

# STREAMSIDE TREE RETENTION Forest Practices Rule Revision

*Idaho Forest Practices Act Advisory Committee  
Work Regarding the Proposed **Shade Rule***



IDAHO DEPARTMENT OF LANDS

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*Priest River WAG Meeting*

*June 24, 2013*

# Background

- ▶ The Idaho Forest Practices Act Advisory Committee (FPAAC) and IDL have been working for a decade to modify the streamside retention rules in accordance with post-audit recommendations made by IDEQ.
  - *Idaho's Non-Point Source Water Quality MOU between IDEQ, FS, BLM and IDL define the process through which forestry-related water quality BMPs need to be modified.*



# Forest Practices Administrative Rules

## *Idaho's Silvicultural NPS BMPs*

Addressing IDEQ's  
Recommendations,  
*Forest Practices  
Rules Developed by  
FPAAC*

IDEQ Makes Rule-  
Changing  
Recommendations to  
FPAAC

Rules Approved by Land  
Board and  
Reviewed by Legislature

IDEQ Leads Quadrennial  
Audit to Inspect BMPs  
w/ Respect to Water  
Quality

Rules Become Law—  
Are Idaho's  
Silvicultural NPS Water  
Quality BMPs



# FPAAC's Charge: *Non-Point Source Water Quality BMPs*



# Background

- ▶ In the 2000 quadrennial water quality audit, three issues were raised with respect to the current rules on shade and retention within Class I SPZs:
  - *There is no minimum requirement for shade.*
  - *There is no clear scientific basis or explanation for the relationship between the tree retention requirements and production of LWD or shade.*
  - *As currently written, the shade rule allows repeated, “rapid fire” re-entry.*



# Background

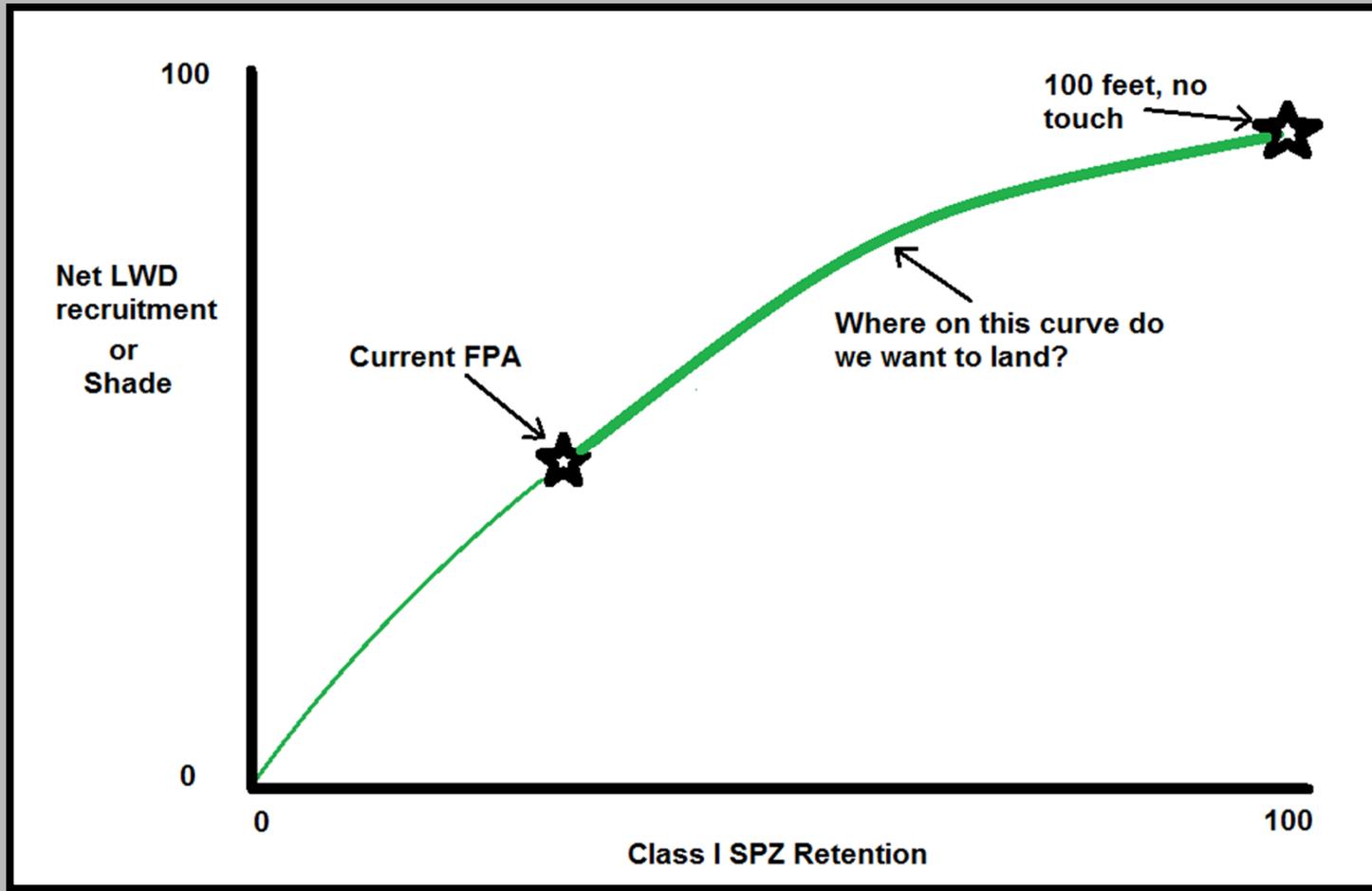
- ▶ IDEQ recommendations to FPAAC after the 2004 Audit:
  - *“...shade rule needs to be better quantified to insure that stream temperatures are not adversely impacted as a result of harvest ... suggested that additional applied research ...be reviewed as to the applicability in Idaho setting”.*







# Arriving in the reasonable, yet defensible, middle ground



# FOREST PRACTICES PROPOSED RULE

## *Streamside Retention (Shade) Rule*

### *Work Objectives*

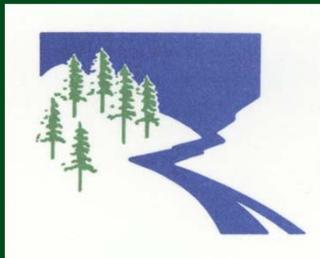
Identify Forest  
Types/Stands

Simulate Harvest  
and Growth

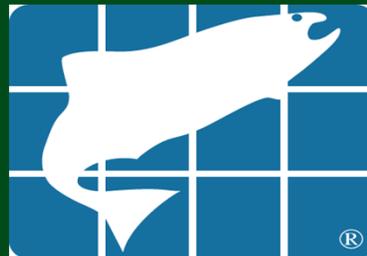
Simulate  
LWD and Shade

Select Target(s)

Translate to Rule

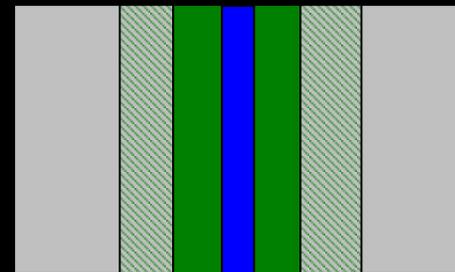
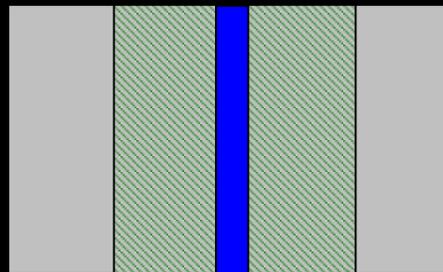
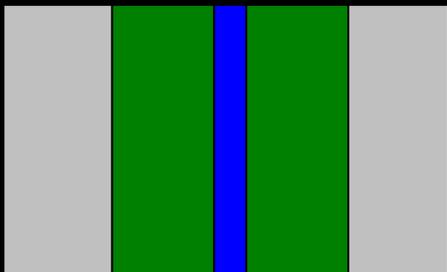
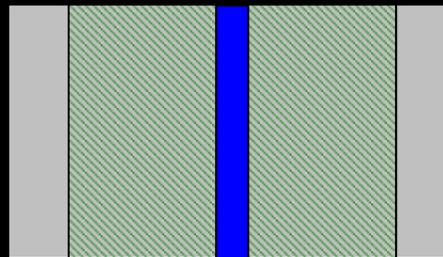
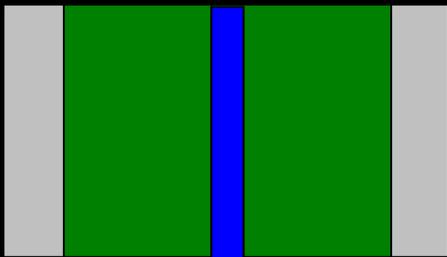
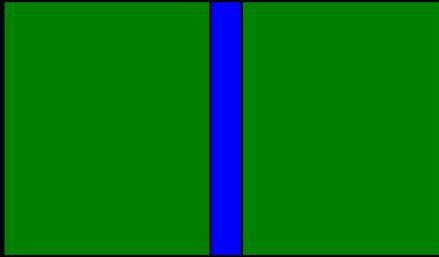


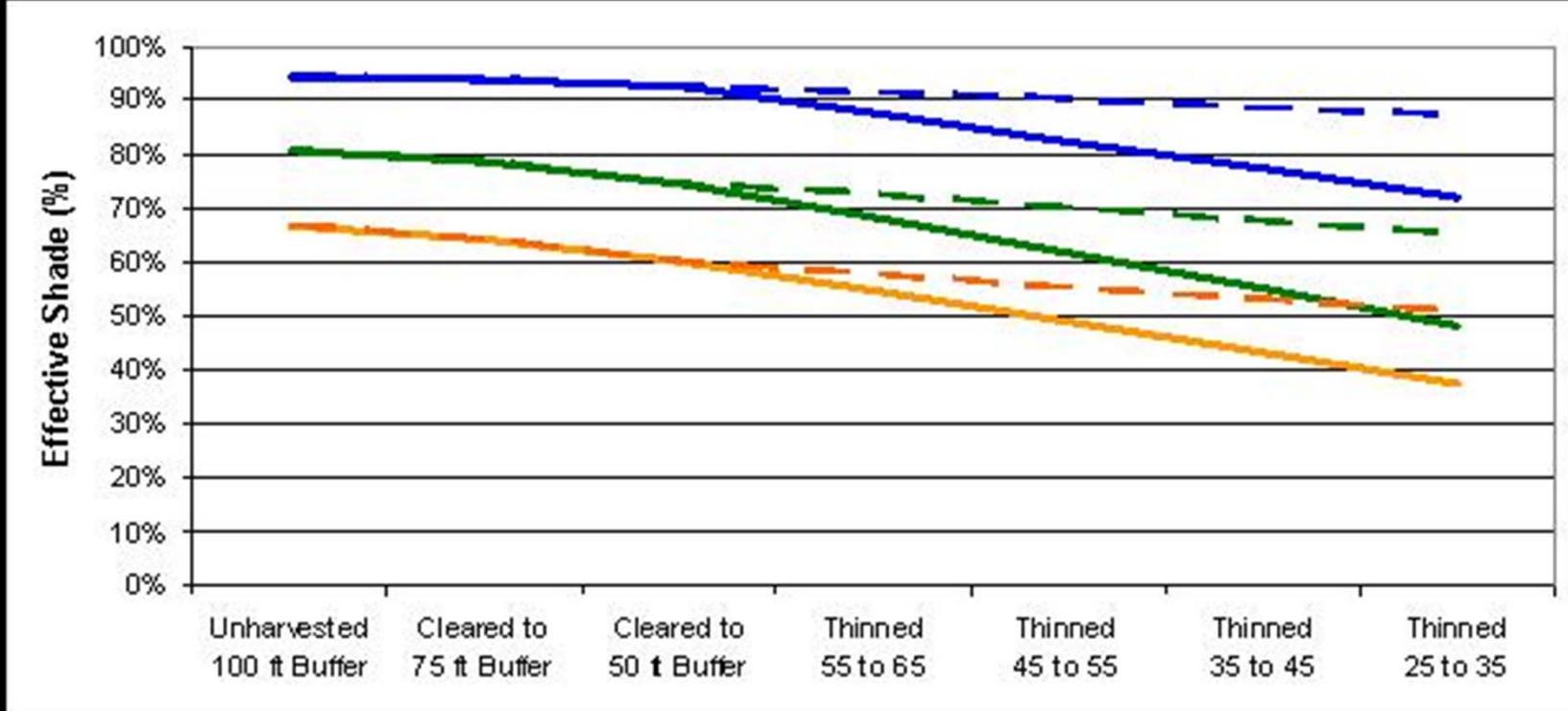
Western  
Watershed  
Analysts



Cramer Fish Sciences

# Modeled Riparian Prescriptions

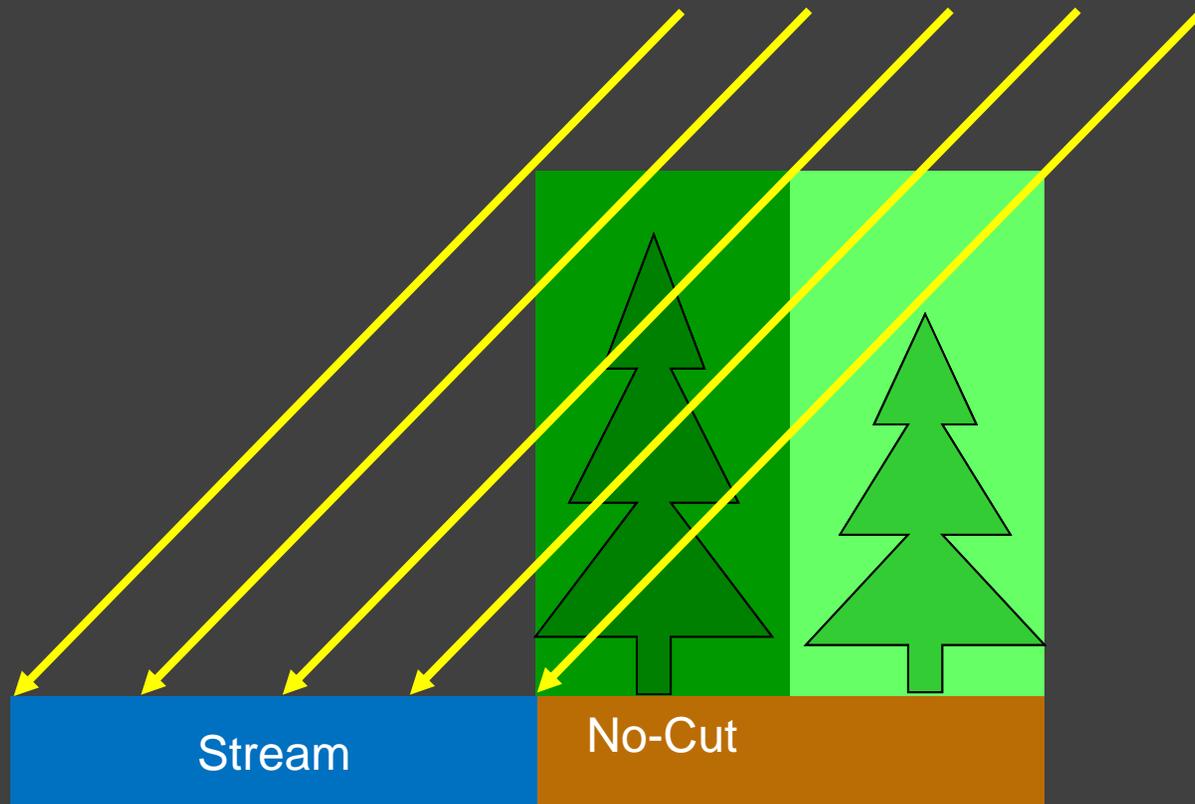




FPAAC and IDL used simulation modeling, informed by IDL inventory data from throughout Idaho, to calculate average shade levels produced by stands from five forest types harvested to different buffer widths and residual stocking levels. >>

## Modeling Lesson #1:

*The immediately adjacent, no-harvest buffer typically accounts for the majority of the shadow cast by a riparian buffer*



**Scientifically Defensible**  
*Socially Acceptable?*  
*Economically Viable?*

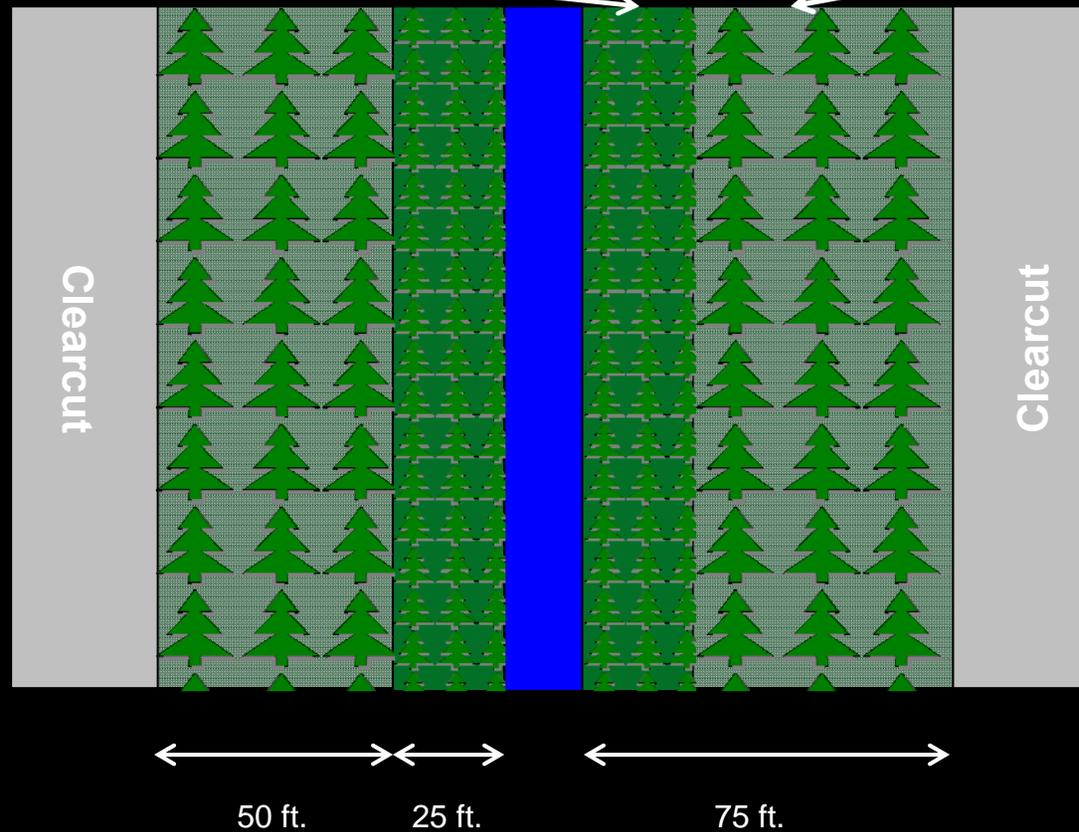


# 75-ft.-wide 60/30 Option

## *Potential New Proposed Rule*

60 RS minimum in  
stream-adjacent 25-ft. zone

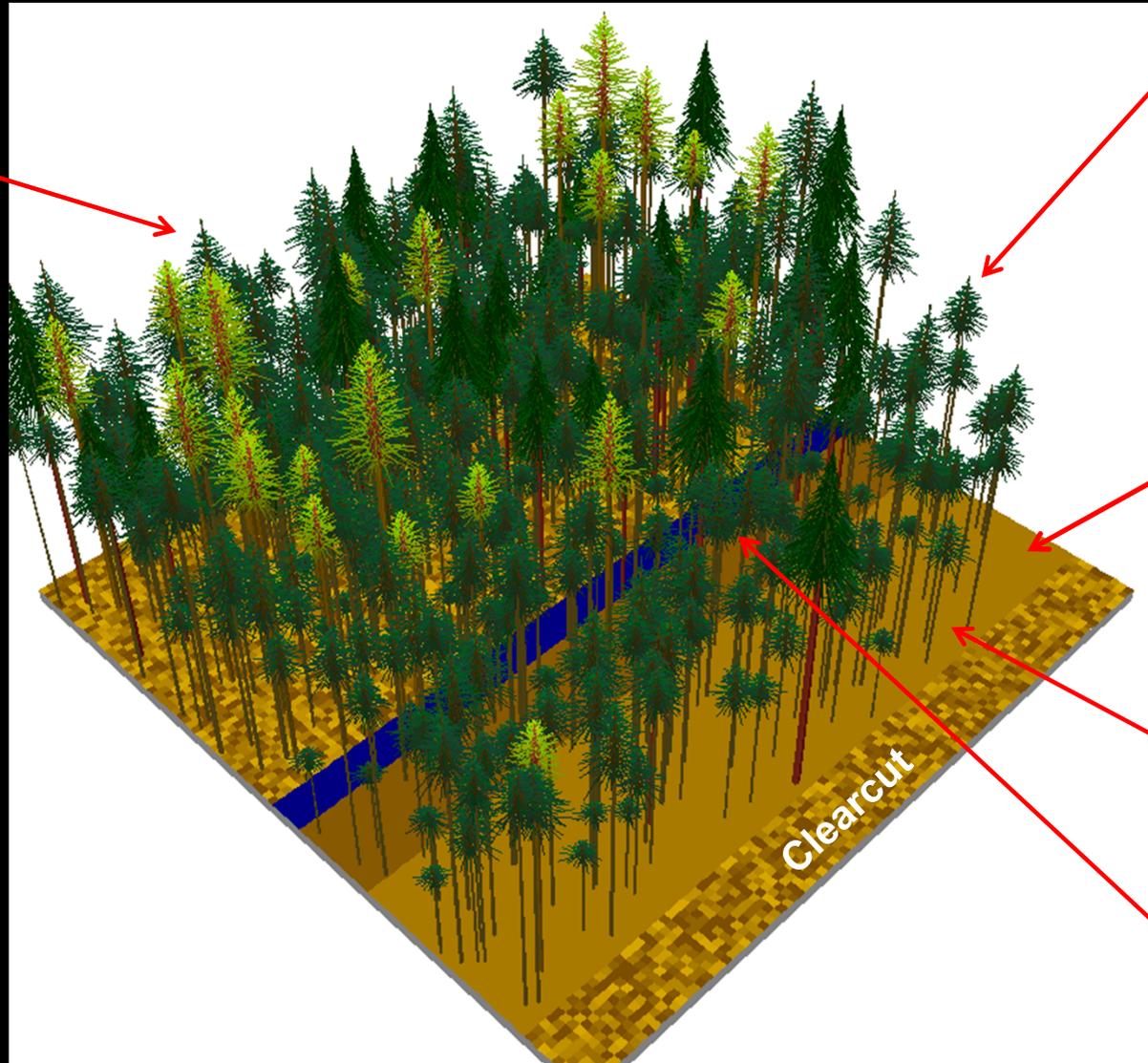
30 RS minimum in  
25-to-75-ft. zone



# 75-ft.-wide 60/30 Option *NIGF Example*

## Pre-Treatment:

RS = 80  
TPA = 605  
BA = 300 ft.<sup>2</sup>/acre



60 RS minimum in  
stream-adjacent 25-ft. zone

30 RS minimum in  
25-to-75-ft. zone

Removal (≥8 in.)

Outer:  
TPA = 175  
BA = 149 ft.<sup>2</sup>/acre

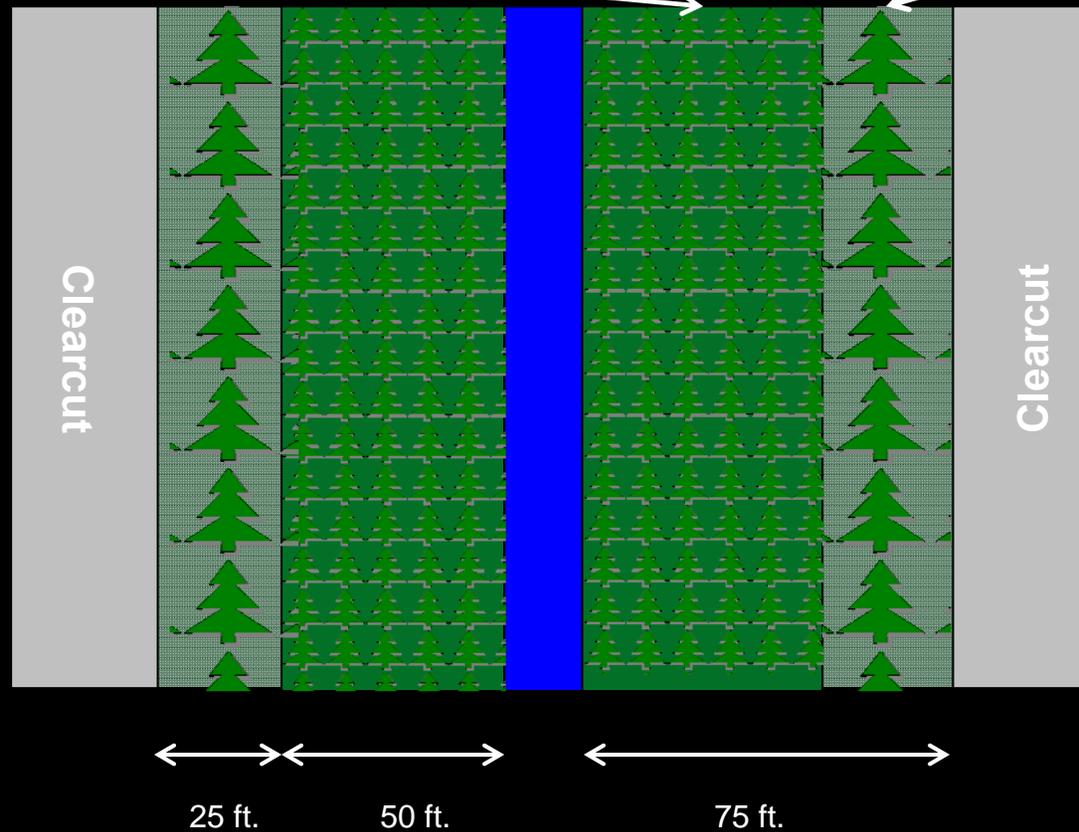
Inner:  
TPA = 71  
BA = 60 ft.<sup>2</sup>/acre

# 75-ft.-wide 60/10 Option

## *Potential New Proposed Rule Option*

60 RS minimum in  
stream-adjacent 50-ft. zone

10 RS minimum in  
50-to-75-ft. zone



# 2013-2014 Rulemaking Timeline

April 2013  
Seek Land Board approval to move forward with rulemaking

September 4<sup>th</sup>  
Proposed Rulemaking begins

October *or* November 2013  
Seek Land Board adoption of proposed rules

January 2014  
Pending Rules go through legislative review

June 2013  
Negotiated Rulemaking begins;  
2 Meetings June 7<sup>th</sup> and June 12<sup>th</sup>

September 25<sup>th</sup>  
Public comment period ends for Proposed Rulemaking

December 2013  
Pending Rules published in Admin. Bulletin

July 2014  
Pending Rules in effect

# IDL Forest Practices *Rulemaking Website*

[http://www.idl.idaho.gov/adminrule/forest\\_practices\\_rulemaking.html](http://www.idl.idaho.gov/adminrule/forest_practices_rulemaking.html)

The screenshot shows a Windows Internet Explorer browser window displaying the Idaho Department of Lands website. The address bar shows the URL: [http://www.idl.idaho.gov/adminrule/forest\\_practices\\_rulemaking.html](http://www.idl.idaho.gov/adminrule/forest_practices_rulemaking.html). The website header features the Idaho Department of Lands logo and the tagline "The land where miracles grow." The main content area is titled "Forest Practices: Rulemaking for IDAPA 20.02.01, Rules Pertaining to the Idaho Forest Practices Act".

**Forest Practices: Rulemaking for IDAPA 20.02.01, Rules Pertaining to the Idaho Forest Practices Act**

**Status of Rulemaking**

The comment period for this negotiated rulemaking has concluded. The comment period on the proposed rule will commence upon publication of the proposed rule in the Idaho Administrative Bulletin. IDL intends to publish the proposed rule on October 3, 2012. Public hearings on the proposed rule are scheduled for 1:00 p.m. on Thursday, October 11, 2012, at the Department of Lands, 300 N 6th Street, Boise; and for 1:00 p.m. on Monday, October 15, 2012, at the Department of Lands, 3284 Industrial Loop, Coeur d'Alene.

**Overview**

The Idaho Forest Practices Act Advisory Committee (FPAAC) is comprised of nine 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.

**Rulemaking Timeline**

**Staff Contacts**

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**Rulemaking and Public Meeting Information**

To view the Notice of Intent to Promulgate Rules for IDAPA 20.02.01 Rules Pertaining to the Idaho Forest Practices Act, access the **Administrative Bulletin** and go to page 25. Specific information about public meeting location and times also available here.