

## Unofficial Copy – Strikethrough version of proposed rule (docket 20-0201-2101)

Forest Practices Advisory Committee Recommendations for Proposed 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. (7-1-96)

#### 001. ~~TITLE AND SCOPE.~~

~~01. Title. These rules are titled IDAPA 20.02.01, “Rules Pertaining to the Idaho Forest Practices Act.” (4-11-06)~~

~~02. 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. (4-11-06)~~

#### 002. -- 009. (RESERVED)

#### 010. DEFINITIONS.

~~Unless otherwise required by context as used in these rules~~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: (10-14-75)( )

**01. Act.** The Idaho Forest Practices Act, Title 38, Chapter 13, Idaho Code. (7-1-96)

**02. Acceptable Tree Species.** Any ~~of the~~ 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. (7-1-96)( )

**03. Additional Hazard.** ~~The d~~Debris, slashings, and forest fuel resulting from a forest practice. (10-14-75)( )

**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. ~~All trees to be cut that do not have a measurable DBH will fall in the one inch (1”) class.~~ (7-1-96)

~~05. Best Management Practice (BMP). A practice or combination of practices determined by the board, in consultation with the department and the forest practices advisory committee, to be the most effective and practicable means of preventing or reducing the amount of nonpoint pollution generated by forest practices. BMPs shall include, but not be limited to, those management practices included in these rules. (9-11-90)~~

**06.05. Board.** The Idaho State Board of Land Commissioners or its designee. (10-14-75)

**07.06. Buffer Strip.** A protective area adjacent to an area requiring special attention or protection. (10-14-75)

~~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 ~~the Idaho Pesticide Law,~~ Title 22, Chapter 34, Idaho Code), fertilizers, soil amendments, road dust abatement products and other materials that may present hazards to the environment. (7-1-98)( )

**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. (7-1-96)

**10. Commercial Products.** Saleable forest products of sufficient value to cover cost of harvest and transportation to available markets. (4-11-06)

**11. Condition of Adjoining Area.** Those fuel conditions in adjoining areas that relate to spread of fire and to economic values of ~~the adjoining~~ that area. (1-24-78)

**12. Contaminate.** To introduce into the atmosphere, soil, or water sufficient quantities of substances that are injurious to public health, safety, or welfare; ~~or to~~ domestic, commercial, industrial, agricultural or recreational uses; ~~to~~ livestock, wildlife, fish or other aquatic life. (4-11-06)

**13. Cross-Ditch Drain.** A diversion, ~~ditch and/~~ 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 ~~so that it does not gain the volume and velocity which causes soil movement and erosion.~~ to minimize volume and velocity of runoff which might cause soil erosion. (3-13-90)(    )

**14. Cull.** ~~Nonmerchatable~~ Non-marketable, alive, standing trees ~~of greater height~~ taller than twenty (20) feet. (1-24-78)(    )

~~15. Department. The Idaho Department of Lands. (10-14-75)~~

**16.15. Deterioration Rate.** Rate of natural decomposition and compaction of fuel debris which decreases the hazard and varies by site. (1-24-78)

~~17.16. Director. The Director of the Idaho Department of Lands or his designee. (10-14-75)~~

**18.17. 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. (10-14-75)

**19.18. Fertilizers.** Any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment. (10-14-75)

**20.19. Fire Trail.** Access routes that are located and constructed in a manner to be ~~either~~ useful in fire control efforts or ~~detering the~~ fire spread deterrence in the hazard area. (10-14-75)(    )

~~21. Forest Land. Federal, state and private land growing forest tree species which are, or could be at maturity, capable of furnishing raw material used in the manufacture of lumber or other forest products. The term includes federal, state and private land from which forest tree species have been removed but have not yet been restocked. It does not include land affirmatively converted to uses other than the growing of forest tree~~ (7-1-96)

~~22. Forest Practice. (10-14-75)~~

~~a. The harvesting of forest tree species including felling, bucking, yarding, decking, loading and hauling; road construction, improvement or maintenance including installation or improvement of bridges, culverts or structures which convey stream flows within the operating area; also including the clearing of forest land for conversion to non forest use when harvest occurs; (7-1-98)~~

~~b. Road construction, reconstruction or maintenance of existing roads including installation or improvement of bridges, culverts or structures which convey streams not within the operating area associated with harvesting of forest tree species; (7-1-98)~~

~~c. Reforestation; (10-14-75)~~

~~d. Use of chemicals for the purpose of managing forest tree species or forest land; (7-1-98)~~

~~e. The management of slash resulting from harvest, management or improvement of forest tree species or the use of prescribed fire on forest land. (7-1-98)~~

~~f. "Forest Practice" shall not include preparatory work such as tree marking, surveying, and road flagging or removal or harvesting of incidental vegetation from forest lands; such as berries, ferns, greenery, mistletoe, herbs, mushrooms, or other products which cannot normally be expected to result in damage to forest soils, timber, or public resources. (10-14-75)~~

~~23. Forest Regions. Two (2) regions of forest land: one (1) being north of the Salmon River and one (1) being south of the Salmon River. (7-1-96)~~

~~24. Forest Type. Five forest types in Idaho are defined as follows: (3-20-14)~~

~~a. North Idaho grand fir/western red cedar (NIGF): moist to wet interior forests with western red cedar, western hemlock, and grand fir being primary climax species, found in forests north of the Clearwater/ and Lochsa Rivers. (3-20-14)~~

~~b. Central Idaho grand fir/western red cedar (CIGF): productive conifer forests found in forests between the Lochsa River Basin and the Salmon River, characterized by stands having western red cedar and grand fir as climax species, with a mixed conifer overstory increasingly comprised of ponderosa pine, Douglas fir, and larch in the river breaks canyon lands. Stocking levels are generally lower than that of the NIGF stands. (3-20-14)~~

~~c. South Idaho grand fir (SIGF): mixed conifer forests, dominated by ponderosa pine and Douglas fir, found south of the Salmon River with grand fir and occasionally western red cedar being the stand climax species. (3-20-14)~~

~~d. Western hemlock subalpine fir (WH): higher elevation, moist, cool interior forests dominated by western hemlock, mountain hemlock, and/or subalpine fir. (3-20-14)~~

~~e. Douglas fir ponderosa pine (PP): drier forests dominated by ponderosa pine and Douglas fir, generally found in lower elevation, dry sites. (3-20-14)~~

~~25.20. Fuel Quantity. The diameter, the number of stems and the predominate-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. (1-24-78)( )~~

~~26.21. Ground-Based Equipment. Mobile equipment such as trucks, tractors, dozers, skidders, excavators, loaders, mechanized harvesters and forwarders used for harvesting, site preparation or hazard reduction forest practices. This does not include cable systems associated with stationary yarding equipment. (4-4-13)( )~~

~~27.22. Habitat Types. Forest land capable of producing similar plant communities at climax. (7-1-96) ( )~~

~~28. Harvesting. A commercial activity related to the cutting or removal of forest tree species to be used as a forest product. A commercial activity does not include the cutting or removal of forest tree species by a person for his own personal use. (10-14-75)~~

~~29.23. Hazard. Any vegetative residue resulting from a forest practice which constitutes fuel. (1-24-78)~~

~~30.24. Hazard Offset. Improvements or a combination of practices which reduces the spread of fire and increases the ability to control fires. (10-14-75)~~

**31.25. Hazard Points.** The number of points assigned to certain hazardous conditions on an operating area, to actions designed to modify those conditions ~~on the same area~~ or to actions by the operator, timber owner or landowner to offset ~~those the hazardous~~ conditions on the same operating area. (1-24-78) ( )

**32.26. Hazard Reduction.** The burning or physical reduction of slash by treatment in some manner which will reduce the risk from fire ~~after treatment~~. (10-14-75) ( )

**33.27. 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 ~~shall~~ also apply ies to lakes. (7-1-96) ( )

~~34. Landowner. A person, partnership, corporation, or association of whatever nature that holds an ownership interest in forest lands, including the state. (10-14-75)~~

**35.28. Large Organic Debris (LOD).** Live or dead trees and parts ~~or pieces of trees~~ thereof that are large enough; or longer enough than the channel width or twenty (20) feet; or sufficiently buried in the stream bank or bed to be stable during high flows. ~~Pieces longer than the channel width or longer than twenty (20) feet are considered stable.~~ 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. (3-13-90) ( )

~~36. Merchantable Material. That portion of forest tree species suitable for the manufacture of commercial products which can be merchandised under normal market conditions. (10-14-75)~~

~~37. Merchantable Stand of Timber. A stand of trees that will yield logs or fiber: (7-1-96)~~

~~a. Suitable in size and quality for the production of lumber, plywood, pulp, or other forest products; (10-14-75)~~

~~b. Of sufficient value at least to cover all costs of harvest and transportation to available markets. (10-14-75)~~

**38.29. Noncommercial Forest Land.** Habitat types not capable of producing twenty (20) cubic feet of wood fiber per acre per year. (7-1-96) ( )

~~39. Operator. A person who conducts or is required to conduct a forest practice. (10-14-75)~~

**40.30. Operating Area.** That area where a forest practice is taking place or will take place. (1-24-78)

**41.31. 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. (10-14-75)

**42.32. 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, ~~which has been so~~ designated by the legislature. ORW constitutes as outstanding national or state resource that requires protection from nonpoint activities, including forest practices, ~~that which~~ may lower water quality. (7-1-96) ( )

~~43. Partial Cutting. The well distributed removal of a portion of the merchantable volume in a stand of timber. This includes seed tree, shelterwood, or individual tree selection harvesting techniques. (10-14-75)~~

**44.33. Prescribed Fire.** The controlled application of fire to wildland fuels, in either their natural or modified state, under such conditions of weather, fuel moisture and soil moisture; ~~to that~~ allow the fire to be confined to a predetermined area ~~and at the same time to~~ while produce ing the intensity of heat and rate of spread required to meet planned objectives. (7-1-96) ( )

**45.34. Present Condition of Area.** The amount or degree of hazard present before a thinning operation commences. (1-24-78)

**46.35. Public Resource.** Water, fish, and wildlife, and ~~in addition means~~ capital improvements of the State or its political subdivisions. (10-14-75) ( )

**47.36. Reforestation.** ~~The e~~ Establishment of an adequately stocked stand of trees of species acceptable to the ~~e~~ Department to replace ~~the ones those~~ removed by ~~a~~ harvesting or a catastrophic event on commercial forest land. (10-14-75)

**48.37. Relative Stocking.** A measure of site occupancy calculated as a ratio ~~comparison~~ 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 ~~utilize~~ 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.~~ (3-20-14) ( )

**49.38. Relief Culvert.** A structure to relieve surface runoff from roadside ditches to prevent excessive ~~buildup in~~ volume and velocity. (10-14-75)

~~50. Rules. Rules adopted by the Board pursuant to Section 38-1304, Idaho Code. (7-1-96)~~

**51.39. Slash.** Any vegetative residue three inches (3") ~~and under~~ or less in diameter resulting from a forest practice or ~~the~~ clearing of land. (7-1-96)

**52.40. Site.** An area with the combination of biotic, climatic, and soil conditions ~~considered as to its or~~ ecological factors ~~with reference to that create~~ capacity ~~to produce~~ for forest vegetation; ~~the combination of biotic, climatic, and soil conditions of an area.~~ (10-14-75) ( )

**53.41. Site Factor.** A combination ~~of percent~~ of average ~~ground~~ slope and ~~predominate~~ predominant aspect of the ~~forest practice~~ operating area which relate to rate of fire spread. (1-24-78) ( )

**54.42. 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, ~~and~~ which has been approved by the Department, or by the Board in consultation with the Department and the Forest Practices Advisory Committee. (7-1-96) ( )

**55.43. Size of Thinning Block.** Acres of continuous fuel creating an additional hazard within an ~~forest practice~~ 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. (1-24-78) ( )

**56.44. Snags.** Dead, standing trees taller than twenty (20) feet ~~and greater in height.~~ (1-24-78)

**57.45. Soil Erosion.** Movement of soils resulting from forest practices. (10-14-75)

**58.46. Soil Stabilization.** The minimizing of soil movement. (10-14-75)

~~59. State. The state of Idaho or other political subdivision thereof. (10-14-75)~~

**60.47. 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 ~~shall also apply~~ applies to lakes. (7-1-96) ( )

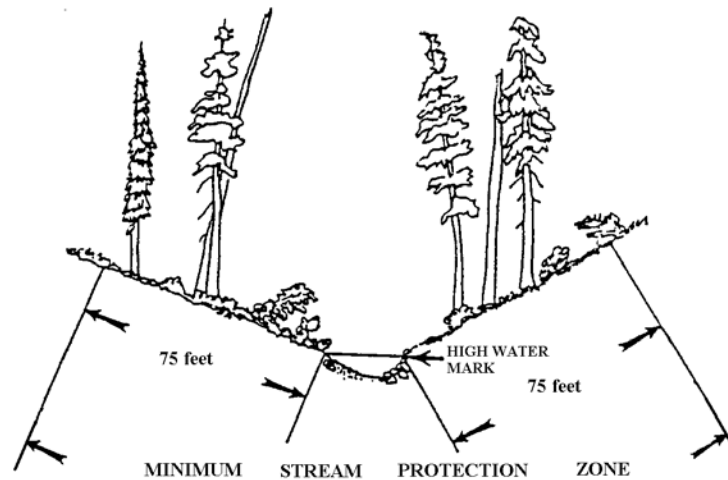
a. Class I streams ~~are used for domestic water supply or~~ are important for the spawning, rearing or migration of fish. ~~Such waters shall be considered to be Class I upstream from the point of domestic diversion for a minimum of one thousand three hundred and twenty (1,320) feet.~~ (11-7-86) ( )

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 ~~and~~ forty (240) acres in the north forest region and four hundred ~~and~~ sixty (460) acres in the south forest region. Their ~~principle~~ principal value lies in their influence on water quality or quantity downstream in Class I streams. (7-1-96)( )

c. Class I Stream Protection Zone (SPZ) means the area encompassed by a slope distance of seventy-five (75) feet on

## CLASS 1 STREAM PROTECTION ZONE



CLASS 1 STREAM PROTECTION ZONE

(7-1-96)( )

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. In no case shall this width be less than five (5) feet slope distance on each side of the ordinary high water marks.

FIGURE 2  
CLASS II STREAM PROTECTION ZONE

LASS II STREAM PROTECTION ZONE



(7-1-96)( )

~~61. — Timber Owner. A person, partnership, corporation, or association of whatever nature, other than the landowner, that holds an ownership interest in forest tree species on forest land. (10-14-75)~~

~~62-48. Time of Year of Forest Practice. Parts of a year assigned hazard points when ~~These combinations of months during which time~~ the forest practice ~~is taking~~ takes place. Points ~~assigned~~ 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. (1-24-78)( )~~

~~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. ( )

~~0142.~~ -- 019. (RESERVED)

**020. GENERAL RULES.**

**01. Compliance.** ~~Operators must comply with P~~practices contained within a rule ~~shall be complied with~~ to accomplish the purpose ~~to which of~~ the rule ~~is related~~. (8-13-85)( )

a. If conditions of sites or activities require ~~the~~ application of practices which differ from those prescribed by the rules, the operator ~~shall~~must obtain a variance according to the following procedure:~~(8-13-85) ( )~~

i. The operator ~~shall~~must submit a written request for variance to the ~~d~~Department ~~in writing~~. The request ~~shall~~ 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. (8-13-85)( )

ii. ~~Within fourteen (14) calendar days the~~The ~~d~~Department ~~shall~~will evaluate the request and notify the operator in writing within fourteen (14) calendar days of the determination to allow or disallow whether the variance is granted or denied request. (7-1-96)( )

iii. All ~~practices~~ authorized variance practices under this procedure shallmust provide for results over the long term which are equivalent or better results over the long term than the those from rule which are superseded to insureensure site productivity, water quality and fish and wildlife habitat. A variance ~~can~~may be applied only at approved sites. (8-13-85)( )

b. Practices ~~shall~~must also be in compliance with the Stream Channel ~~Alteration~~ 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 ~~and regulations pursuant thereto~~promulgated thereunder. (8-13-85)( )

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 ~~shall~~is no greater than~~never exceed~~ twenty-five ~~(25)~~ percent (25%) of the rate of flow then available in the stream at the point of diversion for these purposes. (5-8-09)( )

i. No person ~~shall~~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. (5-8-09)( )

ii. ~~If water is to be diverted~~No person may, under this Section 020, divert water from a stream within a water district, or ~~from a stream~~from which an irrigation delivery entity diverts water, a person diverting water shall give without first providing notice to the watermaster of the intent to divert ~~water for the purposes as authorized herein~~. (5-8-09)( )

iii. Water diversion intakes used for diversions under Subsection 020.01 ~~shall~~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. (5-8-09)( )

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. (4-4-13)

**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. Conversions require a notification be filed, and compliance with all~~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, ~~plant~~acceptable vegetative cover sufficient to maintain soil productivity and minimize erosion must be planted. Cover ~~shall~~must be established within one (1) year of forest



~~practice~~ completion ~~of the forest practice~~, except that the ~~d~~Director may grant an extension of time if weather or other conditions interfere. Within three (3) years of ~~forest practice~~ completion ~~of the forest practice~~, the ~~d~~Director ~~shall will~~ determine if the conversion has been accomplished by: ~~(7-1-96) ( )~~

- a. The presence or absence of improvements necessary for use of land for its intended purpose; (7-1-96)
- b. Evidence of actual use of the land for the intended purpose. (10-14-75)
- c. If the conversion has not been accomplished within three (3) years of ~~the harvest~~ completion ~~of harvest~~, supplemental reforestation Subsection 050.06 applies. (7-1-96)

**03. Annual Review and Consultation.** The ~~d~~Director ~~shall will~~, at least ~~once each year annually~~, meet with other state agencies and the Forest Practices Advisory Committee and review recommendations for amendments to ~~or repeal of these rules, new rules, or repeal of rules~~. He ~~shall will~~ then ~~report to provide~~ the ~~b~~Board a summary of ~~such any meetings or meetings~~, together with recommendations ~~for amendments to rules, new rules, or repeal of regarding these rules~~. ~~(10-14-75) ( )~~

**04. Consultation.** The ~~d~~Director ~~shall may~~ consult with other state agencies ~~and departments concerned with the management of forest environment~~ where expertise from such agencies ~~or departments is desirable would be helpful~~ or necessary. ~~(10-14-75) ( )~~

a. These rules are approved best management practices under Idaho's Water Quality Standards ~~and Wastewater Treatment Requirements, IDAPA 58.01.02, (Title 39, Chapter 1, Idaho Code)~~ ~~reference the Forest Practice Rules as approved best management practices and~~ The Water Quality Standards describe a procedure ~~offor~~ modifying the practices based on monitoring and surveillance. The ~~d~~Director ~~shall will~~ review petitions from Idaho Department of Environmental Quality for changes or additions to these rules ~~according to Administrative Procedures Act (Title 67, Chapter 52, Idaho Code)~~ and make recommendations for modification to the Board ~~of Land Commissioners. (9-20-88) ( )~~

**05. Notification of Forest Practice.** (10-14-75)

a. Before commencing a forest practice or a conversion of forest lands the operator must notify the Department ~~shall be notified~~ as required in Paragraph 020.05.b. ~~The notice shall be given by the operator. However, The notification may be provided by~~ the timber owner or landowner ~~satisfies the responsibility of the operator under this Subsection. When more than one forest practice is to be conducted in relation to harvesting of forest tree species, one notice including each forest practice to be conducted shall be filed with the department.~~ ~~(5-8-09) ( )~~

b. The notification required by Paragraph 020.05.a. ~~shall must~~ be on forms ~~prescribed and~~ provided by the ~~d~~Department, ~~and shall 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 in which the forest practice is to be conducted~~; whether the forest practice(s) borders an outstanding resource water and other information the ~~d~~Department considers necessary for ~~the administration of the rules adopted by the board under Section 38-1304, Idaho Code. No forest practice may begin until the applicable~~ All notifications ~~must be is~~ formally accepted by the ~~d~~Department ~~before any forest practice may begin. Promptly upon formal acceptance of the notice but not more No later~~ than fourteen (14) calendar days ~~from after~~ formal acceptance of the notice, the ~~d~~Department ~~shall will mail send~~ a copy of the notice to ~~whichever of the operator, timber owner, or and landowner that did not submit the notification. The department shall make available to the operator, timber owner, and landowner a copy of the rules.~~ ~~(7-1-96) ( )~~

c. ~~An The~~ operator, timber owner, or landowner, ~~whichever that~~ filed the original notification, ~~shall must~~ notify the ~~d~~Department of any subsequent change in ~~the~~ information contained in the notice within thirty (30) calendar days of the change. ~~Promptly upon receipt of notice of change, but not to No more than exceed~~ fourteen (14) calendar days from receipt of ~~the~~ notice, the ~~d~~Department ~~shall will mail send~~ a copy of the notice to ~~whichever of the operator, timber owner, or and~~ landowner ~~that did not submit the notice of change.~~ ~~(7-1-96) ( )~~

d. The notification is valid for the same period as ~~set forth in~~ the certificate of compliance under Section 38-122, Idaho Code. ~~At the expiration of the notification, if~~ the forest practice is continuing when the notification expires, the notification shall must be renewed using the same procedures provided for in this subsection. (4-21-92) ( )

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 ~~of the notification that the forest practice will be continuing~~, the operator, timber owner, or landowner must notify the Department and obtain a renewal of the notification, at least thirty (30) calendar days prior ~~to the expiration of the notification, shall must notify the department and obtain a renewal of the notification. Promptly upon receipt of the request for renewal, but not to exceed~~ No more than fourteen (14) calendar days from receipt of the request, the ~~e~~Department shall will mail send a copy of the renewed notification to ~~whichever of the operator, timber owner, or and~~ landowner that did not submit the request for renewal. (7-1-96) ( )

**06. Notification Exception.** A notification ~~of Forest Practice~~ is required for all forest practices except ~~for~~: (7-1-98) ( )

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. (10-14-75)

b. Non-commercial cutting and removal of forest tree species by a person for ~~his~~ their own personal use. (10-14-75) ( )

c. Clearing forest land for conversion to surface mining or dredge and placer mining operations under a reclamation plan or dredge mining permit. (9-20-88)

**07. Emergency Forest Practices.** No prior notification ~~shall be~~ is required for emergency forest practices ~~necessitated by and commenced during or immediately after a fire, flood, windthrow, earthquake, or other catastrophic event~~. Within forty-eight (48) hours after commencement of such practice, the operator, timber owner, or landowner shall must notify the ~~e~~Director ~~with an explanation of 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. (7-1-96) ( )

**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 of forest tree species which have been harvested from forest lands shall, before making such purchase or contract to purchase or accepting delivery of the same,~~ must receive and keep on file a copy of the notice notification of forest practice for ~~required by Section 38-1306, Idaho Code relating to the harvesting practice for which~~ applicable to the acquired forest tree species ~~are being acquired by the initial purchaser. Such~~ The notice shall must be available for inspection upon request by the ~~e~~Department at all reasonable times. (7-1-96) ( )

**09. State Divided into Regions.** For the purpose of administering ~~this~~ 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. (7-1-96) ( )

**10. Regions Divided into Forest Habitat Types.** For ~~the~~ administration purposes, ~~of further refining the on the ground administration of the Act,~~ the forest regions can be divided into Habitat Types. (7-1-96) ( )

### 030. TIMBER HARVESTING.

**01. Purpose.** Harvesting of forest tree species is a part of forest management ~~by which~~ **This is how** wood for human use is obtained and ~~by which~~ **how** forests are established and tended. ~~It is recognized that d~~ During harvesting operations there will be a temporary disturbance to the forest environment. ~~It is the purpose of t~~ These rules ~~to~~ establish minimum standards for forest practices that will maintain the productivity of the forest land ~~and~~, minimize soil and debris entering streams, and protect wildlife and fish habitat. (10-14-75) ( )

**02. Quality of Residual Stocking.** Reforestation is required if harvesting reduces stocking of acceptable trees below minimums of Subsection 050.04. (7-1-96)

**03. Soil Protection.** ~~Select f~~ 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. (8-13-85) ( )

**a.** An operation that uses ground-based equipment **shall 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, shall must** not be used ~~with~~ **without** an approved variance. Where slopes in the area to be logged exceed forty-five percent (45%) gradient, the operator, landowner or timber owner **shall must** notify the ~~d~~ Department of these steep slopes upon filing the notification as provided for in Subsection 020.05. (4-4-13) ( )

**b.** ~~Limit t~~ 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%). (7-1-96) ( )

**c.** In accordance with appropriate silvicultural prescriptions, **keep** skid trails ~~shall be kept~~ to the minimum feasible width and number. ~~Limit t~~ Tractors used for skidding ~~shall be limited~~ to the **at size** appropriate for the job. (8-13-85) ( )

**d.** Uphill cable yarding is preferred. Where ~~re n~~ downhill yarding ~~is used~~, take reasonable care ~~shall be taken to~~ lift the leading end of the log to minimize downhill movement of slash and soils. (8-13-85) ( )

**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. (10-14-75)

**a.** **Locate A** all new or reconstructed landings, skid trails, and fire trails ~~shall be located~~ on stable areas outside ~~the appropriate all stream protection zones~~ **SPZs**. Locate fire and skid trails where sidecasting is held to a minimum. (3-13-90) ( )

**b.** ~~Minimize the size of a l~~ Landing size **is limited** to that necessary for safe economical operation. (8-13-85) ( )

**c.** To prevent landslides, fill material used in landing construction **shall must** be free of loose stumps and excessive accumulations of slash. On slopes where sidecasting is necessary, **stabilize** landings ~~shall be stabilized~~ by ~~use of~~ seeding, compaction, ~~ng~~, riprapping, benching, mulching or other suitable means. (8-13-85) ( )

**05. Drainage Systems.** **Provide and maintain a drainage system F** for each landing, skid trail or fire trail ~~a drainage system shall be provided and maintained~~ that will control the dispersal of surface water to minimize erosion. (4-21-92) ( )

**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 T** this work ~~shall be kept~~ current to prevent erosion prior to ~~fall and spring~~ **seasonal** runoff. (8-13-85) ( )

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

(8-13-85)( )

**06. Treatment of Waste Materials.** ~~Leave or place~~ All debris, overburden, and other waste material associated with harvesting ~~shall be left or placed~~ in ~~such a manner~~ way as to ~~that~~ prevents their entry ~~by erosion, high water, or other means~~ into streams. (10-14-75)( )

a. ~~Wherever possible trees shall be felled, bucked, and limbed~~ trees, whenever possible, in such a manner ~~so~~ that the tree or any tree parts thereof ~~will fall away from any~~ Class I streams. Continuously remove slash that enters Class I streams ~~as a result~~ because of harvesting operations. Continuously remove other debris that enters Class I streams ~~as a result~~ 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. (3-13-90)( )

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 ~~e~~Department. No formal variance is required. (11-7-86)

c. Deposit waste material from construction or maintenance of landings and skid and fire trails in geologically stable locations outside of the appropriate Stream Protection Zone SPZ. (8-13-85)

**07. Stream Protection.** During and after forest practice operations, protect stream beds and streamside vegetation ~~shall be protected to leave them in~~ provide the most natural condition ~~as possible~~ to maintain water quality and aquatic habitat. (8-13-85)( )

a. Lakes require an approved site-specific riparian management prescription prior to conducting forest practices within the stream protection zone SPZ. (7-1-96)

b. ~~Operations that utilize ground-based equipment that result in logs being skidded or forwarded in or through streams shall not be permitted. When streams must be crossed, Prior to conducting forest practice operations that cross streams using ground-based equipment, install adequate temporary or permanent structures adequate to carry stream flow; skidding or forwarding directly in or through streams or fords is not permitted shall be installed. Minimize the number of stream crossings and make direct approaches to minimize ground disturbance in the SPZ. Cross the stream at right angles to its channel if at all possible. 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). ~~Remove all temporary crossings immediately after use and, where applicable, water bar the ends of the skid trails.~~ (4-4-13)( )

c. Operation of ground-based equipment ~~shall~~ is not ~~be~~ allowed within the Stream Protection Zone SPZ except at approaches to stream crossings. (7-1-96)( )

d. When cable yarding is necessary, across or inside the Stream Protection Zones SPZs, it ~~shall~~ must be done in ~~such a manner as to~~ way that ~~minimizes~~ stream bank vegetation and channel disturbance. (8-13-85)( )

e. Provide for ~~large organic debris (LOD)~~, shading, soil stabilization, wildlife cover and water filtering effects of vegetation along streams. (7-1-96)

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. (3-20-14)( )

ii. During commercial harvest within ~~Adjacent to all~~ Class I Streams Protection Zones SPZs, to maintain and enhance shade and large woody debris recruitment, landowners must comply retain ~~with the~~ one of the two following options defining weighted tree retention count per one-hundred (100) linear feet of stream; ~~The Relative Stocking per acre (RS) referenced in the options is calculated according to the relative stocking contribution table in~~

Subparagraph 030.07.e.ii.

- (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
- (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.

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

~~(3-20-14)( )~~

~~(1) Option 1: Within twenty five (25) feet from the ordinary high water mark on each side of the stream, live conifers and hardwoods will be retained to maintain a minimum relative stocking per acre of sixty (60). A relative stocking per acre of thirty (30) must be retained in the stream protection zone between twenty five (25) feet and seventy five (75) feet from the ordinary high water mark on both sides of the stream. (3-20-14)~~

~~(2) Option 2: Within fifty (50) feet from the ordinary high water mark on each side of a stream, live conifers and hardwoods will be retained to maintain a minimum relative stocking per acre of sixty (60). A relative stocking per acre of ten (10) must be retained in the stream protection zone between fifty (50) feet and seventy five (75) feet from the ordinary high water mark on both sides of the stream. (3-20-14)~~

~~(3) Only one (1) option may be implemented within the stream protection zones of a harvesting unit covered by a single notification. Landowners are strongly encouraged to retain all trees immediately adjacent to the stream. (3-20-14)~~

<u>Forest Type</u>	<u>Per Tree Contribution to Relative Stocking by Diameter Class</u>						
	<u>Diameter Class (DBH in inches)</u>						
	<u>4-7.9"</u>	<u>8-11.9"</u>	<u>12-15.9"</u>	<u>16-19.9"</u>	<u>20-23.9"</u>	<u>24-27.9"</u>	<u>28-31.9"</u>
<u>NIGF (North Idaho Grand Fir)</u>	<u>0.097</u>	<u>0.209</u>	<u>0.347</u>	<u>0.506</u>	<u>0.683</u>	<u>0.878</u>	<u>1.088</u>
<u>CIGF (Central Idaho Grand Fir)</u>	<u>0.113</u>	<u>0.244</u>	<u>0.405</u>	<u>0.59</u>	<u>0.797</u>	<u>1.024</u>	<u>1.27</u>
<u>SIGF (Southern Idaho Grand Fir)</u>	<u>0.136</u>	<u>0.293</u>	<u>0.486</u>	<u>0.708</u>	<u>0.957</u>	<u>1.229</u>	<u>1.524</u>
<u>WHSE (Western Hemlock-Subalpine Fir)</u>	<u>0.123</u>	<u>0.267</u>	<u>0.442</u>	<u>0.644</u>	<u>0.87</u>	<u>1.117</u>	<u>1.385</u>
<u>DFPP (Douglas-fir Ponderosa Pine)</u>	<u>0.154</u>	<u>0.326</u>	<u>0.54</u>	<u>0.787</u>	<u>1.063</u>	<u>1.366</u>	<u>1.693</u>

~~(3-20-14)~~

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. ( )

iii.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 ~~will be retained~~ or establish new trees ~~established~~ 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. ~~(3-20-14)~~ ( )

vi. During harvesting, carefully remove timber from the ~~Stream Protection Zone~~ SPZ in such a way that ~~large organic debris LOD~~, shading and filtering effects are maintained and protected. When portions ~~of harvested or naturally fallen~~ of felled trees fall ~~land~~ into or over a Class I stream, leave the portion consistent with the LOD definition of Subsection ~~010.35~~ 010.28. ~~(4-11-06)~~ ( )

~~v.~~ When salvaging uprooted trees, ~~When harvesting portions of trees that have fallen naturally into or over a Class I stream, leave the portion(s) over the stream consistent with the LOD definition of Subsection 010.35. L~~ leaving the section with the root ball attached is preferred. ~~(4-11-06)~~ ( )

vii. During harvesting operations, portions of felled or bucked trees not meeting the LOD definition ~~shall~~ must be removed, consistent with the slash removal requirements of Subsection 030.06. ~~(4-11-06)~~ ( )

viii. To obtain a variance from the ~~standing tree and shade retention~~ requirements, the operator must develop a site-specific riparian management prescription and submit it to the ~~D~~ Department for approval. The prescription should consider stream characteristics and the need for ~~large organic debris LOD~~, stream shading and wildlife cover which will achieve the objective of these rules. ~~(4-11-06)~~ ( )

ix. Stream width ~~shall~~ will be measured as average between ordinary high-water marks. ~~(3-13-90)~~ ( )

f. Limit ~~D~~ direct ignition of prescribed burns ~~will be limited~~ to hand piles within stream protection zones (SPZs); all other direct ignitions ~~shall~~ must occur outside of SPZs, so a backing (cooler) fire will more likely occur within the SPZ. ~~(4-11-06)~~ ( )

i. Hand piles ~~shall~~ must be at least five (5) feet from the ordinary high water mark of streams. ~~(4-11-06)~~ ( )

ii. No mechanical piling of slash or natural forest fuels is allowed in an SPZ (an exception is filter windrows for erosion control which ~~shall~~ must not be ignited). ~~(4-11-06)~~ ( )

**08. Maintenance of Productivity and Related Values.** Design ~~H~~ harvesting practices ~~will first be designed~~ to assure the continuous growing and harvesting of forest tree species by suitable economic means and ~~also~~ to protect soil, air, water, and wildlife resources. ~~(10-14-75)~~ ( )

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. (10-14-75)

b. Give special consideration to preserving any critical aquatic or wildlife habitat, including snags, especially within stream protection zones SPZs. Wherever practical, preserve fruit, nut, and berry producing trees and shrubs. (4-4-13)

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

affects effects on water quality, quantity and wildlife and aquatic habitat.

(4-4-13)( )

d. Harvesting operations within a single ownership, in which essentially all trees have been removed in one operation, shall must be planned so that adequate wildlife escape cover (e.g., topography, vegetation, stream protection zones SPZs, etc.) is available within one-quarter (1/4) mile. (4-4-13)( )

### 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. (7-1-98)

02. Process Application. (7-1-98)

a. Application of the CWE process and any resulting site-specific BMPs are encouraged but not mandatory. (7-1-98)

b. The process may be initiated by either the Department, a watershed advisory group (WAG), 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. (7-1-98)

c. The Department shall must be notified prior to the initiation of the CWE process. (7-1-98)( )

d. The Department will review and approve the watershed assessment and CWE site-specific BMPs for compliance with the Forest Practices Act. (7-1-98)

03. Site-Specific BMP Implementation. Approved CWE s Site-specific BMPs developed by a watershed advisory group are encouraged and applied on a voluntary basis. (7-1-98)( )

~~04. Site Specific BMPs on Former Stream Segments of Concern. Practices approved by the department from 1989 through 1995 under former stream segments of concern rules remain in effect until revised by a CWE analysis, at which point the CWE site-specific BMPs would be mandatory. (7-1-98)~~

#### 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. (4-5-00)

**02. Road Specifications and Plans.** Road specifications and plans ~~shall~~**must** be consistent with good safety practices. ~~PLandowners 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:~~ (4-5-00)( )

a. Plan transportation networks to avoid road construction within ~~stream protection zones~~ **SPZs**, except at approaches to stream crossings. Leave or reestablish areas of vegetation between roads and streams. (4-5-00)

b. ~~Plan R~~roads ~~shall be~~ 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. (4-5-00)( )

c. Plan roads to drain naturally by out-sloping or in-sloping with cross-drainage and by grade changes where possible. ~~Plan~~ **Install** dips, water bars, cross-drainage, or subsurface drainage on roads when necessary. (4-5-00)( )

d. ~~Relief culverts and roadside ditches shall be planned whenever reliance upon~~**When** natural drainage ~~would~~**will** not protect the ~~running~~ surface, cut slopes or fill slopes. ~~Plan, plan roads with relief culverts and roadside ditches. Plan~~ **Install** culverts ~~installations~~ to prevent erosion of the fill by properly sizing, bedding and compacting. ~~Plan~~ **Ensure** drainage structures ~~to achieve minimum~~ **avoid** direct discharge of sediment into streams. (4-5-00)( )

e. ~~This~~**The following** rule applies to ~~new culvert~~ installations, ~~of new culverts and re- or re~~ installations during road reconstructions ~~or reinstallations caused by flood or other~~ **or because of** catastrophic events. ~~Culverts used for~~ **Temporary culvert** crossings are exempt from the fifty (50) year **peak flow** design requirement but must be removed ~~immediately after they are no longer needed and~~ before ~~the spring~~**seasonal** run-off period. (4-5-00)( )

i. Culverts ~~in~~ **installations on** fish-bearing streams must provide for fish passage. (4-5-00)( )

ii. Design ~~culverts for~~ stream crossings to carry the fifty (50) year peak flow using **Department accepted** engineering methods ~~acceptable to the department or determine culvert size by using~~ the culvert sizing tables below. **Armor the inlet or use a flared inlet structure on thirty (30) inch or greater diameter culverts.** The minimum ~~diameter-size~~ culvert ~~required for stream crossings shall not be less than~~ **allowed is** eighteen (18) inches ~~in diameter,~~ with the exception of that area of the Snake River drainage upstream from the mouth of the Malad River, including the Bear River basin, where the minimum size shall be fifteen (15) inches.



**CULVERT SIZING TABLE –I**  
**USE FOR NORTH IDAHO AND THE SALMON RIVER DRAINAGE**

The left side of tThis 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).

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

Strongly consider having culverts larger than sixty (60) inches designed, or consider alternative structures, such as bridges, mitered culverts, arches, etc.

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

**CULVERT SIZING TABLE—II  
USE FOR SOUTH IDAHO**

This culvert sizing table is 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).

<b>Watershed Area (acres)</b>	<b>Required Culvert Diameter (inches)</b>	<b>Culvert Capacity (in cubic feet/sec)</b>
less than 72	18#	6
73—150	24	12
151—270	30	20
271—460	36	32
461—720	42	46
721—1025	48	65
1026—1450	54	89
1451—1870	60	112

~~Strongly consider having culverts larger than sixty (60) inches designed, or consider alternative structures, such as bridges, mitered culverts, arches, etc.~~

<b>Watershed Area (acres)</b>	<b>Required Culvert Diameter (inches)</b>	<b>Culvert Capacity (in cubic feet/sec)</b>
1871—2415	66	142
2416—3355	72	176
3356—5335	84	260
5336—7410	96	370
7411—9565	108	500
9566—11780	120	675

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

~~# See exception for southeast Idaho in Subparagraph 040.02.a.ii. of this rule. (4-5-00)( )~~

iii. Relief culverts, and those used for seeps, springs, wet areas, and draws ~~shall~~**must** not be less than twelve (12) inches in diameter for permanent installations. (7-1-96)( )

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

**g.** ~~Plan and install s~~Stream crossings, ~~including fords, shall be minimum in number and planned and installed~~ in compliance with the Stream Channel Protection Act, (Title 42, Chapter 38, Idaho Code), Paragraph 030.07.b. and ~~with the~~ culvert sizing requirements of Paragraph 040.02.e. Fords are ~~an~~ acceptable stream crossing structures on small, shallow streams, with gradients flat, less than four percent (4%) ~~gradients~~. For fords: should cross the stream at right angles. Approaches shall be adequately cross-drained and rocked 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. ~~During times of salmonid spawning and egg incubation or to protect active domestic water diversions, use shall be limited~~ limiting use to low water, dry, or frozen conditions; minimize and hauling or equipment crossing trips limited to minimize sediment delivery to streams during times of salmonid spawning and egg incubation. or to protect active domestic water diversions. (4-11-06)(    )

**h.** Avoid reconstruction of existing roads located in ~~stream protection zones~~ 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 ~~stream protection zones~~ SPZs will require s a variance. Reusing existing roads in ~~stream protection zones~~ SPZs for skidding or landing logs ~~shall~~ require s a variance. Reusing existing roads in ~~stream protection zones~~ SPZs only for hauling fully suspended logs ~~only, where no reconstruction will occur,~~ does not require a variance. (4-11-06)(    )

**03. Road Construction.** Landowners and operators must use the following practices to ~~C~~construct or reconstruct roads in a ~~manner to~~ way that prevents s debris, overburden, and other material from entering streams. (4-5-00)(    )

**a.** Construct rRoads ~~shall be constructed~~ in compliance with the planning guidelines of Subsection 040.02. (7-1-96)(    )

**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 ~~stream protection zones~~ SPZs. (4-5-00)

**c.** Where sediments would enter streams, stabilize exposed material (road surface, cut slopes, ~~or~~ fill slopes, borrow pits, waste piles, etc.) ~~is potentially erodible, and where sediments would enter streams, stabilize~~ prior to ~~fall or spring 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. ~~by seeding, compacting, rocking, riprapping, benching, mulching or other suitable means.~~ (4-5-00)(    )

**d.** ~~In the construction of~~ Compact road fills, ~~compact the material to reduce the entry of water, minimize erosion, and settling of fill material.~~ Minimize ~~the amount of~~ snow, ice, or frozen soil buried in embankments. ~~No s~~Significant amount of woody material is not allowed in ~~shall be incorporated into~~ fills, but slash. ~~Available slash and debris may be utilized~~ used as a filter windrow along the fill toe ~~of the fill in compliance with,~~ but must meet the requirements of the Idaho Forestry Act and Fire Hazard Reduction Programs ~~Laws~~, Title 38, Chapters 1 and 4, Idaho Code. (4-5-00)(    )

**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 ~~of road grade fills.~~ (8-13-85) (    )

**f.** Provide for drainage of quarries to prevent sediment from entering streams. (8-13-85)

**g.** Construct cross-drains and relief culverts to minimize erosion ~~of embankments.~~ Installation of erosion control devices should be concurrent with road construction. Use riprap, vegetative matter, downspouts, and similar devices to minimize erosion of the fill. Install drainage structures or cross-drain incompleted roads ~~which are subject to erosion~~ prior to ~~fall or spring seasonal~~ runoff. Install relief culverts with a minimum grade of one percent (1%). 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.

(4-5-00)( )

h. Postpone Earthwork or material hauling ~~shall be postponed~~ during wet periods if, ~~as a result,~~ erodible material would enter streams. (4-5-00)( )

i. Cut slopes shall be reconstructed to minimize sloughing of material into road surfaces or ditchlines. Remove or stabilize cut-slope material subject to sloughing concurrent with ~~the~~ construction operation. (4-5-00)( )

j. Construct full-bench rRoads, ~~constructed on slopes greater than sixty percent (60%) in unstable or erodible soils shall be full benched~~ without fill slope disposal on slopes greater than sixty percent (60%) in unstable or erodible soils. ~~At stream and draw crossings keep fills to a minimum. A variance is required if a full bench is not used.~~ (4-5-00)( )

**04. Road Maintenance.** Landowners and operators must use the following practices for ~~Conduct~~ regular preventive maintenance operations to minimize disturbance and damage to forest productivity, water quality, and fish and wildlife habitat. (4-5-00)( )

a. Place all debris or slide material associated with road maintenance in a manner to prevent their entry into streams. (4-5-00)

b. Repair slumps, slides, and other erosion sources causing stream sedimentation to minimize sediment delivery. (4-5-00)

c. Active forest roads. ~~An active road is a forest road being~~ are used for hauling forest products, rock and other road building materials. Conduct ~~The following maintenance~~ on active ~~shall be conducted on such~~ roads. (8-13-85)( )

i. Keep ~~C~~culverts and ditches ~~shall be kept~~ functional. (8-13-85)( )

ii. Crown, out-slope, in-slope, or cross-drain road surfaces ~~d~~During and upon completion of seasonal operations, ~~the road surface shall be crowned, out sloped, in sloped or cross ditched, and~~ Remove berms ~~removed~~ from the outside edge except those intentionally constructed for protection of fills. (4-5-00)( )

iii. Maintain ~~t~~The road surface ~~shall and postpone hauling during wet periods~~ be maintained as necessary to minimize erosion of the subgrade and ~~to~~ provide proper drainage. (8-13-85)( )

iv. Apply road-surface stabilizing materials in a way that prevents their entry into streams. ~~Hauling shall be postponed during wet periods if necessary to minimize sediment delivery to streams.~~ (4-5-00)( )

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. If road surface stabilizing materials are used, apply them in such a manner as to prevent their entry into streams. (4-5-00)( )

d. Incidental Haul Road. ~~An incidental~~ haul roads are roads with a ~~is a multi use road (residential traffic; its~~ primary purpose ~~is~~ other than forest practices) that are used for ~~has log-hauling logs~~ during active harvest activities. Active road maintenance requirements apply. Once active road maintenance is completed, no other maintenance is required under the ~~Forest Practices Act (FPA).~~ (4-11-06)( )

e. Inactive forest roads. ~~An inactive road is a forest road (primary purpose is for forest practices) are~~ no longer used for commercial hauling, but maintained for access ~~(e.g., for fire control, forest management activities, recreational use, and occasional or incidental use for minor forest products harvesting).~~ Conduct ~~The following maintenance shall be conducted~~ on inactive roads. (4-11-06)( )

i. When ~~Following termination of active use is over,~~ clear ditches and culverts, ~~shall be cleared and the road surface shall be~~ crowned, out-slope, ~~d~~ or in-sloped, cross-drain ~~water barred~~ or otherwise treat the road surface ~~left in a condition~~ to minimize erosion. Maintain ~~d~~Drainage structures ~~shall be maintained thereafter~~ as needed.

(7-1-96)( )

ii. The roads may be permanently or seasonally blocked to vehic~~ular~~ traffic. (8-13-85)( )

f. Long-term ~~Inactive Roads. A long-term~~ inactive roads ~~is~~ are forest roads that will not ~~intended to~~ be used ~~soon, again in the near future~~ but ~~will likely~~ may be used again; ~~at some point in the future. No~~ subsequent maintenance ~~of a long-term inactive road~~ is required ~~following after the following procedures are completed~~ of the practices below: (4-5-00)( )

i. ~~The road is left in a condition suitable~~ Out-slope, cross-drain, seed or treat the surface to control erosion ~~by out-sloping, water barring, seeding, or other suitable methods.~~ (8-13-85)( )

ii. ~~Block t~~ The road is blocked to vehic~~ular~~ traffic. (8-13-85)( )

iii. The ~~d~~Department may require the removal of bridges, culverts, ditches and unstable fills. The landowner must maintain ~~A~~ny bridges or culverts left in place ~~shall be maintained by the landowner.~~ (4-5-00)( )

g. ~~Permanently Abandoned Roads.~~ Permanently abandoned roads are forest roads not intended to be used again. Remove aAll drainage structures ~~must be removed~~ and ~~roadway sections~~ treated ~~so that~~ road surfaces to minimize erosion and landsliding are minimized. (4-5-00)( )

i. ~~Drainage structures shall be removed and~~ Restore stream gradients ~~restored~~ to their natural slope. (4-5-00)( )

ii. Treat tThe road ~~prism shall be treated~~ surface to break up compacted areas. (4-5-00)( )

iii. Pull back tFill slopes of roads within stream protection zones ~~SPZs shall be pulled back~~ to a stable configuration unless long-term stability ~~is evident~~ has already been achieved. (4-5-00)( )

iv. Pull back uUnstable side-hill fills ~~shall be pulled back~~ to a stable configuration. (4-5-00)( )

v. Control dDitch-line erosion ~~shall be controlled~~ by cross-~~ditch~~ draining, out-sloping, or regrading to eliminate ditches. (4-5-00)( )

vi. Stabilize soil exposed ~~All bare earth areas created by~~ from regrading, ripping, and drainage removal ~~shall be stabilized~~ by seeding, mulching, armoring, or other treatment ~~suitable means.~~ (4-5-00)( )

05. **Winter Operations.** ~~Due to risk of~~ To minimize erosion and prevent damage ~~from to~~ roads and constructed skid trails ~~inherent in from~~ winter logging, ~~at minimum the following shall apply~~ operators must implement the practices below: (4-21-92)( )

a. ~~Roads to be used for winter operations must have adequate surface and cross drainage~~ Installed adequate road drainage prior to winter operations. ~~Drain winter roads by installing~~ using rolling dips, driveable cross-~~drains ditches,~~ open-top culverts, out-slopes~~ing,~~ or ~~by other suitable means~~ methods. (4-21-92)( )

b. ~~During winter operations, roads will be maintained as needed~~ Maintain roads to keep the road surface drained during thaws or break-up. This may ~~include~~ require active maintenance of existing drainage ~~structures,~~ drain opening of drainage holes in snow berms, and installation of additional cross-~~drainages~~ or treatment of the road surfaces ~~by ripping, placement of native material or other suitable means.~~ (4-21-92)( )

041. -- 049. (RESERVED)

**050. RESIDUAL STOCKING AND REFORESTATION.**

**01. Purpose.** ~~The purpose of these rules is 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. ~~by describing the conditions under which reforestation will be required, specifying. 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, ~~and for sites not requiring reforestation, to maintain soil productivity and minimize erosion.~~ (7-1-96)(\_\_\_\_)

**02. Quality of Residual Stocking.** On any operation, trees left for future harvest shall must be of acceptable species and adequately protected from harvest damage to enhance their survival and growth. ~~This may be accomplished by~~ locating roads and landings and ~~by conducting~~ felling, bucking, skidding, yarding, and decking operations ~~so as~~ 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. (7-1-96)(\_\_\_\_)

**03. Sites ImUnpractical to Reforest.** Sites ~~unpractical impractical~~ to reforest, generally ponderosa pine and drier Douglas-fir habitat types, shall 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 the damaged timber is planned. (4-4-13)(\_\_\_\_)

**a.** When harvesting timber on these sites, one (1) of the following actions must be taken to ensure minimum stocking: (4-4-13)(\_\_\_\_)

**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 ~~on the harvest, if needed to meet minimum stocking.~~ (4-4-13)(\_\_\_\_)

**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, ~~if needed to meet minimum stocking.~~ (4-4-13)(\_\_\_\_)

**b.** If the efforts listed ~~in Subparagraphs 050.03, above in~~ a.i. and ~~050.03.a.ii. fall short of meeting~~ do not provide the minimum stocking level, the landowner will be encouraged, but not required, to ~~meet the minimum stocking level through~~ perform additional reforestation efforts. (4-4-13)(\_\_\_\_)

**04. Stocking.**

**a.** ~~Stocking will be deemed adequate~~ is satisfactory immediately following harvest if the following number of acceptable trees per acre, within each specified region, for at least one (1) ~~size class diameter range,~~ are reasonably well distributed over the area affected by forest harvesting. (NOTE: (1) DBH = Average 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	Size Class 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
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( )

**b.** If ~~immediately following harvest~~, the stand consists of retained trees of mixed ~~size classes~~ that are ~~diameter ranges~~ reasonably well distributed over the harvested area, and none of the ~~size classes~~ ~~diameter ranges~~ individually equal or exceed the minimum trees per acre shown above, stocking ~~will also be deemed adequate~~ ~~is satisfactory~~ if the weighted total of all of the ~~size classes~~ ~~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. ~~The weighted total is calculated by multiplying the number of retained trees per acre in each size class by the weighting factors below and adding all of these classes totals together. 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.~~

Size-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, ~~will be~~ ~~are~~ subject to supplemental reforestation requirements specified in Subsection 050.06. ~~Minimum stocking requirements for Class I stream protection zones SPZs are specified in Subparagraphs 030.07.e.ii. and 07.e.viii.~~ (4-4-13)( )

**05. Reforestation Exemptions.** (7-1-96)

- a.** Reforestation is not required for: (7-1-96)
  - i.** Noncommercial forest land; (7-1-96)
  - ii.** Land converted to another use. This may include land converted to roads used in a forest practice; (7-1-96)
  - iii.** A forest practice which will result in ten (10) acres or less below minimum stocking levels. (7-1-96)

**b.** On lands ~~exempted under Subsection 050.03, where reforestation is not being planned, where reforestation is not being planned in accordance with Subsection 050.03, establish~~ some form of grass or planted cover ~~shall be established~~ within one (1) year in order to maintain soil productivity and minimize erosion. (7-1-96)( )

**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 R~~ required seeding and/or planting ~~shall be completed~~ before the end of the fifth growing season following the time of harvest; ~~except that~~; the ~~d~~Director ~~shall~~ ~~must~~ grant an extension of time if suitable seeds or seedlings are not available or if weather or other conditions interfere. (7-1-96)( )

**a.** Reforestation practices must ensure seedlings become established. This can be accomplished by adequate site preparation, ~~using~~ ~~utilizing~~ acceptable seed or seedlings, following accepted planting or sowing practices, or ~~by~~ other suitable means. (7-1-96)( )

**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.

(4-4-13)

**051. -- 059. (RESERVED)**

**060. USE OF CHEMICALS AND PETROLEUM PRODUCTS.**

**01. Purpose.** Chemicals perform an important function in ~~the~~ growing and harvesting ~~of~~ forest tree species. ~~The purpose of these rules is to~~ regulate chemical handling, storage and application ~~of chemicals in such a way 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. ~~In addition, the application of chemicals are is regulated by the Commercial Fertilizer Law, Title 22, Chapter 6; the Soil and Plant Amendment Law, Title 22, Chapter 22, and the Idaho(7-1-98) ( )~~

**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."  
(7-1-98) ( )

**032. Petroleum Products.** Stationary or mobile Ppetroleum storage containers with capacities greater of ~~more~~ than two hundred (200) gallons, ~~stationary or mobile, will~~ must not be located ~~no~~ closer than one hundred (100) feet from any ~~stream, water course, lake,~~ waterway or area of open water. Dikes, berms or embankments ~~will~~ must be constructed to contain at least one hundred ten percent (110%) of the volume of petroleum products stored within the tanks. Diked areas ~~will~~ must be sufficiently impervious and of adequate capacity to contain spilled petroleum products. In the event any leakage or spillage enters any ~~stream, water course, lake,~~ waterway or area of open water, the operator ~~will~~ must immediately notify the ~~d~~Department. (7-1-98) ( )

**a. Transferring petroleum products.** ~~During fueling operations or petroleum product transfer to other containers, there~~ shall must be a person attending ~~such the~~ operations at all times. Fueling operations ~~should~~ must not take place where, ~~if spillage occurs,~~ the fuel will enter streams, lakes or other areas of open water, if spillage occurs.  
(7-1-98) ( )

**b. Equipment and containers used** ~~for to~~ transportation, storage or transfer ~~of~~ petroleum products shall must be maintained in a leakproof condition. If the ~~d~~Department ~~determines there is~~ finds evidence of petroleum product leakage or spillage, the ~~use of such equipment shall be suspended~~ equipment or containers may not be used until the deficiency has been corrected. (7-1-98) ( )

**c. Waste resulting from logging operations, such as crankcase oil, filters, grease, oil containers, or other nonbiodegradable waste** shall must be removed from the operating area and disposed of properly. (7-1-98) ( )

**03. Licensing.** ~~Any person applying, mixing or loading pesticides shall comply with the licensing requirements of Idaho Pesticide Law and IDAPA 02.03.03, "Rules Governing Pesticide and Chemigation Use and Application." This requirement does not pertain to individuals applying general use pesticides on their own property.~~  
(7-1-98)

**04. Equipment Maintenance of Equipment.** (10-14-75) ( )

**a.** ~~Equipment used~~ for to transportation, storage or application of chemicals shall must be maintained in leakproof condition. If, ~~in the director's judgment, there is~~ Department finds evidence of chemical leakage, ~~he shall have the authority to the Department may~~ suspend ~~the~~ further use of ~~such that~~ equipment until the deficiency has been corrected. (10-14-75) ( )

**b.** ~~The storage of pesticide shall~~ must also be conducted in accordance with the requirements Rules of the Idaho Pesticide Law and IDAPA 02.03.03, "Rules Governing Pesticide and Chemigation Use and Application."  
(7-1-98)



- 05. Mixing and Cleaning.** (10-14-75) ( )
- a.** A person using ~~When water is used in mixing~~ to mix chemicals must: (10-14-75)
- ~~i.~~ Provide an air gap or reservoir between the water source and the mixing tank. (10-14-75)
- ~~ii.~~ Uand use uncontaminated tanks, pumps, hoses and screens to handle and transfer mix water ~~for utilization in pesticide operations.~~ (7-1-98) ( )
- b.** CMixing and landing areas: (10-14-75)
- ~~i.~~ Mix chemicals may be mixed and ~~clean~~ tanks and equipment cleaned only where spills will not enter any water source ~~or streams.~~ (10-14-75)
- ~~ii.~~ Landing areas ~~shall~~ must be located where spilled chemicals will not enter any water source ~~or stream.~~ (8-13-85) ( )
- ~~iii.~~ 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. (7-1-98) ( )
- 06. Aerial Application:** (10-14-75)
- 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. (7-1-98)
- b.** Use a bucket or spray device capable of immediate shutoff. (10-14-75)
- c.** Shut off chemical application during turns and over open water. (10-14-75)
- ~~d.~~ Aerial application of pesticides shall also be conducted according to the Idaho Pesticide Law and IDAPA 02.03.03, "Rules Governing Pesticide and Chemigation Use and Application." (7-1-98)
- 07. Ground Application with Power Equipment.** (10-14-75)
- 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. (7-1-98)
- b.** When applying fertilizer, leave at least ten (10) feet untreated on each side of all streams and areas of open water. (10-14-75)
- 08. Hand Application.** (10-14-75)
- a.** Apply only to specific targets; such as; a stump, burrow, bait, or trap. (10-14-75)
- b.** Keep chemicals out of all water sources or streams. (10-14-75)
- 09. Limitations on Applications.** (10-14-75)
- a.** Chemicals ~~shall~~ 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.~~ (7-1-98) ( )

- b. Do not exceed allowable rates. (7-1-98)
  - c. Prevent direct entry of chemicals into any water source or stream. (8-13-85)
- 10. Daily Records of Chemical Applications.** (10-14-75)
- a. When pesticides are applied on forest land, the operator ~~shall~~ **must** maintain a daily record of spray operations which includes: (7-1-98) ( )
    - i. Date and time of day of application. (8-13-85)
    - ii. Name and address of owner of property treated. (8-13-85)
    - iii. Purpose of the application ~~(control of vegetation, control of Douglas fir tussock moth, etc.).~~ (8-13-85) ( )
    - iv. Contractor's name and **applicator's or** pilot's name ~~when applied aerially. Contractor's name or applicator's name for ground application.~~ (7-1-96) ( )
    - v. Location of project (section, township, range and county). (10-14-75)
    - vi. Air temperature (hourly). (10-14-75)
    - vii. Wind velocity and direction (hourly). (10-14-75)
    - viii. Pesticides used including trade or brand name, EPA product registration number, mixture, application rate, carrier used and total amounts applied. (7-1-98)
  - b. Whenever fertilizers or soil amendments are applied, the operator ~~shall~~ **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. (7-1-98) ( )
  - c. The records required in Subsection 060.10 ~~shall~~ **must** be maintained in compliance with the record-keeping requirements of IDAPA 02.03.03, "Rules Governing Pesticide and Chemigation Use and Application." (7-1-98) ( )
  - d. All records required in Subsection 060.10 ~~shall~~ **must** be retained for three (3) years. (7-1-98)
- 11. Container Disposal.** Chemical containers ~~shall~~ **must** be cleaned and removed from the forest and disposed of in a manner approved by the ~~e~~**D**irector 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. (7-1-98) ( )
- 12. Spills.** ~~Spills shall be reported and appropriate cleanup action taken in accordance with applicable state and federal laws and rules and regulations. In the event of a spill:~~ (8-13-85) ( )
- a. All chemical accidents and spills ~~shall~~ **must** be reported immediately to the ~~e~~**D**irector. (7-1-98) ( )
  - b. ~~If chemical is spilled, a~~**A**ppropriate procedures ~~shall~~ **must** be taken immediately to control the spill source and contain the released material. (7-1-98) ( )
  - c. ~~It is the applicator's responsibility to~~**The applicator must** collect, remove, and dispose of ~~the~~ spilled material in accordance with applicable local, state and federal ~~rules and regulations~~**law** and in a manner approved by the ~~e~~**D**irector.

(7-1-98)( )

**13. Misapplications.** Whenever chemicals are applied to the wrong site or pesticides are applied in a manner inconsistent with ~~outside of the directions on~~ the product label, ~~it is the responsibility of~~ the applicator to must report ~~these~~ those misapplications immediately to the ~~d~~Director. (7-1-98)( )

**061. -- 069. (RESERVED)**

**070. SLASHING MANAGEMENT.**

**01. Purpose.** To provide for ~~management of~~ slashing and fire hazard management resulting from harvesting, forest management, ~~or improvement of~~ forest tree species improvement, or defoliation caused by chemical applications ~~in that manner~~ necessary to protect reproduction and residual stands, reduce risk from fire, insects and disease or optimize the conditions for future forest tree species regeneration ~~of forest tree species~~ and to maintain air and water quality, fish and wildlife-habitat. (10-14-75)

**02. Commercial Slash.** Fuels and debris resulting from a forest practice involving removal of a commercial product shall 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. (7-1-96)( )

**03. Non-Commercial Slash.** Fuels and debris resulting from a forest practice where no commercial product is removed shall must be managed in a manner as hereinafter designated under authority of the Idaho Forest Practices Act, Title 38, Chapter 13, Idaho Code. (1-24-78)( )

**a.** Within ten (10) days or a time mutually agreed upon following receipt by the ~~d~~Department of the "Notification of Forest Practice" as provided in Subsection 020.05, the ~~d~~Department shall 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. ~~Such~~ This determination ~~shall will~~ be based on a point system found in Paragraph 070.03.e. (7-1-96)( )

**b.** The operator, timber owner and landowner shall will be notified in writing of the determination ~~made in Paragraph 070.03.a. above (on forms provided by the department)~~ and of the hazard reductions and/or hazard offsets, if any, that must be accomplished by the operator, timber owner or landowner. The notification shall will specify a reasonable time period not to exceed twelve (12) months from the date the forest practice commenced ~~in which to complete~~ the hazard reduction completion and shall will specify the number of succeeding years that on site improvements or extra protection must be provided. (7-1-96)( )

**c.** A release of all obligations under Subsection 070.03 shall will be granted in writing ~~on forms provided by the department~~ when the hazard reduction and/or hazard offsets have been accomplished. When hazard offsets are to be accomplished during succeeding years, the release shall will be conditioned upon the completion of the required hazard offsets. Notification of release shall will be mailed to the operator, timber owner and landowner within seven (7) days of ~~the~~ inspection by the ~~d~~Department. Inspections by the ~~d~~Department shall will be made within ten (10) days of notification by the operator, timber owner or landowner unless otherwise mutually agreed upon. (7-1-96)( )

**d.** If the ~~d~~Department determines upon inspection that the hazard reduction or hazard offsets have not been accomplished within the specified time limit, ~~specified in Paragraph 070.03.b., the Department may grant~~ extensions of time, each not to exceed three months, ~~may be granted~~ if the ~~d~~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 ~~d~~Department shall will proceed as required in Section 38-1307, Idaho Code (Idaho Forest Practices Act). (7-1-96)( )

**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 ~~using~~ the following rating guides ~~will be used by the~~

department. A value of eighty (80) points or less for any individual forest practice under Paragraph 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				

**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

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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
<b>TOTAL FOREST PRACTICE AREA POINTS</b>	<b>(Max. 240 points)</b>

**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 <del>so as</del> 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
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

(1-24-78)

## 071. PRESCRIBED FIRE.

**01. Purpose.** Prescribed fire is a land management tool ~~with application in land management~~. Smoke from prescribed fires can have adverse impacts on ambient air quality or public health. ~~It is the purpose of these rules to~~ establish a management system for smoke from prescribed fires that will protect air quality. ~~(7-1-96)~~ ( )

**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. (7-1-96)

**03. Recommended Practices.** To maintain air quality and protect public health the following practices are recommended: (7-1-96)

**a.** Slash and large woody debris piles should be compact and free of stumps, soil, snow, and nonwoody organic material. (7-1-96)

**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. (7-1-96)

**c.** Broadcast burns should be conducted within a prescription that minimizes adverse effects on air quality. (7-1-96)

**d.** Membership in good standing in a recognized Airshed Group is encouraged. (7-1-96)

**072. -- 999. (RESERVED)**