

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 42
STATE PARKS

67-4201. WITHDRAWAL OF LANDS FOR PARK PURPOSES. Wherever any lands are owned by the state of Idaho, bordering on or in the vicinity of any lake, waterfall, spring or other natural curiosity, the park and recreation board of the department of parks and recreation may withdraw the premises from sale. If in the opinion of the park and recreation board it is desirable, the lands may be platted into lots and blocks, parks, streets and public places, and the lots and blocks may be appraised and an annual rental fixed thereon. No lease of the premises shall be made for a longer period than ten (10) years, and every lease shall specify that no disorderly house shall be kept on the premises; that the premises shall be kept in good condition, and that no waste shall be committed thereon. Notwithstanding the foregoing, the board may, in its discretion, extend or renew an existing lease of a float home moorage site for a period of up to thirty (30) years, on terms and conditions as the board deems appropriate. The board may require a bond against waste, and may prescribe additional rules for leasing of the premises for the use thereof and for construction of buildings or other improvements thereon, and the removal thereof.

[(67-4201) 1907, p. 311, sec. 1; reen. R.C., sec. 1639; compiled and reen. C.L. 132:1; C.S., sec. 3086; I.C.A., sec. 65-3901; am. 1953, ch. 78, sec. 1, p. 101; am. 2014, ch. 129, sec. 1, p. 362.]

67-4202. HEYBURN PARK. The name of the park created out of Coeur d'Alene Indian reservation by the act of congress of April 30, 1908 (35 Statutes at Large, 78), shall be Heyburn Park, said park being described as follows, to wit:

Sections one (1), two (2) and twelve (12), township forty-six (46) north of range four (4) west, Boise meridian; sections thirty-five (35) and thirty-six (36), township forty-seven (47) north of range four (4) west, Boise meridian; all of those portions of sections two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10) and eleven (11), township forty-six (46) north of range three (3) west, Boise meridian, lying south and west of the Saint Joe river in said township; all of those portions of sections thirty-one (31) and thirty-two (32), township forty-seven (47) north of range three (3) west, Boise meridian, lying south and west of the Saint Joe river in said township.

[(67-4202) Based upon 1911, ch. 89, sec. sec. 1, 2, p. 335; compiled and reen. C.L. 132:5; C.S., sec. 3090; I.C.A., sec. 65-3904.]

67-4203. HEYBURN PARK -- SUPERVISION. The park and recreation board of the department of parks and recreation shall have the supervision and control of Heyburn Park. Said board shall have power and it shall be its duty to make and enforce rules and regulations necessary for the use and government of said park and to determine the manner and provide the means for the enforcement of said rules and regulations.

[(67-4203) 1911, ch. 89, sec. 3, p. 335; compiled and reen. C.L. 132:6; am. 1919, ch. 8, sec. 45, p. 68; C.S., sec. 3091; I.C.A., sec. 65-3905; am. 1949, ch. 136, sec. 1, p. 239; am. 1950 (E.S.), ch. 25, sec. 4, p. 39; am. 1974, ch. 8, sec. 1, p. 35.]

67-4204. HEYBURN PARK -- GRANTING OF CONCESSIONS. The park and recreation board of the department of parks and recreation is authorized to make concessions to proper and desirable parties for the establishment of not to exceed three (3) places of refreshment and entertainment within the said park; also to make concessions to parties who will provide suitable boating facilities upon the waters within said park under such restrictions as to use and compensation for use as said board may determine: provided, that no private parties shall be permitted to construct wharves within said park.

The board shall also have full authority to determine the conditions upon which leases, concessions and privileges shall be granted, subject always to the condition that the park shall be free to public use and the enjoyment of all the people without discrimination as to race, under such rules and regulations as are to be provided as aforesaid.

[(67-4204) 1911, ch. 89, sec. 4, p. 335; reen. C.L. 132:7; am. 1919, ch. 8, sec. 46, p. 68; C.S., sec. 3092; I.C.A., sec. 65-3906; am. 1949, ch. 136, sec. 2, p. 239; am. 1974, ch. 8, sec. 2, p. 35.]

67-4206. HEYBURN PARK -- IMPROVEMENTS -- FINANCES. All improvements within said park and upon any additions thereto shall be made under the direction of the park and recreation board of the department of parks and recreation and all costs of such improvements, together with the expense of maintaining and governing said park shall be paid out of the appropriation made to the board for that purpose and all revenue derived from said park shall be paid into the park and recreation fund of the state of Idaho. The expense of acquiring and improvement of real estate adjacent to the said park, which is necessary to the complete enjoyment, sanitation, improvement and protection of the park, by purchase, condemnation or otherwise, shall be deemed to be incidental to the operation, administration or improvement of the said park.

[(67-4206) 1911, ch. 89, sec. 7, p. 336; reen. C.L. 132:10; C.S., sec. 3095; am. 1921, ch. 112, sec. 44, p. 260; I.C.A., sec. 65-3908; am. 1937, ch. 125, sec. 1, p. 190; am. 1947, ch. 221, sec. 5, p. 532; am. 1949, ch. 136, sec. 3, p. 239; am. 1950 (E.S.), ch. 25, sec. 5, p. 39; am. 1974, ch. 8, sec. 3, p. 35.]

67-4212. STATE PARKS AND RECREATIONAL TRAILWAYS LISTED -- CONTROLLED BY PARK AND RECREATION BOARD OF THE DEPARTMENT OF PARKS AND RECREATION. The following described areas in the state of Idaho, so far as these areas are owned or controlled by the state of Idaho, and used for public, outdoor recreational purposes, are hereby declared to be Idaho state parks or recreational trailways, and they are hereby placed under the jurisdiction and control of the park and recreation board of the department of parks and recreation of the state of Idaho:

(1) Priest Lake State Park consisting of Indian Creek and Lion Head units on the east shore of Priest Lake to a depth of one thousand (1,000) feet from the shoreline in Bonner County. This park also includes Dickensheet

Campground, located on Priest River downstream from Priest Lake in Bonner County.

(2) Round Lake State Park, located on the shores of Little Round Lake west of State Highway 95 in Bonner County.

(3) Farragut State Park, located near the village of Bayview, east of State Highway 95 in Kootenai County.

(4) Coeur d'Alene's Old Mission State Park, located adjacent to Interstate Highway 90 near Cataldo in Kootenai County.

(5) Mowry State Park, located on the south shore of Lake Coeur d'Alene east of U.S. Highway 95 near Worley in Kootenai County.

(6) Heyburn State Park, located on Lake Chatcolet east of U.S. Highway 95 in Benewah County.

(7) Mary Minerva McCroskey Memorial State Park, located at and near the boundary line between Latah and Benewah Counties and west of U.S. Highway 95.

(8) Dworshak State Park, consisting of the Freeman Creek and Three Meadows Group Camp areas, located on the shores of Dworshak Reservoir north-east of U.S. Highway 12, and leased from the U.S. Army Corps of Engineers.

(9) Hells Gate State Park, located on the Snake River at Lewiston, Snake River Avenue, Nez Perce County.

(10) Winchester Lake State Park, located adjacent to the city of Winchester, on Winchester Lake in Lewis County.

(11) Ponderosa State Park, constituted by all the land of the state of Idaho department of parks and recreation adjacent to Payette Lake in Valley County.

(12) Eagle Island State Park, located on Hatchery Road west of the town of Eagle in Ada County.

(13) Veterans Memorial State Park, located in the city of Boise, on State Highway 44 in Ada County.

(14) Lucky Peak State Park, constituted by all recreational areas leased to the state of Idaho on the shores of Lucky Peak Reservoir on the Boise River in Ada and Boise Counties and the Sandy Point area on the Boise River in Ada County. Discovery State Park, located approximately eight (8) miles southeast of Boise between Lucky Peak Dam and Diversion Dam on the Boise River and along State Highway 21 in Ada County.

(15) Three Island State Park, located adjacent to the City of Glenns Ferry and the Snake River, south of Interstate Highway 84 in Elmore County.

(16) Bruneau Dunes State Park, located approximately three (3) miles south of the Snake River near the town of Bruneau and east of State Highway 51 in Owyhee County.

(17) Malad Gorge State Park, located on the Malad River and south of Interstate Highway 84 in Gooding County, including the Crystal Springs, Niagara Springs, Earl M. Hardy Box Canyon Springs Nature Preserve, and Billingsley Creek state park lands located on the Snake River south of Interstate Highway 84 and east of U.S. 30 in Gooding County.

(18) City of Rocks, (one section of land within the National Reserve) located west of the Village of Almo in Cassia County.

(19) Massacre Rocks State Park, located approximately ten (10) miles west of American Falls on Interstate Highway 86 in Power County and including Register Rock.

(20) Bear Lake State Park, located on the east shoreline of Bear Lake south of U.S. Highway 30 and east of U.S. Highway 89, north of the Idaho-Utah state line in Bear Lake County. This park also includes the North Beach area.

(21) Harriman State Park, located adjacent to and east of U.S. Highway 20 in Fremont County.

(22) Henrys Lake State Park, located on the shores of Henrys Lake west of State Highway 87 in Fremont County.

(23) Lake Cascade State Park, located on the shores of Cascade Reservoir in Valley County.

(24) Lake Walcott State Park, located on the shores of Walcott Reservoir in Minidoka County.

(25) Trail of the Coeur d'Alenes Recreational Trailway, situated on the Union Pacific Railroad right-of-way running from Mullan to Harrison, Idaho.

(26) Coeur d'Alene Lake Parkway State Park, located adjacent to Coeur d'Alene Lake Drive beginning at Rutledge Trailhead and ending at Higgins Point boat launch.

(27) Glade Creek State Park, located approximately one (1) mile south of Lolo Pass along Forest Road #5670.

(28) Ashton-Tetonia Trail, situated on the Union Pacific Railroad right-of-way running from Tetonia to Ashton, Idaho.

(29) Land of the Yankee Fork State Park and historic area, situated along the Custer Motorway running from Challis to Custer, Idaho. The area includes the visitor center and museum located in Challis, the ghost towns of Custer and Bonanza, the Yankee Fork gold dredge, and cemeteries at Custer, Bonanza and Boot Hill.

(30) Castle Rocks State Park, including any department lands in Cassia County situated outside the National Reserve boundary.

[67-4212, added 1957, ch. 101, sec. 1, p. 175; am. 1966 (2nd E.S.), ch. 19, sec. 2, p. 54; am. 1969, ch. 21, sec. 1, p. 42; am. 1972, ch. 65, sec. 1, p. 108; am. 1979, ch. 195, sec. 1, p. 564; am. 1990, ch. 359, sec. 1, p. 968; am. 1999, ch. 294, sec. 1, p. 741; am. 2003, ch. 278, sec. 1, p. 746; am. 2004, ch. 348, sec. 1, p. 1039.]

67-4213. AREAS CONSTITUTING STATE PARKS -- EXCEPTIONS. Any and all other areas of land within the state of Idaho, except roadside picnic areas, which are donated to, and used by, the state of Idaho for public, outdoor recreational purposes, which are acquired, and used, by the state of Idaho for such purposes or which, being state property, are set aside, and used, for such purposes are hereby declared to constitute Idaho state parks and are hereby placed under the jurisdiction and control of the park and recreation board of the department of parks and recreation of the state of Idaho. Provided, however, that this section shall not be interpreted as depriving the division of highways of the state of Idaho transportation department of any existing authority granted to said division of highways by any laws of the state of Idaho.

[67-4213, added 1957, ch. 101, sec. 2, p. 175; am. 1974, ch. 8, sec. 6, p. 35.]

67-4218. DEPARTMENT OF PARKS AND RECREATION CREATED. There is hereby created a department of parks and recreation which shall be, for the purposes of section 20, article IV, of the constitution of the state of Idaho, an executive department of state government.

[67-4218, added 1965, ch. 85, sec. 1, p. 139; am. 1972, ch. 65, sec. 2, p. 108; am. 1974, ch. 8, sec. 8, p. 35.]

67-4219. INTENT OF LEGISLATURE. It is the intent of the legislature that the department of parks and recreation shall formulate and put into execution a long range, comprehensive plan and program for the acquisition or leasing, planning, protection, operation, maintenance, development and wise use of areas of scenic beauty, recreational utility, historic, archaeological or scientific interest, to the end that the health, happiness, recreational opportunities and wholesome enjoyment of life of the people may be further encouraged. The department may fulfill this mission by operating a statewide system of parks and recreation programs or by entering into agreements with cities, counties, recreation districts or other political subdivisions or agencies of the state, the federal government, tribal governments, private landowners or nonprofit organizations, that further expand the public park and recreation opportunities available to the public. The legislature finds that the state of Idaho and its subdivisions should enjoy the benefits of federal lands and assistance programs for the planning and development of the outdoor recreational resources of the state, including the acquisition or leasing of lands and waters and interests therein in accordance with all other applicable laws, including applicable provisions of titles 42 and 43, Idaho Code. It is the purpose of this act to provide authority to enable the state of Idaho and its subdivisions to participate in the benefits of such lands and programs.

[67-4219, added 1965, ch. 85, sec. 2, p. 139; am. 1972, ch. 65, sec. 3, p. 108; am. 2002, ch. 225, sec. 1, p. 648.]

67-4221. PARK AND RECREATION BOARD -- MEMBERS -- APPOINTMENT -- TERMS -- HONORARIUMS AND EXPENSES -- MEETINGS AND QUORUMS -- REMOVAL OF MEMBERS. (a) There is hereby created a governing authority of the department to consist of a board of six (6) persons to be known as the "park and recreation board." Each member of the board shall be appointed by the governor of the state of Idaho, with the advice and consent of the senate, to serve a term of six (6) years, except the terms of the initial appointees shall commence on the date of appointment and shall be of staggered lengths so that a term of one (1) member will expire annually. Each member of the board shall be a qualified elector of the state. One (1) member of the board shall be appointed from each of the six (6) districts hereinafter created. Not more than three (3) members of the board shall be from any one (1) political party.

(b) For the purposes of this act, the state of Idaho is divided into six (6) districts, numbered from one (1) to six (6) as follows:

District No. 1 shall consist of the counties of Boundary, Bonner, Kootenai, Benewah and Shoshone.

District No. 2 shall consist of the counties of Latah, Clearwater, Nez Perce, Lewis and Idaho.

District No. 3 shall consist of the counties of Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore and Owyhee.

District No. 4 shall consist of the counties of Camas, Blaine, Gooding, Lincoln, Jerome, Minidoka, Twin Falls and Cassia.

District No. 5 shall consist of the counties of Bingham, Power, Bannock, Caribou, Oneida, Franklin, and Bear Lake.

District No. 6 shall consist of the counties of Lemhi, Custer, Clark, Fremont, Butte, Jefferson, Madison, Teton and Bonneville.

(c) The members of the board shall be compensated as provided by section [59-509](#)(h), Idaho Code.

(d) Each board member shall be entitled to one (1) vote and a majority of the members of the board shall constitute a quorum. The board shall hold regular meetings at least once each three (3) months and shall hold special meetings at such times as it deems necessary. All meetings of the board shall be open to the public. The board shall keep a record of its proceedings.

(e) A member of the board may be removed for inefficiency, neglect of duty, misconduct in office or if he is no longer a resident of the district from which he was appointed.

(f) This section shall be exempt from the provisions of section [59-102](#), Idaho Code.

[67-4221, added 1965, ch. 85, sec. 4, p. 139; am. 1972, ch. 65, sec. 4, p. 108; am. 1973, ch. 160, sec. 1, p. 305; am. 1978, ch. 373, sec. 1, p. 978; am. 1980, ch. 247, sec. 83, p. 648; am. 1991, ch. 156, sec. 1, p. 372.]

67-4222. POWERS AND DUTIES OF BOARD -- APPOINTMENT OF DIRECTOR -- EMPLOYEES -- MERIT SYSTEM -- SALARIES. (a) The park and recreation board shall administer, conduct and supervise the department of parks and recreation and shall have the powers and privileges of a corporation, including the right to sue and be sued in its own name.

(b) The board shall appoint a director to serve at its discretion. When appointed, the director shall be an ex officio member of the board and its secretary and administrative officer. He shall be bonded as required by the board and shall perform such duties as are in this act presented and as are delegated by the board. The director shall be selected upon the basis of executive ability, experience and training in park and recreational matters.

(c) The board shall authorize the employment of whatever staff it deems necessary for sound and economical administration of the department. The board shall adopt a merit system for all employees of the department. The director shall hire said persons who shall hold their respective positions subject to the rules of the merit system of the department. If a merit system is adopted for state employees, then the employees of the department shall be subject to the rules of such state merit system. The salaries and compensation of all persons employed by the department shall be fixed by the board and as otherwise provided by law.

[67-4222, added 1965, ch. 85, sec. 5, p. 139; am. 1972, ch. 65, sec. 5, p. 108.]

67-4223. POWERS OF BOARD. The park and recreation board shall:

(1) Adopt, amend or rescind rules as may be necessary for the proper administration of the provisions of section [67-4218](#), et seq., Idaho Code, and the use and protection of park and recreational areas subject to its jurisdiction. A violation of any rule promulgated by the board pursuant to this provision that concerns the use and protection of park and recreation areas is an infraction.

(2) Make expenditures for the acquisition, leasing, care, control, supervision, improvement, development, extension and maintenance of all lands under the control of the department and to make arrangements, agreements, contracts or commitments, which may or may not involve expenditures or transfer of funds, with the head of any state institution, department or agency for the improvement or development of lands or properties under the control of the board, or any other department or agency of the state of Idaho.

(3) Appoint advisory, local and regional park and recreational councils, to consider, study and advise in the work of the department for the extension, development, use and maintenance of any areas which are to be considered as future park or recreational sites or which are designated as park recreational areas.

(4) Appoint a six (6) member recreational vehicle advisory committee, who shall be compensated as provided in section [59-509](#)(f), Idaho Code, and act in an advisory capacity to the board on matters relating to the development and improvement of recreational vehicle related facilities and services as provided in subsection (5) of this section. Each member of the advisory committee shall be representative of recreational vehicle users with one (1) from each of the districts described in section [67-4221](#), Idaho Code. The terms of appointment shall be three (3) years, except that the initial appointees shall commence on the date of appointment and shall be of staggered lengths so that the term of two (2) members will expire annually.

(5) Administer the funds derived from the state recreational vehicle fund 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 fund 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 fund.

(6) Cooperate with the United States and its agencies and local governments of the state for the purpose of acquiring, leasing, supervising, improving, developing, extending or maintaining lands which are designated as state parks, state monuments or state recreational areas and to secure agreements or contracts with the United States and its agencies or local governments of the state for the accomplishment of the purposes of section [67-4218](#), et seq., Idaho Code.

(7) Construct, lease or otherwise establish public park or recreational privileges, facilities and conveniences and to operate said recreational services and to make and collect reasonable charges for their use or to enter into contracts for their operation. The board may discount fees in order to offer use incentives to generate additional revenue for operation of the state park system. The net proceeds derived shall be credited to the park and recreation fund established in section [67-4225](#), Idaho Code, and are hereby specifically appropriated to defray the cost of the public park or recreational services. The department is specifically authorized to enter into contracts with the United States and its agencies which require that the state expend any excess of revenue above expenses for improvements of the recreational or park area from which the excess was derived.

(a) The board may provide for waiver of fees to any resident of Idaho who is a disabled veteran and whose disability is rated at one hundred percent (100%) or higher, permanent and total.

(b) The board may provide for a reduction of no more than fifty percent (50%) of the fee charged for recreational vehicle camping, effective Monday night through Thursday night, for any senior citizen who possesses a valid federal "golden age passport" or other equivalent successor, as issued by a federally operated facility where an entrance fee is charged.

(c) If any state recognizes senior citizens by offering a special park pass for use in that state, the board may provide for a reduction of no more than fifty percent (50%) of the fee charged for recreational vehicle camping, effective Monday night through Thursday night, for any person who possesses such a state park pass.

(d) Nonresident fees for camping must be substantially double the same camping fees charged to residents at no fewer than five (5) state parks by January 1, 2022. Nonresident entry fees must be substantially double the same entry fees charged to residents at no fewer than five (5) state parks by January 1, 2022. A single park may have more than one (1) nonresident fee substantially doubled. Other than previously made reservations as of the effective date of this act, the minimum number of substantially doubled nonresident fees referenced in this paragraph must be in place by January 1, 2022. The board has the authority to increase fees for nonresidents beyond the fee caps established in the Idaho administrative code and other fees may also be increased for nonresidents if allowed by law and preexisting contractual obligations. Nothing in this paragraph limits the amounts or types of fees the board may charge nonresidents.

(8) Prepare, maintain and keep up to date a comprehensive plan for the provision of the outdoor recreational resources of the state; to develop, operate and maintain or enter into leases or agreements with local governments for the operation and maintenance of outdoor recreational areas and facilities of the state, and to acquire lands, waters and interests in lands and waters for such areas and facilities.

(9) Apply to any appropriate agency or officer of the United States for participation by the department or a political subdivision of the state or the receipt of aid from any federal program respecting outdoor recreation. It may enter into contracts and agreements with the United States or any appropriate agency thereof, keep financial and other records relating thereto and furnish to appropriate officials and agencies of the United States reports and information as may be reasonably necessary to enable officials and agencies to perform their duties under such programs. In connection with obtaining the benefits of any program, the park and recreation board shall coordinate its activities with and represent the interests of all agencies and subdivisions of the state having interests in the planning, development and maintenance of outdoor recreational resources and facilities.

(10) Obligate the state regarding the responsible management of any federal funds transferred to it for the purpose of any federal enactment and, in accordance with the exercise of this responsibility, the state hereby consents to be sued in any United States district court for the recovery of any federal funds that the responsible federal official, department or agency finds have been misused or disposed of contrary to the agreement with the federal official, department or agency or contrary to the provisions of federal enactment or applicable federal regulations.

(11) Cooperate and contract with and receive and expend aid, donations and matching funds from the government of the United States, receive and expend funds from the STORE and to receive and expend donations from other sources to acquire, develop, operate and maintain outdoor recreational areas and facilities of the state and, when authorized or directed by any act of congress or any rule or regulation of any agency of the government of the United States, to expend funds donated or granted to the state of Idaho by the federal government for such purposes.

Provided however, the park and recreation board shall make no commitment or enter into any agreement pursuant to an exercise of authority under section [67-4218](#), et seq., Idaho Code, until it has determined that sufficient funds are available to it for meeting the state's share, if any, of project costs. It is legislative intent that, to the extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this state under authority of section [67-4218](#), et seq., Idaho Code, such areas and facilities shall be publicly maintained for outdoor recreational purposes. The park and recreation board may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition and development projects involving participating federal-aid funds or state funds on behalf of any subdivision or subdivisions of this state. Provided, that the subdivision or subdivisions give necessary assurances to the park and recreation board that they have available sufficient funds to meet their shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of the subdivision or subdivisions for public outdoor recreational use.

(12) Establish, develop, supervise and maintain through cooperative agreement, lease, purchase or other arrangement the Idaho recreation trail system, with the advice of the coordinator created in section [67-4233](#), Idaho Code, and consistent with the goals of recreation, transportation and public access to outdoor areas.

(13) Enter into agreements with cities, counties, recreation districts or other political subdivisions of the state to cost-effectively provide recreational facilities, opportunities and services to the citizens of the state.

(14) Have the authority to regulate firearm discharges in state parks for the protection of the public. However, this subsection shall not apply to or affect a person discharging a firearm in the lawful defense of person, persons or property or to a person discharging a firearm in the course of lawful hunting. The possession or carrying of firearms is otherwise regulated by [chapter 33, title 18](#), Idaho Code.

(15) Enter into agreements with private, nonprofit public benefit corporations and other persons, corporations and entities, as may be appropriate, to assist the department in its efforts to secure long-term funding sources for the state park and recreation system to ensure state parks are preserved and open for public use and enjoyment. Such agreements may include, but shall not be limited to, memberships, corporate and individual sponsorships, the sale of advertising, and marketing agreements to fund or promote, in whole or in part, state park and recreation events, programs and facilities. The board may encourage sponsorships by providing appropriate recognition to sponsors consistent with the mission of the department of parks and recreation as set forth in section [67-4219](#), Idaho Code. All revenue received from such agreements shall be deposited into the park and recreation fund pursuant to section [67-4225](#), Idaho Code.

[67-4223, added 1965, ch. 85, sec. 6, p. 139; am. 1972, ch. 65, sec. 6, p. 108; am. 1974, ch. 300, sec. 3, p. 1763; am. 1985, ch. 184, sec. 3, p. 471; am. 1988, ch. 253, sec. 5, p. 491; am. 1988, ch. 265, sec. 585, p. 879; am. 1993, ch. 286, sec. 3, p. 975; am. 1995, ch. 40, sec. 1, p. 59; am. 1995, ch. 332, sec. 2, p. 1106; am. 1998, ch. 361, sec. 1, p. 1131; am. 2001, ch. 43, sec. 1, p. 80; am. 2002, ch. 225, sec. 2, p. 648; am. 2005, ch. 201, sec. 1, p. 609; am. 2006, ch. 229, sec. 2, p. 683; am. 2009, ch.

58, sec. 1, p. 162; am. 2015, ch. 335, sec. 1, p. 1265; am. 2021, ch. 92, sec. 1, p. 320.]

67-4223A. IDAHO STATE PARKS PASSPORT PROGRAM -- FEE. Upon payment of the fee as provided in section [49-402](#) (11), Idaho Code, the purchaser shall be authorized to enter all Idaho state parks without paying the motor vehicle entrance fee for either a one (1) or two (2) year period of time, dependent on the fee paid by the purchaser. The provisions of this section shall not preclude the department from continuing to sell daily and annual motor vehicle entrance passes to Idaho residents who choose not to participate in the Idaho state parks passport program and to any nonresident visiting Idaho state parks.

[67-4223A, added 2012, ch. 41, sec. 3, p. 130; am. 2013, ch. 354, sec. 5, p. 970; am. 2014, ch. 13, sec. 3, p. 21.]

67-4224. DUTY OF BOARD TO ACQUIRE, DEVELOP, AND MAINTAIN LAND -- TRANSFER OF JURISDICTION. It shall be the duty of the board to acquire in the name of the state of Idaho by gift, devise, purchase, agreement, or otherwise, such land as in its judgment may be necessary, suitable and proper for roadside picnic, recreational or park purposes and to control, develop and maintain such land and all existing state parks, state monuments and state recreational areas heretofore established, acquired or designated to be used for such purposes, except state historical monuments. Administrative jurisdiction over all parks, park areas and recreational sites and areas, except wildlife access sites operated by the department of fish and game and roadside picnic areas under the jurisdiction of the department of highways is hereby specifically transferred to the department of parks and recreation.

[67-4224, added 1965, ch. 85, sec. 7, p. 139; am. 1972, ch. 65, sec. 7, p. 108.]

67-4225. PARK AND RECREATION FUND. There is hereby created in the state treasury a fund to be known as the "park and recreation fund," which shall consist of all moneys received from the granting of concessions, the charging of rentals or other amounts received from whatever source by the state park and recreation department. The legislature shall appropriate all funds in the park and recreation fund. All moneys in the park fund, which is hereby abolished, on the effective date [July 1, 1972] of this act shall be credited to the park and recreation fund.

[67-4225, added 1965, ch. 85, sec. 8, p. 139; am. 1972, ch. 65, sec. 8, p. 108.]

67-4226. DIVISION OF PARKS AND RECREATION IN DEPARTMENT OF LAND ABOLISHED -- HEYBURN PARK APPROPRIATION TRANSFERRED. The division of parks and recreation in the department of land is hereby abolished and any appropriations made thereto or to the board of land commissioners for administration thereof and the appropriation made to the Heyburn State Park and any residual balances in the funds of the division or of the Heyburn State Park shall be transferred and made available for expenditure by the department of parks and recreation, hereby created, in the fiscal period commencing July 1, 1965, for the purposes of this act.

[67-4226, added 1965, ch. 85, sec. 9, p. 139; am. 1972, ch. 65, sec. 9, p. 108.]

67-4227. RIGHTS, DUTIES AND OBLIGATIONS TRANSFERRED. The rights, duties and obligations of the state board of land commissioners created by [chapter 5, title 58](#), and [chapter 42, title 67](#), Idaho Code, relating to parks, are hereby transferred to the park and recreation board of the department of parks and recreation.

[67-4227, added 1965, ch. 85, sec. 10, p. 139; am. 1972, ch. 65, sec. 10, p. 108.]

67-4228. POWER OF BOARD TO ACCEPT GIFTS. The board, on behalf of the department of parks and recreation of the state of Idaho, is specifically empowered to receive any and all gifts, grants or endowments of real or personal property, or both, from any and all persons, firms, organizations, corporations, agencies of government and otherwise, on such terms and conditions as the board shall deem reasonable and acceptable.

[67-4228, added 1965, ch. 85, sec. 11, p. 139; am. 1972, ch. 65, sec. 11, p. 108.]

67-4229. IDAHO VETERANS MEMORIAL PARK CREATED -- LOCATION. There is hereby created a state park to be known and designated as the Idaho Veterans Memorial Park, located in Ada County and particularly described as follows:

All that lot, piece or parcel of land situate lying and being in the SE1/4 of Section 32, T. 4 N., R. 2 E., B.M., Ada County, Idaho, bounded as follows:

Beginning at a point in the Valley Road distant North 1°50' West 1,870 feet from the Section corner to Sections 32 and 33, T. 4 N., R. 2 E., and Sections 4 and 5, T. 3 N., R. 2 E., which point is a flat iron bar firmly driven in the ground and distant North from the fence of H.T. West 34 feet, said fence being on the South side of the said Valley Road. From this point said boundary line runs South 33°50' West on a center line of a row of Poplar trees 826 feet; thence South 46°35' East 14.60 feet; thence South 33°50' West 840 feet to a point on the North bank of the Boise River; thence North 46°35' West 14.60 feet along said river; thence North 57°45' West 186 feet along said river; thence North 72°55' West 260 feet along said river; thence South 89°45' West 96 feet along said river; thence South 63°27' West 154 feet along said river to a point on said Bar 10 feet distant from South Bank of Ditch, coming out of Boise River; thence North 70°36' West 288 feet along said Sand Bar; thence North 59°50' West 220 feet along said Sand Bar; thence North 43°05' East 2169 feet to a point on the Valley Road distant 32.50 feet North of said H.T. West fence and indicated by an iron pipe 1 1/2 inches in diameter driven firmly in the ground; thence South 46°55' East 756 feet to a point or place of beginning.

Except ditches, laterals, and public roads. Also excepting Boise Central Railway Co. right of way, as described in deed recorded in Book 26 of Deeds at page 139, records of Ada County, Idaho.

[67-4229, added 1971, ch. 125, sec. 1, p. 486.]

67-4229B. HARRIMAN STATE PARK -- FINANCING IMPROVEMENTS. Notwithstanding any law to the contrary, the board is authorized to enter into a

lease-purchase obligation or other financing obligation, in a principal amount not to exceed five hundred thousand dollars (\$500,000), for the design, construction and equipping of facilities for public recreational use within Harriman state park, under terms, conditions and covenants as the board may approve by resolution. The purpose of the facilities is to provide educational and recreational opportunities for park users while generating revenue to assist with operation of the park. The park trust fund for Harriman state park, or so much of that fund as may be required in the judgment of the board, is continuously appropriated for the purpose stated in this section. Any obligation entered into shall be payable solely from user fees for the facilities within Harriman state park deposited into the park trust fund for Harriman state park and shall not be a debt or obligation of the state. The holder or holders of the debt or obligation shall not have the right to compel any exercise of the taxing power of the state to pay the debt or obligation or the interest on the debt or obligation.

[67-4229B, added 1998, ch. 75, sec. 1, p. 273.]

67-4230. PARK MANAGEMENT -- ALIENATION OF LAND. From and after the effective date of this act, control, management and administration of the Idaho Veterans Memorial Park shall be vested in the Idaho park and recreation board. The Idaho Veterans Memorial Park shall be maintained as a state park for the use of all the people, and no part, parcel or interest therein shall be alienated without the consent of the legislature; provided, however, that the Idaho park and recreation board may sell, transfer or convey a right of way, easement or parcel of land on the northwest boundary of said property for use as a public highway.

[67-4230, added 1971, ch. 125, sec. 2, p. 486; am. 1972, ch. 140, sec. 1, p. 307, am. 1974, ch. 8, sec. 10, p. 35.]

67-4231. HIGHEST USE -- EMINENT DOMAIN. The legislature hereby declares that the highest and best use of the property described in section [67-4229](#), Idaho Code, is as a state park. The Idaho park and recreation board may, in its sound discretion, exercise the power of eminent domain to condemn any uses or interests in said property which are or may be inconsistent with the purposes of this act.

[67-4231, added 1971, ch. 125, sec. 3, p. 486; am. 1974, ch. 8, sec. 11, p. 35.]

67-4232. RECREATION TRAILS SYSTEM -- DEFINITIONS. As used in this act, the following terms have the following meanings:

- (a) "System" means the network of trails and trail segments, together with their right of ways, designated by the procedures described in this act;
- (b) "Trails" mean a corridor or route for nonmotorized travel;
- (c) "Local governments" mean counties, cities, school districts, special districts, and other municipal or political corporations of the state of Idaho;
- (d) "Department" means the Idaho state parks and recreation department; and
- (e) "Board" means the Idaho parks and recreation board.

[67-4232, added I.C., sec. 67-4232, as added by 1974, ch. 300, sec. 4, p. 1763.]

67-4233. IDAHO RECREATION TRAILS COORDINATOR. The Idaho recreation trails coordinator is hereby established within the department of parks and recreation. The coordinator shall advise the board and other agencies and entities on matters relating to the system, including the designation and establishment of trails.

[67-4233, added I.C., sec. 67-4233, as added by 1974, ch. 300, sec. 5, p. 1763.]

67-4234. DUTIES OF COORDINATOR. (1) The coordinator shall advise the board on the development of the system. Trails within the system shall be designated as one (1) or more of the following: hiking, horseback riding, bicycling, snow traveling, or other nonmotorized travel.

(2) The coordinator, in advising the board, shall be guided by the following principles:

(a) emphasis shall be placed on routes located on public lands, but not to the exclusion of private lands;

(b) effort shall be made to maximize the accessibility of trails to potential users;

(c) there shall be utilization of public meetings to secure citizen advice; and

(d) effort shall be made to develop trails which will harmonize with other state goals, such as education and historical preservation.

(3) The coordinator shall advise the board on necessary legislation to further the development of the system.

[67-4234, added I.C., sec. 67-4234, as added by 1974, ch. 300, sec. 6, p. 1763.]

67-4235. PENALTY FOR DEFACING OR DESTROYING TRAIL. Any person who defaces or destroys a trail within the system or appurtenances thereto is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500), or imprisonment not exceeding six (6) months, or both.

[67-4235, added 1974, ch. 300, sec. 7, p. 1763.]

67-4236. APPROPRIATION -- USE OF AVAILABLE MONEYS -- INDEMNIFICATION OF OWNERS OF LAND ADJACENT TO TRAILS. There is hereby appropriated from the general fund to the Idaho department of parks and recreation the sum of twenty-four thousand two hundred dollars (\$24,200), or so much thereof as may be necessary, for the purpose of implementing the provisions of this act. In addition, the department may use any portion of moneys made available to it by any federal agency which may be used for such purposes, including matching funds, as the department determines are necessary or desirable to carry out the provisions of this act. The department may receive and may encourage the receipt of donated funds or property from individuals, groups, or organizations for specified or nonspecified use in connection with the acquisition, development, maintenance, and administration of trails. The department, if it considers it advisable, may provide under its rules and regulations that a portion of the donated funds received for nonspecified

purposes may be used to grant to an owner of private land, adjacent to a trail, indemnification for damage clearly caused to his land, and property thereon, by users of the trail, for which the landowner has been unable to recover from the user who caused the damage.

[67-4236, added 1974, ch. 300, sec. 8, p. 1763.]

67-4237. PARKING VIOLATIONS. (1) If any vehicle, as defined in [chapter 1, title 49](#), Idaho Code, is stopped, standing, or parked in an illegal or unauthorized manner within a state park and the operator cannot be identified readily, the fact that the vehicle is registered or leased in the name of a person shall be prima facie evidence that such person was in control of the vehicle at the time it was parked, unless that person can prove to the satisfaction of the court the vehicle was driven and stopped, placed or parked by an unauthorized person.

(2) The provisions of this section shall be enforced by commissioned peace officers of the Idaho state police, qualified employees of the department of parks and recreation delegated with enforcement authority by the director of the department of parks and recreation pursuant to section [67-4239](#), Idaho Code, the sheriff and his deputies of any county in the state and any peace officer of the state of Idaho.

(3) Any violation of the provisions of this section shall be an infraction and punishable as provided in section [18-113A](#), Idaho Code.

[67-4237, added 1984, ch. 233, sec. 1, p. 563; am. 2000, ch. 469, sec. 136, p. 1597; am. 2006, ch. 221, sec. 1, p. 660.]

67-4238. AUTHORITY OF DIRECTOR TO ENTER INTO AGREEMENTS. (1) In order to further the interpretive and educational functions of recreation facilities in the state of Idaho, the director of the Idaho department of parks and recreation may on behalf of the department, enter into agreements with private nonprofit scientific, historic or educational organizations organized in whole or in part for the purpose of providing interpretive services to recreation facilities in Idaho.

(2) An organization entering into an agreement with the director under subsection (1) of this section may:

- (a) Provide educational or interpretive material for sale at a recreation facility;
- (b) Acquire display materials and equipment for exhibits at a recreation facility;
- (c) Provide support for special recreation facility interpretive programs or environmental education programs;
- (d) Support recreation facility libraries;
- (e) Provide support for other interpretive projects related to a specific recreation facility.

(3) If the director enters into an agreement with a private organization under subsection (1) of this section, the Idaho department of parks and recreation may:

- (a) Provide incidental personnel services to the organization's interpretive program; and
- (b) Provide space at a recreation facility for the interpretive materials provided by the organization.

(4) Any money received from the sale of publications or other materials provided by an organization pursuant to an agreement entered into under this

section shall be retained by the organization for use in the interpretive or educational services of the recreation facility for which the organization provides interpretive services.

(5) As used in this section, "recreation facility" includes, but is not limited to, state parks and all recreational, historical and scenic attractions owned or under the control of the state of Idaho and administered by the Idaho department of parks and recreation.

(6) The Idaho department of parks and recreation board shall adopt rules and regulations necessary to carry out the purpose of this section. The rules shall include but need not be limited to:

- (a) Procedures and forms to be used by an organization desiring to enter into an agreement with the director under this section.
- (b) Guidelines for approving the interpretive material an organization proposes to provide to a recreation facility; and
- (c) Provisions for renewing or dissolving an agreement between an organization and the director.

[67-4238, added 1987, ch. 160, sec. 1, p. 315.]

67-4239. ENFORCEMENT AUTHORITY. (1) The director of the department of parks and recreation may issue Idaho uniform citations, as provided for by the rules of the court for the magistrates division of the district court and the district court, to violators of [title 67](#), chapters 42 (state parks), 70 (safe boating act), 71 (recreational activities) and 75 (marine sewage disposal act), Idaho Code, and rules adopted under those chapters, within properties owned or managed by the department. The director may delegate this authority to qualified employees of the department.

(2) The department of parks and recreation shall develop, with the guidance and approval of the peace officers standards and training academy, an appropriate training course for employees applicable to issuing citations as authorized and delegated in this section. The director shall ensure, before delegating authority under this section, that employees successfully complete the training course.

[67-4239, added 2000, ch. 357, sec. 1, p. 1192; am. 2003, ch. 128, sec. 1, p. 379.]

67-4240. LEGISLATIVE INTENT. The legislature finds that in order to obtain the maximum long-term benefits to the people of Idaho, it is necessary for lands of outstanding park and recreation potential to be acquired and incorporated into the state park system in the most economical manner possible.

The legislature further recognizes that the land assets of the department must be reviewed from time to time to determine whether such assets are most suitable for achieving the department's objectives. If such assets are unsatisfactory for the purpose of providing outstanding park and recreation opportunities or because of geographic location or other factors are inefficient to manage, then such assets should be replaced by other, more suitable assets so that the full potential of the state park system shall be realized.

The purpose of this chapter is to provide a means to facilitate the disposition, by the parks and recreation board, of unsuitable park and recreation lands, and the acquisition of lands to improve the overall park and recreation opportunities offered by the state park system.

[67-4240, added 1989, ch. 386, sec. 1, p. 962.]

67-4241. PARK LAND TRUST -- CREATED -- ACQUISITION OF PROPERTY AUTHORIZED. The parks and recreation board may, by gift, purchase, agreement, device, donation, or otherwise, acquire property to be held by the department in a park land trust. The department may place any lands under its jurisdiction, where not prevented by deed or other restriction, in the park land trust.

[67-4241, added 1989, ch. 386, sec. 2, p. 962.]

67-4242. EXCHANGE OR SALE OF PROPERTY HELD IN PARK LAND TRUST. The parks and recreation board may:

(1) Exchange property held in the park land trust for any lands of equal value which it administers, provided such exchange is not prohibited by title restrictions on such lands;

(2) Exchange property held in the park land trust for property of equal or greater value which is owned publicly or privately and which has greater potential for park and recreation purposes, property which could be more efficiently managed by the department, or property which could be traded for other lands with high park and recreation potential. No power of eminent domain is hereby granted to the department;

(3) Sell property held in the park land trust as provided in section [67-4227](#), Idaho Code, at a price not less than its appraised value, and use the proceeds from such sale to acquire property for the park land trust which has substantial potential for park and recreation purposes, which can be efficiently managed by the department, or which can be traded for other lands with high park and recreation potential.

[67-4242, added 1989, ch. 386, sec. 3, p. 962.]

67-4243. CONTROL, MANAGEMENT, AND ADMINISTRATION OF PROPERTY HELD IN PARK LAND TRUST. The department of parks and recreation shall control, manage, and administer the property held in the park land trust as provided in [chapter 42, title 67](#), Idaho Code. The department of parks and recreation shall, on all lands that were subject to ad valorem taxes on the day prior to the date of acquisition by the park land trust, consult with the county commissioners to determine impact of the acquisition and consider an in lieu of fee as if the lands had continued to be subject to ad valorem taxes.

[67-4243, added 1989, ch. 386, sec. 4, p. 963.]

67-4244. APPROPRIATION -- USE OF INCOME. The legislature may authorize an appropriation of moneys in the park lands account, which is hereby created in the agency asset fund of the state treasurer, for the purposes of this chapter. Income from the sale or management of property in the park land trust shall be returned as a recovered expense to the park land account and may be used to acquire property under section [67-4224](#), Idaho Code. All interest earned on idle moneys in the park land account shall accrue to that account.

[67-4244, added 1989, ch. 386, sec. 5, p. 963.]

67-4245. SHORT TITLE. This act shall be known as the "State Trust for Outdoor Recreation Enhancement (STORE) Act."

[67-4245, added 1995, ch. 332, sec. 1, p. 1104.]

67-4246. LEGISLATIVE INTENT. The legislature finds that outdoor recreation is a primary force in providing important social, personal, resource, and economic benefits to the people of Idaho. The legislature further recognizes that in order to obtain the optimum benefit to the people of Idaho, it is necessary to create a reliable source of revenues which will provide funding for capital improvements, repairs, renovations, land acquisition and a recreation incentive program which will enhance Idaho's local and state park and outdoor recreation opportunities and which will provide alternative activities (to crime or delinquency) for youth and young adults in cooperation with Idaho's education and law enforcement agencies. The purpose of this act is to establish a trust fund that will generate sufficient revenue to provide stable funding to address Idaho's outdoor recreation needs.

[67-4246, added 1995, ch. 332, sec. 1, p. 1104.]

67-4247. STATE TRUST FUND FOR OUTDOOR RECREATION ENHANCEMENT -- CREATION, ADMINISTRATION, ELIGIBLE RECIPIENTS. (1) There is hereby created and established in the state treasury a fund to be known and designated as the "state trust for outdoor recreation enhancement (STORE)." The park and recreation board may dedicate funds acquired by gift, agreement, donation, appropriation or otherwise to the STORE fund.

(2) Commencing with the passage and approval of this act, all interest income from the STORE fund is hereby appropriated to, and is to be administered by, the park and recreation board for the purpose of carrying out the provisions of this act.

(a) Up to fifteen percent (15%) of the STORE fund interest income appropriated to the department each year may be used by the department to defray STORE program administrative costs. Any moneys unused at the end of the fiscal year shall be returned to the state treasurer for deposit in the STORE fund.

(b) The park and recreation board may return interest income to the STORE fund to increase the trust principal.

(3) The department shall use the moneys appropriated from the interest income on the STORE fund to:

(a) Operate a grant program to fund capital improvements, repairs, renovations, and land acquisitions that enhance opportunities for outdoor recreation. Indoor swimming pools and indoor ice rinks shall be eligible to receive grant funding provided use is primarily for public recreation. Grant recipients shall be required to provide a fifty percent (50%) match for all grants.

(b) Organize and operate a recreation incentive program to initiate positive growth activities for children and young adults and which will assist rural communities to meet the growing demand for recreation services.

(4) The state of Idaho and any of its subdivisions legally authorized to provide public recreation facilities may apply for and receive grant funds.

(5) Because public, private, and corporate moneys will be contributed to the STORE fund, it is the intent of the legislature to protect the STORE

fund against appropriations for purposes other than those stated in this act.

[67-4247, added 1995, ch. 332, sec. 1, p. 1104; am. 1996, ch. 61, sec. 1, p. 178.]

67-4248. MANAGEMENT OF FUNDED PROJECTS AND LANDS. (1) Grant recipients must enter into a contract with the park and recreation board which specifies that all property acquired, developed, repaired, renovated or improved with grant funds from the STORE shall be held in perpetuity for outdoor recreation by the grant recipient.

(a) Upon approval from the park and recreation board, trails acquired, developed, repaired, renovated or improved through STORE grant funds may be exempted from this requirement.

(b) Property acquired, developed, repaired, renovated or improved with STORE grant funds, and all recreation incentive programs funded by monies from the STORE, shall be operated and maintained as being open and available for public use.

(2) Upon approval from the park and recreation board, property acquired, developed, renovated or improved through STORE may be converted to non-recreation purposes when, in the board's opinion, all practical alternatives to the conversion have been evaluated and rejected on a sound basis, there is not irreparable damage caused to the state's recreation infrastructure as a result of the proposed action, the grant recipient has provided for ample public involvement in the conversion, and the recreation utility lost is mitigated by the grant recipient.

(a) Conversions generally occur when property interests are conveyed for nonpublic outdoor recreation use, nonoutdoor recreation uses (public or private) are made of the project area or a portion thereof, noneligible outdoor recreation facilities are developed within the project area, or public outdoor recreation use is terminated.

(b) The following are not considered conversions but require the approval of the park and recreation board: (i) granting underground utility easements which do not have significant impact upon the recreation utility of the facility; and (ii) constructing public indoor recreation facilities where it can be demonstrated that there is an increased benefit to public recreational opportunities without a decrease in the outdoor recreation utility of the STORE assisted area.

(c) The project sponsor may mitigate the conversion by replacing the loss of recreation utility caused by the conversion or by reimbursing the STORE the fair market value of converted property as developed. The reimbursement shall be returned to the STORE fund for redistribution.

(d) Recreation utility shall be established by the fair market value of the property to be converted, the type and amount of use occurring on the property, equivalent usefulness and location of converted property and other factors the park and recreation board may consider relevant and may be mitigated by placing land previously not in recreation use into recreation use or by improving recreation opportunities on previously developed land commensurate to the loss of recreation utility caused by the conversion.

(3) The department may, by rule, impose a fee to defray the department's cost of administration and management of this replacement process.

[67-4248, added 1995, ch. 332, sec. 1, p. 1105.]

67-4249. RULES. The Idaho park and recreation board shall adopt rules as necessary to administer the provisions of this act in accordance with legislative intent.

[67-4249, added 1995, ch. 332, sec. 1, p. 1106.]