

Kalispel Tribe of Indians
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September 25, 2013

Ara Andrea
Service & Regulatory Program Manager
Idaho Department of Lands
284 West Industrial Loop
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Sent by email to: aandrea@idl.idaho.gov

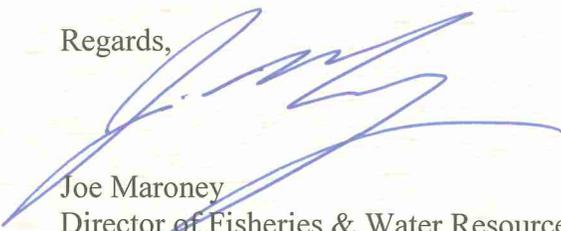
RE: Kalispel Tribe's Comments on Proposed Shade Rule

Dear Ms. Andrea:

The proposed rule in Docket No. 20-0201-1301 is significantly less protective than the negotiated rule. Whereas the negotiated rule limited harvest to those situations where relative stocking targets were achieved in both the inner and outer portion of the stream protection zone, the proposed rule will allow harvest in one portion of the zone even if relative stocking and associated shade levels are below target in the other. There was no technical analysis of implementing the rule in this manner during rule development, but it is clear that abandoning the cumulative approach to managing harvest within the stream protection zone will result in greater shade loss. The proposed rule will accordingly lead to noncompliance with shade targets in Idaho temperature TMDLs and violations of state water quality standards. The proposed rule should be modified to be implemented as originally intended, with the addition of a separate standard for those streams requiring more protective shade retention than the balance of the rule provides.

Thank you for considering these comments.

Regards,



Joe Maroney
Director of Fisheries & Water Resources
Kalispel Natural Resources Department