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**IDAPA 20
TITLE 04
CHAPTER 01**

20.04.01 - RULES PERTAINING TO FOREST FIRE PROTECTION

000. AUTHORITY.

These rules are adopted pursuant to the rulemaking authority granted in Section 38-132, Idaho Code. (10-28-91)

001. -- 009. (RESERVED).

010. DEFINITIONS.

01. Department. The Idaho Department of Lands. (10-28-91)

02. Director. The director of the Idaho Department of Lands or his authorized representative. (10-28-91)

03. District. A designated forest protective district. (10-28-91)

04. Fire Warden. A duly appointed fire warden or deputy. (10-28-91)

05. 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. (10-28-91)

06. Person. Includes any person or persons, and any corporation, firm or other entity. (10-28-91)

07. Range Land. Any land which is not cultivated and which 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. (10-28-91)

08. Slash. 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. (10-28-91)

09. State. State of Idaho. (10-28-91)

011. -- 029. (RESERVED).

030. STANDARDS FOR FIRE PROTECTION BY INDIVIDUALS.

The following rules and standards for protection by owners of forestland who have elected to provide their own protection as provided by Section 38-111, Idaho Code, shall apply: (10-28-91)

01. Fire Plans. Each owner shall submit to the director for approval, through the district fire warden in charge of the district in which such forest land lies, before April 1, of each year, a written fire plan which shall include but not be limited to: (10-28-91)

a. A map, with scale of two (2) inches to the mile, revealing 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. (10-28-91)

b. A description of the system for discovering and reporting any and all fires originating on or spreading to the forest land involved. (10-28-91)

c. A statement showing the number of firefighters available for immediate action to suppress any fire on the forest land; and further, their sources of additional manpower available as firefighters. (10-28-91)

d. 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. (10-28-91)

e. 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. (10-28-91)

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. (10-28-91)

02. Approval Of Fire Plan Required. No plan shall become effective unless approved by the director. (10-28-91)

031. -- 039. (RESERVED).

040. COSTS OF FIRE SUPPRESSION AND PROTECTION.

Whenever the state shall incur costs in controlling or extinguishing a fire that any person willfully or is negligently responsible for, such costs shall 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. (10-28-91)

041. -- 049. (RESERVED).

050. BURNERS.

Any sawmill, planing mill, shingle mill, or other woodworking plant, or plant manufacturing wood products, operating in or within five hundred (500) feet of forest land, and burning refuse wood material outside of and/or adjacent to such mill or plant, shall meet the terms of Section 38-108, Idaho Code. (10-28-91)

051. -- 059. (RESERVED).

060. BURNING PERMITS.

The burning permit specified in Section 38-115, Idaho Code, shall be used to protect public health, safety, and welfare. The permit shall be subject to the following conditions: (10-28-91)

01. When Permit Required. Permits issued for open fires shall be required from May 10 to October 20, inclusive, of each year and be limited to that period of time needed to accomplish the permitted burning; provided, however, in no event shall such permit be issued to cover a period of more than ten (10) days. (10-28-91)

02. Permit Conditions. Each permit shall contain all the terms and conditions deemed necessary by the director for such burning, which terms and conditions shall remain effective for the entire period of the permit. (10-28-91)

061. -- 069. (RESERVED).

070. PERMIT TO ENTER CLOSED AREA.

Pursuant to Section 38-115, Idaho Code, the director, because of critical fire hazard, may close specified areas to entry by any person or party. (10-28-91)

01. Notice Of Closure. Notice of closure to specified areas shall be by proclamation of the director and shall be published at least once in a newspaper of general circulation throughout the county or counties affected. Such proclamation shall immediately be mailed to the fire wardens of the affected districts. (10-28-91)

02. Fire Warden Permits. The fire warden in charge of the forest protective district in which such areas are located may, in his discretion, issue permits to individuals to enter such closed areas. The permittee is required to carry a copy of the permit at all times while in the closed area. (10-28-91)

071. -- 079. (RESERVED).

080. SPARK ARRESTERS.

01. Requirements. The steam or internal combustion engines referred to in Section 38-121, Idaho Code, shall be equipped with properly installed, maintained, and effectively working spark arresters as categorized below: (10-28-91)

a. Railroad Locomotives. The spark arrester must be eighty percent (80%) efficient in retention or destruction of all carbon particles twenty-three thousandths (.023) inch in diameter or larger for twenty to one hundred percent (20%-100%) of the locomotive engine's exhaust flow rate. The total manifold exhaust leg-back pressure cannot exceed three (3) inches of mercury. (10-28-91)

b. Portable Power Saws. The spark arrester shall meet the standards set forth in the Society of Automotive Engineers (SAE) Recommended Practice J335b, "Multi-position Small Engine Exhaust System Fire Ignition Suppression", and be listed in the most recent "Spark Arrester Guide" as having been approved as meeting above standard. Copies of the "Spark Arrester Guide" may be viewed at offices of the Department. (10-28-91)

c. Other Engines. The spark arrester shall meet the standards set forth in the publication of the USDA Forest Service, entitled "Standard 5100-1a for Spark Arresters of Internal Combustion Engines," as amended under date of July 1970, and be listed in the most recent "Spark Arrester Guide" as having been approved as meeting above standard. Copies of the "Spark Arrester Guide" may be viewed at offices of the Department. (10-28-91)

02. Exemptions. The following are exempt from the requirements of the rule: (10-28-91)

a. Turbo-charged internal combustion engines in which one hundred percent (100%) of the exhaust gases pass through the turbo-charger. (10-28-91)

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. (10-28-91)

c. Engines of heavy-duty trucks equipped with a vertical exhaust stack and muffler extending above the cab of the vehicle. (10-28-91)

d. Engines of water pumping equipment used in firefighting. (10-28-91)

e. Engines of helicopters and other aircraft. (10-28-91)

081. -- 089. (RESERVED).

090. SMOKING IN THE WOODS.

01. Smoking Prohibited. Smoking is prohibited on forest or range lands of the state during periods of critical fire danger as designated by the director. Logging operators shall post "NO SMOKING" signs conspicuously in their camps and operating areas when such periods of critical fire danger have been declared. (10-28-91)

02. Designated Smoking Areas. Fire wardens may designate those areas where smoking may be permitted upon approval of the director. (10-28-91)

091. -- 099. (RESERVED).

100. FIRE TOOLS AND FIRE EXTINGUISHERS.

During closed fire season the following fire tool requirements shall apply: (10-28-91)

01. Basic Fire Cache. Every person or entity engaged in any activity in forests of the state shall have available for firefighting purposes one (1) basic fire cache for each ten (10) persons so engaged. A basic fire cache shall consist of two (2) axes, five (5) shovels, three (3) pulaski tools, and two (2) water buckets, all in good condition and located at a point immediately accessible for firefighting purposes. The fire cache tools shall be contained in a closed box marked "FOR FIRE USE ONLY". (10-28-91)

02. Warming Fires Or Campfires. Except when in designated developed campgrounds or when traveling as a pedestrian, all persons or parties igniting warming fires or campfires shall be equipped with the following: (10-28-91)

a. One (1) serviceable shovel, at least twenty four (24) inches in overall length with six (6) inch or wider blade. (10-28-91)

b. One (1) water container, capacity one (1) gallon or more (motorcycle crash helmets qualify). (10-28-91)

03. Motorcycles, Trailbikes. The above fire tool requirements apply to all operators of motorcycles, trail bikes, all-terrain vehicles, and similar type motorized vehicles, and persons traveling with pack animals. (10-28-91)

04. Power Equipment. Each unit of mobile or stationary power equipment other than portable power saws, trail bikes, motorcycles, all-terrain vehicles and similar type vehicles operating on forest lands of the state shall be equipped with a minimum of one (1) chemical fire extinguisher rated by the Underwriters Laboratory as not less than 4-BC. (10-28-91)

05. Portable Power Saw. Any person using a portable power saw on forest land in the state shall have the following immediately available for the prevention and suppression of fire: (10-28-91)

a. A fully charged operable fire extinguisher of at least eight (8) ounce minimum capacity. (10-28-91)

b. A serviceable round-pointed size zero (0) or larger shovel. (10-28-91)

101. -- 109. (RESERVED).

110. FIRE CREWS.

On all activities on forest lands of the state, the person responsible for same shall designate a fire crew and a fire foreman, with powers to act for his employer, to take immediate initial action to suppress any fire starting on the activity area. Any or all personnel shall be at all times in readiness and immediately shall go to any fire which originates on the operation, with or without instructions. (10-28-91)

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. (10-28-91)

02. Notice. Notification of such restriction shall be by proclamation of the director and shall be published at least once in a newspaper of general circulation throughout the county or counties affected. (10-28-91)

121. -- 999. (RESERVED).

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