

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

Management Services Division

26.01.03 – Rules Governing Recreation Programs

Who does this rule apply to?

These rules apply to recreational registration program vendors.

What is the purpose of this rule?

These rules are promulgated by the Idaho Park and Recreation Board to further define and make specific how recreation registration program vendors will administer the Idaho Safe Boating Act and the statutes regarding Recreational Activities in Idaho Code.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

State Government and State Affairs -

- [Title 67, Chapter 70, et seq., Idaho Code](#) – Idaho Safe Boating Act

Recreational Activities:

- [Title 67, Chapter 71, Idaho Code](#) – Recreational Activities

Who do I contact for more information on this rule?

Idaho Department of Parks and Recreation

8:00 am to 5:00 pm MT

P.O. Box 83720, Boise, ID 83720

5657 Warm Springs Avenue, Boise, ID 83716

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26.01.03 – RULES GOVERNING RECREATION PROGRAMS

000. LEGAL AUTHORITY.

The Parks and Recreation Board, State of Idaho, acting pursuant to the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, and its powers and responsibilities under the Parks and Recreation Act, Title 67, Chapter 42, Idaho Code, adopted the following rules. These rules are promulgated under the Department's authority to administer the following Acts: Recreational Activities, Sections 67-7101 through 67-7133, Idaho Code, and Idaho Safe Boating Act, Section 67-7001 et seq., Idaho Code. (3-18-22)

001. TITLE AND SCOPE.

01. Title. The title of this chapter are cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.03, "Rules Governing Recreation Programs." (3-18-22)

02. Scope. These rules are intended to set forth the procedures for vendors to apply to sell Recreation Program products and the formula for off-highway vehicle law enforcement fund distribution. (3-18-22)

002. -- 009. (RESERVED)

010. DEFINITION OF TERMS.

01. Department. The Idaho Department of Parks and Recreation. (3-18-22)

02. Memorandum of Agreement. A contract between the Department and the Vendor. (3-18-22)

03. Payment in Lieu of Taxes. The Payments in Lieu of Taxes (PILT; 31 U.S.C. §§6901-6907) program provides compensation for certain tax-exempt federal lands, known as entitlement lands. PILT payments are made annually to units of general local government – typically counties – that contain entitlement lands. (3-18-22)

04. Recreation Program Products. Products include, but are not limited to, certificates of number, permits, user certificates, and stickers. (3-18-22)

05. Vendor. Any business or agency authorized to sell products. (3-18-22)

011. – 099. (RESERVED)

100. CRITERIA FOR APPLYING FOR VENDORSHIP.

A prospective vendor may apply to sell one (1) or more types of products. A prospective vendor may make a request to the Department at any time by phone, mail, or in person to receive a copy of the applicable vendor Memorandum of Agreement. The Memorandum of Agreement must be signed and returned to the Department for approval. (3-18-22)

101. – 199. (RESERVED)

200. NOTIFICATIONS AND TIME LIMITS.

01. Action on Application. The Department must provide written notification within thirty (30) days following receipt of a signed memorandum of agreement as to the approval or denial of same. This decision for approval or denial is based on the ability of the business or agency to sell recreation program products. (3-18-22)

02. Notification. If approved, a fully executed copy of the vendor memorandum of agreement will be returned to the vendor. If denied, notification will outline reasons for such denial. (3-18-22)

201. -- 499. (RESERVED)

500. OFF-HIGHWAY LAW ENFORCEMENT FUND DISTRIBUTION FORMULA.

01. Formula. As set forth in Section 7126, Idaho Code, the Department distributes the funds in the off-highway vehicle law enforcement fund based on the following formula: (3-18-22)

- a.** Total federal acres with reference to the Payments in Lieu of Taxes (PILT) number for each eligible county minus large tracts of land not open to off-highway vehicle use. The result is the total off-highway vehicle opportunity on federal public land for that county. (3-18-22)
- b.** Calculate the percentage of the total off-highway vehicle opportunity on federal public land for each eligible county as compared to the entire state. (3-18-22)
- c.** Multiply this percentage by zero point six (0.6) to get sixty percent (60%) of the value. (3-18-22)
- d.** Calculate the percentage of off-highway vehicle certificate of number designations for each eligible county as compared to the entire state. (3-18-22)
- e.** Multiply this percentage by zero point four (0.4) to get forty percent (40%) of the value. (3-18-22)
- f.** Add the sixty percent (60%) value from the total off-highway vehicle opportunity on federal public land to the forty percent (40%) value of the off-highway vehicle certificates of number. This total will be the percentage of the off-highway vehicle law enforcement funds for which the individual county is eligible. (3-18-22)

501. -- 999. (RESERVED)