

IDAHO DEPARTMENT OF PARKS & RECREATION

“To improve the quality of life in Idaho through outdoor recreation and resource stewardship”

Board Zoom Teleconference

August 18, 2021

IDPR Headquarters

5657 Warm Springs Ave.

Boise, Idaho

▪ AGENDA

▪ Wednesday, August 18, 2021

- **3:00 P.M. MT** Call to Order – Chairman Beckley
 - Roll Call
- **Continuation of Public Hearing**
- **Amendment or Approval of IDPR IDAPA Rules 26.01.31 and 26.01.33– Action Item – Susan Buxton and Seth Hobbs**
- ***Executive Session**
- **Open Meeting – Action Item**
- **ADJOURN**

Join Zoom Meeting

<https://us02web.zoom.us/j/83219670712?pwd=ZW9pNjg2TUltZGJIRU8wdWhkVVZRQT09>

* Under authority of Idaho Code 74-206. Executive sessions -- When authorized. (1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds (2/3) vote of the governing body. An executive session may be held:

(b) *“To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student”.*

(c) *To acquire an interest in real property not owned by a public agency;*

This agenda is subject to change in accordance with the provisions of the Idaho Open Meeting Law. Items may be addressed in a different order than appears on this agenda. Individual items may be moved from one place on the agenda to another by the Board. Time frames designated on this agenda are approximate only. The Board will continue its business in the event that an agenda item is resolved in less than the allotted time.

☒ IDAPA RULE ☒ IDAPA FEE ☒ BOARD ACTION REQUIRED
☐ BOARD POLICY ☐ INFO ONLY, NO ACTION REQUIRED

AGENDA
Idaho Park and Recreation Board Zoom Meeting
August 18, 2021
IDPR Headquarters
5657 Warm Springs Ave.
Boise, ID 83716

AGENDA ITEM: Amendment or Approval of IDPR IDAPA Rules 26.01.31 and 26.01.33

ACTION REQUIRED: Adopt/Rescind Temporary Rules

PRESENTER: Susan Buxton, Director and Seth Hobbs, Red Tape Reduction Officer

BACKGROUND INFORMATION:

In the May 2021 board meeting, the board approved the revised rules for IDAPA Rule 26.01.31 and 26.01.33. This was based off the grant's subcommittee recommendation.

A public hearing was conducted on June 24, 2021 to hear public comments on the rule changes. The point of contention is 26.01.31 – Rules Governing the Administration of the Idaho Department of Parks and Recreation State and Federal Grant Funds and the removal of the below paragraph:

Waterways Improvement Fund (WIF) Grant Limit. The total sum of WIF grant funds approved to be used in any one (1) county may not exceed thirty percent (30%) of the total WIF grant funds approved to be used statewide in any state fiscal year.

During the June 28, 2021 board meeting, the board approved the revised rules for IDAPA 26.01.03 – Rules Governing Recreational Registration Program Vendors and 26.01.30 – Idaho Safe Boating Rules. These were both due to the governors red tape reduction act. The Rules Governing Recreational Registration Program Vendors removed redundancy that is covered in the memorandum of agreement between the department and the vendors. The Safe Boating Rules removes the rule completely and puts it all into statute. No issues have risen from these rule changes.

On August 11, 2021, the board heard public comments on the rules 26.01.31 – Rules Governing the Administration of the Idaho Department of Parks and Recreation State and Federal Grant Funds. The current rules and written comments are attached for your review.

MOTIONS:

The Board has the option to approve the rules as published or amend them based off the public hearing.

Motion:

I move for the board to approve the IDAPA rule 26.01.31 and 26.01.33 as published.

OR

Motion:

I move for the board to add into IDAPA rule 26.01.31, a waterways improvement fund (WIF) grant limit. The total sum of WIF grant funds approved to be used in any one (1) county may not exceed thirty percent (30%) of the total WIF grant funds approved to be used statewide in any state fiscal year.

Notes from the public hearing held on August 11, 2021.

Leslie Duncan, Kootenai County Assessor: Concerns over cap fuel tax revenue from Kootenai county that goes into the WIF fund. No rational reason for cap. Wants cap removed.

Nick Snyder, Kootenai County Parks & Waterways: 30% WIF cap rule was adopted in 1990. Kootenai county sent letters to IDPR to remove cap. No county has ever received all funds even without a cap. Five grants were needed to complete a project which extended the project and increased cost. Two counties make up 30% of boating in Idaho and need funded accordingly.

Jeff Connelly, Bonner County Commissioner: Largest body of water with tons of issues to manage. Large projects will go years without being addressed if caps remain.

Mike Gladheart, Clearwater Sheriff Department: They want to keep the 30% WIF cap. If counties take larger amounts, it lowers the amounts that smaller counties can receive. This takes away the opportunity for the other counties. This is a safety net for smaller counties. Programs are built over time not overnight.

Greg Larson, WIF Grant Advisory Committee: Not in favor of dropping cap. While other counties serve a large number of individuals, that does not take away the need from smaller programs. Perhaps Limit the grant opportunity to allow smaller counties to compete against each other and not the larger counties.

Dave Fair, Post Falls Director, Parks and Recreation: Wants removal of cap due to heavy growth. This is a city issue as much as a county. More than boat launches they have many public assets that need maintained and upgraded. We already have a checks and balances in place for grants with the committee approval needed. Smaller counties have less resources, but the demands are increasing. What provides the best means for the users? Cap does not work for them. 90% can be concentrated on three counties. Wants to know why there was a cap to begin with. Does not want special treatment, wants equal treatment.

Sandy Emerson, Coeur d'Alene Resident: Wants the 30% cap removed due to the length of having to go through 3-4 grant cycles to get a project complete, which increases cost.

Linda Heiss, Sandpoint Administrator: Boat launches are overwhelmed in Bonner County. They needed \$750k for new boat launch. Because of 30% cap, they needed to phase the project which increased costs overall. They had to close the launch due to spreading out the project.

William Greenwood, Coeur d'Alene Director, Parks & Recreation: Size of community doubles during boating season. They deal with the largest waterfront in the state. Costs for materials has increased. Docks are becoming a hazard while they wait for funding to repair. They have a greater need due to large waterfront. Wants 30% WIF cap removed.

Tamra Cikaitoga, Fremont County Director, Parks and Recreation: Wants to keep 30% WIF cap because it gives them an equal footing. Having someone suggest they are entitled to more WIF due to higher boating numbers is equal to her saying they need more due to higher snowmobiling in their county.

David Clayborn, Idaho Recreation Council: Keep public hearing for rule changes.

Larry Laxson, Valley County Director, Parks and Recreation: Keep 30% WIF cap in place.

Shay White, Western Whitewater Association: Keep the cap.

From: [Susan Buxton](#)
To: [Tom Torgerson](#)
Cc: [Betty J. Mills](#); [Doug Eastwood](#); [Nick Snyder](#); [Leslie Duncan](#); [Chris Fillios](#); [Bill Brooks](#); [Jim Addis](#); [Brad Little](#); [Jacob Garringer](#); [Max Pond](#); [Ali Taylor](#); [Josh Suhr](#); [Seth Hobbs](#)
Subject: Re: WIF Grant 30% Commentary Letter for 8/11 hearing
Date: Tuesday, August 10, 2021 6:21:49 PM

Tom-

Thank you for your comments. I will include them in the public record for the public hearing on the IDPR Rules held tomorrow for the Board's consideration along with any other written and oral comments.

Best regards,
Susan Buxton

Sent from my iPhone

On Aug 10, 2021, at 1:40 PM, Tom Torgerson <torgerson.tom@gmail.com> wrote:

August 10, 2021

Susan Buxton, Director
Idaho Department of Parks and Recreation
P.O. Box 83720
Boise, Idaho 83720-0065

Susan:

As a born and raised Coeur d'Alene native and extremely involved volunteer in my community I am writing this email to address several issues regarding the WIF grant 30% limitations.

First and foremost I am sorry I cannot attend the hearing the 11th and am equally sorry and confused why your department would hold this hearing in the eastern reaches of Shoshone county when Kootenai and Bonner counties are the locations of most of our navigable waters in Idaho and where the request to eliminate the 30% limitation originated. On the surface this certainly has the appearance of limiting in-person comments from the citizens and officials most concerned about the current limitation.

Regarding the 30% limitation that has no foundation, no documented financial reasoning and is the only state grant that has any such limitation, I implore you to end this restriction.

Kootenai County, based on the study by Boise State University, has a boater/waterways positive financial impact to the region of nearly \$90 million in 2016. With our fast

paced growth I would wager this is now over \$125M. I would find it hard to believe any county in Idaho has more boating traffic, more boater usage or positive financial impact to a community than Kootenai County.

With these facts I cannot comprehend why this WIF grant is limited to 30% of the fund for any given entity. This not only negatively impacts high contributing counties like Kootenai and Bonner but also negatively impacts (contrary to their letters of opposition) smaller, lower contributors to the grant pool of funds. In addition, the delays caused by having to overlap multiple-year applications for grant funds to complete large scale projects has serious inflationary consequences. For example...it took Kootenai County nearly four years to assemble grant funds to build a high quality breakwater in Harrison and during that delay the price of the project increased well over \$400,000!!! What an incredible waste of Idahoan resources!

Likewise, smaller counties that have fewer “outside” resources to complete projects would be able to apply for larger scale projects and get them completed with no funds of their own. This completely negates their thought process that “larger counties with more resources write better grant applications and would hinder small counties from being approved”. In addition, I believe that counties that get large apportionments in any given year could be required to “sit out” a year subsequent to such grants being allocated.

I also believe that no specific caveats need be mandated specifically regarding limitations since the process allows the grant committee representatives to decide the entity receiving the grant. The representatives can come up with their own scoring rules to make sure that grants are not over-allocated to any specific applicant.

For the last 25 years I have been in governmental affairs for the Coeur d’Alene Association of Realtors and actively engaged in lobbying for the Idaho Association of Realtors as well as for the National Association of Realtors . I have reached out to several of our state legislators and senators regarding this situation and will be lobbying heavily during this upcoming session in January to make all efforts necessary to make this change occur.

Note that I am not requesting anything other than having the WIF grant process be IDENTICAL to all of the other state grant programs. This is NOT a special interest request...just a leveling of the process and playing field.

I appreciate your very serious consideration of this proposal and request.

<image001.jpg>

Tom Torgerson, CPA, CRS
Broker Associate
Century 21 Beutler & Associates
1836 Northwest Blvd.

Coeur d'Alene, ID 83814
208.640.8086



**Fremont County
Commission**

151 West 1st North
St. Anthony, ID 83445

Susan Buxton, Director
Idaho Department of Parks and Recreation
P.O. Box 83720
Boise, Idaho 83720-0065

July 22, 2021

Dear Director Buxton,


It has come to our attention there is an effort to eliminate the 30% cap as it pertains to Waterway Improvement Funds grants. As Fremont County Commissioners, we wish to go on record as being opposed to doing away with the cap which currently allows all counties equal opportunity for grant funding.

Population wise, Fremont County has just over 13,000 year-round residents. On any given day, from May through October, our population grows closer to 50,000 people with the majority of the influx heading for our waterways. As you may know, we are home to world class fisheries at Henry's Lake and the Henry's Fork of the Snake River, people want access to our waterways. Four of IDPR's most popular sites/parks are part of Fremont County. We are a busy, busy recreation site and fair access to grant dollars is very important to our waterways.

It is our understanding, the WIF has operated in a fair capacity for over 15 years. We know Fremont County has benefited greatly from this fund receiving over \$125,000 in the last five years. This is a great deal of money to our county recreation program. WIF has paid for vault toilets and boat docks we would not of otherwise been able to afford. In its current form, the program is excellent and multiple projects are being funded annually. If changed, larger counties with more funds, would be able to dominate the grants by having more professional grants writers/engineer services generally not available in small counties. Larger counties also currently have great access to additional grant funds and funding distributions based on user formulas.

Please remember small counties have fewer resources and a stronger need. We ask you to not change the funding formula removing the 30% cap.

Thank you,


Jordan Stoddard
Chairman


Blair Dance
Commissioner


Scott Kamachi
Commissioner

Cc: Idaho Dept. of Parks and Recreation Board of Directors
Doug Eastwood, Post Falls
Randy Doman, Cottonwood
Brian Beckley, Boise
Cally Roach, Fairfield
Pete Black, Pocatello
Louis Fatkin, Idaho Falls



Teton County Commissioners
150 Courthouse Drive | Driggs, ID 83422
Phone (208) 354-8775
www.tetoncountyidaho.gov

July 26, 2021

Idaho Department of Parks and Recreation
% Susan Buxton
P.O. Box 83720
Boise, ID 83720-0065

Dear Director Buxton,

This letter is in response to the proposed changes to the State Grant Program. After reviewing the suggested changes on the Department of Parks and Recreation's website, we have some concerns. This program dispenses between \$10 to \$12 million a year to improve recreational opportunities across Idaho. The grant-funded projects create and maintain trails for hikers, cyclists and motorized riders, and improve campgrounds, boating facilities, and parks (local and state), among other lasting improvements.

The grant funding comes from our gasoline taxes, registration fees, specialty license plates and various federal funding sources. Teton County's economy is reliant on recreational users and many Idahoans and tourists use our public trailers, waterways and campground facilities. It's our way of life here.

We request the department not remove the 30% cap. This cap has ensured that most counties that apply for these grants have a fair chance of at least receiving some funds. If the cap is removed, only a few large chunks could be sent to counties that may have preference over smaller counties. It's only fair, as the funds come from all of Idaho, that all Idaho counties are eligible for these grants and they are spread out amongst the whole state, not limited to a few. The current system works for the whole state and we request it does not have changes.

Sincerely,

Handwritten signature of Cindy Riegel in blue ink.

Cindy Riegel
Teton County Commissioners

Handwritten signature of Bob Heneage in blue ink.

Bob Heneage

Handwritten signature of Michael Whitfield in blue ink.

Michael Whitfield

From: [Susan Buxton](#)
To: [Seth Hobbs](#); [Kathy Muir](#)
Subject: Fwd: IDPR - LWCF grants
Date: Monday, August 9, 2021 12:08:25 AM

Testimony for the hearing

Sent from my iPhone

Begin forwarded message:

From: Susan Buxton <Susan.Buxton@idpr.idaho.gov>
Date: August 6, 2021 at 11:50:54 PM PDT
To: Kathy Muir <Kathy.Muir@idpr.idaho.gov>
Subject: Fwd: IDPR - LWCF grants

Fyi

Sent from my iPhone

Begin forwarded message:

From: Brian Beckley <Brian.Beckley@idpr.idaho.gov>
Date: August 6, 2021 at 5:05:35 PM MDT
To: Susan Buxton <Susan.Buxton@idpr.idaho.gov>
Subject: Fw: IDPR - LWCF grants

I keep using your DHR email address. See the email below.

From: Brian Beckley <Brian.Beckley@idpr.idaho.gov>
Sent: Friday, August 6, 2021 4:49 PM
To: Tamra Cikaitoga <tcikaitoga@co.fremont.id.us>
Cc: Susan E. Buxton <Susan.Buxton@dhr.idaho.gov>
Subject: Re: IDPR - LWCF grants

Dear Tamra,

Thank you for reaching out to me with your concerns.

We do not have time to add this discussion topic to our next boarding as we already have more topics than we have time to address. I am aware that applicants can only apply every other year

but I do not know if we can or should change the current rules. This very could be an issue that is mandated by the NPS. I have copied Susan Buxton, the Director of IDPR, and she can speak with her Staff and get us both a response and recommendation. This may take some time considering her and her staff are preparing for the upcoming board meeting.

Best Regards,
Brian Beckley
IDPR Region 3 Board Member & Chairman of the Board

From: Tamra Cikaitoga <tcikaitoga@co.fremont.id.us>
Sent: Tuesday, August 3, 2021 12:21 PM
To: Brian Beckley <Brian.Beckley@idpr.idaho.gov>
Subject: IDPR - LWCF grants

Dear Brian,

I have a concern regarding the acceptance of grant applications to the IDPR's Land and Water Conservation Fund.

It is my understanding, the decision as to when applications are accepted – annually vs. every other year – is the responsibility/decision of the IDPR Board of Directors. Any chance we can get a discussion going at a future board meeting? During next week's meeting? In my mind, if the money is there, let's get projects on the ground.

At this time, I am a member of the LWCF advisory board and enjoy seeing the amazing projects Idaho's communities are working on. However, grant applications, at this time can only be submitted every other year. That doesn't make much sense as additional funds are now available through LWCF. Why wait two years for an already funded grant cycle?

As an example, I work with the Fremont County Golf

Advisory Board, a 6-member group appointed by the Fremont County Commissioners. At this time there is a great need for the replacement of the current 40-year irrigation system at the local golf course. The advisory board finds it very frustrating they cannot submit an LWCF application for funding until 2023. The board would like to have the opportunity to apply annually. And, if the badly needed irrigation project they want to propose doesn't make the cut, they will then know how to move forward the following year.

In a nutshell – the LWCF needs to accept grant proposals each and every year. Please take this matter under consideration with your board.

Thank you,

Tamra

**Tamra Cikaitoga, Director
Fremont County Parks and Recreation Dept.
125 North Bridge Street
St. Anthony, Idaho 83445
Tel: 208/624-7266**

From: [Susan Buxton](#)
To: [David Claycomb](#); [Seth Hobbs](#); [Kathy Muir](#)
Cc: [Betty J. Mills](#)
Subject: Rulemaking Comments -- WIF and the 30% cap
Date: Wednesday, June 23, 2021 2:45:18 PM
Attachments: [image001.png](#)



Susan Buxton

Director

5657 Warm Springs Avenue | Boise, ID 83716

tel (208) 514-2250

Cell (208-861-8750)

[website](#) | [map](#) | [passport](#)



"Leaders in outdoor recreation since 1965"

Please note the comments on the rules

From: Sandra Mitchell <smitchel@alscott.com>
Sent: Wednesday, June 23, 2021 1:45 PM
To: Susan Buxton <Susan.Buxton@idpr.idaho.gov>
Subject: WIF and the 30% cap

I made one small change.

Concerns with eliminating 30% cap to one county for WIF Grants

- Depending on committee priority of projects, could concentrate grant funding to a select few projects
- Larger counties with larger programs are able to put together more professional requests, and therefore may score better
- Smaller counties have few resources, and stronger need
- WIF is intended to be of statewide benefit
- The most benefit for the most users demands broad distribution of funds throughout the state
- The current cap has worked for some 15 years without problems
- Larger counties have greater access to other grant funds and other fund distributions based on formula

Remember, even with the 30% cap, you can concentrate 90% of WIF spending to 3 counties. Not likely to happen, but could.

We urge IDPR to make the distribution of public funds as fair as possible and retain the 30% cap.

From: [Bob Stantus](#)
To: [Seth Hobbs](#)
Subject: Public notice on rule changes
Date: Tuesday, June 22, 2021 10:53:22 AM

Seth

These are my comments on the rule changes :

LWCF

300.01

The here should be some limit on administrative costs charged to the program.

300.02 what is the definition of the population of a “government agency”? Perhaps the population in reference is the population served by the government agency.

Grant Administration

100.04 Refers to advisory committee. All definitions of the advisory committees have been deleted from 010

400.06 Motorized equipment “must be maintained for public use” perhaps “maintained for use on Public projects” is what is meant.

Bob Stantus
208 351 4466

From: [Lynn Moss](#)
To: [Seth Hobbs](#)
Cc: [Kathy Muir](#)
Subject: Grant Rule Changes
Date: Tuesday, June 22, 2021 4:22:13 PM

Seth: My name is Lynn Moss. I retired about 10 years ago after serving as the Director of Parks and Recreation in Lewiston for over 30 years. I have written at least 4 LWCF, 1 Recreation Trails, 1 Waterways and 4 IDT Entrance Enhancement grants that I have also administered. I have also served on the LWCF evaluation committee for 6 years and have just completed my 3rd year on the RV evaluation committee and I think I've been reappointed for 3 more years. So I'm very familiar with the requirements for writing grants and knowing the match obligations with the various state and federal funds that come through the State and your department specifically.

So, I have a couple thoughts on your department's proposed rule changes. I hope I've got the section numbers correct;

1) 100 Application Procedure 02 Public Comment.

I would like to see a requirement that the public comment period be closed one month prior to the grant application deadline. This would require applicants to have completed their applications sufficiently prior to public comment announcements and allow adequate time to include any public comments in their final grant application. It's my experience in reviewing grant applications that some agencies don't even begin the process until the month they are due and true public involvement is almost impossible, and if genuinely offered, does not allow the agency time to implement potential changes in their application.

2) Section 176-199 01 Minimum Match

I would like to see a minimum match requirement of 10% of which 5% must be cash. Again, the application for any of these grant funds should require some forethought by the agencies requesting funds to really think about their needs and priorities more than a couple months prior to application. I very much think that way when evaluating RV grants since my personal funds for an RV sticker are being used to fund improvements throughout the state. If I've got skin in the game, so should the agencies that are requesting the funds, frequently in excess of \$500,000.

3) I think it's time for LWCF grants to be offered and awarded annually to both State Parks and other agencies throughout the state on an annual basis rather than every other year. I remember when the annual funding available was around \$300,000 or less when the existing rule was implemented. Now it's about 10 times that amount. Let's go back to the way it was and let everyone compete for the funds available annually.

Thanks for your time. You have my email. If you want to talk, call me at 208-791-5846. I won't be attending the webex.

Lynn

From: [Kathy Muir](#)
To: [Seth Hobbs](#)
Subject: FW: Grant Rule Changes
Date: Thursday, July 22, 2021 3:57:25 PM
Attachments: [image001.png](#)

I'll take a look at this, but wanted to pass it along.

From: JAKE HOWARD <rvnwego@cableone.net>
Sent: Thursday, July 22, 2021 3:55 PM
To: Kathy Muir <Kathy.Muir@idpr.idaho.gov>
Subject: Re: Grant Rule Changes

Kathy

It appears that "Rule 10 - Definitions, 08 - Director" is incomplete in that it talks about the "designee" but leaves out the Director. Obviously the designee is that of the Director.

Hope this helps.

Jake

From: "Kathy Muir" <Kathy.Muir@idpr.idaho.gov>
To: "Lucky Larry" <luckylarry300@gmail.com>, "Shawn Slinkard" <Shawn.Slinkard@avistacorp.com>, "david beauchene" <snowjunkie75@gmail.com>, "aallseed" <aallseed@aol.com>, "Jake Howard" <rvnwego@cableone.net>, "Matt Mullenbach" <tetonmatt@aol.com>, "Bob Stantus" <rsstantus@msn.com>, "Max Lohmeyer" <max@ridesalmon.com>, "Lindsay D" <lindsaydressler@gmail.com>, "Donn" <dddennis@roadrunner.com>, "Ed Gygli" <gyglied@gmail.com>, "clintlhansen" <clintlhansen@yahoo.com>, "Martin" <mppoxlei@gmail.com>, "Nancy Ady" <nancady@gmail.com>, "Morgan Stage" <morgan.stage@gmail.com>, "monica gunter" <sandicrest190@hotmail.com>
Sent: Tuesday, July 20, 2021 7:56:58 AM
Subject: FW: Grant Rule Changes

Some of you participated in the hearing we had June 24th regarding the proposed rule changes. During that hearing many voiced concern about the short notice given to participate and provide comments. Our Director took that to heart. We are providing a public comment period during the August Board meeting to allow more people to participate. This is an opportunity to provide feedback directly to the Park Board.

Attached is information posted on our website if you would like to provide comments. If you go to www.parksandrecreation.idaho.gov and scroll down the main page you will find this information and the link for the ZOOM meeting.

The meeting is in Wallace on August 11. They will have a Zoom meeting open so anyone can participate. Please contact me if you have questions.



Kathy Muir

State & Federal Grant Manager

5657 Warm Springs Avenue | Boise, ID 83716

tel (208) 514-2431 | mobile (208) 608-8186

[website](#) | [map](#) | [passport](#)



“Leaders in outdoor recreation since 1965.”

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

Management Services Division

26.01.31 – Rules Governing the Administration of the Idaho Department of Parks and Recreation State and Federal Grant Funds

Who does this rule apply to?

These rules apply to the applicants and recipients of the state and federal grant programs administered by the Idaho Department of Parks and Recreation.

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 the department administers the state and federal grant programs.

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

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

State Government and State Affairs -

State Parks:

- [Section 67-4223, Idaho Code](#) – Powers of Board

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

Phone: (208) 334-4199

Fax: (208) 334-3741

Email: inquiry@idpr.idaho.gov

<https://parksandrecreation.idaho.gov>

Table of Contents

26.01.31 – Rules Governing the Administration of the Idaho Department of Parks and Recreation State and Federal Grant Funds

000. Legal Authority.	3
001. Scope.	3
002. -- 009. (Reserved)	3
010. Definitions.	3
011. -- 049. (Reserved)	3
050. Grant Cycles.	3
051. -- 074. (Reserved)	4
075. Eligible Applicants.	4
076. -- 099. (Reserved)	4
100. Application Procedure.	4
101. -- 149. (Reserved)	4
150. Project Requirements.	4
151. -- 174. (Reserved)	5
175. Real Property Appraisals.	5
176. -- 199. (Reserved)	5
200. Grant Standards.	5
201. Matching Funds.	5
202. -- 299. (Reserved)	6
300. Expenditure Of Grant Funds.	6
301. Project Extension.	6
302. Cost Increases.	6
303. -- 349. (Reserved)	6
350. Project Management And Disbursement Of Funds.	6
351. -- 399. (Reserved)	7
400. Ongoing Grantee Obligations.	7
401. -- 449. (Reserved)	8
450. Project Conversions.	8
451. -- 999. (Reserved)	8

26.01.31 – RULES GOVERNING THE ADMINISTRATION OF THE IDAHO DEPARTMENT OF PARKS AND RECREATION STATE AND FEDERAL GRANT FUNDS

000. LEGAL AUTHORITY.

The Idaho Park and Recreation Board is authorized under Section 67-4223(a), Idaho Code, to adopt, amend, or rescind rules as may be necessary for proper administration of the Department and its programs. (7-1-21)T

001. SCOPE.

The purpose of this chapter is to ensure consistent administration of state and federal grant programs. It is the intent of the department, through the state and federal grant programs, to provide funds and planning assistance to entities consistent with the purpose statement outlined in Idaho Code for each program and the provisions detailed in this chapter and the recreation grant program guidance. (7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

As used in this chapter: (7-1-21)T

01. 2CFR 200. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as set forth in 2 CRF 200 (Code of Federal Regulations). (7-1-21)T

02. Applicant. An IDPR approved entity, that identifies a need for a project, supplies initial support data, and applies for program grant through the Department. (7-1-21)T

03. ATV. All-terrain vehicle. (7-1-21)T

04. Board. The Idaho Park and Recreation Board. (7-1-21)T

05. Department. The Idaho Department of Parks and Recreation. (7-1-21)T

06. Director. The Idaho Department of Parks and Recreation, or the designee. (7-1-21)T

07. Grant. A grant from programs or funds as described in Section 001.02 of this chapter. (7-1-21)T

08. Grantee. An applicant who receives a grant from the Department for the programs or funds as described in Section 001.02. (7-1-21)T

09. Match. The grantee's contribution of cash, material, labor, and third-party in-kind services needed to complete the project as defined in the grant agreement. (7-1-21)T

10. Non-Profit. An organization that qualifies for tax-exempt status by the IRS because its mission and purpose are to further a social cause and provide a public benefit. As used in this chapter, the term includes qualified non-for-profit organizations that benefit outdoor recreation. (7-1-21)T

11. Project. The purchases, construction, or other activities proposed by the applicant and documented in the grant agreement. (7-1-21)T

12. Public Entity. The state, federal or local government or a subdivision thereof (including recreation districts), or a Native American Tribe. (7-1-21)T

13. Recreational Grant Program Guidance. A compilation of state procedures, rules, policies, and instructions assembled for dissemination to the potential entities that may wish to apply for grants. (7-1-21)T

14. State and Federal Grant Manager. The Department employee in charge of state and federal grant programs. (7-1-21)T

011. -- 049. (RESERVED)

050. GRANT CYCLES.

Applications for Off-Road Motor Vehicle (ORMV) Fund, Recreational Vehicle Fund (RV), Waterways Improvement Fund (WIF), Motorbike Recreation Account (MB), Mountain Bike License Plate (BK), Cutthroat License Plate (CP), and Recreational Road and Bridge (RB) grants will be considered at least once each state fiscal year (July 1 through June 30) dependent upon adequate funding availability. Applications for Recreational Trails Program (RTP) projects

will be considered at least once each federal fiscal year (October 1 through September 30) dependent upon adequate funding availability. (7-1-21)T

051. -- 074. (RESERVED)

075. ELIGIBLE APPLICANTS.

Public entities are eligible to apply for all grant programs. Non-profit organizations are eligible to apply for the Recreational Trails Program and Mountain Bike Plate program. The state and federal grant manager determines if applicants are eligible based on federal code, state statutes and past performance of the applicant. Based on an applicant's past performance in managing a grant with the department the state and federal grant manager may recommend to the board that the applicant be considered ineligible for the current funding cycle. (7-1-21)T

076. -- 099. (RESERVED)

100. APPLICATION PROCEDURE.

01. Submittal. Eligible applicant submits application prior to the stated deadline in the Recreational Grant Program Guidance. To be considered for a grant, an applicant must propose an eligible project and submit all documentation required by this chapter. (7-1-21)T

02. Public Comment. As part of the application, the applicant must provide an opportunity for public comment. The applicant must include proof of public comment regarding the project in the application. The opportunity for public comment should begin within one (1) year of submitting the application. Any projects with public comment conducted over one (1) year prior to application may be rejected by the state and federal grant manager and the project will be deemed ineligible. (7-1-21)T

03. Complete Application. Materials submitted by the sponsor are reviewed by the department for completeness and eligibility. (7-1-21)T

04. Ranking. The appropriate advisory committee establishes project rankings by rating each eligible project using criteria established by the board. To objectively rate competing eligible projects, the committee considers the application and how the project meets the criteria and established priorities for the program. (7-1-21)T

05. Board Review. The board reviews the priority list for awards and sets funding line based on recommendation of the advisory committees and the state and federal grant manager. (7-1-21)T

06. Grant Award. Upon grant approval by the board, the department will present the sponsor with a grant agreement that identifies eligible costs and obligates the applicant to a specified project scope and performance period. (7-1-21)T

07. Grant Agreement. The applicant must sign the agreement prior to initiating work on the project. The signed agreement obligates the applicant to complete all elements of the project as described in the agreement and any applicable approved amendment. (7-1-21)T

101. -- 149. (RESERVED)

150. PROJECT REQUIREMENTS.

01. Real Property. The grantee must include any proposals to purchase real property with grant moneys in the grant application and must provide an appraisal consistent with Section 175 of this chapter. (7-1-21)T

02. Fees. The applicant is required to identify any existing or proposed fees associated with the grant request, including existing or proposed facilities. The applicant may propose fees for the use of or access to facilities or real property developed or purchased with grant funds at a level commensurate with the costs of maintenance and upkeep of the facility or real property. Requests for donations and fees for special events of limited duration at the facility are exempt when such are intended to cover extraordinary expenses. (7-1-21)T

03. Grant Modification. Only for good cause, and upon the submission of detailed justification in writing and approval by the state and federal grant manager, may the terms and obligations of the grant application or grant agreement be modified. Examples of “good cause” include extraordinary physical barriers, project re-routing necessary to avoid critical habitat, and other constraints beyond the control of the grantee. (7-1-21)T

151. -- 174. (RESERVED)

175. REAL PROPERTY APPRAISALS.

01. Appraisal Required. A real estate appraisal is required for all real property to be acquired with grant funds. The appraisal must be paid for by the grantee but may be included as part of eligible project costs in the application. (7-1-21)T

02. Appraisal Review. The state and federal grant manager reviews appraisals for reasonableness at the time of application. The state and federal grant manager may reject a grant application that includes an unreasonable appraisal. (7-1-21)T

03. Negotiated Price. An approved appraisal is an acceptable estimate of property value. The negotiation between a willing seller and a willing buyer may set a price that is higher than the appraisal, and this value can be considered along with the appraised value in establishing the reasonable limits of grant assistance. If the grantee believes the negotiated price is a better indication of market value, yet is higher than the appraised value, a detailed statement of this difference must be submitted to the state and federal grant manager. (7-1-21)T

04. Adequate Title and Public Access. The grantee must have clear title to, or adequate control and tenure of, the real property (land, land improvement, structures, and appurtenances) to be developed. The term “adequate control and tenure” of real property means a lease or an easement that provides the grantee sufficient control over the real property to permit the proposed development and use for a period of at least twenty-five (25) years from the date of application, unless specifically approved in writing by the department for a shorter term. The grantee must list all outstanding rights or interests held by others in the real property to be developed. If access to the real property to be developed is over private property, then the grantee must describe the provisions made to ensure adequate public access. In the event the real property becomes unusable for its intended purposes or if such use ceases, the grantee is responsible for conversion of the project. (7-1-21)T

05. Limitations on Use. Property rights obtained with grant funds must be free of all reservations or encumbrances that would limit the use of the site disproportionate to the public benefit. (7-1-21)T

176. -- 199. (RESERVED)

200. GRANT STANDARDS.

01. Minimum Project Match. Applicants must provide a minimum match of five percent (5%) of the total project cost, except recreational trails program which has a federal minimum match. (7-1-21)T

02. Minimum Motorized Equipment Match. Grants for motorized equipment are allowed in the waterways improvement fund, recreational vehicle, off-road motor vehicle, recreational trails program, motorbike recreation, and mountain bike plate grant programs. Applicants must provide a minimum match of twenty percent (20%) of the total equipment purchase. An applicant may claim up to fifteen percent (15%) match from the trade-in value of other equipment. A minimum of five percent (5%) must be a cash match. (7-1-21)T

201. MATCHING FUNDS.

The following types of match may be used:

(7-1-21)T

01. Force Account Labor and Equipment. Documentation of force account must include: the name of each employee, dates worked, hourly rate of pay, number of hours worked, and the total cost by each employee. Documentation of equipment costs includes the type of equipment used, dates used, hourly rate value, number of hours used, how the hourly rate was determined, and total cost. (7-1-21)T

02. Donated Materials. The value of donated material that is used as match cannot exceed the costs of the materials as documented in an invoice or receipt, or the market price at the time the grantee requests reimbursement for the material, whichever is less. The grantee must provide a detailed invoice marked “donation” or a letter from the donor (including the value) as documentation of donated material. (7-1-21)T

03. Donated Contract Labor. When an employer, other than the grantee, donates the services of an employee, these services are valued at the employee’s regular rate of pay (not including fringe benefits and overhead costs). These services must be for the same skill for which the employee is normally paid. The grantee must provide documentation that includes the employee’s name, dates worked, hourly rate, number of hours worked, and total cost. (7-1-21)T

04. Rates for Volunteers. Skilled and unskilled volunteer labor rates must be consistent with the rate the grantee would pay for similar work in the grantee’s labor market. If the volunteer is professionally skilled and employed in the work being performed on the project, the grantee may use the volunteer’s normal wage rate. If the volunteer is not professionally employed in the work being performed on the project, the grantee must value the donated labor at the federal minimum wage rate. The grantee must provide documentation that includes the volunteer’s name, date worked, hourly rate, number of hours worked, and total cost. (7-1-21)T

202. -- 299. (RESERVED)

300. EXPENDITURE OF GRANT FUNDS.

Grant funds not expended within the designated fiscal year or years as established by the project period in the project agreement, may be revoked unless the applicant requests and receives an extension of time from the state and federal grant manager. (7-1-21)T

301. PROJECT EXTENSION.

A written request for an extension of the project period must be received and reviewed by the state and federal grant manager prior to the end of the project period. No project extension will be granted for more than one (1) year; however, an applicant may request project extensions in consecutive years. (7-1-21)T

302. COST INCREASES.

01. Cost Overruns. Twenty percent (20%) of any program allocation may be held out by the department for necessary cost overruns related to previously awarded grants. Any unused funds will be redistributed in the next funding cycle. (7-1-21)T

02. Minor Cost Increases. Cost increases of fifteen percent (15%) or less of the original grant amount that are less than or equal to twenty thousand dollars (\$20,000), may be approved by the director. Cost increases of fifteen percent (15%) or less of the original grant amount that exceed twenty thousand dollars (\$20,000) may be approved by the board. (7-1-21)T

03. Major Cost Increases. Cost increases of more than fifteen percent (15%) of the original grant amount are not allowed. The applicant must either resubmit the project or submit a new grant request to increase the current project. (7-1-21)T

303. -- 349. (RESERVED)

350. PROJECT MANAGEMENT AND DISBURSEMENT OF FUNDS.

01. Grant Agreement. A grantee must complete the grant agreement form, with original or authenticated digital signatures, within sixty (60) calendar days of written notification of grant award. The agreement obligates the applicant to complete all elements of the project as specified in the signed grant agreement. (7-1-21)T

02. Purchase and Bidding Requirements. The grantee must follow all local, state and federal laws pertaining to the expenditure of public funds. (7-1-21)T

03. Permits. The grantee must legally acquire all required local, state and federal permits for the construction or development of the project before grant funds are expended. Construction must comply with the then current codes and standards. (7-1-21)T

04. Reimbursement of Project Costs. The grantee must initially pay all project costs and then seek reimbursement through the department. The grantee must complete the appropriate form provided by the department certifying that the data is correct and submit the form to the department with an original or authenticated signature. (7-1-21)T

05. Allowable Costs. The State and Federal Grant Manager determines what expenses are eligible for reimbursement based on federal code, state statutes and rules. Grantees must follow 2 CFR 200, in determining the reasonableness and allowability of costs. (7-1-21)T

a. Projects, or any part thereof, either paid for by the grantee or completed prior to the grant application deadline, are ineligible for grant funding or to be considered as match. However, costs for design and engineering incurred within one (1) year prior to the application deadline date may be considered as match, provided they are listed as a scope element on the application. (7-1-21)T

b. For Recreational Trail Program projects, any project activity conducted prior to the execution of the project agreement is ineligible for reimbursement or to be considered as match. (7-1-21)T

06. Matching Funds. All matching funds must meet the allowable costs criteria outlined in Section 201 of this chapter. (7-1-21)T

07. Documentation and System of Internal Controls. Grantees must follow 2 CFR 200 in maintaining a system of internal controls that provides reasonable assurance the grantee is managing the award in compliance with this chapter. Accounting records must be supported by source documentation such as vouchers, canceled checks, invoices, payroll, time and attendance records, contract and sub-grant award documents, and other required billing forms. (7-1-21)T

08. Reimbursement Requests and Reporting. Grantees must remit a performance report to the department with each reimbursement request. Failure of the grantee to report or poor performance indicated by the inspection report may disqualify grantee from any future grant applications with the department. (7-1-21)T

09. Grant Closeouts. Within forty-five (45) days after the completion of the project, the grantee must submit an appropriate closeout form as provided by the department. (7-1-21)T

10. Record Retention. The records relative to any grant project are public records. The grantee must retain all financial information referenced in this chapter regarding a project for a time period of three (3) years from the date of the final grant payment, unless any litigation or audit concerning the project has been started or announced. (7-1-21)T

11. Audit Authority. The department has the right of access to any books, documents, papers, or other records of grantees that are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts. An audit of the grant may result in the disallowance of costs incurred by the recipient and the establishment of a debt (account receivable) due the department. The department may perform an audit randomly and without prior notice. (7-1-21)T

12. Failure to Comply. If a grantee fails to comply with the obligations as set forth in the signed grant agreement, the applicant must repay all or a portion of the expended grant funds as determined by the state and federal grant manager. (7-1-21)T

351. -- 399. (RESERVED)

400. ONGOING GRANTEE OBLIGATIONS.

01. Maintenance. The grantee must maintain any facilities, real property, and equipment funded by a

grant in the condition equivalent to that existing when such facility was completed or property or equipment purchased, normal wear and tear excepted. (7-1-21)T

02. Public Use. The grantee must ensure that facilities and real property are available to the general public. (7-1-21)T

03. Nondiscrimination. The grantee must ensure that facilities and real property purchased in whole or in part with grant moneys are available for public use regardless of race, color, religion, national origin, gender, age, or disability. The grantee must ensure that facilities constructed with grant moneys meet the requirements as set by the Americans with Disabilities Act. (7-1-21)T

04. Acknowledgment of Funding Assistance. Grantee must post and maintain appropriate permanent signs or decals upon project sites or equipment acknowledging funding assistance from the appropriate grant fund and the department upon start of the project or purchase of equipment. (7-1-21)T

05. Project Liability. Grantees, through a signed agreement, assume all project liability and hold the department harmless. (7-1-21)T

06. Responsibility for Equipment. Motorized equipment purchased with grant funds becomes the property of the grantee and must be maintained for public use. (7-1-21)T

07. Failure to Comply. Failure by the grantee to comply with the ongoing obligations may require repayment all or a portion of the grant funding. (7-1-21)T

401. -- 449. (RESERVED)

450. PROJECT CONVERSIONS.

No grant funded project may, without the prior written approval of the Board, be converted to uses other than for the authorized purposes specified in the original grant application or grant agreement. (7-1-21)T

451. -- 999. (RESERVED)

Subject Index

A

Application Procedure 4

Board Review 4

Complete Application 4

Grant Agreement 4

Grant Award 4

Public Comment 4

Ranking 4

C

Cost Increases 6

Cost Overruns 6

Major Cost Increases 6

Minor Cost Increases 6

D

Definitions, IDAPA 26.01.31 3

2CFR 200 3

Applicant 3

ATV 3

Board 3

Department 3

Director 3

Grant 3

Grantee 3

Match 3

Non-Profit 3

Project 3

Public Entity 3

Recreational Grant Program

Guidance 3

State & Federal Grant Manager 3

E

Eligible Applicants 4

Expenditure Of Grant Funds 6

G

Grant Cycles 3

Grant Standards 5

Minimum Motorized Equipment

Match 5

Minimum Project Match 5

L

Legal Authority 3

M

Matching Funds 5

Donated Contract Labor 6

Donated Materials 6

Force Account Labor &

Equipment 5

Rates for Volunteers 6

O

Ongoing Grantee Obligations 7

Acknowledgment of Funding

Assistance 8

Failure to Comply 8

Maintenance 7

Nondiscrimination 8

Project Liability 8

Public Use 8

Responsibility for Equipment 8

P

Project Conversions 8

Project Extension 6

Project Management And Disbursement

Of Funds 6

7

Allowable Costs 7

Documentation & System of

Internal Controls 7

Failure to Comply 7

Grant Agreement 6

Grant Closeouts 7

Matching Funds 7

Permits 7

Purchase & Bidding

Requirements 6

Record Retention 7

Reimbursement of Project

Costs 7

Reimbursement Requests &

Reporting 7

Project Requirements 4

Fees 4

Grant Modification 5

Real Property 4

R

Real Property Appraisals 5

Adequate Title & Public

Access 5

Appraisal Required 5

Appraisal Review 5

Limitations on Use 5

Negotiated Price 5

S

Scope 3

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

Management Services Division

26.01.33 – Rules Governing the Administration of the Land and Water Conservation Fund Program

Who does this rule apply to?

These rules apply to the applicants and recipients of the Land and Water Conservation Fund program administered by the Idaho Department of Parks and Recreation.

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 the department administers the Land and Water Conservation Fund program.

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

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

State Government and State Affairs -

State Parks:

- [Section 67-4223, Idaho Code](#) – Powers of Board

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

Phone: (208) 334-4199

Fax: (208) 334-3741

Email: inquiry@idpr.idaho.gov

<https://parksandrecreation.idaho.gov>

Table of Contents

26.01.33 – Rules Governing the Administration of the Land and Water Conservation Fund Program

000. Legal Authority.	3
001. Title And Scope.	3
002. -- 009. (Reserved)	3
010. Definitions.	3
011. -- 039. (Reserved)	4
040. LWCF Advisory Committee Member Selection And Appointment.	4
041. -- 049. (Reserved)	4
050. Grant Cycle.	4
051. -- 064. (Reserved)	4
065. Eligible Sponsors.	4
066. Eligible Projects.	4
067. Ineligible Projects.	4
068. -- 079. (Reserved)	4
080. Application Procedure.	5
081. -- 099. (Reserved)	5
100. Fees And Income.	5
101. Sponsor's Matching Share.	5
102. Appraisal Requirements.	5
103. -- 299. (Reserved)	5
300. Fund Allocation.	6
301. -- 514. (Reserved)	6
515. Project Management And Disbursement Of Funds.	6
516. -- 649. (Reserved)	6
650. Conversion To Other Uses.	6
651. -- 724. (Reserved)	7
725. Ongoing Sponsor Obligations.	7
726. -- 999. (Reserved)	7

26.01.33 – RULES GOVERNING THE ADMINISTRATION OF THE LAND AND WATER CONSERVATION FUND PROGRAM

000. LEGAL AUTHORITY.

The Idaho Parks and Recreation Board is authorized under Section 67-4223, Idaho Code, to adopt, amend, or rescind rules as may be necessary for proper administration of the department and its programs. (7-1-21)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.33, “Rules Governing the Administration of the Land and Water Conservation Fund Program.” (7-1-21)T

02. Scope. This chapter establishes procedures for the administration of the Land and Water Conservation Fund program, including requirements for project application, eligibility, review, award, and management. (7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

As used in this chapter: (7-1-21)T

01. 2 CFR 200. Uniform Administrative Requirements, Cost Principles, and Audit requirements for Federal Awards as set forth in 2 CFR 200 (Code of Federal Regulations). (7-1-21)T

02. Acquisition. The gaining of rights of public use by purchase or donation of fee or less than fee interests in real property. (7-1-21)T

03. Alternate State Liaison Officer (ALSO). State official designated by the governor of Idaho to assist the State Liaison Officer in managing the LWCF Program. The State and Federal Grant Manager is the ALSO. (7-1-21)T

04. Board. The Idaho Parks and Recreation Board, a bipartisan, six (6) member board, appointed by the governor. (7-1-21)T

05. Development. The act of physically improving an area or constructing facilities necessary to increase its ability to serve outdoor recreation purposes. (7-1-21)T

06. Department. The Idaho Department of Parks and Recreation. (7-1-21)T

07. Director. The director and chief administrator of the Department of designee. (7-1-21)T

08. LWCF. The Land and Water Conservation Fund, a federal grant program that provides matching grants to states, and through states to local governments, for the planning, acquisition and development of public outdoor recreation areas and facilities. (7-1-21)T

09. LWCF Advisory Committee. Representatives from federal, state and local entities and other subject matter experts with expertise in community development or public outdoor recreation needs. (7-1-21)T

10. NPS. The National Park Service. (7-1-21)T

11. Open Project Selection Process (OPSP). The decision-making process and criteria by which the Department selects projects for the LWCF funding. The OPSP defines the criteria that propose LWCF projects must meet in order to be eligible for funding and establish priorities to objectively rate competing eligible projects. (7-1-21)T

12. SCORP. Statewide Comprehensive Outdoor Recreation Plan. (7-1-21)T

13. Sponsor. A state or local government agency that solicits a grant from the Department for a project or is responsible for administering the grant of an approved application or completed project. (7-1-21)T

14. State Liaison Officer (SLO). State official designated by the governor of Idaho to manage the LWCF Program with the assistance of the Alternate State Liaison Officer. The director is designated as the SLO.

(7-1-21)T

011. -- 039. (RESERVED)

040. LWCF ADVISORY COMMITTEE MEMBER SELECTION AND APPOINTMENT.

01. Members. The advisory committee includes nine (9) members as follows: (7-1-21)T

a. Three (3) members are representatives of state and federal agencies with a technical relationship to community development or the outdoor recreation needs in the state. (7-1-21)T

b. One (1) member represents a community of five thousand (5,000) population or more. (7-1-21)T

c. One (1) member represents a community of five thousand (5,000) population or less. (7-1-21)T

d. One (1) member represents the interests of ethnic minorities. (7-1-21)T

e. One (1) member represents the interests of the elderly. (7-1-21)T

f. One (1) member represents the interests of people with disabilities. (7-1-21)T

g. One (1) member must be from the board. (7-1-21)T

02. Quorum. A quorum is required to conduct committee business. Five (5) people constitute a quorum. (7-1-21)T

03. Appointment and Term. Members are appointed by and serve at the discretion of the board for three (3) funding sessions and may be reappointed. (7-1-21)T

041. -- 049. (RESERVED)

050. GRANT CYCLE.

The funding cycle must occur at least once every two (2) years and may occur at any other regular interval within the fiscal year as determined by the state. (7-1-21)T

051. -- 064. (RESERVED)

065. ELIGIBLE SPONSORS.

Governmental agencies that are eligible to receive or apply for the grant funds include incorporated cities, counties, state agencies, recreation districts, and other state or local governmental agencies authorized to provide general public recreation facilities. (7-1-21)T

066. ELIGIBLE PROJECTS.

LWCF grants are available to acquire or develop land that is to be used for outdoor recreation purposes and is to be held in perpetuity for public outdoor recreation uses. The sponsor must have title to or adequate control and tenure of the area to be developed. Projects clearly designed and located to meet identified needs for general public recreation, as well as to provide school districts with outdoor education, physical education, and recreation facilities may be eligible for funding, provided general public recreation is clearly the primary use. Projects must be consistent with the current LWCF Federal Assistance Manual. (7-1-21)T

067. INELIGIBLE PROJECTS.

Acquisitions or development that do not contribute directly to general public outdoor recreation facilities or activities are ineligible for LWCF funding. Acquisition of leases are not eligible for LWCF funding. The cost to a sponsor of land purchased from another public agency is not eligible for LWCF funding. (7-1-21)T

068. -- 079. (RESERVED)

080. APPLICATION PROCEDURE.

01. Procedure. To be considered for a grant, a sponsor must follow the procedural requirements, file a completed grant application form prior to the stated deadline, propose an eligible project, and submit all other documentation specified in this rule. (7-1-21)T

02. Review for Completeness and Eligibility. Materials submitted by the sponsor are reviewed by the Department for completeness and for project eligibility. (7-1-21)T

03. LWCF Advisory Committee Rating. The LWCF Advisory Committee rates projects and assists the Department in making funding priority recommendations to the Idaho Park and Recreation Board. To objectively rate competing eligible projects, the committee considers the application, the presentation by the sponsor, and how the project meets the OPSP criteria and established priorities. (7-1-21)T

04. Board and NPS Approval. The board reviews and approves a priority list for submission to NPS. Applications are submitted to NPS according to priority after LWCF moneys have been appropriated by Congress and allocated to the state. (7-1-21)T

05. Grant Agreement. Upon approval of a grant application by NPS, the Department will present the sponsor with a grant agreement that identifies eligible costs and obligates the sponsor to a specified project scope. The sponsor must sign the agreement prior to initiating work on the project. The signed agreement obligates the sponsor to complete all elements of the project as described in the agreement and any applicable approved amendment. The signed agreement must include a proclamation from the sponsor's governing body committing the project and the sponsor to LWCF requirements in perpetuity. (7-1-21)T

081. -- 099. (RESERVED)

100. FEES AND INCOME.

01. User Fees. User or other types of fees may be charged in connection with facilities developed with LWCF grants, provided that the fees and charges are commensurate with the value of recreation services or opportunities furnished and are in the prevailing range of public fees and charges for the particular activity involved. Discrimination on the basis of residence, including preferential reservation or membership systems and annual permit systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence. (7-1-21)T

02. Nonrecreational Income. Nonrecreational income that accrues to an outdoor recreation area other than the intended recreational use, including income from land management practices, must derive from use that is consistent with, and complementary to, the intended outdoor recreational use of the area. Gross nonrecreational income that accrues during the project period established in the project contract must be used to reduce the total cost of the project. Gross nonrecreational income that accrues subsequent to the ending date identified in the project contracts must be used only to offset the expense of operation and maintenance of the facility. (7-1-21)T

101. SPONSOR'S MATCHING SHARE.

The sponsor must match a portion of the approved project cost as determined by the National Park Service. The sponsor's share can be either local funds, acceptable state funds, force account (labor or equipment), or donation of privately owned lands, goods or services. All matching funds must meet LWCF Program rules as well as the allowable cost rules under 2 CFR 200. (7-1-21)T

102. APPRAISAL REQUIREMENTS.

A real estate appraisal is required for all land to be acquired. The appraisal must be prepared and paid for by the sponsor. All appraisals must be done according to "Uniform Appraisal Standards for Federal Land Acquisitions." NPS requires that the Department has each appraisal reviewed by a qualified appraiser. Any appraisal report that does not meet the basic content requirement or use correct analysis procedures must be corrected to the satisfaction of the Department. All costs are paid by the sponsor. (7-1-21)T

103. -- 299. (RESERVED)

300. FUND ALLOCATION.

01. Administration Costs. Idaho's cost of administering the SCORP program, the LWCF program and a contingency fund are deducted from the state's annual apportionment. The remaining funds are divided fifty percent (50%) for local governmental agencies and fifty percent (50%) for state agencies. This standard may be altered in any year at the discretion of the board. (7-1-21)T

02. Allocation by Population. (7-1-21)T

a. To assure that the needs of rural areas are met, twenty percent (20%) of the amount dedicated for local governmental agencies is dedicated for use by governmental agencies of five thousand (5,000) population or less. If the cumulative request of the governmental agencies of five thousand (5,000) population or less is more than the twenty percent (20%) of the amount dedicated for local governmental agencies, governmental agencies of five thousand (5,000) population or less may compete for the total remaining allocation. (7-1-21)T

b. If the total cost for a single project of a governmental agency with a population of five thousand (5,000) or less requires over one-half (1/2) of the twenty percent (20%) dedicated for use by governmental agencies of five thousand (5,000) population or less, that project will compete with the large governmental agency projects. (7-1-21)T

c. The board may suspend (through formal action at the board meeting at which LWCF grant requests are considered) any provision of this section if the allocation is too small to warrant viable projects. (7-1-21)T

03. Less Than Full Distribution. The board is not required to distribute all available funds. The Department may recommend, and the board determine, to reject projects with evaluation scores so low as to be noncompetitive. (7-1-21)T

04. Cost Overruns. Twenty percent (20%) of the total allocation may be held out for needed cost overruns. Any unused funds at the end of the funding cycle are obligated through the normal process. (7-1-21)T

301. -- 514. (RESERVED)

515. PROJECT MANAGEMENT AND DISBURSEMENT OF FUNDS.

01. Authorization. Except as otherwise provided herein, the SLO must authorize disbursement of funds allocated to a project through reimbursement basis. The LWCF program is a reimbursement program, which means that the sponsors initially pay all project costs and then seek reimbursement through the Department(7-1-21)T

02. Documentation of Property Purchase. Prior to submitting for property acquisition cost reimbursement, the sponsor must document that all deed, title insurance and appraisal requirements are satisfied. (7-1-21)T

03. Reimbursement. The sponsor must request reimbursement on forms provided by the Department and must include all required documentation. The amount of reimbursement must never exceed the cash expended on the project. (7-1-21)T

04. Development Project Contract Requirements. Development projects require competitive bidding and must comply with all local, state and federal requirements. (7-1-21)T

05. Records. Project records must be maintained by the state and sponsor for three (3) years after final payment. The material must be maintained beyond the required three (3) year period if audit findings have not been resolved. (7-1-21)T

516. -- 649. (RESERVED)

650. CONVERSION TO OTHER USES.

01. Conversion. The term “conversion” is used to identify properties that were acquired or developed with LWCF assistance that have been converted from a public outdoor recreation to other than public outdoor recreation uses without prior approval of NPS. (7-1-21)T

02. Fees. The sponsor must pay all costs associated with the LWCF conversion process. (7-1-21)T

651. -- 724. (RESERVED)

725. ONGOING SPONSOR OBLIGATIONS.

01. Permanent Project Signs. The sponsor is required to install permanent public acknowledgment of LWCF assistance at project sites on at least one (1) prominent location, such as the project site entrance. The sponsor must use the LWCF symbol established and provided by the Department for such acknowledgment. If the sponsor wants to provide a more detailed sign, the Department must approve the sign prior to construction to ensure proper designation. (7-1-21)T

02. In Perpetuity. The sponsor must maintain any outdoor recreation use within LWCF boundaries in perpetuity. (7-1-21)T

726. -- 999. (RESERVED)

Subject Index

A

Application Procedure 5
 Board & NPS Approval 5
 Grant Agreement 5
 LWCF Advisory Committee
 Rating 5
 Procedure 5
 Review for Completeness &
 Eligibility 5
Appraisal Requirements 5

C

Conversion To Other Uses 6
 Conversion 7
 Fees 7

D

Definitions, IDAPA 26.01.33 3
 2 CFR 200 3
 Acquisition 3
 Alternate State Liaison Officer
 (ALSO) 3
 Board 3
 Department 3
 Development 3
 Director 3
 LWCF 3
 LWCF Advisory Committee 3
 NPS 3
 Open Project Selection Process
 (OPSP) 3
 SCORP 3
 Sponsor 3
 State Liaison Officer (SLO) 3

E

Eligible Projects 4
Eligible Sponsors 4

F

Fees & Income 5
 Nonrecreational Income 5
 User Fees 5
Fund Allocation 6
 Administration Costs 6
 Allocation by Population 6
 Cost Overruns 6
 Less Than Full Distribution 6

G

Grant Cycle 4

I

Ineligible Projects 4

L

Legal Authority 3
LWCF Advisory Committee Member
 Selection & Appointment 4

Appointment & Term 4
Members 4
Quorum 4

O

Ongoing Sponsor Obligations 7
 In Perpetuity 7
 Permanent Project Signs 7

P

Project Management & Disbursement
 Of Funds 6
 Authorization 6
 Development Project Contract
 Requirements 6
 Documentation of Property
 Purchase 6
 Records 6
 Reimbursement 6

S

Sponsor's Matching Share 5

T

Title & Scope 3

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

Phone: (208) 334-4199

Fax: (208) 334-3741

Email: inquiry@idpr.idaho.gov

<https://parksandrecreation.idaho.gov>

Table of Contents

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.03 – Rules Governing Recreation Programs

000. Legal Authority.	3
001. Title And Scope.	3
002. -- 009. (Reserved)	3
010. Definition Of Terms.	3
011. -- 099. (Reserved)	3
100. Criteria For Applying For Vendorship.	3
101. -- 199. (Reserved)	3
200. Notifications And Time Limits.	3
201. -- 499. (Reserved)	3
500. Off-Highway Law Enforcement Fund Distribution Formula.	3
501. -- 999. (Reserved)	4

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

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. (7-1-21)T

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." (7-1-21)T

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. (7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITION OF TERMS.

01. Department. The Idaho Department of Parks and Recreation. (7-1-21)T

02. Memorandum of Agreement. A contract between the Department and the Vendor. (7-1-21)T

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. (7-1-21)T

04. Recreation Program Products. Products include, but are not limited to, certificates of number, permits, user certificates, and stickers. (7-1-21)T

05. Vendor. Any business or agency authorized to sell products. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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. (7-1-21)T

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: (7-1-21)T

- 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. (7-1-21)T
- 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. (7-1-21)T
- c.** Multiply this percentage by zero point six (0.6) to get sixty percent (60%) of the value. (7-1-21)T
- d.** Calculate the percentage of off-highway vehicle certificate of number designations for each eligible county as compared to the entire state. (7-1-21)T
- e.** Multiply this percentage by zero point four (0.4) to get forty percent (40%) of the value. (7-1-21)T
- 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. (7-1-21)T

501. -- 999. (RESERVED)

Subject Index

C

Criteria For Applying For
Vendorship 3

D

Definition Of Terms, IDAPA
26.01.03 3
Department 3
Memorandum of Agreement 3
Payment in Lieu of Taxes 3
Recreation Program Products 3
Vendor 3

L

Legal Authority 3

N

Notifications & Time Limits 3
Action on Application 3
Notification 3

O

Off-Highway Law Enforcement Fund
Distribution Formula 3

T

Title & Scope 3

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

Operations Division

26.01.30 – Idaho Safe Boating 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 Safe Boating Act.

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

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

Phone: (208) 334-4199

Fax: (208) 334-3741

Email: inquiry@idpr.idaho.gov

<https://parksandrecreation.idaho.gov>

Table of Contents

26.01.30 – Idaho Safe Boating Rules

000. Legal Authority.	4
001. Title And Scope.	4
002. -- 009. (Reserved)	4
010. Definitions.	4
011. -- 049. (Reserved)	5
050. Personal Flotation Devices (PFD's).	5
051. -- 074. (Reserved)	6
075. Fire Extinguishers.	6
076. -- 099. (Reserved)	6
100. Lights And Shapes.	6
101. -- 124. (Reserved)	8
125. Ventilation.	8
126. -- 149. (Reserved)	8
150. Sound Producing Devices.	8
151. -- 174. (Reserved)	8
175. Backfire Flame Control.	9
176. -- 199. (Reserved)	9
200. Warning Flags For Downed Skiers.	9
201. -- 224. (Reserved)	9
225. Vessel Liveries -- Equipment.	9
226. Personal Watercraft Liveries.	9
227. -- 249. (Reserved)	9
250. Vessel Numbers -- Display, Size, Color.	9
251. -- 274. (Reserved)	10
275. Vessel Numbers -- Form.	10
276. -- 299. (Reserved)	10
300. Validation Stickers.	10
301. -- 324. (Reserved)	11
325. Application And Certificate Of Number -- Contents.	11
326. -- 349. (Reserved)	12
350. Numbering - Exemptions.	12
351. -- 399. (Reserved)	12
400. County Eligibility To Receive Moneys From The State Vessel Account.	12
401. -- 424. (Reserved)	13
425. Hull Identification Numbers - Required.	13
426. -- 449. (Reserved)	13
450. Hull Identification Numbers -- Form.	13
451. -- 474. (Reserved)	14
475. Hull Identification Numbers -- Display.	14
476. -- 499. (Reserved)	14

500. Idaho Waterway Marking System.	14
501. -- 524. (Reserved)	17
525. Negligent Operation.	17
526. -- 999. (Reserved)	17

26.01.30 – IDAHO SAFE BOATING RULES

000. LEGAL AUTHORITY.

The Idaho Park and Recreation Board is authorized under Section 67-7002, Idaho Code to promulgate rules to effectuate the purposes of and aid in the administration of the Idaho Safe Boating Act, Title 67, Chapter 70, Idaho Code. (1-1-94)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.30, "Idaho Safe Boating Rules." (1-1-94)

02. Scope. This chapter establishes rules to effectuate the purposes of and aid in the administration and enforcement of the Idaho Safe Boating Act, Title 67, Chapter 70, Idaho Code. (1-1-94)

002. -- 009. (RESERVED)

010. DEFINITIONS.

As used in this chapter: (1-1-94)

01. Duly Constituted Water Ski School. A profit-making business that files Idaho income tax returns in accordance with the Idaho Income Tax Act (Title 63, Chapter 30, Idaho Code) substantiating that instruction of water ski students for the making of a profit is or was being performed by the instructor. (1-1-94)

02. Lifeboat. A vessel that: (7-1-93)

a. Is owned by the owner of a vessel for which a valid certificate of number has been issued; (7-1-93)

b. Is kept with the numbered vessel during normal operation of the numbered vessel; and (7-1-93)

c. Is used solely in life threatening situations. (7-1-93)

03. Motorboat. Any vessel propelled by machinery, which is powered by an energy source other than human effort, whether or not such machinery is the principal source of propulsion. (7-1-93)

04. Sailboat. Any vessel equipped with mast(s) and sail(s), dependent upon the wind to propel the vessel in the normal course of operation of the vessel. (1-1-94)

05. Sailboard. A surfboard type sailboat with no freeboard and using a triangular sail on a swivel mounted mast not secured to a hull by guys or stays. (7-1-93)

06. Tender. A vessel equipped with propulsion machinery of less than ten (10) horsepower that: (7-1-93)

a. Is owned by the owner of a vessel for which a valid certificate of number has been issued; (7-1-93)

b. Displays the number of that numbered vessel followed by the suffix "1"; and (7-1-93)

c. Is used for direct transportation between the numbered vessel and the shore and for no other purpose. (7-1-93)

07. Watercraft. Those devices designed as a means of transportation on water. The following devices are not considered watercraft: (7-1-93)

a. Diver's aids operated and designed primarily to propel a diver below the surface of the water; and (7-1-93)

b. Non-motorized devices not designed as a means of transportation on water, such as inflatable air mattresses, single inner tubes, and beach and water toys. (3-23-98)

c. Float houses as defined in Section 67-7003(8), Idaho Code. (3-23-98)

08. Whistle or Horn. Any sound producing appliance capable of producing the prescribed blasts and which complies with the specifications of 33 U.S.C. Section 2001 et seq. and 33 CFR Section 86.01 et seq. (1-1-94)

09. Other Definitions. Other definitions set forth in the Idaho Safe Boating Act (Title 67, Chapter 70, Idaho Code) are incorporated herein by reference. (7-1-93)

011. -- 049. (RESERVED)

050. PERSONAL FLOTATION DEVICES (PFD'S).

01. Personal Flotation Devices Required. Except seaplanes, sailboards, and as provided in Subsections 050.03 and 050.04 of this chapter, no person may operate or permit to be operated any vessel on the waters of this state without carrying on board personal flotation devices (Type I life preservers, Type II buoyant vests, Type III special purpose marine buoyant devices, Type IV buoyant cushions or ring life buoys, or Type V restricted use devices) as follows: (7-1-93)

a. Recreational vessels (used for non-commercial use) less than sixteen (16) feet in length, and canoes and kayaks of any length, must have one (1) type I, II, or III wearable personal flotation devices of a suitable size for each person on board. (5-1-95)

b. Recreational vessels sixteen (16) feet in length and over, except as stated in Subsection 050.01.a. of this chapter, must have one (1) type I, II, or III wearable personal flotation device of a suitable size for each person on board and, in addition, one (1) type IV throwable device. (1-1-94)

c. Commercial vessels less than forty (40) feet in length not carrying passengers for hire must have at least one (1) Type I, II, or III wearable personal flotation device of a suitable size for each person on board. (1-1-94)

d. Commercial vessels carrying passengers for hire and commercial vessels forty (40) feet in length or longer not carrying passengers for hire must have at least one Type I wearable personal flotation device of a suitable size for each person on board. (1-1-94)

e. Commercial vessels twenty-six (26) feet in length or longer must have at least one (1) Type IV throwable ring life buoy in addition to other requirements. (1-1-94)

f. Children fourteen (14) years of age and younger, onboard vessels nineteen (19) feet or less, must wear an approved flotation device when the vessel is underway. (3-15-02)

02. Location and Condition. All personal flotation devices required by Section 050 of this chapter must be readily accessible to persons on board and be of good and serviceable condition. When aboard a personal watercraft (Jet Ski, Wave Runner, etc.) or being towed by a boat (water ski, wake board, knee board, tube, etc.), an approved flotation device must be worn to be considered readily accessible. All such devices must be approved by the U.S. Coast Guard, and must be marked in accordance with U.S. Coast Guard standards. All such devices must comply with the construction and design standards set forth by 46 U.S.C. Section 2101 et seq. and Section 4301 et seq., and applicable federal regulations. (3-30-01)

03. Alternative PFD Requirement. A Type V personal flotation device may be carried in lieu of any required personal flotation device if U.S. Coast Guard approved for the activity engaged in. (7-1-93)

04. Exemptions. (7-1-99)

a. Racing shells, rowing sculls and racing kayaks are exempt from the requirements of Section 050 of this chapter provided they are manually propelled, recognized by a national or international racing association and designed solely for competitive racing. (7-1-99)

b. Float tubes are exempt from the requirements of Section 050 of this chapter while being operated on lakes and reservoirs of this state of less than two hundred (200) surface acres in size at natural or ordinary high water. (7-1-99)

051. -- 074. (RESERVED)

075. FIRE EXTINGUISHERS.

01. Fire Extinguishers Required. Except seaplanes and those motorboats less than twenty-six (26) feet in length, propelled by outboard motors, of open construction that will not permit the entrapment of explosive or flammable gases or vapors, and not carrying passengers for hire, no person may operate or permit to be operated any motorboat on the waters of this state unless it carries on board and have readily accessible at least the minimum number of serviceable U.S. Coast Guard approved fire extinguishers as set forth below. (7-1-93)

02. Type and Size -- Table. Extinguishers approved for use on motorboats are hand portable of either B-I or B-II classification. "B" type is for gasoline, oil and grease fires. "I" and "II" denotes size as follows:

Classification	Foam Dioxide	Carbon Chemical	Dry Freon	Halon/
B-I	1.25 gals.	4 lbs.	2 lbs.	2.5 lbs.
B-II	2.50 gals.	15 lbs.	10 lbs.	

(1-1-94)

03. Inspections. Dry chemical fire extinguishers without gauges or indicating devices must be inspected every six (6) months. If the gross weight of a carbon dioxide (CO₂) fire extinguisher is reduced by more than ten percent (10%) of the net weight, the extinguisher is not acceptable and must be recharged. (7-1-94)

04. Specific Requirements. Except as provided in Subsection 075.01 of this chapter, the requirements for fire extinguishers by length of motorboat are as follows: (7-1-93)

- a. Less than twenty-six (26) feet in length: At least one (1) B-I fire extinguisher is required. (7-1-93)
- b. Twenty-six (26) feet to less than forty (40) feet in length: At least two (2) B-I fire extinguishers are required. (7-1-93)
- c. Forty (40) feet to not more than sixty-five (65) feet in length: At least three (3) B-I fire extinguishers are required. (7-1-93)
- d. Over sixty-five (65) feet in length: Federal requirements apply as stated in 46 U.S.C. Section 2101 et seq. and Section 4301 et seq., and 46 CFR Section 25.30-1 et seq. (1-1-94)

05. Alternative Fire Extinguisher Requirement. One (1) B-II fire extinguisher may be substituted for two (2) B-I fire extinguishers. (7-1-93)

06. Fixed Systems. When a fixed fire extinguishing system is installed in machinery space(s), one (1) less B-I fire extinguisher is required. (7-1-93)

076. -- 099. (RESERVED)

100. LIGHTS AND SHAPES.

01. Lights Required. No person may operate or permit the operation of any vessel on the waters of this state between sunset and sunrise or in other times of restricted visibility unless the vessel is equipped with and displays the lights herein specified, and during such time no other lights which may be mistaken for those prescribed must be exhibited. (1-1-94)

02. Motorized Vessels. A motorboat less than sixty-five and six-tenths (65.6) feet in length must exhibit navigation lights as follows: (7-1-93)

a. A white light placed over the fore and aft centerline of the vessel showing an unbroken light over an arc of the horizon of two hundred twenty-five (225) degrees (twenty (20) points) and so fixed as to show the light from right ahead to twenty-two and five-tenths (22.5) degrees (two (2) points) abaft (toward the stern from) the beam on either side of the vessel. (1-1-94)

b. A white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon one hundred thirty-five (135) degrees (twelve (12) points) and so fixed as to show the light sixty-seven and five-tenths (67.5) degrees (six (6) points) from right aft on each side of the vessel. (7-1-93)

c. On the starboard side a green light and on the port side a red light each showing an unbroken light over an arc of the horizon of one hundred twelve and five-tenths (112.5) degrees (ten (10) points) and so fixed as to show the light from right ahead to twenty-two and five-tenths (22.5) degrees (two (2) points) abaft (toward the stern from) the beam on its respective side. These sidelights may be combined in one (1) lantern carried on the fore and aft centerline of the vessel. (1-1-94)

d. A motorboat less than thirty-nine and four-tenths (39.4) feet in length may exhibit a white light aft visible all around the horizon in lieu of the white lights prescribed in Subsections 100.02.a. and 100.02.b. of this chapter. (7-1-93)

03. Non-Motorized Vessels. A sailboat, under sail alone, and a vessel under oars or paddles, must exhibit navigation lights as follows: (1-1-94)

a. On the starboard side a green light and on the port side a red light each showing an unbroken light over an arc of the horizon of one hundred twelve and five-tenths (112.5) degrees (ten (10) points) and so fixed as to show the light from right ahead to twenty-two and five-tenths (22.5) degrees (two (2) points) abaft (toward the stern from) the beam on its respective side. These sidelights may be combined in one (1) lantern carried on the fore and aft centerline of the vessel. (1-1-94)

b. A white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon one hundred thirty-five (135) degrees (twelve (12) points) and so fixed as to show the light sixty-seven and five-tenths (67.5) degrees (six (6) points) from right aft on each side of the vessel. (7-1-93)

c. A sailboat of less than twenty-three (23) feet in length or a vessel under oars or paddles must, if practicable, exhibit the lights prescribed in Subsections 100.03.a. and 100.03.b. of this chapter, but if it does not, it must have ready at hand an electric torch or lighted lantern showing a white light that must be exhibited in sufficient time to prevent collision. (7-1-93)

04. Anchorage. All vessels must display a white light visible all around the horizon when anchored on the waters of this state, unless anchored in a designated mooring area. (1-1-94)

05. Seaplanes. Where it is impracticable for a seaplane to exhibit lights of the characteristics or in the positions prescribed in Section 100 of this chapter, it must exhibit lights as similar in characteristics and position as is possible. (1-1-94)

06. Sailboats. Between sunrise and sunset, a vessel proceeding under sail when also being propelled by machinery must exhibit forward where it can best be seen a conical shape, apex downward. A vessel of less than thirty-nine and four-tenths (39.4) feet in length is not required to exhibit this shape, but may do so. (7-1-93)

07. Visibility. Every white light prescribed by Section 100 of this chapter must be of such character as to be visible at a distance of at least two (2) miles. Every other colored light must be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow and must be of such character as to be visible at a distance of at least one (1) mile. The word "visible" in Section 100 of this chapter means visible on a dark night with clear atmosphere. (7-1-93)

08. Alternative Lights and Shapes. In lieu of the lights and shapes required in Section 100 of this chapter, a vessel may exhibit those lights and shapes provided for by 33 U.S.C. Section 1601 et seq., or 33 U.S.C.

Section 2001 et seq. and applicable regulations, and as published by the U.S. Coast Guard in the Navigational Rules International - Inland. (1-1-94)

101. -- 124. (RESERVED)

125. VENTILATION.

01. Ventilation Required. Except seaplanes, no person may operate or permit to be operated any vessel having aboard a gasoline engine used for any purpose, unless it is provided with proper ventilation. (7-1-93)

02. Compartments With Gasoline Engines. Each compartment in a vessel that has a permanently installed gasoline engine with a cranking motor must be open to the atmosphere, or be ventilated by a natural ventilation system and a mechanical exhaust blower system as required by 46 U.S.C. Section 2101 et seq. and Section 4301 et seq., and 33 CFR Section 183.601 et seq. (1-1-94)

03. Collection of Vapors or Gases. Each compartment or tank in a vessel that may permit the entrapment of explosive or flammable gases or vapors must be ventilated by a natural ventilation system. (1-1-94)

04. Natural Ventilation System. A natural ventilation system must be approved for use by the U.S. Coast Guard and include a supply opening or duct from the atmosphere or from a ventilated compartment or from a compartment that is open to the atmosphere, and an exhaust opening into another ventilated compartment or an exhaust duct to the atmosphere. Each exhaust opening or duct must originate in the lower third of the compartment; and each supply opening or duct and each exhaust opening or duct in a compartment must be above the normal accumulation of bilge water. Each supply opening must be forward facing and located on the exterior surface of a vessel, or be constructed so that air effectively flows into or out of the supply or exhaust openings. (1-1-94)

05. Exhaust Blowers. Each vessel that is required to have an exhaust blower must have a label that is located as close as practicable to each ignition switch, is in plain view of the operator, and has at least the following information:

**“WARNING -- GASOLINE VAPORS CAN EXPLODE. BEFORE STARTING ENGINE
OPERATE BLOWER FOR FOUR (4) MINUTES AND CHECK ENGINE
COMPARTMENT BILGE FOR GASOLINE VAPORS.”**

(1-1-94)

06. Alternative Ventilation System. In lieu of the ventilation and warning label required in Section 125 of this chapter, a vessel may be provided with any type of ventilating system as required by 46 U.S.C. Section 2101 et seq. and Section 4301 et seq., and applicable federal regulations. (1-1-94)

126. -- 149. (RESERVED)

150. SOUND PRODUCING DEVICES.

No person may operate or permit to be operated any vessel on the waters of this state without carrying on board sound producing devices as follows: (7-1-93)

01. Vessels Thirty-Nine and Four-Tenths Feet and Over. A vessel of thirty-nine and four-tenths (39.4) feet or more in length must be provided with a whistle or horn capable of making the prescribed signals provided for by 33 U.S.C. Section 2001 et seq., and a bell. The whistle or horn must be audible for at least one-half (1/2) nautical mile, and the bell, when struck, must produce a clear bell-like tone of full sound characteristic. (1-1-94)

02. Vessels Under Thirty-Nine and Four-Tenths Feet. A vessel of less than thirty-nine and four-tenths (39.4) feet in length must be provided with a whistle or horn capable of making the prescribed signals provided for by 33 U.S.C. Section 2001 et seq. The whistle or horn must be audible for at least one-half (1/2) nautical mile. (1-1-94)

151. -- 174. (RESERVED)

175. BACKFIRE FLAME CONTROL.

Except seaplanes, no person may operate or permit to be operated any motorboat on the waters of this state unless each carburetor on every inboard gasoline engine installed in a motorboat must be equipped with a U.S. Coast Guard approved backfire flame arrester or other means of backfire flame control approved for use by the U.S. Coast Guard, each of which is securely attached to the carburetor and in proper working order. (7-1-93)

176. -- 199. (RESERVED)

200. WARNING FLAGS FOR DOWNED SKIERS.

No person may operate or permit to be operated any vessel used for towing waterskiers or similar devices in which persons or objects are being towed above, in, or on the waters of this state unless it has on board and displays a warning flag as specified in Section 200 of this chapter. (7-1-93)

01. Size and Color. A warning flag must be international orange or red in color and must be at least one (1) foot square. (7-1-93)

02. Use. When any person being towed by the vessel becomes disengaged from the towline and is down in the water, a person in the vessel must immediately hold the warning flag aloft, visible from all sides, as an indicator to other vessels in the area that a person is down in the water. As long as such downed person is in the water, the flag must remain displayed to prevent danger to that person and hazards to passing vessels. (1-1-94)

03. Use Limited. Such warning flag must be displayed only under the conditions set forth in Section 200 of this chapter or when other eminent danger exists. (3-23-98)

201. -- 224. (RESERVED)

225. VESSEL LIVERIES -- EQUIPMENT.

Neither the owner of a vessel livery nor his agent or employee may permit any vessel permitted by him to be operated as a vessel to depart from his premises unless it has been provided, either by owner or renter, with the equipment required pursuant to Title 67, Chapter 70, Idaho Code and this chapter. (1-1-94)

226. PERSONAL WATERCRAFT LIVERIES.

01. Education Required. All liveries renting, leasing or hiring out any personal watercraft must provide education in the laws, rules and safe operation of the personal watercraft to each person that will operate the personal watercraft. No person may operate any personal watercraft that is rented, leased or hired without first completing instruction in the laws, rules and safe operation of the personal watercraft. This instruction must include: (3-23-98)

a. The complete reading of "Personal Watercraft Laws and Safe Operation," IDPR form REV 50.13; and (3-23-98)

b. The complete viewing of the video "Play It Safe" produced by the Personal Watercraft Industry Association. (3-23-98)

02. Acknowledgment Required. All persons operating a rented, leased or hired personal watercraft must carry on board for inspection by any law enforcement officer a valid "Idaho PWC Renter's Acknowledgment of Education" form, IDPR form REV 50.14. (3-23-98)

03. Provision of Forms, Videos, Publications. All forms, videos and other required educational materials will be provided to personal watercraft liveries by the Department at no charge to the livery. (3-23-98)

227. -- 249. (RESERVED)

250. VESSEL NUMBERS -- DISPLAY, SIZE, COLOR.

- 01. Requirements.** Each vessel number required by Section 67-7008, Idaho Code, must: (4-11-15)
- a.** Be in plain vertical block characters of not less than three (3) inches in height; (7-1-93)
 - b.** Contrast with the color of the background; (7-1-93)
 - c.** Have spaces or hyphens that are equal to the width of a letter other than “I” or a number other than “1” between the letter and number groupings (Example: ID 5678 A or ID-5678-A); (7-1-93)
 - d.** Read from left to right; (7-1-93)
 - e.** Be maintained in legible condition; (7-1-93)
 - f.** Be as high above the waterline as practicable without decreasing the visibility of the number. (7-1-93)

02. Manufacturers and Dealers. When a vessel is used by a manufacturer or dealer for testing or demonstrating, the vessel number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel. (4-11-15)

03. Special Circumstances. On vessels so configured that a vessel number on the hull or superstructure would not be easily visible, the vessel number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the vessel number is visible from each side of the vessel. (4-11-15)

251. -- 274. (RESERVED)

275. VESSEL NUMBERS -- FORM.

01. Numbering. Each vessel number issued according to Section 67-7008, Idaho Code, must consist of the prefix “ID,” which denotes Idaho as the State of issuing authority, followed by: (4-11-15)

a. Not more than four (4) numerals followed by not more than two (2) capital letters (Example: ID 1234 AB); or (1-1-94)

b. Not more than three (3) numerals followed by not more than three (3) capital letters (Example: ID 123 ABC). (7-1-93)

02. Prohibited Letters. A vessel number suffix may not include the letters “I,” “O,” or “Q,” which may be mistaken for numerals. (4-11-15)

276. -- 299. (RESERVED)

300. VALIDATION STICKERS.

01. Size and Location of Stickers. Validation stickers issued according to Section 67-7008, Idaho Code, must: (4-11-15)

a. Be displayed within six (6) inches of and directly in line with the vessel number displayed on the vessel; (4-11-15)

b. Be approximately three (3) inches square; and (7-1-93)

c. Indicate the year in which each validation sticker expires by the colors, green, red, blue, and international orange, in rotation beginning with green for stickers that expire in 1987. (7-1-93)

02. Removal of Stickers. Validation stickers issued according to Sections 67-7008 or 67-7011, Idaho Code, that have become invalid must be removed from the vessel. (1-1-94)

301. -- 324. (RESERVED)

325. APPLICATION AND CERTIFICATE OF NUMBER -- CONTENTS.

01. Requirements. Except as allowed in Subsections 325.03 and 325.04 of this chapter, each application for a certificate of number and each certificate of number, referred to in Section 67-7008, Idaho Code, must contain the following information: (4-11-15)

- a.** Number issued to the vessel; (7-1-93)
- b.** Expiration date of the certificate; (7-1-93)
- c.** State of principal use; (7-1-93)
- d.** Name of the owner; (7-1-93)
- e.** Address of owner, including ZIP code; (7-1-93)
- f.** Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing or other use; (7-1-93)
- g.** Manufacturer's hull identification number (if any); (7-1-93)
- h.** Make of vessel; (7-1-93)
- i.** Year vessel was manufactured; (7-1-93)
- j.** Overall length of vessel; (7-1-93)
- k.** Whether the vessel is an open boat, cabin cruiser, houseboat, or other type; (7-1-93)
- l.** Hull material; (7-1-93)
- m.** Whether the propulsion is inboard, outboard, inboard-outdrive, or sail; (7-1-93)
- n.** Whether the fuel is gasoline, diesel, or other; (7-1-93)
- o.** The number previously issued by an issuing authority for the vessel, if any; (7-1-93)
- p.** Whether the application is for a new certificate of number, renewal of a certificate of number, or transfer of ownership; (4-11-15)
- q.** The signature of the owner. (7-1-93)

02. Manufacturer or Dealer. A certificate of number issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit the requirements of Subsections 325.01.g. through 325.01.n. of this chapter if the word "manufacturer" or "dealer" is plainly marked on the certificate. (4-11-15)

03. Livery Vessels. A certificate of number issued to a vessel that is to be rented or leased without propulsion machinery may omit the requirements of Subsections 325.01.m. and 325.01.n. of this chapter if the words "livery vessel" are plainly marked on the certificate. (4-11-15)

04. Proof of Ownership. Each applicant for a certificate of number as prescribed in Section 67-7008, Idaho Code, must submit one (1) of the following documents to the Department or authorized vendor: (4-11-15)

- a.** The bill of sale from the dealer or a bill of sale from the previous owner of the vessel; (3-23-98)

b. If the vessel is home built, a sworn statement attesting to the identity of the builder, the location or place of construction, the source of the material used for construction and a description of the vessel. The statement must also be accompanied by any receipts received from the purchase or acquisition of the materials used in the construction of the vessel and a copy of the construction plans, if any; (3-23-98)

c. If the vessel has been rebuilt, a sworn statement attesting to the identity of the builder, the location or place of rebuilding, the source of the material used for rebuilding and a description of the vessel. The statement must also be accompanied by any receipts received for the purchase or acquisition of the materials used in the rebuilding of the vessel and documentation indicating the source of the original hull and proof of ownership from the previous owner; (3-23-98)

d. If none of the documents listed in Subsections 325.04.a. or 325.04.b. of this Section are available, the applicant must submit an affidavit of ownership to the Department. (3-23-98)

326. -- 349. (RESERVED)

350. NUMBERING - EXEMPTIONS.

The following vessels are exempt from the numbering provisions of Title 67, Chapter 70, Idaho Code, pursuant to Section 67-7009(5), Idaho Code: (7-1-93)

01. Rowboats. Rowboats without motors; (7-1-93)

02. Canoes. Canoes without motors; (7-1-93)

03. Kayaks. Kayaks without motors; (7-1-93)

04. Inflatables. Inflatable vessels without motors; (7-1-93)

05. Paddle Vessels. Paddle vessels without motors; (7-1-93)

06. Sailboards. Sailboards without motors; (7-1-93)

07. Tenders. Tenders; (7-1-93)

08. Documented Vessels. Vessels properly documented with the U.S. Coast Guard, according to 46 U.S.C. 12101 et seq.; and (3-23-98)

09. Government Vessels. Vessels exempted in Section 67-7009(3), Idaho Code, include those vessels owned by the United States, another state or a political subdivision thereof, which are used principally for governmental purposes other than recreation, and which are clearly identifiable as a government-owned vessel. (7-1-93)

351. -- 399. (RESERVED)

400. COUNTY ELIGIBILITY TO RECEIVE MONEYS FROM THE STATE VESSEL ACCOUNT.

01. Boating Improvement Program. Only those counties in the state with a boating improvement program, as recognized by the Department, are eligible to receive moneys from the state vessel account. "A 'boating improvement program' means that one or more recognized boating facilities are being developed and/or maintained within the county's jurisdiction and/or that the county has or is actively developing a recognized boating law enforcement program" (Section 67-7013(6), Idaho Code). (1-1-94)

02. Requirements for Boating Improvement Program. A boating improvement program is recognized if it contains one (1) or more of the following: (7-1-93)

a. Boating facilities that are being maintained within the county's jurisdiction. A boating facility is an

improved public boating access site, which includes at least an improved (concrete or asphalt) boat ramp and any type parking area for vehicles and their attached boat trailers. (1-1-94)

b. Boating facilities that are being developed within the county's jurisdiction. "Being developed" means that substantiating evidence can and must be presented in proof of the development. (1-1-94)

c. The county has a boating law enforcement program. A boating law enforcement program is a program whereby an agent of the county sheriff's Department is currently, or has in the recent past, patrolled the county's waterways and enforced Title 67, Chapter 70, Idaho Code. (1-1-94)

d. The county is actively developing a boating law enforcement program. "Actively developing" means that substantiating evidence can and must be presented in proof if the development. (1-1-94)

401. -- 424. (RESERVED)

425. HULL IDENTIFICATION NUMBERS - REQUIRED.

01. Obtaining a Hull Identification Number. A person who builds or imports a vessel for his own use and not for the purposes of sale must request a hull identification number from the director and affix the number as instructed (Section 67-7004(2), Idaho Code). (1-1-94)

02. Displaying the Hull Identification Number. A person must identify a vessel with the display of two (2) identical hull identification numbers, or as otherwise provided by 46 U.S.C. Section 2101 et seq. and Section 4301 et seq., and 33 CFR Section 181.21 et seq. (1-1-94)

03. Duplicate Numbers Prohibited. The same hull identification number may not be assigned to more than one (1) vessel. (7-1-93)

04. Proof of Ownership. Each applicant for a hull identification number as prescribed in Sections 67-7004(2) and 67-7004(4), Idaho Code, must submit one (1) of the following documents to the Department: (3-23-98)

a. The bill of sale from the dealer or a bill of sale from the previous owner of the vessel; (3-23-98)

b. If the vessel is home built, a sworn statement attesting to the identity of the builder, the location or place of construction, the source of the material used for construction and a description of the vessel. The statement must also be accompanied by any receipts received from the purchase or acquisition of the materials used in the construction of the vessel and a copy of the construction plans, if any; (3-23-98)

c. If the vessel has been rebuilt, a sworn statement attesting to the identity of the builder, the location or place of rebuilding, the source of the material used for rebuilding and a description of the vessel. The statement must also be accompanied by any receipts received for the purchase or acquisition of the materials used in the rebuilding of the vessel and documentation indicating the source of the original hull and proof of ownership from the previous owner; (3-23-98)

d. If none of the documents listed in Subsections 425.04.a. or 425.04.b. of this Section are available, the applicant must submit an affidavit of ownership to the Department. (3-23-98)

426. -- 449. (RESERVED)

450. HULL IDENTIFICATION NUMBERS -- FORM.

Each hull identification number issued according to Section 67-7004(2), Idaho Code, consists of twelve (12) characters, uninterrupted by slashes, hyphens, or spaces, as follows: (1-1-94)

01. Prefix. The first three (3) characters (prefix) are "IDZ," which denotes Idaho as the issuing authority. (1-1-94)

02. Hull Serial Number. Characters four (4) through eight (8) are the hull serial number assigned by

the director in letters of the English alphabet, or Arabic numerals, or both, except the letters “I,” “O,” and “Q.” (1-1-94)

03. Date of Manufacture. Characters nine (9) and ten (10) indicate the month and year of manufacture. The date indicated can be no earlier than the date construction or assembly began and no later than the date construction or assembly is completed or the vessel is imported into the United States. Character nine (9) are indicated using letters of the English alphabet. The first month of the year, January, is designated by the letter “A,” the second month, February, by the letter “B,” and so on until the last month of the year, December. Character ten (10) is the last digit of the year of manufacture or import and must be an Arabic numeral. (1-1-94)

04. Model Year. Characters eleven (11) and twelve (12) indicate the model year using Arabic numerals for the last two (2) numbers of the model year such as “87” for 1987 and “88” for 1988. (1-1-94)

451. -- 474. (RESERVED)

475. HULL IDENTIFICATION NUMBERS -- DISPLAY.

Each hull identification number issued according to Section 67-7004(2), Idaho Code must be displayed as follows: (1-1-94)

01. Primary Number. The primary hull identification number must be affixed: (1-1-94)

a. On vessels with transoms, to the starboard outboard side of the transom within two (2) inches of the top of the transom, gunwale, or hull/deck joint, whichever is lowest. (7-1-93)

b. On vessels without transoms or on vessels on which it would be impractical to use the transom, to the starboard outboard side of the hull, aft, within one (1) foot of the stern and within two (2) inches of the top of the hull side, gunwale or hull/deck joint, whichever is lowest. (7-1-93)

c. On catamarans and pontoon vessels which have readily replaceable hulls, to the aft crossbeam within one (1) foot of the starboard hull attachment. (7-1-93)

d. If the hull identification number would not be visible, because of rails, fittings, or other accessories, the number must be affixed as near as possible to the location specified in Subsection 475.01 of this chapter. (1-1-94)

02. Duplicate Number. The duplicate hull identification number must be affixed in an unexposed location on the interior of the vessel or beneath a fitting or item of hardware. (1-1-94)

03. Hull Identification Number to Be Permanently Affixed. Each hull identification number must be carved, burned, stamped, embossed, molded, bonded, or otherwise permanently affixed to the vessel so that alteration, removal, or replacement would be obvious. If the number is on a separate plate, the plate must be fastened in such a manner that its removal would normally cause some scarring of or damage to the surrounding hull area. A hull identification number may not be attached to parts of the vessel that are removable. (1-1-94)

04. Size of Characters. The characters of each hull identification number may be no less than one-fourth (1/4) of an inch high. (1-1-94)

476. -- 499. (RESERVED)

500. IDAHO WATERWAY MARKING SYSTEM.

01. Uniform System. In the marking of water areas, as described in Section 67-7031, Idaho Code, the Uniform State Waterway Marking System is used for the placement of aids to navigation and regulatory markers in the waters of the state. (1-1-94)

02. Regulatory Markers. Regulatory markers are used to indicate to a vessel operator the existence of dangerous areas as well as those which are restricted or controlled, such as speed zones and areas dedicated to a particular use, or to provide general information and directions. (1-1-94)

- 03. Colors.** Each regulatory marker must be colored white with international orange geometric shapes. (7-1-93)
- 04. Buoys.** When a buoy is used as a regulatory marker it must be white with horizontal bands of international orange placed completely around the buoy circumference. One (1) band must be at the top of the buoy body, with a second band placed just above the waterline of the buoy so that both international orange bands are clearly visible to approaching vessels. The area of buoy body visible between the two (2) bands must be white. (7-1-93)
- 05. Geometric Shapes.** Geometric shapes must be placed on the white portion of the buoy body and must be colored international orange. The authorized geometric shapes and meanings associated with them are as follows: (7-1-93)
- a.** A vertical open faced diamond shape to mean danger. (7-1-93)
 - b.** A vertical open faced diamond shape having a cross centered in the diamond to mean that a vessel is excluded from the marked area. (7-1-93)
 - c.** A circular shape to mean that vessel operated in the marked area is subject to certain operating restrictions. (7-1-93)
 - d.** A square or rectangular shape with directions or information lettered on the inside. (7-1-93)
- 06. Signs.** Where a regulatory marker consists of a square or rectangular shaped sign displayed from a structure, the sign must be white, with an international orange border. When a diamond or circular geometric shape associated with meaning of the marker is included it must be centered on the signboard. (7-1-93)
- 07. Navigation Aids.** Aids to navigation are used to supplement the federal lateral system of buoyage and have either a lateral or cardinal meaning. (1-1-94)
- 08. Defined Channel.** On a well defined channel including a river or other relatively narrow natural or improved waterway, an aid to navigation is normally a solid colored buoy. A buoy that marks the left side of the channel viewed looking upstream or toward the head of navigation must be colored all black. A buoy that marks the right side of the channel viewed looking upstream or toward the head of a navigation must be colored all red. On a well defined channel, solid colored buoys are established in pairs, one (1) on each side of the navigable channel that they mark, and opposite each other to inform the user that the channel lies between the buoys and that he should pass between the buoys. (7-1-93)
- 09. Irregularly Defined Channel.** On an irregularly defined channel, solid colored buoys may be used singly in staggered fashion on alternate sides of the channel provided they are spaced at sufficiently close intervals to inform the user that the channel lies between the buoys and that he should pass between the buoys. (7-1-93)
- 10. Undefined Channel.** Where there is no well defined channel or when a body of water is obstructed by objects whose nature or location is such that the obstruction can be approached by a vessel from more than one (1) direction, supplemental aids to navigation having cardinal meaning (i.e., pertaining to the cardinal points of the compass, north, east, south, and west) may be used. The use of an aid to navigation having cardinal meaning is discretionary provided that the use of such a marker is limited to wholly state owned waters and the state waters for private aids to navigation as defined and described in Section 500 of this chapter. (1-1-94)
- 11. Cardinal System.** Aids to navigation conforming to the cardinal system consist of three (3) distinctly colored buoys. (7-1-93)
- a.** A white buoy with a red top may be used to indicate to a vessel operator that he will pass to the south or west of the buoy. (1-1-94)
 - b.** A white buoy with a black top may be used to indicate to a vessel operator that he will pass to the

north or east of the buoy. (1-1-94)

c. In addition, a buoy showing alternate vertical red and white stripes may be used to indicate to a vessel operator that an obstruction to navigation extends from the nearest shore to the buoy and that he may not pass between the buoy and shore. The number of white and red stripes is discretionary, provided that the white stripes are twice the width of the red stripes. (1-1-94)

12. Markers to Be Visible. The size, shape, material, and construction of all markers, both fixed and floating, must be such as to be observable under normal conditions of visibility at a distance such that the significance of the marker or aid must be recognizable before the observer stands into danger. (1-1-94)

13. Lettering to Be Visible. Numbers, letters or words on an aid to navigation or regulatory marker must be placed in a manner to enable them to be clearly visible to an approaching and passing vessel. They must be block style, well proportioned, and as large as the available space permits. Numbers and letters on red or black backgrounds must be white; numbers and letters on white backgrounds must be black. (7-1-93)

14. Numbering Buoys. Odd numbers must be used to identify solid colored black buoys or black topped buoys; even numbers must be used to identify solid colored red buoys or red topped buoys. All numbers must increase in an upstream direction or toward the head of navigation. The use of numbers to identify buoys is discretionary. (7-1-93)

15. Lettering Markers. Letters only may be used to identify regulatory and the white and red vertically striped obstruction markers. When used the letters must follow alphabetical sequence in an upstream direction or toward the head of navigation. The letters "I" and "O" are omitted to preclude confusion with numbers. The use of letters to identify regulatory markers and obstruction markers is discretionary. (7-1-93)

16. Reflective Material. The use of reflectors or retroreflective materials is discretionary. (7-1-93)

17. Color of Reflective Material. When used on buoys having lateral significance, red reflectors or retroreflective materials must be used on solid colored red buoys; green reflectors or retroreflective materials must be used on solid colored black buoys; white reflectors or retroreflective materials only may be used for all other buoys including regulatory markers, except that orange reflectors or retroreflective materials may be used on the orange portions of regulatory markers. (7-1-93)

18. Lights. The use of navigational lights on state aids to navigation, including regulatory markers, is discretionary. When used, lights on solid colored buoys must be regularly flashing, regularly occulting, or equal interval lights. For ordinary purposes the frequency of flashes may not be more than thirty (30) flashes per minute (slow flashing). When it is desired that lights have a distinct cautionary significance, as at sharp turns or sudden constrictions in the channel or to mark wrecks or other artificial or natural obstructions, the frequency of flashes may not be less than sixty (60) flashes per minute (quick flashing). When a light is used on a cardinal system buoy or a vertically striped white and red buoy it must always be quick flashing. The colors of the lights must be the same as for reflectors; a red light only on a solid colored red buoy; a green light on solid colored black buoy; white light only for all other buoys including regulatory markers. (1-1-94)

19. Ownership Identification. The use and placement of ownership identification is discretionary, provided that ownership identification is worded and placed in a manner that avoids detracting from the meaning intended to be conveyed by a navigational aid or regulatory marker. (1-1-94)

20. Mooring Buoys. Mooring buoys in state waters for private aids to navigation must be colored white and must have a horizontal blue band around the circumference of the buoy centered midway between the top of the buoy and the waterline. (1-1-94)

21. Lighted Mooring Buoys. A lighted mooring buoy must normally display a slow flashing white light. When its location in a waterway is such that it constitutes an obstruction to a vessel operated during hours of darkness, it must display a quick flashing white light. (1-1-94)

22. Identifying Mooring Buoys. A mooring buoy may bear ownership identification provided that the

manner and placement of the identification does not detract from the meaning intended to be conveyed by the color scheme or identification letter when assigned. (7-1-93)

501. -- 524. (RESERVED)

525. NEGLIGENCE OPERATION.

Negligent operation, as used in Section 67-7017, Idaho Code, includes, but not be limited to, the following: (1-1-94)

01. Airborne. Becoming airborne or completely leaving the water while crossing the wake of another vessel at an unsafe distance from the vessel creating the wake; or (3-23-98)

02. Weaving. Weaving through congested traffic; or (3-23-98)

03. Speed or Proximity. Operating at such a speed and proximity to another vessel, a person, or property of other persons so as to require the operator to swerve at the last moment to avoid collision. (3-23-98)

526. -- 999. (RESERVED)

Subject Index

- A**
Application & Certificate Of Number --
 Contents 11
 Livery Vessels 11
 Manufacturer or Dealer 11
 Proof of Ownership 11
 Requirements 11
- B**
Backfire Flame Control 9
- C**
County Eligibility To Receive Moneys
 From The State Vessel Account 12
 Boating Improvement
 Program 12
 Requirements for Boating
 Improvement Program 12
- D**
Definitions, IDAPA 26.01.30 4
 Duly Constituted Water Ski
 School 4
 Lifeboat 4
 Motorboat 4
 Other Definitions 5
 Sailboard 4
 Sailboat 4
 Tender 4
 Watercraft 4
 Whistle or Horn 5
- F**
Fire Extinguishers 6
 Alternative Fire Extinguisher
 Requirement 6
 Fire Extinguishers Required 6
 Fixed Systems 6
 Inspections 6
 Specific Requirements 6
 Type and Size -- Table 6
- H**
Hull Identification Numbers -
 Display 14
 Duplicate Number 14
 Hull Identification Number to Be
 Permanently Affixed 14
 Primary Number 14
 Size of Characters 14
Hull Identification Numbers -
 Form 13
 Date of Manufacture 14
 Hull Serial Number 13
 Model Year 14
 Prefix 13
Hull Identification Numbers -
 Required 13
- Displaying the Hull Identification
 Number 13
Duplicate Numbers
 Prohibited 13
Obtaining a Hull Identification
 Number 13
Proof of Ownership 13
- I**
Idaho Waterway Marking System 14
 Buoys 15
 Cardinal System 15
 Color of Reflective Material 16
 Colors 15
 Defined Channel 15
 Geometric Shapes 15
 Identifying Mooring Buoys 16
 Irregularly Defined Channel 15
 Lettering Markers 16
 Lettering to Be Visible 16
 Lighted Mooring Buoys 16
 Lights 16
 Markers to Be Visible 16
 Mooring Buoys 16
 Navigation Aids 15
 Numbering Buoys 16
 Ownership Identification 16
 Reflective Material 16
 Regulatory Markers 14
 Signs 15
 Undefined Channel 15
 Uniform System 14
- L**
Legal Authority 4
Lights & Shapes 6
 Alternative Lights & Shapes 7
 Anchorage 7
 Lights Required 6
 Motorized Vessels 6
 Non-Motorized Vessels 7
 Sailboats 7
 Seaplanes 7
 Visibility 7
- N**
Negligent Operation 17
 Airborne 17
 Speed or Proximity 17
 Weaving 17
Numbering - Exemptions 12
 Canoes 12
 Documented Vessels 12
 Government Vessels 12
 Inflatables 12
 Kayaks 12
 Paddle Vessels 12
 Rowboats 12
- Sailboards 12
Tenders 12
- P**
Personal Flotation Devices (PFD's) 5
 Alternative PFD Requirement 5
 Exemptions 5
 Location & Condition 5
 Personal Flotation Devices
 Required 5
Personal Watercraft Liveries 9
 Acknowledgment Required 9
 Education Required 9
 Provision of Forms, Videos,
 Publications 9
- S**
Sound Producing Devices 8
 Vessels Thirty Nine & Four Tenths
 Feet & Over 8
 Vessels Under Thirty Nine & Four
 Tenths Feet 8
- T**
Title & Scope 4
- V**
Validation Stickers 10
 Removal of Stickers 10
 Size & Location Of Stickers 10
Ventilation 8
 Alternative Ventilation System 8
 Collection of Vapors or Gases 8
 Compartments With Gasoline
 Engines 8
 Exhaust Blowers 8
 Natural Ventilation System 8
 Ventilation Required 8
Vessel Liveries - Equipment 9
Vessel Numbers -- Display, Size,
 Color 9
 Manufacturers & Dealers 10
 Requirements 10
 Special Circumstances 10
Vessel Numbers -- Form 10
 Numbering 10
 Prohibited Letters 10
- W**
Warning Flags For Downed Skiers 9
 Size & Color 9
 Use 9
 Use Limited 9