

Dear Senators BURTENSHAW, Adams, Semmelroth, and
Representatives MENDIVE, Shepherd, Burns:

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

IDAPA 20.04.01 - Rules Pertaining to Forest Fire Protection (ZBR Chapter Rewrite) - Proposed
Rule (Docket No. 20-0401-2301);

IDAPA 20.04.02 - Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws (ZBR
Chapter Rewrite) - Proposed Rule (Docket No. 20-0402-2301).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 08/05/2024. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 09/02/2024.

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

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



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee
FROM: Deputy Division Manager - Katharine Gerrity
DATE: July 18, 2024
SUBJECT: Idaho Department of Lands

IDAPA 20.04.01 - Rules Pertaining to Forest Fire Protection (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 20-0401-2301)

IDAPA 20.04.02 - Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 20-0402-2301)

1. IDAPA 20.04.01 - Rules Pertaining to Forest Fire Protection (ZBR Chapter Rewrite)

Summary and Stated Reasons for the Rule

The Idaho Department of Lands submits notice of proposed rule at IDAPA 20.04.01 - Rules Pertaining to Forest Fire Protection (ZBR Chapter Rewrite). The department notes that the rulemaking is based on the Zero-Based Regulation executive order of 2020. The department states that the goal of the rulemaking is to simplify and streamline the rule for increased clarity and ease of use. The department indicates that the rule provides standards for forest fire protection, non-fee, burn permitting, and for firefighting water supply and tool requirements for forest operations.

Negotiated Rulemaking / Fiscal Impact

The department states that negotiated rulemaking was conducted and that there is no fiscal impact as a result of the rulemaking.

Statutory Authority

The rulemaking appears to be authorized pursuant to sections 58-104 and 58-105, Idaho Code.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

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

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

2. IDAPA 20.04.02 - Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws (ZBR Chapter Rewrite)

Summary and Stated Reasons for the Rule

The Idaho Department of Lands submits notice of proposed rule at IDAPA 20.04.02 - Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws (ZBR Chapter Rewrite). The department notes that the rulemaking is based on the Zero-Based Regulation executive order of 2020. The department states that the goal of the rulemaking is to simplify and streamline the rule for increased clarity and ease of use. The department indicates that the rule provides for hazard management agreements and contracts and provides for burning requirements and slash hazard reduction standards associated with cutting timber or other forest products. The rule also provides for release or continuation of contractor liability for wildfire suppression costs.

Negotiated Rulemaking / Fiscal Impact

The department states that negotiated rulemaking was conducted and that there is no fiscal impact as a result of the rulemaking.

Statutory Authority

The rulemaking appears to be authorized pursuant to sections 58-104 and 58-105, Idaho Code.

cc: Idaho Department of Lands
Anna Maria Mancini

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

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

IDAPA 20 – IDAHO DEPARTMENT OF LANDS
20.04.01 – RULES PERTAINING TO FOREST FIRE PROTECTION
DOCKET NO. 20-0401-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 58-104(6) and 58-105, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 17, 2024.

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

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

The Idaho Department of Lands initiated this rulemaking in compliance with [Executive Order 2020-01: Zero-Based Regulation](#). This rule chapter is scheduled for a comprehensive review in 2024 and legislative review in 2025 with the goal of simplifying and streamlining the rules for increased clarity and ease of use. The rule provides standards for forest fire protection, non-fee, burn permitting, and for firefighting water supply and tool requirements for Forest Operations.

FEE SUMMARY: N/A

FISCAL IMPACT: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted and concluded February 22, 2024. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the October 4, 2023 Idaho Administrative Bulletin, [Vol. 23-10, page 512](#).

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

The San Dimas Technology & Development Center (SDTDC) Spark Arrestor Guide is a US Forest Service standard applied to spark arrestors for internal combustion engines used on lands administered by the Forest Service, other Federal agencies and most States and municipalities.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Brooke Heasty at bheasty@idl.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 24, 2024.

DATED this 3rd day of June, 2024.

Joshua J. Harvey
Fire Management Chief
Forestry and Fire Division
Idaho Department of Lands
3284 W Industrial Loop
Coeur d'Alene, Idaho, 83815
Phone: (208) 666-8650, Fax: (208) 769-1524

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 20-0401-2401
(ZBR Chapter Rewrite.)

20.04.01 – RULES PERTAINING TO FOREST FIRE PROTECTION

000. AUTHORITY.

This chapter is adopted under the legal authority of Sections 38-115, 38-132, 38-402, 58-104(6), 58-105, and 67-5201 et seq., Idaho Code. (3-31-22)

001. TITLE AND SCOPE.

~~01. Title.~~ These rules are titled IDAPA 20.04.01, “Rules Pertaining to Forest Fire Protection.” and implement the provisions of Title 38 Chapter 1, Idaho Code. They provide (3-31-22)

~~02. Scope.~~ These rules govern requirements standards pertaining to for forest fire protection, permitting, and for firefighting water supply and tool requirements for Forest Operations. (3-31-22)()

002. INCORPORATION BY REFERENCE.

01. Incorporated Document. IDAPA 20.04.01 adopts and incorporates by reference the full text of the following documents published by the San Dimas Technology & Development Center (SDTDC). (3-31-22)

a. Spark Arrester Guide – General Purpose and Locomotive (GP/Loco), Volume 1, September 2012, 1251 1809-SDTDC. (3-31-22)

b. Spark Arrester Guide – Multiposition Small Engine (MSE), Volume 2, August 2012, 1251 1808-SDTDC. (3-31-22)

c. Spark Arrester Guide – Off- Highway Vehicles (OHV), Volume 3, April 2012, 1251 1805-SDTDC. (3-31-22)

02. Printed and Bound Copies. Printed copies or bound copies may be viewed at any District Office or requested through SDTDC, 444 E. Bonita Ave, San Dimas, 91773. (3-31-22)

003. -- 009. (RESERVED)

010. DEFINITIONS.

The terms Fire Warden, Forest Land, Forest Products, Person, Range Land, Slash, and State are defined in Section 38-101, Idaho Code. In addition to the definitions set forth in the Idaho Forestry Act, the following definitions apply to these rules: ()

01. Block. A piece of logging equipment where steel rope or cable ~~is actively turning~~ turns the block’s pulley ~~and used~~ as part of a cable logging ~~yarding~~ system. ~~for the specific purposes of establishing~~ It is used to install tail hold anchor points, intermediate support of main lines, or carriage haul-back capability ~~for the purposes of for~~ yarding or hauling ~~of trees or~~ logs to a log landing ~~for transportation to a mill or processing facility.~~ (3-31-22)()

02. Cable or Cable Assisted Logging. A harvest system for felling or yarding ~~of forest product materials consisting of the use of~~ trees or logs for transport to a landing using a cable assisted harvester or ~~the use of~~ a yarder, spar tree, or intermediate support with a motorized or non-motorized carriage ~~to transport logs to the landing for further processing purposes.~~ (3-31-22)()

03. Closed Fire Season. The calendar period from May 10 to October 20, ~~inclusive, of each year~~ or as

designated by the Director, due to conditions of unusual fire danger ~~pursuant to~~, when a permit is required to burn under Section 38-115, Idaho Code. (3-31-22)()

- 04. Department.** The Idaho Department of Lands. (3-31-22)
- 05. Director.** The ~~d~~Director of the Idaho Department of Lands ~~or his authorized representative or their designee.~~ (3-31-22)()
- 06. District.** A designated forest protective district under Section 38-110, Idaho Code. (3-31-22)()
- 07. Fire Warden.** A duly appointed fire warden or deputy. (3-31-22)
- 08. Forest Land.** Any land which has upon it sufficient brush or flammable forest growth of any kind or size, living or dead, standing or down, including debris or growth following a fire or removal of forest products, to constitute a fire menace to life (including animal) or property. (3-31-22)
- 097. Forest Operation.** An activity or service conducted on ~~f~~Forest ~~l~~ands involving any of the operations as described below where a Certificate of Compliance ~~is required pursuant to Section 38-122, Idaho Code. Fire Hazard Management Agreement and/or Forest Practice Notification are required under Sections 38-122, 38-404, and 38-1306, Idaho Code:~~ (3-31-22)()
 - a.** The harvesting of trees ~~using equipment that includes, but is not limited to,~~ including felling, bucking, yarding, delimiting, and decking ~~operations;~~ (3-31-22)()
 - b.** Thinning or mastication operations for stand improvement, stand density management or fuel reduction ~~purposes;~~ (3-31-22)()
 - c.** Road construction or reconstruction ~~of existing roads~~ including installation or improvement of bridges, culverts, ~~or structures;~~ and or (3-31-22)()
 - d.** Slash management including chipping, grinding, or other mechanized reduction activities. (3-31-22)
- 1008. Metal-Tracked Harvester.** Any machine with metal tracks used to fall, bunch, ~~or process trees into forest products~~ at the stump. (3-31-22)()
- 109. Operator.** A ~~p~~Person who conducts a ~~f~~Forest ~~e~~Operation. (3-31-22)()
- 120. Operating Area.** ~~That~~ The area where a ~~f~~Forest ~~e~~Operation ~~is taking place~~ occurs. (3-31-22)()
- 13. Person.** ~~Includes any person or persons, and any corporation, firm or other entity.~~ (3-31-22)
- 14. Range Land.** Any land that is not cultivated and that has upon it native grasses or other forage plants making it best suited for grazing of domestic and wild animals and which land is adjacent to or intermingled with forest land. (3-31-22)
- 15. Slash.** Brush, severed limbs, poles, tops and/or other waste material incident to such cutting or to the clearing of land that are four (4) inches and under in diameter. (3-31-22)
- 16. State.** State of Idaho. (3-31-22)

011. SPARK ARRESTER REQUIREMENTS AND EXEMPTIONS.

01. Requirements. The steam or internal combustion engines referred to in Section 38-121, Idaho Code, must be equipped with properly installed, maintained, and effectively working spark arresters that comply with

the standards set forth in the San Dimas Technology and Development Center's "Spark Arrester Guide(s)." ()

02. Exemptions. The following are exempt from the requirements of the rule: ()

a. Turbo-charged internal combustion engines in which one hundred percent (100%) of the combustion gases exhaust through the turbo-charger; ()

b. Engines of passenger-carrying vehicles and light trucks, kept in good repair, equipped with baffle-type muffler and tailpipe which exhaust all combustion gases; ()

c. Engines of heavy-duty trucks equipped with a vertical exhaust stack and muffler extending above the cab of the vehicle; ()

d. Engines of water pumping equipment used in firefighting; and ()

e. Engines of helicopters and other aircraft. ()

0142. -- 019. (RESERVED)

020. VARIANCE FROM RULE FOR ALTERNATE PRACTICES.

~~If conditions or activities require the application of~~ To apply practices that differ from ~~those prescribed in~~ these rules, the Operator must first obtain a variance ~~prior to employing any of those differing practices.~~ (3-31-22)()

01. Obtaining a Variance. ~~In order to obtain a variance, t~~ The Operator must submit a written request for a variance to the ~~local~~ District Fire Warden. ~~The request must include,~~ which includes the following: (3-31-22)()

a. A description of the specific Operating Area where the variance ~~is being requested~~ applies; (3-31-22)()

b. The ~~particular~~ conditions that necessitate a variance; (3-31-22)()

c. A detailed description of the ~~alternative~~ practice; and (3-31-22)()

d. A detailed description of how the alternate practice, ~~if applied, will~~ provides fire protection that is ~~equal to or greater~~ no less than the ~~fire~~ protection provided by the standards ~~set forth~~ in these rules. (3-31-22)()

02. Department Response to Request for Variance. Within five (5) business days from receipt of the variance request, the Department will evaluate the request and notify the Operator in writing of ~~the Department's determination to allow or disallow the variance request~~ its decision. (3-31-22)()

021. -- 029. (RESERVED)

030. STANDARDS FOR FIRE PROTECTION BY INDIVIDUALS.

The following rules and standards ~~for apply to~~ protection by owners of ~~F~~Forest ~~L~~and who have elected to provide their own protection ~~as provided by under~~ Section 38-111, Idaho Code, ~~apply~~: (3-31-22)()

01. Fire Plans. ~~Each owner Before April 1 of each year, Forest Land owners~~ must submit a written fire plan to the ~~d~~Director ~~for approval, through the (through the district f~~ Fire wWarden ~~in charge~~ of the ~~d~~District in which ~~the such f~~ Forest ~~L~~and ~~lies, before April 1, of each year, a written fire plan that includes, but is not limited to lies) that includes:~~ (3-31-22)()

a. A map, ~~with (on a scale of two (2) inches to the mile), revealing showing~~ section, township, and range lines, ~~of the forest land involved and showing thereon~~ roads, streams, trails, and the location of protection facilities ~~for such land of the Forest Land involved;~~ (3-31-22)()

b. A description of the system for discovering and reporting ~~any and~~ all fires originating on or

spreading to the ~~f~~Forest ~~L~~and involved; (3-31-22)()

c. ~~As~~Statements ~~showing~~ describing the following: ()

i. ~~The~~ number of firefighters and their sources of additional firefighter manpower available for immediate action to suppress any fire on the ~~f~~Forest ~~L~~and; ~~and further, their sources of additional manpower available as firefighters;~~ (3-31-22)()

ii. ~~A statement showing~~ The type and amount of firefighting equipment in serviceable condition including, but not limited to, fire hose, fire engines, portable pumps, dozers, and mobile equipment for the transportation of men and equipment for firefighting equipment and manpower. (3-31-22)()

iii. ~~A statement as to~~ The location of fire-tool caches and the number and kind of serviceable hand tools in each cache kept available for immediate use in firefighting, (including shovels, hoes, axes, and fire-pump cans) kept available for immediate firefighting use; (3-31-22)()

iv. For protection facilities, the name, address, and telephone number of the person in charge and obligated to carry out the provisions of the fire plan; ()

f. ~~The name, address, and telephone number of the person who is in charge of the protection facilities and obligated to carry out the provisions of the fire plan.~~ (3-31-22)

02. **Approval of Fire Plan Required.** ~~No~~ Only plans approved by the Director will become ~~are~~ effective ~~unless approved by the director.~~ (3-31-22)()

031. -- 039. (RESERVED)

040. **COSTS OF FIRE SUPPRESSION AND PROTECTION FOR WILLFULL OR NEGLIGENT FIRES.**

~~Whenever the state incurs costs in controlling or extinguishing a fire that any person willfully or is negligently responsible for, such costs include all actual costs to the state, including wages of full-time personnel and use of equipment of the forest protective district or districts where the fire originated or burned~~ Costs, which are incurred by the State or its authorized agencies to control or extinguish a fire that any Person is willfully or negligently responsible for, are all actual costs including wages of personnel and use of equipment. (3-31-22)()

041. -- 049. (RESERVED)

050. **BURNERS REFUSE WOOD BURNING NEAR FOREST LAND.**

Any saw mill, planing mill, shingle mill, or other woodworking ~~plant,~~ or ~~plant~~ wood product manufacturing ~~wood products plant,~~ operating in or within five hundred (500) feet of ~~f~~Forest ~~L~~and; and burning refuse wood material outside of and/or adjacent to ~~such~~ the mill or plant, ~~will~~ must meet the terms of Section 38-108, Idaho Code and other applicable state and local laws and regulations. (3-31-22)()

051. -- 059. (RESERVED)

060. **BURNING PERMITS DURING CLOSED FIRE SEASON.**

The burning permit ~~specified in~~ under Section 38-115, Idaho Code, ~~is used to~~ protect s public health, safety, and welfare. ~~The permit~~ and is subject to the following conditions: (3-31-22)()

01. **When Permit Required.** Permits issued for open fires are required from May 10 ~~to~~ through October 20, ~~inclusive,~~ of each year and are limited to ~~that~~ the period of time needed to accomplish the permitted burning; provided, ~~however, in that~~ no event will such permit will be issued to cover a period of more than ten (10) days. (3-31-22)()

02. **Permit Conditions.** Each permit contains ~~all~~ the terms and conditions deemed necessary by the ~~D~~Director for ~~such~~ burning; ~~which~~ Such terms and conditions remain effective for the entire period of the permit. (3-31-22)()

061. -- 069. (RESERVED)

070. PERMIT TO ENTER ~~AREAS CLOSED~~ **AREA DUE TO FIRE HAZARD.**

~~Pursuant to Under~~ Section 38-115, Idaho Code, the ~~d~~Director, ~~because of critical fire hazard,~~ may close specified areas to entry by any ~~p~~Person or party, ~~because of critical fire hazard.~~ (3-31-22)()

01. **Notice of Closure.** Notice of closure to specified areas ~~will be~~ **is** by Director proclamation ~~of the director and will be published at least once in a newspaper of general circulation and is communicated to the Fire Wardens of the affected Districts and the public~~ throughout the county or counties affected **in the most effective way available.** ~~Such proclamation will immediately be mailed to the fire wardens of the affected districts.~~ (3-31-22)()

02. **Fire Warden Permits.** The ~~f~~Fire ~~w~~Warden ~~in charge~~ of the forest protective ~~d~~ District ~~in which such areas are located~~ **with a closed area** may, ~~in his~~ **at their** discretion, issue permits to ~~individuals~~ **a Person** to enter ~~such~~ closed areas. The permittee ~~is required to~~ **must** carry a copy of the permit ~~at all times~~ while in the closed area. (3-31-22)()

071. -- 079. (RESERVED)

080. ~~SPARK ARRESTERS~~ **SMOKING PROHIBITIONS IN THE WOODS.**

01. **Requirements** ~~Smoking.~~ The steam or internal combustion engines referred to in Section 38-121, Idaho Code, must be equipped with properly installed, maintained, and effectively working spark arresters that comply with the standards set forth in the San Dimas Technology and Development Center's "Spark Arrester Guide(s)." ~~Smoking is prohibited on Forest or Range Land during periods of critical fire danger as proclaimed by the Director. Logging Operators must post conspicuous "NO SMOKING" signs in their camps and Operating Areas during these periods.~~ (3-31-22)()

02. **Exemptions** ~~Designating Smoking Areas.~~ The following are exempt from the requirements of the rule: ~~Fire Wardens may designate areas where the Director may allow smoking.~~ (3-31-22)()

~~a.~~ Turbo-charged internal combustion engines in which one hundred percent (100%) of the exhaust gases pass through the turbo-charger. (3-31-22)

~~b.~~ Engines of passenger-carrying vehicles and light trucks, equipped with baffle-type muffler and tailpipe through which all exhaust gasses pass, that are kept in good repair. (3-31-22)

~~c.~~ Engines of heavy-duty trucks equipped with a vertical exhaust stack and muffler extending above the cab of the vehicle. (3-31-22)

~~d.~~ Engines of water pumping equipment used in firefighting. (3-31-22)

~~e.~~ Engines of helicopters and other aircraft. (3-31-22)

081. -- 089. (RESERVED)

090. ~~SMOKING IN THE WOODS~~ **RESTRICTED ACTIVITIES DURING PROCLAIMED CRITICAL FIRE DANGER.**

01. ~~Smoking Prohibited~~ **Critical Fire Danger.** ~~Smoking is prohibited on forest or range lands of the state during periods of critical fire danger as designated by the director. Logging operators must post "NO SMOKING" signs conspicuously in their camps and operating areas when such periods of critical fire danger have been declared~~ **During periods and in areas of critical fire danger as proclaimed by the Director, any Person engaged in any activities in forest areas of the State may have those activities restricted to the least dangerous periods of the day.** (3-31-22)()

~~02. Designated Smoking Areas~~ **Notice.** ~~Fire wardens may designate those areas where smoking may be permitted upon approval of the director. Notice of restricted activities is by Director proclamation and is communicated to the Fire Wardens of the affected Districts and the public throughout the county or counties affected in the most effective way available.~~ (3-31-22)()

091. FIRE WATCH SERVICE IN STAGE TWO (2) PROCLAMATION AREAS.
 Every Operator engaged in a Forest Operation within a Stage Two (2) proclamation area must provide fire watch service in the Operating Area. ()

- 01. Duties and Requirements.** Fire watch service consists of at least one (1) person who: ()
- a.** Is constantly on duty for three (3) hours after all power-operated equipment has been shut down for the day: ()
 - b.** Visually observes the Operating Area where activity occurred during the day: ()
 - c.** Has adequate equipment for transportation and communication to summon timely fire-fighting assistance; and ()
 - d.** Immediately responds to any fire in the Operating Area by initiating fire suppression actions within the scope of their knowledge, skills, and abilities. ()

02. Fire Watch Service Exemption. A Forest Operation conducted under an Option 1 Certificate of Compliance is exempt from Section 091.01. ()

~~094.2.~~ -- 099. (RESERVED)

100. FIRE TOOLS AND FIRE EXTINGUISHERS REQUIREMENTS DURING CLOSED FIRE SEASON.

During ~~e~~Closed ~~f~~Fire ~~s~~Season the following fire tool requirements apply: (3-31-22)()

01. Basic Fire Cache. Every Operator engaged in any Forest Operation on Forest Lands must have available for firefighting ~~purposes~~ the number of tools and tool boxes ~~set forth listed~~ in Table 1. A Forest Operation having more than ten (10) people must use multiples of ~~any of the values in a column in the table~~ to arrive at a tool distribution ~~equal to or in excess of no less than~~ the number of people in the Forest Operation.

TABLE 1			
People in Operation	2 - 5	6 - 8	9 - 10
Tool B ox	1	1	1
Shovels	2	4	5
Pulaskis	2	4	4
5 gallon p ump e Cans or b ladder b ags	1	1	2

- (3-31-22)()
- a.** The tool boxes ~~required by this rule~~ must be clearly marked “FOR FIRE USE ONLY”; ~~and~~ (3-31-22)()
 - b.** The tools ~~required by Subsection 100.01~~ must be in a location immediately accessible for firefighting ~~purposes~~, maintained in a serviceable condition, ~~and be~~ fully functional at the time of deployment. (3-31-22)()

02. Warming Fires or Campfires. Except when in designated, developed campgrounds, or when traveling as a pedestrian, all ~~p~~Persons or parties igniting warming fires or campfires must be equipped with the following: (3-31-22)(____)

a. One (1) serviceable shovel at least twenty-four (24) inches in ~~overall~~ length with at least a six (6) inch ~~or~~ wider blade. (3-31-22)(____)

b. One (1) water container, capacity one (1) gallon or more. (3-31-22)

03. Power Equipment. Each unit of mobile or stationary power equipment operating on Forest Land, other than portable power saws, trail bikes, motorcycles, all-terrain ~~vehicles~~ and similar type vehicles, operating on forest lands of the state must be equipped with a minimum of one (1) chemical fire extinguisher rated by the Underwriters Laboratory as ~~not~~ less than 4-BC. (3-31-22)(____)

04. Portable Power Saw. Any ~~p~~Person using a portable power saw on ~~f~~Forest ~~L~~and ~~in the state~~ must have the following immediately available for ~~the fire~~ prevention and suppression ~~of fire~~: (3-31-22)(____)

a. A fully charged operable fire extinguisher of at least eight (8) ounce ~~minimum~~ capacity. (3-31-22)(____)

b. A serviceable round-pointed size zero (0) or larger shovel. (3-31-22)

101. -- 109. (RESERVED)

110. FIRE CREWS DURING CLOSED FIRE SEASON.

When engaged in a Forest Operation on Forest Lands during ~~e~~Closed ~~f~~Fire ~~s~~Season, the ~~p~~Person responsible for the Forest Operation must designate a fire crew and a fire foreman; (with powers to act for their employer); ~~to~~ Without compromising the safety of the crew, the firefighters must take immediate, initial reasonable action within the scope of their knowledge, skills, and abilities ~~and make a reasonable effort~~ to suppress any fire starting on the Operating Area ~~without compromising the safety of the crew.~~ (3-31-22)(____)

~~111. -- 119. (RESERVED)~~

~~120. RESTRICTED ACTIVITIES.~~

~~01. Critical Fire Danger.~~ During periods of critical fire danger, as determined by the director, all persons engaged in any activities in forest areas of the state, determined to be critical, may have those activities restricted to the least dangerous periods of the day. (3-31-22)

~~02. Notice.~~ Notification of such restriction will be by proclamation of the director and will be published at least once in a newspaper of general circulation throughout the county or counties affected. (3-31-22)

~~121. -- 129. (RESERVED)~~

130. WATER SUPPLY AND EQUIPMENT OPERATING AREA SEASONAL FIRE PREVENTION REQUIREMENTS.

~~Every Operator conducting a Forest Operation using a cable logging system or a metal tracked harvester during the period of July 1st through September 30th annually must provide the following water supply and fire suppression equipment in the Operating Area. To prevent the spread of fire in or from an Operating Area, every Operator conducting a Forest Operation using a Cable Logging System or a Metal-Tracked Harvester during the calendar period of July 1st through September 30th must comply with the following precautions:~~ (3-31-22)(____)

01. Water Supply, Water Delivery, and Readiness. (3-31-22)(____)

a. The water supply ~~must~~ will consist of a self-propelled motor vehicle or trailer equipped with a water tank containing ~~not~~ less than two hundred (200) gallons of water. (3-31-22)

~~b.~~ Trailers used for ~~this purpose~~ water tanks must be equipped with will have a functional hitch attachment and have a serviceable tow vehicle immediately available ~~to provide~~ for timely ~~fire suppression~~ response. (3-31-22)()

b. For water delivery, there will be a water pump, hose, and a nozzle. ()

~~02. Water Delivery.~~ (3-31-22)

~~a.i.~~ Water pump. ~~The size and capacity of the~~ water pump must be of sufficient capacity to provide ~~a discharge of not less than~~ at least twenty (20) gallons per minute when ~~pumping~~ discharged at pump level through fifty (50) feet of ~~hose of not less than~~ at least three quarter (¾) inch inside diameter hose with an adjustable nozzle ~~at pump level.~~ (3-31-22)()

~~b.ii.~~ Hose and nozzle. ~~The Operator~~ There must ~~have~~ be at least five hundred (500) feet of serviceable hose of ~~not less than~~ at least three quarter (¾) inch inside diameter and a nozzle. (3-31-22)()

~~03. Readiness.~~ (3-31-22)

~~a.c.~~ To ensure readiness: ()

i. All hose, motor vehicles, trailers, tanks, nozzles, and pumps ~~must will~~ be kept ready for immediate use during active operations, including the fire watch service ~~as set forth~~ described in Section ~~140.091~~ of these rules. (3-31-22)()

b.ii. The water supply, pump, ~~a minimum of~~ at least two hundred (200) feet of immediately deployable hose ~~packaged in a suitable manner for immediate deployment~~, and the nozzle ~~must will~~ be maintained as a connected, operating unit ready for immediate use. (3-31-22)()

02. Additional Seasonal Requirements for Cable or Cable-Assisted Logging. When conducting a Cable or Cable Assisted Logging operation on Forest Land the Operator must: ()

a. Clear the ground of all flammable debris for at least (10) feet slope distance from the point directly below any Block; ()

b. Prevent moving lines from rubbing on rock or woody material that could create sparks or sufficient heat that may ignite fuel; and ()

c. Provide at each Block; ()

i. One (1) pump equipped can or bladder containing no less than five (5) gallons of water; and ()

ii. One (1) round pointed size zero (0) or larger shovel in a serviceable condition. ()

043. Water Supply and Equipment Exemption. A Forest Operation conducted under an Option 1 Certificate of Compliance is exempt from the ~~water supply and equipment~~ requirements of ~~Subsection 130.120.01.~~ (3-31-22)()

~~131. 139.~~ (RESERVED)

140. FIRE WATCH SERVICE.

Every Operator engaged in a Forest Operation within a Stage 2 proclamation area ~~must provide Fire Watch Service in the Operating Area.~~ (3-31-22)

01. Duties and Requirements. ~~Fire Watch Service must consist of at least one (1) person who:~~ (3-31-22)

- ~~a. Is constantly on duty for three (3) hours after all power-operated equipment has been shut down for the day. (3-31-22)~~
- ~~b. Visually observes the Operating Area where activity occurred during the day. (3-31-22)~~
- ~~c. Has adequate equipment for transportation and communications to summon fire-fighting assistance in a timely manner; and (3-31-22)~~
- ~~d. Immediately responds to any fire in the Operating Area to initiate such fire suppression actions to suppress the fire within the scope of their knowledge, skills and abilities. (3-31-22)~~

~~02. **Fire Watch Service Exemption.** A Forest Operation conducted under an Option 1 Certificate of Compliance is exempt from the fire watch service requirements of Section 140. (3-31-22)~~

~~141. — 149. (RESERVED)~~

150. OPERATION AREA FIRE PREVENTION:

To prevent the spread of fire on or from an Operating Area, every Operator conducting a Forest Operation during the period of July 1st through September 30th, annually, must comply with the following precautions: (3-31-22)

~~01. **Cable or Cable Assisted Logging.** The following practices and equipment are required by the operator when conducting a cable logging operation on forest land. (3-31-22)~~

~~a. Clear the ground of all flammable debris for not less than ten (10) feet slope distance from the point directly below any block. (3-31-22)~~

~~b. Prevent moving lines from rubbing on rock or woody material in such a way to cause sparks or sufficient heat that may cause fuel ignition. (3-31-22)~~

~~c. Provide a water supply that complies with the capacity, pump, hose, nozzle and readiness requirements set forth in Section 130 of these rules. (3-31-22)~~

~~d. Provide at each Block: (3-31-22)~~

~~i. One (1) pump equipped can or bladder containing not less than five (5) gallons of water; and (3-31-22)~~

~~ii. One (1) round pointed size zero (0) or larger shovel in a serviceable condition. (3-31-22)~~

~~151. -- 999. (RESERVED)~~

IDAPA 20 – IDAHO DEPARTMENT OF LANDS
20.04.02 – RULES PERTAINING TO THE IDAHO FORESTRY ACT
AND FIRE HAZARD REDUCTION LAWS
DOCKET NO. 20-0402-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 58-104(6) and 58-105, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 17, 2024.

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

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

The Idaho Department of Lands initiated this rulemaking in compliance with [Executive Order 2020-01: Zero-Based Regulation](#). This rule chapter is scheduled for a comprehensive review in 2024 and legislative review in 2025 with the goal of simplifying and streamlining the rules for increased clarity and ease of use. The rule provides for Hazard Management Agreements and Contracts and provides for burning requirements and Slash Hazard Reduction standards associated with cutting timber or other Forest Products. The rule also provides for release or continuation of Contractor liability for wildfire suppression costs.

FEE SUMMARY: N/A

FISCAL IMPACT: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted and concluded April 17, 2024. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the October 4, 2023 Idaho Administrative Bulletin, [Vol. 23-10, page 514](#).

INCORPORATION BY REFERENCE: None.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Brooke Heasty at bheasty@idl.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 24, 2024.

DATED this 1st day of June, 2024.

Joshua J. Harvey
Fire Management Chief
Forestry and Fire Division
Idaho Department of Lands
3284 W Industrial Loop
Coeur d'Alene, Idaho, 83815
Phone: (208) 666-8650
Fax: (208) 769-1524

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 20-0402-2401
(ZBR Chapter Rewrite.)

20.04.02 – RULES PERTAINING TO THE IDAHO FORESTRY ACT
AND FIRE HAZARD REDUCTION LAWS

000. LEGAL AUTHORITY.

~~These rules are~~ This chapter is adopted ~~pursuant to~~ under the ~~rulemaking~~ legal authority ~~granted in~~ of Sections 38-132, ~~and~~ 38-402, ~~58-105, and 67-5201 et seq.~~ Idaho Code. (3-18-22)(____)

001. TITLE AND SCOPE.

~~01. Title.~~ These rules are titled IDAPA 20.04.02, “Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws.” and implement the provisions of Title 38, Chapters 1 and 4, Idaho Code. They provide for Hazard Management Agreements and Contracts and provide for burning requirements and Slash Hazard Reduction standards associated with cutting timber or other Forest Products. They also provide for release or continuation of Contractor liability for wildfire suppression costs. (3-18-22)(____)

~~02. Scope.~~ These rules implement the provisions of the Idaho Forestry Act and Fire Hazard Reduction Laws. (3-18-22)

002. -- 009. (RESERVED)

010. DEFINITIONS.

~~Unless otherwise required by context, as used in these rules~~ The terms Fire Warden, Forest Land, Forest Products, Person, and State are defined in Section 38-101, Idaho Code. In addition to the definitions set forth in the Idaho Forestry Act and IDAPA 20.04.01, the following definitions apply to these rules: (3-18-22)(____)

~~01. Agreement.~~ The Certificate of Compliance-Fire Hazard Management Agreement (Department of Lands Form 715) required by ~~under~~ Section 38-122, Idaho Code (Fire Management Handbook 715 Att. 1). (3-18-22)(____)

~~02. Clearance.~~ The Certificate of Clearance (Fire Management Handbook 760 Att. 1), required by law, which states the Contractor has met the terms of Section 38-122, Idaho Code. (____)

~~03. Contract.~~ An optional Hazard Management Contract entered into with the Director by any landowner or Operator, under Section 38-404, where the Department assumes the responsibility for management of the fire hazard in exchange for a fee. (____)

~~024. Contract Area.~~ The legal description of the land given on the ~~a~~ Agreement or Contract. (3-18-22)(____)

~~035. Contractor.~~ The ~~p~~erson who enters into the ~~Certificate of Compliance-Fire Hazard Management Agreement.~~ (3-18-22)(____)

~~046. Department.~~ The Idaho Department of Lands. (3-18-22)

~~057. Director.~~ The Director of the Idaho Department of Lands or ~~his~~ authorized representative their designee. (3-18-22)(____)

~~068. District.~~ A designated forest protective district under Section 38-110 Idaho Code. (3-18-22)(____)

~~079. Fire Line.~~ A ~~line~~ break in fuel scraped or dug to mineral soil ~~which is intended~~ to control a fire.

(3-18-22)()

~~0810.~~ **Fire-Warden Management Handbook.** A ~~duly appointed fire warden or deputy~~ policy document which describes procedures and forms the Department uses to administer these rules. (3-18-22)()

~~0911.~~ **Fuel.** Any ~~s~~Slash or woody debris that ~~will~~ contributes to the spread or intensity of a wildfire. (3-18-22)()

~~102.~~ **Fuel Break.** An area in which all ~~slash and dead woody debris have been~~ Fuel is removed or piled and burned. (3-18-22)()

~~13.~~ **Hazard Points.** A metric used by the Department to compute the fire hazard rating for Slashing Areas based on Hazard Reduction, site characteristics, and other protective measures that may reduce the spread or intensity of a wildfire. ()

~~144.~~ **Hazard Reduction.** The burning or physical reduction of fire hazards by treatment ~~in a manner that will to~~ reduce the spread or the intensity ~~and/or spread~~ of a wildfire ~~after treatment is completed.~~ (3-18-22)()

~~125.~~ **Initial Purchaser or Purchaser.** The first ~~p~~Person, ~~company, partnership, corporation or~~ association of whatever nature who to purchases a ~~f~~Forest ~~p~~Product after it is harvested. (3-18-22)()

~~136.~~ **Operational Period.** A standard twelve (12) hour fire control shift. (3-18-22)

~~17.~~ **Prescribed Fire.** The controlled application of fire to wildland fuels, in either their natural or modified state, under conditions of weather, fuel moisture, and soil moisture, that allow the fire to be confined to a predetermined area while producing the intensity of heat and rate of spread required to meet planned objectives. ()

~~148.~~ **Slash or Slashing.** Brush, severed limbs, poles, tops and/or other waste material incident to such cutting or ~~to the~~ clearing of land, which are four (4) inches and under in diameter. However, ~~for the purpose of these rules and~~ to correspond with standard fire classifications, for these rules, sSlash ~~will~~ only includes ~~material less than or equal to~~ three (3) inches or less in diameter. (3-18-22)()

~~19.~~ **Slashing Areas.** Areas where sufficient flammable material to constitute a menace to life or property remains on the ground after cutting trees or brush preparatory to clearing, or after cutting Forest Products. ()

~~1520.~~ **Slash Load.** Slash resulting from timber harvesting ~~that has occurred~~ under a current ~~a~~Agreement, exclusive of natural mortality. (3-18-22)()

~~16.~~ **State.** The state of Idaho. (3-18-22)

011. ABBREVIATIONS.

~~01.~~ **FMH.** Fire Management Handbook. ()

~~0142.~~ -- 029. (RESERVED)

030. CERTIFICATE OF COMPLIANCE-FIRE HAZARD MANAGEMENT AGREEMENT.

~~01.~~ **Contents.** A Certificate of Compliance-Fire Hazard Management Agreement must be obtained ~~by anyone who conducts an operation involving the~~ before any Person may harvesting of ~~f~~Forest ~~p~~Products or potential ~~f~~Forest ~~p~~Products. ~~Such The~~ Agreement provides ~~the options of entering into to enter into~~ a ~~e~~Contract ~~as provided in Section 38-404, Idaho Code or for~~ posting of a cash or surety bond to the State. The ~~Certificate of Compliance required by Section 38-122, Idaho Code, must be in substantially the same form as Department of Lands Form No. 715~~ “Certificate of Compliance Fire Hazard Management Agreement.” Agreement is described in FMH 715. (3-18-22)()

02. **Period of Time.** The period ~~set forth within defined by~~ the Agreement is based ~~upon such considerations as on~~ the size of the eContract aArea, the volume of the timber to be harvested, ~~or and~~ the silvicultural objectives of the landowner. ~~However, i~~ In no case may a single Agreement exceed a period of twenty-four (24) months unless the eContractor submits, and the fFire wWarden ~~mutually agree upon approves~~, a written hazard management plan for the timely abatement of the hazard during a longer period ~~that may exceed twenty four (24) months.~~ (3-18-22)()

03. **Extensions.** If ~~the a~~ eContractor cannot meet the standard required to obtain a eClearance within the period specified ~~above in the Agreement~~, the ~~y contractor~~ may apply to the fFire wWarden for an extension. The application must be in writing, received at the Fire dDistrict office thirty (30) working days before the Agreement expires, and show good reason ~~other than financial hardship; as to~~ why an extension ~~should be given is necessary (other than financial hardship).~~ Prior to the Agreement's expiration date, ~~the fFire wWarden will acknowledge receipt of grant or deny the request prior to the expiration of the Agreement with a form from FMH 715.~~ (3-18-22)()

04. **Responsibility.** The eContractor named in the Agreement ~~will be is~~ responsible for managing the fire hazard created by the harvesting and will receive the eClearance if the ~~slash treatment meets standards; requirements of Section 120 are met~~ or will carry the liability for suppressing wildfire for five (5) full years following the expiration of the Agreement. (3-18-22)()

031. -- 039. (RESERVED)

040. **ADDENDUM TO ~~CERTIFICATE OF COMPLIANCE FIRE HAZARD MANAGEMENT AGREEMENT FOR PARTIAL HAZARD REDUCTION.~~** ~~In those instances where~~ When a eContractor ~~indicates an intent intends~~ to ~~accomplish only the piling portion of the total only pile, but not dispose of or physically treat the~~ slash hazard reduction job Load, an addendum to the Agreement must be executed ~~that precisely specifying precisely specifies~~ the portion of ~~slash withholding hazard reduction money that will be monies to be~~ refunded. The addendum ~~must be in substantially the same form as Department of Lands Form No. 715.1 "Addendum to Certificate of Compliance Fire Hazard Management Agreement."~~ is executed with a form in FMH 715. (3-18-22)()

041. -- 049. (RESERVED)

050. **BOND.**

01. **Amount of Bond.** The bond specified in Section 38-122 ~~and Section 38-404~~, Idaho Code, ~~must will~~ be in the amount of four dollars (\$4) per thousand board feet (MBF), or equivalent measure as shown in Table I below, of fForest pProducts harvested; and may ~~take the form of be:~~ cash; surety bond; or irrevocable letter of credit. Surety bonds must be ~~in substantially the same form as on forms provided by~~ Department of Lands Form No. 707-~~"Bond."~~ (3-18-22)()

02. **Rates.** Rates and amounts listed in Table I ~~will be are~~ used as a minimum in calculating hazard reduction bonds for Forest pProducts cut from all state and private lands in Idaho.

TABLE I	
PRODUCT	BOND RATE
(1) MBF Measurement	
All Products	\$4.00 MBF
OR	
(2) Other Measurement	
Green pulp, stud timber, etc.	\$2.00 Cord

TABLE I	
PRODUCT	BOND RATE
Lineal Foot Measure	
Utility poles and pilings, all species	\$.014 LF
Stulls, corral poles, cellar timbers, fence rails, round posts	\$.01 LF
Piece Measure	
100 inch bolt material	\$.08 ea.
Split posts	\$.02 ea.
Tree stakes	\$.02 ea.
Shake boards	\$.02 ea.
Ton Measurement	
Green or Dead Pulp, Chips, etc.	\$.70 Ton

(3-18-22)()

03. Exceeding Minimum Bond. The minimum bond rate ~~will is~~ only ~~be~~ exceeded when the landowner or ~~o~~Operator requests that higher rate to accomplish additional ~~h~~Hazard ~~r~~Reduction. (3-18-22)()

051. -- 059. (RESERVED)

060. CONTRACTS WITH FOREST LANDOWNERS OR OPERATORS FOR ASSUMPTION OF HAZARD MANAGEMENT RESPONSIBILITY.

Forest landowners and ~~o~~Operators who engage in ~~timber harvesting operations~~ **commercial Forest Operations** may enter into an optional ~~Agreement with the Director as provided in Section 38-404, Idaho Code~~ **Contract**. Under the terms of ~~such an optional Agreement~~ **the Contract**, the Director may assume all responsibility for the management and reduction of fire hazards ~~to be~~ created in return for a stipulated amount to be paid to the Director ~~by the landowner or operator. Such Any optional Agreement Contract must be in substantially the same form as on forms provided by the Department of Lands Form No. 720 – “Contract for Management, Reduction and/or Removal of Fire Hazards Created by the Harvesting of Timber Within the State of Idaho,” or Department of Lands Form No 725 – “Contract for Management of Fire Hazards Created By the Harvesting of Timber Within the State of Idaho.”~~

(3-18-22)()

061. -- 069. (RESERVED)

070. CONTRACTOR CASH BOND RELEASE TO THE DIRECTOR.

Contractors ~~who that~~ elect, under Section 38-122, Idaho Code, to have hazard reduction money withheld; but ~~who~~ do not intend to dispose of the hazard themselves, must release the withheld monies to the Director ~~of the Department of Lands. Such The release must be in substantially the same form as Department of Lands Form No. 761 – “Release of Cash Bond Withheld to Assure Slash Disposal.”~~ **is on a form in FMH 761.**

(3-18-22)()

071. -- 079. (RESERVED)

080. ADDED PROTECTION IN LIEU OF HAZARD REDUCTION.

~~As provided in Section 38-401, Idaho Code, f~~Fire hazard management methods may include ~~or be limited to the taking of~~ additional protective measures in lieu of actual disposal of the ~~s~~Slash hazard. Any funds coming into ~~d~~District hazard management accounts through ~~e~~Contract, cash bond release, or forfeiture, may be used for added protection provided that the expenditure meets specifications outlined in Section 38-401, Idaho Code.

(3-18-22)()

081. -- 089. (RESERVED)

090. DUTIES OF THE INITIAL PURCHASER-REQUIREMENTS OF FOREST PRODUCTS.

01. **Initial Purchaser.** Initial pPurchasers of fForest pProducts, ~~in accordance with Section 38-122, Idaho Code,~~ must withhold, and remit to the State, slash management hazard reduction monies as appropriate for according to the slash management hazard option chosen by the eContractor in the Agreement. Such The option must be clearly identified on the pPurchaser's copy of the Agreement. Slash Hazard reduction monies withheld in any one (1) calendar month must be remitted to the Director on or before the end of the next calendar month. Such The remittance must may be in on substantially the same form as Department of Lands Form No. 740 "Hazard Reduction Payment Record (FMH 705) or in a report with the same information". (3-18-22)()

02. **Duty of Initial Purchaser.** Initial pPurchasers of fForest pProducts must make certain that all eContractors from whom they purchase fForest pProducts have obtained a proper Agreement. (3-18-22)()

091. -- 099. (RESERVED)

100. INJUNCTION AGAINST FURTHER CUTTING WITHOUT AN AGREEMENT.

Any pPerson who cuts timber or other fForest pProducts of any kind, without having first secured obtaining an Agreement, ~~in accordance with Section 38-122, Idaho Code,~~ may be enjoined from continuing such further cutting and will be required to immediately dispose of all sSlash created. If the pPerson-responsible fails to properly dispose of the sSlash within thirty (30) days after being notified to do so receiving notification, the State may dispose of the sSlash and such the costs of disposal, plus twenty percent (20%) as a penalty, may be collected as a prior lien against the Forest pProducts harvested. (3-18-22)()

101. -- 109. (RESERVED)

110. BURNING OF SLASH-REQUIREMENTS FOR PRESCRIBED FIRE IN FOREST LAND.

~~01. **Permits.** Any burning operation conducted for the purpose of hazard reduction must be in accordance with the law requiring burning permits during the closed fire season. Persons conducting burning operations must have sufficient men, tools and equipment on hand to immediately stop the uncontrolled spread of any fire. Burning operations must be planned, prepared and executed in such a manner that forest resources are not damaged and air quality standards are met.~~ (3-18-22)

~~02. **Burn Plan.** Burning of specifically designated blocks or areas of forest land for any purpose must be conducted in accordance with a prescribed burn plan approved by the fire warden in whose area of responsibility the burn occurs.~~ (3-18-22)

01. **Burning.** Burning for Forest Operations must be planned, prepared, and executed in a way that protects forest resources and maintains air quality (Title 38, Chapter 13 Idaho Code and IDAPA 20.02.01), provides adequate control of smoke (IDAPA 58.01.01) and avoids violating air quality standards. ()

02. **Burn Plans.** Burning within specifically designated blocks or areas of Forest Land at any time must be conducted under a prescribed burn plan approved by the Fire Warden of the District's Fire Warden in which the burn occurs. ()

a. **For piled Slash burning, the District Fire Warden will provide a burn plan with the Agreement.** ()

b. **For other burning, the Contractor must submit to the District Fire Warden a detailed prescription for executing the burn.** ()

03. **Burn Crew.** A Person conducting burning operations must have a permit, when required, and sufficient people, tools, and equipment on hand to immediately stop the uncontrolled spread of any fire. ()

111. -- 119. (RESERVED)

120. STANDARDS ~~TREATMENT OF~~ **FOR HAZARDS REDUCTION.**

01. Purpose. It is the policy of the State that the fire hazard created by commercial timber harvest be reduced by Slash disposal or physical treatment. This Section provides standards for hHazard rReduction and the release of liability for the contractor who is working under a valid Agreement with the State. (3-18-22)()

02. Reduction of Total Hazard Points. The eContractor's Forest Operation must reduce the total hazard points charged against the contract area to achieve a Hazard Point total of five (5) points or less (see Table II) through disposal, treatment and other protective measures on or before the expiration date on the Agreement's expiration date to receive a release of liability against any fires that originate in or pass through any Slashing Area and in order to receive a refund of slash hazard reduction monies withheld (less three (3) percent for the fire suppression fund, ref. Rule150) or; to clear any demands that might be made against the surety bond and to receive a release of liability against any fires that start on or pass through the contract area (as stipulated in Sections 130 and 150). The District's Fire Warden, where the Slashing Areas are located, will use Hazard Point values from the Hazard Reduction, site characteristics, and other protective measures tables shown below to compute the Hazard Rating. If the Operating Area has more than one Slashing Area and the Slashing Areas are topographically unique or separated by uncut timber, each Slashing Area may be audited independently. Detailed example Slash Loads and computations are provided in FMH 760. ()

a. Slash Load Technical Specifications.

TABLE II - SLASH LOAD TECHNICAL SPECIFICATIONS	
HAZARD RATING (POINTS)	SLASH LOAD
LOW (0-5)	Slash Load does not exceed three (3) ton per acre.
MODERATE (6-10)	Slash Load is between three (3) ton per acre and six (6) ton per acre.
HIGH (11-15)	Slash Load is between six (6) ton per acre and twelve (12) ton per acre.
EXTREME (16-20)	Slash Load is greater than twelve (12) ton per acre.

Slash Loads can be determined by using any standard photo series appropriate for the habitat type represented by the Slashing Area or by using USDA Forest Service General Technical Report INT-16, 1974 (HANDBOOK FOR INVENTORYING DOWNED WOODY MATERIAL). If the Contractor insists upon the latter, sampling intensity will be one (1) sample per two (2) acres through the Slashing Areas in question. The inventory cost is paid by the Contractor. All Slash resulting from the current harvest is included in the inventory except Slash piled and burned by the Contractor before the expiration date of the Agreement or granted extension. ()

b. Contractor Hazard Reduction Methods. Hazard Point deductions can be assigned proportionate to the acreage completed using the table below. Fire Lines are a minimum width of eighteen (18) inches for hand constructed and ten (10) feet for machine constructed. Machine constructed lines should not exceed twelve (12) feet width. Clear all Fuels for a minimum of eight (8) feet adjacent to handlines. Displace soil to one side and all vegetative debris to the other for machine lines. Place Fuel Breaks and Fire Lines to take advantage of terrain (ridgelines, swales, etc.), manmade or natural barriers (roads, skid trails, escarpments, etc.), and provide optimum fire control effect. Tie lines to an anchor point except through a riparian management zone.

Method	DESCRIPTION	HAZARD POINT RANGE
Disposal	Remove, pile and burn, or broadcast burn Slash.	0 to 42
Chipping	Chip Slash with a stationary or mobile chipper.	0 to 42

Method	DESCRIPTION	HAZARD POINT RANGE
Crushing or Mastication	Crush Slash with repeated passes of heavy equipment or a mobile masticator. Residual Fuel must not exceed the height and diameter limits for lopping.	0 to 20
Lopping	Cut all material less than three (3) inches in diameter so it does not extend more than twenty (20) inches of the mean height above the ground. Sever all boles greater than three (3) inches in diameter that intersect another bole.	0 to 10
Single Fuel Break	Remove, pile and burn or treat sufficiently all Slash and woody debris for a minimum width of one chain (66 feet).	1 to 5
Single Fire Line	Remove all vegetative material to expose mineral soil.	1
Isolation	Install Fuel Breaks and Fire Lines to divide or isolate Slashing Areas. (See Subsection 04 a.)	1 to 25

()

03. Site Characteristics. The Fire Warden will audit the Forest Operation and assign Hazard Points for site characteristics that increase risk of forest damage or threats to life or property. ()

a. Slashing Area Size. Large Slashing Areas will be assigned up to five (5) Hazard Points using the table below.

ACRES	<40	40-160	161-320	321-480	481-640	>640
PT VALUE	0	1	2	3	4	5

()

TABLE II – HAZARD CHARACTERISTICS AND OFFSET SLASH LOAD MAXIMUM 20 POINTS	
RATING (POINTS)	ADJECTIVE DESCRIPTION
LOW (0-5)	Associated with low harvest volumes per acre such as, selection cutting, light commercial thinning, sanitation/salvage operations, tree length skidding with tops and limbs and little or no breakage. Slash is broken up; slash is in many islands over the operating area.
MODERATE (6-10)	Operation types similar to those listed above except that harvest volume per acre is higher or utilization standards are lower, or timber has higher proportion of unusable top and crown (commonly associated with partial cutting in second growth stands of mixed timber). Most diameter limit cutting falls in this category. Slash is distributed with some clear or very light areas intermingled with heavy islands of slash over the operating area, slash is not continuous.
HIGH (11-15)	Usually associated with regeneration harvest methods such as shelterwood, seed tree and most clearcuts, or any partial cut with a high harvest volume per acre. Slash is nearly continuous through the operating area frequently with heavier islands intermingled with light continuous slash.

TABLE II – HAZARD CHARACTERISTICS AND OFFSET SLASH LOAD MAXIMUM 20 POINTS	
RATING (POINTS)	ADJECTIVE DESCRIPTION
EXTREME (16-20)	Any operation with very high cut volume, and/or low utilization standards, and/or many slashed or broken stems. Slash is continuous over the operating area with few light areas.
TECHNICAL SPECIFICATIONS	
LOW (0-5)	Slash load less than or equal to 3 inch diameter materials not to exceed 3.0 tons/acre.
MODERATE (6-10)	Slash load less than or equal to 3 inch diameter materials greater than 3.0 tons/acre but less than 6.0 tons/acre.
HIGH (11-15)	Slash load less than or equal to 3 inch diameter materials greater than 6.0 tons/acre but less than 12.0 tons/acre.
EXTREME (16-20)	Slash load less than or equal to 3 inch diameter materials exceeds 12.0 tons/acre.

b. Slashing Area Aspect and Slope. The Fire Warden will determine the predominant aspect and slope of each Slashing Area and assign up to ten (10) Hazard Points using the table below.

ASPECT	PERCENT SLOPE					
	0-10	11-20	21-30	31-40	41-50	>50
N to NE	0	0	1	2	4	5
E or NW	0	0	1	3	6	7
W or SE	0	1	2	5	8	9
S to SW	1	2	4	7	9	10

()

c. Pre-existing Slash. Any Slashing Area that has Slash from a previous operation, which has occurred within in the last five (5) years, will be assigned up to two (2) Hazard Points. ()

d. Location. A Slashing Area’s proximity to structures, highways, and recreational areas will be assigned up to five (5) Hazard Points using the table below.

PROXIMITY	
330 feet	5
660 feet	4
990 feet	3
1320 feet	2
2640 feet	1

()

04. Other Protective Measures. The Fire Warden can consider other protective measures associated with a Forest Operation by reducing Hazard Points for division or isolation of Slashing Areas, access control, and availability of water for firefighting as follows: ()

a. Isolation. The Fire Warden can reduce Hazard Points using the table below if Fuel Breaks or Fire Lines are used to subdivide Slashing Areas into smaller areas and/or isolate Slashing Areas from other forest stands; the maximum deduction is twenty-five (25) Hazard Points.

ACTIVITY	FUEL BREAK ONLY	FIRE LINE ONLY	BOTH
<u>Slashing Areas are subdivided:</u>			
<u>A. Partial division of Slashing Area</u>	<u>1-5</u>	<u>1</u>	<u>1-6</u>
<u>B. Slashing Area divided into 2 areas</u>	<u>6-10</u>	<u>2</u>	<u>6-12</u>
<u>C. Slashing Area divided into 3 to 5 areas</u>	<u>11-15</u>	<u>3</u>	<u>11-18</u>
<u>D. Slashing Area divided into 6 or more areas</u>	<u>16-20</u>	<u>4</u>	<u>16-25</u>
<u>OR</u>			
<u>Slashing Areas are isolated from adjacent stands:</u>			
<u>A. One third of Slashing Area boundaries isolated</u>	<u>1-5</u>	<u>1</u>	<u>1-6</u>
<u>B. Two thirds of Slashing Area boundaries isolated</u>	<u>6-10</u>	<u>2</u>	<u>6-12</u>
<u>C. All Slashing Area boundaries isolated</u>	<u>11-15</u>	<u>3</u>	<u>11-18</u>

()

b. Access Control. The Fire Warden can deduct from the Hazard Point sum for each Slashing Area One (1) Hazard Point if a locked gate system controls road access on all secondary roads to the Operating Area and the Slash on the main road is disposed of or treated. Two (2) Hazard Points can be deducted if the system controls all roads into the Operating Area. ()

c. Water Supply. The Fire Warden can deduct Hazard Points from the Hazard Point sum for each Slashing Area for water availability. The supply must provide at least ten thousand (10,000) gallons in any one (1) Operational Period during the fire season. Water supplies accessible to fire engines within one (1) road mile or to helicopter buckets within three (3) air miles are eligible. ()

i. One (1) Hazard Point can be deducted for availability to engines only or to helicopters only. ()

ii. Two (2) Hazard Points can be deducted for availability to engines and helicopters. ()

iii. Two (2) Hazard Points can be deducted for availability to engines or helicopters and the supply self-replenishes every Operational Period. ()

iv. Three (3) Hazard Points can be deducted for availability to engines and helicopters and the supply self-replenishes every Operational Period. ()

Slash loads can be determined by using any standard photo series appropriate for the habitat type represented by the contract area, or by using USDA Forest Service General Technical Report INT 16, 1974 (HANDBOOK FOR INVENTORYING DOWNED WOODY MATERIAL). If the contractor insists upon the latter, sampling intensity will be one (1) point per two (2) acres through the area in question. The inventory cost is paid by the contractor. All slash made available as a result of the current harvest will be included in the inventory except that slash that has been piled and will be burned by the contractor before the expiration date on the Agreement or such extensions granted by the fire warden.

SITE FACTORS—MAXIMUM 10 POINTS						
ASPECT	PERCENT-SLOPE					
	0-10	11-20	21-30	31-40	41-50	>50
N-NE	0	0	1	2	4	5
E-NW	0	0	1	3	6	7
W-SE	0	1	2	5	8	9
S-SW	1	2	4	7	9	10

UNIT SIZE—MAXIMUM 5 POINTS						
ACRES	<40	40-160	161-320	321-480	481-640	>640
PT VALUE	0	1	2	3	4	5

OTHER FACTORS—MAXIMUM 7 POINTS	
Pre-existing slash from operations in the past five years	0-2
Proximity to structures, highways and recreational areas (e.g., parks, established campgrounds, etc).	Add Points
330 feet	5
660 feet	4
990 feet	3
1320 feet	2
2640 feet	1

In applying offset points to large, complex contract areas, or contract areas with highly variable hazard characteristics, hazard offset techniques must first be applied toward that portion of the contract area which will do the most to reduce the hazard by optimizing fire control effects.

HAZARD OFFSETS		
ALL POINTS ARE DEDUCTIONS		
DISPOSAL	Piling and Burning, Broadcast Burning, etc.	0-42
<p>If disposal reduces slash load in the contract area to <3 tons, deduct hazard points to five (5) or less. If disposal does not reduce slash load to that level, points should be assigned as a proportion of the area treated. For example, if twenty-five percent (25%) of the area is dozer piled and the piles burned, but the slash load in the contract area still exceeds three (3) tons, twenty five percent (25%) of the total points charged against the job should be deducted. However, if the disposal effectively isolates the untreated portion of the slash, or is otherwise placed to optimize fire control effects the proportion of points deducted may be increased to an amount to be determined by the district fire warden.</p>		

HAZARD OFFSETS		
ALL POINTS ARE DEDUCTIONS		
MODIFICATION:	Chipping	0-12
	Crushing	0-20
	Lopping	0-10
<p>Lopping standards: All material less than three (3) inches in diameter will be cut so that it does not extend more than twenty (20) inches of the mean height above the ground. In addition, all boles greater than three (3) inches in diameter intersecting another bole will be completely severed.</p> <p>Assign points as a proportion of the contract area treated.</p>		
ISOLATION	Fuel Breaks	0-20
<p>To qualify as a fuel break, all slash and available fuels (Ref. Subsection 010.10) must be removed, or piled and burned, or treated sufficiently to prevent a fire from carrying through the area, for a minimum width of one chain (66 feet). In addition, the breaks must be placed to take advantage of terrain, manmade or natural barriers and to provide for optimum fire control effect.</p>		
	Fire Lines	0-5
<p>All vegetative material must be removed to expose mineral soil. Minimum width of dozer line must be the width of the dozer blade with all dirt pushed in one direction and all vegetative debris to the other. Handlines must be eighteen (18) inches wide; additionally all fuels must be cleared for eight (8) feet. Lines must be tied to an anchor point except that they are not required to be built through a riparian management zone. In addition, the lines must be placed to take advantage of terrain, manmade or natural barriers, and to provide for optimum fire control effect. Maximum points allowed only if combined with an approved fuel break.</p>		

ASSIGNING POINTS FOR ISOLATION			
<p>Isolation techniques will usually be used to break the area into subunits or isolate the area from adjacent stands. Hazard offsets can be deducted for both if, in the opinion of the fire warden, both objectives are met and the total isolation points do not exceed 25 offset points.</p>			
ACTIVITY	FUEL BREAK ONLY	FIRE LINE ONLY	BOTH
Isolates contract area into subunits:			
A. Partial isolation or incomplete units	1-5	1	1-6
B. Complete isolation of area into 1 to 2 subunits	6-10	2	6-12
C. Complete isolation of area into 3 to 5 subunits	11-15	3	11-18
D. Complete isolation of area into 6 or more subunits	16-20	4	16-25
OR			
Isolates contract area from adjacent stands:			
A. One third of the contract area boundary isolated	1-5	1	1-6
B. Two thirds of the contract area boundary isolated	6-10	2	6-12
C. Entire contract area boundary isolated	11-15	3	11-18

ASSIGNING POINTS FOR ISOLATION			
Isolation techniques will usually be used to break the area into subunits or isolate the area from adjacent stands. Hazard offsets can be deducted for both if, in the opinion of the fire warden, both objectives are met and the total isolation points do not exceed 25 offset points.			
ACTIVITY	FUEL BREAK ONLY	FIRE LINE ONLY	BOTH
ACCESS CONTROL	-0-2		
Locked gate system controls access on all secondary roads with slash treated on main road			4
Locked gate system controls all road access into unit			2
AVAILABILITY OF WATER			0-3
The water supply must provide water availability for engines within one road mile of operating area or within three air miles for helicopter bucket use. The water supply must be sufficient to supply 10,000 gallons in an operational period during the fire season.			
Water supply for engine only or helicopter only (capacity 10,000 gallons during fire season).			4
Water supply for engine and helicopter (capacity 10,000 gallons) or, for engine or helicopter and which replenishes itself every operational period.			2
Water supply for engine and helicopter which replenishes itself every operational period.			3

(3-18-22)

121. -- 129. (RESERVED)

130. **LIABILITY FOR THE COST OF FIRE SUPPRESSION.**

01. **State Liability.** ~~With the exception of~~ Except for cases of negligence on the part of the landowner, eOperator, or their agents, liability for the cost of suppressing fires that originate ~~on in~~ or pass through a sSlashing aArea remains with the State if the Contractor executes one of the following alternatives ~~is executed by the contractor:~~ (3-18-22)()

a. The ~~contract~~ Slashing aAreas ~~is are~~ covered by a Certificate of Compliance-Fire Hazard Management Agreement and all hazard reduction money payments are current or a proper bond is in place. (3-18-22)()

b. The eContractor treats the sSlash in accordance with the standards outlined in ~~the~~ Section 120; Table II within the ~~time~~ period specified ~~on in~~ the Agreement or approved extensions. (3-18-22)()

c. The landowner or eOperator elects to enter into a eContract with the State for management of the sSlash and release from liability ~~of for~~ fire suppression costs ~~in accordance with Section 38-404, Idaho Code as described in Section 060.~~ (3-18-22)()

02. **Contractor Liability.** Should the eContractor choose ~~not to~~ not treat the sSlash or not enter into a eContract with the State in accordance with ~~Subsection 130.01~~ Section 060, the ~~contractor, in addition to forfeiting any applicable bond,~~ Contractor is liable for fire suppression costs for all fires that originate ~~on in~~ or pass through the eContractor's sSlashing aAreas and must forfeit any applicable bond. The eContractor retains the full liability for five (5) years from the time the Agreement or any extension ~~thereof~~ expires, unless a eClearance ~~has been~~ is issued. (3-18-22)()

03. **Failure to Treat.** Any eContractor who ~~fails to treat the fire hazard as outlined in~~ is liable under Subsection 130.02; is liable for the actual costs of suppressing any wildfire that ~~may occur on~~ originates in or passes

through the ~~Slashing~~ ~~a~~Areas covered by their ~~individual or separate~~ Agreements for an amount up to two hundred fifty thousand dollars (\$250,000) ~~per Agreement, but no more than one million dollars (\$1,000,000); for separate Agreements with different liable Contractors, the actual costs of suppression up to one million dollars (\$1,000,000) will be shared by the Contractors prorated on the Contract Area acreage of those Agreements.~~ ~~If the same wildfire occurs on or passes through several areas covered by separate agreements or if several Agreements cover the same area, the contractor is liable for the actual cost of suppression up to one million dollars (\$1,000,000).~~ ~~If a wildfire occurs on or passes through an area covered by separate Agreements with different contractors, the actual cost of suppression up to one million dollars (\$1,000,000) will be shared by the contractors prorated on acreage included in their Agreements.~~ (3-18-22)()

04. Fees. Upon payment of the fees ~~set forth listed~~ in Table III, the State will assume liability for the cost of suppressing fires that originate ~~on in~~ or pass through the ~~e~~Contract ~~a~~Area.

TABLE III - ADDITIONAL FEE TO TRANSFER LIABILITY BY HAZARD POINTS	
POINTS	RATE
6-10	\$1.00/MBF
11-20	\$2.00/MBF
21-30	\$3.00/MBF
>30	\$4.00/MBF

~~Additional~~Fee rates for measurement ~~units~~ other than ~~the~~ board foot ~~measurement unit~~ are available upon request from any Department ~~of Lands~~ office. (3-18-22)()

05. Additional Fee. If the ~~e~~Contractor is unable to reduce the ~~h~~Hazard ~~p~~Points on a ~~e~~Contract ~~a~~Area to the standards required for a ~~e~~Clearance, but has completed some ~~h~~Hazard ~~r~~Reduction work, ~~that the e~~Contractor can discharge the remainder of ~~his the~~ hazard obligation by returning a portion of ~~his the~~ bond to the ~~Fire d~~District and paying an additional fee to transfer liability. Use the following formula: [One (1) minus (the ~~acceptable low~~ hazard ~~point rating or of five (5);~~ divided by the residual, or untreated ~~h~~Hazard ~~p~~Points)] ~~times the bond rate multiply that ratio times the slash rate.~~ This dollar amount ~~should be is~~ multiplied by the total volume removed from the ~~e~~Contract ~~a~~Area. ~~Add and added to that the total volume times~~ the additional fee to transfer liability ~~(from Table III (for the untreated hazard) points, from Table III) times the total volume.~~ When this amount is paid to the State the ~~contract area Agreement~~ can be cleared. ~~Which can also be This computation is~~ expressed as:

Table 1

$$(1-(5/U)) * B * V + (A*V) = \text{Formula to transfer liability for a partially completed job.}$$

Where:

- U = Untreated or residual hazard points
- B = Bond rate (usually \$4.00 MBF) Ref. Section 050, Table I
- A = Additional fee to transfer liability, Table III
- V = Total volume removed from the ~~e~~Contract ~~a~~Areas

(3-18-22)()

131. -- 139. (RESERVED)

140. CERTIFICATE OF CLEARANCE.

The Certificate of Clearance is the instrument used to certify that hazard reduction has been accomplished, a contract entered into with the Director to ensure hazard management, or an additional fee has been paid. Anyone who has been issued an Agreement for the cutting of any forest product or potential forest product and who has met standards outlined in Section 120, or has made payment for hazard reduction under a contract with the Director, as provided in Section 38-404, Idaho Code, or has paid an additional fee in accordance with Section 38-122, Idaho Code, must apply in writing to the Director for a Certificate of Clearance. Within thirty (30) days after receipt of such written request for a Certificate of Clearance, the Director will cause the area covered by the request to be inspected. If it is found that the fire hazard has been properly disposed of, the Director will issue a Certificate of Clearance. The Certificate of Clearance must be substantially the same form as Department of Lands Form No. 760 — “Certificate of Clearance.” Anyone who has entered into an Agreement must apply in writing to the Director for a Clearance. The Clearance certifies that one (1) of the following situations exists: Hazard Reduction was accomplished to the standards in Section 120; an additional fee was paid per Subsection 130.05; or the Contractor entered into a Contract with the Director per Section 060 to ensure hazard management. Within thirty (30) days of receipt of the request for Clearance, the Director will inspect the requested area and issue the Clearance, if the applicable requirements were met. (3-18-22)()

141. -- 149. (RESERVED)

150. FIRE SUPPRESSION AND FOREST PRACTICES ASSESSMENT.

01. ~~Withholding~~ Withheld Hazard Reduction Money. An amount of three percent (3%) of the ~~slash management bond~~ rate (twelve cents (\$.12)/MBF) ~~will be withheld from~~ is assessed against all ~~slash management monies~~ hazard reduction money received and dedicated to suppression of wildfires on ~~fForest lLands~~. For harvest from private land, an additional amount not to exceed three percent (3%) of the ~~slash management bond~~ rate (twelve cents (\$.12)/MBF) ~~can be withheld from slash management monies~~ is assessed against hazard reduction money received and ~~will be~~ is dedicated to Forest Practices support on ~~fForest lLands~~. (3-18-22)()

02. ~~Assessment Costs~~ Surety Bond or Credit. ~~Fire suppression a~~ Assessment costs on Forest ~~o~~ Operations covered by surety bond or irrevocable letter of credit or other form of bond is paid at the rate specified in Subsection 150.01. (3-18-22)()

151. -- 159. (RESERVED)

160. PRELOGGING CONFERENCE AND ~~AGREEMENT~~ HAZARD MANAGEMENT CONTRACT.

~~Pre-logging conferences and hazard reduction agreements are encouraged; however, t~~ The h ~~Hazard reduction agreement~~ Management Contract will be canceled or modified if significant operational changes occur during the Forest Operation ~~harvesting of forest products or potential forest products.~~ (3-18-22)()

161. -- 999. (RESERVED)