

20.04.01 – RULES PERTAINING TO FOREST FIRE PROTECTION

000. AUTHORITY.

This chapter is adopted under the legal authority of Sections 38-115, 38-132, 38-402, 58-104(6), 58-105, and 67-5201 et seq., Idaho Code. (3-31-22)

001. TITLE AND SCOPE.

01. **Title.** These rules are titled IDAPA 20.04.01, “Rules Pertaining to Forest Fire Protection.” (3-31-22)

02. **Scope.** These rules govern requirements pertaining to forest fire protection. (3-31-22)

002. INCORPORATION BY REFERENCE.

01. **Incorporated Document.** IDAPA 20.04.01 adopts and incorporates by reference the full text of the following documents published by the San Dimas Technology & Development Center (SDTDC). (3-31-22)

a. Spark Arrester Guide – General Purpose and Locomotive (GP/Loco), Volume 1, September 2012, 1251 1809-SDTDC. (3-31-22)

b. Spark Arrester Guide – Multiposition Small Engine (MSE), Volume 2, August 2012, 1251 1808-SDTDC. (3-31-22)

c. Spark Arrester Guide – Off- Highway Vehicles (OHV), Volume 3, April 2012, 1251 1805-SDTDC. (3-31-22)

02. **Printed and Bound Copies.** Printed copies or bound copies may be viewed at any District Office or requested through SDTDC, 444 E. Bonita Ave, San Dimas, 91773. (3-31-22)

003. -- 009. (RESERVED)

010. DEFINITIONS.

The terms Fire Warden, Forest Land, Person, Range Land, Slash and State have meanings provided in Section 38-101, Idaho Code. In addition to the definitions set forth in the Act, the following definitions apply to these rules:

01. **Block.** A piece of logging equipment where steel rope or cable ~~is actively turning~~ the block’s pulley ~~and used~~ as part of a cable logging/yarding system. ~~It is for the specific purposes of used to establish installing~~ tail hold anchor points, intermediate support of main lines, or carriage haul-back capability ~~for the purposes of for~~ yarding ~~ing~~ or hauling ~~ing~~ of logs to a ~~log~~-landing for transportation ~~to a mill or processing facility~~. (3-31-22)

02. **Cable or Cable Assisted Logging.** A harvest system for felling or yarding ~~of forest product materials consisting of the use of~~ trees using a cable assisted harvester or ~~the use of~~ a yarder, spar tree, or intermediate support with a motorized or non-motorized carriage to transport logs to the landing for further processing ~~purposes~~. (3-31-22)

03. **Closed Fire Season.** The period from May 10 to October 20, inclusive, of each year or as designated by the Director due to conditions of unusual fire danger pursuant to Section 38-115, Idaho Code. (3-31-22)

04. **Department.** The Idaho Department of Lands. (3-31-22)

05. **Director.** The director of the Idaho Department of Lands or his authorized representative. (3-31-22)

06. **District.** A designated forest protective district. (3-31-22)

~~07. **Fire Warden.** A duly appointed fire warden or deputy. (3-31-22)~~

~~08. **Forest Land.** Any land which has upon it sufficient brush or flammable forest growth of any kind or size, living or dead, standing or down, including debris or growth following a fire or removal of forest products, to constitute a fire menace to life (including animal) or property. (3-31-22)~~

09. **Forest Operation.** An activity or service conducted on forest lands involving any of the operations as described below where a Certificate of Compliance pursuant to Section 38-122, Idaho Code is required ~~pursuant to Section 38-122, Idaho Code.~~

a. The harvesting of trees ~~using equipment that includes, but is not limited to,~~including felling, bucking, yarding, delimiting, and decking operations; (3-31-22)

b. Thinning or mastication operations for stand improvement, stand density management or fuel reduction purposes; (3-31-22)

c. Road construction or reconstruction ~~of existing roads~~ including installation or improvement of bridges, culverts or structures; ~~and~~ _____;

d. Slash management including chipping, grinding, or other mechanized reduction activities. (3-31-22)

10. **Metal-Tracked Harvester.** Any machine with metal tracks used to fall, bunch or process trees ~~into forest products at the stump.~~ (3-31-22)

11. **Operator.** A person who conducts a forest operation. (3-31-22)

12. **Operating Area.** That area where a forest operation ~~is taking place~~occurs. (3-31-22)

~~13. **Person.** Includes any person or persons, and any corporation, firm or other entity. (3-31-22)~~

~~14. **Range Land.** Any land that is not cultivated and that has upon it native grasses or other forage plants making it best suited for grazing of domestic and wild animals and which land is adjacent to or intermingled with forest land. (3-31-22)~~

~~15. **Slash.** Brush, severed limbs, poles, tops and/or other waste material incident to such cutting or to the clearing of land that are four (4) inches and under in diameter. (3-31-22)~~

~~16. **State.** State of Idaho. (3-31-22)~~

011. -- 019. (RESERVED)

020. **VARIANCE.**

If conditions or activities require the application of practices that differ from those prescribed in these rules, the Operator must first obtain a variance ~~prior to employing any of those differing practices.~~ (3-31-22)

01. **Obtaining a Variance.** ~~In order to obtain a variance, t~~The Operator ~~must~~ submits a written request for a variance to the local Fire Warden. The request ~~must~~ includes the following: (3-31-22)

a. A description of the specific Operating Area where the variance ~~is being requested~~applies;(3-31-22)

- b. The ~~particular~~ conditions that necessitate a variance; (3-31-22)
- c. A detailed description of the alternative practice; ~~and~~ (3-31-22)
- d. A detailed description of how the alternate practice, ~~if applied, will~~ provides fire protection that is ~~equal to or greater~~ no less than the fire protection provided by the standards ~~set forth in~~ of these rules. (3-31-22)

02. Department Response to Request for Variance. Within five (5) business days from receipt of the variance request, the Department will evaluate the request and notify the Operator in writing of ~~the Department's~~ sits ~~determination to allow or disallow the variance request~~ isposition. (3-31-22)

021. -- 029. (RESERVED)

030. STANDARDS FOR FIRE PROTECTION BY INDIVIDUALS.

The following rules and standards ~~apply for to~~ protection by owners of forest land who have elected to provide their own protection as provided by Section 38-111, Idaho Code, ~~apply~~: (3-31-22)

01. Fire Plans. Each owner must, before April 1 of each year (through the district fire warden in charge of the district in which the forest land lies), submit to the director ~~for approval, through the district fire warden in charge of the district in which such forest land lies, before April 1, of each year,~~ a written fire plan that includes, ~~but is not limited to~~: (3-31-22)

a. A map, ~~with scale of two (2) inches to the mile, revealing~~ (on a scale of two (2) inches to the mile) showing section, township, and range lines, ~~of the forest land involved and showing thereon~~ roads, streams, trails, and the location of protection facilities of the forest land involved~~for such land~~; (3-31-22)

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

c. A statement ~~showing of~~ the number of firefighters and their sources of additional firefighter manpower available for immediate action to suppress any fire on the forest land; ~~and further, their sources of additional manpower available as firefighters~~; (3-31-22)

d. A statement ~~showing of~~ the type and amount of firefighting equipment in serviceable condition including, ~~but not limited to~~, fire hose, fire engines, portable pumps, dozers, and mobile equipment for ~~the transportation of men and equipment~~; (3-31-22)

e. A statement ~~as to~~ of the location of fire-tool caches ~~and~~ and the number and kind of serviceable hand tools in each cache ~~kept available for immediate use in firefighting, (including shovels, hoes, axes, and fire-pump cans)~~ kept available for immediate use in firefighting; (3-31-22)

f. The name, address, and telephone number of the person who ~~is in charge of~~ oversees the protection facilities and is obligated to carry out the provisions of the fire plan. (3-31-22)

02. Approval of Fire Plan Required. ~~No~~ Only plans approved by the director will become effective ~~unless approved by the director~~. (3-31-22)

031. -- 039. (RESERVED)

040. COSTS OF FIRE SUPPRESSION AND PROTECTION.

~~Whenever the state incurs costs in controlling or extinguishing a fire that any person willfully or is negligently responsible for, such costs include all actual costs to the state, including wages of full time personnel and use of equipment of the forest protective district or districts where the fire originated or burned~~ Costs incurred by the state

or its authorized agencies to control or extinguish a fire that any person is willfully or negligently responsible for are all actual costs including wages of personnel and use of equipment. (3-31-22)

041. -- 049. (RESERVED)

050. BURNERS.

Any saw mill, planing mill, shingle mill, or other woodworking ~~plant,~~ or plant wood product manufacturing ~~plant wood products,~~ operating in or within five hundred (500) feet of forest land; and burning refuse wood material outside of and/or adjacent to ~~such mill or plant~~ the facility, will meet the terms of Section 38-108, Idaho Code. (3-31-22)

051. -- 059. (RESERVED)

060. BURNING PERMITS.

The burning permit specified in Section 38-115, Idaho Code; ~~is used to protect~~ s public health, safety, and welfare. ~~The permit and~~ is subject to the following conditions: (3-31-22)

01. When Permit Required. Permits issued for open fires are required from May 10 to October 20; ~~inclusive, of~~ each year and are limited to that period of time needed to accomplish the permitted burning; ~~provided, however, in no event will such~~ permit will be issued to cover a period of more than ten (10) days. (3-31-22)

02. Permit Conditions. Each permit contains ~~all~~ the terms and conditions, effective for the entire period of the permit, deemed necessary by the director for such burning; ~~which terms and conditions remain effective for the entire period of the permit.~~ (3-31-22)

061. -- 069. (RESERVED)

070. PERMIT TO ENTER CLOSED AREA.

Pursuant to Section 38-115, Idaho Code, the director; ~~because of critical fire hazard,~~ may close specified areas to entry by any person or party; because of critical fire hazard. (3-31-22)

01. Notice of Closure. Notice of closure to specified areas will be by proclamation of the director and will immediately be mailed to the fire wardens of the affected districts ~~be and~~ published at least once in a newspaper of general circulation throughout the county or counties affected. ~~Such proclamation will immediately be mailed to the fire wardens of the affected districts.~~ (3-31-22)

02. Fire Warden Permits. The fire warden ~~in charge~~ of the forest protective district ~~in which such areas are located~~ with a closed area may; ~~in his discretion,~~ issue permits to individuals to enter such closed areas. The permittee is required to ~~carry a copy of the permit at all times~~ always carry a copy of the permit while in the closed area. (3-31-22)

071. -- 079. (RESERVED)

080. SPARK ARRESTERS.

01. Requirements. The steam or internal combustion engines referred to in Section 38-121, Idaho Code, must be equipped with properly installed, maintained, and effectively working spark arresters that comply with the standards set forth in the San Dimas Technology and Development Center's "Spark Arrester Guide(s)." (3-31-22)

02. Exemptions. The following are exempt from the requirements of the rule: (3-31-22)

a. Turbo-charged internal combustion engines in which one hundred percent (100%) of the exhaust ignition gases ~~pass exhaust~~ through the turbo-charger. (3-31-22)

b. Engines of passenger-carrying vehicles and light trucks, kept in good repair, equipped with baffle-type muffler and tailpipe ~~through which~~ which ~~all~~ exhaust all ignition gasses ~~pass, that are kept in good repair.~~ (3-31-22)

- c. Engines of heavy-duty trucks equipped with a vertical exhaust stack and muffler extending above the cab of the vehicle. (3-31-22)
- d. Engines of water pumping equipment used in firefighting. (3-31-22)
- e. Engines of helicopters and other aircraft. (3-31-22)

081. -- 089. (RESERVED)

090. SMOKING IN THE WOODS.

01. Smoking Prohibited. Smoking is prohibited on forest or range lands ~~of the state~~ during periods of critical fire danger ~~as designated~~ proclaimed by the director. Logging operators must post conspicuous "NO SMOKING" signs ~~conspicuously~~ in their camps and operating areas ~~when during such these periods of critical fire danger have been declared.~~

(3-31-22)

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

(3-31-22)

091. -- 099. (RESERVED)

100. FIRE TOOLS AND FIRE EXTINGUISHERS.

During closed fire season the following fire tool requirements apply: (3-31-22)

01. Basic Fire Cache. Every Operator ~~engaged in~~ of any Forest Operation on Forest Lands must have available for firefighting ~~purposes~~ the number of tools and tool boxes ~~set forth~~ listed in Table 1. An ~~Forest~~ Operation having more than ten (10) people ~~must use~~ s multiples of ~~any of the~~ values in a columns ~~in the table~~ to arrive at a tool distribution ~~equal to or in excess of~~ no less than the number of people in the ~~Forest~~ Operation.

TABLE 1			
People in Operation	2 - 5	6 - 8	9 - 10
Tool Box	1	1	1
Shovels	2	4	5
Pulaskis	2	4	4
5 gallon pump cans or bladder bags	1	1	2

(3-31-22)

a. The tool boxes ~~required by this rule~~ must be clearly marked "FOR FIRE USE ONLY." ~~and~~

(3-31-22)

b. The tools ~~required by Subsection 100.01~~ must be in a location immediately accessible for firefighting ~~purposes~~, maintained in a serviceable condition, and ~~be~~ fully functional at the time of deployment.

(3-31-22)

02. Warming Fires or Campfires. Except when in designated, developed campgrounds or when traveling as a pedestrian, all persons or parties igniting warming fires or campfires must be equipped with the

following: (3-31-22)

a. One (1) serviceable shovel at least twenty-four (24) inches in ~~overall~~ length with at least a six (6) inch ~~or wider~~ blade. (3-31-22)

b. One (1) water container, capacity one (1) gallon or more. (3-31-22)

03. Power Equipment. Each unit of mobile or stationary power equipment operating on forest land, other than portable power saws, trail bikes, motorcycles, all-terrain ~~vehicles~~ and similar type vehicles, operating on forest lands of the state must be equipped with a minimum of one (1) chemical fire extinguisher rated by the Underwriters Laboratory as ~~no~~ less than 4-BC. (3-31-22)

04. Portable Power Saw. Any person using a portable power saw on forest land ~~in the state~~ must have the following immediately available for ~~the prevention and fire~~ suppression ~~of fire~~: (3-31-22)

a. A fully charged operable fire extinguisher of at least eight (8) ounce ~~minimum~~ capacity. (3-31-22)

b. A serviceable round-pointed size zero (0) or larger shovel. (3-31-22)

101. -- 109. (RESERVED)

110. FIRE CREWS.

When engaged in a Forest Operation on Forest Lands during closed fire season, the person responsible for the Forest Operation must designate a fire crew and a fire foreman, with powers to act for their employer; Without compromising the safety of the crew, the firefighters must ~~to~~ take immediate, reasonable ~~initial~~ action within the scope of their knowledge, skills and abilities and make a reasonable effort to suppress any fire starting on the Operating Area ~~without compromising the safety of the crew~~. (3-31-22)

111. -- 119. (RESERVED)

120. RESTRICTED ACTIVITIES.

01. Notice. Notification of restricted activity will be by proclamation of the director and will be published at least once in a newspaper of general circulation throughout the county or counties affected. ~~Critical Fire Danger. During periods of critical fire danger, as determined by the director, all persons engaged in any activities in forest areas of the state, determined to be critical, may have those activities restricted to the least dangerous periods of the day.~~ (3-31-22)

02. Critical Fire Danger. During periods and in areas of critical fire danger proclaimed by the director, all persons engaged in any activities in forest areas of the state may have those activities restricted to the least dangerous periods of the day. ~~Notice. Notification of such restriction will be by proclamation of the director and will be published at least once in a newspaper of general circulation throughout the county or counties affected.~~ (3-31-22)

121. -- 129. (RESERVED)

130. WATER SUPPLY AND EQUIPMENT.

Every Operator conducting a Forest Operation using a cable logging system or a metal tracked harvester during the calendar period of July 1st through September 30th ~~annually~~ must provide the following water supply and fire suppression equipment in the Operating Area. (3-31-22)

01. Water Supply. (3-31-22)

a. The water supply must consist of a self-propelled motor vehicle or trailer equipped with a water tank containing ~~no~~ less than two hundred (200) gallons of water. (3-31-22)

b. Trailers ~~used for this purpose~~ water tanks must be equipped with a functional hitch attachment and have a serviceable tow vehicle immediately available ~~to provide~~ for timely fire suppression response. (3-31-22)

02. Water Delivery. (3-31-22)

a. Water pump. The ~~size and~~ capacity of the water pump must be sufficient to provide a discharge of ~~not~~ less than twenty (20) gallons per minute when pumping through fifty (50) feet of hose of ~~not~~ less than three quarter (¾) inch inside diameter with an adjustable nozzle at pump level. (3-31-22)

b. Hose and nozzle. The Operator must have at least five hundred (500) feet of serviceable hose of ~~not~~ less than three quarter (¾) inch inside diameter and a nozzle. (3-31-22)

03. Readiness. (3-31-22)

a. All hose, motor vehicles, trailers, tanks, nozzles and pumps must be kept ready for immediate use during active operations, including the fire watch service ~~as set forth~~ described in Section 140 ~~of these rules~~. (3-31-22)

b. The water supply, pump, ~~a minimum of at least~~ two hundred (200) feet of hose packaged in a suitable manner for immediate deployment, and the nozzle must be maintained as a connected, operating unit ~~ready for immediate use~~. (3-31-22)

04. Water Supply and Equipment Exemption. A Forest Operation conducted under an Option 1 Certificate of Compliance is exempt from the water supply and equipment requirements of Section 130. (3-31-22)

131. -- 139. (RESERVED)

140. FIRE WATCH SERVICE.

Every Operator engaged in a Forest Operation within a Stage 2 proclamation area must provide Fire Watch Service in the Operating Area. (3-31-22)

01. Duties and Requirements. Fire Watch Service must consist of at least one (1) person who: (3-31-22)

a. Is constantly on duty for three (3) hours after all power-operated equipment has been shut down for the day. (3-31-22)

b. Visually observes the Operating Area where activity occurred during the day. (3-31-22)

c. Has adequate equipment for transportation and communications to summon fire-fighting assistance in a timely manner; and (3-31-22)

d. Immediately responds to any fire in the Operating Area to initiate ~~such~~ fire suppression actions ~~to suppress the fire~~ within the scope of their knowledge, skills and abilities. (3-31-22)

02. Fire Watch Service Exemption. A Forest Operation conducted under an Option 1 Certificate of Compliance is exempt from the fire watch service requirements of Section 140. (3-31-22)

141. -- 149. (RESERVED)

150. OPERATION AREA FIRE PREVENTION.

To prevent the spread of fire ~~on in~~ or from an Operating Area, every Operator conducting a Forest Operation during the calendar period of July 1st through September 30th, ~~annually~~, must comply with the following precautions. (3-31-22)

01. Cable or Cable Assisted Logging. ~~The following practices and equipment are required by the operator when~~ When conducting a cable logging operation on forest land the operator must: (3-31-22)

a. Clear the ground of all flammable debris for not less than ten (10) feet slope distance from the point directly below any block. (3-31-22)

b. Prevent moving lines from rubbing on rock or woody material ~~in such a way to cause~~ creating sparks or sufficient heat that may ~~cause fuel ignition~~ ignite fuel. (3-31-22)

c. Provide a water supply that complies with the capacity, pump, hose, nozzle and readiness requirements ~~set forth~~ described in Section 130 ~~of these rules~~. (3-31-22)

d. Provide at each Block: (3-31-22)

i. One (1) pump equipped can or bladder containing not less than five (5) gallons of water; and (3-31-22)

ii. One (1) round pointed size zero (0) or larger shovel in a serviceable condition. (3-31-22)

151. -- 999. (RESERVED)