

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

Fire Management Bureau

20.04.02 – Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws

Who does this rule apply to?

Any person who creates logging slash during the harvesting of forest products or potential forest products.

What is the purpose of this rule?

This rule sets standards for reducing or mitigating the fire hazard created by the harvesting of forest products or potential forest products during forest operations.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

Forestry, Forest Products and Stumpage Districts -

Idaho Forestry Act:

- [Section 38-132, Idaho Code](#) – Regulations of the Board — Penalty for Violation

Fire Hazard Reduction Programs:

- [Section 38-402, Idaho Code](#) – Plans, Programs and Rules — Approval by State Boards

Who do I contact for more information on this rule?

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

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 38-132, 38-402, 58-105, and 67-5201 et seq., Idaho Code. (7-1-25)

001. TITLE AND SCOPE.

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. (7-1-25)

002. -- 009. (RESERVED)

010. DEFINITIONS.

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: (7-1-25)

01. Agreement. The Certificate of Compliance-Fire Hazard Management Agreement under Section 38-122, Idaho Code (Fire Management Handbook 715 Att. 1). (7-1-25)

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. (7-1-25)

03. Contract. An optional Hazard Management Contract entered into with the Director by any landowner or Operator, under Section 38-404, Idaho Code, where the Department assumes the responsibility for management of the fire hazard in exchange for a fee. (7-1-25)

04. Contract Area. The legal description of the land given on the Agreement or Contract. (7-1-25)

05. Contractor. The Person who enters into the Agreement. (7-1-25)

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

07. Director. The Director of the Idaho Department of Lands or their designee. (7-1-25)

08. District. A designated forest protective district under Section 38-110 Idaho Code. (7-1-25)

09. Fire Line. A break in fuel scraped or dug to mineral soil to control a fire. (7-1-25)

10. Fire Management Handbook. A policy document which describes procedures and forms the Department uses to administer these rules. (7-1-25)

11. Fuel. Any Slash or woody debris that contributes to the spread or intensity of a wildfire. (7-1-25)

12. Fuel Break. An area in which all Fuel is removed or piled and burned. (7-1-25)

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. (7-1-25)

14. Hazard Reduction. The burning or physical reduction of fire hazards by treatment to reduce the spread or the intensity of a wildfire. (7-1-25)

15. Initial Purchaser or Purchaser. The first Person to purchase a Forest Product after it is harvested. (7-1-25)

16. 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.

(7-1-25)

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

(7-1-25)

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.

(7-1-25)

20. Slash Load. Slash resulting from timber harvesting under a current Agreement, exclusive of natural mortality.

(7-1-25)

011. ABBREVIATIONS.

01. FMH. Fire Management Handbook.

(7-1-25)

012. -- 029. (RESERVED)

030. CERTIFICATE OF COMPLIANCE-FIRE HAZARD MANAGEMENT AGREEMENT.

01. Contents. A Certificate of Compliance-Fire Hazard Management Agreement must be obtained before any Person may harvest Forest Products or potential Forest Products. The Agreement provides options to enter into a Contract or for posting a cash or surety bond to the State. The Agreement is described in FMH 715.

(7-1-25)

02. Period of Time. The period defined by the Agreement is based on the size of the Contract Area, the volume of the timber to be harvested, and the silvicultural objectives of the landowner. In no case may a single Agreement exceed a period of twenty-four (24) months unless the Contractor submits, and the Fire Warden approves, a written hazard management plan for the timely abatement of the hazard during a longer period.

(7-1-25)

03. Extensions. If a Contractor cannot meet the standard required to obtain a Clearance within the period specified in the Agreement, they may apply to the Fire Warden for an extension. The application must be in writing, received at the Fire District office thirty (30) working days before the Agreement expires, and show good reason as to why an extension is necessary (other than financial hardship). Prior to the Agreement's expiration date, the Fire Warden will grant or deny the request with a form from FMH 715.

(7-1-25)

04. Responsibility. The Contractor named in the Agreement is responsible for managing the fire hazard created by the harvesting and will receive the Clearance if the 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.

(7-1-25)

031. -- 039. (RESERVED)

040. ADDENDUM TO AGREEMENT FOR PARTIAL HAZARD REDUCTION.

When a Contractor intends to only pile, but not dispose of or physically treat the Slash Load, an addendum to the Agreement must be executed that precisely specifies the portion of hazard reduction monies to be refunded. The addendum is executed with a form in FMH 715.

(7-1-25)

041. -- 049. (RESERVED)

050. BOND.

01. Amount of Bond. The bond specified in Section 38-122, Idaho Code, will be in the amount of four dollars (\$4) per thousand board feet (MBF), or equivalent measure as shown in Table I below, of Forest Products harvested and may be: cash; surety bond; or irrevocable letter of credit. Surety bonds must be on forms provided by Department.

(7-1-25)

02. Rates. Rates and amounts listed in Table I are used as a minimum in calculating hazard reduction bonds for Forest Products 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
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

(7-1-25)

03. Exceeding Minimum Bond. The minimum bond rate is only exceeded when the landowner or Operator requests that higher rate to accomplish additional Hazard Reduction. (7-1-25)

051. -- 059. (RESERVED)

060. CONTRACTS FOR ASSUMPTION OF HAZARD MANAGEMENT RESPONSIBILITY.

Forest landowners and Operators who engage in commercial Forest Operations may enter into an optional Contract. Under the terms of the Contract, the Director may assume all responsibility for the management and reduction of fire hazards created in return for a stipulated amount to be paid to the Director. Any optional Contract must be on forms provided by the Department. (7-1-25)

061. -- 069. (RESERVED)

070. CONTRACTOR CASH BOND RELEASE TO THE DIRECTOR.

Contractors that elect, under Section 38-122, Idaho Code, to have hazard reduction money withheld but do not intend to dispose of the hazard themselves, must release the withheld monies to the Director. The release is on a form in FMH 761. (7-1-25)

071. -- 079. (RESERVED)

080. ADDED PROTECTION IN LIEU OF HAZARD REDUCTION.

Fire hazard management methods may include additional protective measures in lieu of actual disposal of the Slash hazard. Any funds coming into District hazard management accounts through 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. (7-1-25)

081. -- 089. (RESERVED)

090. DUTIES OF THE INITIAL PURCHASER OF FOREST PRODUCTS.

01. Initial Purchaser. Initial Purchasers of Forest Products must withhold, and remit to the State, hazard reduction monies according to the hazard option chosen by the Contractor in the Agreement. The option must be clearly identified on the Purchaser's copy of the Agreement. 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. The remittance may be on Hazard Reduction Payment Record (FMH 705) or in a report with the same information. (7-1-25)

02. Duty of Initial Purchaser. Initial Purchasers of Forest Products must make certain that all Contractors from whom they purchase Forest Products have obtained a proper Agreement. (7-1-25)

091. -- 099. (RESERVED)

100. INJUNCTION AGAINST FURTHER CUTTING WITHOUT AN AGREEMENT.

Any Person who cuts timber or other Forest Products of any kind, without first obtaining an Agreement, may be enjoined from further cutting and will be required to immediately dispose of all Slash created. If the Person fails to properly dispose of the Slash within thirty (30) days after receiving notification, the State may dispose of the Slash and the costs of disposal, plus twenty percent (20%) as a penalty, may be collected as a prior lien against the Forest Products harvested. (7-1-25)

101. -- 109. (RESERVED)

110. REQUIREMENTS FOR PRESCRIBED FIRE IN FOREST LAND.

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), controls smoke, and complies with air quality requirements (IDAPA 58.01.01.) (7-1-25)

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. (7-1-25)

a. For piled Slash burning, the District Fire Warden will provide a burn plan with the Agreement. (7-1-25)

b. For other burning, the Contractor must submit to the District Fire Warden a detailed prescription for executing the burn. (7-1-25)

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. (7-1-25)

111. -- 119. (RESERVED)

120. STANDARDS FOR HAZARD 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 Hazard Reduction. (7-1-25)

02. Reduction of Total Hazard Points. The Contractor's Forest Operation must achieve a Hazard Point total of five (5) points or less through disposal, treatment and other protective measures on or before the

Agreement's expiration date to receive a release of liability against any fires that originate in or pass through any Slashing Area and to receive a refund of hazard reduction monies or to clear any demands that might be made against the surety bond (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. (7-1-25)

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. (7-1-25)

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
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

Method	DESCRIPTION	HAZARD POINT RANGE
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

(7-1-25)

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. (7-1-25)

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

(7-1-25)

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

(7-1-25)

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. (7-1-25)

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

PROXIMITY	
990 feet	3
1320 feet	2
2640 feet	1

(7-1-25)

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: (7-1-25)

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

(7-1-25)

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. (7-1-25)

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. (7-1-25)

- i. One (1) Hazard Point can be deducted for availability to engines only or to helicopters only. (7-1-25)
- ii. Two (2) Hazard Points can be deducted for availability to engines and helicopters. (7-1-25)
- iii. Two (2) Hazard Points can be deducted for availability to engines or helicopters and the supply

self-replenishes every Operational Period. (7-1-25)

iv. Three (3) Hazard Points can be deducted for availability to engines and helicopters and the supply self-replenishes every Operational Period. (7-1-25)

121. -- 129. (RESERVED)

130. LIABILITY FOR THE COST OF FIRE SUPPRESSION.

01. State Liability. Except for cases of negligence on the part of the landowner, Operator, or their agents, liability for the cost of suppressing fires that originate in or pass through a Slashing Area remains with the State if the Contractor executes one of the following alternatives: (7-1-25)

a. The Slashing Areas 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. (7-1-25)

b. The Contractor treats the Slash in accordance with the standards outlined in Section 120 within the period specified in the Agreement or approved extensions. (7-1-25)

c. The landowner or Operator elects to enter into a Contract with the State for management of the Slash and release from liability for fire suppression costs as described in Section 060. (7-1-25)

02. Contractor Liability. Should the Contractor choose to not treat the Slash or not enter into a Contract with the State in accordance with Section 060, the Contractor is liable for fire suppression costs for all fires that originate in or pass through the Contractor's Slashing Areas and must forfeit any applicable bond. The Contractor retains the full liability for five (5) years from the time the Agreement or any extension expires, unless a Clearance is issued. (7-1-25)

03. Failure to Treat. Any Contractor who is liable under Subsection 130.02 is liable for the actual costs of suppressing any wildfire that originates in or passes through the Slashing 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. (7-1-25)

04. Fees. Upon payment of the fees listed in Table III, the State will assume liability for the cost of suppressing fires that originate in or pass through the Contract 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

Fee rates for measurement units other than the board foot unit are available upon request from any Department office. (7-1-25)

05. Additional Fee. If the Contractor is unable to reduce the Hazard Points on a Contract Area to the standards required for a Clearance, but has completed some Hazard Reduction work, the Contractor can discharge the remainder of the hazard obligation by returning a portion of the bond to the Fire District and paying an additional fee

to transfer liability. Use the following formula: [One (1) minus (the low hazard rating of five (5) divided by the residual, or untreated Hazard Points)] times the bond rate. This dollar amount is multiplied by the total volume removed from the Contract Area and added to the total volume times the additional fee to transfer liability (from Table III for the untreated hazard). When this amount is paid to the State the Agreement can be cleared. This computation is expressed as:

Table 1

$(1-(5/U)) * B * V + (A*V) =$ 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 Contract Areas

(7-1-25)

131. -- 139. (RESERVED)

140. 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.

(7-1-25)

141. -- 149. (RESERVED)

150. FIRE SUPPRESSION AND FOREST PRACTICES ASSESSMENT.

01. Withheld Hazard Reduction Money. An amount of three percent (3%) of the bond rate (twelve cents (\$.12)/MBF) is assessed against all hazard reduction money received and dedicated to suppression of wildfires on Forest Lands. For harvest from private land, an additional amount not to exceed three percent (3%) of the bond rate (twelve cents (\$.12)/MBF) is assessed against hazard reduction money received and is dedicated to Forest Practices support on Forest Lands.

(7-1-25)

02. Surety Bond or Credit. Assessment costs on Forest 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.

(7-1-25)

151. -- 159. (RESERVED)

160. PRELOGGING CONFERENCE AND HAZARD MANAGEMENT CONTRACT.

Pre-logging conferences are encouraged. The Hazard Management Contract will be canceled or modified if significant operational changes occur during the Forest Operation harvesting.

(7-1-25)

161. -- 999. (RESERVED)