

TITLE 38
FORESTRY, FOREST PRODUCTS AND STUMPAGE DISTRICTS

CHAPTER 5
SEEDING OF BURNED AREAS

38-501. STATEMENT OF POLICY. In more heavily timbered areas of the state, on lands owned by the federal government, state of Idaho, the counties, individuals, and on land in transit to counties through tax delinquency, devastating forest fires annually denude considerable areas of vegetation and subject such lands to erosion with total loss of top soils; permit an infestation of weeds which imperil adjacent agricultural lands, destroy feed and cover for wild life, and create great distress in agriculture through loss of grazing. Therefore, the seeding of such burned areas to suitable range grasses and/or legumes as soon as possible after the cessation of such fires is declared to be a matter of public welfare to the state.

[38-501, added 1941, ch. 71, sec. 1, p. 135.]

38-502. STATE TO CONTROL EROSION BY SEEDING OF GRASSES. It shall be the duty of the state of Idaho through any legally constituted bureau, division or department thereof having control of any burned over lands, to control erosion thereon, to provide feed and cover for wild life and range for livestock, by providing for seeding grasses and/or legumes. Whenever possible such work shall be done in cooperation with the counties and the federal government, or any agency thereof. It shall be the duty of any officer having charge of any bureau, division or department of the state of Idaho, having under his jurisdiction, lands which may hereafter be burned over, to request the state legislature to provide funds for the seeding of such areas if he has no funds at his disposal which may be used for this purpose.

[38-502, added 1941, ch. 71, sec. 2, p. 135.]

38-503. FEDERAL AID. The state of Idaho is hereby authorized to cooperate with the federal government, or any established agency thereof, in any program for seeding burned over areas which shall be deemed advisable, and any bureau, division or department of the state, and also any of the individual counties are empowered to accept any advisable program and to make any necessary regulations which are not in contradiction to the purpose of sections [38-501](#)--[38-511](#). The treasurer of the state of Idaho is hereby directed and authorized to accept any funds or grants in aid from the federal government for the purposes declared in sections [38-501](#)--[38-511](#). Expenditures of such funds shall be in manner provided by law, and in conformance with the provisions of federal requirements.

[38-503, added 1941, ch. 71, sec. 3, p. 135.]

38-504. COUNTY BOARDS TO COOPERATE WITH OTHER AGENCIES. It shall be the duty of the various boards of county commissioners of counties to direct seeding of burned over areas and to prescribe methods by which such seeding shall be done. In doing so such boards are hereby authorized to cooperate with other governmental units and with local, state and federal agencies and also with individual land owners.

[38-504, added 1941, ch. 71, sec. 4, p. 135.]

38-505. CREATION OF BURN SEEDING AREAS. The boards of county commissioners of the various counties are hereby authorized to create areas that may hereafter be burned over within their respective counties, into "Burn Seeding Areas", and such boards may purchase, or authorize the purchase of seed to seed a part or all of such areas. The county boards are also authorized to enter into contracts with other state agencies or with federal agencies to seed land under the jurisdiction of such agencies within such "Burn Seeding Areas."

Whenever the Board of County Commissioners of any county deems it necessary or desirable to create a "Burn Seeding Area," it must by resolution adopted by a majority of the members of said Board, setting forth in such resolution that such said Burning Seeding Area is necessary within the county, and describing all of the lands included in said area, and fixing a time of hearing. The Clerk of the Board must publish said resolution and a notice requiring all interested persons to appear at a time and place before said Board, as designated in said resolution, and show cause if any they have why said Burn Seeding Area should not be created. Said notice must be published in one issue of a weekly newspaper published in the County. If no newspaper is published in the county, then in such paper as the Board may direct in its resolution. Said resolution and said notice shall provide a date of hearing, which shall be not less than ten days from the date of publication. Upon said hearing, after fully considering said matter, if the Board finds that the creation of said Burn Seeding Area is desirable and necessary, it shall make an order in writing to that effect, and file the same with the Clerk of the District Court in and for said County. Anyone interested may appeal to the District Court under the procedure set forth by Sections [31-1510](#), [31-1511](#), [31-1512](#) [, Idaho Code].

[38-505, added 1941, ch. 71, sec. 5, p. 135.]

38-506. ABATEMENT OF COSTS AS TAX. Whenever the county board has, pursuant to the provisions contained in sections [38-501](#)--[38-511](#), [Idaho Code,] seeded any area, such board shall prorate the costs and assess the same against the land so seeded. Any state agencies, departments or bureaus having under their jurisdiction land within such areas belonging to the state are hereby authorized and directed to pay the respective assessment against the land under their jurisdiction. Any assessments against land within such areas and any sums due the county for seed furnished to seed burned over land owned by private individuals shall be assessed against such land and entered on the current tax list of the owner thereof, and the charge shall be collected at the same time and in the same manner as general taxes and the lien thereof shall be a charge of equal priority with general taxes.

[38-506, added 1941, ch. 71, sec. 6, p. 135.]

38-507. COUNTY BURN SEEDING SUPERVISOR -- APPOINTMENT -- DUTIES -- COMPENSATION AND EXPENSES. The boards of county commissioners are hereby authorized to appoint or hire a county burn seeding supervisor whose duties shall be as follows:

- (1) To advise the board of county commissioners of areas that should be seeded.
- (2) To cooperate with the owners of land in this seeding program.

(3) To cooperate with the state and local agencies or agencies of the federal government with any program for seeding which may be operative within the county.

(4) To present to the owners of land and to the board of county commissioners plans for seeding burned over areas.

(5) To do any other things which the board of county commissioners may deem advisable under sections [38-501](#)--[38-511](#).

Such county burn seeding supervisor may be paid his actual expenses incurred by him in the discharge of his duties and may receive compensation for his services in such amounts as may be fixed by the board of county commissioners, payable as a county expense out of the county current expense fund, but not to exceed \$8.00 per day or \$1,500.00 per annum.

[38-507, added 1941, ch. 71, sec. 7, p. 135.]

38-508. BURN SEEDING FUND -- DEFICIENCY WARRANTS. It shall be the duty of the board of county commissioners of any county in which a burn seeding program is undertaken to establish a fund to be known as the "Burn Seeding Fund" which shall be created out of the county current expense fund. It shall be created on the first Monday of February of each year. In any county in which emergency shall require immediate action in seeding of such burn seeding areas as may be established, the board of county commissioners having jurisdiction over such areas are empowered to pay such costs incurred in such seeding procedure by issuance of deficiency warrants, and shall provide for retirement of such warrants out of a burn seeding fund to be created as hereinabove provided.

[38-508, added 1941, ch. 71, sec. 8, p. 135.]

38-509. REPAYMENT TO THE FUND -- TAX LEVY -- ASSESSMENTS AND PAYMENTS FOR SEED OR SERVICES. Repayments to this fund may be made from the proceeds of a tax levy which may be made by the board of county commissioners which shall not exceed two hundredths percent (.02%) of the market value for assessment purposes on all taxable property in said county. This levy shall be of equal priority with general taxes and shall be collected at the same time and in the same manner as general taxes. Repayments to this fund may also be made from assessments for payments made for seed furnished and services performed in seeding. If payments for seed or services in seeding are not made in the form of cash but are collected in the part of the tax they shall be collected as provided in section [38-506](#), Idaho Code, and the part assessed for burn seeding costs together with interest thereon at county warrant rates, shall be allocated to burn seeding fund.

[38-509, added 1941, ch. 71, sec. 9, p. 135; am. 1995, ch. 82, sec. 15, p. 227.]

38-510. DISBURSEMENTS. Disbursements from this fund shall be made on order of county commissioners for the purpose of purchasing seed and for services rendered in seeding such burned areas, and any other incidental charges that may be necessary for the operation of sections [38-501](#)--[38-511](#) [, Idaho Code].

[38-510, added 1941, ch. 71, sec. 10, p. 135.]

38-511. COUNTY COMMISSIONERS MAY PAY PART OF COST OF SEEDING. The board of county commissioners may at its option pay not to exceed one-half (1/2) of the cost of seeding land not owned by the county and may pay the entire cost of seeding county-owned land. The commissioners shall reimburse the current expense fund of the county for the amount of burn seeding fund from the proceeds of the levy provided for in section [38-509](#).

[38-511, added 1941, ch. 71, sec. 11, p. 135.]