

Rules Pertaining to the Idaho Forest Practices Act

Title 38, Chapter 13, Idaho Code

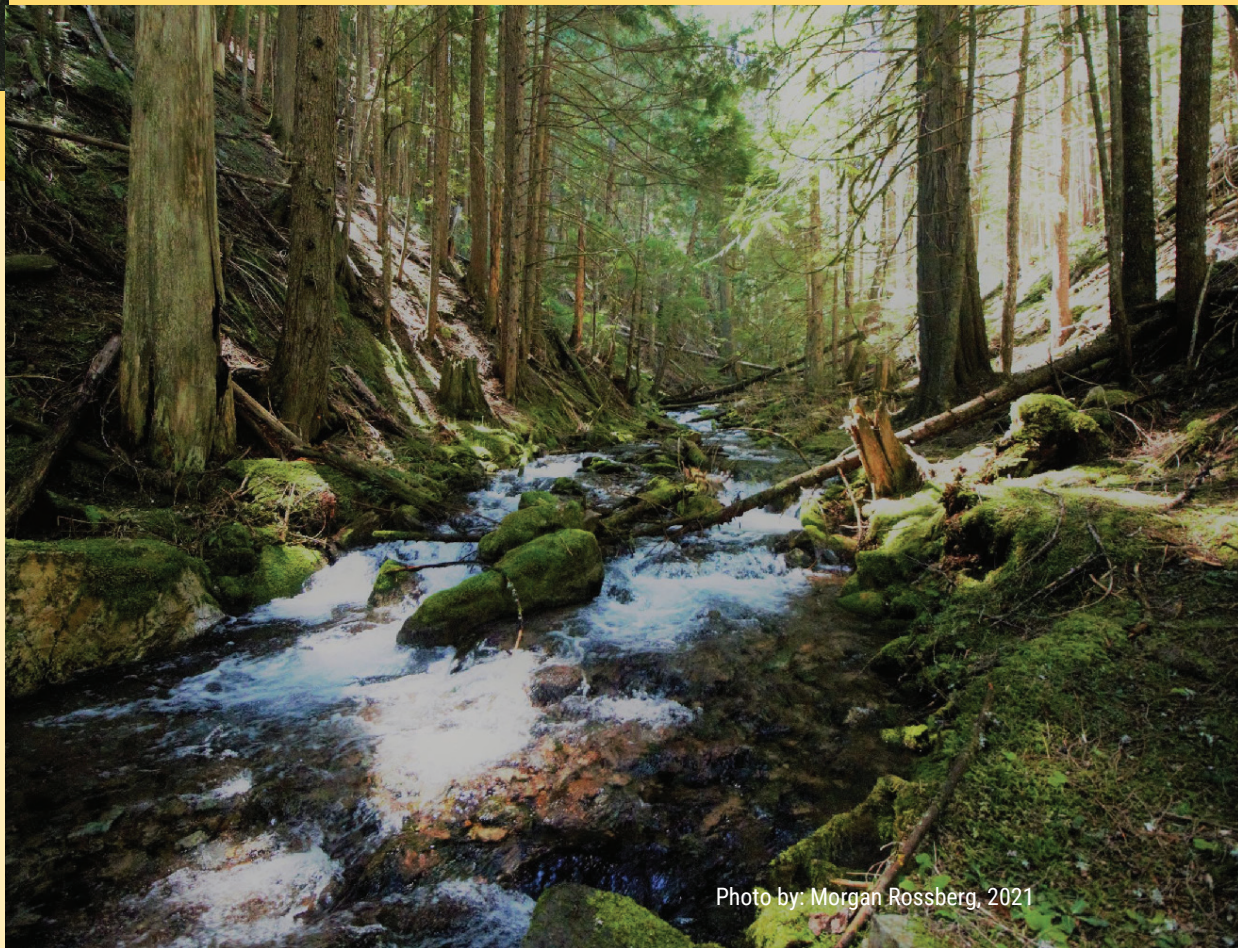


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RULES PERTAINING TO THE IDAHO
FOREST PRACTICES ACT
TITLE 38, CHAPTER 13, IDAHO CODE

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IDAPA 20
TITLE 02
CHAPTER 01

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. (3-31-22)

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. (3-31-22)

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: (3-31-22)

01. Act. The Idaho Forest Practices Act, Title 38, Chapter 13, Idaho Code. (3-31-22)

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. (3-31-22)

03. Additional Hazard. Debris, slashings, and forest fuel resulting from a forest practice. (3-31-22)

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. (3-31-22)

05. Board. The Idaho State Board of Land Commissioners or its designee. (3-31-22)

06. Buffer Strip. A protective area adjacent to an area requiring special attention or protection. (3-31-22)

07. Cable Yarding. Techniques that use winch systems, secured to stationary base machines, to transport fully or partially suspended logs or trees to landings. (3-31-22)

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. (3-31-22)

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. (3-31-22)

10. Commercial Products. Saleable forest products of sufficient value to

cover cost of harvest and transportation to available markets. (3-31-22)

11. Condition of Adjoining Area. Those fuel conditions in adjoining areas that relate to spread of fire and to economic values of that area. (3-31-22)

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. (3-31-22)

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. (3-31-22)

14. Cull. Non-marketable, live, standing trees taller than twenty (20) feet. (3-31-22)

15. Deterioration Rate. Rate of natural decomposition and compaction of fuel debris which decreases the hazard and varies by site. (3-31-22)

16. Director. The Director of the Idaho Department of Lands or his designee. (3-31-22)

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. (3-31-22)

18. Fertilizers. Any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment. (3-31-22)

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. (3-31-22)

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. (3-31-22)

21. Ground-based Equipment. Mobile equipment such as trucks, tractors, dozers, skidders, excavators, loaders, mechanized harvesters and forwarders used for forest practices. (3-31-22)

22. Habitat Types. Forest land capable of producing similar plant communities at climax. (3-31-22)

23. Hazard. Any vegetative residue resulting from a forest practice which constitutes fuel. (3-31-22)

24. Hazard Offset. Improvements or a combination of practices which reduce the spread of fire and increases the ability to control fires. (3-31-22)

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. (3-31-22)

26. Hazard Reduction. The burning or physical reduction of slash by treatment in some manner which will reduce the risk from fire. (3-31-22)

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. (3-31-22)

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. (3-31-22)

29. Noncommercial Forest Land. Habitat types not capable of producing twenty (20) cubic feet of wood fiber per acre per year. (3-31-22)

30. Operating Area. That area where a forest practice is taking place or will take place. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

34. Present Condition of Area. The amount or degree of hazard present before a thinning operation commences. (3-31-22)

35. Public Resource. Water, fish, wildlife, and capital improvements of the State or its political subdivisions. (3-31-22)

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. (3-31-22)

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. (3-31-22)

38. Relief Culvert. A structure to relieve surface runoff from roadside ditches to prevent excessive volume and velocity. (3-31-22)

39. Slash. Any vegetative residue three inches (3”) or less in diameter resulting from a forest practice or clearing of land. (3-31-22)

40. Site. An area with the combination of biotic, climatic, and soil conditions or ecological factors that create capacity for forest vegetation. (3-31-22)

41. Site Factor. A combination of average slope and predominant aspect of the operating area which relate to rate of fire spread. (3-31-22)

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. (3-31-22)

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. (3-31-22)

44. Snags. Dead, standing trees taller than twenty (20) feet. (3-31-22)

45. Soil Erosion. Movement of soils resulting from forest practices. (3-31-22)

46. Soil Stabilization. The minimizing of soil movement. (3-31-22)

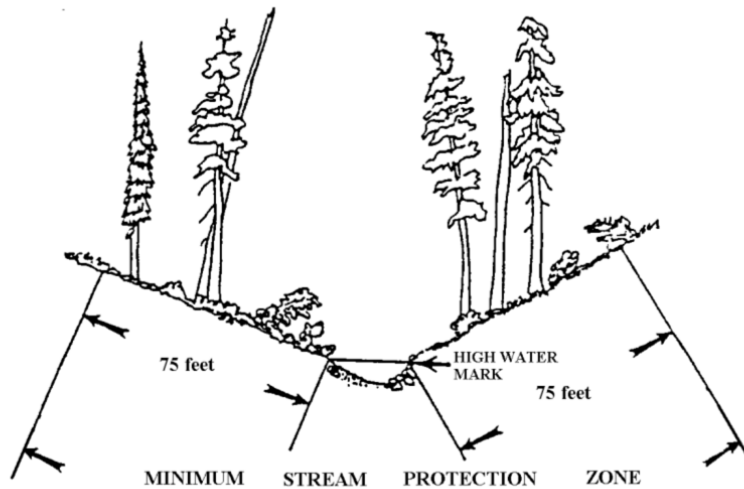
47. Stream. A natural water course of perceptible extent with definite beds and banks which confines and conducts continuously or intermittently flowing water. Definite beds are defined as having a sandy or rocky bottom which results from the scouring action of water flow. Any reference in these rules to Class I streams applies to lakes. (3-31-22)

a. Class I streams are important for the spawning, rearing or migration of fish. (3-31-22)

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. (3-31-22)

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

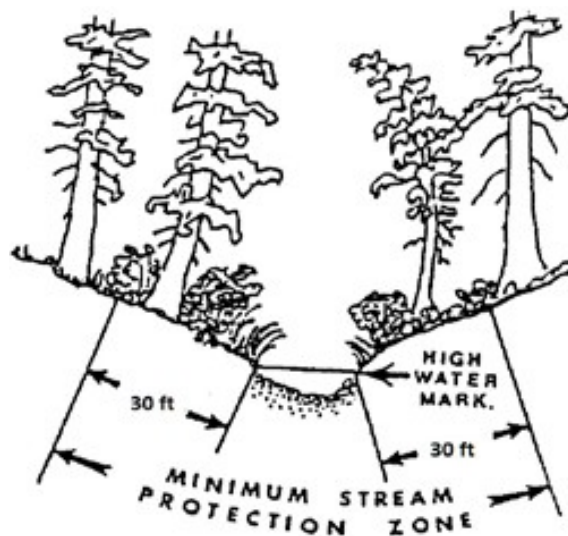


CLASS 1 STREAM PROTECTION ZONE

(3-31-22)

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. (3-31-22)

FIGURE 2



CLASS II STREAM PROTECTION ZONE

(3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

011. ABBREVIATIONS.

01. BMP. Best Management Practices. (3-31-22)

02. LOD. Large Organic Debris. (3-31-22)

03. SPZ. Stream Protection Zone. (3-31-22)

012. -- 019. (RESERVED)

020. GENERAL RULES.

01. Compliance. Operators must comply with practices contained within a rule to accomplish the purpose of the rule. (3-31-22)

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: (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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: (3-31-22)

a. The presence or absence of improvements necessary for use of land for its intended purpose; (3-31-22)

b. Evidence of actual use of the land for the intended purpose. (3-31-22)

c. If the conversion has not been accomplished within three (3) years of harvest completion, supplemental reforestation Subsection 050.06 applies. (3-31-22)

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. (3-31-22)

04. Consultation. The Director may consult with other state agencies where expertise from such agencies would be helpful or necessary. (3-31-22)

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. (3-31-22)

05. Notification of Forest Practice. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

06. Notification Exception. A notification is required for all forest practices except: (3-31-22)

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. (3-31-22)

b. Non-commercial cutting and removal of forest tree species by a person for their own personal use. (3-31-22)

c. Clearing forest land for conversion to surface mining or dredge and placer mining operations under a reclamation plan or dredge mining permit. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

10. Regions Divided into Forest Habitat Types. For administration purposes, the forest regions can be divided into Habitat Types. (3-31-22)

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. (3-31-22)

02. Quality of Residual Stocking. Reforestation is required if harvesting reduces stocking of acceptable trees below minimums of Subsection 050.04. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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%). (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

b. Landing size is limited to that necessary for safe economical operation. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

c. Deposit waste material from construction or maintenance of landings and skid and fire trails in geologically stable locations outside of the appropriate SPZ. (3-31-22)

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. (3-31-22)

a. Lakes require an approved site-specific riparian management prescription prior to conducting forest practices within the SPZ. (3-31-22)

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.). (3-31-22)

c. Operation of ground-based equipment is not allowed within the SPZ except at approaches to stream crossings. (3-31-22)

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. (3-31-22)

e. Provide for LOD, shading, soil stabilization, wildlife cover and water filtering effects of vegetation along streams. (3-31-22)

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. (3-31-22)

ii. During commercial harvest within Class I SPZs, retain the following weighted tree count per one-hundred (100) linear feet of stream: (3-31-22)

(1) Fifty-seven (57) north of the Clearwater/Lochsa Rivers; (3-31-22)

(2) Forty-nine (49) between the Clearwater/Lochsa and Salmon Rivers; (3-31-22)

(3) Forty-one (41) south of the Salmon River; and (3-31-22)

(4) Thirty-seven (37) in drier forests with SPZs dominated by Douglas-fir and ponderosa pine. (3-31-22)

(5) At least four (4) of the above weighted tree count must be retained in the outer twenty-five feet (25') of the SPZ. (3-31-22)

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

(3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

ix. Stream width will be measured as average between ordinary high water marks. (3-31-22)

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. (3-31-22)

i. Hand piles must be at least five (5) feet from the ordinary high water mark of streams. (3-31-22)

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). (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

02. Process Application. (3-31-22)

a. Application of the CWE process and any resulting site-specific BMPs are encouraged but not mandatory. (3-31-22)

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. (3-31-22)

c. The Department must be notified prior to the initiation of the CWE process. (3-31-22)

d. The Department will review and approve the watershed assessment and CWE site-specific BMPs for compliance with the Act. (3-31-22)

03. Site-Specific BMP Implementation. Site-specific BMPs developed by a watershed advisory group are encouraged and applied on a voluntary basis. (3-31-22)

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. (3-31-22)

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: (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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 runoff. (3-31-22)

i. Culverts in fish-bearing streams must provide for fish passage. (3-31-22)

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. (3-31-22)

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 (in.)	Culvert Capacity (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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

a. Construct roads in compliance with the planning guidelines of Subsection 040.02. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

f. Provide for drainage of quarries to prevent sediment from entering streams. (3-31-22)

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. (3-31-22)

h. Postpone earthwork or material hauling during wet periods if erodible material would enter streams. (3-31-22)

i. Remove or stabilize cut-slope material subject to sloughing concurrent with construction. (3-31-22)

j. Construct full-bench roads, without fill slope disposal on slopes greater than sixty percent (60%) in unstable or erodible soils. (3-31-22)

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. (3-31-22)

a. Place all debris or slide material associated with road maintenance in a manner to prevent their entry into streams. (3-31-22)

b. Repair slumps, slides, and other erosion sources causing stream sedimentation to minimize sediment delivery. (3-31-22)

c. Active forest roads are used for hauling forest products, rock and other road building materials. Conduct the following maintenance on active roads. (3-31-22)

i. Keep culverts and ditches functional. (3-31-22)

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. (3-31-22)

iii. Maintain the road surface and postpone hauling during wet periods as necessary to minimize erosion of the subgrade and provide proper drainage. (3-31-22)

iv. Apply road-surface stabilizing materials in a way that prevents their entry into streams. (3-31-22)

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. (3-31-22)

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. (3-31-22)

e. Inactive forest roads are no longer used for commercial hauling, but maintained for access. Conduct the following maintenance on inactive roads. (3-31-22)

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. (3-31-22)

ii. The roads may be permanently or seasonally blocked to vehicle traffic. (3-31-22)

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: (3-31-22)

- i. Out-slope, cross-drain, seed or treat the surface to control erosion. (3-31-22)
- ii. Block the road to vehicle traffic. (3-31-22)
- 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. (3-31-22)
- g. Permanently abandoned roads are forest roads not intended to be used again. Remove all drainage structures and treat road surfaces to minimize erosion. (3-31-22)
 - i. Restore stream gradients to their natural slope. (3-31-22)
 - ii. Treat the road surface to break up compacted areas. (3-31-22)
 - iii. Pull back fill slopes of roads within SPZs to a stable configuration unless long-term stability is evident. (3-31-22)
 - iv. Pull back unstable side-hill fills to a stable configuration. (3-31-22)
 - v. Control ditch-line erosion by cross-draining, out-sloping, or regrading to eliminate ditches. (3-31-22)
 - vi. Stabilize soil exposed from regrading, ripping, and drainage removal by seeding, mulching, armoring, or other treatment. (3-31-22)

05. Winter Operations. To minimize erosion and prevent damage to roads and constructed skid trails from winter logging, operators must implement the practices below: (3-31-22)

- a. Install adequate road drainage prior to winter operations using rolling dips, drivable cross-drains, open-top culverts, out slopes, or other methods. (3-31-22)
- 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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

a. When harvesting timber on these sites, one (1) of the following actions must be taken to ensure minimum stocking: (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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

04. Stocking. (3-31-22)

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): (3-31-22)

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

(3-31-22)

c. Harvested stands which are not adequately stocked, as defined above, are subject to supplemental reforestation requirements specified in Subsection 050.06. (3-31-22)

05. Reforestation Exemptions. (3-31-22)

a. Reforestation is not required for: (3-31-22)

i. Noncommercial forest land; (3-31-22)

ii. Land converted to another use. This may include land converted to roads used in a forest practice; (3-31-22)

iii. A forest practice which will result in ten (10) acres or less below minimum stocking levels. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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." (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

05. Mixing and Cleaning. (3-31-22)

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. (3-31-22)

b. Chemicals may be mixed and tanks and equipment cleaned only where spills will not enter any water source. (3-31-22)

i. Landing areas must be located where spilled chemicals will not enter any water source. (3-31-22)

- 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. (3-31-22)
- 06. Aerial Application:** (3-31-22)
 - 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. (3-31-22)
 - b. Use a bucket or spray device capable of immediate shutoff. (3-31-22)
 - c. Shut off chemical application during turns and over open water. (3-31-22)
- 07. Ground Application with Power Equipment.** (3-31-22)
 - 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. (3-31-22)
 - b. When applying fertilizer, leave at least ten (10) feet untreated on each side of all streams and areas of open water. (3-31-22)
- 08. Hand Application.** (3-31-22)
 - a. Apply only to specific targets, such as a stump, burrow, bait, or trap. (3-31-22)
 - b. Keep chemicals out of all water sources or streams. (3-31-22)
- 09. Limitations on Applications.** (3-31-22)
 - 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. (3-31-22)
 - b. Do not exceed allowable rates. (3-31-22)
 - c. Prevent direct entry of chemicals into any water source or stream. (3-31-22)
- 10. Daily Records of Chemical Applications.** (3-31-22)
 - a. When pesticides are applied on forest land, the operator must maintain a daily record of spray operations which includes: (3-31-22)
 - i. Date and time of day of application. (3-31-22)
 - ii. Name and address of owner of property treated. (3-31-22)
 - iii. Purpose of the application. (3-31-22)

- iv. Contractor's name and applicator's or pilot's name. (3-31-22)
- v. Location of project (section, township, range and county). (3-31-22)
- vi. Air temperature (hourly). (3-31-22)
- vii. Wind velocity and direction (hourly). (3-31-22)
- viii. Pesticides used including trade or brand name, EPA product registration number, mixture, application rate, carrier used and total amounts applied. (3-31-22)

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. (3-31-22)

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." (3-31-22)

d. All records required in Subsection 060.10 must be retained for three (3) years. (3-31-22)

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. (3-31-22)

12. Spills. In the event of a spill: (3-31-22)

a. All chemical accidents and spills must be reported immediately to the Director. (3-31-22)

b. Appropriate procedures must be taken immediately to control the spill source and contain the released material. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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 070.03, 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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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). (3-31-22)

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.

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

Size of thinning block

Points	0 - 15	16 - 30	31 - 45	46 - 60 1/
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Acres	20	20 - 40	40 - 80	80
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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
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

(3-31-22)

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. (3-31-22)

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. (3-31-22)

03. Recommended Practices. To maintain air quality and protect public health the following practices are recommended: (3-31-22)

a. Slash and large woody debris piles should be compact and free of stumps, soil, snow, and nonwoody organic material. (3-31-22)

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. (3-31-22)

c. Broadcast burns should be conducted within a prescription that minimizes adverse effects on air quality. (3-31-22)

d. Membership in good standing in a recognized Airshed Group is encouraged. (3-31-22)

072. -- 999. (RESERVED)

APPENDIX A. Idaho Forest Practices Act

IDAHO FOREST PRACTICES ACT

As passed by the Legislature in 1974 and Amended by the Legislature in 1980, 1986, 1987, 1989, 1990, 1991, 1992, and 1995.

38-1301. SHORT TITLE. This act shall be known and may be cited as "The Idaho Forest Practices Act."

38-1302. POLICY OF THE STATE -- PURPOSE OF ACT.

(1) Recognizing that federal, state and private forest lands make a vital contribution to Idaho by providing jobs, products, tax base, and other social and economic benefits, by helping to maintain forest tree species, soil, air and water resources, and by providing a habitat for wildlife and aquatic life, it is the public policy of the state to encourage forest practices on these lands that maintain and enhance those benefits and resources for the people of the state of Idaho.

(2) To encourage uniform forest practices implementing the policy of this chapter, and to provide a mechanism for harmonizing and helping it implement and enforce laws and rules relating to federal, state and private forest land, it is the purpose of this chapter to vest in the board authority to adopt rules designed to assure the continuous growing and harvesting of forest tree species and to protect and maintain the forest soil, air, water resources, wildlife and aquatic habitat.

(3) No unit of local government shall enact any ordinance, rule or resolution which purports to regulate forest practices on the forest land in this state and which conflicts with any provision of this chapter.

38-1303. DEFINITIONS. Unless the context requires otherwise, in this chapter:

- (1) "Forest practice" means
 - (a) the harvesting of forest tree species;
 - (b) road construction associated with harvesting of forest tree species;
 - (c) reforestation;
 - (d) use of chemicals or fertilizers for the purpose of growing or managing forest tree species;
 - (e) the management of slashings resulting from harvest, management or improvement of forest tree species; or
 - (f) the prompt salvage of dead or dying timber or timber that is threatened by insects, disease, windthrow, fire or extremes of weather.

(2) "Forest land" means 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, but it does not include land affirmatively converted to uses other than the growing of forest tree species.

(3) "Operator" means a person who conducts or is required to conduct a forest practice.

(4) "Harvesting" means 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.

(5) "Rules" means rules adopted by the board pursuant to section 38-1304, Idaho Code.

(6) "Landowner" means a person, partnership, corporation, or association of whatever nature that holds an ownership interest in forest land, including the state and federal government.

(7) "Timber owner" means 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.

(8) "Forest regions" means two (2) regions of forest land, one (1) region being north of the Salmon River and one (1) being south of the Salmon River.

(9) "Director" means the director of the Idaho department of lands.

(10) "Department" means the Idaho department of lands.

(11) "Board" means the Idaho board of land commissioners.

(12) "State" means the state of Idaho or any political subdivision thereof.

(13) "Forest practices advisory committee to the board" means that committee appointed by the director as provided in subsection (2)(a) of section 38-1305, Idaho Code.

(14) "Contract area" means the entire acreage which is subject to a single contract as specified in the notification of forest practices, pursuant to section 38-1306, Idaho Code.

(15) "Best management practice (BMP)" means 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.

(16) "Salvage" means the timely removal of dead and dying timber or timber that is threatened by insects, disease or such physical elements as fire, windthrow, or extremes of weather, and where the removal of such timber will help contain insect or disease outbreaks, aid in the prevention of wildfire, or, over the long term, help protect such resources and values as wildlife, water, soils or air quality.

(17) "Cumulative effects" means the impact on water quality and/or beneficial uses which result from the incremental impact of two (2) or more forest practices. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

38-1304. DUTIES OF THE BOARD. The board:

(1) Shall adopt rules for forest regions establishing minimum standards for the conduct of forest practices on forest land. These rules shall be based upon the following criteria:

(a) Provide for the harvesting of forest tree species in a manner that will maintain the productivity of the forest land, minimize soil and debris entering streams and protect wildlife and fish habitat.

(b) Provide for road construction that will insure protection and maintenance of forest productivity, water quality and fish and wildlife habitat during construction and maintenance.

(c) Provide for reforestation that will maintain a continuous growing and harvesting of forest tree species by describing the conditions under which reforestation will be required, specifying the minimum number of trees per acre and the maximum period of time allowed after harvesting for establishment of forest tree species, and requiring stabilization of soils which have become exposed as a result of harvesting; however, an acreage exemption from reforestation may be established except that on such land exempted within one (1) year following harvesting, some form of vegetative cover shall be required sufficient to provide continuing soil productivity and stabilization.

(d) Provide for the use of chemicals or fertilizers in such a manner that the public health and aquatic and wildlife habitat will not be endangered from their handling, storage and application.

(e) Provide for management of slashings resulting from the harvesting, management or improvement of forest tree species in that manner necessary to protect reproduction and residual stands, to reduce risk from fire and insects and disease, to optimize the conditions for future regeneration of forest tree species, and to maintain air and water quality and fish and wildlife habitat.

(f) Provide for the timely salvage logging on all forest lands of dead or dying timber or timber that is threatened by various physical elements. Rules developed pursuant to this section shall consider both the economic value of the timber to be salvaged, the immediate costs of the salvage efforts, and the long-term costs to all forest resources and values associated with insect, disease or fire conditions which might otherwise be controlled by the salvage operations. The provisions of this sub- part shall not apply to single contiguous forest ownerships less than two thousand (2,000) acres in size. Nothing in this paragraph shall be construed as requiring the removal of timber from private lands against the wishes of the private landowner.

38-1305. DUTIES, POWERS OF DEPARTMENT. The department:

(1) Shall administer and enforce this act;

(2) (a) Shall, through the director, appoint a forest practices advisory committee to the board for the purpose of providing technical advice to the board in carrying out the board's powers and duties as set forth in section 38-1304, Idaho Code. The forest practices advisory committee is composed of nine (9) members, three (3) residing in the north forest region and three (3) residing in the south forest region, and three (3) members shall be Idaho residents. All members of the commit-

tee shall be qualified by experience and/or training to provide technical advice related to forest practices. Of the three (3) members residing in each forest region, one (1) member shall be either a private landowner, a private timber owner, or authorized representative of the landowner or timber owner who regularly engages in forest practices; one (1) member shall be an operator; and one (1) member shall be a representative of the general public. Of the remaining three (3) members who are Idaho residents: one (1) member shall be qualified by training and experience as a fisheries biologist; one (1) member shall be a nonindustrial forest landowner; and one (1) member shall be an at-large member. Members of the forest practices advisory committee shall be appointed by the director for three (3) year terms. Appointments under this subsection shall be made by the director within sixty (60) days after the effective date of this section. If there is a vacancy, for any cause, the director shall make an appointment to become immediately effective for the unexpired term. Said appointee shall possess the same qualifications under this section as the person being replaced. The committee shall select a chairman from among its members. A member of the department of lands shall be designated by the director to serve as secretary, without voting power, for the committee.

(b) Notwithstanding the terms of the committee members specified by subsection (2)(a) of this section, of the members first appointed to each such committee:

(i) Two (2) shall serve for a term of one (1) year;

(ii) Two (2) shall serve for a term of two (2) years;

(iii) Three (3) shall serve for a term of three (3) years.

(3) Shall advise and assist the board in the discharge of its duties as set forth in this act;

(4) Shall achieve coordination among state agencies which are concerned with the forest environment;

(5) Shall cooperate with and provide advice to landowners and timber owners in the management of forest lands;

(6) May enter into cooperative agreement or contracts which may be necessary in the administration of this act;

(7) All site-specific BMPs approved at the time of the effective date of this act shall remain in force and be enforced by the designated agency;

(8) Shall develop methods for controlling watershed impacts resulting from cumulative effects. The department shall form a cumulative effects watershed cooperative including, but not limited to, state and federal land managing agencies and owners of industrial private forest land, to serve as a clearinghouse for comparing and evaluating shared watershed information. The director shall select an interdisciplinary task force including appropriate technical specialists and affected landowners and shall, in consultation with the task force, formulate methods for controlling cumulative effects.

38-1306. NOTIFICATION OF FOREST PRACTICE.

(1) Before commencing a forest practice, the department shall be notified as required in subsection (2) of this section. The notice shall be given by the operator; however, the timber owner or landowner satisfies the responsibility of the operator under this subsection. When more than one (1) forest practice is to be conducted in relation to harvesting of forest tree species, one (1) notice including each forest practice to be conducted shall be filed with the department. A woodland management

plan prepared by the woodland foresters of the department or approved by the board of supervisors of a soil conservation district shall constitute suitable notification of a forest practice when filed with the department, provided the woodland management plan contains the information required in subsection (2) of this section.

(2) The notification required in subsection (1) of this section shall be on forms prescribed and provided by the department and shall include the name and address of the operator, timber owner, and landowner, the legal description of the area in which the forest practice is to be conducted and other information the department considers necessary for the administration of the rules adopted by the board under section 38-1304, Idaho Code.

(3) All notifications must be formally accepted by the department before any forest practice may begin. [(a)(b)]

[(4)](5) The initial purchaser of ties, logs, posts, cordwood, pulpwood and other similar forest products which have been cut from lands within the state of Idaho shall make no such purchase from anyone not having a proper acceptance of forest practice notice.

[(5)](6) Promptly upon formal acceptance of the notice, but not more than fifteen (15) days from formal acceptance of the notice, the department shall mail a copy of the notice to whichever of the operator, timber owner, or landowner that did not submit the notification. The department shall make available to the operator, the timber owner, and landowner a copy of the rules.

[(6)](7) An operator, timber owner, or landowner, whichever filed the original notification, shall notify the department of any subsequent change in the information contained in the notification within thirty (30) days of the change. Promptly upon receipt of notice of change, but not to exceed fifteen(15) days from receipt of notice, the department shall mail a copy of the notice to whichever of the operator, timber owner, or landowner that did not submit the notice of change.

[(7)](8) 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, the notification shall be renewed using the same procedures provided for in this section.

[(8)](9) If the notification required by subsection (1) of this section indicates that at the expiration of the notification that the forest practice will be continuing, the operator, timber owner, or landowner, at least thirty(30) days prior to the expiration of the notification, shall notify the department and obtain a renewal of the notification. Promptly upon receipt of the request for renewal, but not to exceed fifteen (15) days from receipt of the request, the department shall mail a copy of the renewed notification to whichever of the operator, timber owner, or landowner that did not submit the request for renewal.

[(9)](10) The department shall not accept a new forest practices notification from any operator having an outstanding notice of violation until the repairs specified pursuant to section 38-1307(2)(a), Idaho Code, have been completed to the satisfaction of the department.

38-1306A. NONRESIDENT OPERATORS—BOND. Prior to commencing any forest practices, nonresident operators who do not own real property in Idaho shall submit to the department a bond in a form acceptable to the board to insure the performance of the duties of the operator under this chapter and any rules and regulations promulgated hereunder, in the amount of two hundred dollars (\$200) per acre for each acre in the contract area, with a minimum bond of five thousand dollars (\$5,000) and a maximum bond of fifteen thousand dollars (\$15,000).

38-1306B. REQUIREMENT FOR OPERATING BONDS.

(1) At the direction of the board, the department shall require submission of an operating bond, before accepting a forest practices notification, from any operator who has repeatedly or habitually:

(a) Operated without a valid forest practices notification as required in section 38-1306, Idaho Code;

(b) Violated the terms of a stop work order issued pursuant to section 38-1307(2)(b), Idaho Code;

(c) Failed to apply best management practices as required by law and the rules promulgated under this chapter;

(d) Willfully caused degradation to forest soils, air, or water resources;
or

(e) Failed to comply with the rules promulgated under this chapter as determined by the board.

(2) The bond shall be in a form, acceptable to the board, to insure the performance of the duties of the operator under this chapter and any rules promulgated thereunder, in the amount of two hundred dollars (\$200) per acre for each acre in the contract area included in a forest practices notification, with a minimum bond of five thousand dollars (\$5,000) and a maximum bond of fifteen thousand dollars (\$15,000).

(3) If the operator is a nonresident operator this bond shall be in addition to the nonresident bond required pursuant to section 38-1306A, Idaho Code.

38-1307. NOTICE OF VIOLATION—CEASE AND REPAIR ORDER— STOP WORK ORDER—ENFORCEMENT PROCEDURES—REMEDIES OF THE OPERATOR.

(1) When the department determines that an operator violated any provision of this chapter or rule, it shall issue a notice of violation. The notice shall specify the nature of the violation charged and any damage or unsatisfactory condition resulting from the violation.

(2) When a notice of violation is issued under this section, the department:

(a) May issue an order directing the operator immediately to cease further violation and to commence and continue repairing the damage or correcting the unsatisfactory condition, hereinafter referred to as a "cease and repair order."

(b) If after two (2) working days from the delivery of a cease and repair order, the operator fails to cease further violation and to commence and continue repairing the damage or to enter into an agreement to repair pursuant to subsection (2)(d) of this section, in compliance with the order, the department may issue and serve an order directing the operator to cease all forest practices within the contract area, hereinafter referred to as a "stop work order."

(c) The department may initiate the remedies set forth in subsection (2)(e) of this section:

1. At any time after delivery of the stop work order, if the operator fails to immediately stop work in the contract area;

2. After five (5) days from the delivery of the stop work order, if the operator fails to comply fully with the cease and repair order; or

3. At any time after delivery of a notice of violation, if serious or irreparable damage will occur to land as a result of said violation, notwithstanding any other provisions of this chapter.

(d) An operator who has been served with a cease and repair order and who has completed his work in and removed all of his equipment from the contract area, or who cannot enter upon the land to repair the damage because of heavy snow, flooding, or similar serious condition upon the land, may comply with the order by entering into an agreement with the department to commence and thereafter continue to repair the damage within sixty (60) days after repair is practicable following heavy snow, flooding or similar serious condition upon the land.

(e) The department shall initiate the following remedies in accordance with subsection (2)(c) of this section:

1. The department shall estimate the costs of repair of the damage and reasonable administrative and legal fees to be expended in obtaining a judgment against the operator, and shall notify the operator, timber owner and landowner in writing of the amount of the estimate.

2. The county attorney for the county where the contract area is situated or the attorney general shall file an action to enjoin the operator's violations and to recover the costs of repair and administrative and legal fees and/or to foreclose a lien against the operator as set forth in subsection (2)(e)3 of this section. Legal fees recovered in such an action shall accrue to the county attorney and the attorney general according to the proportionate time which each has expended in obtaining the judgment.

3. A priority lien shall attach to the real and personal property of the operator upon delivery to the operator of a stop work order for the amount not to exceed the estimated costs of repair and reasonable administrative and legal fees to be expended in foreclosing the lien. A written notice of the lien, containing a statement of the estimated costs of repair and reasonable administrative and legal fees, and the names of the parties against whom the lien attached, shall be certified under oath by the department and filed in the office of the county clerk and recorder of the county or counties where the real and personal property of the operator is located and where considered necessary to recover the estimated expenditures. This lien shall be perfected upon filing. This lien shall cease unless legal action is instituted within one (1) year from the date of filing of the notice of the lien.

4. If the operator is a nonresident who does not own real property in Idaho, the department after hearing, may declare the operator's bond forfeited or commence legal action against the bond to recover the costs of repair and reasonable administrative and legal fees.

(3) An operator dissatisfied with a stop work order shall have thirty (30) days after service thereof to challenge the order, without administrative review thereof, in a court of proper jurisdiction in the county where the alleged damaged land is situated. In such an action the operator shall bear the burden of proving that the cease and repair order and the stop work order are without merit or basis; or shall have ten(10)

days after service thereof to request a hearing before the board, to challenge the merit or basis of either or both orders. In such an action, the operator shall bear the burden of proving that the cease and repair order and the stop work order are without merit or basis. If the board affirms the order(s), the operator may within thirty (30) days after the board's decision, appeal the decision to the district court for the county where the alleged damaged land is situated. The action in the district court shall be limited to appellate review.

(4) If a nonresident operator who does not own real property in the state of Idaho performs forest practices without first submitting a bond in compliance with section 38-1306A, Idaho Code, or if an operator performs forest practices without first submitting notice to the department in compliance with section 38-1306, Idaho Code, the department may immediately commence legal action to enjoin the operator by temporary restraining order or preliminary injunction, and evoke through the county attorney the misdemeanor penalties of section 38-1310, Idaho Code. The testimony under oath of a department employee or forester that a nonresident operator who does not own property in Idaho is performing forest practices without a bond or that an operator is performing forest practices without having first given notice to the department shall constitute prima facie evidence upon which, if un rebutted, a district court shall issue a temporary restraining order or a preliminary injunction against the operator, to cease all forest practices in the contract area until this act has been fully complied with.

(5) Service of a notice or order under this section shall be made upon the operator or his agent, representative or contractor, by personal delivery or certified mail.

38-1309. DUTY OF PURCHASER. 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 required by section 38-1306, Idaho Code, relating to the harvesting practice for which the forest tree species are being acquired by the initial purchaser. Such notice shall be available for inspection upon request by the department at all reasonable times.

38-1310. MISDEMEANOR VIOLATIONS—FINES—EXEMPTION.

(1) A violation of: subsections (1) through (4) of section 38-1306 or section 38-1312, Idaho Code, an order issued under subsection (2) of section 38-1307, Idaho Code, a rule adopted under section 38-1304, Idaho Code, or a material misrepresentation or false statements in the notice or notice of change required by section 38-1306 or section 38-1312, Idaho Code, is a misdemeanor. Each day's violation of an order issued under subsection (2) of section 38-1307, Idaho Code, is a separate offense. Each violation of section 38-1309, Idaho Code, is a separate offense.

(2) Fines collected under this act shall be deposited in the general account.

(3) Sections 38-1306 and 38-1307, Idaho Code, do not apply to forest practices performed by the department on forest land owned by the state of Idaho, but do apply to political subdivisions thereof.

38-1311. ENFORCEMENT OF ACT. The director may delegate to any person within the department the powers and duties of peace officers to enforce this act.

38-1312. CONVERSION OF FOREST LAND.

(1) This act does not prevent the conversion of forest land to any other use. However, conversions shall require the filing of a notification as required in section 38-1306, Idaho Code, as well as compliance with the provisions of this chapter and rules and regulations promulgated pursuant thereto, except for provisions relating to reforestation. When forest land is converted to another use, vegetative cover sufficient to provide continuing soil productivity and stabilization shall be established within one (1) year of completion of the forest practice on disturbed areas larger than one (1) acre, except that the director may grant an extension of time if weather or other conditions interfere.

(2) The provisions of this section shall not apply to activities regulated under chapters 13 and 15, title 47, Idaho Code.

38-1313. FOREST PRACTICES REHABILITATION ACCOUNT. There is hereby created in the dedicated fund in the state treasury a forest practices rehabilitation account, which shall be used by the department to rehabilitate forest lands damaged by a forest practice that is not repaired following the serving of a notice of violation. The department shall recover the costs of repairs and reasonable administrative and legal fees in accordance with subsection (2)(e) of section 38-1307, Idaho Code. Costs of repairs shall be deposited in the forest practices rehabilitation account.

APPENDIX B. Guidelines for Resolving Unsatisfactory Practices

THESE GUIDELINES ARE ONLY ADVISORY AND ARE NOT MEANT TO REPLACE THE FOREST PRACTICES ACT (FPA). ANY QUESTIONS SHOULD BE RESOLVED BY CONSULTING THE DEPARTMENT OF LANDS OR THE CURRENT ACT OR RULES.

UNSATISFACTORY CONDITION

The Idaho Forest Practices Act, Title 38, Chapter 13, Idaho Code, specifies procedures the Department of Lands must follow for enforcement and related repair of damage. When the department determines that an operator has violated any provision of the FPA, it shall be considered a violation. If the violation is minor the operator may only receive an unsatisfactory inspection report. If the unsatisfactory items are corrected in a timely manner, no Notice of Violation will be issued.

NOTICE OF VIOLATION

Notices of Violation will be issued for all major infractions when serious damage has occurred or will occur: when an operator has multiple minor infractions which are collectively significant: or when an operator fails to correct previously identified unsatisfactory conditions. The Notice of Violation will specify the reason for violation, any damage or unsatisfactory condition, and required repair or mitigation.

CEASE AND REPAIR ORDER

At the time the department issues a Notice of Violation, it may also issue an order directing the operator to immediately cease further violation and begin and continue repairing any damage referred to in the "Cease and Repair Order."

STOP WORK ORDER

If, after two (2) working days from the delivery of the Cease and Repair Order, the operator fails to comply, or enter into an agreement to repair within 60 days, as weather or other conditions may allow, the department may issue a "Stop Work Order." A Stop Work Order directs the operator to cease all forest practices, including hauling, within the contract area. The department will not accept any further Notifications of Forest Practices from the operator until the violation is repaired.

The department may begin civil remedies outlined below:

1. At any time after delivery of a Stop Work Order, if the operator fails to stop work;
or
2. After five (5) days of delivery of a Stop Work Order, if the operator fails to comply fully with the order; or
3. At any time after delivery of a Notice of Violation, if serious or irreparable damage will occur.

CIVIL REMEDIES

1. The department will estimate the costs to repair damage, including reasonable administrative and legal fees to obtain a judgment. Written notice shall be given to the operator, timber owner, and landowner of the cost estimate.
2. The county prosecuting attorney or state attorney general shall file an action to enjoin the operator and recover estimated costs.
3. A priority lien may be attached to the real and personal property of the operator upon delivery of a Stop Work Order. The lien shall be for the amount of the estimated repair costs and reasonable administrative and legal costs incurred.
4. If the operator is required to maintain a bond, the department, after hearing, may declare the operator's bond forfeited or commence legal action to recover costs of repair and reasonable administrative and legal fees.

OPERATING BONDS FOR REPEAT VIOLATIONS

The Idaho State Board of Land Commissioners (Board) can require an operating bond from any operator who has repeatedly:

1. Operated without a valid notification;
2. Failed to comply with Forest Practices Act rules;
3. Violated the terms of a "Stop Work Order."

The bond amount is \$200/acre, with a minimum bond of \$5,000 and a maximum bond of \$15,000 for each separate Notification of Forest Practice.

APPEAL BY OPERATOR

1. An operator, at any time within 10 days of receipt of a Cease and Repair or Stop Work Order, may request a hearing before the Idaho State Board of Land Commissioners (Land Board); or
2. At any time within 30 days of receipt of a Cease and Repair or Stop Work Order, challenge the order in a district court in the county where the alleged damaged lands are located.

The operator shall bear the burden of proving that either orders are without merit. If the Land Board upholds the order(s), the operator may, within 30 days, seek appellate review in the district court for the county where the alleged damaged lands are located.

MISDEMEANOR VIOLATIONS

If an operator performs a forest practice without submitting a notice, or a nonresident or repeat violator performs a forest practice without submitting a bond, the department may immediately commence legal action to enjoin the operator by temporary restraining order or preliminary injunction.

The department may seek, through the county prosecuting attorney, the misdemeanor penalties of the act.

The following violations may also be pursued as misdemeanors:

1. Any violation of an order issued as a result of any Land Board appeal or district court judgment. Each day of violation constitutes a separate offense.
2. Any violation of a rule adopted by the Land Board.
3. Any material misrepresentation or false statement in the Notification of Forest Practice.
4. Purchasing or receiving delivery of forest tree species harvested from forest lands without receiving and keeping on file a copy of the Notification of Forest Practice. Each day of violation is a separate offense.

Idaho Department of Lands Offices
And Contact Information

Cataldo Forest Protective District
80 Hilltop Overpass Road
Kingston, ID 83839
(208) 682-4611

Payette Lake Supervisory Area
555 Deinhard Lane
Mc Call, ID 83638
(208) 634-7125

Clearwater Supervisory Area
10230 Highway 12
Orofino, ID 83544
(208) 476-4587

Pend Oreille Supervisory Area
2550 Highway 2 West
Sandpoint, ID 83864-7305
(208) 263-5104

Craig Mountain Forest Protective District
014 East Lorahama, PO Box 68
Craigmont, ID 83523
(208) 924-5571

Ponderosa Supervisory Area
3130 Highway 3
Deary, ID 83823
(208) 877-1121

Eastern Supervisory Area
3563 Ririe Highway
Idaho Falls, ID 83401
(208) 525-7167

Priest Lake Supervisory Area
4053 Cavanaugh Bay Road
Coolin, ID 83821
(208) 443-2516

Kootenai Valley Forest Protective District
6327 Main Street
Bonners Ferry, ID 83805
(208) 267-5577

Southwest Supervisory Area
8355 West State Street
Boise, ID 83714
(208) 334-3488

Maggie Creek Supervisory Area
913 3rd Street
Kamiah, ID 83536
(208) 935-2141

St. Joe Supervisory Area
1806 Main Avenue
St. Maries, ID 83861
(208) 245-4551

Mica Supervisory Area
3258 W. Industrial Loop
Coeur d' Alene, ID 83815
(208) 769-1577

Visit www.idl.idaho.gov/about-forestry/assistance-for-forest-landowners
to find the nearest Private Forestry Specialist using an interactive map.

This image shows a full page of blank, lined paper. It features approximately 20 evenly spaced, light gray horizontal lines running across the width of the page. The background is a clean, off-white color, typical of standard notebook or legal stationery. There are no margins, text, or other markings present.



Photo by: Gavin Muir, 2019

Idaho Department of Lands

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Idaho Forest Products Commission Student Photo Contest Winners

Cover: Morgan Rossberg - Canfield Middle School - Hayden, ID

Back: Gavin Muir - Victory Charter School - Nampa, ID