

IDAPA 20 - DEPARTMENT OF LANDS

20.02.01 - RULES PERTAINING TO THE IDAHO FOREST PRACTICES ACT

DOCKET NO. 20-0201-1201

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 58-104(6), 58-105 and 38-1304, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

Monday, July 16, 2012, 1 p.m. to 5 p.m.

**Idaho Department of Lands, Garnet Conference Rooms
300 North 6th Street, Suite 103, Boise, Idaho**

**Monday, July 23, 2012, 1 p.m. to 4 p.m.
and 5:30 p.m. to 8:30 p.m.**

**Idaho Department of Lands, Sundance Conference Rooms
3284 West Industrial Loop, Coeur d'Alene, Idaho**

Additional meetings may be scheduled as needed through July 23, 2012.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Please contact Ara Andrea at (208) 769-1525 or aandrea@idl.idaho.gov to be added to the e-mail list of interested parties. This list will be used to keep people informed of the rulemaking process.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The Idaho Forest Practices Act Advisory Committee (FPAAC) is comprised of 9 voting members across the state of Idaho representing family forest owners, industrial forest owners, fisheries biologists, citizens at large, and logging operators. This committee is statutorily charged with advising the Idaho State Board of Land Commissioners, in cooperation with the Idaho Department of Lands (IDL), in rulemaking matters associated with the Idaho Forest Practices Act. As a result of quadrennial water-quality audits conducted by the Idaho Department of Environmental Quality (IDEQ) in 2000 and 2004, FPAAC has been working over the last 10 years to develop a science-based shade/streamside retention rule that is based on Idaho forest riparian data. The proposed shade rule will allow forest landowners to select from two options which are meant to address both shade and large wood recruitment in streams. In addition to the shade rule, the FPAAC committee has identified and approved other minor FPA rule changes since 2006. The proposed changes include:

- Recognition of all formal land-management agreements with US Fish & Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS);
- Increased flexibility of landowners and operators to perform timber-salvage operations following wildfire, insect infestations and wind events;
- Protection of soils and riparian areas from any ground-based equipment usage in steep, unstable or stream-adjacent areas;
- Assignment of reforestation responsibility to the landowner at the time of harvest;
- Clearer definitions of wet areas and the associated equipment-exclusion areas;
- Lower stocking minimums for drier, southern forest types; and
- New science-based streamside-tree-retention minima for Class I streams (shade rule) that allow forest landowners to select between two options.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Ara Andrea at (208) 769-1525 or aandrea@idl.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 23, 2012.

DATED this 15th day of May, 2012.

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