

G. Kirk David
24010 N. McCoy Road
Athol, ID 83801-8668
kirkdavid@earthlink.net
(208) 683-3168

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Craig Foss, Forestry Assistance Bureau Chief
Archie Gray, Forest Practices Act Program Manager
Idaho Department of Lands
3284 W. Industrial Loop
Coeur d'Alene, ID 83815-6021

Re: Comment on Idaho Forest Practices Act Proposed Rule Change

Dear Craig and Archie,

A moment for some personal background on myself: I am a degreed forester, an Idaho Tree Farm Program Inspector, a forest landowner in Idaho, an Idaho Forest Steward, an Idaho Tree Farmer, University of Idaho Extension Forestry succession planning instructor, past Society of American Foresters National Council Representative, and past Forest Stewardship Program Manager for the Idaho Department of Lands (IDL).

I appreciate that the IDL and Idaho Forest Practices Act Advisory Committee (IFPAAC) have been working on revising the Idaho Forest Practices Act (FPA) rule regarding tree retention in stream protection zones (SPZ). As a concerned citizen and forester, I have attempted to keep informed on the intent of the rule and the changes proposed for it. I have had conversations with other foresters, forest landowners, and with agency personnel and committee members involved in developing the changes. Many of us have reservations about the proposal presented in IDAPA Docket No. 20-0201-1301 on September 4, 2013.

The intent of the tree retention rule is presented as the need to address water temperature for improved fish habitat. The Environmental Protection Agency (EPA) reportedly is insisting that the required temperature (12°C) to sustain fish populations in Idaho (using Bull Trout as the only indicator species) necessitates tree retention to a fully shaded condition along streams in Idaho. Idaho agencies have conducted management regimes and testing on some streams with complete tree canopy cover and have not attained that low temperature, and full-canopied streams on federal land in Idaho have been measured and found unable to reach the EPA reputed necessary temperature. There are Bull Trout in many, but not all, Idaho streams. Many streams on Idaho private lands never will have Bull Trout in them. The hydrologic reality of Idaho presents countless waterways that begin in high mountain springs only to eventually submerge back underground without ever connecting with rivers or lakes that continue as surface watershed.

Even with this knowledge in mind, the proposed rule solution attempts to provide full shade on all fish bearing streams in Idaho by designing a model using a concept called Relative Stocking (RS = a measure of amount of tree presence) to estimate amount of shade projected. According to the model (which uses averaging parameters), an RS measure of 55 is complete tree canopy closure. The study commissioned by IDL for IFPACC reported that RS measurements above 55 indicated a declining forest (growth and health). And yet the proposed rule will require maintaining an RS of 60 in the SMZ adjacent to streams and only a 10% reduction in shade cover (above an RS of 60) during any management entry.

This scheme does not allow for proper forest health management. Forest owners are informed by IDL: “Don’t let your forests bug you” (disease and insect outbreak problems from overstocked and stressed trees). The Idaho Forest Products Commission campaign emphatically states, “Thin the Threat” (of wildfire intensity and spread from overcrowded forest stands). The Urban Forestry representative for the US Forest Service, State & Private Forestry remarked that heavily stocked riparian zones have been acting as wicks to bring fire into developed wildland urban interface (WUI) areas. A FPA rule that mandates these conditions in our forests is not in the best interest of Idaho. An RS level of 50 or less would allow at least some forest health maintenance activity in SMZs to encourage new and vital growth.

In a state that has leading-edge experience with natural resource management issues, Oregon Congressman Kurt Schrader says:

“What we know from private forest management is that these forests are healthy and we know that species move into these forests and there’s also a way you can manage the forest so that there’s different levels of succession at any one time that keeps a healthy ecosystem from a river, wetlands and wildlife management standpoint. There are ways we can do that. I’m not a big fan of artificial buffers that you just pull out and apply just by rule of thumb. It makes a lot more sense to manage and track the outcomes. You can potentially log right up close to streams as long as you don’t put silt in the water, as long as there’s some shade left to keep the stream temperatures down. That’s the type of thoughtful management that I think our forests are headed. You can’t make it go back to what it never was. There are those people who would like the temperature of some of these streams in the high desert to be dropped to 68 degrees and it’s not going to happen. It never was that way. So we have to have some realistic expectations based on what has gone before us.”

In conversation with the IDL, forest owners have been told that the EPA will sue the State of Idaho if we don’t succumb to the new restrictions of the proposed shade rule. In conversation with Idaho Senator Crapo’s staff, we have been advised that Idaho is certainly not afraid of a lawsuit from EPA, but rather that it is EPA’s fear of litigation from extreme environmental groups that is influencing EPA’s agenda.

Concerning the (perhaps well intentioned) effort by these groups to mandate ideal fish habitat in Idaho’s forested ownerships, allow me to quote some advice from the 20th

century's most famous and revered pioneer in the fields of resource conservation, forest and wildlife management, and environmental ethics, Aldo Leopold:

“These people call themselves conservationists, and in one sense they are, for in the past we have pinned that label on anyone who loves wildlife, however blindly. These conservationists, for the sake of maintaining an abnormal and unnatural deer herd for a few more years, are willing to sacrifice the future forest, and also the ultimate welfare of the herd itself.

The basic fallacy in this kind of ‘conservation’ is that it seeks to conserve one resource by destroying another. These ‘conservationists’ are unable to see the land as a whole. They are unable to think in terms of community rather than group welfare, and in terms of the long as well as the short view. They are conserving what is important to them in the immediate future, and they are angry when told that this conflicts with what is important to the state as a whole in the long run.”

So presently we have good “fish science” about to trump good “forest science” in Idaho, and mixed messages from our state agencies and commissions about what is “right”. IDL has stated that the proposed shade rule is purposely overly “conservative” in order to be completely defensible in a courtroom. Does such a one-sided solution to a single situation really justify the ensuing economic and environmental damage to Idaho resulting from it? Perhaps a more reasonable compromise can be obtained. If the RS modeling method of guesstimating shade is chosen for the new rule, is not a lower RS factor that allows *some* proper forest management reasonable? There are existing and scientifically valid methods to measure the *actual* shade on streams. Would not an option in the rule to obtain actual data via these methods be reasonable?

Let's endeavor for *all* Idaho citizens, and not *just* forest landowners to contribute to a healthy environment in our state. Thank you for this opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "G. Kirk David".

G. Kirk David