

IDAHO ADMINISTRATIVE BULLETIN

August 5, 2026 – Vol. 26-8

Office of the Governor
Division of Financial Management
Office of the Administrative Rules Coordinator



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PREFACE

The Idaho Administrative Bulletin is an electronic-only, online monthly publication of the Office of the Administrative Rules Coordinator, Division of Financial Management, that is published pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all official rulemaking notices, official rule text, executive orders of the Governor, and all legislative documents affecting rules that are statutorily required to be published in the Bulletin. It may also include other rules-related documents an agency may want to make public through the Bulletin.

State agencies are required to provide public notice of all rulemaking actions and must invite public input. This is done through negotiated rulemaking procedures or after proposed rulemaking has been initiated. The public receives notice that an agency has initiated proposed rulemaking procedures through the Idaho Administrative Bulletin and a legal notice (Public Notice of Intent) that publishes in authorized newspapers throughout the state. The legal notice provides reasonable opportunity for the public to participate when a proposed rule publishes in the Bulletin. Interested parties may submit written comments to the agency or request public hearings of the agency, if none have been scheduled. Such submissions or requests must be presented to the agency within the time and manner specified in the individual “Notice of Rulemaking - Proposed Rule” for each proposed rule that is published in the Bulletin.

Once the comment period closes, the agency considers fully all comments and information submitted regarding the proposed rule. Changes may be made to the proposed rule at this stage of the rulemaking, but changes must be based on comments received and must be a “logical outgrowth” of the proposed rule. The agency may now adopt and publish the pending rule. A pending rule is “pending” legislative review for final approval. The pending rule is the agency’s final version of the rulemaking that will be forwarded to the legislature for review and final approval. Comment periods and public hearings are not provided for when the agency adopts a temporary or pending rule.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is identified by the calendar year and issue number. For example, Bulletin **22-1** refers to the first Bulletin issued in calendar year **2022**; Bulletin **24-1** refers to the first Bulletin issued in calendar year **2024**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **22-1** refers to January 2022; Volume No. **24-2** refers to February 2024; and so forth. Example: The Bulletin published in January 2022 is cited as Volume **22-1**. The December 2022 Bulletin is cited as Volume **22-12**.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

The **Idaho Administrative Code** is an electronic-only, online compilation of all final and enforceable administrative rules of the state of Idaho that are of full force and effect. Any temporary rule that is adopted by an agency and is of force and effect is codified into the Administrative Code upon Bulletin publication. All pending rules that have been approved by the legislature during the legislative session as final rules and any temporary rules that are extended supplement the Administrative Code. These rules are codified into the Administrative Code upon becoming effective. Because proposed and pending rules are not enforceable, they are published in the Administrative Bulletin only and cannot be codified into the Administrative Code until approved as final.

To determine if a particular rule remains in effect or whether any amendments have been made to the rule, refer to the [Cumulative Rulemaking Index](#). Link to it on the Administrative Rules homepage at adminrules.idaho.gov.

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Idaho Administrative Procedure Act, [Title 67, Chapter 52, Idaho Code](#), comprises distinct rulemaking actions: negotiated, proposed, temporary, pending, and final rulemaking. Not all rulemakings incorporate or require all of these actions. For a rule to become final, at a minimum, a rulemaking includes proposed, pending, and final rulemaking. Some rules may be adopted as temporary rules when they meet the required statutory criteria. Agencies must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. In some cases, the process may begin with proposed rulemaking and end with the final rulemaking. The following is a brief explanation of each type of rule.

1. NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so. The agency files a “Notice of Intent to Promulgate – Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

2. PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a “Notice of Rulemaking – Proposed Rule” in the Bulletin. This notice must include very specific information regarding the rulemaking including all relevant state or federal statutory authority occasioning the rulemaking, a non-technical description of the changes being made, any associated costs, guidance on how to participate through submission of written comments and requests for public hearings, and the text of the proposed rule in legislative format.

3. PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule. When a pending rule is published in the Bulletin, the agency is required to include certain information in the “Notice of Rulemaking – Pending Rule.” This includes a statement giving the reasons for adopting the rule, a statement regarding when the rule becomes effective, a description of how it differs from the proposed rule, and identification of any fees being imposed or changed.

Agencies are required to republish the text of the pending rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule.

4. FINAL RULEMAKING

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures, has been approved by the legislature, and is of full force and effect.

5. TEMPORARY RULEMAKING

Temporary rules may be adopted only when the governor finds that:

- a) an imminent threat to the public health, safety, or welfare from a specified danger that was unknown to the agency prior to or during the most recent session of the legislature or from the measurable worsening of such threat or danger;
- b) compliance with deadlines in amendments to governing law;
- c) reducing a regulatory burden that would otherwise impact individuals or businesses;
- d) protection of citizens’ rights; or
- e) a natural disaster.

If a rulemaking meets one or more of these criteria, the Governor must publish a statement as to why an earlier effective date is required prior to receiving legislative authorization. The agency may then adopt a temporary rule to make it immediately effective or choose a later effective date. A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is extended by concurrent resolution, is replaced by a final rule, or expires under its own terms or operation of law. An agency cannot adopt the same or substantially similar temporary rule unless (a) the Governor finds it is necessary due to an imminent threat to the public health, safety, or welfare, (b) 90 days have elapsed since the previous rule expiration, or (c) the Governor issues a declaration of a disaster emergency in state law. Agencies must concurrently promulgate a temporary rule and a proposed rule showing changes from the final rule when the text of the two rulemakings is the same, unless the temporary rule will expire before a proposed rule could become final.

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the **Idaho Administrative Bulletin** are organized by a numbering schematic. Each state agency has a two-digit identification code number known as the **“IDAPA”** number. (The **“IDAPA”** Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or sections to which a two-digit **“TITLE”** number is assigned. There are **“CHAPTER”** numbers assigned within the Title and the rule text is divided among major sections that are further subdivided into subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.041.02.c.ii.

“IDAPA” refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

“38.” refers to the Idaho Department of Administration

“05.” refers to Title **05**, which is the Department of Administration’s Division of Purchasing

“01.” refers to Chapter **01** of Title **05**, “Rules of the Division of Purchasing”

“041.” refers to Major Section **041**, “Acquisition Procedures”

“02.” refers to Subsection **041.02**.

“c.” refers to Subsection **041.02.c**.

“ii.” refers to Subsection **041.02.c.ii**.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. Each rulemaking that is filed with the Coordinator is assigned a **“DOCKET NUMBER.”** The docket number is a series of numbers separated by a hyphen **“-”**, (**38-0501-2201**). Rulemaking dockets are published sequentially by IDAPA number (the two-digit agency code) in the Bulletin. The following example is a breakdown of a typical rule docket number:

“DOCKET NO. 38-0501-2201”

“38-” denotes the agency's **IDAPA** number; in this case the Department of Administration.

“0501-” refers to the **TITLE AND CHAPTER** numbers of the agency rule being promulgated; in this case the Division of Purchasing (**TITLE 05**), Rules of the Division of Purchasing (**Chapter 01**).

“2201” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in **calendar year 2022**. A subsequent rulemaking on this same rule chapter in calendar year 2022 would be designated as **“2202”**. The docket number in this scenario would be **38-0501-2202**.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section **“200”** appears before Section **“345”** and so on). Whenever the sequence of the numbering is broken, the following statement will appear:

(BREAK IN CONTINUITY OF SECTIONS)

REGULATORY ANALYSIS FOR 8 YEAR REVIEW SCHEDULE IS DUE ANNUALLY BY MARCH 1ST

RULEMAKING DEADLINES CY 2026

BULLETIN MONTH / VOL.	FEB 26-2	MAR 26-3	APR 26-4	MAY 26-5	JUN 26-6	JUL 26-7	AUG 26-8	SEPT 26-9	OCT 26-10	NOV 26-11	DEC 26-12	JAN '27 27-1
ARRF DUE	Dec 26	Jan 23	Mar 6	April 10	April 17	May 15	June 19	July 17	Aug 14	Sept 18	Oct 16	Nov 20
AGENCY FILING DUE	Jan 9	Feb 6	Mar 13	April 17	May 1	May 29	July 7	July 31	*Aug 28	Oct 2	Oct 30	**Dec 4
BULLETIN PUBLISHED	Feb 4	Mar 4	April 1	May 6	June 3	July 1	Aug 5	Sept 2	Oct 7	Nov 4	Dec 2	Jan 6
21-DAY COMMENT ENDS	Feb 25	Mar 25	April 22	May 27	June 24	July 22	Aug 26	Sept 23	Oct 28	Nov 25	Dec 23	Jan 27

**August 28, 2026: Last day to submit a Proposed Rule for the upcoming Legislature*

***December 4, 2026: Last day to submit a Pending Rule for the upcoming Legislature*

RULEMAKING DEADLINES CY 2027

BULLETIN MONTH / VOL.	FEB 27-2	MAR 27-3	APR 27-4	MAY 27-5	JUN 27-6	JUL 27-7	AUG 27-8	SEPT 27-9	OCT 27-10	NOV 27-11	DEC 27-12	JAN '28 28-1
ARRF DUE	Dec 24	Jan 22	Feb 26	Mar 26	April 23	May 21	June 18	July 16	Aug 20	Sept 24	Oct 22	Nov 19
AGENCY FILING DUE	Jan 8	Feb 5	Mar 12	April 9	May 7	Jun 4	July 2	July 30	*Sept 3	Oct 8	Nov 5	**Dec 3
BULLETIN PUBLISHED	Feb 3	Mar 3	April 7	May 5	June 2	July 7	Aug 4	Sept 1	Oct 6	Nov 3	Dec 1	Jan 5
21-DAY COMMENT ENDS	Feb 24	Mar 24	April 28	May 26	June 23	July 28	Aug 25	Sept 22	Oct 27	Nov 24	Dec 22	Jan 26

**September 3, 2027: Last day to submit a Proposed Rule for the upcoming Legislature*

***December 3, 2027: Last day to submit a Pending Rule for the upcoming Legislature*

[Access to DFM's Administrative Rules Request Form \(ARRF\)](#)

[Access to Idaho Rule Writer's Manuals](#)

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IDAPA 20	Lands , Idaho Department of

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IDAPA 60	Soil and Water Conservation Commission, Idaho State
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IDAPA 47	Vocational Rehabilitation, Division of
IDAPA 37	Water Resources, Department of
IDAPA 42	Wheat Commission, Idaho

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-2603

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

GOVERNOR’S STATEMENT: An earlier effective date prior to legislative review is required in accordance with the provisions of Idaho Code Section [67-5226\(2\)\(b\)](#) because it is necessary to comply with governing law.

EFFECTIVE DATE: The effective date of the temporary rule is August 5, 2026.

AUTHORITY: In compliance with Idaho Code Sections [67-5221\(1\)](#) and [67-5226](#) notice is hereby given that this agency has adopted a temporary rule and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Idaho Code Sections [33-116](#), [33-118](#), [33-1612](#), [33-1619](#), [33-5202A](#), and [33-5206](#).

PUBLIC HEARING SCHEDULE: Public hearing concerning this rulemaking will be held as follows:

Tuesday, October 20, 2026 9:00 a.m. (MT)
In Person: 650 W State St. Boise, ID 83702 3rd Floor, OSBE Conference Room
Zoom: https://us02web.zoom.us/j/84706719357 Meeting ID: 847 0671 9357

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The State Board of Education is adopting a temporary and proposed rule to implement [House Bill 624](#) (2026), which establishes requirements related to the oversight of supplemental learning funds for virtual schools.

The rule establishes a framework for determining eligible educational expenses to support student participation in virtual instruction. It defines eligibility standards aligned to Idaho content standards, identifies categories of allowable educational expenses, and establishes limitations on non-allowable uses.

The rule also clarifies processes for virtual schools, including direct payment to vendors, the determination of eligible expenses, and expectations for documentation and oversight.

As a temporary rule, this action provides immediate guidance and consistency for implementation while allowing for additional refinement through the rulemaking process.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: NA.

NEGOTIATED RULEMAKING: Pursuant to Idaho Code Section [67-5220\(1\)](#), negotiated rulemaking was not formally conducted, and a Notice of Intent to Promulgate Rules for negotiated rulemaking was not published.

However, the State Board of Education engaged in informal stakeholder outreach during development of the rule. A public stakeholder meeting was held on June 9, 2026, to solicit feedback on the draft rule, and written comments were accepted as part of the rulemaking process.

INCORPORATION BY REFERENCE: Pursuant to Idaho Code Section [67-5229\(2\)\(a\)](#) the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Nicholas Wagner at rules@edu.idaho.gov, 208-488-7586.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2026.

DATED this 5th day of August, 2026.

Nicholas Wagner
Agency Rules Coordinator, Idaho State Board of Education
650 W State St., PO Box 83720, Boise, ID 83720-0037
Phone: (208)488-7586; Fax: (208)334-2632

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 08-0203-2603
(Only Those Sections With Amendments Are Shown.)**

08.02.03 – RULES GOVERNING THOROUGHNESS

000. LEGAL AUTHORITY.

Article IX, Section 2 of the Idaho Constitution and Sections [33-116](#), [33-118](#), ~~and [33-1612](#)~~, [33-1619](#), [33-5202A](#), and [33-5206](#) Idaho Code. ~~(7-1-26)~~[\(8-5-26\)T](#)

(BREAK IN CONTINUITY OF SECTIONS)

129. SUPPLEMENTAL LEARNING FUNDS: ELIGIBLE EDUCATIONAL EXPENSES FOR VIRTUAL SCHOOLS.

01. Purpose. The purpose of this rule is to establish uniform criteria for virtual schools to utilize supplemental learning funds for eligible educational expenses, as needed by public school students to engage with the virtual school, including general and elective online courses, and in alignment with Idaho content standards and appropriate use of public funds. ~~(8-5-26)T~~

02. Definitions. For purposes of this section, “supplemental learning funds” and “eligible educational expenses” use the definitions provided in Section 33-5206(8)(m), Idaho Code. ~~(8-5-26)T~~

a. Instructional materials. Items necessary for the delivery and assessment of instruction, including

but not limited to curricular materials as defined in Section 33-188A, Idaho Code, consumable materials, manipulatives, and portable instructional equipment. (8-5-26)T

b. Technological equipment and services. Hardware, software, digital tools, connectivity and related services that are primarily used to access, participate in, support, deliver, or complete virtual education. (8-5-26)T

c. Accessibility resources. Any item or service needed to address accommodations outlined in a student's individual educational program or Section 504 plan, including but not limited to equipment, technology, and therapies provided by a licensed therapist, beyond what is outlined in the student's individual education program or Section 504 plan. (8-5-26)T

d. Direct payment. Payment made directly from a virtual school to a vendor to cover the cost of an educational expense related to an online course previously deemed eligible by meeting the requirements set forth in this rule. (8-5-26)T

e. Vendor. A business registered with the Idaho Secretary of State or having a federal EIN number that provides an item or service. The parent or guardian of the student for whom supplemental funds are used is prohibited from acting as a vendor for purposes of this rule. (8-5-26)T

f. Online course. A course of study delivered through virtual instruction, as defined in Section 33-1612(1)(c), Idaho Code, for which a student may earn credit and for which an individual certified to teach in Idaho and endorsed in the relevant content area oversees student progress and determines successful course completion. (8-5-26)T

g. Home district. The traditional, public school district a student is assigned to based on their address. (8-5-26)T

03. General Eligibility Standard. (8-5-26)T

a. Required for Online Course Participation. Expenses for online courses are eligible for purchase by virtual schools if: (8-5-26)T

i. The course is aligned to Idaho content standards; or (8-5-26)T

ii. Is necessary for the student to receive educational instruction in an online course; or (8-5-26)T

iii. Provides an accommodation or support based on an established individual education program or Section 504 plan beyond the minimum provision required of the school under the Individuals with Disabilities Education Act (IDEA). (8-5-26)T

iv. An expense that has qualified based on Subsection 03.a.i. or 03.a.ii. or 03.a.iii. must also be: (8-5-26)T

(1) Fully covered by direct payment to a vendor or reimbursement for internet access; and (8-5-26)T

(2) Reasonably necessary and proportionate to the educational objectives. (8-5-26)T

b. Burden of Determination. Prior to direct payment of a requested item or service or reimbursement for internet access, the virtual school shall determine that each requested item meets the criteria in Subsection 129.03. (8-5-26)T

04. Eligible Educational Expenses. Each of the following requested items or services are eligible educational expenses if the criteria outlined in Subsection 129.03 has been met. (8-5-26)T

a. Instructional Materials, including but not limited to: (8-5-26)T

i. Curricular materials as defined in Section 33-118A, Idaho Code. (8-5-26)T

- ii. Textbooks; (8-5-26)T
 - iii. Art supplies (e.g., paper, paint, drawing materials); (8-5-26)T
 - iv. Basic laboratory science or project supplies. (8-5-26)T
 - b. Portable Instructional Equipment, including but not limited to: (8-5-26)T
 - i. Physical education equipment (e.g., jump ropes, resistance bands, balls); (8-5-26)T
 - ii. Entry-level musical instruments; (8-5-26)T
 - iii. Robotics or microcontroller kits used in computer science coursework. (8-5-26)T
 - c. Technological equipment and services, including but not limited to: (8-5-26)T
 - i. Laptop computers, printers, headphones, or other hardware as required for participation in virtual instruction or completion of assignments. (8-5-26)T
 - ii. Educational software, applications, or online educational program subscriptions or licenses with a user limit aligned to the number of enrolled students. (8-5-26)T
 - iii. Monthly fees to an internet service provider and/or purchase or rental of a modem, router, hotspot device, or Wi-Fi extender. (8-5-26)T
 - d. Fees for national standardized assessments: SAT, ACT, AP, IB, and industry-recognized certification exams. (8-5-26)T
 - e. Accessibility resources and the following therapies if not provided by the school through an individual education program or 504 plan. (8-5-26)T
 - i. Speech / language therapy. (8-5-26)T
 - ii. Occupational therapy. (8-5-26)T
 - iii. Physical therapy. (8-5-26)T
 - iv. Vision therapy. (8-5-26)T
 - v. Audiology services. (8-5-26)T
 - f. Expanded Learning Opportunities. (8-5-26)T
 - i. Elective course expenses where the topic is aligned to elective courses offered by the student's home district or as listed in Subsection 129.05. (8-5-26)T
 - ii. Field trip costs to a government owned or managed museum, historical site, or facility provided that the visit can be tied directly to grade-specific content standards. Field trip costs paid directly by the virtual school may not exceed the costs of the students enrolled in the grade level that satisfies the content standards eligibility requirement. (8-5-26)T
- 05. Subject-Specific Application.** (8-5-26)T
 - a. Career-technical education. Costs or services in alignment with a career technical education pathway or standards pursuant to Section 33-2202, Idaho Code. Eligible expenses include basic tools and supplies required for coursework. Industrial or professional-grade equipment is ineligible. (8-5-26)T

b. Physical education. Eligible expenses are limited to portable instructional equipment necessary to demonstrate movement, fitness, and skill-based outcomes. Expenses for participation in specific recreational activities are ineligible unless deemed eligible for course credit as provided in Subsection 129.05.c.iii. (8-5-26)T

c. Performing and fine arts. Eligible expenses include consumable supplies and basic tools necessary for creation of student work. Studio equipment or professional-grade tools are ineligible. (8-5-26)T

d. Computer science and technology. Eligible expenses include software and entry-level hardware necessary to participate in virtual education. High-end personal computing systems are ineligible unless required for course delivery. (8-5-26)T

e. World languages. Eligible expenses include instructional texts, workbooks, software, and language tutoring. Experiential activities such as travel or immersion programs are ineligible. (8-5-26)T

06. **Ineligible Expenses.** The following expenses are not eligible to use supplemental learning funds: (8-5-26)T

a. Any item, service, or cost provided by the school district or school. (8-5-26)T

b. Travel costs; (8-5-26)T

c. Expenditures for recreational access or entry, included but not limited to; (8-5-26)T

i. Ski passes or lift tickets; (8-5-26)T

ii. Memberships to gyms, studios, or recreational facilities; (8-5-26)T

iii. Fees for participation in sports, camps, or recreational events unless necessary to receive course credit. The exemption may only be applied to participation in a single event per semester. (8-5-26)T

d. Entry or tickets for an event or activity unless deemed eligible pursuant Subsection 129.04.g.ii. (8-5-26)T

e. Personal infrastructure. Including but not limited to; (8-5-26)T

i. Home gym equipment (e.g., treadmills, weight benches, squat racks); (8-5-26)T

ii. Recreational structures (e.g., trampolines, basketball hoops, climbing structures); (8-5-26)T

iii. Permanent or semi-permanent installations, excluding one-time reimbursement for the cost of internet connectivity installation. (8-5-26)T

f. Professional or hobby equipment. Including but not limited to; (8-5-26)T

i. High-end or professional-grade equipment exceeding average market value relative to educational use. (8-5-26)T

ii. Specialized equipment tied to a specific hobby or sport not required to meet course outcomes. (8-5-26)T

07. **Decision Guidance.** The State Department of Education may develop and release guidance to support virtual schools in determining the eligibility of items or services submitted for direct purchase or reimbursement. (8-5-26)T

08. **Implementation and Oversight.** (8-5-26)T

a. Each virtual school shall establish internal procedures to review, approve, and audit direct payment and reimbursement of eligible educational expenses consistent with this rule. (8-5-26)T

i. Each virtual school shall develop a process and requirements for verifying the accuracy of invoices and receipts submitted for direct payment or reimbursement. At a minimum, invoices and receipts must be printed and include the name and address of the vendor, date of purchase or date of service, amount, and item or service description. Invoices for services must also include the name of the student or parent or guardian. (8-5-26)T

b. The State Board of Education, State Department of Education or an authorized state agency may audit expenditures for compliance with Sections 33-1619, 33-5202A, and 33-5206, Idaho Code, and this rule. (8-5-26)T

i. Findings of an audit or compliance review may result in recovery, withholding, or adjustment of supplemental learning funds by the State. (8-5-26)T

~~129~~³⁰. -- 139. (RESERVED)

IDAPA 13 – IDAHO FISH AND GAME COMMISSION
ESTABLISHING SEASONS AND LIMITS FOR HUNTING, FISHING, AND TRAPPING IN IDAHO
DOCKET NO. 13-0000-2600P5
NOTICE OF ADOPTED / AMENDED PROCLAMATIONS FOR CALENDAR YEAR 2026

AUTHORITY: As authorized by Idaho Code Section [36-104](#), and in compliance with Idaho Code Section [36-105\(3\)](#) the Commission adopts proclamations establishing seasons and limits for hunting, fishing, and trapping in Idaho.

AVAILABILITY OF OFFICIAL PROCLAMATIONS: Hunters, anglers, and trappers are advised to consult the text of the Commission’s official proclamation before hunting, fishing, or trapping. All proclamations are available on-line at <https://idfg.idaho.gov/rules>, with print versions available at Idaho Department of Fish and Game offices and license vendors.

DESCRIPTIVE SUMMARY AND PUBLIC MEETING SCHEDULE: The Commission meeting schedule and meeting agendas are available on-line at [Commission Meeting Schedule](#), with opportunities for public comment generally scheduled at its January, March, May, July, and November meetings. Before adopting changes to major proclamations, the Department generally provides opportunities for public scoping (gathering of ideas and opinions from the public) and public comment on proposed changes to proclamations. Opportunities to comment are available online at <https://idfg.idaho.gov/comment>.

Information for Commission proclamations for calendar year 2026 was initially published in the Idaho Administrative Bulletin, February 4, 2026, Bulletin [Volume 26-2, pages 12-13](#).

On July 7, 2026, the Commission took the following proclamation action:

1. Amended its proclamation for 2026 spring Chinook Salmon fishing making in-season adjustments based on the harvest matrix tables approved by the Commission in the South Fork Salmon River.

At a July 16, 2026, quarterly meeting the Commission took the following proclamation actions:

1. Adopted a proclamation setting the 2026-2027 sage-grouse hunting season and tag limits;
2. Adopted limits for total nonresident participation for 2027 for general hunts in certain elk zones and deer units, set aside outfitter tags, and allocated tags for outfitted hunter use in these zones and units for 2027;
3. Amended its summer and fall Chinook Salmon bag and possession limits in the South Fork Salmon, Snake, Lower Salmon, Mainstem Clearwater, Middle Fork Clearwater, North Fork Clearwater, and South Fork Clearwater Rivers.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning proclamations, contact Owen Moroney at (208) 334-3715.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.01.01 – RULES OF THE BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS

DOCKET NO. 24-0101-2601 (FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section [54-308\(2\)](#), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows. Additional meetings may be scheduled and will be posted on the DOPL website (<https://dopl.idaho.gov/calendar/>) and <https://townhall.idaho.gov>.

Thursday, August 13, 2026 11:00 a.m. (MT)
In person: Thunderbolt Conference Room Division of Occupational and Professional Licenses 11341 W. Chinden Blvd., Bldg. 4 Boise, ID 83714 Virtual Webex Meeting Link Meeting Number: 2861 004 8573 Password: BGm3MuTP6U6

Rulemaking meetings will be held in person and via web conferencing to provide a rulemaking platform that enables broad participation by stakeholders from across the state and minimize travel for stakeholders. The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking explores adding a certification fee and Seal language for Certified Interior Designers. In 2026, the Idaho Legislature passed [HB 790](#), which created a certification for interior designers and authorized the Board to promulgate rules for the administration of the certification. The certification fee will help pay for the administration costs of the new program.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

This proposed rule will add a new fee for the administrability of the Certification for Interior Designers as required by 2026's [HB 790](#), and as authorized per Section [54-306\(8\)\(e\)](#), Idaho Code. The Board's selected fee amount will match the licensing fees of Landscape Architects whose practice is also governed under IDAPA 24.01.01, Rules of the Board of Architects and Landscape Architects.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

No fiscal impact on the state general fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 6, 2026 Idaho Administrative Bulletin, [Vol 26-5, Pages 13-14](#).

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ryan Bernard, Legislative & Regulatory Affairs Chief, at (775) 870-7926. Materials pertaining to this rulemaking, including any available preliminary rule drafts, can be found on the DOPL website at the following web address: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2026.

DATED this 1st day of July, 2026.

Ryan Bernard
Legislative and Regulatory Affairs Chief
PO Box 83720
Boise, ID 83720-0063
Phone: (775) 870-7926
Email: ryan.bernard@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-0101-2601
(Only Those Sections With Amendments Are Shown.)

24.01.01 – RULES OF THE BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS

001. SCOPE.

These rules govern the practice of architecture ~~and~~ landscape architecture, and certified interior designers in Idaho. (7-1-24)()

(BREAK IN CONTINUITY OF SECTIONS)

200. PRACTICE STANDARDS.

01. Architectural Intern. Only individuals who fall within the Section 54-303(2), Idaho Code, definition of “architectural intern” may represent themselves as an “architectural intern”. (7-1-24)

02. Architecture Firm Name. The firm name may only incorporate the names of individuals who are licensed architects, with the exception that a firm may continue to utilize the name of a retired or deceased formerly-licensed architect if the unlicensed status is clearly disclosed. (7-1-24)

03. Certified Interior Designers. ()

a. Seal. Every certified interior designer shall have a seal approved by the board that contains the name of the certified interior designer, the words “Certified Interior Designer, State of Idaho,” and the Idaho certification number, and such other words or figures as the board may deem necessary and prescribe. ()

i. The seal may be a rubber stamp or an electronically applied seal. Whenever the seal is applied, the certified interior designer's written signature and the date shall be adjacent to or across the seal. The seal, signature and date shall be placed on all final reports, drawings and title pages of specifications, design information, and calculations. Whenever presented to a client or to the public, such documents that are not final and do not contain a seal, signature and date shall be clearly marked as “preliminary,” “draft,” or similar words to distinguish the documents from a finished product. ()

ii. The application of the certified interior designer's seal, signature, and the date shall constitute certification that the work thereon was prepared by such certified interior designer or under the supervision of such certified interior designer. Each plan or drawing sheet shall be sealed and signed by the designer or the designer's agent responsible for each sheet. The principal certified interior designer in charge shall sign and seal the title or first sheet. Copies of electronically produced documents listed in subparagraph (i) of this paragraph that are distributed for informational use, such as for bidding purposes or working copies, may be issued with the designer's seal and a notice that the original document is on file with the designer's signature and date. The words “original signed by:” and “date signed:” shall be placed adjacent to or across the seal of the electronic original. The storage location of the original documents shall also be provided. Only the title page of reports, specifications and like documents need bear the seal and signature of the designer and the date. ()

b. Limit on Scope. Nothing contained herein shall be construed to permit a certified interior designer to practice as a licensed architect, a licensed landscape architect, or a licensed professional engineer as these professions are defined by Idaho Code; provided however, nothing contained herein shall be construed to prevent an interior designer from practicing interior design. ()

c. Lapse in National Certification. A certified interior designer who is out of compliance with the requirements of Section 54-306(8)(c)(ii), Idaho Code, must discontinue use of his seal immediately, regardless of whether an active Idaho certification exists. ()

d. Unlawful Practice. Except as otherwise provided, it shall be unlawful for any person to seal any technical submission, specification, report, or other document with the seal after the certification of the interior designer named therein has expired or has been suspended or revoked, unless the certification has been renewed or reinstated. ()

201. -- 399. (RESERVED)

400. FEES.

01. Architects.

TYPE	AMOUNT (Not to Exceed)
Application	\$25
License	\$50 annually
Reinstatement	\$35

(7-1-24)

02. Landscape Architects.

TYPE	AMOUNT (Not to Exceed)
Application	\$75
License	\$125 annually
Reinstatement	\$35

(7-1-24)

03. Certified Interior Designers.

TYPE	AMOUNT (Not to Exceed)
<u>Application</u>	<u>\$75</u>
<u>License</u>	<u>\$125 annually</u>
<u>Reinstatement</u>	<u>\$35</u>

()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.10.01 – RULES OF THE STATE BOARD OF OPTOMETRY

DOCKET NO. 24-1001-2601

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section [54-1509](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows. Additional meetings may be scheduled and will be posted on the DOPL website (<https://dopl.idaho.gov/calendar/>) and <https://townhall.idaho.gov>.

**Thursday, August 13, 2026
9:00 a.m. (MT)**

**In person:
Thunderbolt Conference Room
Division of Occupational and Professional Licenses
11341 W. Chinden Blvd., Bldg. 4
Boise, ID 83714**

**[Virtual Webex Meeting Link](#)
Meeting number (access code): 2634 545 8074
Meeting password: ymJ4jYpu9i3**

Rulemaking meetings will be held in person and via web conferencing to provide a rulemaking platform that enables broad participation by stakeholders from across the state and minimize travel for stakeholders. The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This contemplated rulemaking: (1) removes the outdated Annual Fund fee from the fee table; (2) and removes outdated language from the rule chapter. Due to statutory changes, the Annual Fund fee is no longer a fee collected by the Division. This rulemaking does not propose a fee increase; it simply removes a fee altogether.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

No fiscal impact on the state general fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 6, 2026 Idaho Administrative Bulletin, [Vol 26-5, Pages 15-16](#).

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ryan Bernard, Legislative & Regulatory Affairs Chief, at (775) 870-7926. Materials pertaining to this rulemaking, including any available preliminary rule drafts, can be found on the DOPL website at the following web address: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2026.

DATED this 1st day of July, 2026.

Ryan Bernard
Legislative and Regulatory Affairs Chief
PO Box 83720
Boise, ID 83720-0063
Phone: (775) 870-7926
Email: ryan.bernard@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-1001-2601
(Only Those Sections With Amendments Are Shown.)

24.10.01 – RULES OF THE STATE BOARD OF OPTOMETRY

002. DEFINITIONS.

~~01. Low Vision. Refer to Section 54-1501(5), Idaho Code, correcting defects may include low vision but is not limited to low vision rehabilitation.~~ (3-28-23)

02. Opticianry. The professional practice of filling prescriptions from a licensed optometrist or ophthalmologist for ophthalmic lenses, contact lenses, and any other ophthalmic device used to improve vision. Opticianry does not include prescriptive authority. (3-28-23)

003. -- 099. (RESERVED)

100. LICENSURE AND REGISTRATION.

01. Method of Application- Examination of Applicants. Applications for license shall be made on forms approved by the Board. (3-28-23)

02. Application. The application must be accompanied by the required fee, a complete transcript of credits from any college of optometry attended, a photocopy of any diplomas granted by any college of optometry, and a copy of certified results establishing successful passage of the required examinations. (3-28-23)

03. Approved Exam. The written and the practical portions of the Idaho examination shall be parts one through three (1-3) of the National Board of Examiners in Optometry Examination (NBEOE). A passing grade for the NBEOE shall be ~~that~~ established by the test provider. (3-28-23) ()

04. Licensure by Endorsement. The right to be granted a license to practice optometry in Idaho is

subject to the following conditions set out below: (3-28-23)

a. The submission of a completed application meeting the requirements of Subsection 100.02 including the applicable fee. (3-28-23)

b. That the license or certificate of registration of the applicant shall be in good standing with any state or country or not subject to any pending or unresolved licensure action in any state or country. (3-28-23)

c. For those licensed in another state the applicant must document to the Board for approval, the education, training, and examination for diagnostic and therapeutic privileges in the other state. (3-28-23)

05. Continuing Education In Optometry. (3-28-23)

a. Hours Required. Each optometrist licensed by the state of Idaho shall attend ~~in each calendar year,~~ prior to license renewal, a minimum of ~~eighteen~~ thirty-six ~~(18)~~36 full hours of approved optometric continuing education courses or meetings. Licensees are responsible for choosing quality continuing education programs that focus on protecting the health and safety of the public and/or contributing to their germane profession.

(3-28-23)()

b. Courses. The Board allows credits to be asynchronous and synchronous that are germane to the practice of optometry. No more than ~~nine~~ eighteen ~~(9)~~18 hours of continuing education shall be asynchronous.

(3-28-23)()

c. Audit. The Board may conduct audits to confirm that the continuing education requirements have been met. In the event a licensee fails to provide the Board with acceptable documentation of the hours attested to on the renewal application, the license will not be renewed. (3-28-23)

d. Documentation of Attendance. It shall be necessary for each licensed Idaho optometrist to provide documentation verifying attendance or completion of continuing education by securing authorized signatures, documentation, or electronic verification from the course instructors, providers, or sponsoring institution substantiating any hours attended by the licensee. This documentation must be maintained by the licensee and provided upon request by the Board or its agent. (3-28-23)

(BREAK IN CONTINUITY OF SECTIONS)

200. PRACTICE STANDARDS.

01. Standards of Professional Conduct. Licensees must comply with the following standards of professional conduct: (3-28-23)

a. Practicing optometry in a manner which meets the standard of optometric care provided by other qualified licensees in the same or similar community, taking into account education, training, and experience. (3-28-23)

b. Employing only those techniques or methods of practice in treating or prescribing to a patient for which the licensee has the necessary education, training, and experience. (3-28-23)

c. Referring a patient suffering from any apparent or suspected pathological condition to a person competent and licensed to properly treat or diagnose the condition. (3-28-23)

d. Verifying the specifications of all lenses provided to a patient and advising a patient of possible danger when a lens provided to the patient does not meet impact resistant standards set forth in 21 CFR 801.410. (3-28-23)

02. Vision Therapy. Any person who assesses, diagnoses, treats, or prescribes treatment for conditions

of the visual system or manages a patient with vision therapy, visual training, visual rehabilitation, orthoptics or eye exercises or who holds him/herself out as being able to do so for the rehabilitation and/or treatment of physical, physiological, sensorimotor, neuromuscular or perceptual anomalies of the eyes or vision system or who prescribes or utilizes lenses, prisms, filters, occlusion or other devices for the enhancement, rehabilitation and/or treatment of the visual system or prevention of visual dysfunctions, except under the supervision and management of a licensed optometrist, is engaged in the practice of optometry. (3-28-23)

03. Prescriptions for Spectacles and Contact Lenses. Eyeglasses and contact lenses, including plano or cosmetic contact lenses, may only be dispensed upon a current prescription issued by an optometrist or medical physician. Every prescription written or issued by an optometrist practicing in Idaho shall contain at least the following information: (3-28-23)

a. Prescription for Spectacles. Prescriptions for spectacles must contain the following: Sphere, cylinder, axis, prism power, and additional power, if applicable. The standard expiration date of the prescription must be at least one (1) year from the date the prescription was originally issued. (3-28-23)

b. All Prescriptions for Rigid/Soft Contact Lenses. All prescriptions for contact lenses must contain at least the following information: base curve, lens manufacturer or “brand” name, overall diameter, power; and the standard expiration date of the prescription must be at least one (1) year from date the prescription was originally issued. A shorter prescription period may be allowed when based upon a documented medical condition. (3-28-23)

04. Expired Contact Lens Prescription. A person may not fill an expired contact lens prescription. (3-28-23)

05. Fitting and Dispensing Contact Lenses. (3-28-23)

a. Contact lenses may be fitted only by an optometrist, or licensed physician. (3-28-23)

b. An ophthalmic dispenser may dispense contact lenses on a fully written contact lens prescription issued by an optometrist or licensed physician. (3-28-23)

c. Notwithstanding Subsection 200.05.b., an optometrist, or licensed physician who issues a contact lens prescription remains professionally responsible to the patient. (3-28-23)

06. Preceptorship Program. An optometrist may use a student of optometry in their office under their direct supervision for educational purposes. (3-28-23)

07. The Right to Obtain and Use Pharmaceutical Agents. The right to obtain and use pharmaceutical agents for use in diagnosis and/or treatment of another in the practice of optometry as defined by Section 54-1501, Idaho Code, is subject to the following conditions set out below: (3-28-23)

a. Optometrists can prescribe, administer, and dispense therapeutic pharmaceutical agents, and use only those listed below: (3-28-23)

i. All medications for use in the diagnosis of and/or conditions of the human eye and/or eyelid. (3-28-23)

ii. All over-the-counter agents. (3-28-23)

b. In order to prescribe, administer and dispense the therapeutic medications a person must ~~meet the requirements set out below:~~ hold an Idaho license in good standing and successfully pass the “Treatment and Management of Ocular Diseases” exam. (3-28-23)()

i. ~~License in good standing, and successful passage of the “Treatment and Management of Ocular Diseases” exam.~~ (3-28-23)

201. -- 299. (RESERVED)

300. DISCIPLINE.

In addition to the grounds for discipline set forth in Idaho Code, every person licensed by the Board is subject to discipline upon any of the following grounds: (3-28-23)

01. Gross Incompetence. Engaging in practice or behavior which demonstrates a manifest inability or unreasonable lack of professional skill to practice his or her profession, including performing procedures without having successfully completed the necessary education, training, or certification. (3-28-23)

~~**02. Failing to Comply with Standards of Professional Conduct as set forth in these Rules.**~~ (3-28-23)

~~**03. Failing to Maintain Adequate Records.**~~ Adequate records mean legible records which contain, at a minimum, evidence of examination and treatment plan, copies of prescriptions issued to the patient or client and copies of statements of charges delivered or provided to the patient or client. Must be in compliance with the Health Insurance Portability and Accountability Act (HIPAA). (3-28-23)()

04. Illegal Prescription Sale, Administration, Distribution, or Use of Drugs. Prescribing, selling, administering, distributing, giving, or using drugs legally classified as a controlled substance or as an addictive or dangerous drug for other than accepted diagnostic or therapeutic purposes. (3-28-23)

05. Other Discipline. Inability to obtain or renew a license or disciplinary action against a license to practice optometry by any other state or jurisdiction unless it can be shown that such action was not related to the competence of the person to practice optometry or to any conduct which constitutes grounds for discipline by the Board. (3-28-23)

06. Confidentiality. Failing to safeguard the confidentiality of patient records or other medical information pertaining to identifiable patients, except as required or authorized by law. (3-28-23)

07. Prescription and Records. Failure to release a spectacle or contact lens prescription to a patient or to transfer patient records to another provider when requested to do so by the patient or the patient's legally designated representative. (3-28-23)

~~**08. Failure to Cooperate.**~~ Failing to cooperate with the Board during any investigation or disciplinary proceeding, even if such investigation or disciplinary proceeding does not personally concern the particular licensee. (3-28-23)

301. -- 399. (RESERVED)

400. FEES.

These fees may be aggregated for biennial licensure.

FEE TYPE	AMOUNT (Not to Exceed)
License Application	\$100
Annual Fund	\$75
Annual Renewal	\$75
Reinstatement	As provided in Section 67-2614, Idaho Code

(3-28-23)()

401. -- 999. (RESERVED)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.15.01 – RULES OF THE IDAHO LICENSING BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

DOCKET NO. 24-1501-2601

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section [54-3404\(3\)](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows. Additional meetings may be scheduled and will be posted on the DOPL website (<https://dopl.idaho.gov/calendar/>) and <https://townhall.idaho.gov>.

**Thursday, August 13, 2026
10:30 a.m. (MT)**

**In person:
Thunderbolt Conference Room
Division of Occupational and Professional Licenses
11341 W. Chinden Blvd., Bldg. 4
Boise, ID 83714**

**[Virtual Teams Meeting Link](#)
Meeting ID: 243 081 718 996 753
Passcode: D8xu7pZ7**

Rulemaking meetings will be held in person and via web conferencing to provide a rulemaking platform that enables broad participation by stakeholders from across the state and minimize travel for stakeholders. The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Through this rulemaking, the Division seeks to reduce a regulatory burden on marriage and family therapists by decreasing the direct supervisory hour requirements for marriage and family therapists.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

No fiscal impact on the state general fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 6, 2026 Idaho Administrative Bulletin, [Vol 26-5, Pages 19-20](#).

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ryan Bernard, Legislative & Regulatory Affairs Chief, at (775) 870-7926. Materials pertaining to this rulemaking, including any available preliminary rule drafts, can be found on the DOPL website at the following web address: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2026.

DATED this 1st day of July, 2026.

Ryan Bernard
Legislative and Regulatory Affairs Chief
PO Box 83720
Boise, ID 83720-0063
Phone: (775) 870-7926
Email: ryan.bernard@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-1501-2601
(Only Those Sections With Amendments Are Shown.)

24.15.01 – RULES OF THE IDAHO LICENSING BOARD OF PROFESSIONAL COUNSELORS
AND MARRIAGE AND FAMILY THERAPISTS

100. LICENSURE.

01. Professional Counselor. (7-1-24)

a. Approved Graduate Program. A graduate program that is primarily counseling in nature and is accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) or substantially similar and approved by the Board. (7-1-24)

b. Required Examination. The National Counselor Examination prepared by the National Board of Certified Counselors (NBCC). (7-1-24)

c. Acceptable Supervised Experience. Four hundred (400) of the one thousand (1,000) hours must be direct client contact and the supervised experience must include a minimum of one (1) hour of individual supervision for every twenty (20) hours of direct client contact. A supervised graduate-level educational experience (i.e. practicum or internship) may be utilized to fulfill this requirement which can be provided by a counselor education faculty member or doctoral student at an accredited college or university, or a site supervisor approved by an accredited college or university. (7-1-24)

02. Clinical Professional Counselor. (7-1-24)

a. Approved Experience. One thousand (1,000) of the two thousand (2,000) direct client contact hours must be supervised by a licensed clinical professional counselor, with the remaining supervision provided by any supervisor as defined in these rules; and one (1) hour of clinical supervision for every thirty (30) hours of direct client

contact, with at least half of the supervised hours involving individual, rather than group, supervision. (7-1-24)

b. Required Examination. The National Clinical Mental Health Counselor Examination (NCMHCE) prepared by the National Board of Certified Counselors (NBCC). (7-1-24)

03. Associate Marriage And Family Therapist. (7-1-24)

a. Approved Graduate Program. A graduate program in marriage and family therapy or a related field which is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or the Council for Accreditation of Counseling and Related Educational Programs Marriage, Couple, and Family Counseling (CACREP-MCFC), or is substantially similar and approved by the Board. (7-1-24)

b. Required Practicum. The practicum must occur over a period of twelve (12) months or longer and require three hundred (300) hours of direct client contact, of which at least one hundred (100) hours must be with two or more individuals conjointly who share an ongoing relationship beyond that which occurs in the therapeutic experience itself. These hours may be completed as part of a practicum, registered intern supervised experience, or supervised experience in another jurisdiction. (7-1-24)

c. Required Examination. The National Marital and Family Therapy Examination as approved by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or another recognized competency examination in marriage and family therapy that is approved by the Board. (7-1-24)

04. Marriage And Family Therapists. (7-1-24)

a. Approved Graduate Program. A graduate program in marriage and family therapy or a related field accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or substantially similar and otherwise approved by the Board. (7-1-24)

b. Required Practicum. See Rule 100.03.b. (7-1-24)

c. Required Postgraduate Supervised Experience. Two thousand (2,000) hours of direct client contact over a period of at least two (2) years which includes: (1) one thousand (1,000) direct client contact hours with two or more individuals conjointly who share an ongoing relationship beyond that which occurs in the therapeutic experience itself; and (2) ~~two one~~ hundred (200/100) hours of supervision, of which ~~one hundred fifty~~ (100/50) hours must be individual, rather than group, supervision. ~~One hundred (100) All supervised~~ hours must be ~~supervised provided~~ by a licensed marriage and family therapist, ~~with the remaining one hundred (100) hours of supervision provided by a supervisor who has at least two (2) years of experience practicing marriage and family therapy who meets the supervisor qualifications as set forth in these rules.~~ (7-1-24) ()

d. Required Examination. The National Marital and Family Therapy Examination as approved by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or another recognized competency examination in marriage and family therapy that is approved by the Board. (7-1-24)

05. Foreign Educated Applicants. Applicants with a graduate degree from a country other than the United States may be required to submit a certification from a credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES). The service must certify that the graduate degree is equivalent to an approved graduate degree from the United States. All information submitted to the Board must be submitted with an English translation. (7-1-24)

06. Registered Post-Graduate Interns. A post-graduate intern registration is required to engage in the supervised practice of counseling or marriage and family therapy while completing supervised experience hours or while awaiting examination results. To register as an intern, the individual must: (1) have an approved graduate degree as defined in these Rules; and (2) designate a supervisor approved by the Board. An individual may not practice as an intern for more than four (4) years from the original date of registration, unless good cause is demonstrated to the board. (7-1-24)

07. Continuing Education. In each twenty-four (24) month period preceding the renewal of a license,

all licensees must complete six (6) hours in ethics, three (3) hours of boundaries, and three (3) hours in suicide assessment or intervention. Additionally, licensees are required to comply with the continuing education and competence sections of the Codes of Ethics pertaining to their licensure. (7-1-24)

(BREAK IN CONTINUITY OF SECTIONS)

400. FEES.

These fees may be aggregated for biennial licensure.

TYPE	INITIAL FEE	ANNUAL RENEWAL FEE
Application	\$100	
License	\$100	\$120
Intern Registration	\$25	
Reinstatement Fee	As provided in Section 67-2614, Idaho Code	
Examination and Reexamination	\$25 administrative fee plus amount charged by exam administrator	

~~(7-1-24)~~()

401. -- 999. (RESERVED)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.30.01 – IDAHO ACCOUNTANCY RULES

DOCKET NO. 24-3001-2601

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section [54-204\(1\)](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows. Additional meetings may be scheduled and will be posted on the DOPL website (<https://dopl.idaho.gov/calendar/>) and <https://townhall.idaho.gov>.

**Thursday, August 13, 2026
10:00 a.m. (MT)**

**In person:
Thunderbolt Conference Room
Division of Occupational and Professional Licenses
11341 W. Chinden Blvd., Bldg. 4
Boise, ID 83714**

**[Virtual Teams Meeting Link](#)
Meeting ID: 299 627 021 608 923
Passcode: mD34o8yE**

Rulemaking meetings will be held in person and via web conferencing to provide a rulemaking platform that enables broad participation by stakeholders from across the state and minimize travel for stakeholders. The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This contemplated rulemaking: (1) facilitates a new pathway to licensure for candidates and makes minor adjustments to accommodate for statutory changes in line with [HB 563](#) from 2026; (2) transitions from June 30 to birthdate-based renewals with an expanded window to accommodate peak tax season; and (3) removes outdated language.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

No fiscal impact on the state general fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 6, 2026 Idaho Administrative Bulletin, [Vol 26-5, Pages 23-24](#).

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ryan Bernard, Legislative & Regulatory Affairs Chief, at (775) 870-7926. Materials pertaining to this rulemaking, including any available preliminary rule drafts, can be found on the DOPL website at the following web address: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2026.

DATED this 1st day of July, 2026.

Ryan Bernard
Legislative and Regulatory Affairs Chief
PO Box 83720
Boise, ID 83720-0063
Phone: (775) 870-7926
Email: ryan.bernard@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3001-2601
(Only Those Sections With Amendments Are Shown.)

24.30.01 – IDAHO ACCOUNTANCY RULES

107. INITIAL CERTIFIED PUBLIC ACCOUNTANT LICENSURE.

Applications for initial licensure are to be made as prescribed in Section 54-207, Idaho Code, and are to comply with the following: (3-28-23)

01. Education. (3-28-23)

a. Applicants for licensure are to meet the provisions of Section 54-207(2), Idaho Code. An applicant for licensure who was accepted for the May 2000 CPA Examination or prior examination is exempt from additional educational requirements. (3-28-23)()

b. The Board will recognize: (3-28-23)

i. Any college or university accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation (CHEA), (3-28-23)

ii. Accounting and business programs accredited by the Association to Advance Collegiate Schools of Business (AACSB) or; (3-28-23)

iii. any other accrediting agency having equivalent standards. (3-28-23)

~~**e.** An applicant is deemed to have met the education requirement if, as part of the one hundred fifty (150) semester hours of education, the applicant has met any one (1) of the following conditions:~~ (3-28-23)

~~**i.** Earned a graduate degree with a concentration in accounting from a program that is accredited in accounting by an accrediting agency approved by the Board;~~ (3-28-23)

ii. ~~Earned a graduate degree from a program that is accredited in business by an accrediting agency approved by the Board. Completion of at least twenty-four (24) semester hours in accounting (excluding introductory courses) at the undergraduate level or fifteen (15) semester hours at the graduate level, or an equivalent combination thereof, including coverage of, but not necessarily separate courses in, the subjects of data analytics, financial accounting, auditing, taxation, and management accounting;~~ (3-28-23)

iii. ~~Earned a baccalaureate degree at an institution approved by the Board or from a program that is accredited in business by an accrediting agency approved by the Board. Completion of at least twenty-four (24) semester hours in business (other than accounting courses) and twenty-four (24) semester hours in accounting (excluding introductory courses) at the undergraduate or graduate level including coverage of, but not necessarily separate courses in, the subjects of data analytics, financial accounting, auditing, taxation, and management accounting.~~ (3-28-23)

02. Experience. (3-28-23)

a. An applicant is to provide evidence of ~~one (1) year of~~ experience as prescribed in Section 54-209, Idaho Code, and these rules. Each year of Experience consists of full or part time employment that extends over a period of no less than twelve (12) months and no more than thirty-six (36) months with no fewer than two thousand (2,000) hours earned within the ten (10) year period immediately preceding the latest application for licensure. (3-28-23)()

b. An applicant completes and submits the Verification of Employment and Experience Evaluation form(s). An applicant may be called to appear before the Board to supplement or verify evidence of experience. (3-28-23)

c. A licensee verifying experience will maintain supporting documentation of the applicant's experience until thirty (30) days after the applicant is granted a license. The licensee will permit the Board to inspect the supporting documentation prior to issuing a license to the applicant. Any licensee who has been requested by an applicant to submit to the Board evidence of the applicant's experience and has refused to do so will, upon request by the Board, explain in writing or in person the basis for such refusal. (3-28-23)

d. A licensee who is responsible for supervising attest services, and signs or authorizes someone to sign the accountant's report on the financial statement on behalf of the firm, is to meet the experience requirement set out in the AICPA statements on quality control standards. (3-28-23)

03. Examination on Code of Professional Conduct. Prior to licensure, applicants successfully complete a course in professional ethics that is acceptable to the Board. (3-28-23)

108. ANNUAL LICENSE RENEWAL AND LATE FEE.

01. Renewal. Beginning January 1, 2028, licenses expire on June 30 of each year at midnight on the legal birthday of the licensee during the second year of a two-year term. Licenses can be renewed not more than one-hundred twenty (120) days before the date of expiration. (3-28-23)()

02. Non-Renewal. Individuals choosing not to renew their license are to notify the Board, on the renewal form by the expiration date. Individuals with lapsed licenses may not publicly display their wall certificates, use the title CPA or LPA, or provide services that are reserved to licensees. (3-28-23)

03. Late Fee. Licenses renewed ~~after July 1, but before August 1, no more than thirty (30) days after the expiration date~~ are subject to the late renewal fee as prescribed in Rule 400. After ~~August 1 thirty (30) days~~, any license not renewed is deemed lapsed and is subject to reinstatement pursuant to Section 54-211, Idaho Code. (3-28-23)()

IDAPA 26 – IDAHO DEPARTMENT OF PARKS AND RECREATION

26.01.20 – RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES

DOCKET NO. 26-0120-2601

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections [67-5220\(1\)](#) and [67-5220\(2\)](#), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment and input prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section [67-4223](#), Idaho Code.

MEETING SCHEDULE: A negotiated rulemaking meeting will be held as follows:

Monday, August 10, 2026 2:00 p.m. (MT)
Meeting held via video conference: Microsoft Teams meeting Join: Click here to join meeting Meeting ID: 256 496 092 343 638 Passcode: RG7Lz7vf Dial in by phone +1 208-985-2810, 72711664# United States, Boise Find a local number Phone conference ID: 727 116 64# Join on a video conferencing device Tenant key: idahogov@m.webex.com Video ID: 116 046 895 8

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via web conferencing. For those who cannot participate in the meeting, information for submitting written comments is provided below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The Department is considering changes that update fees to align with economic climate. The proposed are fee caps. The Idaho Park and Recreation Board has the authority to set the fees within these caps. It is anticipated that rulemaking stakeholders will advocate for rulemaking changes as part of the negotiated rulemaking process.

250. Fee Schedule: Individual Campsite Or Facility.

Category	Fee
Basic Campsite: site may have water	\$34/day
Electric Campsite: site has electricity and may have water	\$42 \$56/day
Full Hook-up Campsite: site has electricity, water, and sewer	\$46 \$60/day
Companion Campsite: site has electricity and may have water	\$84 \$112/day
Hike-in/Bike-in Campsite	\$12/person/day
Extra Vehicle	\$8/day
Overnight Use of Parking Areas	\$20/night/vehicle, trailer, or vehicle with attached trailer
Use of Campground Showers by Non-campers	\$3 \$5/person/day
Camping Cabins and Yurts	\$500/night
Each additional person above the base occupancy of camping cabin or yurt	\$12/person/night
Pets	\$15/pet/night
Cleaning	\$50

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, contact Seth Hobbs, (208) 514-2427, seth.hobbs@idpr.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the department's website at the following web address: <https://parksandrecreation.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 11, 2026.

DATED this 30th day of June, 2026.

Seth Hobbs
Idaho Department of Parks and Recreation
5657 Warm Springs Ave.
Boise, ID 83716
Phone: (208) 514-2427

IDAPA 34 – IDAHO SECRETARY OF STATE
34.03.01 – RULES IMPLEMENTING THE SUNSHINE LAW
DOCKET NO. 34-0301-2601
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Title 67, Chapter 66](#), and [Title 74, Chapter 7](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 19, 2026.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These changes update outdated language and code references, as well as eliminate outdated sections that are no longer used by the agency.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2026 Idaho Administrative Bulletin, [Vol. 26-6, page 26](#).

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Not applicable. There are no documents incorporated by reference affected by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Matthew Reiber at 208-334-2830.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2026.

DATED this July 8, 2026.

Matthew Reiber, Deputy Secretary of State
Idaho Secretary of State
700 W. Jefferson St., EW205, Boise, ID, 83702
208-334-2300
mreiber@sos.idaho.gov
sos.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 34-0301-2601
(Only Those Sections With Amendments Are Shown.)

34.03.01 – RULES IMPLEMENTING THE SUNSHINE LAW

000. LEGAL AUTHORITY.

~~This chapter is promulgated pursuant to~~ Chapter 7, Title 74, and Chapter 66, Title 67, Idaho Code, specifically Sections 67-6603, 67-6607, 67-6608, 67-6610, 67-6611, 67-6612, 67-6614A, 67-6623, Idaho Code. (7-1-26)()

(BREAK IN CONTINUITY OF SECTIONS)

011. FORMS.

01. **Form for the Appointment and Certification of Political Treasurer.** The official form for the appointment and certification of a political treasurer ~~as required by Section 67-6603, Idaho Code is hereby adopted for use in reporting to the Secretary of State. This form shall be~~ numbered “C-1” and designated as “Appointment and Certification of Political Treasurer for Candidates and Committees” and ~~shall be~~ is available online. (3-31-22)()

02. **Forms for the Disclosure of Campaign Finances by Candidates and Political Committees.** The official forms ~~for the statement required by Sections 67-6607, 67-6608, and 67-6612, Idaho Code are hereby adopted for use in reporting to the Secretary of State. The form~~ disclosure of campaign finances by candidates and committees is numbered “C-2” ~~shall be~~ and designated “Campaign Financial Disclosure Report,” ~~and shall be available online.~~ The form numbers “C-2A” ~~shall be~~ is designated “Contributions Pledged But Not Yet Received,” ~~and shall be available online.~~ The form numbered “C-2B” ~~shall be~~ is designated “Expenditures Incurred (Debts and Obligations) and Payments Made on Debt,” and ~~shall be~~ available online. (3-31-22)()

03. **Form for Report of Alleged Violation of Sunshine Law.** ~~Pursuant to the authority of Section 67-6623(f), Idaho Code of the Sunshine Law (The official form to be used in filing a~~ Sunshine Law ~~complaint that a person has violated the Sunshine Law is hereby adopted for use in reporting to the Secretary of State. This form or violation~~ shall be designated as “L-5” and ~~shall be~~ is available online. ~~Any person may file a complaint against anyone covered by the Sunshine Law. Such complainant must submit form “L-5” to properly file his complaint. No other method of filing a complaint will be recognized.~~ (3-31-22)()

012. ~~– 013.~~ **DATE OF RECEIPT (RESERVED)**

~~When any application, report, statement, notice or any other document required to be filed by the provisions of Title 67, Chapter 66, Idaho Code has been deposited post paid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing.~~ (3-31-22)

013. **EXPENDITURES OTHER THAN CONTRIBUTIONS.**

01. **Reporting Periods.** Reporting periods for disclosing expenditures other than contributions. The reporting periods for the statements required by Section 67-6611, Idaho Code shall be as follows: (3-31-22)

a. The period covered by the Thirty (30) Day Post Primary report shall be from the date of the first independent expenditure thru the twentieth (20th) day after the primary election. (3-31-22)

b. The period covered by the Thirty (30) Day Post General report shall begin on the twenty first day following the primary election and continue thru the twentieth (20th) day following the general election. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

015. ADVERTISING REGULATION EXEMPTION.

~~Items exempt from advertising regulation.~~ Campaign buttons, bumper strips, pins, pens, and similar small items upon which a disclaimer cannot be conveniently printed are not deemed to be regulated by the provisions of Section 67-6614A, Idaho Code. (3-31-22)()

016. COMMUNITY PROPERTY CONTRIBUTIONS.

01. Contributions of Community Property ~~How Treated~~. A contribution of community property shall be deemed to be given one-half (1/2) by each spouse. To be treated as community property the contribution must be specifically identified as such. Moneys contributed from a joint account of husband and wife shall be deemed to be received one-half (1/2) from each spouse only if both spouses have signed the check. The following are examples of contributions: (3-31-22)()

a. Husband contributes sixty dollars (\$60) by personal check to political treasurer X out of community funds. There is no specific designation that such sixty dollars (\$60) contribution is community property. X must treat the entire sixty dollars (\$60) contribution as coming from husband. (3-31-22)

b. Husband contributes by personal check sixty dollars (\$60) to a political treasurer X out of community funds. Accompanying such contribution is a statement certifying that such contribution is from the community funds of husband and wife. X must report husband and wife as each contributing thirty dollars (\$30). (3-31-22)

c. Wife contributes sixty dollars (\$60) to political treasurer X by personal check drawn on the joint account of husband and wife. Wife is the only spouse to sign the check. X must report the entire sixty dollars (\$60) as being contributed by wife. (3-31-22)

d. Husband and wife contribute sixty dollars (\$60) to political treasurer X by a check drawn on their joint account both husband and wife have signed the check. X should report husband and wife as each contributing thirty dollars (\$30). (3-31-22)

e. Assuming that after contributing as in the example in Subsection 016.01.d., husband contributes separately another twenty-five dollars (\$25) X should report husband aggregate total as fifty-five dollars (\$55) and pursuant to Section 67-6610, Idaho Code, must list husband's name and address on the campaign financial disclosure report. (3-31-22)

IDAPA 34 – IDAHO SECRETARY OF STATE
34.04.02 – RULES GOVERNING BUSINESS ENTITY NAMES
DOCKET NO. 34-0402-2601
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Title 67, Chapter 9](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 19, 2026.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These changes update outdated language and code references, as well as eliminate outdated sections that are no longer used by the agency.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2026 Idaho Administrative Bulletin, [Vol. 26-6, page 28](#).

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Not applicable. There are no documents incorporated by reference affected by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Matthew Reiber at 208-334-2830.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2026.

DATED this July 8, 2026.

Matthew Reiber, Deputy Secretary of State
Idaho Secretary of State
700 W. Jefferson St., EW205, Boise, ID, 83702
208-334-2300
mreiber@sos.idaho.gov
sos.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 34-0402-2601
(Only Those Sections With Amendments Are Shown.)

34.04.02 – RULES GOVERNING BUSINESS ENTITY NAMES

000. LEGAL AUTHORITY.

~~In accordance with Section 67-903(9) Chapter 9, Title 67, Idaho Code, the Secretary of State has authority to promulgate administrative rules in order to execute the duties of the office.~~ (3-31-22)()

001. SCOPE.

These rules apply to business entity name registration and ~~business entity name~~ reservation ~~as provided for~~ in Title 30, Chapters 21, ~~22, 23, 24, 25, 27, 29, and 30,~~ Idaho Code. (3-31-22)()

002. -- 009. (RESERVED)

~~010.~~ DEFINITIONS.

~~01. Arabic Numerals.~~ 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9. (3-31-22)

~~02. Business Entity.~~ A formally organized or registered entity created pursuant to state or federal law and usually designated through the use of a business entity identifier. (3-31-22)

~~03. Business Entity Identifiers.~~ Company, Corporation, Incorporated, Limited, Chartered, Professional Association, Professional Company, Limited Liability Company, Limited Liability Partnership, Professional Limited Liability Company, Limited Partnership, Limited Liability Limited Partnership, Registered Limited Liability Partnership, and the abbreviations, Co., Corp., Inc., Ltd., P.A., P.C., Chtd., L.L.C., L.L.P., P.L.L.C., L.P., R.L.L.P., and L.L.L.P. (3-31-22)

~~04. English Alphabet.~~ Letters A through Z. (3-31-22)

~~05. Internet Prefix.~~ Internet prefixes include “www” and any other Internet prefix used to identify a website. (3-31-22)

~~06. Internet Suffix.~~ Internet suffixes include .com, .org, .net, .gov, .edu, .coop, and any other Internet suffixes approved by the Internet Corporation for Assigned Names and Numbers (ICANN). (3-31-22)

~~07. Key Word.~~ Any word that is not an article, preposition, conjunction, or Business Entity Identifier. (3-31-22)

~~08. Special Characters.~~ Any special characters, such as ! “ \$ % () * @ ? +, and -, that are readily available on a standard English language keyboard. (3-31-22)

~~011.~~ 009. (RESERVED)

IDAPA 34 – IDAHO SECRETARY OF STATE

34.05.01 – RULES GOVERNING FARM PRODUCTS CENTRAL FILING SYSTEM

DOCKET NO. 34-0501-2601

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Title [67](#), [Chapter 9](#), and Title [28](#), [Chapter 9](#), Idaho Code, P.L. 99-198, Section 1324 of the Federal Food Security Act (1985, and Title 9, CFR Part 205 (2010).

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 19, 2026.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These changes update outdated language and code references, as well as eliminate outdated sections that are no longer used by the agency.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2026, Idaho Administrative Bulletin, [Vol. 26-6, page 30](#).

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Not applicable. There are no documents incorporated by reference affected by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Matthew Reiber at 208-334-2830.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2026.

DATED this July 8, 2026.

Matthew Reiber, Deputy Secretary of State
Idaho Secretary of State
700 W. Jefferson St., EW205, Boise, ID, 83702
208-334-2300
mreiber@sos.idaho.gov
sos.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 34-0501-2601
(Only Those Sections With Amendments Are Shown.)

34.05.01 – RULES GOVERNING FARM PRODUCTS CENTRAL FILING SYSTEM

000. LEGAL AUTHORITY.

~~In accordance with~~ Sections 67-903(9), 28-9-523(g), and 28-9-524, Idaho Code, ~~the Secretary of State has authority to promulgate administrative rules in order to execute the duties of the Office of the Secretary of State. This authority includes rules to implement and maintain the~~ and United States Department of Agriculture (USDA) certified Idaho Central Filing System, in accordance with P.L. 99-198, Section 1324 of the Federal Food Security Act (1985) and Title 9, CFR Part 205 (2010). (3-25-22)()

001. SCOPE.

These rules govern the requirements for the filing of Farm Products Financing Statements, ~~for~~ the filing of amendments to Farm Products Financing Statements, and ~~for~~ the compilation and distribution of a ~~m~~Master ~~L~~List (ML) of Farm Products Financing Statements, and portions of the ~~master list~~ ML. (3-25-22)()

002. -- 009. (RESERVED)

010. DEFINITIONS.

~~In addition to~~ the definitions set forth in Section 28-9-102, Idaho Code, the following apply: ~~with full force and effect to all provisions and sections of these rules. Where terms used in this rule are not explicitly or completely defined herein, definitions and usage of terms from the Legal Authority in Section 000 of these rules are applicable.~~ (3-25-22)()

01. Crop Year. (3-25-22)

- a. For a plant or plant product, the calendar year in which it is harvested or to be harvested. (3-25-22)
- b. For mammals, the calendar year in which they are born or acquired. (3-25-22)
- c. For bees and worms, the calendar year in which they are alive in adult form. (3-25-22)
- d. For poultry and the products of mammals, poultry, and bees (i.e., milk, eggs, and honey), the calendar year in which they are sold or to be sold. (3-25-22)
- e. For fish and other aquaculture, the calendar year in which they are harvested or to be harvested. (3-25-22)

02. Farm Products Financing Statement. A financing statement covering farm products. (3-25-22)

03. Item on a Master List. An entry on a master list relating to one (1) Farm Products Financing Statement and one (1) debtor listed thereon. (3-25-22)

04. ML Grouping. That related group of farm products which will appear as one (1) ML number on the master list. (3-25-22)

~~**011. ABBREVIATIONS.**~~

~~Where abbreviations used in these rules are not explicitly or completely defined herein, definitions and usage of abbreviations from the Legal Authority in Section 000 of these rules are applicable.~~ (3-25-22)

~~**01. ML.** A master list, which covers Farm Products Financing Statements relating to a particular farm product or group of farm products.~~ (3-25-22)

~~02. SOS, Idaho Secretary of State. (3-25-22)~~

~~03. USDA, United States Department of Agriculture. (3-25-22)~~

~~0121.~~ -- 019. (RESERVED)

020. UNIQUE IDENTIFIER NUMBER (UIN).

01. UIN System. The Secretary of State's Office (SOS) will use a UIN system that has been approved and certified by the USDA for the Idaho Central Filing System ~~in place of the former use of complete social security numbers~~ as a means of all debtor identification. (3-25-22)()

~~02. Social Security Numbers and Tax Identification Numbers.~~ With the use of UINs, as approved by the USDA, the SOS will no longer require or accept social security numbers or tax identification numbers, in total, on Farm Products Financing Statements. ~~Only the last four (4) digits shall be required and used. The SOS will not provide social security numbers or tax identification numbers, in total, to any person or business entity, in any format, from Farm Products Financing Statements.~~ (3-25-22)

021. -- 099. (RESERVED)

100. FARM PRODUCTS FINANCING STATEMENT REQUIREMENTS.

01. Form and Completion. A Farm Products Financing Statement must meet the requirements of Section ~~28-9-502~~, Idaho Code, and must be filed on SOS form "UCC-1F." (3-25-22)()

~~02. Completion of Form.~~ Form UCC-1F must be completed in accordance with instructions provided by the SOS. (3-25-22)

101. AMENDMENT, ASSIGNMENT, CONTINUATION, AND TERMINATION OF A FARM PRODUCTS FINANCING STATEMENT.

01. Form and Completion. An amendment, assignment, or continuation of a Farm Products Financing Statement must be filed on SOS form "UCC-3F." (3-25-22)()

~~02. Completion of Form.~~ Form UCC-3F must be completed in accordance with instructions provided by the SOS. (3-25-22)

~~032.~~ **Termination.** Termination of a Farm Products Financing Statement will be done either by the secured party's signature on the termination signature line on the original of the UCC-1F or by checking the termination box on the UCC-3F. (3-25-22)

102. FARM PRODUCTS FINANCING STATEMENTS UNDER THE UNIFORM COMMERCIAL CODE.

Unless otherwise provided for in this chapter, Farm Products Financing Statements shall be governed by IDAPA 34.05.06, ~~"Administrative~~ Rules Governing Lien Filings Under the UCC," with the following exceptions: (3-25-22)()

~~01. IDAPA 34.05.06.101.05 "File Number."~~ Subsection 101.05 only applies in that a unique number shall be assigned. For Farm Products Financing Statements, the filing type shall be designated as "F" followed by a number that is assigned sequentially. The filing number bears no relation to the time of filing and is not an indicator of priority. Active Status. Farm Product Financing Statements are to always appear as "active" with the SOS system. (3-25-22)()

~~02. IDAPA 34.05.06.108 "Acceptable Forms."~~ Section 108 does not apply to Farm Products Financing Statements. Assumed Business Name. Farm Product Financing Statements may use an assumed business name if the required information, as indicated in Section 020 of these rules, is provided. (3-25-22)()

03. IDAPA 34.05.06.111 “Filing Fees.” Section 111 does not apply to Farm Products Financing Statements. **Lapse of Statement.** Upon lapse of a financing statement, the information management system shall cause the Farm Products Financing Statement to no longer be made available to the searcher. (3-25-22)()

04. IDAPA 34.05.06.115.01 “Individually Identified Documents.” Subsection 115.01 does not apply to Farm Products Financing Statements. Copies of Farm Products Financing Statements shall be made available either from a computer terminal in the reception area in the filing office or through any medium otherwise accepted by the filing office. There is a charge of one dollar (\$1) per page for copies of Farm Products Financing Statements pursuant to Section 28-9-523(k), Idaho Code. (3-25-22)

05. IDAPA 34.05.06.202.02 “Additional Debtor Identification.” Subsection 202.02 does not apply to Farm Products Financing Statements. (3-25-22)

06. IDAPA 34.05.06.301.01 “Identification Numbers.” Subsection 301.01 applies, however, each Farm Products Financing Statement is identified by its file number as described in Subsection 102.01 of these rules. (3-25-22)

07. IDAPA 34.05.06.301.05 “Status of Financing Statement.” Subsection 301.05 does not apply to Farm Products Financing Statements. (3-25-22)

08. IDAPA 34.05.06.302.01 “Individual Name Fields.” Subsection 302.01 applies, however, no indicator is used to distinguish the name as that of an individual. (3-25-22)

09. IDAPA 34.05.06.302.05 “No Assumed Business Names.” Subsection 302.05 does not apply to Farm Products Financing Statements. However, if an assumed business name is used as the debtor name, the required information shall be as indicated in Subsection 020.02 of these rules. (3-25-22)

10. IDAPA 34.05.06.303.01 “Single Field.” Subsection 303.01 applies, however, no indicator is used to distinguish the name as that of an organization. (3-25-22)

11. IDAPA 34.05.06.303.03 “No Assumed Business Name.” Subsection 303.03 does not apply to Farm Products Financing Statements. However, if an assumed business name is used as the debtor name, the required information shall be as indicated in Subsection 020.02 of these rules. (3-25-22)

1204. IDAPA 34.05.06.306.02 “Status of Debtor.” Subsection 306.02 does not apply to Farm Products Financing Statements. (3-25-22)

1305. IDAPA 34.05.06.306.03 “Status of Financing Statement.” Subsection 306.03 does not apply to Farm Products Financing Statements. (3-25-22)

1406. IDAPA 34.05.06.310 “Termination.” Section 310 does not apply to Farm Products Financing Statements. (3-25-22)

15. IDAPA 34.05.06.312 “Procedure Upon Lapse.” Section 312 only applies to Farm Products Financing Statements in that a Farm Products Financing Statement lapses on its lapse date. Upon lapse of a Farm Products Financing Statement, the information management system shall cause the Farm Products Financing Statement to no longer be made available to the searcher. (3-25-22)

16. IDAPA 34.05.06.407 “Data Entry of Names – Designated Fields.” Section 407 applies to Farm Products Financing Statements, however, the filer is not required to designate whether a name is an individual or an organization. (3-25-22)

17. IDAPA 34.05.06.408 “Data Entry of Names – No Designated Fields.” Section 408 does not apply to Farm Products Financing Statements. (3-25-22)

18. IDAPA 34.05.06.410.02 “Name and Address of Each Debtor.” Subsection 410.02 applies to Farm Products Financing Statements, however, each debtor name is removed from the searchable index upon lapse or

termination. (3-25-22)

~~19. IDAPA 34.05.06.411.03 "Amendment Financing Statement Lapses."~~ Subsection 411.03 applies to Farm Products Financing Statements, however, each debtor name is removed from the searchable index upon lapse or termination. (3-25-22)

~~20. IDAPA 34.05.06.413 through IDAPA 34.05.06.504.~~ Sections 413 through 504 do not apply to Farm Products Financing Statements. (3-25-22)

103. -- 199. (RESERVED)

200. COLLATERAL INFORMATION CODES.

Codes are used to describe farm product collateral on the Farm Products Financing Statements and amendments, on the ~~master list~~ ML maintained by the SOS, and on the MLs distributed to registered buyers, commission merchants, and selling agents. Assignment of farm product codes and ML Groupings, county codes, and farm product unit codes shall be done by the SOS. ~~The SOS will provide a list of the established codes upon request.~~ (3-25-22)()

01. ML Groupings and Farm Product Codes. The table of ML Groupings, farm products, and their codes is as follows:

ML No.	ML Grouping	FP Code	FP Name
01	Wheat and Buckwheat	010	Wheat
<u>010</u>	<u>Wheat</u>	<u>011</u>	<u>Buckwheat</u>
<u>011</u>	<u>Buckwheat</u>		
02	Feed and Oil Grains	020	Barley
<u>020</u>	<u>Barley</u>	<u>021</u>	<u>Rye (including Triticale)</u>
<u>021</u>	<u>Rye (including Triticale)</u>	<u>022</u>	<u>Oats</u>
<u>022</u>	<u>Oats</u>	<u>023</u>	<u>Sorghum Grain</u>
<u>023</u>	<u>Sorghum Grain</u>	<u>024</u>	<u>Flaxseed</u>
<u>024</u>	<u>Flaxseed</u>	<u>025</u>	<u>Safflower</u>
<u>025</u>	<u>Safflower</u>	<u>026</u>	<u>Rape (including Canola)</u>
<u>026</u>	<u>Rape (including Canola)</u>	<u>027</u>	<u>Field Corn</u>
<u>027</u>	<u>Field Corn</u>	<u>028</u>	<u>Millet</u>
<u>028</u>	<u>Millet</u>		
03	Hay	030	Hay
<u>030</u>	<u>Hay</u>		
04	Ensilage	040	Ensilage
<u>040</u>	<u>Ensilage</u>		
05	Potatoes	050	Potatoes
<u>050</u>	<u>Potatoes</u>		
06	Sugar Beets	060	Sugar Beets
<u>060</u>	<u>Sugar Beets</u>		
07	Dry Beans	070	Dry Beans

ML No.	ML Grouping	FP Code	FP Name
070	Dry Beans		
08	Dry Peas, Lentils, and Garbanzos	080	Dry Peas
080	Dry Peas	084	Lentils
081	Lentils	082	Garbanzos (Chick Peas)
082	Garbanzos (Chick Peas)		
09	Sweet Corn	090	Sweet Corn
090	Sweet Corn		
10	Onions and Garlic	400	Onions
100	Onions	404	Onion Seed
101	Onion Seed	402	Garlic
102	Garlic		
11	Mint	440	Mint
110	Mint		
12	Hops	420	Hops
120	Hops		
13	Popcorn & Sunflower Seeds	430	Popcorn
130	Popcorn	434	Sunflower Seeds
131	Sunflower Seeds		
14	Soybeans	440	Soybeans
140	Soybeans		
15	Rice	450	Rice
150	Rice		
16	Seeds	460	Grass for Seed
160	Grass for Seed		
161	Alfalfa for Seed	464	Alfalfa for Seed
162	Other Hay Legumes for Seed	462	Other Hay Legumes for Seed
163	Garden Vegetables and Flower Seeds	463	Garden Vegetables and Flower Seeds
164	Seed Potatoes	464	Seed Potatoes
165	Row Crops for Seed	465	Row Crops for Seed
17	Vegetables & Melons	470	Green Peas
170	Green Peas		
171	Tomatoes	474	Tomatoes
172	Lettuce	472	Lettuce
173	Cucumbers	473	Cucumbers

ML No.	ML Grouping	FP Code	FP Name
174	Broccoli	174	Broccoli
175	Cauliflower	175	Cauliflower
176	Lima Beans	176	Lima Beans
177	Green Beans	177	Green Beans
178	Melons	178	Melons
179	Carrots	179	Carrots
180	Turnips	180	Turnips
181	Asparagus	181	Asparagus
182	Spinach and Collards	182	Spinach and Collards
183	Pumpkins and Squash	183	Pumpkins and Squash
184	Radishes	184	Radishes
185	Peppers	185	Peppers
186	Herbs	186	Herbs
19	Fruits	190	Apples
190	Apples		
191	Apricots	191	Apricots
192	Cherries	192	Cherries
193	Nectarines	193	Nectarines
194	Peaches	194	Peaches
195	Pears	195	Pears
196	Plums	196	Plums
20	Berries	200	Strawberries
200	Strawberries		
201	Raspberries	201	Raspberries
21	Nursery Products	210	Sod
210	Sod		
211	Nursery Stock (Trees and Shrubs)	211	Nursery Stock (Trees and Shrubs)
212	Christmas Trees	212	Christmas Trees
213	Flowers and Potted Plants	213	Flowers and Potted Plants
22	Mushrooms	220	Mushrooms
220	Mushrooms		
23	Grapes	230	Grapes
230	Grapes		
50	Beef Animals	500	Beef Cattle and Calves

ML No.	ML Grouping	FP Code	FP Name
500	Beef Cattle and Calves		
501	Beefalo	501	Beefalo
502	Bison	502	Bison
51	Sheep, Wool	510	Sheep and Lambs Goats and Llamas
510	Sheep, Lambs, Goats, and Llamas		
511	Wool	511	Wool
512	Goats	512	Goats
513	Llamas	513	Llamas
52	Hogs	520	Hogs
520	Hogs		
53	Dairy	530	Dairy Cattle
530	Dairy Cattle		
531	Milk	531	Milk
54	Equines	540	Horses
540	Horses		
541	Mules	541	Mules
542	Donkeys and Burros	542	Donkeys and Burros
55	Chickens and Eggs	550	Chickens
550	Chickens		
551	Eggs	551	Eggs
56	Other Fowl	560	Turkeys
560	Turkeys		
561	Ducks	561	Ducks
562	Geese	562	Geese
563	Game Birds	563	Game Birds
564	Ostriches, Emus, and Rheas	564	Ostriches, Emus, and Rheas
57	Mink, Rabbits, and Fox	570	Mink and Pelts
570	Mink and Pelts		
571	Rabbits	571	Rabbits
572	Fox and Pelts	572	Fox and Pelts
58	Apiary Products	580	Bees
580	Bees		
581	Honey	581	Honey
582	Bees Wax	582	Bees Wax

ML No.	ML Grouping	FP Code	FP Name
59	Fish and Other Aquaculture	590	Fish and Other Aquaculture
<u>590</u>	<u>Fish and Other Aquaculture</u>		
60	Big Game Animals (Deer and Elk)	600	Big Game Animals (Deer and Elk)
<u>600</u>	<u>Big Game Animals (Deer, Elk)</u>		
61	Worms	610	Worms
<u>610</u>	<u>Worms</u>		
62	Semen	620	Cattle Semen
<u>620</u>	<u>Cattle Semen</u>		
<u>621</u>	<u>Horse Semen</u>	621	Horse Semen

(3-25-22)()

02. County Codes. The table of county codes is as follows. Unless otherwise indicated, counties are in Idaho.

00	All Idaho Counties				
01	Ada	16	Cassia	31	Lewis
02	Adams	17	Clark	32	Lincoln
03	Bannock	18	Clearwater	33	Madison
04	Bear Lake	19	Custer	34	Minidoka
05	Benewah	20	Elmore	35	Nez Perce
06	Bingham	21	Franklin	36	Oneida
07	Blaine	22	Fremont	37	Owyhee
08	Boise	23	Gem	38	Payette
09	Bonner	24	Gooding	39	Power
10	Bonneville	25	Idaho	40	Shoshone
11	Boundary	26	Jefferson	41	Teton
12	Butte	27	Jerome	42	Twin Falls
13	Camas	28	Kootenai	43	Valley
14	Canyon	29	Latah	44	Washington
15	Caribou	30	Lemhi	45	Asotin, Wa.
				99	Not in Table

(3-25-22)

03. Unit Codes. The table for codes for units used to indicate the amount of a FP covered is as follows:

A - acres	G - gallons	T - tons
B - bushels	H - head	V - hives
C - hundred weight	L - pounds	W - lugs

E - cases	N - bins	X - boxes
F - flats	S - sacks	Z - stubs

(3-25-22)

**~~201. REGISTRATION OF BUYERS, COMMISSION MERCHANTS, AND SELLING AGENTS
SUBSCRIPTION TO THE ML.~~**

~~01. Form.~~ Registration of buyers, commission merchants, and selling agents must be on the SOS “Subscription Application/Renewal” form. (3-25-22)

~~02. Duration.~~ Registration is effective for a period of one (1) year. Renewal of registration may be filed at any time after ninety (90) days prior to expiration of a current registration period. (3-25-22)

~~03. Initial Subscription.~~ Subscriptions to the ML may be made at any time. (3-25-22)

~~202~~1. -- 299. (RESERVED)

300. FORM AND DISTRIBUTION OF A ML AND CS.

01. Content of List. Each ML includes data from all Farm Products Financing Statements which cover all ML Groupings and published in complete form on the first regularly scheduled bi-weekly publication date in each calendar quarter. To be included on a ML or CS, a Farm Products Financing Statement must be received by the SOS at least one (1) business day prior to publication. (3-25-22)()

02. ML Publication Dates. Each ML is published in complete form on the first regularly scheduled bi-weekly publication date in each calendar quarter. A ML may at other times be published in complete form at the discretion of the SOS. (3-25-22)

03. Cut Off. In order to be included on a ML or CS, a Farm Products Financing Statement must be received by the SOS at least one (1) business day prior to publication. (3-25-22)

04. Schedule. At the beginning of each calendar quarter, the SOS will make available a schedule of proposed publication dates for that calendar quarter. The SOS may, for good cause, deviate from the schedule, but every ML will be clearly marked with the actual date of publication. In no case will there be more than eighteen (18) days between publications of the ML. (3-25-22)

301. REQUESTS FOR INFORMATION: (RESERVED)

~~Requests for information on Farm Products Financing Statements will comply with IDAPA 34.05.03, “Rules Governing Requests For Information – Form UCC 4 – Fees.”~~ (3-25-22)

302. FEES.

01. Farm Products Financing Statement. Farm Products Financing Statement and changes thereto (UCC 1F and UCC 3F). (3-25-22)

a: The fee for filing either a UCC 1F or a UCC 3F is provided in IDAPA 34.05.06, “Administrative Rules Governing Lien Filings Under the UCC – Farm Product Liens,” Section 606. (3-25-22)

b: There is no charge for filing a complete termination of a Farm Products Financing Statement. (3-25-22)

02. Subscription to ML by Buyers, Commission Merchants, and Selling Agents. (3-25-22)

a: The fee for subscribing for one (1) year is sixty dollars (\$60). (3-25-22)

b: The subscription fee must be paid at the time the subscription is made. (3-25-22)

~~04. Fees for Requests for Information. The fees for requests for information on Farm Products Financing Statements, both written and verbal, and for copies of Farm Products Financing Statements reported on the certificate, are provided in IDAPA 34.05.03, "Rules Governing Requests For Information - Form UCC-4 - Fees."~~
(3-25-22)

UCC FEE SCHEDULE

<u>FILING TYPE</u>	<u>ELECTRONICALLY FILED</u>	<u>ELECTRONIC PRINT & MAIL</u>	<u>FILLABLE PDF FORM</u>
<u>INITIAL FILINGS</u>			
<u>UCC-1F</u>	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$30.00</u>
<u>UCC - 1F ADDITIONAL PAGES - NON ADDENDUMS</u>	<u>N/A</u>	<u>\$1.00 per page</u>	
<u>AMENDMENTS</u>			
<u>UCC-1F TERMINATION</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
<u>UCC-3F</u>	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$30.00</u>
<u>UCC - 3F ADDITIONAL PAGES - NON ADDENDUMS</u>	<u>N/A</u>	<u>\$1.00 per page</u>	
<u>UCC-3F TERMINATION</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
<u>SEARCH REQUESTS</u>			
<u>UCC11 - INFORMATION REQUESTS - INFO ONLY</u>	<u>\$12.00</u>	<u>\$12.00</u>	<u>\$32.00</u>
<u>UCC11 - INFORMATION REQUESTS - INFO & COPIES</u>	<u>\$18.00</u>	<u>\$18.00</u>	<u>\$38.00</u>
<u>NON-CERTIFIED SEARCHES</u>	<u>\$3.00</u>	<u>N/A</u>	<u>N/A</u>
<u>DOWNLOADS & SUBSCRIPTIONS</u>		<u>ANNUAL FEE</u>	<u>FEE PER DOWNLOAD</u>
<u>EFS & SEED AND LABOR LISTS SUBSCRIPTION</u>		<u>\$60.00</u>	<u>\$ -</u>

303. -- 999. (RESERVED)

IDAPA 34 – IDAHO SECRETARY OF STATE
34.05.02 – RULES GOVERNING LIENS IN CROPS FOR SEED
OR LIENS IN CROPS FOR FARM LABOR

DOCKET NO. 34-0502-2601

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Title 67, Chapter 9](#), and [Title 45, Chapter 3](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 19, 2026.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These changes update outdated language and code references, as well as eliminate outdated sections that are no longer used by the agency.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: The fees established in this chapter have remained unchanged and been consolidated under IDAPA 34.05.06.600.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2026 Idaho Administrative Bulletin, [Vol. 26-6, page 32](#).

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Not applicable. There are no documents incorporated by reference affected by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Matthew Reiber at 208-334-2830.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2026.

DATED this July 8, 2026.

Matthew Reiber, Deputy Secretary of State
Idaho Secretary of State
700 W. Jefferson St., EW205, Boise, ID, 83702
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 34-0502-2601
(Only Those Sections With Amendments Are Shown.)

34.05.02 – RULES GOVERNING LIENS IN CROPS FOR SEED
OR LIENS IN CROPS FOR FARM LABOR

000. LEGAL AUTHORITY.

~~In accordance with Sections 67-903(9), 45-313(3), and 45-316, Idaho Code, the Secretary of State has authority to promulgate administrative rules in order to execute the duties of the Office of the Secretary of State. (3-25-22)()~~

001. SCOPE.

These rules govern the requirements for the filing, amendment, or termination of liens in crops for seed or liens in crops for farm labor, ~~as well as~~ and the creation and distribution of a master list of liens in crops for seed or liens in crops for farm labor for the Idaho Secretary of State (SOS). (3-25-22)()

002. -- 009. (RESERVED)

010. DEFINITIONS.

The definitions set forth in Section 45-302, Idaho Code, and the following terms apply to these rules. (3-25-22)

01. Family. A group of related persons living together as one economic unit, comprised of parents and children, including step-children. (3-25-22)

02. Farm Laborer. Anyone who provides farm labor used in the production of crops. When a business entity contracts for and provides such labor, e.g., aerial spraying or custom harvesting, the entity and not its individual employees shall be deemed to be the farm laborer. ~~When individuals provide such labor directly to a producer, each individual is a farm laborer, whether or not they have been organized as a work crew or are members of a family which works as a unit.~~ (3-25-22)()

03. Notice of Claim of Lien. A written notice ~~on the public record~~ of a claimant's lien in the crops of a producer. (3-25-22)()

04. SOS. ~~Idaho Secretary of State.~~ (3-25-22)

011. -- 099. (RESERVED)

100. REQUIREMENTS FOR NOTICE OF CLAIM OF LIEN.

01. Form. The form for a notice of claim of lien shall be designated "SL-1," ~~and must be completed in accordance with instructions provided by the SOS. If there is insufficient space for all producer and claimant information, the excess will be entered on a supplement form designated "SL-2."~~ (3-25-22)()

a. Collateral information codes assigned by the SOS shall be used to indicate the crop and the county where the crop is grown. ~~The SOS will provide a list of the established codes upon request.~~ (3-25-22)()

02. Supplement. ~~If there is insufficient space on the form SL-1 for all producer and claimant information, the excess will be entered on a supplement form designated "SL-2."~~ (3-25-22)

101. AMENDMENT, ASSIGNMENT, EXTENSION, AND RELEASE OF CLAIM OF LIEN.

01. Form. The form for amendment, assignment, extension, and release of claim of lien is designated

“SL-3.” ~~and must be completed in accordance with instructions provided by the SOS.~~ (3-25-22)()

a. Collateral information codes assigned by the SOS shall be used to indicate the crop and the county where the crop is grown. ~~The SOS will provide a list of the established codes upon request.~~ (3-25-22)()

~~02. Supplement. If there is insufficient space on the first page of the form SL-3 for all information, the excess will be entered on an attached second page SL-3.~~ (3-25-22)

102. -- 199. (RESERVED)

200. ~~REGISTRATION AND SUBSCRIPTION FOR~~ LIST OF LIENS IN CROPS FOR SEED OR LIENS IN CROPS FOR FARM LABOR.

Any person may register and ~~subscribe for regular distribution of~~ download lists of all presently effective notices of claim of liens in crops for seed or liens in crops for farm labor which have been filed under this rule. ~~Unless otherwise set forth in this chapter, the registration and subscription for the list of liens in crops for seed or liens in crops for farm labor shall be administered by the rules as set forth in IDAPA 34.05.01, “Rules Governing Farm Products Central Filing System,” Section 201.~~ (3-25-22)()

201. LIST OF NOTICES OF CLAIM OF LIEN (LIST).

01. Compilation and Distribution. The SOS shall compile and make available ~~to subscribers~~ a list that includes all presently effective notices of claim of liens in crops for seed or liens in crops for farm labor, published on a bi-weekly schedule. A notice of claim of lien must be received by the SOS at least one (1) business day prior to publication. (3-25-22)()

~~02. Schedule. The list will be published on a bi-weekly schedule to be established by the SOS.~~ (3-25-22)

~~03. Cut-Off. In order to be included on a list, a notice of claim of lien must be received by the SOS at least one (1) business day prior to publication.~~ (3-25-22)

~~04. Schedule. At the beginning of each quarter, the SOS will make available a schedule of proposed publication dates for that calendar quarter. The SOS may, for good cause, deviate from the schedule, but every list will be marked with the actual date of publication. In no case will there be more than eighteen (18) days between publications of lists.~~ (3-25-22)

202. -- 299. (RESERVED)

300. SEARCH REQUESTS ~~FOR INFORMATION.~~

Search R requests for ~~information on~~ notices of ~~claim of~~ liens in crops for seed or liens in crops for farm labor, both written and verbal, will comply with IDAPA 34.05.036.501, ~~“Rule Governing Requests For Information—Form UCC 4—Fees.”~~ (3-25-22)()

301. FEES.

All fees are provided in IDAPA 34.05.06.600. ()

~~01. Notice of Claim of Lien, Notice of Amendment, Assignment, or Extension.~~ (3-25-22)

~~a. The fee is four dollars (\$4) if the form is filed online, and is eight dollars (\$8) in any other form, to be paid at the time of filing.~~ (3-25-22)

~~02. Notice of Release. No fee charged.~~ (3-25-22)

~~03. Registration and Subscription for List of Notices. The fees for registration and subscription are set forth in IDAPA 34.05.01, “Rules Governing Farm Products Central Filing System,” Subsections 303.02 and 303.03.~~ (3-25-22)

~~04. Fees for Requests for Information. The fees for requests for information on notices of claim are provided in IDAPA 34.05.03, "Rules Governing Requests For Information — Form UCC 4 — Fees." (3-25-22)~~

302. -- 999. (RESERVED)

IDAPA 34 – IDAHO SECRETARY OF STATE

34.05.03 – REQUESTS FOR INFORMATION – FORM UCC-4 – FEES

DOCKET NO. 34-0503-2601 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Title 67, Chapter 9](#), and [Title 45, Chapter 3](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 19, 2026.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: This action eliminates the rule chapter.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2026, Idaho Administrative Bulletin, [Vol. 26-6, page 34](#).

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Not applicable. There are no documents incorporated by reference affected by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Matthew Reiber at 208-334-2830.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2026.

DATED this 8th day of July, 2026.

Matthew Reiber, Deputy Secretary of State
Idaho Secretary of State
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IDAPA [34.05.03](#) IS PROPOSED TO BE REPEALED IN ITS ENTIRETY

IDAPA 34 – IDAHO SECRETARY OF STATE
34.05.06 – RULES GOVERNING LIEN FILINGS UNDER THE UCC
DOCKET NO. 34-0506-2601
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Title 67, Chapter 9](#), and [Title 28, Chapter 9](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 19, 2026.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These changes update outdated language and code references, as well as eliminate outdated sections that are no longer used by the agency.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: The fees established in this chapter have remained unchanged and been consolidated under IDAPA 34.05.06.600.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2026 Idaho Administrative Bulletin, [Vol. 26-6, page 36](#).

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Not applicable. There are no documents incorporated by reference affected by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Matthew Reiber at 208-334-2830.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2026.

DATED this July 8, 2026.

Matthew Reiber, Deputy Secretary of State
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 34-0506-2601
(Only Those Sections With Amendments Are Shown.)

34.05.06 – RULES GOVERNING LIEN FILINGS UNDER THE UCC

000. LEGAL AUTHORITY AND REFERENCES.

~~In accordance with~~ Sections 67-903(9) (1977) and 28-9-526 (2001), Idaho Code, ~~the Secretary of State has authority to promulgate administrative rules in order to execute the duties of the Office; this authority includes rules to implement Revised Article 9 of the Uniform Commercial Code, House Bill 205 (2001).~~ (3-25-22)()

001. SCOPE.

These rules govern the filing, acceptance, indexing and searching of financing statements in the Secretary of State's Office (SOS) under Article 9 of the Uniform Commercial Code. (3-25-22)()

002. -- 100. (RESERVED)

~~SUBCHAPTER 1 – GENERAL PROVISIONS~~

101. DEFINITIONS.

~~For the purpose of the rules contained in this chapter~~ In addition to the definitions found in Section 28-9-102, Idaho Code, the following ~~definitions~~ apply: (3-25-22)()

01. **Amendment.** A Uniform Commercial Code UCC document ~~that purports~~ to amend the information contained in a financing statement. Amendments include assignments, continuations and terminations. (3-25-22)()

02. **Assignment.** An amendment that ~~purports to~~ reflects an assignment of all or a part of a secured party's power to authorize an amendment to a financing statement. (3-25-22)()

~~03. Continuation. An amendment that purports to continue the effectiveness of a financing statement.~~ (3-25-22)

~~04.~~ **Correction Information Statement.** A UCC document that ~~purports to~~ indicates that a financing statement is inaccurate or wrongfully filed. (3-25-22)()

~~05. File Number. The unique identifying information assigned to an initial financing statement by the filing officer for the purpose of identifying the financing statement and UCC documents relating to the financing statement in the filing officer's information management system. For a financing statement with an initial financing statement filed on or prior to June 30, 2001, the file number includes the seven digit (7) number assigned to the financing statement by the filing officer. For a financing statement with an initial financing statement filed on or after July 1, 2001, the file number includes three (3) segments; the year of filing expressed as a four digit (4) number, followed by a unique seven digit (7) number assigned to the financing statement by the filing office and ending with a one digit (1) verification number assigned by the filing office but algorithmically derived from the numbers in the first two (2) segments. The filing number bears no relation to the time of filing and is not an indicator of priority.~~ (3-25-22)

~~06. Filing Office and Filing Officer. The Idaho Secretary of State's Office.~~ (3-25-22)

~~07. Financing Statement. An initial financing statement and all UCC documents that relate to the initial financing statement.~~ (3-25-22)

~~084.~~ **Individual.** A human being, or a decedent ~~in the case of a~~ when referring to a debtor's ~~that is such~~ decedent's estate. (3-25-22)()

~~09.~~ **Initial Financing Statement.** A UCC document containing the information required to be in an initial financing statement pursuant to Section 2 of these rules which, when filed, causes the filing office to establish the initial record of the existence of a financing statement in the filing office's UCC information management system. (3-25-22)

~~105.~~ **Organization.** A legal person who is not an individual under Subsection 101.0~~84.~~ (3-25-22)()

~~106.~~ **Remitter.** A person who tenders a UCC document to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the document for filing. "Remitter" does not include a person responsible merely for the delivery of the document to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process. (3-25-22)

~~12.~~ **Secured Party of Record.** With respect to a financing statement, a secured party or representative of a secured party named on the initial financing statement or, if an assignee is designated on the initial financing statement, instead shall mean the secured party or representative named as such assignee, and shall mean each other secured party or secured party representative named as an additional or substitute secured party on any amendment. Revised Article 9 provides that a person remains a secured party of record until the authorized filing of an amendment indicating that the person is no longer a secured party or secured party representative. However, as the filing officer cannot determine if such an amendment is in fact authorized, a secured party of record on a financing statement is not deleted from the filing officer's information management system until the financing statement lapses. (3-25-22)

~~13.~~ **Termination.** An amendment intended to indicate that the related financing statement has ceased to be effective with respect to the secured party authorizing the termination. (3-25-22)

~~14.~~ **UCC.** The Uniform Commercial Code as enacted in this state, Section 28-11-101, et seq., Idaho Code. (3-25-22)

~~1507.~~ **UCC Document.** An initial financing statement, an correctioninformation statement or any amendment, including an assignment, a continuation, or a termination. The word "document" in the term "UCC document" shall not be deemed to refer exclusively to paper or paper-based writings. In due time, UCC documents may be expressed or transmitted electronically or through media other than such writings. (Note: this definition is used for the purpose of these rules only. The use of the term "UCC document" in these rules has no relation to the definition of the term "document" in Section 28-9-102(a)(30), Idaho Code.) (3-25-22)()

102. ~~105.~~ (RESERVED)

~~103.~~ **PLACE OF FILING.**

The Secretary of State's Office is the filing office for filing UCC documents relating to all types of collateral except for timber to be cut, as extracted collateral (Section 28-9-102(a)(6), Idaho Code) and, when the relevant financing statement is filed as a fixture filing, goods which are or are to become fixtures. (3-25-22)

~~104.~~ **FILING OFFICE IDENTIFICATION.**

In addition to the promulgation of these rules, the filing office will disseminate information of its location, mailing address, telephone and facsimile numbers, and its internet and other electronic "addresses" through usual and customary means. (3-25-22)

~~105.~~ **OFFICE HOURS.**

Although the filing office maintains regular office hours, it receives transmissions by facsimile twenty-four (24) hours per day, three hundred sixty-five (365) days per year, except for scheduled maintenance and unscheduled interruptions of service. Electronic filings may be available in the near future, and will be possible twenty-four (24) hours per day, three hundred sixty-five (365) days per year, except for scheduled maintenance and unscheduled interruptions of service. (3-25-22)

106. **UCC DOCUMENT DELIVERY.**

UCC documents may be tendered for filing at the filing office as follows: (3-25-22)

01. Personal, Postal, or Courier Delivery, at the Filing Office's Street Address. The file time for a UCC document delivered by this method is when delivery of the UCC document is accepted by the filing office ~~(even though the UCC document may not yet have been accepted for filing and subsequently may be rejected).~~ (3-25-22)()

02. ~~Courier Delivery, at the Filing Office's Street Address.~~ The file time for a UCC document delivered by this method is, ~~notwithstanding the time of delivery, the next close of business following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected).~~ A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business. (3-25-22)

03. ~~Postal Service Delivery to the Filing Office's Mailing Address.~~ The file time for a UCC document delivered by this method is the next close of business following the time of delivery ~~(even though the UCC document may not yet have been accepted for filing and may be subsequently rejected).~~ A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business. (3-25-22)

042. Online Delivery Through the Filing Office's Website. The file time for a UCC document delivered by this method is; when the document is submitted to the filing office ~~(even though the UCC document may not yet have been accepted for filing and may be subsequently rejected).~~ (3-25-22)()

107. SEARCH REQUEST DELIVERY (RESERVED)
UCC search requests may be delivered to the filing office by any of the means by which UCC documents may be delivered to the filing office. Requirements concerning search requests are set forth in Section 501. UCC search requests upon a debtor named on an initial financing statement may be made by an appropriate indication on the face of the initial financing statement form if the form is entitled to be filed with the standard form fee and the relevant search fee is also tendered with the initial financing statement (3-25-22)

108. ACCEPTABLE FORMS.
The forms set forth in Section 28-9-521, Idaho Code, and forms approved by the International Association of Corporation Administrators (IACA) shall be accepted by the ~~filing office SOS.~~ Forms approved by the International Association of Corporation Administrators on or prior to July 1, 2001, and forms approved by the filing office shall be accepted. (3-25-22)()

109. -- 1103. (RESERVED)

111. FILING FEES.
Section 28-9-525, Idaho Code. (3-25-22)

01. ~~Filing Fee.~~ The fee for filing and indexing a UCC document of one (1) or two (2) pages communicated on paper or in a paper-based format is six dollars \$(6). If there are additional pages, the fee is twelve dollars \$(12). ~~When available, the fee for filing and indexing a UCC document communicated by a medium authorized by these rules which is other than on paper or in a paper-based format shall be three dollars \$(3).~~ (3-25-22)

02. ~~UCC Search Fee.~~ The fee for a UCC online search is three dollars \$(3). Certified searches may be performed using form UCC4 with fees as per IDAPA rule 34.05.03. (3-25-22)

03. ~~Correct Filing Fee is Required for Processing.~~ Incorrect calculated payments will be returned. (3-25-22)

112. (RESERVED)

113. METHODS OF PAYMENT.

~~Filing fees and fees for public records services may be paid by the following methods:~~ (3-25-22)

~~01. Cash. Payment in cash shall be accepted if paid in person at the filing office.~~ (3-25-22)

~~02. Checks. Personal checks, business checks, bank certified checks or cashiers checks and money orders shall be accepted for payment if they are drawn on a bank acceptable to the filing office or if the drawer is acceptable to the filing office.~~ (3-25-22)

~~03. Credit Card. Payment with a credit card shall be accepted if paid in person at the filing office or making a payment online.~~ (3-25-22)

114. PUBLIC RECORDS SERVICES.

~~Public records services are provided on a non-discriminatory basis to any member of the public on the terms described in these rules.~~ The following methods are available for obtaining copies of UCC documents and copies of data from the UCC information management system. (3-25-22)()

~~01. Individually Identified Documents. Copies of individually identified UCC documents are available either from a computer terminal in the reception area in the filing office or through any medium otherwise accepted by the filing office online. There is a charge of twenty five cents (\$.25) per page for printed information, but only if four (4) or more pages are printed.~~ (3-25-22)()

~~02. Bulk Copies of Documents. Bulk copies of UCC documents are available by subscription.~~ (3-25-22)

~~03. Data from the Information Management System. A list of available data elements from the UCC information management system, and the file layout of the data elements, are available from the filing officer upon request. Data from the information management system is available as follows:~~ (3-25-22)

~~a. Full Extract. A bulk data extract of information from the UCC information management system is available on a bi-weekly basis.~~ (3-25-22)

~~b. Format. Extracts from the UCC information management system are available in plain text format.~~ (3-25-22)

~~04. Direct On-Line Services. On line services providing UCC information are available from the UCC information management data request systems.~~ (3-25-22)

~~115. FEES FOR PUBLIC RECORDS SERVICES.~~

~~Fees for public records services are established as follows:~~ (3-25-22)

~~01. Charge for Paper Copies. The charge for paper copies of individual documents is one dollar (\$1) per page.~~ (3-25-22)

~~02. Data From the Information Management System. The charge for a full extract is one hundred twenty five dollars (\$125) per bi-weekly download.~~ (3-25-22)

~~116. NEW PRACTICES AND TECHNOLOGIES.~~

~~The filing officer may adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, Article 9 filing data by means of electronic, voice, optical and/or other technologies, and, without limiting the foregoing, to maintain and operate, in addition to or in lieu of a paper based system, a non-paper based Article 9 filing system utilizing any of such technologies. In developing and utilizing technologies and practices, the filing officer shall, to the greatest extent feasible, take into account compatibility and consistency with technologies, practices, policies and regulations adopted in connection with Article 9 filing systems in other states.~~ (3-25-22)

~~117~~5. -- 199. (RESERVED)

~~SUBCHAPTER 2 – ACCEPTANCE AND REFUSAL OF DOCUMENTS~~

200. ROLE OF FILING OFFICER.

01. Duties and Responsibilities. The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. (3-25-22)

02. ~~What the Filing Officer Does Not Do~~ Limitations. In accepting ~~for filing~~ or refusing to file a UCC document ~~pursuant to these rules~~, the filing officer does not: (3-25-22)()

- a. Determine the legal sufficiency or insufficiency of a document. (3-25-22)
- b. Determine that a security interest in collateral exists or does not exist. (3-25-22)
- c. Determine that information in the document is correct or incorrect, in whole or in part. (3-25-22)
- d. Create a presumption that information in the document is correct or incorrect, in whole or in part. (3-25-22)

201. DUTY TO FILE.

Provided that there is no ground to refuse acceptance of the document under Section 202, a UCC document is filed upon its receipt by the ~~filing officer~~ SOS with the filing fee and the ~~filing officer~~ SOS shall promptly assign a file number to the UCC document and index it in the information management system. (3-25-22)()

202. GROUNDS FOR REFUSAL OF UCC DOCUMENT.

~~In addition to Section 28-9-516, Idaho Code. The following grounds are the sole grounds for the filing officer's refusal to accept a UCC document for filing. As used herein, the term "legible" is not limited to refer only to written expressions on paper; it requires, when appropriate, a machine-readable transmission for electronic transmissions and an otherwise readily decipherable transmission in other cases applies to all written and electronic communication.~~ (3-25-22)()

01. Debtor Name and Address. An initial financing statement or an amendment that ~~purports to add~~ a debtor shall be refused if the document fails to include a legible debtor name and address ~~for a debtor~~, in the case of an initial financing statement, or for the debtor ~~purporting to be~~ added in the case of such an amendment. ~~If the document contains more than one debtor name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the debtor name(s) that was (were) indexed, and a statement that debtors with illegible or missing names or addresses were not indexed.~~ (3-25-22)()

02. ~~Additional Debtor Identification.~~ ~~An initial financing statement or an amendment adding one or more debtors shall be refused if the document fails to identify whether each named debtor (or each added debtor in the case of such an amendment) is an individual or an organization, if the last name of each individual debtor is not identified, or if, for each debtor identified as an organization, the document does not include in legible form the organization's type, state of organization and organization number (or a statement that it does not have an organization number). UCC documents, including the UCC1 and UCC3, should not contain Social Security Account Numbers or other Taxpayer identification numbers although there are spaces for this information on the approved UCC1 and UCC3 form. If these numbers are entered on the forms, the filing officer shall cause them not to be readable on the scanned image retained by the filing office.~~ (3-25-22)

03. Secured Party Name and Address. An initial financing statement, an amendment ~~purporting to add a secured party of record, or an assignment, shall be refused if the document that~~ fails to include ~~any~~ legible secured party (or assignee in the case of an assignment) name and address. ~~If the document contains more than one secured party (or assignee) name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the secured party (or assignee) names that were indexed, and a statement that secured parties with illegible or missing names or addresses were not indexed.~~ (3-25-22)()

043. Lack of Identification of Initial Financing Statement. ~~Any~~ UCC document other than an initial financing statement ~~shall be refused if the document that~~ does not provide a file number of a financing statement which exists in the UCC information management system and which has not lapsed. (3-25-22)()

05. Other Required Information. ~~A UCC document that does not identify itself as an initial financing statement or as another type of UCC document shall be refused.~~ (3-25-22)

064. Timeliness of Continuation. ~~Any~~ continuation ~~shall be refused if it is~~ not received during the six (6) month period concluding on the day upon which the related financing statement would lapse. (3-25-22)()

a. First Day Permitted. ~~The first day on which a continuation may be filed is the date of the month corresponding to the date upon which the financing statement would lapse, six (6) months preceding the month in which the financing statement would lapse. If there is no such corresponding date during the sixth month preceding the month in which the financing statement would lapse, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse, although filing by certain means may not be possible on such date if the filing office is not open on such date.~~ (3-25-22)

b. Last Day Permitted. ~~The last day on which a continuation may be filed is the date upon which the financing statement lapses.~~ (3-25-22)

07. Fee. ~~A document shall be refused if the document is accompanied by less than the full filing fee tendered by a method described in Section 113.~~ (3-25-22)

08. Means of Communication. ~~UCC documents communicated to the filing office by a means of communication not authorized by the filing officer for the communication of UCC documents shall be refused.~~ (3-25-22)

203. (RESERVED)

204. TIME LIMIT.

~~The filing officer shall determine whether criteria exist to refuse acceptance of a UCC document for filing not later than the second business day after the date the document would have been filed had it been accepted for filing and shall index a UCC document not so refused within the same time period.~~ Pursuant to Section 28-9-520(b), Idaho Code, the SOS shall communicate the acceptance or refusal of a record within (2) business days of receiving the filing. (3-25-22)()

205. PROCEDURE UPON REFUSAL. (RESERVED)

~~If the filing officer finds any basis under Section 202 to refuse acceptance of a UCC document, the filing officer shall return the document, if written, to the remitter and refund the filing fee. The filing office shall send a notice that contains the date and time the document would have been filed had it been accepted for filing (unless such date and time are stamped on the document), and a brief description of the reason(s) for refusal to accept the document under Section 202. The notice shall be sent to a secured party or the remitter as provided in Subsection 401.02.b. no later than the second business day after of the determination to refuse acceptance of the document. A refund may be delivered with the notice or under separate cover.~~ (3-25-22)

206. ACKNOWLEDGMENT.

~~At the request of a filer or remitter, the filing officer~~ The SOS shall communicate to the filer or remitter the information in the filed document, the file number, and the date and time of filing. (3-25-22)()

207. OTHER NOTICES. (RESERVED)

~~Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not have the resources to do so. THE RESPONSIBILITY FOR THE LEGAL EFFECTIVENESS OF FILING RESTS WITH FILERS AND REMITTERS AND THE FILING OFFICE BEARS NO RESPONSIBILITY FOR SUCH EFFECTIVENESS.~~ (3-25-22)

208. REFUSAL ERRORS.

If a secured party or a remitter demonstrates ~~to the satisfaction of the filing officer~~ that a UCC document that was refused for filing should not have been, the ~~filing officer will file the~~ UCC document will be filed as provided in these rules with a filing date and time assigned when such filing occurs. The ~~filing officer~~ SOS will also file a ~~filing officer~~ statement that states the effective date and time of filing which shall be the date and time the UCC document was originally tendered for filing. The lapse date shall be calculated based upon the date the UCC document was originally tendered. (3-25-22)()

209. -- ~~299~~303. (RESERVED)

~~SUBCHAPTER 3 — UCC INFORMATION MANAGEMENT SYSTEM~~

~~300. POLICY STATEMENT.~~

~~The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on financing statements which have not been lapsed for more than one (1) year.~~ (3-25-22)

~~301. PRIMARY DATA ELEMENTS.~~

~~The primary data elements used in the UCC information management system are the following:~~ (3-25-22)

~~01. Identification Numbers.~~ (3-25-22)

~~a. Each initial financing statement is identified by its file number as described in Subsection 101.05. Identification in the form of the file number of the initial financing statement is stamped on written UCC documents or is otherwise permanently associated with the record maintained for UCC documents in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement.~~ (3-25-22)

~~b. A UCC document other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the information management system, records of all UCC documents other than initial financing statements are linked to the record of their related initial financing statement.~~ (3-25-22)

~~02. Type of Document. The type of UCC document from which data is transferred is identified in the information management system from information supplied by the remitter.~~ (3-25-22)

~~03. Filing Date and Filing Time. The filing date and filing time of UCC documents are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date or the effective filing date as provided in Section 208 of these rules.~~ (3-25-22)

~~04. Identification of Parties. The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system using one (1) or more data entry or transmittal techniques.~~ (3-25-22)

~~05. Status of Financing Statement. In the information management system, each financing statement has a status of active or inactive.~~ (3-25-22)

~~06. Lapse Indicator. An indicator is maintained by which the information management system identifies whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in Section 404.~~ (3-25-22)

~~302. NAMES OF DEBTORS WHO ARE INDIVIDUALS.~~

~~The definition of "individual" is found in Subsection 101.08. This rule applies to the name on a UCC document of a debtor or a secured party who is an individual.~~ (3-25-22)

~~01. Individual Name Fields. The names of individuals are stored in the same files as the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals, and an indicator is marked with "I" to distinguish the name as that of an individual. The~~

~~filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.~~ (3-25-22)

02. ~~Titles and Prefixes Before Names.~~ ~~Titles and prefixes, such as “Doctor,” “Reverend,” “Mr.,” and “Ms.,” should not be entered in the UCC information management system. However, as provided in Section 407, when a UCC document is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.~~ (3-25-22)

03. ~~Titles and Suffixes After Names.~~ ~~Titles or indications of status such as “M.D.” and “esquire” shall not be entered in the UCC information management system. Suffixes, such as “Sr.,” “Jr.,” “I,” “II,” and “III,” and “Est” (estate) are entered in a field designated for name suffixes.~~ (3-25-22)

04. ~~Truncation—Individual Names.~~ ~~Personal name fields in the UCC database are fixed in length. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The length of data entry name fields are as follows.~~ (3-25-22)

a. ~~First name: Fifty (50) characters.~~ (3-25-22)

b. ~~Middle name: Fifty (50) characters.~~ (3-25-22)

c. ~~Last name: Two hundred fifty-five (255) characters.~~ (3-25-22)

d. ~~Suffix: Ten (10) characters.~~ (3-25-22)

05. ~~No Assumed Business Names.~~ ~~An assumed business name, whether or not on file under Chapter 5, Title 53, Idaho Code, is not the legal name of the individual using the assumed business name.~~ (3-25-22)

303. NAMES OF DEBTORS THAT ARE ORGANIZATIONS.

~~This rule applies to the names of organizations which are debtors or secured parties on a UCC document.~~ (3-25-22)

01. ~~Single Field.~~ ~~The names of organizations are stored in the same files as the names of individuals. The name of an organization is stored in the last name field only, and an indicator is marked with “O” to distinguish the name as that of an organization. The filing officer assumes no responsibility for the accurate designation of an organizational name but will accurately enter the data in accordance with the filer's designations.~~ (3-25-22)

02. ~~Truncation—Organization Names.~~ ~~The organization name field in the UCC database is fixed in length. The maximum length is two hundred fifty-five (255) characters. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.~~ (3-25-22)

03. ~~No Assumed Business Names.~~ ~~An assumed business name, whether or not on file under Chapter 5, Title 53, Idaho Code, is not the legal name of the organization using the assumed business name.~~ (3-25-22)

(BREAK IN CONTINUITY OF SECTIONS)

305. TRUSTS.

If the trust is named in its organic document(s), its full legal name, as set forth in such document(s), is used. ~~Such trusts are~~ and treated as organizations. If the trust is not ~~so~~ named, the name of the settlor is used. If a settlor is indicated to be an organization, the name is treated as an organization name. If the settlor is an individual, the name is treated as an individual name. ~~A UCC document that uses a settlor's name should include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor and all financing statements filed against trusts or trustees acting with respect to property held in trust should indicate the nature of the debtor. If this is done in, or as part of, the name of the debtor, it will be entered as if it were a part of the name under Sections 407 and 408.~~ (3-25-22) ()

(BREAK IN CONTINUITY OF SECTIONS)

307. AMENDMENT.

Upon the filing of an amendment the status of the parties and the status of the financing statement shall be as follows:
(3-25-22)

01. Status of Secured Party and Debtor. An amendment shall affect the status of its debtor(s) and secured party(ies) as follows: (3-25-22)

a. Collateral Amendment or Address Change. An amendment that amends only the collateral description or one (1) or more addresses has no effect upon the status of any debtor or secured party. If a statement of amendment is authorized by less than all of the secured parties (or, in the case of an amendment that adds collateral, less than all of the debtors), the statement affects only the interests of each authorizing secured party (or debtor).
(3-25-22)

b. Debtor Name Change. An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all UCC documents that include an identification of such initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name will reveal such initial financing statement and such related UCC documents. Such a statement of amendment affects only the rights of its authorizing secured party(ies).
(3-25-22)

c. Secured Party Name Change. An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record.
(3-25-22)

d. Addition of a Debtor. An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured party(ies) authorizing the statement of amendment.
(3-25-22)

e. Addition of a Secured Party. An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement.
(3-25-22)

f. Deletion of a Debtor. An amendment that deletes a debtor has no effect on the status of any party to the financing statement, ~~even if the amendment purports to delete all debtors.~~ (3-25-22)()

g. Deletion of a Secured Party. An amendment that deletes a secured party of record has no effect on the status of any party to the financing statement, ~~even if the amendment purports to delete all secured parties of record.~~ (3-25-22)()

02. Status of Financing Statement. An amendment shall have no effect upon the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.
(3-25-22)

308. ASSIGNMENT OF POWERS OF SECURED PARTY OF RECORD.

01. Status of the Parties. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.
(3-25-22)

~~**02. Status of Financing Statement.** An assignment shall have no effect upon the status of the financing statement.~~ (3-25-22)

309. CONTINUATION.

01. **Continuation of Lapse Date.** Upon the timely filing of one (1) or more continuations by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five (5) years. (3-25-22)

~~02. **Status of Parties.** The filing of a continuation shall have no effect upon the status of any party to the financing statement. (3-25-22)~~

~~03. **Status of Financing Statement.** Upon the filing of a continuation statement, the status of the financing statement remains active. (3-25-22)~~

(BREAK IN CONTINUITY OF SECTIONS)

311. ~~CORRECTION~~**INFORMATION** STATEMENT.

01. **Status of Parties.** The filing of an ~~an correction~~ **information** statement shall have no effect upon the status of any party to the financing statement. (3-25-22)()

02. **Status of Financing Statement.** An ~~an correction~~ **information** statement shall have no effect upon the status of the financing statement. (3-25-22)()

(BREAK IN CONTINUITY OF SECTIONS)

313. -- ~~399~~**413**. (RESERVED)

~~SUBCHAPTER 4 — FILING AND DATA ENTRY PROCEDURES~~

~~400. **POLICY STATEMENT.**~~

~~This section contains rules describing the filing procedures of the filing officer upon and after receipt of a UCC document. It is the policy of the filing officer to file promptly a document that conforms to these rules. Except as provided in these rules, data is transferred from a UCC document to the information management system exactly as the data is set forth in the document. Personnel who create reports in response to search requests type search criteria exactly as set forth on the search request. No effort is made to detect or correct errors of any kind. (3-25-22)~~

~~401. **DOCUMENT INDEXING AND OTHER PROCEDURES BEFORE ARCHIVING.**~~

~~01. **Cash Management.** Transactions necessary to payment of the filing fee are performed. (3-25-22)~~

~~02. **Document Review.** The filing office determines whether a ground exists to refuse the document under Section 202. (3-25-22)~~

~~a. **File Stamp.** If there is no ground for refusal of the document, the document is stamped or deemed filed and a unique identification number and the filing date is stamped on the document or permanently associated with the record of the document maintained in the UCC information management system. The sequence of the identification number is not an indication of the order in which the document was received. (3-25-22)~~

~~b. **Correspondence.** If there is a ground for refusal of the document, notification of refusal to accept the document is prepared as provided in Section 205. If there is no ground for refusal of the document, an acknowledgment of filing is prepared as provided in Section 206. Acknowledgment of filing or notice of refusal of a UCC document is sent to the secured party (or the first secured party if there are more than one (1)) named on the UCC document or to the remitter if the remitter so requests by regular mail or by overnight courier if the remitter provides a prepaid waybill or access to the remitter's account with the courier. (3-25-22)~~

~~402. FILING DATE.~~

~~The filing date of a UCC document is the date the UCC document is received with the proper filing fee if the filing office is open to the public on that date; or, if the filing office is not so open to the public on that date, the filing date is the next date the filing office is so open, except that, in each case, UCC documents received after 5 p.m. shall be deemed received on the following day. The filing officer may perform any duty relating to the document on the filing date or on a date after the filing date.~~ (3-25-22)

~~403. FILING TIME.~~

~~The filing time of a UCC document is determined as provided in Section 106.~~ (3-25-22)

~~404. LAPSE DATE AND TIME.~~

~~A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility). The lapse date is the same date of the same month as the filing date in the fifth year after the filing date or relevant subsequent fifth anniversary thereof if a timely continuation statement is filed, but if the initial financing statement indicates that it is filed with respect to a public finance transaction or a manufactured home transaction, the lapse date is the same date of the same month as the filing date in the thirtieth year after the filing date. The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29 filing date shall be March 1 in the fifth year following the year of the filing date.~~ (3-25-22)

~~405. ERRORS OF THE FILING OFFICER.~~

~~The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction is made after the filing officer has issued a certification date that includes the filing date of a corrected document, the filing officer shall file a filing officer statement in the UCC information management system identifying the record to which it relates, the date of the correction and explaining the nature of the corrective action taken. The notation shall be preserved as long as the record is preserved in the UCC information management system.~~ (3-25-22)

~~406. ERRORS OTHER THAN FILING OFFICE ERRORS.~~

~~An error by a filer is the responsibility of such filer. It can be corrected by filing an amendment or it can be disclosed by a correction statement.~~ (3-25-22)

~~407. DATA ENTRY OF NAMES — DESIGNATED FIELDS.~~

~~A filing should designate whether a name is a name of an individual or an organization and, if an individual, also designate the first, middle and last names and any suffix. When this is done, Subsections 407.01 through 407.03 shall apply:~~ (3-25-22)

~~**01. Organization Names.** Organization names are entered into the UCC information management system exactly as set forth in the UCC document, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the field designated for an organization name.~~ (3-25-22)

~~**02. Individual Names.** On a form that designates separate fields for first, middle, and last names and any suffix, the filing officer enters the names into the first, middle, and last name and suffix fields in the UCC information management system exactly as set forth on the form.~~ (3-25-22)

~~**03. Designated Fields Encouraged.** The filing office encourages the use of forms that designate separate fields for individual and organization names and separate fields for first, middle, and last names and any suffix. Filers should be aware that the inclusion of a name in an incorrect field or the failure to transmit a name accurately to the filing office may cause a filing to be ineffective.~~ (3-25-22)

~~408. DATA ENTRY OF NAMES — NO DESIGNATED FIELDS.~~

~~A UCC document that is an initial financing statement or an amendment that adds a debtor to a financing statement and that fails to specify whether the debtor is an individual or an organization shall be refused by the filing office. If it is accepted for filing in error, the following rules in Subsections 408.01 through 408.04 shall apply:~~ (3-25-22)

~~**01. Identification of Organizations.** A name is treated as an organization name if it contains words or~~

~~abbreviations that indicate status such as the following and similar words or abbreviations in foreign languages: association, church, college, company, co., corp., corporation, inc., limited, ltd., club, foundation, fund, L.L.C., limited liability company, institute, society, union, syndicate, GmbH, S.A. de C.V., limited partnership, L.P., limited liability partnership, L.L.P., trust, business trust, co-op, cooperative and other designations established by statutes to indicate a statutory organization. In cases where organization or individual status is not designated by the filer and is not clear, the filing officer will use his own judgment.~~ (3-25-22)

~~**02. Identification of Individuals.** A name is entered as the name of an individual and not the name of an organization when the name is followed by a title substantially similar to one (1) of the following titles, or the equivalent of one (1) of the following titles in a foreign language: proprietor, sole proprietor, proprietorship, sole proprietorship, partner, general partner, president, vice president, secretary, treasurer, M.D., O.D., D.D.S., attorney at law, Esq., accountant, CPA. In such cases, the title is not entered.~~ (3-25-22)

~~**03. Individual and Organization Names on a Single Line.** Where it is apparent that the name of an individual and the name of an entity are stated on a single line and not in a designated individual name field, the name of the individual and the name of the entity shall be entered as two (2) separate debtors, one (1) as an individual and one (1) as an entity. Additional filing fees for the amendment to add additional debtor name(s) may be required.~~ (3-25-22)

~~**04. Individual Names.** The failure to designate the last name of an individual debtor in an initial financing statement or an amendment adding such debtor to a financing statement should cause a filing to be refused. If the filing is accepted in error, or if only the last name is designated, the following data entry rules apply:~~ (3-25-22)

~~**a. Freestanding Initials.** An initial in the first position of the name is treated as a first name. An initial in the second position of the name is treated as a middle name.~~ (3-25-22)

~~**b. Combined Initials and Names.** An initial and a name to which the initial apparently corresponds is entered into one (1) name field only [e.g. "D. (David)" in the name "John D. (David) Rockefeller" is entered as "John" (first name); "D. (David)" (middle name); "Rockefeller" (last name)].~~ (3-25-22)

~~**c. Multiple Individual Names on a Single Line.** Two (2) individual names contained in a single line are entered as two different debtors [e.g. the debtor name "John and Mary Smith" is entered as two (2) debtors: "John Smith" and "Mary Smith"].~~ (3-25-22)

~~**d. One Word Names.** A one (1) word name is entered as a last name [e.g. "Charro" is treated as a last name].~~ (3-25-22)

~~**e. Nicknames.** A nickname is entered in the name field together with the name preceding the nickname, or if none, then as the first name (e.g., "William (Bill) Jones").~~ (3-25-22)

~~**409. VERIFICATION OF DATA ENTRY.** The filing officer uses double key entry to verify the accuracy of data entry tasks.~~ (3-25-22)

~~**410. INITIAL FINANCING STATEMENT.**~~

~~**01. New Record Bears the Unique UCC File Number.** A new record is opened in the UCC information management system for each initial financing statement. The new record bears the unique file number of the financing statement and the date and time of filing.~~ (3-25-22)

~~**02. Name and Address of Each Debtor.** The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the financing statement. Each such debtor name is included in the searchable index and is not removed until one (1) year after the financing statement lapses.~~ (3-25-22)

~~**03. Name and Address of Each Secured Party.** The name and address of each secured party that are legibly set forth in the financing statement are entered into the record of the financing statement.~~ (3-25-22)

~~**04. Record Is Indexed According to the Name of the Debtor.** The record is indexed according to the~~

name of the debtor(s) and is maintained for public inspection. (3-25-22)

~~05. **Lapse Date.** A lapse date is established for the financing statement, and the lapse date is maintained as part of the record. No lapse date is established for a financing statement which indicates it is filed against a transmitting utility. (3-25-22)~~

~~411. **AMENDMENT.**~~

~~01. **Date and Time of Filing Amendment.** A record is created for the amendment that bears the file number for the amendment and the date and time of filing. (3-25-22)~~

~~02. **Amendment Initial Financing Statement.** The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the financing statement is retrieved. (3-25-22)~~

~~03. **Amendment Financing Statement Lapses.** The name and address of each additional debtor and secured parties are entered into the UCC information management system in the record of the financing statement. Each such additional debtor name is added to the searchable index and is not removed until one (1) year after the financing statement lapses. (3-25-22)~~

~~04. **New Lapse Date Is Established.** If the amendment is a continuation, a new lapse date is established for the financing statement and maintained as part of its record. (3-25-22)~~

~~412. **CORRECTION STATEMENT.**~~

~~A record is created for the correction statement that bears the file number for the correction statement and the date and time of filing. The record of the correction statement is associated with the record of the related initial financing statement in a manner that causes the correction statement to be retrievable each time a record of the financing statement is retrieved. (3-25-22)~~

~~413. **GLOBAL FILINGS.**~~

~~01. **Filing a Single UCC Document.** The filing officer may accept for filing a single UCC document for the purpose of amending more than one (1) financing statement, for one (1) or both of the following purposes: (3-25-22)~~

~~a. Amendment to change secured party name; or (3-25-22)~~

~~b. Amendment to change secured party address. (3-25-22)~~

~~02. **Global Filing.** A global filing shall consist of a written document describing the requested amendment on a form approved by the filing office. Acceptance of a global filing is conditioned upon the determination of the filing officer and is within the filing officer's sole discretion. (3-25-22)~~

~~414. **NOTICE OF BANKRUPTCY.**~~

~~The filing officer SOS shall take no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. (3-25-22)()~~

~~415. -- 499. (RESERVED)~~

~~**SUBCHAPTER 5 — SEARCH REQUESTS AND REPORTS**~~

~~500. **GENERAL REQUIREMENTS.**~~

~~The filing officer SOS maintains for public inspection a searchable index for all records of UCC documents that provides for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement to which the record relates and which associates each initial financing statement and each filed UCC document relating to the initial financing statement. (3-25-22)()~~

501. SEARCH REQUESTS AND RESPONSES.

Search requests shall contain the following information: (3-25-22)

01. Form. UCC 11 Information Request. ()

01.a. Name Searched. A search request ~~should set forth~~ must be the full correct name of a debtor or the name variant desired to be searched and must specify whether the debtor is an individual or an organization. ~~The full name of an individual should consist, whenever possible, of a first, middle, and last name, followed by any suffix that may apply to the name. The full name of an organization shall consist of the name of the organization as stated on the articles of incorporation or other organic documents in the state or country of organization or the name variant desired to be searched.~~ A search request will be processed using the name in the exact form it is submitted and needs to include the name and address of the requesting party. (3-25-22)()

02. Requesting Party. ~~The name and address of the person to whom the search report is to be sent.~~ Responses. Any information request response shall include the filing officer information; report date; names searched; date the report was certified; identification of each valid initial financing statement filed by name of debtor, identification number, and file date and file time; a listing of all related UCC documents filed; and all copies of UCC documents requested. (3-25-22)()

03. Fee. The appropriate fee shall be enclosed, payable by a method described in Section 113. (3-25-22)

502. OPTIONAL INFORMATION. (RESERVED)

A UCC search request may contain any of the following information: (3-25-22)

01. Copies of Documents. A request that copies of documents referred to in the report be included with the report. The request may limit the copies requested by limiting them by reference to the city of the debtor, the date of filing, or a range of filing dates on the financing statements located by the related search. The request may ask for copies of UCC documents identified on the primary search response. (3-25-22)

02. Debtor Name. A request that the search of a debtor name be limited to debtors in a particular city. A report created by the filing officer in response to such a request shall contain the following statement: "A search limited to a particular city, the date of filing, or a range of filing dates may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search." (3-25-22)

03. Mode of Delivery. Instructions on the mode of delivery requested, if other than by ordinary mail, will be honored if the requested mode is at the time available to the filing office. (3-25-22)

(BREAK IN CONTINUITY OF SECTIONS)

504. SEARCH RESPONSES.

Reports created in response to a search request shall include the following: (3-25-22)

01. Filing Officer. Identification of the filing officer and the certification of the filing officer required by the UCC. (3-25-22)

02. Report Date. The date the report was generated. (3-25-22)

03. Name Searched. Identification of the name searched. (3-25-22)

04. Certification Date. The certification date applicable to the report; i.e., the date and time through which the search is effective to reveal all relevant UCC documents filed on or prior to that date. (3-25-22)

05. Identification of Initial Financing Statements. Identification of each unexpired initial financing statement filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by

identification number, and by file date and file time. (Lapsed financing statements remain active for one (1) year after the lapse date and may be requested on the search form.) (3-25-22)

~~06. History of Financing Statement.~~ For each initial financing statement on the report, a listing of all related UCC documents filed by the filing officer on or prior to the certification date. (3-25-22)

~~07. Copies.~~ Copies of all UCC documents revealed by the search and requested by the searcher. (3-25-22)

5054. -- 599. (RESERVED)

SUBCHAPTER 6 — OTHER NOTICES OF LIENS

600. POLICY STATEMENT.

The purpose of the rules in this section is to describe non-UCC liens maintained by the filing office. These liens are treated by the filing officer in a manner similar to UCC documents and are included, on request, with the reports described in Section 504. (3-25-22)

600. FILING FEES.

01. Correct Filing Fee is Required for Processing. Incorrectly calculated payments will be returned. ()

02. Manual Surcharge. Fillable PDF forms will incur a manual processing fee of twenty dollars (\$20.) ()

03. Fee Schedule.

UCC FEE SCHEDULE

<u>FILING TYPE</u>	<u>ELECTRONICALLY FILED</u>	<u>ELECTRONIC PRINT & MAIL</u>	<u>FILLABLE PDF FORM</u>
<u>INITIAL FILINGS</u>			
<u>UCC-1 - LESS THAN 3 PAGES</u>	<u>\$3.00</u>	<u>\$6.00</u>	<u>\$26.00</u>
<u>UCC-1 - 3 OR MORE PAGES</u>	<u>\$3.00</u>	<u>\$12.00</u>	<u>\$32.00</u>
<u>UCC5 - INFORMATION STATEMENT</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$20.00</u>
<u>SL1 - SEED LIENS</u>	<u>\$4.00</u>	<u>\$4.00</u>	<u>\$24.00</u>
<u>C1 - AG LIENS</u>	<u>\$5.00</u>	<u>\$5.00</u>	<u>\$25.00</u>
<u>MEDICAL</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
<u>IRS LIENS</u>	<u>\$6.00</u>	<u>\$6.00</u>	<u>\$26.00</u>
<u>TAX LIENS</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

UCC FEE SCHEDULE

<u>FILING TYPE</u>	<u>ELECTRONICALLY FILED</u>	<u>ELECTRONIC PRINT & MAIL</u>	<u>FILLABLE PDF FORM</u>
<u>BULK XML FILINGS</u>	<u>\$3.00</u>	<u>N/A</u>	<u>N/A</u>
<u>AMENDMENTS</u>			
<u>UCC-3 - LESS THAN 3 PAGES</u>	<u>\$3.00</u>	<u>\$6.00</u>	<u>\$26.00</u>
<u>UCC-3 - 3 OR MORE PAGES</u>	<u>\$3.00</u>	<u>\$12.00</u>	<u>\$32.00</u>
<u>SL-3</u>	<u>\$4.00</u>	<u>\$4.00</u>	<u>\$24.00</u>
<u>SL TERMINATION</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
<u>C-2 - (TERMINATION)</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
<u>MEDICAL</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
<u>IRS AMENDMENTS</u>	<u>\$6.00</u>	<u>\$6.00</u>	<u>\$26.00</u>
<u>IRS TERMINATIONS</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
<u>BULK XML FILINGS</u>	<u>\$3.00</u>	<u>N/A</u>	<u>N/A</u>
<u>SEARCH REQUESTS</u>			
<u>UCC11 - INFORMATION REQUESTS - INFO ONLY</u>	<u>\$12.00</u>	<u>\$12.00</u>	<u>\$32.00</u>
<u>UCC11 - INFORMATION REQUESTS - COMBINED</u>	<u>\$18.00</u>	<u>\$18.00</u>	<u>\$38.00</u>
<u>NON-CERTIFIED SEARCHES</u>	<u>\$3.00</u>	<u>N/A</u>	<u>N/A</u>
<u>DOWNLOADS & SUBSCRIPTIONS</u>			
	<u>ANNUAL FEE</u>	<u>FEE PER DOWNLOAD</u>	
<u>IRS/TAX LIEN DATA</u>	<u>\$120.00</u>	<u>\$8.00</u>	

UCC FEE SCHEDULE

<u>FILING TYPE</u>	<u>ELECTRONICALLY FILED</u>	<u>ELECTRONIC PRINT & MAIL</u>	<u>FILLABLE PDF FORM</u>
<u>COUNTY MEDICAL LIEN DATA</u>	<u>\$30.00</u>	<u>\$8.00</u>	
<u>STATE LIEN DATA</u>	<u>\$30.00</u>	<u>\$8.00</u>	
<u>BI-WEEKLY UCC DATA</u>	<u>\$ -</u>	<u>\$125.00</u>	
<u>BI-WEEKLY UCC IMAGES</u>	<u>\$ -</u>	<u>\$125.00</u>	

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601. NOTICE OF FEDERAL TAX LIEN.

01. Filing. Pursuant to Section 45-202, Idaho Code, federal tax liens on business entities, estates, and trusts are filed at the Secretary of State's Office SOS for a duration of ten (10) years, pursuant to the Internal Revenue Code. (3-25-22)()

- ~~a.~~ Fee. (3-25-22)
- ~~i.~~ The fee for filing is six dollars (\$6); (3-25-22)
- ~~ii.~~ If there is an attachment there is an additional fee of one dollar (\$1) per page. (3-25-22)
- ~~b.~~ Duration. Pursuant to the Internal Revenue Code, federal tax liens have a duration of ten (10) years. (3-25-22)
- ~~02. Mechanics of Search.~~ (3-25-22)
 - ~~a.~~ Fee for Search: Six dollars (\$6) for information only; (3-25-22)
 - ~~b.~~ Combination Search Available with UCC Search: (3-25-22)
 - ~~i.~~ Ten dollars (\$10) for information; (3-25-22)
 - ~~ii.~~ Sixteen dollars (\$16) for information and copies. (3-25-22)

602. NOTICE OF STATE TAX LIEN.

01. Filing. Electronic filings are accepted from the Idaho State Tax Commission pursuant to Chapter 19, Title 45, Idaho Code, and Title 63, Idaho Code. (3-25-22)()

- ~~a.~~ Where to File. The Secretary of State accepts electronic filings from the Idaho Tax Commission pursuant to Chapter 19, Title 45, Idaho Code, and Title 63, Idaho Code. (3-25-22)
- ~~b.~~ Fee. None. (3-25-22)
- ~~c.~~ Duration. Five (5) years. (3-25-22)
- ~~02. Mechanics of Search.~~ (3-25-22)

- ~~a. Fee for Search. Six dollars (\$6) for information only; (3-25-22)~~
- ~~b. Combination Search Available with UCC Search; (3-25-22)~~
- ~~i. Ten dollars (\$10) for information; (3-25-22)~~
- ~~ii. Sixteen dollars (\$16) for information and copies. (3-25-22)~~

603. NOTICE OF OTHER LIEN IN FAVOR OF A GOVERNMENTAL BODY (NATURE AND DURATION).

- 01. State Agencies.** Generally under Chapter 19, Title 45, Idaho Code. (3-25-22)
 - a.** Department of Commerce and Labor, Chapter 13, Title 72, Idaho Code (unemployment insurance-five year duration). (3-25-22)
 - b.** Department of Commerce and Labor, Chapter 6, Title 45, Idaho Code (wage claims-five (5) year duration). (3-25-22)
 - c.** Department of Health and Welfare, Chapter 12, Title 7, Idaho Code (child support-indefinite duration). (3-25-22)
 - d.** Department of Health and Welfare, Chapter 2, Title 56, Idaho Code (medical assistance-five (5) year duration). (3-25-22)
- 02. Counties.** Chapter 35, Title 31, Idaho Code (indigent medical-indefinite duration). (3-25-22)
- ~~**03. Mechanics of Search.** (3-25-22)~~
 - ~~a. Fee for Search. Six dollars (\$6) for information only; (3-25-22)~~
 - ~~b. Combination Search Available with UCC Search; (3-25-22)~~
 - ~~i. Ten dollars (\$10) for information; (3-25-22)~~
 - ~~ii. Sixteen dollars (\$16) for information and copies. (3-25-22)~~

604. ~~SEED AND FARM LABOR LIENS.~~ (RESERVED)

- ~~**01. Mechanics of Filing.** Seed and farm labor liens pursuant to Chapter 3, Title 45, Idaho Code are filed in the same manner as initial financing statements and may use only forms prescribed by the Secretary of State's Office. They are indexed by debtor name and will be revealed, on request, by searches under Sections 504 and 505. (3-25-22)~~
 - ~~a. Where to File. Seed and farm labor liens are filed with the filing office. (3-25-22)~~
 - ~~b. Fee. (3-25-22)~~
 - ~~i. Four dollars (\$4), if filed online; (3-25-22)~~
 - ~~ii. Liens not filed online may be subject to a manual entry surcharge. (3-25-22)~~
 - ~~c. Duration. (3-25-22)~~
 - ~~i. Farm labor liens remain in effect for twelve (12) months after filing and may be extended for six (6) months. (3-25-22)~~

- ii. Seed liens remain in effect for sixteen (16) months and may be extended for six (6) months. (3-25-22)
- 02. Mechanics of Search.** (3-25-22)
- a. Fee for Search: Six dollars (\$6) for information only; (3-25-22)
- b. Combination Search Available with UCC Search: (3-25-22)
- i. Ten dollars (\$10) for information; (3-25-22)
- ii. Sixteen dollars (\$16) for information and copies. (3-25-22)

605. AGRICULTURE COMMODITY LIENS.

01. Mechanics of Filing. Agricultural commodity liens pursuant to Chapter 18, Title 45, Idaho Code are filed in the same manner as initial financing statements and may use only forms prescribed by the Secretary of State's Office SOS. These types of liens have a duration of one hundred eighty (180) days and are indexed by debtor name and will be revealed, on request, by searches under Sections 504 and 505. (3-25-22)()

- a. Fee: Five dollars (\$5). (3-25-22)
- b. Duration: Ninety (90) days. (3-25-22)
- 02. Mechanics of Search.** (3-25-22)
- a. Fee for search: Six dollars (\$6) for information only; (3-25-22)
- b. Combination search available with UCC search; (3-25-22)
- i. Ten dollars (\$10) for information; (3-25-22)
- ii. Sixteen dollars (\$16) for information and copies. (3-25-22)

606. FARM PRODUCT LIENS.

- 01. Mechanics of Filing.** (3-25-22)
- a. Pursuant to Section 28-9-526, Idaho Code, farm product liens are filed in the same manner as initial financial statements and may use only forms prescribed by the Secretary of State's Office. They are indexed by debtor name and will be revealed, on request, by searches under Sections 504 and 505. (3-25-22)
- b. Where to File. Farm product liens are filed with the filing office. (3-25-22)
- c. Fee: Ten dollars (\$10), if filed online; (3-25-22)
- d. Duration: Farm product liens remain in effect for five (5) years and may be extended to five (5) years if continuation is received six (6) months prior to lapse. (3-25-22)
- 02. Mechanics of Search.** (3-25-22)
- a. Fee for Search: Six dollars (\$6) for information only; (3-25-22)
- b. Combination Search Available with UCC Search: (3-25-22)
- i. Ten dollars (\$10) for information; (3-25-22)

~~ii. Sixteen dollars (\$16) for information and copies.~~

~~(3-25-22)~~

~~6076.~~ -- 999. (RESERVED)

IDAPA 34 – IDAHO SECRETARY OF STATE

34.06.01 – RULES GOVERNING THE ELECTRONIC RECORDING OF REAL PROPERTY

DOCKET NO. 34-0601-2601 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Title 67, Chapter 9](#), and [Title 28, Chapter 9](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 19, 2026.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: This action eliminates the rule chapter.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2026 Idaho Administrative Bulletin, [Vol. 26-6, page 38](#).

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A. There are no documents incorporated by reference affected by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Matthew Reiber at 208-334-2830.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2026.

DATED this 8th day of July, 2026.

Matthew Reiber, Deputy Secretary of State
Idaho Secretary of State
700 W. Jefferson St., EW205, Boise, ID, 83702
208-334-2300
mreiber@sos.idaho.gov
sos.idaho.gov

IDAPA [34.06.01](#) IS PROPOSED TO BE REPEALED IN ITS ENTIRETY

IDAPA 35 – STATE TAX COMMISSION

35.02.01 – TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES

DOCKET NO. 35-0201-2601

(SECOND) NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections [67-5220\(1\)](#) and [67-5220\(2\)](#), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment and input prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections [63-105](#), Idaho Code.

MEETING SCHEDULE: A second negotiated rulemaking meeting will be held as follows:

Wednesday, August 12, 2026 10:00 a.m. MT
In Person: Idaho State Tax Commission 11321 W Chinden Blvd., Bldg. 2 Boise, ID 83714 (Meeting to be held in the Turquoise Conference Room) Join from the meeting link: https://idahogov.webex.com/idahogov/j.php?MTID=mc94c1753d1bd39ae5f755cbfe4d7cd22 Join by meeting number: Meeting number (access code): 2634 409 5665 Meeting password: NaaYyseq223 Join by phone: +1-415-655-0001 US Toll meeting number: 2634 409 5665

The meeting site(s) will be accessible to people with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below. Meetings will conclude after 15 minutes if no participants sign in or wish to comment in the meeting.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do any of the following:

- Attend the negotiated rulemaking meeting(s), in person or through teleconference, and participate in the negotiation process,
- Provide oral or written recommendations, or both, at a negotiated rulemaking meeting, and/or
- Submit written comments to the address below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested people who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

In accordance with Idaho Code Section [67-5292](#), the State Tax Commission is reviewing IDAPA 35.02.01 to assess whether the content of the rule chapter is still necessary. As part of negotiated rulemaking, the Commission will perform a critical and comprehensive review of the statutes and existing rules chapter, and will rewrite this chapter under the premise of the eight (8) year review.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact Philip Johnson at philip.johnson@tax.idaho.gov or (208) 334-7505. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Tax Commission website at the following web address: <https://tax.idaho.gov/governance/rules/rules-administration-and-enforcement-rules-committee/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2026.

DATED this 29th day of May, 2026.

Philip Johnson, Tax Research Specialist/Rules Officer
Idaho State Tax Commission
11321 W. Chinden Blvd., Bldg. 2, Boise ID 83714
PO Box 36, Boise ID 83722-0036
philip.johnson@tax.idaho.gov
(208) 334-7505

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
JORDAN CREEK MERCURY TOTAL MAXIMUM DAILY LOAD (TMDL) (HUC 17050108)
DOCKET NO. 58-0000-2601
NOTICE OF FINAL DECISION

AUTHORITY: This notice is hereby given in compliance with Section [39-3611](#), Idaho Code.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Jordan Creek Mercury TMDL. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Section 39-107(5), Idaho Code, and IDAPA 58.01.23, “Contested Case Rules for Protection and Disclosure of Records.” The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Jordan Creek Mercury TMDL (Hydrologic Unit Code 17050108) addresses mercury impairments for five (5) water quality impaired stream reaches (assessment units) within the subbasin. This TMDL was approved by the U.S. Environmental Protection Agency on March 30, 2026.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at: [Jordan Creek Mercury TMDL, 2026](#) Or by contacting Lance Holloway, Surface Water Quality Manager, 208-373-0564, lance.holloway@deq.idaho.gov.

Dated this 5th day of August, 2026.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
Diane.Cutler@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
PAHSIMEROI RIVER SUBBASIN TEMPERATURE AND SEDIMENT TOTAL MAXIMUM DAILY LOADS
(TMDLS) AND FIVE-YEAR REVIEW (HUC 17060202)

DOCKET NO. 58-0000-2602
NOTICE OF FINAL DECISION

AUTHORITY: This notice is hereby given in compliance with Section [39-3611](#), Idaho Code.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Pahsimeroi River Temperature and Sediment TMDLs and Five-Year Review. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Section 39-107(5), Idaho Code, and IDAPA 58.01.23, “Contested Case Rules for Protection and Disclosure of Records.” The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Pahsimeroi River Subbasin TMDL (Hydrologic Unit Code 17060202) addresses five (5) new TMDLs; four (4) for temperature impairment and one (1) for sediment impaired stream reaches (assessment units) within the subbasin. This TMDL was approved by the U.S. Environmental Protection Agency on March 8, 2026.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at: [Pahsimeroi River Subbasin TMDLs: 2026 Temperature and Sediment TMDLs and Five-Year Review](#) or by contacting Alex Bell, Regional Water Quality Manager, 208-528-2679, alex.bell@deq.idaho.gov.

Dated this 5th day of August, 2026.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
Diane.Cutler@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
UPPER SALMON RIVER SUBBASIN TEMPERATURE TOTAL MAXIMUM DAILY LOAD (TMDL)
FOR THE POLL CREEK ASSESSMENT UNIT (ID17060201SL085_03)

DOCKET NO. 58-0000-2603
NOTICE OF FINAL DECISION

AUTHORITY: This notice is hereby given in compliance with Section [39-3611](#), Idaho Code.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Upper Salmon River Temperature TMDL. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Section 39-107(5), Idaho Code, and IDAPA 58.01.23, “Contested Case Rules for Protection and Disclosure of Records.” The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Upper Salmon River Subbasin Temperature TMDL addresses one assessment unit (17060201SL085_03) in Pole Creek with a newly identified temperature impairment. This TMDL was approved by the U.S. Environmental Protection Agency on June 15, 2026.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at: [Upper Salmon River Subbasin Temperature](#) or by contacting Alex Bell, Regional Water Quality Manager, 208-528-2679.

Dated this 5th day of August, 2026.

Diane Cutler
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
Diane.Cutler@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 – WATER QUALITY STANDARDS

DOCKET NO. 58-0102-2601

NOTICE OF MEETING OF THE IDAHO BOARD OF ENVIRONMENTAL QUALITY

NOTICE OF PUBLIC MEETING: Notice is hereby given that during the meeting scheduled for November 12, 2026, DEQ will present rule Docket No. 58-0102-2601 to the Idaho Board of Environmental Quality (Board) for adoption of a pending rule.

BOARD MEETING SCHEDULE: A meeting of the Board will be held as follows:

**Thursday, November 12, 2026
Call to Order at 9:00 a.m. MT**

The meeting notice will include the location and information for joining the meeting remotely and will be available by November 6, 2026, at deq.idaho.gov/board-of-environmental-quality/.

The meeting location will be accessible to persons with disabilities, and language translators will be made available upon request. To request accommodations for language translation, contact the undersigned by November 5, 2026.

DESCRIPTIVE SUMMARY: The Notice of Rulemaking – Proposed Rule, Docket No. 58-0102-2601, was published in the August 5, 2026, Idaho Administrative Bulletin, Volume 26-8, and is available at [Water Quality: Docket No. 58-0102-2601](#). After consideration of public comments, DEQ intends to present the final proposal to the Board for adoption of a pending rule. The public will have an additional opportunity to provide oral comments on the proposed rule during the Board meeting. The rule is expected to become final and effective upon the conclusion of the 2027 legislative session if adopted by the Board and approved by the Idaho Legislature.

Dated this 5th day of August, 2026.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
diane.cutler@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 – WATER QUALITY STANDARDS

DOCKET NO. 58-0102-2601

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized by Sections [39-105](#), [39-107](#), and Chapter 36, Title 39, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 21, 2026.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: This rulemaking revises three, and adds two additional site-specific aquatic life criteria for selenium and makes several administrative updates to IDAPA 58.01.02.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Not applicable.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Not applicable.

NEGOTIATED RULEMAKING: Negotiated rulemaking was conducted pursuant to Section [67-5220](#), Idaho Code. Two public meetings were held during the negotiated rulemaking process. On April 1, 2026, the Notice of Intent to Promulgate Rules – Negotiated Rulemaking published in the Idaho Administrative Bulletin, [Vol. 26-4, pages 17-18](#).

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule does not regulate activities that the federal government does not already regulate, and it is not broader in scope or more stringent than existing federal regulations.

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Beth Spelsberg at Elizabeth.spelsberg@deq.idaho.gov or (208) 373-0158.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before September 4, 2026. Submit written comments to:

Beth Spelsberg
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
Elizabeth.spelsberg@deq.idaho.gov

Dated this 5th day of August, 2026.

Diane Cutler, Rules and Planning Analyst
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0102-2601
(Only Those Sections With Amendments Are Shown.)

58.01.02 – WATER QUALITY STANDARDS

000. LEGAL AUTHORITY.

Pursuant to Sections 39-105 and 39-3601 et seq., Idaho Code, the Director is directed to formulate and recommend to the Board, such rules and regulations and standards as may be necessary to deal with the problems related to personal health and water pollution. The Director is further charged with the supervision and administration of a system to safeguard the quality of ~~the waters of the state~~ water bodies including the enforcement of standards relating to the discharge of effluent into ~~the waters of the state~~ water bodies. Authority to adopt rules, regulations and standards as are necessary and feasible to protect the environment and health of the citizens of the state is vested in the Board pursuant to Section 39-107, Idaho Code. (3-31-22)()

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 58.01.02, “Water Quality Standards.” (3-31-22)

02. Scope. These rules designate uses which are to be protected in ~~and of the waters of the state~~ surface waters and establish standards of water quality protective of those uses. Restrictions are placed on the discharge of wastewaters and on human activities which may adversely affect public health and water quality ~~in the waters of the state~~. In addition, unique and outstanding ~~waters of the state~~ water bodies are recognized. These rules do not provide any legal basis for an additional permit system, nor can they be construed as granting to the Department any authority not identified in the Idaho Code. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

~~For the purpose of the rules contained in IDAPA 58.01.02, “Water Quality Standards,” the following definitions apply: The term “waters” or “water body” is defined in Section 39-3602, Idaho Code, and the term “surface waters” shall be interpreted as the same.~~ (3-31-22)()

01. Activity. For purposes of antidegradation review, an activity that causes a discharge to a water subject to the jurisdiction of the Clean Water Act. (3-31-22)

02. Acute. A stimulus severe enough to induce a rapid response. In aquatic toxicity tests, acute refers to a single or short-term (i.e., ninety-six (96) hours or less) exposure to a concentration of a toxic substance or effluent which results in death to fifty percent (50%) of the test organisms. When referring to human health, an acute effect is not always measured in terms of lethality. (3-31-22)

03. Acute Criteria. Unless otherwise specified in these rules, the maximum instantaneous or one (1) hour average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from acute toxicity due to exposure to the toxic substance or effluent. Acute criteria are expected to adequately protect the designated aquatic life use if not exceeded more than once every three (3) years. This is also known as the Criterion Maximum Concentration (CMC). There are no specific acute criteria for human health; however, the human health criteria are based on chronic health effects and are expected to adequately protect against acute effects. (3-31-22)

04. Aquatic Species. Any plant or animal that lives at least part of its life in the water column or

benthic portion ~~of waters of the state~~ in surface waters.

(3-31-22)()

05. Assigned Criteria. Criteria associated with beneficial uses from Section 100 of these rules.

(3-31-22)

06. Background. The biological, chemical or physical condition of waters measured at a point immediately upstream (up-gradient) of the influence of an individual point or nonpoint source discharge. If several discharges to the water exist or if an adequate upstream point of measurement is absent, the Department will determine where background conditions should be measured.

(3-31-22)

07. Basin Advisory Group. No less than one (1) advisory group named by the Director, in consultation with the designated agencies, for each of the state's six (6) major river basins which shall generally advise the Director on water quality objectives for each basin, work in a cooperative manner with the Director to achieve these objectives, and provide general coordination of the water quality programs of all public agencies pertinent to each basin. Each basin advisory group named by the Director reflect a balanced representation of the interests in the basin and shall, where appropriate, include representatives from each of the following: agriculture, mining, nonmunicipal point source discharge permittees, forest products, local government, livestock, Indian tribes (for areas within reservation boundaries), water-based recreation, and environmental interests.

(3-31-22)

08. Beneficial Use. Any of the various uses which may be made of the water of Idaho, including, but not limited to, domestic water supplies, industrial water supplies, agricultural water supplies, navigation, recreation in and on the water, wildlife habitat, and aesthetics. The beneficial use is dependent upon actual use, the ability of the water to support a non-existing use either now or in the future, and its likelihood of being used in a given manner. The use of water for the purpose of wastewater dilution or as a receiving water for a waste treatment facility effluent is not a beneficial use.

(3-31-22)

09. Best Management Practice. A practice or combination of practices, techniques or measures developed, or identified, by the designated agency and identified in the state water quality management plan which are determined to be the cost-effective and practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

(3-31-22)

10. Bioaccumulation. The process by which a compound is taken up by, and accumulated in the tissues of an aquatic organism from the environment, both from water and through food.

(3-31-22)

11. Bioaccumulative Pollutants. A compound with a bioaccumulation factor of greater than one thousand (1,000) or a bioconcentration factor of greater than one thousand (1,000).

(3-31-22)

12. Biological Monitoring or Biomonitoring. The use of a biological entity as a detector and its response as a measure to determine environmental conditions. Toxicity tests and biological surveys, including habitat monitoring, are common biomonitoring methods.

(3-31-22)

13. Board. The Idaho Board of Environmental Quality.

(3-31-22)

14. Chronic. A stimulus that persists or continues for a long period of time relative to the life span of an organism. In aquatic toxicity tests, chronic refers to continuous exposure to a concentration of a toxic substance or effluent which results in mortality, injury, reduced growth, impaired reproduction, or other adverse effect to aquatic organisms. The test duration is long enough that sub-lethal effects can be reliably measured. When referring to human health, a chronic effect is usually measured in terms of estimated changes in rates (# of cases/ 1000 persons) of illness over a lifetime of exposure.

(3-31-22)

15. Chronic Criteria. Unless otherwise specified in these rules, the four (4) day average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from chronic toxicity due to exposure to the toxic substance or effluent. Chronic criteria are expected to adequately protect the designated aquatic life use if not exceeded more than once every three (3) years. This is also known as the Criterion Continuous Concentration (CCC). Human health chronic criteria are based on lifetime exposure.

(3-31-22)

16. Compliance Schedule or Schedule Of Compliance. A schedule of remedial measures including

an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard. (3-31-22)

17. Cost-Effective and Reasonable Best Management Practices (BMPs) for Nonpoint Sources. All approved BMPs specified in Subsections 350.03 and 055.07 of these rules. BMPs for activities not specified are, in accordance with Section 350, determined on a case-by-case basis. (3-31-22)

18. Daily Maximum (Minimum). The highest (lowest) value measured during one (1) calendar day or a twenty-four (24) hour period, as appropriate. For ambient monitoring of dissolved oxygen, pH, and temperature, multiple measurements should be obtained at intervals short enough that the difference between consecutive measurements around the daily maximum (minimum) is less than zero point two (0.2) ppm for dissolved oxygen, zero point one (0.1) SU for pH, or zero point five (0.5) degree C for temperature. (3-31-22)

19. Daily Mean. The average of at least two (2) appropriately spaced measurements, acceptable to the Department, calculated over a period of one (1) day: (3-31-22)

a. Confidence bounds around the point estimate of the mean may be required to determine the sample size necessary to calculate a daily mean; (3-31-22)

b. If any measurement is greater or less than five-tenths (0.5) times the average, additional measurements over the one-day period may be needed to obtain a more representative average; (3-31-22)

c. In calculating the daily mean for dissolved oxygen, values used in the calculation shall not exceed the dissolved oxygen saturation value. If a measured value exceeds the dissolved oxygen saturation value, then the dissolved oxygen saturation value will be used in calculating the daily mean. (3-31-22)

d. For ambient monitoring of temperature, the daily mean should be calculated from equally spaced measurements, at intervals such that the difference between any two (2) consecutive measurements does not exceed one point zero (1.0) degree C. (3-31-22)

20. Degradation or Lower Water Quality. “Degradation” or “lower water quality” means, for purposes of antidegradation review, a change in a pollutant that is adverse to designated or existing uses, as calculated for a new point source, and based upon monitoring or calculated information for an existing point source increasing its discharge. Such degradation shall be calculated or measured after appropriate mixing of the discharge and receiving water body. (3-31-22)

21. Deleterious Material. Any nontoxic substance which may cause the tainting of edible species of fish, taste and odors in drinking water supplies, or the reduction of the usability of water without causing physical injury to water users or aquatic and terrestrial organisms. (3-31-22)

22. Department. The Idaho Department of Environmental Quality. (3-31-22)

23. Design Flow. The critical flow used for steady-state wasteload allocation modeling. (3-31-22)

24. Designated Agency. The department of lands for timber harvest activities, oil and gas exploration and development, and mining activities; the soil conservation commission for grazing and agricultural activities; the transportation department for public road construction; the department of agriculture for aquaculture; and the Department’s division of environmental quality for all other activities. (3-31-22)

25. Designated Beneficial Use or Designated Use. Those beneficial uses assigned to identified waters in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, “Water Quality Standards,” Sections 110 through 160, whether or not the uses are being attained. (3-31-22)

26. Desirable Species. Species indigenous to the area or those introduced species identified as desirable by the Idaho Department of Fish and Game. (3-31-22)

27. Director. The Director of the Idaho Department of Environmental Quality or his authorized agent.

(3-31-22)

28. Discharge. When used without qualification, any spilling, leaking, emitting, escaping, leaching, or disposing of a pollutant into ~~the waters of the state~~ surface water. For purposes of antidegradation review, means “discharge” as used in Section 401 of the Clean Water Act. (3-31-22)()

29. Dissolved Oxygen (DO). The measure of the amount of oxygen dissolved in the water, usually expressed in mg/l. (3-31-22)

30. Dissolved Product. Petroleum product constituents found in solution with water. (3-31-22)

31. Dynamic Model. A computer simulation model that uses real or derived time series data to predict a time series of observed or derived receiving water concentrations. Dynamic modeling methods include continuous simulation, Monte Carlo simulations, lognormal probability modeling, or other similar statistical or deterministic techniques. (3-31-22)

32. E. coli (Escherichia coli). A common fecal and intestinal organism of the coliform group of bacteria found in warm-blooded animals. (3-31-22)

33. Effluent. Any wastewater discharged from a treatment facility. (3-31-22)

34. Effluent Biomonitoring. The measurement of the biological effects of effluents (e.g., toxicity, biostimulation, bioaccumulation, etc.). (3-31-22)

35. EPA. The United States Environmental Protection Agency. (3-31-22)

36. Ephemeral Waters. A stream, reach, or water body that flows naturally only in direct response to precipitation in the immediate watershed and whose channel is at all times above the water table. (3-31-22)

37. Existing Activity or Discharge. An activity or discharge that has been previously authorized or did not previously require authorization. (3-31-22)

38. Existing Beneficial Use Or Existing Use. Those beneficial uses actually attained in waters on or after November 28, 1975, whether or not they are designated for those waters in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, “Water Quality Standards.” (3-31-22)

39. Facility. As used in Section 850 only, any building, structure, installation, equipment, pipe or pipeline, well pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft, area, place or property from which an unauthorized release of hazardous materials has occurred. (3-31-22)

40. Four Day Average. The average of all measurements within a period of ninety-six (96) consecutive hours. While a minimum of one (1) measurement per each twenty-four (24) hours is preferred, for toxic chemicals in Section 210, any number of data points is acceptable. (3-31-22)

41. Free Product. A petroleum product that is present as a nonaqueous phase liquid. Free product includes the presence of petroleum greater than one-tenth (0.1) inch as measured on the water surface for surface water or the water table for ground-water. (3-31-22)()

42. Full Protection, Full Support, or Full Maintenance of Designated Beneficial Uses of Water. Compliance with those levels of water quality criteria listed in Sections 200, 210, 250, 251, 252, 253, and 275 (if applicable) or where no major biological group such as fish, macroinvertebrates, or algae has been modified by human activities significantly beyond the natural range of the reference streams or conditions approved by the Director in consultation with the appropriate basin advisory group. (3-31-22)

43. General Permit. An NPDES permit issued by the U.S. Environmental Protection Agency authorizing a category of discharges under the federal Clean Water Act or a nationwide or regional permit issued by the U.S. Army Corps of Engineers under the federal Clean Water Act. (3-31-22)

44. **Geometric Mean.** The geometric mean of “n” quantities is the “nth” root of the product of the quantities. (3-31-22)
45. **Ground-Water.** Any water ~~of the state~~ which occurs beneath the surface of the earth in a saturated geological formation of rock or soil. (3-31-22)()
46. **Harmonic Mean.** The number of daily measurements divided by the sum of the reciprocals of the measurements (i.e., the reciprocal of the mean of reciprocals). (3-31-22)
47. **Hazardous Material.** A material or combination of materials which, when discharged in any quantity into state waters, presents a substantial present or potential hazard to human health, the public health, or the environment. Unless otherwise specified, published guides such as Quality Criteria for Water (1976) by EPA, Water Quality Criteria (Second Edition, 1963) by the state of California Water Quality Control Board, their subsequent revisions, and more recent research papers, regulations and guidelines will be used in identifying individual and specific materials and in evaluating the tolerances of the identified materials for the beneficial uses indicated. (3-31-22)
48. **Highest Statutory and Regulatory Requirements for Point Sources.** All applicable effluent limits required by the Clean Water Act and other permit conditions. It also includes any compliance schedules or consent orders requiring measures to achieve applicable effluent limits and other permit conditions required by the Clean Water Act. (3-31-22)
49. **Hydrologic Unit Code (HUC).** A unique eight (8) digit number identifying a subbasin. A subbasin is a United States Geological Survey cataloging unit comprised of water body units. (3-31-22)
50. **Hydrologically-Based Design Flow.** A statistically derived receiving water design flow based on the selection and identification of an extreme value (e.g., 1Q10, 7Q10). The underlying assumption is that the design flow will occur X number of times in Y years, and limits the number of years in which one (1) or more excursions below the design flow can occur. (3-31-22)
51. **Hypolimnion.** The bottom layer in a thermally-stratified body of water. It is fairly uniform in temperature and lays beneath a zone of water which exhibits a rapid temperature drop with depth such that mixing with overlying water is inhibited. (3-31-22)
52. **Integrated Report.** Refers to the consolidated listing and reporting of the state’s water quality status pursuant to Sections 303(d), 305(b), and 314 of the Clean Water Act. (3-31-22)
53. **Inter-Departmental Coordination.** Consultation with those agencies responsible for enforcing or administering the practices listed as approved best management practices in Subsection 350.03. (3-31-22)
54. **Intermittent Waters.** A stream, reach, or water body which naturally has a period of zero (0) flow for at least one (1) week during most years. Where flow records are available, a stream with a 7Q2 hydrologically-based unregulated flow of less than one-tenth (0.1) cubic feet per second (cfs) is considered intermittent. Streams with natural perennial pools containing significant aquatic life uses are not intermittent. (3-31-22)
55. **Load Allocation (LA).** The portion of a receiving water's loading capacity that is attributed either to one (1) of its existing or future nonpoint sources of pollution or to natural background sources. (3-31-22)
56. **Loading Capacity.** The greatest amount of pollutant loading that a water can receive without violating water quality standards. (3-31-22)
57. **Lowest Observed Effect Concentration (LOEC).** The lowest concentration of a toxic substance or an effluent that results in observable adverse effects in the aquatic test population. (3-31-22)
58. **Man-Made Waterways.** Canals, flumes, ditches, wasteways, drains, laterals, and/or associated features, constructed for the purpose of water conveyance. This may include channels modified for such purposes

prior to November 28, 1975. These waterways may have uniform and rectangular cross-sections, straight channels, follow rather than cross topographic contours, be lined to reduce water loss, and be operated or maintained to promote water conveyance. (3-31-22)

59. Maximum Weekly Maximum Temperature (MWMT). The weekly maximum temperature (WMT) is the mean of daily maximum temperatures measured over a consecutive seven (7) day period ending on the day of calculation. When used seasonally, e.g., spawning periods, the first applicable WMT occurs on the seventh day into the time period. The MWMT is the single highest WMT that occurs during a given year or other period of interest, e.g., a spawning period. (3-31-22)

60. Milligrams Per Liter (mg/l). Milligrams of solute per liter of solution, equivalent to parts per million, assuming unit density. (3-31-22)

61. Mixing Zone. A defined area or volume of the receiving water surrounding or adjacent to a wastewater discharge where the receiving water, as a result of the discharge, may not meet all applicable water quality criteria or standards. It is considered a place where wastewater mixes with receiving water and not as a place where effluents are treated. (3-31-22)

62. National Pollutant Discharge Elimination System (NPDES). Point source permitting program established pursuant to Section 402 of the federal Clean Water Act. (3-31-22)

63. Natural Background Conditions. The physical, chemical, biological, or radiological conditions existing in a water body without human sources of pollution within the watershed. Natural disturbances including, but not limited to, wildfire, geologic disturbance, diseased vegetation, or flow extremes that affect the physical, chemical, and biological integrity of the water are part of natural background conditions. Natural background conditions should be described and evaluated taking into account this inherent variability with time and place. (3-31-22)

64. Nephelometric Turbidity Units (NTU). A measure of turbidity based on a comparison of the intensity of the light scattered by the sample under defined conditions with the intensity of the light scattered by a standard reference suspension under the same conditions. (3-31-22)

65. New Activity or Discharge. An activity or discharge that has not been previously authorized. Existing activities or discharges not currently permitted or licensed will be presumed to be new unless the Director determines to the contrary based on review of available evidence. An activity or discharge that has previously taken place without need for a license or permit is not a new activity or discharge when first licensed or permitted. (3-31-22)

66. Nonpoint Source Activities. Activities on a geographical area on which pollutants are deposited or dissolved or suspended in water applied to or incident on that area, the resultant mixture being discharged into the ~~waters of the state~~ water body. Nonpoint source activities on ORWs do not include issuance of water rights permits or licenses, allocation of water rights, operation of diversions, or impoundments. Nonpoint sources activities include, but are not limited to: (3-31-22)()

- a.** Irrigated and nonirrigated lands used for: (3-31-22)
 - i.** Grazing; (3-31-22)
 - ii.** Crop production; (3-31-22)
 - iii.** Silviculture; (3-31-22)
 - b.** Log storage or rafting; (3-31-22)
 - c.** Construction sites; (3-31-22)
 - d.** Recreation sites; (3-31-22)

- e. Septic tank disposal fields. (3-31-22)
- f. Mining; (3-31-22)
- g. Runoff from storms or other weather related events; and (3-31-22)
- h. Other activities not subject to regulation under the federal national pollutant discharge elimination system. (3-31-22)
67. **Nuisance.** Anything which is injurious to the public health or an obstruction to the free use, in the customary manner, of any ~~waters of the state~~ water body. (3-31-22)()
68. **Nutrients.** The major substances necessary for the growth and reproduction of aquatic plant life, consisting of nitrogen, phosphorus, and carbon compounds. (3-31-22)
69. **One Day Minimum.** The lowest daily instantaneous value measured. (3-31-22)
70. **One Hour Average.** The mean of at least two (2) appropriately spaced measurements, as determined by the Department, calculated over a period of one (1) hour. When three (3) or more measurements have been taken, and if any measurement is greater or less than five-tenths (0.5) times the mean, additional measurements over the one-hour period may be needed to obtain a more representative mean. (3-31-22)
71. **Operator.** For purposes of Sections 851 and 852, any person presently or who was at any time during a release in control of, or having responsibility for, the daily operation of the petroleum storage tank (PST) system. (3-31-22)
72. **Outstanding Resource Water (ORW).** A high quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, which has been designated by the legislature and subsequently listed in this chapter. ORW constitutes an outstanding national or state resource that requires protection from point and nonpoint source activities that may lower water quality. (3-31-22)
73. **Owner.** For purposes of Sections 851 and 852, any person who owns or owned a petroleum storage tank (PST) system any time during a release and the current owner of the property where the PST system is or was located. (3-31-22)
74. **Permit or License.** A permit or license for an activity that is subject to certification by the state under Section 401 of the Clean Water Act, including, for example, NPDES permits, dredge and fill permits, and FERC licenses. (3-31-22)
75. **Person.** An individual, public or private corporation, partnership, association, firm, joint stock company, joint venture, trust, estate, state, municipality, commission, political subdivision of the state, state or federal agency, department or instrumentality, special district, interstate body or any legal entity, which is recognized by law as the subject of rights and duties. (3-31-22)
76. **Petroleum Products.** Products derived from petroleum through various refining processes. (3-31-22)
77. **Petroleum Storage Tank (PST) System.** Any one (1) or combination of storage tanks or other containers, including pipes connected thereto, dispensing equipment, and other connected ancillary equipment, and stationary or mobile equipment, that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. (3-31-22)
78. **Point Source.** Any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture, discharges from dams and hydroelectric generating facilities or any source or activity considered a nonpoint source by definition. (3-31-22)

79. Pollutant. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, silt, cellar dirt; and industrial, municipal and agricultural waste, gases entrained in water; or other materials which, when discharged to water in excessive quantities, cause or contribute to water pollution. Provided however, biological materials do not include live or occasional dead fish that may accidentally escape into ~~the waters of the~~ state surface water from aquaculture facilities. (3-31-22)()

80. Project Plans. Documents which describe actions to be taken under a proposed activity. These documents include environmental impact statements, environmental assessments, and other land use or resource management plans. (3-31-22)

81. Public Swimming Beaches. Areas indicated by features such as signs, swimming docks, diving boards, slides, or the like, boater exclusion zones, map legends, collection of a fee for beach use, or any other unambiguous invitation to public swimming. Privately owned swimming docks or the like which are not open to the general public are not included in this definition. (3-31-22)

82. Receiving Waters. Those waters which receive pollutants from point or nonpoint sources. (3-31-22)

83. Reference Stream or Condition. A water body which represents the minimum conditions necessary to fully support the applicable designated beneficial uses as further specified in these rules, or natural conditions with few impacts from human activities and which are representative of the highest level of support attainable in the basin. In highly mineralized areas or in the absence of such reference streams or water bodies, the Director, in consultation with the basin advisory group and the technical advisors to it, may define appropriate hypothetical reference conditions or may use monitoring data specific to the site in question to determine conditions in which the beneficial uses are fully supported. (3-31-22)

84. Release. Any unauthorized spilling, leaking, emitting, discharging, escaping, leaching, or discharging into soil, ground-water, or surface water. (3-31-22)()

85. Resident Species. Those species that commonly occur in a site including those that occur only seasonally or intermittently. This includes the species, genera, families, orders, classes, and phyla that: (3-31-22)

- a. Are usually present at the site; (3-31-22)
- b. Are present only seasonally due to migration; (3-31-22)
- c. Are present intermittently because they periodically return or extend their ranges into the site; (3-31-22)
- d. Were present at the site in the past but are not currently due to degraded conditions, and are expected to be present at the site when conditions improve; and (3-31-22)
- e. Are present in nearby bodies of water but are not currently present at the site due to degraded conditions, and are expected to be present at the site when conditions improve. (3-31-22)

86. Responsible Persons in Charge. Any person who: (3-31-22)

- a. By any acts or omissions, caused, contributed to or exacerbated an unauthorized release of hazardous materials; (3-31-22)
- b. Owns or owned the facility from which the unauthorized release occurred and the current owner of the property where the facility is or was located; or (3-31-22)
- c. Presently or who was at any time during an unauthorized release in control of, or had responsibility for, the daily operation of the facility from which an unauthorized release occurred. (3-31-22)

87. **Sediment.** Undissolved inorganic matter. (3-31-22)
88. **Seven Day Mean.** The average of the daily mean values calculated over a period of seven (7) consecutive days. (3-31-22)
89. **Sewage.** The water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such ground-water infiltration and surface water as may be present. ~~(3-31-22)~~ ()
90. **Short-Term or Temporary Activity.** An activity which is as short as possible but lasts for no more than one (1) year, is limited in scope and is expected to have only minimal impact on water quality as determined by the Director. Short-term or temporary activities include, but are not limited to, those activities described in Subsection 080.02. (3-31-22)
91. **Silviculture.** Those activities associated with the regeneration, growing and harvesting of trees and timber including, but not limited to, disposal of logging slash, preparing sites for new stands of trees to be either planted or allowed to regenerate through natural means, road construction and road maintenance, drainage of surface water which inhibits tree growth or logging operations, fertilization, application of herbicides or pesticides, all logging operations, and all forest management techniques employed to enhance the growth of stands of trees or timber. (3-31-22)
92. **Specialized Best Management Practices.** Those practices designed with consideration of geology, land type, soil type, erosion hazard, climate and cumulative effects in order to fully protect the beneficial uses of water, and to prevent or reduce the pollution generated by nonpoint sources. (3-31-22)
93. **State.** The state of Idaho. (3-31-22)
94. **State Water Quality Management Plan.** The state management plan developed and updated by the Department in accordance with Sections 205, 208, and 303 of the Clean Water Act. (3-31-22)
95. **Suspended Sediment.** The undissolved inorganic fraction of matter suspended in surface water. (3-31-22)
96. **Suspended Solids.** The undissolved organic and inorganic matter suspended in surface water. (3-31-22)
97. **Technology-Based Effluent Limitation.** Treatment requirements under Section 301(b) of the Clean Water Act that represent the minimum level of control that must be imposed in a permit issued under Section 402 of the Clean Water Act. (3-31-22)
98. **Thermal Shock.** A rapid temperature change that causes aquatic life to become disoriented or more susceptible to predation or disease. (3-31-22)
99. **Total Maximum Daily Load (TMDL).** The sum of the individual wasteload allocations (WLAs) for point sources, load allocations (LAs) for nonpoint sources, and natural background. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. (3-31-22)
100. **Toxicity Test.** A procedure used to determine the toxicity of a chemical or an effluent using living organisms. A toxicity test measures the degree of response of an exposed test organism to a specific chemical or effluent. (3-31-22)
101. **Toxic Substance.** Any substance, material or disease-causing agent, or a combination thereof, which after discharge to ~~waters of the State~~ surface water and upon exposure, ingestion, inhalation or assimilation into any organism (including humans), either directly from the environment or indirectly by ingestion through food

chains, will cause death, disease, behavioral abnormalities, malignancy, genetic mutation, physiological abnormalities (including malfunctions in reproduction) or physical deformations in affected organisms or their offspring. Toxic substances include, but are not limited to, the one hundred twenty-six (126) priority pollutants identified by EPA pursuant to Section 307(a) of the federal Clean Water Act. (3-31-22)()

102. Treatment. A process or activity conducted for the purpose of removing pollutants from wastewater. (3-31-22)

103. Treatment System. Any physical facility or land area for the purpose of collecting, treating, neutralizing or stabilizing pollutants including treatment by disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such plants or sewers, equipment and furnishing thereof and their appurtenances. A treatment system may also be known as a treatment facility. (3-31-22)

104. Twenty-Four Hour Average. The mean of at least two (2) appropriately spaced measurements, as determined by the Department, calculated over a period of twenty-four (24) consecutive hours. When three (3) or more measurements have been taken, and if any measurement is greater or less than five-tenths (0.5) times the mean, additional measurements over the twenty-four (24)-hour period may be needed to obtain a more representative mean. (3-31-22)

105. Unique Ecological Significance. The attribute of any stream or water body which is inhabited or supports an endangered or threatened species of plant or animal or a species of special concern identified by the Idaho Department of Fish and Game, which provides anadromous fish passage, or which provides spawning or rearing habitat for anadromous or desirable species of lake dwelling fishes. (3-31-22)

106. Use Attainability Analysis. A structured scientific assessment of the factors affecting the attainment of the use which may include physical, chemical, biological, and economic factors as described in Subsection 102.02.a. (3-31-22)

107. Wasteload Allocation (WLA). The portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. (3-31-22)

108. Wastewater. Unless otherwise specified, sewage, industrial waste, agricultural waste, and associated solids or combinations of these, whether treated or untreated, together with such water as is present. (3-31-22)

109. Water Body Unit. Includes all named and unnamed tributaries within a drainage and is considered a single unit unless designated otherwise. (3-31-22)

110. Water Pollution. Any alteration of the physical, thermal, chemical, biological, or radioactive properties of any ~~waters of the state~~ **water body**, or the discharge of any pollutant into ~~the waters of the state~~ **any water body**, which will or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to fish and wildlife, or to domestic, commercial, industrial, recreational, aesthetic, or other beneficial uses. (3-31-22)()

111. Water Quality-Based Effluent Limitation. An effluent limitation that refers to specific levels of water quality that are expected to render a body of water suitable for its designated or existing beneficial uses. (3-31-22)

112. Water Quality Limited Water Body. After monitoring, evaluation of required pollution controls, and consultation with the appropriate basin and watershed advisory groups, a water body identified by the Department, which does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards after the application of required pollution controls. A water body identified as water quality limited shall require the development of a TMDL or other equivalent process in accordance with Section 303 of the Clean Water Act and Sections 39-3601 et seq., Idaho Code. (3-31-22)

~~**113. Waters and Waters Of The State.** All the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or~~

~~border upon the state.~~

~~(3-31-22)~~

1143. Watershed. The land area from which water flows into a stream or other body of water which drains the area. (3-31-22)

1154. Watershed Advisory Group. An advisory group appointed by the Director, with the advice of the appropriate Basin Advisory Group, which will recommend to the Department those specific actions needed to control point and nonpoint sources of pollution affecting water quality limited water bodies within the watershed. Members of each watershed advisory group shall be representative of the industries and interests affected by the management of that watershed, along with representatives of local government and the land managing or regulatory agencies with an interest in the management of that watershed and the quality of the water bodies within it. (3-31-22)

1165. Whole-Effluent Toxicity. The aggregate toxic effect of an effluent measured directly with a toxicity test. (3-31-22)

1176. Zone of Initial Dilution (ZID). An area within a Department authorized mixing zone where acute criteria may be exceeded. This area shall be no larger than necessary and be sized to prevent lethality to swimming or drifting organisms by ensuring that organisms are not exposed to concentrations exceeding acute criteria for more than one (1) hour more than once in three (3) years. The actual size of the ZID will be determined by the Department for a discharge on a case-by-case basis, taking into consideration mixing zone modeling and associated size recommendations and any other pertinent chemical, physical, and biological data available. (3-31-22)

011. -- 049. (RESERVED)

050. ADMINISTRATIVE POLICY.

01. Apportionment of Water. The adoption of water quality standards and the enforcement of such standards is not intended to conflict with the apportionment of water to the state through any of the interstate compacts or court decrees, or to interfere with the rights of Idaho appropriators, either now or in the future, in the utilization of the water appropriations which have been granted to them under the statutory procedure, or to interfere with water quality criteria established by mutual agreement of the participants in interstate water pollution control enforcement procedures. (3-31-22)

02. Protection of ~~Surface Waters of the State~~. ~~(3-31-22)~~()

a. Wherever attainable, surface waters ~~of the state~~ shall be protected for beneficial uses which for surface waters includes all recreational use in and on the water surface and the preservation and propagation of desirable species of aquatic life; ~~(3-31-22)~~()

b. In all cases, existing beneficial uses of ~~the waters of the state~~ water bodies will be protected. ~~(3-31-22)~~()

03. Annual Program. To fully achieve and maintain water quality in the state, it is the intent of the Department to develop and implement a Continuing Planning Process that describes the on-going planning requirements of the State's Water Quality Management Plan. The Department's planned programs for water pollution control comprise the State's Water Quality Management Plan. (3-31-22)

04. Program Integration. Whenever an activity or class of activities is subject to provisions of these rules, as well as other regulations or standards of either this Department or other Governmental agency, the Department will seek and employ those methods necessary and practicable to integrate the implementation, administration and enforcement of all applicable regulations through a single program. Integration will not, however, be affected to the extent that applicable provisions of these rules would fail to be achieved or maintained unless the Department's role in these cases is limited by state statute or federal law. (3-31-22)

05. Revisions. These rules are subject to amendment as technical data, surveillance programs, and technological advances require. Any revisions made to these rules will be in accordance with Sections 39-101, et seq., and 67-5201, et seq., Idaho Code. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

100. SURFACE WATER USE DESIGNATIONS.

Waterbodies are designated in Idaho to protect water quality for existing or designated uses. The designated use of a waterbody does not imply any rights to access or ability to conduct any activity related to the use designation, nor does it imply that an activity is safe. For example, a designation of primary or secondary contact recreation may occur in areas where it is unsafe to enter the water due to water flows, depth or other hazardous conditions. Another example is that aquatic life uses may be designated in areas that are closed to fishing or access is not allowed by property owners. Wherever attainable, the designated beneficial uses for which ~~the~~ surface waters ~~of the state~~ are to be protected include: (3-31-22)()

01. Aquatic Life. (3-31-22)

a. Cold water (COLD): water quality appropriate for the protection and maintenance of a viable aquatic life community for cold water species. (3-31-22)

b. Salmonid spawning (SS): waters which provide or could provide a habitat for active self-propagating populations of salmonid fishes. (3-31-22)

c. Seasonal cold water (SC): water quality appropriate for the protection and maintenance of a viable aquatic life community of cool and cold water species, where cold water aquatic life may be absent during, or tolerant of, seasonally warm temperatures. (3-31-22)

d. Warm water (WARM): water quality appropriate for the protection and maintenance of a viable aquatic life community for warm water species. (3-31-22)

e. Modified (MOD): water quality appropriate for an aquatic life community that is limited due to one (1) or more conditions set forth in 40 CFR 131.10(g) which preclude attainment of reference streams or conditions. (3-31-22)

02. Recreation. (3-31-22)

a. Primary contact recreation (PCR): water quality appropriate for prolonged and intimate contact by humans or for recreational activities when the ingestion of small quantities of water is likely to occur. Such activities include, but are not restricted to, those used for swimming, water skiing, or skin diving. PCR includes all activities associated with secondary contact recreation (SCR). (3-31-22)

b. Secondary contact recreation (SCR): water quality appropriate for recreational uses on or about the water and which are not included in the primary contact category. These activities may include fishing, boating, wading, infrequent swimming, and other activities where ingestion of raw water is not likely to occur. (3-31-22)

03. Water Supply. (3-31-22)

a. Domestic (DWS): water quality appropriate for use as untreated raw water (as defined under IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems") for public drinking water. (3-31-22)

b. Agricultural: water quality appropriate for the irrigation of crops or as drinking water for livestock. This use applies to all surface waters ~~of the state~~. (3-31-22)()

c. Industrial: water quality appropriate for industrial water supplies. This use applies to all surface waters ~~of the state~~. (3-31-22)()

04. Wildlife Habitats. Water quality appropriate for wildlife habitats. This use applies to all surface waters ~~of the state~~. (3-31-22)()

05. **Aesthetics.** This use applies to all surface waters ~~of the state~~. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

200. GENERAL SURFACE WATER QUALITY CRITERIA.

The following general water quality criteria apply to all surface waters ~~of the state~~, in addition to the water quality criteria set forth for specifically designated waters. (3-31-22)()

01. Hazardous Materials. Surface waters ~~of the state~~ shall be free from hazardous materials in concentrations found to be of public health significance or to impair designated beneficial uses. These materials do not include suspended sediment produced as a result of nonpoint source activities. (3-31-22)()

02. Toxic Substances. Surface waters ~~of the state~~ shall be free from toxic substances in concentrations that impair designated beneficial uses. These substances do not include suspended sediment produced as a result of nonpoint source activities. (3-31-22)()

03. Deleterious Materials. Surface waters ~~of the state~~ shall be free from deleterious materials in concentrations that impair designated beneficial uses. These materials do not include suspended sediment produced as a result of nonpoint source activities. (3-31-22)()

04. Radioactive Materials. (3-31-22)

a. Radioactive materials or radioactivity shall not exceed the values listed in the Code of Federal Regulations, Title 10, Chapter 1, Part 20, Appendix B, Table 2, Effluent Concentrations, Column 2. (3-31-22)

b. Radioactive materials or radioactivity shall not exceed concentrations required to meet the standards set forth in Title 10, Chapter 1, Part 20, of the Code of Federal Regulations for maximum exposure of critical human organs in the case of foodstuffs harvested from these waters for human consumption. (3-31-22)

05. Floating, Suspended or Submerged Matter. Surface waters ~~of the state~~ shall be free from floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that may impair designated beneficial uses. This matter does not include suspended sediment produced as a result of nonpoint source activities. (3-31-22)()

06. Excess Nutrients. Surface waters ~~of the state~~ shall be free from excess nutrients that can cause visible slime growths or other nuisance aquatic growths impairing designated beneficial uses. (3-31-22)()

07. Oxygen-Demanding Materials. Surface waters ~~of the state~~ shall be free from oxygen-demanding materials in concentrations that would result in an anaerobic water condition. (3-31-22)()

08. Sediment. Sediment shall not exceed quantities specified in Sections 250 and 252, or, in the absence of specific sediment criteria, quantities which impair designated beneficial uses. Determinations of impairment shall be based on water quality monitoring and surveillance and the information utilized as described in Section 350. (3-31-22)

09. Natural Background Conditions as Criteria. When natural background conditions exceed any applicable water quality criteria set forth in Sections 210, 250, 251, 252, or 253, the applicable water quality criteria shall not apply; instead, there shall be no lowering of water quality from natural background conditions. Provided, however, that temperature may be increased above natural background conditions when allowed under Section 401. (3-31-22)

201. -- 209. (RESERVED)

210. NUMERIC CRITERIA FOR TOXIC SUBSTANCES FOR WATERS DESIGNATED FOR AQUATIC LIFE, RECREATION, OR DOMESTIC WATER SUPPLY USE.

01. Criteria for Toxic Substances. The criteria of Section 210 apply to surface waters ~~of the state~~ as provided in Tables 1 and 2. Criteria for metals (arsenic through zinc) listed in Tables 1 and 2 are expressed as a dissolved fraction (i.e., passes through a forty-five hundredths (0.45) micron filter) unless otherwise noted.

(4-6-23)()

a. Table 1 contains criteria to protect aquatic life.

(4-6-23)

Table 1. Criteria for Protection of Aquatic Life					
Compound	^a CAS Number	^b CMC (µg/L)		^b CCC (µg/L)	
Inorganic Compounds/Metals					
Arsenic	7440382	340	c	150	c
Cadmium	7440439	4.3	f	0.6	f
Chromium III	16065831	570	f	74	f
Chromium VI	18540299	16	c	11	c
Copper	7440508	12.3	k	7.6	k
Lead	7439921	65	f	2.5	f
Mercury	7439976		e		e
Note: In 2005, Idaho adopted EPA's recommended methylmercury fish tissue criterion for protection of human health (docket 58-0102-0302). The decision was made to remove the old tissue-based aquatic life criteria and rely on the fish tissue criterion to provide protection for aquatic life as well as human health. Thus, current Idaho water quality standards do not have mercury water column criteria for the protection of aquatic life. While EPA approved Idaho's adoption of the fish tissue criterion in September 2005, it had withheld judgment on Idaho's removal of aquatic life criteria. On December 12, 2008, EPA disapproved Idaho's removal of the old aquatic life criteria. The water column criteria for total recoverable mercury published in 2004 Idaho Administrative Code continue to apply and are effective for CWA purposes. For more information go to http://www.deq.idaho.gov/epa-actions-on-proposed-standards .					
Nickel	7440020	470	f	52	f
Selenium	7782492	m		l	
Silver	7440224	3.4	f		
Zinc	7440666	120	f	120	f
Inorganic Compounds/Non-Metals					
Chlorine		19	h	11	h
Cyanide	57125	22	g	5.2	g
Organic Compounds					
Acrolein	107028	3		3	
Aldrin	39002	3			
gamma-BHC (Lindane)	58899	2		0.08	

Table 1. Criteria for Protection of Aquatic Life					
Compound	^a CAS Number	^b CMC (µg/L)		^b CCC (µg/L)	
Carbaryl	63252	2.1		2.1	
Chlordane	57749	2.4		0.0043	
4,4'-DDT	50293	1.1		0.001	
Diazinon	333415	0.17		0.17	
Dieldrin	60571	2.5		0.0019	
alpha-Endosulfan	959988	0.22		0.056	
beta-Endosulfan	33213659	0.22		0.056	
Endrin	72208	0.18		0.0023	
Heptachlor	76448	0.52		0.0038	
Heptachlor Epoxide	1024573	0.52		0.0038	
Pentachlorophenol	87865	20	i	43	i
Polychlorinated Biphenyls PCBs	j			0.014	j
Toxaphene	8001352	0.73		0.0002	
Footnotes for Table 1. Criteria for Protection of Aquatic Life					
a. Chemical Abstracts Service (CAS) registry numbers which provide a unique identification for each chemical.					
b. See definitions of Acute Criteria (CMC) and Chronic Criteria (CCC), Section 010 of these rules.					
c. Criteria for these metals are expressed as a function of the water effect ratio, WER, as defined in Subsection 210.03.c.iii. CMC = CMC column value X WER. CCC = CCC column value X WER.					
d. Criterion expressed as total recoverable (unfiltered) concentrations.					
e. No aquatic life criterion is adopted for inorganic mercury. However, the narrative criteria for toxics in Section 200 of these rules applies. The Department believes application of the human health criterion for methylmercury will be protective of aquatic life in most situations.					
f. Aquatic life criteria for these metals are a function of total hardness (mg/L as calcium carbonate), the pollutant's water effect ratio (WER) as defined in Subsection 210.03.c.iii. and multiplied by an appropriate dissolved conversion factor as defined in Subsection 210.02. For comparative purposes only, the example values displayed in this table are shown as dissolved metal and correspond to a total hardness of one hundred (100) mg/L and a water effect ratio of one (1.0).					
g. Criteria are expressed as weak acid dissociable (WAD) cyanide.					
h. Total chlorine residual concentrations.					
i. Aquatic life criteria for pentachlorophenol are expressed as a function of pH, and are calculated as follows. Values displayed above in the table correspond to a pH of seven and eight tenths (7.8). CMC = exp(1.005(pH)-4.830) CCC = exp(1.005(pH)-5.290)					

Table 1. Criteria for Protection of Aquatic Life

Compound	^a CAS Number	^b CMC (µg/L)	^b CCC (µg/L)
j. PCBs are a class of chemicals which include Aroclors, 1242, 1254, 1221, 1232, 1248, 1260, and 1016, CAS numbers 53469219, 11097691, 11104282, 11141165, 12672296, 11096825 and 12674112 respectively. The aquatic life criteria apply to this set of PCBs. k. Aquatic life criteria for copper shall be derived in accordance with Subsection 210.03.c.v. For comparative purposes only, the example values displayed in this table correspond to the Biotic Ligand Model output based on the following inputs: temperature = 14.0°C, pH = 8.16, dissolved organic carbon = 1.4 mg/L, humic acid fraction = 10%, calcium = 44.6 mg/L, magnesium = 11.0 mg/L, sodium = 11.7 mg/L, potassium = 2.12 mg/L, sulfate = 46.2 mg/L, chloride = 12.7 mg/L, alkalinity = 123 mg/L CaCO₃, and sulfide = 1.00 x 10⁻⁸ mg/L.			
I. Chronic			Short-term
Egg-Ovary (mg/kg dw)	Fish Tissue (mg/kg dw)		Water Column (µg/L)
Egg-Ovary	Whole-Body	Muscle	Water Lentic
15.1 ¹	8.5 ²	11.3 ²	3.1 (30 day average) ³
			Water Lotic
			Intermittent Exposure Equation ^{3,4}
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter			
1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element. 2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole body or muscle data to determine compliance with this criterion element. 3. Water column values are based on dissolved total selenium in water and are derived from fish tissue values via bioaccumulation modeling. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, selenium concentrations in fish from the nearest downstream waters may be used to assess compliance using methods provided in Aquatic Life Ambient Water Quality Criterion for Selenium – Freshwater, EPA-822-R-16-006, Appendix K: Translation of a Selenium Fish Tissue Criterion Element to a Site-Specific Water Column Value (June 2016). 4. Intermittent Exposure Equation= $\frac{WQC - C_{bkgnd}(1 - f_{int})}{f_{int}}$ where WQC is the applicable water column element, for either lentic or lotic waters; C_{bkgnd} is the average background selenium concentration, and f_{int} is the fraction of any 30-day period during which elevated selenium concentrations occur, with f_{int} assigned a value ≥ 0.033 (corresponding to one day).			
m. There is no specific acute criterion for aquatic life; however, the aquatic life criterion is based on chronic effects of the selenium on aquatic life and is expected to adequately protect against acute effects.			

(3-31-22)()

b. Table 2 contains criteria to protect human health. The Water & Fish criteria apply to waters designated for domestic water supply use. The Fish Only criteria apply to waters designated for primary or secondary contact recreation use. (4-6-23)

Table 2. Criteria for Protection of Human Health (based on consumption of:)						
Compound	^a CAS Number	Carcinogen?	Water & Fish (µg/L unless otherwise specified)	Fish Only (µg/L unless otherwise specified)		
Inorganic Compounds/Metals						
Antimony	7440360		5.2	b	190	b
Arsenic	7440382	Y	10	cdj	4.3; 8.0 µg/kg fish tissue	ck
Beryllium	7440417			e		e
Cadmium	7440439			e		e
Chromium III	16065831			e		e
Chromium VI	18540299			e		e
Copper	7440508		1300	j		
Lead	7439921			e		e
Methylmercury	22967926				0.3mg/kg	i
Nickel	7440020		58	b	100	b
Selenium	7782492		29	b	250	b
Thallium	7440280		0.017	b	0.023	b
Zinc	7440666		870	b	1,500	b
Inorganic Compounds/Non-Metals						
Cyanide	57125		3.9	b	140	b
Asbestos	1332214		7,000,000 Fibers/L	j		
Organic Compounds						
Acenaphthene	83329		26	b	28	b
Acenaphthylene	208968			e		e
Acrolein	107028		3.2	b	120	b
Acrylonitrile	107131	Y	0.60	bf	22	bf
Aldrin	309002	Y	2.5E-06	bf	2.5E-06	bf
Anthracene	120127		110	b	120	b
alpha-BHC	319846	Y	0.0012	bf	0.0013	bf
beta-BHC	319857	Y	0.036	bf	0.045	bf

Table 2. Criteria for Protection of Human Health (based on consumption of:)						
Compound	^a CAS Number	Carcinogen?	Water & Fish (µg/L unless otherwise specified)		Fish Only (µg/L unless otherwise specified)	
gamma-BHC (Lindane)	58899		1.4	b	1.4	b
delta-BHC	319868			e		e
Benzene	71432		3.0	bf	28	b
Benidine	92875	Y	0.0014	bf	0.033	bf
Benzo(a)Anthracene	56553	Y	0.0042	bf	0.0042	bf
Benzo(b)Fluoranthene	205992	Y	0.0042	bf	0.0042	bf
Benzo(k)Fluoranthene	207089	Y	0.042	bf	0.042	bf
Benzo(ghi)Perylene	191242			e		e
Benzo(a)Pyrene	50328	Y	0.00042	bf	0.00042	bf
Bis(2-Chloroethoxy) Methane	111911			e		e
Bis(2-Chloroethyl) Ether	111444	Y	0.29	bf	6.8	bf
Bis(2-Chloroisopropyl) Ether	108601		220	b	1,200	b
Bis(Chloromethyl) Ether	542881	Y	0.0015	bf	0.055	bf
Bis(2-Ethylhexyl) Phthalate	117817	Y	1.2	bf	1.2	bf
Bromoform	75252	Y	62	bf	380	bf
4-Bromophenyl Phenyl Ether	101553			e		e
Butylbenzyl Phthalate	85687		0.33	b	0.33	b
Carbon Tetrachloride	56235	Y	3.6	bf	15	bf
Chlorobenzene	108907		89	b	270	b
Chlordane	57749	Y	0.0010	bf	0.0010	bf
Chlorodibromomethane	124481	Y	7.4	bf	67	bf
Chloroethane	75003			e		e
2-Chloroethylvinyl Ether	110758			e		e
Chloroform	67663		61	b	730	b
2-Chloronaphthalene	91587		330	b	380	b
2-Chlorophenol	95578		30	b	260	b
Chlorophenoxy Herbicide (2,4-D)	94757		1,000	b	3,900	b

Table 2. Criteria for Protection of Human Health (based on consumption of:)						
Compound	^a CAS Number	Carcinogen?	Water & Fish (µg/L unless otherwise specified)		Fish Only (µg/L unless otherwise specified)	
Chlorophenoxy Herbicide (2,4,5-TP) [Silvex]	93721		82	b	130	b
4-Chlorophenyl Phenyl Ether	7005723			e		e
Chrysene	218019	Y	0.42	bf	0.42	bf
4,4'-DDD	72548	Y	0.00042	bf	0.00042	bf
4,4'-DDE	72559	Y	5.5E-05	bf	5.5E-05	bf
4,4'-DDT	50293	Y	9.8E-05	bf	9.8E-05	bf
Di-n-Butyl Phthalate	84742		8.2	b	8.3	b
Di-n-Octyl Phthalate	117840			e		e
Dibenzo (a,h) Anthracene	53703	Y	0.00042	bf	0.00042	bf
1,2-Dichlorobenzene	95501		700	b	1,100	b
1,3-Dichlorobenzene	541731		3.5	b	4.8	b
1,4-Dichlorobenzene	106467		180	b	300	b
3,3'-Dichlorobenzidine	91941	Y	0.29	bf	0.48	bf
Dichlorobromomethane	75274	Y	8.8	bf	86	bf
1,1-Dichloroethane	75343			e		e
1,2-Dichloroethane	107062	Y	96	bf	2,000	bf
1,1-Dichloroethylene	75354		310	b	5,200	b
2,4-Dichlorophenol	120832		9.6	b	19	b
1,2-Dichloropropane	78875	Y	8.5	bf	98	bf
1,3-Dichloropropene	542756	Y	2.5	bf	38	bf
Dieldrin	60571	Y	4.2E-06	bf	4.2E-06	bf
Diethyl Phthalate	84662		200	b	210	b
2,4-Dimethylphenol	105679		110	b	820	b
Dimethyl Phthalate	131113		600	b	600	b
Dinitrophenols	25550587		13	b	320	b
2,4-Dinitrophenol	51285		12	b	110	b
2,4-Dinitrotoluene	121142	Y	0.46	bf	5.5	bf
2,6-Dinitrotoluene	606202			e		e
1,2-Diphenylhydrazine	122667	Y	0.25	bf	0.65	bf
2, 3, 7, 8-TCDD Dioxin	1746016	Y	1.8E-08	bf	1.9E-08	bf

Table 2. Criteria for Protection of Human Health (based on consumption of:)						
Compound	^a CAS Number	Carcinogen?	Water & Fish (µg/L unless otherwise specified)		Fish Only (µg/L unless otherwise specified)	
alpha-Endosulfan	959988		7.0	b	8.5	b
beta-Endosulfan	33213659		11	b	14	b
Endosulfan Sulfate	1031078		9.9	b	13	b
Endrin	72208		0.011	b	0.011	b
Endrin Aldehyde	7421934		0.38	b	0.40	b
Ethylbenzene	100414		32	b	41	b
Fluoranthene	206440		6.3	b	6.4	b
Fluorene	86737		21	b	22	b
Heptachlor	76448	Y	2.0E-05	bf	2.0E-05	bf
Heptachlor Epoxide	1024573	Y	0.00010	bf	0.00010	bf
Hexachlorobenzene	118741	Y	0.00026	bf	0.00026	bf
Hexachlorobutadiene	87683	Y	0.031	bf	0.031	bf
Hexachlorocyclohexane (HCH)-Technical	608731	Y	0.027	bf	0.032	bf
Hexachloro- cyclopentadiene	77474		1.3	b	1.3	b
Hexachloroethane	67721		0.23	b	0.24	b
Ideno (1,2,3-cd) Pyrene	193395	Y	0.0042	bf	0.0042	bf
Isophorone	78591	Y	330	bf	6,000	bf
Methoxychlor	72435		0.0054	b	0.0055	b
Methyl Bromide	74839		130	b	3,700	b
Methyl Chloride	74873			e		e
3-Methyl-4-Chlorophenol	59507		350	b	750	b
2-Methyl-4,6-Dinitrophenol	534521		1.6	b	8.6	b
Methylene Chloride	75092		38	b	960	b
Naphthalene	91203			e		e
Nitrobenzene	98953		12	b	180	b
2-Nitrophenol	88755			e		e
4-Nitrophenol	100027			e		e
N-Nitrosodimethylamine	62759	Y	0.0065	bf	9.1	bf
N-Nitrosodi-n-Propylamine	621647	Y	0.046	bf	1.5	bf
N-Nitrosodiphenylamine	86306	Y	3.14	bf	18	bf

Table 2. Criteria for Protection of Human Health (based on consumption of:)						
Compound	^a CAS Number	Carcinogen?	Water & Fish (µg/L unless otherwise specified)		Fish Only (µg/L unless otherwise specified)	
Pentachlorobenzene	608935		0.035	b	0.036	b
Pentachlorophenol	87865	Y	0.11	bf	0.12	bf
Phenanthrene	85018			e		e
Phenol	108952		3,800	b	85,000	b
Polychlorinated Biphenyls PCBs	g	Y	0.00019	b ^{fh}	0.00019	b ^{fh}
Pyrene	129000		8.1	b	8.4	b
1,2,4,5- Tetrachlorobenzene	95943		0.0093	b	0.0094	b
1,1,2,2-Tetrachloroethane	79345	Y	1.4	bf	8.6	bf
Tetrachloroethylene	127184		15	b	23	b
Toluene	108883		47	b	170	b
Toxaphene	8001352	Y	0.0023	bf	0.0023	bf
1,2-Trans- Dichloroethylene	156605		120	b	1,200	b
1,2,4-Trichlorobenzene	120821		0.24	b	0.24	b
1,1,1-Trichloroethane	71556		11,000	b	56,000	b
1,1,2-Trichloroethane	79005	Y	4.9	bf	29	bf
Trichloroethylene	79016		2.6	b	11	b
2,4,5-Trichlorophenol	95954		140	b	190	b
2,4,6-Trichlorophenol	88062		1.5	b	2.0	b
Vinyl Chloride	75014	Y	0.21	bf	5.0	bf

Footnotes for Table 2. Criteria for Protection of Human Health

- a.** Chemical Abstracts Service (CAS) registry numbers which provide a unique identification for each chemical.
- b.** This criterion is based on input values to human health criteria calculation specified in [Idaho's Technical Support Document \(TSD\) for Human Health Criteria Calculations - 2015](#). Criteria for non-carcinogens are calculated using the formula:

Table 2. Criteria for Protection of Human Health (based on consumption of:)				
Compound	^a CAS Number	Carcinogen?	Water & Fish (µg/L unless otherwise specified)	Fish Only (µg/L unless otherwise specified)
$AWQC = RfD * RSC * \left(\frac{BW}{DI + (FI * BAF)} \right)$ and criteria for carcinogens are calculated using the formula: $AWQC = RSD * \left(\frac{BW}{DI + (FI * BAF)} \right)$ Where: AWQC = Ambient water quality criterion (mg/L) BW = Human Body Weight (kg), 80 is used in these criteria DI = Drinking Water Intake, (L/day), 2.4 is used in these criteria FI = Fish Intake, (kg/day), 0.0665 is used in these criteria BAF = BioaccumulationBioaccumulation Factor, L/kg, chemical specific value, see TSD RfD = Reference dose (mg/kg-day), chemical specific value, see TSD $RSD = \frac{\text{Target Incremental Cancer Risk}}{\text{Cancer Potency Factor}}$ (mg/kg-day), chemical specific value, see TSD RSC = Relative Source Contribution, chemical specific value, see TSD c. Inorganic forms only. d. Criterion expressed as total recoverable (unfiltered) concentrations. e. No numeric human health criteria has been established for this contaminant. However, permit authorities should address this contaminant in NPDES permit actions using the narrative criteria for toxics from Section 200 of these rules. f. EPA guidance allows states to choose from a range of 10^{-4} to 10^{-6} for the incremental increase in cancer risk used in human health criteria calculation. Idaho has chosen to base this criterion on carcinogenicity of 10^{-5} risk. g. PCBs are a class of chemicals which include Aroclors, 1242, 1254, 1221, 1232, 1248, 1260, and 1016, CAS numbers 53469219, 11097691, 11104282, 11141165, 12672296, 11096825 and 12674112 respectively. The aquatic life criteria apply to this set of PCBs. h. This criterion applies to total PCBs, (e.g. the sum of all congener, isomer, or Aroclor analyses).				

Table 2. Criteria for Protection of Human Health (based on consumption of:)				
Compound	^a CAS Number	Carcinogen?	Water & Fish (µg/L unless otherwise specified)	Fish Only (µg/L unless otherwise specified)
i. This fish tissue residue criterion (TRC) for methylmercury is based on a human health reference dose (RfD) of 0.0001 mg/kg body weight-day; a relative source contribution (RSC) estimated to be 27% of the RfD; a human body weight (BW) of 70 kg (for adults); and a total fish consumption rate of 0.0175 kg/day for the general population, summed from trophic level (TL) breakdown of TL2 = 0.0038 kg fish/day + TL3 = 0.0080 kg fish/day + TL4 = 0.0057 kg fish/day. This is a criterion that is protective of the general population. A site-specific criterion or a criterion for a particular subpopulation may be calculated by using local or regional data, rather than the above default values, in the formula: $TRC = [BW \times \{RfD - (RSC \times RfD)\}] / \sum TL$. In waters inhabited by species listed as threatened or endangered under the Endangered Species Act or designated as their critical habitat, the Department will apply the human health fish tissue residue criterion for methylmercury to the highest trophic level available for sampling and analysis.				
j. This criterion is based on the drinking water Maximum Contaminant Level (MCL).				
k. For Fish Only exposure to inorganic arsenic, the human health criterion is:				
Fish Tissue (µg/kg wet-weight)		Water Column (µg/L)		
8.0 ¹		4.3 ²		
¹Fish tissue element is based on total recoverable inorganic arsenic in muscle or fillet. The fish tissue element supercedes the water column element provided at least ninety (90) days have passed since any new activity or discharge has occurred within the water body. Fish tissue element will be applied in accordance with Subsection 210.03.e.				
²Water column element is based on dissolved inorganic arsenic in water.				

(4-6-23)()

02. Factors for Calculating Hardness Dependent Metals Criteria. Hardness dependent metals criteria are calculated using values from the following table in the equations: (3-31-22)

a. $CMC = WER \exp\{mA[\ln(\text{hardness})] + bA\}$ X Acute Conversion Factor. (3-31-22)

b. $CCC = WER \exp\{mc[\ln(\text{hardness})] + bc\}$ X Chronic Conversion Factor.

Metal	mA	bA	mc	bc	aAcute Conversion Factor	aChronic Conversion Factor
Cadmium	0.8367	-3.560	0.6247	-3.344	0.944 see footnote a	0.909
Chromium (III)	0.819	3.7256	0.8190	0.6848	0.316	0.860
Chromium (VI)	b	b	b	b	0.982	0.962
Lead	1.273	-1.460	1.273	-4.705	0.791	0.791
Mercury	b	b	b	b	0.85	0.85
Nickel	0.846	2.255	0.8460	0.0584	0.998	0.997
Silver	1.72	-6.52	c	c	0.85	c

Zinc	0.8473	0.884	0.8473	0.884	0.978	0.986
Note to table: The term “exp” represents the base e exponential function. Footnotes to table: a. Conversion factors (CF) are from “Stephan, C. E. 1995. Derivation of conversion factors for the calculation of dissolved freshwater aquatic life criteria for metals. U.S. Environmental Protection Agency, Environmental Research Laboratory – Duluth.” The conversion factors for cadmium and lead are hardness-dependent and can be calculated for any hardness (see limitations in Subsection 210.03.b.i.) using the following equations. For comparative purposes, the conversion factors for a total hardness of one hundred (100) mg/L are shown in the table. The conversion factor shall not exceed one (1). Cadmium Acute: $CF = 1.136672 - [(\ln \text{hardness})(0.041838)]$ NOTE: The cadmium acute criterion equation was derived from dissolved metals toxicity data and thus requires no conversion; this conversion factor may be used to back calculate an equivalent total recoverable concentration. Chronic: $CF = 1.101672 - [(\ln \text{hardness})(0.041838)]$ Lead (Acute and Chronic): $CF = 1.46203 - [(\ln \text{hardness})(0.145712)]$ b. Not applicable c. No chronic criteria are available for silver.						

(7-1-26)

03. Applicability. The criteria established in Section 210 are subject to the general rules of applicability in the same way and to the same extent as are the other numeric chemical criteria when applied to the same use classifications. Mixing zones may be applied to toxic substance criteria subject to the limitations set forth in Section 060 and set out below. (3-31-22)

a. For all waters for which the Department has determined mixing zones to be applicable, the toxic substance criteria apply at the boundary of the mixing zone(s) and beyond. Absent an authorized mixing zone, the toxic substance criteria apply throughout the waterbody including at the end of any discharge pipe, canal or other discharge point. (3-31-22)

b. Low flow design conditions. Water quality-based effluent limits and mixing zones for toxic substances shall be based on the following low flows in perennial receiving streams. Numeric chemical criteria may be exceeded in perennial streams outside any applicable mixing zone only when flows are less than these values:

Aquatic Life		Human Health	
CMC (“acute” criteria)	1Q10 or 1B3	Non-carcinogens	Harmonic mean flow
CCC (“chronic” criteria)	7Q10 or 4B3	Carcinogens	Harmonic mean flow

(3-31-22)

i. Where “1Q10” is the lowest one-day flow with an average recurrence frequency of once in ten (10) years determined hydrologically; (3-31-22)

ii. Where “1B3” is biologically based and indicates an allowable exceedance of once every three (3) years. It may be determined by EPA’s computerized method (DFLOW model); (3-31-22)

iii. Where “7Q10” is the lowest average seven (7) consecutive day low flow with an average recurrence frequency of once in ten (10) years determined hydrologically; (3-31-22)

iv. Where “4B3” is biologically based and indicates an allowable exceedance for four (4) consecutive days once every three (3) years. It may be determined by EPA’s computerized method (DFLOW model); (3-31-22)

v. Where the harmonic mean flow is a long term mean flow value calculated by dividing the number of daily flows analyzed by the sum of the reciprocals of those daily flows. (3-31-22)

c. Application of aquatic life metals criteria. (3-31-22)

i. For metals other than cadmium, for purposes of calculating hardness dependent aquatic life criteria from the equations in Subsection 210.02, the minimum hardness allowed for use in those equations shall not be less than twenty-five (25) mg/l, as calcium carbonate, even if the actual ambient hardness is less than twenty-five (25) mg/l as calcium carbonate. For cadmium, the minimum hardness for use in those equations shall not be less than ten (10) mg/l, as calcium carbonate. The maximum hardness allowed for use in those equations shall not be greater than four hundred (400) mg/l, as calcium carbonate, except as specified in Subsections 210.03.c.ii. and 210.03.c.iii., even if the actual ambient hardness is greater than four hundred (400) mg/l as calcium carbonate. (3-31-22)

ii. The hardness values used for calculating aquatic life criteria for metals at design discharge conditions shall be representative of the ambient hardnesses for a receiving water that occur at the design discharge conditions given in Subsection 210.03.b. (3-31-22)

iii. Except as otherwise noted, the aquatic life criteria for metals (arsenic through zinc in Table 1 in Subsection 210.01) are expressed as dissolved metal concentrations. Unless otherwise specified by the Department, dissolved concentrations are considered to be concentrations recovered from a sample which has passed through a forty-five hundredths (0.45) micron filter. For the purposes of calculating aquatic life criteria for metals from the equations in footnotes c. and f. in Table 1 in Subsection 210.01, the water effect ratio is computed as a specific pollutant's acute or chronic toxicity values measured in water from the site covered by the standard, divided by the respective acute or chronic toxicity value in laboratory dilution water. The water-effect ratio shall be assigned a value of one (1.0), except where the Department assigns a different value that protects the designated uses of the water body from the toxic effects of the pollutant, and is derived from suitable tests on sampled water representative of conditions in the affected water body, consistent with the design discharge conditions established in Subsection 210.03.b. For purposes of calculating water effects ratios, the term acute toxicity value is the toxicity test results, such as the concentration lethal one-half (1/2) of the test organisms (i.e., LC50) after ninety-six (96) hours of exposure (e.g., fish toxicity tests) or the effect concentration to one-half of the test organisms, (i.e., EC50) after forty-eight (48) hours of exposure (e.g., daphnia toxicity tests). For purposes of calculating water effects ratios, the term chronic value is the result from appropriate hypothesis testing or regression analysis of measurements of growth, reproduction, or survival from life cycle, partial life cycle, or early life stage tests. The determination of acute and chronic values shall be according to current standard protocols (e.g., those published by the American Society for Testing and Materials (ASTM)) or other comparable methods. For calculation of criteria using site-specific values for both the hardness and the water effect ratio, the hardness used in the equations in Subsection 210.02 shall be as required in Subsection 210.03.c.ii. Water hardness shall be calculated from the measured calcium and magnesium ions present, and the ratio of calcium to magnesium shall be approximately the same in laboratory toxicity testing water as in the site water, or be similar to average ratios of laboratory waters used to derive the criteria. (3-31-22)

iv. Implementation Guidance for the Idaho Mercury Water Quality Criteria. (3-31-22)

(1) The "Implementation Guidance for the Idaho Mercury Water Quality Criteria" describes in detail suggested methods for discharge related monitoring requirements, calculation of reasonable potential to exceed (RPTE) water quality criteria in determining need for mercury effluent limits, and use of fish tissue mercury data in calculating mercury load reductions. This guidance, or its updates, will provide assistance to the Department and the public when implementing the methylmercury criterion. The "Implementation Guidance for the Idaho Mercury Water Quality Criteria" also provides basic background information on mercury in the environment, the novelty of a fish tissue criterion for water quality, the connection between human health and aquatic life protection, and the relation of environmental programs outside of Clean Water Act programs to reducing mercury contamination of the environment. The "Implementation Guidance for the Idaho Mercury Water Quality Criteria" is available at the Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706, and on the DEQ website at <https://www.deq.idaho.gov>. (3-31-22)

(2) The implementation of a fish tissue criterion in NPDES permits and TMDLs requires a non-traditional approach, as the basic criterion is not a concentration in water. In applying the methylmercury fish tissue

criterion in the context of NPDES effluent limits and TMDL load reductions, the Department will assume change in fish tissue concentrations of methylmercury are proportional to change in water body loading of total mercury. Reasonable potential to exceed (RPTE) the fish tissue criterion for existing NPDES sources will be based on measured fish tissue concentrations potentially affected by the discharge exceeding a specified threshold value, based on uncertainty due to measurement variability. This threshold value is also used for TMDL decisions. Because measured fish tissue concentrations do not reflect the effect of proposed new or increased discharge of mercury, RPTE in these cases will be based upon an estimated fish tissue methylmercury concentration, using projected changes in waterbody loading of total mercury and a proportional response in fish tissue mercury. For the above purposes, mercury will be measured in the skinless filets of sport fish using techniques capable of detecting tissue concentrations down to point zero five (0.05) mg/kg. Total mercury analysis may be used, but will be assumed to be all methylmercury for purposes of implementing the criterion. (3-31-22)

v. Copper Criteria for Aquatic Life. (3-31-22)

(1) Aquatic life criteria for copper shall be derived using: (3-31-22)

(a) Biotic Ligand Model (BLM) software that calculates criteria consistent with the “[Aquatic Life Ambient Freshwater Quality Criteria – Copper](#)”: EPA-822-R-07-001 (February 2007); or (3-31-22)

(b) An estimate derived from BLM outputs that is based on a scientifically sound method and protective of the designated aquatic life use. (3-31-22)

(2) To calculate copper criteria using the BLM, the following parameters from each site shall be used: temperature, pH, dissolved organic carbon (DOC), calcium, magnesium, sodium, potassium, sulfate, chloride, and alkalinity. The BLM inputs for humic acid (HA) as a proportion of DOC and sulfide shall be based on either measured values or the following default values: 10% HA as a proportion of DOC, 1.00×10^{-8} mg/L sulfide. Measured values shall supersede any estimate or default input. (3-31-22)

(3) BLM input measurements shall be planned to capture the most bioavailable conditions for copper. (3-31-22)

(4) A criterion derived under Subsection 210.03.c.v.(1)(a) shall supersede any criterion derived under Subsection 210.03.c.v.(1)(b). Acceptable BLM software includes the “[US EPA WQC Calculation](#)” for copper in BLM Version 3.1.2.37 (October 2015). (3-31-22)

(5) Implementation Guidance for the Idaho Copper Criteria for Aquatic Life. The “Implementation Guidance for the Idaho Copper Criteria for Aquatic Life: Using the Biotic Ligand Model” describes in detail methods for implementing the aquatic life criteria for copper using the BLM. This guidance, or its updates, will provide assistance to the Department and the public for determining minimum data requirements for BLM inputs and how to estimate criteria when data are incomplete or unavailable. The “[Implementation Guidance for the Idaho Copper Criteria for Aquatic Life: Using the Biotic Ligand Model](#)” is available at the Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706, and on the DEQ website at <https://www.deq.idaho.gov>. (3-31-22)

d. Application of toxics criteria. (3-31-22)

i. Frequency and duration for aquatic life toxics criteria. CMC column criteria in Table 1 in Subsection 210.01 are concentrations not to be exceeded for a one-hour average more than once in three (3) years unless otherwise specified. CCC column criteria in Table 1 in Subsection 210.01 are concentrations not to be exceeded for a four-day average more than once in three (3) years unless otherwise specified. (3-31-22)

ii. Frequency and duration for human health toxics criteria. Criteria in Table 2, Subsection 210.01, are not to be exceeded based on an annual arithmetic mean concentration. (4-6-23)

e. Application of the fish tissue element of the arsenic criterion for human health. (4-6-23)

i. The fish tissue element for total recoverable inorganic arsenic is based on a single measurement using sufficiently sensitive methods. (4-6-23)

ii. The single measurement must be made on a sample that is an average or composite of a minimum of five (5) individual fish of the same species collected from the same water body within the same calendar year. When available, game fish species representative of the size and species that may be legally harvested within the waterbody are preferred. Results from multiple sample events may be averaged or composited provided they represent the same species collected from the same water body within the same calendar year. (4-6-23)

iii. Not to be exceeded; the Department will evaluate all representative fish tissue data to determine compliance with this criterion element. (4-6-23)

iv. For purposes of determining water column targets for the development of effluent limits, TMDL targets, or water column targets for fishless waters, the fish tissue element may be translated to a water column value using a site-specific bioaccumulation factor (BAF) based on the ratio of total recoverable inorganic arsenic in fish muscle or fillet tissue to dissolved inorganic arsenic in the water column using the following equation:

$$WC_T (\mu g/L) = \frac{8.00 \mu g/kg}{BAF_{SS} L/kg}$$

Where:

WC_T ($\mu g/L$) is the translated water column value; and

BAF_{SS} L/kg is the site specific BAF calculated consistent with 210.03.e.v.

In fishless waters, surface water and fish tissue from the immediate downstream waters may be used for bioaccumulation modeling. In the absence of sufficient fish tissue data, the water column element is the applicable criterion element in fishless waters. (4-6-23)

v. When translating the fish tissue element to a water column value, the following procedures will be followed. (4-6-23)

(1) Data used to translate the fish tissue element must be based on current conditions and consistent with Subsections 210.03.e.i. and ii. (4-6-23)

(2) Whenever practical, fish tissue samples must be representative of the game fish species present within the waterbody and include game fish of legally harvestable size. In the absence of suitable game fish species, other resident fish species may be used. (4-6-23)

(3) Water column samples must be representative of the annual average concentration of dissolved inorganic arsenic at the site. (4-6-23)

(4) BAFs are calculated as a trophic-level weighted BAF. (7-1-26)

04. National Pollutant Discharge Elimination System Permitting. For the purposes of NPDES permitting, interpretation and implementation of metals criteria listed in Subsection 210.02 should be governed by the following standards, that are hereby incorporated by reference, in addition to other scientifically defensible methods deemed appropriate by the Department; provided, however, any identified conversion factors within these documents are not incorporated by reference. Metals criteria conversion factors are identified in Subsection 210.02 of this rule. (3-31-22)

a. “Guidance Document on Dissolved Criteria -- Expression of Aquatic Life Criteria,” EPA, October 1993. (3-31-22)

b. “Guidance Document on Dynamic Modeling and Translators,” EPA, August 1993. (3-31-22)

c. “Guidance Document on Clean Analytical Techniques and Monitoring,” EPA, October 1993. (3-31-22)

d. “Interim Guidance on Determination and Use of Water-Effect Ratios for Metals,” EPA, February 1994. (3-31-22)

- e. “Technical Support Document for Water Quality-Based Toxics Control.” EPA, March 1991. (3-31-22)
- 05. Development of Toxic Substance Criteria.** (3-31-22)
 - a. Aquatic Life Communities Criteria. Numeric criteria for the protection of aquatic life uses not identified in these rules for toxic substances, may be derived by the Department from the following information: (3-31-22)
 - i. Site-specific criteria developed pursuant to Section 275; (3-31-22)
 - ii. Effluent biomonitoring, toxicity testing and whole-effluent toxicity determinations; (3-31-22)
 - iii. The most recent recommended criteria defined in EPA's ECOTOX database. When using EPA recommended criteria to derive water quality criteria to protect aquatic life uses, the lowest observed effect concentrations (LOECs) shall be considered; or (3-31-22)
 - iv. Scientific studies including, but not limited to, instream benthic assessment or rapid bioassessment. (3-31-22)
 - b. Human Health Criteria. (3-31-22)
 - i. When numeric criteria for the protection of human health are not identified in these rules for toxic substances, quantifiable criteria may be derived by the Department using best available science on toxicity thresholds (i.e. reference dose or cancer slope factor), such as defined in EPA's Integrated Risk Information System (IRIS) or other peer-reviewed source acceptable to the Department. (3-31-22)
 - ii. When using toxicity thresholds to derive water quality criteria to protect human health, a fish consumption rate representative of the population to be protected, a mean adult body weight, an adult 90th percentile water ingestion rate, a trophic level weighted BAF or BCF, and a hazard quotient of one (1) for non-carcinogens or a cancer risk level of 10^{-5} for carcinogens will be utilized for any compound not listed in Subsection 210.05.b.iii. (4-6-23)
 - iii. Subsection 210.05.b.ii. does not apply to the fish tissue element for inorganic arsenic. (4-6-23)

(BREAK IN CONTINUITY OF SECTIONS)

287. SITE-SPECIFIC AQUATIC LIFE CRITERIA FOR SELENIUM.

Site-specific water column values (30-day average) are based on dissolved total selenium in water and are derived using a performance-based approach from fish tissue values via either the mechanistic modeling or empirical bioaccumulation factor (BAF) method in [Aquatic Life Ambient Water Quality Criterion for Selenium – Freshwater, EPA-822-R-16-006, Appendix K: Translation of a Selenium Fish Tissue Criterion Element to a Site-Specific Water Column Value \(June 2016\)](#). [The following footnotes apply to the tables in this section.](#) (3-31-22)(____)

1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.

2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body or muscle data to determine compliance with this criterion element.

3. Water column values are derived using the empirical BAF method. For comparative purposes only, the example value displayed in this table represents the lotic water column value for Sheep Creek based on the average BAF for Cutthroat Trout among all sampling locations and years.

4. Lotic Water Column Equation=

$$\frac{\text{Tissue}_{\text{criterion}}}{\text{BAF}}$$

where Tissue criterion is the fish tissue element (whole-body), and BAF is the bioaccumulation factor derived by dividing site-specific field-collected samples of fish tissue (whole-body) by site-specific field-collected samples of water.

5. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, surface water from the fishless waters and fish tissue from the nearest downstream waters are used for bioaccumulation modeling. Fish tissue supersedes any site-specific water column values when fish are sampled downstream of fishless waters.

01. Subsection of Blackfoot Subbasin. Blackfoot River - confluence of Lanes and Diamond Creeks to Blackfoot Reservoir (unit US-10), and all tributaries thereof. Site-specific egg-ovary, whole-body, and muscle criterion elements for these water bodies are set out in the following table. The lentic and short-term exposure water column criterion elements set out in Subsection 210.01, table footnote I., are also applicable to the water bodies identified in this subsection.

Chronic			
Egg-Ovary (mg/kg dw)	Fish Tissue (mg/kg dw)		Water Column (µg/L)
Egg-Ovary	Whole-Body	Muscle	Water Lotic
24.5 ¹	4217.52 ²	12.8 ²	11.9 ^{3,4,5}
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter			
1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element. 2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body or muscle data to determine compliance with this criterion element. 3. Water column values are derived using the empirical BAF method. For comparative purposes only, the example value displayed in this table represents the lotic water column value for Sheep Creek based on the average BAF for Cutthroat Trout among all sampling locations and years.			

4. Lentic Water Column Equation=—

$$\frac{Tissue_{criterion}}{BAF}$$

where Tissue criterion is the fish tissue element (whole body), and BAF is the bioaccumulation factor derived by dividing site specific field collected samples of fish tissue (whole body) by site specific field collected samples of water.

5. Water column values are the applicable criterion element in the absence of steady state condition fish tissue data. In fishless waters, surface water from the fishless waters and fish tissue from the nearest downstream waters are used for bioaccumulation modeling. Fish tissue supersedes any site specific water column values when fish are sampled downstream of fishless waters.

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02. Subsection of Bear Lake Subbasin. Georgetown Creek - source to mouth (unit B-22), and all tributaries thereof. Site-specific egg-ovary, whole-body, and muscle criterion elements for these water bodies are set out in the following table. The lentic and short-term water column criterion elements set out in Subsection 210.01, table footnote 1., are also applicable to the water bodies identified in this subsection.

Chronic			
Egg-Ovary (mg/kg dw)	Fish Tissue (mg/kg dw)		Water Column (µg/L)
Egg-Ovary	Whole-Body	Muscle	Water Lotic
21.0 ¹	123.59 ²	12.8 ²	3.8 ^{3,4,5}
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter			
1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.			
2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body and muscle data to determine compliance with this criterion element.			
3. Water column values are derived using the empirical BAF method. For comparative purposes only, the example displayed in this table represents the lotic water column value for Georgetown Creek, upstream of the intermittent reach, based on the average BAF for Brook Trout in all sampling locations and years.			
4. Lotic Water Column Equation=—			
$\frac{Tissue_{criterion}}{BAF}$			
where Tissue criterion is the fish tissue element (whole body), and BAF is the bioaccumulation factor derived by dividing site-specific field-collected samples of fish tissue (whole body) by site-specific field-collected samples of water.			
5. Water column values are the applicable criterion element in the absence of steady state condition fish tissue data. In fishless waters, surface water from the fishless waters and fish tissue from the nearest downstream waters are used for bioaccumulation modeling. Fish tissue supersedes any site-specific water column values when fish are sampled downstream of fishless waters.			

(3-31-22)()

03. Subsection of Salt Subbasin — Sage Creek. Sage Creek – source to mouth (unit US-9) including, Hoopes Spring channel downstream of the spring complex, South Fork Sage Creek downstream of the spring complex, Sage Creek downstream of the confluence of Hoopes Spring with Sage Creek to its confluence with Crow Creek, and tributaries; excluding North Fork Sage Creek, Pole Canyon Creek, and their tributaries. Site-specific egg-ovary and whole-body criterion elements for these water bodies are set out in the following table. The ~~muscle~~, lentic water column, and short-term water column criterion elements set out in Subsection 210.01, table footnote **L**, are also applicable to the water bodies identified in this subsection.

Chronic		
Egg-Ovary (mg/kg dw)	Fish Tissue (mg/kg dw)	Water Column (µg/L)
Egg-Ovary	Whole-Body	Water Lotic
20.5 ¹	13.6 ²	16.7 ³
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter		
1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element. 2. Fish tissue supersedes water column element when both fish tissue (whole-body) and water concentrations are measured. Fish tissue elements are expressed as a single arithmetic average of tissue concentrations from at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body data to determine compliance with this criterion element. 3. Water column values are derived using the empirical BAF method. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, selenium concentrations in fish from the nearest downstream waters may be used to assess compliance.		

(3-31-22)()

04. Subsection of Salt Subbasin — North Fork Sage Creek. North Fork Sage Creek – source to confluence with Sage Creek. Site-specific egg-ovary and whole-body criterion elements for these water bodies are set out in the following table. The lentic water column, and short-term water column criterion elements set out in Subsection 210.01, table footnote **L**, are also applicable to the water bodies identified in this subsection:

Chronic		
Egg-Ovary (mg/kg dw)	Fish Tissue (mg/kg dw)	Water Column (µg/L)
Egg-Ovary	Whole-Body	Water Lotic
20.5 ¹	13.6 ²	3.94 ³
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter		

()

05. Subsection of Salt Subbasin — Crow Creek. Upper Crow Creek – Upstream of Sage Creek confluence and ~~tributaries~~ Deer Creek tributary–Source to confluence with Crow Creek. Site-specific egg-ovary and whole-body criterion elements for these water bodies are set out in the following table. The lentic water column, and short-term water column criterion elements set out in Subsection 210.01, table footnote **L**, are also applicable to the water bodies identified in this subsection:

Chronic		
Egg-Ovary (mg/kg dw)	Fish Tissue (mg/kg dw)	Water Column (µg/L)
Egg-Ovary	Whole-Body	Water Lotic
20.5 ¹	13.6 ²	3.1 ³
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter		

()

046. Subsection of Salt Subbasin — Crow Creek. Lower Crow Creek – Downstream of Sage Creek confluence to Wyoming state line (US-8). Site-specific egg-ovary and whole-body criterion elements for these water bodies are set out in the following table. The ~~muscle~~, lentic water column, and short-term water column criterion elements set out in Subsection 210.01, table footnote I, are also applicable to the water bodies identified in this subsection.

Chronic		
Egg-Ovary (mg/kg dw)	Fish Tissue (mg/kg dw)	Water Column (µg/L)
Egg-Ovary	Whole-Body	Water Lotic
20.5 ¹	123.56 ²	48.28 ³
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter		

1. ~~Egg-ovary supersedes any whole body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.~~

2. ~~Fish tissue supersedes water column element when both fish tissue (whole body) and water concentrations are measured. Fish tissue elements are expressed as a single arithmetic average of tissue concentrations from at least five (5) individuals of the same species where the smallest individual is no less than seventy five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole body data to determine compliance with this criterion element.~~

3. ~~Water column values are derived using the empirical BAF method. Water column values are the applicable criterion element in the absence of steady state condition fish tissue data. In fishless waters, selenium concentrations in fish from the nearest downstream waters may be used to assess compliance.~~

(3-31-22)()

057. Portions of Idaho.

(3-31-22)

a. This site-specific criterion applies in the HUC subbasins set out in the following table.

HUC	Subbasin		HUC	Subbasin
16010102	Central Bear		17040208	Portneuf
16010201	Bear Lake		17040209	Lake Walcott
16010202	Middle Bear		17040210	Raft
16010203	Little Bear-Logan		17040211	Goose
16010204	Lower Bear-Malad		17040214	Beaver-Camas

HUC	Subbasin		HUC	Subbasin
16020309	Curlew Valley		17040215	Medicine Lodge
17010302	South Fork Coeur d Alene		17040216	Birch
17010306	Hangman		17040218	Big Lost
17010308	Little Spokane		17040220	Camas
17040104	Palisades		17040221	Little Wood
17040105	Salt		17050104	Upper Owyhee
17040201	Idaho Falls		17050105	South Fork Owyhee
17040202	Upper Henrys		17050106	East Little Owyhee
17040203	Lower Henrys		17050107	Middle Owyhee
17040204	Teton		17050108	Jordan
17040205	Willow		17060109	Rock
17040206	American Falls			
17040207	Blackfoot			

(3-31-22)

b. Site-specific egg-ovary, whole-body, and muscle criterion elements for the water bodies identified in Subsection 287.05.a. are set out in the following table. The water column criterion elements set out in Subsection 210.01, table footnote **I**, are also applicable to the water bodies identified in Subsection 287.05.a.

Chronic		
Egg-Ovary (mg/kg dw)	Fish Tissue (mg/kg dw)	
Egg-Ovary	Whole-Body	Muscle
19.0 ¹	9.5 ²	13.1 ²
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter		
1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element. 2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body or muscle data to determine compliance with this criterion element.		

(3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

400. RULES GOVERNING POINT SOURCE DISCHARGES.

01. Implementation Policy. (3-31-22)

a. As provided for in Subsection 080.01, and Sections 200, 210, 250, 251, 252, 253, 275, and 400 for point source discharges, failure to meet general or specific water quality criteria is a violation of the water quality standards. (3-31-22)

b. No unauthorized discharge from a point source shall occur to ~~waters of the state~~ any water body. (3-31-22)()

02. Limitations to Point Source Restrictions. So long as a point source discharge or wastewater treatment facility is regulated by the terms and conditions of an authorization pursuant to Subsection 080.02, a Board order, decree or compliance schedule, or a valid NPDES permit issued by the EPA, the discharge or facility will not be subject to additional restrictions or conditions based on Subsection 080.01 and Sections 200, 210, 250, 251, 252, and 253. (3-31-22)

03. Compliance Schedules for Water Quality-Based Effluent Limitations. Discharge permits for point sources may incorporate compliance schedules which allow a discharger to phase in, over time, compliance with water quality-based effluent limitations when new limitations are in the permit for the first time. (3-31-22)

04. Wetlands Used for Wastewater Treatment. (3-31-22)

a. Waters contained within wetlands intentionally created from non-wetland sites for the purpose of wastewater or stormwater treatment, and operated in compliance with NPDES permit conditions, shall not be subject to the application of general water quality-based or site-specific criteria and standards. (3-31-22)

b. Waters contained within wetlands intentionally created from non-wetland sites for the purpose of treatment of nonpoint sources of pollution, and operated in compliance with best management practices, shall not be subject to the application of general water quality-based or site specific criteria and standards. (3-31-22)

c. Discharges from treatment systems described in Sections 400.04.a. and 400.04.b. to ~~waters of the state~~ surface water are subject to all applicable rules and requirements governing such discharges. (3-31-22)()

05. Flow Tiered NPDES Permit Limitations. Discharge permits for point sources discharging to waters exhibiting unidirectional flow may incorporate tiered limitations for conventional and toxic constituents at the discretion of the department. (3-31-22)

06. Intake Credits for Water Quality-Based Effluent Limitations. Discharge permits for point sources may incorporate intake credits for water quality-based effluent limits. These credits are subject to the limitations specified in IDAPA 58.01.25, "Idaho Pollutant Discharge Elimination System Rules." (3-31-22)

401. POINT SOURCE WASTEWATER TREATMENT REQUIREMENTS.

Unless more stringent limitations are necessary to meet the applicable requirements of Sections 200 through 300, or unless specific exemptions are made pursuant to Subsection 080.02, wastewaters discharged into surface waters ~~of the state~~ must have the following characteristics: (3-31-22)()

01. Temperature. The wastewater must not affect the receiving water outside the mixing zone so that: (3-31-22)

a. The temperature of the receiving water or of downstream waters will interfere with designated beneficial uses. (3-31-22)

b. Daily and seasonal temperature cycles characteristic of the water body are not maintained. (3-31-22)

c. If the water is designated for warm water aquatic life, the induced variation is more than plus two (+2) degrees C. (7-1-26)

d. If the water is designated for cold water aquatic life, seasonal cold water aquatic life, or salmonid spawning, the induced variation is more than plus one (+1) degree C. (7-1-26)

e. If temperature criteria for the designated aquatic life use are exceeded in the receiving waters upstream of the discharge due to natural background conditions, then Subsections 401.01.c. and 401.01.d. do not apply and instead wastewater must not raise the receiving water temperatures by more than three tenths (0.3) degrees C above the natural background conditions. (7-1-26)

02. Turbidity. The wastewater must not increase the turbidity of the receiving water outside the mixing zone by: (3-31-22)

a. More than five (5) NTU (Nephelometric Turbidity Units) over background turbidity, when background turbidity is fifty (50) NTU or less; or (3-31-22)

b. More than ten percent (10%) increase in turbidity when background turbidity is more than fifty (50) NTU, not to exceed a maximum increase of twenty-five (25) NTU. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

849. OIL FILLED ELECTRIC EQUIPMENT.

Releases of Dielectric Oil from oil filled electric equipment are subject to the following requirements: (3-31-22)

01. Unauthorized Releases. In the case of an unauthorized release of dielectric oil to state waters or to land such that there is a likelihood that it will enter state waters, the persons in charge must: (3-31-22)

a. Stop Continuing Releases. Make every reasonable effort to abate and stop a continuing release. Provided however, that seepage normally associated with oil filled electrical equipment occurring in substations or distribution facilities with restricted access and not causing a threat to ~~waters of the state~~ surface water is not considered a continuing release. (3-31-22)()

b. Contain Material. Make every reasonable effort to contain released dielectric oil in such a manner that it will not reach surface or ground-water ~~of the state~~. (3-31-22)()

c. Department Notification Required. Notify the Department or designated agent within forty-eight (48) hours of discovery of any release over twenty-five (25) gallons, or any release causing a threat to ~~waters of the state~~ surface water, from any piece of electrical equipment. (3-31-22)()

d. Collect, Remove, and Dispose. Collect, remove, and dispose of the released dielectric oil and any contaminated media in a manner approved by the Department. (3-31-22)

e. Compliance with Section 852. If collection, removal, and disposal cannot be accomplished within thirty (30) days after discovery of a release, the persons in charge shall comply with Section 852. (3-31-22)

02. Applicability. This section applies only to equipment used in the transmission of electricity such as transformers, regulators, reactors, circuit breakers, switch gear and attendant equipment which is filled with mineral insulating oil of a petroleum origin. This section does not pertain to bulk storage of dielectric oil which is not contained in electrical equipment. (3-31-22)

850. HAZARDOUS MATERIAL SPILLS.

In the case of an unauthorized release of hazardous materials to state waters or to land such that there is a likelihood that it will enter state waters, the responsible persons in charge must: (3-31-22)

01. Stop Continuing Spills. Make every reasonable effort to abate and stop a continuing spill. (3-31-22)

02. Contain Material. Make every reasonable effort to contain spilled material in such a manner that it will not reach surface or groundwaters ~~of the state.~~ (3-31-22)()

03. Department Notification Required. Immediately notify the Department or designated agent of the spills. (3-31-22)

04. Collect, Remove and Dispose. Collect, remove, and dispose of the spilled material in a manner approved by the Department. (3-31-22)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 – WATER QUALITY STANDARDS

DOCKET NO. 58-0102-2602

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section [67-5220\(1\)](#) and [67-5220\(2\)](#), Idaho Code, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Sections [39-105](#), [39-107](#), and [Chapter 36, Title 39](#), Idaho Code.

MEETING SCHEDULE: A negotiated rulemaking meeting will be held as follows:

Monday August 10, 2026 1:00 p.m. MT
ATTEND IN PERSON OR VIA MICROSOFT TEAMS Microsoft Teams meeting Join: https://teams.microsoft.com/meet/292281612599780?p=CcIeI3b7kEnonqU6Ob Meeting ID: 292 281 612 599 780 Passcode: Xr2oC3YW Dial in by phone +1 208-985-2810,,130132492# United States, Boise Find a local number Phone conference ID: 130 132 492# DEQ State Office Conference Rooms A & B 1410 N. Hilton Boise, ID 83706

The meeting location will be accessible to persons with disabilities, and language translators will be made available upon request. Requests must be made no later than five (5) business days prior to the meeting date. For arrangements contact the undersigned.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting. For those who cannot participate by attending the meeting, information for submission of written comments is provided at the end of this notice.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons on the rulemaking webpage as provided at the end of this notice.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: DEQ intends to update its cold water aquatic life ammonia criteria using a recalculation of EPA's 2013 recommendations which substitutes eastern unionid species toxicity values with recently developed western unionid (Idaho resident) toxicity values. The new criteria are to be temperature and pH dependent and to contain an acute (1-hour maximum) and chronic (30-day average maximum) component.

DEQ would also like to remove the site-specific ammonia criteria for the Spokane River, which are currently identical to the statewide criteria. The species and conditions in this waterbody do not warrant a separate criteria from the proposed new statewide criteria.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rulemaking, contact Elizabeth Spelsberg at Elizabeth.Spelsberg@deq.idaho.gov or (208) 373-0158.

SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES, AND ADDITIONAL INFORMATION: For meeting details, information on how and when to submit comments, and to access materials pertaining to the negotiated rulemaking, contact the undersigned or visit: [Water Quality Standards: Docket No. 58-0102-2602](#) | Idaho Department of Environmental Quality.

Dated this 5th day of August, 2026.

Diane Cutler, Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
Diane.Cutler@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 – RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-2601

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221](#)(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized by Chapters 1 and 44, Title 39, Idaho Code. In addition, 40 CFR 271.21(e)(1) and Section [39-4404](#), Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 19, 2026.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to ensure that the state rules remain consistent with federal regulations. Idaho's Rules and Standards for Hazardous Waste, IDAPA 58.01.05, are updated annually to maintain consistency with the federal regulations implementing the Resource Conservation and Recovery Act (RCRA) as directed by the Idaho Hazardous Waste Management Act (HWMA). This proposed rule updates federal regulations incorporated by reference with the July 1, 2026 Code of Federal Regulations (CFR) effective date. The July 1, 2026 CFR is a codification of federal regulations published in the Federal Register as of July 1, 2026.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2027 Idaho Legislature, the rule will become effective on July 1, 2027, unless otherwise specified in the concurrent resolution.

FEE SUMMARY: No fees have been imposed or increased in this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Not applicable.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule does not regulate activities that the federal government does not already regulate, and it is not broader in scope or more stringent than existing federal regulations.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220](#)(2), Idaho Code, negotiated rulemaking was not conducted because DEQ has no discretion with respect to adopting EPA's federal regulations implementing the Resource Conservation and Recovery Act (RCRA) as directed by the Idaho Hazardous Waste Management Act (HWMA). Whenever possible, DEQ incorporates federal regulations by reference to ensure that the state rules are consistent with federal regulations.

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229](#)(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Adoption of federal regulations is necessary to maintain program primacy, allows DEQ to keep its rules up to date with federal regulation changes and simplifies compliance for the regulated community. Information for obtaining a copy of the federal regulations is included in the rule.

In compliance with Idaho Code [67-5223](#)(4), DEQ prepared a brief synopsis detailing the substantive differences between the previously incorporated material and the latest revised edition or version of the incorporated material being proposed for incorporation by reference. The Overview of Incorporations by Reference is available at [Hazardous Waste: Docket No. 58-0105-2601](#) | Idaho Department of Environmental Quality.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this proposed rulemaking, contact Albert Crawshaw at albert.crawshaw@deq.idaho.gov or (208) 373-0554.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before August 26, 2026. Submit written comments to:

Albert Crawshaw
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
albert.crawshaw@deq.idaho.gov

Dated this 5th day of August, 2026.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
diane.cutler@deq.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0105-2601
(Only Those Sections With Amendments Are Shown.)

58.01.05 – RULES AND STANDARDS FOR HAZARDOUS WASTE

002. INCORPORATION BY REFERENCE.

01. Federal Regulations Incorporated by Reference. 40 CFR Parts 124, 260 - 268, 270, 271, 273, 278, and 279 revised as of July 1, ~~2025~~ 2026, are incorporated by reference into these rules. ~~(7-1-26)~~ ()

02. Exceptions. Nothing in 40 CFR Parts 260 - 268, 270, 273, 278, 279 or Part 124 as pertains to permits for Underground Injection Control (U.I.C.) under the Safe Drinking Water Act, the Dredge or Fill Program under Section 404 of the Clean Water Act, the National Pollution Discharge Elimination System (NPDES) under the Clean Water Act or Prevention of Significant Deterioration Program (PSD) under the Clean Air Act is adopted or included by reference herein. (3-24-22)

(BREAK IN CONTINUITY OF SECTIONS)

356. VARIANCE APPLICATIONS FOR TSD FACILITIES OR SITES.

01. Application Contents and Standard of Review. Applications must be submitted ~~in triplicate~~ electronically and contain detailed plans, specifications, and information regarding objectives, procedures, controls, and other pertinent data as the Director may require. ~~(3-24-22)~~ ()

02. Standard Of Review. The Director may grant a variance only if the applicant demonstrates to the Director's satisfaction that construction and operation of the TSD facility or site in the manner allowed by the variance and any term or condition imposed as part of the variance: (3-24-22)

- a. Will avert unnecessary and significant hardship; (3-24-22)
- b. Is consistent with EPA provisions; and (3-24-22)
- c. Will not create a nuisance or a hazard to the public health, safety or the environment. (3-24-22)

03. Public Hearings. The Director may hold a public hearing on an initial application for a variance and will hold a public hearing on any application to renew or extend a variance. The public hearing will be held at a location in the county where the operations that are the subject of the application are conducted unless the Director determines that a different location or virtual format is more appropriate and convenient for interested members of the public. The Director will give at least twenty (20) days' notice of the hearing to the applicant by certified mail and publish at least one (1) notice in a newspaper with general circulation in either the county where the operation is conducted or the county where the hearing is to be held. The Director will maintain a complete record of the testimony and the evidence submitted at the hearing. (3-24-22)

04. Public Information. All information submitted as part of a variance application is public information and not subject to any claim of confidentiality. The information will be made available for public inspection at the Department's state office and following locations: (3-24-22)

- a. Application — appropriate regional office; and (3-24-22)
- b. Current list of pending applications and schedule of pending hearings — all regional offices. (3-24-22)

05. Director's Decision. No variance will be granted or denied until the Director has considered the relative interests of the applicant, other persons and property affected by the variance, and the public. Any variance granted will be for a period specified by the Director but not more than ~~one~~ three (+3) years. No variance will be granted or denied without a written order stating the findings upon which the decision is based. (3-24-22)()

06. Applicant to Bear Costs. The cost of public notice, recording and transcribing of testimony, and hearing facilities must be borne by the applicant whether or not a variance is granted. (3-24-22)

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LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

*The proposed rule public hearing request deadline is August 19, 2026, unless otherwise posted.
The proposed rule written comment submission deadline is August 26, 2026, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 08 – STATE BOARD OF EDUCATION PO Box 83720, Boise, ID 83720-0037

***08-0203-2603, Rules Governing Thoroughness.** (Temp & Prop) (*PH) These rule changes establish a framework for determining eligible educational expenses for student participation in virtual instruction that include eligibility standards, expense categories, and limitations on non-allowable uses. Comment by 10/28/2026.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES PO Box 83720 Boise, ID 83720-0063

***24-0101-2601, Rules of the Board of Architects and Landscape Architects.** (*PH) Rulemaking adds a certification fee and Seal language for Certified Interior Designers to comport with recently enacted legislation.

***24-1001-2601, Rules of the State Board of Optometry.** (*PH) Proposed changes remove the outdated Annual Fund fee, update continuing education credits, and reorganize and remove any outdated language from the rule chapter.

***24-1501-2601, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists.** (*PH) Edits decrease the direct supervisory hour requirements to reduce a regulatory burden on licensees.

***24-3001-2601, Idaho Accountancy Rules.** (*PH) Rule changes facilitate a new pathway to licensure for candidates, transition to birthdate-based renewals with an expanded window to accommodate peak tax season, and remove outdated language.

IDAPA 34 – IDAHO SECRETARY OF STATE 700 W Jefferson St, EW205, Boise, ID 83702

34-0301-2601, Rules Implementing the Sunshine Law. These rule changes update outdated language and statutory references, as well as eliminate outdated sections that are no longer used by the agency such as Date Of Receipt and Expenditures Other Than Contributions.

34-0402-2601, Rules Governing Business Entity Names. These rule changes update outdated language and statutory references, as well as eliminate outdated sections that are no longer used by the agency such as Definitions.

34-0501-2601, Rules Governing Farm Products Central Filing System. These rule changes update outdated language and statutory references, as well as eliminate outdated sections that are no longer used by the agency such as Abbreviations; Registration Of Buyers, Commission Merchants, & Selling Agents -- Subscription To The ML; and Requests For Information. Additional changes reorganize tables for Fees and Collateral Information Codes, as well as clarify requirements for Farm Products Financing Statements.

34-0502-2601, Rules Governing Liens in Crops for Seed or Liens in Crops for Farm Labor. These rule changes update outdated language and statutory references, as well as streamline information for forms, notices, amendments, assignments, extensions, releases, lists, searches, and fees related to lien claims.

34-0503-2601, Requests for Information – Form UCC-4 – Fees. This rulemaking proposes to repeal IDAPA 34.05.03.

34-0506-2601, Rules Governing Lien Filings Under the UCC. These rule changes update outdated language and statutory references for the filing, acceptance, indexing and searching of financing statements in the Secretary of State's Office under Article 9 of the Uniform Commercial Code.

34-0601-2601, Rules Governing the Electronic Recording of Real Property. This rulemaking proposes to repeal IDAPA 34.06.01.

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**1410 N Hilton, Boise, ID 83706**

58-0102-2601, *Water Quality Standards*. This rulemaking revises three and adds two additional site-specific aquatic life criteria for selenium and makes several administrative updates to IDAPA 58.01.02. Comment by 09/04/2026.

58-0105-2601, *Rules and Standards for Hazardous Waste*. This proposed rule ensures state rules remain consistent with federal regulations implementing the Resource Conservation and Recovery Act as directed by the Idaho Hazardous Waste Management by updating documents incorporated by reference with the July 1, 2026, Code of Federal Regulations, and also adjusts time period when granting a variance.

NOTICE OF ADOPTED / AMENDED PROCLAMATION(S)**IDAPA 13 – IDAHO FISH AND GAME COMMISSION**

13-0000-2600P5, Establishing Seasons and Limits for Hunting, Fishing, and Trapping in Idaho

NOTICES OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

(Please see the Administrative Bulletin for dates and times of meetings and other participant information)

IDAPA 26 – IDAHO DEPARTMENT OF PARKS AND RECREATION

26-0120-2601, Rules Governing the Administration of Park and Recreation Areas and Facilities

IDAPA 35 – STATE TAX COMMISSION

35-0201-2601 (*Second Notice*), Tax Commission Administration and Enforcement Rules

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58-0102-2602, Water Quality Standards

NOTICE OF SCHEDULED BOARD MEETING**IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**

58-0102-2601, Water Quality Standards (Idaho Board of Environmental Quality Meeting)

NOTICES OF FINAL DECISION**IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**

58-0000-2601, Jordan Creek Mercury Total Maximum Daily Load (TMDL) (HUC 17050108)

58-0000-2602, Pahsimeroi River Subbasin Temperature and Sediment TMDLs and Five-Year Review (HUC 17060202)

58-0000-2603, Upper Salmon River Subbasin Temperature TMDL for the Poll Creek Assessment Unit (ID17060201SL085_03)

Please refer to the Idaho Administrative Bulletin **August 5, 2026, Volume 26-8**, for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and agency contact information.

Electronic issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

Office of the Administrative Rules Coordinator, Division of Financial Management

P.O. Box 83720, Boise, ID 83720-0032

Phone: 208-334-3900; Email: adminrules@dfm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Division of Financial Management
Office of the Governor*

July 1, 1993 – Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

*Office of the Administrative Rules Coordinator
Division of Financial Management*

April 2, 2026 – August 5, 2026

(PLR 2026) – Final Effective Date Is Pending Legislative Review in 2026

(eff. date)L – Denotes Adoption by Legislative Action

(eff. date)T – Temporary Rule Effective Date

SCR # – denotes the number of a Senate Concurrent Resolution (Legislative Action)

HCR # – denotes the number of a House Concurrent Resolution (Legislative Action)

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08.01.11, Registration of Postsecondary Educational Institutions and Proprietary Schools

08-0111-2601 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 26-7

08.02.02, Rules Governing Uniformity

08-0202-2603 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 26-7

08-0202-2602 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 26-6

08-0202-2601 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 26-6

08.02.03, Rules Governing Thoroughness

08-0203-2603 Notice of Temporary and Proposed Rule, Bulletin Vol. 26-8 (eff. 8-5-26)T

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13-0000-2600P4 Notice of Adopted / Amended Proclamations for Calendar Year 2026, Bulletin Vol. 26-7

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