

## STATE BOARD OF LAND COMMISSIONERS

October 19, 2021

Regular Agenda

### Subject

Adoption of Pending Rule, IDAPA 20.02.01 *Rules Pertaining to the Idaho Forest Practices Act*

### Question Presented

Shall the Land Board adopt the pending rule for IDAPA 20.02.01?

### Background

The Idaho Department of Lands (Department) administers the Idaho Forest Practices Act (Title 38, Chapter 13, Idaho Code), which sets standards for logging, road building, reforestation, streamside protection, and other forest management activities.

The *Rules Pertaining to the Idaho Forest Practices Act* set minimum standards to assure the continuous growing and harvesting of forest tree species and to protect and maintain forest soil, water resources, wildlife, and aquatic habitat. Following Executive Order 2020-01, Zero-Based Regulation, this rule chapter is scheduled to be repealed and replaced in 2021 for review during the 2022 legislative session.

The Idaho Forest Practices Advisory Committee (FPAC) provides technical assistance to the Land Board, in cooperation with the Department, in matters relating to the Idaho Forest Practices Act and the rules promulgated thereunder. FPAC is composed of nine voting members from across the state of Idaho that represent family forest owners, industrial forest owners, logging operators, general forest practitioners and fisheries biology. There are also ex officio members from other state agencies and private entities, with technical specialties that advise the Department.

In 2013, FPAC recommended that the Department begin the rule promulgation process to implement changes to stream protection rules, specifically the new Shade Rule. That rule was derived from years of work to develop science-based requirements for retention of shade (trees) adjacent to Class I streams. The rule was approved by the 2014 legislature.

Immediately following legislative approval of the shade rule, the Department began working with the Idaho Department of Environmental Quality (DEQ) and the University of Idaho College of Natural Resources to implement a multi-year Shade Effectiveness study to compare the modeled and measured (actual) changes in shade when applying the two Shade Rule options across different forest types. In January 2020, *The Effectiveness of Idaho's Class I Stream Shade Rule: Analysis of Before – After, Control – Impact Effective Shade Data* was published. The study found that the rule, when applied properly, did in fact limit shade losses from timber harvesting in all but a few cases. One observation made during the study,

and reinforced by communication with forest landowners, was that the rule is considered by many to be too complicated and difficult to implement.

During 2020, DEQ conducted its quadrennial audit titled *Idaho 2020 Interagency Forest Practices Water Quality Audit*. During this audit the Department and DEQ staff visited sites across the state to evaluate forest practices rule implementation and effectiveness. As part of the audit, the Shade Rule was given special emphasis. With the study results, the audit, three years of operator input, and observations, a simpler way to write the rule to achieve the same results was realized. When the idea of the simplified Shade Rule was presented to FPAC, the committee formed a task force to develop specific language. The task force developed new rule language that provides very similar protection but is much easier to understand and implement.

Today's request includes the rule language developed by the task force and approved by FPAC. Other substantial rule changes proposed by FPAC include adding definitions related to new logging technology and a change in the definition of a class I stream.

## **Discussion**

FPAC meetings are public meetings and offer stakeholders an opportunity to participate in the discussion and development of rule language and guidance. FPAC worked for many years to develop an appropriate Class I tree retention rule; in 2014 a new rule was implemented. The objective of the rule is to provide adequate protection for aquatic resources while still providing landowners the opportunity to conduct appropriate management activities (e.g., maintain the health of the riparian forest and realize value from their property). The rule was based on simulating shade loss assuming shade loss equates to water temperature increases. The Department committed to an adaptive management framework under which the impact of the new rule would be scrutinized and adjusted in the future according to the on the ground results of rule implementation. We have now reached the culmination of that first cycle of adaptive management. With the results of the shade study and landowner implementation observations, FPAC and the Department have adapted the rule based upon the best data available at this time. Along with many other changes the modified rule language was voted upon by FPAC at their December 17, 2020, meeting.

Land Board approval was received on February 16, 2021 to enter negotiated rulemaking. The Department identified a stakeholder base consisting of over 200 individuals and groups that have previously shown interest in the forest practices rules; they were emailed specific details of meetings and comment periods. The Department also issued a press release and created a rulemaking webpage to post documents, scheduling information, and comments.

Four negotiated rulemaking public meetings were held in April and May 2021, in Ponderay, Coeur d'Alene, Orofino, and McCall. Only a handful of people attended the meetings in-person, with many preferring to attend by Zoom. The comment period ended June 7 and the Department received written comments from 16 groups and individuals. Multiple responses

expressed support for the rules, while some responses expressed specific concerns for the rules being too restrictive or not restrictive enough. A summary of negotiated rulemaking comments and the Department's responses is included in Attachment 1.

Proposed rulemaking was held from September 1 through September 22, 2021 and included two public hearings with online and phone attendance options. One was held in Coeur d'Alene (one online attendee only) and the other was held in Lewiston (one in-person attendee only). No testimony was provided at either public hearing. Written testimony was received from seven groups during proposed rulemaking. The only new issue brought up during proposed rulemaking regarded recruitment of large woody debris possibly being affected by the new tree retention rule. Research during the 2013 rulemaking found that large woody debris recruitment was not a limiting variable and in fact was under predicted by simulation. FPAC's goal for the 2014 rule was to limit shade loss to 10% based on simulated modeling. The 2016 – 2018, on-the-ground, effectiveness study demonstrated shade loss less than 3%. FPAC and the Department have adapted the rule, accordingly, as promised in 2014.

During the 2021 rulemaking process, the Department received comments on several proposed rule changes. Most comments focused on the new Class I tree retention rule. The comments received during both negotiated and proposed rulemaking were across a spectrum that ranged from declaring that the rule was essentially a taking of private property to claiming that the new rule would result in substantial and permanent resource damage. The Department asserts that the rule is an appropriate balance between aquatic resource protection and maintaining a mechanism by which landowners may address forest health and make reasonable, sound management decisions.

Another frequently discussed topic in comments regarded the development of a new Class II streamside tree retention rule. The Department and FPAC are aware of the need to address this issue and are including the topic in the agenda for the fall 2021 FPAC meeting.

The Department is recommending adoption of the rule as proposed and published in the September 1, 2021 Administrative Bulletin (Attachment 2). An unofficial version of the proposed rule in legislative format, which shows the changes to the rule, is Attachment 3. The new rule text as proposed resulted in a simplified tree retention rule as well as a reduction of 1,794 words or 14% of text in the rule while maintaining or improving clarity.

If approved by the Land Board, the Department will submit the Notice of Adoption of Pending Rule to the Office of the Administrative Rules Coordinator for the 2022 legislative session.

## Recommendation

Adopt the pending rule for IDAPA 20.02.01 *Rules Pertaining to the Idaho Forest Practices Act*.

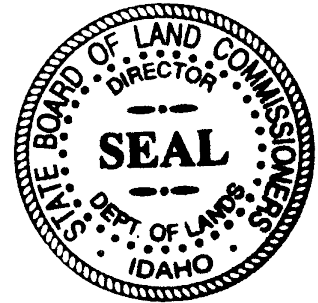
## Board Action

A motion was made by Attorney General Wasden that the Land Board adopt the proposal by the Department concerning the pending fee rule. Controller Woolf seconded the motion. The motion carried on a vote of 5-0.

For the record, Attorney General Wasden later realized he stated in his motion "...the pending *fee* rule." Attorney General Wasden clarified it is not a fee rule and with unanimous consent re-stated his motion to "...the pending rule."

## Attachments

1. Summary of Negotiated Rulemaking, Comments, and Clarification
2. Notice of Rulemaking – Proposed Rule with Rule Text
3. Proposed Rule Text with Strikethrough





## **Negotiated Rulemaking Summary**

### **IDAPA 20.02.01 — Rules Pertaining to the Idaho Forest Practices Act (Title 38, Chapter 13, Idaho Code)**

#### **Docket No. 20-0201-2101**

This rulemaking was requested by the Forest Practices Advisory Committee (FPAC) after deliberative efforts in public meetings over the last five years. The Notice of Intent to Promulgate Rules was published in the Idaho Administrative Bulletin on April 7, 2021. Upon initiation of negotiated rulemaking, the Idaho Department of Lands (IDL) held four public meetings between April 14 and May 4 to discuss draft changes to the rules and receive comments from interested parties.

Members of the public participated in the negotiated rulemaking process by attending the meetings and submitting written comments. Key information considered by IDL included recommendations from FPAC and results from studies commissioned and conducted by IDL and the Idaho Department of Environmental Quality (DEQ).

Key documents from the rulemaking record are available at <https://www.idl.idaho.gov/rulemaking/docket-20-0201-2101/>, including the draft rule, written public comments, and documents presented during the negotiated rulemaking process. The entire rulemaking record is available for review upon request.

At the conclusion of the negotiated rulemaking process, IDL formatted the draft rule for publication as a proposed rule in the Idaho Administrative Bulletin. Additional non-substantive changes, such as grammatical edits, were included in the proposed rule as suggested by the Deputy Attorney General and the Office of Administrative Rules.

Written comments were received from the Idaho Forest Owners Association (IFOA); Idaho Forest Group (IFG); Idaho Farm Bureau; Idaho Conservation League (ICL); Riley Stegner and Associates representing Bennett Lumber Products Incorporated, Hancock Forest Management, Idaho Forest Group, Molpus Woodlands Group, and Stimson Lumber Company; PotlatchDeltic Corporation; private citizens and private landowners; Idaho Department of Environmental Quality; Coeur d'Alene Tribe; Kootenai Tribe; Nez Perce Tribe; Upper Columbia Unified Tribes; Upper Snake River Tribes Foundation; and EPA Region 10 representatives.

The IDL thoroughly reviewed and considered all comments received during the negotiated rulemaking process; IDL developed informative and comprehensive responses to sets of similar, relevant, summary comments. The following table is organized by rule section and relevancy and is devoted to comments (and responses to those comments) that were not incorporated into the draft rule. Comments supportive of the draft rule are included for completeness.

Commenter	Rule Section	Comment	Response
Upper Snake River Tribes Foundation	010	The new definition for cable yarding should require logs to be fully suspended to prevent trenching and increased sediment transportation.	1 FPAC chose to draw distinctions among traditional harvesting methods such as cable yarding, ground-based skidding and newer, hybrid, traction assisted technologies. IDL relied upon definitions found in: <a href="https://www.fs.fed.us/forestmanagement/equipment-catalog/cable.shtml">https://www.fs.fed.us/forestmanagement/equipment-catalog/cable.shtml</a> to achieve this. Specific rule sections and paragraphs establish minimum best management practices for minimizing erosion and sediment transport (See 030.03, 030.03.05, and 030.03.08).
IFOA	010	The Idaho Forest Owners Association express our full support of the FPAC proposed changes to refine the definition of Class I streams (010.60.a) to apply only to aquatic life beneficial use.	2 ***IDL and FPAC thank you for this comment in support of the draft rule language***
IFG	010	We support the proposed rule changes adding Traction-Assisted Harvesting to the IDAPA ruleset; it is opportune as this "new" method of harvesting provides enhanced operational capacity for ground-based harvesting operations while maintaining low soil disturbance and increasing safety.	
PotlatchDeltic	010	We support addition of definitions for Traction-Assisted Harvesting and elimination of the requirement to obtain a variance for cable-assisted machinery to work immediately adjacent to a stream. Our logging contractors have been utilizing cable-assisted (tethered) equipment since 2016 and our experience has been that cable-assisted machinery has a light footprint and virtually eliminates loss of traction, spinning of tracks and sliding that can cause soil disturbance. Importantly this technology also increases safety for logging contractors.	
IFOA	010	The Idaho Forest Owners Association express our full support of the FPAC proposed changes to use ground-based equipment on steep slopes.	
Upper Snake River Tribes Foundation	010	For Class II streams, the 30' zone described in 20.02.01.010.60(d) is misleading – it only prevents the use of equipment within that 30' zone. Timber is still allowed to be harvested to the streambank.	3 Other states use similar terms, such as Riparian Management Zone. which, admittedly, is broader. The term "Stream Protection Zone" has been and will remain the verbiage by which Idaho establishes fixed, stream adjacent, geometric areas of forest land for referencing additional natural resource protection requirements.

Upper Snake River Tribes Foundation	010	There is currently no definition for forest floor filtration. The new language added to 20.02.01.040.03(g) identifies when supplemental filtration is needed (when forest floor filtration isn't available) but doesn't define what adequate forest floor filtration actually is.	4	Not all terms used in IDAPA 20.02.01 are provided with formal definitions (e.g., see 010.13., 030.05.a., and 030.05.b.). IDL depends upon the professional judgement of Private Forestry Advisors, their frequent field calibrations with program staff and Rule Guidance to support rule application. Keeping rule text simple and concise is also consistent with Governor Little's Red Tape Reduction and Zero-Based Regulation Executive Orders.
PotlatchDeltic	030	We agree that Class II stream tree retention rules should not be changed as part of this rulemaking and that any future rules considered should be based on actual resource impacts from forest management and should be well informed by research.	5	For the past few years FPAC and IDL have received comments from all stakeholders regarding the definitions and minimum Best Management Practices (BMPs) in IDAPA 20.02.01 related to streams on forest land in Idaho. IDL, DEQ and landowners have participated in research associated with fish-bearing (Class I) and non-fish-bearing (Class II) streams and the results have been deliberated extensively in FPAC and FPAC task force meetings. This led to the weighted tree count (WTC) concept for tree retention in Class I SPZs. A great deal of progress toward adapting verbiage to the science and developing tools to address many issues associated with rule implementation is apparent in the draft rule. The same can be said for general road construction and maintenance rules which are important to water quality in all streams. During this rulemaking FPAC and IDL decided to postpone additional work on Class II issues due to the complexity and workload related to Class I stream rules. FPAC plans making Class II stream definitions and associated BMPs the next priorities.
Nez Perce Tribe Water Resources Division	030	The 2020 Forest Practices Water Quality Audit recommended that FPAC work to establish minimum tree retention requirements for Class II streams, and we agree with that recommendation. We recommend that all Class II streams receive protection through a minimum 50-foot buffer.		
ICL	030	The proposed rule fails to address minimum tree retention requirements for Class II streams, and we encourage IDL to reinstate the protections that were removed from the 2013-14 rule. We recommend that IDL continue working with FPAC and IDEQ to establish minimum stocking standards for Class II streams that provide meaningful protections against increasing stream temperatures and as bank stabilization and erosion control measures.		
Upper Columbia United Tribes	030	Restore protections for class II streams.		
Kootenai Tribe	030	We recommend that you restore protections for Class II streams using a strategy that identifies perennial and seasonal streams and applies appropriate protections. Perennial Class II streams should protect shade and temperature by requiring a 25 ft. buffer that maintains RS 60. For seasonal streams we recommend limiting compaction and soil disturbance by applying an equipment limitation zone. This strategy benefits by aligning the two rules, the associated buffers, and is easy to understand and implement on the ground.		
Coeur d'Alene Tribe	030	We recommend that you restore protections for Class II streams. On Class II designation, we suggest the same WTC for the inner zone we have suggested for Class 1 streams and require that as a stand-alone 25ft. buffer on the Class II streams. This strategy benefits by aligning the two rules, the associated buffers, and is easy to understand and implement on the ground.		
Coeur d'Alene Tribe	030	For Class II streams, we suggest a strategy that identifies perennial and seasonal streams and then assigns the appropriate protections.		

Upper Snake River Tribes Foundation	030	Class II streams need to have a legitimate protection zone that prohibits timber harvest for at least 25', if not more (as per discussion on Washington State Department of Natural Resources 2018 study).	
EPA	030	Reinstating Class II stream protections in Idaho are necessary to protect water quality and should be included in the negotiated rulemaking. EPA's recommendation is echoed by the recently completed 2020 Forest Practices Water Quality Audit, which recommends FPAC work on establishing a minimum tree retention requirement for Class II streams.	
Upper Snake River Tribes	030	IDL should consider adopting the riparian habitat protection zones set forth in the Finding of No Significant Impact/Environmental Assessment for the Interim Strategies for Managing Anadromous Fish-producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of California (commonly known as "PACFISH").	6 The IDL appreciates your comments. The independent research upon which our rules are based addresses the regional needs specific to conditions in Idaho. Under a Memorandum of Agreement among the USFS, BLM, IDL and DEQ, every four years DEQ audits timber sales among all forest management entities throughout Idaho in all the IDL Supervisory Areas to ensure they meet DEQ water quality objectives and the terms of the Clean Water Act. The objectives of this audit are to assess the compliance with and the effectiveness of the Idaho Forest Practices Rules. Since 1996, overall percentages greater than 96% are demonstrated in each quadrennial audit. Often, the highest achievement rates are demonstrated by sales on private industrial and federally managed forest land. Every audit assesses rule compliance for operations with fish-bearing, Class I streams and determines if the best management practices called for in rule are effective. FPAC evaluates and recommends modifications to IDAPA 20.02.01 based upon DEQ recommendations in the associated audit reports. In response to several consecutive report conclusions that the pre-2014 stream protection rules were not achieving adequate levels of shade and large wood recruitment objectives, IDL hired Cramer Fish Sciences to conduct research and simulation of riparian conditions of fish-bearing streams in Idaho on state forest land. IDL is implementing the adaptive management framework Cramer Fish Sciences recommended in their 2012 report and FPAC is using this research, described in subsequent Teply articles (2013, 2014), as the basis for rulemaking recommendations. The <a href="#">Cramer Fish Sciences Report</a> on page 4 specifically stated that long-term, landscape level benefits to riparian function result from intensive management activities of stands that are upward trending. This benefit is gained by managing the entire buffer to generally accepted, silvicultural targets less than 55 relative stocking. Thinning targets above this level have limited benefit, and lack of activity in a no harvest buffer could lead to long-term shade levels lower than those attained from active management.
EPA	030	The FPAC and IDL previously concluded the location of retained trees in the SPZ is of critical importance for maintaining shade (Teply, 2014) and, particularly, the need to maintain RS60 in the innermost 0-25ft RPZ.	7 This is not an accurate characterization. The present rule with two options was a compromise from a previous formulation; the IDL and FPAC used the modeling results developed by Cramer Fish Sciences and Mark Teply as a starting point for implementing the adaptive management framework,



Coeur d'Alene Tribe	030	As stated by the EPA, the FPAC and IDL previously concluded the location of retained trees in the SPZ is of critical importance for maintaining shade (Tepley 2014) and, particularly, the need to maintain RS60 in the innermost 0-25ft SPZ.	e.g. "For rule-making, effectiveness monitoring conducted within an adaptive management framework should be considered by FPAAC (sic) to validate and refine the models and rules moving forward" Cramer Fish Sciences Report (2012). This report recommended thinning throughout the 75-foot SPZ. The report found that stream adjacent stocking was an important contributor to the overall shade, but thinning the inner zone to levels greater than 55 RS limits the benefit of treatment. As documented in this report there were multiple objectives associated with rulemaking that might result from the study, including balancing economic and forest health considerations with achievements in maintaining or improving water quality.
Kootenai Tribe	030	During development of the 2013-14 shade rule revisions, IDL and FPAC concluded that restricting thinning in the stream-adjacent zone to maintain Relative Stocking (RS) 60 could permit greater overall management flexibility in the outer 25-75 while limiting overall shade loss to 10%. The FPAC and IDL previously concluded the location of retained trees in the SPZ is of critical importance for maintaining shade (Tepley, 2014) and, particularly, the need to maintain RS 60 in the innermost 0-25 ft. SPZ. Based on the scientific evidence, the IDL-FPAC should continue to use the rationale they relied upon during the 2013-14 shade rule development, and specifically the need to retain minimum RS 60 stocking levels in the 0-25 ft. SPZ.	
EPA	030	Adhering to the FPAC's desire to have a more easily implemented rule, we offer adding "And at least half of the above weighted tree count must be retained in the inner twenty-five (0-25') feet of the SPZ" after the proposed 4 WTC minimum in the outer 25'.	
Kootenai Tribe	030	Adhering to the FPAC's desire to have a more easily implemented rule, we offer adding "And at least half of the above weighted tree count must be retained in the inner twenty-five (0-25') feet of the SPZ" after the proposed 4 WTC minimum in the outer 25'.	8 IDL has reviewed this suggestion and concluded it would result in several undesirable situations if implemented. Requiring one half of the weighted tree count (WTC) in the inner 25 feet would be equivalent to 65 Relative Stocking, which is not only higher than the present rule but is 10 RS above onset of competition induced mortality (RS 55). Additionally, FPAC and IDL intended to simplify the rule, but this requirement adds complexity. IDL evaluated a similar, less restrictive alternative, but concluded the added complication is not justified when balanced with operational implementation limitations. The draft recommended changes, as written, apply to each 100-foot length of the SPZ. Stream sinuosity, tree size and stem distribution, even over such a short distance, are highly variable. When coupled with log manufacturing decisions and extraction limitations, this additional restriction to the weighted tree count methodology limits an operator's ability to easily comply with the rule. In its present form, a landowner only needs to count trees by size range and confirm the inner 50-foot stocking is greater than the minimum threshold. Adding a requirement to leave a particular count in the inner 25 feet requires an additional calculation and tradeoff for each 100-foot segment of stream. There are no physical data regarding Idaho Class I stream protection levels from 2015 through 2018 that support discontinuing the adaptive management approach recommended by Cramer Fish Sciences. IDL wants to study the impact of this simplification before implementing a complication based on only simulation and will seek funding to conduct additional monitoring.
Coeur d'Alene Tribe	030	Adhering to the FPAC's desire to have a more easily implemented rule, we offer adding "And at least half of the above weighted tree count must be retained in the inner twenty-five (0-25') feet of the SPZ" after the proposed 4 WTC minimum in the outer 25'.	

EPA	030	Modeling shows that applying an average RS43 can mitigate shade loss across the 75-ft SPZ only when the inner 0-25ft SPZ is above RS40.	9	IDL and FPAC reviewed the calculations presented in <a href="#">EPA Memo IFPA WAFactorEvaluation 7120</a> and concluded these calculations (along with results from similar modeling conducted by Mark Teply for IDL) are supportive of the approach FPAC has taken with the recommended rule modification when combined with the effectiveness study results demonstrated by DEQ.
ICL	030	Modeling by the Environmental Protection Agency (EPA) demonstrates that an averaged RS43 only retains adequate trees for shade when the inner 25-foot zone equals or exceeds RS40. The current base average value in the proposed rule is RS37. We recommend that IDL alter language in the proposed rule to establish a minimum Relative Stocking rate of 60 in the inner, pre-harvested 0-25-foot zone.	10	To be precise the Environmental Protection Agency modeling reported in the <a href="#">EPA Memo IFPA WAFactorEvaluation 7120</a> described a minimum threshold pre-harvest value of RS40 for the inner 50-foot zone below which the RS43 SPZ average stocking shade loss would increase above 12%. Their calculations indicate the present 60/10 RS minimum stocking requirements represent the same modeled 12% shade loss when the upland outside the SPZ is clear-cut. The implicit assumption is that all harvest operations clear-cut the area outside the SPZ for the entire length of a stream. Generally, this is not the case. SPZs usually represent stand boundaries. Industry forest land managers follow Sustainable Forestry Initiative Best Management Practices which can require a landowner's average harvest size to be less than 120 acres and an individual unit maximum of 270 acres. For example, timber harvest plans typically involve individual timber stands that average 100 acres in size, and it is rare for a harvest unit size to approach the maximum. Adjacent stands are left untouched until the previous stand plantation reaches 5-foot height or after 3 years. This is easily observable on a landscape basis in time lapse satellite imagery. Watersheds with managed timber stands display a mosaic of small patches that start out dark green, are quickly replaced by site-prepared brown and then, over a several year period, turn light green and eventually dark green again. State forest land managers follow similar adjacency restrictions. Small private landowners rarely clear-cut their property and typically only lightly treat the SPZ. The initial 2014 shade rule objective was to demonstrate that, on average, shade reduction would be no greater than 10%, if either the Option 1 or Option 2 prescription were followed. The DEQ Shade Effectiveness Study demonstrated that shade reduction was less than 3% and less than 5% when shade increases for the control sites were included (this average includes the high shade loss sites). The anomalous high shade loss sites observed in the study mostly resulted from improper application of the minimum Relative Stocking prescription or from treatment of sites with low pre-harvest inner zone stocking. The proposed modification in the draft rule is expected to eliminate this problem. IDL considers the modeled, implicit 6% shade loss from clear-cutting the upland to be overstated given the results of the shade study and therefore is not considered a significant factor in this
EPA	030	As currently written, the proposed WTC approach is likely to result in excessive shade loss when the preharvest 0-25ft SPZ is overstocked (>RS60) and allowed to be harvested below RS60.		
Upper Columbia United Tribes	030	Maintain the minimum Weighted Tree Count (WTC) threshold based on RS 40.		
Upper Columbia United Tribes	030	Maintain RS60 in innermost Stream Protection Zone (SPZ) (0-25-ft from stream).		
Nez Perce Tribe Water Resources Division	030	We recommend that a minimum RS60 be kept for the innermost SPZ (0-25 ft.)		
Kootenai Tribe	030	Maintain the minimum Weighted Tree Count (WTC) threshold based on RS 40.		
Coeur d'Alene Tribe	030	We recommend that modeling serve as the basis for the proposed rule and that the minimum Weighted Tree Count (WTC) threshold must be based on RS40.		

Kootenai Tribe	030	The results that came out of Idaho's Class I Stream Shade Rule (Effectiveness Study) demonstrate a shade loss from a gain of 11.8% to a loss of 26.9% with the existing rule. The proposed changes allow for the removal of additional trees in the inner zone and should be expected in some cases to experience greater shade loss than if harvested under the current rule.	current rulemaking. IDL and FPAC are using all of the science and operational considerations available to adapt Class I stream protections, including the demonstrated average 2% per year increase in shade of the control sites. Treated stands can be expected to show at least that much if not more growth. Further, the RS37 minimum threshold used in FPAC's recommended modification to the shade rule is shown by EPA's calculations to represent a shade reduction of only 13% vs 12% for RS40; less the implicit 6% loss assumption this is only a 7% reduction that will quickly disappear due to vegetation response. Given the demonstrated results from the Shade Effectiveness Study and elimination of the independent "zones", IDL is confident this RS37 minimum threshold requirement in the inner 25' of the SPZ before any harvest can occur in a given 100' segment provides adequate protection for that stream segment without overly restricting a landowner's ability to treat the outer 50' of the SPZ in that segment. Numerous examples from field observation show that the outer 50' (indeed the entire 75') RS can be much greater than the stocking for competition induced mortality and far greater than the common thinning levels described by Cramer Fish Sciences (2012, pg. 17). To avoid stand break-up, such overstocked segments need to be treated. This can be accomplished if there is a minimum threshold for the inner zone to ensure excess shade loss is avoided where there are stream adjacent roads or meadows.
Private landowner	030	I appreciate the simplification of the layout but I strongly disagree with linking the zones. Many class 1 streams in my area are surrounded by marshy vegetation and prohibiting harvest due to a natural lack of trees seems counterproductive to the goals of healthy working forests. Also I think a target RS of 50 might encourage management of SPZs instead of stagnation.	11 The present 030.07.e.ii tree retention rule for Class I streams uses "Zones" with distance parameters that fluctuate based on which rule Option is being exercised. This forces landowners to perform comparative calculations for the entire length of SPZ they intend to manage. FPAC and IDL are recommending a modification that eliminates both the Options and the variable dimension "Zones" and averages the required relative stocking over the entire 75 foot width of the SPZ. The equivalent average relative stocking is RS43 which IDL and FPAC hope will encourage landowners to address stagnating riparian stands and avoid significant mortality which over the long-term will promote healthier, more resilient riparian areas (See Response #13). The DEQ Shade Effectiveness and the IDL Operational Monitoring studies each observed sites with stream adjacent areas that had little or no tree canopy due to roads, grassy meadow conditions, heavy brush cover or swampy ground. In some of these situations, adjacent outer area trees provided the only available shade; promoting too much thinning of that timber for the study or misapplication of the rule resulted in large shade reduction. The recommended modification sets a lower limit for the outer 25 foot area of the SPZ in each 100 foot length of stream and requires the remaining trees for that segment to be left in the interior area of the SPZ. For example, north of Clearwater River if a landowner chooses to leave a no-cut 60' buffer, as is often seen on a landscape basis, they must still have or at least leave a WTC of 33 in the inner 25 feet, 20 WTC in the middle 25 feet and 4 WTC in the outer 25 feet. IDL and

EPA	030	The IDEQ/IDL shade effectiveness study found that when the innermost 0-25ft SPZ is understocked (<RS60) and the outer 25-75ft SPZ is harvested to minimum tree retention requirements it can result in greater than 20% shade loss.	<p>FPAC are confident that operational considerations for well-stocked SPZs will result in greater than the minimum threshold being retained in the inner 25'.</p> <p>The modification also sets a minimum pre-harvest tree density for the interior before any tree removal can occur in that segment. Thus, the rule will adapt to the changing conditions along any length of stream. In cases where an entire length of stream does not have protective levels of shade, trees are left in the outer 50 feet to compensate. Operational Monitoring crews observed similar conditions to what you describe in your area:</p> <p><i>"Relative stocking calculations at un-harvested sites varied widely. Typically, the inner zone RS was less than outer zone RS. Field notes indicate swampy conditions, meadows, and dense understory brush near the streams at these sites."</i></p> <p>The rigid zone boundaries and complexity of the present rule does inhibit riparian area forest management, perhaps in some cases needlessly. (See Response # 18 regarding site-specific riparian management prescription.)</p>
EPA	Other	It is important for IDL and FPAC to maintain the scientific basis of the existing shade rule while addressing ongoing areas of concern.	<p>12 IDL agrees with this statement. IDL and FPAC have used simulation results as well as effectiveness monitoring to implement the adaptive management framework recommended by Cramer Fish Sciences. This draft modification of the shade rule is based on the same science as the existing rule. IDL commissioned additional calculations for this draft rule and FPAC adjusted parameters in the rule based on scaling of the original simulations to compensate for expressed concern that expanded tree size ranges could result in greater shade reduction if operators took trees only at the highest edge of a given size range. There are no data, however, to indicate this would happen in practice. Sawyers evaluate many other constraints in tree harvesting other than cutting the largest trees. Stem distribution and defect, extraction difficulties, number of preferred log lengths in a tree and felling direction all play into the decision. Three trees on the low end of one range might need to be removed to obtain a high-quality pole in the middle of another range. Not one of these four stems out of the total allowed weighted tree count in the segment would be the largest diameter possible. The only way to determine if this more restrictive adjustment, based on scaling of simulations, is valid is with monitoring of actual harvesting. Monitoring may show that this 15% adjustment for all size ranges might have been too large (in the same way the DEQ shade study showed an average shade reduction of only 3% occurred on the ground versus the 10% shade reduction predicted by simulation). Should this be the case, the weighted tree count requirements could be lowered in a future rulemaking.</p>

Upper Snake River Tribes Foundation	030	IDL should not allow timber harvest within the 25' inner zone of fish bearing streams, and limit removal and equipment usage within the 75' inner zone.	13	<p>Completely excluding harvest from the inner 25 foot of the SPZ is not consistent with achieving and maintaining riparian zone forest health (See 030.01. Purpose). Riparian areas in Idaho with more extensive management exclusion restrictions have been devastated by catastrophic wildfire often taking many years for fish populations and habitat to return to pre-fire conditions. Temporary shade reduction from appropriate thinning has minimal impact and more aggressive treatments in some cases can foster increased populations and migration of salmonids into previously uninhabited reaches (Gravelle FPAC November 2018). Forest managers and hazardous fuels experts have observed that when upland areas are treated to reduce wildfire risks, but riparian buffers are left untreated, fire can sweep through the riparian areas in a dramatic and devastating way. Forest landowners that sustainably manage their timber want to avoid this. Regardless of these catastrophes, the Cramer Fish Sciences report concluded that allowing stands to move out of the stem exclusion phase can result in shade loss from mortality that takes longer to recover. Although this does provide important large woody debris for fish habitat, it can also generate dangerous levels of hazardous fuels. Managing riparian forest stands before they reach this condition results in faster shade recovery and greater overall shade on the landscape (Cramer Fish Sciences, 2012, pg. 28). A 75' equipment exclusion zone for Class I streams has been Idaho's Stream Protection Zone for nearly 40 years and is expected to remain in IDAPA 20.02.01. Forest practice advisers prioritize inspection of operations with streams (with and without fish) above all others. Repeated water quality audits have demonstrated no sedimentation on operations that have complied with the basic stream protection rules.</p>
PotlatchDeltic	030	Our experience over the last 10 months has been that use of WTC decreases the amount of time necessary to install Stream Protection Zones (SPZs) and provides equal or greater tree retention and stream shade. The proposed rule's linkage of the WTC in the inner 50' of the SPZ with harvest in the outer 25' of the SPZ within 100' longitudinal sections is a workable solution to those few instances where we encounter a poorly stocked inner zone and a well-stocked outer zone. The value of the proposed rule to landowners and to achieving resource protection is embodied in its simplicity and ease of implementation and we urge IDL to maintain simplicity during this rulemaking.	14	<p>***IDL and FPAC thank you for this comment in support of the draft rule language***</p>
IFOA	030	The Idaho Forest Owners Association express our full support of the FPAC proposed changes to provide for a simplified "Shade Rule" (030.07.e.ii (2014)) next to fish-bearing (Class I) streams.		

IFG	030	The proposed Class I Stream Protection Rule revision to IDAPA 20.02.01.30.07e. ii - viii. Stream Protection, resulting in simplified field application is to be commended. The proposed rule language is easier to understand, more efficient to implement on the ground, and provides for greater management flexibility while maintaining appropriate protections.	
Idaho Farm Bureau	030	Only 8 percent of all Idaho forestland is in NIPF ownership. IDL must demonstrate through data a negative impact on stream temperatures from harvest of NIPF before requiring continued compliance with the shade rule by NIPF landowners. It is an undue burden because they pay property taxes on land they cannot manage.	15 The Rules Pertaining to the Idaho Forest Practices Act (Title 38, Chapter 13, Idaho Code) must be applied equitably to all citizens of Idaho. IDL encourages all landowners to manage their forest land, including the SPZs, where they occur. All forest landowners are required to maintain a minimum amount of timber in their SPZs to protect water quality for all Idaho citizens, and all private forest landowners pay property tax on their SPZ acreage. According to the University of Idaho Policy Analysis Group (Idaho Forest Factbook, 2019), there are 21.7 million acres of forestland in Idaho. Eighty percent of the total forestland is federally managed, 14% is privately owned and 6% is state owned; thus 3 million acres of Idaho forestland is owned by industrial, non-industrial and tribal private landowners. Of the 1.06 billion board feet of timber harvested in 2017, 625 million board feet (59%) came from private forestland. State timber harvest was 21% and federal 20% of the total. In any given year, non-industrial forest landowners typically provide twice as many Forest Practice Notifications as industrial forest landowners, but industrial landowners report far more harvest volume per Notification than non-industrial landowners. In 2020, non-industrial private timber sales accounted for 23% of total private harvest volume (573 million board feet total) and industrial timber sales accounted for 77%. Trends indicate industrial forestland is being subdivided and sold to small private landowners as a highest and best use option as the Wildland/Urban acreage grows. This can lead to more construction that is often near streams, and it is important to maintain stream protections across the landscape as this occurs. Regardless of ownership changes, small private landowners reported 131 million board feet of harvested timber in 2020, which is nearly 50% of what is annually harvested on state lands.

ICL	030	Opening the rule to consider other shade sources that may influence water temperature is outside the scope of forest practices. We believe this rule should remain focused on the retention of live trees within the riparian SPZ.	16	IDL also believes the stream protection rules associated with Class I streams should depend upon retention of live trees in the SPZ, since it is the most reliable metric on a landscape basis. To avoid overly complicated rules, FPAC has steered clear of more descriptive metrics that also have an impact on stream temperature because they are so highly variable and often site-specific. Stream width and orientation, topography and understory vegetation are important contributors to shade and maintenance of stream temperature. The present rule was based on simulations conducted for IDL for average ground conditions, including a fixed 10-foot stream width, trees with 50% live crown ratio on a horizontal plane, using a vegetation simulator that is known to over predict shade reduction from thinning (Teply 2013, 2014). Moreover, the effective shade values used in the simulations were developed from data from 106 IDL Riparian Plots in the Clearwater area. More than 53 of these streams were wider than 30' and fewer than 26 streams were narrower than 10'. The wider streams' outer edge of the inner 25' of the SPZ would be > 40 feet from stream center and clearly would depend more heavily on inner zone stocking than streams less than 10'. The Cramer Fish Sciences report indicated that for narrow streams, branch over-hang rather than canopy cover is the dominant shade component from trees. FPAC members expressed concern during development of the 2014 rule that the simulations were not representative of the narrow streams where the most harvesting occurs. The sites selected for the DEQ Shade Effectiveness Study were based upon typical forest types in areas with historically high levels of forest management. For example, of the 573 million board feet from private lands in 2020, 65% came from Boundary, Bonner, Kootenai, Benewah, Shoshone and Latah counties (i.e., north of Clearwater River) and only 27% came from Clearwater County. The other 8% of harvest volume came from private lands in Idaho, Valley, and Boise counties.
Kootenai Tribe	030	The rule in place before 2013-2014 rule revisions were based on the old strategy which uses RS over 1000 ft. of stream reach to determine the number of leave trees, but now FPAC is proposing the WTC over 100 ft.	17	The pre-2014 rule did not use the Relative Stocking concept but had instead a one-size-fits-all tree-retention table that applied to each 1000-foot length of stream. The recommended simplification of the present rule uses a stream segment approach based on a 100-foot length of stream. Each 100-foot segment in the SPZ treatment will have to follow the rule minimums.
Coeur d'Alene Tribe	030	The rule in place before 2013-2014 rule revisions were based on the old strategy which uses RS over 1000 ft. of stream reach to determine the number of leave trees, but now FPAC is proposing the WTC over 100 ft.		

Idaho Farm Bureau	030	The shade rule is a “one size fits all rule” that is being applied from north to south in the region and over all habitat types with no deviation. IDL should authorize projects on NIPF lands which would allow for data gathering in the SPZ across different forest types and different systems/levels of harvest, to demonstrate the stream temperature impact of increased harvest in SPZ, and the length of time for naturally regenerated shade from both riparian and tree sources.	<p>18 Tension exists in rulemaking in Idaho between simple, understandable, and concise verbiage and the complexity of the rule set. A permit to harvest timber in Idaho is not required, neither is a harvest plan; IDL and FPAC support keeping it that way. The same cannot be said of other regional states whose forest practice programs entail much more stringent, complicated rules. FPAC and IDL go to great lengths to research, deliberate and craft rules based on minimum required best management practices (BMPs) that will provide flexibility for forest land managers to achieve their management objectives while providing adequate protection to water quality consistent with the purpose of the Timber Harvesting rule section (See 030.01) and the landscape observations and recommendations from the quadrennial audits. A rule cannot be made for every landowner and a rule should not be restrictive based on the most extreme example. Shade is commonly used as a proxy for stream temperature in the forest environment. This common use is supported by numerous hydrological and aquatic life biological research efforts. This was done in the shade simulation efforts that established the present tree retention rule, 030.07.e.ii. (Cramer Fish Sciences 2012, Teply 2013 and 2014), which does deviate both regionally and by forest type. In the same way minimum required BMPs cannot accommodate every nuance of forest land ownership, simulations cannot model every nuance of the stream adjacent environment across all Idaho. For that reason, FPAC and IDL are implementing the adaptive management framework recommended by Cramer Fish Sciences. The present rule used habitat-based forest types that varied regionally. These were found to be too difficult to apply and administer by landowners, Private Forestry Advisors and the DEQ and IDL field crews that gathered data for both the DEQ Shade Effectiveness and the IDL Operational Monitoring studies on state, volunteer private industrial and volunteer private non-industrial SPZs in all but the Eastern Supervisory Area.</p> <p>The FPAC crafted recommended modifications to the present rule in response to the following:</p> <ul style="list-style-type: none"> <li>• The tree retention rule itself was found by NIPF landowners to be too complicated and difficult to comply with.</li> <li>• The simulations were not able to account for the narrower width of and surrounding riparian vegetation and topography for most streams in the most actively managed regions of the state and thus predicted greater shade loss than what was observed.</li> <li>• The shade study showed rapid growth in shade on control sites, which implies more rapid shade growth for the harvested sites.</li> <li>• The operational study showed that many landowners chose not to harvest the SPZ or to only remove a few trees.</li> </ul>
Private Landowner, Clearwater Co.	030	I request that methods to waive the Class I Stream Side Protection be added. I propose that IDL add a Waiver process specific to the tree stocking requirement along Class I streams to allow for the harvest in excess of 20% of the timber stocked within the 150-foot Stream Protection Zone.	



			<ul style="list-style-type: none"> <li>The operational study showed that the majority of landowners that do harvest the SPZ do not remove timber from the inner 25 feet of the SPZ and extract only a limited amount in the middle 25 feet.</li> </ul> <p>There are several regional paired watershed studies that show the transient temperature and suspended sediment impacts to streams from different levels of harvest and some specific to North Idaho (See Karwan, Gravelle and Hubbart 2007 and Gravelle and Link 2007). The dominant factor driving temperature increase in headwater streams is incoming solar radiation, although, as the Idaho Farm Bureau points out, there are many factors that can affect stream temperature. Definitive experimental studies of timber harvest on stream temperature are complicated, costly, and time-consuming. It is the view of IDL and FPAC that Idaho taxpayers need not fund additional studies on NIPF forestland at this time.</p>
Idaho Farm Bureau	030	The shade rule focuses on one thing only; shade from trees. What about shade from topography, shade from riparian vegetation and shade from banks. What about temperature impacts from groundwater, springs, and substrate types. There is a dramatic difference in impact on stream temperature resulting from substrate such as bedrock vs alluvial gravel. The one thing the shade rule focuses on (shade from trees) is the one thing that impacts landowner profitability the most. Topography is not factored into the shade protection rule. Shade from all sources must be recognized in the shade rule, not just shade from trees.	19 Response #18 addressed this in part, and it is important to further point out these are site-specific factors that are best addressed on that basis. General Rule 020.01.a. provides the procedure for a variance to practices prescribed by rule if site conditions warrant. In the case of Class I stream protections, the operator is encouraged to submit a Site-specific Riparian Management Plan (SSRMP) to address use of a different practice. Forest Practice Advisors are available to assist landowners with this.
PotlatchDeltic	031	Elimination of Stream Segments of Concern will remove inconsistent language from the FPA rules and will improve understanding.	20 ***IDL and FPAC thank you for this comment in support of the draft rule language***
Private Landowner, Clearwater Co.	040	I request that methods to waive the Culvert Design rules subject to a remediation plan, be included in the revised the new rule; I do not agree that the requirement 040.02.eii, mandating that Culverts 30" and larger must now "armor the inlet or use a flared inlet structure," should be included in the FPA revisions.	21 The modification this refers to is part of a set of road construction design standards commonly used by IDL on state endowment land management and by industrial landowners. It applies to new stream crossing construction or re-construction when an existing culvert is replaced. Rule 020.01.a. provides a procedure by which an operator can obtain a variance when an alternative practice can provide for equivalent or better results over the long term.
IFG	040	IFG supports road specifications that result in actual reductions of sediment delivery including the added measures for rocking of Class I stream crossings and armoring the inlet of new stream crossing culverts greater than 30" diameter. We do note, however, that these measures are an additional management cost that will be a greater burden on small private forest owners.	22 ***IDL and FPAC thank you for this comment in support of the draft rule language***

PotlatchDeltic	040	The road measures and clarified language for road Best Management Practices (BMPs) are well targeted to minimize sediment and increase stream protection.	
Riley Stegner and Assoc. on behalf of: Bennett Lumber, Hancock Forest Mgmt, Idaho Forest Group, Molpus Woodlands Group, Stimson Lumber Co.	Other	Maintaining a robust and defensible FPA developed in consultation with FPAC is paramount to protecting Idaho's natural resources, environment, wildlife, and the forest products industry. As such, we recognize and support the changes IDAPA 20.02.01 proposed by IDL.	23 ***IDL and FPAC thank you for this comment in support of the draft rule language***
IFG	Other	IFG supports the proposed rule changes and believes that the simplified language in the revised rules provide a more concise and clear explanation of IDAPA 20.02.01 rules and regulations. These revisions should allow for more practicable implementation of Forest Practice Act rules as well as Best Management Practices on forest lands in Idaho.	
Private Landowner, Clearwater Co.	Other	I commend your revised rule set simplifying the language and clarifying some of the terminology of the established rule set.	
DEQ	Other	DEQ respectfully, requests the Idaho Department of Lands (IDL) retain unaltered Section 070 SLASHING MANAGEMENT and, Section 071 PRESCRIBED FIRE of this docket per Idaho Code Section 38-1304(1)(e).	24 We thank you for your comments and will retain these sections while IDL and DEQ work on a consistent Smoke Management approach.
Private Landowner, Clearwater Co.	Other	I request that a method for the reduction in tax burden be considered, for the economic costs borne by private landowners subject to these rules.	25 The cost of complying with forest practices rules is difficult to define, but IDL believes the rules are appropriate and reasonable, especially in the context of the regulatory burden on property owners in adjacent states. Tree retention requirements do not represent a taking because the trees retained to comply with rule could become available for future harvest as shade recovers along a stream. The Idaho State Tax Commission and the counties of Idaho levy and collect property tax from landowners. This request is outside the scope of Negotiated Rulemaking for IDAPA 20.02.01.

## Clarification of Negotiated Rulemaking Summary Docket # 20-0201-2101

Overall, the responses of Idaho Department of Lands (IDL) in the [Negotiated Rulemaking Summary](#) were intended to describe the limitations of model-dependent decision making and the difficulty of crafting rules to accommodate every situation across the natural resource and ownership landscape, especially for streams narrower than the 10 foot width simulated to establish the current rule. The proposed rule not only addresses concerns regarding limited pre-harvest stocking in the inner 25-foot of the Stream Protection Zone (SPZ), but the proposed rule is also simpler and provides much more flexibility in implementation where predominant SPZ harvest activity occurs.

In response #11 of the summary (pg. 7), IDL described an example of how an often observed no harvest 60-foot buffer implemented by landowners under the current rule (Option 2, RS 60/10) might be implemented under the proposed rule. Unfortunately, an incomplete statement identified in an early draft was not corrected prior to publication. The example should have read if a landowner wanted to cut the outer 25-foot of a 100-foot segment north of Clearwater River to a weighted tree count (WTC) of 4, they would need to have a pre-harvest WTC equal to or greater than 53 in the inner 50 feet. Operational considerations (see pg. 309 Teply et.al.<sup>1</sup>) would very likely result in more trees being left in the inner 25 feet which might resemble a WTC of 33 in the inner 25 feet and a WTC of 20 in the middle 25 feet.

In response #16 of the summary (pg. 9), for the sake of brevity, IDL inadvertently mis-characterized some aspects of the simulations reported by Teply et.al.<sup>2</sup> (pgs. 305 and 306). The simulations were not based on a vegetation simulator that overpredicts shade removal from thinning. The authors adapted the model used to develop target shade levels for Idaho's Total Maximum Daily Load (TMDL) regulatory process<sup>3</sup> (pg. 38). They used the Forest Vegetation Simulator COVER extension to provide input to the SHADE model from which the simulation output was obtained. Comparing this output to on-the-ground riparian harvest data for 75-foot riparian buffers, they found the shade models underpredicted effective shade on average by 3.7%. Thus, shade loss from thinning could be overpredicted in some circumstances and underpredicted in others. The authors made adjustments to shade loss estimates to compensate for this.

Also, in response #16 IDL stated that analyses "indicated that for narrow streams, branch overhang rather than canopy cover is the dominant shade component from trees." This statement more precisely should read the Cramer Fish Sciences report<sup>4</sup> (pg. 24) states, "Along narrower streams, riparian stands—

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<sup>1</sup> Using Simulation Models to Develop Riparian Buffer Strip Prescriptions  
<https://academic.oup.com/jof/article/112/3/302/4599045>

<sup>2</sup> Ibid.

<sup>3</sup> Simulating the Effects of Forest Management on Stream Shade in Central Idaho  
<https://academic.oup.com/wjaf/article/28/1/37/4683600>

<sup>4</sup> *Using Stream Shade and Large Wood Recruitment Simulation Models to Inform Forest Practices Regulations in Idaho.* <https://www.idl.idaho.gov/wp-content/uploads/sites/2/2021/06/Cramer-Fish-Sciences-Technical-Report-2012.pdf>

even when managed—tend to cast shadows across the entire stream. Furthermore, according to the Shade.xls model, nearly the entire stream width is shaded by branch overhang. Branch overhang has greater weight in Shade.xls and tends to compensate for canopy cover loss.”

This is a critically important point for narrow streams. Often these streams are already well shaded by topography, stream banks and low understory vegetation not included in the modeling. In addition, the DEQ Shade Effectiveness Study report<sup>5</sup> states on page 15, “The modeling exercise upon which the Rule was based used a stream width of 10 feet, whereas the majority of treated reaches were much narrower and hence effective shade changes may have been less sensitive to overstorey canopy removal...”

Knowing that a larger share of timber harvested in Idaho comes from the NIGF regional forest type, Forest Practices Advisory Committee members expressed concern when the current rule was developed regarding narrow streams; most SPZ harvests occur along streams narrower than those simulated. The effectiveness monitoring effort validated concerns for both the comparatively lower shade removal and the narrower stream widths where predominant harvest activity occurs.

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<sup>5</sup> *The Effectiveness of Idaho’s Class I Stream Shade Rule: Analysis of Before – After, Control – Impact Effective Shade Data.* <https://www.idl.idaho.gov/wp-content/uploads/sites/2/2021/06/Class-I-Shade-Effectiveness-Study-Final-Report.pdf>

**IDAPA 20 – IDAHO DEPARTMENT OF LANDS**  
**20.02.01 – RULES PERTAINING TO THE IDAHO FOREST PRACTICES ACT**  
**DOCKET NO. 20-0201-2101 (NEW CHAPTER)**  
**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 Section 38-1304, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearings concerning this rulemaking will be held as follows:

<b>Tuesday, September 14, 2021 – 6:00 p.m. (PT)</b>
<b>Idaho Department of Lands Louise Shadduck Building Sundance Conference Room 3284 West Industrial Loop Coeur d’Alene, ID 83815</b>
<b>To attend by Zoom:</b> <a href="https://idl.zoom.us/j/84370856637?pwd=SVJRTlprN0FHalBHMnFLVmw4YW12Zz09">https://idl.zoom.us/j/84370856637?pwd=SVJRTlprN0FHalBHMnFLVmw4YW12Zz09</a>
<b>To attend by telephone call: 1 (253) 215 8782 Meeting ID: 843 7085 6637, Passcode: 861791</b>

<b>Monday, September 20, 2021 – 6:00 p.m. (PT)</b>
<b>Lewiston Community Center Multi-Purpose Room 1424 Main Street Lewiston, ID 83843</b>
<b>To attend by Zoom:</b> <a href="https://idl.zoom.us/j/83154776344?pwd=ZDQ4Z203M01keWI4MUhQZUIMOEImQT09">https://idl.zoom.us/j/83154776344?pwd=ZDQ4Z203M01keWI4MUhQZUIMOEImQT09</a>
<b>To attend by telephone call: 1 (253) 215 8782 Meeting ID: 831 5477 6344, Passcode: 634320</b>

The hearing sites 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 Forest Practices Advisory Committee (FPAC) voted to recommend language to the State Board of Land Commissioners which will provide for a simplified “Shade Rule” (030.07.e.ii. (2014)) next to fish-bearing (Class I) streams and refine the definition of Class I streams (010.47.a.) to apply only to aquatic life beneficial use. This simplification will promote rule understanding and make compliance easier and less costly. The objective is to retain management options for landowners while still affording appropriate protections to stream shade and large organic debris recruitment.

FPAC also identified a need to update rules specific to the use of ground-based equipment on steep slopes. The technology used in the industry has changed; machinery is now being used on steep slopes while tethered to an anchor with a specialized winch to improve traction. This traction assistance allows the machine to operate safely on steep slopes while minimizing soil disturbance. Reduced incidence of injuries and improvements in harvest efficiency have resulted from their use. Existing rule language does not allow for universal use of this new family of machines; modified rule language is needed to accommodate changing technology.

Additional amendments are proposed to remove words and restrictions, wherever possible, to comply with the Governor's Executive Order 2020-01, Zero-Based Regulation. This includes some non-substantive editorial changes which were not in the draft rule text used for negotiated rulemaking.

Collectively, these proposed changes will reduce the rule set length, simplify the language, promote rule understanding, and provide economic benefit while maintaining or enhancing water-quality protection.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: Not Applicable.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: No fiscal impact is anticipated.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the April 7, 2021, Idaho Administrative Bulletin, [Vol. 21-4, pages 44-46](#).

**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: Not Applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the proposed rule, contact Gary Hess at (208) 666-8636 or [ghess@idl.idaho.gov](mailto:ghess@idl.idaho.gov).

**SUBMISSION OF WRITTEN COMMENTS:** 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 September 22, 2021.

DATED this 30th day of July, 2021.

Gary Hess  
Regulatory and Stewardship Program Manager  
Forestry and Fire Division  
Idaho Department of Lands  
3284 W Industrial Loop  
Coeur d'Alene, Idaho 83815  
Phone: (208) 666-8636  
Fax: (208) 769-1524  
[rulemaking@idl.idaho.gov](mailto:rulemaking@idl.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 20-0201-2101**  
**(New Chapter – Zero-Based Regulation Rulemaking)**

**20.02.01 – RULES PERTAINING TO THE IDAHO FOREST PRACTICES ACT**

**000. LEGAL AUTHORITY.**

In accordance with Section 38-1304, Idaho Code, the Idaho Board of Land Commissioners has authority to adopt rules establishing minimum standards for the conduct of forest practices on forest land. ( )

**001. SCOPE.**

These rules constitute the minimum standards for the conduct of forest practices on forest land and describe administrative procedures necessary to implement those standards. ( )

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

The terms “Best Management Practices (BMP),” “Department,” “Forest Land,” “Forest Practice,” “Forest Regions,” “Harvesting,” “Landowner,” “Operator,” “Rules,” “State,” and “Timber Owner,” have meanings provided in Section 38-1303, Idaho Code. In addition to the definitions set forth in the Act, the following definitions apply to these rules: ( )

**01. Act.** The Idaho Forest Practices Act, Title 38, Chapter 13, Idaho Code. ( )

**02 Acceptable Tree Species.** Any tree species normally marketable in the region, which are suitable to meet stocking requirements. Acceptable trees must be of sufficient health and vigor to assure growth and harvest. ( )

**03. Additional Hazard.** Debris, slashings, and forest fuel resulting from a forest practice. ( )

**04. Average DBH.** Average diameter in inches of trees cut or to be cut, measured at four and one-half (4.5) feet above mean ground level on standing trees. ( )

**05. Board.** The Idaho State Board of Land Commissioners or its designee. ( )

**06. Buffer Strip.** A protective area adjacent to an area requiring special attention or protection. ( )

**07. Cable Yarding.** Techniques that use winch systems, secured to stationary base machines, to transport fully or partially suspended logs or trees to landings. ( )

**08. Chemicals.** Substances applied to forest lands or timber to accomplish specific purposes and includes pesticides (as defined in Title 22, Chapter 34, Idaho Code), fertilizers, soil amendments, road dust abatement products and other materials that may present hazards to the environment. ( )

**09. Constructed Skid Trail.** A skid trail created by the deliberate cut and fill action of a dozer or skidder blade resulting in a road-type configuration. ( )

**10. Commercial Products.** Saleable forest products of sufficient value to cover cost of harvest and transportation to available markets. ( )

**11. Condition of Adjoining Area.** Those fuel conditions in adjoining areas that relate to spread of fire and to economic values of that area. ( )

**12. Contaminate.** To introduce into the atmosphere, soil, or water sufficient quantities of substances that are injurious to public health, safety, or welfare; domestic, commercial, industrial, agricultural or recreational uses; or livestock, wildlife, fish or other aquatic life. ( )

**13. Cross-Drain.** A diversion, depression, slope, or hump in a trail or road for the purpose of carrying

surface water runoff into the vegetation, duff, ditch, or other dispersion area to minimize volume and velocity of runoff which might cause soil erosion. ( )

**14. Cull.** Non-marketable, live, standing trees taller than twenty (20) feet. ( )

**15. Deterioration Rate.** Rate of natural decomposition and compaction of fuel debris which decreases the hazard and varies by site. ( )

**16. Director.** The Director of the Idaho Department of Lands or his designee. ( )

**17. Emergency Forest Practice.** A forest practice initiated during or immediately after a fire, flood, windthrow, earthquake, or other catastrophic event to minimize damage to forest lands, timber, or public resources. ( )

**18. Fertilizers.** Any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment. ( )

**19. Fire Trail.** Access routes that are located and constructed in a manner to be useful in fire control efforts or fire spread deterrence in the hazard area. ( )

**20. Fuel Quantity.** The diameter, number of stems and predominant species to be cut or already cut, and the size of the continuous thinning block, all of which determine quantity of fuel per unit of area. ( )

**21. Ground-based Equipment.** Mobile equipment such as trucks, tractors, dozers, skidders, excavators, loaders, mechanized harvesters and forwarders used for forest practices. ( )

**22. Habitat Types.** Forest land capable of producing similar plant communities at climax. ( )

**23. Hazard.** Any vegetative residue resulting from a forest practice which constitutes fuel. ( )

**24. Hazard Offset.** Improvements or a combination of practices which reduce the spread of fire and increases the ability to control fires. ( )

**25. Hazard Points.** The number of points assigned to certain hazardous conditions on an operating area, to actions designed to modify those conditions or to actions by the operator, timber owner or landowner to offset those conditions on the same operating area. ( )

**26. Hazard Reduction.** The burning or physical reduction of slash by treatment in some manner which will reduce the risk from fire. ( )

**27. Lake.** A body of perennial standing open water, natural or human-made, larger than one (1) acre in size. Lakes include the beds, banks or wetlands below the ordinary high water mark. Lakes do not include drainage or irrigation ditches, farm or stock ponds, settling or gravel ponds. Any reference in these rules to Class I streams also applies to lakes. ( )

**28. Large Organic Debris (LOD).** Live or dead trees and parts thereof that are large enough; or longer than the channel width or twenty (20) feet; or sufficiently buried in the stream bank or bed to be stable during high flows. LOD creates diverse fish habitat and stable stream channels by reducing water velocity, trapping stream gravel and allowing scour pools and side channels to form. ( )

**29. Noncommercial Forest Land.** Habitat types not capable of producing twenty (20) cubic feet of wood fiber per acre per year. ( )

**30. Operating Area.** That area where a forest practice is taking place or will take place. ( )

**31. Ordinary High Water Mark.** That mark on all water courses, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long



continued in all ordinary years as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. ( )

**32. Outstanding Resource Water.** A high-quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, designated by the legislature. ORW constitutes as outstanding national or state resource that requires protection from nonpoint activities, including forest practices, which may lower water quality. ( )

**33. 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. ( )

**34. Present Condition of Area.** The amount or degree of hazard present before a thinning operation commences. ( )

**35. Public Resource.** Water, fish, wildlife, and capital improvements of the State or its political subdivisions. ( )

**36. Reforestation.** Establishment of an adequately stocked stand of trees of species acceptable to the Department to replace those removed by harvesting or a catastrophic event on commercial forest land. ( )

**37. Relative Stocking.** A measure of site occupancy calculated as a ratio of actual stand density to the biological maximum density for a given forest type. This ratio, expressed as a percentage, shows the extent to which trees use a plot of forestland. This term was used in the Class I tree retention rule (030.07.e.ii) and has been replaced with Weighted Tree Count as described in the same rule. ( )

**38. Relief Culvert.** A structure to relieve surface runoff from roadside ditches to prevent excessive volume and velocity. ( )

**39. Slash.** Any vegetative residue three inches (3") or less in diameter resulting from a forest practice or clearing of land. ( )

**40. Site.** An area with the combination of biotic, climatic, and soil conditions or ecological factors that create capacity for forest vegetation. ( )

**41. Site Factor.** A combination of average slope and predominant aspect of the operating area which relate to rate of fire spread. ( )

**42. Site-Specific Best Management Practice.** A BMP that is adapted to and takes account of the specific factors influencing water quality, water quality objectives, on-site conditions, and other factors applicable to the site where a forest practice occurs which has been approved by the Department or by the Board in consultation with the Department and the Forest Practices Advisory Committee. ( )

**43. Size of Thinning Block.** Acres of continuous fuel creating an additional hazard within an operating area. Distance between the perimeter of thinning blocks containing continuous fuel must be a minimum of six (6) chains apart to qualify as more than one (1) block. ( )

**44. Snags.** Dead, standing trees taller than twenty (20) feet. ( )

**45. Soil Erosion.** Movement of soils resulting from forest practices. ( )

**46. Soil Stabilization.** The minimizing of soil movement. ( )

**47. Stream.** A natural water course of perceptible extent with definite beds and banks which confines and conducts continuously or intermittently flowing water. Definite beds are defined as having a sandy or rocky

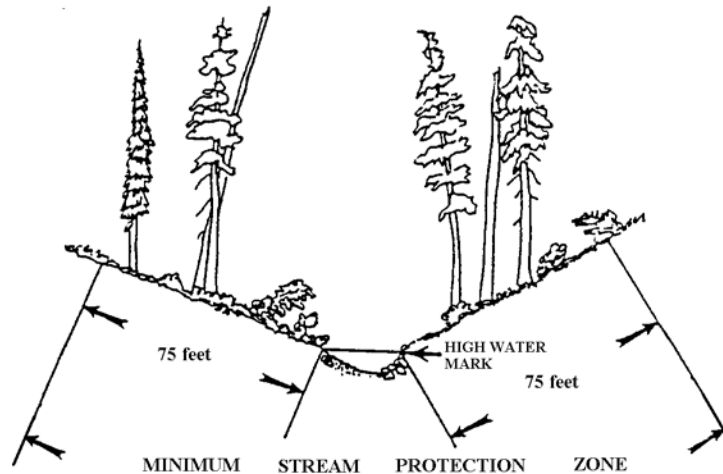
bottom which results from the scouring action of water flow. Any reference in these rules to Class I streams applies to lakes. ( )

a. Class I streams are important for the spawning, rearing or migration of fish. ( )

b. Class II streams are usually headwater streams or minor drainages that are used by only a few, if any, fish for spawning or rearing. Where fish use is unknown, consider streams as Class II where the total upstream watershed is less than two hundred forty (240) acres in the north forest region and four hundred sixty (460) acres in the south forest region. Their principal value lies in their influence on water quality or quantity downstream in Class I streams. ( )

c. Class I Stream Protection Zone (SPZ) means the area encompassed by a slope distance of seventy-five (75) feet on each side of the ordinary high water marks. (Figure 1.)

**FIGURE 1**  
**CLASS 1 STREAM PROTECTION ZONE**

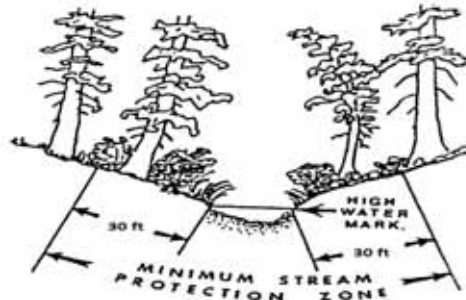


( )

d. Class II Stream Protection Zone (SPZ) means the area encompassed by a minimum slope distance of thirty (30) feet on each side of the ordinary high water marks. (Figure 2.) For Class II streams that do not contribute surface flow into Class I streams, a variance to this requirement may be requested. In no case will this width be less than five (5) feet slope distance on each side of the ordinary high water marks. Operators must provide for soil stabilization and water filtering effects by leaving undisturbed soils in widths sufficient to prevent washing of sediment. ( )

FIGURE 2  
CLASS II STREAM PROTECTION ZONE

## CLASS II STREAM PROTECTION ZONE



( )

**48. Time of Year of Forest Practice.** Parts of a year assigned hazard points when the forest practice takes place. Points are: October through December - two (2) points; August through September - four (4) points; January through April - seven (7) points; May through July - ten (10) points. ( )

**49. Traction-Assisted Harvesting.** Techniques that use winch systems to tether ground-based equipment to a stationary base for stabilizing and assisting steep-slope operation. Cable tension from the winch will be synchronized or automatically held constant. Enhanced traction for the equipment must minimize soil disturbance and risk of sediment delivery to streams. ( )

**50. Watershed Advisory Group.** A formal group of citizens that provides the Idaho Department of Environmental Quality with local public input and guidance regarding specific watersheds during watershed analysis and BMP development. ( )

### 011. ABBREVIATIONS.

**01. BMP.** Best Management Practices. ( )

**02. LOD.** Large Organic Debris. ( )

**03. SPZ.** Stream Protection Zone. ( )

### 012. -- 019. (RESERVED)

### 020. GENERAL RULES.

**01. Compliance.** Operators must comply with practices contained within a rule to accomplish the purpose of the rule. ( )

**a.** If conditions of sites or activities require application of practices which differ from those prescribed by the rules, the operator must obtain a variance according to the following procedure: ( )

**i.** The operator must submit a written request for variance to the Department. The request must

include a description of the site and particular conditions which necessitate a variance and a description of proposed practices which, if applied, will result in a violation of the rules. ( )

ii. The Department will evaluate the request and notify the operator in writing within fourteen (14) calendar days whether the variance is granted or denied. ( )

iii. All authorized variance practices must provide for results over the long term which are equivalent or better than those from rule to ensure site productivity, water quality and fish and wildlife habitat. A variance may be applied only at approved sites. ( )

b. Practices must also be in compliance with the Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code); Idaho Water Quality Standards and Waste Water Treatment Requirements (Title 39, Chapter 1, Idaho Code); the Idaho Pesticide Law (Title 22, Chapter 34, Idaho Code), and the Hazardous Waste Management Act of 1983 (Title 39, Chapter 44, Idaho Code), and rules promulgated thereunder. ( )

c. Water may be diverted from a stream and used at any time to carry out Idaho forest practices and for forest road dust abatement, provided that: 1) The total daily volume diverted is no greater than two-tenths (0.2) acre-feet (65,170 gallons) from a single stream; and 2) The rate of diversion is no greater than twenty-five percent (25%) of the rate of flow then available in the stream at the point of diversion for these purposes. ( )

i. No person may, under this Section 020, divert water from an irrigation canal, irrigation reservoir, or other irrigation facility while water is lawfully diverted, stored, captured, conveyed, used or otherwise physically controlled by an irrigator, irrigation district or canal company. ( )

ii. No person may, under this Section 020, divert water from a stream within a water district, or from which an irrigation delivery entity diverts water, without first providing notice to the watermaster of the intent to divert. ( )

iii. Water diversion intakes used for diversions under Subsection 020.01 must be screened with a maximum screen mesh size as follows: 1) fish-bearing Class I streams: 3/32 inch, and 2) all other streams: 1/4 inch. ( )

d. Any alternative conservation measure having received a favorable Biological Opinion or Incidental Take Permit from the National Marine Fisheries Service or US Fish and Wildlife Service will be considered as complying with these rules. ( )

**02. Conversion of Forest Lands.** Prior to converting forest lands to another use, the person converting the lands must file a written notification with the Department. These rules will continue to apply to the conversion and converting lands, except those relating to reforestation. On converted parcels larger than one (1) acre, acceptable vegetative cover sufficient to maintain soil productivity and minimize erosion must be planted. Cover must be established within one (1) year of forest practice completion, except that the Director may grant an extension of time if weather or other conditions interfere. Within three (3) years of forest practice completion, the Director will determine if the conversion has been accomplished by: ( )

a. The presence or absence of improvements necessary for use of land for its intended purpose;( )

b. Evidence of actual use of the land for the intended purpose. ( )

c. If the conversion has not been accomplished within three (3) years of harvest completion, supplemental reforestation Subsection 050.06 applies. ( )

**03. Annual Review and Consultation.** The Director will, at least annually, meet with other state agencies and the Forest Practices Advisory Committee and review recommendations for amendments to or repeal of these rules. He will then provide the Board a summary of any meetings, together with recommendations regarding these rules. ( )

**04. Consultation.** The Director may consult with other state agencies where expertise from such

agencies would be helpful or necessary. ( )

a. These rules are approved best management practices under IDAPA 58.01.02, "Water Quality Standards." The Water Quality Standards describe a procedure for modifying the practices based on monitoring and surveillance. The Director will review petitions from Idaho Department of Environmental Quality for changes or additions to these rules and make recommendations for modification to the Board. ( )

**05. Notification of Forest Practice.** ( )

a. Before commencing a forest practice or a conversion of forest lands the operator must notify the Department as required in Paragraph 020.05.b. The notification may be provided by the timber owner or landowner. ( )

b. The notification required by Paragraph 020.05.a. must be on forms provided by the Department, will identify each forest practice to be conducted, and include the name and address of the operator, timber owner, and landowner; the legal description of the operating area; whether the forest practice(s) borders an outstanding resource water and other information the Department considers necessary for administration of the rules. No forest practice may begin until the applicable notification is formally accepted by the Department. No later than fourteen (14) calendar days after formal acceptance of the notice, the Department will send a copy of the notice to the operator, timber owner, and landowner. ( )

c. The operator, timber owner, or landowner that filed the original notification, must notify the Department of any subsequent change in information contained in the notice within thirty (30) calendar days of the change. No more than fourteen (14) calendar days from receipt of the notice, the Department will send a copy of the notice to the operator, timber owner, and landowner. ( )

d. The notification is valid for the same period as the certificate of compliance under Section 38-122, Idaho Code. If the forest practice is continuing when the notification expires, the notification must be renewed using the same procedures provided for in this subsection. ( )

e. If the notification required by Paragraph 020.05.a. of this subsection indicates that the forest practice will be continuing at the notification's expiration, the operator, timber owner, or landowner must notify the Department and obtain a renewal of the notification at least thirty (30) calendar days prior. No more than fourteen (14) calendar days from receipt of the request, the Department will send a copy of the renewed notification to the operator, timber owner, and landowner. ( )

**06. Notification Exception.** A notification is required for all forest practices except: ( )

a. Routine road maintenance, recreational uses, grazing by domestic livestock, cone picking, culture and harvest of Christmas trees on lands used solely for the production of Christmas trees, or harvesting of other minor forest products. ( )

b. Non-commercial cutting and removal of forest tree species by a person for their own personal use. ( )

c. Clearing forest land for conversion to surface mining or dredge and placer mining operations under a reclamation plan or dredge mining permit. ( )

**07. Emergency Forest Practices.** No prior notification is required for emergency forest practices. Within forty-eight (48) hours after commencement of such practice, the operator, timber owner, or landowner must notify the Director and explain why emergency action was necessary. Such emergency forest practices are subject to the rules herein, except that the operator, timber owner, or landowner may take any reasonable action to minimize damage to forest lands, timber, or public resource from the direct or indirect effects of the catastrophic event. ( )

**08. Duty of Purchaser.** Before purchasing, contracting to purchase or accepting delivery of a forest tree species harvested from forest lands in Idaho, the initial purchaser must receive and keep on file a copy of the notification of forest practice for the harvesting practice applicable to the acquired forest tree species. The notice

must be available for inspection upon request by the Department at all reasonable times. ( )

**09. State Divided into Regions.** For the purpose of administering the Act and these rules, the State is divided into two (2) forest regions: one (1) north of the Salmon River and one (1) south of the Salmon River. ( )

**10. Regions Divided into Forest Habitat Types.** For administration purposes, the forest regions can be divided into Habitat Types. ( )

**021. -- 029. (RESERVED)**

**030. TIMBER HARVESTING.**

**01. Purpose.** Harvesting of forest tree species is a part of forest management. This is how wood for human use is obtained and how forests are established and tended. During harvesting operations there will be a temporary disturbance to the forest environment. These rules establish minimum standards for forest practices that will maintain the productivity of the forest land, minimize soil and debris entering streams, and protect wildlife and fish habitat. ( )

**02. Quality of Residual Stocking.** Reforestation is required if harvesting reduces stocking of acceptable trees below minimums of Subsection 050.04. ( )

**03. Soil Protection.** For each harvesting operation, operators should select the logging method and type of equipment adapted to the given slope, landscape and soil properties in order to minimize soil erosion. ( )

**a.** An operation that uses ground-based equipment must not be conducted if it will cause rutting, deep soil disturbance, or accelerated erosion. On slopes exceeding forty-five percent (45%) gradient and which are immediately adjacent to a Class I or II stream, ground-based equipment, except for traction-assisted harvesting equipment, must not be used without an approved variance. Where slopes in the area to be logged exceed forty-five percent (45%) gradient, the operator, landowner or timber owner must notify the Department of these steep slopes upon filing the notification as provided for in Subsection 020.05. ( )

**b.** The grade of constructed skid trails on geologically unstable, saturated, or highly erodible or easily compacted soils is limited to a maximum of thirty percent (30%). ( )

**c.** In accordance with appropriate silvicultural prescriptions, keep skid trails to the minimum feasible width and number. Limit tractors used for skidding to that size appropriate for the job. ( )

**d.** Uphill cable yarding is preferred. When downhill yarding, take reasonable care to lift the leading end of the log to minimize downhill movement of slash and soils. ( )

**04. Location of Landings, Skid Trails, and Fire Trails.** Locate landings, skid trails, and fire trails on stable areas to prevent the risk of material entering streams. ( )

**a.** Locate all new or reconstructed landings, skid trails, and fire trails on stable areas outside all SPZs. Locate fire and skid trails where sidecasting is held to a minimum. ( )

**b.** Landing size is limited to that necessary for safe economical operation. ( )

**c.** To prevent landslides, fill material used in landing construction must be free of loose stumps and excessive accumulations of slash. On slopes where sidecasting is necessary, stabilize landings by seeding, compacting, riprapping, benching, mulching or other suitable means. ( )

**05. Drainage Systems.** Provide and maintain a drainage system for each landing, skid trail or fire trail that will control the dispersal of surface water to minimize erosion. ( )

**a.** Stabilize skid trails and fire trails whenever they are subject to erosion, by water-barring, cross-draining, out-sloping, scarifying, seeding or other suitable means. Keep this work current to prevent erosion prior to

seasonal runoff. ( )

b. Reshape landings as needed to facilitate drainage prior to seasonal runoff. Stabilize all landings by establishing ground cover or other means within one (1) year after harvesting is completed. ( )

**06. Treatment of Waste Materials.** Leave or place all debris, overburden, and other waste material associated with harvesting in a way that prevents their entry into streams. ( )

a. Fell, buck, and limb trees, whenever possible, so that the tree or any tree parts fall away from Class I streams. Continuously remove slash that enters Class I streams because of harvesting operations. Continuously remove other debris that enters Class I streams because of harvesting operations whenever there is a potential for stream blockage or if the stream has the ability for transporting such debris. Place removed material five (5) feet slope distance above the ordinary high water mark. ( )

b. Remove slash and other debris that enters Class II streams whenever there is a potential for stream blockage or if the stream has the ability for transporting the debris immediately following skidding and place removed material above the ordinary high water mark or otherwise treat as prescribed by the Department. No formal variance is required. ( )

c. Deposit waste material from construction or maintenance of landings and skid and fire trails in geologically stable locations outside of the appropriate SPZ. ( )

**07. Stream Protection.** During and after forest practice operations, protect stream beds and streamside vegetation to provide the most natural condition possible to maintain water quality and aquatic habitat. ( )

a. Lakes require an approved site-specific riparian management prescription prior to conducting forest practices within the SPZ. ( )

b. Prior to conducting forest practice operations that cross streams using ground-based equipment, install temporary or permanent structures adequate to carry stream flow; skidding or forwarding directly in or through streams or fords is not permitted. Minimize the number of stream crossings and make direct approaches to minimize ground disturbance in the SPZ. Remove all temporary crossings immediately after use and, where applicable, cross-drain the approaches. (Construction of hydraulic structures in stream channels is regulated by the Stream Channel Protection Act - Title 42, Chapter 38, Idaho Code, and Paragraphs 040.02.e. and 040.02.g.). ( )

c. Operation of ground-based equipment is not allowed within the SPZ except at approaches to stream crossings. ( )

d. When cable yarding is necessary, across or inside the SPZs, it must be done in a way that minimizes stream bank vegetation and channel disturbance. ( )

e. Provide for LOD, shading, soil stabilization, wildlife cover and water filtering effects of vegetation along streams. ( )

i. Leave shrubs, grasses, and rocks wherever they afford shade over a stream or maintain the integrity of the soil near a stream. Landowners are strongly encouraged to leave all trees immediately adjacent to streams. ( )

ii. During commercial harvest within Class I SPZs, retain the following weighted tree count per one-hundred (100) linear feet of stream: ( )

(1) Fifty-seven (57) north of the Clearwater/Lochsa Rivers; ( )

(2) Forty-nine (49) between the Clearwater/Lochsa and Salmon Rivers; ( )

(3) Forty-one (41) south of the Salmon River; and ( )

- (4) Thirty-seven (37) in drier forests with SPZs dominated by Douglas-fir and ponderosa pine. ( )
- (5) At least four (4) of the above weighted tree count must be retained in the outer twenty-five feet (25') of the SPZ. ( )
- iii. Calculate weighted tree count by multiplying the number of live conifers and hardwoods present in each diameter range by the weight below and then sum the results.

Diameter Range (inches)	4-11.9"	12-19.9"	20-27.9"	28-35.9"	≥36"
Weight	1	3	5	8	11

- ( )
- iv. Prior to and during harvest, cutting in any part of a given one hundred foot (100') Class I SPZ segment is only allowed if the weighted tree count in the inner fifty feet (50') of that segment is above: thirty-three (33) north of the Clearwater/Lochsa Rivers, twenty-eight (28) between the Clearwater/Lochsa and Salmon Rivers, twenty-three (23) South of the Salmon River, and twenty-one (21) in drier forests with SPZs dominated by Douglas-fir and ponderosa pine. Note that the combination of minimum values for the inner fifty feet (50') and outer twenty-five feet (25') do not meet the minimum for the SPZ segment; additional trees must be left in one or both areas to meet the rule. ( )
- v. To protect filtering and shade effects of streamside vegetation adjacent to all Class II streams following harvesting and hazard management activities, retain live trees or establish new trees within thirty (30) feet on each side of the streams' ordinary high water mark to comply with the minimum stocking standards expressed in Subsection 050.04. ( )
- vi. During harvesting, carefully remove timber from the SPZ in such a way that LOD, shading and filtering effects are maintained and protected. When portions of harvested or naturally fallen trees land in or over a Class I stream, leave the portion consistent with the LOD definition of Subsection 010.28. When salvaging uprooted trees, leaving the section with the root ball attached is preferred. ( )
- vii. During harvesting operations, portions of felled or bucked trees not meeting the LOD definition must be removed, consistent with the slash removal requirements of Subsection 030.06. ( )
- viii. To obtain a variance from the tree retention requirements, the operator must develop a site-specific riparian management prescription and submit it to the Department for approval. The prescription should consider stream characteristics and the need for LOD, stream shade and wildlife cover which will achieve the objective of these rules. ( )
- ix. Stream width will be measured as average between ordinary high water marks. ( )
- f. Limit direct ignition of prescribed burns to hand piles within SPZs; all other direct ignitions must occur outside of SPZs, so a backing (cooler) fire will more likely occur within the SPZ. ( )
- i. Hand piles must be at least five (5) feet from the ordinary high water mark of streams. ( )
- ii. No mechanical piling of slash or natural forest fuels is allowed in an SPZ (an exception is filter windrows for erosion control which must not be ignited). ( )
- 08. Maintenance of Productivity and Related Values.** Design harvesting practices to assure the continuous growing and harvesting of forest tree species by suitable economic means and to protect soil, air, water, and wildlife resources. ( )
- a. Where major scenic attractions, highways, recreation areas or other high-use areas are located



within or traverse forest land, give special consideration to scenic values by prompt cleanup and regeneration. ( )

**b.** Give special consideration to preserving any critical aquatic or wildlife habitat, including snags, especially within SPZs. Wherever practical, preserve fruit, nut, and berry producing trees and shrubs. ( )

**c.** Avoid conducting operations along or through bogs, swamps, wet meadows, springs, seeps, wet draws or other locations where the presence of water is indicated by associated vegetation; temporary crossings can be used as referred to in Paragraph 030.07.b. Protect soil and vegetation from disturbance which would cause adverse effects on water quality, quantity and wildlife and aquatic habitat. ( )

**d.** Harvesting operations within a single ownership, in which essentially all trees have been removed in one operation, must be planned so that adequate wildlife escape cover (e.g., topography, vegetation, SPZs, etc.) is available within one-quarter (¼) mile. ( )

### **031. CUMULATIVE WATERSHED EFFECTS.**

**01. Purpose.** In accordance with Section 38-1305(8), Idaho Code, the Department has developed methods for controlling cumulative watershed effects (CWE). The methods and procedures are described in the department manual entitled "Forest Practices Cumulative Watershed Effects Process for Idaho." Proper application of this process will help ensure watersheds are managed to protect water quality so that beneficial uses are supported. This rule describes how the process is to be implemented on forest land. ( )

#### **02. Process Application.** ( )

**a.** Application of the CWE process and any resulting site-specific BMPs are encouraged but not mandatory. ( )

**b.** The process may be initiated by either the Department, a watershed advisory group, or an individual landowner or group of landowners that collectively own at least twenty-five percent (25%) of the forested land in a watershed. In any case, a reasonable effort will be made to notify forest landowners within the watershed, and the landowners will be given the opportunity to participate in the process. ( )

**c.** The Department must be notified prior to the initiation of the CWE process. ( )

**d.** The Department will review and approve the watershed assessment and CWE site-specific BMPs for compliance with the Act. ( )

**03. Site-Specific BMP Implementation.** Site-specific BMPs developed by a watershed advisory group are encouraged and applied on a voluntary basis. ( )

### **032. -- 039. (RESERVED)**

### **040. ROAD CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE.**

**01. Purpose.** Provide standards and guidelines for road construction, reconstruction, and maintenance that will maintain forest productivity, water quality, and fish and wildlife habitat. ( )

**02. Road Specifications and Plans.** Road specifications and plans must be consistent with good safety practices. Landowners and Operators should plan each road to the minimum use standards adapted to the terrain and soil materials to minimize disturbances and damage to forest productivity, water quality, fish, and wildlife habitat. In addition, landowners and operators must: ( )

**a.** Plan transportation networks to avoid road construction within SPZs, except at approaches to stream crossings. Leave or reestablish areas of vegetation between roads and streams. ( )

**b.** Plan roads no wider than necessary to safely accommodate the anticipated use. Minimize cut and fill volumes by aligning the road to fit the natural terrain features as closely as possible. Adequately compact fill

material. Dispose of excess material on geologically stable sites. ( )

c. Plan roads to drain naturally by out-sloping or in-sloping with cross-drainage and by grade changes where possible. Install dips, water bars, cross-drainage, or subsurface drainage on roads when necessary. ( )

d. When natural drainage will not protect the surface, cut slopes or fill slopes, plan roads with relief culverts and roadside ditches. Install culverts to prevent erosion of the fill by properly sizing, bedding and compacting. Ensure drainage structures avoid direct discharge of sediment into streams. ( )

e. This rule applies to new culvert installations, or reinstallations during road reconstructions or because of catastrophic events. Temporary culvert crossings are exempt from the fifty (50) year peak flow design requirement but must be removed before seasonal run-off. ( )

i. Culverts in fish-bearing streams must provide for fish passage. ( )

ii. Design stream crossings to carry the fifty (50) year peak flow using Department accepted engineering methods or the culvert sizing table below. Armor the inlet or use a flared inlet structure on thirty (30) inch or greater diameter culverts. The minimum diameter culvert allowed is eighteen (18) inches.

**CULVERT SIZING TABLE**

The left side of this culvert sizing table will be used for the area of the state north of the Salmon River and within the South Fork Salmon River drainage; the right side will be used for the area of the state south of the Salmon River and outside the South Fork Salmon River drainage. It was developed to carry the fifty (50) year peak flow at a headwater-to-diameter ratio of one (1).

North Forest Region and South Fork Salmon River Drainage			South Forest Region
Watershed Area (acres)	Required Culvert Diameter (inches)	Culvert Capacity (in cubic feet/sec)	Watershed Area (acres)
Ditch relief, seeps, springs, wet areas, draws	12	NA	Ditch relief, seeps, springs, wet areas, draws
less than 32	18	6	Less than 72
33 - 74	24	12	73-150
75 - 141	30	20	151-270
142 - 240	36	32	271-460
241 - 366	42	46	461-720
367 - 546	48	65	471-1025
547 - 787	54	89	1026-1450
788 - 1027	60	112	1451-1870
1028 - 1354	66	142	1871-2415
1355 - 1736	72	176	2416-3355
1737 - 2731	84	260	3356-5335
2732 - 4111	96	370	5336-7410
4112 - 5830	108	500	7411-9565
5831 - 8256	120	675	9566-11780

Culverts larger than one hundred twenty (120) inches must be designed; consider alternative structures. ( )

iii. Relief culverts, and those used for seeps, springs, wet areas, and draws must not be less than twelve (12) inches in diameter for permanent installations. ( )

f. On existing roads that are not reconstructed or damaged by catastrophic events, landowners or operators are encouraged, but not required, to replace or provide mitigation for culverts that do not provide for fish passage in accordance with Subparagraph 040.02.e.i. or cannot carry the fifty (50) year peak flow of Subparagraph 040.02.e.ii. ( )

g. Plan and install stream crossings in compliance with the Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code), Paragraph 030.07.b. and the culvert sizing requirements of Paragraph 040.02.e. Fords are acceptable stream crossing structures on small, shallow streams, with gradients less than four percent (4%). For fords: cross-drain and rock the road surface on each side of the stream for at least seventy-five (75) feet for Class I and at least thirty (30) feet for Class II streams; minimize sediment delivery to streams by limiting use to low water, dry, or frozen conditions; minimize hauling or equipment crossing trips during times of salmonid spawning and egg incubation. ( )

h. Avoid reconstruction of existing roads located in SPZs, except for approaches to stream crossings, unless it will result in the least long-term impact on site productivity, water quality, and fish and wildlife habitat. Reconstruction of existing roads in SPZs requires a variance. Reusing existing roads in SPZs for skidding or landing logs requires a variance. Reusing existing roads in SPZs only for hauling fully suspended logs does not require a variance. ( )

**03. Road Construction.** Landowners and operators must use the following practices to construct or reconstruct roads in a way that prevents debris, overburden, and other material from entering streams. ( )

a. Construct roads in compliance with the planning guidelines of Subsection 040.02. ( )

b. Clear all debris generated during construction or maintenance which potentially interferes with drainage or water quality. Deposit excess material and slash on geologically stable sites outside the SPZs. ( )

c. Where sediments would enter streams, stabilize exposed material (road surface, cut slopes, fill slopes, borrow pits, waste piles, etc.) prior to seasonal runoff. Install supplemental stabilization measures such as seed and mulch, slash mats, or rock. Rock the road surface through the entire SPZ over Class I stream crossings. ( )

d. Compact road fills. Minimize snow, ice, or frozen soil buried in embankments. Significant woody material is not allowed in fills, but slash may be used as a filter windrow along the fill toe in compliance with the Idaho Forestry Act and Fire Hazard Reduction Programs, Title 38, Chapters 1 and 4, Idaho Code. ( )

e. During and following operations on out-sloped roads, retain out-slope drainage and remove berms on the outside edge, except those intentionally constructed for road grade fill protection. ( )

f. Provide for drainage of quarries to prevent sediment from entering streams. ( )

g. Construct cross-drains and relief culverts to minimize erosion. Use riprap, vegetative matter, downspouts, and similar devices to minimize erosion of the fill. Install drainage structures or cross-drain incomplete roads prior to seasonal runoff. If effective forest floor filtration is not available within SPZs, install supplemental filtration at drainage structure outlets or additional drainage structures outside SPZs to prevent road surface erosion from entering streams. ( )

h. Postpone earthwork or material hauling during wet periods if erodible material would enter streams. ( )

i. Remove or stabilize cut-slope material subject to sloughing concurrent with construction. ( )

j. Construct full-bench roads, without fill slope disposal on slopes greater than sixty percent (60%) in unstable or erodible soils. ( )

**04. Road Maintenance.** Landowners and operators must use the following practices for regular preventive maintenance operations to minimize disturbance and damage to forest productivity, water quality, and fish and wildlife habitat. ( )

**a.** Place all debris or slide material associated with road maintenance in a manner to prevent their entry into streams. ( )

**b.** Repair slumps, slides, and other erosion sources causing stream sedimentation to minimize sediment delivery. ( )

**c.** Active forest roads are used for hauling forest products, rock and other road building materials. Conduct the following maintenance on active roads. ( )

**i.** Keep culverts and ditches functional. ( )

**ii.** Crown, out-slope, in-slope, or cross-drain road surfaces during and upon completion of seasonal operations. Remove berms from the outside edge except those intentionally constructed for protection of fills. ( )

**iii.** Maintain the road surface and postpone hauling during wet periods as necessary to minimize erosion of the subgrade and provide proper drainage. ( )

**iv.** Apply road-surface stabilizing materials in a way that prevents their entry into streams. ( )

**v.** During active maintenance, ensure road surfaces within SPZs are sufficiently stabilized. Install supplemental filtration at drainage structure outlets within SPZs if effective forest floor filtration is not available. ( )

**d.** Incidental haul roads are roads with a primary purpose other than forest practices that are used for hauling logs during active harvest. Active road maintenance requirements apply. Once active road maintenance is completed, no other maintenance is required under the Act. ( )

**e.** Inactive forest roads are no longer used for commercial hauling, but maintained for access. Conduct the following maintenance on inactive roads. ( )

**i.** When active use is over, clear ditches and culverts, crown, out-slope, in-slope, cross-drain or otherwise treat the road surface to minimize erosion. Maintain drainage structures as needed. ( )

**ii.** The roads may be permanently or seasonally blocked to vehicle traffic. ( )

**f.** Long-term inactive roads are forest roads that will not be used soon, but may be used again; no subsequent maintenance is required following completion of the practices below: ( )

**i.** Out-slope, cross-drain, seed or treat the surface to control erosion. ( )

**ii.** Block the road to vehicle traffic. ( )

**iii.** The Department may require the removal of bridges, culverts, ditches and unstable fills. The landowner must maintain any bridges or culverts left in place. ( )

**g.** Permanently abandoned roads are forest roads not intended to be used again. Remove all drainage structures and treat road surfaces to minimize erosion. ( )

**i.** Restore stream gradients to their natural slope. ( )

**ii.** Treat the road surface to break up compacted areas. ( )

- iii. Pull back fill slopes of roads within SPZs to a stable configuration unless long-term stability is evident. ( )
- iv. Pull back unstable side-hill fills to a stable configuration. ( )
- v. Control ditch-line erosion by cross-draining, out-sloping, or regrading to eliminate ditches. ( )
- vi. Stabilize soil exposed from regrading, ripping, and drainage removal by seeding, mulching, armoring, or other treatment. ( )

**05. Winter Operations.** To minimize erosion and prevent damage to roads and constructed skid trails from winter logging, operators must implement the practices below: ( )

a. Install adequate road drainage prior to winter operations using rolling dips, drivable cross-drains, open-top culverts, out slopes, or other methods. ( )

b. Maintain roads to keep the surface drained during thaws or break up. This may require active maintenance of existing drainage, drain holes in snow berms, and installation of additional cross-drains or treatment of the road surface. ( )

**041. -- 049. (RESERVED)**

**050. RESIDUAL STOCKING AND REFORESTATION.**

**01. Purpose.** To provide requirements for residual stocking and reforestation that will maintain a continuous growing and harvesting of forest tree species, and for sites not requiring reforestation, to maintain soil productivity and minimize erosion. The rules specify the minimum number of acceptable trees per acre and the maximum period of time allowed after harvesting for establishment of forest tree species. ( )

**02. Quality of Residual Stocking.** On any operation, trees left for future harvest must be of acceptable species and adequately protected from harvest damage to enhance their survival and growth. Locate roads and landings and conduct felling, bucking, skidding, yarding, and decking operations to minimize damage to residual trees. Acceptable residual trees should have a minimum live crown ratio of thirty percent (30%), minimum basal scarring, and should not have dead or broken tops. When stands have a high percentage of unacceptable trees, consider stand replacement rather than intermediate cuttings. ( )

**03. Sites Impractical to Reforest.** Sites impractical to reforest, generally ponderosa pine and drier Douglas-fir habitat types, must not be harvested below minimum stocking, unless the site is converted to some other use or, in instances of wildfire, insects, disease or other natural causes, where salvage of damaged timber is planned. ( )

a. When harvesting timber on these sites, one (1) of the following actions must be taken to ensure minimum stocking: ( )

i. Establish a new stand by leaving seed trees on the site and inter-planting at least once within five (5) years of harvest completion. ( )

ii. Establish a new stand of timber by planting the site with an acceptable tree species, and inter-planting at least once within five (5) years of the original planting. ( )

b. If the efforts listed above in a.i. and a.ii. do not provide the minimum stocking level, the landowner will be encouraged but not required to perform additional reforestation efforts. ( )

**04. Stocking.** ( )

a. Stocking is satisfactory immediately following harvest if the following number of acceptable trees per acre, within each specified region, for at least one (1) diameter range are reasonably well distributed over the area

affected by harvesting. (NOTE: (1) DBH = Diameter (outside of the bark) of a tree four and one half (4.5) feet above mean ground level):

**MINIMUM STOCKING - ACCEPTABLE TREES**

Idaho Region	Diameter Range DBH (inches)	Average Number of Retained Trees Per Acre	Average Spacing (feet)
North	0" – 2.9"	170	16 x 16
South	0" – 2.9"	125	18 x 18
North	3.0" – 10.9"	110	19 x 19
South	3.0" – 10.9"	75	24 x 24
North	11.0" and greater	20	46 x 46
South	11.0" and greater	15	53 x 53

( )

**b.** If the stand consists of retained trees of mixed diameter ranges reasonably well distributed over the harvested area and none of the diameter ranges individually equal or exceed the minimum trees per acre shown above, stocking is satisfactory if the weighted total of all of the diameter ranges of the retained trees exceeds a value of one hundred seventy (170) for a stand in the North Region and one hundred twenty-five (125) in the South Region. Calculate the weighted total by multiplying the number of retained trees per acre in each diameter range by the weight below and then sum the results.

Diameter Range	Weight
0" – 2.9"	1
3.0" – 10.9"	1.6
11.0" and greater	8.4

( )

**c.** Harvested stands which are not adequately stocked, as defined above, are subject to supplemental reforestation requirements specified in Subsection 050.06. ( )

**05. Reforestation Exemptions.** ( )

**a.** Reforestation is not required for: ( )

i. Noncommercial forest land; ( )

ii. Land converted to another use. This may include land converted to roads used in a forest practice; ( )

iii. A forest practice which will result in ten (10) acres or less below minimum stocking levels. ( )

**b.** On lands where reforestation is not being planned in accordance with Subsection 050.03, establish some form of grass or planted cover within one (1) year in order to maintain soil productivity and minimize erosion. ( )

**06. Supplemental Reforestation.** Seeding and/or planting may be required if after three (3) growing seasons from the date of harvest, stocking levels do not meet the standards in Subsection 050.04. Complete required seeding and/or planting before the end of the fifth growing season following the time of harvest; the Director must grant an extension of time if suitable seeds or seedlings are not available or if weather or other conditions interfere. ( )

**a.** Reforestation practices must ensure seedlings become established. This can be accomplished by adequate site preparation, using acceptable seed or seedlings, following accepted planting or sowing practices, or other suitable means. ( )

**b.** The party responsible for reforestation is the landowner during the harvest which reduced stand stocking below the minimum levels stated in Subsection 050.04. ( )

**051. -- 059. (RESERVED)**

**060. USE OF CHEMICALS AND PETROLEUM PRODUCTS.**

**01. Purpose.** Chemicals perform an important function in growing and harvesting forest tree species. These rules regulate chemical handling, storage and application for forest practices so that the public health and aquatic and terrestrial habitats will not be endangered by contamination of streams or other bodies of water. ( )

**02. Other Applicable Laws.** Anyone mixing, loading, applying or otherwise using chemicals must comply with the applicable portions of state and federal law, including but not limited to the Pesticide and Chemigation Law, Title 22, Chapter 34, Idaho Code and IDAPA 02.03.03, "Rules Governing Pesticide and Chemigation Use and Application." ( )

**03. Petroleum Products.** Stationary or mobile petroleum storage containers with capacities greater than two hundred (200) gallons must not be located closer than one hundred (100) feet from any waterway or area of open water. Dikes, berms or embankments must be constructed to contain at least one hundred ten percent (110%) of the volume of petroleum products stored within the tanks. Diked areas must be sufficiently impervious and of adequate capacity to contain spilled petroleum products. In the event any leakage or spillage enters any waterway or area of open water, the operator must immediately notify the Department. ( )

**a.** During fueling operations or petroleum product transfer to other containers, there must be a person attending the operation at all times. Fueling operations must not take place where the fuel will enter streams, lakes or other areas of open water, if spillage occurs. ( )

**b.** Equipment and containers used to transport, store or transfer petroleum products must be maintained in a leakproof condition. If the Department finds evidence of petroleum product leakage or spillage, the equipment or containers may not be used until the deficiency has been corrected. ( )

**c.** Waste resulting from logging operations, such as crankcase oil, filters, grease, oil containers, or other nonbiodegradable waste must be removed from the operating area and disposed of properly. ( )

**04. Equipment Maintenance.** Equipment used to transport, store, or apply chemicals must be maintained in leakproof condition. If the Department finds evidence of chemical leakage, the Department may suspend further use of that equipment until the deficiency has been corrected. ( )

**05. Mixing and Cleaning. ( )**

**a.** A person using water to mix chemicals must provide an air gap or reservoir between the water source and the mixing tank and use uncontaminated tanks, pumps, hoses and screens to handle and transfer mix water. ( )

**b.** Chemicals may be mixed and tanks and equipment cleaned only where spills will not enter any water source. ( )

**i.** Landing areas must be located where spilled chemicals will not enter any water source. ( )

**ii.** Rinsate and wash water should be recovered and used for make-up water, be applied to the target area, or disposed of according to state and federal laws. ( )

- 06. Aerial Application:** ( )
- a.** With the exception of pesticides approved for aquatic use and applied according to labeled directions, when applying pesticide leave at least one (1) swath width (minimum one hundred (100) feet) untreated on each side of all Class I streams, flowing Class II streams and other areas of open water. When applying pelletized fertilizer, leave a minimum of fifty (50) feet untreated on each side of all Class I streams, flowing Class II streams, and other areas of open water. ( )
- b.** Use a bucket or spray device capable of immediate shutoff. ( )
- c.** Shut off chemical application during turns and over open water. ( )
- 07. Ground Application with Power Equipment.** ( )
- a.** With exception of pesticides approved for aquatic use and applied according to labeled directions, when applying pesticide, leave at least twenty-five (25) feet untreated on each side of all Class I streams, flowing Class II streams and areas of open water. ( )
- b.** When applying fertilizer, leave at least ten (10) feet untreated on each side of all streams and areas of open water. ( )
- 08. Hand Application.** ( )
- a.** Apply only to specific targets, such as a stump, burrow, bait, or trap. ( )
- b.** Keep chemicals out of all water sources or streams. ( )
- 09. Limitations on Applications.** ( )
- a.** Chemicals must be applied in accordance with all limitations and instructions printed on the product registration labels, supplemental labels, and others established by regulation of the Director. ( )
- b.** Do not exceed allowable rates. ( )
- c.** Prevent direct entry of chemicals into any water source or stream. ( )
- 10. Daily Records of Chemical Applications.** ( )
- a.** When pesticides are applied on forest land, the operator must maintain a daily record of spray operations which includes: ( )
- i.** Date and time of day of application. ( )
- ii.** Name and address of owner of property treated. ( )
- iii.** Purpose of the application. ( )
- iv.** Contractor's name and applicator's or pilot's name. ( )
- v.** Location of project (section, township, range and county). ( )
- vi.** Air temperature (hourly). ( )
- vii.** Wind velocity and direction (hourly). ( )
- viii.** Pesticides used including trade or brand name, EPA product registration number, mixture, application rate, carrier used and total amounts applied. ( )



b. Whenever fertilizers or soil amendments are applied, the operator must maintain a daily record of such application which includes Subsection 060.10 and the name of the fertilizer or soil amendment and application rate. ( )

c. The records required in Subsection 060.10 must be maintained in compliance with the record-keeping requirements of IDAPA 02.03.03, "Rules Governing Pesticide and Chemigation Use and Application." ( )

d. All records required in Subsection 060.10 must be retained for three (3) years. ( )

**11. Container Disposal.** Chemical containers must be: cleaned and removed from the forest and disposed of in a manner approved by the Director in accordance with applicable local, state and federal regulations; or removed for reuse in a manner consistent with label directions and applicable regulations of a state or local health department. Open burning of containers is prohibited. ( )

**12. Spills.** In the event of a spill: ( )

a. All chemical accidents and spills must be reported immediately to the Director. ( )

b. Appropriate procedures must be taken immediately to control the spill source and contain the released material. ( )

c. The applicator must collect, remove, and dispose of spilled material in accordance with applicable local, state and federal law and in a manner approved by the Director. ( )

**13. Misapplications.** Whenever chemicals are applied to the wrong site or pesticides are applied in a manner inconsistent with the product label, the applicator must report those misapplications immediately to the Director. ( )

**061. -- 069. (RESERVED)**

**070. SLASHING MANAGEMENT.**

**01. Purpose.** To provide for slashing and fire hazard management resulting from harvesting, forest management, forest tree species improvement, or defoliation caused by chemical applications necessary to protect reproduction and residual stands, reduce risk from fire, insects and disease or optimize the conditions for future forest tree species regeneration and to maintain air and water quality, fish and wildlife-habitat. ( )

**02. Commercial Slash.** Fuels and debris resulting from a forest practice involving removal of a commercial product must be managed as set forth in the Idaho Forestry Act, Title 38, Chapters 1 and 4, Idaho Code and the rules and regulations pertaining to forest fire protection. ( )

**03. Non-Commercial Slash.** Fuels and debris resulting from a forest practice where no commercial product is removed must be managed in a manner as hereinafter designated under authority of the Idaho Forest Practices Act, Title 38, Chapter 13, Idaho Code. ( )

a. Within ten (10) days or a time mutually agreed upon following receipt by the Department of the "Notification of Forest Practice" as provided in Subsection 020.05, the Department will make a determination of the potential fire hazard and hazard reduction and/or hazard offsets, if any, needed to reduce, abate or offset the fire hazard. This determination will be based on a point system found in Paragraph 070.03.e. ( )

b. The operator, timber owner and landowner will be notified in writing of the determination and of the hazard reductions and/or hazard offsets, if any, that must be accomplished by the operator, timber owner or landowner. The notification will specify a reasonable time period not to exceed twelve (12) months from the date the forest practice commenced the hazard reduction completion and will specify the number of succeeding years that on site improvements or extra protection must be provided. ( )

c. A release of all obligations under Subsection 070.03 will be granted in writing when the hazard reduction and/or hazard offsets have been accomplished. When hazard offsets are to be accomplished during succeeding years, the release will be conditioned upon the completion of the required hazard offsets. Notification of release will be mailed to the operator, timber owner and landowner within seven (7) days of inspection by the Department. Inspections by the Department will be made within ten (10) days of notification by the operator, timber owner or landowner unless otherwise mutually agreed upon. ( )

d. If the Department determines upon inspection that the hazard reduction or hazard offsets have not been accomplished within the specified time limit, the Department may grant extensions of time, each not to exceed three months, if the Director determines that a diligent effort has been made and that conditions beyond the control of the party performing the hazard reduction or hazard offsets prevented completion. If an extension is not granted the Department will proceed as required in Section 38-1307, Idaho Code (Idaho Forest Practices Act). ( )

e. For the purpose of determining the potential fire hazard and the appropriate hazard reduction and/or hazard offsets, the Department will use a point system with the following rating guides. A value of eighty (80) points or less for any individual forest practice under Subsection 070.03, as determined by the Department, will be sufficient to release the operator, timber owner and landowner of all further obligations under Subsection 070.03. Total points of the proposed forest practice will be determined from Tables I and II. If the total points are greater than eighty (80), modification of the thinning practice to reduce points may be made as determined by Tables I and II, slash hazard offsets may be scheduled to reduce points as determined by Table III or a combination of these options may be used to reduce the hazards to a point total of eighty (80) or less. Consideration will be given to the operator's, timber owner's and landowner's preference in selecting the options to reduce the points to eighty (80) or less.

<b>TABLE I – HAZARD POINTS</b>											
<b>Hazard Points for Ponderosa Pine, Western Red Cedar or Western Hemlock</b>											
<b>Thinned Stems Per Acre</b>											
<b>Ave. DBH</b>	<b>250</b>	<b>500</b>	<b>750</b>	<b>1000</b>	<b>1250</b>	<b>1500</b>	<b>1750</b>	<b>2000</b>	<b>2500</b>	<b>3000</b>	<b>4000</b>
1	1	2	3	3	4	5	6	7	9	10	16
2	3	6	9	13	16	22	25	30	36	42	51
3	7	16	25	32	38	46	51	52	56	59	
4	9	22	32	40	50	52	54	56	60		
5	13	28	40	51	54	56	59	60			
6	19	36	51	54	58	60	60				
<b>Hazard Points for Douglas Fir, Grand Fir or Engelmann Spruce</b>											
<b>Thinned Stems Per Acre</b>											
<b>Ave. DBH</b>	<b>250</b>	<b>500</b>	<b>750</b>	<b>1000</b>	<b>1250</b>	<b>1500</b>	<b>1750</b>	<b>2000</b>	<b>2500</b>	<b>3000</b>	<b>4000</b>
1	1	2	3	4	6	7	8	9	13	16	22
2	4	7	13	16	22	28	32	36	42	50	54
3	8	19	28	36	44	51	53	54	58	60	
4	10	25	36	46	51	54	57	59	60		
5	16	32	46	52	56	59	60	60			
6	22	40	52	56	60	60	60				

TABLE I – HAZARD POINTS											
Hazard Points for Western Larch, Lodgepole Pine or Western White Pine											
Thinned Stems Per Acre											
Ave. DBH	250	500	750	1000	1250	1500	1750	2000	2500	3000	4000
1	1	2	2	3	4	4	5	6	8	9	13
2	3	6	8	11	16	19	22	28	32	38	48
3	6	16	25	32	38	46	51	52	56	59	
4	8	16	28	36	44	50	52	54	58		
5	9	22	32	42	50	53	55	57			
6	13	28	40	50	53	56	59				

**TABLE II - HAZARD POINTS WORKSHEET**

**HAZARD CHARACTERISTICS**

**HAZARD POINTS**

**Fuel Quantity**

Hazard points from Slash Hazard Table I 1/

Record number of trees/acre to be cut

Average D.B.H.

Predominant species


Size of thinning block

Points 0 - 15

16 - 30

31 - 45

46 - 60 1/

Acres 20

20 - 40

40 - 80

80

**Site Factor**

Record Slope \_\_\_\_\_ % Aspect \_\_\_\_\_

Determine points from table below 1/

ASPECT	PERCENT SLOPE			
	0 - 19	20 - 39	40 - 59	60
E or NE	0	5	10	20
E or NW	0	5	10	30
W or SE	0	10	30	40
S or SW	0	20	40	60
1/	Max. 60 points			

Other Factors	
Condition of operating area before forest practice commences	0 - 20 points
Condition of adjoining area	0 - 20 points
Presence of snags and culls	0 - 5 points
Deterioration rate of slash	0 - 5 points
Time of year forest practice operation	10 points
October thru December	2 points
August thru September	4 points
January thru April	7 points
May thru July	10 points
TOTAL FOREST PRACTICE AREA POINTS	(Max. 240 points)

**TABLE III - HAZARD OFFSETS**

Offsets	Hazard Point Deductions
Physical Changes to the Hazard (1)	
(1) Points will be proportional to the amount of hazard disposed of or modified.	
Disposal by burning or removal.	0 - 160
Modification by reducing depth through crushing, chipping or lopping.	0 - 60
On Site Improvements	
Condition of main access road to forest practice area should allow movement of heavy trucks without difficulty.	0 - 5
Access control to forest practice area provided by closure to public traffic.	0 - 5
Availability of water for tankers within one mile of forest practice area or within three miles for helicopter bucket use. Water supply to be sufficient to supply at least fifty thousand (50,000) gallons.	0 - 15
Buffer zones of unthinned areas at least two chains in width between roadways and thinned areas.	0 - 10
Fuel breaks with slash hazard removal around and/or through forest practice area, located so as to provide optimum fire control effect and of two to four chains in width.	0 - 25
Fire trails with fuel removed to expose mineral soil to a width of twelve (12) feet. Maximum points allowed if combined with a fuel break.	0 - 15

Offsets	Hazard Point Deductions
Extra Protection	
Increased attack capability such as retardant availability, increased attack manpower and equipment. Must be in addition to regular forces normally available during the fire season.	0 - 40
Fire detection and prevention increased beyond that normally available for lands in the fire protection district.	0 - 15
Initial attack time based on proximity of forest practice area to initial attack forces.	0 - 5
Landowner protection plan which would provide extra fire protection on a voluntary basis such as extra equipment and/or manpower.	0 - 5

( )

**071. PRESCRIBED FIRE.**

**01. Purpose.** Prescribed fire is a land management tool. Smoke from prescribed fires can have adverse impacts on ambient air quality or public health. These rules establish a management system for smoke from prescribed fires that will protect air quality. ( )

**02. Notification.** The use of prescribed fire requires a valid notification in accordance with Subsection 020.05 to maintain air quality and to protect public health. Possession of a valid notification will not preclude meeting the fire safety requirements specified in Section 38-115, Idaho Code. ( )

**03. Recommended Practices.** To maintain air quality and protect public health the following practices are recommended: ( )

**a.** Slash and large woody debris piles should be compact and free of stumps, soil, snow, and nonwoody organic material. ( )

**b.** Piles should be fully cured, dried at least two (2) months, prior to ignition. Piles should be at least partially covered with a water-resistant material so they can be ignited after enough precipitation to lower the fire danger. ( )

**c.** Broadcast burns should be conducted within a prescription that minimizes adverse effects on air quality. ( )

**d.** Membership in good standing in a recognized Airshed Group is encouraged. ( )

**072. -- 999. (RESERVED)**

Forest Practices Advisory Committee Recommendations for Proposed Rulemaking, July 2021

Unofficial Copy Submitted as a Proposed Rule for the September 2021 Bulletin

**IDAPA 20.02.01 – RULES PERTAINING TO THE IDAHO FOREST PRACTICES ACT**

**000. LEGAL AUTHORITY.**

In accordance with Section 38-1304, Idaho Code, the Idaho Board of Land Commissioners has authority to adopt rules establishing minimum standards for the conduct of forest practices on forest land. (7-1-96)

**001. ~~TITLE AND SCOPE.~~**

~~01. Title. These rules are titled IDAPA 20.02.01, “Rules Pertaining to the Idaho Forest Practices Act.”~~  
~~(4-11-06)~~

~~02. Scope. These rules constitute the minimum standards for the conduct of forest practices on forest land and describe administrative procedures necessary to implement those standards.~~  
~~(4-11-06)~~

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

~~Unless otherwise required by context as used in these rules~~The terms “Best Management Practices (BMP),” “Department,” “Forest Land,” “Forest Practice,” “Forest Regions,” “Harvesting,” “Landowner,” “Operator,” “Rules,” “State,” and “Timber Owner,” have meanings provided in Section 38-1303, Idaho Code. In addition to the definitions set forth in the Act, the following definitions apply to these rules:  
~~(10-14-75)~~( )

**01. Act.** The Idaho Forest Practices Act, Title 38, Chapter 13, Idaho Code. (7-1-96)

**02. Acceptable Tree Species.** Any ~~of the~~ tree species normally marketable in the region, which are suitable to meet stocking requirements. Acceptable trees must be of sufficient health and vigor to assure growth and harvest.  
~~(7-1-96)~~( )

**03. Additional Hazard.** ~~The d~~Debris, slashings, and forest fuel resulting from a forest practice.  
(10-14-75)( )

**04. Average DBH.** Average diameter in inches of trees cut or to be cut, measured at four and one-half (4.5) feet above mean ground level on standing trees.~~All trees to be cut that do not have a measurable DBH will fall in the one inch (1”) class.~~  
(7-1-96)

~~05. Best Management Practice (BMP). A practice or combination of practices determined by the board, in consultation with the department and the forest practices advisory committee, to be the most effective and practicable means of preventing or reducing the amount of nonpoint pollution generated by forest practices. BMPs shall include, but not be limited to, those management practices included in these rules.~~  
~~(9-11-90)~~

~~06.~~**05. Board.** The Idaho State Board of Land Commissioners or its designee. (10-14-75)

~~07.~~**06. Buffer Strip.** A protective area adjacent to an area requiring special attention or protection.  
(10-14-75)

~~07. Cable Yarding. Techniques that use winch systems, secured to stationary base machines, to transport fully or partially suspended logs or trees to landings.~~  
~~( )~~

**08. Chemicals.** Substances applied to forest lands or timber to accomplish specific purposes and includes pesticides, ~~(as defined in the Idaho Pesticide Law, Title 22, Chapter 34, Idaho Code),~~ fertilizers, soil amendments, road dust abatement products and other materials that may present hazards to the environment. ~~(7-1-98)~~

( )

**09. Constructed Skid Trail.** A skid trail created by the deliberate cut and fill action of a dozer or skidder blade resulting in a road-type configuration. (7-1-96)

**10. Commercial Products.** Saleable forest products of sufficient value to cover cost of harvest and transportation to available markets. (4-11-06)

**11. Condition of Adjoining Area.** Those fuel conditions in adjoining areas that relate to spread of fire and to economic values of ~~the adjoining~~ that area. (1-24-78)

**12. Contaminate.** To introduce into the atmosphere, soil, or water sufficient quantities of substances that are injurious to public health, safety, or welfare; ~~or to~~ domestic, commercial, industrial, agricultural or recreational uses; ~~or to~~ livestock, wildlife, fish or other aquatic life. (4-11-06)

**13. Cross-Ditch Drain.** A diversion, ~~ditch and~~ depression, slope, or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation, duff, ditch, or other dispersion area ~~so that it does not gain the volume and velocity which causes soil movement and erosion~~ to minimize volume and velocity of runoff which might cause soil erosion. (3-13-90)( )

**14. Cull.** ~~Nonmerchutable~~ Non-marketable, alive, standing trees ~~of greater height~~ taller than twenty (20) feet. (1-24-78)( )

~~15. Department. The Idaho Department of Lands. (10-14-75)~~

**16.15. Deterioration Rate.** Rate of natural decomposition and compaction of fuel debris which decreases the hazard and varies by site. (1-24-78)

~~17.16. Director.~~ The Director of the Idaho Department of Lands or his designee. (10-14-75)

**18.17. Emergency Forest Practice.** A forest practice initiated during or immediately after a fire, flood, windthrow, earthquake, or other catastrophic event to minimize damage to forest lands, timber, or public resources. (10-14-75)

**19.18. Fertilizers.** Any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment. (10-14-75)

**20.19. Fire Trail.** Access routes that are located and constructed in a manner to be ~~either~~ useful in fire control efforts or ~~detering the fire spread~~ deterrence in the hazard area. (10-14-75)( )

~~21. Forest Land. Federal, state and private land growing forest tree species which are, or could be at maturity, capable of furnishing raw material used in the manufacture of lumber or other forest products. The term includes federal, state and private land from which forest tree species have been removed but have not yet been restocked. It does not include land affirmatively converted to uses other than the growing of forest tree-~~  
(7-1-96)

~~22. Forest Practice. (10-14-75)~~

~~a. The harvesting of forest tree species including felling, bucking, yarding, decking, loading and hauling; road construction, improvement or maintenance including installation or improvement of bridges, culverts or structures which convey stream flows within the operating area; also including the clearing of forest land for conversion to non forest use when harvest occurs; (7-1-98)~~

~~b. Road construction, reconstruction or maintenance of existing roads including installation or improvement of bridges, culverts or structures which convey streams not within the operating area associated with harvesting of forest tree species; (7-1-98)~~

~~c. Reforestation; (10-14-75)~~

~~d. Use of chemicals for the purpose of managing forest tree species or forest land; (7-1-98)~~

~~e. The management of slash resulting from harvest, management or improvement of forest tree species or the use of prescribed fire on forest land. (7-1-98)~~

~~f. "Forest Practice" shall not include preparatory work such as tree marking, surveying, and road flagging or removal or harvesting of incidental vegetation from forest lands; such as berries, ferns, greenery, mistletoe, herbs, mushrooms, or other products which cannot normally be expected to result in damage to forest soils, timber, or public resources. (10-14-75)~~

~~23. Forest Regions. Two (2) regions of forest land: one (1) being north of the Salmon River and one (1) being south of the Salmon River. (7-1-96)~~

~~24. Forest Type. Five forest types in Idaho are defined as follows: (3-20-14)~~

~~a. North Idaho grand fir/western red cedar (NIGF): moist to wet interior forests with western red cedar, western hemlock, and grand fir being primary climax species, found in forests north of the Clearwater/ and Lochsa Rivers. (3-20-14)~~

~~b. Central Idaho grand fir/western red cedar (CIGF): productive conifer forests found in forests between the Lochsa River Basin and the Salmon River, characterized by stands having western red cedar and grand fir as climax species, with a mixed conifer overstory increasingly comprised of ponderosa pine, Douglas fir, and larch in the river breaks canyon lands. Stocking levels are generally lower than that of the NIGF stands. (3-20-14)~~

~~c. South Idaho grand fir (SIGF): mixed conifer forests, dominated by ponderosa pine and Douglas fir, found south of the Salmon River with grand fir and occasionally western red cedar being the stand climax species. (3-20-14)~~

~~d. Western hemlock subalpine fir (WH): higher elevation, moist, cool interior forests dominated by western hemlock, mountain hemlock, and/or subalpine fir. (3-20-14)~~

~~e. Douglas fir ponderosa pine (PP): drier forests dominated by ponderosa pine and Douglas fir, generally found in lower elevation, dry sites. (3-20-14)~~

~~25.20. Fuel Quantity. The diameter, the number of stems and the predominate-predominant species to be cut or already cut, and the size of the continuous thinning block, all of which determine quantity of fuel per unit of area. (1-24-78)( )~~

~~26.21. Ground-Based Equipment. Mobile equipment such as trucks, tractors, dozers, skidders, excavators, loaders, mechanized harvesters and forwarders used for harvesting, site preparation or hazard reduction forest practices. This does not include cable systems associated with stationary yarding equipment. (4-4-13)( )~~

~~27.22. Habitat Types. Forest land capable of producing similar plant communities at climax. (7-1-96) ( )~~

~~28. Harvesting. A commercial activity related to the cutting or removal of forest tree species to be used as a forest product. A commercial activity does not include the cutting or removal of forest tree species by a person for his own personal use. (10-14-75)~~

~~29.23. Hazard. Any vegetative residue resulting from a forest practice which constitutes fuel. (1-24-78)~~

~~30.24. Hazard Offset. Improvements or a combination of practices which reduces the spread of fire and increases the ability to control fires. (10-14-75)~~



**31.25. Hazard Points.** The number of points assigned to certain hazardous conditions on an operating area, to actions designed to modify those conditions ~~on the same area~~ or to actions by the operator, timber owner or landowner to offset ~~those the hazardous~~ conditions on the same operating area. (1-24-78) ( )

**32.26. Hazard Reduction.** The burning or physical reduction of slash by treatment in some manner which will reduce the risk from fire ~~after treatment~~. (10-14-75) ( )

**33.27. Lake.** A body of perennial standing open water, natural or human-made, larger than one (1) acre in size. Lakes include the beds, banks or wetlands below the ordinary high water mark. Lakes do not include drainage or irrigation ditches, farm or stock ponds, settling or gravel ponds. Any reference in these rules to Class I streams ~~shall~~ also apply ies to lakes. (7-1-96) ( )

~~34. Landowner. A person, partnership, corporation, or association of whatever nature that holds an ownership interest in forest lands, including the state. (10-14-75)~~

**35.28. Large Organic Debris (LOD).** Live or dead trees and parts ~~or pieces of trees thereof~~ that are large enough; or longer enough than the channel width or twenty (20) feet; or sufficiently buried in the stream bank or bed to be stable during high flows. ~~Pieces longer than the channel width or longer than twenty (20) feet are considered stable.~~ LOD creates diverse fish habitat and stable stream channels by reducing water velocity, trapping stream gravel and allowing scour pools and side channels to form. (3-13-90) ( )

~~36. Merchantable Material. That portion of forest tree species suitable for the manufacture of commercial products which can be merchandised under normal market conditions. (10-14-75)~~

~~37. Merchantable Stand of Timber. A stand of trees that will yield logs or fiber. (7-1-96)~~

~~a. Suitable in size and quality for the production of lumber, plywood, pulp, or other forest products; (10-14-75)~~

~~b. Of sufficient value at least to cover all costs of harvest and transportation to available markets. (10-14-75)~~

**38.29. Noncommercial Forest Land.** Habitat types not capable of producing twenty (20) cubic feet of wood fiber per acre per year. (7-1-96) ( )

~~39. Operator. A person who conducts or is required to conduct a forest practice. (10-14-75)~~

**40.30. Operating Area.** That area where a forest practice is taking place or will take place. (1-24-78)

**41.31. Ordinary High Water Mark.** That mark on all water courses, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. (10-14-75)

**42.32. Outstanding Resource Water.** A high-quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, ~~which has been so~~ designated by the legislature. ORW constitutes as outstanding national or state resource that requires protection from nonpoint activities, including forest practices, ~~that which~~ may lower water quality. (7-1-96) ( )

~~43. Partial Cutting. The well distributed removal of a portion of the merchantable volume in a stand of timber. This includes seed tree, shelterwood, or individual tree selection harvesting techniques. (10-14-75)~~

**44.33. Prescribed Fire.** The controlled application of fire to wildland fuels, in either their natural or modified state, under such conditions of weather, fuel moisture and soil moisture; ~~to that~~ allow the fire to be confined to a predetermined area ~~and at the same time to~~ while produce ing the intensity of heat and rate of spread required to meet planned objectives. (7-1-96) ( )

**45.34. Present Condition of Area.** The amount or degree of hazard present before a thinning operation commences. (1-24-78)

**46.35. Public Resource.** Water, fish, ~~and~~ wildlife, and ~~in addition means~~ capital improvements of the State or its political subdivisions. (10-14-75)( )

**47.36. Reforestation.** ~~The~~ Establishment of an adequately stocked stand of trees of species acceptable to the ~~e~~Department to replace ~~the ones~~those removed by ~~a~~harvesting or a catastrophic event on commercial forest land. (10-14-75)

**48.37. Relative Stocking.** A measure of site occupancy calculated as a ratio ~~comparison~~ of actual stand density to the biological maximum density for a given forest type. This ratio, expressed as a percentage, shows the extent to which trees ~~utilize~~ a plot of forestland. This term was used in the Class I tree retention rule (030.07.e.ii) and has been replaced with Weighted Tree Count as described in the same rule. (3-20-14)( )

**49.38. Relief Culvert.** A structure to relieve surface runoff from roadside ditches to prevent excessive ~~buildup in~~ volume and velocity. (10-14-75)

~~50. Rules. Rules adopted by the Board pursuant to Section 38-1304, Idaho Code.~~ (7-1-96)

**51.39. Slash.** Any vegetative residue three inches (3") ~~and under~~or less in diameter resulting from a forest practice or ~~the~~ clearing of land. (7-1-96)

**52.40. Site.** An area with the combination of biotic, climatic, and soil conditions~~considered as to its or~~ ecological factors ~~with reference to that create~~ capacity ~~to produce~~ for forest vegetation; ~~the combination of biotic, climatic, and soil conditions of an area.~~ (10-14-75)( )

**53.41. Site Factor.** A combination ~~of percent~~ of average ~~ground~~ slope and ~~predominate~~ predominant aspect of the ~~forest practice~~ operating area which relate to rate of fire spread. (1-24-78)( )

**54.42. Site-Specific Best Management Practice.** A BMP that is adapted to and takes account of the specific factors influencing water quality, water quality objectives, on-site conditions, and other factors applicable to the site where a forest practice occurs, ~~and~~ which has been approved by the Department, or by the Board in consultation with the Department and the Forest Practices Advisory Committee. (7-1-96)( )

**55.43. Size of Thinning Block.** Acres of continuous fuel creating an additional hazard within an ~~forest practice~~ operating area. Distance between the perimeter of thinning blocks containing continuous fuel must be a minimum of six (6) chains apart to qualify as more than one (1) block. (1-24-78)( )

**56.44. Snags.** Dead, standing trees taller than twenty (20) feet ~~and greater in height~~. (1-24-78)

**57.45. Soil Erosion.** Movement of soils resulting from forest practices. (10-14-75)

**58.46. Soil Stabilization.** The minimizing of soil movement. (10-14-75)

~~59. State. The state of Idaho or other political subdivision thereof.~~ (10-14-75)

**60.47. Stream.** A natural water course of perceptible extent with definite beds and banks which confines and conducts continuously or intermittently flowing water. Definite beds are defined as having a sandy or rocky bottom which results from the scouring action of water flow. Any reference in these rules to Class I streams ~~shall also~~ apply applies to lakes. (7-1-96)( )

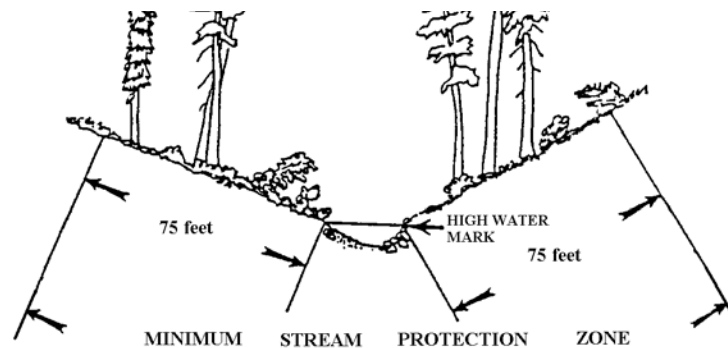
a. Class I streams ~~are used for domestic water supply or~~ are important for the spawning, rearing or migration of fish. ~~Such waters shall be considered to be Class I upstream from the point of domestic diversion for a minimum of one thousand three hundred and twenty (1,320) feet.~~ (1-17-86)( )

b. Class II streams are usually headwater streams or minor drainages that are used by only a few, if

any, fish for spawning or rearing. Where fish use is unknown, consider streams as Class II where the total upstream watershed is less than two hundred ~~and~~-forty (240) acres in the north forest region and four hundred ~~and~~-sixty (460) acres in the south forest region. Their ~~principle~~ principal value lies in their influence on water quality or quantity downstream in Class I streams. (7-1-96)( )

c. Class I Stream Protection Zone (SPZ) means the area encompassed by a slope distance of seventy-five (75) feet on each side of the ordinary high water marks. (Figure 1.)

FIGURE 1



CLASS 1 STREAM PROTECTION ZONE

(7-1-96)( )

d. Class II Stream Protection Zone (SPZ) means the area encompassed by a minimum slope distance of thirty (30) feet on each side of the ordinary high water marks. (Figure 2.) For Class II streams that do not contribute surface flow into Class I streams, a variance to this requirement may be requested. In no case will this width be less than five (5) feet slope distance on each side of the ordinary high water marks. Operators must provide for soil stabilization and water filtering effects by leaving undisturbed soils in widths sufficient to prevent washing of sediment. In no case shall this width be less than five (5) feet slope distance on each side of the ordinary high water marks.

FIGURE 2  
CLASS II STREAM PROTECTION ZONE

## CLASS II STREAM PROTECTION ZONE



(7-1-96)( )

~~61. Timber Owner. A person, partnership, corporation, or association of whatever nature, other than the landowner, that holds an ownership interest in forest tree species on forest land.~~ (10-14-75)

~~62.48. Time of Year of Forest Practice. Parts of a year assigned hazard points when~~ These combinations of months during which time the forest practice is taking takes place. Points assigned are: October through December - two (2) points; August through September - four (4) points; January through April - seven (7) points; May through July - ten (10) points. (1-24-78) ( )

49. Traction-Assisted Harvesting. Techniques that use winch systems to tether ground-based equipment to a stationary base for stabilizing and assisting steep-slope operation. Cable tension from the winch will be synchronized or automatically held constant. Enhanced traction for the equipment must minimize soil disturbance and risk of sediment delivery to streams. ( )

50. Watershed Advisory Group. A formal group of citizens that provides the Idaho Department of Environmental Quality with local public input and guidance regarding specific watersheds during watershed analysis and BMP development.

### 011. ABBREVIATIONS.

01. BMP. Best Management Practices. ( )

02. LOD. Large Organic Debris. ( )

03. SPZ. Stream Protection Zone. ( )

~~014.2.~~ -- 019. (RESERVED)

**020. GENERAL RULES.**

**01. Compliance.** Operators must comply with practices contained within a rule ~~shall be complied with~~ to accomplish the purpose ~~to which of~~ the rule ~~is related~~. (8-13-85) ( )

a. If conditions of sites or activities require ~~the~~ application of practices which differ from those prescribed by the rules, the operator ~~shall~~ must obtain a variance according to the following procedure: (8-13-85) ( )

i. The operator ~~shall~~ must submit a written request for variance to the ~~d~~Department ~~in writing~~. The request ~~shall~~ must include a description of the site and particular conditions which necessitate a variance, and a description of proposed practices which, if applied, will result in a violation of the rules. (8-13-85) ( )

ii. ~~Within fourteen (14) calendar days the~~ The dDepartment ~~shall~~ will evaluate the request and notify the operator in writing within fourteen (14) calendar days of the determination to allow or disallow whether the variance is granted or denied request. (7-1-96) ( )

iii. All ~~practices~~ authorized variance practices under this procedure shall must provide for results over the long term which are equivalent or better results over the long term than the those from rule which are superseded to insure site productivity, water quality and fish and wildlife habitat. A variance ~~can~~ may be applied only at approved sites. (8-13-85) ( )

b. Practices ~~shall~~ must also be in compliance with the Stream Channel ~~Alteration~~ Protection Act (Title 42, Chapter 38, Idaho Code); Idaho Water Quality Standards and Waste Water Treatment Requirements (Title 39, Chapter 1, Idaho Code); the Idaho Pesticide Law (Title 22, Chapter 34, Idaho Code), and the Hazardous Waste Management Act of 1983 (Title 39, Chapter 44, Idaho Code), and rules ~~and regulations pursuant thereto~~ promulgated thereunder. (8-13-85) ( )

c. Water may be diverted from a stream and used at any time to carry out Idaho forest practices and for forest road dust abatement, provided that: 1) The total daily volume diverted is no greater than two-tenths (0.2) acre-feet (65,170 gallons) from a single stream; and 2) The rate of diversion ~~shall~~ is no greater than ~~never exceed~~ twenty-five ~~(25)~~ percent (25%) of the rate of flow then available in the stream at the point of diversion for these purposes. (5-8-09) ( )

i. No person ~~shall~~ may, under this Section 020, divert water from an irrigation canal, irrigation reservoir, or other irrigation facility while water is lawfully diverted, stored, captured, conveyed, used or otherwise physically controlled by an irrigator, irrigation district or canal company. (5-8-09) ( )

ii. ~~If water is to be diverted~~ No person may, under this Section 020, divert water from a stream within a water district; or ~~from a stream~~ from which an irrigation delivery entity diverts water, a person diverting water shall give without first providing notice to the watermaster of the intent to divert ~~water for the purposes as authorized herein~~. (5-8-09) ( )

iii. Water diversion intakes used for diversions under Subsection 020.01 ~~shall~~ must be screened with a maximum screen mesh size as follows: 1) fish-bearing Class I streams: 3/32 inch, and 2) all other streams: 1/4 inch. (5-8-09) ( )

d. Any alternative conservation measure having received a favorable Biological Opinion or Incidental Take Permit from the National Marine Fisheries Service or US Fish and Wildlife Service will be considered as complying with these rules. (4-4-13)

**02. Conversion of Forest Lands.** Prior to converting forest lands to another use, the person converting the lands must file a written notification with the Department. Conversions require a notification be filed, and compliance with all These rules will continue to apply to the conversion and converting lands, except those relating to reforestation. On converted parcels larger than one (1) acre, plant acceptable vegetative cover sufficient to maintain soil productivity and minimize erosion must be planted. Cover ~~shall~~ must be established within one (1) year of forest

practice completion ~~of the forest practice~~, except that the ~~d~~Director may grant an extension of time if weather or other conditions interfere. Within three (3) years of forest practice completion ~~of the forest practice~~, the ~~d~~Director shall will determine if the conversion has been accomplished by: (7-1-96) ( )

- a. The presence or absence of improvements necessary for use of land for its intended purpose; (7-1-96)
- b. Evidence of actual use of the land for the intended purpose. (10-14-75)
- c. If the conversion has not been accomplished within three (3) years of ~~the harvest~~ completion ~~of harvest~~, supplemental reforestation Subsection 050.06 applies. (7-1-96)

**03. Annual Review and Consultation.** The ~~d~~Director shall will, at least ~~once each year annually~~, meet with other state agencies and the Forest Practices Advisory Committee and review recommendations for amendments to or repeal of these rules, new rules, or repeal of rules. He shall will then ~~report to provide~~ the ~~b~~Board a summary of such any meetings or meetings, together with recommendations ~~for amendments to rules, new rules, or repeal of regarding these rules~~. (10-14-75) ( )

**04. Consultation.** The ~~d~~Director shall may consult with other state agencies ~~and departments concerned with the management of forest environment~~ where expertise from such agencies ~~or departments is desirable would be helpful~~ or necessary. (10-14-75) ( )

a. These se rules are approved best management practices under Idaho's Water Quality Standards ~~and Wastewater Treatment Requirements~~, IDAPA 58.01.02, ~~(Title 39, Chapter 1, Idaho Code) reference the Forest Practice Rules as approved best management practices and~~ The Water Quality Standards describe a procedure ~~for~~ modifying the practices based on monitoring and surveillance. The ~~d~~Director shall will review petitions from Idaho Department of Environmental Quality for changes or additions to these se rules ~~according to Administrative Procedures Act (Title 67, Chapter 52, Idaho Code)~~ and make recommendations for modification to the Board ~~of Land Commissioners~~. (9-20-88) ( )

**05. Notification of Forest Practice.** (10-14-75)

a. Before commencing a forest practice or a conversion of forest lands the operator must notify the Department ~~shall be notified~~ as required in Paragraph 020.05.b. ~~The notice shall be given by the operator. However, The notification may be provided by the timber owner or landowner satisfies the responsibility of the operator under this Subsection. When more than one forest practice is to be conducted in relation to harvesting of forest tree species, one notice including each forest practice to be conducted shall be filed with the department.~~ (5-8-09) ( )

b. The notification required by Paragraph 020.05.a. shall must be on forms ~~prescribed and~~ provided by the ~~d~~Department, and shall will identify each forest practice to be conducted, and include the name and address of the operator, timber owner, and landowner; the legal description of the operating area ~~in which the forest practice is to be conducted~~; whether the forest practice(s) borders an outstanding resource water and other information the ~~d~~Department considers necessary for ~~the~~ administration of the rules ~~adopted by the board under Section 38-1304, Idaho Code. No forest practice may begin until the applicable~~ All notifications ~~must be~~ is formally accepted by the ~~d~~Department ~~before any forest practice may begin. Promptly upon formal acceptance of the notice but not more No later~~ than fourteen (14) calendar days ~~from after~~ formal acceptance of the notice, the ~~d~~Department shall will mail send a copy of the notice to ~~whichever of the operator, timber owner, or and landowner that did not submit the notification. The department shall make available to the operator, timber owner, and landowner a copy of the rules.~~ (7-1-96) ( )

c. ~~An The~~ operator, timber owner, or landowner, ~~whichever that~~ filed the original notification, shall must notify the ~~d~~Department of any subsequent change in ~~the~~ information contained in the notice within thirty (30) calendar days of the change. ~~Promptly upon receipt of notice of change, but not to No more than exceed~~ fourteen (14) calendar days from receipt of the notice, the ~~d~~Department shall will mail send a copy of the notice to ~~whichever of the operator, timber owner, or and landowner that did not submit the notice of change.~~ (7-1-96) ( )



d. The notification is valid for the same period as ~~set forth in~~ the certificate of compliance under Section 38-122, Idaho Code. ~~At the expiration of the notification, if~~ the forest practice is continuing when the notification expires, the notification shall must be renewed using the same procedures provided for in this Subsection. ~~(4-21-92)~~ ( )

e. If the notification required by Paragraph 020.05.a. of this Subsection indicates that the forest practice will be continuing at the notification's expiration ~~of the notification that the forest practice will be continuing~~, the operator, timber owner, or landowner must notify the Department and obtain a renewal of the notification, at least thirty (30) calendar days prior ~~to the expiration of the notification, shall must notify the department and obtain a renewal of the notification. Promptly upon receipt of the request for renewal, but not to exceed~~ No more than fourteen (14) calendar days from receipt of the request, the ~~d~~Department shall will mail send a copy of the renewed notification to ~~whichever of the operator, timber owner, or and~~ landowner that did not submit the request for renewal. ~~(7-1-96)~~ ( )

**06. Notification Exception.** A notification ~~of Forest Practice~~ is required for all forest practices except ~~for~~: (7-1-98) ( )

a. Routine road maintenance, recreational uses, grazing by domestic livestock, cone picking, culture and harvest of Christmas trees on lands used solely for the production of Christmas trees, or harvesting of other minor forest products. (10-14-75)

b. Non-commercial cutting and removal of forest tree species by a person for ~~his~~ their own personal use. (10-14-75) ( )

c. Clearing forest land for conversion to surface mining or dredge and placer mining operations under a reclamation plan or dredge mining permit. (9-20-88)

**07. Emergency Forest Practices.** No prior notification ~~shall be~~ is required for emergency forest practices ~~necessitated by and commenced during or immediately after a fire, flood, windthrow, earthquake, or other catastrophic event~~. Within forty-eight (48) hours after commencement of such practice, the operator, timber owner, or landowner shall must notify the ~~d~~Director ~~with an explanation of and explain~~ why emergency action was necessary. Such emergency forest practices are subject to the rules herein, except that the operator, timber owner, or landowner may take any reasonable action to minimize damage to forest lands, timber, or public resource from the direct or indirect effects of the catastrophic event. ~~(7-1-96)~~ ( )

**08. Duty of Purchaser.** Before purchasing, contracting to purchase or accepting delivery of a forest tree species harvested from forest lands in Idaho, the initial purchaser ~~of forest tree species which have been harvested from forest lands shall, before making such purchase or contract to purchase or accepting delivery of the same, must~~ receive and keep on file a copy of the notice of forest practice for required by Section 38-1306, Idaho Code relating to the harvesting practice for which applicable to the acquired forest tree species ~~are being acquired by the initial purchaser. Such~~ The notice shall must be available for inspection upon request by the ~~d~~Department at all reasonable times. ~~(7-1-96)~~ ( )

**09. State Divided into Regions.** For the purpose of administering ~~this~~ the Act and these rules, the State is divided into two (2) forest regions: one (1) north of the Salmon River and one (1) south of the Salmon River. ~~(7-1-96)~~ ( )

**10. Regions Divided into Forest Habitat Types.** For ~~the~~ administration purposes, ~~of further refining the on the ground administration of the Act~~, the forest regions can be divided into Habitat Types. ~~(7-1-96)~~ ( )

### 030. TIMBER HARVESTING.

**01. Purpose.** Harvesting of forest tree species is a part of forest management ~~by which~~ This is how wood for human use is obtained and ~~by which~~ how forests are established and tended. ~~It is recognized that during~~ During harvesting operations there will be a temporary disturbance to the forest environment. ~~It is the purpose of these rules to~~ establish minimum standards for forest practices that will maintain the productivity of the forest land ~~and~~ minimize soil and debris entering streams and protect wildlife and fish habitat. (10-14-75) ( )

**02. Quality of Residual Stocking.** Reforestation is required if harvesting reduces stocking of acceptable trees below minimums of Subsection 050.04. (7-1-96)

**03. Soil Protection.** ~~Select~~ For each harvesting operation, operators should select the logging method and type of equipment adapted to the given slope, landscape and soil properties in order to minimize soil erosion. (8-13-85) ( )

a. An operation that uses ground-based equipment ~~shall~~ must not be conducted if it will cause rutting, deep soil disturbance, or accelerated erosion. On slopes exceeding forty-five percent (45%) gradient and which are immediately adjacent to a Class I or II stream, ground-based equipment, except for traction-assisted harvesting equipment, shall must not be used ~~with~~ without an approved variance. Where slopes in the area to be logged exceed forty-five percent (45%) gradient, the operator, landowner or timber owner ~~shall~~ must notify the ~~Department~~ of these steep slopes upon filing the notification as provided for in Subsection 020.05. (4-4-13) ( )

b. ~~Limit~~ The grade of constructed skid trails on geologically unstable, saturated, or highly erodible or easily compacted soils is limited to a maximum of thirty percent (30%). (7-1-96) ( )

c. In accordance with appropriate silvicultural prescriptions, keep skid trails ~~shall be kept~~ to the minimum feasible width and number. ~~Limit~~ Tractors used for skidding ~~shall be limited to the~~ at size appropriate for the job. (8-13-85) ( )

d. Uphill cable yarding is preferred. Where ~~on~~ downhill yarding ~~is used~~, take reasonable care ~~shall be taken to~~ lift the leading end of the log to minimize downhill movement of slash and soils. (8-13-85) ( )

**04. Location of Landings, Skid Trails, and Fire Trails.** Locate landings, skid trails, and fire trails on stable areas to prevent the risk of material entering streams. (10-14-75)

a. Locate ~~All~~ new or reconstructed landings, skid trails, and fire trails ~~shall be located~~ on stable areas outside ~~the appropriate all stream protection zones~~ SPZs. Locate fire and skid trails where sidecasting is held to a minimum. (3-13-90) ( )

b. ~~Minimize the size of a~~ Landing size is limited to that necessary for safe economical operation. (8-13-85) ( )

c. To prevent landslides, fill material used in landing construction ~~shall~~ must be free of loose stumps and excessive accumulations of slash. On slopes where sidecasting is necessary, stabilize landings ~~shall be stabilized~~ by ~~use of~~ seeding, compaction, riprapping, benching, mulching or other suitable means. (8-13-85) ( )

**05. Drainage Systems.** Provide and maintain a drainage system ~~For each landing, skid trail or fire trail a drainage system shall be provided and maintained~~ that will control the dispersal of surface water to minimize erosion. (4-21-92) ( )

a. Stabilize skid trails and fire trails whenever they are subject to erosion, by water barring, cross draining, out sloping, scarifying, seeding or other suitable means. Keep ~~This work shall be kept~~ current to prevent erosion prior to ~~fall and spring~~ seasonal runoff. (8-13-85) ( )

b. Reshape landings as needed to facilitate drainage prior to ~~fall and spring~~ seasonal runoff. Stabilize all landings by establishing ground cover or ~~by some~~ other means within one (1) year after harvesting is completed.



~~(8-13-85)~~ ( )

**06. Treatment of Waste Materials.** ~~Leave or place~~ All debris, overburden, and other waste material associated with harvesting ~~shall be left or placed~~ in ~~such a manner way as to that~~ prevents their entry ~~by erosion, high water, or other means~~ into streams. ~~(10-14-75)~~ ( )

a. ~~Wherever possible trees shall be felled, bucked, and limbed trees, whenever possible, in such a manner so~~ that the tree or any ~~tree parts thereof will fall away from any~~ Class I streams. Continuously remove slash that enters Class I streams ~~as a result because~~ of harvesting operations. Continuously remove other debris that enters Class I streams ~~as a result because~~ of harvesting operations whenever there is a potential for stream blockage or if the stream has the ability for transporting such debris. Place removed material five (5) feet slope distance above the ordinary high water mark. ~~(3-13-90)~~ ( )

b. Remove slash and other debris that enters Class II streams whenever there is a potential for stream blockage or if the stream has the ability for transporting the debris immediately following skidding and place removed material above the ordinary high water mark or otherwise treat as prescribed by the ~~ed~~ Department. No formal variance is required. (11-7-86)

c. Deposit waste material from construction or maintenance of landings and skid and fire trails in geologically stable locations outside of the appropriate ~~Stream Protection Zone~~ SPZ. (8-13-85)

**07. Stream Protection.** During and after forest practice operations, ~~protect~~ stream beds and streamside vegetation ~~shall be protected to leave them in provide~~ the most natural condition ~~as possible to maintain water quality and aquatic habitat.~~ ~~(8-13-85)~~ ( )

a. Lakes require an approved site-specific riparian management prescription prior to conducting forest practices within the ~~stream protection zone~~ SPZ. (7-1-96)

b. ~~Operations that utilize ground-based equipment that result in logs being skidded or forwarded in or through streams shall not be permitted. When streams must be crossed, Prior to conducting forest practice operations that cross streams using ground-based equipment, install adequate temporary or permanent structures adequate to carry stream flow; skidding or forwarding directly in or through streams or fords is not permitted shall be installed. Minimize the number of stream crossings and make direct approaches to minimize ground disturbance in the SPZ. Cross the stream at right angles to its channel if at all possible. Remove all temporary crossings immediately after use and, where applicable, cross-drain the approaches.~~ (Construction of hydraulic structures in stream channels is regulated by the Stream Channel Protection Act - Title 42, Chapter 38, Idaho Code ~~and Paragraphs 040.02.e and 040.02.g.~~). ~~Remove all temporary crossings immediately after use and, where applicable, water bar the ends of the skid trails.~~ ~~(4-4-13)~~ ( )

c. Operation of ground-based equipment ~~shall is not be~~ allowed within the ~~Stream Protection Zone~~ SPZ except at approaches to stream crossings. ~~(7-1-96)~~ ( )

d. When cable yarding is necessary, across or inside the ~~Stream Protection Zones~~ SPZs, it ~~shall must~~ be done in ~~such a manner as to way that~~ minimizes stream bank vegetation and channel disturbance. ~~(8-13-85)~~ ( )

e. Provide for ~~large organic debris (LOD)~~, shading, soil stabilization, wildlife cover and water filtering effects of vegetation along streams. (7-1-96)

i. Leave shrubs, grasses, and rocks wherever they afford shade over a stream or maintain the integrity of the soil near a stream. ~~Landowners are strongly encouraged to leave all trees immediately adjacent to streams.~~ ~~(3-20-14)~~ ( )

ii. ~~During commercial harvest within~~ Adjacent to all Class I ~~Streams Protection Zones~~ SPZs, to maintain and enhance shade and large woody debris recruitment, landowners must comply ~~retain with the one of the two following options defining weighted tree retention count per one-hundred (100) linear feet of stream: The Relative Stocking per acre (RS) referenced in the options is calculated according to the relative stocking contribution table in~~

Subparagraph 030.07.e.ii.

- (1) fifty-seven (57) north of the Clearwater/Lochsa Rivers
- (2) forty-nine (49) between the Clearwater/Lochsa and Salmon Rivers
- (3) forty-one (41) south of the Salmon river
- (4) thirty-seven (37) in drier forests with SPZs dominated by Douglas-fir and ponderosa pine.

At least four (4) of the above weighted tree count must be retained in the outer twenty-five feet (25') of the SPZ.

Calculate weighted tree count by multiplying the number of live conifers and hardwoods present in each diameter range by the weight below and then sum the results.

<u>Diameter Range (inches)</u>	<u>4-11.9"</u>	<u>12-19.9"</u>	<u>20-27.9"</u>	<u>28-35.9"</u>	<u>≥36"</u>
<u>Weight</u>	<u>1</u>	<u>3</u>	<u>5</u>	<u>8</u>	<u>11</u>

~~(3-20-14)( )~~

~~(1) Option 1: Within twenty five (25) feet from the ordinary high water mark on each side of the stream, live conifers and hardwoods will be retained to maintain a minimum relative stocking per acre of sixty (60). A relative stocking per acre of thirty (30) must be retained in the stream protection zone between twenty five (25) feet and seventy five (75) feet from the ordinary high water mark on both sides of the stream. (3-20-14)~~

~~(2) Option 2: Within fifty (50) feet from the ordinary high water mark on each side of a stream, live conifers and hardwoods will be retained to maintain a minimum relative stocking per acre of sixty (60). A relative stocking per acre of ten (10) must be retained in the stream protection zone between fifty (50) feet and seventy five (75) feet from the ordinary high water mark on both sides of the stream. (3-20-14)~~

~~(3) Only one (1) option may be implemented within the stream protection zones of a harvesting unit covered by a single notification. Landowners are strongly encouraged to retain all trees immediately adjacent to the stream. (3-20-14)~~

<b>Forest Type</b>	<b>Per Tree Contribution to Relative Stocking by Diameter Class</b>						
	<b>Diameter Class (DBH in inches)</b>						
	<b>4-7.9"</b>	<b>8-11.9"</b>	<b>12-15.9"</b>	<b>16-19.9"</b>	<b>20-23.9"</b>	<b>24-27.9"</b>	<b>28-31.9"</b>
NIGF (North Idaho Grand Fir)	0.097	0.209	0.347	0.506	0.683	0.878	1.088
CIGF (Central Idaho Grand Fir)	0.113	0.244	0.405	0.59	0.797	1.024	1.27
SIGF (Southern Idaho Grand Fir)	0.136	0.293	0.486	0.708	0.957	1.229	1.524
WHSE (Western Hemlock-Subalpine Fir)	0.123	0.267	0.442	0.644	0.87	1.117	1.385
DFPP (Douglas-fir-Ponderosa Pine)	0.151	0.326	0.54	0.787	1.063	1.366	1.693

~~(3-20-14)~~

iii. Prior to and during harvest, cutting in any part of a given one hundred foot (100') SPZ segment is only allowed if the weighted tree count in the inner fifty feet (50') of that segment is above: thirty-three (33) north of the Clearwater/Lochsa Rivers, twenty-eight (28) between the Clearwater/Lochsa and Salmon Rivers, twenty-three

(23) South of the Salmon River, and twenty-one (21) in drier forests with SPZs dominated by Douglas-fir and ponderosa pine. Note that the combination of minimum values for the inner fifty feet (50') and outer twenty-five feet (25') do not meet the minimum for the SPZ segment; additional trees must be left in one or both areas to meet the rule. ( )

iii-iv. To protect filtering and shade effects of streamside vegetation adjacent to all Class II streams following harvesting and hazard management activities, retain live trees ~~will be retained~~ or establish new trees ~~established~~ within thirty (30) feet on each side of the streams' ordinary high water mark to comply with the minimum stocking standards expressed in Subsection 050.04. (3-20-14) ( )

ivv. During harvesting, carefully remove timber from the ~~Stream Protection Zone~~ SPZ in such a way that ~~large organic debris~~ LOD, shading and filtering effects are maintained and protected. When portions of harvested or naturally fallen ~~of felled trees fall~~ land ~~into~~ or over a Class I stream, leave the portion consistent with the LOD definition of Subsection ~~010.35~~ 010.28. (4-11-06) ( )

v. ~~When harvesting portions of trees that have fallen naturally into or over a Class I stream, leave the portion(s) over the stream consistent with the LOD definition of Subsection 010.35. I.~~ When salvaging uprooted trees, leaving the section with the root ball attached is preferred. (4-11-06) ( )

vi. During harvesting operations, portions of felled or bucked trees not meeting the LOD definition ~~shall~~ must be removed, consistent with the slash removal requirements of Subsection 030.06. (4-11-06) ( )

vii. To obtain a variance from the ~~standing tree and shade retention~~ requirements, the operator must develop a site-specific riparian management prescription and submit it to the ~~d~~Department for approval. The prescription should consider stream characteristics and the need for ~~large organic debris~~ LOD, stream shading and wildlife cover which will achieve the objective of these rules. (4-11-06) ( )

viii. Stream width ~~shall~~ will be measured as average between ordinary high water marks. (3-13-90) ( )

f. Limit ~~D~~irect ignition of prescribed burns ~~will be limited~~ to hand piles within ~~stream protection zones (SPZs)~~; all other direct ignitions ~~shall~~ must occur outside of SPZs, so a backing (cooler) fire will more likely occur within the SPZ. (4-11-06) ( )

i. Hand piles ~~shall~~ must be at least five (5) feet from the ordinary high water-mark of streams. (4-11-06) ( )

ii. No mechanical piling of slash or natural forest fuels is allowed in an SPZ (an exception is filter windrows for erosion control which ~~shall~~ must not be ignited). (4-11-06) ( )

**08. Maintenance of Productivity and Related Values.** Design ~~H~~arvesting practices ~~will first be designed~~ to assure the continuous growing and harvesting of forest tree species by suitable economic means and ~~also~~ to protect soil, air, water, and wildlife resources. (10-14-75) ( )

a. Where major scenic attractions, highways, recreation areas or other high-use areas are located within or traverse forest land, give special consideration to scenic values by prompt cleanup and regeneration. (10-14-75)

b. Give special consideration to preserving any critical aquatic or wildlife habitat, including snags, especially within ~~stream protection zones~~ SPZs. Wherever practical, preserve fruit, nut, and berry producing trees and shrubs. (4-4-13)

c. Avoid conducting operations along or through bogs, swamps, wet meadows, springs, seeps, wet draws or other locations where the presence of water is indicated by associated vegetation; temporary crossings can be used as referred to in Paragraph 030.07.b. Protect soil and vegetation from disturbance which would cause adverse ~~affects~~ effects on water quality, quantity and wildlife and aquatic habitat. (4-4-13) ( )

d. Harvesting operations within a single ownership, in which essentially all trees have been removed in one operation, ~~shall~~must be planned so that adequate wildlife escape cover (e.g., topography, vegetation, ~~stream protection zones~~ SPZs, etc.) is available within one-quarter (1/4) mile. ~~(4-4-13)~~ ( )

### 031. CUMULATIVE WATERSHED EFFECTS.

01. **Purpose.** In accordance with Section 38-1305(8), Idaho Code, the ~~d~~IDepartment has developed methods for controlling cumulative watershed effects (CWE). The methods and procedures are described in the department manual entitled "Forest Practices Cumulative Watershed Effects Process for Idaho." Proper application of this process will help ensure watersheds are managed to protect water quality so that beneficial uses are supported. This rule describes how the process is to be implemented on forest land. (7-1-98)

02. **Process Application.** (7-1-98)

a. Application of the CWE process and any resulting site-specific BMPs are encouraged but not mandatory. (7-1-98)

b. The process may be initiated by either the ~~d~~IDepartment, a watershed advisory group (WAG), or an individual landowner or group of landowners that collectively own at least twenty-five percent (25%) of the forested land in a watershed. In any case, a reasonable effort will be made to notify forest landowners within the watershed, and the landowners will be given the opportunity to participate in the process. (7-1-98)

c. The ~~d~~IDepartment ~~shall~~must be notified prior to the initiation of the CWE process. ~~(7-1-98)~~ ( )

d. The ~~d~~IDepartment will review and approve the watershed assessment and CWE site-specific BMPs for compliance with the ~~Forest Practices~~ Act. (7-1-98)

03. **Site-Specific BMP Implementation.** ~~Approved CWE s~~Site-specific BMPs developed by a watershed advisory group are encouraged and applied on a voluntary basis. ~~(7-1-98)~~ ( )

~~04. Site Specific BMPs on Former Stream Segments of Concern. Practices approved by the department from 1989 through 1995 under former stream segments of concern rules remain in effect until revised by a CWE analysis, at which point the CWE site specific BMPs would be mandatory. (7-1-98)~~

**040. ROAD CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE.**

**01. Purpose.** Provide standards and guidelines for road construction, reconstruction, and maintenance that will maintain forest productivity, water quality, and fish and wildlife habitat. (4-5-00)

**02. Road Specifications and Plans.** Road specifications and plans ~~shall~~must be consistent with good safety practices. ~~PLandowners and Operators should~~ plan each road to the minimum use standards adapted to the terrain and soil materials to minimize disturbances and damage to forest productivity, water quality, fish, and wildlife habitat. In addition, landowners and operators must: (4-5-00)( )

a. Plan transportation networks to avoid road construction within ~~stream protection zones~~ SPZs, except at approaches to stream crossings. Leave or reestablish areas of vegetation between roads and streams. (4-5-00)

b. Plan ~~R~~roads ~~shall be~~ no wider than necessary to safely accommodate the anticipated use. Minimize cut and fill volumes by aligning the road to fit the natural terrain features as closely as possible. Adequately compact fill material. Dispose of excess material on geologically stable sites. (4-5-00)( )

c. Plan roads to drain naturally by out-sloping or in-sloping with cross-drainage and by grade changes where possible. ~~Plan~~ Install dips, water bars, cross-drainage, or subsurface drainage on roads when necessary. (4-5-00)( )

d. ~~Relief culverts and roadside ditches shall be planned whenever reliance upon~~ When natural drainage ~~would~~will not protect the ~~running~~ surface, cut slopes or fill slopes. ~~Plan, plan roads with relief culverts and roadside ditches. Plan~~ Install culverts ~~installations~~ to prevent erosion of the fill by properly sizing, bedding and compacting. Plan Ensure drainage structures ~~to achieve minimum~~ avoid direct discharge of sediment into streams. (4-5-00)( )

e. ~~This~~ The following rule applies to new culvert installations, ~~of new culverts and re- or re~~ installations during road reconstructions ~~or reinstallations caused by flood or other~~ or because of catastrophic events. ~~Culverts used for~~ Temporary culvert crossings are exempt from the fifty (50) year peak flow design requirement but must be removed ~~immediately after they are no longer needed and~~ before ~~the spring~~ seasonal run-off period. (4-5-00)( )

i. Culverts in ~~installations on~~ fish-bearing streams must provide for fish passage. (4-5-00)( )

ii. Design ~~culverts for~~ stream crossings to carry the fifty (50) year peak flow using department accepted engineering methods ~~acceptable to the department or determine culvert size by using~~ the culvert sizing tables below. Armor the inlet or use a flared inlet structure on thirty (30) inch or greater diameter culverts. The minimum diameter size culvert ~~required for stream crossings shall not be less than~~ allowed is eighteen (18) inches ~~in diameter, with the exception of that area of the Snake River drainage upstream from the mouth of the Malad River, including the Bear River basin, where the minimum size shall be fifteen (15) inches.~~

**CULVERT SIZING TABLE –I**  
~~USE FOR NORTH IDAHO AND THE SALMON RIVER DRAINAGE~~

~~The left side of t~~This culvert sizing table ~~will be~~<sup>is</sup> used for the area of the state north of the Salmon River and within the South Fork Salmon River drainage; ~~the right side will be used for the area of the state south of the Salmon River and outside the South Fork Salmon River drainage.~~ It was developed to carry the fifty (50) year peak flow at a headwater-to-diameter ratio of one (1).

<u>North Forest Region and South Fork Salmon River Drainage</u>			<u>South Forest Region</u>
Watershed Area (acres)	Required Culvert Diameter (inches)	Culvert Capacity (in cubic feet/sec)	Watershed Area (acres)
<u>Ditch relief, seeps, springs, wet areas, draws</u>	<u>12</u>	<u>NA</u>	<u>Ditch relief, seeps, springs, wet areas, draws</u>
less than 32	18	6	<u>Less than 72</u>
33 - 74	24	12	<u>73-150</u>
75 - 141	30	20	<u>151-270</u>
142 - 240	36	32	<u>271-460</u>
241 - 366	42	46	<u>461-720</u>
367 - 546	48	65	<u>471-1025</u>
547 - 787	54	89	<u>1026-1450</u>
788 - 1027	60	112	<u>1451-1870</u>
1028 - 1354	66	142	<u>1871-2415</u>
1355 - 1736	72	176	<u>2416-3355</u>
1737 - 2731	84	260	<u>3356-5335</u>
2732 - 4111	96	370	<u>5336-7410</u>
4112 - 5830	108	500	<u>7411-9565</u>
5831 - 8256	120	675	<u>9566-11780</u>

~~Strongly consider having culverts larger than sixty (60) inches designed, or consider alternative structures, such as bridges, mitered culverts, arches, etc.~~

~~Culverts larger than one hundred twenty (120) inches must be designed; consider alternative structures.~~

**CULVERT SIZING TABLE—II  
USE FOR SOUTH IDAHO**

This culvert sizing table is used for the area of the state south of the Salmon River and outside the South Fork Salmon River drainage. It was developed to carry the fifty (50) year peak flow at a headwater to diameter ratio of one (1).

Watershed Area (acres)	Required Culvert Diameter (inches)	Culvert Capacity (in cubic feet/sec)
less than 72	18#	6
73—150	24	12
151—270	30	20
271—460	36	32
461—720	42	46
721—1025	48	65
1026—1450	54	89
1451—1870	60	112

Strongly consider having culverts larger than sixty (60) inches designed, or consider alternative structures, such as bridges, mitered culverts, arches, etc.

Watershed Area (acres)	Required Culvert Diameter (inches)	Culvert Capacity (in cubic feet/sec)
1871—2415	66	142
2416—3355	72	176
3356—5335	84	260
5336—7410	96	370
7411—9565	108	500
9566—11780	120	675

Culverts larger than one hundred twenty (120) inches must be designed; consider alternative structures.

# See exception for southeast Idaho in Subparagraph 040.02.a.ii. of this rule. (4-5-00)( )

iii. Relief culverts, and those used for seeps, springs, wet areas, and draws shall must not be less than twelve (12) inches in diameter for permanent installations. (7-1-96)( )

f. On existing roads that are not reconstructed or damaged by catastrophic events, landowners or operators are encouraged, but not required, to replace or provide mitigation for culverts that do not provide for fish passage in accordance with Subparagraph 040.02.e.i. or cannot carry the fifty (50) year peak flow of Subparagraph



040.02.e.ii.

(4-11-06)

g. ~~Plan and install s~~Stream crossings, ~~including fords, shall be minimum in number and planned and installed~~ in compliance with the Stream Channel Protection Act, (Title 42, Chapter 38, Idaho Code), ~~Paragraph 030.07.b. and with the~~ culvert sizing requirements of ~~Paragraph~~ 040.02.e. Fords are ~~an~~ acceptable stream crossing structures on small, shallow streams, with ~~gradients flat~~, less than four percent (4%) ~~gradients~~. ~~For fords, should cross the stream at right angles. Approaches shall be adequately cross-drained and rocked the road surface on each side of the stream~~ for at least seventy-five (75) feet ~~for Class I and at least thirty (30) feet for Class II streams; minimize sediment delivery to streams by~~. ~~During times of salmonid spawning and egg incubation or to protect active domestic water diversions, use shall be limited limiting use~~ to low water, dry, or frozen conditions; ~~minimize and~~ hauling or equipment crossing trips ~~limited to minimize sediment delivery to streams during times of salmonid spawning and egg incubation, or to protect active domestic water diversions.~~ (4-11-06)(    )

h. Avoid reconstruction of existing roads located in ~~stream protection zones~~ SPZs, except for approaches to stream crossings, unless it will result in the least long-term impact on site productivity, water quality, and fish and wildlife habitat. Reconstruction of existing roads in ~~stream protection zones~~ SPZs ~~will require~~s a variance. Reusing existing roads in ~~stream protection zones~~ SPZs for skidding or landing logs ~~shall require~~s a variance. Reusing existing roads in ~~stream protection zones~~ SPZs only for hauling fully suspended logs ~~only, where no reconstruction will occur~~, does not require a variance. (4-11-06)(    )

**03. Road Construction.** Landowners and operators must use the following practices to ~~C~~construct or reconstruct roads in a ~~manner to way that~~ prevents debris, overburden, and other material from entering streams. (4-5-00)(    )

a. Construct r~~Roads shall be constructed~~ in compliance with the planning guidelines of Subsection 040.02. (7-1-96)(    )

b. Clear all debris generated during construction or maintenance which potentially interferes with drainage or water quality. Deposit excess material and slash on geologically stable sites outside the ~~stream protection zones~~ SPZs. (4-5-00)

c. Where sediments would enter streams, stabilize exposed material (road surface, cut slopes, ~~or fill slopes, borrow pits, waste piles, etc.) is potentially erodible, and where sediments would enter streams, stabilize~~ prior to ~~fall or spring seasonal~~ runoff. Install supplemental stabilization measures such as seed and mulch, slash mats, or rock. Rock the road surface through the entire SPZ over Class I stream crossings, by seeding, compacting, rocking, riprapping, benching, mulching or other suitable means. (4-5-00)(    )

d. ~~In the construction of Compact road fills, compact the material to reduce the entry of water, minimize erosion, and settling of fill material.~~ Minimize the amount of snow, ice, or frozen soil buried in embankments. ~~No s~~Significant amount of woody material is not allowed in ~~shall be incorporated into fills, but slash - Available slash and debris may be utilized used~~ as a filter windrow along the fill toe of the fill in compliance with, but must meet the requirements of the Idaho Forestry Act and Fire Hazard Reduction Programs ~~Laws, Title 38, Chapters 1 and 4, Idaho Code.~~ (4-5-00)(    )

e. During and following operations on out-sloped roads, retain out-slope drainage and remove berms on the outside edge, ~~except those intentionally constructed for road grade fill protection of road grade fills.~~ (8-13-85)(    )

f. Provide for drainage of quarries to prevent sediment from entering streams. (8-13-85)

g. Construct cross-drains and relief culverts to minimize erosion ~~of embankments~~. ~~Installation of erosion control devices should be concurrent with road construction.~~ Use riprap, vegetative matter, downspouts, and similar devices to minimize erosion of the fill. Install drainage structures or cross-drain incompleted roads ~~which are subject to erosion~~ prior to ~~fall or spring seasonal~~ runoff. Install relief culverts with a minimum grade of one percent (1%). If effective forest floor filtration is not available within SPZs, install supplemental filtration at drainage structure outlets or additional drainage structures outside SPZs to prevent road surface erosion from entering streams.



~~(4-5-00)~~( )

h. Postpone ~~E~~earthwork or material hauling ~~shall be postponed~~ during wet periods if, ~~as a result,~~ erodible material would enter streams. ~~(4-5-00)~~( )

i. ~~Cut slopes shall be reconstructed to minimize sloughing of material into road surfaces or ditchlines.~~ Remove or stabilize cut-slope material subject to sloughing concurrent with ~~the~~ construction ~~operation~~. ~~(4-5-00)~~( )

j. Construct full-bench r~~Roads, constructed on slopes greater than sixty percent (60%) in unstable or erodible soils shall be full benched~~ without fill slope disposal on slopes greater than sixty percent (60%) in unstable or erodible soils. ~~At stream and draw crossings keep fills to a minimum. A variance is required if a full bench is not used.~~ ~~(4-5-00)~~( )

**04. Road Maintenance.** Landowners and operators must use the following practices for ~~Conduct~~ regular preventive maintenance operations to minimize disturbance and damage to forest productivity, water quality, and fish and wildlife habitat. ~~(4-5-00)~~( )

a. Place all debris or slide material associated with road maintenance in a manner to prevent their entry into streams. ~~(4-5-00)~~

b. Repair slumps, slides, and other erosion sources causing stream sedimentation to minimize sediment delivery. ~~(4-5-00)~~

c. Active forest roads. ~~An active road is a forest road being~~ are used for hauling forest products, rock and other road building materials. Conduct t~~The following maintenance on active~~ shall be conducted on such roads. ~~(8-13-85)~~( )

i. Keep ~~C~~culverts and ditches ~~shall be kept~~ functional. ~~(8-13-85)~~( )

ii. Crown, out-slope, in-slope, or cross-drain road surfaces d~~During and upon completion of seasonal operations, the road surface shall be crowned, out sloped, in sloped or cross ditched, and. Remove~~ berms ~~removed~~ from the outside edge except those intentionally constructed for protection of fills. ~~(4-5-00)~~( )

iii. Maintain t~~The road surface shall and postpone hauling during wet periods be maintained~~ as necessary to minimize erosion of the subgrade and ~~to provide proper drainage.~~ ~~(8-13-85)~~( )

iv. Apply road-surface stabilizing materials in a way that prevents their entry into streams. ~~Hauling shall be postponed during wet periods if necessary to minimize sediment delivery to streams.~~ ~~(4-5-00)~~( )

v. During active maintenance, ensure road surfaces within SPZs are sufficiently stabilized. Install supplemental filtration at drainage structure outlets within SPZs if effective forest floor filtration is not available. If road surface stabilizing materials are used, apply them in such a manner as to prevent their entry into streams. ~~(4-5-00)~~( )

d. Incidental ~~Haul Road. An incidental~~ haul roads are roads with a ~~is a multi use road (residential traffic; its primary purpose is other than forest practices)~~ that are used for ~~has log-hauling logs~~ during active harvest activities. Active road maintenance requirements apply. Once active road maintenance is completed, no other maintenance is required under the ~~Forest Practices Act (FPA).~~ ~~(4-11-06)~~( )

e. Inactive forest roads. ~~An inactive road is a forest road (primary purpose is for forest practices) are~~ no longer used for commercial hauling, but maintained for access ~~(e.g., for fire control, forest management activities, recreational use, and occasional or incidental use for minor forest products harvesting).~~ Conduct T~~The following maintenance shall be conducted~~ on inactive roads. ~~(4-11-06)~~( )

i. When~~Following termination of active use is over, clear~~ ditches and culverts, ~~shall be cleared and the road surface shall be~~ crowned, out-slope, ~~d or in-sloped,~~ cross-drain ~~water barred~~ or otherwise treat the road surface ~~left in a condition~~ to minimize erosion. Maintain d~~Drainage structures shall be maintained thereafter~~ as needed.

(7-1-96)( )

- ii. The roads may be permanently or seasonally blocked to vehicle ~~leular~~ traffic. (8-13-85)( )

f. Long-term ~~Inactive Roads. A long-term~~ inactive roads ~~is~~ are forest roads that will not ~~intended to~~ be used ~~soon, again in the near future~~ but will likely may be used again; ~~at some point in the future. No~~ subsequent maintenance ~~of a long term inactive road~~ is required following after the following procedures are completed ~~of the practices below:~~ (4-5-00)( )

i. ~~The road is left in a condition suitable~~ Out-slope, cross-drain, seed or treat the surface to control erosion ~~by out-sloping, water barring, seeding, or other suitable methods.~~ (8-13-85)( )

- ii. Block t The road ~~is blocked~~ to vehicle leular traffic. (8-13-85)( )

iii. The department may require the removal of bridges, culverts, ditches and unstable fills. The landowner must maintain ~~A~~ any bridges or culverts left in place ~~shall be maintained by the landowner.~~ (4-5-00)( )

g. ~~Permanently Abandoned Roads.~~ Permanently abandoned roads are forest roads not intended to be used again. Remove a All drainage structures ~~must be removed~~ and ~~roadway sections~~ treated so that road surfaces to minimize erosion ~~and landsliding are minimized.~~ (4-5-00)( )

- i. ~~Drainage structures shall be removed and~~ Restore stream gradients ~~restored~~ to their natural slope. (4-5-00)( )

- ii. Treat t The road ~~prism shall be treated~~ surface to break up compacted areas. (4-5-00)( )

iii. Pull back t Fill slopes of roads within stream protection zones ~~SPZs shall be pulled back~~ to a stable configuration unless long-term stability is evident ~~has already been achieved.~~ (4-5-00)( )

- iv. Pull back u Unstable side-hill fills ~~shall be pulled back~~ to a stable configuration. (4-5-00)( )

v. Control d ~~Ditch-line erosion shall be controlled~~ by cross-ditch draining, out-sloping, or regrading to eliminate ditches. (4-5-00)( )

vi. Stabilize soil exposed ~~All bare earth areas created by~~ from regrading, ripping, and drainage removal ~~shall be stabilized~~ by seeding, mulching, armoring, or other treatment ~~suitable means.~~ (4-5-00)( )

05. **Winter Operations.** ~~Due to risk of~~ To minimize erosion and prevent damage ~~from to~~ roads and constructed skid trails ~~inherent in from~~ winter logging, ~~at minimum the following shall apply~~ operators must implement the practices below: (4-21-92)( )

a. ~~Roads to be used for winter operations must have adequate surface and cross drainage~~ I adequate road drainage prior to winter operations. ~~Drain winter roads by installing~~ using rolling dips, driveable cross-drains ~~ditches~~, open-top culverts, out-slopes ing, or ~~by other suitable means~~ methods. (4-21-92)( )

b. ~~During winter operations, roads will be maintained as needed~~ Maintain roads to keep the road surface drained during thaws or break-up. This may ~~include~~ require active maintenance of existing drainage ~~structures~~, drain opening of drainage holes in snow berms, and installation of additional cross-drainages ~~on or treatment of the road surfaces by ripping, placement of native material or other suitable means.~~ (4-21-92)( )

041. -- 049. (RESERVED)

**050. RESIDUAL STOCKING AND REFORESTATION.**

**01. Purpose.** ~~The purpose of these rules is to~~ To provide requirements for residual stocking and reforestation that will maintain a continuous growing and harvesting of forest tree species, and for sites not requiring reforestation, to maintain soil productivity and minimize erosion. ~~by describing the conditions under which reforestation will be required, specifying. The rules specify~~ the minimum number of acceptable trees per acre, and the maximum period of time allowed after harvesting for establishment of forest tree species, ~~and for sites not requiring reforestation, to maintain soil productivity and minimize erosion.~~ (7-1-96)( )

**02. Quality of Residual Stocking.** On any operation, trees left for future harvest ~~shall~~must be of acceptable species and adequately protected from harvest damage to enhance their survival and growth. ~~This may be accomplished by~~ Locating roads and landings and ~~by conducting~~ felling, bucking, skidding, yarding, and decking operations ~~so as~~ to minimize damage to residual trees. Acceptable residual trees should have a minimum live crown ratio of thirty percent (30%), minimum basal scarring, and should not have dead or broken tops. When stands have a high percentage of unacceptable trees, consider stand replacement rather than intermediate cuttings. (7-1-96)( )

**03. Sites Impractical to Reforest.** Sites ~~unpractical~~impractical to reforest, generally ponderosa pine and drier Douglas-fir habitat types, ~~shall~~must not be harvested below minimum stocking, unless the site is converted to some other use; or, in instances of wildfire, insects, disease or other natural causes, where salvage of ~~the~~ damaged timber is planned. (4-4-13)( )

a. When harvesting timber on these sites, one (1) of the following actions must be taken to ensure minimum stocking: (4-4-13)( )

i. Establish a new stand by leaving seed trees on the site and inter-planting at least once within five (5) years of harvest completion ~~on the harvest, if needed to meet minimum stocking.~~ (4-4-13)( )

ii. Establish a new stand of timber by planting the site with an acceptable tree species, and inter-planting at least once within five (5) years of the original planting, ~~if needed to meet minimum stocking.~~ (4-4-13)( )

b. If the efforts listed ~~in Subparagraphs 050.03, above in~~ a.i. and ~~050.03.a.ii. fall short of meeting~~ do not provide the minimum stocking level, the landowner will be encouraged, but not required, to ~~meet the minimum stocking level through~~ perform additional reforestation efforts. (4-4-13)( )

**04. Stocking.** Stocking ~~will be deemed adequate~~ is satisfactory immediately following harvest if the following number of acceptable trees per acre, within each specified region, for at least one (1) ~~size class~~ diameter range, are reasonably well distributed over the area affected by ~~forest~~ harvesting. (NOTE: (1) DBH = Average Diameter (outside of the bark) of a tree four and one half (4.5) feet above mean ground level):

**MINIMUM STOCKING - ACCEPTABLE TREES**

Idaho Region	Size Class Diameter Range DBH (inches)	Average Number of Retained Trees Per Acre	Average Spacing (feet)
North	0" – 2.9"	170	16 x 16
South	0" – 2.9"	125	18 x 18
North	3.0" – 10.9"	110	19 x 19
South	3.0" – 10.9"	75	24 x 24
North	11.0" and greater	20	46 x 46
South	11.0" and greater	15	53 x 53

If ~~immediately following harvest~~, the stand consists of retained trees of mixed ~~size classes that are~~ diameter ranges reasonably well distributed over the harvested area, and none of the ~~size classes~~ diameter ranges individually equal or exceed the minimum trees per acre shown above, stocking ~~will also be deemed adequate~~ is satisfactory if the weighted total of all of the ~~size classes~~ diameter ranges of the retained trees exceeds a value of one hundred seventy (170) for a stand in the North Region and one hundred twenty-five (125) in the South Region. ~~The weighted total is calculated by multiplying the number of retained trees per acre in each size class by the weighting factors below and adding all of these classes totals together. Calculate the weighted total by multiplying the number of retained trees per acre in each size range by the weight below and then sum the results.~~

<del>Size</del> <u>Diameter</u> Range	Weight
0" – 2.9"	1
3.0" – 10.9"	1.6
11.0" and greater	8.4

Harvested stands which are not adequately stocked, as defined above, will be subject to supplemental reforestation requirements specified in Subsection 050.06. Minimum stocking requirements for Class I ~~stream protection zones~~ SPZs are specified in Subparagraphs 030.07.e.ii. and 07.e.~~iii.~~ (4-4-13)( )

**05. Reforestation Exemptions.** (7-1-96)

**a.** Reforestation is not required for: (7-1-96)

i. Noncommercial forest land; (7-1-96)

ii. Land converted to another use. This may include land converted to roads used in a forest practice; (7-1-96)

iii. A forest practice which will result in ten (10) acres or less below minimum stocking levels. (7-1-96)

**b.** On lands ~~exempted under Subsection 050.03, where reforestation is not being planned,~~ where reforestation is not being planned in accordance with Subsection 050.03, establish some form of grass or planted cover ~~shall be established~~ within one (1) year in order to maintain soil productivity and minimize erosion. ~~(7-1-96)( )~~

**06. Supplemental Reforestation.** Seeding and/or planting may be required if after three (3) growing seasons from the date of harvest, stocking levels do not meet the standards in Subsection 050.04. Complete ~~Required~~ seeding and/or planting ~~shall be completed~~ before the end of the fifth growing season following the time of harvest, ~~except that;~~ the ~~d~~Director shall must grant an extension of time if suitable seeds or seedlings are not available or if weather or other conditions interfere. ~~(7-1-96)( )~~

**a.** Reforestation practices must ensure seedlings become established. This can be accomplished by adequate site preparation, using ~~utilizing~~ acceptable seed or seedlings, following accepted planting or sowing practices, or ~~by~~ other suitable means. ~~(7-1-96)( )~~

**b.** The party responsible for reforestation is the landowner during the harvest which reduced stand stocking below the minimum levels stated in Subsection 050.04. (4-4-13)

**051. -- 059. (RESERVED)**

**060. USE OF CHEMICALS AND PETROLEUM PRODUCTS.**

**01. Purpose.** Chemicals perform an important function in ~~the~~ growing and harvesting ~~of~~ forest tree species. ~~The purpose of these rules is to regulate chemical handling, storage and application of chemicals in such a way for forest practices so~~ that the public health and aquatic and terrestrial habitats will not be endangered by contamination of streams or other bodies of water. ~~In addition, the application of chemicals are is regulated by the Commercial Fertilizer Law, Title 22, Chapter 6; the Soil and Plant Amendment Law, Title 22, Chapter 22, and the Idaho(7-1-98) ( )~~

**02. Other Applicable Laws.** Anyone mixing, loading, applying or otherwise using chemicals must comply with the applicable portions of state and federal law, including but not limited to the Pesticide and Chemigation Law, Title 22, Chapter 34, Idaho Code and IDAPA 02.03.03, "Rules Governing Pesticide and Chemigation Use and Application."  
(7-1-98) ( )

**032. Petroleum Products.** Stationary or mobile Ppetroleum storage containers with capacities greater of ~~more~~ than two hundred (200) gallons, ~~stationary or mobile, will~~ must not be located ~~no~~ closer than one hundred (100) feet from any ~~stream, water course, lake, waterway~~ or area of open water. Dikes, berms or embankments ~~will~~ must be constructed to contain at least one hundred ten percent (110%) of the volume of petroleum products stored within the tanks. Diked areas ~~will~~ must be sufficiently impervious and of adequate capacity to contain spilled petroleum products. In the event any leakage or spillage enters any ~~stream, water course, lake, waterway~~ or area of open water, the operator will must immediately notify the ~~d~~Department. (7-1-98) ( )

a. ~~Transferring petroleum products.~~ During fueling operations or petroleum product transfer to other containers, there ~~shall~~ must be a person attending ~~such the~~ operations at all times. Fueling operations ~~should~~ must not take place where, ~~if spillage occurs,~~ the fuel will enter streams, lakes or other areas of open water, if spillage occurs.  
(7-1-98) ( )

b. Equipment and containers used ~~for to~~ transportation, storage or transfer ~~of~~ petroleum products ~~shall~~ must be maintained in a leakproof condition. If the ~~d~~Department ~~determines there is~~ finds evidence of petroleum product leakage or spillage, the ~~use of such equipment shall be suspended~~ equipment or containers may not be used until the deficiency has been corrected. (7-1-98) ( )

c. Waste resulting from logging operations, such as crankcase oil, filters, grease, oil containers, or other nonbiodegradable waste ~~shall~~ must be removed from the operating area and disposed of properly. (7-1-98) ( )

**03. Licensing.** ~~Any person applying, mixing or loading pesticides shall comply with the licensing requirements of Idaho Pesticide Law and IDAPA 02.03.03, "Rules Governing Pesticide and Chemigation Use and Application." This requirement does not pertain to individuals applying general use pesticides on their own property.~~  
(7-1-98)

**04. Equipment Maintenance of Equipment.** (10-14-75) ( )

a. Equipment used ~~for to~~ transportation, storage or application ~~of~~ chemicals ~~shall~~ must be maintained in leakproof condition. If, ~~in the director's judgment, there is~~ Department finds evidence of chemical leakage, ~~he shall have the authority to the Department may~~ suspend ~~the~~ further use of ~~such that~~ equipment until the deficiency has been corrected. (10-14-75) ( )

b. ~~The storage of pesticide shall must also be conducted in accordance with the requirements Rules of the Idaho Pesticide Law and IDAPA 02.03.03, "Rules Governing Pesticide and Chemigation Use and Application."~~  
(7-1-98)

**05. Mixing and Cleaning.** (10-14-75) ( )

a. A person using ~~When water is used in mixing to mix~~ chemicals must: (10-14-75)

~~i. Provide an air gap or reservoir between the water source and the mixing tank. (10-14-75)~~

~~ii. Use uncontaminated tanks, pumps, hoses and screens to handle and transfer mix water for utilization in pesticide operations. (7-1-98) ( )~~

**b. CMixing and landing areas: (10-14-75)**

~~i. Mix chemicals may be mixed and ~~clean~~ tanks and equipment cleaned only where spills will not enter any water source or streams. (10-14-75)~~

~~ii. Landing areas ~~shall~~ must be located where spilled chemicals will not enter any water source or stream. (8-13-85) ( )~~

~~iii. Rinsate and wash water should be recovered and used for make-up water, be applied to the target area, or disposed of according to state and federal laws. (7-1-98) ( )~~

**06. Aerial Application: (10-14-75)**

**a.** With the exception of pesticides approved for aquatic use and applied according to labeled directions, when applying pesticide leave at least one (1) swath width (minimum one hundred (100) feet) untreated on each side of all Class I streams, flowing Class II streams and other areas of open water. When applying pelletized fertilizer, leave a minimum of fifty (50) feet untreated on each side of all Class I streams, flowing Class II streams, and other areas of open water. (7-1-98)

**b.** Use a bucket or spray device capable of immediate shutoff. (10-14-75)

**c.** Shut off chemical application during turns and over open water. (10-14-75)

~~**d.** Aerial application of pesticides shall also be conducted according to the Idaho Pesticide Law and IDAPA 02.03.03, "Rules Governing Pesticide and Chemigation Use and Application." (7-1-98)~~

**07. Ground Application with Power Equipment. (10-14-75)**

**a.** With exception of pesticides approved for aquatic use and applied according to labeled directions, when applying pesticide, leave at least twenty-five (25) feet untreated on each side of all Class I streams, flowing Class II streams and areas of open water. (7-1-98)

**b.** When applying fertilizer, leave at least ten (10) feet untreated on each side of all streams and areas of open water. (10-14-75)

**08. Hand Application. (10-14-75)**

**a.** Apply only to specific targets; such as, a stump, burrow, bait, or trap. (10-14-75)

**b.** Keep chemicals out of all water sources or streams. (10-14-75)

**09. Limitations on Applications. (10-14-75)**

**a.** Chemicals ~~shall~~ must be applied in accordance with all limitations and instructions printed on the product registration labels, supplemental labels, and others established by regulation of the ~~d~~Director. (7-1-98) ( )

**b.** Do not exceed allowable rates. (7-1-98)

**c.** Prevent direct entry of chemicals into any water source or stream. (8-13-85)



**10. Daily Records of Chemical Applications.** (10-14-75)

**a.** When pesticides are applied on forest land, the operator ~~shall~~ must maintain a daily record of spray operations which includes: ~~(7-1-98)~~ ( )

i. Date and time of day of application. (8-13-85)

ii. Name and address of owner of property treated. (8-13-85)

iii. Purpose of the application ~~(control of vegetation, control of Douglas fir tussock moth, etc.)~~. ~~(8-13-85)~~ ( )

iv. Contractor's name and applicator or pilot's ~~name when applied aerially. Contractor's name or applicator's name for ground application.~~ ~~(7-1-96)~~ ( )

v. Location of project (section, township, range and county). (10-14-75)

vi. Air temperature (hourly). (10-14-75)

vii. Wind velocity and direction (hourly). (10-14-75)

viii. Pesticides used including trade or brand name, EPA product registration number, mixture, application rate, carrier used and total amounts applied. (7-1-98)

**b.** Whenever fertilizers or soil amendments are applied, the operator ~~shall~~ must maintain a daily record of such application which includes Subsection 060.10 and the name of the fertilizer or soil amendment and application rate. ~~(7-1-98)~~ ( )

**c.** The records required in Subsection 060.10 ~~shall~~ must be maintained in compliance with the record-keeping requirements of IDAPA 02.03.03, "Rules Governing Pesticide and Chemigation Use and Application." ~~(7-1-98)~~ ( )

**d.** All records required in Subsection 060.10 ~~shall~~ must be retained for three (3) years. (7-1-98)

**11. Container Disposal.** Chemical containers ~~shall~~ must be: cleaned and removed from the forest and disposed of in a manner approved by the ~~e~~Director in accordance with applicable local, state and federal regulations; or removed for reuse in a manner consistent with label directions and applicable regulations of a state or local health department. Open burning of containers is prohibited. ~~(7-1-98)~~ ( )

**12. Spills.** ~~Spills shall be reported and appropriate cleanup action taken in accordance with applicable state and federal laws and rules and regulations.~~ In the event of a spill: ~~(8-13-85)~~ ( )

**a.** All chemical accidents and spills ~~shall~~ must be reported immediately to the ~~e~~Director. ~~(7-1-98)~~ ( )

**b.** ~~If chemical is spilled, a~~ Appropriate procedures ~~shall~~ must be taken immediately to control the spill source and contain the released material. ~~(7-1-98)~~ ( )

**c.** ~~It is the applicator's responsibility to~~ The applicator must collect, remove, and dispose of the spilled material in accordance with applicable local, state and federal ~~rules and regulations~~ law and in a manner approved by the ~~e~~Director. ~~(7-1-98)~~ ( )

**13. Misapplications.** Whenever chemicals are applied to the wrong site or pesticides are applied in a

manner inconsistent with ~~outside of the directions on~~ the product label, ~~it is the responsibility of~~ the applicator ~~to~~ must report ~~these~~ those misapplications immediately to the ~~d~~Director. (7-1-98)( )

**061. -- 069. (RESERVED)**

**070. SLASHING MANAGEMENT.**

**01. Purpose.** To provide for ~~management of~~ slashing and fire hazard management resulting from harvesting, forest management, ~~or improvement of~~ forest tree species improvement, or defoliation caused by chemical applications ~~in that manner~~ necessary to protect reproduction and residual stands, reduce risk from fire, insects and disease or optimize the conditions for future forest tree species regeneration ~~of forest tree species~~ and to maintain air and water quality, fish and wildlife ~~habitat~~. (10-14-75)

**02. Commercial Slash.** Fuels and debris resulting from a forest practice involving removal of a commercial product ~~shall~~ must be managed as set forth in the Idaho Forestry Act, Title 38, Chapters 1 and 4, Idaho Code and the rules and regulations pertaining to forest fire protection. (7-1-96)( )

**03. Non-Commercial Slash.** Fuels and debris resulting from a forest practice where no commercial product is removed ~~shall~~ must be managed in a manner as hereinafter designated under authority of the Idaho Forest Practices Act, Title 38, Chapter 13, Idaho Code. (1-24-78)( )

**a.** Within ten (10) days or a time mutually agreed upon following receipt by the ~~d~~Department of the "Notification of Forest Practice" as provided in Subsection 020.05, the ~~d~~Department ~~shall~~ will make a determination of the potential fire hazard and hazard reduction and/or hazard offsets, if any, needed to reduce, abate or offset the fire hazard. ~~Such~~ This determination ~~shall~~ will be based on a point system found in Paragraph 070.03.e. (7-1-96)( )

**b.** The operator, timber owner and landowner ~~shall~~ will be notified in writing of the determination ~~made in Paragraph 070.03.a. above (on forms provided by the department)~~ and of the hazard reductions and/or hazard offsets, if any, that must be accomplished by the operator, timber owner or landowner. The notification ~~shall~~ will specify a reasonable time period not to exceed twelve (12) months from the date the forest practice commenced ~~in which to complete~~ the hazard reduction completion and ~~shall~~ will specify the number of succeeding years that on site improvements or extra protection must be provided. (7-1-96)( )

**c.** A release of all obligations under Subsection 070.03 ~~shall~~ will be granted in writing ~~on forms provided by the department~~ when the hazard reduction and/or hazard offsets have been accomplished. When hazard offsets are to be accomplished during succeeding years, the release ~~shall~~ will be conditioned upon the completion of the required hazard offsets. Notification of release ~~shall~~ will be mailed to the operator, timber owner and landowner within seven (7) days of ~~the~~ inspection by the ~~d~~Department. Inspections by the ~~d~~Department ~~shall~~ will be made within ten (10) days of notification by the operator, timber owner or landowner unless otherwise mutually agreed upon. (7-1-96)( )

**d.** If the ~~d~~Department determines upon inspection that the hazard reduction or hazard offsets have not been accomplished within the specified time limit, ~~specified in Paragraph 070.03.b., the Department may grant extensions of time, each not to exceed three months, may be granted~~ if the director determines that a diligent effort has been made and that conditions beyond the control of the party performing the hazard reduction or hazard offsets prevented completion. If an extension is not granted the ~~d~~Department ~~shall~~ will proceed as required in Section 38-1307, Idaho Code (Idaho Forest Practices Act). (7-1-96)( )

**e.** For the purpose of determining the potential fire hazard and the appropriate hazard reduction and/or hazard offsets, the Department will use a point system ~~with using~~ the following rating guides ~~will be used by the department~~. A value of eighty (80) points or less for any individual forest practice under Paragraph Subsection 070.03, as determined by the ~~d~~Department, will be sufficient to release the operator, timber owner and landowner of all further obligations under Subsection 070.03. Total points of the proposed forest practice will be determined from Tables I



and II. If the total points are greater than eighty (80), modification of the thinning practice to reduce points may be made as determined by Tables I and II, slash hazard offsets may be scheduled to reduce points as determined by Table III or a combination of these options may be used to reduce the hazards to a point total of eighty (80) or less. Consideration will be given to the operator's, timber owner's and landowner's preference in selecting the options to reduce the points to eighty (80) or less.

**TABLE I - HAZARD POINTS**

**Hazard Points for Ponderosa Pine, Western Red Cedar or Western Hemlock**

Thinned Stems Per Acre											
Ave. DBH	250	500	750	1000	1250	1500	1750	2000	2500	3000	4000
1	1	2	3	3	4	5	6	7	9	10	16
2	3	6	9	13	16	22	25	30	36	42	51
3	7	16	25	32	38	46	51	52	56	59	
4	9	22	32	40	50	52	54	56	60		
5	13	28	40	51	54	56	59	60			
6	19	36	51	54	58	60	60				

**Hazard Points for Douglas Fir, Grand Fir or Engelmann Spruce**

Thinned Stems Per Acre											
Ave. DBH	250	500	750	1000	1250	1500	1750	2000	2500	3000	4000
1	1	2	3	4	6	7	8	9	13	16	22
2	4	7	13	16	22	28	32	36	42	50	54
3	8	19	28	36	44	51	53	54	58	60	
4	10	25	36	46	51	54	57	59	60		
5	16	32	46	52	56	59	60	60			
6	22	40	52	56	60	60	60				

**Hazard Points for Western Larch, Lodgepole Pine or Western White Pine**

Thinned Stems Per Acre											
Ave. DBH	250	500	750	1000	1250	1500	1750	2000	2500	3000	4000
1	1	2	2	3	4	4	5	6	8	9	13
2	3	6	8	11	16	19	22	28	32	38	48
3	6	16	25	32	38	46	51	52	56	59	
4	8	16	28	36	44	50	52	54	58		
5	9	22	32	42	50	53	55	57			
6	13	28	40	50	53	56	59				

**TABLE II - HAZARD POINTS WORKSHEET**

**HAZARD CHARACTERISTICS**

**HAZARD POINTS**

**Fuel Quantity**

Hazard points from Slash Hazard Table I 1/

Record number of trees/acre to be cut

Average D.B.H.

Predominant species

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Size of thinning block

Points 0 - 15

16 - 30

31 - 45

46 - 60 1/

Acres 20

20 - 40

40 - 80

80

**Site Factor**

Record Slope \_\_\_\_\_% Aspect \_\_\_\_\_

Determine points from table below 1/

ASPECT	PERCENT SLOPE			
	0 - 19	20 - 39	40 - 59	60
E or NE	0	5	10	20
E or NW	0	5	10	30
W or SE	0	10	30	40

S or SW	0	20	40	60
1/	Max. 60 points			

Other Factors	
Condition of operating area before forest practice commences	0 - 20 points
Condition of adjoining area	0 - 20 points
Presence of snags and culls	0 - 5 points
Deterioration rate of slash	0 - 5 points
Time of year forest practice operation	10 points
October thru December	2 points
August thru September	4 points
January thru April	7 points
May thru July	10 points
TOTAL FOREST PRACTICE AREA POINTS	(Max. 240 points)

**TABLE III - HAZARD OFFSETS**

Offsets	Hazard Point Deductions
Physical Changes to the Hazard (1)	
(1) Points will be proportional to the amount of hazard disposed of or modified.	
Disposal by burning or removal.	0 - 160
Modification by reducing depth through crushing, chipping or lopping.	0 - 60
On Site Improvements	
Condition of main access road to forest practice area should allow movement of heavy trucks without difficulty.	0 - 5

Access control to forest practice area provided by closure to public traffic.	0 - 5
Availability of water for tankers within one mile of forest practice area or within three miles for helicopter bucket use. Water supply to be sufficient to supply at least fifty thousand (50,000) gallons.	0 - 15
Buffer zones of unthinned areas at least two chains in width between roadways and thinned areas.	0 - 10
Fuel breaks with slash hazard removal around and/or through forest practice area, located <del>so as to</del> to provide optimum fire control effect and of two to four chains in width.	0 - 25
Fire trails with fuel removed to expose mineral soil to a width of twelve (12) feet. Maximum points allowed if combined with a fuel break.	0 - 15
Extra Protection	
Increased attack capability such as retardant availability, increased attack manpower and equipment. Must be in addition to regular forces normally available during the fire season.	0 - 40
Fire detection and prevention increased beyond that normally available for lands in the fire protection district.	0 - 15
Initial attack time based on proximity of forest practice area to initial attack forces.	0 - 5
Landowner protection plan which would provide extra fire protection on a voluntary basis such as extra equipment and/or manpower.	0 - 5

(1-24-78)

## 071. PRESCRIBED FIRE.

**01. Purpose.** Prescribed fire is a land management tool ~~with application in land management~~. Smoke from prescribed fires can have adverse impacts on ambient air quality or public health. ~~It is the purpose of these rules to establish a management system for smoke from prescribed fires that will protect air quality.~~ (7-1-96)( )

**02. Notification.** The use of prescribed fire requires a valid notification in accordance with Subsection 020.05 to maintain air quality and to protect public health. Possession of a valid notification will not preclude meeting the fire safety requirements specified in Section 38-115, Idaho Code. (7-1-96)

**03. Recommended Practices.** To maintain air quality and protect public health the following practices are recommended: (7-1-96)

**a.** Slash and large woody debris piles should be compact and free of stumps, soil, snow, and nonwoody organic material. (7-1-96)

**b.** Piles should be fully cured, dried at least two (2) months, prior to ignition. Piles should be at least partially covered with a water-resistant material so they can be ignited after enough precipitation to lower the fire danger. (7-1-96)

**c.** Broadcast burns should be conducted within a prescription that minimizes adverse effects on air quality. (7-1-96)

**d.** Membership in good standing in a recognized Airshed Group is encouraged. (7-1-96)

**072. -- 999. (RESERVED)**