

Dear Senators VICK, Johnson, Stennett, and
Representatives GIBBS, Lickley, Rubel:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Idaho Department of Lands:

IDAPA 20.02.01 - Rules Pertaining to the Idaho Forest Practices Act (New Chapter) - Proposed
Rule (Docket No. 20-0201-2101).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/01/2021. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 10/29/2021.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee

FROM: Deputy Division Manager - Katharine Gerrity

DATE: September 14, 2021

SUBJECT: Idaho Department of Lands

IDAPA 20.02.01 - Rules Pertaining to the Idaho Forest Practices Act (New Chapter) - Proposed Rule (Docket No. 20-0201-2101)

Summary and Stated Reasons for the Rule

The Idaho Department of Lands submits notice of proposed rule at IDAPA 20.02.01 - Rules Pertaining to the Idaho Forest Practices Act. According to the department, the Forest Practices Advisory Committee voted to recommend language to the State Board of Land Commissions which will simplify the "Shade Rule" next to fish-bearing (Class I) streams and refine the definition of Class I streams to apply only to aquatic life beneficial use. The department states that the changes will make compliance easier and less costly with the objective being to retain management options for landowners while still affording appropriate protections to stream shade and large organic debris recruitment.

Rules specific to the use of ground-based equipment on steep slopes have also been updated due to technological changes in the industry which allows machinery to operate safely on steep slopes while minimizing soil disturbance. The department notes that reduced incidence of injuries and improvements in harvest efficiency have resulted from their use. The department adds that collectively, the proposed changes will reduce the rule set length, simplify the language, promote rule understanding, and provide economic benefit while maintaining or enhancing water-quality protection.

Negotiated Rulemaking / Fiscal Impact

The department states that negotiated rulemaking was conducted. No fiscal impact is anticipated.

Statutory Authority

The department appears to have rulemaking authority pursuant to Section 38-1304, Idaho Code.

cc: Idaho Department of Lands
Amy Johnson
Gary Hess

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
www.legislature.idaho.gov

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.02.01 – RULES PERTAINING TO THE IDAHO FOREST PRACTICES ACT

DOCKET NO. 20-0201-2101 (NEW CHAPTER)

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 38-1304, Idaho Code.

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

Tuesday, September 14, 2021 – 6:00 p.m. (PT)
<p>Idaho Department of Lands Louise Shadduck Building Sundance Conference Room 3284 West Industrial Loop Coeur d’Alene, ID 83815</p> <p>To attend by Zoom: https://idl.zoom.us/j/84370856637?pwd=SVJRTlprN0FHalBHMnFLVmw4YW12Zz09</p> <p>To attend by telephone call: 1 (253) 215 8782 Meeting ID: 843 7085 6637, Passcode: 861791</p>

Monday, September 20, 2021 – 6:00 p.m. (PT)
<p>Lewiston Community Center Multi-Purpose Room 1424 Main Street Lewiston, ID 83843</p> <p>To attend by Zoom: https://idl.zoom.us/j/83154776344?pwd=ZDQ4Z203M01keWI4MUhQZUIMOElmQT09</p> <p>To attend by telephone call: 1 (253) 215 8782 Meeting ID: 831 5477 6344, Passcode: 634320</p>

The hearing sites 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:

The Forest Practices Advisory Committee (FPAC) voted to recommend language to the State Board of Land Commissioners which will provide for a simplified “Shade Rule” (030.07.e.ii. (2014)) next to fish-bearing (Class I) streams and refine the definition of Class I streams (010.47.a.) to apply only to aquatic life beneficial use. This simplification will promote rule understanding and make compliance easier and less costly. The objective is to retain management options for landowners while still affording appropriate protections to stream shade and large organic debris recruitment.

FPAC also identified a need to update rules specific to the use of ground-based equipment on steep slopes. The technology used in the industry has changed; machinery is now being used on steep slopes while tethered to an anchor with a specialized winch to improve traction. This traction assistance allows the machine to operate safely on steep slopes while minimizing soil disturbance. Reduced incidence of injuries and improvements in harvest efficiency have resulted from their use. Existing rule language does not allow for universal use of this new family of machines; modified rule language is needed to accommodate changing technology.

Additional amendments are proposed to remove words and restrictions, wherever possible, to comply with the Governor's Executive Order 2020-01, Zero-Based Regulation. This includes some non-substantive editorial changes which were not in the draft rule text used for negotiated rulemaking.

Collectively, these proposed changes will reduce the rule set length, simplify the language, promote rule understanding, and provide economic benefit while maintaining or enhancing water-quality protection.

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 as a result of this rulemaking: No fiscal impact is anticipated.

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 April 7, 2021, Idaho Administrative Bulletin, Vol. 21-4, pages 44-46.

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 technical questions concerning the proposed rule, contact Gary Hess at (208) 666-8636 or ghess@idl.idaho.gov.

SUBMISSION OF WRITTEN COMMENTS: 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 September 22, 2021.

DATED this 30th day of July, 2021.

Gary Hess
Regulatory and Stewardship Program Manager
Forestry and Fire Division
Idaho Department of Lands
3284 W Industrial Loop
Coeur d'Alene, Idaho 83815
Phone: (208) 666-8636
Fax: (208) 769-1524
rulemaking@idl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 20-0201-2101
(New Chapter – Zero-Based Regulation Rulemaking)

20.02.01 – RULES PERTAINING TO THE IDAHO FOREST PRACTICES ACT

000. LEGAL AUTHORITY.

In accordance with Section 38-1304, Idaho Code, the Idaho Board of Land Commissioners has authority to adopt rules establishing minimum standards for the conduct of forest practices on forest land. ()

001. SCOPE.

These rules constitute the minimum standards for the conduct of forest practices on forest land and describe administrative procedures necessary to implement those standards. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

The terms “Best Management Practices (BMP),” “Department,” “Forest Land,” “Forest Practice,” “Forest Regions,” “Harvesting,” “Landowner,” “Operator,” “Rules,” “State,” and “Timber Owner,” have meanings provided in Section 38-1303, Idaho Code. In addition to the definitions set forth in the Act, the following definitions apply to these rules: ()

01. Act. The Idaho Forest Practices Act, Title 38, Chapter 13, Idaho Code. ()

02 Acceptable Tree Species. Any tree species normally marketable in the region, which are suitable to meet stocking requirements. Acceptable trees must be of sufficient health and vigor to assure growth and harvest. ()

03. Additional Hazard. Debris, slashings, and forest fuel resulting from a forest practice. ()

04. Average DBH. Average diameter in inches of trees cut or to be cut, measured at four and one-half (4.5) feet above mean ground level on standing trees. ()

05. Board. The Idaho State Board of Land Commissioners or its designee. ()

06. Buffer Strip. A protective area adjacent to an area requiring special attention or protection. ()

07. Cable Yarding. Techniques that use winch systems, secured to stationary base machines, to transport fully or partially suspended logs or trees to landings. ()

08. Chemicals. Substances applied to forest lands or timber to accomplish specific purposes and includes pesticides (as defined in Title 22, Chapter 34, Idaho Code), fertilizers, soil amendments, road dust abatement products and other materials that may present hazards to the environment. ()

09. Constructed Skid Trail. A skid trail created by the deliberate cut and fill action of a dozer or skidder blade resulting in a road-type configuration. ()

10. Commercial Products. Saleable forest products of sufficient value to cover cost of harvest and transportation to available markets. ()

11. Condition of Adjoining Area. Those fuel conditions in adjoining areas that relate to spread of fire and to economic values of that area. ()

12. Contaminate. To introduce into the atmosphere, soil, or water sufficient quantities of substances that are injurious to public health, safety, or welfare; domestic, commercial, industrial, agricultural or recreational uses; or livestock, wildlife, fish or other aquatic life. ()

13. Cross-Drain. A diversion, depression, slope, or hump in a trail or road for the purpose of carrying

surface water runoff into the vegetation, duff, ditch, or other dispersion area to minimize volume and velocity of runoff which might cause soil erosion. ()

14. **Cull.** Non-marketable, live, standing trees taller than twenty (20) feet. ()
15. **Deterioration Rate.** Rate of natural decomposition and compaction of fuel debris which decreases the hazard and varies by site. ()
16. **Director.** The Director of the Idaho Department of Lands or his designee. ()
17. **Emergency Forest Practice.** A forest practice initiated during or immediately after a fire, flood, windthrow, earthquake, or other catastrophic event to minimize damage to forest lands, timber, or public resources. ()
18. **Fertilizers.** Any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment. ()
19. **Fire Trail.** Access routes that are located and constructed in a manner to be useful in fire control efforts or fire spread deterrence in the hazard area. ()
20. **Fuel Quantity.** The diameter, number of stems and predominant species to be cut or already cut, and the size of the continuous thinning block, all of which determine quantity of fuel per unit of area. ()
21. **Ground-based Equipment.** Mobile equipment such as trucks, tractors, dozers, skidders, excavators, loaders, mechanized harvesters and forwarders used for forest practices. ()
22. **Habitat Types.** Forest land capable of producing similar plant communities at climax. ()
23. **Hazard.** Any vegetative residue resulting from a forest practice which constitutes fuel. ()
24. **Hazard Offset.** Improvements or a combination of practices which reduce the spread of fire and increases the ability to control fires. ()
25. **Hazard Points.** The number of points assigned to certain hazardous conditions on an operating area, to actions designed to modify those conditions or to actions by the operator, timber owner or landowner to offset those conditions on the same operating area. ()
26. **Hazard Reduction.** The burning or physical reduction of slash by treatment in some manner which will reduce the risk from fire. ()
27. **Lake.** A body of perennial standing open water, natural or human-made, larger than one (1) acre in size. Lakes include the beds, banks or wetlands below the ordinary high water mark. Lakes do not include drainage or irrigation ditches, farm or stock ponds, settling or gravel ponds. Any reference in these rules to Class I streams also applies to lakes. ()
28. **Large Organic Debris (LOD).** Live or dead trees and parts thereof that are large enough; or longer than the channel width or twenty (20) feet; or sufficiently buried in the stream bank or bed to be stable during high flows. LOD creates diverse fish habitat and stable stream channels by reducing water velocity, trapping stream gravel and allowing scour pools and side channels to form. ()
29. **Noncommercial Forest Land.** Habitat types not capable of producing twenty (20) cubic feet of wood fiber per acre per year. ()
30. **Operating Area.** That area where a forest practice is taking place or will take place. ()
31. **Ordinary High Water Mark.** That mark on all water courses, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long

continued in all ordinary years as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. ()

32. Outstanding Resource Water. A high-quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, designated by the legislature. ORW constitutes as outstanding national or state resource that requires protection from nonpoint activities, including forest practices, which may lower water quality. ()

33. Prescribed Fire. The controlled application of fire to wildland fuels, in either their natural or modified state, under conditions of weather, fuel moisture and soil moisture that allow the fire to be confined to a predetermined area while producing the intensity of heat and rate of spread required to meet planned objectives. ()

34. Present Condition of Area. The amount or degree of hazard present before a thinning operation commences. ()

35. Public Resource. Water, fish, wildlife, and capital improvements of the State or its political subdivisions. ()

36. Reforestation. Establishment of an adequately stocked stand of trees of species acceptable to the Department to replace those removed by harvesting or a catastrophic event on commercial forest land. ()

37. Relative Stocking. A measure of site occupancy calculated as a ratio of actual stand density to the biological maximum density for a given forest type. This ratio, expressed as a percentage, shows the extent to which trees use a plot of forestland. This term was used in the Class I tree retention rule (030.07.e.ii) and has been replaced with Weighted Tree Count as described in the same rule. ()

38. Relief Culvert. A structure to relieve surface runoff from roadside ditches to prevent excessive volume and velocity. ()

39. Slash. Any vegetative residue three inches (3") or less in diameter resulting from a forest practice or clearing of land. ()

40. Site. An area with the combination of biotic, climatic, and soil conditions or ecological factors that create capacity for forest vegetation. ()

41. Site Factor. A combination of average slope and predominant aspect of the operating area which relate to rate of fire spread. ()

42. Site-Specific Best Management Practice. A BMP that is adapted to and takes account of the specific factors influencing water quality, water quality objectives, on-site conditions, and other factors applicable to the site where a forest practice occurs which has been approved by the Department or by the Board in consultation with the Department and the Forest Practices Advisory Committee. ()

43. Size of Thinning Block. Acres of continuous fuel creating an additional hazard within an operating area. Distance between the perimeter of thinning blocks containing continuous fuel must be a minimum of six (6) chains apart to qualify as more than one (1) block. ()

44. Snags. Dead, standing trees taller than twenty (20) feet. ()

45. Soil Erosion. Movement of soils resulting from forest practices. ()

46. Soil Stabilization. The minimizing of soil movement. ()

47. Stream. A natural water course of perceptible extent with definite beds and banks which confines and conducts continuously or intermittently flowing water. Definite beds are defined as having a sandy or rocky

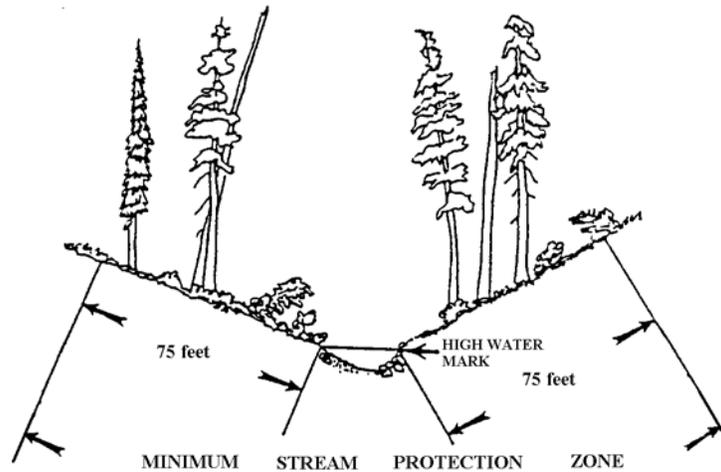
bottom which results from the scouring action of water flow. Any reference in these rules to Class I streams applies to lakes. ()

a. Class I streams are important for the spawning, rearing or migration of fish. ()

b. Class II streams are usually headwater streams or minor drainages that are used by only a few, if any, fish for spawning or rearing. Where fish use is unknown, consider streams as Class II where the total upstream watershed is less than two hundred forty (240) acres in the north forest region and four hundred sixty (460) acres in the south forest region. Their principal value lies in their influence on water quality or quantity downstream in Class I streams. ()

c. Class I Stream Protection Zone (SPZ) means the area encompassed by a slope distance of seventy-five (75) feet on each side of the ordinary high water marks. (Figure 1.)

FIGURE 1
CLASS 1 STREAM PROTECTION ZONE

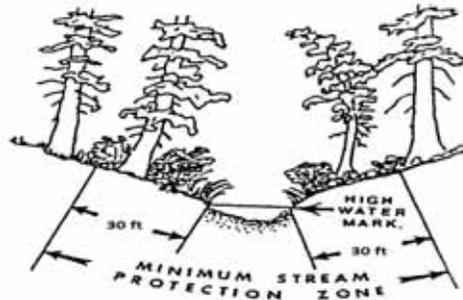


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d. Class II Stream Protection Zone (SPZ) means the area encompassed by a minimum slope distance of thirty (30) feet on each side of the ordinary high water marks. (Figure 2.) For Class II streams that do not contribute surface flow into Class I streams, a variance to this requirement may be requested. In no case will this width be less than five (5) feet slope distance on each side of the ordinary high water marks. Operators must provide for soil stabilization and water filtering effects by leaving undisturbed soils in widths sufficient to prevent washing of sediment. ()

FIGURE 2
CLASS II STREAM PROTECTION ZONE

CLASS II STREAM PROTECTION ZONE



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48. Time of Year of Forest Practice. Parts of a year assigned hazard points when the forest practice takes place. Points are: October through December - two (2) points; August through September - four (4) points; January through April - seven (7) points; May through July - ten (10) points. ()

49. Traction-Assisted Harvesting. Techniques that use winch systems to tether ground-based equipment to a stationary base for stabilizing and assisting steep-slope operation. Cable tension from the winch will be synchronized or automatically held constant. Enhanced traction for the equipment must minimize soil disturbance and risk of sediment delivery to streams. ()

50. Watershed Advisory Group. A formal group of citizens that provides the Idaho Department of Environmental Quality with local public input and guidance regarding specific watersheds during watershed analysis and BMP development. ()

011. ABBREVIATIONS.

01. BMP. Best Management Practices. ()

02. LOD. Large Organic Debris. ()

03. SPZ. Stream Protection Zone. ()

012. -- 019. (RESERVED)

020. GENERAL RULES.

01. Compliance. Operators must comply with practices contained within a rule to accomplish the purpose of the rule. ()

a. If conditions of sites or activities require application of practices which differ from those prescribed by the rules, the operator must obtain a variance according to the following procedure: ()

i. The operator must submit a written request for variance to the Department. The request must

include a description of the site and particular conditions which necessitate a variance and a description of proposed practices which, if applied, will result in a violation of the rules. ()

ii. The Department will evaluate the request and notify the operator in writing within fourteen (14) calendar days whether the variance is granted or denied. ()

iii. All authorized variance practices must provide for results over the long term which are equivalent or better than those from rule to ensure site productivity, water quality and fish and wildlife habitat. A variance may be applied only at approved sites. ()

b. Practices must also be in compliance with the Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code); Idaho Water Quality Standards and Waste Water Treatment Requirements (Title 39, Chapter 1, Idaho Code); the Idaho Pesticide Law (Title 22, Chapter 34, Idaho Code), and the Hazardous Waste Management Act of 1983 (Title 39, Chapter 44, Idaho Code), and rules promulgated thereunder. ()

c. Water may be diverted from a stream and used at any time to carry out Idaho forest practices and for forest road dust abatement, provided that: 1) The total daily volume diverted is no greater than two-tenths (0.2) acre-feet (65,170 gallons) from a single stream; and 2) The rate of diversion is no greater than twenty-five percent (25%) of the rate of flow then available in the stream at the point of diversion for these purposes. ()

i. No person may, under this Section 020, divert water from an irrigation canal, irrigation reservoir, or other irrigation facility while water is lawfully diverted, stored, captured, conveyed, used or otherwise physically controlled by an irrigator, irrigation district or canal company. ()

ii. No person may, under this Section 020, divert water from a stream within a water district, or from which an irrigation delivery entity diverts water, without first providing notice to the watermaster of the intent to divert. ()

iii. Water diversion intakes used for diversions under Subsection 020.01 must be screened with a maximum screen mesh size as follows: 1) fish-bearing Class I streams: 3/32 inch, and 2) all other streams: 1/4 inch. ()

d. Any alternative conservation measure having received a favorable Biological Opinion or Incidental Take Permit from the National Marine Fisheries Service or US Fish and Wildlife Service will be considered as complying with these rules. ()

02. Conversion of Forest Lands. Prior to converting forest lands to another use, the person converting the lands must file a written notification with the Department. These rules will continue to apply to the conversion and converting lands, except those relating to reforestation. On converted parcels larger than one (1) acre, acceptable vegetative cover sufficient to maintain soil productivity and minimize erosion must be planted. Cover must be established within one (1) year of forest practice completion, except that the Director may grant an extension of time if weather or other conditions interfere. Within three (3) years of forest practice completion, the Director will determine if the conversion has been accomplished by: ()

a. The presence or absence of improvements necessary for use of land for its intended purpose;()

b. Evidence of actual use of the land for the intended purpose. ()

c. If the conversion has not been accomplished within three (3) years of harvest completion, supplemental reforestation Subsection 050.06 applies. ()

03. Annual Review and Consultation. The Director will, at least annually, meet with other state agencies and the Forest Practices Advisory Committee and review recommendations for amendments to or repeal of these rules. He will then provide the Board a summary of any meetings, together with recommendations regarding these rules. ()

04. Consultation. The Director may consult with other state agencies where expertise from such

agencies would be helpful or necessary. ()

a. These rules are approved best management practices under IDAPA 58.01.02, "Water Quality Standards." The Water Quality Standards describe a procedure for modifying the practices based on monitoring and surveillance. The Director will review petitions from Idaho Department of Environmental Quality for changes or additions to these rules and make recommendations for modification to the Board. ()

05. Notification of Forest Practice. ()

a. Before commencing a forest practice or a conversion of forest lands the operator must notify the Department as required in Paragraph 020.05.b. The notification may be provided by the timber owner or landowner. ()

b. The notification required by Paragraph 020.05.a. must be on forms provided by the Department, will identify each forest practice to be conducted, and include the name and address of the operator, timber owner, and landowner; the legal description of the operating area; whether the forest practice(s) borders an outstanding resource water and other information the Department considers necessary for administration of the rules. No forest practice may begin until the applicable notification is formally accepted by the Department. No later than fourteen (14) calendar days after formal acceptance of the notice, the Department will send a copy of the notice to the operator, timber owner, and landowner. ()

c. The operator, timber owner, or landowner that filed the original notification, must notify the Department of any subsequent change in information contained in the notice within thirty (30) calendar days of the change. No more than fourteen (14) calendar days from receipt of the notice, the Department will send a copy of the notice to the operator, timber owner, and landowner. ()

d. The notification is valid for the same period as the certificate of compliance under Section 38-122, Idaho Code. If the forest practice is continuing when the notification expires, the notification must be renewed using the same procedures provided for in this subsection. ()

e. If the notification required by Paragraph 020.05.a. of this subsection indicates that the forest practice will be continuing at the notification's expiration, the operator, timber owner, or landowner must notify the Department and obtain a renewal of the notification at least thirty (30) calendar days prior. No more than fourteen (14) calendar days from receipt of the request, the Department will send a copy of the renewed notification to the operator, timber owner, and landowner. ()

06. Notification Exception. A notification is required for all forest practices except: ()

a. Routine road maintenance, recreational uses, grazing by domestic livestock, cone picking, culture and harvest of Christmas trees on lands used solely for the production of Christmas trees, or harvesting of other minor forest products. ()

b. Non-commercial cutting and removal of forest tree species by a person for their own personal use. ()

c. Clearing forest land for conversion to surface mining or dredge and placer mining operations under a reclamation plan or dredge mining permit. ()

07. Emergency Forest Practices. No prior notification is required for emergency forest practices. Within forty-eight (48) hours after commencement of such practice, the operator, timber owner, or landowner must notify the Director and explain why emergency action was necessary. Such emergency forest practices are subject to the rules herein, except that the operator, timber owner, or landowner may take any reasonable action to minimize damage to forest lands, timber, or public resource from the direct or indirect effects of the catastrophic event. ()

08. Duty of Purchaser. Before purchasing, contracting to purchase or accepting delivery of a forest tree species harvested from forest lands in Idaho, the initial purchaser must receive and keep on file a copy of the notification of forest practice for the harvesting practice applicable to the acquired forest tree species. The notice

must be available for inspection upon request by the Department at all reasonable times. ()

09. State Divided into Regions. For the purpose of administering the Act and these rules, the State is divided into two (2) forest regions: one (1) north of the Salmon River and one (1) south of the Salmon River. ()

10. Regions Divided into Forest Habitat Types. For administration purposes, the forest regions can be divided into Habitat Types. ()

021. -- 029. (RESERVED)

030. TIMBER HARVESTING.

01. Purpose. Harvesting of forest tree species is a part of forest management. This is how wood for human use is obtained and how forests are established and tended. During harvesting operations there will be a temporary disturbance to the forest environment. These rules establish minimum standards for forest practices that will maintain the productivity of the forest land, minimize soil and debris entering streams, and protect wildlife and fish habitat. ()

02. Quality of Residual Stocking. Reforestation is required if harvesting reduces stocking of acceptable trees below minimums of Subsection 050.04. ()

03. Soil Protection. For each harvesting operation, operators should select the logging method and type of equipment adapted to the given slope, landscape and soil properties in order to minimize soil erosion. ()

a. An operation that uses ground-based equipment must not be conducted if it will cause rutting, deep soil disturbance, or accelerated erosion. On slopes exceeding forty-five percent (45%) gradient and which are immediately adjacent to a Class I or II stream, ground-based equipment, except for traction-assisted harvesting equipment, must not be used without an approved variance. Where slopes in the area to be logged exceed forty-five percent (45%) gradient, the operator, landowner or timber owner must notify the Department of these steep slopes upon filing the notification as provided for in Subsection 020.05. ()

b. The grade of constructed skid trails on geologically unstable, saturated, or highly erodible or easily compacted soils is limited to a maximum of thirty percent (30%). ()

c. In accordance with appropriate silvicultural prescriptions, keep skid trails to the minimum feasible width and number. Limit tractors used for skidding to that size appropriate for the job. ()

d. Uphill cable yarding is preferred. When downhill yarding, take reasonable care to lift the leading end of the log to minimize downhill movement of slash and soils. ()

04. Location of Landings, Skid Trails, and Fire Trails. Locate landings, skid trails, and fire trails on stable areas to prevent the risk of material entering streams. ()

a. Locate all new or reconstructed landings, skid trails, and fire trails on stable areas outside all SPZs. Locate fire and skid trails where sidecasting is held to a minimum. ()

b. Landing size is limited to that necessary for safe economical operation. ()

c. To prevent landslides, fill material used in landing construction must be free of loose stumps and excessive accumulations of slash. On slopes where sidecasting is necessary, stabilize landings by seeding, compacting, riprapping, benching, mulching or other suitable means. ()

05. Drainage Systems. Provide and maintain a drainage system for each landing, skid trail or fire trail that will control the dispersal of surface water to minimize erosion. ()

a. Stabilize skid trails and fire trails whenever they are subject to erosion, by water-barring, cross-draining, out-sloping, scarifying, seeding or other suitable means. Keep this work current to prevent erosion prior to

seasonal runoff. ()

b. Reshape landings as needed to facilitate drainage prior to seasonal runoff. Stabilize all landings by establishing ground cover or other means within one (1) year after harvesting is completed. ()

06. Treatment of Waste Materials. Leave or place all debris, overburden, and other waste material associated with harvesting in a way that prevents their entry into streams. ()

a. Fell, buck, and limb trees, whenever possible, so that the tree or any tree parts fall away from Class I streams. Continuously remove slash that enters Class I streams because of harvesting operations. Continuously remove other debris that enters Class I streams because of harvesting operations whenever there is a potential for stream blockage or if the stream has the ability for transporting such debris. Place removed material five (5) feet slope distance above the ordinary high water mark. ()

b. Remove slash and other debris that enters Class II streams whenever there is a potential for stream blockage or if the stream has the ability for transporting the debris immediately following skidding and place removed material above the ordinary high water mark or otherwise treat as prescribed by the Department. No formal variance is required. ()

c. Deposit waste material from construction or maintenance of landings and skid and fire trails in geologically stable locations outside of the appropriate SPZ. ()

07. Stream Protection. During and after forest practice operations, protect stream beds and streamside vegetation to provide the most natural condition possible to maintain water quality and aquatic habitat. ()

a. Lakes require an approved site-specific riparian management prescription prior to conducting forest practices within the SPZ. ()

b. Prior to conducting forest practice operations that cross streams using ground-based equipment, install temporary or permanent structures adequate to carry stream flow; skidding or forwarding directly in or through streams or fords is not permitted. Minimize the number of stream crossings and make direct approaches to minimize ground disturbance in the SPZ. Remove all temporary crossings immediately after use and, where applicable, cross-drain the approaches. (Construction of hydraulic structures in stream channels is regulated by the Stream Channel Protection Act - Title 42, Chapter 38, Idaho Code, and Paragraphs 040.02.e. and 040.02.g.). ()

c. Operation of ground-based equipment is not allowed within the SPZ except at approaches to stream crossings. ()

d. When cable yarding is necessary, across or inside the SPZs, it must be done in a way that minimizes stream bank vegetation and channel disturbance. ()

e. Provide for LOD, shading, soil stabilization, wildlife cover and water filtering effects of vegetation along streams. ()

i. Leave shrubs, grasses, and rocks wherever they afford shade over a stream or maintain the integrity of the soil near a stream. Landowners are strongly encouraged to leave all trees immediately adjacent to streams. ()

ii. During commercial harvest within Class I SPZs, retain the following weighted tree count per one-hundred (100) linear feet of stream: ()

(1) Fifty-seven (57) north of the Clearwater/Lochsa Rivers; ()

(2) Forty-nine (49) between the Clearwater/Lochsa and Salmon Rivers; ()

(3) Forty-one (41) south of the Salmon River; and ()

- (4) Thirty-seven (37) in drier forests with SPZs dominated by Douglas-fir and ponderosa pine. ()
- (5) At least four (4) of the above weighted tree count must be retained in the outer twenty-five feet (25') of the SPZ. ()
- iii. Calculate weighted tree count by multiplying the number of live conifers and hardwoods present in each diameter range by the weight below and then sum the results.

Diameter Range (inches)	4-11.9"	12-19.9"	20-27.9"	28-35.9"	≥36"
Weight	1	3	5	8	11

- iv. Prior to and during harvest, cutting in any part of a given one hundred foot (100') Class I SPZ segment is only allowed if the weighted tree count in the inner fifty feet (50') of that segment is above: thirty-three (33) north of the Clearwater/Lochsa Rivers, twenty-eight (28) between the Clearwater/Lochsa and Salmon Rivers, twenty-three (23) South of the Salmon River, and twenty-one (21) in drier forests with SPZs dominated by Douglas-fir and ponderosa pine. Note that the combination of minimum values for the inner fifty feet (50') and outer twenty-five feet (25') do not meet the minimum for the SPZ segment; additional trees must be left in one or both areas to meet the rule. ()
- v. To protect filtering and shade effects of streamside vegetation adjacent to all Class II streams following harvesting and hazard management activities, retain live trees or establish new trees within thirty (30) feet on each side of the streams' ordinary high water mark to comply with the minimum stocking standards expressed in Subsection 050.04. ()
- vi. During harvesting, carefully remove timber from the SPZ in such a way that LOD, shading and filtering effects are maintained and protected. When portions of harvested or naturally fallen trees land in or over a Class I stream, leave the portion consistent with the LOD definition of Subsection 010.28. When salvaging uprooted trees, leaving the section with the root ball attached is preferred. ()
- vii. During harvesting operations, portions of felled or bucked trees not meeting the LOD definition must be removed, consistent with the slash removal requirements of Subsection 030.06. ()
- viii. To obtain a variance from the tree retention requirements, the operator must develop a site-specific riparian management prescription and submit it to the Department for approval. The prescription should consider stream characteristics and the need for LOD, stream shade and wildlife cover which will achieve the objective of these rules. ()
- ix. Stream width will be measured as average between ordinary high water marks. ()
- f. Limit direct ignition of prescribed burns to hand piles within SPZs; all other direct ignitions must occur outside of SPZs, so a backing (cooler) fire will more likely occur within the SPZ. ()
 - i. Hand piles must be at least five (5) feet from the ordinary high water mark of streams. ()
 - ii. No mechanical piling of slash or natural forest fuels is allowed in an SPZ (an exception is filter windrows for erosion control which must not be ignited). ()
- 08. Maintenance of Productivity and Related Values.** Design harvesting practices to assure the continuous growing and harvesting of forest tree species by suitable economic means and to protect soil, air, water, and wildlife resources. ()
 - a. Where major scenic attractions, highways, recreation areas or other high-use areas are located

within or traverse forest land, give special consideration to scenic values by prompt cleanup and regeneration. ()

b. Give special consideration to preserving any critical aquatic or wildlife habitat, including snags, especially within SPZs. Wherever practical, preserve fruit, nut, and berry producing trees and shrubs. ()

c. Avoid conducting operations along or through bogs, swamps, wet meadows, springs, seeps, wet draws or other locations where the presence of water is indicated by associated vegetation; temporary crossings can be used as referred to in Paragraph 030.07.b. Protect soil and vegetation from disturbance which would cause adverse effects on water quality, quantity and wildlife and aquatic habitat. ()

d. Harvesting operations within a single ownership, in which essentially all trees have been removed in one operation, must be planned so that adequate wildlife escape cover (e.g., topography, vegetation, SPZs, etc.) is available within one-quarter (1/4) mile. ()

031. CUMULATIVE WATERSHED EFFECTS.

01. Purpose. In accordance with Section 38-1305(8), Idaho Code, the Department has developed methods for controlling cumulative watershed effects (CWE). The methods and procedures are described in the department manual entitled "Forest Practices Cumulative Watershed Effects Process for Idaho." Proper application of this process will help ensure watersheds are managed to protect water quality so that beneficial uses are supported. This rule describes how the process is to be implemented on forest land. ()

02. Process Application. ()

a. Application of the CWE process and any resulting site-specific BMPs are encouraged but not mandatory. ()

b. The process may be initiated by either the Department, a watershed advisory group, or an individual landowner or group of landowners that collectively own at least twenty-five percent (25%) of the forested land in a watershed. In any case, a reasonable effort will be made to notify forest landowners within the watershed, and the landowners will be given the opportunity to participate in the process. ()

c. The Department must be notified prior to the initiation of the CWE process. ()

d. The Department will review and approve the watershed assessment and CWE site-specific BMPs for compliance with the Act. ()

03. Site-Specific BMP Implementation. Site-specific BMPs developed by a watershed advisory group are encouraged and applied on a voluntary basis. ()

032. -- 039. (RESERVED)

040. ROAD CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE.

01. Purpose. Provide standards and guidelines for road construction, reconstruction, and maintenance that will maintain forest productivity, water quality, and fish and wildlife habitat. ()

02. Road Specifications and Plans. Road specifications and plans must be consistent with good safety practices. Landowners and Operators should plan each road to the minimum use standards adapted to the terrain and soil materials to minimize disturbances and damage to forest productivity, water quality, fish, and wildlife habitat. In addition, landowners and operators must: ()

a. Plan transportation networks to avoid road construction within SPZs, except at approaches to stream crossings. Leave or reestablish areas of vegetation between roads and streams. ()

b. Plan roads no wider than necessary to safely accommodate the anticipated use. Minimize cut and fill volumes by aligning the road to fit the natural terrain features as closely as possible. Adequately compact fill

material. Dispose of excess material on geologically stable sites. ()

c. Plan roads to drain naturally by out-sloping or in-sloping with cross-drainage and by grade changes where possible. Install dips, water bars, cross-drainage, or subsurface drainage on roads when necessary. ()

d. When natural drainage will not protect the surface, cut slopes or fill slopes, plan roads with relief culverts and roadside ditches. Install culverts to prevent erosion of the fill by properly sizing, bedding and compacting. Ensure drainage structures avoid direct discharge of sediment into streams. ()

e. This rule applies to new culvert installations, or reinstallations during road reconstructions or because of catastrophic events. Temporary culvert crossings are exempt from the fifty (50) year peak flow design requirement but must be removed before seasonal run-off. ()

i. Culverts in fish-bearing streams must provide for fish passage. ()

ii. Design stream crossings to carry the fifty (50) year peak flow using Department accepted engineering methods or the culvert sizing table below. Armor the inlet or use a flared inlet structure on thirty (30) inch or greater diameter culverts. The minimum diameter culvert allowed is eighteen (18) inches.

CULVERT SIZING TABLE

The left side of this culvert sizing table will be used for the area of the state north of the Salmon River and within the South Fork Salmon River drainage; the right side will be used for the area of the state south of the Salmon River and outside the South Fork Salmon River drainage. It was developed to carry the fifty (50) year peak flow at a headwater-to-diameter ratio of one (1).

North Forest Region and South Fork Salmon River Drainage			South Forest Region
Watershed Area (acres)	Required Culvert Diameter (inches)	Culvert Capacity (in cubic feet/sec)	Watershed Area (acres)
Ditch relief, seeps, springs, wet areas, draws	12	NA	Ditch relief, seeps, springs, wet areas, draws
less than 32	18	6	Less than 72
33 - 74	24	12	73-150
75 - 141	30	20	151-270
142 - 240	36	32	271-460
241 - 366	42	46	461-720
367 - 546	48	65	471-1025
547 - 787	54	89	1026-1450
788 - 1027	60	112	1451-1870
1028 - 1354	66	142	1871-2415
1355 - 1736	72	176	2416-3355
1737 - 2731	84	260	3356-5335
2732 - 4111	96	370	5336-7410
4112 - 5830	108	500	7411-9565
5831 - 8256	120	675	9566-11780

Culverts larger than one hundred twenty (120) inches must be designed; consider alternative structures. ()

iii. Relief culverts, and those used for seeps, springs, wet areas, and draws must not be less than twelve (12) inches in diameter for permanent installations. ()

f. On existing roads that are not reconstructed or damaged by catastrophic events, landowners or operators are encouraged, but not required, to replace or provide mitigation for culverts that do not provide for fish passage in accordance with Subparagraph 040.02.e.i. or cannot carry the fifty (50) year peak flow of Subparagraph 040.02.e.ii. ()

g. Plan and install stream crossings in compliance with the Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code), Paragraph 030.07.b. and the culvert sizing requirements of Paragraph 040.02.e. Fords are acceptable stream crossing structures on small, shallow streams, with gradients less than four percent (4%). For fords: cross-drain and rock the road surface on each side of the stream for at least seventy-five (75) feet for Class I and at least thirty (30) feet for Class II streams; minimize sediment delivery to streams by limiting use to low water, dry, or frozen conditions; minimize hauling or equipment crossing trips during times of salmonid spawning and egg incubation. ()

h. Avoid reconstruction of existing roads located in SPZs, except for approaches to stream crossings, unless it will result in the least long-term impact on site productivity, water quality, and fish and wildlife habitat. Reconstruction of existing roads in SPZs requires a variance. Reusing existing roads in SPZs for skidding or landing logs requires a variance. Reusing existing roads in SPZs only for hauling fully suspended logs does not require a variance. ()

03. Road Construction. Landowners and operators must use the following practices to construct or reconstruct roads in a way that prevents debris, overburden, and other material from entering streams. ()

a. Construct roads in compliance with the planning guidelines of Subsection 040.02. ()

b. Clear all debris generated during construction or maintenance which potentially interferes with drainage or water quality. Deposit excess material and slash on geologically stable sites outside the SPZs. ()

c. Where sediments would enter streams, stabilize exposed material (road surface, cut slopes, fill slopes, borrow pits, waste piles, etc.) prior to seasonal runoff. Install supplemental stabilization measures such as seed and mulch, slash mats, or rock. Rock the road surface through the entire SPZ over Class I stream crossings. ()

d. Compact road fills. Minimize snow, ice, or frozen soil buried in embankments. Significant woody material is not allowed in fills, but slash may be used as a filter windrow along the fill toe in compliance with the Idaho Forestry Act and Fire Hazard Reduction Programs, Title 38, Chapters 1 and 4, Idaho Code. ()

e. During and following operations on out-sloped roads, retain out-slope drainage and remove berms on the outside edge, except those intentionally constructed for road grade fill protection. ()

f. Provide for drainage of quarries to prevent sediment from entering streams. ()

g. Construct cross-drains and relief culverts to minimize erosion. Use riprap, vegetative matter, downspouts, and similar devices to minimize erosion of the fill. Install drainage structures or cross-drain incomplete roads prior to seasonal runoff. If effective forest floor filtration is not available within SPZs, install supplemental filtration at drainage structure outlets or additional drainage structures outside SPZs to prevent road surface erosion from entering streams. ()

h. Postpone earthwork or material hauling during wet periods if erodible material would enter streams. ()

i. Remove or stabilize cut-slope material subject to sloughing concurrent with construction. ()

j. Construct full-bench roads, without fill slope disposal on slopes greater than sixty percent (60%) in unstable or erodible soils. ()

04. Road Maintenance. Landowners and operators must use the following practices for regular preventive maintenance operations to minimize disturbance and damage to forest productivity, water quality, and fish and wildlife habitat. ()

a. Place all debris or slide material associated with road maintenance in a manner to prevent their entry into streams. ()

b. Repair slumps, slides, and other erosion sources causing stream sedimentation to minimize sediment delivery. ()

c. Active forest roads are used for hauling forest products, rock and other road building materials. Conduct the following maintenance on active roads. ()

i. Keep culverts and ditches functional. ()

ii. Crown, out-slope, in-slope, or cross-drain road surfaces during and upon completion of seasonal operations. Remove berms from the outside edge except those intentionally constructed for protection of fills. ()

iii. Maintain the road surface and postpone hauling during wet periods as necessary to minimize erosion of the subgrade and provide proper drainage. ()

iv. Apply road-surface stabilizing materials in a way that prevents their entry into streams. ()

v. During active maintenance, ensure road surfaces within SPZs are sufficiently stabilized. Install supplemental filtration at drainage structure outlets within SPZs if effective forest floor filtration is not available. ()

d. Incidental haul roads are roads with a primary purpose other than forest practices that are used for hauling logs during active harvest. Active road maintenance requirements apply. Once active road maintenance is completed, no other maintenance is required under the Act. ()

e. Inactive forest roads are no longer used for commercial hauling, but maintained for access. Conduct the following maintenance on inactive roads. ()

i. When active use is over, clear ditches and culverts, crown, out-slope, in-slope, cross-drain or otherwise treat the road surface to minimize erosion. Maintain drainage structures as needed. ()

ii. The roads may be permanently or seasonally blocked to vehicle traffic. ()

f. Long-term inactive roads are forest roads that will not be used soon, but may be used again; no subsequent maintenance is required following completion of the practices below: ()

i. Out-slope, cross-drain, seed or treat the surface to control erosion. ()

ii. Block the road to vehicle traffic. ()

iii. The Department may require the removal of bridges, culverts, ditches and unstable fills. The landowner must maintain any bridges or culverts left in place. ()

g. Permanently abandoned roads are forest roads not intended to be used again. Remove all drainage structures and treat road surfaces to minimize erosion. ()

i. Restore stream gradients to their natural slope. ()

ii. Treat the road surface to break up compacted areas. ()

- iii. Pull back fill slopes of roads within SPZs to a stable configuration unless long-term stability is evident. ()
- iv. Pull back unstable side-hill fills to a stable configuration. ()
- v. Control ditch-line erosion by cross-draining, out-sloping, or regrading to eliminate ditches. ()
- vi. Stabilize soil exposed from regrading, ripping, and drainage removal by seeding, mulching, armoring, or other treatment. ()

05. Winter Operations. To minimize erosion and prevent damage to roads and constructed skid trails from winter logging, operators must implement the practices below: ()

a. Install adequate road drainage prior to winter operations using rolling dips, drivable cross-drains, open-top culverts, out slopes, or other methods. ()

b. Maintain roads to keep the surface drained during thaws or break up. This may require active maintenance of existing drainage, drain holes in snow berms, and installation of additional cross-drains or treatment of the road surface. ()

041. -- 049. (RESERVED)

050. RESIDUAL STOCKING AND REFORESTATION.

01. Purpose. To provide requirements for residual stocking and reforestation that will maintain a continuous growing and harvesting of forest tree species, and for sites not requiring reforestation, to maintain soil productivity and minimize erosion. The rules specify the minimum number of acceptable trees per acre and the maximum period of time allowed after harvesting for establishment of forest tree species. ()

02. Quality of Residual Stocking. On any operation, trees left for future harvest must be of acceptable species and adequately protected from harvest damage to enhance their survival and growth. Locate roads and landings and conduct felling, bucking, skidding, yarding, and decking operations to minimize damage to residual trees. Acceptable residual trees should have a minimum live crown ratio of thirty percent (30%), minimum basal scarring, and should not have dead or broken tops. When stands have a high percentage of unacceptable trees, consider stand replacement rather than intermediate cuttings. ()

03. Sites Impractical to Reforest. Sites impractical to reforest, generally ponderosa pine and drier Douglas-fir habitat types, must not be harvested below minimum stocking, unless the site is converted to some other use or, in instances of wildfire, insects, disease or other natural causes, where salvage of damaged timber is planned. ()

a. When harvesting timber on these sites, one (1) of the following actions must be taken to ensure minimum stocking: ()

i. Establish a new stand by leaving seed trees on the site and inter-planting at least once within five (5) years of harvest completion. ()

ii. Establish a new stand of timber by planting the site with an acceptable tree species, and inter-planting at least once within five (5) years of the original planting. ()

b. If the efforts listed above in a.i. and a.ii. do not provide the minimum stocking level, the landowner will be encouraged but not required to perform additional reforestation efforts. ()

04. Stocking. ()

a. Stocking is satisfactory immediately following harvest if the following number of acceptable trees per acre, within each specified region, for at least one (1) diameter range are reasonably well distributed over the area

affected by harvesting. (NOTE: (1) DBH = Diameter (outside of the bark) of a tree four and one half (4.5) feet above mean ground level):

MINIMUM STOCKING - ACCEPTABLE TREES

Idaho Region	Diameter Range DBH (inches)	Average Number of Retained Trees Per Acre	Average Spacing (feet)
North	0" – 2.9"	170	16 x 16
South	0" – 2.9"	125	18 x 18
North	3.0" – 10.9"	110	19 x 19
South	3.0" – 10.9"	75	24 x 24
North	11.0" and greater	20	46 x 46
South	11.0" and greater	15	53 x 53

()

b. If the stand consists of retained trees of mixed diameter ranges reasonably well distributed over the harvested area and none of the diameter ranges individually equal or exceed the minimum trees per acre shown above, stocking is satisfactory if the weighted total of all of the diameter ranges of the retained trees exceeds a value of one hundred seventy (170) for a stand in the North Region and one hundred twenty-five (125) in the South Region. Calculate the weighted total by multiplying the number of retained trees per acre in each diameter range by the weight below and then sum the results.

Diameter Range	Weight
0" – 2.9"	1
3.0" – 10.9"	1.6
11.0" and greater	8.4

()

c. Harvested stands which are not adequately stocked, as defined above, are subject to supplemental reforestation requirements specified in Subsection 050.06. ()

05. Reforestation Exemptions. ()

a. Reforestation is not required for: ()

i. Noncommercial forest land; ()

ii. Land converted to another use. This may include land converted to roads used in a forest practice; ()

iii. A forest practice which will result in ten (10) acres or less below minimum stocking levels. ()

b. On lands where reforestation is not being planned in accordance with Subsection 050.03, establish some form of grass or planted cover within one (1) year in order to maintain soil productivity and minimize erosion. ()

06. Supplemental Reforestation. Seeding and/or planting may be required if after three (3) growing seasons from the date of harvest, stocking levels do not meet the standards in Subsection 050.04. Complete required seeding and/or planting before the end of the fifth growing season following the time of harvest; the Director must grant an extension of time if suitable seeds or seedlings are not available or if weather or other conditions interfere. ()

a. Reforestation practices must ensure seedlings become established. This can be accomplished by adequate site preparation, using acceptable seed or seedlings, following accepted planting or sowing practices, or other suitable means. ()

b. The party responsible for reforestation is the landowner during the harvest which reduced stand stocking below the minimum levels stated in Subsection 050.04. ()

051. -- 059. (RESERVED)

060. USE OF CHEMICALS AND PETROLEUM PRODUCTS.

01. Purpose. Chemicals perform an important function in growing and harvesting forest tree species. These rules regulate chemical handling, storage and application for forest practices so that the public health and aquatic and terrestrial habitats will not be endangered by contamination of streams or other bodies of water. ()

02. Other Applicable Laws. Anyone mixing, loading, applying or otherwise using chemicals must comply with the applicable portions of state and federal law, including but not limited to the Pesticide and Chemigation Law, Title 22, Chapter 34, Idaho Code and IDAPA 02.03.03, "Rules Governing Pesticide and Chemigation Use and Application." ()

03. Petroleum Products. Stationary or mobile petroleum storage containers with capacities greater than two hundred (200) gallons must not be located closer than one hundred (100) feet from any waterway or area of open water. Dikes, berms or embankments must be constructed to contain at least one hundred ten percent (110%) of the volume of petroleum products stored within the tanks. Diked areas must be sufficiently impervious and of adequate capacity to contain spilled petroleum products. In the event any leakage or spillage enters any waterway or area of open water, the operator must immediately notify the Department. ()

a. During fueling operations or petroleum product transfer to other containers, there must be a person attending the operation at all times. Fueling operations must not take place where the fuel will enter streams, lakes or other areas of open water, if spillage occurs. ()

b. Equipment and containers used to transport, store or transfer petroleum products must be maintained in a leakproof condition. If the Department finds evidence of petroleum product leakage or spillage, the equipment or containers may not be used until the deficiency has been corrected. ()

c. Waste resulting from logging operations, such as crankcase oil, filters, grease, oil containers, or other nonbiodegradable waste must be removed from the operating area and disposed of properly. ()

04. Equipment Maintenance. Equipment used to transport, store, or apply chemicals must be maintained in leakproof condition. If, the Department finds evidence of chemical leakage, the Department may suspend further use of that equipment until the deficiency has been corrected. ()

05. Mixing and Cleaning. ()

a. A person using water to mix chemicals must provide an air gap or reservoir between the water source and the mixing tank and use uncontaminated tanks, pumps, hoses and screens to handle and transfer mix water. ()

b. Chemicals may be mixed and tanks and equipment cleaned only where spills will not enter any water source. ()

i. Landing areas must be located where spilled chemicals will not enter any water source. ()

ii. Rinsate and wash water should be recovered and used for make-up water, be applied to the target area, or disposed of according to state and federal laws. ()

- 06. Aerial Application:** ()
- a.** With the exception of pesticides approved for aquatic use and applied according to labeled directions, when applying pesticide leave at least one (1) swath width (minimum one hundred (100) feet) untreated on each side of all Class I streams, flowing Class II streams and other areas of open water. When applying pelletized fertilizer, leave a minimum of fifty (50) feet untreated on each side of all Class I streams, flowing Class II streams, and other areas of open water. ()
- b.** Use a bucket or spray device capable of immediate shutoff. ()
- c.** Shut off chemical application during turns and over open water. ()
- 07. Ground Application with Power Equipment.** ()
- a.** With exception of pesticides approved for aquatic use and applied according to labeled directions, when applying pesticide, leave at least twenty-five (25) feet untreated on each side of all Class I streams, flowing Class II streams and areas of open water. ()
- b.** When applying fertilizer, leave at least ten (10) feet untreated on each side of all streams and areas of open water. ()
- 08. Hand Application.** ()
- a.** Apply only to specific targets, such as a stump, burrow, bait, or trap. ()
- b.** Keep chemicals out of all water sources or streams. ()
- 09. Limitations on Applications.** ()
- a.** Chemicals must be applied in accordance with all limitations and instructions printed on the product registration labels, supplemental labels, and others established by regulation of the Director. ()
- b.** Do not exceed allowable rates. ()
- c.** Prevent direct entry of chemicals into any water source or stream. ()
- 10. Daily Records of Chemical Applications.** ()
- a.** When pesticides are applied on forest land, the operator must maintain a daily record of spray operations which includes: ()
- i.** Date and time of day of application. ()
- ii.** Name and address of owner of property treated. ()
- iii.** Purpose of the application. ()
- iv.** Contractor's name and applicator's or pilot's name. ()
- v.** Location of project (section, township, range and county). ()
- vi.** Air temperature (hourly). ()
- vii.** Wind velocity and direction (hourly). ()
- viii.** Pesticides used including trade or brand name, EPA product registration number, mixture, application rate, carrier used and total amounts applied. ()

b. Whenever fertilizers or soil amendments are applied, the operator must maintain a daily record of such application which includes Subsection 060.10 and the name of the fertilizer or soil amendment and application rate. ()

c. The records required in Subsection 060.10 must be maintained in compliance with the record-keeping requirements of IDAPA 02.03.03, "Rules Governing Pesticide and Chemigation Use and Application." ()

d. All records required in Subsection 060.10 must be retained for three (3) years. ()

11. Container Disposal. Chemical containers must be: cleaned and removed from the forest and disposed of in a manner approved by the Director in accordance with applicable local, state and federal regulations; or removed for reuse in a manner consistent with label directions and applicable regulations of a state or local health department. Open burning of containers is prohibited. ()

12. Spills. In the event of a spill: ()

a. All chemical accidents and spills must be reported immediately to the Director. ()

b. Appropriate procedures must be taken immediately to control the spill source and contain the released material. ()

c. The applicator must collect, remove, and dispose of spilled material in accordance with applicable local, state and federal law and in a manner approved by the Director. ()

13. Misapplications. Whenever chemicals are applied to the wrong site or pesticides are applied in a manner inconsistent with the product label, the applicator must report those misapplications immediately to the Director. ()

061. -- 069. (RESERVED)

070. SLASHING MANAGEMENT.

01. Purpose. To provide for slashing and fire hazard management resulting from harvesting, forest management, forest tree species improvement, or defoliation caused by chemical applications necessary to protect reproduction and residual stands, reduce risk from fire, insects and disease or optimize the conditions for future forest tree species regeneration and to maintain air and water quality, fish and wildlife-habitat. ()

02. Commercial Slash. Fuels and debris resulting from a forest practice involving removal of a commercial product must be managed as set forth in the Idaho Forestry Act, Title 38, Chapters 1 and 4, Idaho Code and the rules and regulations pertaining to forest fire protection. ()

03. Non-Commercial Slash. Fuels and debris resulting from a forest practice where no commercial product is removed must be managed in a manner as hereinafter designated under authority of the Idaho Forest Practices Act, Title 38, Chapter 13, Idaho Code. ()

a. Within ten (10) days or a time mutually agreed upon following receipt by the Department of the "Notification of Forest Practice" as provided in Subsection 020.05, the Department will make a determination of the potential fire hazard and hazard reduction and/or hazard offsets, if any, needed to reduce, abate or offset the fire hazard. This determination will be based on a point system found in Paragraph 070.03.e. ()

b. The operator, timber owner and landowner will be notified in writing of the determination and of the hazard reductions and/or hazard offsets, if any, that must be accomplished by the operator, timber owner or landowner. The notification will specify a reasonable time period not to exceed twelve (12) months from the date the forest practice commenced the hazard reduction completion and will specify the number of succeeding years that on site improvements or extra protection must be provided. ()

c. A release of all obligations under Subsection 070.03 will be granted in writing when the hazard reduction and/or hazard offsets have been accomplished. When hazard offsets are to be accomplished during succeeding years, the release will be conditioned upon the completion of the required hazard offsets. Notification of release will be mailed to the operator, timber owner and landowner within seven (7) days of inspection by the Department. Inspections by the Department will be made within ten (10) days of notification by the operator, timber owner or landowner unless otherwise mutually agreed upon. ()

d. If the Department determines upon inspection that the hazard reduction or hazard offsets have not been accomplished within the specified time limit, the Department may grant extensions of time, each not to exceed three months, if the Director determines that a diligent effort has been made and that conditions beyond the control of the party performing the hazard reduction or hazard offsets prevented completion. If an extension is not granted the Department will proceed as required in Section 38-1307, Idaho Code (Idaho Forest Practices Act). ()

e. For the purpose of determining the potential fire hazard and the appropriate hazard reduction and/or hazard offsets, the Department will use a point system with the following rating guides. A value of eighty (80) points or less for any individual forest practice under Subsection 070.03, as determined by the Department, will be sufficient to release the operator, timber owner and landowner of all further obligations under Subsection 070.03. Total points of the proposed forest practice will be determined from Tables I and II. If the total points are greater than eighty (80), modification of the thinning practice to reduce points may be made as determined by Tables I and II, slash hazard offsets may be scheduled to reduce points as determined by Table III or a combination of these options may be used to reduce the hazards to a point total of eighty (80) or less. Consideration will be given to the operator's, timber owner's and landowner's preference in selecting the options to reduce the points to eighty (80) or less.

TABLE I – HAZARD POINTS											
Hazard Points for Ponderosa Pine, Western Red Cedar or Western Hemlock											
Thinned Stems Per Acre											
Ave. DBH	250	500	750	1000	1250	1500	1750	2000	2500	3000	4000
1	1	2	3	3	4	5	6	7	9	10	16
2	3	6	9	13	16	22	25	30	36	42	51
3	7	16	25	32	38	46	51	52	56	59	
4	9	22	32	40	50	52	54	56	60		
5	13	28	40	51	54	56	59	60			
6	19	36	51	54	58	60	60				
Hazard Points for Douglas Fir, Grand Fir or Engelmann Spruce											
Thinned Stems Per Acre											
Ave. DBH	250	500	750	1000	1250	1500	1750	2000	2500	3000	4000
1	1	2	3	4	6	7	8	9	13	16	22
2	4	7	13	16	22	28	32	36	42	50	54
3	8	19	28	36	44	51	53	54	58	60	
4	10	25	36	46	51	54	57	59	60		
5	16	32	46	52	56	59	60	60			
6	22	40	52	56	60	60	60				

TABLE I – HAZARD POINTS											
Hazard Points for Western Larch, Lodgepole Pine or Western White Pine											
Thinned Stems Per Acre											
Ave. DBH	250	500	750	1000	1250	1500	1750	2000	2500	3000	4000
1	1	2	2	3	4	4	5	6	8	9	13
2	3	6	8	11	16	19	22	28	32	38	48
3	6	16	25	32	38	46	51	52	56	59	
4	8	16	28	36	44	50	52	54	58		
5	9	22	32	42	50	53	55	57			
6	13	28	40	50	53	56	59				

TABLE II - HAZARD POINTS WORKSHEET

HAZARD CHARACTERISTICS

HAZARD POINTS

Fuel Quantity

Hazard points from Slash Hazard Table I 1/
 Record number of trees/acre to be cut
 Average D.B.H.
 Predominant species

Size of thinning block
 Points 0 - 15

16 - 30 31 - 45 46 - 60 1/

Acres 20

20 - 40 40 - 80 80

Site Factor

Record Slope _____ % Aspect _____
 Determine points from table below 1/

ASPECT	PERCENT SLOPE			
	0 - 19	20 - 39	40 - 59	60
E or NE	0	5	10	20
E or NW	0	5	10	30
W or SE	0	10	30	40
S or SW	0	20	40	60
1/	Max. 60 points			

Other Factors	
Condition of operating area before forest practice commences	0 - 20 points
Condition of adjoining area	0 - 20 points
Presence of snags and culls	0 - 5 points
Deterioration rate of slash	0 - 5 points
Time of year forest practice operation	10 points
October thru December	2 points
August thru September	4 points
January thru April	7 points
May thru July	10 points
TOTAL FOREST PRACTICE AREA POINTS	(Max. 240 points)

TABLE III - HAZARD OFFSETS

Offsets	Hazard Point Deductions
Physical Changes to the Hazard (1)	
(1) Points will be proportional to the amount of hazard disposed of or modified.	
Disposal by burning or removal.	0 - 160
Modification by reducing depth through crushing, chipping or lopping.	0 - 60
On Site Improvements	
Condition of main access road to forest practice area should allow movement of heavy trucks without difficulty.	0 - 5
Access control to forest practice area provided by closure to public traffic.	0 - 5
Availability of water for tankers within one mile of forest practice area or within three miles for helicopter bucket use. Water supply to be sufficient to supply at least fifty thousand (50,000) gallons.	0 - 15
Buffer zones of unthinned areas at least two chains in width between roadways and thinned areas.	0 - 10
Fuel breaks with slash hazard removal around and/or through forest practice area, located so as to provide optimum fire control effect and of two to four chains in width.	0 - 25
Fire trails with fuel removed to expose mineral soil to a width of twelve (12) feet. Maximum points allowed if combined with a fuel break.	0 - 15

Offsets	Hazard Point Deductions
Extra Protection	
Increased attack capability such as retardant availability, increased attack manpower and equipment. Must be in addition to regular forces normally available during the fire season.	0 - 40
Fire detection and prevention increased beyond that normally available for lands in the fire protection district.	0 - 15
Initial attack time based on proximity of forest practice area to initial attack forces.	0 - 5
Landowner protection plan which would provide extra fire protection on a voluntary basis such as extra equipment and/or manpower.	0 - 5

()

071. PRESCRIBED FIRE.

01. Purpose. Prescribed fire is a land management tool. Smoke from prescribed fires can have adverse impacts on ambient air quality or public health. These rules establish a management system for smoke from prescribed fires that will protect air quality. ()

02. Notification. The use of prescribed fire requires a valid notification in accordance with Subsection 020.05 to maintain air quality and to protect public health. Possession of a valid notification will not preclude meeting the fire safety requirements specified in Section 38-115, Idaho Code. ()

03. Recommended Practices. To maintain air quality and protect public health the following practices are recommended: ()

a. Slash and large woody debris piles should be compact and free of stumps, soil, snow, and nonwoody organic material. ()

b. Piles should be fully cured, dried at least two (2) months, prior to ignition. Piles should be at least partially covered with a water-resistant material so they can be ignited after enough precipitation to lower the fire danger. ()

c. Broadcast burns should be conducted within a prescription that minimizes adverse effects on air quality. ()

d. Membership in good standing in a recognized Airshed Group is encouraged. ()

072. -- 999. (RESERVED)