

**IDAHO DEPARTMENT OF PARKS AND RECREATION**  
“To improve the quality of life in Idaho through outdoor recreation and resource stewardship”  
**Board Meeting**  
**November 13-14, 2013**  
**IDPR Headquarters**  
**Summit Conference Room**  
**Boise ID 83716**

**AGENDA.....1**

**Wednesday November 13, 2013**

**10:30 a.m. Call to Order**

- Welcome Guests
- Additions or Deletions to the Printed Agenda

**10:35 a.m. Public Forum**

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**10:45 a.m. Consent Agenda \*AI.....2**

**Approval of the Minutes**

- |                      |                      |
|----------------------|----------------------|
| • May 21-22, 2013    | • September 13, 2013 |
| • July 30-31, 2013   | • October 3, 2013    |
| • August 8, 16, 2013 |                      |

**11:00 a.m. Hidden Lake Float Home Shoreline Consolidation Plan & Proposed Lease**

**\*AI David White/Steve Stack.....3**

- Public Comment

**12:30 p.m. Working Lunch.....4**

**Financials**

- FY 2014 1<sup>st</sup> Quarter Financial Report \*IO Steve Martin

**1:15 p.m. Grant Criteria Proposed Changes \*AI Director Merrill/Steve Martin.....5**

**2:15 p.m. Break**

**2:30 p.m. Road & Bridge Grant Advisory Committee \*AI Steve Martin.....6**

**3:00 p.m. Director’s Report**

**3:30 p.m. Executive Session under authority of Idaho Code § 67-2345(b) to consider the  
evaluation of public employee**

**4:30 p.m. Recess**

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**Thursday November 14, 2013**

**8:00 a.m. Reconvene**

**8:15 a.m. Review of Endowments \*AI Larry Johnson.....7**

9:15 a.m. FY2014 Proposed Registration Legislation \*IO Director Merrill .....8

10:00 a.m. Break

10:15 a.m. Negligent Boat Operation Court Ruling \*IO David Claycomb.....9

Reports \*IO.....10

- Attorney General
  - Response Letter to Norman Semanko
  - Benewah County Resolution
- Management Services
  - Coordination of Plans
- Development
- Fiscal
- MIS
- Registration
- Reservations
- Operations
  - Idaho City Yurt Cost Agreement
- North Region
  - RMSPEC
- South Region
- Natural Resource Management
- Recreation Bureau
- Human Resource
- Communication/Marketing
  - Corporate Sponsorship
  - Corporate Sponsorship Policy
- Board Members (Oral)
  - Land Discussion

Noon Adjourn

*Consent Agenda CA	*Information Only IO	*Action Item AI
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(1) This is the final agenda. Copies of the agenda will be available at the Idaho Department of Parks & Recreation, 5657 Warm Springs Avenue, Boise, Idaho. The agenda can also be found on the Department Website ([www.parksandrecreation.idaho.gov](http://www.parksandrecreation.idaho.gov)) If you have questions or would like to arrange auxiliary aids or services for persons with disabilities, please contact the Department Administrator of Management Services at 208-334-4199. Accommodations for auxiliary aids or services must be made no less than five (5) working days in advance of the meeting.

(2) The Consent Agenda addresses routine items the Board may approve without discussion. An item may be moved from this agenda area to another at the request of the Board, staff or citizen.

(3) The Action Items address policy and program items the Board may wish to discuss prior to making a formal recommendation or decision. An item may be moved from this agenda area to another at the request of the Board.

(4) The Director's Report provides information only. An item may be moved from this agenda area to another at the request of the Board.

Please Note: Discussion times for agenda items are approximate. The Board reserves the right to move agenda items and adjust time schedule as needed.

**IDAHO DEPARTMENT OF PARKS AND RECREATION**  
**“To improve the quality of life in Idaho through outdoor recreation and resource stewardship”**  
**Board Meeting**  
**May 21-22, 2013**  
**Harriman State Park**  
**Island Park, Idaho**

## **Agenda**

### **Tuesday May 21, 2013**

#### **8:00 a.m. Call to Order**

- Welcome Guests
- Additions or Deletions to the Printed Agenda
- Public Forum

#### **8:06 a.m. Consent Agenda**

- Approval of Minutes
- Group Use Permits

#### **8:11 a.m. Financial Information - Steve Martin**

- FY 2013 3<sup>rd</sup> Quarter Financial Report
- FY 2015 Budget Proposal
- RV Funding Report

#### **12:15 p.m. Lunch**

**Executive Session Under authority of Idaho Code 67-2345 Sub-section (b) to consider the evaluation of public employee and (c) may be held to discuss acquisition of private lands.**

#### **1:45 p.m. Proposed Fee & IDAPA Changes - Tammy Kolsky/David White**

- Serviced Campsite Fee Increase
- Out-of-State Fee Increase
- Excess Campsite Capacity Fee
- Winter Access Fees
- Old Mission Fees
- Motor Vehicle Entrance Fee Caps
- Long-term Camping

#### **3:17 p.m. FY 2014 Grant Awards – Kathy Muir**

#### **3:40 p.m. County Recreational Fees – David Claycomb**

#### **4:27 p.m. Approval of Changes to Board Policy - Tamara Humiston**

- Damage Deposits for Group Events
- Concession Leases

#### **5:05 p.m. Recess**

**Wednesday May 22, 2013**

**8:00 a.m. Call to Order**

**8:05 a.m. Presentation from U.S. Forest Service - Mr. Tom Schmidt**

**8:55 a.m. Encroachment - David White**

- Management Department Policies
- IDAPA 26.01.10 Temporary Permits

**10:05 a.m. Registration -**

- Task Force Report - Tamara Humiston
- Current State Analysis of Recreation Registration Program ( RIS) - Charles Stegner

**Noon Working Lunch**

**1:00 p.m. Reports**

- Director
- Attorney General
  - Supreme Court Ruling on Citations
- Deputy Director
- Fiscal
  - Passport Update
- Development
- North Region
  - Heyburn Float Home Update
- South Region
- Natural Resource
- Recreation Bureau
- MIS
- Human Resource
- Communication/Marketing
  - Events
- Reservation
- Board Members (Oral)

**2:15 p.m. Adjourn**

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**Tuesday, May 21, 2013**

**8:00 a.m. Call to Order**

Chairman Crimmins called the Board meeting to order at noon on May 21, 2013 at the Harriman State Park Boy's House, Island Park, Idaho with the following Board members in attendance:

Randy Doman, Cottonwood  
Susan Buxton, Boise  
Charles Correll, Jerome  
Jean McDevitt, Pocatello  
Bob Hansen, Menan

Also present during all or a portion of the meeting were the following individuals:

Nancy Merrill, Director  
Tamara Humiston, Deputy Director  
Jan Johns, Administrative Assistant to the Director  
Steve Martin, Fiscal Officer  
Dave Claycomb, Recreation Resources Bureau Chief  
Garth Taylor, South East Region Manager  
David White, North Region Manager  
Steve Strack, Deputy Attorney General, Natural Resources Division  
Tammy Kolsky, Reservation Manager  
Kevin Zauha, IT Resource Manager  
Jim Thomas, Development Program Manager  
Kathy Muir, State and Federal Aid Program Manager  
Jennifer Parks, East Region Grant Specialist  
Joyce Storey, East Region Administrative Assistant  
Matt Orem, Senior Financial Management Analyst  
Ray Houston, LSO Services  
Keith Hobbs, Harriman State Park Manager  
Tom Schmidt, U.S. Forest Service Deputy Northern Region Forester  
Tom Jewel, Mayor Island Park, Idaho  
Bill Baxter, Freemont County Commissioner  
Tamra Cikaitoga, Freemont County Parks and Recreation Director  
Charles Stegner, Stegner Consulting Group

**8:03 a.m. Introduction of Staff and Guests**

**8:04 a.m. Additions or Deletions to the Printed Agenda**

**Mr. Crimmins proposed to add the report on recreation realignment of the registration to the agenda between items 12 and 13. Mr. Hansen so moved. Ms. McDevitt seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. Motion passed unanimously.**

**8:05 a.m. Public Forum**

**8:06 a.m. Consent Agenda**

- Approval of Minutes  
Mr. Hansen asked that the minutes from February 27<sup>th</sup> be corrected to reflect his absence from the meeting.

Ms. Buxton noted that on March 20<sup>th</sup>, there was a motion requesting that IDPR staff look for options for compliance regarding HB 279 missing from the minutes. She requested that the motion be added to the minutes at 8:24 a.m.

Discussion followed.

Mr. Strack clarified that having the Director present at teleconference Board meetings is sufficient to meet standards for the Open Meeting Act.

Discussion followed.

**8:10 a.m. Group Use Permits**

**Mr. Hansen moved to approve the consent agenda as amended, including Group Use permits for Ride Idaho and Surf This Bash and the minutes from February 22<sup>nd</sup>, February 26-27<sup>th</sup>, March 11<sup>th</sup>,**

and March 20<sup>th</sup> as amended. Mr. Doman seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. Motion passed unanimously.

**8:11 a.m. FY 2013 3<sup>rd</sup> Quarter Report**

Mr. Martin presented the FY 2013 3<sup>rd</sup> quarter financial report.

Board and staff discussion followed.

**8:35 a.m. FY 2015 Budget Proposal**

Mr. Martin presented the FY 2015 budget proposal.

Board and staff discussion followed.

**9:30 a.m.** Ms. McDevitt moved to approve the FY 2015 budget as recommended. Ms. Buxton seconded. Board discussion followed.

Mr. Doman requested to review the RV Fund prior to voting on the FY 2015 budget. Board discussion followed.

**9:34 a.m.** Ms. McDevitt withdrew her motion. Ms. Buxton withdrew her second. Board discussion followed.

**9:55 a.m. RV Funding Action Plan**

Mr. Martin presented the FY 2015 RV funding report. Staff and Board discussed several options for supplementing the existing funds from the RV fund, including retaining the use of RV funds, funding \$1.5 million from other existing sources, proposing additional fee increases, examining staff furloughs, or seeking general fund support.

Staff recommended approving the continued use of \$1.5 million of the RV Funds.

Staff and Board discussion followed.

**12:15 p.m.** Ms. Buxton moved to table the FY 2015 Budget Proposal and the RV Fund action items until the following morning, May 22<sup>nd</sup>, due to the importance of the discussions. Mr. Hansen seconded the motion. Board discussion followed. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. Motion passed unanimously.

**12:15 Break, lunch served**

**12:16 p.m.** Mr. Hansen moved to go into Executive Session in accordance with Idaho Code §67-2345(b) to consider the evaluation of a public employee, and (c) acquisition of private lands. Ms. McDevitt seconded the motion. Chair asked for further discussion. Hearing none, the Chair polled the members. McDevitt - aye, Buxton - aye, Correll - aye, Doman - aye, Hansen - aye, Crimmins - aye.

**1:40 p.m.** The Chairman brought the Board out of Executive Session

**1:41 p.m.** Ms. McDevitt moved that the Board instruct the department to investigate the properties as discussed and asked that staff report back to the Board. Mr. Correll seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. Motion passed unanimously excepting Mr. Hansen who was absent.

**1:45 p.m. Proposed Fee & IDAPA Changes**

Ms. Kolsky and Mr. White discussed the following proposed fee and IDAPA changes:

- Serviced Campsite Fee Increase

- Out-of-State Fee Increase
- Excess Campsite Capacity Fee
- Winter Access Fees
- Old Mission Fees
- Motor Vehicle Entrance Fee Caps
- Long-term Camping

**1:45 p.m. Serviced Campsite Fee Increase**

Ms. Kolsky recommended raising the department's serviced campsite fees by the rate of \$2.00 per night in FY 2014 camping season and to further direct staff to begin the process to increase the maximum rates in IDAPA by \$10 per site type through the Temporary and Proposed rule process as in the agenda packet.

Ms. Buxton questioned if authorizing higher fees would prevent staff from having going back to the legislature repeatedly.

**2:00 p.m. Mr. Doman moved to accept staff recommendation. Ms. McDevitt seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. Crimmins – aye, McDevitt – aye, Correll – aye, Hansen – aye, Doman – aye, Buxton – nay. Motion carries.**

**Ms. Buxton asked that the record reflect her opinion that staff should request higher IDAPA fees to prevent staff from having to keep requesting fee changes from the legislature.**

**2:00 p.m. Out-of-State Fee Increase**

Ms. Kolsky recommended to raise the serviced campsite fees charged to IDPR's out-of-state camping customers by the rate of \$2.00 per night in FY 2014 camping season and to further direct staff to begin the process to include this increase in the Temporary and Proposed rule making process.

**2:07 p.m. Ms. McDevitt moved to accept staff recommendation. Ms. Buxton seconded the motion. The Chair asked for further discussion. Board discussion followed. Hearing no further discussion, the Chair called for a vote on the motion. Motion passed unanimously.**

**2:12 p.m. Excess Campsite Capacity Fee**

Mr. White recommended that the Board approve staff to identify parks and their respective campsites that can exceed campsite capacities as defined in IDAPA and under what circumstances, and the establishment of the respective Excess Campsite Capacity Fees through IDAPA, maximum fee levels, and Board Policy, Board approved fees that will be charged at all parks, as follows:

	Board Policy	IDAPA Maximum
Per Person in excess of the one (1) family unit or party ..... of no more than eight (8) persons	\$5.00	\$10.00
Per Motor Vehicle/ Motorcycle in excess of the two (2) ..... motor vehicles or one (1) RV or two (2) motorcycles	\$5.00	\$10.00
Per RV in excess of the two (2) motor vehicles or one (1) RV ..... or two (2) motorcycles	Site Type Fee	Site Type Fee
Per tent in excess of the up to two (2) tents .....	\$10.00	\$20.00

**2:21 p.m.** Ms. Buxton moved to accept staff recommendation. Mr. Doman seconded the motion. The Chair asked for further discussion. Board discussion followed. Hearing no further discussion, the Chair called for a vote on the motion. Motion passed unanimously.

**2:25 p.m. Winter Access Fee**

Ms. Kolsky presented the following recommendation to the Board:

Park Board direct department staff to seek a change in IDAPA 26.01.20.258.05 to increase the rates currently charged for the Daily and Annual pass and to create additional rates for the Winter Access Program Fee. The below fees listed are staff recommendations for the IDAPA maximums as well recommendations for the Park Board approved fees:

**258.05 Winter Access Program Fee**

*IDAPA Approved Max Fee*

- Individual Season Pass \$50/season
- Couples Season Pass \$75/season
- Family Season Pass \$100/season
- Daily Per Person Pass \$6/person

*Board Approved Fee*

- Individual Season Pass \$35/season
- Couples Season Pass \$50/season
- Family Season Pass \$75/season
- Daily Per Person Pass \$5/person

Note: These fees would be required in addition to the MVEF.

**2:28 p.m.** Mr. Dorman moved to accept staff recommendation. Ms. McDevitt seconded the motion. Board discussion followed. Hearing no further discussion, the Chair called for a vote on the motion. Motion passed unanimously.

**2:30 p.m. Old Mission Fees**

Mr. White recommended that the Board approve staff charging all park users the MVEF and then charging those who want to view the Sacred Encounters Exhibit the previous approved admission fee.

**2:31 p.m.** Mr. Dorman moved to accept staff recommendation. Ms. Buxton seconded the motion. The Chair called for discussion. Hearing none, the chair called for a vote on the motion. Motion passed unanimously, excepting Mr. Hansen, who was absent.

**2:32 p.m. Motor-Vehicle Entry Fees Caps**

Ms. Kolsky asked the Park Board to direct department staff to seek a change in IDAPA 26.01.20.252 Motor Vehicle Entrance Fees that would increase the maximum rates for the Annual Motor Vehicle and the Daily motor vehicle to be as listed below:

- Annual Motor Vehicle Entrance Fee per motor vehicle \$50
- Daily Charge per motorized vehicle \$15
- Daily Charge per commercial motor coach (no annual pass available) \$35

**2:34 p.m.** Ms. McDevitt moved to accept staff recommendation. Mr. Hansen seconded the motion. The Chair called for discussion. Board discussion followed. Hearing no further discussion, the Chair called for a vote on the motion. Motion passed unanimously.



### **2:38 p.m. Long-Term Camping**

In preparation for FY 2015 and FY 2016 budget planning, staff has determined that it is critical to look at every possible revenue source to help support current service levels while growing the Idaho State Parks Passport program. One potential opportunity would be to allow for long-term camping in under utilized campsites or during off seasons. This approach has been successfully implemented by other state park agencies and successfully piloted at Massacre Rocks State Parks this past season.

Staff has begun the process to identify any potential conflicts that might exist if this approach were applied to federally owned properties that are currently managed by Idaho State Parks. Additionally, staff is working to further identify where long-term camping might be a good fit.

### **2:40 p.m. Winter Rule Proposal**

Ms. Humiston asked that the Board direct staff to seek legislation to make the temporary winter rules approved the previous legislative session permanent, which was overlooked due to a miscommunication between offices.

**2:41 p.m. Ms. McDevitt moved to accept staff recommendation. Mr. Hansen seconded the motion. The Chair called for discussion. Hearing none, the chair called for a vote on the motion. Motion passed unanimously.**

### **3:40 p.m. County Recreational Fees –**

Mr. Claycomb identified several ways in which county recreation fee charges could become problematic for the agency in the future.

Board discussion followed.

### **3:00 p.m. Break**

### **3:17 p.m. FY 2014 Grant Awards**

Ms. Muir presented an overview of the grants application and rating processes.

Discussion followed.

Ms. Muir presented the FY 2014 Grant Awards.

### **Recreational Vehicle Program**

The State and Federal Grant Program has approximately \$800,000 available in the RV Program for the FY 2014 grants. Staff has held back \$50,000 to fund emergency cost overruns associated with these grant projects. The RV Advisory Committee reviewed and rated 33 grant applications according to the IDPR rules using Department criteria. The requests totaled \$2,823,363.24. The priority-ranking sheet with committee recommendations and summary of each recommended project was submitted for the Board's approval

Discussion followed.

**Ms. McDevitt moved to approve the priority-ranking list for the FY 2014 RV grants which will be used to fund projects in the ranked order should any of the applicants of the higher rated projects withdraw their applications or if additional monies become available. Mr. Correll seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All were cast in the affirmative. Motion passed unanimously.**

### **Waterways Improvement Fund**

The State and Federal Waterways Improvement Fund (WIF) Grant Program has approximately \$1,225,000 available in the WIF for FY 2014 grants. Staff has held back \$50,000 to fund emergency cost overruns associated with these grant projects. This amount is reflected on the top line of the attached list of project rankings and will be considered in the total amount awarded to projects. At their recent meeting

in Boise, the WIF Advisory Committee reviewed 34 grant applications according to IDPR rules using department criteria. The requests totaled \$1,919,554.51

Discussion followed.

**Ms. McDevitt moved to accept staff recommendation that the Board approve the priority-ranking list, which will be used to fund projects in the ranked order should any of the applicants of the higher rated projects withdraw their applications or of additional monies become available. Mr. Hansen seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All were cast in the affirmative. Motion passed unanimously.**

#### ***Cutthroat Plate Fund***

The State and Federal Grant Program has approximately \$40,000 available in the Cutthroat Plate Fund for FY 2014 grants. At their recent meeting in Boise, the WIF Advisory Committee reviewed 1 grant applications according to department criteria. The requests totaled \$2,500.

**Ms. McDevitt moved to accept staff recommendation that the Board approve the project ranked by the committee. Mr. Hansen seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All were cast in the affirmative. Motion passed unanimously.**

#### ***Recreational Road and Bridge Program***

The State and Federal Grant Program has approximately \$250,000 available in the Recreational Road and Bridge Program for FY 2014 grants. Staff has held back \$30,000 to fund emergency cost overruns associated with these grant projects. This amount is reflected on the top line of the list of project rankings and will be considered in the total amount awarded to projects.

At their recent meeting in Boise, the Road and Bridge Committee reviewed and ranked 8 grant applications according to department criteria. The requests totaled \$638,639.

**Ms. McDevitt moved to accept staff recommendation that the Board approve the priority-ranking list, which will be used to fund projects in the ranked order. Mr. Correll seconded the motion. The Chair asked for further discussion. Discussion followed. Hearing no further discussion, the Chair called for a vote on the motion. All were cast in the affirmative. Motion passed unanimously.**

#### ***Off-Road Motor Vehicle Program***

The State and Federal Grant Program has approximately \$500,000 available in the ORMV Program for FY 2014 grants.

At their recent meeting in Boise, the ORMV Advisory Committee reviewed 53 grant applications according to IDPR rules using Department criteria. The requests totaled \$1,344,677.20.

**Ms. McDevitt moved to accept staff recommendation that the Board approve the priority-ranking list, which will be used to fund projects in the ranked order should any of the applicants of the higher rated projects withdraw their applications or of additional monies become available. Mr. Hansen seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All were cast in the affirmative. Motion passed unanimously.**

#### ***Motorbike Program***

The State and Federal Grant Program has approximately \$323,669 available in the Motorbike Program for FY 2014 grants. At their recent meeting in Boise, the Motorbike Advisory Committee reviewed 22 grant applications according to IDPR rules using department criteria. The requests totaled \$842,023.

**Ms. McDevitt moved to accept staff recommendation that the Board approve the priority-ranking list, which will be used to fund projects in the ranked order. Mr. Hansen seconded the motion.**

**The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All were cast in the affirmative. Motion passed unanimously.**

#### ***Recreation Trail Program***

Ms. Muir presented the Recreation Trail Program (RTP) grants. The Federal Fiscal Year 2014 allocation from the Federal Highway Administration (FHWA) is expected to be \$1,500,000.

At their recent meeting in Boise, the RTP Advisory Committee rated and ranked 52 project applications according to IDPR rules using department criteria. The requests totaled \$2,247,285.20.

**Ms. McDevitt moved to accept staff recommendation that the Board approve the priority-ranking list, which will be used to fund projects in the ranked order should any of the applicants of the higher rated projects withdraw their applications of if additional monies become available. Mr. Doman seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All were cast in the affirmative. Motion passed unanimously.**

#### ***Land and Water Conservation Fund***

The Fiscal Year 2014 allocation from the National Park Service (NPS) is estimated to be approximately \$400,000 after the Sequestration.

According to IDAPA, to assure 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 may complete for the total remaining allocation. If the total cost for a single project of a government agency with a population five thousand (5,000) or less requires over one-half of the twenty percent (20%) dedicated for use by governmental agencies of five thousand (5,000) population or less, that project shall compete with the large governmental agency projects.

At their recent meeting in Boise, the LWCF Advisory Committee reviewed 8 grant applications according to the "Open Project Selection Process" identified in the State Comprehensive Outdoor Recreation and Tourism Plan (SCORPT). The requests totaled \$588,498.

**Ms. McDevitt moved to accept staff recommendation that the Board approve the priority-ranking list, which will be used to fund projects in the ranked order should any of the applicants of the higher rated projects withdraw their applications of if additional monies become available. Mr. Correll seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All were cast in the affirmative. Motion passed unanimously.**

#### **4:27 p.m. Approval of Changes to Board Policy – Group Use Damage Deposits**

Ms. Humiston presented information regarding damage deposits for group use permits. The Board asked staff to review the Group Use Permit process and bring back a sliding scale for damage fees for special events held in our parks. The fees should be considered based on the number of attendees, hours of operation, and if alcohol is served.

Ms. Humiston recommended that the Board establish a Group Use Permit Damage Deposit Fee capped at \$2,500.00. Park Managers, with review of the Region Managers, will assess and set the appropriate damage fee based on the type of event and the number of people attending. Group Use Permits issued where alcohol is present will require a damage deposit fee set by the Park Managers.

**Mr. Doman moved to accept staff recommendation. Mr. Hansen seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. Three votes were cast in the affirmative; three votes were cast against the motion. The motion failed.**

**Ms. Buxton moved to accept staff recommendation as amended: Staff shall establish a Group Use Damage Deposit Fee cap at \$2,500 upon finding that no damage has occurred and each park manager shall establish a minimum group use damage deposit fee. Mr. Doman seconded the**

**motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All were cast in the affirmative. Motion passed unanimously.**

#### **4:45 p.m. Approval of Changes to Board Policy – Concession Leases**

Ms. Humiston presented information regarding concession leases.

Staff recommends the Board approve the following changes:

1. Increase the expected gross revenue of more than \$25,000 to \$100,000 for the Large Concessions
2. Change the expected gross revenue between \$10,000 and \$25,000 to be between \$10,000 and \$100,000 for Other Concessions
3. Establish a range of gross revenue due to IDPR for Other Concessions as follows:
  - 4% base applied to gross revenue between \$10,000 and \$30,000
  - 5% applied to gross revenue between \$30,000 and \$50,000
  - 6% applied to gross revenue between \$50,000 and \$70,000
  - 7% applied to gross revenue \$70,000 and higher

Discussion followed.

**Mr. Hansen moved to accept staff recommendation. Ms. Buxton seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All were cast in the affirmative. Motion passed unanimously.**

#### **5:05 p.m. Recess**

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**Wednesday May 22, 2013**

#### **8:00 a.m. Call to Order**

Chairman Crimmins called the Board meeting back to session.

**8:03 a.m. Ms. Buxton moved to change the agenda to allow for a presentation from U.S. Forest Service Representative Tom Schmidt to the agenda. Mr. Hansen seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All were cast in the affirmative. Motion passed unanimously.**

Mr. Schmidt discussed ways in which IDPR and the U.S. Forest Service might be able to work together which included the following:

- Consistent coordination and agreement between Region 1 and Region 4
- Place Nez Pearce Travel Plan on hold until the forest plan is revised
- Better coordination between U.S. Forest regions on how they designate their lands
- Better cooperation on receiving IDPR input regarding travel plans
- Revisit volunteer agreements and cost share agreements

#### **8:55 a.m. Encroachment Management Policies**

Mr. White discussed IDPR's encroachment management policies. The Board has reviewed various encroachment issues over the past several years from the Heyburn Recreation Residence Site (cabin and floathome) Leases to the Trail of the Coeur d'Alene's various encroachments to grazing leases to the Ashton-Tetonia easements. The varying and number of encroachments as well as the complexity have grown over the years. As they have evolved, the department developed agreements on an "as need" basis.

The department wanted to update the Board on the status of this process and inform the Board through review of the policies what their involvement and responsibilities are. The department also wanted to give the Board the opportunity to provide feedback on encroachment management as outlined in the policies.

Board discussion followed.

**9:05 a.m. IDAPA 26.01.10 Temporary Permits on Lands Owned by IDPR Amendment**

Mr. White presented information regarding the Temporary Permit Rule pertaining to *IDAPA 26.01.10 Rules Governing the Administration of Temporary Permits on Lands Owned by the Department of Parks and Recreation*. Proposed changes standardize the fees charged amongst the various encroachment permits used by the Department.

**Ms. McDevitt moved to accept staff recommendation as presented in IDAPA 26.01.10 Rules Governing the Administration of Temporary Permits on Lands Owned by the Department of Parks and Recreation. Mr. Hansen seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All were cast in the affirmative. Motion passed unanimously.**

**9:10 a.m. Ms. Buxton moved to request that the Board reconsider their decision on the out-of-state fee increase in IDAPA fees. Mr. Doman seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All were cast in the affirmative. Motion passed unanimously.**

**Ms. McDevitt withdrew her motion to approve the out-of-state fee increase. Ms. Buxton withdrew her second.**

Discussion followed.

**Mr. Correll moved to direct staff to 26.01.20.250.01 IDAPA to remove campsite fee table and replace with a rule that allows Board to establish fees based on fair market value occupancy and factors within the park through temporary and proposed rulemaking processes. Ms. Buxton seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. All were cast in the affirmative. Motion passed unanimously.**

**Mr. Hansen moved to direct to staff to work on proposed fees based on market value to present to the Board at a subsequent meeting. Mr. Correll seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. Motion passed unanimously.**

**9:45 a.m. Ms. Buxton moved to reject staff recommendation on out-of-state fees. Mr. Hansen seconded. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. Motion passed unanimously.**

**10:05 a.m. Registration Update**

Mr. Stegner presented his **Current State Analysis of Recreation Registration Program**.

Discussion followed.

Ms. Humiston presented an update regarding the registration realignment process and taskforce.

Discussion followed.

Guest Tamra Cikaitoga spoke on behalf of Fremont County regarding registration realignment.

Discussion followed.

**11:20 a.m. Budget FY 2015 and RV Funding Revisted**

The Board resumed the FY 2015 budget proposal and RV fund discussion that was tabled yesterday.

**11:45 a.m.** Mr. Doman moved to direct the department to prioritize \$2,000,000 in critical maintenance funding in FY 2015 as well as approve Mr. Martin's FY 2015 Budget Plan. Ms. McDevitt seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. Motion passed unanimously.

**11:50 a.m.** Ms. Buxton moved to vote to approve the RV Funding Action Plan. Mr. Hansen seconded the motion.

Discussion followed.

Ms. Buxton withdrew her motion. Mr. Hansen withdrew his second.

Mr. Doman moved to table the issue until a conference call with the RV Advisory Committee could be held in June.

Discussion followed.

Ms. McDevitt moved to accept staff recommendation: Approval of Option One, the continued use of up to \$1.5 million of RV for park operations on an ongoing basis. Mr. Hansen seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. McDevitt – aye, Hansen, aye, Buxton – aye, Dorman, aye, Correll – aye, Crimmins – nay. Motion passed.

Ms. Buxton stated the following on behalf of the Board for the record: The Idaho Parks and Recreation Department continues to face serious financial challenges due to its drastic budgetary reductions since the Great Recession. The Department and the Board's goal to keep all of our parks open and all of our recreation programs functioning is unwavering. The Board recognizes and appreciates the sacrifices and loyal service from all of its employees and volunteers throughout the economic turmoil. The Board is committed to seek additional and permanent funding sources in order to reduce its use of the RV Fund as quickly as possible. As part of our process addressing the Department's budgetary condition in FY 2016 and beyond, we will be consulting with our advisory committees and users in the State. Keeping all of Idaho's parks open and its extensive recreation programs functioning is the Board's paramount goal.

**1:00 p.m. Staff and Director Reports**

- Director's Report
  - Eagle Island State Park
  - Vardis Fisher Property
  - 2013 Summer Board Meeting Location
- Attorney General
  - Supreme Court Ruling on Citations
- Deputy Director
- Fiscal
  - Passport Update
- Development
- North Region
  - Heyburn Float Home Update
- South Region
- Natural Resource

- Recreation Bureau
- MIS
- Human Resource
- Communication/Marketing
  - Events
- Reservation
- Board Members (Oral)

**2:15 p.m. Adjourned**

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Tom Crimmins, Chair

Idaho Park and Recreation Board

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Nancy Merrill, Director

and Ex-Officio Member of the Board

**IDAHO DEPARTMENT OF PARKS AND RECREATION**  
**“To improve the quality of life in Idaho through outdoor recreation and resource stewardship”**  
**Board Meeting**  
**July 30-31, 2013**  
**Coeur d’Alene Inn**  
**Hayden Room**  
**506 W Appleway Avenue, Coeur d’Alene, ID 83814**

**Monday, July 29, 2013**

- 3:00 p.m.     Call to Order**
- 3:05 p.m.     Welcome Guests**
- 3:10 p.m.     Load Buses - Depart for Farragut State Park**
- 4:00 p.m.     Tour of Park**
- 6:00 p.m.     Dinner at Sunrise Shelter Farragut State Park (Invite Only)**
- 9:00 p.m.     Recess**

**Tuesday, July 30, 2013**

- 8:00 a.m.     Reconvene / Welcome Guests**
    - **Additions / Deletions to printed agenda**
  - 8:05 a.m.     Election of Officers**
  - 8:10 a.m.     Consent Agenda**
    - **Approval of Minutes**
    - **Group Use Permits**
  - Registration**
  - Future State Analysis and Recommendations for Recreation Registration Program**
  - 9:37 a.m..    Break**
  - 9:52 a.m.     Public Forum**
    - **Farragut Resource Management**
    - **IRC**
  - 11:00 a.m.    Break**
  - 11:23 a.m.    Grant Advisory Committee Appointments**
  - 11:31 a.m.    Trail of the Coeur d’Alene’s Commission Appointment**
  - 11:33 a.m.    RV Advisory Committee/Board Discussion Regarding RV Grants**
  - 12:37 p.m.    Working Lunch**
  - 12:45 p.m.    Grant Rating Criteria Discussion**
  - 12:55 p.m.    Task Force Report and Recommendations**
  - 2:00 p.m.     Depart for Heyburn State Park**
    - Tour of Park**
  - 6:00 p.m.     Dinner at Chatcolet Shelter**
  - 9:00 p.m.     Recess**
- 

**Wednesday, July 31, 2013**

- 7:58 a.m.     Call meeting to order**



**7:59 a.m. Financial Information**  
**FY 2013 4th Quarter Financial Report**

**8:30 a.m. Heyburn Hidden Lake Float Homes**

**10:00 a.m. Break**

**12:25 p.m. Director's Report**

**12:37 p.m. Working Lunch**

**12:56 p.m. Adjourn**

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Chairman Crimmins called the Board meeting to order at 3:00 p.m. on July 29<sup>th</sup> 2013 at the Coeur d'Alene Inn, Coeur d'Alene, Idaho with the following Board members in attendance:

Randy Doman, Cottonwood  
Susan Buxton, Boise  
Charles Correll, Jerome  
Jean McDevitt, Pocatello  
Bob Hansen, Menan

Also present during all or a portion of the meeting were the following individuals:

Nancy Merrill, Director  
Eileen Dodson, Administrative Assistant, Deputy Director  
Jennifer Okerlund, Communication Manger  
Steve Martin, Fiscal Officer  
Dave Claycomb, Recreation Bureau Chief  
Garth Taylor, South East Region Manager  
David White, North Region Manager  
Steve Strack, Deputy Attorney General, Natural Resources Division  
Tammy Kolsky, Reservation Manager  
Kevin Zauha, IT Resource Manager  
Tami Delgado, Administrative Assistant, North Region  
Jim Thomas, Development Program Manager  
Kathy Muir, State and Federal Aid Program Manager  
Keith Jones, Natural Resource Manager  
Bonnie Butler, Governor's Office  
Katie Brodie, Governor's Office  
James Tease, Idaho Department of Fish & Game  
Jack Onley, RV Advisory Committee  
Bob Hallock, RV Advisory Committee  
Dennis Lawson, RV Advisory Committee  
Representative Vito Barbieri  
Senator Bob Nonini  
Representative Cindy Agidius

**3:15 p.m.** Tour began of Farragut State Park.

**9:00 p.m.** Recess

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**Tuesday July 30, 2013**

**8:00 a.m.** Reconvene  
Welcome Guests

**8:06 a.m.** Additions Deletion to the Agenda

*Ms. McDevitt moved to remove the Grant Advisory Committee Appointments out of the Consent Agenda. Ms. Buxton seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.*

#### **8:05 a.m. Election of Officers**

*Mr. Doman moved to change the protocol to elect Idaho Park and Recreation officers yearly as oppose to bi-annually. Ms. McDevitt seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.*

*Mr. Hansen moved to nominate Board Member Charles Correll to the position of Chairman. Mr. Doman seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.*

*Ms. Buxton moved to nominate Board Member Randy Doman to the position of Vice Chairman. Mr. Hansen seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Buxton-aye, McDevitt-aye, Correll-aye, Hansen-aye, Crimmins-aye, Doman-nay.*

*The change of officers will take place of July 31, 2013.*

#### **8:10 a.m. Consent Agenda**

*Ms. McDevitt moved to remove the Trail for the Coeur d'Alenes At-Large Commission Member appointment from the Consent Agenda. Ms. Buxton seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.*

*Ms. Buxton moved to remove the minutes from the Consent Agenda and address them following the Consent Agenda approval. Ms. McDevitt seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.*

*Ms. Buxton approved the Consent Agenda as amended. Mr. Doman seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.*

#### **8:13 a.m. IDPR Minutes**

Ms. Buxton discussed the page 10 of draft minutes from the May 22, 2013, regarding the presentation of Mr. Tom Schmidt of the US Forest Service. Ms. Buxton requested that Mr. Schmidt's comments to the Board be added to the minutes.

*Ms. Buxton moved to table the approval of the minutes of May 21-22, 2013 IDPR Board meeting until the next meeting. Mr. Doman seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.*

#### **8:17 a.m. Future State Analysis and Recommendations for Recreation Registration Program**

Mr. Stegner discussed the options available to IDPR in continuing to meet the registration program requirements as well as address the 14 issues identified in the current state analysis dated 5/7/2013. See Attachment 1 <http://parksandrecreation.idaho.gov/board-agendas>

He discussed:

1. Assumptions and Guidelines for Future State Analysis – Outlines assumptions and guidelines that will be used for all analysis contained within this document

2. "Pay to Play" Consideration Details – Outlines the "Pay to Play" strategy being considered for recommendation by the 2013 Registration Task Force
3. Short Term Options Analysis – Includes analysis of the following short term options to address short term issues:
  1. Update internal policy to ensure vendors verify titles and collect legal names/VINS prior to issuing registrations and stickers
  2. Patch Existing Registration Information System (RIS) to address Short Term Issues #2, #3 and #12
  3. Update Idaho Transportation Department (ITD) Registration Data Transfer Program to eliminate dependence on server operating system
4. Long Term Options Analysis – Includes the following long term options to address long term issues, which are each analyzed if "Pay to Play" is pursued or not pursued:
  1. Replace Current RIS with a Commercial off the Shelf (COTS) System
  2. Build a new Internal RIS with Contract Resources
  3. Replace the RIS with the ITD GARNET System
5. Summary and Recommendations – Outlines a summary of all options analyzed and provides a recommendation for which options to pursue

Mr. Doman said that with the advancement of technology, the Department will need the vendor network in the short term but in the long term, the technology will drive to online purchasing of stickers. Online options will increase and vendor use will decrease. It will not be cost efficient to maintain a vendor system.

Mr. Stegner reviewed the assumptions and guidelines

1. Long Term RIS replacement options assume ALL functionality resides in a single information system (i.e. splitting RIS functionality between multiple information systems will not be considered)
2. For the purposes of this document "Pay to Play" is defined as:
  - a. Eliminating any technical link between the ITD information system and the IDPR RIS
  - b. Modifying the recreation registration program to be 'sticker only' versus 'registrations'
  - c. Simplifying and reducing the amount of data gathered when issuing stickers

Mr. Stegner discussed the three (3) short term options and the three (3) long term options. He also stated that the Registration Realignment Task Force recommended the "Pay to Play" eliminating the connection between IDPR's registration program and ITD. The "Pay to Play" option eliminates all short term options.

#### **Short term options**

1. **Update internal policy to ensure vendors verify titles and collect legal names/VINS prior to issuing registrations and stickers.**
2. **Update ITD Registration Data Transfer Program to eliminate dependence on server operating system**
3. **Create processes, training, references, and education materials for all sales channels on the new internal policies for gathering the information.**

#### **Long term Options**

1. **Replace Current RIS with a Commercial off the Shelf (COTS) System**
2. **Build a new Internal RIS with Contract Resources**
3. **Replace the RIS with the ITD GARNET System**

Costs of a new system were discussed. The on-going cost of maintaining the current implementation does not change. The Commercial of the Shelf (COTS) system has a slightly lower, on-going cost because fewer IT

sources will be needed. The vendor of the COTS system takes on much of the maintenance of the system and costs are reduced. Initial costs are high and on-going costs are the transaction fees.

Mr. Stegner recommended that the Agency not move forward with any of the short-term options. However, Mr. Stegner said that if the decision is to go with "Pay to Play", the end of the life of the data transfer program with ITD will occur April 2014 and he was not sure "Pay to Play" could be activated that soon. Short-term Option 3 may be a consideration in order to bridge the gap until full implementation.

#### **9:50 a.m. Public Forum**

Mr. Barry Rosenberg addressed the Board the concerns of the community about the logging in Farragut State Park, particularly along the Lake Shore Trail and the procedure applied to making this decision to log that area.

Mr. Gary MacDonald, owner of MacDonald's Hudson Bay Resort submitted a letter for the record. See Attachment 2 <http://parksandrecreation.idaho.gov/board-agendas>

For further testimonies were received from Barry Rosenberg, Dave Shill, Henry Richard, Gary McDonald, Ray Newcombe, Janet Toryline, Adrienne Cronebaugh, Jan Jones, Sheryl Puckett, Sharon Meyer, John Broughton, Wendy Earle, Reed Ahlf, Frances Miller, and Mark Weadick.

See Attachment 3 <http://parksandrecreation.idaho.gov/board-agendas>

Ms. Sandra Mitchell addressed the Board regarding the diversion of the RV grant funds by IDPR. Ms. Mitchell presented a proposal for increasing out-of-state camping/RV users' fees to increase revenue which would result in helping IDPR financially so as to not be dependent on RV Grant funds. See Attachment 4.

<http://parksandrecreation.idaho.gov/board-agendas>

#### **11:23 a.m. Consent Agenda Items (cont'd)**

##### **Grants Advisory Committee Appointment**

Ms. Buxton asked Ms. Muir about Motorbike/ATV appointments on Region III, IV, V, and VI in regards to expanding the appointments to new applicants and how staff determined the recommendations for applicants. Ms. Muir explained that reappointments were common and that she personally visited with the trail cat operators, asking for suggestions for possible appointees. Ms. Muir then determines the applicants per the recommendations or the jobs that previous committee members have done.

Ms. Buxton asked that in the future, the Board members review the applications since the Board responsibility is to appoint the nominees.

Director Merrill said that the Road and Bridge Committee will now be made up of one person from each of the advisory committees.

Mr. Doman asked that each Board member be more actively involved in their area in selecting nominees. Ms. Muir said that is in the Board policy under SFA 1:95,08 - Advisory Committee, IV Procedures, D. Ms. McDevitt asked that the Board members receive the names and background information of the applicants in advance of the Board meeting so that members could give their recommendations. Mr. Hansen asked that the Board members' contact information be added to the application.

***11:30 a.m. Ms. McDevitt moved to approve staff's recommendation for the grant advisory appointments and, in addition, direct staff to send the applications of the advisory committees to the Board members for review prior to receiving the Board Agenda packet. Mr. Hansen seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.***

##### **Trail of the Coeur d'Alenes At-Large Trails Commission Member**

Mr. White recommended that the Board appoint Ed Renkey as IDPR's member at-large to serve as the Trail of the Coeur d'Alenes Commission member for the next two (2) years.

***11:32 a.m. Mr. Doman so moved. Mr. Hansen seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.***

### **11:33 a.m. RV Advisory Committee/Board Discussion Regarding RV Grants Funding**

Director Merrill discussed the agencies funding sources FY 2015 and the budget presented at the spring 2013 Board meeting. At that meeting, the Board moved to keep the \$1.5 million of the RV Grant funds in the budget and to dedicate those funds into parks where RV facilities are located. The Board also discussed the need to communicate with the RV Advisory committee. At the 2013 spring Board meeting, Board members requested that the Director send a letter to the RV Advisory Committee members, inviting them to attend the July 2013 Board meeting. The Board members expressed their desire to visit with the committee members and as well as allowing time for the Board to explain their thoughts regarding the \$1.5 million and for the committee members to respond.

Director Merrill said one possibility of using the RV Grant funds of \$1.5 would be to create a formula where 70% of the RV Grant funds would go toward new projects and 30% go to operations and maintenance to parks with a direct connection with RV users. A criteria sheet would need to be created to evaluate and rank projects. The RV Advisory committee would then make their decisions on a yearly basis and make a recommendation to the Board of which would have the final approval.

Mr. Martin said that the \$1.5 million RV Grant funds that the Agency is currently using is almost exclusively for full-time personnel cost for park managers and rangers, in essence to keep the parks open. If the Department does not have these RV Grant funds, then the Agency will need to acquire funds in order to meet critical payroll needs. In that case, Mr. Martin said, the Department would need to divert the Recreational Gas Tax funds (02470.1 fund) which is used for capitol maintenance and large capitol improvements. The results from that type of shift would deplete the Agency's ability to keep up with basic deterioration of the parks.

The RV Advisory Committee addressed the Board. They reviewed the original intent of the RV funding, Idaho Statute 67-Chapter 42

Administer the funds derived from the recreational vehicle account established in section [49-448](#), Idaho Code, to provide financial assistance in the form of grants to public entities for the acquisition, lease, development, improvement, operations, and maintenance of facilities and services designed to promote the health, safety and enjoyment of recreational vehicle users. Up to fifteen percent (15%) of the recreational vehicle account generated each year may be used by the Department to defray recreational vehicle program administrative costs. Any moneys unused at the end of the fiscal year shall be returned to the state treasurer for deposit in the recreational vehicle account.

RV Advisory committee members Bob Hallock - Region I, Richard Kaiser - Region II, Dennis Watson - Region III, Jack Onley - Region V shared that they believed that the \$1.5 million should be used for direct benefit for the RV users and that they, also, believed that the \$1.5 million should have to be acquired through the grant process, letting the Grant Advisory Committee evaluate the grant application and letting the process deem what is most appropriate on how the dollars should be spent.

Mr. Doman said the Board members understood that the Agency was to be weaned off the \$1.5 million. He asked the RV committee for their support. Because we are keeping trails and camp grounds open, the RV fund is benefiting from this. It's not just about an enhanced parking space for your RV, it's about keeping recreational opportunities opened in all manners.

Ms. Buxton said we have a smallest pocket of funds to do all the things we need to do. Ms. Buxton proceeded to read Title 67 Chapter 4219 outlining the responsibilities of the Idaho Department of Parks and Recreation.

Ms. Buxton said that the interpretation of that Statute means that with what little money the Agency has, it needs to maximize these opportunities and options. Ms. Buxton said that the Agency has existing facilities that necessitate the need for all to work together and to use whatever funds that are available to the Agency to maintain these facilities and to keep them from degrading any further.

Chairman Crimmins said that the possible counter response to that statement was that the current monies in the RV Grant fund came from the RV users statewide. A survey from a few years ago showed that the percentage of RV users, who paid into the fund, did not spend that much time in the parks. It is incumbent as a Board to ask where is the money coming from now and how will the parks, which are an important part of the recreation in the state, stand up against other grant requests. There are funds to look at besides RV Grant funds. A balance is needed on how to use all the funding available.

**12:37 p.m.** Lunch

**12:45 p.m.** Discussion regarding the criteria for grants ratings. Ms. McDevitt recommended that the grant committees create a ‘user friendly’ criteria ranking sheet. Director Merrill said staff would bring back to the next Board meeting a new guide for criteria for the Board’s review and further discussion.

**12:55 p.m. Registration Realignment Recommendation**

Director Merrill summarized what the Task Force, consultant, and staff are recommending at this time for the Realignment of the Registration system.

**Short-term –**

- For snowmobile, motorbike, ATVs, UTVs, and SPOVs: collect name, address, phone (optional), email (optional), designation area, type of vehicle (motorbike, ATV, snowmobile, etc.), and sticker number.
- For vessels: continue to collect all the data we currently do and add fields for the driver’s license number and date of birth. This information is required to receive Coast Guard Grant funds.
- Develop a web page for the vendors to report sales.
- Continue business as usual with vendor requirements.
- Set aside the annual unspent administration dollars to fund the long-term solution. This needs to be in writing.

**Long-term –**

- Develop a “map” of the registration data requirements IDPR needs and present it to ITD.
- Continue to explore COTS systems including looking at ways to partner with Idaho Department of Fish & Game to leverage a mutual relationship with Active Network.
- Wait until ITD is further along in their system development before further steps are taken to work with their system.

**Legislation changes –**

- Remove “owner” definition and replace it with “operator” for motorbikes, ATVs, UTVs, and snowmobiles.
- No changes to vessel statutes. Need to leave “owner” requirement.
- Remove “registration” and replace it with “recreation sticker” for motorbikes, ATVs, UTVs, and snowmobiles.
- Users will carry the legislation.

Discussion followed regarding the enforcement of stickers and how that would be handled as well as definitions of owner and operator, sticker purchases and the necessity of gathering registration information. The concern of not trying to create a duplicate system that is already in place such as ITD’s Garnet system was also discussed.

**2:00 p.m.** Tour of Heyburn State Park, Hidden Lake float homes, and dinner

**9:00 p.m.** Recess

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**Wednesday, July 31, 2013**

**7:58 a.m.** Meeting called to order.

**7:59 a.m. FY 2013 4th Quarter Financial Report**

Mr. Martin presented the 4th quarter financials FY 2013. Mr. Martin said the budget instruction that was received after the May 2013 Board meeting from DFM included an additional increase of \$260,000 in benefit costs (healthcare and retirement) that the Agency needs to prepare to include in the FY 2015 budget. He was unsure how the legislature will act regarding the possibility of defraying some of the cost by putting more of the burden on the employee versus the employer.

**8:15 a.m.** Director Merrill discussed IDPR’s presentation to the Governor to request for a one time spending authority for \$2 million for deferred maintenance and repair.



### **8:30 a.m. Heyburn Hidden Lake Float Home**

Mr. White presented staff's plan to consolidate the 24 float homes in Heyburn State Parks Hidden Lake history and power point presentation as directed by the Board. See *Attachment 4* <http://parksandrecreation.idaho.gov/board-agendas>.

The FH lessees are very interested in remaining in Hidden Lake and are committed to pursuing options to facilitate the Board's directives. They have already obtained an Idaho Department of Environmental Quality (DEQ) Wastewater Planning Grant and have contracted Welch Comer Engineers to begin developing a wastewater facility plan and associated documents required to pursue design and construction funding preferably through a DEQ loan and Welch Comer's preliminary planning and construction timeline. See *Attachment 5* <http://parksandrecreation.idaho.gov/board-agendas>.

Staff have met with FH lessee representatives and discussed options which will be presented by both the FH representatives and staff. Staff also contacted PHD and they will support a new SMA based upon Board decisions of timelines associated with the FHs being connected to the centralized sewer system. Staff also talked to IDL representatives about the permitting process, which will require Department application as the land owner and certain requirements.

Mr. David Kimberling addressed the Board discussing alternatives to not moving the float homes, see *Attachment 6* <http://parksandrecreation.idaho.gov/board-agendas>.

Mr. Strack explained that the Idaho Department of Lands (IDL) long-term leases in relationship to IDPR's float home leases. He further explained the IDAPA rules regarding private float homes and gave the history of IDL's float homes and condo rules. Mr. Strack continued to explain that this is a public marina that does need extensive remodeling. IDPR could look at the State Park land and view it as a single marina. IDPR could also go to a renewable one (1) year lease that would avoid some of the requirements. The IDL permits would give the guidelines.

Mr. Strack is confident that the extra requirements would not be required for two (2) boat slips. An extended long-term lease is limited to 10 years and has been since 1906. Longer term leases would require a statute change. A 10 year lease would allow for recreation use. A long term lease longer than 10 years opens the State up to another law suit from the Coeur d'Alene Tribe.

Testimony in support of Mr. David Kimberling's proposal was received from Senator Nononi, Representative Agidius, Bonnie Butler, Wynn Mosman, Phil Lambert, Dick Harwood, Bradley Chestnut, John Magnuson, and Caleb Zimmerman.

Mr. Bradley Chestnut is float home owner with a lease of 14.7 acres above their home. He has an approved sewer system on adjacent property. He would like to keep his float home in the same location and have a separate lease. They are asking for an exception for their float home, to remain in the same location without hooking up to the new sewer system.

Staff recommended the following:

Board approval of consolidating the Heyburn State Park Hidden Lake float homes along the southwest shoreline as indicated in Figures 3 and 4 See *Attachment 7* <http://parksandrecreation.idaho.gov/board-agendas> and the "Milestones" See *Attachment 8* <http://parksandrecreation.idaho.gov/board-agendas> associated with connecting the float homes to the park's centralized sewer system as presented and directs the Attorney General to work with staff to develop a lease to include the milestones and associated dates, a term length conducive to obtaining a loan, future utility adjustments, and strict lease term and park rule adherence as well as the new rental rate for Board approval this fall.

***11:22 a.m. Ms. Buxton moved to direct staff to work with the Float Home Association and their consultant, Welch Comer, to create a plan that will consolidate the float homes in such a configuration as to allow for the connectivity to sewer and development of the park property that includes at least 500' open shoreline to accommodate additional recreational interests for the public within Heyburn State Park. Mr. Doman seconded the motion. Discussion followed.***

- **Clarify 500' of shoreline for recreation purposes**
- **Define how much shoreline is needed for the public enjoyment**
- **Include covenants in final lease agreement**
- **Determine IDPR costs to maintain the sewer system**

***The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. Motion passed unanimously.***

Ms. Buxton asked if the Float Home Association was willing to pay for the 3-4 float homes that probably would need to be moved? Mr. Kimberling replied that the Association was looking at helping those who may need to be moved.

Ms. Buxton asked if all float homes must float? Mr. White explained that two (2) of the float homes do not float in the winter, one (1) is presently on the shore, non-floatable. Ms. Buxton asked rather or not they need to float 12 months a year? Mr. White responded that the consolidation will call for all float homes to float all year long.

Mr. Crimmins asked that the agreement date on the consolidation to be included that is to also included in the 10 year agreement.

***12:03 p.m. Mr. Crimmins moved to direct Mr. Steve Strack to work with staff to develop a lease to include the milestones and associated dates, a term length conducive to obtaining a loan, future utility adjustments, strict lease terms and park rules adherence and the new rental rate for Board approval at the November 2013 Board meeting. Mr. Hansen seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. Motion passed unanimously.***

***12:05 p.m. Ms. Buxton moved to Board to direct staff to bring back a consolidation plan to November 2013 Board meeting. Mr. Doman seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. Motion passed unanimously.***

***12:06 p.m. Ms. Buxton moved to table all issues regarding the Chestnut lease and sewer system until the November 2013 Board meeting. Mr. Hansen seconded the motion. The Chair asked for further discussion. Hearing none, the Chair called for a vote on the motion. Motion passed unanimously.***

#### **12:25 p.m. Director's Report**

Director Merrill discussed the following items:

- Nesbitt property
- Vardis Fisher Property

**12:37 p.m.** Working lunch.

**12:56 p.m.** Meeting adjourned.

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Charles Correll, Chair  
Idaho Park and Recreation Board

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Nancy Merrill, Director  
and Ex-Officio Member of the Board



**IDAHO PARK AND RECREATION BOARD TELECONFERENCE MEETING**  
“To improve the quality of life in Idaho through outdoor recreation and resource stewardship.”

**August 8, 2013**

**Originating at IDPR Headquarters**  
**Conference Dial-in Number: (424) 203-8400**  
**Participant Access Code: 1076643#**

**AGENDA**

**Thursday August 8, 2013**

**9:06 a.m. MDT** Call to Order

Welcome guests  
Additions or deletions to the printed agenda  
Request for Decision on Sticker versus Registration  
Out-of-State Fee Increase  
Director's Report

**10:16 a.m.** Adjourn

**9:06 a.m.** Chairman Correll called the Idaho Park and Recreation Teleconference Board Meeting to order at 9:08 a.m. MST, August 8th, 2013. Board members and staff in attendance via phone:

Tom Crimmins, Member, Hayden Lake  
Randy Doman, Member, Cottonwood  
Jean McDevitt, Member, Pocatello  
Robert Hansen, Member, Menan  
Susan Buxton, Boise

Also present during the meeting were the following individuals:

Nancy Merrill, Director  
Jan Johns, Executive Administrative Assistant  
Tammy Kolsky, Reservation Manager  
Steve Martin, Fiscal Officer

**9:07 a.m.** The Chair asked for any changes or deletions to the agenda. Director Merrill asked that the agenda item *Request for Decision on Sticker versus Registration* be changed from an Action Item to Discussion Only Item.

**9:08 a.m.** Ms. Buxton moved to amend the agenda item *Request for Decision on Sticker versus Registration* from an Action Item to Discussion Only Item. Mr. Hansen seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.

**9:09 a.m.** Director Merrill presented the Data Summary Sales Registration Realignment. IDPR's (Idaho Department of Parks and Recreation) Information Technology program will need to have a new computer program to run the registration system. This change will need to take place approximately in 2015. In working with ITD (Idaho Department of Transportation), the ITD registration computer program will not allow vendors to be in the system other than the county DMVs. The county DMVs are not supportive to adding IDPR registration system and new equipment to their sites or asking their employees to work between two (2) different systems. ITD's new computer registration system will not work with a registration sticker program or the information needed to collect for sales of stickers. House Bill 116 which was 2013 legislation to do away with the vendor system was greatly opposed by the constituents which means a vendor system will be needed.

Director Merrill and staff met with IDF&G (Idaho Department of Fish & Game) to review their registration system which is run by ActiveNetwork which also runs the IDPR registration

system. After review, staff decided that it was not economically sound to partner with IDF&G vendor system.

Director Merrill said that the least costly and most effective path would be to use an "off the shelf" computer program. At this time, IDPR uses two (2) "off the shelf" programs through ReserveAmerica and ActiveNetwork. ActiveNetwork would provide the software and hardware to vendors.

In order to keep our Coast Guard grants, the boat registration would have to stay with ITD as well as the restricted plates program as the program is already in statute with ITD. The vendor program would be removed for boating and restricted license plate registration. By removing these two (2) programs from the vendors, this would allow a recreation sticker "only" program which is being proposed by the Registration Task Force Committee and sold through the vendor program. This sticker program would enable registration to be available via walk-in, mail-in or online.

The cost for an "off the shelf" program is a five (5) year average and any upfront cost for vendor equipment would be supplied by ActiveNetwork.

Discussion followed.

Ms. Buxton felt that this was a "piece meal" approach and that the cost and long-term management is not practical. She expressed concern having the boats one way and the vehicles another.

Director Merrill said there would be no costs incurred for boat registration to stay with ITD nor restricted license plates. The cost for programs that need to be looked at are three (3):

1. Purchasing an Off the shelf
2. Connecting with ITD's registration system
3. Building an in-house system

Originally, when talks began with ITD, the cost to connect to the existing Legacy Registration system at ITD would be approximately \$28,000. However, ITD is changing to a 3M Registration system and, at this time, is unable to quote a cost to for connection. Since this systems is an Off the Shelf system, adding an IDPR vendor system to the program will result in change orders to their new system. A 15% administration fee would be saved if IDPR build its own system.

Mr. Martin spoke to the cost concerns. The costs for IDPR will be \$1.25 to \$1.5 million per year for the next five (5) years. The total revenue from all programs involved with registration takes in \$750,000 per year resulting in a shortage of \$500,000 to \$750,000 per year for the next five (5) years in order to accomplish any of those options.

Director Merrill said that any of these changes will probably require statute changes.

Discussion followed on the Pay to Play sticker option. Chairman Correll noted that the recreation sticker program as opposed to the registration program would keep the tax commission, insurance, and law enforcement from being involved. Chairman Correll asked Director Merrill if she knew how these entities would respond to the Pay to Play program. Director Merrill said they had conveyed that they would oppose this. Mr. Correll asked if they would be willing to participate in cost sharing. Director Merrill said she did not know but would need to have that discussion.

Mr. Crimmins said that he believed that both the insurance and law enforcement would not be involved with the registration sticker information. However, he did believe that the tax commission would need to be involved and perhaps willing to share costs.

Chairman Correll voiced his concern about the law enforcement of the sticker program. Mr. Martin said that currently, there is a \$1.00 set aside in the current registration program that is for law enforcement. However, the \$1.00 is mostly for search and rescue. Enforcement was continued to be discussed and whether or not statute would have to be changed.

Ms. Buxton said that the sticker was more of a tax than a registration which is of vested property interest and there is not vested property interest in a sticker. A sticker is more of an additional tax than it is a fee as you are not getting a property right in exchange for the sticker. Ms. Buxton requested a legal analysis of the enforcement of a sticker. If law enforcement cannot be used to force compliance to having a registration sticker, then why would anyone bother to buy one? Ms. Buxton felt that this is a large concern and until it is defined, deciding on registration or sticker is premature.

Chairman Correll asked that Mr. Strack send to the Board a legal analysis of the pros and cons of the elimination of the recreation registration and proceeding with a recreation sticker program.

Ms. McDevitt agreed that the sticker program will need to be enforced and that it be in statute.

Director Merrill said that the Registration Task Force had discussed increasing the registration fee in order to pay for the cost of a new registration program.

Chairman Correll asked for a basic flow chart as to status of where the registration program and Play to Pay options are.

Registration Task Force is to meet the second week in September. A teleconference Board meeting will follow.

Mr. Doman asked for the total number of vendors. Director Merrill responded that the number was between 300-350 vendors. Mr. Doman shared his concerns of running two systems as well as the law enforcement needs a payment to enforce the sticker program.

Discussion regarding the objective of the open houses followed.

Mr. Hansen asked if the snowmobiles were different from other OHVs in regards to registration. Mr. Hansen asked if staff had thought about contacting the snowmobilers via survey asking them their opinion on how best register snowmobiles? Director Merrill concurred that would be a good idea and said that staff would go forward with a survey with snowmobilers.

#### **10:02 a.m. Out-of-State Fee Increase**

Ms. Kolsky said in response to the recommendations that the IRC and DFM staff are requesting the Park Board consider charging out-of-state campers more for serviced campsites than the rate charged our Idaho residents.

Department staff is requesting this increase to be in addition to the serviced campsite fee increase approved by the Park Board at the May 2013 Park Board meeting.

This agenda item is to request that fees for all serviced campsites be increased by \$3 per night for out-of-state residents for camping season 2014 and to request the Park Board to direct staff to proceed with the Temporary and Proposed rule process in order for the requested \$3 increase to be included in the IDAPA approved fees.

The projected fiscal impact for this fee increase has been calculated by averaging the agency's January – December site specific out-of-state occupancy for the last three (3) calendar years. This projected fiscal impact further assumes no decrease in occupancy.

Serviced Sites Average Nights	Projected Revenue Increase
35,513	\$106,539

**10:12 a.m. Ms. Buxton moved to accept staff recommendation as presented. Mr. Hansen seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.**

**10:13 a.m. Director's Report**

Director Merrill discussed the organizational chart and that the Executive staff and the Director were working on job descriptions for the Management Services Administrator and Operations Administrator positions. The announcements for the positions will be sent out on August 23 and will run for two (2) weeks. Interviews will begin on September 9-11th. Mr. Crimmins asked if the Director had run cost on the new organization versus the old organization. The Director responded there will be a cost savings for an Operations Administrator in place of a Deputy Director as well as Management Services Administrator in place of a Social Economic/Comprehensive Planner position. The cost may increase somewhat but worth it to maximize the agency. The Social Economic/Comprehensive Planner position will not be filled.

**10:16 a.m. Mr. Hansen moved to adjourn. Mr. Crimmins seconded it. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.**

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Charles Correll, Chair  
Idaho Park and Recreation Board

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Nancy Merrill, Director  
and Ex-Officio Member of the Board

## IDAHO PARK AND RECREATION BOARD TELECONFERENCE MEETING

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

**August 16, 2013**

**Originating at IDPR Headquarters  
Conference Dial-in Number: (424) 203-8400  
Participant Access Code: 1076643#**

### **AGENDA**

**Friday August 16, 2013**

8:30 a.m. MDT      Call to Order  
Welcome guests  
Additions or deletions to the printed agenda

Re-Adoption of the May 21-22, 2013 IDPR Board Meeting Agenda Items to Increase Fees and the June 6<sup>th</sup>, 2013 IDPR Board Meeting Agenda Item Regarding IDAPA Fee Cap Adjustment

Non-Resident Fee Increase

9:21 a.m.            Adjourn

Chairman Correll called the Idaho Park and Recreation Teleconference Board meeting to order at 8:30 a.m. MST, August 16th, 2013. Board members and staff in attendance via phone:

Tom Crimmins, Hayden Lake  
Randy Doman, Member, Cottonwood  
Jean McDevitt, Member, Pocatello  
Robert Hansen, Member, Menan  
Steve Strack, Deputy Attorney General, Natural Resource Division  
Garth Taylor, Southeast Region Manager

Susan Buxton, Member Boise - Absent

Board members in attendance at IDPR Headquarters:

Also present during the meeting were the following individuals:

Nancy Merrill, Director  
Jan Johns, Executive Administrative Assistant  
Tammy Kolsky, Reservation Manager  
Steve Martin, Fiscal Officer

Director Merrill introduced the agenda item *Re-Adoption of the May 21-22, 2013 IDPR Board Meeting Agenda Items to Increase Fees and the June 6, 2013 IDPR Board Meeting Agenda Item Regarding IDAPA Fee Cap Adjustment*, explaining that the Administrative Rules process requires that any temporary rules adopted by an agency's governing body be published to the next available bulletin. If that does not occur, an agency may not proceed with the temporary rulemaking unless and until the governing body re-adopts the rule.

During the May 21-22, 2013 IDPR Board meeting and, again, at the June 6, 2013 teleconference Board meeting, the IDPR Board adopted temporary rules that have yet to be published to the bulletin. This agenda item is presented for the Board to re-adopt the following rules so that the agency can proceed with the temporary rule making process.

## 1. Serviced Campsite Fee Increase

- The Park Board directed department staff to raise the department's serviced campsite fees by the rate of \$2.00 per night for serviced camp sites for the 2014 camping season and further directed staff to begin the process to increase the maximum rates in IDAPA by \$10 per site type through the Temporary and Proposed rule process as shown below.

Campsite Type	Current IDAPA Approved Fee	Staff Recommended Fee	Proposed IDAPA Fee
Primitive Campsite	\$13.00	\$10.00	\$23.00
Standard Campsite	\$16.00	\$12.00	\$26.00
Serviced Campsite/W	\$20.00	\$20.00	\$30.00
Serviced Campsite/E	\$20.00	\$20.00	\$30.00
Serviced Campsite/W, E	\$24.00	\$24.00	\$34.00
Serviced Campsite/W, E, SWR	\$26.00	\$26.00	\$36.00
Companion Campsite	Site type x 2	Site type x 2	Site type x 2

**8:35 a.m.** Mr. Hansen accepted the changes as presented at the May 21-23, 2013 IDPR Board meeting. Mr. Crimmins seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.

## 2. Excess Campsite Capacity

The Park Board also directed staff to identify parks and their respective campsites that can exceed campsite capacities as defined in IDAPA and under what circumstances, and the establishment of the respective Excess Campsite Capacity Fees through IDAPA, maximum fee levels, and Board Policy, Board approved fees that will be charged at all parks, as follows:

	<u>Board Policy</u>	<u>IDAPA Max.</u>
<b>Per Person</b> in excess of the one (1) family unit or party ..... of no more than eight (8) persons	\$5.00	\$10.00
<b>Per Motor Vehicle/ Motorcycle</b> in excess of the two (2)..... motor vehicles or one (1) RV or two (2) motorcycles	\$5.00	\$10.00
<b>Per RV</b> in excess of the two (2) motor vehicles or one (1) RV ..... or two (2) motorcycles	Site Type Fee	Site Type Fee
<b>Per Tent</b> in excess of the up to two (2) tents .....	\$10.00	\$20.00

**8:36 a.m.** Mr. Crimmins accepted the changes as presented at the May 21-23, 2013 IDPR Board meeting. Mr. Hansen seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.

## 3. 258.05 Winter Access Program Fee

	<u>IDAPA Approved Max Fee</u>	<u>Board Approved Fee</u>
<ul style="list-style-type: none"> <li>Individual Season Pass</li> </ul>	\$50	\$35/season

- Couples Season Pass                      \$75                      \$50/season
- Family Season Pass                      \$100                      \$75/season
- Daily Per Person Pass                      \$6                      \$5/person

**8:37 a.m. Mr. Crimmins accepted the changes as presented at the May 21-23, 2013 IDPR Board meeting. Mr. McDevitt seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.**

Ms. Kolsky said that in addition to the IDAPA Fee Caps Adjustment that was adopted at the IDPR May 2013 Board meeting; she is also adjusting camper cabin fees.

#### **IDAPA Fee Cap Adjustments**

The Park Board directed department staff to proceed with the rulemaking process to increase the nightly rate in the IDAPA caps to as follows:

<b>Site Type</b>	<b>Current IDAPA Approved Fee</b>	<b>Proposed IDAPA Fee</b>
Primitive Campsite	\$13.00	\$43.00
Standard Campsite	\$16.00	\$46.00
Serviced Campsite/W	\$20.00	\$50.00
Serviced Campsite/E	\$20.00	\$50.00
Serviced Campsite/W, E	\$24.00	\$54.00
Serviced Campsite/W, E, SWR	\$26.00	\$56.00
Companion Campsite	Site type x 2	Site type x 2
Camping Cabins and Yurts	\$150.00	\$200.00

and includes camping cabins and yurts.

**8:50 a.m. Mr. Crimmins moved to accept the changes as presented. Mr. Hansen seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.**

**8:51 a.m.** Ms. Kolsky said in response to the recommendations that the IRC and DFM staff are requesting the Park Board consider charging out-of-state campers more for serviced campsites than the rate charged our Idaho residents.

Department staff is requesting this increase to be in addition to the serviced campsite fee increase approved by the Park Board at the May 21-23, 2013 Park Board meeting.

This agenda item is to request that fees for all serviced campsites be increased by \$3 per night for out of state residents for camping season 2014 and to request the Park Board to direct staff to proceed with the Temporary and Proposed rule process in order for the requested \$3 increase to be included in the IDAPA approved fees.

**9:00 a.m. Mr. Hansen moved to accept the changes as presented. Ms. McDevitt seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.**

**9:01 a.m.** Mr. Doman requested that at the next Board meeting the Board members work to create a long-term strategy for revenue survival. He would like to re-evaluate all options including reviewing IDPR's mission. He also would like to meet with the Governor and legislators to discuss fiscal possibilities.

Discussion followed.

**9:21 a.m.** Mr. Hansen moved to adjourn. Mr. Doman seconded the motion. The Chair asked for any further discussion. Hearing none, the Chair asked for a vote on the motion. Motion approved unanimously.

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Charles Correll, Chair

Idaho Park and Recreation Board

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Nancy Merrill, Director

and Ex-Officio Member of the Board



## IDAHO PARK AND RECREATION BOARD TELECONFERENCE MEETING

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

**September 13, 2013**

**Originating at IDPR Headquarters**

**208-514-2259 Ext 7414**

### **AGENDA**

**Friday September 13, 2013**

9:15 a.m. MDT      Call to Order  
Welcome guests  
Additions or deletions to the printed agenda  
  
Idaho State Parks Passport Program Update \*IO  
Additional Budget Request Information \*IO  
Revenue Generating Ideas \*IO  
Proposed Registration Legislation \*IO  
Registration Task Force Recommendations to IDPR Board \*IO

Vice Chair McDevitt called the October 3, 2013 Teleconference Board meeting to order at 9:15 a.m. with the following Board members in attendance:

Susan Buxton, Boise  
Charles Correll, Jerome (9:18 a.m.)  
Jean McDevitt, Pocatello  
Bob Hansen, Menan  
Tom Crimmins, Hayden Lake  
Randy Doman, Cottonwood

Also present during all or a portion of the meeting were the following individuals:

Nancy Merrill, Director  
Jan Johns, Executive Administrator  
Steve Martin, Fiscal Officer

Director Merrill discussed the upcoming meeting with Governor Otter in which the Director will be asking for \$3 million in additional funds for backlog maintenance. The Board discussed different items to be addressed at the meeting.

Director Merrill and Mr. Martin discussed the Idaho Park Passport Program. The following information is an update of revenue from Chris Fisher, Registrations Program and Internal Communications Division of Motor Vehicles Idaho Transportation Department.

Time Frame	Total Transaction	Total Revenue
Oct. thru Dec. 2012	18441	\$233,919
Jan. thru July 2013	65455	<u>\$794,562</u>
<b>GRAND TOTAL</b>	<b>83896</b>	<b>\$1,018,481</b>

Director Merrill said at the last Registration Task Force Committee meeting, held on September 11, 2013, Sandra Mitchell, Executive Director for Idaho Recreation Council, presented a draft of the proposed registration legislation that will be carried by the RV users in the 2014 legislative season. *See Attachment 1.*

Director Merrill discussed the recommendations from the September 11, 2013 Registration Task Force Meeting which included the following:

### Short Term Goals

- Legislation to change owner to operator ( prepared and carried by users)
- Continue current process until new system is identified.
- Put unused portion of 15% Admin into "Capital" Fund for registration system upgrade
- Remove /clarify highway crossing in 49-426 (4) (Need Law enforcement involved)
- Share Legislative intent with agencies impacted

### Long Term Goals

- Direct partial fees for system upgrades/replacements ( $\approx CY - 15 EOL date$ )
- Board consider raising registration fees to ensure upgrades/replacements are covered
- Board review replacement options (COTS, ITD or IDPR)

Mr. Martin said that the administrative costs for the registration program would be approximately 15% or about \$1.2 million.

Discussion regarding the position letter from the Idaho Tax Commission followed. *See Attachment 2*

Chairman Correll adjourned the meeting at 10:01 a.m.

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Charles Correll, Chair  
Idaho Park and Recreation Board

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Nancy Merrill, Director  
and Ex-Officio Member of the Board

# **ATTACHMENT #1**

## PROPOSED CHANGES TO CHAPTER 71, TITLE 67, IDAHO CODE

### § 67-7101. Definitions

In this chapter:

- (1) "All-terrain vehicle" or "ATV" means any recreation vehicle with three (3) or more tires and fifty (50) inches or less in width, having a wheelbase of sixty-one (61) inches or less, has handlebar steering and a seat designed to be straddled by the operator.
- (2) "Board" means the park and recreation board created under authority of *section 67-4221, Idaho Code*.
- (3) "Bona fide snowmobile program" means services or facilities as approved by the department that will benefit snowmobilers such as snowmobile trail grooming, plowing and maintaining snowmobile parking areas and facilities, and trail signing.
- (4) "Dealer" means any person who engages in the retail sales of or rental of snowmobiles, motorbikes, utility type vehicles or all-terrain vehicles.
- (5) "Department" means the Idaho department of parks and recreation.
- (6) "Designated parking area" means an area located, constructed, maintained, and signed with the approval of the land manager or owner.
- (7) "Director" means the director of the department of parks and recreation.
- (8) "Highway." (See *section 40-109, Idaho Code*, but excepting public roadway as defined in this section)
- (9) "Motorbike" means any self-propelled two (2) wheeled motorcycle or motor-driven cycle, excluding tractor, designed for or capable of traveling off developed roadways and highways and also referred to as trailbikes, enduro bikes, trials bikes, motocross bikes or dual purpose motorcycles.
- (10) "Off-highway vehicle" means an all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle as defined in this section.
- (11) "Operator" means any person who is in physical control of a motorbike, all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or snowmobile.
- (12) "Owner" means every person holding record title to a motorbike, all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or snowmobile and entitled to the use or possession thereof, other than a lienholder or other person having a security interest only.
- (13) "Person" means an individual, partnership, association, corporation, or any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.
- (14) "Public roadway" means all portions of any highway which are controlled by an authority other than the Idaho transportation department.
- (15) "Snowmobile" means any self-propelled vehicle under one thousand (1,000) pounds unladen gross weight, designed primarily for travel on snow or ice or over natural terrain, which may be steered by tracks, skis, or runners.
- (16) "Specialty off-highway vehicle" means any vehicle manufactured, designed or constructed exclusively for off-highway operation that does not fit the definition of an all-terrain vehicle, utility type vehicle or motorbike as defined in this section. The vehicle classification provided for in this subsection shall become effective on January 1, 2010.
- (17) "Utility type vehicle" or "UTV" means any recreational motor vehicle other than an ATV, motorbike or snowmobile as defined in this section, designed for and capable of travel over designated roads, traveling on four (4) or more tires, maximum width less than seventy-four (74) inches, maximum weight less than two thousand (2,000) pounds, and having a wheelbase of one hundred ten (110) inches or less. A utility type vehicle must have a minimum width of fifty (50) inches, a minimum weight of at least nine hundred (900) pounds or a wheelbase of over sixty-one (61) inches. Utility type vehicle does not include golf carts, vehicles specially designed to carry a disabled person, implements of husbandry

as defined in *section 49-110(2), Idaho Code*, or vehicles otherwise registered under title 49, Idaho Code. A "utility type vehicle" or "UTV" also means a recreational off-highway vehicle or ROV.

(18) "Vendor" means any entity authorized by the department to sell recreational registrations.

(19) "Winter recreational parking locations" means designated parking areas established and maintained with funds acquired from the cross-country skiing account.

#### § 67-7102. Requirement that snowmobile be numbered

Except as otherwise provided, no snowmobile shall be operated within the jurisdiction of the state of Idaho unless numbered as provided in this chapter.

#### § 67-7103. Application for number -- Attachment of number -- Certificate -- Application for transfer of certificate -- Transfer of certificate fee -- Temporary number -- Fees

(1) On or before November 1 of each year the ~~owner~~ operator of each snowmobile requiring numbering by the state of Idaho shall file an application for number with the department on forms approved by it. The application shall be signed by the ~~owner and shall~~, except as provided in subsection (7) of this section, be accompanied by a fee of thirty-one dollars (\$ 31.00). Upon receipt of the application the department shall issue to the applicant a certificate of number stating the number assigned to the snowmobile and the name and address of the ~~owner~~ applicant. The ~~owner~~ operator shall attach to the snowmobile the identification number in a manner as may be prescribed by rules of the department. The number shall be located on the right and left side of the cowl of the snowmobile and shall be completely visible and shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the snowmobile for which issued, wherever the snowmobile is in operation.

Comment [DC1]: This reflects change that operator, rather than owner, is obligated to ensure machine he is operating has a sticker

(2) The department may issue any certificate of number directly or may authorize any persons to act as vendor for the issuance. In the event a person accepts the authorization, he may be assigned a block of numbers and certificates which upon issue, in conformity with this chapter and with any rules of the department, shall be valid as if issued directly by the department.

(3) All records of the department made or kept pursuant to this section shall be public records.

(4) Each snowmobile must be ~~registered~~ numbered before it leaves the premises at the time of sale from any retail snowmobile dealer.

(5) The purchaser of a snowmobile shall, within fifteen (15) days immediately after acquisition, make application to the department for transfer to him of the certificate of number issued to the snowmobile, giving his name, address and the number of the snowmobile and shall at the same time pay to the department a fee of three dollars (\$ 3.00). Upon receipt of the application and fee, the department shall transfer the certificate of number issued for the snowmobile to the new owner or owners. Unless the application is made and fee paid within fifteen (15) days, the snowmobile shall be considered to be without a certificate of number and it shall be unlawful for any person to operate that snowmobile until the certificate is issued.

(6) No number other than the number issued to a snowmobile pursuant to this chapter shall be painted, attached, or otherwise displayed on the snowmobile, except a temporary number may be attached to identify a snowmobile for the purpose of racing or other sporting events.

(7) Resident and nonresident ~~owners~~ operators of snowmobiles used for rental purposes shall purchase certificates of number for sixty-one dollars (\$ 61.00) and the certificates of number shall be displayed on the machine at all times.

#### § 67-7104. Nonresident snowmobile user certificate required

The owner of a nonresident, noncommercial snowmobile shall not be required to comply with the registration requirements of the state of Idaho, but shall be required to obtain a nonresident snowmobile user certificate. A fee of thirty-one dollars (\$ 31.00) shall be imposed for the issuance of a nonresident snowmobile user certificate. The certificate of

number shall be displayed in the same manner as provided in *section 67-7103, Idaho Code*. Such certificates shall be valid beginning November 1 through October 31 of the following year. Issuance and administration of nonresident snowmobile user certificates shall be conducted in the same manner as provided in *section 67-7103, Idaho Code*, for numbering of snowmobiles.

(1) For purposes of this section, "nonresident" shall be as defined in *section 36-202, Idaho Code*.

(2) In the absence of a bona fide program in the area or upon the request of the bona fide county snowmobile advisory committee of the nearest affected county in Idaho, the requirements for the nonresident certificate may be waived by the parks and recreation board on specific trails where the snowmobile trail grooming is solely supported by a state other than Idaho.

#### § 67-7105. Government ownership

Certificate of number and registration portions of this chapter shall not apply to snowmobiles, all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes owned and operated by the federal government, a state government or a subdivision of it.

#### § 67-7106. Distribution of moneys collected -- County snowmobile fund -- State snowmobile fund -- State snowmobile search and rescue fund

(1) Each vendor shall not later than the fifteenth day of each month remit all moneys collected under the provisions of *sections 67-7103 and 67-7104, Idaho Code*, to the state treasurer for credit to the state snowmobile fund, established in the dedicated fund, to be administered by the director, except that one dollar (\$ 1.00) from each snowmobile certificate of number fee, one dollar (\$ 1.00) from each rental certificate of number fee, and one dollar (\$ 1.00) from each nonresident snowmobile user certificate issued by the vendor shall be credited by the state treasurer to the state snowmobile search and rescue fund created in *section 67-2913A, Idaho Code*.

(2) Each county with a bona fide snowmobile program shall be entitled to receive from the department eighty-five percent (85%) of the moneys generated for that county during that registration period. Counties with a bona fide snowmobile program may use up to fifteen percent (15%) of their county snowmobile moneys upon recommendation by their county snowmobile advisory committee for snowmobile law enforcement purposes.

(3) Up to fifteen percent (15%) of the revenue generated from snowmobile registrations each year may be used by the department to defray administrative costs. Any moneys unused at the end of the fiscal year shall be returned to the state treasurer for deposit in the state snowmobile fund.

(4) Vendors shall be entitled to charge an additional one dollar and fifty cents (\$ 1.50) handling fee per registration for the distribution of certificates of number. Handling fees collected by the department shall be deposited to the state snowmobile fund.

(5) For those registrations not designated to a bona fide county snowmobile program, the moneys generated shall be deposited to the state snowmobile fund, and such fund shall be available to the department for snowmobile-related expenses.

#### § 67-7107. County advisory committee

The county commissioners of any county may appoint snowmobile advisory committees to serve without salaries and wages in an advisory capacity relating to the establishment and maintenance of parking and unloading areas on public and private property, and the expenditure of moneys deposited in the county snowmobile fund; and to serve at the pleasure of the county commissioners. The persons selected shall be active snowmobilers representing snowmobile clubs, organizations, or merchants engaged in the sale or rental of snowmobiles, or be a member of the general public actively engaged in the sport of snowmobiling.

The board of county commissioners is hereby authorized, upon advisement of the special advisory committee, to use and expend the special fund created in *section 67-7106, Idaho Code*, outside the county.

§ 67-7108. Prohibition against numbering by political subdivisions

The provisions of this chapter shall govern the numbering and registration of snowmobiles, all-terrain vehicles, motorbikes, specialty off-highway vehicles and utility type vehicles operated in this state. All political subdivisions of the state are expressly prohibited from numbering or registering snowmobiles, all-terrain vehicles, motorbikes, specialty off-highway vehicles and utility type vehicles in any respect.

§ 67-7109. Prohibition against highway operation -- Exceptions

No person shall operate a snowmobile upon any highway or public roadway in this state, with the following exceptions:

(1) Properly numbered snowmobiles may cross, as directly as possible after a full and complete stop, highways and public roadways, except controlled access highways, provided that the crossing can be made in safety and that it does not interfere with the free movement of vehicular traffic approaching from either direction on the highway or public roadway. It shall be the responsibility of the operator of the snowmobile to yield the right-of-way to all vehicular traffic upon any highway or public roadway before crossing.

(2) Loading or unloading shall be done without causing a hazard to vehicular traffic approaching from either direction on a highway or public roadway. Loading or unloading shall be accomplished with regard to safety, at the nearest possible point to the area of operation.

(3) The prohibition against operating snowmobiles upon highways and public roadways shall not apply to any highway or public roadway drifted or covered with snow to an extent that travel on it by other motor vehicles is impractical or impossible.

(4) Snowmobiles may be operated on that portion of a highway or public roadway right-of-way that is not maintained or utilized for the operation of conventional motor vehicles.

(5) Local authorities may, by ordinance, specifically designate public roadways upon which snowmobiles may be operated.

§ 67-7110. Restrictions

It shall be unlawful for any person to drive or operate any snowmobile:

(1) At a rate of speed greater than reasonable and prudent under the existing conditions.

(2) In a negligent manner so as to endanger the person or property of another, or to cause injury or damage to either, or to harass, chase or annoy any wild game animals or birds or domestic animals.

(3) Without a lighted headlight and taillight between the hours of dusk and dawn, or when upon or crossing any public roadway or highway, or when otherwise required for the safety of others.

(4) Without an adequate braking device which may be operated by either hand or foot.

(5) Without an adequate muffler, except when used in conjunction with public racing events.

(6) Upon a public roadway or highway without a valid motor vehicle operator's license, unless the public roadway or highway is closed to other motor vehicle travel.

§ 67-7111. Accident resulting in personal injuries or property damage

The operator of any snowmobile involved in any accident resulting in injuries to or death to any person or property damage in the estimated amount of two hundred dollars (\$ 200) or more, or a person acting for the operator, or the owner of the snowmobile having knowledge of the accident should the operator of the snowmobile be unknown, shall immediately notify a proper law enforcement agency of the facts relating to the accident and within five (5) days file a report of the circumstances with the department on forms prescribed by the department. For any accident occurring on a highway or public roadway the owner, the operator, or both shall be subject to the provisions of *section 49-2417, Idaho Code*.

§ 67-7112. Groomed snowmobile trails

Any all-terrain vehicle operating on groomed snowmobile trails during the winter snowmobiling season when the trails are groomed shall be ~~registered~~ numbered as a snowmobile under the provisions of *section 67-7103, Idaho Code*. Counties shall have the option to allow all-terrain vehicles, if ~~registered~~ numbered, to use snowmobile trails in the county. No other vehicles shall operate on groomed snowmobile trails unless specifically allowed by the county. Violation of the provisions of this section shall be an infraction.

§ 67-7113. Violations -- Accountable for property damage

(1) Any person who violates any provision of *sections 67-7102 through section 67-7112, Idaho Code*, shall be guilty of an infraction, and shall be punished by a fine of not less than ~~thirty-one ten~~ dollars (\$ ~~4031.00~~) nor more than one hundred dollars (\$ 100). In addition thereto the operator and/or owner of the snowmobile shall be responsible and held accountable to the owner of any lands where trees, shrubs or other property have been damaged as the result of travel over their premises.

Comment [DC2]: Shouldn't the fine at least be equal to the amount it would cost to buy the sticker?

§ 67-7114. Operation under the influence of alcohol, drugs or any other intoxicating substance

Any person driving or operating a snowmobile, motorbike, utility type vehicle, specialty off-highway vehicle or all-terrain vehicle under the influence of alcohol, drugs or any other intoxicating substance on a public roadway or highway or off-highway shall be guilty of a misdemeanor.

§ 67-7115. Winter recreational parking permit -- Fee -- Fines -- Permits for snowmobile owners -- Exemptions

(1) Except as hereinafter provided, no person shall, from November 15 of any year to April 30 of the next year, park a vehicle in a winter recreational parking location unless the vehicle displays an annual or temporary parking permit. The annual permit shall be permanently affixed and the temporary permit shall be temporarily affixed on the front window of the vehicle nearest the driver's seat in such a manner that they are completely visible and shall be kept in a legible condition at all times.

(2) The fee for the annual permit and the temporary permit shall be set by the board, but shall not exceed thirty dollars (\$ 30.00) for the annual permit or ten dollars (\$ 10.00) for the temporary permit.

(3) The owner of any vehicle, as defined in chapter 1, title 49, Idaho Code, that violates the provisions of subsection (1) of this section has committed an infraction punishable as provided under *section 18-113A, Idaho Code*, and shall be punished with a fine of not less than twenty dollars (\$ 20.00) or more than fifty dollars (\$ 50.00). The fact that a motor vehicle which is illegally parked under the provisions of this chapter is registered or leased in the name of a person shall be considered prima facie evidence that the person was in control of the vehicle at the time of parking.

(4) Snowmobile owners, when snowmobiling, shall be allowed to park their transportation vehicles in a designated winter recreational parking area without displaying a parking permit.

(5) No parking permit shall be required under the provisions of this section for a vehicle owned and operated by the United States, any state or a political subdivision of a state, or a vehicle registered in another state, if that vehicle displays



a similar cross-country skiing permit, but only to the extent that an exception or privilege is granted under the laws of that state for permit holders from this state.

§ 67-7116. Printing, distribution and sale of winter recreational parking permits

(1) The department shall print the parking permits and shall supervise the sale of the permits throughout the state.

(2) The department shall distribute and sell the permits directly or may authorize vendors under agreement according to rules and regulations of the department. The department may require that the authorized vendors shall be bonded in accordance with rules and regulations of the department. Authorized vendors will receive a stipulated commission for each permit sold.

§ 67-7117. Cross-country skiing recreation account

There is established in the state treasury an account to be known as the "cross-country skiing recreation account," into which the money specified in *section 67-7118, Idaho Code*, shall be deposited. The board is charged with the administration of the account for the purposes specified in *section 67-7118(3), Idaho Code*. All claims against the account shall be examined, audited and allowed in the same manner now or hereafter provided by law for claims against the state, except that the board is empowered to enter into agreements with the counties for the disbursement of funds to them on a project by project basis.

§ 67-7118. Distribution of fees

The moneys collected by or for the board on the sale of each winter recreational parking permit shall be allocated as follows:

(1) The authorized vendor shall be entitled to receive a commission of one dollar (\$ 1.00) on each permit sold, which sum may be retained as compensation for the sale of the permit.

(2) Fifteen per cent (15%) shall be allotted to the department for the production of the parking permits and necessary administration expenses incurred by the department in carrying out the provisions of *section 67-7115(3), Idaho Code*, which moneys shall be placed in the park and recreation account.

(3) The balance shall be transmitted to the state treasurer for deposit to the credit of the cross-country skiing recreation account to be appropriated first for the reimbursement for costs incurred in the removal of snow from winter recreation parking locations. Any remaining monies may be appropriated to provide grants to public or nonprofit entities for the acquisition, lease, development and maintenance of sanitation facilities, trail marking and other facilities designed to promote the health and safety of persons engaged in cross-country skiing.

§ 67-7119. Cross-country skiing advisory committees

(1) In counties where cross-country skiing activities result in additional demands for roadside parking, the boards of county commissioners may appoint cross-country skiing committees of at least three (3) persons to serve in an advisory capacity to the commissioners on matters relating to the establishment and maintenance of winter recreational parking facilities. The persons selected shall be active cross-country skiers representing cross-country ski clubs or organizations, merchants engaged in the sale or rental of cross-country skiing equipment, cross-country skiing instructors, or members of the general public actively engaged in the sport. Where park and recreational committees already exist they may be used in lieu of the appointment of new committees if each group includes at least one (1) cross-country skier.

(2) Each county advisory committee shall hold a minimum of two (2) meetings during the cross-country skiing season, one (1) to be held prior to November 15 of each year and one (1) to be held prior to January 15 of the following year. All meetings of the committee shall be open to the public.

(3) Members of the advisory committees shall receive no compensation or expenses for their services.

§ 67-7102. Requirement that off-highway vehicles be numbered

Comment [DC3]: Added for consistency with snowmobile statutes

Except as otherwise provided by law, no all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle shall be operated within the jurisdiction of the state of Idaho unless numbered as provided in this chapter.

§ 67-7122. Application for number – Attachment of number – Certificate -- FeesRequirements – Registration – Procedure

Comment [DC4]: Obligation to get sticker is on operator, not the owner

(1) On or before January 1 of each year, the operatorowner of any all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle as defined in *section 67-7101, Idaho Code*, or any motorcycle as defined in *section 49-114, Idaho Code*, used off public highways, on highways located on state lands or federal lands which are not part of the highway system of the state of Idaho or on highways as prescribed in *section 49-426(3) and (4), Idaho Code*, but excluding those vehicles used exclusively on private land for agricultural use or used exclusively for snow removal purposes as provided in *section 49-426(2), Idaho Code*, shall obtain a number certificate for register that vehicle at any vendor authorized by the department. Effective January 1, 2010, a fee of twelve dollars (\$ 12.00) shall be charged for each number certificate registration, which fee includes a one dollar and fifty cent (\$ 1.50) fee to be retained by the vendor and the remainder of which shall be remitted to the department together with information a duplicate copy of the application form, noting the number of the registration sticker certificate issued, the identity of the operator that purchased the number certificate, and the type of motorbike, all-terrain vehicle or utility type vehicle for which the number certificate was issued.

Comment [DC5]: No longer a registration - now a number certificate

(2) At the time of sale from any dealer, each motorbike, all-terrain vehicle or utility type vehicle sold to an Idaho resident, but excluding those vehicles to be used exclusively on private land for agricultural use or used exclusively for snow removal purposes as provided in *section 49-426(2), Idaho Code*, must obtain a number certificate be registered.

(a) Application blanks and registration certificate stickers numbers shall be supplied by the department and the registration certificate sticker number shall be issued to the person making application for registrationthe number certificate.

(b) All registration certificate stickers numbers which are issued shall be in force through December 31 of the issued year. All registration certificate stickers numbers shall be renewed by the owneroperator of the all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle in the same manner provided for in the initial securing of the same or with any vendor authorized by the department. A vendor issuing a renewal certificate registration sticker number shall retain a one dollar and fifty cent (\$ 1.50) vendor fee and remit the remainder of the twelve dollar (\$ 12.00) renewal certificate registration sticker number fee to the department together with information noting the number of the certificate issued, the identity of the operator that purchased the number certificate, and the type of motorbike, all-terrain vehicle or utility type vehicle for which the number certificate was issued together with a duplicate copy of the application form, noting the number of the registration sticker issued.

(c) The issued certificate registration sticker number shall be placed upon the restricted vehicle license plate of the all-terrain vehicle, motorbike or utility type vehicle, or upon the right fork of a vehicle registered pursuant to *section 49-402(3), Idaho Code*, or of a motorbike if used exclusively off-highway, or upon the rear fender of an all-terrain vehicle, specialty off-highway vehicle or utility type vehicle if used exclusively off-highway. The placement shall be made in such a manner that it is completely visible, does not cover the license plate numbers or letters, if licensed, and shall be kept in a legible condition at all times.

(3) For operation of a motorbike that meets the requirements specified in *section 49-114(10), Idaho Code*, on the public highways, the vehicle shall also be registered pursuant to the provisions of *section 49-402(3), Idaho Code*. A motorbike that meets the requirements specified in *section 49-114(10), Idaho Code*, and that is registered-numbered pursuant to *section 49-402(3), Idaho Code*, shall not be required to obtain a restricted license plate pursuant to *section 49-402(4), Idaho Code*. A motorbike, all-terrain vehicle, specialty off-highway vehicle or utility type vehicle operated exclusively off-highway or on highways located on state lands or federal lands which are not part of the highway system of the state of Idaho and that meet the registration requirements specified in this section shall not be required to obtain a restricted vehicle license plate pursuant to *section 49-402(4), Idaho Code*.

(4) Nonresidents shall be allowed to purchase a restricted vehicle license plate pursuant to *section 49-402(4), Idaho Code*, and/or a certificate sticker number for an all-terrain vehicle, motorbike or utility type vehicle.

§ 67-7123. Transfer of ~~registration sticker~~number certificates and restricted vehicle license plate

The purchaser of an all-terrain vehicle, utility type vehicle or motorbike, which has been previously issued a certificate number registered pursuant to *section 67-7122, Idaho Code*, and issued a restricted vehicle license plate pursuant to *section 49-402, Idaho Code*, shall within fifteen (15) days after acquiring same, ~~make application to the county assessor or county motor vehicle office as may be designated by the county assessor for transfer to him of the certificate sticker number of registration~~ and restricted vehicle license plate issued to the vehicle, giving the same information as on the original application and the number of the ~~registration sticker~~certificate number and restricted vehicle license plate, and shall at the same time pay a transfer fee of one dollar and fifty cents (\$ 1.50).

§ 67-7124. Nonresident -- Exemption

(1) The provisions of *section 67-7122, Idaho Code*, regarding ~~registration number~~ certificates shall not apply to any nonresident ~~owner/operator~~; provided the all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike is currently and properly registered or numbered in the state of the operator's residence, and provided further that the state of the operator's residence does not require all-terrain vehicles, utility type vehicles, specialty off-highway vehicles or motorbikes numbered in this state to obtain any registration or number for use in the operator's state of residence. ~~Owners/Operators~~ of an all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike from states that do not have a registration or numbering requirement, or do not allow reciprocity with this state, shall be numbered registered in Idaho under the provisions of *section 67-7122, Idaho Code*, prior to operation in this state.

Comment [DC6]: Only allow out-of-state reciprocity if the other state allows the same

(2) Nonresidents with an all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike registered or numbered in another state shall have the same use privileges and responsibilities as a resident of this state with a properly registered or numbered vehicle.

§ 67-7125. Noise abatement

(1) Except as hereinafter provided, every vehicle subject to registration under *section 67-7122, Idaho Code*, shall comply with the provisions of this section. Every vehicle subject to the provisions of this section shall at all times be equipped with an exhaust system in good working order and in constant operation. If the vehicle was originally equipped with a noise suppressing system or if the vehicle is required by law or regulation of this state or the federal government to have a noise suppressing system, that system shall be maintained in good working order. No person shall disconnect, modify or alter any part of that system in any manner which will amplify or increase the vehicle's noise emission above the noise limits established in subsection (3) of this section, except temporarily in order to make repairs, replacements or adjustments. No person shall operate and no owner shall cause or permit to be operated any vehicle while the vehicle's noise emission exceeds the noise limits established in subsection (3) of this section or while the vehicle's noise suppressing system is disconnected, modified or altered in violation of the provisions of this section.

(2) No person shall operate a vehicle subject to the provisions of this section unless that vehicle is equipped with a spark arrester device, affixed to the exhaust system, of a type qualified and rated by the United States forest service. The provisions of this subsection shall not apply to vehicles being operated off the highway in an organized racing or competitive event which is conducted on private land with the consent of the landowner.

(3) Any vehicle subject to the provisions of this section shall at all times be equipped with a noise suppressing system or other device which limits noise emission to a base level of not more than ninety-six (96) decibels when measured on the "A" scale using standards and procedures established by the society of automotive engineers (SAE), specifically SAE standard J1287, June, 1988, describing a test of a stationary vehicle with sound measured twenty (20) inches and forty-five (45) degrees from the exhaust outlet, or as otherwise described. The provisions of this subsection shall not apply to vehicles being operated off the highway in an organized racing or competitive event which is conducted on private land with the consent of the landowner or on public land under permit.

(a) The department shall adopt regulations in accordance with chapter 52, title 67, Idaho Code, establishing the test procedures and instrumentation to be utilized. These procedures shall incorporate requirements for the test site environment and sound measuring equipment as set forth in SAE standard J1287, June, 1988.

(b) Instrumentation shall include but not be limited to a sound level meter meeting the type 1, type S1A, type 2, or type S2A requirements of the American national standards institute (ANSI) specification for sound level meters, S1.4-1983; a sound level calibrator, microphone wind screen, external engine speed tachometer.

(4) A showing that the noise emission level of any vehicle subject to and not otherwise exempt from the provisions of this section exceeds ninety-six (96) decibels, as described and tested in subsection (3) of this section, shall be prima facie evidence of a violation of subsection (1) of this section.

#### § 67-7126. Establishment of account -- Distribution of fees

There is established in the state treasurer's office an account to be known and designated as the "motorbike recreation account." The twelve dollar (\$ 12.00) fee collected for off-highway vehicle ~~registration-number certificates~~ shall be allocated as follows:

(1) Vendors shall charge and retain one dollar and fifty cents (\$ 1.50) for a handling fee;

(2) Up to fifteen percent (15%) shall be allotted to the department for administration and for the production of ~~registration-number certificates~~, which moneys shall be placed in the motorbike recreation account. The department shall annually publish a report specifically identifying the uses of account moneys;

(3) One dollar (\$ 1.00) shall be deposited into the off-highway vehicle law enforcement fund. Moneys in said fund shall be paid and used as follows:

(a) Sheriffs of counties with a current or an actively developing off-highway vehicle law enforcement program recognized by the department shall receive moneys from the fund based upon a formula as provided in rule promulgated by the board; and

(b) Moneys from the fund shall be used only for off-highway related law enforcement activities; and

(4) One dollar (\$ 1.00) shall be allocated to the Idaho department of lands to provide off-highway vehicle opportunities and to repair damage directly related to off-highway vehicle use. The department of lands shall annually publish a report specifically identifying the uses of moneys allocated pursuant to this subsection; and

(5) The remaining funds shall be transmitted to the state treasurer's office for deposit to the credit of the motorbike recreation account, all such moneys to be transmitted to the state treasurer on or before the tenth day of each month.

Collection of fees for off-highway vehicle ~~registration-number certificates~~ shall not impose any additional liability on the state of Idaho or any of its political subdivisions or upon the employees of the state and of its political subdivisions, and those entities and persons shall retain the limitations of liability provided by *section 36-1604, Idaho Code*, regardless of the use of such fees.

#### § 67-7127. Use of moneys in account

The board shall administer the motorbike recreation account. The moneys derived from this account shall be used as follows:

(1) For the securing of special leases or permits, or for the actual purchase of land under private, state or federal ownership to be used for recreational off-highway vehicle activity;

(2) For the securing, maintenance, construction or development of trails and other recreational facilities for off-highway vehicle use on state and federal lands;

(3) To finance the formulation and implementation under the board's direction of an off the road rider education program.

(4) To acquire applicable federal matching funds.

§ 67-7128. Off-road motor vehicle advisory committee -- Creation -- Selection -- Term of office -- Duty

(1) The park and recreation board shall appoint an off-road motor vehicle advisory committee (ORMV) of nine (9) members. The membership of the advisory committee shall consist of three (3) members each from northern Idaho, southwestern Idaho, and southeastern Idaho. Two (2) members from each area shall represent the following groups: motorbikes, ATV or UTV riders and snowmobilers. One (1) member interested in ORMV projects shall be appointed from each area without regard to the recreational activity in which that member participates and shall represent interests other than motorbike, ATV or UTV riders and snowmobilers. Each member of the advisory committee shall be chosen by the park and recreation board to serve a term of three (3) years, except that the term of the initial appointees shall commence on the date of appointment and shall be of staggered lengths. Each member of the advisory committee shall be a qualified elector of the state. Duties shall include:

- (a) Representing the best interests of the ORMV users and activities which they represent in the district from which they are appointed;
  - (b) Advising the department as to whether proposed ORMV projects meet the needs of ORMV users in that area;
  - (c) Advising the department as to how funds can be used to rehabilitate areas on public or private lands and how the department can assist in the enforcement of laws and regulations governing the use of off-road vehicles in the state of Idaho;
  - (d) The three (3) motorbike, all-terrain vehicle or utility type vehicle representatives from the ORMV advisory committee shall advise the department on matters relating to the use of moneys in the motorbike recreation account as provided for in *section 67-7127, Idaho Code*.
- (2) The committee shall be compensated as provided in *section 59-509(f), Idaho Code*, and authorized by the department.

§ 67-7129. Penalties

Unless otherwise specifically provided, any violation of the provisions of this chapter or any rule promulgated by the department pursuant to this chapter, shall be an infraction and be punished as provided in *section 18-111, Idaho Code*.

§ 67-7132. Rules and regulations

The director shall adopt and enforce administrative rules and regulations under the provisions of chapter 52, title 67, Idaho Code, as necessary to carry out the provisions of this chapter.

§ 67-7133. Responsibility for enforcement

The provisions of this chapter shall be enforced by the law enforcement personnel of the Idaho state police, the department of fish and game, employees of the department of parks and recreation authorized by the director of the Idaho state police, the sheriffs and their deputies of the various counties in the state and peace officers of each city.

## PROPOSED CHANGES TO CHAPTER 42, TITLE 49, IDAHO CODE

Comment [DC7]: These changes are to conform existing law to the above changes in Chapter 71, Title 67, Idaho Code

### § 49-426. Exemptions from operating fees

The provisions of this chapter with respect to operating fees shall not apply to:

(1) Motor vehicles owned or leased by the United States, the state, a city, a county, any department thereof, any political subdivision or municipal corporation of the state, any taxing district of the state, any state registered nonprofit subscription fire protection unit, or any organization, whether incorporated or unincorporated, organized for the operation, maintenance, or management of an irrigation project or irrigation works or system or for the purpose of furnishing water to its members or shareholders, but in other respects shall be applicable.

(2) Farm tractors, implements of husbandry, those manufactured homes which qualify for an exemption under the provisions of *section 49-422, Idaho Code*, road rollers, wheel mounted tar buckets, portable concrete and/or mortar mixers, wheel mounted compressors, tow dollies, portable toilet trailers, street sweepers, other construction equipment, forestry equipment, lawn and grounds equipment and similar devices as determined by the department which are temporarily operated or moved upon the highways need not be registered under the provisions of this chapter, nor shall implements of husbandry be considered towed units under registration of vehicle combinations as defined in *section 49-108(2), Idaho Code*. In addition, self-propelled wheelchairs, three-wheeled bicycles, wheelchair conveyances, golf carts, lawn mowers, and scooters operated by persons who by reason of physical disability are otherwise unable to move about as pedestrians shall be exempt from registration requirements under the provisions of this chapter. Motorcycles, motorbikes, utility type vehicles and all-terrain vehicles need not be licensed under the provisions of this chapter or ~~registered-numbered~~ pursuant to the provisions of *section 67-7122, Idaho Code*, if they are being used exclusively in connection with agricultural, horticultural, dairy and livestock growing and feeding operations or used exclusively for snow removal purposes. Travel upon the public highways shall be limited to travel between farm or ranch locations. Motorcycles, motorbikes, utility type vehicles and all-terrain vehicles used for this purpose shall meet the emblem requirements of *section 49-619, Idaho Code*.

(3) Any political subdivision of the state of Idaho may, but only after sufficient public notice is given and a public hearing held, adopt local ordinances or resolutions designating highways or sections of highways under its jurisdiction which are closed to all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes licensed pursuant to this chapter and ~~registered-numbered~~ pursuant to *section 67-7122, Idaho Code*. The operation of licensed and ~~registered-numbered~~ all-terrain vehicles, utility type vehicles and motorbikes and those vehicles exempt from licensing and ~~registration-numbered~~ pursuant to subsection (2) of this section shall not be permitted on controlled access highways. The requirements of title 18 and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to the operation of any all-terrain vehicle, utility type vehicle or motorbike upon highways. Costs related to the posting of signs on highways or sections of highways that are closed to such vehicles, indicating the ordinance, are eligible for reimbursement through the motorbike recreation account created in *section 67-7126, Idaho Code*.

(4) The Idaho transportation board may designate sections of state highways over which all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes may cross. The requirements of title 18, and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to the operation of all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes when using designated crossings on state highways.

(5) All-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes may be used on highways located on state lands or federal lands which are not part of the highway system of the state of Idaho, provided the ~~registration-numbering~~ requirements of *section 67-7122, Idaho Code*, are met.

## PROPOSED CHANGES TO CHAPTER 70, TITLE 67, IDAHO CODE

Comment [DC8]: These changes relate only to eliminating the pro-rating of boat registration fees

### § 67-7008. Certificate of registration -- Expiration -- Fees

(1) Within fifteen (15) days after purchase, or as otherwise herein provided, the owner of each vessel requiring numbering by the state of Idaho shall file an application for registration with an assessor or authorized vendor on forms provided by the department. The application shall be signed by the owner and shall be accompanied by the fee herein designated. Upon receipt of an application in approved form, and the appropriate fee, the assessor or authorized vendor shall enter the same upon the records of its office and issue to the applicant two (2) validation stickers and a certificate of registration stating the number issued to the vessel, the receipt of any fee paid and the name and address of the owner, and the assessor or authorized vendor shall forward to the department a duplicate copy. The owner shall paint on or permanently attach to each side of the bow of the vessel the registration number and validation sticker in a manner as may be prescribed by rules of the department in order that they may be completely visible, and the number shall be maintained in legible condition. The certificate of registration shall be pocket-size and shall be on board and available at all times for inspection on the vessel for which issued whenever that vessel is in operation, except that livery operators may have the rental agreement on board rented vessels in lieu of the certificate of registration.

(2) The owner of any vessel for which a current certificate of registration has been issued pursuant to any federal law or a federally approved numbering system of another state shall, if the vessel is operated on the waters of this state in excess of sixty (60) days, make application for a certificate of Idaho registration in the manner prescribed in this section.

(3) Each assessor and authorized vendor shall record, on a form provided by the department, the names of all owners of vessels who make application for certificates of registration, together with the amount of the fees paid by the owners. He shall, on or before the tenth of each month, forward to the department a duplicate copy of each record for the preceding month.

(4) All records of the department made or kept pursuant to this section shall be kept current and shall be public records.

(5) Every certificate of registration issued shall continue in full force and effect through December 31 of the year of issue unless sooner terminated or discontinued in accordance with law. Certificates of registration may be renewed by the owner in the same manner provided for in the initial securing of them.

(6) The owner of any vessel shall notify the department within fifteen (15) days if his vessel is destroyed or abandoned, or is sold or transferred either wholly or in part to another person or persons or if the owner's address no longer conforms to the address appearing on the certificate of registration. In all such cases, the notice shall be accompanied by a surrender of the certificate of registration. When the surrender of the certificate is by reason of the vessel being destroyed, abandoned or sold, the department shall cancel the certificate and enter that fact in its records. If the surrender is by reason of a change of address on the part of the owner, the new address shall be endorsed on the certificate and the certificate returned to the owner.

(7) Whenever the ownership of a vessel changes, the purchaser shall, within fifteen (15) days after acquisition, make application to the department for transfer to him of the certificate of registration issued for the vessel, giving his name, address, and the number of the vessel and shall, at the same time, pay to the department a transfer fee of three dollars (\$ 3.00). Upon receipt of the application and fee, the department shall transfer the certificate of registration issued for the vessel to the new owner or owners. Unless the application is made and the fee paid within fifteen (15) days, the vessel shall be considered to be without a certificate of registration.

(8) No number other than the registration number issued to a vessel or granted by reciprocity pursuant to law shall be painted, attached, or otherwise displayed on either side of the bow of the vessel.

(9) If any certificate of registration becomes lost, mutilated, or becomes illegible, the owner of the vessel for which the same was issued shall obtain a duplicate of the certificate from the department upon application and the payment of a fee of three dollars (\$ 3.00). If one or both validation stickers are lost, stolen, or destroyed, any sticker remnants and the



certificate of registration should be returned to the department along with a three dollar (\$ 3.00) fee and an application for a duplicate certificate of registration and validation stickers.

(10) A person engaged in the manufacture or sale of vessels of a type otherwise required to be numbered by law, may obtain pursuant to regulations duly promulgated by the department, certificates of registration for use in the testing or demonstration only of a vessel upon payment of thirteen dollars (\$ 13.00) for each certificate. Certificates of registration so issued may be used by the applicant in the testing or demonstration only of vessels by temporary placement of the numbers assigned by the certificates on the vessel tested or demonstrated, and shall be issued and displayed as otherwise prescribed by this chapter or by regulation of the department.

(11) The registration fees shall be:

(a) Vessels 0-12 feet in length	\$ 20.00
Vessels over 12 feet in length	20.00
plus \$ 2.00 per foot for each additional foot	

in excess of 12 feet.

~~— (b) The registration fees for new or used vessels which have not previously been registered in Idaho shall be:~~

~~— (i) For vessels acquired or brought into the state January 1 through March 31, the full amount of the regular fees;~~

~~— (ii) For vessels acquired or brought into the state April 1 through June 30, seventy-five percent (75%) of the regular fees;~~

~~— (iii) For vessels acquired or brought into the state July 1 through September 30, fifty percent (50%) of the regular fees;~~

~~— (iv) For vessels acquired or brought into the state after September 30, twenty-five percent (25%) of the regular fees.~~

~~— (e) Each assessor and authorized vendor shall presume that any vessel is subject to the regular certificate of registration fees, unless the applicant can successfully show reasonable proof that the vessel has not previously been registered in Idaho.~~

(12) The provisions of subsection (11) of this section, with respect to the amount of payment of registration fees shall not apply to vessels owned by any charitable or religious organization, scout organization or any similar organization not used and operated for profit. All vessels currently registered by the state of Idaho and having paid the fees imposed by subsection (11) of this section shall not be assessed and taxed as personal property in the state of Idaho.

(13) The registration fee for vessels owned by any charitable or religious organization, scout organization or similar organization not used and operated for profit shall be two dollars (\$ 2.00) per year.



## IDAHO PARK AND RECREATION BOARD TELECONFERENCE MEETING

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

**October 3, 2013**

**Originating at IDPR Headquarters**

**Conference Dial-in Number: (424) 203-8400**

**Participant Code 1076643#**

### **AGENDA**

**Thursday October 3, 2013**

8:35 a.m. MDT      Call to Order  
Welcome guests  
Additions or deletions to the printed agenda

#### **Old Business**

Hidden Lake Float Homes \*IO  
Idaho State Parks Passport \* IO

#### **New Business**

Park Closures Due to Federal Shutdown \*IO  
Letters: \*IO  
▪ RV Fund Moffat Thomas      File No. 25576.0002  
▪ Risk Management Program      Claim No. 2014-0087-001  
Request Yurt Fee Increases \*AI  
Director's Report \*IO

Board Chair Correll called the October 3, 2013 Teleconference Board meeting to order at 8:35 a.m. with the following Board members in attendance:

Susan Buxton, Boise  
Charles Correll, Jerome  
Jean McDevitt, Pocatello  
Bob Hansen, Menan  
Tom Crimmins, Hayden Lake  
Randy Doman, Cottonwood (Called in at 8:40 a.m.)

Also present during all or a portion of the meeting were the following individuals:

Nancy Merrill, Director  
Jan Johns, Executive Administrator  
Anna Canning, Management Services Administrator  
Keith Hobbs, Operations Manager  
Tammy Kolsky, Reservation Manager

#### **8:37 a.m. Hidden Lake Float Homes**

Director Merrill reviewed the motions from the July 2013 IDPR Board Meeting regarding the float homes.

1. Board directs staff to work with Float Home Association and their consultant Welch Comer to create a plan that will consolidate the float homes in such a configuration to allow for the connectivity to sewer and development of the park property that includes at least 500 ' open shoreline to accommodate additional recreational interests for the public within Heyburn State Park.
2. Board directs the Attorney General to work with staff to develop a lease to include the milestones and associated dates, a term length conducive to obtaining a loan, future utility adjustments, strict lease term and park rule adherence and the new rental rate for Board approval this fall.
3. Board directs staff to bring back a consolidation plan back to the November 2013 Board meeting.

4. The Board moved to table all issues regarding the Chestnut lease and sewer system until the November 2013 Board meeting.

Director Merrill asked for clarification on the intent of motion #1 to create a plan that will consolidate the float homes in such a configuration to allow for the connectivity to sewer and development of the park property that includes at least 500' open shoreline to accommodate additional recreational interests for the public within Heyburn State Park.

Director Merrill asked if the intent was to consolidate the three (3) float homes located on the northwest shoreline with the remaining float homes along the southwest shoreline.

The Board responded that that was the intent with the exception of the Chestnut float home. The Board said that the motion intended that the consolidation be accomplished without moving any of the other float homes except the three on the northwest shoreline to create approximately 500' of public access.

The Board asked Director Merrill to have staff map out 500' of northwest shoreline in order to determine the amount of shoreline remaining and if it would be enough to accommodate the three (3) float homes.

The Board discussed the float home belonging to the Chestnut family. Mr. Crimmins asked that Mr. White review the status of the Chestnut's sewer line with the Panhandle Health District to make sure it meets all standards. Mr. Doman said that if the Chestnut's sewer line fails to meet standards, then the Board will need to consider an optional plan as the Chestnuts sewer line runs through the park land.

#### **8:50 a.m. Idaho State Park Passport Update**

Director Merrill reviewed the Passport program to date. IDPR has collected a little more than \$1 million dollars since the beginning sales. Staff is planning to market the Passport program once again in both northern and southern part of the state. Mr. Hansen asked how we compared to the state of Michigan who originated the program. Ms. Kolsky said that Michigan State took two (2) years to reach the current volume but she was not sure that was their projected volume. IDPR is in its first year and running at about 10% of passport sales projected which is very optimistic. The Idaho State Parks Passport program should reach its goals within three (3) years.

#### **8:55 a.m. Park Closures Due to Federal Shutdown**

Director Merrill discussed the effects of the federal government shut down on parks and park business. City of Rocks National Reserve is partially closed and staff that is paid by the federal government and works at City of Rocks are on furlough. Cost share agreements are being held.

#### **8:57 a.m. Review of Letters**

Mr. Strack addressed the letter from Moffet Thomas regarding RV Funding and said he would be sending a response letter promptly and had already talked with Norman Semanko, attorney for IRC and author of the letter.

The second letter which is from Risk Management regarding State File 2014-0087-001, Mr. Strack said that claimants had two years from now to hire legal council should they want to pursue this further. The claim has been denied by Risk Management.

#### **9:01 a.m. Request Yurt Fee Increases**

Ms. Kolsky asked that the Board approve the increase of Idaho City Backcountry Yurt Fees as follows:

#### **Recommended Rates**

Raise summer weekday rates from \$55 to \$65

Raise summer weekend and holiday rates from \$65 to \$75

Raise winter weekday rates from \$75 to \$85

Raise winter weekend and holiday rates from \$90 to \$100

**Mr. Hansen so moved. Ms. McDevitt seconded the motion. The Chair asked for any discussion. Hearing none, the Chair asked for the vote. Crimmins-aye, Doman-nay, Buxton-aye, McDevitt-aye, Hansen-aye, Chair-aye. The motion was approved.**

### **9:05 a.m. Directors Report**

Director Merrill discussed the following:

- Idaho law Enforcement Position paper of RV registration
- Email received from Sandra Mitchell to appeal/object to the Panhandle Forest Plan
- South Region Manager's Meeting
- LSO East Idaho Tour

Discussion regarding the appeal/objection to the Panhandle Forest plan decision to restrict motorized use and mechanized use (bicycles) in recommended wilderness areas. The recommended wilderness areas are as follows

Mallard Larkins	80,200 acres
Salmo-Priest	18,600 acres
Scotchman Peaks	25,900 acres
Selkirk	36,700 acres

The Mallard Larkins are expanded from the old plan and will shut down some summer motorized recreation opportunities (motorcycle trails). The Selkirks are a premium destination for high-mountain snowmobiling in North Idaho. The mountains represent to only place where this type of activity occurs in North Idaho.

IDPR is eligible to object because it did comment on the draft plan and was involved with the planning effort from the start (2002).

Staff was directed by the Board to find out how many days after the decision, IDPR has to appeal/object.

The Board authorized the Director work with the Governor's office as well as with Jeff Cook, Recreational Planner and to schedule a Board meeting as soon as possible for further discussion.

Director Merrill introduced Anna Canning, Management Services Administrator who start working with IDPR last week and Keith Hobbs, new Operations Manager who will begin work on October 15, 2013. They will both be working out of IDPR headquarters.

**9:16 a.m. Mr. Doman moved to adjourn. Ms. Buxton seconded the motion. Chair asked for vote. Motion passed unanimously.**

**9:16 a.m. Meeting adjourned.**

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Charles Correll, Chairman  
Idaho Park and Recreation Board

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Nancy Merrill, Director  
and Ex-Officio Member of the Board

<input type="checkbox"/> IDAPA RULE	<input type="checkbox"/> IDAPA FEE	<b>X BOARD ACTION REQUIRED</b>
<input type="checkbox"/> BOARD POLICY	<input type="checkbox"/> INFO ONLY, NO ACTION REQUIRED	

**AGENDA**  
**Idaho Park and Recreation Board Meeting**  
**November 13-14, 2013**  
**IDPR Headquarters**  
**Summit Conference Room**  
**Boise ID**

**AGENDA ITEM:** **HEYBURN HIDDEN LAKE FLOAT HOMES  
SHORELINE CONSOLIDATION AND LEASE**

**ACTION REQUIRED:** **BOARD ACTION REQUIRED**

**PRESENTER:** David E. White, North Region Manager  
Steve Strack, Deputy Attorney General

**PRESENTATION**

**BACKGROUND INFORMATION:**

In July 2013 the Board approved the following motions regarding the Heyburn State Park float homes and provided additional clarification at the October 3, 2013 Teleconference Meeting as indicated below:

July 2013 Board Approved Motions:

1. Board directs staff to work with Float Home Association and their consultant Welch Comer to create a plan that will consolidate the float homes in such a configuration to allow for the connectivity to sewer and development of the park property that includes at least 500 feet of open shoreline to accommodate additional recreational interests for the public within Heyburn State Park.
2. Board directs the Attorney General to work with staff to develop a lease to include the milestones and associated dates, a term length conducive to obtaining a loan, future utility adjustments, strict lease term and park rule adherence, and the new rental rate for Board approval this fall.
3. Board directs staff to bring a consolidation plan back to the November 2013 Board meeting.
4. The Board moved to table all issues regarding the Chestnut lease and sewer system until the November 2013 Board meeting.

October 3, 2013 Board Clarification:

Director Merrill asked for clarification on the intent of motion #1 to create a plan that will consolidate the float homes in such a configuration to allow for the connectivity to sewer and development of the park property that includes at least 500 feet of open shoreline to accommodate additional recreational interests for the public within Heyburn State Park.

Director Merrill asked if the intent was to consolidate the three (3) float homes located on the northwest shoreline with the remaining float homes along the southwest shoreline, or to

reconfigure all of the float homes to accommodate the three identified along the shoreline as visited by the Board during their visit.

The Board responded that it was the intent, with the exception of the Chestnut float home, to move the three float homes as identified on the attached map. The Board said that the motion intended that the consolidation be accomplished without moving any of the other float homes except the three on the northwest shoreline if possible to create approximately 500 feet of public access.

The Board asked Director Merrill to have staff map out 500 feet of northwest shoreline in order to determine the amount of shoreline remaining and if it would be enough to accommodate the three float homes.

The Board discussed the float home belonging to the Chestnut family. Mr. Crimmins asked that Mr. White review the status of the Chestnut's sewer line with the Panhandle Health District to make sure it meets all standards. Mr. Doman said that if the Chestnut's sewer line fails to meet standards, then the Board will need to consider an optional plan as the Chestnut's sewer line runs through the park land.

**Float Home Consolidation:** Staff with one float home representative walked and measured Hidden Lake's shoreline from the Chestnut float homes to the beaver lodge just south of the Sprenger float home. This is the only area with water deep enough to facilitate a float home floating year round. Staff then met with several float home representatives and reviewed the measurements to assess current and future layout of float homes if three were moved. Based upon this assessment and to adhere to the Board's directive of opening up at least 500 feet of shoreline for public use and the float home lessee's desire to minimize costs, the group developed two options based on the attached diagram\*.

**Option 1:** Move one float home south to location A with the other two float homes being relocated into one of the other sites available amidst the float homes identified as B, C, D, E or F based upon the best fit. This results in approximately 940 feet of shoreline being opened up for future recreation development and public use. This relocates all float homes into previously used "lots" utilizing power and pilings where available minimizing relocation costs.

**Option 2:** Move all three float homes into one of the sites available amidst the float homes identified as B, C, D, E or F based upon the best fit. This results in approximately 1020 feet of shoreline being opened up for future recreation development and public use. This relocates all float homes into previously used "lots" utilizing power and pilings as available, potentially creating a tighter fit and a higher cost for additional pilings.

\* Measurements were made along the shoreline with a measuring wheel providing fairly good estimates of shoreline distances. However, the space between float homes will vary depending upon actual distance between structures on the water. Plus, the actual amount of distance needed to place a float home varies between float homes so the actual relocation of each float home would occur later based upon more precise measurements of each.

**Chestnut's Float Homes:** Staff contacted Panhandle Health District (PHD) and discussed the Chestnut sewage disposal system. PHD indicated that the Chestnuts obtained a replacement permit in 1991 to connect one float home to a replacement drain field on their private property above Hidden Lake. PHD disapproved the final approval due to the drain field being covered up before inspection. It was also noted that the permit was not for two homes nor did they have proof of IDPR approval for the line crossing the park. As part of the Sewage Management Agreement's (SMA) requirement to assess all float home sewage disposal, PHD assessed the Chestnut's waste water disposal system in 2009 and found everything associated with the float home to be in compliance. PHD noted that the smaller float home was disconnected from the system.

The Chestnuts currently have two float homes on one lease and a non-permitted trunk line that crosses park property to access the drain field located on their private property. Staff cannot find any documentation supporting either of these non-compliance issues. Consequently, to ensure lease adherence and fairness amongst the leases, the Chestnuts should have a lease for each float home. The leases should also include language addressing the sewer line and failure to continue utilizing their private property for sewage disposal.

**Eisenger Float Home:** One other issue that needs to be addressed is the Eisinger float home that actually is a land-based recreational residence. The park has no records of when it actually ended up on the shore. At this point, moving this structure will probably result in its demise. Consequently, if it is to remain and the Eisingers are interested in retaining a lease, a lease should be developed noting its uniqueness and associated requirements including any reconstruction as defined in the lease to be as a float home.

**Float Home Lease:** Staff worked with the Attorney General's office and developed the Standard Float Home Lease document for Board review and consideration. The lease addresses all of the Board's directives and approved milestones except a term length conducive to obtaining a loan. As previously stated, leases in Heyburn State Park have been limited to short terms (originally seven [7] years) since leasing was first authorized in 1907. The short-term lease helps ensure compliance with terms in the federal patent prohibiting alienation of any lands within the Park and providing that the Park will revert to the Coeur d'Alene Tribe if it is no longer "maintained as a public park, and for no purpose inconsistent therewith." The limited terms and purposes of the recreational residence leases were of paramount importance in defending lawsuits brought by the United States and Coeur d'Alene Tribe in 1976 asserting that the Department's leasing practices violated the terms of the patent. As a reminder, the current lease was for five (5) years expiring at the end of 2014 to coincide with the SMA as opposed to the ten (10) years allowed in statute and what the current land-based and all recent previous leases utilized.

**STAFF RECOMMENDATIONS:** Staff recommends the Board approve the following:

Consolidate the float homes as outlined in either Option 1 or Option 2.

Allow the Chestnut float homes to remain entering into a lease for each float home allowing them to continue to use their drain field, identifying the permitted sewer line connecting their float homes to their property, requiring them to provide documentation from PHD that the drain field is in good working order, and requiring them to connect to the park's centralized sewer system or remove their float homes if their drain field fails with no replacement available. Staff to work with the Deputy Attorney General to develop a lease for Board approval at January/February Board meeting.

Allow the Eisinger non-floating float home to remain in place with a lease addressing its uniqueness with the same requirement to connect to the park's centralized sewer system as designed and constructed by the float home lessees and indicating a reconstruction as defined in the lease be as a float home. Staff to work with the Deputy Attorney General to develop a lease for Board approval at January/February Board meeting.

Approve the float home lease as presented for the remaining float homes.

**Board Agenda Item: Heyburn Hidden Lake  
Identifies three float homes referenced for relocation**





## STANDARD FLOAT HOME LEASE

Lease No. \_\_\_\_\_

LESSOR Name and Address:

Idaho Department of Parks and Recreation  
PO Box 83720  
Boise ID 83720-0065

Lessee Name and Address:

Lessee Name  
Address 1  
Address 2  
City, State, Zip

Lease Term:

Commencement: January 1, 2015  
Expiration: December 31, 2024

Moorage Space:

Hidden Lake Moorage Site No. \_\_\_\_\_, Heyburn State Park.

Rent:

Initial rent is \$ \_\_\_\_\_ per year, subject to annual adjustment.  
See section 4, Attachment A.

Agreement:

**IDPR, in consideration of the rent paid and the covenants, conditions and restrictions hereinafter set forth, in this Lease (including all Attachments), does hereby lease and demise unto Lessee the right to moor Lessee's Float Home within the above-identified Moorage Site for the uses and purposes specified herein.**

Liability Insurance:

See Section 16, Attachment A.

Lease Index:

LEASE DATA PAGE  
SIGNATURE PAGE

ATTACHMENT A – LEASE PROVISIONS  
ATTACHMENT B – SITE MAP  
ATTACHMENT C -- CONSTRUCTION & MAINTENANCE STANDARDS  
ATTACHMENT D – SEWER CONSTRUCTION MILESTONES



This lease agreement (Lease), including the Lease Data Page, Signature Page and all Attachments (which are incorporated herein in their entirety) is made and entered into by and between IDPR and Lessee.

**IDPR SIGNATURE**

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed the day and year first above written.

SIGNED: IDAHO DEPARTMENT OF PARKS AND RECREATION

\_\_\_\_\_  
BY: Nancy Merrill, its Director

State of Idaho            )  
                                      :s  
County of Ada            )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, a Notary Public in and for said State, personally appeared NANCY MERRILL, known to me to be the director of the Idaho Department of Parks and Recreation, that executed the within instrument, and acknowledged to me that the Idaho Department of Parks and Recreation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

\_\_\_\_\_  
Notary Public for the State of Idaho  
Commission expires:

**Lessee SIGNATURES**

**By signing, Lessee(s) verify receipt, review, and acceptance of all attachments and terms and conditions.**

x \_\_\_\_\_

x \_\_\_\_\_

(Lessee)

(Lessee)

STATE OF \_\_\_\_\_)  
                                      :s  
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, a Notary Public in and for said State, personally appeared \_\_\_\_\_  
\_\_\_\_\_ known to me to be the person(s) who executed the instrument as Lessee, and acknowledged to me that such person(s) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

\_\_\_\_\_  
Notary Public  
Commission expires:

# Attachment A

## Lease Provisions

1. **Definitions.** As used in this Lease, the terms set forth below have the following definitions:
  - 1.1. **Assignee.** A person who assumes a valid lease from a Lessee.
  - 1.2. **Assignment.** The IDPR-approved transfer of a valid lease from a current Lessee to a new Lessee.
  - 1.3. **Board.** The Idaho Park and Recreation Board, as established by Idaho Code §§ 67-4221 through 67-4223.
  - 1.4. **Boat Garage.** A floating structure with roof and walls, intended primarily for the storage of boats and other watercraft, with no living quarters. Any structure with living quarters or overnight accommodations qualifies as a float home for purposes of this lease.
  - 1.5. **Director.** The director and chief administrator of the Department of Parks and Recreation, or the designee of the director.
  - 1.6. **Float Home.** A floating moveable structure designed and built to be moored for use as a waterborne, recreational residential dwelling, along with related moveable personal property including docks, ramps, floating walkways, and boat garages. Structures that rest upon, or require support from, submerged lands do not qualify as float homes for purposes of this lease.
  - 1.7. **IDPR.** The Idaho Department of Parks and Recreation, owner and Lessor of the Moorage Site.
  - 1.8. **Moorage Site.** A designated location designed to accommodate one (1) float home. The mooring of an additional float home or boat garage with living quarters within the moorage space shall be deemed grounds for termination of this lease.
  - 1.9. **Lease.** The contract defining the rights and duties of the parties regarding a float home located within Heyburn State Park. The term "Lease" is used for the sake of convenience and shall not be used to interpret or modify the rights granted by this instrument.
  - 1.10. **Lessee.** A person who holds a valid lease for a float home site within Heyburn State Park.
  - 1.11. **Lessee-Owned Improvements.** Structures affixed upon uplands by Lessee or a predecessor in interest, or pilings or other structures installed upon submerged lands by Lessee or a predecessor in interest, but excluding movable personal property as defined herein.
  - 1.12. **Moveable personal property.** Float homes, related structures such as docks, ramps, floating walkways and boat garages, sewage and utility connections, including any utility service connections, meters, or other facilities on or above the shoreline of Hidden Lake, and other personal property such as household goods and furnishings belonging to Lessee.
  - 1.13. **Remove.** As applied to improvements and moveable personal property, the term "remove" means to either re-locate the improvements and moveable personal property to a location outside Heyburn State Park, or to dismantle and dispose of the improvements

and moveable personal property in a manner consistent with public health, public safety, and preservation of park resources.

**2. Use and Occupation of Moorage Site.** Lessee is hereby granted a lease allowing Lessee to moor one (1) Float Home within the designated Moorage Site.

**2.1 Site Condition As-Is.** This Agreement is for the rental of moorage rights only. Lessee accepts the Moorage Site in its present condition with all faults or hazards, whether patent or latent, and without warranties or covenants, express or implied, as to the condition of the Moorage Site and any improvements thereon. The Moorage Site is to be used at the sole risk of the Lessee, and Lessee shall be solely responsible for injuries to persons or property occurring thereon.

**2.2 Float Home Condition.** Float Homes must be maintained in accordance with the terms and conditions in Attachment C, "Float Home Construction and Maintenance Standards."

**2.3 Recreational Use Only.** The Moorage Site is leased for recreational residence use only. Occupancy may be intermittent or seasonal but in no event shall the float home be occupied in excess of 185 days in any 365 day cycle. Commercial use of the Moorage Site for any purpose, including, but not limited to, rental of the Float Home or any portion thereof to any person, is prohibited, except as provided in section 5 (subleasing).

**2.4. Use Limited to Site.** Lessees shall confine all improvements, moveable personal property, boats, watercraft, and pets to the Moorage Site. No encroachment onto adjacent property, whether park property or another moorage site, is permitted.

**2.5 Duty of Care.** Lessee shall maintain the Moorage Site in a clean and sanitary manner at all times, and upon termination of this Agreement shall surrender the Moorage Site to IDPR in as good a condition as when received.

**2.6 Public Access.** Lessee's use of the Moorage Site shall not preclude the right of the public to access and use the navigable waters of Hidden Lake for recreational purposes; provided, that Lessee may exclude the public from Lessee's improvements and moveable personal property.

**2.7 Ingress and Egress.** Ingress and egress to the Moorage Site shall be via watercraft only.

**2.8 Boats and Watercraft.** No Lessee may keep more than two (2) boats or other motorized watercraft upon the Moorage Site.

**2.9 No IDPR Liability.** It is agreed that no bailment is created by this Agreement, and that IDPR shall not be liable or responsible for the care or protection of the Float Home or any associated vessels, gear, equipment or contents, or for any loss or damage thereto, whatever the cause or nature; nor shall IDPR be liable for any injuries to person or property proximately caused by the use, presence, or condition of the Float Home within the Moorage Site. The provisions herein are intended solely to ensure the placement and use of the float homes is consistent with the general recreational purposes of Heyburn State Park; the health and safety of float home residents and visitors is the sole responsibility of the Lessee.

**2.10 Other Permits.** The rights leased to Lessee include only the riparian or littoral rights that IDPR possesses in the designated Moorage Site. IDPR is responsible for obtaining any necessary permits or leases required by the Idaho Department of Lands, Idaho Panhandle Health District, or local governments for the use and occupation of the Moorage Site.

**2.11 Rules.** Lessees shall comply with all rules of the Idaho Department of Parks and Recreation.

**2.12 Reconfiguration of Moorage Sites.** Upon reconfiguration or consolidation of moorage sites, IDPR may require the Lessee to relocate to a new or different moorage site. The expense of relocating to a new or different moorage site shall be borne solely by Lessee.

**2.13 No Additional Living Space.** All living space is to be confined to the single float home authorized to occupy the Moorage Site.

**3. Lease Term.** The commencement and ending dates for the initial lease term are as designated in the Lease Data Page.

**3.1 Maximum Term.** All leases must comply with the maximum lease term of ten years provided in Idaho Code § 67-4201.

**3.2 Renewal.** No right of renewal is implied or granted as part of this lease. The decision to offer to Lessee a new lease at the expiration of this lease is expressly reserved to the sole discretion of IDPR, upon terms to be decided by IDPR.

**3.3 Occupation after End of Lease Term.** If Lessee holds over after the end of the designated lease term with the express or implied consent of IDPR, such holding over shall be deemed to be a month-to-month tenancy otherwise subject to the terms of this Lease. Such month-to-month tenancy may not exceed a period of one (1) year.

**3.3.1** During any such month to month tenancy following expiration of the term, Lessee shall remit to Lessor, by or on the tenth day of each month, rental in the amount of one-twelfth (1/12) the annual rent paid or due in the twelve months immediately preceding expiration of the term. IDPR may terminate the Lessee's month-to-month occupancy upon sixty (60) days' prior written notice to the Lessee.

**4. Payment.** In consideration of the rights granted herein, Lessee shall pay to IDPR the sum designated on the Data Page of this Agreement.

**4.1. Payment Schedule.**

**4.1.1 Annual Billing.** The annual billing that shall be mailed to Lessee at Lessee's last known address on or before November 15 each year.

**4.1.2 Full Payment.** The Lessee may make payment in full on or before the first day of January of each year for the coming year.

**4.1.3 Optional Split Payment.** The Lessee may make a payment of one-half the amount due, plus a one-time \$200 split payment fee, on or before the first day of January of each year. The second one-half of the payment will be made on or before the first day of April of each year.

**4.2 Late Payment.** If annual rent is not paid in full by the above-stated deadlines, Lessee must, in addition to paying the annual rent, pay a late payment fee of one-tenth the annual rent, or twenty-five dollars, whichever is greater. The parties acknowledge and agree that the late payment fee is a reasonable attempt to estimate and to compensate IDPR for additional costs incurred by IDPR in administering such late payments and is not intended as a penalty. For each subsequent calendar month in which payment is not made, Lessee shall pay an additional late payment fee of one-tenth the annual rent or

twenty-five dollars, whichever is greater. If for any reason annual rent is not paid in full by March 1 (or by July 1, if the first half of a split payment is received), Lessee is deemed to have abandoned any and all rights to use the Moorage Site and IDPR shall immediately terminate this Agreement. Any Float Home moored after a Notice of Termination is issued by IDPR will be considered to be in trespass and Lessee shall immediately remove the Float Home from Heyburn State Park. If Lessee fails to remove the Float Home within twenty-one (21) days of receiving a Notice of Termination, IDPR shall cause such Float Home to be removed from the Moorage Site at Lessee's risk and expense and retake possession of the Moorage Site. Lessee agrees to pay all costs associated with storage of the Float Home after removal by IDPR.

**4.2.1 Notice of Termination.** Lessee agrees that any Notice of Termination may be served upon Lessee by mailing such Notice to Lessee's address as designated on the Data Page. Such Notice is deemed to be effective three (3) days after the date of mailing or as otherwise designated in the Notice.

**4.3 Base Rate.** The initial annual lease payment was established by the Park and Recreation Board prior to the offering of this Lease based on the fair market value of the float home moorage offered by this Lease.

**4.4 Annual Adjustment.** On or around October 15 of each year, IDPR shall recalculate the annual rent by multiplying the previous year's rent by the unadjusted "Consumer Price Index, Urban, U.S. City Average, All Items," as published by the United States Bureau of labor Statistics at [www.bls.gov/cpi/](http://www.bls.gov/cpi/) for the preceding twelve months. The annual billing prepared by IDPR shall reflect the re-calculated rent.

**4.5 Five Year Rate Adjustment.** On or before November 15, 2020, IDPR shall evaluate the adjusted annual rent to determine if fair market rent is being received. At IDPR's option, the base rent may be adjusted to achieve fair market rent. Adjustment of the contract base rent is at the sole discretion of IDPR: Lessee's sole remedy in the event of disagreement with the adjusted base rent is to terminate this Lease in accordance with section 11.6. After such adjustment, the new base rent shall be subject to annual adjustment as provided in section 4.4.

**5. Subleasing.** Lessee may sublease the Moorage Site with the written consent of IDPR. A sublease does not transfer to the sublessee the Lessee's responsibilities for compliance with the terms and conditions of this Lease; Lessee remains responsible for all terms of this lease agreement. Any attempt to sublease a Moorage Site without the written consent of IDPR shall be void, and shall constitute a breach of this lease.

**5.1. No rental.** Subleasing shall be the sole means of authorizing use of the Moorage Site by anyone other than Lessee and immediate family members. Short term rental of the Moorage Site or any use of the Moorage Site by persons other than Lessee in return for monetary or other payment to Lessee is specifically prohibited and shall be cause for immediate termination of this Lease.

**5.2** Sublease of the Moorage Site is limited to one time per calendar year. The term of any sublease shall be twelve months or less.

**5.3** Moorage Sites and Float Homes are not commercial enterprises and subleasing rates shall not reflect a profit to Lessee. In any calendar year lessee cannot sublease for more than the total annual lease payment (including utilities) plus five percent (5%) of the appraised value of Lessee's improvements and moveable personal property as established by the Benewah County Assessor.

- 5.4 Sublessees are subject to all the terms of this Lease. Sublease agreements shall include provisions requiring the sublessee to abide by all terms in this Lease.
- 5.5 The Director may impose additional requirements as a condition of approving the sublease agreement.
- 5.6 Applications to sublease a Moorage Site must be submitted to IDPR at least two weeks in advance of any sublease.

## 6. Assignment.

- 6.1 **Approval Required.** Lessee shall not assign this Lease without first having obtained the written consent of IDPR. Any assignment of this Lease without the written consent of IDPR shall be void and shall be a breach of this Lease, resulting in termination. If Lessee purports to assign this Lease without the written consent of IDPR, Lessee shall retain all of the rights, duties, and responsibilities imposed by the terms of this Lease.
- 6.2 **Required Documentation.** The following items shall be provided to IDPR by a Lessee seeking to assign this Lease:
  - 6.2.1 **Application for Assignment.** Application for assignment of a Lease shall be made on forms available from IDPR. Applications shall be complete and contain all information requested on the form.
  - 6.2.2 **Assignment Fee.** Any Application for Assignment of Lease shall be accompanied by a processing fee of ten percent (10%) of the latest annual rental, or \$25.00, whichever is greater.
- 6.3 **Deficiencies.** All rental payments and other charges owed to IDPR shall be paid and all deficiencies shall be cured before IDPR will approve an application for assignment.
- 6.4 **Action on Application.** IDPR shall approve or deny an application for assignment of this Lease within thirty (30) days of receipt of a completed application.
- 6.5 **Conditions.** Assignees are subject to all the terms of the Lease and such other conditions as the Director may impose as a condition of approving the application for assignment.
- 6.6 **Board Approval.** Final Board approval of an assignment is deemed to occur after the application for assignment has been approved by the Director or the Director's designee.

## 7. Utilities.

- 7.1 **Trash.** Domestic trash, excluding toxic and hazardous materials, landscape and construction materials, may be placed in the trash receptacles provided at designated locations in Heyburn State Park. All other trash shall be removed from the park and disposed of in conformity with all applicable federal, state and local laws and regulations.
- 7.2 **Fees.** A fee of \$\_\_\_\_\_ per year shall be assessed against each float home lease to cover the costs of trash collection. Changes in the trash fee will be reflected in the annual billing.
- 7.3. **Other Utilities.** Lessee will arrange with utility providers for electricity and all other utilities and services supplied to Moorage Site or to Lessee. Lessee is responsible for all payments to utility providers.

**8. Sewage and Waste Water.**

**8.1 Interim Provisions.** Pending connection of the float homes to the Heyburn State Park Central Sewage Treatment System, Lessee shall dispose of all sewage in conformity with the requirements of the Panhandle Health District as set forth in the Sewer Management Agreement dated March 3, 2009.

**8.2 Connection to Central Sewage Treatment System.** The continued occupation of the float homes requires a permanent connection of the float homes to the Heyburn State Park Central Sewage Treatment System, including, but not limited to, (1) construction and maintenance of a trunk line from Hidden Lake to the connection point at Chatcolet and (2) connection of each float home to the trunk line. All costs associated with construction, operation, and maintenance of the trunk line and individual connections shall be borne by the lessees. Proof of lessees' ability to construct and maintain the trunk line and all associated facilities and equipment is a condition precedent to this Lease. Failure to maintain the trunk line and all associated equipment in good working order shall result in the immediate termination of all Float Home Leases.

**8.2.1. Construction Timeline.** The Float Home Lessees must comply with the construction milestones set forth in Attachment D, which by this reference is incorporated into this Lease as if expressly set forth herein. Failure to achieve a construction milestone is deemed to be a material breach of this Lease and shall be cause for immediate reference to the Board to determine if this Lease should be terminated.

**8.3 Annual Sewage Fee.** Pending completion of the trunk line connecting the float homes to the Heyburn State Park Central Sewage Treatment System, Lessee shall pay a sewage treatment fee of \$----- per year to cover the costs of grey water disposal by the float home lessees. Upon completion of the trunk line, and full connection to the Heyburn State Park Central Sewage Treatment System, an annual sewage treatment fee of \$----- per year shall be assessed against each Float Home Lessee. The sewage treatment fee is intended to offset the cost of maintaining and repairing that portion of the Heyburn State Park Central Sewage Disposal System attributable to service of the float home residences within Heyburn State Park. The sewage fee is subject to annual adjustments at the discretion of IDPR. Changes in the sewage fee will be reflected in the annual billing. Sewage fees may also be adjusted by IDPR in the event the sewage disposal system is expanded, improved, or upgraded. Lessee acknowledges and agrees that such adjustments may include a one-time fee reflecting Lessee's fair share of sewage system construction or reconstruction costs.

**8.4 Compliance with Laws and Regulations.** All sewage lines and connections shall comply with any applicable statutes, rules, or permit requirements of the Panhandle Health District, the Idaho Department of Environmental Quality, and the Idaho Department of Lands.

**9. Burning Prohibited.** Lessee may not burn material of any type or nature outside of a stove or fireplace without the prior written consent of IDPR. Barbecue devices, designed for use outdoors, are permitted.

**10. Relocation and Consolidation.**

**10.1 Relocation and Consolidation at Beginning of Lease Term.** All Float Home Lessees must comply with the float home configuration plan adopted by the Board on November 13, 2013. If Lessee's Moorage Site is not the same as assigned to Lessee in previous leases, Lessee shall have until December 31, 2016, to relocate Lessee's improvements

and moveable personal property to the Moorage Site assigned in this Lease. Lessee shall pay the costs of such relocation.

**10.2 Relocation and Consolidation During Lease Term.** In the event that some Lessees voluntarily terminate their leases during the Lease term described herein, IDPR retains the right to re-assign Lessee to another Moorage Site in order to meet IDPR's goal of consolidating the float homes within Hidden Lake to maximize recreational opportunities for park users. Lessee shall pay the costs of such relocation.

**10.3 Compliance with Encroachment Permit.** IDPR shall submit the float home configuration plan adopted by the Board on November 13, 2013 to the Idaho Department of Lands for approval. Lessee agrees that upon issuance of the encroachment permit, the terms and conditions therein will be incorporated into this Lease as if fully set forth herein.

**10.3.1. Construction of docks, moorings, and related facilities.** In the event the encroachment permit issued by the Department of Lands requires the construction of docks, pilings, moorings, or any related facilities, the costs of constructing such facilities shall be borne solely by the Lessees.

**10.3.2. Ownership of Lessee-Constructed Docks.** In the event the Idaho Department of Lands requires the Lessees to construct public moorage facilities as a condition to issuance of an encroachment permit, ownership and management of such public facilities will vest in IDPR upon completion of construction.

## **11. Breach and Termination.**

**11.1 Violations.** Any material violation by Lessee or any agent of Lessee (including sub-lessees) of any term of this Lease, or any violation of any rule or regulation now in force or hereafter adopted by the Board, shall be grounds for termination of this Lease. Failure of the Float Home Lessees collectively to achieve any action or objective described herein as a "condition precedent" by the date stated shall be considered a material violation of this Lease, whether or not such failure is due to the action or inaction of the individual Lessee executing this Lease. The determination of whether a violation constitutes a material violation subjecting this Lease to termination shall rest solely in the discretion of IDPR.

**11.2 Notice of Violation.** IDPR shall provide written notice to Lessee of any lease or rule violation and shall allow Lessee thirty (30) days from service of the notice to cure the violation.

**11.3 Notice of Termination.** Lease or rule violations which have not been cured within thirty (30) days of receipt of the notice of violation shall subject the Lease to termination. Notice of termination shall be in writing and shall be effective upon service.

**11.4 Administrative Fees.** Prior to the termination, Lessee may elect to pay IDPR's administrative costs associated with enforcing the terms of this lease, and IDPR may agree to accept payment of such costs in lieu of termination for each day that such violation went uncorrected over and beyond the thirty day grace period provided in section 11.3 of this Lease. IDPR and Lessee agree that such administrative costs are fixed at fifty dollars (\$50) for each day that the violation goes uncorrected, up to a maximum of one thousand, five hundred dollars (\$1,500).

**11.5. Reinstatement of Lease.** Not later than thirty (30) days following the termination of this Lease for cause, the Lessee may submit to IDPR a written request for reinstatement setting forth good cause why the lease should be reinstated. At the Director's discretion, a terminated lease may be reinstated upon the payment of a reinstatement fee of four



hundred dollars (\$400), and upon such other terms and conditions as the Director deems appropriate.

**11.6 Voluntary Termination.** Lessee may elect to terminate this Lease at any time. Such termination is effective upon notice to IDPR.

**11.7 Waiver of Taking Claims.** Lessee hereby waives any right to compensation it may have under the Fifth and Fourteenth Amendments of the United States Constitution or Article I, sections 1 and 14 of the Idaho Constitution, for the taking of property upon termination of this Lease, including but not limited to the taking of any Lessee-owned improvements upon the Moorage Site or the taking of Lessee's ownership interest, if any, in the sewage collection system constructed pursuant to section 8.2 of this Lease.

**12. Removal of Improvements Upon Termination.** In the event of termination of this Lease for any reason, including but not limited to expiration of its term, voluntary termination by Lessee, or termination by IDPR for cause pursuant to other provisions of this Lease, Lessee shall dispose of all Lessee-Owned improvements and Moveable Personal Property as follows, unless IDPR offers a new lease that is accepted by Lessee:

**12.1 Removal.** Lessee shall remove all Moveable Personal Property and Lessee-Owned Improvements (if any) from the Moorage Site within ninety (90) days of termination, with Lessee paying all costs of removal.

**12.2 Restoration.** Lessee shall restore the Moorage Site as nearly as reasonably practical to its natural condition, with Lessee paying all costs of restoration.

**12.3 Failure to Remove or Restore.** If Lessee fails to remove all Lessee-Owned Improvements and Moveable Personal Property, or to restore the Moorage Site within ninety (90) days of termination, IDPR retains the right to do so and to bill Lessee for all expenses occurred in such removal and restoration. Lessee covenants to reimburse IDPR for all such expenses, and such covenant shall survive the termination of this Lease.

**12.4** The above provisions shall apply to all Lessee-Owned Improvements and Moveable Personal Property, regardless of whether such improvements or Moveable Personal Property were constructed or placed with the approval of IDPR.

**13. Taxes, Assessments and Fees.** Unless otherwise provided, Lessee shall pay all taxes, assessments and fees of whatsoever nature that may be legally levied or assessed against all Lessee-owned Improvements and Moveable Personal Property.

**14. Liens and Mortgages.**

**14.1. Liens.** IDPR shall not permit or suffer any liens of any kind to be effected on or enforced against the Moorage Site, including but not limited to, any mechanics' liens or material suppliers' liens for any work done or materials furnished on the Moorage Site at Lessee's instance or request. Lessee shall ensure that full payment is made for any and all materials joined or affixed to the Moorage Site pursuant to this Lease and for any and all persons who perform labor on the Moorage Site.

**14.2. Leasehold Mortgage.** Lessee shall not allow any mortgage, deed of trust or security interest, lien, encumbrance or other similar instrument or transaction ("Leasehold Mortgage"), to be filed or recorded without first obtaining IDPR's prior written consent therefor, which consent may be withheld or denied in IDPR's sole discretion. Any Leasehold Mortgage may only encumber Lessee's leasehold interest in this Lease and/or Lessee's interest in any improvements or moveable personal property owned by Lessee,

The Leasehold Mortgage shall terminate upon the termination of this Lease for any reason, and such Leasehold Mortgage shall not encumber or require subordination of IDPR's title or rights to the Moorage Site. In the event Lessee breaches its obligations under this Lease, Lessee agrees to provide the holder of such Leasehold Mortgage ("Lienholder") with a copy of any Notice of Breach and/or Notice of Termination provided by IDPR to Lessee. Lienholder shall have the right to cure any default or breach specified in the Notice of Breach or Notice of Termination during the same time allowed to Lessee or within thirty (30) days after the receipt of said notice by the Lienholder, whichever is greater. Upon the termination of this Lease for any reason, the Leasehold Mortgage shall terminate and Lessee shall immediately acquire the written release in recordable form (and record and/or file the same in any office as may be required) to effect the release of any Leasehold Mortgage or lien of any kind affecting any interest of Lessee in the Lease, the Moorage Site, and/or in any Lessee-owned improvements or moveable personal property thereon. Lienholder shall acknowledge this requirement in the Leasehold Mortgage, and shall, upon the execution of a Leasehold Mortgage involving Lessee or this Lease, agree to, and shall, immediately release any Leasehold Mortgage upon the termination of this Lease.

- 15. Indemnification.** Lessee shall indemnify, defend, and hold harmless IDPR, its officers, agents and employees from and against any and all liability, claims, actions, damage, costs, expenses and losses caused by or arising out of the performance, acts or omissions of the Lessee, including Lessee's agents, contractors, employees, licenses and invitees, or otherwise arising out of Lessee's use of the Moorage Site, or arising from the failure of Lessee to comply with any applicable state, federal or local statutes, rules or regulations. The foregoing indemnity shall include any court costs and attorney fees of whatever nature or type, whether or not litigation is commenced, that the IDPR may incur by reason of any of the above described acts or omissions of Lessee.
- 16. Insurance.** Lessee shall obtain and maintain either general liability or homeowner's insurance, as applicable, and, if necessary, umbrella liability insurance with a combined limit of not less than one million dollars (\$1,000,000.00) to cover liability for bodily injury, property damage and personal injury, arising from Lessee's use of the Moorage Site.

  - 16.1 Evidence of Insurance.** All insurance required under this Lease shall be with companies licensed and admitted in Idaho. Within 15 days of signing this Lease, Lessee shall furnish IDPR with a certificate of insurance executed by a duly authorized representative of each insurer showing compliance with the insurance requirements set forth above and verifying that such insurance covers use of the trail crossing.
  - 16.2** Failure of IDPR to demand such certificate or other evidence of full compliance with these insurance requirements shall not be construed as a waiver of Lessee's obligation to maintain such insurance.
  - 16.3** Failure to maintain the required insurance may result in termination of this Lease.
  - 16.4** Lessee shall pay all policy premiums annually in advance, for each of the insurance policies required under the terms of this Lease. Lessee shall deliver to IDPR evidence of such payment in conjunction with each annual payment of this Lease, before the payment of any insurance premiums become in default.
- 17. Officials, Agents and Employees of Lessee Not Personally Liable.** It is agreed by and between the Parties that in no event shall any official, officer, employee or agent of the State of Idaho be in any way liable or responsible for any covenant or agreement contained in this Lease, express or implied, nor for any statement, representation or warranty made in or in any way connected with this Lease or the Premises. In particular, and without limitation of the foregoing, no full-time or part-time agent or employee of the State of Idaho shall have any

personal liability or responsibility under this Lease, and the sole responsibility and liability for the performance of this Lease and all of the provisions and covenants contained in this Lease shall rest in and be vested with the State of Idaho.

18. **Heirs and Assigns.** The terms of this Lease shall apply to the heirs, executors, administrators, successors and assigns of both IDPR and the Lessee in like manner as to the original parties.
19. **Severability.** If any term or provision of this Lease is held by the courts to be illegal or in conflict with any existing law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be continued and enforced as if the invalid term or provision were not contained in this Lease.
20. **Complete Statement of Terms.** No other understanding, whether oral or written, whether made prior to or contemporaneously with this Lease, shall be deemed to enlarge, limit or otherwise affect the operation of this Lease. All rights of Lessee and the legal relations of IDPR and Lessee are defined herein and no rights not specifically identified herein are intended.
21. **Written Modification.** No modification, release, discharge, change, or waiver of any provision hereof shall be of any force, effect, or value unless it is in writing and signed by both parties to this Lease. Any such modification shall be attached hereto as an addendum and incorporated by herein reference.
22. **Title.** IDPR makes no representation or warranty whatsoever with respect to its title to said leased Premises, and in the event Lessee is divested of its leasehold or otherwise suffers harm as a result of deficiency of IDPR's title, no liability shall be incurred by virtue of this Lease for any loss or damage to Lessee, nor shall any claim for refund of rent theretofore paid be made by Lessee, its successors or assigns.
23. **Notices.** Any notice given under the terms of this Lease shall be deemed given and delivered when personally delivered or if mailed, the date same is deposited in the United States Mail, and mailed by regular or certified mail, postage prepaid and properly addressed to the appropriate party. Notices to Lessee shall be addressed to Lessee at the address designated in Section 1 of this Lease. Lessee is responsible for notifying IDPR of any change of address. Notices to IDPR shall be addressed to IDPR at:  
  
Heyburn State Park  
1291 Chatcolet Road  
Plummer, ID 83851  
  
or  
  
Idaho Department of Parks and Recreation  
North Region Office  
2750 Kathleen Avenue, Suite 1  
Coeur d'Alene, ID 83815
24. **IDPR Consent.** Whenever any action by Lessee requires IDPR's consent pursuant to a provision in this Lease, IDPR's consent to such action shall be strictly construed to apply to the specific action to which such consent applied, and not to imply consent to any similar or subsequent actions by Lessee. Consent of IDPR to any action of Lessee must be explicit; no provision in this Lease shall be construed to allow consent by omission.
25. **Waiver.** The waiver by IDPR of any breach of any term, covenant or condition of this Lease shall not be deemed to be a waiver of any past, present or future breach of the same or any other term, covenant or condition of this Lease. The acceptance of rent by IDPR hereunder

shall not be construed to be a waiver of any violation of the term(s) of this Lease. No payment by the Lessee of a lesser amount than shall be due according to the terms of this Lease shall be deemed or construed to be other than a part payment on account of the most recent rent due, nor shall any endorsement or statement of any check or letter accompanying any payment be deemed to create an accord and satisfaction.

26. **Compliance with Laws and IDPR Rules.** Lessee shall comply with all applicable federal, state and local laws, regulations, orders and agreements that govern activities within Heyburn State Park and upon the navigable waters of the State of Idaho. Lessees are recreational users of Heyburn State Park and are required to abide by all rules and regulations applicable to other park visitors; nothing in this Lease shall be construed to exempt lessees from compliance with such rules and regulations.
27. **Governing Law.** This Agreement shall be governed by and construed under the laws of the State of Idaho.
28. **Non-Discrimination.** Lessee shall not discriminate against any person because of race, creed, religion, color, sex, national origin or disability.
29. **Authority to Sign.** Lessee and IDPR each warrant and represent to the other that the persons signing this Lease have full authority and right to bind their respective parties to the terms of this Lease and that such person is acting within the scope of such person's authority and agency.

## **Lease Attachment B**

### **SITE MAP**

Map: (see attachment)

*This will be attached once consolidation is approved  
and actual float home site is determined.*

## **Lease Attachment C**

### **FLOAT HOME CONSTRUCTION AND MAINTENANCE STANDARDS**

- 1. Construction and Reconstruction.** Lessee must obtain a Heyburn State Park Float Home Construction Permit prior to any construction or reconstruction of improvements, float homes, or any related moveable personal property including docks, ramps, walkways, and boat garages. Applications for Construction Permits may be obtained from the park manager. Applications should be submitted at least thirty (30) days before the anticipated start of construction.
  - 1.1 Plans.** Detailed plans are required for construction or reconstruction of float homes, docks, walkways, ramps and boat garages. Licensed architectural or detailed construction drawings will be required for major construction or reconstruction.
  - 1.2 Additions.** No requests for construction of additional stories for a float home or boat garage will be considered. No requests that result in expansion of the exterior dimensions of a float home or boat garage will be considered. No requests to construct living quarters within a boat garage will be considered.
  - 1.3 Ramps, Docks and Boat Garages.** No requests for construction of new boat garages will be considered. Existing boat garages may be retained so long as they are maintained in good condition. Ramps, docks, and boat garages may not extend beyond the boundaries of the float home moorage site. Docks will be maintained at the minimum length necessary for mooring of boats or other watercraft.
  - 1.4. Outbuildings.** No requests for construction of new outbuildings on adjacent upland property will be considered.
  - 1.5 Reconstruction.** In the event that a float home is destroyed, the Board specifically retains the right to determine, at its discretion, whether to terminate this lease or allow the float home to be rebuilt. Complete destruction is defined as a loss of 60% or more of the original structure. If IDPR terminates this lease after destruction of a float home, the Lessee is responsible for salvage, clean up, and restoration of the float home moorage site. Following restoration of the site, the Lessee will receive a pro-rata refund of the annual lease payment, calculated from the date of destruction.
  - 1.6 Time for Completion.** All exterior building construction is to be completed within twelve (12) months of the issuance of the construction permit.
  - 1.7 Unauthorized Improvements.** The construction, placement, or erection of any structures, improvements, or other alterations without the prior written consent of IDPR shall constitute a breach of this Lease. At its discretion, the Board may terminate the Lease or require removal of the structure, improvement, or alteration.
  - 1.8 Building Permits.** In addition to the Heyburn State Park Float Home Construction Permit, Lessee is responsible for obtaining all necessary state and local building permits before engaging in any construction or reconstruction.
- 2. Maintenance of Float Homes.** Lessee shall maintain float homes, boat garages, docks, ramps, and floating walkways to minimize fire and safety hazards, protect park resources, and to provide a natural, but managed appearance. Lessees must maintain float homes with sensitivity to the fact that their float homes are located in a public park with historical, cultural, and natural amenities which are valued by visitors and residents alike. Visual impacts of float

homes must be minimized by the use of muted natural colors and maintenance of the float home in ways that minimize the intrusiveness of the structure.

- 2.1 Roofing Material.** Any new or replacement roof shall be constructed of baked-on enamel metal. Baked-on enamel roofing should be of an earth-tone color, preferably dark brown or dark green. A palate of acceptable colors is available at the park office; other colors will require the prior written approval of IDPR.
  - 2.2 Exterior Colors.** The exterior color of float homes, boat garages, and outbuildings should harmonize with the surrounding landscape. Strong contrasts between the trim and exterior color should be avoided. Earth-tones and forest colors which blend in with the surroundings are ideal. Browns, greens, whites and grays are recommended. A palate of acceptable colors is available at the park office; other colors will require the prior written approval of IDPR.
  - 2.3 Satellite and TV Antennas.** Satellite antenna receiver dishes three (3) feet or less in diameter are permitted. To the extent possible, they should be located so as to minimize their visibility from public areas. Other external television aerial antennas are not permitted.
  - 2.4 Buoyancy.** Float homes shall be maintained to ensure sufficient buoyancy to allow relocation of the float home to another moorage site should IDPR require relocation pursuant to the terms of this agreement. Float homes and docks must be maintained to keep all decking at least six inches above the water during normal use.
  - 2.5 Upland Improvements.** Adjacent upland property will be left in its natural state. No new improvements shall be located or constructed on upland property, without the express written approval of IDPR. Existing improvements must be removed by December 31, 2016. Lessee shall not remove vegetation, including trees, from uplands without the prior written consent of Lessor.
- 3. Moorage Site Conditions.** Float homes moorage sites shall be kept at all times in a clean and sanitary condition, free of trash, garbage, litter and unused or discarded household items. Firewood storage should be confined to one location, away from the float home. Roofs should be kept clear of all debris and needles on a regular basis to minimize fire hazard.

# Lease Attachment D

## FINANCIAL, PERMITTING, RELOCATION AND WASTEWATER COLLECTION SYSTEM CONSTRUCTION MILESTONES

<b>Completion Dates</b>	<b><u>Milestones</u></b>
5-1-14	<p>DRAFT SEWER PLAN DEVELOPED; IDAHO DEPARTMENT OF LANDS (IDL) PERMIT OBTAINED; PANHANDLE HEALTH DISTRICT (PHD) SEWER MANAGEMENT AGREEMENT AMENDED</p> <ul style="list-style-type: none"> <li>• Draft facility/connection plan developed.</li> <li>• Submission to and approval of marina encroachment permit by IDL (costs paid by lessees).</li> <li>• Amendment of Sewer Management Agreement with PHD</li> </ul> <p>Note: Agreement requires float homes to be removed by 12-31-16 if not connected to central system.</p>
12-31-14	<p>NEW LEASE DEVELOPED AND SIGNED</p> <ul style="list-style-type: none"> <li>• Development and issuance of new lease addressing Board approved requirements and milestones.</li> <li>• Signed leases returned to Heyburn State Park.</li> </ul>
7-31-15	<p>FINANCIAL COMMITMENTS FOR SEWER DEVELOPMENT &amp; IDL PERMIT REQUIREMENTS</p> <ul style="list-style-type: none"> <li>• Proof of financial commitment by Float Home Association to pay for any improvements required by IDL.</li> <li>• Acquisition of DEQ grant, loan, or other financing to construct sewer connection.</li> <li>• Proof of financial commitment/capability by Float Home Association to construct, operate, and maintain connection.</li> </ul> <p>Note: IDAPA 58.01.12.101 requires applicant for water pollution control loan to demonstrate and certify “that it has the legal, technical, managerial, and financial capabilities as provided for in these rules to ensure construction, operation and maintenance, and to repay principal and interest which would be due on a loan.”</p>
12-31-15	<p>SEWER PLAN FINALIZED; IDPR, DEQ, PHD APPROVED; PERMITS ACQUIRED</p> <ul style="list-style-type: none"> <li>• Final facility/connection plan with cost estimate completed.</li> <li>• Approval of facility/connection plan by DEQ PHD and IDPR.</li> <li>• All associated sewer system permits obtained.</li> </ul>
12-31-16	<p>ALL CONSTRUCTION, FLOAT HOME RELOCATION/RE-FLOATATION, SHORELINE IMPROVEMENT REMOVALS COMPLETED</p> <ul style="list-style-type: none"> <li>▪ Construction of trunk line and float home connections.</li> </ul>



- Construction of marina improvements required by IDL encroachment permit.
- Relocation of float homes.
- Refloating of 1 float home.
- Removal of Chestnut overland sewer line.
- Removal of all shoreline improvements other than electrical and utility service connections.

2017-2047      ANNUAL PAYMENT OF LOAN PRINCIPAL AND INTEREST

- After May 31, 2017, the Association must submit proof of annual payment of loan principal and interest to DEQ. Failure to make any annual payment shall be cause for termination of this Lease. Suspension or termination of loan contract by DEQ pursuant to IDAPA 58.01.12.080 will result in immediate termination of this Lease.

7-31-47      FUNDING REPAYMENT OR FORGIVENESS COMPLETED

- Proof of DEQ loan repayment and/or forgiveness.
- Suspension or termination of loan contract by DEQ pursuant to IDAPA 58.01.12.080 will result in immediate termination of float home leases.

*NOTES:      The milestones are based upon conservative time frames but some processes, which are controlled by other entities, may require considering adjustments and Board approval.*