From:	Powers, David
To:	SEEDS Joshua
Cc:	Leinenbach, Peter; Woodruff, Leigh; Kubo, Teresa; Henning, Alan
Subject:	FW: Documents from the 10/10/13 FPAAC meeting
Date:	Thursday, February 06, 2014 11:39:56 AM
Attachments:	image001.png image002.jpg Proposed Rulemaking Track-Changes- 11-1-13.pdf Proposed Rule Comment Summary Matrix 11-1-13.pdf

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Josh – per your request here is some contact info…I'll bet you are having some kind of fun on the OR FPA rule effort.

ID Dept. of State Lands is the State Forestry Agency in ID. Archie Gray is a good IDL FPA contact (see below). Peter and Leigh are very knowledgeable on IDL's approach if you have follow-up questions. Teresa, Alan and Peter will likely be the EPA trifecta providing input on future OR FPA rules. They and Leigh are all knowledgeable on forestry stuff and great to work with. I highly recommend making the same connection with them that you and I have had.

Attached above is a track change of the old ID FPA shade rule and new FPA shade rule language… also an IDL summary of comments. The relevant ID State Legislature committee has approved the revisions…full legislature approval is likely a slam dunk since the timber industry controlled the forest practice advisory committee process that wrote the new rule (in ID the Legislature must approve State Agency Rules). IDL's new shade rule is a significant improvement over the past shade rule requirement to maintain 75% of existing shade… but still falls short of meeting IDEQ TMDL shade targets and the Natural Conditions as Criteria in State WQS. EPA supported the rule improvements but consistently raised concerns about the rule not aligning with State WQS/TMDLs. We also expressed significant concerns about a last minute change by IDL to implement the rule differently than FPAAC modeling assumed it would be implemented.

I'll also forward you Peter's analysis of various different Relative Stocking (RS) scenarios which you may find very helpful. Peter's analysis was key to the improvements to the final rule compared from where it started around 3 years ago. I do not believe the rule would have ended up where it did without EPA, IDEQ, the Tribes, and the ID Conservation League pushing. None of these entities are fully satisfied with where the rule ended up but all recognized the incremental improvements. A couple of thoughts about considering IDL's RS approach in Oregon.

- ID and OR have different forest types and site capabilities than Western OR…the Northern ID Grand Fir/Western Red Cedar forest type is the closest of ID's forest types to Coastal W. OR forests but for wetter coastal systems in OR RS levels should be higher (ask Pete about RS)
- IDEQ doesn't have the same expertise that you have or the same administrative rule authority that OR DEQ has with respect to forestry
- Philosophically ID is more like Eastern OR X 2.
- RipStream provides far superior data on riparian harvest and resultant BA, shade, and temperature effects compared to ID FPAAC info
- IDEQ's concerns about NCC/TMDL targets has prompted calls for and engagement in monitoring to demonstrate new rule effects

Final thoughts: IDL's proposed rule has probably leap frogged ID's riparian protection requirements ahead of OR's FPA requirements for small and medium fish streams. Interesting given the politics and drier forest types in ID.

EPA comments on ID shade rule and Pete's analysis to follow. May the force be with you. Dave

David Powers

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From: Powers, David
Sent: Monday, November 04, 2013 9:07 AM
To: Woodruff, Leigh; Woodruff, Leigh; Croxton, Dave; Chung, Angela; Kubo, Teresa
Cc: Werntz, James; Opalski, Dan; Powers, David
Subject: FW: Documents from the 10/10/13 FPAAC meeting

Below is the process and timeline for the proposed ID FPA shade rule

- Proposed Rule will be presented to the Land Board on 11/19/13
- If rule is approved by the Land Board it will be placed in the Idaho Administrative Rules publication on 1/1/14
- IDL expects the rule to be presented to the House and Senate subcommittees in late January or early February 2014
- If approved by ID legislature, rule implementation will begin 7/1/14

Key points regarding the new ID FPA Shade:

- It is an improvement over the prior ID FPA shade rule that had no floor/threshold for entering riparian stands for harvest
- All new rule provisions implemented together result in ~ half the shade loss expressly allowed under prior shade rule
- New rule still would allow riparian harvest inconsistent with IDEQ TMDLs and NCC in ID WQS
- The way the new rule is implemented will have a major effect on rule effectiveness so monitoring will be key

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From: Archie Gray <agray@idl.idaho.gov>
Sent: Friday, November 01, 2013 3:18 PM
To: Powers, David; Woodruff, Leigh; Croxton, Dave
Cc: Craig Foss
Subject: Documents from the 10/10/13 FPAAC meeting

EPA Partners,

Attached are the final meeting minutes, final proposed rule changes, and the summary matrix for proposed rule comments as discussed during the October 10, 2013 FPAAC meeting.

Thank you for your interest and participation in the Rulemaking Process.

Archie Gray CF
Forest Practices Program Manager
Idaho Department of Lands
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Coeur d' Alene, ID 83815
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Final Proposed Rule Comment Summary Matrix

IDAPA 20-0201-1301

Proposed Rulemaking Summary

Members of the public and Idaho Department of Lands (IDL), Idaho Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) personnel participated in the proposed rulemaking process by attending hearings, submitting comments, and internal discussion. There were twenty one (21) written and oral comments received in addition to the internal discussions.

The following points of discussion are the summation of the comments received during the proposed rulemaking process.

Proposed Rule 030.07.e.ii (The new class I shade rule)

There were seven (7) comments received expressing support for the proposed rule. These comments came largely from forest products industry representatives, who generally felt that the proposed rule is "…scientifically sound and appropriate policy to support water quality and landowner property values." Additionally there was a comment that "further analysis cannot and will not resolve the various concerns."	Conclusion: FPAAC has approved the rule agreeing that the science behind the rule is sound and that additional analysis would simply delay implementation. Given the even splits among supporters, opposition due to being too restrictive, and opposition due to not being restrictive enough, FPAAC finds that moving the rule in either direction may erode conditional support and result in the rule failing to pass.
Generally the small non-industrial private forest (NIPF) owners expressed opposition to the proposed rule because they feel that it is too restrictive and complicated. Comments included negative economic impacts to small owners having to hire professionals for help implementing the rule or losing access to valuable trees. Some also expressed concern about losing their ability to manage for forest health considerations at the densities called for in the proposed rule. The NIPFs expressed concern about the inequity of requiring such strict protections on private property in the forested environment while other agricultural and development interests go seemingly unchecked.	Conclusion: By including a plan to monitor implementation and effectiveness of the proposed rule the NIPFs agreed to conditionally support the proposed rule provided a re-evaluation of the rule can be done when reliable monitoring data has become available. IDL has also begun the process of adding staff to help small landowners implement the new rules, another critical element for their support. While the FPAAC has no authority over agriculture, development, or other interests the committee agrees in principle with the suggestion that the forest landowners are bearing an inequitable burden of stream protection.

The comments from the tribes, the Idaho Conservation League (ICL) and the EPA all expressed opposition to the proposed rule indicating it was not restrictive enough. One common point of opposition is the separation of the inner and outer zones for harvest consideration ("…analysis assumed that implementation of the inner and outer zone relative stocking (RS) targets applied concurrently."). They also expressed concern "that the proposed rule changes will be insufficient to ensure protection and adherence to State Water Quality Standards and TMDLs." Some comments specifically requested 75' no-cut buffers, consideration of additional no-cut buffers, and called for the addition of large tree requirements.	Conclusion: All through the development of the proposed rule there has never been an assumption by FPAAC that, the inner and outer zones would be linked. The modeling assumed a uniform stocking from stream edge to the outer SPZ edge. No modeling was done to determine shade impacts if the inner zone RS is lower than the proposed minimum and harvesting occurs in the outer zone to the proposed minimum. The model is understood to be very conservative in that stream orientation, vegetation under 3 inches, and topography are not considered. FPAAC wants to avoid a situation where the proposed rule becomes a 75 foot no harvest zone. The FPAAC committee felt that adding further restrictions to the rule would erode conditional support from the NIPFs and industrial forest owners forcing the committee to abandon the proposed rule and start the whole process again, while reverting back to the existing rule once more in the interim. State water quality standards and TMDLs require following the states BMPs, which the proposed rule is now becoming part of. Given the conservative nature of FPAACs modeling it is expected that actual stream impacts will be less than the model predicts.
One common theme from the comments taken from parties both in favor of and opposed to the propose rule is the idea that a monitoring system be developed to evaluate the rule that is implemented. There were four (4) comments specifically addressing post implementation evaluation and at least two (2) comments suggesting on the ground trials before implementation.	Conclusion: The IDL will begin to develop a monitoring and evaluation plan for the proposed rule immediately. DEQ and possibly other third parties will be involved in order to ensure that the process and results are fully scientifically defensible.

Another common theme is the opinion that the proposed rule represents an improvement over the current (75%) rule. ICL, EPA, and DEQ all commented that the proposed rules are better than the current rule. It could also be said that all of those in favor of the propose rule would agree, making this the most common theme from the comments.	Conclusion: The FPAAC has agreed that implementing the proposed rule, although it may be imperfect, represents a substantial improvement over the current rule. With effectiveness monitoring and evaluation the rule may be adjusted in the future to incorporate information as it becomes available.

Proposed Rule 030.07.e.iii (The proposed Class II shade rule)

During internal IDL discussions the proposed language of this rule was found to be problematic. 030.07.e.iii. will be amended to read, *"Adjacent to all Class II streams, standing trees will be retained within thirty (30) feet on each side of the stream's ordinary high water mark to comply with the minimum stocking standards expressed in Subsection 050.04. Exceptions shall only be made for the felling of stems less than 8 inches DBH necessary to comply with logging-safety standards (Idaho Minimum Safety Standards and Practices for Logging—Falling and Bucking, IDAPA 17.08.08). Reasonable and prudent efforts will be made to protect the filtering and shade effects of the streamside vegetation during hazard management activities following harvest.* With the new harvest options available under the 050.04 rule, it should not be necessary to include a clause specifically mentioning falling exceptions for safety. It should be understood that safety is always considered when implementing rules but should not be used as a ploy to increase harvest. If it is necessary to include this reference to the Idaho Minimum Safety Standards and Practices for Logging, perhaps it could better address the rules by being included elsewhere, for example under 020 'General Rules'.	Conclusion: FPAAC agreed that a specific reference to the Idaho Minimum Safety Standards and Practices for Logging embedded within this rule was unnecessary and it was agreed that the language would be removed. During discussions the focus changed to clarifying the intent of the overall rule, and adjusting the language to be more similar to other rules. The committee adopted the rule with several changes. Following the meeting, additional review resulted in changing the final rule to read: *030.07.e.iii. To protect the filtering and shade effects of streamside vegetation adjacent to all Class II streams following harvesting and hazard management activities, live trees will be retained or new trees established within thirty (30) feet on each side of the streams ordinary high water mark to comply with the minimum stocking standards expressed in Subsection 050.04.*

Proposed Rule (new location 010.60.d) 010.59.d (Proposed new definition of a Class II stream)

During the March 2013 FPAAC meeting it was decided to drop the five (5) foot class II SPZ designation given to streams that do not contribute overland flow to class I streams. At that meeting it was asked if IDL used this rule very often. The committee was told no. The committee may not have gotten complete and accurate information. From internal discussions, IDL asks the committee not to alter the definition of a class II stream from its current form. To require these disjoined class II streams to have the same protection buffer as higher order class II streams would create significant management issues across forest ownerships in Idaho.	Conclusion: After discussion and clarification regarding how the rule is implemented the committee agreed to rescind the proposed rule change to strike the 'five foot' class II SPZ. The rule shall not be modified, it shall remain in place as it has been since 1996.

The rulemaking record, which includes both negotiated and proposed rulemaking drafts, public comments, and documents (including the final proposed rule language) distributed during the rulemaking process, is available at http://www.idl.idaho.gov/adminrule/forest_practices_rulemaking.html. The proposed rules will now be presented to the Land Board on November 19, 2013. If approved by the land board the 'pending rules' will be published in the Idaho Administrative Bulletin on January 1, 2014.

Proposed Rule Docket fNo.
20-0201-1301
Dated November 1, 2013
20.02.01 - RULES PERTAINING TO THE IDAHO FOREST PRACTICES ACT

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

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 20.02.01, "Rules Pertaining to the Idaho Forest Practices Act." (4-11-06)

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

002. WRITTEN INTERPRETATIONS.
Pursuant to Idaho Code Section 67-5201(19)(b)(iv), the Department maintains written interpretations of its rules which may include, but may not be limited to, written procedures manuals and operations manuals, Attorney General formal and informal opinions, and other written guidance, which pertain to the interpretation of the rules of this chapter. Copies of the procedures manuals and operations manuals are available for public inspection and copying at the Idaho Department of Lands, 300 North 6th Street, Suite 103, Boise, Idaho 83702. (4-11-06)

003. ADMINISTRATIVE APPEALS.
All contested forest practice violations shall be governed by the provisions of Section 38-1307(3), Idaho Code. (7-1-96)

004. INCORPORATION BY REFERENCE.
There are no documents incorporated herein by reference. (4-11-06)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.
The principal place of business of the Idaho Department of Lands is the Director's Office at 300 North 6th Street, Suite 103, Boise, Idaho 83720 and is open from 8 a.m. to 5 p.m. Monday through Friday, except legal holidays. The mailing address is: Idaho Department of Lands, P.O. Box 83720, Boise, Idaho 83720-0050. The telephone of the office is (208) 334-0200 and the fax number (208) 334-2339. (4-11-06)

006. PUBLIC RECORDS ACT COMPLIANCE.
All records relating to this chapter are public records except to the extent such records are by law exempt from disclosure. (4-11-06)

007. -- 009. (RESERVED)

010. DEFINITIONS.
Unless otherwise required by context as used in these rules: (10-14-75)

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

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

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

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

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

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

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

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

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

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

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

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

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

14. **Cull**. Nonmerchantable, alive, standing trees of greater height than twenty (20) feet. (1-24-78)

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

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

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

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

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

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

21. **Forest Land**. Federal, state and private land growing forest tree species which are, or could be at

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

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

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

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

c. Reforestation; (10-14-75)

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

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

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

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

24. Forest Type. Five forest types in Idaho are defined as follows:

- North Idaho grand fir/western redcedar (NIGF): moist to wet interior forests with western redcedar, western hemlock, and grand fir being primary climax species, found in forests north of the Clearwater/ and Lochsa Rivers
- Central Idaho grand fir/western redcedar (CIGF): productive conifer forests found in forests between the Lochsa River Basin and the Salmon River, characterized by stands having western redcedar and grand fir as climax species, with a mixed-conifer overstory increasingly comprised of ponderosa pine, Douglas-fir, and larch in the river breaks canyon-lands. Stocking levels are generally lower than that of the NIGF stands.
- South Idaho grand fir (SIGF): mixed-conifer forests, dominated by ponderosa pine and Douglas-fir, found south of the Salmon River with grand fir and occasionally western redcedar being the stand climax species.
- Western hemlock-subalpine fir (WH): higher-elevation, moist, cool interior forests dominated by western hemlock, mountain hemlock, and/or subalpine fir.
- Douglas-fir-ponderosa pine (PP): drier forests dominated by ponderosa pine and Douglas-fir, generally found in lower-elevation, dry sites. ( )

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

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

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

2~~7~~8. **Harvesting**. A commercial activity related to the cutting or removal of forest tree species to be used as a forest product. A commercial activity does not include the cutting or removal of forest tree species by a person for his own personal use. (10-14-75)

2~~8~~9. **Hazard**. Any vegetative residue resulting from a forest practice which constitutes fuel. (1-24-78)

~~29~~30. **Hazard Offset**. Improvements or a combination of practices which reduces the spread of fire and increases the ability to control fires. (10-14-75)

3~~0~~1. **Hazard Points**. The number of points assigned to certain hazardous conditions on an operating area, to actions designed to modify conditions on the same area or to actions by the operator, timber owner or landowner to offset the hazardous conditions on the same area. (1-24-78)

3~~1~~2. **Hazard Reduction**. The burning or physical reduction of slash by treatment in some manner which will reduce the risk from fire after treatment. (10-14-75)

3~~2~~3. **Lake**. A body of perennial standing open water, natural or human-made, larger than one (1) acre in size. Lakes include the beds, banks or wetlands below the ordinary high water mark. Lakes do not include drainage or irrigation ditches, farm or stock ponds, settling or gravel ponds. Any reference in these rules to Class I streams shall also apply to lakes. (7-1-96)

3~~3~~4. **Landowner**. A person, partnership, corporation, or association of whatever nature that holds an ownership interest in forest lands, including the state. (10-14-75)

3~~4~~5. **Large Organic Debris (LOD)**. Live or dead trees and parts or pieces of trees that are large enough or long enough or sufficiently buried in the stream bank or bed to be stable during high flows. Pieces longer than the channel width or longer than twenty (20) feet are considered stable. LOD creates diverse fish habitat and stable stream channels by reducing water velocity, trapping stream gravel and allowing scour pools and side channels to form. (3-13-90)

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3~~5~~6. **Merchantable Material**. That portion of forest tree species suitable for the manufacture of commercial products which can be merchandised under normal market conditions. (10-14-75)

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

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

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

3~~7~~8. **Noncommercial Forest Land**. Habitat types not capable of producing twenty (20) cubic feet per acre per year. (7-1-96)

3~~8~~9. **Operator**. A person who conducts or is required to conduct a forest practice. (10-14-75)

~~39~~40. **Operating Area**. That area where a forest practice is taking place or will take place. (1-24-78)

4~~0~~1. **Ordinary High Water Mark**. That mark on all water courses, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. (10-14-75)

4~~1~~2. **Outstanding Resource Water**. A high quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, which has been so designated by

the legislature. ORW constitutes as outstanding national or state resource that requires protection from nonpoint activities, including forest practices, that may lower water quality. (7-1-96)

4~~2~~3. Partial Cutting. The well distributed removal of a portion of the merchantable volume in a stand of timber. This includes seed tree, shelterwood, or individual tree selection harvesting techniques. (10-14-75)

4~~3~~4. Prescribed Fire. The controlled application of fire to wildland fuels in either their natural or modified state, under such conditions of weather, fuel moisture and soil moisture, to allow the fire to be confined to a predetermined area and at the same time to produce the intensity of heat and rate of spread required to meet planned objectives. (7-1-96)

4~~4~~5. Present Condition of Area. The amount or degree of hazard present before a thinning operation commences. (1-24-78)

4~~5~~6. Public Resource. Water, fish, and wildlife, and in addition means capital improvements of the State or its political subdivisions. (10-14-75)

4~~6~~7. Reforestation. The establishment of an adequately stocked stand of trees of species acceptable to the department to replace the ones removed by a harvesting or a catastrophic event on commercial forest land. (10-14-75)

48. Relative Stocking. A measure of site occupancy calculated as a ratio comparison of actual stand density to the biological maximum density for a given forest type. This ratio, expressed as a percentage, shows the extent to which trees utilize a plot of forestland. ( )

4~~7~~9. Relief Culvert. A structure to relieve surface runoff from roadside ditches to prevent excessive buildup in volume and velocity. (10-14-75)

~~48~~50. Rules. Rules adopted by the Board pursuant to Section 38-1304, Idaho Code. (7-1-96)

~~49~~51. Slash. Any vegetative residue three inches (3") and under in diameter resulting from a forest practice or the clearing of land. (7-1-96)

5~~0~~2. Site. An area considered as to its ecological factors with reference to capacity to produce forest vegetation; the combination of biotic, climatic, and soil conditions of an area. (10-14-75)

5~~1~~3. Site Factor. A combination of percent of average ground slope and predominate aspect of the forest practice area which relate to rate of fire spread. (1-24-78)

5~~2~~4. Site Specific Best Management Practice. A BMP that is adapted to and takes account of the specific factors influencing water quality, water quality objectives, on-site conditions, and other factors applicable to the site where a forest practice occurs, and which has been approved by the Department, or by the Board in consultation with the Department and the Forest Practices Advisory Committee. (7-1-96)

5~~3~~5. Size of Thinning Block. Acres of continuous fuel creating an additional hazard within a forest practice area. Distance between the perimeter of thinning blocks containing continuous fuel must be a minimum of six (6) chains apart to qualify as more than one (1) block. (1-24-78)

5~~4~~6. Snags. Dead, standing trees twenty (20) feet and greater in height. (1-24-78)

5~~5~~7. Soil Erosion. Movement of soils resulting from forest practices. (10-14-75)

5~~6~~8. Soil Stabilization. The minimizing of soil movement. (10-14-75)

5~~7~~9. State. The state of Idaho or other political subdivision thereof. (10-14-75)

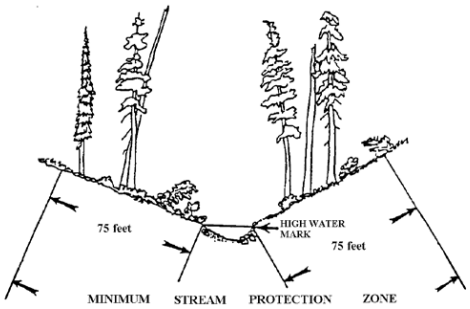
~~58~~60. Stream. A natural water course of perceptible extent with definite beds and banks which confines and conducts continuously or intermittently flowing water. Definite beds are defined as having a sandy or rocky bottom which results from the scouring action of water flow. Any reference in these rules to Class I streams shall also apply to lakes. (7-1-96)

a. Class I streams are used for domestic water supply or are important for the spawning, rearing or migration of fish. Such waters shall be considered to be Class I upstream from the point of domestic diversion for a minimum of one thousand three hundred and twenty (l,320) feet. (11-7-86)

b. Class II streams are usually headwater streams or minor drainages that are used by only a few, if any, fish for spawning or rearing. Where fish use is unknown, consider streams as Class II where the total upstream watershed is less than two hundred and forty (240) acres in the north forest region and four hundred and sixty (460) acres in the south forest region. Their principle value lies in their influence on water quality or quantity downstream in Class I streams. (7-1-96)

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

FIGURE 1

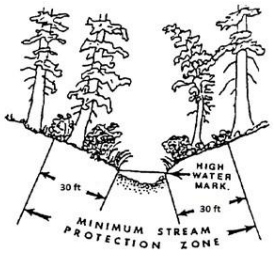


CLASS 1 STREAM PROTECTION ZONE

(7-1-96)

d. Class II Stream Protection Zone 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, provide soil stabilization and water filtering effects by leaving undisturbed soils in widths sufficient to prevent washing of sediment. In no case shall this width be less than five (5) feet slope distance on each side of the ordinary high water marks.

FIGURE 2
CLASS II STREAM PROTECTION ZONE



(7-1-96)

~~59~~61. **Timber Owner**. A person, partnership, corporation, or association of whatever nature, other than the landowner, that holds an ownership interest in forest tree species on forest land. (10-14-75)

6~~0~~2. **Time of Year of Forest Practice**. Those combinations of months during which time the forest practice is taking place. Points assigned are: October through December - two (2) points; August through September - four (4) points; January through April - seven (7) points; May through July - ten (10) points. (1-24-78)

011. -- 019. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

030. TIMBER HARVESTING.

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

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

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

a. An operation that uses ground-based equipment shall 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 shall not be used except with an approved variance. Where slopes in the area to be logged exceed forty-five percent (45%) gradient the operator, landowner or timber owner shall notify the department of these steep slopes upon filing the notification as provided for in Subsection 020.05. (4-4-13)

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

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

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

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

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

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

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

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

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

b. Reshape landings as needed to facilitate drainage prior to fall and spring runoff. Stabilize all landings by establishing ground cover or by some other means within one (1) year after harvesting is completed. (8-13-85)

06. Treatment of Waste Materials. All debris, overburden, and other waste material associated with harvesting shall be left or placed in such a manner as to prevent their entry by erosion, high water, or other means

into streams. (10-14-75)

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

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

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

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

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

b. Operations that utilize ground-based equipment that result in logs being skidded or forwarded in or through streams shall not be permitted. When streams must be crossed, adequate temporary structures to carry stream flow shall be installed. Cross the stream at right angles to its channel if at all possible. (Construction of hydraulic structures in stream channels is regulated by the Stream Channel Protection Act - Title 42, Chapter 38, Idaho Code). Remove all temporary crossings immediately after use and, where applicable, water bar the ends of the skid trails. (4-4-13)

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

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

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

i. Leave ~~hardwood trees,~~ shrubs, grasses, and rocks wherever they afford shade over a stream or maintain the integrity of the soil near a stream. (10-14-75)

~~ii. Leave seventy-five percent (75%) of the current shade over the Class I streams. Limit re-entry until shade recovers. (4-11-06)~~

ii. Adjacent to all Class I streams, to maintain and enhance shade and large woody debris recruitment, landowners must comply with one of the two following options defining tree retention. The Relative Stocking per acre (RS) referenced in the options is calculated according to the relative-stocking-contribution table below.

- Option 1: Within twenty-five (25) feet from the ordinary high water mark on each side of the stream, live conifers and hardwoods will be retained to maintain a minimum relative stocking per acre of sixty (60). A relative stocking per acre of thirty (30) must be retained in the stream protection zone between twenty-five (25) feet and seventy-five (75) feet from the ordinary high water mark on both sides of the stream.
- Option 2: Within fifty (50) feet from the ordinary high water mark on each side of a stream, live conifers and hardwoods will be retained to maintain a minimum relative stocking per acre of sixty (60). A relative stocking per acre of ten (10) must be retained in the stream protection zone between

fifty (50) feet and seventy-five (75) feet from the ordinary high water mark on both sides of the stream.

Only one option may be implemented within the stream protection zones of a harvesting unit covered by a single notification. Landowners are strongly encouraged to retain all trees immediately adjacent to the stream.

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

( )

iii. ~~Adjacent to all Class II streams, standing trees will be retained within thirty (30) feet on each side of the stream's ordinary high water mark to comply with the minimum stocking standards expressed in Subsection 050.04. Exceptions shall only be made for the felling of stems less than 8 inches DBH necessary to comply with logging safety standards (*Idaho Minimum Safety Standards and Practices for Logging—Falling and Bucking*, IDAPA 17.08.08). Reasonable and prudent efforts will be made to protect the filtering and shade effects of the streamside vegetation during hazard management activities following harvest.~~ To protect filtering and shade effects of streamside vegetation adjacent to all Class II streams following harvesting and hazard management activities, live trees will be retained or new trees established within thirty (30) feet on each side of the streams ordinary high water mark to comply with the minimum stocking standards expressed in Subsection 050.04. ( )

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

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

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

~~vi. Standing trees, including conifers, hardwoods and snags will be left within fifty (50) feet of the ordinary high water mark on each side of all Class I streams, and within thirty (30) feet on each side of those Class II streams that require thirty (30) feet stream protection zones, in the following minimum numbers per one thousand (1000) feet of stream:~~

~~Minimum Standing Trees Per One Thousand (1000) Feet Required (each side)~~

~~Tree Diameter (DBH)~~	~~-- STREAM WIDTH --~~			
	~~Class I~~			~~Class II*~~
	~~Over 20'~~	~~10'- 20'~~	~~Under 10'~~	
~~3 - 7.9"~~	~~200~~	~~200~~	~~200~~	~~140~~

~~8 - 11.9"~~	~~42~~	~~42~~	~~42~~	~~--~~

12 - 19.9"	21	21	--	--
20"+	4	--	--	--

*For those Class II streams that require a minimum five (5) foot stream protection zone, no standing trees are required. (4-11-06)

vii. Snags will be counted as standing trees in each diameter class if snag height exceeds one and one-half (1 ½) times the distance between the snag and the stream's ordinary high water mark. Not more than fifty percent (50%) of any class may consist of snags. (7-1-96)

viii.vii. To obtain a variance from the standing tree and shade 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 large organic debris, stream shading and wildlife cover which will achieve the objective of these rules. (4-11-06)

ix. Where the opposite side of the stream does not currently meet the minimum standing tree requirements of the table, the department and the operator should consider a site specific riparian prescription that meets the large organic debris needs of the stream. (3-13-90)

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

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

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

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

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

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

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

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

d. Harvesting operations within a single ownership, in which essentially all trees have been removed in one operation, shall be planned so that adequate wildlife escape cover (e.g. topography, vegetation, stream protection zones, etc.) is available within one-quarter (¼) mile. (4-4-13)