



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

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MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee
FROM: Principal Legislative Research Analyst - Katharine Gerrity
DATE: September 17, 2013
SUBJECT: Idaho Department of Lands

IDAPA 20.02.01 - Rules Pertaining to the Idaho Forest Practices Act (Docket No. 20-0201-1301)

The Department of Lands submits notice of proposed rule at IDAPA 20.02.01 - Rules Pertaining to the Idaho Forest Practices Act. According to the Department, The Idaho Forest Practices Act Advisory Committee (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 following quadrennial water-quality audits conducted by the Idaho Department of Environmental Quality in 2000 and 2004. The Department notes that 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 Department also notes that FPAAC is comprised of 9 voting members from across the state of Idaho representing family forest owners, industrial forest owners, fisheries biologists, citizens at large and logging operators and that the committee is statutorily charged with advising the Idaho State Board of Land Commissioners, in cooperation with the Idaho Department of Lands, in rulemaking matters associated with the Idaho Forest Practices Act. Proposed changes include defining the new minimum standing tree requirements for both sides of all Class I and Class II streams in Idaho forestlands, defining the new minimum standing tree requirements for both sides of all Class II streams in Idaho forestlands, eliminating the current streamside-protection rule sections defining required tree retention in riparian, streamside areas and defining the forestry terms "Forest Type" and "Relative Stocking" introduced in the new shade rule.

Negotiated rulemaking was conducted. The rule appears authorized pursuant to Sections 58-104, 58-105 and 38-1304, Idaho Code.

cc: Idaho Department of Lands
Craig Foss