P-6	Priest Lake	COLD SS	PCR	DWS <i>SRW</i>
P-7	Chase Lake			
P-8	Soldier Creek - source to mouth			
P-9	Hunt Creek - source to mouth			
P-10	Indian Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
P-11	Bear Creek - source to mouth			
P-12	Two Mouth Creek - source to mouth			
P-13	Lion Creek - source to mouth			
P-14	Priest Lake Thorofare - Upper Priest Lake to Priest Lake	COLD SS	PCR	DWS <i>SRW</i>
P-15	Caribou Creek - source to mouth			
P-16	Upper Priest Lake	COLD SS	PCR	DWS <i>SRW</i>
P-17	Trapper Creek - source to mouth			
P-18	Upper Priest River - Idaho/Canadian border to mouth	COLD SS	PCR	DWS <i>SRW</i>
P-19	Hughes Fork - source to mouth			
P-20	Beaver Creek - source to mouth			
P-21	Tango Creek - source to mouth			
P-22	Granite Creek - Idaho/Washington border to mouth			
P-23	Reeder Creek - source to mouth			
P-24	Kalispell Creek - Idaho/Washington border to mouth			
P-25	Lamb Creek - Idaho/Washington border to mouth			
P-26	Binarch Creek - Idaho/Washington border to mouth			
P-27	Upper West Branch Priest River - Idaho/Washington border to mouth			
P-28	Goose Creek - Idaho/Washington border to mouth			
P-29	Quartz Creek - source to mouth			
P-30	Lower West Branch Priest River - Idaho/Washington border to mouth			
P-31	Moore's Creek - source to mouth			

(4-5-00)()

07. Pend Oreille Subbasin. The Pend Oreille Subbasin, HUC 17010216, is comprised of two (2) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	South Salmo River - source to Idaho/Washington border			
P-2	Pend Oreille River - Albeni Falls Dam to Idaho/Washington border	COLD	PCR	DWS

(4-5-00)

08. Upper Coeur d'Alene Subbasin. The Upper Coeur d'Alene Subbasin, HUC 17010301, is comprised of thirty-nine (39) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	North Fork Coeur d'Alene River - Yellow Dog Creek to mouth	COLD SS	PCR	DWS SRW
P-2	Graham Creek - source to mouth			
P-3	Beaver Creek - source to mouth			
P-4	Prichard Creek - Butte Creek to mouth	COLD SS	PCR	
P-5	Prichard Creek - source to Butte Creek	COLD SS	PCR	DWS
P-6	Butte Creek - source to mouth			
P-7	Eagle Creek - source to mouth			
P-8	West Fork Eagle Creek - source to mouth			
P-9	Lost Creek - source to mouth			
P-10	Shoshone Creek - Falls Creek to mouth			
P-11	Falls Creek - source to mouth			
P-12	Shoshone Creek - source to Falls Creek			
P-13	North Fork Coeur d'Alene River - Jordan Creek to Yellow Dog Creek	COLD SS	PCR	DWS SRW
P-14	Jordan Creek - source to mouth			
P-15	North Fork Coeur d'Alene River - source to Jordan Creek	COLD SS	PCR	DWS SRW
P-16	Cataract Creek - source to mouth			
P-17	Tepee Creek - confluence of Trail Creek and Big Elk Creek to mouth			
P-18	Independence Creek - source to mouth			
P-19	Trail Creek - source to mouth			
P-20	Big Elk Creek - source to mouth			
P-21	Brett Creek - source to mouth			
P-22	Miners Creek - source to mouth			
P-23	Flat Creek - source to mouth			
P-24	Yellow Dog Creek - source to mouth			
P-25	Downey Creek - source to mouth			
P-26	Brown Creek - source to mouth			
P-27	Grizzly Creek - source to mouth			
P-28	Steamboat Creek - source to mouth			
P-29	Cougar Gulch - source to mouth			
P-30	Little North Fork Coeur d'Alene River - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
P-31	Bumblebee Creek - source to mouth			
P-32	Laverne Creek - source to mouth			
P-33	Leiberg Creek - source to mouth			
P-34	Bootjack Creek - source to mouth			
P-35	Iron Creek - source to mouth			
P-36	Burnt Cabin Creek - source to mouth			
P-37	Deception Creek - source to mouth			
P-38	Skookum Creek - source to mouth			
P-39	Copper Creek - source to mouth			

(4-5-00)()

09. South Fork Coeur d'Alene Subbasin. The South Fork Coeur d'Alene Subbasin, HUC 17010302, is comprised of twenty (20) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	South Fork Coeur d'Alene River - Canyon Creek to mouth	COLD	SCR	
P-2	Pine Creek - East Fork Pine Creek to mouth	COLD SS	SCR	
P-3	Pine Creek - source to East Fork Pine Creek	COLD SS	PCR	DWS
P-4	East Fork Pine Creek - source to mouth			
P-5	Hunter Creek - source to mouth			
P-6	Government Gulch - source to mouth	COLD SS	SCR	
P-7a	Big Creek - source to mining impact area	COLD SS	PCR	DWS
P-7b	Big Creek - mining impact area to mouth	COLD SS	SCR	
P-8a	Shields Gulch - source to mining impact area	COLD SS	PCR	DWS
P-8b	Shields Gulch - mining impact area to mouth		SCR	
P-9a	Lake Creek - source to mining impact area	COLD SS	PCR	DWS
P-9b	Lake Creek - mining impact area to mouth	COLD SS	SCR	
P-10	Placer Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
P-11	South Fork Coeur d'Alene River - from and including Daisy Gulch to Canyon Creek	COLD	SCR	
P-12	Willow Creek - source to mouth			
P-13	South Fork Coeur d'Alene River - source to Daisy Gulch	COLD SS	PCR	DWS
P-14	Canyon Creek - from and including Gorge Gulch to mouth	COLD	SCR	
P-15	Canyon Creek - source to Gorge Gulch	COLD SS	PCR	DWS
P-16	Ninemile Creek - from and including East Fork Ninemile Creek to mouth	COLD SS	SCR	
P-17	Ninemile Creek - source to East Fork Ninemile Creek	COLD SS	PCR	DWS
P-18	Moon Creek - source to mouth			
P-19	West Fork Moon Creek - source to mouth			
P-20	Bear Creek - source to mouth	COLD SS	PCR	DWS

(3-15-02)

10. Coeur d'Alene Lake Subbasin. The Coeur d'Alene Lake Subbasin, HUC 17010303, is comprised of thirty-four (34) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Coeur d'Alene Lake	COLD SS	PCR	DWS <i>SRW</i>
P-2	Cougar Creek - source to mouth			
P-3	Kid Creek - source to mouth			
P-4	Mica Creek - source to mouth			
P-5	Fighting Creek - source to mouth			
P-6	Lake Creek - Idaho/Washington border to mouth			
P-7	Coeur d'Alene River - Latour Creek to mouth	COLD	PCR	
P-8	Anderson Lake			
P-9	Black Lake			
P-10	Medicine Lake			
P-11	Willow Creek - source to mouth			
P-12	Evans Creek - source to mouth			
P-13	Robinson Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
P-14	Bull Run Lake			
P-15	Latour Creek - source to mouth			
P-16	Coeur d'Alene River - South Fork Coeur d'Alene River to Latour Creek	COLD	PCR	
P-17	Skeel and Cataldo Creeks - source to mouth			
P-18	French Gulch - source to mouth			
P-19	Hardy and Hayden Gulch and Whitman Draw Creeks Complex - source to mouth			
P-20	Fourth of July Creek - source to mouth			
P-21	Rose Lake			
P-22	Killarney Lake			
P-23	Swan Lake			
P-24	Blue Lake			
P-25	Thompson Lake			
P-26	Carlin Creek - source to mouth			
P-27	Turner Creek - source to mouth			
P-28	Beauty Creek - source to mouth			
P-29	Wolf Lodge Creek - source to mouth	COLD SS	PCR	DWS <i>SRW</i>
P-30	Cedar Creek - source to mouth			
P-31	Marie Creek - source to mouth			
P-32	Fernan Creek - Fernan Lake to mouth	COLD SS	PCR	DWS
P-33	Fernan Lake	COLD SS	PCR	DWS
P-34	Fernan Creek - source to Fernan Lake			

(4-5-00)()

11. **St. Joe Subbasin.** The St. Joe Subbasin, HUC 17010304, is comprised of sixty-nine (69) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Chatcolet Lake			
P-2	Plummer Creek - source to mouth	COLD SS	SCR	
P-3	Pedee Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
P-4	Benewah Creek - source to mouth			
P-5	St. Joe River - St. Maries River to mouth	COLD	PCR	
P-6	Cherry Creek - source to mouth			
P-7	St. Maries River - Santa Creek to mouth	COLD	PCR	
P-8	Alder Creek - source to mouth			
P-9	John Creek - source to mouth			
P-10	Santa Creek - source to mouth	COLD SS	PCR	
P-11	Charlie Creek - source to mouth			
P-12	St. Maries River - Carpenter Creek to Santa Creek	COLD	PCR	
P-13	Tyson Creek - source to mouth			
P-14	Carpenter Creek - source to mouth			
P-15	St. Maries River - confluence of West Fork and Middle Fork St. Maries Rivers to Carpenter Creek	COLD	PCR	DWS SRW
P-16	Emerald Creek - source to mouth			
P-17	West Fork St. Maries River - source to mouth			
P-18	Middle Fork St. Maries River - source to mouth			
P-19	Gold Center Creek - source to mouth			
P-20	Merry Creek - source to mouth			
P-21	Childs Creek - source to mouth			
P-22	Olson Creek - source to mouth			
P-23	Crystal Creek - source to mouth			
P-24	Renfro Creek - source to mouth			
P-25	Beaver Creek - source to mouth			
P-26	Thorn Creek - source to mouth			
P-27	St. Joe River - North Fork St. Joe River to St. Maries River	COLD SS	PCR	DWS SRW
P-28	Bond Creek - source to mouth			
P-29	Hugus Creek- source to mouth			
P-30	Mica Creek - source to mouth			
P-31	Marble Creek - Hobo Creek to mouth			
P-32	Eagle Creek - source to mouth			
P-33	Bussel Creek - source to mouth			
P-34	Hobo Creek - source to mouth			
P-35	Marble Creek - source to Hobo Creek			

Unit	Waters	Aquatic Life	Recreation	Other
P-36	Homestead Creek - source to mouth			
P-37	Daveggio Creek - source to mouth			
P-38	Boulder Creek - source to mouth			
P-39	Fishhook Creek - source to mouth			
P-40	Siwash Creek - source to mouth			
P-41	St. Joe River - source to North Fork St. Joe River	COLD SS	PCR	DWS <u>SRW</u>
P-42	Sisters Creek - source to mouth			
P-43	Prospector Creek - source to mouth			
P-44	Nugget Creek - source to mouth			
P-45	Bluff Creek - source to mouth			
P-46	Mosquito Creek - source to mouth			
P-47	Fly Creek - source to mouth			
P-48	Beaver Creek - source to mouth			
P-49	Copper Creek - source to mouth			
P-50	Timber Creek - source to mouth			
P-51	Red Ives Creek - source to mouth			
P-52	Simmons Creek - source to mouth			
P-53	Gold Creek - source to mouth			
P-54	Bruin Creek - source to mouth			
P-55	Quartz Creek - source to mouth			
P-56	Eagle Creek - source to mouth			
P-57	Bird Creek - source to mouth			
P-58	Skookum Creek - source to mouth			
P-59	North Fork St. Joe River - Loop Creek to mouth			
P-60	Loop Creek - source to mouth			
P-61	North Fork St. Joe River - source to Loop Creek			
P-62	Slate Creek - source to mouth			
P-63	Big Creek - source to mouth			
P-64	Trout Creek - source to mouth			
P-65	Falls Creek - source to mouth			
P-66	Reeds Gulch Creek - source to mouth			
P-67	Rochat Creek - source to mouth			
P-68	Street Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
P-69	Deep Creek - source to mouth			

(4-5-00)()

12. **Upper Spokane Subbasin.** The Upper Spokane Subbasin, HUC 17010305, is comprised of eighteen (18) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Liberty Creek - source to Idaho/Washington border			
P-2	Cable Creek - source to Idaho/Washington border			
P-3	Spokane River - Post Falls Dam to Idaho/Washington border	COLD SS	PCR	DWS
P-4	Spokane River - Coeur d'Alene Lake to Post Falls Dam	COLD SS	PCR	DWS
P-5	Hayden Lake	COLD SS	PCR	DWS SRW
P-6	Yellowbank Creek - source to mouth			
P-7	Jim Creek - source to mouth			
P-8	Mokins Creek - source to mouth			
P-9	Nilsen Creek - source to mouth			
P-10	Hayden Creek -source to mouth			
P-11	Sage Creek and Lewellen Creek - source to mouth			
P-12	Rathdrum Creek - Twin Lakes to mouth			
P-13	Twin Lakes	COLD	PCR	DWS
P-14	Fish Creek - Idaho/Washington border to Twin Lakes			
P-15	Hauser Lake outlet - Hauser Lake to mouth			
P-16	Hauser Lake	COLD	PCR	DWS
P-17	Lost Lake, Howell, and Lost Creeks - source to mouth			
P-18	Hauser Creek - source to mouth			

(4-5-00)()

13. **Hangman Subbasin.** The Hangman Subbasin, HUC 17010306, is comprised of five (5) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	Hangman Creek - source to Idaho/Washington border	COLD	SCR	
P-2	Little Hangman Creek - source to Idaho/Washington border			

Unit	Waters	Aquatic Life	Recreation	Other
P-3	Rock Creek - source to Idaho/Washington border		SCR	
P-4	Middle Fork Rock Creek - source to Idaho/Washington border			
P-5	North Fork Rock Creek - source to Idaho/Washington border			

(4-5-00)

14. Little Spokane Subbasin. The Little Spokane Subbasin, HUC 17010308, is comprised of one (1) water body unit.

Unit	Waters	Aquatic Life	Recreation	Other
P-1	McDonald Creek - source to mouth			

(4-5-00)

111. -- 119. (RESERVED)

120. CLEARWATER BASIN.

Surface waters found within the Clearwater basin total ten (10) subbasins and are designated as follows: (4-5-00)

01. Palouse Subbasin. The Palouse Subbasin, HUC 17060108, is comprised of thirty-three (33) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	Cow Creek - source to Idaho/Washington border	COLD	SCR	
C-2	South Fork Palouse River - Gnat Creek to Idaho/Washington border	COLD SS	SCR	
C-3	South Fork Palouse River - source to Gnat Creek	COLD SS	SCR	
C-4a	Gnat Creek - source to T40N, R05W, Sec. 26	COLD	SCR	
C-4b	Gnat Creek - T40N, R05W, Sec. 26 to mouth	COLD	SCR	
C-5	Paradise Creek - source to Idaho/Washington border	COLD	SCR	
C-6a	Missouri Flat Creek - source to T40N, R5W, Sec. 17	COLD	SCR	
C-6b	Missouri Flat Creek-T40N, R5W, Sec. 17 to Idaho/Washington border	COLD	SCR	
C-7a	Fourmile Creek - source to T40N, R5W, Sec. 5	COLD	SCR	
C-7b	Fourmile Creek - T40N, R5W, Sec. 5 to Idaho/Washington border	COLD	SCR	
C-8a	Silver Creek - source to T43, R5W, Sec. 29	COLD	SCR	
C-8b	Silver Creek - T43, R5W, Sec. 29 to Idaho/Washington border	COLD	SCR	
C-9	Palouse River - Deep Creek to Idaho/Washington border	COLD	SCR	
C-10	Palouse River - Hatter Creek to Deep Creek	COLD	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
C-11a	Flannigan Creek - source to T41N, R05W, Sec. 23	COLD	SCR	
C-11b	Flannigan Creek - T41N, R05W, Sec. 23 to mouth	COLD	SCR	
C-12	Rock Creek - confluence of West and East Fork Rock Creeks to mouth	COLD	SCR	
C-13a	West Fork Rock Creek - source to T41N, R04W, Sec. 30	COLD	SCR	
C-13b	West Fork Rock Creek - T41N, R04W, Sec. 30 to mouth	COLD	SCR	
C-14a	East Fork Rock Creek - source to T41N, R 04W, Sec. 29	COLD	SCR	
C-14b	East Fork Rock Creek - T41N, R 04W, Sec. 29 to mouth	COLD	SCR	
C-15a	Hatter Creek - source to T40N, R04W, Sec. 3	COLD	SCR	
C-15b	Hatter Creek - T40N, R04W, Sec. 3 to mouth	COLD	SCR	
C-16	Palouse River - Strychnine Creek to Hatter Creek	COLD SS	PCR	DWS
C-17	Flat Creek - source to mouth	COLD	SCR	
C-18	Palouse River - source to Strychnine Creek	COLD SS	PCR	DWS
C-19	Little Sand Creek - source to mouth	COLD SS	SCR	
C-20	Big Sand Creek - source to mouth	COLD SS	SCR	
C-21	North Fork Palouse River - source to mouth	COLD SS	SCR	
C-22	Strychnine Creek - source to mouth	COLD SS	SCR	
C-23	Meadow Creek - East Fork Meadow Creek to mouth	COLD	SCR	
C-24	East Fork Meadow Creek - source to mouth	COLD SS	SCR	
C-25	Meadow Creek - source to East Fork Meadow Creek	COLD SS	SCR	
C-26	White Pine Creek - source to mouth	COLD SS	SCR	
C-27a	Big Creek - source to T42N, R03W, Sec. 08	COLD SS	SCR	
C-27b	Big Creek - T42N, R03W, Sec. 08 to mouth	COLD	SCR	
C-28	Jerome Creek - source to mouth	COLD SS	SCR	
C-29	Gold Creek - T42N, R04W, Sec. 28 to mouth	COLD	SCR	
C-30	Gold Creek - source to T42N, R04W, Sec. 28	COLD SS	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
C-31a	Crane Creek - source to T42N, 04W, Sec. 28	COLD	SCR	
C-31b	Crane Creek - T42N, 04W, Sec. 08 to mouth	COLD	SCR	
C-32a	Deep Creek - source to T42, R05, Sec. 02	COLD	SCR	
C-32b	Deep Creek - T42, R05, Sec. 02 to mouth	COLD	SCR	
C-33a	Cedar Creek - source to T43N, R05W, Sec. 28	COLD	SCR	
C-33b	Cedar Creek - T43N, R05W, Sec. 28 to Idaho/Washington border	COLD	SCR	

(5-3-03)

02. Rock Subbasin. The Rock Subbasin, HUC 17060109, is comprised of three (3) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	South Fork Pine Creek - source to Idaho/Washington border	COLD	SCR	
C-2	North Fork Pine Creek - source to Idaho/Washington border	COLD	SCR	
C-3	Unnamed Tributaries - source to Idaho/Washington border (T44N, R05W, Sec.31 / T43N, R05W, Sec. 6)	COLD	SCR	

(5-3-03)

03. Upper Selway Subbasin. The Upper Selway Subbasin, HUC 17060301, is comprised of fifty-eight (58) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	Selway River - Bear Creek to Moose Creek	COLD SS	PCR	DWS SRW
C-2	Magpie Creek - source to mouth			
C-3	Bitch Creek - source to mouth			
C-4	Selway River - White Cap Creek to Bear Creek	COLD SS	PCR	DWS SRW
C-5	Ditch Creek - source to mouth			
C-6	Elk Creek - source to mouth			
C-7	Goat Creek - source to mouth			
C-8	Running Creek - Lynx Creek to mouth			
C-9	Running Creek - source to Lynx Creek			
C-10	South Fork Running Creek - source to mouth			
C-11	Lynx Creek - source to mouth			
C-12	Eagle Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
C-13	Crooked Creek - source to mouth			
C-14	Selway River - Deep Creek to White Cap Creek	COLD SS	PCR	DWS SRW
C-15	Little Clearwater River- Flat Creek to mouth			
C-16	Short Creek - source to mouth			
C-17	Little Clearwater River - source to Flat Creek			
C-18	Burnt Knob Creek - source to mouth			
C-19	Salamander Creek - source to mouth			
C-20	Flat Creek - source to mouth			
C-21	Magruder Creek - source to mouth			
C-22	Selway River - confluence of Hidden and Surprise Creeks to Deep Creek	COLD SS	PCR	DWS SRW
C-23	Three Lakes Creek - source to mouth			
C-24	Swet Creek - source to mouth			
C-25	Stripe Creek - source to mouth			
C-26	Hidden Creek - source to mouth			
C-27	Surprise Creek - source to mouth			
C-28	Wilkerson Creek - Storm Creek to mouth			
C-29	Wilkerson Creek - source to Storm Creek			
C-30	Storm Creek - source to mouth			
C-31	Deep Creek - source to mouth			
C-32	Vance Creek - source to mouth			
C-33	Lazy Creek - source to mouth			
C-34	Pete Creek - source to mouth			
C-35	Cayuse Creek - source to mouth			
C-36	Indian Creek - source to mouth			
C-37	Schofield Creek - source to mouth			
C-38	Snake Creek - source to mouth			
C-39	White Cap Creek - Canyon Creek to mouth			
C-40	Canyon Creek - source to mouth			
C-41	Cooper Creek - source to mouth			
C-42	White Cap Creek - source to Canyon Creek			
C-43	Paloma Creek - source to mouth			
C-44	Bad Luck Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
C-45	Gardner Creek - source to mouth			
C-46	North Star Creek - source to mouth			
C-47	Bear Creek - Cub Creek to mouth			
C-48	Cub Creek - Brushy Fork Creek to mouth			
C-49	Brushy Fork Creek - source to mouth			
C-50	Cub Creek - source to Brushy Fork Creek			
C-51	Paradise Creek - source to mouth			
C-52	Bear Creek - Wahoo Creek to Cub Creek			
C-53	Bear Creek - source to Wahoo Creek			
C-54	Granite Creek - source to mouth			
C-55	Wahoo Creek - source to mouth			
C-56	Pettibone Creek - source to mouth			
C-57	Cow Creek - source to mouth			
C-58	Dog Creek - source to mouth			

(4-5-00)()

04. Lower Selway Subbasin. The Lower Selway Subbasin, HUC 17060302, is comprised of fifty-five (55) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	Selway River - O'Hara Creek to mouth	COLD SS	PCR	DWS SRW
C-2	Goddard Creek - source to mouth	COLD SS	SCR	
C-3	O'Hara Creek - confluence of West and East Fork O'Hara Creeks to mouth	COLD SS	SCR	
C-4	West Fork O'Hara Creek - source to mouth			
C-5	East Fork O'Hara Creek - source to mouth			
C-6	Selway River - Meadow Creek to O'Hara Creek	COLD SS	PCR	DWS SRW
C-7	Falls Creek - source to mouth	COLD SS	SCR	
C-8	Meadow Creek - Buck Lake Creek to mouth	COLD SS	SCR	
C-9	Horse Creek - source to mouth			
C-10	Fivemile Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
C-11	Little Boulder Creek - source to mouth			
C-12	Meadow Creek - East Fork Meadow Creek to Buck Lake Creek	COLD SS	SCR	
C-13	Butte Creek - source to mouth	COLD SS	SCR	
C-14	Sable Creek - source to mouth	COLD SS	SCR	
C-15	Simmons Creek - source to mouth	COLD SS	SCR	
C-16	Meadow Creek - source to East Fork Meadow Creek			
C-17	Butter Creek - source to mouth			
C-18	Three Prong Creek - source to mouth			
C-19	East Fork Meadow Creek - source to mouth			
C-20	Schwar Creek - source to mouth			
C-21	Buck Lake Creek - source to mouth			
C-22	Selway River - Moose Creek to Meadow Creek	COLD SS	PCR	DWS <i>SRW</i>
C-23	Otter Creek - source to mouth			
C-24	Mink Creek - source to mouth			
C-25	Marten Creek - source to mouth			
C-26	Trout Creek - source to mouth			
C-27	Moose Creek - East Fork Moose Creek to mouth			
C-28	East Fork Moose Creek - Cedar Creek to Moose Creek			
C-29	Freeman Creek - source to mouth			
C-30	Monument Creek - source to mouth			
C-31	Elbow Creek - source to mouth			
C-32	Battle Creek - source to mouth			
C-33	East Fork Moose Creek - source to Cedar Creek			
C-34	Chute Creek - source to mouth			
C-35	Dead Elk Creek - source to mouth			
C-36	Cedar Creek - source to mouth			
C-37	Maple Creek - source to mouth			
C-38	Double Creek - source to mouth			
C-39	Fitting Creek - source to mouth			
C-40	North Fork Moose Creek - Rhoda Creek to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
C-41	North Fork Moose Creek - West Moose Creek to Rhoda Creek			
C-42	North Fork Moose Creek - source to West Fork Moose Creek			
C-43	West Fork Moose Creek - source to mouth			
C-44	Rhoda Creek - Wounded Doe Creek to mouth			
C-45	Wounded Doe Creek - source to mouth			
C-46	Rhoda Creek - source to Wounded Doe Creek			
C-47	Lizard Creek - Lizard Lakes to mouth			
C-48	Meeker Creek - source to mouth			
C-49	Three Links Creek - source to mouth			
C-50	Gedney Creek - West Fork Gedney Creek to mouth			
C-51	Gedney Creek - source to West Fork Gedney Creek			
C-52	West Fork Gedney Creek - source to mouth			
C-53	Glover Creek - source to mouth	COLD SS	SCR	
C-54	Boyd Creek - source to mouth	COLD SS	SCR	
C-55	Rackliff Creek - source to mouth	COLD SS	SCR	

(5-3-03)()

05. **Lochsa Subbasin.** The Lochsa Subbasin, HUC 17060303, is comprised of sixty-five (65) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	Lochsa River - Deadman Creek to mouth	COLD SS	PCR	DWS SRW
C-2	Kerr Creek - source to mouth			
C-3	Lochsa River - Old Man Creek to Deadman Creek	COLD SS	PCR	DWS SRW
C-4	Coolwater Creek - source to mouth			
C-5	Fire Creek - source to mouth			
C-6	Split Creek - source to mouth			
C-7	Old Man Creek - source to mouth			
C-8	Lochsa River - Fish Creek to Old Man Creek	COLD SS	PCR	DWS SRW

Unit	Waters	Aquatic Life	Recreation	Other
C-9	Lochsa River - Indian Grave Creek to Fish Creek	COLD SS	PCR	DWS <i>SRW</i>
C-10	Boulder Creek - source to mouth			
C-11	Stanley Creek - source to mouth			
C-12	Eagle Mountain Creek - source to mouth			
C-13	Lochsa River- Warm Springs Creek to Indian Grave Creek	COLD SS	PCR	DWS <i>SRW</i>
C-14	Sponge Creek - Fish Lake Creek to mouth			
C-15	Sponge Creek - source to Fish Lake Creek			
C-16	Fish Lake Creek - source to mouth			
C-17	Warm Springs Creek - Wind Lakes Creek to mouth			
C-18	Warm Springs Creek - source to Wind Lakes Creek			
C-19	Wind Lakes Creek - source to mouth			
C-20	Lochsa River - confluence of Crooked Fork, White Sand Creek, and Walton Creek to Warm Springs Creek	COLD SS	PCR	DWS <i>SRW</i>
C-21	Jay Creek - source to mouth			
C-22	Cliff Creek - source to mouth			
C-23	Walton Creek - source to mouth			
C-24	White Sand Creek - Storm Creek to mouth			
C-25	White Sand Creek - source to Storm Creek			
C-26	Colt Creek - source to mouth			
C-27	Big Sand Creek - Hidden Creek to mouth			
C-28	Swamp Creek - source to mouth			
C-29	Big Sand Creek - source to Hidden Creek			
C-30	Hidden Creek - source to mouth			
C-31	Big Flat Creek - source to mouth			
C-32	Storm Creek - source to mouth			
C-33	Beaver Creek - source to mouth			
C-34	Crooked Fork - Brushy Fork to mouth			
C-35	Brushy Fork - Spruce Creek to mouth			
C-36	Spruce Creek - source to mouth			
C-37	Brushy Fork - source to Spruce Creek			
C-38	Crooked Fork - source to Brushy Fork			
C-39	Hopeful Creek - source to mouth			
C-40	Boulder Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
C-41	Papoose Creek - source to mouth			
C-42	Parachute Creek - source to mouth			
C-43	Wendover Creek - source to mouth			
C-44	Badger Creek - source to mouth			
C-45	Squaw Creek - source to mouth			
C-46	West Fork Squaw Creek - source to mouth			
C-47	Doe Creek - source to mouth			
C-48	Postoffice Creek - source to mouth			
C-49	Weir Creek - source to mouth			
C-50	Indian Grave Creek - source to mouth			
C-51	Bald Mountain Creek - source to mouth			
C-52	Fish Creek - Hungery Creek to mouth			
C-53	Willow Creek - source to mouth			
C-54	Hungery Creek - Obia Creek to mouth			
C-55	Obia Creek - source to mouth			
C-56	Hungery Creek - source to Obia Creek			
C-57	Fish Creek - source to Hungery Creek			
C-58	Bimerick Creek - source to mouth			
C-59	Deadman Creek - East Fork Deadman Creek to mouth			
C-60	East Fork Deadman Creek - source to mouth			
C-61	Deadman Creek - source to East Fork Deadman Creek			
C-62	Canyon Creek - source to mouth			
C-63	Pete King Creek - Walde Creek to mouth			
C-64	Walde Creek - source to mouth			
C-65	Pete King Creek - source to Walde Creek			

(4-5-00)()

06. Middle Fork Clearwater Subbasin. The Middle Fork Clearwater Subbasin, HUC 17060304, is comprised of eleven (11) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	Middle Fork Clearwater River - confluence of Lochsa and Selway River to mouth	COLD SS	PCR	DWS SRW
C-2	Clear Creek - South Fork Clear Creek to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
C-3	West Fork Clear Creek - source to mouth			
C-4	South Fork Clear Creek - source to mouth			
C-5	Kay Creek - source to mouth			
C-6	Clear Creek - source to South Fork Clear Creek	COLD SS	SCR	
C-7	Middle Fork Clear Creek - source to mouth			
C-8	Browns Spring Creek - source to mouth	COLD SS	SCR	
C-9	Pine Knob Creek - source to mouth	COLD SS	SCR	
C-10	Lodge Creek - source to mouth	COLD SS	SCR	
C-11	Maggie Creek - source to mouth			

(5-3-03)()

07. South Fork Clearwater Subbasin. The South Fork Clearwater Subbasin, HUC 17060305, is comprised of eighty-two (82) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	South Fork Clearwater River - Butcher Creek to mouth	COLD SS	PCR	SRW
C-2	Cottonwood Creek - Cottonwood Creek waterfall (9.0 miles upstream) to mouth	COLD SS	PCR	
C-3	Cottonwood Creek - source to Cottonwood Creek waterfall (9.0 miles upstream)	COLD SS	PCR	
C-4	Red Rock Creek - Red Rock Creek waterfall (3.6 miles upstream) to mouth			
C-5	Red Rock Creek - source to Red Rock Creek waterfall (3.6 miles upstream)			
C-6	Stockney Creek - source to mouth			
C-7	Shebang Creek - source to mouth			
C-8	South Fork Cottonwood Creek - source to mouth			
C-9	Long Haul Creek - source to mouth			
C-10	Threemile Creek - source to mouth	COLD SS	SCR	
C-11a	Butcher Creek - unnamed tributary (4.5 miles above mouth) in T30N, R03E, Sec. 1 to mouth	COLD SS	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
C-11b	Butcher Creek - source to unnamed tributary (4.5 miles above mouth) in T30N, R03E, Sec. 1	COLD	SCR	
C-12	South Fork Clearwater River - Johns Creek to Butcher Creek	COLD SS	PCR	<i>SRW</i>
C-13	Mill Creek - source to mouth			
C-14	Johns Creek - Gospel Creek to mouth	COLD SS	SCR	
C-15	Gospel Creek - source to mouth	COLD SS	SCR	
C-16	West Fork Gospel Creek - source to mouth	COLD SS	SCR	
C-17	Johns Creek - Moores Creek to Gospel Creek	COLD SS	SCR	
C-18	Johns Creek - source to Moores Creek	COLD SS	SCR	
C-19	Moores Creek - source to mouth	COLD SS	SCR	
C-20	Square Mountain Creek - source to mouth	COLD SS	SCR	
C-21	Hagen Creek - source to mouth	COLD SS	SCR	
C-22	South Fork Clearwater River - Tenmile Creek to Johns Creek	COLD SS	PCR	<i>SRW</i>
C-23	Wing Creek - source to mouth	COLD SS	SCR	
C-24	Twentymile Creek - source to mouth			
C-25	Tenmile Creek - Sixmile Creek to mouth			
C-26	Tenmile Creek - Williams Creek to Sixmile Creek	COLD SS	SCR	
C-27	Tenmile Creek - source to Williams Creek	COLD SS	SCR	
C-28	Williams Creek - source to mouth	COLD SS	SCR	
C-29	Sixmile Creek - source to mouth			
C-30	South Fork Clearwater River - Crooked River to Tenmile Creek	COLD SS	PCR	<i>SRW</i>
C-31	Crooked River - Relief Creek to mouth	COLD SS	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
C-32	Crooked River - confluence of West and East Fork Crooked Rivers to Relief Creek	COLD SS	SCR	
C-33	West Fork Crooked River - source to mouth			
C-34	East Fork Crooked River - source to mouth			
C-35	Relief Creek - source to mouth			
C-36	South Fork Clearwater River - confluence of American River and Red River to Crooked River	COLD SS	PCR	SRW
C-37	Red River- Siegel Creek to mouth	COLD SS	PCR	DWS SRW
C-38	Red River - South Fork Red River to Siegel Creek	COLD SS	PCR	DWS SRW
C-39	Moose Butte Creek - source to mouth			
C-40	South Fork Red River - Trapper Creek to mouth	COLD SS	SCR	
C-41	South Fork Red River - West Fork Red River to Trapper Creek	COLD SS	SCR	
C-42	West Fork Red River - source to mouth	COLD SS	SCR	
C-43	South Fork Red River - source to West Fork Red River	COLD SS	SCR	
C-44	Trapper Creek - source to mouth	COLD SS	SCR	
C-45	Red River - source to South Fork Red River	COLD SS	SCR	DWS SRW
C-46	Soda Creek - source to mouth	COLD SS	SCR	
C-47	Bridge Creek - source to mouth	COLD SS	SCR	
C-48	Otterson Creek - source to mouth	COLD SS	SCR	
C-49	Trail Creek - source to mouth	COLD SS	SCR	
C-50	Siegel Creek - source to mouth	COLD SS	SCR	
C-51	Red Horse Creek - source to mouth			
C-52	American River - East Fork American River to mouth	COLD SS	PCR	DWS SRW
C-53	Kirks Fork - source to mouth			
C-54	East Fork American River - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
C-55	American River - source to East Fork American River	COLD SS	PCR	DWS SRW
C-56	Elk Creek - confluence of Big Elk and Little Elk Creeks to mouth			
C-57	Little Elk Creek - source to mouth	COLD SS	SCR	
C-58	Big Elk Creek - source to mouth	COLD SS	SCR	
C-59	Buffalo Gulch - source to mouth			
C-60	Whiskey Creek - source to mouth	COLD SS	SCR	
C-61	Maurice Creek - source to mouth			
C-62	Newsome Creek - Beaver Creek to mouth			
C-63	Bear Creek - source to mouth			
C-64	Nugget Creek - source to mouth			
C-65	Beaver Creek - source to mouth			
C-66	Newsome Creek - Mule Creek to Beaver Creek			
C-67	Mule Creek - source to mouth	COLD SS	SCR	
C-68	Newsome Creek - source to Mule Creek			
C-69	Haysfork Creek - source to mouth			
C-70	Baldy Creek - source to mouth	COLD SS	SCR	
C-71	Pilot Creek - source to mouth			
C-72	Sawmill Creek - source to mouth			
C-73	Sing Lee Creek - source to mouth			
C-74	West Fork Newsome Creek - source to mouth			
C-75	Leggett Creek - source to mouth			
C-76	Fall Creek - source to mouth			
C-77	Silver Creek - source to mouth	COLD SS	SCR	
C-78	Peasley Creek - source to mouth			
C-79	Cougar Creek - source to mouth			
C-80	Meadow Creek - source to mouth			
C-81	Sally Ann Creek - source to mouth			
C-82	Rabbit Creek - source to mouth			

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08. Clearwater Subbasin. The Clearwater Subbasin, HUC 17060306, is comprised of sixty-seven (67) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	Lower Granite Dam pool	COLD	PCR	DWS
C-2	Clearwater River - Potlatch River to Lower Granite Dam pool	COLD SS	PCR	DWS <i>SRW</i>
C-3	Lindsay Creek - source to mouth	COLD	SCR	<i>SRW</i>
C-4	Lapwai Creek - Sweetwater Creek to mouth	COLD	PCR	
C-5	Sweetwater Creek - Webb Creek to mouth			
C-6	Sweetwater Creek - source to Webb Creek			
C-7	Webb Creek - source to mouth			
C-8	Lapwai Creek - Winchester Lake to Sweetwater Creek	COLD	PCR	
C-9	Winchester Lake	COLD	PCR	DWS <i>SRW</i>
C-10	Lapwai Creek - source to Winchester Lake	COLD SS	PCR	DWS
C-11	Mission Creek - source to mouth			
C-12	Tom Beall Creek - source to mouth			
C-13	Clearwater River - North Fork Clearwater River to mouth	COLD SS	PCR	DWS <i>SRW</i>
C-14	Cottonwood Creek - source to mouth	COLD SS	SCR	
C-15	Jacks Creek - source to mouth			
C-16	Big Canyon Creek - source to mouth	COLD SS	PCR	
C-17	Cold Springs Creek - source to mouth			
C-18	Little Canyon Creek - confluence of Holes and Long Hollow Creeks to mouth			
C-19	Holes Creek - source to mouth			
C-20	Long Hollow Creek - source to mouth			
C-21	Clearwater River - Lolo Creek to North Fork Clearwater River	COLD SS	PCR	DWS <i>SRW</i>
C-22	Clearwater River - confluence of South and Middle Fork Clearwater Rivers to Lolo Creek	COLD SS	PCR	DWS <i>SRW</i>
C-23	Sixmile Creek - source to mouth			
C-24	Lawyer Creek - source to mouth	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
C-25	Sevenmile Creek - source to mouth			
C-26	Lolo Creek - Yakus Creek to mouth			
C-27	Yakus Creek - source to mouth			
C-28	Lolo Creek - source to Yakus Creek			
C-29	Eldorado Creek - source to mouth			
C-30	Yoosa Creek - source to mouth			
C-31	Jim Brown Creek - source to mouth			
C-32	Musselshell Creek - source to mouth			
C-33	Big Creek - source to mouth			
C-34	Jim Ford Creek - Jim Ford Creek waterfall (12.5 miles upstream) to mouth	COLD	PCR	
C-35	Jim Ford Creek - source to Jim Ford Creek waterfall (12.5 miles upstream)	COLD	PCR	
C-36	Grasshopper Creek - source to mouth	COLD	PCR	DWS
C-37	Winter Creek - Winter Creek waterfall (3.4 miles upstream) to mouth			
C-38	Winter Creek - source to Winter Creek waterfall (3.4 miles upstream)			
C-39	Orofino Creek - source to mouth	COLD SS	PCR	
C-40	Whiskey Creek - source to mouth			
C-41	Bedrock Creek - source to mouth			
C-42	Louse Creek - source to mouth			
C-43	Pine Creek - source to mouth			
C-44	Potlatch River - Big Bear Creek to mouth	COLD SS	PCR	DWS
C-45	Potlatch River - Corral Creek to Big Bear Creek	COLD SS	PCR	DWS
C-46	Cedar Creek - source to mouth			
C-47	Boulder Creek - source to mouth			
C-48	Potlatch River - Moose Creek to Corral Creek	COLD SS	PCR	DWS
C-49	Potlatch River - source to Moose Creek	COLD SS	PCR	DWS <i>SRW</i>
C-50	Little Boulder Creek - source to mouth			
C-51	East Fork Potlatch River - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
C-52	Ruby Creek - source to mouth			
C-53	Moose Creek - source to mouth			
C-54	Corral Creek - source to mouth			
C-55	Pine Creek - source to mouth			
C-56	Big Bear Creek - confluence of West and East Fork Big Bear Creeks to mouth			
C-57	East Fork Big Bear Creek - source to mouth			
C-58	West Fork Big Bear Creek - source to mouth			
C-59	Dry Creek - source to mouth			
C-60	Little Bear Creek - source to mouth	COLD SS	SCR	
C-61	West Fork Little Bear Creek - source to mouth			
C-62	Middle Potlatch Creek - source to mouth	COLD	SCR	
C-63	Bethel Canyon - source to mouth			
C-64	Little Potlatch Creek - source to mouth	COLD	SCR	
C-65	Howard Gulch - source to mouth			
C-66	Catholic Creek - source to mouth			
C-67	Hatwai Creek - source to mouth			

(5-3-03)()

09. Upper North Fork Clearwater Subbasin. The Upper North Fork Clearwater Subbasin, HUC 17060307, is comprised of forty-nine (49) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	North Fork Clearwater River - Skull Creek to Aquarius Campground (T40N, R07E, Sec. 05)	COLD SS	PCR	DWS <i>SRW</i>
C-2	North Fork Clearwater River- Washington Creek to Skull Creek	COLD SS	PCR	DWS <i>SRW</i>
C-3	Washington Creek - source to mouth	COLD SS	SCR	
C-4	North Fork Clearwater River - Orogrande Creek to Washington Creek	COLD SS	PCR	DWS <i>SRW</i>
C-5	Orogrande Creek - French Creek to mouth			
C-6	Orogrande Creek - source to French Creek			
C-7	French Creek - source to mouth	COLD	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
C-8	North Fork Clearwater River - Weitas Creek to Orogrande Creek	COLD SS	PCR	DWS <i>SRW</i>
C-9	Weitas Creek - Hemlock Creek to mouth			
C-10	Hemlock Creek - source to mouth			
C-11	Weitas Creek - Windy Creek to Hemlock Creek			
C-12	Middle Creek - source to mouth	COLD SS	SCR	
C-13	Little Weitas Creek - source to mouth	COLD	SCR	
C-14	Weitas Creek - source to Windy Creek	COLD SS	SCR	
C-15	Windy Creek - source to mouth	COLD	SCR	
C-16	North Fork Clearwater River - Kelly Creek to Weitas Creek	COLD SS	PCR	DWS <i>SRW</i>
C-17	Fourth of July Creek - source to mouth			
C-18	Kelly Creek - Cayuse Creek to mouth			
C-19	Cayuse Creek - Gravey Creek to mouth			
C-20	Monroe Creek - source to mouth	COLD SS	SCR	
C-21	Gravey Creek - source to mouth	COLD SS	SCR	
C-22	Cayuse Creek - source to Gravey Creek			
C-23	Toboggan Creek - source to mouth	COLD	SCR	
C-24	Kelly Creek - confluence of North and Middle Fork Kelly Creek to Cayuse Creek			
C-25	South Fork Kelly Creek - source to mouth			
C-26	Middle Fork Kelly Creek - source to mouth			
C-27	North Fork Kelly Creek - source to mouth			
C-28	Moose Creek - Osier Creek to mouth			
C-29	Little Moose Creek - source to mouth			
C-30	Osier Creek - source to mouth	COLD SS	SCR	
C-31	Moose Creek - source to Osier Creek			
C-32	North Fork Clearwater River - Lake Creek to Kelly Creek	COLD SS	PCR	DWS <i>SRW</i>
C-33	Lake Creek - source to mouth	COLD SS	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
C-34	North Fork Clearwater River - Vanderbilt Gulch to Lake Creek	COLD SS	PCR	DWS <i>SRW</i>
C-35	Long Creek - source to mouth	COLD SS	SCR	
C-36	North Fork Clearwater River - source to Vanderbilt Gulch	COLD SS	PCR	DWS <i>SRW</i>
C-37	Vanderbilt Gulch - source to mouth			
C-38	Meadow Creek - source to mouth			
C-39	Elizabeth Creek - source to mouth	COLD SS	SCR	
C-40	Cold Springs Creek - source to mouth	COLD SS	SCR	
C-41	Sprague Creek - source to mouth			
C-42	Larson Creek - source to mouth	COLD	SCR	
C-43	Rock Creek - source to mouth	COLD SS	SCR	
C-44	Quartz Creek - source to mouth			
C-45	Cougar Creek - source to mouth			
C-46	Skull Creek - Collins Creek to mouth	COLD	SCR	
C-47	Skull Creek - source to Collins Creek			
C-48	Collins Creek - source to mouth	COLD SS	SCR	

(5-3-03)()

10. Lower North Fork Clearwater Subbasin. The Lower North Fork Clearwater Subbasin, HUC 17060308, is comprised of thirty-four (34) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
C-1	North Fork Clearwater River - Dworshak Reservoir Dam to mouth	COLD SS	PCR	DWS <i>SRW</i>
C-2	Dworshak Reservoir	COLD SS	PCR	DWS <i>SRW</i>
C-3	Reeds Creek - Alder Creek to Dworshak Reservoir	COLD SS	PCR	DWS
C-4	Reeds Creek - source to Alder Creek	COLD SS	PCR	DWS
C-5	Alder Creek - source to mouth			
C-6	Silver Creek - source to Dworshak Reservoir			

Unit	Waters	Aquatic Life	Recreation	Other
C-7	Benton Creek - source to Dworshak Reservoir			
C-8	North Fork Clearwater River - Aquarius Campground (T40N, R07E, Sec. 05) to Dworshak Reservoir	COLD SS	PCR	DWS <i>SRW</i>
C-9	Beaver Creek - source to mouth	COLD SS	SCR	
C-10	Isabella Creek - source to mouth			
C-11	Little North Fork Clearwater River - Foehl Creek to Dworshak Reservoir			
C-12	Little North Fork Clearwater River - Spotted Louis Creek to Foehl Creek			
C-13	Sawtooth Creek - source to mouth			
C-14	Canyon Creek - source to mouth			
C-15	Spotted Louis Creek - source to mouth			
C-16	Little North Fork Clearwater River - Rutledge Creek to Spotted Louis Creek			
C-17	Rutledge Creek - source to mouth			
C-18	Little North Fork Clearwater River - source to Rutledge Creek			
C-19	Foehl Creek - source to mouth			
C-20	Stoney Creek - Glover Creek to Dworshak Reservoir			
C-21	Floodwood Creek - source to mouth			
C-22	Glover Creek - source to mouth			
C-23	Stoney Creek - source to Glover Creek	COLD SS	SCR	
C-24	Isabella Creek - source to mouth			
C-25	Breakfast Creek - source to mouth			
C-26	Gold Creek - source to Dworshak Reservoir			
C-27	Weitas Creek - source to Dworshak Reservoir			
C-28	Swamp Creek - source to Dworshak Reservoir			
C-29	Cranberry Creek - source to Dworshak Reservoir			
C-30	Elk Creek - source to Dworshak Reservoir	COLD SS	PCR	DWS
C-31	Bull Run Creek - confluence of Squaw and Shattuck Creeks to mouth			
C-32	Shattuck Creek - source to mouth			
C-33	Squaw Creek - source to mouth			
C-34	Long Meadow Creek - source to Dworshak Reservoir			

Unit	Waters	Aquatic Life	Recreation	Other
C-35	Dicks Creek - source to Dworshak Reservoir			

(5-3-03)()

121. -- 129. (RESERVED).

130. SALMON BASIN.

Surface waters found within the Salmon basin total twelve (12) subbasins and are designated as follows: (4-5-00)

01. Hells Canyon Subbasin. The Hells Canyon Subbasin, HUC 17060101, is comprised of twenty-eight (28) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Snake River - Wolf Creek to Salmon River	COLD SS	PCR	DWS SRW
S-2	Snake River - Sheep Creek to Wolf Creek	COLD SS	PCR	DWS SRW
S-3	Snake River - Hells Canyon Dam to Sheep Creek	COLD SS	PCR	DWS SRW
S-4	Deep Creek - source to mouth			
S-5	Brush Creek - source to mouth			
S-6	Granite Creek - source to mouth			
S-7	Little Granite Creek - source to mouth			
S-8	Bernard Creek - source to mouth			
S-9	Sheep Creek - confluence of West and East Fork Sheep Creeks to mouth			
S-10	West Fork Sheep Creek - source to mouth			
S-11	East Fork Sheep Creek - source to mouth			
S-12	Clarks Fork - source to mouth			
S-13	Caribou Creek - source to mouth			
S-14	Kirkwood Creek - source to mouth			
S-15	Kirby Creek - source to mouth			
S-16	Corral Creek - source to mouth			
S-17	Klopton Creek - source to mouth			
S-18	Kurry Creek - source to mouth			
S-19	West Creek - source to mouth			
S-20	Big Canyon Creek - source to mouth			
S-21	Jones Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-22	Highrange Creek - source to mouth			
S-23	Getta Creek - source to mouth			
S-24	Wolf Creek - Basin Creek to mouth			
S-25	Wolf Creek - source to Basin Creek			
S-26	Basin Creek - source to mouth			
S-27	Dry Creek - source to mouth			
S-28	Divide Creek - source to mouth			

(4-5-00)()

02. Lower Snake-Asotin Subbasin. The Lower Snake-Asotin Subbasin, HUC 17060103, is comprised of sixteen (16) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Snake River - Asotin River (Idaho/Oregon border) to Lower Granite Dam pool	COLD	PCR	DWS
S-2	Snake River - Captain John Creek to Asotin River (Idaho/Oregon border)	COLD	PCR	DWS <i>SRW</i>
S-3	Snake River - Cottonwood Creek to Captain John Creek	COLD	PCR	DWS <i>SRW</i>
S-4	Snake River - Salmon River to Cottonwood Creek	COLD	PCR	DWS <i>SRW</i>
S-5	Cottonwood Creek - source to mouth			
S-6	Cave Gulch - source to mouth	COLD	SCR	
S-7	Corral Creek - source to mouth			
S-8	Middle Creek - source to mouth	COLD	SCR	
S-9	Dough Creek - source to mouth	COLD	SCR	
S-10	Billy Creek - source to mouth			
S-11	Captain John Creek - source to mouth			
S-12	Redbird Creek - source to mouth	COLD	SCR	
S-13	Tenmile Canyon - source to mouth	COLD	SCR	
S-14	Tammany Creek - Unnamed Tributary (T34N, R05W, Sec. 24) to mouth	COLD	SCR	
S-15	Unnamed Tributary - source to mouth (T34N, R05W, Sec. 24)	COLD	SCR	
S-16	Tammany Creek - source to Unnamed Tributary (T34N, R05W, Sec. 24)	COLD	SCR	

(5-3-03)()

03. Upper Salmon Subbasin. The Upper Salmon Subbasin, HUC 17060201, is comprised of one hundred thirty-two (132) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Salmon River - Pennal Gulch to Pashsimeroi River	COLD SS	PCR	DWS SRW
S-2	Morgan Creek - West Creek to mouth			
S-3	Morgan Creek - source to West Creek			
S-4	West Creek - Blowfly Creek to mouth			
S-5	Blowfly Creek - source to mouth			
S-6	West Creek - source to Blowfly Creek			
S-7	Challis Creek - Darling Creek to mouth			
S-8	Darling Creek - source to mouth			
S-9	Challis Creek - Bear Creek to Darling Creek			
S-10	Eddy Creek - source to mouth			
S-11	Bear Creek - source to mouth			
S-12	Challis Creek - source to Bear Creek			
S-13	Mill Creek - source to mouth			
S-14	Salmon River - Garden Creek to Pennal Gulch	COLD SS	PCR	DWS SRW
S-15	Garden Creek - source to mouth			
S-16	Salmon River - East Fork Salmon River to Garden Creek	COLD SS	PCR	DWS SRW
S-17	Bayhorse Creek - source to mouth			
S-18	Lyon Creek - source to mouth			
S-19	Salmon River - Squaw Creek to East Fork Salmon River	COLD SS	PCR	DWS SRW
S-20	Kinnikinic Creek - source to mouth			
S-21	Squaw Creek - Cash Creek to mouth	COLD SS	SCR	
S-22	Cash Creek - source to mouth			
S-23	Squaw Creek - confluence of Aspen and Cinnabar Creeks to Cash Creek	COLD SS	SCR	
S-24	Aspen Creek - source to mouth			
S-25	Cinnabar Creek - source to mouth			
S-26	Bruno Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-27	Salmon River - Thompson Creek to Squaw Creek	COLD SS	PCR	DWS SRW
S-28	Thompson Creek - source to mouth	COLD SS	SCR	
S-29	Pat Hughes Creek - source to mouth			
S-30	Buckskin Creek - source to mouth			
S-31	Salmon River - Yankee Fork Creek to Thompson Creek	COLD SS	PCR	DWS SRW
S-32	Yankee Fork Creek - Jordan Creek to mouth	COLD SS	PCR	DWS SRW
S-33	Ramey Creek - source to mouth			
S-34	Yankee Fork Creek - source to Jordan Creek	COLD SS	PCR	DWS SRW
S-35	Fivemile Creek - source to mouth			
S-36	Elevenmile Creek - source to mouth			
S-37	McKay Creek - source to mouth			
S-38	Twentymile Creek - source to mouth			
S-39	Tenmile Creek - source to mouth			
S-40	Eightmile Creek - source to mouth			
S-41	Jordan Creek - from and including Unnamed Tributary (T13N, R15E, Sec. 29) to mouth			
S-42	Jordan Creek - source to Unnamed Tributary (T13N, R15E, Sec. 29)			
S-43	West Fork Yankee Fork Creek - Lightning Creek to mouth			
S-44	Lightning Creek - source to mouth			
S-45	West Fork Yankee Fork Creek - source to Lightning Creek			
S-46	Cabin Creek - source to mouth			
S-47	Salmon River - Valley Creek to Yankee Fork Creek	COLD SS	PCR	DWS SRW
S-48	Basin Creek - East Basin Creek to mouth			
S-49	East Basin Creek - source to mouth			
S-50	Basin Creek - source to East Basin Creek			
S-51	Valley Creek - Trap Creek to mouth			
S-52	Stanley Creek - source to mouth			
S-53	Valley Creek - source to Trap Creek			
S-54	Trap Creek - Meadow Creek to mouth			
S-55	Trap Creek - source to Meadow Creek			

Unit	Waters	Aquatic Life	Recreation	Other
S-56	Meadow Creek - source to mouth			
S-57	Elk Creek - source to mouth			
S-58	Stanley Creek - source to mouth			
S-59	Crooked Creek - source to mouth			
S-60	Iron Creek - source to mouth			
S-61	Goat Creek - source to mouth			
S-62	Meadow Creek - source to mouth			
S-63	Salmon River - Redfish Lake Creek to Valley Creek	COLD SS	PCR	DWS <i>SRW</i>
S-64	Redfish Lake Creek - Redfish Lake to mouth			
S-65	Fishhook Creek - source to mouth			
S-66	Redfish Lake			
S-67	Redfish Lake Creek - source to Redfish Lake			
S-68	Salmon River - Unnamed Tributary (T19N, R13E, Sec. 25) to Redfish Lake Creek	COLD SS	PCR	DWS <i>SRW</i>
S-69	Decker Creek - Huckleberry Creek to mouth			
S-70	Decker Creek - source to Huckleberry Creek			
S-71	Huckleberry Creek - source to mouth			
S-72	Salmon River - Fisher Creek to Decker Creek	COLD SS	PCR	DWS <i>SRW</i>
S-73	Salmon River - Alturas Lake Creek to Fisher Creek	COLD SS	PCR	DWS <i>SRW</i>
S-74	Hell Roaring Creek - source to mouth			
S-75	Alturas Lake Creek - Alturas Lake to mouth			
S-76	Toxaway/Farley Lake - source to mouth			
S-77	Pettit Lake			
S-78	Alturas Lake			
S-79	Alturas Lake Creek - source to Alturas Lake			
S-80	Alpine Creek - source to mouth			
S-81	Salmon River - source to Alturas Lake Creek	COLD SS	PCR	DWS <i>SRW</i>
S-82	Beaver Creek - source to mouth			
S-83	Smiley Creek - source to mouth			
S-84	Frenchman Creek - source to mouth			
S-85	Pole Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-86	Champion Creek - source to mouth			
S-87	Fourth of July Creek - source to mouth			
S-88	Fisher Creek - source to mouth			
S-89	Williams Creek - source to mouth			
S-90	Gold Creek - source to mouth			
S-91	Little Casino Creek - source to mouth			
S-92	Big Casino Creek - source to mouth			
S-93	Rough Creek - source to mouth			
S-94	Warm Springs Creek - Swimm Creek to mouth			
S-95	Warm Springs Creek - Pigtail Creek to Swimm Creek			
S-96	Pigtail Creek - source to mouth			
S-97	Warm Springs Creek - source to Pigtail Creek			
S-98	Swimm Creek - source to mouth			
S-99	Slate Creek - source to mouth			
S-100	Holman Creek - source to mouth			
S-101	Sullivan Creek - source to mouth			
S-102	East Fork Salmon River - Herd Creek to mouth	COLD SS	PCR	DWS SRW
S-103	East Fork Salmon River - Germania Creek to Herd Creek	COLD SS	PCR	DWS SRW
S-104	Big Lake Creek - source to mouth			
S-105	Big Boulder Creek - source to mouth			
S-106	Little Boulder Creek - source to mouth			
S-107	Germania Creek - Chamberlain Creek to mouth			
S-108	Chamberlain Creek - source to mouth			
S-109	Germania Creek - source to Chamberlain Creek			
S-110	East Fork Salmon River - confluence of South and West Fork Salmon Rivers to Germania	COLD SS	PCR	DWS SRW
S-111	West Fork East Fork Salmon River - source to mouth			
S-112	South Fork East Fork Salmon River - source to mouth			
S-113	Ibex Creek - source to mouth			
S-114	West Pass Creek - source to mouth			
S-115	Bowery Creek - source to mouth			
S-116	Pine Creek - source to mouth			
S-117	McDonald Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-118	Herd Creek - confluence of West Fork Herd Creek and East Pass Creek to mouth			
S-119	East Pass Creek - source to mouth			
S-120	Taylor Creek - source to mouth			
S-121	West Fork Herd Creek - source to mouth			
S-122	East Fork Herd Creek - source to mouth			
S-123	Lake Creek - source to mouth			
S-124	Road Creek - Corral Basin Creek to mouth			
S-125	Road Creek - source to Corral Basin Creek			
S-126	Mosquito Creek - source to mouth			
S-127	Corral Basin Creek - source to mouth			
S-128	Horse Basin Creek - source to mouth			
S-129	Spar Canyon Creek - source to mouth			
S-130	Bradshaw Gulch - source to mouth			
S-131	Warm Spring Creek - Hole-in-Rock Creek to mouth			
S-132	Warm Spring Creek - source to Hole-in-Rock Creek			
S-133	Broken Wagon Creek - source to mouth			
S-134	Hole-in-Rock Creek - source to mouth			
S-135	Pennal Gulch - source to mouth			

(3-30-01)()

04. Pahsimeroi Subbasin. The Pahsimeroi Subbasin, HUC 17060202, is comprised of thirty-nine (39) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Pahsimeroi River - Patterson Creek to mouth	COLD SS	PCR	DWS <i>SRW</i>
S-2	Pahsimeroi River - Meadow Creek to Patterson Creek	COLD SS	PCR	DWS <i>SRW</i>
S-3	Lawson Creek - confluence of North and South Fork Lawson Creeks to mouth			
S-4	North Fork Lawson Creek - source to mouth			
S-5	South Fork Lawson Creek - source to mouth			
S-6	Meadow Creek - source to mouth			
S-7	Pahsimeroi River - Furley Road (T15S, R22E) to Meadow Creek	COLD SS	PCR	DWS <i>SRW</i>

Unit	Waters	Aquatic Life	Recreation	Other
S-8	Pahsimeroi River - Big Creek to Furley Road (T15S, R22E)	COLD SS	PCR	DWS <i>SRW</i>
S-9	Grouse Creek - source to mouth			
S-10	Pahsimeroi River - Goldburg Creek to Big Creek	COLD SS	PCR	DWS <i>SRW</i>
S-11	Pahsimeroi River - Unnamed Tributary (T12N, R23E, Sec. 22) to Goldburg Creek	COLD SS	PCR	DWS <i>SRW</i>
S-12	Unnamed Tributary - source to mouth (T12N, R23E, Sec. 22)			
S-13	Doublespring Creek - Christian Gulch to mouth			
S-14	Christian Gulch - source to mouth			
S-15	Doublespring Creek - source to Christian Gulch			
S-16	Mud Spring Canyon Complex			
S-17	Pahsimeroi River - Burnt Creek to Unnamed Tributary (T12N, R23E, Sec. 22)	COLD SS	PCR	DWS <i>SRW</i>
S-18	Pahsimeroi River - Mahogany Creek to Burnt Creek	COLD SS	PCR	DWS <i>SRW</i>
S-19	Mahogany Creek - source to mouth			
S-20	Pahsimeroi River - confluence of Rock Creek and East Fork Pahsimeroi River to Mahogany Creek	COLD SS	PCR	DWS <i>SRW</i>
S-21	Rock Creek - source to mouth			
S-22	East Fork Pahsimeroi River - source to mouth			
S-23	Burnt Creek - Long Creek to mouth			
S-24	Burnt Creek - source to Long Creek			
S-25	Long Creek - Short Creek to mouth			
S-26	Short Creek - source to mouth			
S-27	Long Creek - source to Short Creek			
S-28	Goldburg Creek - Donkey Creek to mouth			
S-29	Donkey Creek -source to mouth			
S-30	Goldburg Creek - source to Donkey Creek			
S-31	Big Creek - confluence of North and South Fork Big Creeks to mouth			
S-32	South Fork Big Creek - source to mouth			
S-33	North Fork Big Creek - source to mouth			
S-34	Patterson Creek - Inyo Creek to mouth			
S-35	Patterson Creek - source to and including Inyo Creek			
S-36	Falls Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-37	Morse Creek - Irrigation junction to mouth			
S-38	Morse Creek - source to Irrigation junction (T15S, R23E)			
S-39	Morgan Creek - source to mouth			

(4-5-00)()

05. **Middle Salmon-Panther Subbasin.** The Middle Salmon-Panther Subbasin, HUC 17060203, is comprised of eighty-eight (88) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Salmon River - Panther Creek to Middle Fork Salmon River	COLD SS	PCR	DWS SRW
S-2	Panther Creek - Big Deer Creek to mouth	COLD SS	SCR	
S-3	Garden Creek - source to mouth			
S-4	Clear Creek - source to mouth			
S-5	Big Deer Creek - South Fork Big Deer Creek to mouth			
S-6	Big Deer Creek - source to South Fork Big Deer Creek			
S-7	South Fork Big Deer Creek - Bucktail Creek to mouth			
S-8	South Fork Big Deer Creek -source to Bucktail Creek			
S-9	Bucktail Creek - source to mouth	NONE	NONE	
S-10	Panther Creek - Napias Creek to Big Deer Creek	COLD SS	SCR	
S-11	Panther Creek - Blackbird Creek to Napias Creek	COLD SS	SCR	
S-12a	Blackbird Creek - source to Blackbird Reservoir Dam	COLD SS	SCR	
S-12b	Blackbird Creek - Blackbird Reservoir Dam to mouth	NONE	SCR	
S-13a	West Fork Blackbird Creek - source to concrete channel	COLD SS	SCR	
S-13b	West Fork Blackbird Creek - concrete channel to mouth only	NONE	SCR	
S-14	Panther Creek - Porphyry Creek to Blackbird Creek	COLD SS	PCR	DWS SRW
S-15	Musgrove Creek - source to mouth			
S-16	Porphyry Creek - source to mouth			
S-17	Panther Creek - source to Porphyry Creek	COLD SS	PCR	DWS SRW
S-18	Moyer Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-19	Woodtick Creek - source to mouth			
S-20	Deep Creek - Little Deep Creek to mouth			
S-21	Little Deep Creek - source to mouth			
S-22	Deep Creek - source to Little Deep Creek			
S-23	Napias Creek - Moccasin Creek to mouth			
S-24	Napias Creek - Arnett Creek to and including Moccasin Creek			
S-25	Napias Creek - source to Arnett Creek			
S-26	Arnett Creek - source to mouth			
S-27	Trail Creek - source to mouth			
S-28	Beaver Creek - source to mouth			
S-29	Salmon River - Indian Creek to Panther Creek	COLD SS	PCR	DWS SRW
S-30	Pine Creek - source to mouth			
S-31	East Boulder Creek - source to mouth			
S-32	Salmon River - North Fork Sheep Creek to Indian Creek	COLD SS	PCR	DWS SRW
S-33	Moose Creek - Little Moose Creek to mouth			
S-34	Little Moose Creek - source to mouth			
S-35	Moose Creek - Dolly Creek to Little Moose Creek			
S-36	Moose Creek - source to Dolly Creek			
S-37	Dolly Creek - source to mouth			
S-38	Dump Creek - Moose Creek to mouth			
S-39	Salmon River - Carmen Creek to North Fork Salmon River	COLD SS	PCR	DWS SRW
S-40	Wallace Creek - source to mouth			
S-41	Salmon River - Pollard Creek to Carmen Creek	COLD SS	PCR	DWS SRW
S-42	Salmon River - Williams Creek to Pollard Creek	COLD SS	PCR	DWS SRW
S-43	Williams Creek - confluence of North and South Fork Williams Creek to mouth			
S-44	North Fork Williams Creek - source to mouth			
S-45	South Fork Williams Creek - source to mouth			
S-46	Salmon River - Twelvemile Creek to Williams Creek	COLD SS	PCR	DWS SRW

Unit	Waters	Aquatic Life	Recreation	Other
S-47	Salmon River - Iron Creek to Twelvemile Creek	COLD SS	PCR	DWS SRW
S-48	Iron Creek - North Fork Iron Creek to mouth			
S-49	North Fork Iron Creek - source to mouth			
S-50	Iron Creek - source to North Fork Iron Creek			
S-51	West Fork Iron Creek - source to mouth			
S-52	South Fork Iron Creek - source to mouth			
S-53	Salmon River - Pahsimeroi River to Iron Creek	COLD SS	PCR	DWS SRW
S-54	Hot Creek - source to mouth			
S-55	Cow Creek - source to mouth			
S-56	Allison Creek - source to mouth			
S-57	McKim Creek - source to mouth			
S-58	Poison Creek - source to mouth			
S-59	Warm Springs Creek - source to mouth			
S-60	Twelvemile Creek - source to mouth			
S-61	Carmen Creek - Freeman Creek to mouth			
S-62	Freeman Creek - source to mouth			
S-63	Carmen Creek - source to Freeman Creek			
S-64	Tower Creek - source to mouth			
S-65	Fourth of July Creek - Little Fourth of July Creek to mouth			
S-66	Fourth of July Creek - source to Little Fourth of July Creek			
S-67	Little Fourth of July Creek - source to mouth			
S-68	North Fork Salmon River - Hughes Creek to mouth	COLD SS	PCR	DWS SRW
S-69	Big Silverlead Creek - source to mouth			
S-70	North Fork Salmon River - Sheep Creek to Hughes Creek	COLD SS	PCR	DWS SRW
S-71	Sheep Creek - source to mouth			
S-72	North Fork Salmon River - Dahlonga Creek to Sheep Creek	COLD SS	PCR	DWS SRW
S-73	Dahlonga Creek - Nez Perce Creek to mouth			
S-74	Dahlonga Creek - source to Nez Perce Creek			
S-75	Nez Perce Creek - source to mouth			
S-76	Anderson Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-77	North Fork Salmon River - Twin Creek to Dahlongea Creek	COLD SS	PCR	DWS SRW
S-78	North Fork Salmon River - source to Twin Creek	COLD SS	PCR	DWS SRW
S-79	Pierce Creek - source to mouth			
S-80	Twin Creek - source to mouth			
S-81	Hughes Creek - source to mouth			
S-82	Hull Creek - source to mouth			
S-83	Indian Creek - source to mouth			
S-84	Squaw Creek - source to mouth			
S-85	Spring Creek - source to mouth			
S-86	Boulder Creek - source to mouth			
S-87	Owl Creek - East Fork Owl Creek to mouth			
S-88	East Fork Owl Creek - source to mouth			
S-89	Owl Creek - source to East Fork Owl Creek			
S-90	Colson Creek - source to mouth			

(3-15-02)()

06. **Lemhi Subbasin.** The Lemhi Subbasin, HUC 17060204, is comprised of sixty-six (66) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Lemhi River - Kenney Creek to mouth	COLD SS	PCR	DWS SRW
S-2	Mulkey Creek - source to mouth			
S-3a	Withington Creek - diversion (T20N, R23E, Sec. 09) to mouth			
S-3b	Withington Creek - source to diversion (T20N, R23E, Sec. 09)	COLD SS	SCR	
S-4	Haynes Creek - source to mouth			
S-5	Lemhi River - Hayden Creek to Kenney Creek	COLD SS	PCR	DWS SRW
S-6	Baldy Creek - source to mouth			
S-7a	McDevitt Creek - diversion (T19N, R23E, Sec. 36) to mouth			
S-7b	McDevitt Creek - source to diversion (T19N, R23E, Sec. 36)	COLD SS	SCR	
S-8	Muddy Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-9	Hayden Creek - Basin Creek to mouth	COLD SS	SCR	
S-10	Basin Creek - Lake Creek to mouth	COLD SS	SCR	
S-11	Basin Creek - confluence of McNutt Creek and Trail Creek to Lake Creek	COLD SS	SCR	
S-12	Trail Creek - source mouth			
S-13	McNutt Creek - source to mouth			
S-14	Lake Creek - source to mouth			
S-15	Hayden Creek - Bear Valley Creek to Basin Creek	COLD SS	SCR	
S-16	Bear Valley Creek -Wright Creek to mouth	COLD SS	SCR	
S-17	Bear Valley Creek - source to Wright Creek	COLD SS	SCR	
S-18	Wright Creek - source to mouth			
S-19	Kadletz Creek - source to mouth			
S-20	Hayden Creek -West Fork Hayden Creek to Bear Valley Creek	COLD SS	SCR	
S-21	Hayden Creek - source to West Fork Hayden Creek	COLD SS	SCR	
S-22	West Fork Hayden Creek - source to mouth			
S-23	East Fork Hayden Creek - source to mouth	COLD SS	SCR	
S-24	Lemhi River - Peterson Creek to Hayden Creek	COLD SS	PCR	DWS <i>SRW</i>
S-25	Lemhi River - confluence of Big and Little Eightmile Creeks to Peterson Creek	COLD SS	PCR	DWS <i>SRW</i>
S-26a	Mill Creek - diversion (T16N, R24E, Sec. 22) to mouth			
S-26b	Mill Creek - source to diversion (T16N, R24E, Sec. 22)	COLD SS	SCR	
S-27	Walter Creek - source to mouth			
S-28	Lee Creek - source to mouth			
S-29a	Big Eightmile Creek - diversion (T16N, R25E, Sec. 21) to mouth			
S-29b	Big Eightmile Creek - source to diversion (T16N, R25E, Sec. 21)	COLD SS	SCR	
S-30	Lemhi River - confluence of Eighteenmile Creek and Texas Creek to the confluence of Big and Little Eightmile Creeks	COLD SS	PCR	DWS <i>SRW</i>

Unit	Waters	Aquatic Life	Recreation	Other
S-31	Big Timber Creek - Little Timber Creek to mouth			
S-32a	Little Timber Creek - diversion (T15N, R25E, Sec. 24) to mouth			
S-32b	Little Timber Creek - source to diversion (T15N, R25E, Sec. 24)	COLD SS	SCR	
S-33	Big Timber Creek - Rocky Creek to Little Timber Creek	COLD SS	SCR	
S-34	Rocky Creek - source to mouth			
S-35	Big Timber Creek - source to Rocky Creek	COLD SS	SCR	
S-36	Texas Creek - Deer Creek to mouth			
S-37	Deer Creek - source to mouth			
S-38	Texas Creek - Meadow Creek to Deer Creek			
S-39	Meadow Lake Creek - source to mouth			
S-40	Texas Creek - source to Meadow Lake Creek			
S-41	Eighteenmile Creek - Hawley Creek to mouth			
S-42	Eighteenmile Creek - Clear Creek to Hawley Creek			
S-43	Eighteenmile Creek - Divide Creek to Hawley Creek	COLD	SCR	
S-44	Divide Creek - source to mouth			
S-45	Eighteenmile Creek - source to Divide Creek	COLD SS	SCR	
S-46	Clear Creek - source to mouth			
S-47	Tenmile Creek - Powderhorn Gulch to mouth			
S-48	Tenmile Creek - source to Powderhorn Gulch			
S-49	Powderhorn Gulch - source to mouth			
S-50a	Hawley Creek - diversion (T15N, R27E, Sec. 03) to mouth			
S-50b	Hawley Creek - source to diversion (T15N, R27E, Sec. 03)			
S-51a	Canyon Creek - diversion (T16N, R26E, Sec.22) to mouth			
S-51b	Canyon Creek - source to diversion (T16N, R26E, Sec.22)	COLD SS	SCR	
S-52a	Little Eightmile Creek - diversion (T16N, R25E, Sec. 02) to mouth			
S-52b	Little Eightmile Creek - source to diversion (T16N, R25E, Sec. 02)	COLD SS	SCR	
S-53	Peterson Creek - source to mouth			
S-54	Reese Creek - source to mouth			
S-55a	Yearian Creek - diversion (T17N, R24E, Sec. 03) to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-55b	Yearian Creek - source to diversion (T17N, R24E, Sec. 03)	COLD SS	SCR	
S-56a	Agency Creek - diversion (T19N, R24E, Sec. 28) to mouth			
S-56b	Agency Creek - Cow Creek to diversion (T19N, R24E, Sec. 28)	COLD SS	SCR	
S-57	Cow Creek - source to mouth	COLD SS	SCR	
S-58	Agency Creek - source to Cow Creek	COLD SS	SCR	
S-59a	Pattee Creek - diversion (T19N, R24E, Sec. 16) to mouth			
S-59b	Pattee Creek - source to diversion (T19N, R24E, Sec. 16)	COLD SS	SCR	
S-60a	Pratt Creek - diversion (T20N, R23E, Sec. 11) to mouth			
S-60b	Pratt Creek - source to diversion (T20N, R23E, Sec. 11)	COLD SS	SCR	
S-61	Kenney Creek - source to mouth	COLD SS	SCR	
S-62a	Sandy Creek - diversion (T20N, R24E, Sec. 17) to mouth			
S-62b	Sandy Creek - source to diversion (T20N, R24E, Sec. 17)	COLD SS	SCR	
S-63	Wimpey Creek - source to mouth	COLD SS	SCR	
S-64a	Bohannon Creek - diversion (T21N, R23E, Sec. 22) to mouth			
S-64b	Bohannon Creek - source to diversion (T21N, R23E, Sec. 22)	COLD SS	SCR	
S-65a	Geertson Creek - diversion (T21N, R23E, Sec. 20) to mouth			
S-65b	Geertson Creek - source to diversion (T21N, R23E, Sec. 20)	COLD SS	SCR	
S-66a	Kirtley Creek - diversion (T21N, R22E, Sec. 02) to mouth			
S-66b	Kirtley Creek - source to diversion (T21N, R22E, Sec. 02)	COLD SS	SCR	

(4-5-00)()

07. Upper Middle Fork Salmon Subbasin. The Upper Middle Fork Salmon Subbasin, HUC 17060205, is comprised of seventy (70) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Middle Fork Salmon River - confluence of Bear Valley Creek and Marsh Creek to Loon Creek	COLD SS	PCR	DWS SRW
S-2	Marble Creek - source to mouth			
S-3	Trail Creek - source to mouth			
S-4	Big Cottonwood Creek - source to mouth			
S-5	Dynamite Creek - source to mouth			
S-6	Indian Creek - source to mouth			
S-7	Pistol Creek - source to mouth			
S-8	Elkhorn Creek - source to mouth			
S-9	Sulphur Creek - source to mouth			
S-10	Boundary Creek - source to mouth			
S-11	Dagger Creek - source to mouth			
S-12	Bear Valley Creek - source to mouth			
S-13	Elk Creek - source to mouth			
S-14	Sheep Trail Creek - source to mouth			
S-15	Cub Creek - source to mouth			
S-16	Cache Creek - source to mouth			
S-17	Fir Creek - source to mouth			
S-18	Marsh Creek - Beaver Creek to mouth			
S-19	Marsh Creek - Knapp Creek to Beaver Creek			
S-20	Cape Horn Creek - Banner Creek to mouth			
S-21	Cape Horn Creek - source to Banner Creek			
S-22	Banner Creek - source to mouth			
S-23	Swamp Creek - source to mouth			
S-24	Marsh Creek - source to Knapp Creek			
S-25	Knapp Creek - source to mouth			
S-26	Asher Creek - source to mouth			
S-27	Unnamed Tributary - source to mouth (T12N, R11E, Sec. 11)			
S-28	Beaver Creek - Bear Creek to mouth			
S-29	Beaver Creek - Winnemucca Creek to Bear Creek			
S-30	Winnemucca Creek - source to mouth			
S-31	Beaver Creek - source to Winnemucca Creek			
S-32	Bear Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-33	Soldier Creek - source to mouth			
S-34	Greyhound Creek - source to mouth			
S-35	Rapid River - Bell Creek to mouth			
S-36	Bell Creek - source to mouth			
S-37	Rapid River - Lucinda Creek to Bell Creek			
S-38	Rapid River - Float Creek to Lucinda Creek			
S-39	Float Creek - source to mouth			
S-40	Rapid River - Vanity Creek to Float Creek			
S-41	Vanity Creek - source to mouth			
S-42	Rapid River - source to Vanity Creek			
S-43	Lucinda Creek - source to mouth			
S-44	Sheep Creek - confluence of North and South Fork Sheep Creek to mouth			
S-45	South Fork Sheep Creek - source to mouth			
S-46	North Fork Sheep Creek - source to mouth			
S-47	Little Loon Creek - source to mouth			
S-48	Loon Creek - Cabin Creek to mouth			
S-49	Loon Creek - Warm Springs Creek to Cabin Creek			
S-50	Loon Creek - Cottonwood Creek to Warm Springs Creek			
S-51	Loon Creek - Shell Creek to Cottonwood Creek			
S-52	Shell Creek - source to mouth			
S-53	Loon Creek - Grouse Creek to Shell Creek			
S-54	Grouse Creek - source to mouth			
S-55	Loon Creek - Canyon Creek to Grouse Creek			
S-56	Canyon Creek - source to mouth			
S-57	Loon Creek - Pioneer Creek to Canyon Creek			
S-58	Trail Creek - source to mouth			
S-59	Loon Creek - source to Pioneer Creek			
S-60	Pioneer Creek - source to mouth			
S-61	No Name Creek - source to mouth			
S-62	Mayfield Creek - confluence of East and West Fork Mayfield Creek to mouth			
S-63	West Fork Mayfield Creek - source to mouth			
S-64	East Fork Mayfield Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-65	Cottonwood Creek - source to mouth			
S-66	South Fork Cottonwood Creek - source to mouth			
S-67	Warm Springs Creek - Trapper Creek to mouth			
S-68	Trapper Creek - source to mouth			
S-69	Warm Springs Creek - source to Trapper Creek			
S-70	Cabin Creek - source to mouth			

(4-5-00)()

08. **Lower Middle Fork Salmon Subbasin.** The Lower Middle Fork Salmon Subbasin, HUC 17060206, is comprised of fifty (50) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Middle Fork Salmon River - Loon Creek to mouth	COLD SS	PCR	DWS <u>SRW</u>
S-2	Papoose Creek - source to mouth			
S-3	Big Creek - source to mouth	COLD SS	PCR	DWS <u>SRW</u>
S-4	Cabin Creek - source to mouth			
S-5	Cave Creek - source to mouth			
S-6	Crooked Creek - source to mouth			
S-7	Big Ramey Creek - source to mouth			
S-8	Beaver Creek - source to mouth			
S-9	Smith Creek - source to mouth			
S-10	Logan Creek - source to mouth			
S-11	Little Marble Creek - source to mouth			
S-12	Monumental Creek - source to mouth	COLD SS	PCR	DWS <u>SRW</u>
S-13	Snowslide Creek - source to mouth			
S-14	West Fork Monumental Creek - source to mouth			
S-15	Rush Creek - source to mouth			
S-16	Two Point Creek - source to mouth			
S-17	Soldier Creek - source to mouth			
S-18	Brush Creek - source to mouth			
S-19	Sheep Creek - source to mouth			
S-20	Camas Creek - Yellowjacket Creek to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-21	Camas Creek - Forge Creek to Yellowjacket Creek			
S-22	Camas Creek - Duck Creek to Forge Creek			
S-23	Camas Creek - Silver Creek to Duck Creek			
S-24	West Fork Camas Creek - source to mouth			
S-25	Camas Creek - Castle Creek to Silver Creek			
S-26	Camas Creek - Furnance Creek to Castle Creek			
S-27	Camas Creek - White Goat Creek to Furnance Creek			
S-28	Camas Creek - South Fork Camas Creek to White Goat Creek			
S-29	South Fork Camas Creek - source to mouth			
S-30	Camas Creek - source to South Fork Camas Creek			
S-31	White Goat Creek - source to mouth			
S-32	Furnace Creek - source to mouth			
S-33	Castle Creek - source to mouth			
S-34	Silver Creek - source to mouth			
S-35	Duck Creek - source to mouth			
S-36	Forge Creek - source to mouth			
S-37	Yellowjacket Creek - Jenny Creek to mouth			
S-38	Yellowjacket Creek - Hoodoo Creek to Jenny Creek			
S-39	Yellowjacket Creek - Little Jacket Creek to Hoodoo Creek			
S-40	Little Jacket Creek - source to mouth			
S-41	Yellowjacket Creek - Trail Creek to Little Jacket Creek			
S-42	Trail Creek - source to mouth			
S-43	Yellowjacket Creek - source to Trail Creek			
S-44	Hoodoo Creek - source to mouth			
S-45	Jenny Creek - source to mouth			
S-46	Wilson Creek - source to mouth			
S-47	Waterfall Creek - source to mouth			
S-48	Ship Island Creek - source to mouth			
S-49	Roaring Creek - source to mouth			
S-50	Goat Creek - source to mouth			

(4-5-00)()

09. Middle Salmon-Chamberlain Subbasin. The Middle Salmon-Chamberlain Subbasin, HUC 17060207, is comprised of seventy-seven (77) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Salmon River - South Fork Salmon River to river mile 106 (T24N, R04E, Sec. 18)	COLD	PCR	DWS SRW
S-2	Fall Creek - source to mouth			
S-3	Carey Creek - source to mouth			
S-4	California Creek - source to mouth			
S-5	Cottontail Creek - source to mouth			
S-6	Rabbit Creek - source to mouth			
S-7	Warren Creek - source to mouth			
S-8	Salmon River - Chamberlain Creek to South Fork Salmon River	COLD SS	PCR	DWS SRW
S-9	Fivemile Creek - source to mouth			
S-10	Little Fivemile Creek - source to mouth			
S-11	Lemhi Creek - source to mouth			
S-12	Fall Creek - source to mouth			
S-13	Trout Creek - source to mouth			
S-14	Richardson Creek - source to mouth			
S-15	Dillinger Creek - source to mouth			
S-16	Hot Springs Creek - source to mouth			
S-17	Big Bear Creek - source to mouth			
S-18	Salmon River - Horse Creek to Chamberlain Creek	COLD SS	PCR	DWS SRW
S-19	Chamberlain Creek - McCalla Creek to mouth			
S-20	Chamberlain Creek - Game Creek to McCalla Creek			
S-21	Queen Creek - source to mouth			
S-22	Game Creek - source to mouth			
S-23	West Fork Game Creek - source to mouth			
S-24	Chamberlain Creek - confluence of Rim and South Fork Chamberlain Creeks to Game Creek			
S-25	Flossie Creek - source to mouth			
S-26	Rim Creek - source to mouth			
S-27	South Fork Chamberlain Creek - source to mouth			
S-28	Moose Creek - source to mouth			
S-29	Lodgepole Creek - source to mouth			
S-30	McCalla Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-31	Whimstick Creek - source to mouth			
S-32	Disappointment Creek - source to mouth			
S-33	Starvation Creek - source to mouth			
S-34	Hungry Creek - source to mouth			
S-35	Cottonwood Creek - source to mouth			
S-36	Peak Creek - source to mouth			
S-37	Salmon River - Middle Fork Salmon River to Horse Creek	COLD SS	PCR	DWS <u>SRW</u>
S-38	Butts Creek - source to mouth			
S-39	Kitchen Creek - source to mouth			
S-40	Corn Creek - source to mouth			
S-41	Horse Creek - Little Horse Creek to mouth			
S-42	Little Horse Creek - source to mouth			
S-43	Horse Creek - Reynolds Creek to Little Horse Creek			
S-44	Horse Creek - source to Reynolds Creek			
S-45	East Fork Reynolds Creek - source to mouth			
S-46	Reynolds Creek - source to mouth			
S-47	West Horse Creek - source to mouth			
S-48	Little Squaw Creek - source to mouth			
S-49	Harrington Creek - source to mouth			
S-50	Sabe Creek - Hamilton Creek to mouth			
S-51	Hamilton Creek - source to mouth			
S-52	Sabe Creek - source to Hamilton Creek			
S-53	Center Creek - source to mouth			
S-54	Rattlesnake Creek - source to mouth			
S-55	Bargamin Creek - source to mouth			
S-56	Porcupine Creek - source to mouth			
S-57	Prospector Creek - source to mouth			
S-58	Cache Creek - source to mouth			
S-59	Salt Creek - source to mouth			
S-60	Rainey Creek - source to mouth			
S-61	Big Mallard Creek - source to mouth			
S-62	Little Mallard Creek - source to mouth			
S-63	Rhett Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-64	Big Blowout Creek - source to mouth			
S-65	Jersey Creek - source to mouth			
S-66	Indian Creek - source to mouth			
S-67	Crooked Creek - Lake Creek to mouth			
S-68	Crooked Creek - source to Lake Creek			
S-69	Big Creek - source to mouth			
S-70	Lake Creek - source to mouth			
S-71	Arlington Creek - source to mouth			
S-72	Bull Creek - source to mouth			
S-73	Elk Creek - source to mouth			
S-74	Sheep Creek - source to mouth			
S-75	Long Meadow Creek - source to mouth			
S-76	Wind River - source to mouth			
S-77	Meadow Creek - source to mouth			

(4-5-00)()

10. **South Fork Salmon Subbasin.** The South Fork Salmon Subbasin, HUC 17060208, is comprised of thirty-five (35) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	South Fork Salmon River - East Fork Salmon River to mouth	COLD SS	PCR	DWS <u>SRW</u>
S-2	Raines Creek - source to mouth	COLD SS	PCR	
S-3	Pony Creek - source to mouth	COLD SS	PCR	
S-4	Bear Creek - source to mouth	COLD SS	PCR	
S-5	Secesh River - confluence of Summitt Creek and Lake Creek to mouth	COLD SS	PCR	DWS <u>SRW</u>
S-6	Lake Creek - source to mouth	COLD SS	PCR	
S-7	Summit Creek - source to mouth	COLD SS	PCR	
S-8	Loon Creek - source to mouth	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
S-9	Lick Creek - source to mouth	COLD SS	PCR	
S-10	South Fork Salmon River - source to East Fork of the South Fork Salmon River	COLD SS	PCR	DWS SRW
S-11	Fitsum Creek - source to mouth	COLD SS	PCR	
S-12	Buckhorn Creek - source to mouth	COLD SS	PCR	
S-13	Cougar Creek - source to mouth	COLD SS	PCR	
S-14	Blackmare Creek - source to mouth	COLD SS	PCR	
S-15	Dollar Creek - source to mouth	COLD SS	PCR	
S-16	Six-bit Creek - source to mouth	COLD SS	PCR	
S-17	Trail Creek - source to mouth	COLD SS	PCR	
S-18	Rice Creek - source to mouth	COLD SS	PCR	
S-19	Cabin Creek - source to mouth	COLD SS	PCR	
S-20	Warm Lake	COLD	PCR	
S-21	Fourmile Creek - source to mouth	COLD SS	PCR	
S-22	Camp Creek - source to mouth	COLD SS	PCR	
S-23	East Fork of the South Fork Salmon River - source to mouth	COLD SS	PCR	DWS SRW
S-24	Caton Creek - source to mouth	COLD SS	PCR	
S-25	Johnson Creek - source to mouth	COLD SS	PCR	DWS SRW
S-26	Burntlog Creek - source to mouth	COLD SS	PCR	
S-27	Trapper Creek - source to mouth	COLD SS	PCR	
S-28	Riordan Creek - source to mouth	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
S-29	Sugar Creek - source to mouth	COLD SS	PCR	
S-30	Tamarack Creek - source to mouth	COLD SS	PCR	
S-31	Profile Creek - source to mouth	COLD SS	PCR	
S-32	Quartz Creek - source to mouth	COLD SS	PCR	
S-33	Sheep Creek - source to mouth	COLD SS	PCR	
S-34	Elk Creek - source to mouth	COLD SS	PCR	
S-35	Porphyry Creek - source to mouth	COLD SS	PCR	

(3-15-02)()

11. Lower Salmon Subbasin. The Lower Salmon Subbasin, HUC 17060209, is comprised of sixty-five (65) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Salmon River - Rice Creek to mouth	COLD	PCR	DWS SRW
S-2	Flynn Creek - source to mouth			
S-3	Cottonwood Creek - source to mouth			
S-4	Billy Creek - source to mouth			
S-5	Burnt Creek - source to mouth			
S-6	Round Spring Creek - source to mouth			
S-7	Rice Creek - source to mouth			
S-8	Salmon River - Slate Creek to Rice Creek	COLD	PCR	DWS SRW
S-9	Sotin Creek - source to mouth			
S-10	Deer Creek - source to mouth			
S-11	Salmon River - Little Salmon River to Slate Creek	COLD	PCR	DWS SRW
S-12	China Creek- source to mouth			
S-13	Cow Creek - source to mouth			
S-14	Race Creek - confluence West and South Fork Race Creek to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-15	West Fork Race Creek - source to mouth			
S-16	South Fork Race Creek - source to mouth			
S-17	Kessler Creek - source to mouth			
S-18	Grave Creek - source to mouth			
S-19	Salmon River - river mile 106 (T24N, R04E, Sec. 18) to Little Salmon River	COLD	PCR	DWS <i>SRW</i>
S-20	Lake Creek - source to mouth			
S-21	Partridge Creek - source to mouth			
S-22	Elkhorn Creek - source to mouth			
S-23	French Creek - Little French Creek to mouth			
S-24	Little French Creek - source to mouth			
S-25	French Creek - source to Little French Creek			
S-26	Kelly Creek - source to mouth			
S-27	Van Creek - source to mouth			
S-28	Allison Creek - West Fork Allison Creek to mouth			
S-29	Allison Creek - source to West Fork Allison Creek			
S-30	West Fork Allison Creek - source to mouth			
S-31	Berg Creek - source to mouth			
S-32	Fiddle Creek - source to mouth			
S-33	John Day Creek - source to mouth			
S-34	Slate Creek - from and including Hurley Creek to mouth			
S-35	Little Van Buren Creek - source to mouth			
S-36	Slate Creek - Little Slate Creek to Hurley Creek			
S-37	Little Slate Creek - source to mouth			
S-38	Deadhorse Creek - source to mouth			
S-39	Van Buren Creek - source to mouth			
S-40	Tumble Creek - source to mouth			
S-41	Slate Creek - source to Little Slate Creek			
S-42	North Fork Slate Creek - source to mouth			
S-43	McKinzie Creek - source to mouth			
S-44	Skookumchuck Creek - confluence North and South Fork Skookumchuck Creeks to mouth			
S-45	South Fork Skookumchuck Creek - source to mouth			
S-46	North Fork Skookumchuck Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-47	Whitebird Creek - confluence of North and South Fork Whitebird Creeks to mouth	COLD SS	PCR	DWS
S-48	South Fork Whitebird Creek - Little Whitebird Creek to mouth			
S-49	Little Whitebird Creek - source to mouth			
S-50	South Fork Whitebird Creek - source to Little Whitebird Creek			
S-51	Jungle Creek - source to mouth			
S-52	Asbestos Creek - source to mouth			
S-53	Teepee Creek - source to mouth			
S-54	Pinnacle Creek - source to mouth			
S-55	North Fork Whitebird Creek - source to mouth			
S-56	Rock Creek - Grave Creek to mouth	COLD SS	PCR	
S-57	Rock Creek - source to Grave Creek	COLD SS	PCR	
S-58	Grave Creek - source to mouth			
S-59	Telcher Creek - source to mouth			
S-60	Deep Creek - source to mouth			
S-61	Maloney Creek - source to mouth			
S-62	Deer Creek - source to mouth			
S-63	Eagle Creek - source to mouth			
S-64	China Creek - source to mouth			
S-65	Wapshilla Creek - source to mouth			

(4-5-00)()

12. Little Salmon Subbasin. The Little Salmon Subbasin, HUC 17060210, is comprised of sixteen (16) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
S-1	Little Salmon River - Round Valley Creek to mouth	COLD SS	PCR	DWS <i>SRW</i>
S-2	Rapid River - source to mouth	COLD SS	PCR	DWS <i>SRW</i>
S-3	West Fork Rapid River - source to mouth			
S-4	Paradise Creek - source to mouth			
S-5	Boulder Creek - source to mouth			
S-6	Round Valley Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
S-7	Little Salmon River - source to Round Valley Creek	COLD SS	PCR	DWS <u>SRW</u>
S-8	Mud Creek - source to mouth			
S-9	Big Creek - source to mouth			
S-10	Goose Creek - source to mouth			
S-11	Brundage Reservoir			
S-12	Goose Lake			
S-13	Sixmile Creek - source to mouth			
S-14	Hazard Creek - source to mouth			
S-15	Hard Creek - source to mouth			
S-16	Elk Creek - source to mouth			

(4-5-00)()

131. -- 139. (RESERVED).

140. SOUTHWEST IDAHO BASIN.

Surface waters found within the Southwest basin total nineteen (19) subbasins and are designated as follows:

(4-5-00)

01. C.J. Strike Reservoir Subbasin. The C.J. Strike Reservoir Subbasin, HUC 17050101, is comprised of twenty-six (26) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Snake River - Browns Creek to C.J. Strike Dam	COLD	PCR	DWS <u>SRW</u>
SW-2	Dune's Lake			
SW-3	Browns Creek - source to mouth			
SW-4	West Fork Browns Creek - source to mouth			
SW-5	Snake River - Clover Creek to Browns Creek	COLD	PCR	DWS <u>SRW</u>
SW-6	Sailor Creek - source to mouth			
SW-7	Pot Hole Creek - source to mouth			
SW-8	Deadman Creek - source to mouth			
SW-9	Rosevear Gulch - source to mouth			
SW-10	King Hill Creek - source to mouth			
SW-11	West Fork King Hill Creek - source to mouth			
SW-12	Little Canyon Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
SW-13	Alkali Creek - source to mouth			
SW-14	Cold Springs Creek - source to mouth			
SW-15	Ryegrass Creek - source to mouth			
SW-16	Bennett Creek - source to mouth			
SW-17	Hot Springs Reservoir			
SW-18	Dive Creek - source to mouth			
SW-19	Rattlesnake Creek - source to mouth (T05S, R06E)			
SW-20	Mountain Home Reservoir			
SW-21	Canyon Creek - Fraiser Reservoir Dam to mouth			
SW-22	Fraiser Reservoir			
SW-23	Canyon Creek - confluence of Syrup and Long Tom Creeks to Fraiser Reservoir			
SW-24	Long Tom Creek - source to mouth			
SW-25	Syrup Creek - source to mouth			
SW-26	Squaw Creek - source to mouth			

(4-5-00)()

02. **Bruneau Subbasin.** The Bruneau Subbasin, HUC 17050102, is comprised of thirty-five (35) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	C.J. Strike Reservoir	COLD	PCR	SRW
SW-2	Jacks Creek - confluence of Little and Big Jacks Creeks to C.J. Strike Reservoir			
SW-3	Little Jacks Creek - source to mouth			
SW-4	Big Jacks Creek -source to mouth			
SW-5	Cottonwood Creek - source to mouth			
SW-6	Duncan Creek - source to mouth			
SW-7	Wickahoney Creek - source to mouth			
SW-8	Sugar Valley Creek - source to mouth			
SW-9	Bruneau River - Hot Creek to C.J. Strike Reservoir	COLD SS	PCR	
SW-10	Hot Creek - source to mouth			
SW-11	Bruneau River - Clover Creek (East Fork Bruneau River) to Hot Creek	COLD SS	PCR	DWS SRW

Unit	Waters	Aquatic Life	Recreation	Other
SW-12	Miller Water - source to mouth			
SW-13	Bruneau River - Jarbridge River to Clover Creek (East Fork Bruneau River)	COLD SS	PCR	DWS SRW
SW-14	Sheep Creek - Idaho/Nevada border to mouth	COLD	PCR	
SW-15	Louse Creek - source to mouth			
SW-16	Marys Creek - source to mouth			
SW-17	Bull Creek - source to mouth			
SW-18	Pole Creek - Idaho/Nevada border to mouth			
SW-19	Cat Creek - Idaho/Nevada border to mouth			
SW-20	Bruneau River - Idaho/Nevada border to Jarbridge River	COLD SS	PCR	DWS SRW
SW-21	Jarbridge River - Idaho/Nevada border to mouth	COLD SS	PCR	DWS SRW
SW-22	Cougar Creek - source to mouth			
SW-23	Dorsey Creek - Idaho/Nevada border to mouth			
SW-24	East Fork Jarbridge River - Idaho/Nevada border to mouth	COLD SS	PCR	
SW-25	Poison Creek - Idaho/Nevada border to mouth			
SW-26	Unnamed Tributary - source to mouth (T11S, R07E, Sec. 27)			
SW-27	Sheepshead Draw - source to mouth			
SW-28	Clover Creek (East Fork Bruneau River) - confluence of Big Flat, Three, and Deadwood Creeks to mouth	COLD SS	PCR	DWS SRW
SW-29	Juniper Draw - source to mouth			
SW-30	Big Flat Creek - Idaho/Nevada border to mouth			
SW-31	Three Creek - Idaho/Nevada border to mouth			
SW-32	Cherry Creek - Idaho/Nevada border to mouth			
SW-33	Deer Creek - Idaho/Nevada border to mouth			
SW-34	Deadwood Creek - Idaho/Nevada to mouth			
SW-35	Buck Flat Draw - source to mouth			

(4-5-00)()

03. Middle Snake-Succor Subbasin. The Middle Snake-Succor Subbasin, HUC 17050103, is comprised of twenty-six (26) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Snake River - river mile 425 (T02N, R04W, Sec. 02) to Idaho/Oregon border	COLD	PCR	DWS
SW-2	Succor Creek - Idaho/Oregon border to mouth	COLD SS	PCR	
SW-3	Succor Creek - source to Idaho/Oregon border	COLD SS	PCR	
SW-4	McBride Creek - source to Idaho/Oregon border			
SW-5	Jump Creek - source to mouth	COLD	PCR	
SW-6	Snake River - C.J. Strike Dam to river mile 425 (T02N, R04W, Sec. 02)	COLD	PCR	DWS <i>SRW</i>
SW-7	Squaw Creek - source to mouth			
SW-8	Hardtrigger Creek - source to mouth			
SW-9	Reynolds Creek - source to mouth	COLD SS	PCR	
SW-10	West Rabbit Creek - source to mouth			
SW-11	Rabbit Creek - source to mouth			
SW-12	Sinker Creek - source to mouth	COLD SS	PCR	
SW-13	Fossil Creek - source to mouth			
SW-14	Castle Creek - source to mouth	COLD SS	PCR	
SW-15	Catherine Creek - confluence of Hart and Pickett Creeks to mouth			
SW-16	Pickett Creek - source to mouth			
SW-17	Bates Creek - source to mouth			
SW-18	Hart Creek - source to mouth			
SW-19	Brown Creek - source to mouth			
SW-20	South Fork Castle Creek - source to mouth			
SW-21	Birch Creek - source to mouth			
SW-22	McKeeth Wash - source to mouth			
SW-23	Vinson Wash - source to mouth			
SW-24	Shoofly Creek - source to mouth			
SW-25	Corder Creek - source to mouth			
SW-26	Rabbit Creek - source to mouth			

(4-5-00)()

04. Upper Owyhee Subbasin. The Upper Owyhee Subbasin, HUC 17050104, is comprised of thirty-

four (34) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Owyhee River - Juniper Creek to South Fork Owyhee River	COLD SS	PCR	DWS SRW
SW-2	Unnamed Tributaries and playas of YP Desert (T14S, R04W)			
SW-3	Piute Creek - source to mouth			
SW-4	Juniper Creek - Juniper Basin Reservoir Dam to mouth			
SW-5	Juniper Basin Reservoir			
SW-6	Owyhee River - Idaho/Nevada border to Juniper Creek	COLD SS	PCR	DWS SRW
SW-7	Blue Creek - Blue Creek Reservoir Dam to mouth			
SW-8	Boyle Creek Reservoir (Mt. View Lake)	COLD	PCR	
SW-9	Papoose/Mud Creek complex			
SW-10	Payne Creek - source to mouth			
SW-11	Squaw Creek - source to mouth			
SW-12	Little Blue Creek - source to mouth			
SW-13	Blue Creek - source to Blue Creek Reservoir Dam			
SW-14	Shoofly Creek - source to mouth			
SW-15	Harris Creek - source to mouth			
SW-16	Little Jarvis Lake			
SW-17	Rough Little Lake			
SW-18	Ross Lake			
SW-19	Juniper Lake			
SW-20	Henry Lake			
SW-21	Unnamed Tributary - source to mouth (T15S, R01W, Sec. 01)			
SW-22	Yatahoney Creek - source to mouth			
SW-23	Battle Creek - source to mouth			
SW-24	Dry Creek - source to mouth			
SW-25	Big Springs Creek - source to mouth			
SW-26	Deep Creek - source to mouth			
SW-27	Dickshooter Creek - source to mouth			
SW-28	Pole Creek - source to mouth			
SW-29	Camas Creek - source to mouth			
SW-30	Camel Creek - source to mouth			
SW-31	Nickel Creek - source to mouth			
SW-32	Castle Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
SW-33	Beaver Creek - source to mouth			
SW-34	Red Canyon Creek - source to mouth	COLD	PCR	

(4-5-00)()

05. South Fork Owyhee Subbasin. The South Fork Owyhee Subbasin, HUC 17050105, is comprised of five (5) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	South Fork Owyhee River - Idaho/Nevada border to mouth	COLD SS	PCR	DWS <i>SRW</i>
SW-2	Spring Creek - source to mouth			
SW-3	Bull Camp Reservoir			
SW-4	Homer Wells Reservoir			
SW-5	Coyote Flat - source to mouth			

(4-5-00)()

06. East Little Owyhee Subbasin. The East Little Owyhee Subbasin, HUC 17050106, is comprised of two (2) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Little Owyhee River - Idaho/Nevada border to mouth	COLD SS	PCR	DWS <i>SRW</i>
SW-2	Tent Creek- Idaho/Oregon border to mouth			

(4-5-00)()

07. Middle Owyhee Subbasin. The Middle Owyhee Subbasin, HUC 17050107, is comprised of fourteen (14) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Owyhee River - South Fork Owyhee River to Idaho/Oregon border	COLD SS	PCR	DWS <i>SRW</i>
SW-2	Oregon Lake Creek - source to Idaho/Oregon border			
SW-3	Field Creek - source to Idaho/Oregon border			
SW-4	Middle Fork Owyhee River - source to Idaho/Oregon border	COLD SS	PCR	DWS <i>SRW</i>
SW-5	Pole Creek - source to Idaho/Oregon border			

Unit	Waters	Aquatic Life	Recreation	Other
SW-6	Squaw Creek - source to Idaho/Oregon border	COLD SS	PCR	
SW-7	Cottonwood Creek - source to mouth			
SW-8	North Fork Owyhee River - source to Idaho/Oregon border	COLD SS	PCR	DWS SRW
SW-9	Pleasant Valley Creek - source to mouth	COLD	PCR	
SW-10	Noon Creek - source to mouth	COLD SS	PCR	
SW-11	Cabin Creek - source to mouth	COLD SS	PCR	
SW-12	Juniper Creek - source to mouth	COLD SS	PCR	
SW-13	Cherry Creek - source to Idaho/Oregon border			
SW-14	Soldier Creek - source to Idaho/Oregon border			

(5-3-03)()

08. Jordan Subbasin. The Jordan Subbasin, HUC 17050108, is comprised of twenty-three (23) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Jordan Creek - Williams Creek to Idaho/Oregon border	COLD SS	PCR	SRW
SW-2	Lone Tree Creek - source to mouth			
SW-3	Williams Creek - source to mouth	COLD	PCR	
SW-4	Jordan Creek - source to Williams Creek	COLD SS	PCR	SRW
SW-5	Big Boulder Creek - confluence of North and South Fork Boulder Creeks to mouth			
SW-6	South Fork Boulder Creek - source to mouth			
SW-7	North Fork Boulder Creek - source to mouth			
SW-8	Mammoth Creek - source to mouth			
SW-9	Combination Creek - source to mouth			
SW-10	Rock Creek - Triangle Reservoir Dam to mouth			
SW-11	Rose Creek - source to mouth			
SW-12	Josephine Creek - source to mouth			
SW-13	Rock Creek - source to and including Triangle Reservoir			
SW-14	Louisa Creek - source to Triangle Reservoir			

Unit	Waters	Aquatic Life	Recreation	Other
SW-15	Spring Creek - source to mouth			
SW-16	Deer Creek - source to mouth			
SW-17	Flint Creek - source to mouth			
SW-18	Louse Creek - source to mouth			
SW-19	Trout Creek - source to Idaho/Oregon border			
SW-20	Hooker Creek - source to Idaho/Oregon border			
SW-21	Cow Creek - source to Idaho/Oregon border			
SW-22	Soda Creek - source to mouth			
SW-23	Baxter Creek - source to Idaho/Oregon border			

(4-5-00)()

09. North and Middle Fork Boise Subbasin. The North and Middle Fork Boise Subbasin, HUC 17050111, is comprised of seventeen (17) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Middle Fork Boise River - source to mouth	COLD SS	PCR	DWS SRW
SW-2	East Fork Roaring River -source to mouth	COLD SS	PCR	
SW-3	Hot Creek - source to mouth	COLD SS	SCR	
SW-4	Yuba River - source to mouth	COLD SS	SCR	
SW-5	Decker Creek - source to mouth	COLD SS	SCR	
SW-6	Queens River - source to mouth	COLD SS	SCR	
SW-7	Little Queens River - source to mouth	COLD SS	SCR	
SW-8	Black Warrior Creek - source to mouth	COLD SS	SCR	
SW-9	Browns Creek - source to mouth	COLD SS	PCR	
SW-10	North Fork Boise River - source to mouth	COLD SS	PCR	DWS SRW
SW-11	Johnson Creek - source to mouth	COLD SS	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
SW-12	Bear River - source to mouth	COLD SS	SCR	
SW-13	Big Owl/Little Owl Creeks - source to mouth	COLD SS	PCR	
SW-14	Crooked River - source to mouth	COLD SS	PCR	
SW-15	Rabbit Creek - source to mouth	COLD SS	PCR	
SW-16	Meadow Creek - source to mouth	COLD	SCR	
SW-17	French Creek - source to mouth	COLD SS	SCR	

(3-30-01)()

10. Boise-Mores Subbasin. The Boise-Mores Subbasin, HUC 17050112, is comprised of seventeen (17) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Lucky Peak Reservoir (Boise River)	COLD SS	PCR	DWS SRW
SW-2	Arrowrock Reservoir (Boise River)	COLD SS	PCR	DWS SRW
SW-3	Grouse Creek - source to Arrowrock Reservoir			
SW-4	Boise River - confluence of North and Middle Fork Boise Rivers to Arrowrock Reservoir	COLD SS	PCR	DWS SRW
SW-5	Sheep Creek - source to mouth			
SW-6	Brown Creek - source to mouth			
SW-7	Cottonwood Creek - source to Arrowrock Reservoir			
SW-8	Deer Creek - source to Lucky Peak Reservoir			
SW-9	Mores Creek - source to Lucky Peak Reservoir	COLD SS	PCR	DWS
SW-10	Smith Creek - source to mouth			
SW-11	Thorn Creek - source to mouth			
SW-12	Elk Creek - source to mouth			
SW-13	Grimes Creek - source to mouth			
SW-14	Granite Creek - source to mouth	COLD	PCR	
SW-15	Macks Creek - source to mouth	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
SW-16	Daggett Creek - source to mouth			
SW-17	Robie Creek - source to Lucky Peak Reservoir	COLD SS	PCR	

(4-5-00)()

11. South Fork Boise Subbasin. The South Fork Boise Subbasin, HUC 17050113, is comprised of thirty-three (33) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Arrowrock Reservoir (Boise River)	COLD SS	PCR	DWS SRW
SW-2a	Willow Creek - Cottonwood Creek to Arrowrock Reservoir	COLD SS	PCR	
SW-2b	Willow Creek - source to Cottonwood Creek			
SW-3	Wood Creek - source to mouth	COLD SS	PCR	
SW-4	South Fork Boise River - Anderson Ranch Dam to Arrowrock Reservoir	COLD SS	PCR	DWS SRW
SW-5	Anderson Ranch Reservoir (Boise River)	COLD SS	PCR	DWS SRW
SW-6	Little Camas Creek - Little Camas Reservoir Dam to Anderson Ranch Reservoir			
SW-7	Little Camas Creek Reservoir	SC	PCR	
SW-8	Little Camas Creek - source to Little Camas Creek Reservoir			
SW-9	Wood Creek - source to Anderson Ranch Reservoir			
SW-10	Lime Creek - source to Anderson Ranch Reservoir	COLD SS	SCR	
SW-11	South Fork Lime Creek - source to mouth			
SW-12	Deer Creek - source to Anderson Ranch Reservoir	COLD SS	SCR	
SW-13	South Fork Boise River - Willow Creek to Anderson Ranch Reservoir	COLD SS	PCR	DWS SRW
SW-14	Grouse Creek - source to mouth	COLD SS	PCR	
SW-15	South Fork Boise River - Little Smoky Creek to Willow Creek	COLD SS	PCR	DWS SRW
SW-16	Beaver Creek - source to mouth	COLD SS	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
SW-17	Boardman Creek - source to mouth	COLD SS		
SW-18	Little Smoky Creek - source to mouth	COLD SS	SCR	
SW-19	Big Smoky Creek - source to mouth	COLD SS	PCR	
SW-20	Paradise Creek - source to mouth	COLD SS	SCR	
SW-21	South Fork Boise River - confluence of Ross Fork and Johnson Creeks to Little Smoky Creek	COLD SS	PCR	DWS SRW
SW-22	Johnson Creek - source to mouth			
SW-23	Ross Fork - source to mouth	COLD SS	PCR	
SW-24	Skeleton Creek - source to mouth	COLD SS	PCR	
SW-25	Willow Creek - source to South Fork Boise River			
SW-26	Shake Creek - source to mouth	COLD SS	PCR	
SW-27	Feather Creek - source to mouth	COLD SS	PCR	
SW-28	Trinity Creek - source to mouth	COLD SS	PCR	
SW-29	Green Creek - source to mouth	COLD SS	SCR	
SW-30	Dog Creek - source to mouth	COLD SS	PCR	
SW-31	Fall Creek - source to Anderson Ranch Reservoir	COLD SS	PCR	
SW-32	Smith Creek - source to mouth	COLD SS	PCR	
SW-33	Rattlesnake Creek - source to Arrowrock Reservoir	COLD SS	SCR	

(3-30-01)()

12. **Lower Boise Subbasin.** The Lower Boise Subbasin, HUC 17050114, is comprised of seventeen (17) water body units

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Boise River- Indian Creek to mouth	COLD	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
SW-2	Indian Creek - Sugar Ave. (T03N, R02W, Sec. 15) to mouth	COLD	SCR	
SW-3a	Split between New York Canal and historic creek bed to Sugar Ave. (T03N, R02W, Sec. 15)	COLD SS	SCR	
SW-3b	Indian Creek Reservoir to split between New York Canal and historic creek bed	MOD COLD	SCR	
SW-3c	Indian Creek Reservoir	WARM COLD	PCR	
SW-3d	Indian Creek - source to Indian Creek Reservoir	SC COLD	SCR	
SW-4	Lake Lowell	WARM	PCR	SRW
SW-5	Boise River - river mile 50 (T04N, R02W, Sec. 32) to Indian Creek	COLD SS	PCR	
SW-6	Mason Creek - New York Canal to mouth	MOD	SCR	
SW-7	Fifteenmile Creek - Miller Canal to mouth	MOD	SCR	
SW-8	Tenmile Creek - Blacks Creek Reservoir Dam to Miller Canal	MOD COLD	SCR	
SW-9	Blacks Creek - source to and including Blacks Creek Reservoir			
SW-10	Fivemile Creek - source to Miller Canal	MOD COLD	SCR	
SW-11a	Boise River - Diversion Dam to river mile 50 (T04N, R02W, Sec. 32)	COLD SS	PCR	DWS SRW
SW-11b	Boise River - Lucky Peak Dam to Diversion Dam	COLD	PCR	DWS SRW
SW-12	Stewart Gulch, Cottonwood and Crane Creeks -source to mouth			
SW-13	Dry Creek - source to mouth			
SW-14	Big/Little Gulch Creek complex			
SW-15	Willow Creek - source to mouth			
SW-16	Langley/Graveyard Gulch complex			
SW-17	Sand Hollow Creek - source to mouth	MOD	SCR	

(3-15-02)()

13. **Middle Snake-Payette Subbasin.** The Middle Snake-Payette Subbasin, HUC 17050115, is comprised of five (5) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Snake River - the Idaho/Oregon border to Weiser River	COLD	PCR	DWS
SW-2	Homestead Gulch - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
SW-3	Ashlock Gulch - source to mouth			
SW-4	Hurd Gulch - source to mouth			
SW-5	Sand Hollow - source to mouth			

(3-20-04)

14. South Fork Payette Subbasin. The South Fork Payette Subbasin, HUC 17050120, is comprised of twenty-one (21) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	South Fork Payette River - Trail Creek to mouth	COLD SS	PCR	DWS <u>SRW</u>
SW-2	Rock Creek - source to mouth			
SW-3	Tenmile Creek - source to mouth			
SW-4	Wapiti Creek - source to mouth			
SW-5	South Fork Payette River - source to and including Trail Creek	COLD SS	PCR	DWS <u>SRW</u>
SW-6	Goat Creek - source to mouth			
SW-7	Baron Creek - source to mouth			
SW-8	Bear Creek - source to mouth			
SW-9	Canyon Creek - source to mouth			
SW-10	Warm Spring Creek - source to mouth			
SW-11	Eightmile Creek - source to mouth			
SW-12	Fivemile Creek - source to mouth			
SW-13	Clear Creek - source to mouth			
SW-14	Deadwood River - Deadwood Reservoir Dam to mouth	COLD SS	PCR	DWS <u>SRW</u>
SW-15	Whitehawk Creek - source to mouth			
SW-16	Warm Springs Creek - source to mouth			
SW-17	Wilson Creek - source to mouth			
SW-18	Deadwood Reservoir	COLD SS	PCR	DWS <u>SRW</u>
SW-19	Deadwood River - source to Deadwood Reservoir	COLD SS	PCR	DWS <u>SRW</u>
SW-20	Scott Creek - source to mouth			
SW-21	Big Pine Creek - source to mouth			

(4-5-00)()

15. **Middle Fork Payette Subbasin.** The Middle Fork Payette Subbasin, HUC 17050121, is comprised of ten (10) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Middle Fork Payette River - Big Bulldog Creek to mouth	COLD SS	PCR	DWS SRW
SW-2	Anderson Creek - source to mouth	COLD SS	PCR	
SW-3	Lightning Creek - source to mouth	COLD SS	PCR	
SW-4	Big Bulldog Creek - source to mouth	COLD SS	PCR	
SW-5	Middle Fork Payette River - source to Big Bulldog Creek	COLD SS	PCR	DWS SRW
SW-6	Rattlesnake Creek - source to mouth	COLD SS	PCR	
SW-7	Silver Creek - source to mouth	COLD SS	PCR	
SW-8	Peace Creek - source to mouth	COLD SS	PCR	
SW-9	Bull Creek - source to mouth	COLD SS	PCR	
SW-10	Scriver Creek - source to mouth	COLD SS	PCR	

(4-5-00)()

16. **Payette Subbasin.** The Payette Subbasin, HUC 17050122, is comprised of twenty-one (21) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Payette River - Black Canyon Reservoir Dam to mouth	COLD SS	PCR	DWS
SW-2	Black Canyon Reservoir	COLD SS	PCR	DWS SRW
SW-3	Payette River - confluence of the North Fork and South Fork Payette Rivers to Black Canyon Reservoir	COLD SS	PCR	DWS SRW
SW-4	Shafer Creek - source to mouth	COLD SS	PCR	
SW-5	Harris Creek - source to mouth	COLD SS	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
SW-6	Porter Creek - source to mouth			
SW-7	Hill Creek - source to mouth			
SW-8	South Fork Payette River - Middle Fork Payette River to mouth	COLD SS	PCR	DWS <u>SRW</u>
SW-9	Deer Creek - source to mouth			
SW-10	Squaw Creek - source to mouth	COLD SS	PCR	
SW-11	Little Squaw Creek - source to mouth			
SW-12	Soldier Creek - source to mouth			
SW-13	Pine Creek - source to mouth			
SW-14	Second Fork Squaw Creek - source to mouth			
SW-15	Bissel Creek - source to mouth			
SW-16	Sand Hollow - source to mouth			
SW-17	Big Willow Creek - source to mouth	COLD SS	PCR	
SW-18	Little Willow Creek - Paddock Valley Reservoir Dam to mouth			
SW-19	Indian Creek - source to mouth			
SW-20	Paddock Valley Reservoir			
SW-21	Little Willow Creek - source to Paddock Valley Reservoir			

(4-5-00)()

17. **North Fork Payette Subbasin.** The North Fork Payette Subbasin, HUC 17050123, is comprised of twenty-two (22) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	North Fork Payette River - Cascade Reservoir Dam to mouth	COLD SS	PCR	DWS <u>SRW</u>
SW-2	Round Valley Creek - source to mouth			
SW-3	Clear Creek - source to mouth			
SW-4	Big Creek - source to mouth			
SW-5	Horsethief Reservoir			
SW-6	Beaver Creek - source to mouth			
SW-7	Cascade Reservoir	COLD SS	PCR	DWS
SW-8	Gold Fork - source to Cascade Reservoir	COLD SS	PCR	DWS <u>SRW</u>

Unit	Waters	Aquatic Life	Recreation	Other
SW-9	Flat Creek - source to mouth			
SW-10	Kennally Creek - source to mouth			
SW-11	Boulder Creek - source to Cascade Reservoir			
SW-12	Lake Fork - Little Payette Lake to Cascade Reservoir	COLD SS	PCR	DWS SRW
SW-13	Little Payette Lake	COLD SS	PCR	
SW-14	Lake Fork - source to Little Payette Lake	COLD SS	PCR	DWS SRW
SW-15	Mud Creek - source to Cascade Reservoir			
SW-16	North Fork Payette River - Payette Lake to Cascade Reservoir	COLD SS	PCR	DWS
SW-17	Payette Lake	COLD SS	PCR	DWS SRW
SW-18	North Fork Payette River - Upper Payette Lake to Payette Lake	COLD SS	PCR	DWS SRW
SW-19	Upper Payette Lake	COLD SS	PCR	DWS SRW
SW-20	Twentymile Creek - source to mouth	COLD SS	PCR	
SW-21	North Fork Payette River - source to Upper Payette Lake	COLD SS	PCR	DWS SRW
SW-22	Fisher Creek - source to mouth			

(4-5-00)()

18. **Weiser Subbasin.** The Weiser Subbasin, HUC 17050124, is comprised of thirty-three (33) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Weiser River - Keithly Creek to mouth	COLD	PCR	DWS
SW-2	Cove Creek - source to mouth			
SW-3	Crane Creek - Crane Creek Reservoir Dam to mouth	COLD	PCR	
SW-4	Crane Creek Reservoir	COLD	PCR	
SW-5	South Fork Crane Creek - source to Crane Creek Reservoir			
SW-6	North Crane Creek - source to Crane Creek Reservoir			
SW-7	Weiser River - source to Keithly Creek	COLD	PCR	DWS SRW

Unit	Waters	Aquatic Life	Recreation	Other
SW-8	Little Weiser River - source to mouth	COLD SS	PCR	DWS
SW-9	Ben Ross Creek - source to mouth			
SW-10	Mill Creek - source to mouth			
SW-11	Anderson Creek - source to mouth			
SW-12	Grays Creek - source to mouth			
SW-13	Bacon Creek - source to mouth			
SW-14	Middle Fork Weiser River - source to mouth	COLD SS	PCR	DWS <i>SRW</i>
SW-15	Cottonwood Creek - source to mouth			
SW-16	East Fork Weiser River - source to mouth			
SW-17	West Fork Weiser River - source to mouth	COLD SS	PCR	DWS <i>SRW</i>
SW-18	Lost Creek - Lost Valley Reservoir Dam to mouth			
SW-19	Lost Valley Reservoir			
SW-20	Lost Creek - source to Lost Valley Reservoir			
SW-21	Hornet Creek - source to mouth			
SW-22	Johnson Creek - source to mouth	COLD SS	PCR	
SW-23	Goodrich Creek - source to mouth			
SW-24	Cow Creek - source to mouth			
SW-25	Rush Creek - source to mouth			
SW-26	Spring Creek - source to mouth			
SW-27	Pine Creek - source to mouth	COLD SS	PCR	
SW-28	Keithly Creek - source to mouth			
SW-29	Sage Creek - source to mouth			
SW-30	Mann Creek - Mann Creek Reservoir Dam to mouth	COLD SS	PCR	
SW-31	Mann Creek Reservoir	COLD SS	PCR	
SW-32	Mann Creek - source to Mann Creek Reservoir	COLD SS	PCR	
SW-33	Monroe Creek - source to mouth			

(4-5-00)()

19. **Brownlee Reservoir Subbasin.** The Brownlee Reservoir Subbasin, HUC 17050201, is comprised

of seventeen (17) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
SW-1	Snake River (Hells Canyon Reservoir) - Oxbow Dam to Hells Canyon Dam	COLD	PCR	DWS <i>SRW</i>
SW-2	Snake River (Oxbow Reservoir) - Brownlee Dam to Oxbow Dam	COLD	PCR	DWS <i>SRW</i>
SW-3	Snake River (Brownlee Reservoir) - Scott Creek to Brownlee Dam	COLD	PCR	DWS <i>SRW</i>
SW-4	Snake River - Weiser River to Scott Creek	COLD	PCR	DWS
SW-5	Jenkins Creek - source to mouth	COLD	PCR	
SW-6	Scott Creek - source to mouth			
SW-7	Warm Springs Creek - source to mouth			
SW-8	Hog Creek - source to mouth			
SW-9	Grouse Creek - source to mouth			
SW-10	Rock Creek - source to mouth			
SW-11	Wolf Creek - source to mouth			
SW-12	Dennett Creek - source to mouth			
SW-13	Sturgill Creek - source to mouth			
SW-14	Brownlee Creek - source to mouth			
SW-15	Wildhorse River - confluence of Bear Creek and including Crooked River to mouth	COLD SS	PCR	
SW-16	Bear Creek - source to mouth	COLD SS	PCR	
SW-17	Indian Creek - source to mouth			

~~(3-30-01)~~()

141. -- 149. (RESERVED).

150. UPPER SNAKE BASIN.

Surface waters found within the Upper Snake basin total twenty-three (23) subbasins and are designated as follows:
 (4-5-00)

01. Palisades Subbasin. The Palisades Subbasin, HUC 17040104, is comprised of thirty-one (31) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Snake River - Black Canyon Creek to river mile 856 (T03N, R41E, Sec. 16)	COLD SS	PCR	DWS <i>SRW</i>
US-2	Antelope Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-3	Snake River - Fall Creek to Black Canyon Creek	COLD SS	PCR	DWS <u>SRW</u>
US-4	Pritchard Creek - source to mouth			
US-5	Fall Creek - South Fork Fall Creek to mouth			
US-6	Fall Creek - source to South Fork Fall Creek			
US-7	South Fork Fall Creek - source to mouth			
US-8	Snake River - Palisades Reservoir Dam to Fall Creek	COLD SS	PCR	DWS <u>SRW</u>
US-9	Indian Creek - source to mouth			
US-10	Palisades Reservoir	COLD SS	PCR	DWS <u>SRW</u>
US-11	Bear Creek - North Fork Bear Creek to Palisades Reservoir			
US-12	North Fork Bear Creek - source to mouth			
US-13	Bear Creek - source to North Fork Bear Creek			
US-14	McCoy Creek - Fish Creek to Palisades Reservoir			
US-15	McCoy Creek - Iowa Creek to Fish Creek			
US-16	McCoy Creek - Clear Creek to Iowa Creek			
US-17	Wolverine Creek - source to mouth			
US-18	Clear Creek - source to mouth			
US-19	McCoy Creek - source to Clear Creek			
US-20	Iowa Creek - source to mouth			
US-21	Fish Creek - source to mouth			
US-22	Trout Creek - source to mouth			
US-23	Burns Creek - source to Idaho/Wyoming border			
US-24	Indian Creek - Idaho/Wyoming border to Palisades Reservoir			
US-25	Big Elk Creek - Idaho/Wyoming border to Palisades Reservoir			
US-26	Little Elk Creek - source to Palisades Reservoir			
US-27	Palisades Creek - source to mouth			
US-28	Rainey Creek - source to mouth			
US-29	Pine Creek - source to mouth			
US-30	Black Canyon Creek - source to mouth			
US-31	Burnt Canyon Creek - source to mouth			

(4-5-00)()

02. **Salt Subbasin.** The Salt Subbasin, HUC 17040105, is comprised of twelve (12) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Tributaries of Salt River - source to Idaho/Wyoming border (T04S, R46E)			
US-2	Jackknife Creek - source to Idaho/Wyoming border			
US-3	Tincup Creek - source to Idaho/Wyoming border			
US-4	South Fork Tincup Creek - source to mouth			
US-5	Tributaries of Salt River - source to Idaho/Wyoming border (T06S, R46E and T07S, R46E)			
US-6	Stump Creek - source to Idaho/Wyoming border			
US-7	Tygee Creek - source to mouth			
US-8	Crow Creek - source to Idaho/Wyoming border			
US-9	Sage Creek - source to mouth			
US-10	Deer Creek - source to mouth			
US-11	Rock Creek - source to mouth			
US-12	Spring Creek - source to mouth			

(4-5-00)

03. Idaho Falls Subbasin. The Idaho Falls Subbasin, HUC 17040201, is comprised of seventeen (17) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Snake River - Dry Bed Creek to river mile 791 (T01N, R37E, Sec. 10)	COLD SS	PCR	DWS
US-2	South Fork Willow Creek - source to mouth			
US-3	North Fork Willow Creek - source to mouth			
US-4	Dry Bed Creek - source to mouth			
US-5	Sand Creek complex			
US-6	Crow Creek - Willow Creek to mouth			
US-7	Crow Creek - source to Willow Creek			
US-8	Birch Creek - source to mouth			
US-9	Snake River - Annis Slough to Dry Bed Creek	COLD SS	PCR	DWS
US-10	Spring Creek - canal (T05N, R38E) to mouth			
US-11	Spring Creek - source to canal (T05N, R38E)			
US-12	Snake River - Dry Bed to Annis Slough	COLD SS	PCR	DWS

Unit	Waters	Aquatic Life	Recreation	Other
US-13	Snake River - river mile 856 (T03N, R41E, Sec. 16) to Dry Bed Creek	COLD SS	PCR	DWS
US-14	Lyons Creek - source to mouth			
US-15	Unnamed Tributary - source to mouth (T8N, R38E)			
US-16	Market Lake			
US-17	Kettle Butte complex			

(4-5-00)

04. Upper Henrys Subbasin. The Upper Henrys Subbasin, HUC 17040202, is comprised of fifty-five (55) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Henrys Fork - Warm River to Ashton Reservoir Dam	COLD SS	PCR	DWS SRW
US-2	Warm River - Warm River Spring to mouth	COLD SS	PCR	DWS SRW
US-3	Moose Creek - source to confluence with Warm River			
US-4	Partridge Creek - source to mouth			
US-5	Warm River - source to Warm River Spring	COLD SS	PCR	DWS SRW
US-6	Robinson Creek - Rock Creek to mouth			
US-7	Porcupine Creek - source to mouth	COLD SS	SCR	
US-8	Rock Creek - Wyoming Creek to mouth			
US-9	Wyoming Creek - Idaho/Wyoming border to mouth			
US-10	Rock Creek - source to Wyoming Creek			
US-11	Robinson Creek - Idaho/Wyoming border and sources west of border to Rock Creek			
US-12	Snow Creek - source to mouth			
US-13	Fish Creek - source to mouth			
US-14	Henrys Fork - Thurman Creek to Warm River	COLD SS	PCR	DWS SRW
US-15	Henrys Fork - Island Park Reservoir Dam to Thurman Creek	COLD SS	PCR	DWS SRW
US-16	Buffalo River - Elk Creek to mouth	COLD SS	PCR	DWS SRW
US-17	Toms Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-18	Buffalo River - source to Elk Creek	COLD SS	PCR	DWS SRW
US-19	Elk Creek - source to mouth			
US-20	Island Park Reservoir	COLD SS	PCR	DWS SRW
US-21	Henrys Fork - Confluence of Big Springs and Henrys Lake Outlet to Island Park Reservoir	COLD SS	PCR	DWS SRW
US-22	Moose Creek - source to confluence with Henrys Fork			
US-23	Big Springs - source to mouth	COLD SS	PCR	DWS SRW
US-24	Thirsty Creek - Idaho/ Wyoming border to mouth	COLD SS	SCR	
US-25	Henrys Lake Outlet - Henrys Lake Dam to mouth	COLD SS	PCR	DWS SRW
US-26	Meadows Creek - source to mouth			
US-27	Reas Pass Creek - source to sink			
US-28	Jones Creek - source to mouth			
US-29	Jesse Creek - source to mouth			
US-30	Twin Creek - source to mouth			
US-31	Tygee Creek - source to sink			
US-32	Henrys Lake	COLD	SCR	
US-33	Howard Creek - source to mouth	COLD SS	SCR	
US-34	Targhee Creek - source to mouth	COLD SS	SCR	
US-35	Timber Creek - source to mouth			
US-36	Duck Creek - source to mouth	COLD SS	SCR	
US-37	Rock Creek - source to mouth			
US-38	Hope Creek - source to mouth			
US-39	Crooked Creek - source to mouth			
US-40	Hotel Creek - source to mouth	COLD SS	SCR	
US-41	Yale Creek - source to mouth	COLD SS	SCR	
US-42	Blue Creek - source to mouth			
US-43	Sheep Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-44	Icehouse Creek - source to Island Park Reservoir	COLD SS	SCR	
US-45	Sheridan Creek - Kilgore Road (T13N, R41E, Sec. 07) to mouth	COLD SS	SCR	
US-46	Willow Creek - source to mouth			
US-47	Myers Creek - source to mouth			
US-48	Sheridan Creek - source to Kilgore Road (T13N, R41E, Sec. 07)	COLD SS	SCR	
US-49	Sheridan Reservoir			
US-50	Dry Creek - source to Sheridan Reservoir			
US-51	Thurman Creek - source to mouth			
US-52	Rattlesnake Creek - source to mouth			

(3-30-01)()

05. Lower Henrys Subbasin. The Lower Henrys Subbasin, HUC 17040203, is comprised of sixteen (16) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Henry's Fork - South Fork Teton River to hydrologic unit boundary	COLD SS	PCR	DWS SRW
US-2	Henry's Fork - North Fork Teton River to South Fork Teton River	COLD SS	PCR	DWS SRW
US-3	Henry's Fork - Falls River to North Fork Teton River	COLD SS	PCR	DWS SRW
US-4	Falls River - Conant Creek to mouth	COLD SS	PCR	DWS SRW
US-5	Conant Creek - Squirrel Creek to mouth			
US-6	Conant Creek - Idaho/Wyoming border to Squirrel Creek			
US-7	Squirrel Creek - Idaho/Wyoming border to mouth			
US-8	Falls River - Boone Creek to Conant Creek	COLD SS	PCR	DWS SRW
US-9	Falls River - Idaho/Wyoming border to Boone Creek	COLD SS	PCR	DWS SRW
US-10	Boone Creek - Idaho/Wyoming border to mouth			
US-11	Boundary Creek - Idaho/Wyoming border (T12N, R46E, Sec. 06) to Idaho/Wyoming border, (T12N, R46E, Sec. 31)			
US-12	Henry's Fork - Ashton Reservoir Dam to Falls River	COLD SS	PCR	DWS SRW

Unit	Waters	Aquatic Life	Recreation	Other
US-13	Sand Creek - Pine Creek to mouth			
US-14	Pine Creek - source to mouth			
US-15	Sand Creek - source to Pine Creek			
US-16	Warm Slough - source to mouth			

(3-30-01)()

06. **Teton Subbasin.** The Teton Subbasin, HUC 17040204, is comprised of forty-four (44) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	South Fork Teton River - Teton River Forks to Henrys Fork	COLD SS	SCR	
US-2	North Fork Teton River - Teton River Forks to Henrys Fork	COLD SS	SCR	
US-3	Teton River - Teton Dam to Teton River Forks	COLD SS	PCR	DWS SRW
US-4	Teton River - Canyon Creek to Teton Dam	COLD SS	PCR	DWS SRW
US-5	Moody Creek - confluence of North and South Fork Moody Creeks to canal			
US-6	South Fork Moody Creek - source to mouth			
US-7	North Fork Moody Creek - source to mouth			
US-8	Canyon Creek - Warm Creek to mouth			
US-9	Canyon Creek - source to Warm Creek			
US-10	Calamity Creek - source to mouth			
US-11	Warm Creek - source to mouth			
US-12	Teton River - Milk Creek to Canyon Creek	COLD SS	PCR	DWS SRW
US-13	Milk Creek - source to mouth			
US-14	Teton River - Felt Dam outlet to Milk Creek	COLD SS	PCR	DWS SRW
US-15	Teton River - Felt Dam pool			
US-16	Teton River - Highway 33 bridge to Felt Dam pool	COLD SS	PCR	DWS SRW
US-17	Teton River - Cache Bridge (NW ¼, NE ¼, Sec. 1, T5N, R44E) to Highway 33 bridge	COLD SS	PCR	DWS SRW
US-18	Packsaddle Creek - diversion (NE ¼ Sec. 8, T5N, R44E) to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-19	Packsaddle Creek - source to diversion (NE ¼ Sec. 8, T5N, R44E)			
US-20	Teton River - Teton Creek to Cache Bridge NW ¼, NE ¼, Sec. 1, T5N, R44E)	COLD SS	PCR	DWS SRW
US-21	Horseshoe Creek - pipeline diversion (SE ¼, NW ¼, Sec. 27, T5N, R44E) to mouth			
US-22	Horseshoe Creek - source to pipeline diversion (SE ¼, NW ¼, Sec. 27, T5N, R44E)			
US-23	Twin Creek - source to mouth			
US-24	Mahogany Creek - pipeline diversion (NE ¼, Sec. 27, T4N, R44E) to mouth			
US-25	Mahogany Creek - source to pipeline diversion (NE ¼, Sec. 27, T4N, R44E)			
US-26	Teton River - Trail Creek to Teton Creek	COLD SS	PCR	DWS SRW
US-27	Henderson Creek - source to sink			
US-28	Teton River - confluence of Warm Creek and Drake Creek to Trail Creek	COLD SS	PCR	DWS SRW
US-29	Patterson Creek - pump diversion (SE ¼, Sec. 31, T4N, R44E) to mouth			
US-30	Patterson Creek - source to pump diversion (SE ¼, Sec. 31, T4N, R44E)			
US-31	Grove Creek - source to sink			
US-32	Drake Creek - source to mouth			
US-33	Little Pine Creek - source to mouth			
US-34	Warm Creek - source to mouth			
US-35	Trail Creek - Trail Creek pipeline diversion (SW ¼, SE ¼, Sec 19, T3N, R46E) to mouth			
US-36	Game Creek - diversion (SW ¼, SW ¼, Sec. 17, T3N, R46E) to mouth			
US-37	Game Creek - source to diversion (SW ¼, SW ¼, Sec. 17, T3N, R46E)			
US-38	Trail Creek - Idaho/Wyoming border to Trail Creek pipeline diversion (SW ¼, SE ¼, Sec 19, T3N, R46E)			
US-39	Moose Creek - Idaho/Wyoming border to mouth			
US-40	Fox Creek - SE ¼, SW ¼, Sec. 28, T4N, R45E to confluence with Teton River, including spring creek tributaries			
US-41	Fox Creek - North Fox Creek Canal (NW ¼, Sec 29 T4N, R46E) to SE ¼, SW ¼, Sec. 28, T4N, R45E			

Unit	Waters	Aquatic Life	Recreation	Other
US-42	Fox Creek - Idaho/Wyoming border to North Fox Creek Canal (NW ¼, Sec 29 T4N, R46E)			
US-43	Foster Creek spring creek complex - south to Fox Creek and north to Darby Creek			
US-44	Darby Creek - SW ¼, SE ¼, S10, T4N, R45E, to mouth, including spring creek tributaries			
US-45	Darby Creek - Idaho/Wyoming border to SW ¼, SE ¼, Sec. 10, T4N, R45E			
US-46	Dick Creek spring complex - south to Darby Creek and north to Teton Creek			
US-47	Teton Creek - Highway 33 bridge to mouth, including spring creek tributaries			
US-48	Teton Creek - Idaho/Wyoming border to Highway 33 bridge			
US-49	Driggs Springs spring creek complex - located between Teton Creek and Woods Creek			
US-50	Woods Creek - source to mouth, including spring creek tributaries and spring creek complex north of Woods Creek to latitude 43 degrees, 45.5 minutes north.			
US-51	Dry Creek - Idaho/Wyoming border to sinks (SE ¼, NE ¼, S12, T5N, R45E)			
US-52	South Leigh Creek - SE ¼, NE ¼, Sec. 1 T5N, R44E to mouth			
US-53	South Leigh Creek - Idaho/Wyoming border to SE ¼, NE ¼, Sec. 1 T5N, R44			
US-54	Spring Creek - North Leigh Creek to mouth			
US-55	North Leigh Creek - Idaho/Wyoming border to mouth			
US-56	Spring Creek - source to North Leigh Creek, including Spring Creek complex north of Spring Creek to latitude 43 degrees, 49.9 minutes north			
US-57	Badger Creek - spring (NW ¼, SW ¼, Sec. 26 T7N, R44E) to mouth			
US-58	Badger Creek - diversion (NW ¼, SW ¼, Sec. 9, T6N, R45E) to spring (NW ¼, SW ¼, Sec. 26 T7N, R44E)			
US-59	Badger Creek - source to diversion (NW ¼, SW ¼, Sec. 9, T6N, R45E)			
US-60	South Fork Badger Creek - diversion (NE ¼, NE ¼, Sec. 12, T6N, R45E) to mouth			
US-61	South Fork Badger Creek - Idaho/Wyoming border to diversion (NE ¼, NE ¼, Sec. 12, T6N, R45E)			
US-62	North Fork Badger Creek - Idaho/Wyoming border to mouth			
US-63	Bitch Creek - Swanner Creek to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-64	Swanner Creek - Idaho/Wyoming border to mouth			
US-65	Bitch Creek - Idaho/Wyoming border to Swanner Creek			

(3-30-01)()

07. Willow Subbasin. The Willow Subbasin, HUC 17040205, is comprised of thirty-two (32) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Willow Creek - Ririe Reservoir Dam to Eagle Rock Canal	COLD SS	SCR	
US-2	Ririe Reservoir (Willow Creek)	COLD SS	PCR	DWS SRW
US-3	Blacktail Creek - source to Ririe Reservoir			
US-4	Willow Creek - Bulls Fork to Ririe Reservoir	COLD SS	PCR	DWS SRW
US-5	Willow Creek - Birch Creek to Bulls Fork	COLD SS	PCR	DWS SRW
US-6	Birch Creek - source to mouth			
US-7	Squaw Creek - source to mouth			
US-8	Willow Creek - Mud Creek to Birch Creek	COLD SS	PCR	DWS SRW
US-9	Mud Creek - source to mouth			
US-10	Sellars Creek - source to mouth			
US-11	Willow Creek - Crane Creek to Mud Creek	COLD SS	PCR	DWS SRW
US-12	Mill Creek - source to mouth			
US-13	Willow Creek - source to Crane Creek	COLD SS	PCR	DWS SRW
US-14	Crane Creek - source to mouth			
US-15	Long Valley Creek - source to mouth			
US-16	Grays Lake outlet - Hell Creek to mouth			
US-17	Grays Lake outlet - Homer Creek to Hell Creek			
US-18	Homer Creek - source to mouth			
US-19	Grays Lake outlet - Brockman Creek to Homer Creek			
US-20	Grays Lake outlet - Grays Lake to Brockman Creek			
US-21	Grays Lake			

Unit	Waters	Aquatic Life	Recreation	Other
US-22	Little Valley Creek - source to mouth			
US-23	Gravel Creek - source to mouth			
US-24	Brockman Creek - Corral Creek to mouth			
US-25	Brockman Creek - source to Corral Creek			
US-26	Corral Creek - source to mouth			
US-27	Sawmill Creek - source to mouth			
US-28	Lava Creek - source to mouth			
US-29	Hell Creek - source to mouth			
US-30	Bulls Fork - source to mouth			
US-31	Tex Creek - source to mouth			
US-32	Meadow Creek - source to Ririe Reservoir			

(4-5-00)()

08. American Falls Subbasin. The American Falls Subbasin, HUC 17040206, is comprised of twenty-six (26) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	American Falls Reservoir (Snake River)	COLD	PCR	DWS
US-2	Bannock Creek - source to American Falls Reservoir	COLD	SCR	
US-3	Starlight Creek - source to mouth			
US-4	Blind Spring - source to mouth			
US-5	Sunbeam Creek - source to mouth			
US-6	Moonshine Creek - source to mouth			
US-7	Sawmill Creek - source to mouth			
US-8	West Fork Bannock Creek - source to mouth			
US-9	Knox Creek - source to mouth			
US-10	Rattlesnake Creek - source to mouth			
US-11	Clifton Creek - source to mouth			
US-12	Midnight Creek - source to mouth			
US-13	Michaud Creek - source to mouth			
US-14	Ross Fork - Gibson Canal to American Falls Reservoir			
US-15	Ross Fork - Indian Creek to Gibson Canal			
US-16	Indian Creek - source to mouth			
US-17	South Fork Ross Fork - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-18	Ross Fork - source to South Fork Ross Fork			
US-19	Clear Creek - source to American Falls Reservoir			
US-20	Spring Creek - source to American Falls Reservoir			
US-21	Big Jimmy Creek - source to American Falls Reservoir			
US-22	Snake River - river mile 791 (T01N, R37E, Sec. 10) to American Falls Reservoir	COLD SS	PCR	DWS
US-23	Jeff Cabin Creek - source to mouth			
US-24	McTucker Creek - source to American Falls Reservoir			
US-25	Little Hole Draw - source to American Falls Reservoir			
US-26	Pleasant Valley - source to American Falls Reservoir			

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09. Blackfoot Subbasin. The Blackfoot Subbasin, HUC 17040207, is comprised of thirty-one (31) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Blackfoot River - Fort Hall Main Canal diversion to mouth		SCR	
US-2	Blackfoot River - Blackfoot Reservoir Dam to Fort Hall Main Canal diversion	COLD SS	PCR	
US-3	Garden Creek - source to mouth			
US-4	Wood Creek - source to mouth			
US-5	Grave Creek - source to mouth			
US-6	Corral Creek - source to mouth			
US-7	Grizzly Creek - source to mouth			
US-8	Thompson Creek - source to mouth			
US-9	Blackfoot Reservoir	COLD	PCR	
US-10	Blackfoot River - confluence of Lanes and Diamond Creeks to Blackfoot Reservoir	COLD SS	PCR	DWS <i>SRW</i>
US-11	Trail Creek - source to mouth			
US-12	Slug Creek - source to mouth			
US-13	Dry Valley Creek - source to mouth			
US-14	Maybe Creek - source to mouth			
US-15	Mill Canyon - source to mouth			
US-16	Diamond Creek - source to mouth			
US-17	Timothy Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-18	Lanes Creek - source to mouth			
US-19	Bacon Creek - source to mouth			
US-20	Browns Canyon Creek - source to mouth			
US-21	Chippy Creek - source to mouth			
US-22	Sheep Creek - source to mouth			
US-23	Angus Creek - source to mouth			
US-24	Wooley Valley - source to mouth			
US-25	Meadow Creek - source to Blackfoot Reservoir			
US-26	Brush Creek - source to mouth			
US-27	Rawlins Creek - source to mouth			
US-28	Miner Creek - source to mouth			
US-29	Cedar Creek - source to mouth			
US-30	Wolverine Creek - source to mouth			
US-31	Jones Creek - source to mouth			

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10. Portneuf Subbasin. The Portneuf Subbasin, HUC 17040208, is comprised of twenty-six (26) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Portneuf River - Marsh Creek to American Falls Reservoir	COLD SS	SCR	
US-2	City Creek - source to mouth			
US-3	Gibson Jack Creek - source to mouth			
US-4	Mink Creek - source to mouth			
US-5	Indian Creek - source to mouth			
US-6	Marsh Creek - source to mouth	COLD	SCR	
US-7	Walker Creek - source to mouth			
US-8	Bell Marsh Creek - source to mouth			
US-9	Goodenough Creek - source to mouth			
US-10	Garden Creek - source to mouth			
US-11	Hawkins Creek - Hawkins Reservoir Dam to mouth			
US-12	Hawkins Reservoir			
US-13	Hawkins Creek - source to Hawkins Reservoir			

Unit	Waters	Aquatic Life	Recreation	Other
US-14	Cherry Creek - source to mouth			
US-15	Birch Creek - source to mouth			
US-16	Portneuf River - Chesterfield Reservoir Dam to Marsh Creek	COLD SS	PCR	DWS SRW
US-17	Dempsey Creek - source to mouth			
US-18	Twentyfourmile Creek - source to mouth			
US-19	Chesterfield Reservoir			
US-20	Portneuf River - source to Chesterfield Reservoir	COLD SS	PCR	DWS SRW
US-21	Toponce Creek - source to mouth			
US-22	Pebble Creek - source to mouth			
US-23	Rapid Creek - source to mouth			
US-24	Pocatello Creek - confluence of North and South Fork Pocatello Creeks to mouth			
US-25	South Fork Pocatello Creek - source to mouth			
US-26	North Fork Pocatello Creek - source to mouth			

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11. **Lake Walcot Subbasin.** The Lake Walcot Subbasin, HUC 17040209, is comprised of thirteen (13) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Snake River - Heyburn/Burley Bridge (T10S, R23E, Sec.17) to Milner-Gooding Canal	WARM	PCR	
US-2	Snake River - Minidoka Dam to Heyburn/Burley Bridge (T10S, R23E, Sec.17)	COLD SS	PCR	
US-3	Marsh Creek - source to mouth			
US-4	Lake Walcott (Snake River)	COLD	PCR	DWS
US-5	Snake River - Raft River to Lake Walcott	COLD	PCR	DWS
US-6	Snake River - Rock Creek to Raft River	COLD	PCR	DWS
US-7	Fall Creek - source to mouth			
US-8	Rock Creek - confluence of South and East Fork Rock Creeks to mouth	COLD SS	PCR	
US-9	South Fork Rock Creek - source to mouth			
US-10	East Fork Rock Creek - source to mouth			
US-11	Snake River - American Falls Reservoir Dam to Rock Creek	COLD	PCR	DWS

Unit	Waters	Aquatic Life	Recreation	Other
US-12	Warm Creek - source to mouth			
US-13	Craters of the Moon complex			

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12. Raft Subbasin. The Raft Subbasin, HUC 17040210, is comprised of twenty-three (23) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Raft River - Heglar Canyon Creek to mouth			
US-2	Raft River - Cassia Creek to Heglar Canyon Creek	COLD SS	PCR	
US-3	Cassia Creek - Conner Creek to mouth			
US-4	Conner Creek - source to mouth			
US-5	Cassia Creek - Clyde Creek to Conner Creek			
US-6	Clyde Creek - source to mouth			
US-7	Cassia Creek - source to Clyde Creek			
US-8	Raft River - Cottonwood Creek to Cassia Creek	COLD SS	PCR	
US-9	Cottonwood Creek - source to mouth			
US-10	Raft River - Unnamed Tributary (T15S, R26E, Sec. 24) to Cottonwood Creek	COLD SS	PCR	
US-11	Grape Creek - source to mouth			
US-12	Edwards Creek - source to mouth			
US-13	Raft River - Idaho/Utah border to Edwards Creek	COLD SS	PCR	
US-14	Junction Creek - source to Idaho/Utah border			
US-15	Cottonwood Creek - source to Idaho/Utah border			
US-16	Clear Creek - Idaho/Utah border to mouth			
US-17	Kelsaw Canyon Creek - source to mouth			
US-18	Meadow Creek - source to mouth			
US-19	Sublett Creek - Sublett Reservoir Dam to mouth			
US-20	Sublett Reservoir			
US-21	Sublett Creek - source to Sublett Reservoir			
US-22	Lake Fork - source to Sublett Reservoir			
US-23	Heglar Canyon Creek - source to mouth			

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13. **Goose Subbasin.** The Goose Subbasin, HUC 17040211, is comprised of fourteen (14) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Big Cottonwood Creek - source to mouth			
US-2	Lower Goose Creek Reservoir	COLD SS	PCR	
US-3	Trapper Creek - from and including Squaw Creek to Lower Goose Creek Reservoir			
US-4	Trapper Creek - source to Squaw Creek			
US-5	Goose Creek - Beaverdam Creek to Lower Goose Creek Reservoir	COLD SS	PCR	
US-6	Beaverdam Creek - source to mouth			
US-7	Trout Creek - source to Idaho/Utah border			
US-8	Goose Creek - source to Idaho/Utah border	COLD SS	PCR	
US-9	Birch Creek - Idaho/Utah border to mouth			
US-10	Blue Hill Creek - source to mouth			
US-11	Cold Creek - source to mouth			
US-12	Birch Creek - source to mouth			
US-13	Mill Creek - source to mouth			
US-14	Land/Willow/Smith Creek complex			

(4-5-00)

14. **Upper Snake-Rock Subbasin.** The Upper Snake-Rock Subbasin, HUC 17040212, is comprised of forty-one (41) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Snake River - Lower Salmon Falls to Clover Creek	COLD SS	PCR	
US-2	Big Pilgrim Gulch - source to mouth			
US-3	Cassia Gulch - source to mouth			
US-4	Tuana Gulch - source to mouth			
US-5	Snake River - Box Canyon Creek to Lower Salmon Falls	COLD SS	PCR	
US-6	Riley Creek - source to mouth	COLD SS	PCR	DWS <i>SRW</i>

Unit	Waters	Aquatic Life	Recreation	Other
US-7	Snake River - Rock Creek to Box Canyon Creek	COLD SS	PCR	
US-8	Deep Creek - High Line Canal to mouth	COLD SS	SCR	
US-9	Deep Creek - source to High Line Canal	COLD SS	SCR	
US-10	Mud Creek - Deep Creek Road (T09S, R14E) to mouth	COLD SS	SCR	
US-11	Mud Creek - source to Deep Creek Road (T09S, R14E)			
US-12	Cedar Draw - source to mouth	COLD SS	SCR	
US-13	Rock Creek -river mile 25 (T11S, R18E, Sec. 36) to mouth	COLD SS	SCR	
US-14	Cottonwood Creek - source to mouth	COLD	SCR	
US-15	McMullen Creek - source to mouth	COLD	SCR	
US-16	Rock Creek - Fifth Fork Rock Creek to river mile 25 (T11S, R18E, Sec. 36)	COLD SS	PCR	DWS SRW
US-17	Fifth Fork Rock Creek - source to mouth	COLD	SCR	
US-18	Rock Creek - source to Fifth Fork Rock Creek	COLD SS	PCR	DWS SRW
US-19	Snake River - Twin Falls to Rock Creek	COLD SS	PCR	
US-20	Snake River - Milner Dam to Twin Falls	COLD SS	PCR	
US-21	Murtaugh Lake			
US-22	Dry Creek - source to mouth	COLD SS	SCR	
US-23	West Fork Dry Creek - source to mouth			
US-24	East Fork Dry Creek - source to mouth	COLD	SCR	
US-25	Big Cottonwood Creek - source to mouth			
US-26	Wilson Lake Reservoir			
US-27	Vinyard Creek - Vinyard Lake to mouth	COLD	SCR	
US-28	Clear Lakes	COLD	SCR	
US-29	Banbury Springs		PCR	
US-30	Box Canyon Creek - source to mouth	COLD	SCR	
US-31	Thousand Springs	COLD	SCR	
US-32	Bickel Springs	COLD	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
US-33	Billingsley Creek - source to mouth	COLD SS	PCR	DWS <u>SRW</u>
US-34	Clover Creek - Pioneer Reservoir Dam to mouth	COLD SS	PCR	
US-35	Pioneer Reservoir			
US-36	Clover Creek - source to Pioneer Reservoir	COLD SS	PCR	
US-37	Cottonwood Creek - source to mouth			
US-38	Catchall Creek - source to mouth			
US-39	Deer Creek - source to mouth			
US-40	Calf Creek - source to mouth	COLD	SCR	
US-41	Dry Creek - source to mouth	COLD	SCR	

(3-30-01)()

15. **Salmon Falls Subbasin.** The Salmon Falls Subbasin, HUC 17040213, is comprised of seventeen (17) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Salmon Falls Creek - Devil Creek to mouth	COLD SS	PCR	
US-2	Devil Creek - source to mouth			
US-3	Salmon Falls Creek - Salmon Falls Creek Dam to Devil Creek	COLD SS	PCR	
US-4	Cedar Creek Reservoir			
US-5	House Creek - source to Cedar Creek Reservoir			
US-6	Cedar Creek - source to Cedar Creek Reservoir			
US-7	Salmon Falls Creek Reservoir	COLD SS	PCR	
US-8	China, Browns, Corral, Whiskey Slough, Player Creeks - source to Salmon Falls Creek Reservoir			
US-9	Salmon Falls Creek - Idaho/Nevada border to Salmon Falls Creek Reservoir	COLD SS	PCR	
US-10	North Fork Salmon Falls Creek - source to Idaho/Nevada border			
US-11	Shoshone Creek - Hot Creek to Idaho/Nevada border			
US-12	Hot Creek - Idaho/Nevada border to mouth			
US-13	Shoshone Creek - Cottonwood Creek to Hot Creek			
US-14	Big Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-15	Cottonwood Creek - source to mouth			
US-16	Shoshone Creek - source to Cottonwood Creek			

(4-5-00)

16. Beaver-Camas Subbasin. The Beaver-Camas Subbasin, HUC 17040214, is comprised of twenty-six (26) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Camas Creek - Beaver Creek to Mud Lake	COLD SS	PCR	
US-2	Camas Creek - Spring Creek to Beaver Creek	COLD SS	PCR	
US-3	Beaver Creek - canal (T09N, R36E) to mouth	COLD SS	PCR	DWS
US-4	Spring Creek - Dry Creek to mouth			
US-5	Dry Creek - source to mouth			
US-6	Ching Creek - source to mouth			
US-7	Camas Creek - confluence of West and East Camas Creeks to Spring Creek	COLD SS	PCR	
US-8	Crooked/Crab Creek - source to mouth			
US-9	Warm Creek - Cottonwood Creek to mouth and East Camas Creek - T13N, R39E, Sec. 20, 6400 ft. elevation to Camas Creek			
US-10	East Camas Creek - from and including Larkspur Creek to T13N, R39E, Sec. 20, 6400 ft. elevation			
US-11	East Camas Creek - source to Larkspur Creek			
US-12	West Camas Creek - Targhee National Forest Boundary (T13N, R38E) to Camas Creek			
US-13	West Camas Creek - source to Targhee National Forest Boundary (T13N, R38E)			
US-14	Beaver Creek - Dry Creek to canal (T09N, R36E)	COLD SS	PCR	DWS
US-15	Beaver Creek - Rattlesnake Creek to Dry Creek	COLD SS	PCR	DWS
US-16	Rattlesnake Creek - source to mouth			
US-17	Threemile Creek - source to mouth			
US-18	Beaver Creek - Miners Creek to Rattlesnake Creek	COLD SS	PCR	DWS

Unit	Waters	Aquatic Life	Recreation	Other
US-19	Miners Creek - source to mouth			
US-20	Beaver Creek - Idaho Creek to Miners Creek	COLD SS	PCR	DWS
US-21	Beaver Creek - source to Idaho Creek	COLD SS	PCR	DWS
US-22	Idaho Creek - source to mouth			
US-23	Pleasant Valley Creek - source to mouth			
US-24	Huntley Canyon Creek - source to mouth			
US-25	Dry Creek - source to mouth			
US-26	Cottonwood Creek complex			

(4-5-00)

17. Medicine Lodge Subbasin. The Medicine Lodge Subbasin, HUC 17040215, is comprised of twenty-two (22) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Mud Lake			
US-2	Medicine Lodge Creek - Indian Creek to playas	COLD SS	PCR	DWS <i>SRW</i>
US-3	Indian Creek - confluence of West and East Fork Indian Creeks to mouth			
US-4	East Fork Indian Creek - source to mouth			
US-5	West Fork Indian Creek - source to mouth	COLD SS	SCR	
US-6	Medicine Lodge Creek - Edie Creek to Indian Creek	COLD SS	PCR	DWS <i>SRW</i>
US-7	Middle Creek - Dry Creek to mouth			
US-8	Middle Creek - source to Dry Creek			
US-9	Dry Creek - source to mouth			
US-10	Edie Creek - source to mouth	COLD SS	SCR	
US-11	Medicine Lodge Creek - confluence of Warm and Fritz Creeks to Edie Creek	COLD SS	PCR	DWS <i>SRW</i>
US-12	Irving Creek - source to mouth	COLD SS	SCR	
US-13	Warm Creek - source to mouth	COLD SS	SCR	

Unit	Waters	Aquatic Life	Recreation	Other
US-14	Divide Creek - source to mouth			
US-15	Horse Creek - source to mouth			
US-16	Fritz Creek - source to mouth	COLD SS	SCR	
US-17	Webber Creek - source to mouth	COLD SS	SCR	
US-18	Deep Creek - source to mouth			
US-19	Blue Creek - source to mouth			
US-20	Warm Springs Creek - source to mouth			
US-21	Crooked Creek - source to mouth			
US-22	Chandler Canyon complex			

(4-5-00)()

18. **Birch Subbasin.** The Birch Subbasin, HUC 17040216, is comprised of sixteen (16) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Birch Creek - Reno Ditch to playas	COLD SS	PCR	DWS SRW
US-2	Birch Creek - Pass Creek to Reno Ditch	COLD SS	PCR	DWS SRW
US-3	Birch Creek - Unnamed Tributary (T11N, R11W, Sec. 35) to Pass Creek	COLD SS	PCR	DWS SRW
US-4	Unnamed Tributary - source to mouth; includes Timber Canyon to Worthing Canyon Creeks (T11N, R11W, Sec. 35)			
US-5	Birch Creek - confluence of Mud and Scott Canyon Creeks to Unnamed Tributary (T11N, R11W, Sec. 35)	COLD SS	PCR	DWS SRW
US-6	Scott Canyon Creek - source to mouth			
US-7	Mud Creek - Willow Creek to Scott Canyon Creek	COLD SS	PCR	DWS SRW
US-8	Cedar Gulch and Irish Canyon - source to mouth			
US-9	Willow Creek - source to mouth			
US-10	Mud Creek - Unnamed Tributary (T12N, R11W, Sec. 29) to Willow Creek			
US-11	Mud Creek - source to Unnamed Tributary (T12N, R11W, Sec. 29)			
US-12	Unnamed Tributary - source to mouth (T12N, R11W, Sec. 29)			
US-13	Meadow Canyon Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-14	Rocky Canyon Creek - source to mouth			
US-15	Pass Creek - source to mouth			
US-16	Eightmile Canyon Creek - source to mouth			

(4-5-00)()

19. **Little Lost Subbasin.** The Little Lost Subbasin, HUC 17040217, is comprised of twenty-nine (29) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Little Lost River - canal (T06N, R28E) to playas	COLD SS	PCR	
US-2	Little Lost River - Big Spring Creek to canal (T06N, R28E)	COLD SS	PCR	
US-3	Big Spring Creek - source to mouth			
US-4	North Creek - source to mouth			
US-5	Uncle Ike Creek - source to mouth			
US-6	Unnamed Tributaries - source to mouth (T08N, R28E)			
US-7	Little Lost River - Badger Creek to Big Spring Creek	COLD SS	PCR	
US-8	Badger Creek - source to mouth			
US-9	Little Lost River - Wet Creek to Badger Creek	COLD SS	PCR	
US-10	Little Lost River - confluence of Summit and Sawmill Creeks to Wet Creek	COLD SS	PCR	
US-11	Deep Creek - source to mouth			
US-12	Sawmill Creek - Warm Creek to mouth			
US-13	Warm Creek - source to mouth			
US-14	Sawmill Creek - confluence of Timber Creek and Main Fork to Warm Creek			
US-15	Squaw Creek - source to mouth			
US-16	Bear Creek - source to mouth			
US-17	Main Fork - source to mouth			
US-18	Timber Creek - source to mouth			
US-19	Summit Creek - source to mouth			
US-20	Dry Creek - Dry Creek Canal to mouth			
US-21	Dry Creek - source to Dry Creek Canal			

Unit	Waters	Aquatic Life	Recreation	Other
US-22	Wet Creek - Squaw Creek to mouth			
US-23	Squaw Creek - source to mouth			
US-24	Wet Creek - source to Squaw Creek			
US-25	Deer Creek - source to mouth			
US-26	Taylor Canyon Creek - source to mouth			
US-27	Cabin Fork Creek - source to mouth			
US-28	Hurst Creek - source to mouth			
US-29	Unnamed Tributary - source to mouth (T5N, R29E, Sec. 04 and 09)			

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20. **Big Lost Subbasin.** The Big Lost Subbasin, HUC 17040218, is comprised of sixty-one (61) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Big Lost River Sinks (playas) and Dry Channel	COLD SS	PCR	DWS SRW
US-2	Big Lost River - Spring Creek to Big Lost River Sinks (playas)	COLD SS	PCR	DWS SRW
US-3	Spring Creek - Lower Pass Creek to Big Lost River			
US-4	Big Lost River - Antelope Creek to Spring Creek	COLD SS	PCR	DWS SRW
US-5	King, Lime Kiln, Ramshorn, and Anderson Canyon Creek - source to mouth			
US-6	Lower Pass Creek - source to mouth			
US-7	Big Lost River - Alder Creek to Antelope Creek	COLD SS	PCR	DWS SRW
US-8	Elbow, Jepson, Clark, Maddock, and Jaggles Canyon Creek - source to mouth			
US-9	Pass Creek - source to mouth			
US-10	Big Lost River - Beck and Evan Ditch to Alder Creek	COLD SS	PCR	DWS SRW
US-11	Big Lost River - McKay Reservoir Dam to Beck and Evan Ditch	COLD SS	PCR	DWS SRW
US-12	McKay Reservoir	COLD SS	PCR	DWS SRW
US-13	Big Lost River - Jones Creek to McKay Reservoir	COLD SS	PCR	DWS SRW

Unit	Waters	Aquatic Life	Recreation	Other
US-14	Jones Creek - source to mouth			
US-15	Big Lost River - Thousand Springs Creek to Jones Creek	COLD SS	PCR	DWS <i>SRW</i>
US-16	Thousand Springs Creek - source to mouth			
US-17	Lone Cedar Creek - source to mouth			
US-18	Cedar Creek - source to mouth			
US-19	Rock Creek - source to mouth			
US-20	Willow Creek - source to mouth			
US-21	Arentson Gulch and Unnamed Tributaries - source to mouth (T10N, R22E)			
US-22	Sage Creek - source to mouth			
US-23	Parsons Creek - T8N, R22E, Sec. 24, point of perennial flow north of road to Mackay Reservoir			
US-24	Big Lost River - Burnt Creek to Thousand Springs Creek	COLD SS	PCR	DWS <i>SRW</i>
US-25	Big Lost River - Summit Creek to and including Burnt Creek	COLD SS	PCR	DWS <i>SRW</i>
US-26	Bridge Creek - source to mouth			
US-27	North Fork Big Lost River - source to mouth			
US-28	Summit Creek - source to mouth			
US-29	Kane Creek - source to mouth			
US-30	Wildhorse Creek - Fall Creek to mouth			
US-31	Wildhorse Creek - source to Fall Creek			
US-32	Fall Creek - source to mouth			
US-33	East Fork Big Lost River - Cabin Creek to mouth			
US-34	Fox Creek - source to mouth			
US-35	Star Hope Creek - Lake Creek to mouth			
US-36	Star Hope Creek - source to Lake Creek			
US-37	Muldoon Canyon Creek - source to mouth			
US-38	Lake Creek - source to mouth			
US-39	East Fork Big Lost River - source to Cabin Creek			
US-40	Cabin Creek - source to mouth			
US-41	Corral Creek - source to mouth			
US-42	Boone Creek - source to mouth			
US-43	Warm Springs Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-44	Navarre Creek - source to mouth			
US-45	Alder Creek - source to mouth			
US-46	Antelope Creek - Spring Creek to mouth			
US-47	Antelope Creek - Dry Fork Creek to Spring Creek			
US-48	Spring Creek - source to mouth			
US-49	Cherry Creek - confluence of Left Fork Cherry and Lupine Creeks to mouth			
US-50	Lupine Creek - source to mouth			
US-51	Left Fork Cherry Creek - source to mouth			
US-52	Antelope Creek - Iron Bog Creek to Dry Fork Creek			
US-53	Bear Creek - source to mouth			
US-54	Iron Bog Creek - confluence of Left and Right Fork Iron Bog Creeks to mouth			
US-55	Right Fork Iron Bog Creek - source to mouth			
US-56	Left Fork Iron Bog Creek - source to mouth			
US-57	Antelope Creek - source to Iron Bog Creek			
US-58	Leadbelt Creek - source to mouth			
US-59	Dry Fork Creek - source to mouth			
US-60	South Fork Antelope Creek - Antelope Creek to mouth			
US-61	Hammond Spring Creek complex			

(4-5-00)()

21. **Big Wood Subbasin.** The Big Wood Subbasin, HUC 17040219, is comprised of thirty (30) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Malad River - confluence of Black Canyon Creek and Big Wood River to mouth	COLD SS	PCR	
US-2	Big Wood River - Magic Reservoir Dam to mouth	COLD SS	PCR	
US-3	Magic Reservoir	COLD	PCR	
US-4	Big Wood River - Seamans Creek to Magic Reservoir	COLD SS	PCR	DWS <i>SRW</i>
US-5	Seamans Creek - Slaughterhouse Creek to mouth			
US-6	Seamans Creek - source to and including Slaughterhouse Creek			

Unit	Waters	Aquatic Life	Recreation	Other
US-7	Big Wood River - North Fork Big Wood River to Seamans Creek	COLD SS	PCR	DWS <i>SRW</i>
US-8	Quigley Creek - source to mouth			
US-9	Indian Creek - source to mouth			
US-10	East Fork Wood River - Hyndman Creek to mouth			
US-11	East Fork Wood River - source to Hyndman Creek			
US-12	Hyndman Creek - source Creek to mouth			
US-13	Trail Creek - Corral Creek to mouth			
US-14	Trail Creek - source to and including Corral Creek			
US-15	Lake Creek - source to mouth			
US-16	Eagle Creek - source to mouth			
US-17	North Fork Big Wood River - source to mouth			
US-18	Big Wood River - source to North Fork Big Wood River	COLD SS	PCR	DWS <i>SRW</i>
US-19	Boulder Creek - source to mouth			
US-20	Prairie Creek - source to mouth			
US-21	Baker Creek - source to mouth			
US-22	Fox Creek - source to mouth			
US-23	Warm Springs Creek - Thompson Creek to mouth			
US-24	Warm Springs Creek - source to and including Thompson Creek			
US-25	Greenhorn Creek - source to mouth			
US-26	Deer Creek - source to mouth			
US-27	Croy Creek - source to mouth			
US-28	Rock Creek - source to mouth			
US-29	Thorn Creek - source to mouth			
US-30	Black Canyon Creek - source to mouth			

(4-5-00)()

22. **Camas Subbasin.** The Camas Subbasin, HUC 17040220, is comprised of twenty-seven (27) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Camas Creek - Elk Creek to Magic Reservoir	COLD SS	PCR	
US-2	Camp Creek - source to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
US-3	Willow Creek - Beaver Creek to mouth			
US-4	Beaver Creek - source to mouth			
US-5	Willow Creek - source to Beaver Creek			
US-6	Elk Creek - source to mouth			
US-7	Camas Creek - Solider Creek to Elk Creek	COLD SS	PCR	
US-8	Deer Creek - Big Deer Creek to mouth			
US-9	Deer Creek - source to and including Big Deer Creek			
US-10	Powell Creek - source to mouth			
US-11	Soldier Creek - Wardrop Creek to mouth			
US-12	Soldier Creek - source to and including Wardrop Creek			
US-13	Camas Creek - Corral Creek to Soldier Creek	COLD SS	PCR	
US-14	Threemile Creek - source to mouth			
US-15	Corral Creek - confluence of East Fork and West Fork Corral Creeks to mouth			
US-16	East Fork Corral Creek - source to mouth			
US-17	West Fork Corral Creek - source to mouth			
US-18	Camas Creek - source to Corral Creek	COLD SS	PCR	
US-19	Chimney Creek - source to mouth			
US-20	Negro Creek - source to mouth			
US-21	Wildhorse Creek - source to mouth			
US-22	Malad River - source to mouth			
US-23	Mormon Reservoir			
US-24	Dairy Creek - source to Mormon Reservoir			
US-25	McKinney Creek - source to Mormon Reservoir			
US-26	Spring Creek Complex			
US-27	Kelly Reservoir			

(4-5-00)

23. Little Wood Subbasin. The Little Wood Subbasin, HUC 17040221, is comprised of twenty-three (23) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
US-1	Little Wood River - Richfield (T04S, R19E, Sec. 25) to mouth	COLD	PCR	
US-2	Little Wood River - Carey Lake outlet to Richfield (T04S, R19E, Sec. 25)	COLD SS	PCR	
US-3	Little Wood River - West Canal (north) to West Canal (south)	COLD SS	PCR	
US-4	Carey Lake outlet			
US-5	Carey Lake			
US-6	Fish Creek - Fish Creek Reservoir Dam to mouth			
US-7	Fish Creek Reservoir			
US-8	Fish Creek - source to Fish Creek Reservoir			
US-9	West Fork Fish Creek - source to Fish Creek Reservoir			
US-10	Little Wood River - Little Wood River Reservoir Dam to Carey Lake Outlet	COLD SS	PCR	
US-11	Little Fish Creek - source to mouth			
US-12	Little Wood River Reservoir	COLD SS	PCR	
US-13	Little Wood River - Muldoon Creek to Little Wood River Reservoir	COLD SS	PCR	
US-14	Muldoon Creek -source to mouth			
US-15	South Fork Muldoon Creek - Friedman Creek to mouth			
US-16	South Fork Muldoon Creek - source to Friedman Creek			
US-17	Friedman Creek - Trail Creek to mouth			
US-18	Trail Creek - source to mouth			
US-19	Friedman Creek - source to Trail Creek			
US-20	Little Wood River - source to Muldoon Creek	COLD SS	PCR	
US-21	Baugh Creek - source to mouth			
US-22	Dry Creek - source to mouth			
US-23	Silver Creek - source to mouth	COLD SS	PCR	DWS <i>SRW</i>

(4-5-00)()

151. -- 159. (RESERVED)

160. BEAR RIVER BASIN.

Surface waters found within the Bear River basin total six (6) subbasins and are designated as follows: (4-5-00)

01. Central Bear Subbasin. The Central Bear Subbasin, HUC 16010102, is comprised of eight (8)

water body units.

Unit	Waters	Aquatic Life	Recreation	Other
B-1	Bear River - Idaho/Wyoming border to railroad bridge (T14N, R45E, Sec. 21)	COLD SS	PCR	
B-2	Pegram Creek - source to mouth			
B-3	Thomas Fork - Idaho/Wyoming border to mouth	COLD SS	PCR	
B-4	Raymond Creek - Idaho/Wyoming border to mouth; and the Hollows - source to mouth			
B-5	Dry Creek - source to mouth	COLD SS	SCR	
B-6	Preuss Creek - source to mouth	COLD SS	SCR	
B-7	Salt Creek - source to Idaho/Wyoming border	COLD SS	SCR	
B-8	Sheep Creek - source to mouth			

(4-5-00)

02. Bear Lake Subbasin. The Bear Lake Subbasin, HUC 16010201, is comprised of twenty-five (25) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
B-1	Alexander Reservoir (Bear River)	COLD SS	PCR	
B-2	Bear River -railroad bridge (T14N, R45E, Sec. 21) to Alexander Reservoir	COLD SS	PCR	
B-3	Bailey Creek - source to mouth	COLD SS	SCR	
B-4	Eightmile Creek - source to mouth	COLD SS	SCR	
B-5	Pearl Creek - source to mouth	COLD SS	SCR	
B-6	Stauffer Creek - source to mouth	COLD SS	SCR	
B-7	Skinner Creek - source to mouth	COLD SS	SCR	
B-8	Co-op Creek - source to mouth	COLD SS	SCR	
B-9	Ovid Creek - confluence of North and Mill Creek to mouth			

Unit	Waters	Aquatic Life	Recreation	Other
B-10	North Creek - source to mouth	COLD SS	PCR	
B-11	Mill Creek - source to mouth	COLD SS	PCR	
B-12	Bear Lake Outlet - Lifton Station to Bear River	COLD SS	PCR	DWS <i>SRW</i>
B-13	Paris Creek - source to mouth	COLD SS	PCR	
B-14	Bloomington Creek - source to mouth	COLD SS	PCR	DWS <i>SRW</i>
B-15	Spring Creek - source to mouth			
B-16	Little and St. Charles Creeks - source to Bear Lake	COLD SS	PCR	<i>SRW</i>
B-17	Dry Canyon Creek - source to mouth			
B-18	Bear Lake	COLD SS	PCR	DWS <i>SRW</i>
B-19	Fish Haven Creek - source to Bear Lake	COLD SS	PCR	<i>SRW</i>
B-20	Montpelier Creek - source to mouth			
B-21	Snowslide Creek - source to mouth	COLD SS	SCR	
B-22	Georgetown Creek - source to mouth	COLD SS	PCR	DWS <i>SRW</i>
B-23	Soda Creek - Soda Creek Reservoir Dam to Alexander Reservoir		SCR	
B-24	Soda Creek Reservoir		SCR	
B-25	Soda Creek - source to Soda Creek Reservoir		SCR	

(4-11-06)()

03. Middle Bear Subbasin. The Middle Bear Subbasin, HUC 16010202, is comprised of twenty-one (21) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
B-1	Spring Creek - source to Idaho/Utah border			
B-2	Cub River - US Hwy 91 Bridge (T16S, R40E, Sec. 20) to Idaho/Utah border	COLD	SCR	
B-3	Cub River - from and including Sugar Creek to US Hwy 91 Bridge (T16S, R40E, Sec. 20)	COLD	PCR	

Unit	Waters	Aquatic Life	Recreation	Other
B-4	Cub River - source to Sugar Creek	COLD SS	PCR	DWS <i>SRW</i>
B-5	Worm Creek - source to Idaho/Utah border	COLD	SCR	
B-6	Bear River - Oneida Narrows Reservoir Dam to Idaho/Utah border	COLD SS	PCR	
B-7	Mink Creek - source to mouth	COLD SS	PCR	
B-8	Oneida Narrows Reservoir	COLD SS	PCR	
B-9	Bear River - Alexander Reservoir Dam to Oneida Narrows Reservoir	COLD SS	PCR	
B-10	Williams Creek - source to mouth			
B-11	Trout Creek - source to mouth			
B-12	Whiskey Creek - source to mouth			
B-13	Densmore Creek - source to mouth			
B-14	Cottonwood Creek - source to Oneida Narrows Reservoir			
B-15	Battle Creek - source to mouth	COLD	SCR	
B-16	Twin Lakes Reservoir			
B-17	Oxford Slough			
B-18	Swan Lake Creek Complex			
B-19	Fivemile Creek - source to mouth			
B-20	Weston Creek - source to mouth			
B-21	Jenkins Hollow - source to Idaho/Utah border			

(4-5-00)()

04. Little Bear-Logan Subbasin. The Little Bear-Logan Subbasin, HUC 16010203, is comprised of two (2) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
B-1	Beaver Creek - source to Idaho/Utah border			
B-2	Logan River - source to Idaho/Utah border			

(4-5-00)

05. Lower Bear-Malad Subbasin. The Lower Bear-Malad Subbasin, HUC 16010204, is comprised of thirteen (13) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
B-1	Malad River - Little Malad River to Idaho/Utah border	COLD	SCR	
B-2	Devil Creek - Devil Creek Reservoir Dam to mouth			
B-3	Devil Creek Reservoir			
B-4	Devil Creek - source to Devil Creek Reservoir			
B-5	Deep Creek - Deep Creek Reservoir Dam to mouth			
B-6	Deep Creek Reservoir			
B-7	Deep Creek - source to Deep Creek Reservoir			
B-8	Little Malad River - Daniels Reservoir Dam to mouth	COLD	PCR	
B-9	Daniels Reservoir			
B-10	Wright Creek - source to Daniels Reservoir	COLD SS	PCR	
B-11	Dairy Creek - source to mouth			
B-12	Malad River - source to Little Malad River	COLD	PCR	DWS
B-13	Samaria Creek - source to mouth			

(4-5-00)

06. Curlew Valley Subbasin. The Curlew Valley Subbasin, HUC 16020309, is comprised of three (3) water body units.

Unit	Waters	Aquatic Life	Recreation	Other
B-1	Deep Creek - Rock Creek to Idaho/Utah border	COLD	PCR	DWS
B-2	Deep Creek - source to Rock Creek	COLD	PCR	DWS
B-3	Rock Creek - source to mouth			

(4-5-00)

(BREAK IN CONTINUITY OF SECTIONS)

278. LOWER BOISE RIVER SUBBASIN, HUC 17050114 SUBSECTION 1540.12.

01. Boise River, SW-1 and SW-5 -- Salmonid Spawning and Dissolved Oxygen. The waters of the Boise River from Veterans State Park to its mouth will have dissolved oxygen concentrations of six (6) mg/l or seventy-five percent (75%) of saturation, whichever is greater, during the spawning period of salmonid fishes inhabiting those waters. (3-15-02)

~~**02. Indian Creek, SW 3b, Mason Creek, SW 6, and Sand Hollow Creek, SW 17 -- Modified Aquatic Life Use.** All numeric criteria applicable to the seasonal cold water aquatic life use apply with the exception of dissolved oxygen. Dissolved oxygen concentrations are to exceed four (4) mg/l at all times. (3-15-02)~~

~~03. Fifteenmile Creek, SW 7; Tenmile Creek, SW 8, and Five Mile Creek, SW 10 Modified Aquatic Life Use. All numeric criteria applicable to the seasonal cold water aquatic life use apply. (3-15-02)~~

042. Boise River, SW-5 and SW-11a -- Copper and Lead Aquatic Life Criteria. The water-effect ratio (WER) values used in the equations in Subsection 210.02 for calculating copper and lead CMC and CCC values shall be two and five hundred seventy-eight thousandths (2.578) for dissolved copper and two and forty-nine thousandths (2.049) for lead. These site-specific criteria shall apply to the Boise River from the Lander St. wastewater outfall to where the channels of the Boise River become fully mixed downstream of Eagle Island. (5-3-03)

(BREAK IN CONTINUITY OF SECTIONS)

350. RULES GOVERNING NONPOINT SOURCE ACTIVITIES.

01. Implementation Policy. (7-1-93)

a. Nonpoint sources are the result of activities essential to the economic and social welfare of the state. The a real extent of most nonpoint source activities prevents the practical application of conventional wastewater treatment technologies. Nonpoint source pollution management, including best management practices, is a process for protecting the designated beneficial uses and ambient water quality. Best management practices should be designed, implemented and maintained to provide full protection or maintenance of beneficial uses. Violations of water quality standards which occur in spite of implementation of best management practices will not be subject to enforcement action. However, if subsequent water quality monitoring and surveillance by the Department, based on the criteria listed in Sections 200, 210, 250, 251, 252, and 253, indicate water quality standards are not met due to nonpoint source impacts, even with the use of current best management practices, the practices will be evaluated and modified as necessary by the appropriate agencies in accordance with the provisions of the Administrative Procedure Act. If necessary, injunctive or other judicial relief may be initiated against the operator of a nonpoint source activity in accordance with the Director's authorities provided in Section 39-108, Idaho Code. In certain cases, revision of the water quality standards may be appropriate. (4-5-00)

b. As provided in Subsections 350.01.a. and 350.02.a. for nonpoint source activities, failure to meet general or specific water quality criteria, or failure to fully protect a beneficial use, shall not be considered a violation of the water quality standards for the purpose of enforcement. Instead, water quality monitoring and surveillance of nonpoint source activities will be used to evaluate the effectiveness of best management practices in protecting beneficial uses as stated in Subsections 350.01.a. and 350.02.b. (12-31-91)

02. Limitation to Nonpoint Source Restrictions. Nonpoint source activities will be subject to the following: (7-1-93)

a. Except as provided in Subsections 350.02.b. and 350.02.c., so long as a nonpoint source activity is being conducted in accordance with applicable rules, regulations and best management practices as referenced in Subsection 350.03, or in the absence of referenced applicable best management practices, conducted in a manner that demonstrates a knowledgeable and reasonable effort to minimize resulting adverse water quality impacts, the activity will not be subject to conditions or legal actions based on Subsections ~~400.01.b. or~~ 080.01. In all cases, if it is determined by the Director that imminent and substantial danger to the public health or environment is occurring, or may occur as a result of a nonpoint source by itself or in combination with other point or nonpoint source activities, then the Director may seek immediate injunctive relief to stop or prevent that danger as provided in Section 39-108, Idaho Code. (7-1-93)()

b. If the Director determines through water quality monitoring and surveillance that water quality criteria are not being met, or that beneficial uses are being impaired as a result of a nonpoint source activity by itself or in combination with other point and nonpoint source activities then: (3-3-87)

i. For an activity occurring in a manner not in accordance with approved best management practices, or in a manner which does not demonstrate a knowledgeable and reasonable effort to minimize resulting adverse water quality impacts, the Director may with appropriate inter-Departmental coordination. (3-3-87)

- (1) Prepare a compliance schedule as provided in Section 39-116, Idaho Code; and/or (2-2-83)
- (2) Institute administrative or civil proceedings including injunctive relief under Section 39-108, Idaho Code. (3-3-87)

ii. For activities conducted in compliance with approved best management practices, or conducted in a manner which demonstrates knowledgeable and reasonable effort to minimize resulting adverse water quality impacts, the Director may, with appropriate inter-Departmental coordination: (3-3-87)

(1) For those activities with approved best management practices as listed in Subsection 350.03 formally request that the responsible agency conduct a timely evaluation and modification of the practices to insure full protection of beneficial uses. (12-31-91)

(2) For all other nonpoint source activities which do not have approved best management practices as listed in Subsection 350.03, develop and recommend to the operator control measures necessary to fully protect the beneficial uses. Such control measures may be implemented on a voluntary basis, or where necessary, through appropriate administrative or civil proceedings. (12-31-91)

(3) If, in a reasonable and timely manner the approved best management practices are not evaluated or modified by the responsible agency, or if the appropriate control measures are not implemented by the operator, then the Director may seek injunctive relief to prevent or stop imminent and substantial danger to the public health or environment as provided in Section 39-108, Idaho Code. (3-3-87)

c. The Director may review for compliance project plans for proposed nonpoint source activities, based on whether or not the proposed activity will fully maintain or protect beneficial uses as listed in Sections 200, 250, 251, 252, and 253. In the absence of relevant criteria in those Sections, the review for compliance will be based on whether or not the proposed activity: (4-5-00)

- i. Will comply with approved or specialized best management practices; and (3-3-87)
- ii. Provides a monitoring plan which, when implemented, will provide information to the Director adequate to determine the effectiveness of the approved or specialized best management practices in protecting the beneficial uses of water; and (3-3-87)
- iii. Provides a process for modifying the approved or site-specific best management practices in order to protect beneficial uses of water. (3-3-87)

d. For projects determined not to comply with those requirements, the plan may be revised and resubmitted for additional review by the Department. Any person aggrieved by a final determination of the Director may, within thirty (30) days, file a written request for a hearing before the Board in accordance with the Idaho Administrative Procedures Act. In all cases, implementation of projects detailed in a plan shall be conducted in a manner which will not result in imminent and substantial danger to the public health or environment. (3-3-87)

03. Approved Best Management Practices. The following are approved best management practices for the purpose of Subsection 350.02: (12-31-91)

a. "Rules Pertaining to the Idaho Forest Practices Act," IDAPA 20.02.01, as adopted by Board of Land Commissioners; (12-31-91)

b. Idaho Department of Environmental Quality Rules, IDAPA 58.01.06, "Solid Waste Management Rules and Standards"; (7-1-93)

c. Idaho Department of Environmental Quality Rules, IDAPA 58.01.03, "Individual/Subsurface

Sewage Disposal Rules”); (7-1-93)

d. “Stream Channel Alteration Rules,” IDAPA 37.03.07, as adopted by the Board of Water Resources; (7-1-93)

e. For the Spokane Valley Rathdrum Prairie Aquifer, “Rathdrum Prairie Sewage Disposal Regulations,” as adopted by the Panhandle District Health Department Board of Health and approved by the Idaho Board of Environmental Quality; (7-1-93)

f. “Rules Governing Exploration, Surface Mining, and Closure of Cyanidation Facilities,” IDAPA 20.03.02, as adopted by the Board of Land Commissioners; and (7-1-93)

g. “Dredge and Placer Mining Operations in Idaho,” IDAPA 20.03.01, as adopted by the Board of Land Commissioners. (7-1-93)

h. “Rules Governing Dairy Waste,” IDAPA 02.04.14, as adopted by the Department of Agriculture. (3-20-97)

351. -- 399. (RESERVED).

400. RULES GOVERNING POINT SOURCE DISCHARGES.

01. Implementation Policy. (7-1-93)

a. As provided for in Subsection 080.01, and Sections 200, 210, 250, 251, 252, 253, 275, and 400 for point source discharges, failure to meet general or specific water quality criteria is a violation of the water quality standards. (4-5-00)

~~b. Except as noted in Section 400, no new point source can discharge pollutants, and no existing point source can increase its discharge of pollutants above the design capacity of its existing wastewater treatment facility, to any water designated as a special resource water or to a tributary of, or to the upstream segment of a special resource water: if pollutants significant to the designated beneficial uses can or will result in a reduction of the ambient water quality of the receiving special resource water as measured immediately below the applicable mixing zone. (8-24-94)~~

~~eb.~~ No unauthorized discharge from a point source shall occur to waters of the state. (4-11-06)

02. Limitations to Point Source Restrictions. (7-1-93)

~~a.~~ So long as a point source discharge or wastewater treatment facility is regulated by the terms and conditions of an authorization pursuant to Subsection 080.02, a Board order, decree or compliance schedule, or a valid NPDES permit issued by the EPA, the discharge or facility will not be subject to additional restrictions or conditions based on Subsections 080.01, ~~or 400.01.b.~~ and Sections 200, 210, 250, 251, 252, and 253. (4-11-06) ()

~~b.~~ The restrictions set forth in Subsection 400.01.b. are modified as follows: New point sources can discharge, and existing point sources can increase its discharge above the design capacity of its existing wastewater treatment facility, resulting in increases in water temperatures and fluoride concentrations up to levels needed to protect designated beneficial uses in the Boise River between the bridge at Broadway Avenue and River Mile 50 (through Veteran's State Park). (4-5-00)

03. Compliance Schedules for Water Quality-Based Effluent Limitations. Discharge permits for point sources may incorporate compliance schedules which allow a discharger to phase in, over time, compliance with water quality-based effluent limitations when new limitations are in the permit for the first time. (3-15-02)

04. Wetlands Used for Wastewater Treatment. (8-24-94)

a. Waters contained within wetlands intentionally created from non-wetland sites for the purpose of

wastewater or stormwater treatment, and operated in compliance with NPDES permit conditions, shall not be subject to the application of general water quality-based or site-specific criteria and standards. (8-24-94)

b. Waters contained within wetlands intentionally created from non-wetland sites for the purpose of treatment of nonpoint sources of pollution, and operated in compliance with best management practices, shall not be subject to the application of general water quality-based or site specific criteria and standards. (8-24-94)

c. Discharges from treatment systems described in Sections 400.04.a. and 400.04.b. to waters of the state are subject to all applicable rules and requirements governing such discharges. (8-24-94)

05. Flow Tiered NPDES Permit Limitations. Discharge permits for point sources discharging to waters exhibiting unidirectional flow may incorporate tiered limitations for conventional and toxic constituents at the discretion of the department. (8-24-94)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.09 - RULES REGULATING SWINE AND POULTRY FACILITIES

DOCKET NO. 58-0109-1101

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. This action is authorized by Sections 39-104A, 39-105, and 39-107, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency.

Written requests for a hearing must be received by the undersigned on or before July 20, 2011. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to implement House Bill 206 (2011), wherein the Idaho Legislature placed the responsibility and oversight of current and future poultry operations with the Idaho State Department of Agriculture. The proposed rule will remove references to poultry facilities from DEQ's "Rules Regulating Swine and Poultry Facilities," IDAPA 58.01.09.

Owners and operators of poultry facilities may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality at the October 2011 Board meeting for adoption as a pending rule. The rule is expected to be final and effective upon the adjournment of the 2012 legislative session if adopted by the Board and approved by the Legislature.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

NEGOTIATED RULEMAKING: Due to the nature of this rulemaking, negotiations were not held.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does regulate an activity not regulated by the federal government. The federal government does not regulate swine and poultry facilities for the state of Idaho; therefore, the proposed rule revisions are not broader in scope or more stringent than federal law or regulations.

FISCAL IMPACT STATEMENT: 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 when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Paula Wilson at paula.wilson@deq.idaho.gov or (208)373-0418.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before August 3, 2011.

DATED this 10th day of June, 2011.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton, Boise, Idaho 83706-1255
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THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 58-0109-1101

58.01.09 - RULES REGULATING SWINE ~~AND POULTRY~~ FACILITIES

000. LEGAL AUTHORITY.

The Idaho Legislature has given the Idaho Board of Environmental Quality the authority to promulgate Rules Regulating Swine ~~and Poultry~~ Facilities pursuant to Sections 39-104A, 39-105, and 39-107, Idaho Code.

~~(4-1-00)~~()

001. TITLE AND SCOPE.

01. **Title.** These rules shall be cited as Rules of the Department of Environmental Quality, IDAPA 58.01.09, "Rules Regulating Swine ~~and Poultry~~ Facilities."

~~(4-1-00)~~()

02. **Scope.** These rules establish the procedures and requirements for the issuance of a permit to construct, operate, close or expand swine ~~and poultry~~ facilities of a defined capacity. The intent of these rules is to ensure animal waste from swine ~~and poultry~~ facilities are properly controlled so as not to adversely affect public health or the environment.

~~(4-1-00)~~()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

01. **Animal Unit.** An animal unit equals two and a half (2.5) swine, each weighing over twenty-five (25) kilograms (approximately fifty-five (55) pounds), or ten (10) weaned swine, each weighing under twenty-five (25) kilograms, ~~or one hundred (100) poultry~~. Total animal units are calculated by adding the number of swine weighing over twenty-five (25) kilograms multiplied by four-tenths (.4) plus the number of weaned swine weighing under twenty-five (25) kilograms multiplied by one-tenth (.1) ~~plus the number of poultry multiplied by one one-hundredth (.01)~~.

~~(4-1-00)~~()

02. **Animal Waste.** Animal excrement, feed wastes, process wastewater or any other waste associated with the confinement of swine ~~or poultry~~.

~~(4-1-00)~~()

03. **Animal Waste Management System.** Any structure or system that provides for the collection, treatment, disposal, distribution, or storage of animal waste.

(4-1-00)

04. **Certified Planner.** A person who has completed the nutrient management certification in accordance with the Nutrient Management Standard.

(4-1-00)

05. **Department.** The Idaho Department of Environmental Quality.

(4-1-00)

06. **Director.** The Director of the Department of Environmental Quality or his designee.

(4-1-00)

07. **Existing Facility.** A facility built and in operation one (1) year or more prior to the original effective date of these rules.

(4-1-00)

08. **Expanding Facility.** A swine ~~or poultry~~ facility of less than two thousand (2,000) animal units that increases its one-time animal unit capacity to two thousand (2,000) or more animal units or an existing facility that increases its one-time animal unit capacity by ten percent (10%).

~~(4-1-00)~~()

09. Facility or Swine ~~or Poultry~~ Facility. Any place, site or location or part thereof where swine ~~or poultry~~ are kept, handled, housed, or otherwise maintained and includes but is not limited to buildings, lots, pens, and animal waste management system, and which has the one-time animal unit capacity of two thousand (2000) or more animal units. (4-1-00)()

10. Land Application. The spreading on or incorporation of animal waste into the soil mantle primarily for beneficial purposes. (4-1-00)

11. Nutrient Management Plan. A plan prepared in compliance with the Nutrient Management Standard or other equally protective standard approved by the Director for managing the amount, source, placement, form, and timing of the land application of nutrients and soil amendments for plant production and to minimize the potential for environmental degradation, particularly impairment of water quality. (4-1-00)

12. Nutrient Management Standard. The United States Department of Agriculture-Natural Resource Conservation Service Code 590 or the Idaho Agricultural Pollution Abatement Plan-Nutrient Management Standard Component Practice. (4-1-00)

13. One-Time Animal Unit Capacity. The maximum number of animal units that a facility is capable of housing at any given point in time. (4-1-00)

14. Operate. Confine, feed, propagate, house, or otherwise sustain swine ~~or poultry~~. (4-1-00)()

15. Permit. A written authorization by the Director to construct, operate, or expand a swine ~~or poultry~~ facility. (4-1-00)()

16. Permittee. The person in whose name a permit is issued. (4-1-00)

17. Person. Any individual, association, partnership, firm, joint stock company, joint venture, trust, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any legal entity which is recognized by law as the subject of rights and duties. (4-1-00)

~~**18. Poultry.** This term includes chickens, turkeys, ducks, geese and any other bird raised in captivity. (4-1-00)~~

~~**19. Process Wastewater.** Any water used in the facility that comes into contact with any manure, litter, bedding, raw, intermediate, or final material or product used in or resulting from the production of swine ~~or poultry~~ and any products directly or indirectly used in the operation of a facility, such as spillage or overflow from animal watering systems; washing, cleaning, or flushing pens, barns, manure pits, or spray cooling of animals; and dust control and any precipitation which comes into contact with animals or animal waste. (4-1-00)()~~

~~**20. Unauthorized Discharge.** A release of animal waste to the environment or waters of the state that is not authorized by the permit or the terms of an NPDES permit issued by the federal EPA. (4-1-00)~~

~~**21. Waters of the State.** All the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state. (4-1-00)~~

011. -- 099. (RESERVED)

100. APPLICABILITY.

01. Permit Required. No person shall construct, operate, or expand a regulated swine ~~or poultry~~ facility without first obtaining a permit issued by the Director as provided in these rules. (4-1-00)()

02. Regulated Facilities. New swine ~~and poultry~~ facilities having a one-time animal unit capacity of two thousand (2,000) or more animal units and expanding facilities are required to be permitted as provided in these

rules.

~~(4-1-00)~~()

03. Common Control. Two (2) or more swine ~~or poultry~~ facilities under common control of the same person may be considered, for purposes of permitting, to be a single facility, even though separately their capacity is less than two thousand (2,000) animal units, if they use a common animal waste management system or land application site. ~~(4-1-00)~~()

04. Existing Swine ~~and Poultry~~ Facilities. Those swine ~~and poultry~~ facilities built and in operation one (1) year or more prior to the original effective date of these rules are exempt from the requirements of these rules except as provided in Section 210. ~~(4-1-00)~~()

101. -- 199. (RESERVED)

200. PERMIT APPLICATION.

01. Permit Application. Every person requiring a permit under these rules shall submit a permit application to the Department. A permit application will be used to determine if the construction, operation, and closure of a swine ~~or poultry~~ facility will be in conformance with these and other applicable rules. ~~(4-1-00)~~()

02. Preapplication Conference. Prospective applicants are encouraged to meet with the Department to discuss application requirements and procedures. (4-1-00)

03. Contents of Application. Each application shall include, in the format set forth by the Director and when determined applicable by the Director, the following information in Subsections 200.04 through 200.08 in sufficient detail to allow the Director to make necessary application review decisions concerning design, environmental protection and public health. (4-1-00)

04. Relevant Information. (4-1-00)

- a. Name, mailing address and phone number of the facility owner. (4-1-00)
- b. Name, mailing address and phone number of the facility operator. (4-1-00)
- c. Name and mailing address of the facility. (4-1-00)
- d. Legal description of the facility location. (4-1-00)
- e. The legal structure of the entity owning the facility, including the names and addresses of all directors, officers, registered agents and partners. (4-1-00)

f. The names and locations of all swine ~~or poultry~~ facilities owned and/or operated by the applicant within the last ten (10) years. ~~(4-1-00)~~()

g. The one-time animal unit capacity of the facility. (4-1-00)

h. The type of animals to be confined at the facility. (4-1-00)

i. Evidence that a valid water right exists to supply adequate water for the proposed facility or a copy of either an application for permit to appropriate water or an application to change the point of diversion, place, period and nature of use of an existing water right that has been filed with the Idaho Department of Water Resources which, if approved, will supply adequate water for the proposed operation. (4-1-00)

j. Proof of financial capability to perform remedial actions and to meet the conditions of an approved closure plan for a facility. The mechanism used to demonstrate financial capability must be legally valid, binding and enforceable under applicable law and must insure that the funds necessary to meet the costs of remediation and closure will be available whenever they are needed in accordance with Section 205. The mechanisms include, but are not limited to, trust funds, surety bonds, letters of credit, insurance and corporate guarantees. (3-15-02)

- k.** The facility's biosecurity and sanitary standards. (4-1-00)
- l.** A statement of estimated annual income and operating expenses that demonstrate, to the satisfaction of the Department, financial capability to operate the facility. (3-15-02)
- 05. Construction Plan.** Plans and specifications for the facility's animal waste management system that include the following information: (4-1-00)
- a.** Vicinity map(s) prepared on one (1) or more seven and one-half minute (7.5') USGS topographic quadrangle maps or a high quality reproduction(s) that includes the following: (4-1-00)
- i.** Layout of the facility, including buildings and animal waste management system; (4-1-00)
- ii.** The one hundred (100) year FEMA flood zones or other appropriate flood data for the facility site and land application sites owned or leased by the applicant; (4-1-00)
- iii.** The location of occupied dwellings, public and private gathering places, such as schools, churches and parks, and incorporated municipalities which are within a two (2) mile radius of the facility; and (4-1-00)
- iv.** Private and community domestic water wells, irrigation wells, irrigation conveyance and drainage structures, monitoring wells, wetlands, streams, springs, and reservoirs which are within a one (1) mile radius of the facility. (4-1-00)
- b.** Facility construction specifications including: (4-1-00)
- i.** A site plan showing: (4-1-00)
- (1) Building locations; (4-1-00)
- (2) Waste facilities; (4-1-00)
- (3) All waste conveyance systems; and (4-1-00)
- (4) All irrigation systems used for land application, including details of approved water supply protection devices. (4-1-00)
- ii.** Building plans showing: (4-1-00)
- (1) All wastewater collection systems in housed units; (4-1-00)
- (2) All freshwater supply systems, including details of approved water supply protection devices; (4-1-00)
- (3) Detailed drawings of wastewater collection and conveyance systems and containment construction; and (4-1-00)
- (4) Detailed construction and installation procedures. (4-1-00)
- 06. Site Characterization.** A characterization of the facility and any land application site(s) owned or operated by the applicant, prepared by a registered professional geologist, a registered professional engineer or a qualified ground water hydrologist, that includes the following information: (4-1-00)
- a.** A description of monitoring methods, frequency, and reporting components related to either leak detection systems and/or ground water monitoring wells; (4-1-00)
- b.** The climatic, hydrogeologic, and soil characteristics; (4-1-00)

- c. The depth to water and a potentiometric map for the uppermost and regional aquifer; (4-1-00)
 - d. The vertical and horizontal conductivity, gradient, and ground water flow direction and velocity; (4-1-00)
 - e. Estimates of recharge to the uppermost aquifer; (4-1-00)
 - f. Information which characterizes the relationship between the ground water and adjacent surface waters; and (4-1-00)
 - g. A summary of local ground water quality data. (4-1-00)
- 07. Nutrient Management Plan.** A plan prepared by a Certified Planner demonstrating compliance with the Nutrient Management Standard for land application. (4-1-00)
- 08. Closure Plan.** A plan describing the procedures for final closure of a facility that ensures no adverse impacts to the environment and waters of the state and that includes: (4-1-00)
- a. The estimated length of operation of the facility; and (4-1-00)
 - b. A description of the procedures, methods, and schedule to be implemented at the facility for final disposal, handling, management and/or treatment of all animal waste. (4-1-00)
- 09. Other Information.** An applicant shall provide any other information relative to Subsections 200.04 through 200.08 deemed necessary by the Director to assess protection of human health and the environment. (4-1-00)
- 10. Application Fee.** A fee shall be submitted with each permit application as follows: (4-1-00)
- a. Three thousand dollars (\$3,000) for facilities that have a one-time animal unit capacity of less than five-thousand (5,000) animal units; (4-1-00)
 - b. Five thousand dollars (\$5,000) for facilities that have a one-time animal unit capacity of five thousand to ten thousand (5,000-10,000) animal units; and (4-1-00)
 - c. Ten thousand dollars (\$10,000) for facilities that have a one-time animal unit capacity over ten thousand (10,000) animal units. (4-1-00)
- 201. -- 204. (RESERVED)**
- 205. FINANCIAL ASSURANCE REQUIREMENTS.**
- 01. Written Estimate of Costs.** The owner of a swine ~~or poultry~~ facility shall submit, as part of the permit application, a detailed written estimate, in current dollars, of the cost of hiring a third party to: ~~(3-15-02)~~ ()
- a. Remediate potential contamination caused by the operation of the facility or of any potential spill or breach, including, without limitation, remediation pursuant to the facility's Spill Contingency Plan; and (3-15-02)
 - b. Close the facility in accordance with an approved closure plan. (3-15-02)
 - c. The Department must approve the cost estimate as reasonable prior to the issuance of a permit. (3-15-02)
- 02. Financial Assurance Mechanisms.** The owner shall submit as part of the permit application evidence of financial assurance to cover the approved remediation and closure cost estimates. However, if the Department has determined, prior to October 19, 2000, that a complete application has been submitted, the owner

shall submit the remediation and closure cost estimates and financial assurance mechanism to the Department for approval prior to the issuance of a permit. The mechanism used to demonstrate financial assurance shall be submitted to the Department for approval and shall ensure that the funds necessary to meet the approved costs of remediation and closure will be available whenever they are needed. The financial assurance mechanisms allowed for swine ~~and poultry~~ facilities shall include any mechanism or a combination of mechanisms meeting the criteria set forth below or other mechanism approved by the Department. (3-15-02)()

a. Trust Fund. (3-15-02)

i. An owner may satisfy the requirements of Subsection 205.02 by establishing a trust fund and submitting an originally signed duplicate of the trust agreement to the Department. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. (3-15-02)

ii. After the trust fund is established, whenever the current remediation and closure cost estimates change, the owner must compare the new estimates with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner, within sixty (60) days after the change in the cost estimate, must either deposit an amount equal into the fund so that its value after this deposit at least equals the amount of the current remediation or closure cost estimate, or obtain other financial assurance as specified in Subsection 205.02 to cover the difference. (3-15-02)

iii. If the value of the trust fund is greater than the total amount of the current remediation or closure cost estimate, the owner may submit a written request to the Department for release of the amount in excess of the current remediation or closure cost estimate. (3-15-02)

iv. If an owner substitutes other financial assurance as specified in Subsection 205.02 for all or part of the trust fund, he may submit a written request to the Department for release of the amount in excess of the current remediation or closure cost estimate covered by the trust fund. (3-15-02)

b. Surety Bond. (3-15-02)

i. An owner may satisfy the requirements of Subsection 205.02 by obtaining a payment or performance surety bond and submitting a certified copy of the bond to the Department. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury. (3-15-02)

ii. The penal sum of the bond must be in an amount at least equal to the current remediation and closure cost estimates. (3-15-02)

iii. Under the terms of the bond, the surety will become liable on the bond obligation when: (3-15-02)

(1) The owner fails to perform as guaranteed by the bond; or (3-15-02)

(2) The Department notifies the owner that he has failed to meet requirements of these rules. (3-15-02)

iv. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner and the Department one hundred twenty (120) days in advance of cancellation. Cancellation may not occur, however, during the one hundred twenty (120) days beginning with the date of receipt of the notice by the Department, as evidenced by the return receipt. The surety shall remain liable on the bond for costs of remediation and closure unless the owner obtains a replacement financial assurance mechanism, approved by the Department in accordance with Subsection 205.02.f., that covers both the existing and future costs of remediation and closure. (3-15-02)

c. Letter of Credit. (3-15-02)

i. An owner may satisfy the requirements of Subsection 205.02 by obtaining an irrevocable standby letter of credit and submitting a certified copy of the letter to the Department. The issuing institution must be an entity

which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency. (3-15-02)

ii. The letter of credit must be accompanied by a letter from the owner referring to the letter of credit by number, issuing institution, and date, and providing the following information: the type of facility, name and address of the facility, and the amount of funds assured for remediation and closure of the facility by the letter of credit. (3-15-02)

iii. The letter of credit must be irrevocable and issued for a period of at least one (1) year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one (1) year unless, at least one hundred twenty (120) days before the current expiration date, the issuing institution notifies both the owner and the Department by certified mail of a decision not to extend the expiration date. Cancellation may not occur, however, during the one hundred twenty (120) days beginning with the date of receipt of the notice by the Department, as evidenced by the return receipt. The issuing institution shall remain liable on the letter of credit for costs of remediation and closure unless the owner obtains a replacement financial assurance mechanism, approved by the Department in accordance with Subsection 205.02.f., that covers both the existing and future costs of remediation and closure. (3-15-02)

iv. The letter of credit must be issued in an amount at least equal to the current remediation and closure cost estimates. (3-15-02)

d. Insurance. (3-15-02)

i. An owner may satisfy the requirements of Subsection 205.02 by obtaining remediation and closure insurance and submitting a certificate of such insurance to the Department. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one (1) or more states. (3-15-02)

ii. The insurance policy must be issued for a face amount at least equal to the current remediation and closure cost estimates. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments. (3-15-02)

iii. Each insurance policy must contain a provision allowing assignment of the policy to a successor. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused. (3-15-02)

iv. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. The insurer may cancel the policy by sending notice by certified mail to the owner and the Department one hundred twenty (120) days in advance. Cancellation may not occur, however, during the one hundred twenty (120) days beginning with the date of receipt of the notice by the Department, as evidenced by the return receipt. The insurer shall remain liable on the policy for costs of remediation and closure unless the owner obtains a replacement financial assurance mechanism, approved by the Department in accordance with Subsection 205.02.f., that covers both the existing and future costs of remediation and closure. (3-15-02)

e. Corporate Guarantee. (3-15-02)

i. An owner may satisfy the requirements of Subsection 205.02 by obtaining a written guarantee and submitting a certified copy of the guarantee and appropriate letter from the guarantor. The guarantor must be the direct or higher-tier parent corporation of the owner, a firm whose parent corporation is also the parent corporation of the owner, or a firm with a "substantial business relationship" with the owner. (3-15-02)

ii. If the guarantor's parent company is also the parent corporation of the owner, a letter from the guarantor's chief financial officer must describe the value received in consideration of the guarantee. (3-15-02)

iii. If the guarantor is a firm with a "substantial business relationship" with the owner, the letter must

describe the “substantial business relationship” and the value received in consideration of the guarantee. (3-15-02)

iv. The terms of the guarantee shall provide that if the owner fails to perform remediation or closure of a facility covered by the guarantee, the guarantor will: (3-15-02)

(1) Perform, or pay a third party to perform, remediation and closure as required (performance guarantee); or (3-15-02)

(2) Establish a fully funded trust fund as specified in Subsection 205.02.a. in the name of the owner (payment guarantee). (3-15-02)

v. The guarantee shall remain in force for as long as the owner must comply with the applicable financial assurance requirements of Subsection 205.02 unless the guarantor sends notice of cancellation by certified mail to the owner and to the Department one hundred twenty (120) days in advance. Cancellation may not occur, however, during the one hundred twenty (120) days beginning on the date of receipt of the notice by the Department, as evidenced by the return receipt. The guarantor shall remain liable on the guarantee for costs of remediation and closure unless the owner obtains a replacement financial assurance mechanism, approved by the Department in accordance with Subsection 205.02.f., that covers both the existing and future costs of remediation and closure. (3-15-02)

f. If a financial assurance mechanism is cancelled by the issuing entity, the owner shall obtain alternate financial assurance, within sixty (60) days of receipt of notice of cancellation by the Department, which shall be submitted to the Department for approval. The alternate financial assurance must become effective not later than the effective date of cancellation or termination of the existing financial assurance. An owner may only cancel a financial assurance mechanism after first obtaining an alternative mechanism approved by the Department. (3-15-02)

03. Continuous Coverage. The owner shall provide continuous coverage for remediation and closure until released from financial assurance requirements by the Department. (3-15-02)

04. Adjustment of Financial Assurance Amounts. The following provisions apply to the adjustment of the amount of financial assurance: (3-15-02)

a. The owner shall increase the remediation and closure cost estimates and the amount of financial assurance if changes to the closure plan or facility conditions or operations increase the cost estimates at any time during the active life of the facility. The cost estimates and financial assurance shall also be adjusted to reflect inflation. Increased cost estimates and financial assurance shall be submitted to the Department for approval. (3-15-02)

b. The owner may reduce the remediation and closure cost estimates and the amount of financial assurance if the cost estimates exceed the maximum cost of remediation or closure at any time during the active life of the facility. The owner shall first notify the Department and obtain its approval of the justification for the reduction of the remediation and closure cost estimates. (3-15-02)

05. Release from Financial Assurance Requirements. When remediation and closure conditions required by a permit are complete, financial assurance shall be released by the Department as follows: (3-15-02)

a. When the Department determines that initial closure activities have been completed, financial assurance, less identified retainages, shall be released. (3-15-02)

b. A sufficient amount of financial assurance shall be retained by the Department, up to five (5) years after closure, to ensure proper remediation and closure of a facility. (3-15-02)

c. Release of any amount of financial assurance shall not release the owner from any responsibility for meeting remediation or closure requirements. (3-15-02)

06. Owner Liability. Nothing in these rules shall relieve the owner of liability for remediation and closure costs. The use of all financial assurance shall not relieve the owner from responsibility and liability for

remediation and closure costs.

(3-15-02)

(BREAK IN CONTINUITY OF SECTIONS)

300. APPLICATION PROCESSING PROCEDURE.

01. Application Completeness. Within thirty (30) days of receipt of an application, the Director shall provide written notice to the applicant as to whether the application meets all the requirements of Section 200. The Department shall provide public notice of the receipt of a complete application. An application which does not, on its face, meet all the requirements of Section 200 of these rules shall be returned to the applicant by the Director with a written list of the deficiencies. The Director will not process an application until it is determined to be complete in accordance with these rules. (4-1-00)

02. Notice of Environmental Suitability of Facility Location. Within thirty (30) days of the Director's notice that the application is complete, the Director shall determine whether the facility is environmentally suitable for the selected location. In making this decision, the Director shall review the location of the facility relative to flood zones, dwellings, wells, surface and ground water and those other items the applicant must identify on the vicinity map. Written notice of the Director's determination will be sent to the applicant, with a copy sent to the appropriate county and city officials for the selected location, along with a Department analysis that includes the following: (4-1-00)

a. A brief description of the proposed facility, its animal waste management system and its nutrient management plan; (4-1-00)

b. A brief summary of the basis for the determination on environmental suitability including references to applicable requirements and supporting materials; (4-1-00)

c. A description of the schedule for issuing a permit; and (4-1-00)

d. The name and phone number of the Department staff to contact for additional information. (4-1-00)

03. Draft Permit. Within sixty (60) days of the Director's determination that a facility is environmentally suitable for its proposed location, the Director shall either issue a draft permit or a notice of denial of a permit to the applicant. The draft permit shall be in the same form as a final permit and shall specify conditions of construction, operation and closure. (4-1-00)

04. Public Comments. The Department shall provide notice to the public of its issuance of a draft permit. The public may provide written comments for a time period and in a manner specified in the Department's notice. The Department may, in its discretion, provide an opportunity for the public to provide oral comments. (4-1-00)

05. Permit Denial. The Director may deny a permit if: (4-1-00)

a. The owner of a facility is not in substantial compliance with a final agency order or any final order or judgement of a court secured by any state or federal agency relating to the operation of a swine ~~or poultry~~ facility; (4-1-00) ()

b. The application is inaccurate; (4-1-00)

c. The facility as proposed cannot meet the requirements set forth in these rules or cannot be constructed, operated and closed in a manner that protects human health and the environment; or (4-1-00)

d. The appropriate county or city does not approve the location of the facility. (4-1-00)

06. Final Permit. Within sixty (60) days of the issuance of a draft permit, the Director shall issue a final permit to the applicant, however, a permit shall not be issued by the Director until the applicant has received final approval from the appropriate county or city for the location of the facility and has received approval for a water right from the Department of Water Resources. The permit shall be effective for a fixed term of not more than five (5) years, and may be reissued upon receipt of an updated application and demonstration of compliance with the rules and permit requirements existing at the time of reissuance. (4-1-00)

07. Additional Information. At any time during the application process an applicant shall provide the Director with additional information the Director deems necessary to process a permit, within thirty (30) days of the Director's request. The time period within which the Director must act with regard to the permit shall be stayed until the information requested is provided. If an applicant fails to provide the information within this time period, unless a longer time period is allowed by the Director, the Director may cease the application process and require the applicant to submit a new application. (4-1-00)

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

59.01.06 - PERSI RETIREMENT RULES

DOCKET NO. 59-0106-1101

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2012 Idaho State Legislature for final approval. The pending rule becomes final and effective February 1, 2011, 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 Sections 59-1314(1) and 72-1405, 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:

Update rule 162 to adopt new contingent annuitant factors (Table C) for members who retire on or after July 1, 2011.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [May 4, 2011, Idaho Administrative Bulletin, Vol. 11-5, pages 101 through 109.](#)

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joanna L. Guilfooy, PERSI, 287-9271.

DATED this 27th day of May, 2011.

Don Drum, Executive Director
Public Employee Retirement System of Idaho
607 N. 8th Street, Boise, ID 83702
P.O. Box 83720, Boise, ID 83720-0078
Phone: 208-287-9230; Fax: 208-334-3408

DOCKET NO. 59-0106-1101 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 11-5, May 4, 2011, pages 101 through 109.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2012 Idaho State Legislature for final adoption.

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

59.01.06 - PERSI RETIREMENT RULES

DOCKET NO. 59-0106-1102

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2012 Idaho State Legislature for final approval. The pending rule becomes final and effective March 1, 2011, 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 Sections 59-1314(1) and 72-1405, 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.

To cancel scheduled increase in contribution rates to the unused sick leave fund by public schools and to maintain at current rates.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [May 4, 2011, Idaho Administrative Bulletin, Vol. 11-5, pages 110 and 111.](#)

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joanna L. Guilfooy, PERSI, 287-9271.

DATED this 27th day of May, 2011.

Don Drum, Executive Director
Public Employee Retirement System of Idaho
607 N. 8th Street, Boise, ID 83702
P.O. Box 83720, Boise, ID 83720-0078
Phone: 208-287-9230; Fax: 208-334-3408

DOCKET NO. 59-0106-1102 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 11-5, May 4, 2011, pages 110 and 111.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2012 Idaho State Legislature for final adoption.

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LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the latest publication of the state Administrative Bulletin.

*The written comment submission deadline is July 27, 2011 unless otherwise listed.
(Temp & Prop) indicates the rule is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 08 - STATE BOARD AND STATE DEPARTMENT OF EDUCATION PO Box 83720, Boise, ID 83720-0027

08-0203-1101, Rules Governing Thoroughness. (Temp & Prop) Incorporates by reference the revisions of the ISAT-Alt achievement standards in mathematics, science, reading and language; adds a fourth complexity level to the science and mathematics achievement levels.

IDAPA 10 - IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS 1510 E. Watertower St., Meridian, ID 83642

10-0101-1101, Rules of Procedure. (*PH) Engineer intern and land surveyor intern applicants are no longer required to provide references on exam applications; adopts national standards for evaluating non-accredited engineering programs; allows an individual to select retired status during the renewal biennium in which he reaches age 60 rather than on his 60th birthday; amends the examination submittal deadlines to accommodate converting some exams to computer-based format.

10-0102-1101, Rules of Professional Responsibility. (*PH) Reduces number of days to 20 that a license holder has to respond to notification of discovery of a material discrepancy by another license holder unless the licensee is working in the employ of an attorney as an expert witness; limits the amount of time following discovery of an event that the Board will accept an affidavit of complaint.

10-0104-1101, Rules of Continuing Professional Development. (*PH) Allows new licensees to carry forward professional development hours earned during the biennium prior to the first renewal following the issuance of the license; allows professional development hours for peer review of published articles; allows license holders residing outside the US to earn required professional development hours upon returning to the US.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036

***16-0101-1101, Emergency Medical Services (EMS) -- Advisory Committee (EMSAC).** (*PH) New chapter establishes the required membership and organizational representation; provides length of terms of membership, definitions, guidelines, duties, and responsibilities of the committee. Comment by: 8/12/11.

16.01.07 - Emergency Medical Services (EMS) -- Personnel Licensing Requirements

***16-0107-1101,** (Temp & Prop) (*PH) New chapter provides standards and requirements for personnel licensure, an application process, scope of practice, definitions, records management; adds citations to chapters governing complaints, investigations, compliance and enforcement of these rules. Comment by: 8/12/11.

***16-0107-1102**, (Temp & Prop) (*PH) Sets fees for applications for initial licensure, renewal and reinstatement. Comment by: 8/12/11.

***16-0112-1101, Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions.** (Temp & Prop) (*PH) New chapter establishes requirements for filing complaints, disclosure of records, handling complaint investigations, and compliance with licensing standards; provides for enforcement and disciplinary actions for violations and notification requirements of disciplinary actions; adds citations to those chapters for which these rules provide disciplinary actions and compliance enforcement. Comment by: 8/12/11.

***16-0203-1101, Emergency Medical Services.** (Temp & Prop) (*PH) The following have been removed from this rule and reorganized into new chapters: EMS personnel licensure standards and requirements; application procedures; fees; records management requirements; investigation, enforcement and compliance requirements for agency and personnel licensing. It amends the scope of practice and adds citations to new chapters. Comment by: 8/12/11.

16-0319-1101, Certified Family Homes. (Temp & Prop) Implements licensing fees to cover the certification and recertification costs for certified family homes; provides enforcement action for nonpayment of the recertification fees.

16-0504-1101, Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding. (Temp & Prop) Revises the "Minimum Standards for the Domestic Violence Offender Intervention Programs" manual that is incorporated by reference to prohibit conjoint treatment (couples counseling) as an alternative intervention.

***16-0602-1101, Rules Governing Standards for Child Care Licensing.** (Temp & Prop) (*PH) Complies with legislative changes that increase the maximum fees that can be assessed for daycare center licensing; amends safety standards and staff child ratios.

**IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
PO Box 7129, Boise ID 83707-1129**

39-0270-1101, Rules Governing Restricted Driving Permits. (Temp & Prop) Removes a fee that is now in statute and replaces fee with a code reference; updates terminology; removes restricted driving permit provisions for drivers under the age of 17 for consistency with graduated licensing laws; removes time limitations for application for a restricted driving permit; adds required sections.

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 N. Hilton, Boise, ID 83706-1255**

58-0102-1003, Water Quality Standards. Adds definitions of "degradation or lower water quality" and "general permit"; amends and adds language regarding application of antidegradation to general permits, identification of Tier II waters, and insignificant activity or discharge will be inserted as Subsection 052.08.a. to conform to changes in state law; deletes reference to special resource waters and the designation of waters determined to be special resource waters. Comment by: 8/5/11.

58-0109-1101, Rules Regulating Swine and Poultry Facilities. Implements HB 206 (2011) by removing the provisions and references to poultry facilities from DEQ rule. Responsibility and oversight of current and future poultry operations have been transferred to the State Department of Agriculture. Comment by: 8/3/11.

RULES ADOPTED AS TEMPORARY ONLY

Idaho State Police

11-0501-1101, Rules Governing Alcohol Beverage Control

Department of Lands

20-0315-1101, The Issuance of Geothermal Leases

SCHEDULED NEGOTIATED RULEMAKING MEETINGS

Department of Agriculture

02-0418-1101, Rules Governing CAFO Site Advisory Team

02-0430-1101, Rules Governing Nutrient Management

02-0432-1101, Rules Governing Poultry Operations

02-0433-1101, Rules Governing Milk and Cream Procurement and Testing

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20-0315-1102, The Issuance of Geothermal Leases

20-0702-1102, Conservation of Crude Oil and Natural Gas in the State of Idaho

Please refer to the Idaho Administrative Bulletin, **July 6, 2011, Volume 11-7**, for notices and text of all rulemakings, public hearings and negotiated meeting schedules, Governor's executive orders, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at adminrules.idaho.gov.

Office of the Administrative Rules Coordinator, Dept. of Administration, PO Box 83720, Boise, ID 83720-0306
Phone: 208-332-1820; Fax: 332-1896; Email: rulescoordinator@adm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Idaho Department of Administration
Office of the Administrative Rules Coordinator*

July 1, 1993 -- Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*This online index provides a history of all agency rulemakings from 1993 to the present.
It tracks all rulemaking activities on each chapter of rules and includes negotiated,
temporary, proposed, pending and final rules, public hearing notices,
vacated rulemaking notices, and executive orders of the Governor.*

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Idaho Department of Administration
Office of the Administrative Rules Coordinator*

April 7, 2011 -- July 6, 2011

*(eff. *PLR) - Final Rule Adoption Date Pending Legislative Review And Approval*

(eff. date)L - Denotes Adoption by Legislative Action

(eff. date)T - Temporary Rule Effective Date

SCR # - denotes the number of a Senate Concurrent Resolution (Legislative Action)

HCR # - denotes the number of a House Concurrent Resolution (Legislative Action)

*(This Abridged Index includes rules promulgated before April 7, 2011 that have not been
adopted as final rules and all rulemakings being promulgated after April 7, 2011 - Sine Die.)*

IDAPA 02 -- DEPARTMENT OF AGRICULTURE

02.04.14, Rules Governing Dairy Waste

02-0414-0902 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 09-10

02.04.18, Rules Governing CAFO Site Advisory Team

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02-0430-1101 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 11-7

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02-0433-1101 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 11-7

02.06.13, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho

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***IDAPA 08 -- IDAHO STATE BOARD OF EDUCATION AND
STATE DEPARTMENT OF EDUCATION***

08.02.03, Rules Governing Thoroughness - State Board of Education Rules

08-0203-1101 Temporary and Proposed Rulemaking, Bulletin Vol. 11-7 (eff. 5-18-11)T

***IDAPA 10 -- IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
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10.01.04, Rules of Continuing Professional Development

10-0104-1101 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 11-5

10-0104-1101 Proposed Rulemaking, Bulletin Vol. 11-7

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11.05.01, Rules Governing Alcohol Beverage Control

11-0501-1101 Temporary Rulemaking, Bulletin Vol. 11-7 (eff. 7-6-11)T

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*Changes chapter name to: "Emergency Medical Services" from: "Rules Governing Emergency Medical Services"

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