

## IDAPA 20 - DEPARTMENT OF LANDS

### 20.02.01 - RULES PERTAINING TO THE IDAHO FOREST PRACTICES ACT

DOCKET NO. 20-0201-1301

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), 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:

<b>Friday, June 7, 2013, 12:00 p.m. - 3:00 p.m.</b>
<b>Idaho Department of Lands Sundance Conference Rooms 3284 West Industrial Loop Coeur d'Alene, Idaho</b>

<b>Wednesday, June 12, 2013, 12:00 p.m. - 3:00 p.m.</b>
<b>Idaho Department of Lands Garnet Conference Rooms 300 North 6th St., Suite 103 Boise, Idaho</b>

Additional meetings may be scheduled as needed through June 25, 2013.

**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](mailto: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 streamside tree-retention rule (shade 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. The proposed changes include:

- Amend one (1) subparagraph, 20.02.01.030.07.e.ii, defining the new minimum standing tree requirements for both sides of all Class I streams and inserting one (1) new subparagraph, 20.02.01.030.e.iii, defining the new minimum standing tree requirements for both sides of all Class II streams in Idaho forestlands.

- Removal of three (3) existing rule subparagraphs, 20.02.01.030.07.e.vi, 20.02.01.030.07.e.vii, and 20.02.01.030.07.e.ix which would become obsolete under these proposed rule changes.

**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](mailto: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 June 26, 2013.

DATED this 30th day of April, 2013.

Ara Andrea  
Service & Regulatory Program Manager  
Idaho Department of Lands  
3284 West Industrial Loop  
Coeur d'Alene, Idaho 83815  
(208) 769-1525/Fax (208) 769-1524  
[aandrea@idl.idaho.gov](mailto:aandrea@idl.idaho.gov)