

STATE BOARD OF LAND COMMISSIONERS

October 15, 2024

Regular Agenda

Subject

Adoption of Pending Rule, IDAPA 20.04.01 *Rules Pertaining to Forest Fire Protection*

Question Presented

Shall the Land Board adopt the pending rule IDAPA 20.04.01?

Background

The Idaho Department of Lands (Department) is responsible for fire suppression on all private timber lands 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Following Executive Order 2020-01, Zero-Based Regulation, this rule chapter is scheduled to be repealed and replaced in 2024 for review during the 2025 legislative session.

The Department received State Board of Land Commissioners (Land Board) approval on August 15, 2023 to enter negotiated rulemaking.

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; 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 April 17, 2024. Written comments were received from PotlatchDeltic, the Associated Logging Contractors, Inc., and the Department of Environmental Quality. All comments were addressed with changes to the rule text consistent with statutes and other Department regulations. There are no unresolved issues from the negotiated rulemaking process.

The Notice of Proposed Rulemaking was published in the Idaho Administrative Bulletin, Vol. 24-7 on July 3, 2024 (Attachment 1). No public hearings were requested or held. There was one written supportive comment from PotlatchDeltic.

If approved by the Land Board, the Department will submit the Notice of Adoption of Pending Rule (Attachment 2) to the Office of the Administrative Rules Coordinator for the 2025 legislative session.

Recommendation

Adopt the pending rule for IDAPA 20.04.01 *Rules Pertaining to Forest Fire Protection*.

Board Action

Attachments

1. Notice of Rulemaking – Proposed Rule with Rule Text
2. Draft Notice of Adoption of Pending Rule

IDAPA 20 – IDAHO DEPARTMENT OF LANDS
20.04.01 – RULES PERTAINING TO FOREST FIRE PROTECTION
DOCKET NO. 20-0401-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 58-104(6) and 58-105, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 17, 2024.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Department of Lands initiated this rulemaking in compliance with [Executive Order 2020-01: Zero-Based Regulation](#). This rule chapter is scheduled for a comprehensive review in 2024 and legislative review in 2025 with the goal of simplifying and streamlining the rules for increased clarity and ease of use. The rule provides standards for forest fire protection, non-fee, burn permitting, and for firefighting water supply and tool requirements for Forest Operations.

FEE SUMMARY: N/A

FISCAL IMPACT: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted and concluded February 22, 2024. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the October 4, 2023 Idaho Administrative Bulletin, [Vol. 23-10, page 512](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The San Dimas Technology & Development Center (SDTDC) Spark Arrestor Guide is a US Forest Service standard applied to spark arrestors for internal combustion engines used on lands administered by the Forest Service, other Federal agencies and most States and municipalities.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Brooke Heasty at bheasty@idl.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 24, 2024.

DATED this 3rd day of June, 2024.

Joshua J. Harvey
Fire Management Chief
Forestry and Fire Division
Idaho Department of Lands
3284 W Industrial Loop
Coeur d'Alene, Idaho, 83815
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 20-0401-2401
(ZBR Chapter Rewrite.)

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 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 Idaho Forestry Act, the following definitions apply to these rules: ()

01. **Block.** A piece of logging equipment where steel rope or cable ~~is actively turning~~ turns the block’s pulley ~~and used~~ as part of a cable logging ~~yarding~~ system. ~~for the specific purposes of establishing~~ It is used to install tail hold anchor points, intermediate support of main lines, or carriage haul-back capability ~~for the purposes of for~~ yarding or hauling ~~of trees or~~ 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 ~~pursuant to~~, when a permit is required to burn 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 his authorized representative or their designee.~~ (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)

097. Forest Operation. An activity or service conducted on ~~f~~Forest ~~l~~Lands involving any of the operations as described below where a Certificate of Compliance ~~is required pursuant to Section 38-122, Idaho Code. Fire Hazard Management Agreement and/or Forest Practice Notification are required under Sections 38-122, 38-404, and 38-1306, Idaho Code;~~ (3-31-22)()

a. The harvesting of trees ~~using equipment that includes, but is not limited to,~~ including felling, bucking, yarding, delimbing, 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 ~~p~~Person who conducts a ~~f~~Forest ~~e~~Operation. (3-31-22)()

120. 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. ()

014. -- 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, the Operator must submit a written request for a variance to the local District Fire Warden. The request must include, which includes the following: (3-31-22)()

a. A description of the specific Operating Area where the variance is being requested applies; (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 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 determination to allow or disallow the variance request its decision. (3-31-22)()

021. -- 029. (RESERVED)

030. STANDARDS FOR FIRE PROTECTION BY INDIVIDUALS.

The following rules and standards for apply to protection by owners of Forest Land 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 (through the district Fire Warden in charge of the District in which the such Forest Land lies, before April 1, of each year, a written fire plan that includes, but is not limited to lies) that includes: (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 for such land of the Forest Land involved; (3-31-22)()

b. A description of the system for discovering and reporting any and all fires originating on or ()

spreading to the ~~f~~Forest ~~L~~and involved. (3-31-22)()

c. ~~As~~Statements ~~showing~~ describing the following: ()

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

dii. ~~A statement showing t~~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 for firefighting equipment and manpower.~~ (3-31-22)()

eiii. ~~A statement as to t~~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. (3-31-22)()

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. **BURNERS REFUSE WOOD BURNING NEAR FOREST LAND.**

Any saw mill, planing mill, shingle mill, or other woodworking ~~plant,~~ or plant wood product manufacturing ~~wood products plant,~~ operating in or within five hundred (500) feet of ~~f~~Forest ~~L~~and; and burning refuse wood material outside of and/or adjacent to ~~such the~~ 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 ~~to~~ through October 20 ~~inclusive, of~~ each year and are limited to ~~that the~~ period of time needed to accomplish the permitted burning; provided, ~~however, in that~~ 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-DUE TO FIRE HAZARD.

~~Pursuant to Under~~ Section 38-115, Idaho Code, the ~~dDirector, because of critical fire hazard,~~ may close specified areas to entry by any ~~pPerson 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 be published at least once in a newspaper of general circulation 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. ~~Such proclamation will immediately be mailed to the fire wardens of the affected districts.~~ (3-31-22)()

02. **Fire Warden Permits.** The ~~fFire wWarden-in charge~~ of the ~~forest protective d District-in which such areas are located~~ with a closed area may, ~~in his at their~~ discretion, issue permits to ~~individuals~~ a Person 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. ~~SPARK ARRESTERS~~SMOKING PROHIBITIONS IN THE WOODS.

01. **~~Requirements~~Smoking.** 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)."~~ 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. (3-31-22)()

02. **~~Exemptions~~Designating Smoking Areas.** The following are exempt from the requirements of the ~~rule:~~ Fire Wardens may designate areas where the Director may allow smoking. (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. ~~SMOKING IN THE WOODS~~RESTRICTED ACTIVITIES DURING PROCLAIMED CRITICAL FIRE DANGER.

01. **~~Smoking Prohibited~~Critical Fire Danger.** ~~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~~ 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. (3-31-22)()

02. ~~Designated Smoking Areas~~ **Notice.** ~~Fire wardens may designate those areas where smoking may be permitted upon approval of the director. 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.~~ (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. ()

~~091.2.~~ -- 099. (RESERVED)

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

~~During e~~Closed ~~f~~Fire ~~s~~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 column 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 B ox	1	1	1
Shovels	2	4	5
Pulaskis	2	4	4
5 gallon p ump e Cans or b ladder b ags	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 ~~p~~Persons ~~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 ~~p~~Person using a portable power saw on ~~f~~Forest ~~L~~Land ~~in the state~~ must have the following immediately available for ~~the 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 Land ~~s~~ during ~~e~~Closed ~~f~~Fire ~~s~~Season, the ~~p~~Person responsible for the Forest Operation must designate a fire crew and a fire foreman; (with powers to act for their employer); ~~to~~ Without compromising the safety of the crew, the firefighters must take immediate, initial reasonable 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 ~~20.~~ WATER SUPPLY AND EQUIPMENT OPERATING AREA SEASONAL FIRE PREVENTION REQUIREMENTS.

~~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.~~ 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: (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)

~~ai.~~ ~~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)()

~~bii.~~ ~~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)

~~ac.~~ 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 ~~140~~ 091 ~~of these rules.~~ (3-31-22)()

~~bii.~~ 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. (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. ()

~~043.~~ 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 130~~ 120.01. (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)~~

~~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)~~

IDAPA 20 – IDAHO DEPARTMENT OF LANDS
20.04.01 - RULES PERTAINING TO FOREST FIRE PROTECTION
DOCKET NO. 20-0401-2301
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and the Idaho State Board of Land Commissioners and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective July 1, 2025 after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 58-104(6) and 58-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 3, 2024 [Idaho Administrative Bulletin, Vol. 24-7, pages 162-171](#).

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brooke Heasty at bheasty@idl.idaho.gov.

DATED this 15th day of October, 2024.

Joshua J. Harvey
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Idaho Department of Lands
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