

STATE BOARD OF LAND COMMISSIONERS

May 21, 2024
Information Agenda

Subject

Proposed rule for IDAPA 20.04.01 *Rules Pertaining to Forest Fire Protection*

Background

The Idaho Department of Lands (Department) is responsible for fire suppression on all private timbered and endowment timber and rangelands. IDAPA 20.04.01 identifies the persons responsible for and staffing for forest protective districts, as well as enforcement authorities for those individuals. The Forest Fire Protection rules also identify assessment rates levied on timber lands to fund forest protective district personnel and equipment. Furthermore, they provide rules related to the use of deficiency warrants as well as guidance for entering into fire protection agreements with other fire suppression entities.

Following Executive Order 2020-01, Zero-Based Regulation, this rule chapter is scheduled to be repealed and replaced in 2024 for review during the 2025 legislative session. Zero-Based Regulation negotiated rulemaking for Rules Pertaining to Forest Fire Protection was approved by the State Board of Land Commissioners (Land Board) on August 15, 2023 (Attachment 1).

Discussion

The Department's outreach for negotiated rulemaking included the following:

- Published the Notice of Negotiated Rulemaking in the Idaho Administrative Bulletin.
- Created a rulemaking webpage to post documents, scheduling information, and comments.
- Posted meeting information on social media.
- Posted rulemaking notices to Townhall Idaho.
- Emailed draft rules to 197 interested members of the public.
- Posted two draft rules in strikethrough format with reasonable periods of time for public comment.
- Engaged in discussions with Associated Logging Contractors, Idaho Department of Environmental Quality, Idaho Forest Owners Association, and Idaho Forest Industry group members.

The Department held two public negotiated rulemaking meetings with options for in-person or virtual participation. Three participants attended the October 10, 2023, meeting in Coeur d'Alene and no members of the public attended the October 11, 2023, meeting in McCall. There were no public comments provided during the meetings. The comment period ended

February 22, 2024. Written comments were received from PotlatchDeltic, Associated Logging Contractors, Inc., and the Department of Environmental Quality. A summary of negotiated rulemaking is included in Attachment 2.

Attachment 3 is the draft text that will be submitted for publication in the Administrative Bulletin as a proposed rule. The proposed rule will be open for public comment upon publication on July 3, 2024.

After the proposed rulemaking public comment period, the Department will present the rule to the Land Board for adoption as a pending rule for review by the 2025 Idaho Legislature.

Attachments

1. August 15, 2023 Approved Memo
2. Negotiated Rulemaking Summary
3. Proposed Rule Text

STATE BOARD OF LAND COMMISSIONERS

August 15, 2023

Regular Agenda

Subject

Negotiated rulemaking for IDAPA 20.04.01 *Rules Pertaining to Forest Fire Protection*

Question Presented

Shall the Land Board authorize the Department to initiate negotiated rulemaking for IDAPA 20.04.01 *Rules Pertaining to Forest Fire Protection*?

Background

The Idaho Department of Lands (Department) is responsible for fire suppression on all private timberland and endowment timber and rangelands. IDAPA 20.04.01 identifies the persons responsible for and staffing for fire protection districts, as well as enforcement authorities for those individuals. The Forest Fire Protection rules also identify assessment rates levied on timberlands to fund fire protection district personnel and equipment. Furthermore, the rules provide instructions related to the use of deficiency warrants, as well as guidance for entering into fire protection agreements with other fire suppression entities.

Discussion

Following Executive Order 2020-01, Zero-Based Regulation, this rule chapter is scheduled to be repealed and replaced in 2024 for review during the 2025 legislative session. The Department will review the rules with stakeholders to ensure it provides clarity in our processes. Preliminary research from the Department has not identified any major changes. The Department anticipates reducing the total word count by removing repetitive statements from the rule chapter.

A proposed timeline for the rulemaking process is provided as Attachment 1.

Recommendation

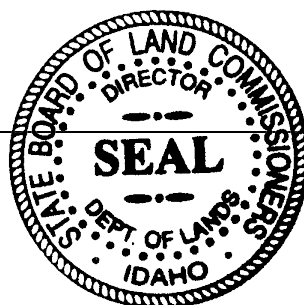
Authorize the Department to initiate negotiated rulemaking for IDAPA 20.04.01 *Rules Pertaining to Forest Fire Protection*.

Board Action

A motion was made by Superintendent Critchfield that the Land Board authorize the Department to move forward with negotiated rulemaking for IDAPA 20.04.01 as indicated. Secretary of State McGrane seconded the motion. The motion carried on a vote of 5-0.

Attachments

1. Draft rulemaking timeline



State Board of Land Commissioners
Negotiated Rulemaking for IDAPA 20.04.01
Regular Meeting – August 15, 2023
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Response to Comments on Negotiated Rule
 IDAPA 20.04.01, Rules Pertaining to Forest Fire Protection

Comment	Rule Section	Response
<p>20.04.01.050 Refuse Wood Burning Near Forest Land</p> <p>DEQ suggests modifying this rule language to include a reference that other regulations may be applicable to this type burning. Propose edits: Any saw mill, planing mill, shingle mill, or other woodworking or wood product manufacturing plant, operating in or within five hundred (500) feet of Forest Land and burning refuse wood material outside of and/or adjacent to the mill or plant, must meet the terms of Section 38-108, Idaho Code <i>and other applicable State or local regulations.</i></p> <p>Open burning of refuse wood by manufacturing facilities, regardless of proximity to forest land, must meet requirements in 58.01.01.600-624 and the material being burned is not identified as prohibited in 58.01.01.603.01 (i.e. 603.01.i. Trade Waste). Facilities with air pollution emission permits generally have conditions which would exclude open burning of this material. Refuse wood burned in a controlled combustion unit for co-generation, heat alone, or other process purposes does not appear to align with the statute language which seems to be addressing open burning (no stack or vent).</p>	050.	IDL incorporated this suggestion in the proposed rule.

Comment	Rule Section	Response
<p>We agree that smoking should be prohibited during periods of critical fire danger, but posting signs in a job site is problematic at best. The other signs we post now for safety reasons (felling ahead, trucks, etc.) get stolen or shot at on a regular basis. Posting ‘No Smoking’ signs makes sense in other places – buildings for example – but seems to stretch common sense on a logging job</p>	<p>080.</p>	<p>IDL appreciates the Associated Logging Contractors’ comment and recognizes that during periods of critical fire danger logging contractors are well informed and take additional steps to prevent fire. IDL considered altering the rule to ensure logging contractors brief their crews on fire restrictions, including smoking prohibitions, but this likely is already done. Unfortunately, the public, despite extensive outreach, can be very uninformed about fire restrictions and smoking requirements. Case in point is a fire started in a fire camp by portable toilet service personnel discarding a cigarette butt during stage two fire restrictions. For the protection of the forest and forest workers IDL will retain the No Smoking sign rule.</p>

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 describe 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 Act, the following definitions apply to these rules: (___)

01. **Block.** A piece of logging equipment where steel rope or cable is actively turnings the block’s pulley and used as part of a cable logging/yarding system. It is for the specific purposes of used to establish installing tail hold anchor points, intermediate support of main lines, or carriage haul-back capability for the purposes of for yarding ing or hauling ing trees or of 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, when a permit is required to burn pursuant to 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 their designee.
~~or his authorized representative.~~ (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)
- 0907. Forest Operation.** An activity or service conducted on ~~f~~Forest ~~H~~Lands involving any of the operations ~~as~~ described below where a Certificate of Compliance – Fire Hazard Management Agreement and/or Forest Practice Notification are required under Sections 38-122, 38-404, and 38-1306, Idaho Code ~~is required pursuant to Section 38-122, Idaho Code.~~ ()
- 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)
- 1109. Operator.** A ~~person~~ Person who conducts a ~~f~~Forest ~~e~~Operation. (3-31-22)
- 1210. 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. ()

012. -- 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, which must include~~s the following:(3-31-22)

a. A description of the specific Operating Area where the variance is being requestedapplies:(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 provide fire protection that is equal to or greater~~no less~~ than the fire protection~~the 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 decision~~termination to allow or disallow the variance request.~~ (3-31-22)

021. -- 029. (RESERVED)

030. STANDARDS FOR FIRE PROTECTION BY INDIVIDUALS.

The following rules and standards apply for to protection by owners of fForest lL 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 director for approval, through the~~ Director (through the district fFire wWarden in of charge of the dDistrict in which in which the such fForest lL and lies, before April 1, of each year, a written fire plan that includlies) that includes, but is not limited to: (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 of the Forest Land involved~~for such land~~; (3-31-22)

b. A description of the system for discovering and reporting ~~any and all~~ fires originating on or spreading to the ~~fForest lLand~~ involved. (3-31-22 ___)

c. ~~A statement~~ Statements showing describing the following: (___)

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

~~d. A statement showing~~ it 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 for firefighting equipment and manpower of men and equipment. (3-31-22 ___)

~~eiii. 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.

~~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. REFUSE WOOD BURNERS BURNING NEAR FOREST LAND.

~~Any saw mill, planing mill, shingle mill, or other woodworking plant, or plant wood product manufacturing plant wood products, operating in or within five hundred (500) feet of fForest lLand, and burning refuse wood material outside of and/or adjacent to the such 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~~ 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 through October 20, ~~inclusive, of~~ each year and are limited to ~~that the~~ period of time needed to accomplish the permitted burning; provided, ~~however, that in~~ 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~~ and is communicated to the Fire Wardens of the affected Districts ~~be and published at least once in a newspaper of the general circulation 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~~istrict ~~in which such areas are located~~ with a closed area may, in his discretion, issue permits to a Person ~~individuals~~ 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. SMOKING PROHIBITIONS IN THE WOODS.

01. Smoking Prohibited. 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. (___)

02. Designated Smoking Areas. Fire Wardens may designate areas where the Director may allow smoking. (___)

SPARK ARRESTERS.

~~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)."~~

~~(3-31-22)~~

~~02. EXEMPTIONS. THE FOLLOWING ARE EXEMPT FROM THE REQUIREMENTS OF THE RULE:~~ (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. RESTRICTED ACTIVITIES DURING PROCLAIMED CRITICAL FIRE DANGER.

01. Critical Fire Danger. 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. ()

02. Notice. 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. ()

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 MUST POST "NO SMOKING" SIGNS CONSPICUOUSLY IN THEIR CAMPS AND OPERATING AREAS WHEN SUCH PERIODS OF CRITICAL FIRE DANGER HAVE BEEN DECLARED.~~

~~(3-31-22)~~

~~02. DESIGNATED SMOKING AREAS. FIRE WARDENS MAY DESIGNATE THOSE AREAS WHERE SMOKING MAY BE PERMITTED UPON APPROVAL OF THE DIRECTOR.~~ (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. ()

~~092. -- 099. (RESERVED)~~

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

During closed fire 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 columns 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-Box	1	1	1
Shovels	2	4	5
Pulaskis	2	4	4
5 gallon pPump eCans or bBladder bBags	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 pPersons 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 pPerson using a portable power saw on forest Forest land Land in the state must have the following immediately available for the prevention and 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 closed fire season, the ~~person~~ Person responsible for the Forest Operation must designate a fire crew and a fire foreman, ~~(with powers to act for their employer).~~ Without compromising the safety of the crew, the firefighters must ~~to~~ take immediate, reasonable ~~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.~~ _____
(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.

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: ()

~~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. (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. 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. 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. 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 140091 of these rules.(3-31-22)~~

~~b. 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 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. ()~~

~~**0403. 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 130120.01.~~ () (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)~~

~~**121. -- 999. (RESERVED)**~~

~~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)~~

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