



Terri Kondeff
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: Deputy Division Manager - Katharine Gerrity
DATE: September 14, 2021
SUBJECT: Idaho Department of Lands

IDAPA 20.02.01 - Rules Pertaining to the Idaho Forest Practices Act (New Chapter) - Proposed Rule
(Docket No. 20-0201-2101)

Summary and Stated Reasons for the Rule

The Idaho 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 Forest Practices Advisory Committee voted to recommend language to the State Board of Land Commissions which will simplify the "Shade Rule" next to fish-bearing (Class I) streams and refine the definition of Class I streams to apply only to aquatic life beneficial use. The department states that the changes will make compliance easier and less costly with the objective being to retain management options for landowners while still affording appropriate protections to stream shade and large organic debris recruitment.

Rules specific to the use of ground-based equipment on steep slopes have also been updated due to technological changes in the industry which allows machinery to operate safely on steep slopes while minimizing soil disturbance. The department notes that reduced incidence of injuries and improvements in harvest efficiency have resulted from their use. The department adds that collectively, the proposed changes will reduce the rule set length, simplify the language, promote rule understanding, and provide economic benefit while maintaining or enhancing water-quality protection.

Negotiated Rulemaking / Fiscal Impact

The department states that negotiated rulemaking was conducted. No fiscal impact is anticipated.

Statutory Authority

The department appears to have rulemaking authority pursuant to Section 38-1304, Idaho Code.

cc: Idaho Department of Lands
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***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.