



2015

Idaho Forest Practices Year-End Report



Developed and Submitted by

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2015 Forest Practices Year-End Report

Preface

The Idaho Department of Lands' (IDL's) vision is to "be the premier organization for trust management and resource protection in the western United States." We believe the results detailed in this report show that IDL is advancing that vision! With the help of our resource management partners, sister agencies, and engaged Idaho citizens, we continue to promote active forest management in Idaho while enhancing the health and resilience of Idaho's natural resources.

The Idaho Forest Practices Act (Idaho Code §§ 38-1301 through 38-1313) and the Idaho Forest Practices Act administrative rules: (Rules Pertaining to the Idaho Forest Practices Act, IDAPA 20.02.01) were developed and are modified to promote active forest management, enhance the ecological and social benefits derived from Idaho forestland, and maintain and protect vital forest resources. The Best Management Practices (BMPs) defined within the administrative rules (FPA Rules) are designed to protect water quality, wildlife habitat and forest health while enhancing tree growth and vigor. These rules are the approved forestry BMP's for meeting Idaho Water Quality Standards (IDAPA 58.01.02, paragraph 350.03.a). They provide assurance to the Idaho Department of Environmental Quality (IDEQ) and the Environmental Protection Agency (EPA) that Idaho is meeting the water quality standards prescribed for *forest practices* such as; harvesting, burning, planting, and the transporting of forest products.

IDL is statutorily charged with administering the Forest Practices Program and ensuring the associated FPA Rules implementation. The program is administered by IDL's Bureau of Forestry Assistance.

At the beginning of each year, IDL's Forest Practices Program Manager (FPA PM) compiles and analyzes data from the previous calendar year. These data are then translated into actionable information and made available to land managers, forestry professionals and other interested parties; this information describes the overall picture of forest practice activities on *private* and *state* forestland. For this report, private forestland includes industrial and nonindustrial forestland and may include county or municipal forestland. State forestland includes all endowment and other state owned land where forest practices are administered by IDL.

IDL has a Memorandum of Understanding (MOU) with the Idaho Department of Water Resources (IDWR) regarding stream channel alterations. This MOU grants IDL the authority to permit and inspect specific stream-channel crossing structures installed as part of a defined forest practice. Each year IDL's Technical Services Bureau consolidates details of Stream Channel Alteration Permit (SCAP) activities on private and state land. These data are reported to IDWR in accordance with the MOU.

The Idaho Forest Practices Act Advisory Committee (FPAAC) is the body of professionals and concerned citizens charged with providing direction and leadership for new and revised FPA administrative rules. FPAAC is comprised of nine voting members from across the state of Idaho that represent family and industrial forest owners, fisheries biologists, citizens at large, and logging operators. There are also a number of ex officio members representing IDEQ, the US Forest Service and various technical specialties.

Typically this annual report is published in February or March following the completion of inspection data entry for the prior year. A number of circumstances have led to a delay (of over 6 months) in publication of the 2015 report. By the time all 2015 inspection reports were located and entered, the 2016 Quadrennial Water Quality audit was in full swing and is ongoing as this report is finalized. IDL deeply regrets the delay of this report and recognizes that industry and the public at large depend upon timely reporting. We are taking administrative steps to ensure it does not happen again.

IDL's Forest Practices Program Manager, Gary Hess, wishes to express his gratitude to Amber Honsaker and Liz Zaborski for the many hours devoted to the data entry that makes this report possible, to the two previous FPA Program Managers, Ara Andrea and Archie Gray, for maintaining this report in the past and to our resource protection partners for their patience during its completion.



1 Incredible Beaver Stump in Sawtooth National Forest

Introduction

Forest practice inspections are conducted by IDL Private Forestry Specialists (PFSs) and part-time inspectors who assist the PFSs. During inspections, detailed, comprehensive, inspection observations are recorded and then submitted to the Forest Practices Program Manager (FPA PM) for entry in the Forest Practice Inspections Database. The database provides most of the data and information contained in this report along with summaries of inspections completed during a given month. The FPA PM distributes a monthly Forest Practices Report. This monthly report identifies unsatisfactory findings from inspections of commercial harvest operations.

Every four years, IDEQ conducts a water-quality audit to monitor the compliance with and effectiveness of FPA Rules in recently completed, Class I stream-vicinity, harvest operations. The ongoing 2016 audit will examine up to 65 operational areas on industrial private, nonindustrial private, state, and federally managed forestland. Typically only 45 sites are selected, but this year 20 additional sites are re-visits from the 2012 audit to determine how well rule compliance provides water-quality protection in the out-years after harvest completion. The 2012 audit revealed that implementation rates were at an all-time high. That report is posted at http://www.idl.idaho.gov/forestry/fpa/978303-forest_practices_audit_2012.pdf. The 2016 audit report will be posted as soon as it is finalized in early 2017.

Before commencing any rule-defined forest practice (commercial or non-commercial), an *Operator* who is responsible for forest-practice BMP implementation must file a Forest Practice *Notification* with IDL. When harvested wood will be used solely for the landowner's/harvester's personal use, a Notification is not required. If a commercial operation has the potential to generate a slash hazard, a *Fire Hazard Management Agreement (Compliance)* must also be submitted and signed by the *Contractor*. The Contractor is responsible for slash management rule compliance. Slash hazard mitigation on commercial operations must be inspected and a *Clearance* issued following harvest and site-preparation operations. The Notification and the Compliance are on a double-sided, single-page form that requires signatures from both the Operator and the Contractor. Because all forest practices require a Notification regardless of hazard management implications, this report refers to the form as a Notification.

Once the Forest Practices Notification is accepted by the local IDL Office, the Private Forestry Specialist (PFS) begins the process of scheduling on-site inspections. Inspections may be performed multiple times on the same operation, depending on the observed site conditions or upon request of the Operator or Landowner. To ensure that IDL places the greatest emphasis on protecting water quality, the IDL PFSs prioritize inspections based in part on a concise risk assessment. Higher priority is given to operations containing Class I (fish-bearing or domestic use) streams, followed by secondary prioritization of operations containing Class II streams. Notifications that indicate presence or adjacency of a Class I stream will prompt the PFS to conduct inspections at a higher frequency. Depending on the characteristics of any particular operation, PFSs may use other site-specific attributes to prioritize inspections. These attributes include unstable or highly erodible soils and slopes greater than 45% in gradient. PFSs place

the highest inspection priority on notifications with the highest potential for FPA related issues. The objective of the Idaho Forest Practices Act is to protect water quality.

In late 2014 IDL introduced a new process for issuing notifications and for FPA inspections on IDL-managed, state-owned forestland in a manner consistent with inspection methodology on private land. Previously state timber sale activities were issued Notifications, but starting with the fourth quarter of 2014 IDL transitioned to a process where all state forest management activities are issued Notifications for defined forest practice activities (e.g. spraying, pre-commercial thinning, etc.). Private Forestry Specialists (PFSs) are to conduct inspections on state forestland with the same frequency and methodology used to inspect operations on private forestland. Historically this report has not included inspection data collected from state land. These data were collected and tracked separately. It is IDL's intention to collect and report on Forest Practices Rule BMP implementation data on state forestland, consistent with the way private forestland forest practices inspections data are organized.

Under the FPA Rules IDL may grant a *variance* when an Operator demonstrates that variance from a Forest Practices Rule will result in no additional resource degradation and the variant action is necessary to successfully complete the forest practice. A variance is only granted when it is shown the non-compliant activity and potential mitigation will result in equal or better resource protection than operating within full compliance with the rules. Each variance request is carefully analyzed by an IDL PFS. A final decision regarding the granting of a variance is made by the IDL Area Manager after consulting with the PFS. Many requests for a variance are denied and others are withdrawn by the applicant after they learn that additional practices, which may be required by the IDL in order to provide greater resource protection, may make the variance less attractive than full compliance with the rule.

This report provides detailed data on:

- Forest Practices Notifications on Private and State Forestland
- Individual Operations Inspected
- Frequency and Location of Inspections
- Rule Compliance
- Attributes of Inspected Operations
- Notices of Violation
- Complaints Made to IDL
- Variances
- Stream Channel Alteration Projects

Highlights of the above items and conclusions are presented in the following Executive Summary. Bar charts by category are presented in the body of the report. Appendix 1 is the IDL proposed Fire Salvage Guidance adopted by the Forest Practices Act Advisory Committee October 20, 2015.

Executive Summary

Operations inspected on state and private forestland in 2015 are **98.2% compliant** with administrative rules (FPA Rules). The Idaho Forest Practices Act (1974) encourages sustainable forest management on Idaho forestland. Inspections demonstrate a continued high level of care and stewardship by Idaho forest managers and loggers during harvesting operations. While this report is being developed, the 2016 Forest Practices Water-Quality Audit led by Idaho Department of Environmental Quality is underway. The purpose of this quadrennial audit is to determine the Best Management Practice (BMP) implementation rate (FPA rule compliance) on Idaho state and private timber harvest operations and related forest practices. IDL anticipates the audit will reveal a compliance rate with FPA Rules, consistent with previous audits, in the 90th percentile.

Idaho continues to rank at the highest levels among the states in BMP implementation. A 2015 National Association of State Foresters report details national implementation ratios (taken from a 2013 survey conducted by Virginia Polytechnic Institute and Virginia Tech for the Association) (http://www.stateforesters.org/sites/default/files/issues-and-policies-document-attachments/Protecting_Water_Quality_through_State_Forestry_BMPs_FINAL.pdf). Among the various types of regulatory programs reported by 32 states, Idaho and Florida had BMP implementation rates of 99% followed by Alaska and Montana at 98%. Monitoring indicates the 50 state average implementation rate is 91% (including those states without formal programs). It is indeed noteworthy to achieve these rates across so many different ownership classes, locations and protection standards. Data regarding these achievements in 2015 are provided in comprehensive detail in this report.

Forest Practices Notifications on Private and State Forestland

The number of Forest Practices Notifications accepted for operations on both state and private forestland show that timber-management activity rose again in 2015 with **2,550** accepted notifications. This is a 5.0% increase from 2014. The BMP implementation rate across all forest practices this year is nearly the same as the 2014 rate of 98.5%. There were **2,436** private Notifications and **114** state Notifications.

Individual Operations Inspected

A total of **1,573** inspections were conducted on **1,332** operations in 2015. This is a 7% increase in distinct operations inspected (52.2% of Notifications) over calendar year 2014 (51.1% of Notifications). IDL has a goal of inspecting 50% of active Notifications in any one calendar year. In fact, this is a Key Performance Indicator (KPI) for each Supervisory Area. At least one unsatisfactory finding (or misdemeanor violation) was noted on **23** distinct operations (1.8%) vs. 19 operations (1.5%) in 2014. On state forestland, **40** of **114** operations were inspected for an inspection ratio of 35%.

Frequency and Location of Inspections

Operations were inspected in every IDL Supervisory Area with Eastern Idaho and Priest Lake having the fewest (7 and 12 respectively) and Pend Oreille Lake, St. Joe and Mica with the most (463, 268, and 265 respectively).

Notices of Violation

A Notice of Violation (NOV) is issued when repeated unsatisfactory conditions and/or severe resource degradation are observed during an inspection. An NOV can also be issued if an operator fails to perform the prescribed mitigation for an unsatisfactory condition within the time frame given by IDL. In 2014 only one NOV was issued. ***In 2015 six were issued.*** This is unusually high in light of a seven year trend of decreased NOVs (See *Figure 9*). IDL does ***not*** expect a similar high number in 2016.

Looking Forward

In 2015, 40 state operations were inspected for a ratio of 35% vs. the 52.2% of private operations inspected. This ratio might be an artifact of the relatively small number of state managed forest practice operations (4.5% of all Notifications). Although **50** total inspections on state managed operations revealed no unsatisfactory findings, IDL's goal is to inspect private and state operations in a consistent manner (50% of all operations).

Following the 2014 Streamside Tree Retention Rule and the 2015 fire season the Idaho Forest Practices Act Advisory Committee (FPAAC) held discussions at the October 20, 2015 meeting regarding timber salvage in Class I Stream Protection Zones. The committee agreed if dead or dying timber was harvested in the SPZ to the extent the new Relative Stocking minimums could not be met, reforestation would be required or the landowner could choose to convert the use of the forestland to another purpose. They also agreed that if reforestation is undertaken, planting density must be greater than that required by IDAPA 050.04 for upland reforestation. Specifically, guidance is being developed to use the Relative Stocking by Forest Type table (IDAPA 030.07.e.ii (3)) using the 4-7.9" diameter class, per tree contribution factors to guide planting.

The success achieved in implementing the Idaho Forest Practices Act rests with the collaboration and dedication of many individuals, organizations and the sound science supporting the rulemaking. Idaho's high level of forest practice BMP Implementation is achieved and maintained as the result of many contributing factors. The participation of most of Idaho's larger industrial forestland owners in forest certification systems (either *Sustainable Forestry Initiative* (SFI) or *Forest Stewardship Council* (FSC)) has a very positive influence on compliance rates. These industrial forest landowners strive to remain in full compliance with both the FPA Rules and the standards set forth by their certification organizations. The same can be said for the state endowment land managers. Programs like the *American Tree Farm System* provide a similar role on the nonindustrial side. The dedication shown to resource



protection by Idaho's state, industrial and nonindustrial stewardship forestland managers while practicing sustainable timber harvest is remarkable and encouraging. Our challenge is to improve outreach to nonindustrial members of our communities involved in timber production to better educate themselves and/or their operators on the importance of Idaho's BMPs to maintaining and enhancing Idaho's water quality.

Forest Practices Notifications on Private and State Forestland

A total of 2550 *Notifications* were accepted statewide in **2015** for operations on **private and state forestland**. This is a 5.0% increase from the 2,427 *Notifications* submitted in 2014. *Table 1* below shows the number of *Notifications* accepted from 2007 through 2015. The *Notifications* data are listed by IDL **Fire Protection Districts** (not by IDL Supervisory Areas). With continued, relatively high sawlog prices, IDL should expect a similar number of *Notifications* next year. The increased activity over previous years has led to an increased workload for PFSs.

Table 1.

2007 to 2015									
Forest Practices Notifications/Hazard Management Agreements (Compliances)									
Fire Prot. District	2007	2008	2009	2010	2011	2012	2013	2014	2015
Priest Lake	109	75	39	49	42	40	43	39	40
Kootenai Valley	336	295	111	152	149	168	244	233	209
Mica	598	377	195	262	260	216	267	284	287
Pend Oreille	884	578	295	408	380	438	521	649	680
Cataldo	189	89	60	70	65	81	106	97	135
St. Joe	493	321	210	263	340	333	356	452	389
Ponderosa	255	157	71	120	121	99	120	141	118
Maggie Creek	106	62	27	59	47	41	50	84	191
Craig Mountain	120	61	49	72	59	74	50	62	84
Southwest	51	21	25	30	30	45	61	41	28
Eastern Idaho	16	9	3	7	6	4	5	10	18
SITPA	102	46	35	65	63	94	80	78	94
CPTPA	<u>259</u>	<u>175</u>	<u>162</u>	<u>233</u>	<u>259</u>	<u>226</u>	<u>257</u>	<u>257</u>	<u>277</u>
TOTAL	3518	2266	1282	1790	1821	1859	2160	2427	2550

2007-2015 operations conducted on both state and private forestland.

Table 2 shows the number of Notifications accepted for both state and private entities by fire protection district. In 2015 **114** Notifications were accepted for activities on state land.

Table 2.

2015			
Notifications/Hazard Management Agreements			
(Compliances)			
By Type			
Fire Prot. District	2015 Private	2015 State	2015 Total
Priest Lake	32	8	39
Kootenai Valley	207	2	209
Mica	279	8	287
Pend Oreille	673	7	680
Cataldo	131	4	135
St. Joe	368	21	389
Ponderosa	114	4	118
Maggie Creek	180	11	191
Craig Mountain	82	2	84
Southwest	26	2	28
Eastern Idaho	14	4	18
SITPA	84	10	94
CPTPA	<u>246</u>	<u>31</u>	<u>277</u>
TOTAL	2436	114	2550

State and Private Forestland—Notification and Compliance Submissions

A total of **2,436** Notifications were accepted for **private land** for **2015**. These include all *commercial operations, non-commercial operations which generate slash, and cost-shared activities* which constitute a forest practice. Notifications totaled in this **private land** category include operations conducted on industrial and nonindustrial forestland.

Individual Operations Inspected

There were **1,332 distinct operations** (forest practices) inspected in 2015. A comparison of operations inspected in 2014 and 2015 is shown in *Figure 1*. Of these 1,332 distinct operations receiving at least one inspection, **1,309** received inspection reports in which all aspects of the operation were found satisfactory (in compliance with the FPA Rules) for a BMP implementation rate of **98.2%**. Only **23** operations received at least one inspection report in which at least one unsatisfactory condition (rule infraction) was issued. A total of **42** unsatisfactory inspections identified **140** unsatisfactory conditions (individual rule infractions) on these 23 operations. On **6** of these operations Notices of Violation (NOV) were issued due to the circumstances associated with the unsatisfactory, the mitigation implementation, failure to follow restrictions on a variance or Stream Channel Alteration Permit or the egregious nature of the infractions. All of the NOV operations were on private forestland. Only **2** unsatisfactory operations were on industrial forestland. There were no unsatisfactory operations on state forestland. Of the 2,550 notifications in 2015, 1,332 of those operations were inspected at least once, so 52.2% of all operations were inspected in 2015. This exceeds IDL’s statewide goal of inspecting 50% of the operations with a Notification on file. In fact, this is a Key Performance Indicator (KPI) for each Supervisory Area. On state forestland, 40 of 114 operations were inspected for an inspection ratio of 35%. These data do not include contract inspections conducted by the forester-in-charge of the endowment sale; however, for the sake of consistency across all ownerships, the Forestry Assistance Bureau will emphasize the importance of PFS inspections of state and endowment operations. This means that **1,292** private operations were inspected out of **2,436** notifications (52.8%).

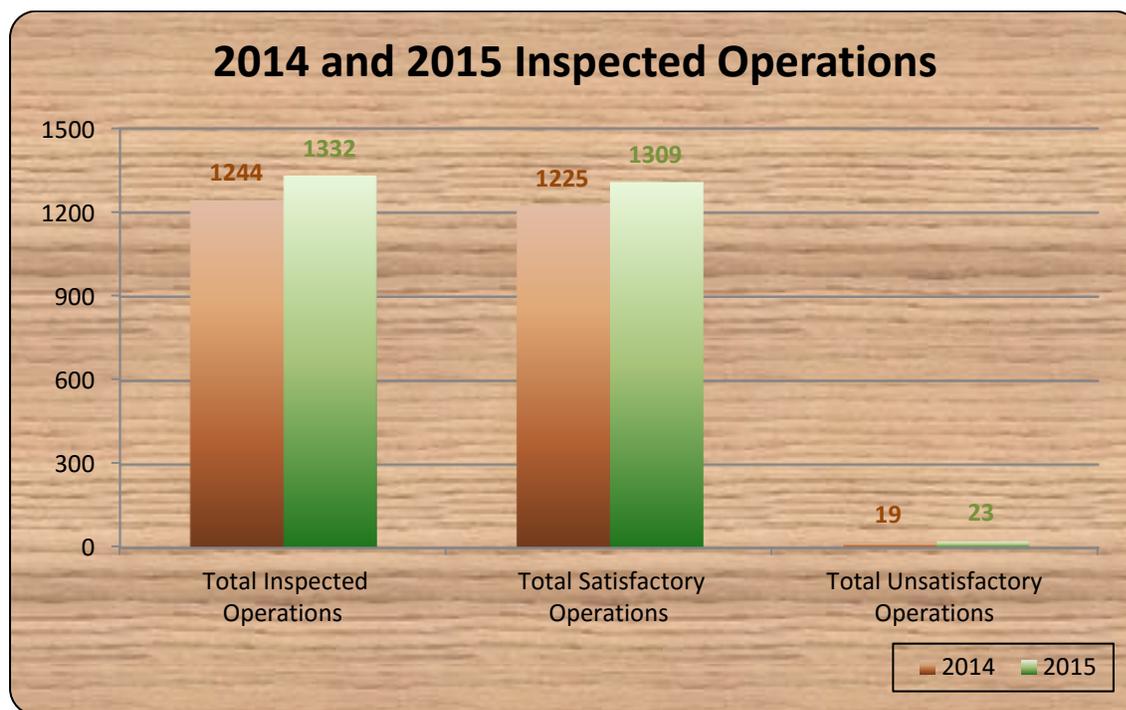


Figure 1 – Comparison of Inspected Operations on State and Private Forestland in 2014–2015.



(Note: Many of the 2015 inspections were performed on sites with Notifications submitted in previous years and many of the late-year Notifications did not receive inspections until after the start of 2016. This year-to-year carry-over remains relatively constant over time. IDL consistently reports on the number of inspected operations compared to the total number of private-forestland Notifications accepted in a given calendar year.)

Frequency and Location of Inspections

During 2015, IDL PFSs and assistants performed **1,573** total Forest Practices inspections on **1332** distinct operations of state and private forestland. *Figure 2* shows a spatial representation of all Forest Practices inspections performed in 2015 by IDL Supervisory Area. The total number of inspection reports includes follow-up inspections on the same operation, which results in more inspection reports than operations.

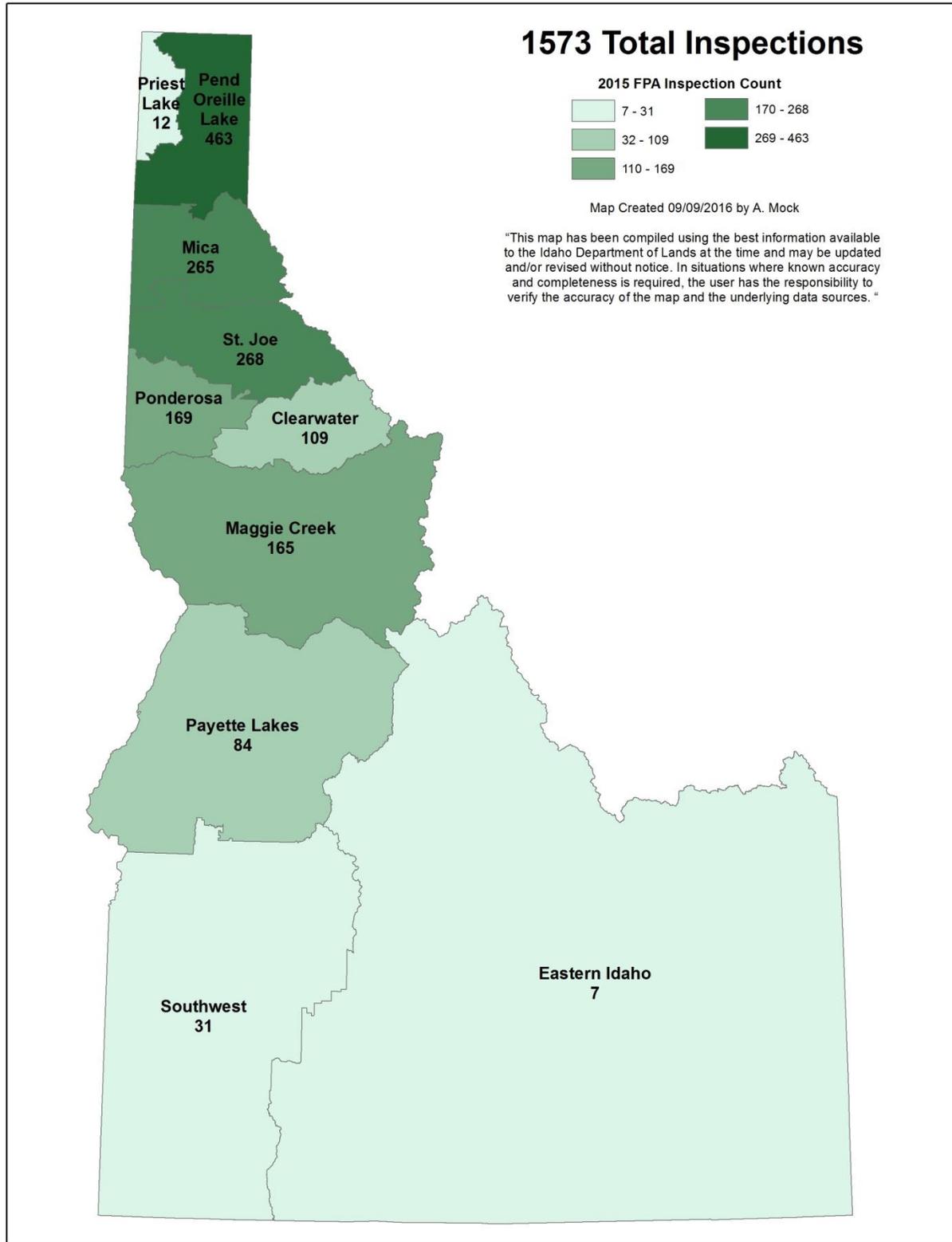


Figure 2 – Inspections by area.

Rule Compliance

Figure 3 shows a comparison of the total number of 2014 and 2015 Forest Practices inspections performed on state and private forestland and the breakdown of those inspections into satisfactory reports (inspection reports indicating compliance with all rules inspected) and unsatisfactory reports (inspection reports indicating an infraction of at least one rule).

The data show, out of the **1,573** total inspections performed in 2015, the number of inspection reports containing all-satisfactory conditions was **1,531** (*Total Satisfactory Inspections*); this demonstrates that over **97.3%** of all inspections performed in 2015 were in compliance with the FPA Rules (including sites that were found satisfactory in post-unsatisfactory inspections after they were brought into compliance through remediation). This total number of inspections (1,531) encompasses all inspections, including multiple inspections of the same operation. Within these 1,531 performed inspections, the number of inspections that resulted in reports indicating at least one unsatisfactory condition totaled **42** – less than 3% of the total inspections performed.

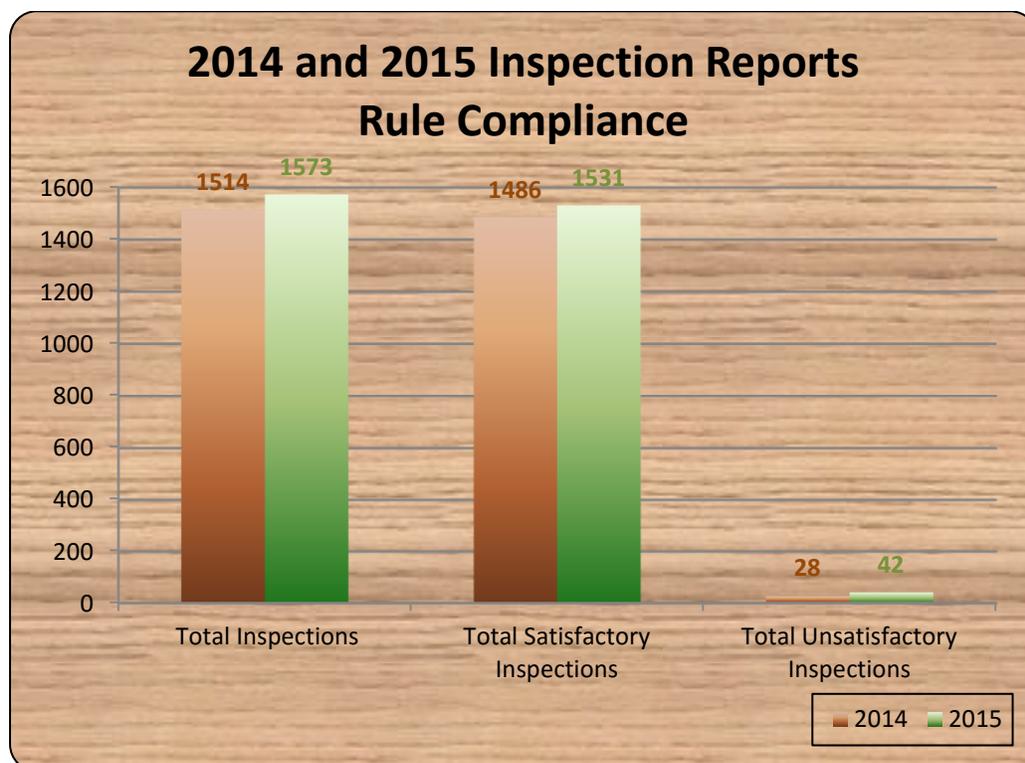


Figure 3 – Comparison of Inspection Reports Rule Compliance in 2014-2015.

Figure 4 shows a comparison of the total number of inspections carried out by ownership category in 2015. In 2015 there were **50** inspections carried out by PFSs on IDL managed timberland. No inspection resulted in an unsatisfactory finding. The total number of inspections conducted on private forestland was **1,523**. Without considering the 50 satisfactory inspection reports conducted on IDL managed land, the inspection report compliance rate on private timberland remains over **97%**.

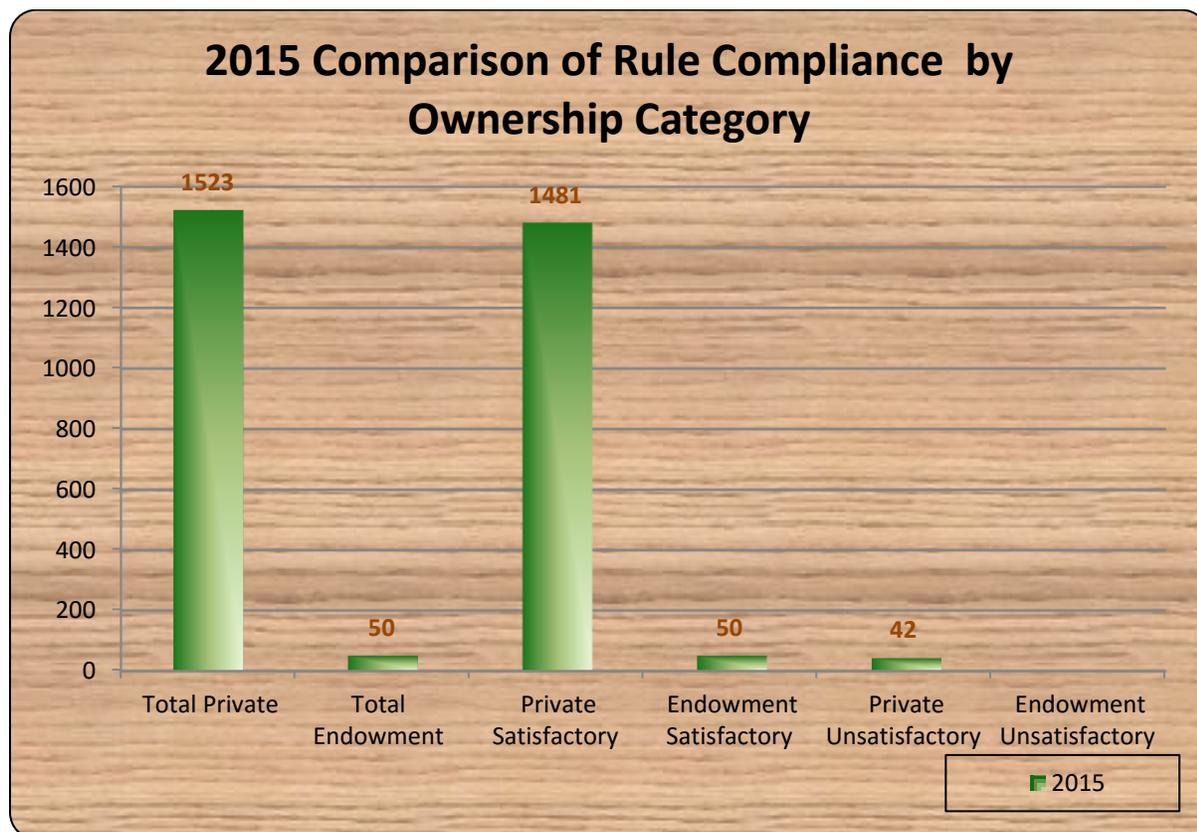


Figure 4 – Comparison of Rule Compliance by Ownership Category in 2015.

In 2014 data on state forestland were limited, but in 2015 a full year of PFS inspections of state timber harvests is available. Though the inspection ratio of 35% on state forestland is not ideal, endowment operations inspected indicate **100%** compliance. The relatively lower inspection ratio on state operations will be addressed by emphasizing to PFSs the importance of inspecting those operations. Within a few years IDL anticipates rolling out a new enterprise database system that will enable the department to further stratify data and provide additional comparisons so we can better determine where compliance can be improved on all ownerships.

Figure 5 shows the frequency and types of individual rules that were violated in these *unsatisfactory* reports. (Use the following link to view the FPA Rules: <http://adminrules.idaho.gov/rules/current/20/0201.pdf>) Within the **42** unsatisfactory inspection reports, there were a total of **140** different rule infractions cited. The most frequently infringed rules were the *Location of Landings and Skid Trails* rules (IDAPA 20.02.01.030.04 - 16% of infringed rules), and the *Stream Protection* rules (IDAPA 20.02.01.030.07 - 14% of infringed rules). The number of *Stream Protection* rules infringed was consistent with 2014 (20), while the number of *Road Maintenance* rules infringed nearly tripled (18 vs. 7).

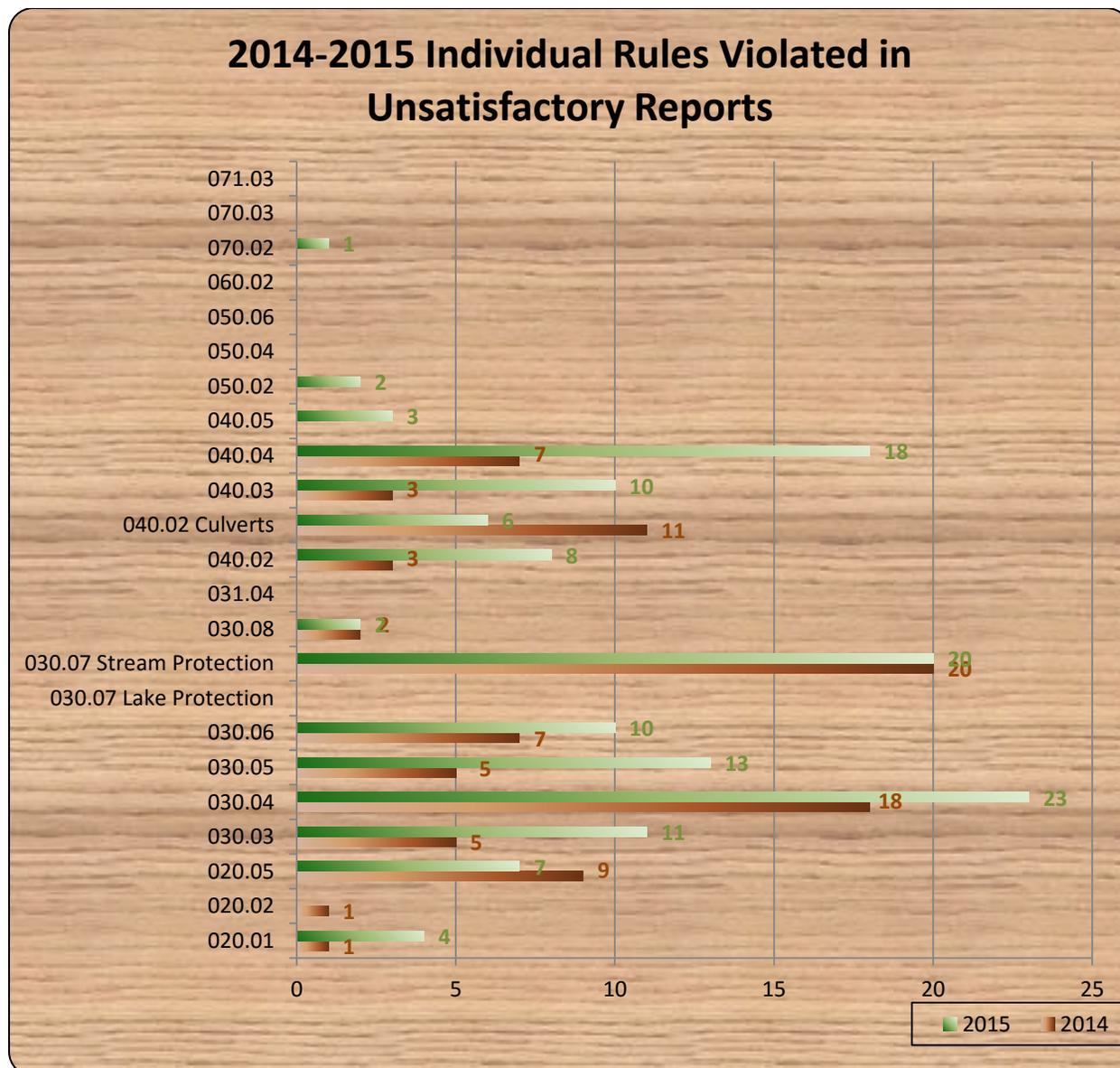


Figure 5 - Comparison of Individual Rules Violated in 2014-2015.

Attributes of Inspected Operations

Figure 6 shows the number of inspected *operations* being performed in areas containing (or adjacent to) Class I or Class II streams as well as some of the other attributes used to determine inspection priorities. Of the 1,332 total (distinct) *operations* inspected, **396** (30%) of the operational areas contained at least one Class I stream, and **822** (62%) contained a Class II stream. As these data show, it is not unusual for one operational area to contain both Class I and Class II streams, as well as other attributes. Figure 6 exhibits the specific site attributes of the inspected areas. The highest inspection priority is always given to requested pre-work meetings. The department firmly believes it is better to identify suitable alternatives to rule standards rather than subsequently observe unsatisfactory conditions in an inspection. It is unfortunate that IDL cannot conduct pre-operational collaboration with NIPF operators to the extent it does with industry and state operators. Those operators/landowners do not request such collaboration with similar frequency, but it is offered whenever possible.

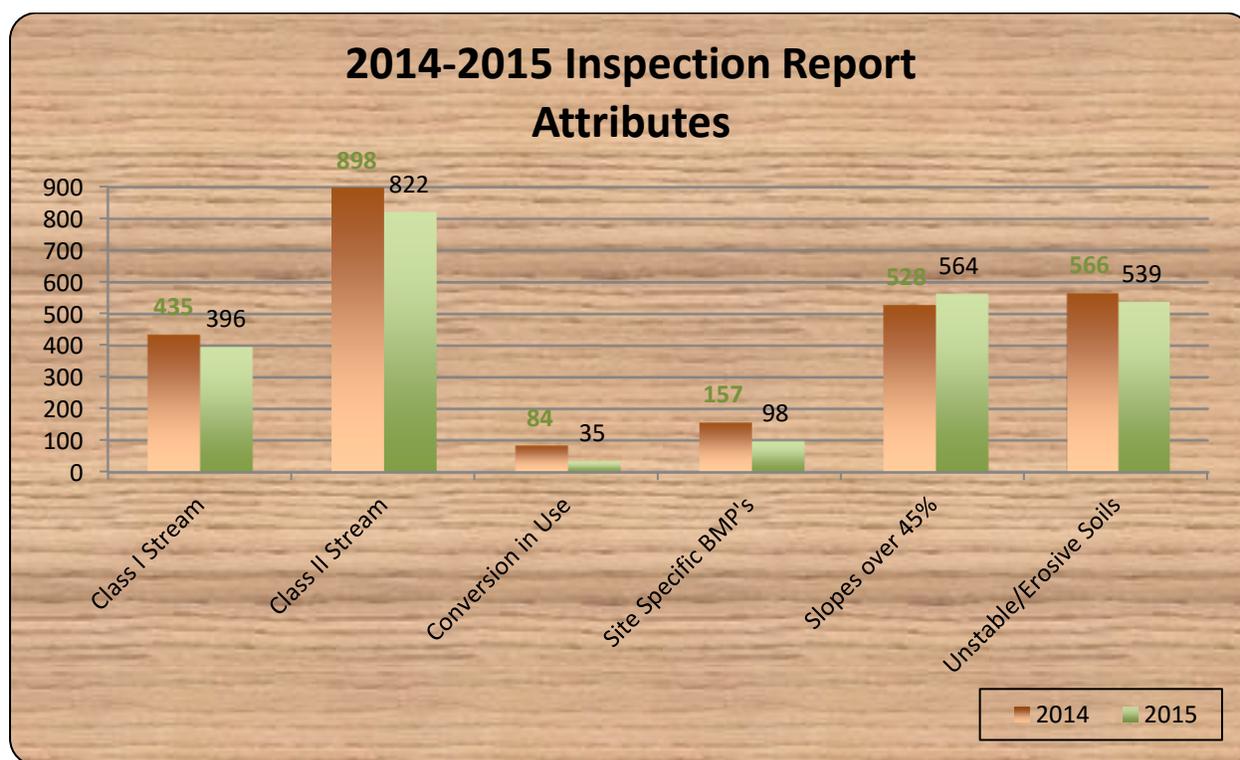


Figure 6 – Comparison of the Attributes of all Inspected Operations in 2014 - 2015.

The intent of the new program for conducting FPA inspections on IDL managed state land is to conduct inspections on these properties like inspections are carried out on private land. The first step in achieving that consistency is to select sites for inspection using the same decision process. Figures 7 and 8 depict the Inspected Operations Attributes of the inspected operations on private land and state land respectively. While the two data sets are very different in size, the distribution by attribute on state land is similar to that on private land.

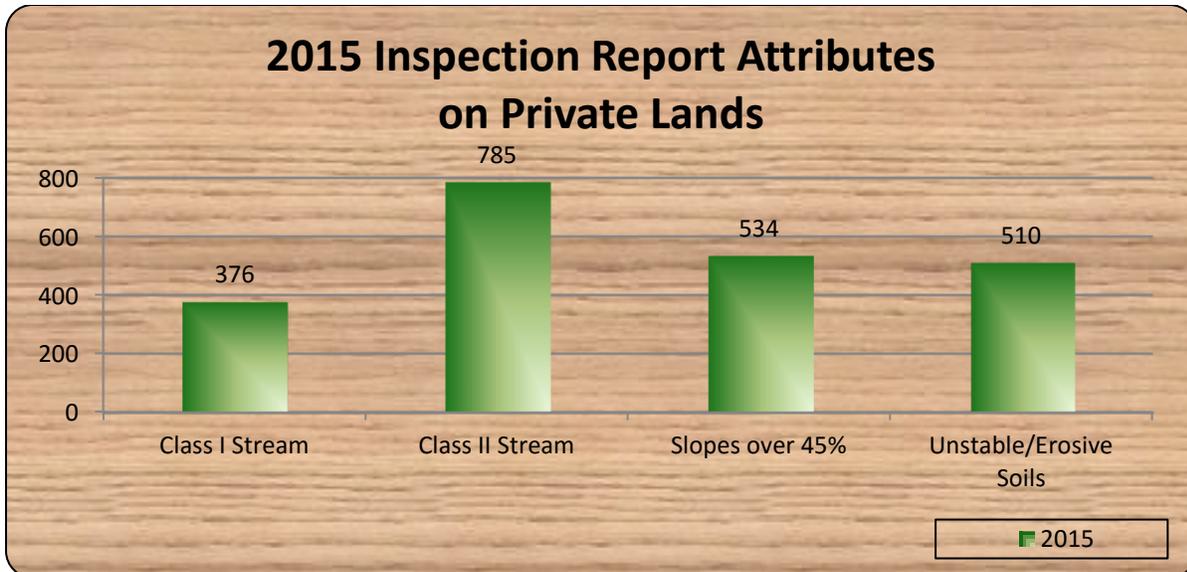


Figure 7 – Inspected Operations Attributes on Private Land

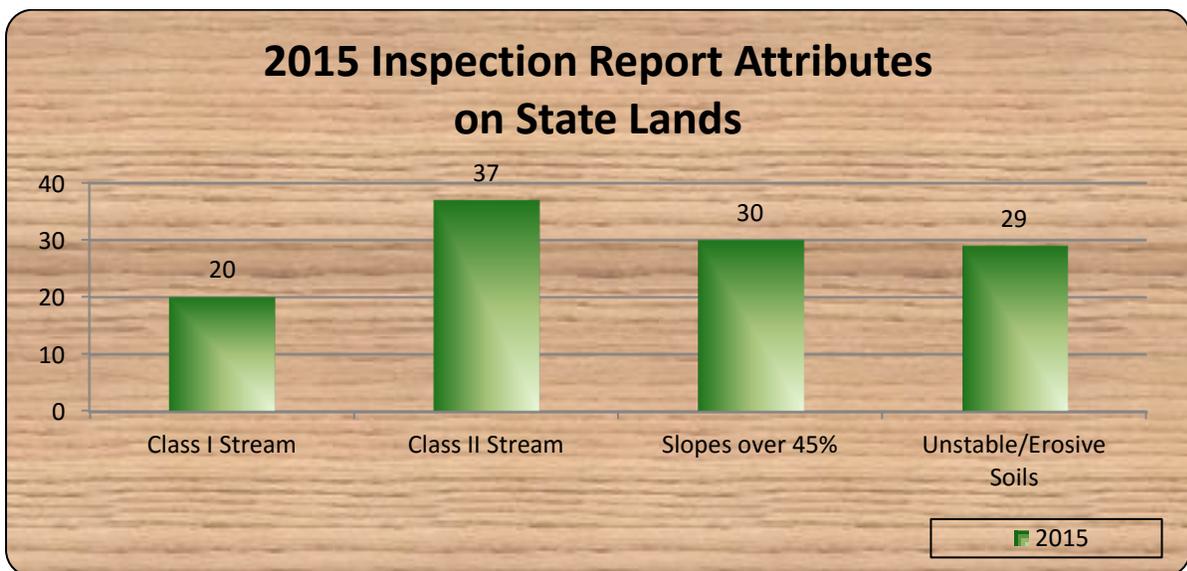


Figure 8 – Inspected Operations Attributes on State (IDL managed) Land

Notices of Violation

A Notice of Violation (NOV) is issued when repeated unsatisfactory conditions and/or severe resource degradation are observed during an inspection. An NOV can also be issued if an operator fails to perform the prescribed mitigation for an unsatisfactory condition within the time frame given by IDL. In 2014 only one NOV was issued. **In 2015 six were issued.** This number is outside the norm for recent years. IDL does **not** expect a similar number in 2016.

Figure 9 shows the number of NOV's issued per year since 2007.

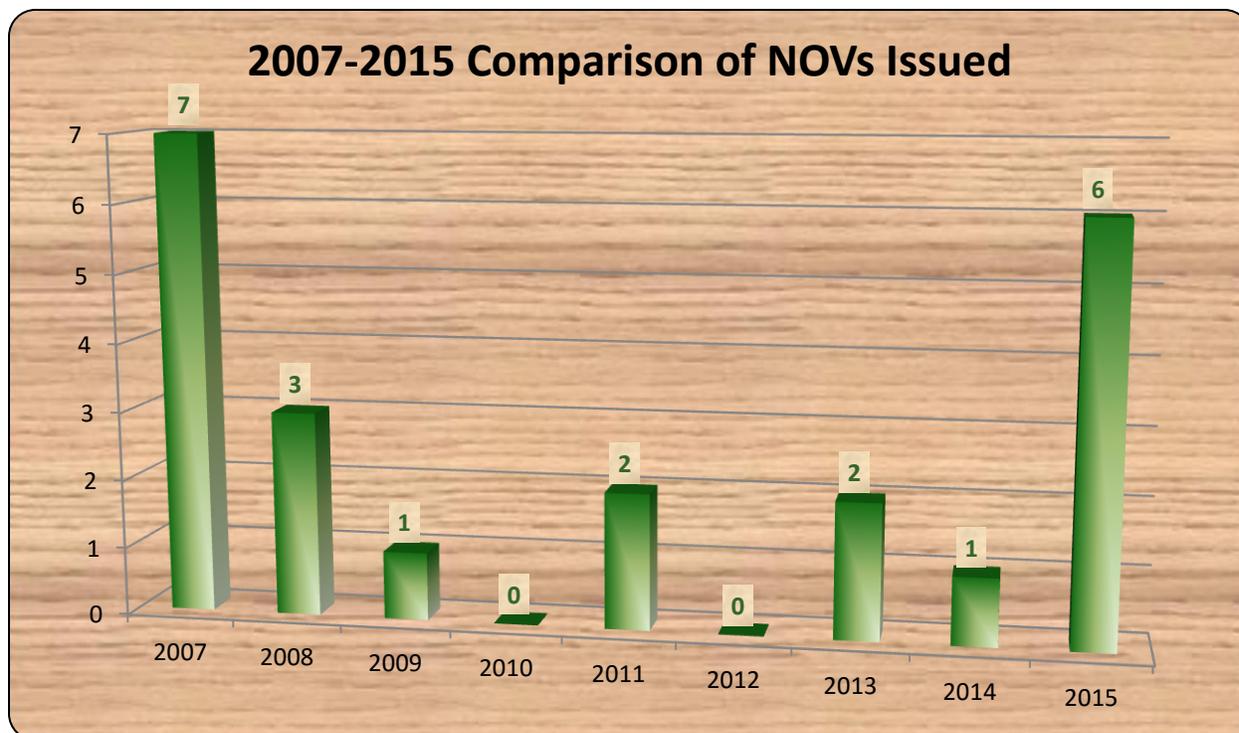


Figure 9 – Comparison of NOV's issued from 2007 through 2015.

A thorough review of each violation reveals an interesting picture. All of the violations were on nonindustrial private forestland. Review of the Associated Logging Contractors Pro-logger list reveals that none of the operators involved have completed Logger Education to Advance Professionalism (LEAP) training. One violation was issued to Tri-Corp Logging for egregious violations of the FPA. Another violation was issued to a NIPF landowner for egregious violations of the Stream Protection rules across multiple ownerships. Three of the six NOV's were issued to operations without a prior or associated unsatisfactory.

There were seventeen unsatisfactory operations without NOV's. Two industrial private forest (IPF) operations received unsatisfactory reports. One for an accidental harvest inside a Class I SPZ and one for failure to provide cross drainage on skid trails. The remaining fifteen unsatisfactory operations were on nonindustrial private forest (NIPF) operations. There does not appear to be any consistent or identifiable trend associated with the above violations. The 2015 winter season was relatively mild with average snowfall and the summer was unusually dry, but the infractions occurred throughout the year and were mostly related to the typical ones of road maintenance, skid-trail drainage control, operations inside the SPZ of Class I or Class II streams without a variance, and failure to follow the terms of a variance or Stream Channel Alteration Permit.

Complaints Made to IDL

When operations commence on private and state forestland, neighboring landowners, individuals from nearby communities or interested organizations occasionally voice concerns or complaints to their local IDL Offices. These complaints are usually addressed by IDL Private Forestry Specialists or Operations Foresters. Complaints range from perceptions of resource degradation to concerns over aesthetics.

The PFSs analyze each complaint and decide whether or not the complaint can be addressed by checking compliance with the FPA Rules; if so, a site visit is usually performed. **One hundred twenty** (120) FPA-related complaints were received by IDL Offices (mostly by PFSs) in 2015. **Sixty four** (64) of these complaints were addressed with an in-office explanation (on the phone or in-person); **fifty six** (56) of these complaints were responded to with an in-the-field site visit. The number of FPA-related complaints received by each IDL Supervisory Area is shown in *Figure 10*.

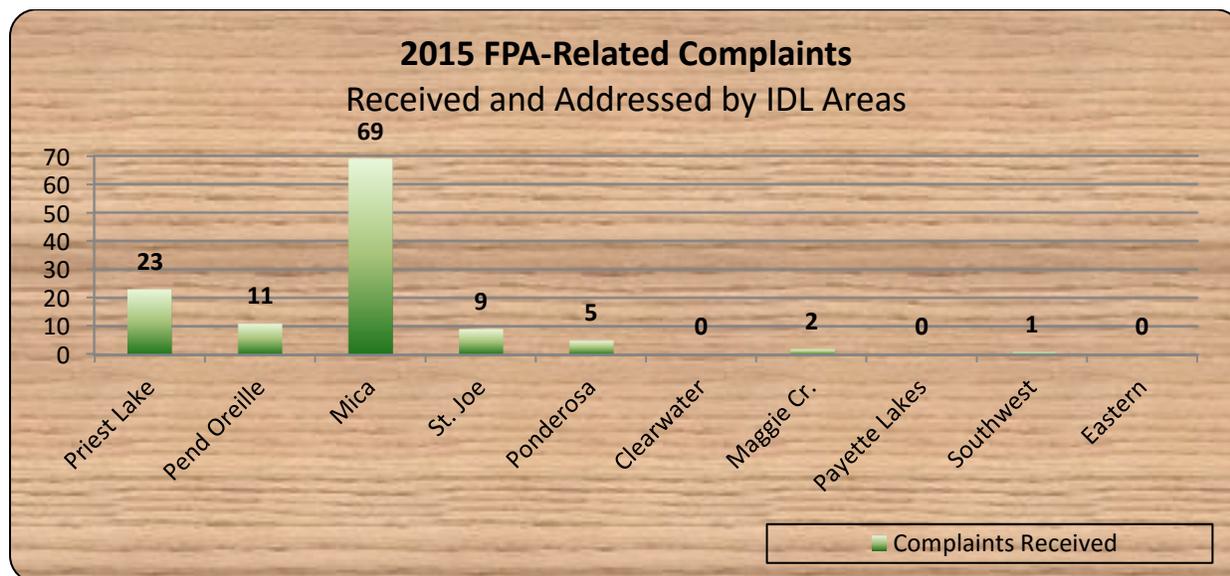


Figure 10 – FPA Related Complaints received in 2015 by Area.

While each Area does not track complaints in the same way, there is consistency in year to year reporting among the areas. The overall number of complaints rose significantly from 68 in 2014 to 120 in 2015. All of the increases were in North Idaho. Most of the increase was in the Mica Area (77%) although Priest Lake saw an increase of 7, Pend Oreille 4, St. Joe 3 and Ponderosa 2 complaints (each of these areas received a 50% or greater increase in complaints).

Variations

Figure 11 shows a 2014-2015 comparison of the number of variances granted statewide. For 2015, 81 variances were issued on all forestland operations.

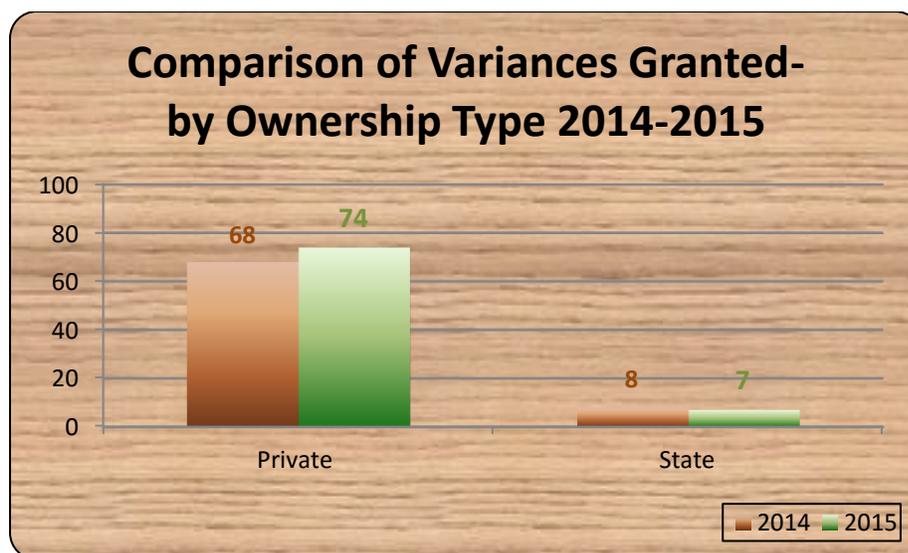
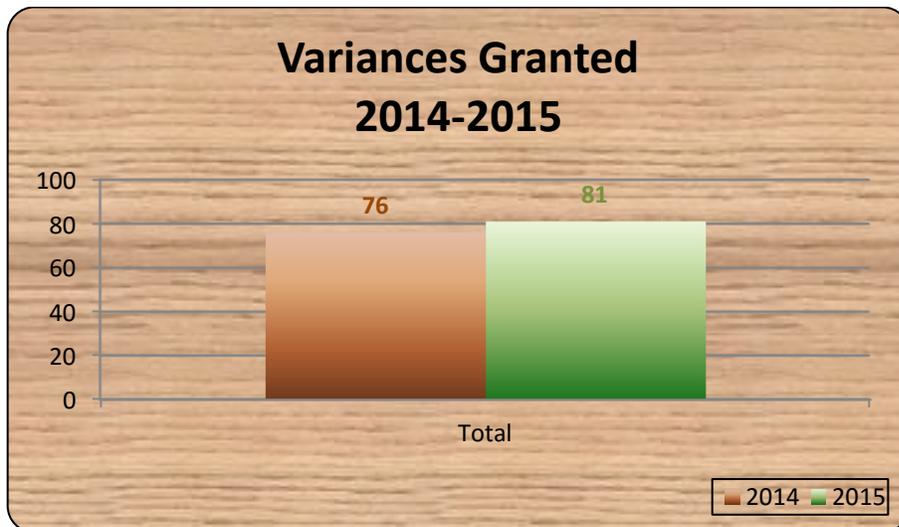


Figure 11 and 12 – Comparison of Variations Granted in 2014-2015 and Comparison of Variations Granted across ownership type.

Figure 12 shows the number of variances on state operations, on average, is about 10% of the number on private operations; however state operations are only 4.7% of private operations. In fact, on a percentage basis, for these data, variances on state operations occur at twice the frequency of private operations (6% vs 3%). It is important to recognize there are far fewer state operations from which to draw a statistically significant conclusion. Further, all variances issued in a Supervisory Area are signed by the same individual – the Area Manager. All

variances must meet the equal or better over the long term protection criteria. Although variances are often denied for this reason, it is the Area Manager’s responsibility and objective to ensure the criteria are being applied consistently across state industrial and nonindustrial private ownership.

Figure 13 illustrates the types of rules for which variances were granted (See Table 3 for textual rule descriptions). Most requests for variances deal with the use of existing trails or roads within a Stream Protection Zone. Variances of this nature are only granted if the operator can demonstrate to IDL that use of existing roads or skid trails (within the protected riparian area) are necessary to carry out the operation, that use will result in no additional degradation to the soils, water quality and fish habitat within the watershed, and that use of these trails (or roads) would result in less sediment delivery to streams than constructing new transportation systems outside the Stream Protection Zone.

(Note: When an activity falls under more than one rule, a variance is granted for each rule where it is appropriate. For example to reopen a road that lies partially within an SPZ the operator will need to request a variance from IDAPA 20.02.01.030.07.c (operation of ground based equipment within an SPZ) and from IDAPA 20.02.01.040.02.h (reconstruction of existing roads located in SPZs) for the single activity. The result is a difference in the number of rules varied being greater than the total number of variances granted.)

Table 3. FPA Rule paraphrased textual descriptions for Figures 13 and 14.

Rule Title	Rule Number	Rule Paraphrase
030. TIMBER HARVESTING	030.03.a.	Ground-based equipment on slopes > 45% adjacent to stream
	030.03.b.	Grade of constructed skid trails > 30%
	030.04.a.	Landings, skid trails, and fires trails outside SPZ
	030.07.b.	Temporary stream crossing
	030.07.c.	Ground-based equipment outside SPZ
	030.07.e.	Streamside shade and large organic debris
	030.07.f.ii.	Mechanical piling of slash outside SPZ
040. ROAD CONSTRUCTION	040.02.a.	Road construction outside SPZ
	040.02.g.	Stream crossings
	040.02.h.	Road reconstruction outside SPZ

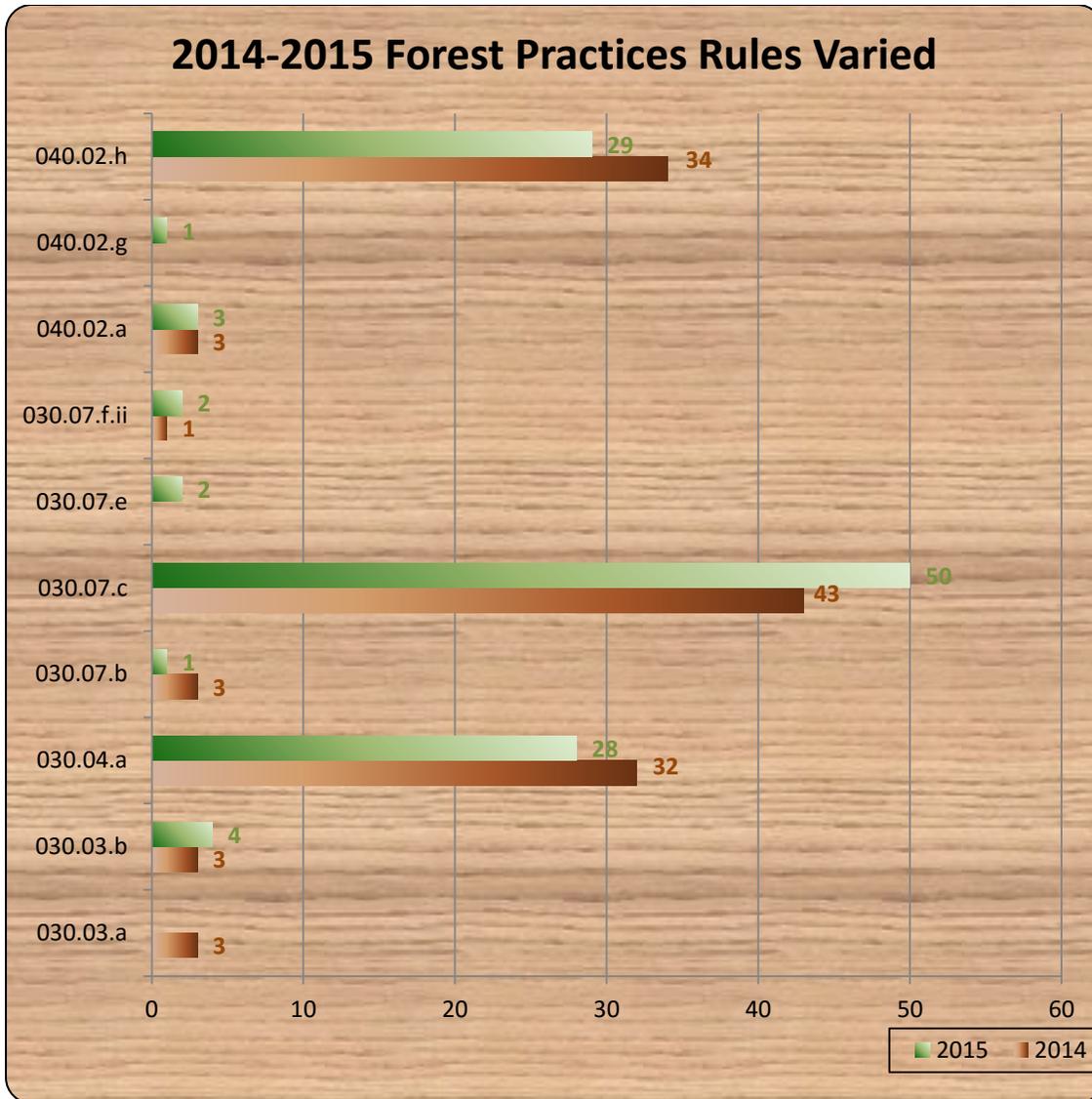


Figure 13 – Comparison of Rules for which Variances were granted 2014-2015 across all ownership types.

Figure 14 provides a comparison of variances issued on state land with those issued on private land. The relatively low number of variances issued on state land (7) makes correlation between the two ownership types difficult, but the graph does show there are no significant anomalies. Despite the relatively small data set, it appears IDL is achieving its objective of meeting the same standard that private forestland managers must attain.

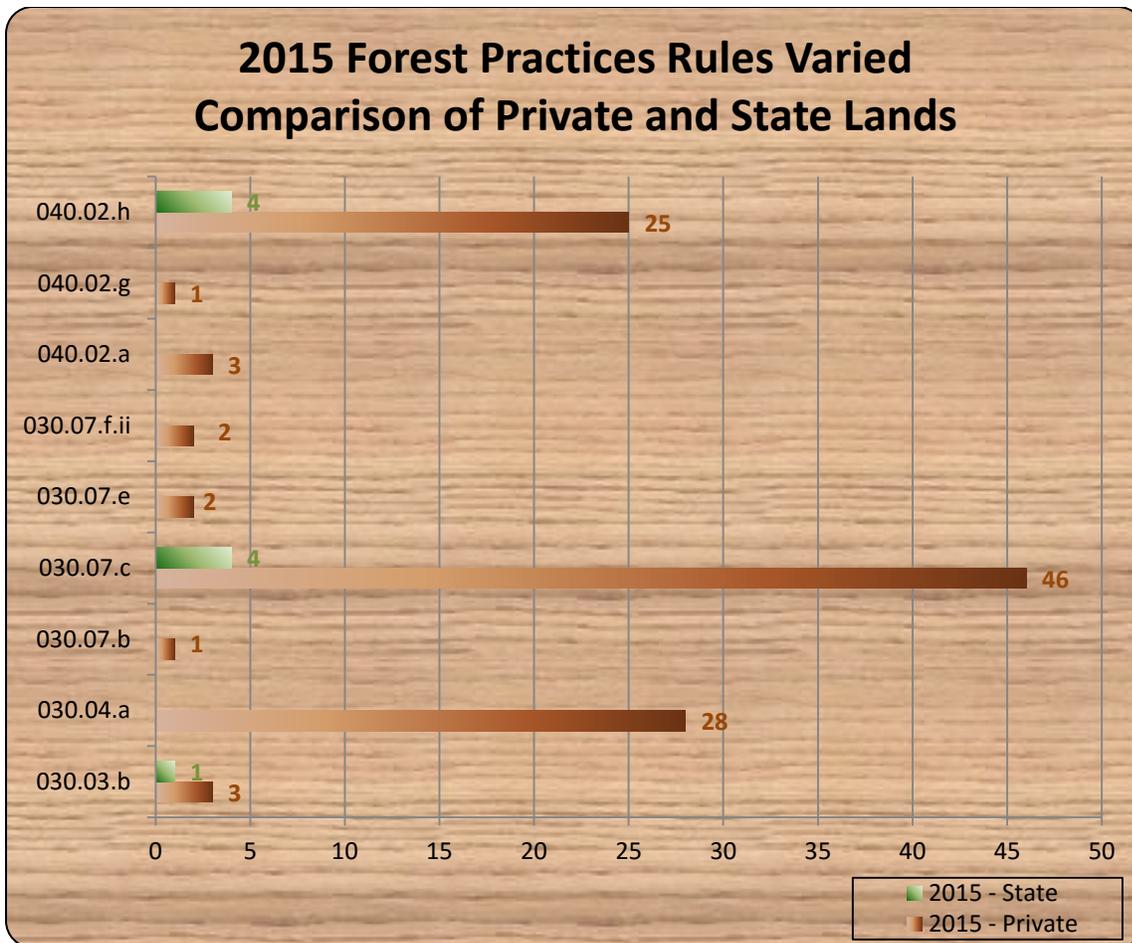


Figure 14 – Comparison of Rules for which Variances were granted between ownership types.

The Streamside Tree Retention Rules

Following the 2014 Streamside Tree Retention Rule and the 2015 fire season, the Idaho Forest Practices Act Advisory Committee (FPAAC) held discussions at the October 20, 2015 meeting regarding timber salvage in Class I Stream Protection Zones. The committee agreed if dead or dying timber was harvested in the SPZ to the extent the new Relative Stocking minimums could not be met, reforestation would be required or the landowner could choose to convert the use of the former forestland to another purpose. They also agreed that if reforestation is undertaken, planting density must be greater than that required in the upland by IDAPA 050.04. Specifically, guidance was developed to use the Relative Stocking by Forest Type table (IDAPA 030.07.e.ii (3)) for the smallest (4-7.9”) diameter-class, per-tree contribution factors to guide planting. The complete proposed guidance is attached in Appendix 1 and has been provided to PFSs to use now.

Stream Channel Alteration Projects Administered by IDL

In accordance with an MOU between IDL and the Idaho Department of Water Resources (IDWR), IDL Private Forestry Specialists have the conditional authority to approve applications for culvert, bridge and ford installations, re-installations and removals on private land. The conditions under which IDL has this authority are; the stream-channel alteration projects are part of a defined forest practice, the stream is perennial, and the stream-crossing structures meet certain size limitations and installation criteria.

Eighty seven (87) total stream-channel alteration installations/removals were received and approved by IDL statewide in 2015. A project application, submitted to IDL on a supplemental notification form, may contain multiple installations in close proximity to each other (e.g., three culvert installations on one stream segment within one operational unit). The 87 permits accepted in 2015 referenced activity at 87 crossings. Many of these crossings were temporary in nature and were removed at the end of the operation. Several others involved the removal or replacement of older crossing structures. *Figure 15* shows the number of stream-channel-alteration projects reviewed and administered by each IDL Area Office in 2015.

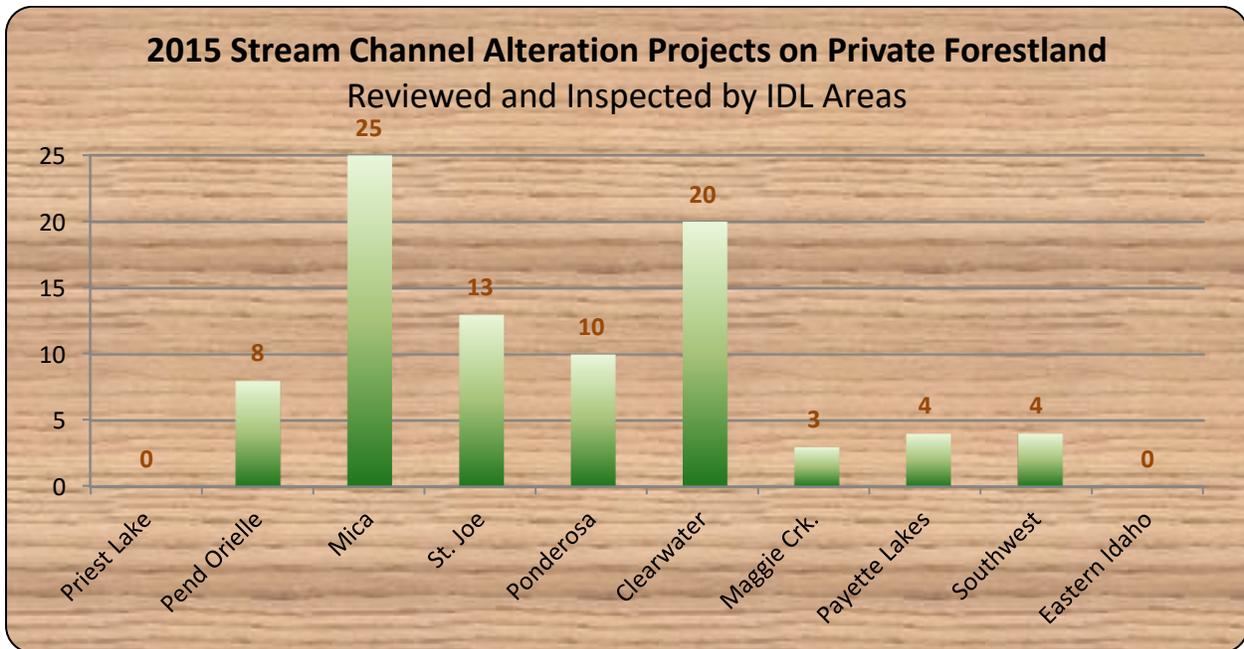


Figure 15 – Stream Channel Alteration Permits on Private Forestland by Area.

Conclusion

During 2014 IDL began development of an updated form for use by *Operators* to submit a *Notification of Forest Practices*. After several iterations and reviews the new forms were implemented in early 2016. The changes largely centered on clarifying roles and responsibilities of parties under the FPA and slash hazard management rules, but much effort was devoted to developing an electronic form with drop down menus to increase efficiency. Due to the current numbering scheme and the need for an acceptance signature from an authorized representative of the IDL Director, production of an accepted Notification is only possible at IDL Supervisory Area offices.

Having an educated workforce contributes to sustaining the high levels of compliance we see today. The IDL Forest Practices Program continues to assist University of Idaho Extension and Idaho Associated Logging Contractors with their *Logger Education to Advance Professionalism* (LEAP) training sessions. These sessions have provided targeted education to loggers, enhancing awareness of the FPA Rules and needed compliance with these Best Management Practices. These classes continue to be well attended and up-to-date in addressing current forest-practices issues and rule changes which affect loggers.

During 2016 IDL will continue to present programs explaining the new shade rule at events geared toward IDL personnel, foresters, landowners, and loggers. Private Forestry Specialists will prioritize training and assistance with implementation of the new rule in their activities.

The updated Idaho Forestry BMP Field Guide developed by the University of Idaho with IDL assistance is complete and widely distributed. This update includes an award winning educational companion video and a new BMP website. The Idaho Forest Products Commission is providing additional BMP educational opportunities throughout the state and developing and hosting BMP education via electronic media.

The success achieved in implementing the Idaho Forest Practices Act rests with the collaboration and dedication of many individuals, organizations and the sound science supporting the rulemaking. Idaho's high level of forest practice BMP implementation is achieved and maintained as the result of many contributing factors. The participation of most of Idaho's larger industrial forestland owners in forest certification systems (either *Sustainable Forestry Initiative* (SFI) or *Forest Stewardship Council* (FSC)) has had a very positive influence on compliance rates. These industrial forestland owners strive to remain in full compliance with both the FPA Rules and the standards set forth by their certification organizations. The same can be said for the state endowment land managers. Programs like the *American Tree Farm System* provide a similar role on the nonindustrial side. The dedication shown to resource protection by Idaho's state, industrial and nonindustrial stewardship forestland managers while practicing sustainable timber harvest is remarkable and encouraging. Our challenge is to improve outreach to nonindustrial members of our community involved in timber production to better educate themselves and/or their operators on the importance of Idaho's BMPs to maintaining and enhancing Idaho's water quality.

Appendix 1

Forest Practices Proposed SPZ Salvage Guidance (Effective, October 20, 2015)

Forest Practices Guidance Related to Fire Salvage Harvests

This section of the guidance clarifies some forest practices rule interpretations related to salvage activities to help ensure that IDL is presenting a unified, consistent message. The Forest Practices Act Advisory Committee (FPAAC) and IDL have discussed the implementation of the rules related to fire salvage activities.

GENERAL REFORESTATION:

If a landowner engages in Salvage logging they are required to meet stocking requirements under Rule **050.04.**, unless the stand meets the requirements of **050.03.** We will assist landowners with reforestation cost share through the NRCS; generally FPA rules allow enough time to provide reforestation. If there is a critical shortage of available and appropriate seedlings the issue may be revisited. *On a case-by-case basis, if a PFS determines that replanting a stand within 3-5 years is unlikely to succeed because of soil degradation or lack of soil—or natural regeneration is likely going to take longer than 5 years to re-establish minimum stocking, a variance can be considered under the exception granted by **050.03.b.** for wildfire. We will not, however, issue blanket variances from reforestation rules. If the PFS determines that replanting within five years is likely feasible and a landowner does not intend to replant, they must convert use or choose not to salvage.*

VARIANCES:

The requirements for issuing variances do not change because of catastrophic events such as wildfire. Any approved variances must meet the criteria of providing “equivalent or better results over the long term.” Variances are not approved for cost savings.

LOD REQUIREMENTS:

There is no longer a specific snag retention component within the Streamside Shade rule. However, rule **030.07.e** states, “**Provide for large organic debris (LOD), shading, soil stabilization, wildlife cover and water filtering effects of vegetation along streams.**” Unfortunately this rule does not provide specific numbers of snags or pieces of wood per foot of stream. IDL cannot independently provide quantifiable standards not specified in the rules. After discussing this issue with FPAAC, IDL has determined that under the current rules we cannot require anyone to leave standing dead trees in a Stream Protection Zone (SPZ). We do recommend that Operators leave some standing trees in SPZs that have been thoroughly burned, in accordance with the recommendations of the IDL Interdisciplinary (ID) team or a local Burned Area Emergency Recovery (BAER) team if this information is available. The ID team provides post-fire analyses and recommendations to IDL forest managers as salvage sales are planned on state endowment forestland. If these teams’ reports are available, use recommendations from the reports to provide like recommendations for salvage logging, or

remediation efforts, on adjacent private land. In areas where those numbers are not available, each PFS will have to exercise his/her own best judgment to match the rule standards to the specific burned sites. Inspecting PFSs will need to assess ecological and biological impacts from the fire and recommend tree retention standards to best remediate these impacts (e.g., leaving extra trees next to severely burned flashy streams to provide needed, extra, channel stability).

SHADE RULE REQUIREMENTS:

The “Shade Rule” is clear that only live trees are counted in Relative Stocking calculations. Dead trees do not contribute to Relative Stocking under the current rules. We will not prevent landowners from harvesting dead trees from SPZs; all other rules still apply (e.g., no equipment in the SPZ). If an SPZ and stream channel was only lightly burned with a handful of trees killed or sure to die (See Forest Health flyers on *Tree Mortality*) the operator will be allowed to salvage those dead and dying trees because they are of little value for shade. No variance (Site Specific Riparian Management Plan) would be needed to harvest below rule minimums because the trees are not counted in Relative Stocking calculations. If harvest occurs, reforestation is required to establish a new stand or bring the current stand to a fully stocked state.

The rules do not specifically dictate to what extent reforestation within the SPZ is required, if salvage harvest or fire reduce the stand below specified rule minimums. IDL has discussed this issue with FPAAC. The new Class I tree retention rule does state what the minimum acceptable stocking within an SPZ must be. By using the table below, the number of trees needed to achieve minimum stocking requirements can be quantified.

		60 RS		30 RS		10 RS	
4-7.9"dbh		TPA	Spacing	TPA	Spacing	TPA	Spacing
NIGF	0.097	618.6	8.4	309.3	11.9	170	16
CIGF	0.113	531.0	9.1	265.5	12.8	170	16
SIGF	0.136	441.2	9.9	220.6	14.1	125	18
WHSF	0.123	487.8	9.4	243.9	13.4	170	16
							16 or
DFPP	0.151	397.4	10.5	198.7	14.8	Either	18

The outer zone of the SPZs must be planted to a density at least equal to the upland requirements. In the outer zone under an Option 2 (60/10), the minimum stocking would be the same as the upland (170 TPA in the North and 125 TPA in the South (weighted)). Landowners may choose either Option to plant back to, but if the inner 25’ is part of the salvage harvest they may find that Option 1 (60/30) requires fewer trees to be planted. With regard to the non-salvage application of the rules, if an Operator does not harvest within a rule-defined zone, they are not required to plant within that zone. If there are “survivors” within the SPZ they should be weighted to reduce the number of trees required to be planted. We do not require planting under live trees or in un-plantable sites. The intent in this guidance is not to force people to plant trees in sites where there is little if any chance of survival. SPZs with very rocky or



shallow soils may be very difficult to achieve successful regeneration. The species chosen to be replanted must be appropriate for the site and meet the standards defined in rule **010.02 Acceptable Tree Species**.

A low-intensity burn scenario requires more in-depth analysis. Determinations should be made by the PFS on a case-by-case, site-specific basis. First, the PFS must confirm that the trees removed were indeed dead or dying if SPZ stocking levels are reduced below rule minimums. Second, the PFS must determine if replanting is required on each specific site. The PFS may have to require additional site prep to plant seedlings, as they would do in any other situation where the SPZ stocking levels were reduced below a minimum rule standard. We do not want landowners to remove brush that currently provides shade and channel stability only to create an opening for a tree that will take years to provide those benefits. Live trees and brush, which are providing shade and channel stability, should be accounted for in the replanting recommendations. All recommended or required reforestation activities, including site prep, should not require an Operator or landowner to apply any chemical pesticides/herbicides in, or close to, an SPZ. All required activities should be in compliance with all FPA Rules, including the pesticide-application buffer standards.