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**IDAPA 20
TITLE 04
CHAPTER 01**

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. (4-11-19)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 20.04.01, “Rules Pertaining to Forest Fire Protection.” (4-11-19)

02. Scope. These rules govern requirements pertaining to forest fire protection. (4-11-19)

002. WRITTEN INTERPRETATION.

The Idaho Department of Lands maintains written interpretations of its rules that may include, but not be limited to, written procedures manuals and operations manuals, Attorney General’s formal and informal opinions, and other written guidance that pertain to the interpretation of the rules of this chapter. Copies of the procedures manuals and operations manuals, Attorney General’s opinions, and other written interpretations, if applicable, are available for public inspection and copying at the main office of the Idaho Department of Lands. (4-11-19)

003. ADMINISTRATIVE APPEALS.

Any person aggrieved by any final decision or order of the BOARD shall be entitled to judicial review pursuant to the provisions of Title 67, Chapter 52, Idaho Code, (the Administrative Procedure Act) and IDAPA 20.01.01.000, et seq., “Rules of Practice and Procedure Before the State Board of Land Commissioners.” (4-11-19)

004. 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). (4-11-19)

a. Spark Arrester Guide – General Purpose and Locomotive (GP/Loco), Volume 1, September 2012, 1251 1809-SDTDC. (4-11-19)

b. Spark Arrester Guide – Multiposition Small Engine (MSE), Volume 2, August 2012, 1251 1808-SDTDC. (4-11-19)

c. Spark Arrester Guide – Off- Highway Vehicles (OHV), Volume 3, April 2012, 1251 1805-SDTDC. (4-11-19)

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. (4-11-19)

005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Idaho Department of Lands is in Boise, Idaho. The office is located at 300 North 6th Street, Suite 103, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is: Idaho Department of Lands, P.O. Box 83720, Boise, ID 83720-0050. The telephone number is 208-334-0200. (4-11-19)

006. PUBLIC RECORDS ACT COMPLIANCE.

This rule is subject to and in compliance with the provisions the Public Records Act, Title 74, Chapter 1, Idaho Code. (4-11-19)

007. -- 009. (RESERVED)

010. DEFINITIONS.

- 01. Block.** A piece of logging equipment where steel rope or cable is actively turning the block's pulley and used as part of a cable logging/yarding system for the specific purposes of establishing tail hold anchor points, intermediate support of main lines, or carriage haul-back capability for the purposes of yarding or hauling of logs to a log landing for transportation to a mill or processing facility. (4-11-19)
- 02. Cable or Cable Assisted Logging.** A harvest system for felling or yarding of forest product materials consisting of the use of a cable assisted harvester or the use of a yarder, spar tree, or intermediate support with motorized or non-motorized carriage to transport logs to the landing for further processing purposes. (4-11-19)
- 03. Closed Fire Season.** The 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 Section 38-115, Idaho Code. (4-11-19)
- 04. Department.** The Idaho Department of Lands. (4-11-19)
- 05. Director.** The director of the Idaho Department of Lands or his authorized representative. (10-28-91)
- 06. District.** A designated forest protective district. (10-28-91)
- 07. Fire Warden.** A duly appointed fire warden or deputy. (10-28-91)
- 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. (10-28-91)
- 09. Forest Operation.** An activity or service conducted on forest lands involving any of the operations as described below where a Certificate of Compliance is required pursuant to Section 38-122, Idaho Code. (4-11-19)
- a.** The harvesting of trees using equipment that includes, but is not limited to, felling, bucking, yarding, delimiting, and decking operations; (4-11-19)
- b.** Thinning or mastication operations for stand improvement, stand density management or fuel reduction purposes; (4-11-19)
- c.** Road construction or reconstruction of existing roads including installation or improvement of bridges, culverts or structures; and (4-11-19)
- d.** Slash management including chipping, grinding, or other mechanized reduction activities. (4-11-19)
- 10. Metal-Tracked Harvester.** Any machine with metal tracks used to fall, bunch or process trees into forest products at the stump. (4-11-19)
- 11. Operator.** A person who conducts a forest operation. (4-11-19)
- 12. Operating Area.** That area where a forest operation is taking place. (4-11-19)
- 13. Person.** Includes any person or persons, and any corporation, firm or other entity. (10-28-91)
- 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. (10-28-91)
- 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. (10-28-91)

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

011. -- 019. (RESERVED)

020. VARIANCE.

If conditions or activities require the application of practices that differ from those prescribed in these rules, the Operator must obtain a variance prior to employing any of those differing practices. (4-11-19)

01. Obtaining a Variance. In order to obtain a variance, the Operator must submit a written request for a variance to the local Fire Warden. The request shall include the following: (4-11-19)

a. A description of the specific Operating Area where the variance is being requested; (4-11-19)

b. The particular conditions that necessitate a variance; (4-11-19)

c. A detailed description of the alternative practice; and (4-11-19)

d. A detailed description of how the alternate practice, if applied, will provide fire protection that is equal to or greater than the fire protection provided by the standards set forth in these rules. (4-11-19)

02. Department Response to Request for Variance. Within five (5) business days from receipt of the variance request, the Department shall evaluate the request and notify the Operator in writing of the Department's determination to allow or disallow the variance request. (4-11-19)

021. -- 029. (RESERVED)

030. STANDARDS FOR FIRE PROTECTION BY INDIVIDUALS.

The following rules and standards for protection by owners of forest land 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 that comply with the standards set forth in the San Dimas Technology and Development Center's "Spark Arrester Guide(s)." (4-11-19)

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 Operator engaged in any Forest Operation on Forest Lands shall have available for firefighting purposes the number of tools and tool boxes set forth in Table 1. A Forest Operation having more than ten (10) people must use multiples of any of the columns in the table to arrive at a tool distribution equal to or in excess of the number of people in the Forest Operation.

TABLE 1			
People in Operation	2 - 5	6 - 8	9 - 10
Tool Box	1	1	1
Shovels	2	4	5
Pulaskis	2	4	4
5 gallon pump cans or bladder bags	1	1	2

(4-11-19)

a. The tool boxes required by this rule shall be clearly marked “FOR FIRE USE ONLY”; and (4-11-19)

b. The tools required by Subsection 100.01 shall be in a location immediately accessible for firefighting purposes, maintained in a serviceable condition and be fully functional at the time of deployment. (4-11-19)

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. (4-11-19)

03. 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)

04. 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.

When engaged in a Forest Operation on Forest Lands during closed fire season, the person responsible for the Forest Operation shall designate a fire crew and a fire foreman, with powers to act for their employer, to take immediate initial 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. (4-11-19)

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. -- 129. (RESERVED)

130. WATER SUPPLY AND EQUIPMENT.

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 shall provide the following water supply and fire suppression equipment in the Operating Area. (4-11-19)

01. Water Supply. (4-11-19)

a. The water supply must consist of a self-propelled motor vehicle or trailer equipped with a water tank containing not less than two hundred (200) gallons of water. (4-11-19)

b. Trailers used for this purpose shall be equipped with a functional hitch attachment and have a serviceable tow vehicle immediately available to provide for timely fire suppression response. (4-11-19)

02. Water Delivery. (4-11-19)

a. Water pump. The size and capacity of the water pump must be sufficient to provide a discharge of not less than twenty (20) gallons per minute when pumping through fifty (50) feet of hose of not less than three quarter (¾) inch inside diameter with an adjustable nozzle at pump level. (4-11-19)

b. Hose and nozzle. The Operator must have at least five hundred (500) feet of serviceable hose of not less than three quarter (¾) inch inside diameter and a nozzle. (4-11-19)

03. Readiness. (4-11-19)

a. All hose, motor vehicles, trailers, tanks, nozzles and pumps shall be kept ready for immediate use during active operations, including fire watch service as set forth in Section 140 of these rules. (4-11-19)

b. The water supply, pump, a minimum of two hundred (200) feet of hose packaged in a suitable manner for immediate deployment, and the nozzle shall be maintained as a connected, operating unit ready for immediate use. (4-11-19)

04. 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 Section 130. (4-11-19)

131. -- 139. (RESERVED)

140. FIRE WATCH SERVICE.

Every Operator engaged in a Forest Operation within a Stage 2 proclamation area shall provide Fire Watch Service in the Operating Area. (4-11-19)

01. Duties and Requirements. Fire Watch Service shall consist of at least one (1) person who shall: (4-11-19)

a. Constantly be on duty for three (3) hours after all power-operated equipment has been shut down for the day. (4-11-19)

b. Visually observe the Operating Area where activity occurred during the day. (4-11-19)

c. Have adequate equipment for transportation and communications to summon fire-fighting assistance in a timely manner; and (4-11-19)

d. Immediately respond 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. (4-11-19)

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. (4-11-19)

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, shall comply with the following precautions: (4-11-19)

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. (4-11-19)

a. Clear the ground of all flammable debris for not less than ten (10) feet slope distance from the point directly below any block. (4-11-19)

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. (4-11-19)

c. Provide a water supply that complies with the capacity, pump, hose, nozzle and readiness requirements set forth in Section 130 of these rules. (4-11-19)

d. Provide at each Block: (4-11-19)

- i. One (1) pump equipped can or bladder containing not less than five (5) gallons of water; and (4-11-19)
 - ii. One (1) round pointed size zero (0) or larger shovel in a serviceable condition. (4-11-19)
- 151. -- 999. (RESERVED)**

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