

## **IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION**

### **Operations Division**

#### **26.01.34 – Idaho Protection Against Invasive Species Sticker Rules**

##### **Who does this rule apply to?**

*These rules apply to all boat owners recreating in Idaho waters.*

##### **What is the purpose of this rule?**

*These rules are promulgated by the Idaho Park and Recreation Board to administer the Idaho Protection Against Invasive Species Sticker Rules.*

##### **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 -

Idaho Safe Boating Act:

- [Section 67-7002, Idaho Code](#) – Jurisdiction and Authority
- [Section 67-7008A, Idaho Code](#) – Additional Fess – Deposit into Invasive Species Fund

##### **Who do I contact for more information on this rule?**

Idaho Department of Parks and Recreation

8:00 am to 5:00 pm MT

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## 26.01.34 – IDAHO PROTECTION AGAINST INVASIVE SPECIES STICKER RULES

### 000. LEGAL AUTHORITY.

The Idaho Park and Recreation Board is authorized under Section 67-7002, Idaho Code to promulgate rules to aid in the administration of the Idaho Safe Boating Act, Title 67, Chapter 70, Idaho Code; and is authorized under Section 67-7008A, Idaho Code, to promulgate rules prescribing the display of protection against invasive species stickers. (3-18-22)

### 001. TITLE AND SCOPE.

**01. Title.** The title of this chapter is cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.34, “Idaho Protection Against Invasive Species Sticker Rules.” (3-18-22)

**02. Scope.** This chapter establishes rules to aid in the administration and enforcement of the Idaho Safe Boating Act, Title 67, Chapter 70, Idaho Code. (3-18-22)

### 002. -- 009. (RESERVED)

### 010. DEFINITIONS.

As used in this chapter: (3-18-22)

**01. Commercial Outfitters.** As defined in Section 36-2102(b), Idaho Code. (3-18-22)

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

**03. Fund.** Invasive Species Fund as defined in Section 22-1911, Idaho Code. (3-18-22)

**04. Idaho Invasive Species Act.** The Idaho Invasive Species Act of 2008 as established in Title 22, Chapter 19, Idaho Code. (3-18-22)

**05. Motorized Vessel.** Any watercraft requiring certificate of number under Section 67-7008, Idaho Code, or any comparable U.S. vessel certificate of number program. (3-18-22)

**06. Non-Motorized Vessel.** Any watercraft used or capable of being used as a means of transportation on water that is propelled by human effort. For the purpose of this chapter this term does not include small inflatable rafts or other inflatable vessels less than ten (10) feet in length. (3-18-22)

**07. Protection Against Invasive Species Sticker.** Any sticker issued by the Department in accordance with the provisions of Section 67-7008(A), Idaho Code. (3-18-22)

**08. Validation Sticker.** Any sticker issued by the Department in accordance with the provisions of Section 67-7008, Idaho Code. (3-18-22)

### 011. -- 049. (RESERVED)

### 050. COLLECTION OF FEES AND DISTRIBUTION OF REVENUES INTO FUND.

In addition to any other moneys or fees collected pursuant to Section 67-7008 or any other provision of Title 67, Chapter 70, Idaho Code, all vessels are required to pay an additional fee as established in Section 67-7008A, Idaho Code. (3-18-22)

**01. Operator Responsibilities.** The operator of any watercraft required to display a Protection Against Invasive Species Sticker pursuant to this chapter will ensure that fees are paid and that a Protection Against Invasive Species Sticker is displayed on the vessel, except as provided in Subsection 075.01 of this chapter, prior to launch into the public waters of Idaho. (3-18-22)

**02. Prorated Group Rates for Commercial Outfitters.** (3-18-22)

**a.** Group rates for commercial outfitters with nonmotorized fleets exceeding five (5) vessels will be determined using the number of vessels within the fleet at the time of purchase of the stickers, as provided in Section 67-7008A(1)(c). Previous or future sticker purchases will be prorated separately. (3-18-22)

**b.** Protection Against Invasive Species Stickers purchased by outfitters or guides who are duly licensed in accordance with Title 36, Chapter 21, Idaho Code, must be accompanied by an affidavit that must be

signed by the outfitter or guide. The signed affidavit verifies the number of vessels within the covered fleet and that the appropriate number of Protection Against Invasive Species Stickers has been purchased. The Protection Against Invasive Species Stickers and affidavit must be kept on file at the outfitter or guide's physical address and must be made available for inspection upon request of the Department or upon request by law enforcement. Non-motorized commercial outfitters and guides are not required to place a Protection Against Invasive Species Sticker on their vessels. Identification of commercial outfitted and guided boats must be in compliance with IDAPA 25.01.01, "Rules of the Outfitters and Guides Licensing Board," Subsection 054.03.a. (3-18-22)

**03. Transfer of Funds.** Fees collected will be transferred and deposited into the Fund no less than quarterly during any fiscal year. (3-18-22)

**051. -- 074. (RESERVED)**

**075. PROTECTION AGAINST INVASIVE SPECIES STICKER.**

**01. Motorized Vessels.** Beginning with the 2010 boating season, upon payment of the fees required by Section 050 of these rules, the validation sticker as identified in IDAPA 26.01.30, "Idaho Safe Boating Rules," will also serve as the Protection Against Invasive Species Sticker for those vessels numbered pursuant to Section 67-7008, Idaho Code. (3-18-22)

**02. All Other Watercraft.** A separate Protection Against Invasive Species Sticker will be issued for all other watercraft upon payment of the fees required under Section 050 of these rules. (3-18-22)

**076. PLACEMENT OF PROTECTION AGAINST INVASIVE SPECIES STICKER.**

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

**a.** Motorized vessel. Except as provided in Subsection 075.01 of this chapter, the Protection Against Invasive Species Sticker should be affixed next to the current year validation sticker on the port (left) side of the vessel. (3-18-22)

**b.** Non-motorized. Except as provided in Subsection 050.02.a. of this chapter, the Protection Against Invasive Species Sticker should be affixed in the following manner. (3-18-22)

**i.** For canoes, kayaks, and other small rigid vessels, the Protection Against Invasive Species Sticker should be affixed near the bow above the waterline on the port (left) side, or on top of the vessel if there is little or no waterline distinction. (3-18-22)

**ii.** For inflatable (non-rigid) vessels, the Protection Against Invasive Species Sticker can be modified to allow attachment of a zip tie, plastic attachment, or other similar mechanism, or be laminated into a hang tag. (3-18-22)

**02. Removal.** Protection Against Invasive Species Stickers issued in accordance with Section 67-7008A, Idaho Code, that have become invalid, must be removed from the vessel. (3-18-22)

**077. ENFORCEMENT.**

All operators of vessels as defined in this chapter must ensure their vessel is in compliance with the provisions of this chapter when launched upon the public waters of the state of Idaho. Non-compliance with the provisions of this chapter will result in possible assessment of penalties as described in Sec. 67-7033, Idaho Code, the Idaho Safe Boating Act. (3-18-22)

**078. -- 999. (RESERVED)**