

**Rule Changes Following 2013 Negotiated Rulemaking—August 2, 2013**

Current Rule Verbiage	Proposed Rule Verbiage
<p><b>010.24. (BECOMING 010.25.)</b>  <b>Fuel Quantity.</b> The diameter, the number of stems and the predominate species to be cut or already cut, and the size of the continuous thinning block all of which determine quantity of fuel per unit of area.</p>	<p><b>010.24. (INSERTED ALPHABETICALLY)</b>  <b>Forest Type.</b> Five forest types in Idaho are defined as follows:</p> <ul style="list-style-type: none"> <li>• North Idaho grand fir/western redcedar (NIGF): moist to wet interior forests with western redcedar, western hemlock, and grand fir being primary climax species, found in forests north of the Clearwater<del>r</del> and Lochsa Rivers</li> <li>• Central Idaho grand fir/western redcedar (CIGF): productive conifer forests found in forests between the Lochsa River Basin and the Salmon River, characterized by stands having western redcedar and grand fir as climax species, with a mixed-conifer overstory increasingly comprised of ponderosa pine, Douglas-fir, and larch in the river breaks canyon-lands. Stocking levels are generally lower than that of the NIGF stands.</li> <li>• South Idaho grand fir (SIGF): mixed-conifer forests, dominated by ponderosa pine and Douglas-fir, found south of the Salmon River with grand fir and occasionally western redcedar being the stand climax species.</li> <li>• Western hemlock-subalpine fir (WH): higher-elevation, moist, cool interior forests dominated by western hemlock, mountain hemlock, and/or subalpine fir.</li> <li>• Douglas-fir-ponderosa pine (PP): drier forests dominated by ponderosa pine and Douglas-fir, generally found in lower-elevation, dry sites.</li> </ul>
<p><b>010.47. (BECOMING 010.48.)</b>  <b>Relief Culvert.</b> A structure to relieve surface runoff from roadside ditches to prevent excessive buildup in volume and velocity.</p>	<p><b>010.47. (INSERTED ALPHABETICALLY)</b>  <b>Relative Stocking.</b> A measure of site occupancy calculated as a ratio comparison of actual stand density to the biological maximum density for a given forest type. This ratio, expressed as a percentage, shows the extent to which trees utilize a plot of forestland.</p>
<p><b>010.58.d. (BEING MODIFIED and BECOMING 010.60.d.)</b>  Class II Stream Protection Zone means the area encompassed by a minimum slope distance of thirty (30) feet on each side of the ordinary high water marks. (Figure 2.) For Class II streams that do not contribute surface flow into Class I streams, provide soil stabilization and water filtering effects by leaving undisturbed soils in widths sufficient to prevent washing of sediment. In no case shall this width be less than five (5) feet slope distance on each side of the ordinary high water mark.</p>	<p><b>010.60.d. (CHANGING AS FOLLOWS)</b>  Class II Stream Protection Zone means the area encompassed by a minimum slope distance of thirty (30) feet on each side of the ordinary high water marks. (Figure 2.) For Class II streams that do not contribute surface flow into Class I streams, provide soil stabilization and water filtering effects by leaving undisturbed soils in widths sufficient to prevent washing of sediment. In no case shall this width be less than five (5) feet slope distance on each side of the ordinary high water mark.</p>

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<p><b>30.07.e.i. (BEING MODIFIED)</b>  Leave hardwood trees, shrubs, grasses, and rocks wherever they afford shade over a stream or maintain the integrity of the soil near a stream.</p>	<p><b>030.07.e.i. (CHANGING AS FOLLOWS)</b>  Leave <b>hardwood trees less than 4 inches DBH</b>, shrubs, grasses, and rocks wherever they afford shade over a stream or maintain the integrity of the soil near a stream.</p>																																																															
<p><b>030.07.e.ii. (BEING STRICKEN)</b>  Leave seventy-five percent (75%) of the current shade over Class I streams. Limit re-entry until shade recovers.</p>	<p><b>030.07.e.ii. (CHANGING AS FOLLOWS)</b>  Adjacent to all Class I streams, to maintain and enhance shade and large woody debris recruitment, landowners must comply with one of the two following options defining tree retention. The Relative Stocking per acre (RS) referenced in the options is calculated according to the relative-stocking-contribution table below.</p> <ul style="list-style-type: none"> <li>Option 1: Within twenty-five (25) feet from the ordinary high water mark on each side of the stream, live conifers and hardwoods will be retained to maintain a minimum relative stocking per acre of sixty (60). A relative stocking per acre of thirty (30) must be retained in the stream protection zone between twenty-five (25) feet and seventy-five (75) feet from the ordinary high water mark on both sides of the stream.</li> <li>Option 2: Within fifty (50) feet from the ordinary high water mark on each side of a stream, live conifers and hardwoods will be retained to maintain a minimum relative stocking per acre of sixty (60). A relative stocking per acre of ten (10) must be retained in the stream protection zone between fifty (50) feet and seventy-five (75) feet from the ordinary high water mark on both sides of the stream.</li> </ul> <p>Only one option may be implemented within any 1000 ft. length of Stream Protection Zone on each side of a stream within the stream protection zones of a harvesting unit covered by a single notification.</p> <p>Landowners are strongly encouraged to retain all trees immediately adjacent to the stream.</p> <table border="1" data-bbox="841 1564 1429 1738"> <thead> <tr> <th rowspan="2">Forest Type</th> <th colspan="7">Per Tree Contribution to Relative Stocking by Diameter Class</th> </tr> <tr> <th colspan="7">Diameter Class (DBH in inches)</th> </tr> <tr> <th></th> <th>4-7.9"</th> <th>8-11.9"</th> <th>12-15.9"</th> <th>16-19.9"</th> <th>20-23.9"</th> <th>24-27.9"</th> <th>28-31.9"</th> </tr> </thead> <tbody> <tr> <td>NIGF (North Idaho Grand Fir)</td> <td>0.097</td> <td>0.209</td> <td>0.347</td> <td>0.506</td> <td>0.683</td> <td>0.878</td> <td>1.088</td> </tr> <tr> <td>CIGF (Central Idaho Grand Fir)</td> <td>0.113</td> <td>0.244</td> <td>0.405</td> <td>0.59</td> <td>0.797</td> <td>1.024</td> <td>1.27</td> </tr> <tr> <td>SIGF (Southern Idaho Grand Fir)</td> <td>0.136</td> <td>0.293</td> <td>0.486</td> <td>0.708</td> <td>0.957</td> <td>1.229</td> <td>1.524</td> </tr> <tr> <td>WHSF (Western Hemlock-Subalpine Fir)</td> <td>0.123</td> <td>0.267</td> <td>0.442</td> <td>0.644</td> <td>0.87</td> <td>1.117</td> <td>1.385</td> </tr> <tr> <td>DFPP (Douglas-fir-Ponderosa Pine)</td> <td>0.151</td> <td>0.326</td> <td>0.54</td> <td>0.787</td> <td>1.063</td> <td>1.366</td> <td>1.693</td> </tr> </tbody> </table>	Forest Type	Per Tree Contribution to Relative Stocking by Diameter Class							Diameter Class (DBH in inches)								4-7.9"	8-11.9"	12-15.9"	16-19.9"	20-23.9"	24-27.9"	28-31.9"	NIGF (North Idaho Grand Fir)	0.097	0.209	0.347	0.506	0.683	0.878	1.088	CIGF (Central Idaho Grand Fir)	0.113	0.244	0.405	0.59	0.797	1.024	1.27	SIGF (Southern Idaho Grand Fir)	0.136	0.293	0.486	0.708	0.957	1.229	1.524	WHSF (Western Hemlock-Subalpine Fir)	0.123	0.267	0.442	0.644	0.87	1.117	1.385	DFPP (Douglas-fir-Ponderosa Pine)	0.151	0.326	0.54	0.787	1.063	1.366	1.693
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<p><b>030.07.e.iii.</b> <i>(BECOMING e.iv.)</i>  During harvesting, carefully remove timber from the Stream Protection Zone in such a way that large organic debris, shading and filtering effects are maintained and protected. When portions of felled trees fall into or over a Class I stream, leave the portion consistent with the LOD definition of Subsection 010.35.</p>	<p><b>030.07.e.iii.</b> <i>(ADDING NEW SUBPARAGRAPH)</i>  Adjacent to all Class II streams, a minimum of 220 standing trees per acre, less than 8 inches DBH, standing trees will be retained within thirty (30) feet on each side of the stream's ordinary high water mark to comply with the minimum stocking standards expressed in Subsection 050.04. Exceptions shall only be made for the felling of stems less than 8 inches DBH necessary to comply with logging-safety standards (<i>Idaho Minimum Safety Standards and Practices for Logging—Falling and Bucking</i>, IDAPA 17.08.08). Reasonable and prudent efforts will be made to protect the filtering and shade effects of the streamside vegetation during hazard management activities following harvest.</p>
<p><b>030.07.e.iv.</b> <i>(BECOMING e.v.)</i>  When harvesting portions of trees that have fallen naturally into or over a Class I stream, leave the portions over the stream consistent with the LOD definition of Subsection 010.35. Leaving the section with the root ball attached is preferred.</p>	<p><b>030.07.e.iv.</b> <i>(PREVIOUSLY e.iii.)</i>  During harvesting, carefully remove timber from the Stream Protection Zone in such a way that large organic debris, shading and filtering effects are maintained and protected. When portions of felled trees fall into or over a Class I stream, leave the portion consistent with the LOD definition of Subsection 010.35.</p>
<p><b>030.07.e.v.</b> <i>(BECOMING e.vi.)</i>  During harvesting operations, portions of felled or bucked trees not meeting the LOD definition shall be removed, consistent with the slash removal requirements of Subsection 030.06.</p>	<p><b>030.07.e.v.</b> <i>(PREVIOUSLY e.iv.)</i>  When harvesting portions of trees that have fallen naturally into or over a Class I stream, leave the portions over the stream consistent with the LOD definition of Subsection 010.35. Leaving the section with the root ball attached is preferred.</p>

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**030.07.e.vi. (BEING STRICKEN)**

Standing trees, including conifers, hardwoods and snags will be left within fifty (50) feet of the ordinary high water mark on each side of all Class I streams, and within thirty (30) feet on each side of all Class II streams, in the following minimum numbers per one thousand (1000) feet of stream:

*Minimum Standing Trees per One Thousand (1000) Ft. Required (each side)*

Tree Diameter (DBH)	Class I			Class II
	Over 20'	10'-20'	Under 10'	
3 - 7.9"	200	200	200	140
8 - 11.9"	42	42	42	—
12 - 19.9"	21	21	—	—
20" +	4	—	—	—

For those Class II streams that require a minimum five (5) foot stream protection zone, no standing trees are required.

**030.07.e.vi. (PREVIOUSLY e.v.)**

During harvesting operations, portions of felled or bucked trees not meeting the LOD definition shall be removed, consistent with the slash removal requirements of Subsection 030.06.

**030.07.e.vii. (BEING STRICKEN)**

Snags will be counted as standing trees in each diameter class if snag height exceeds on and one-half (1.5) times the distance between the snag and the stream's ordinary high water mark. Not more than fifty percent (50%) of any class may consist of snags.

**030.07.e.vii. (PREVIOUSLY e.viii.)**

To obtain a variance from the standing tree and shade requirements, the operator must develop a site specific riparian management prescription and submit it to the department for approval. The prescription should consider stream characteristics and the need for large organic debris, stream shading and wildlife cover which will achieve the objective of these rules.

**030.07.e.viii. (BECOMING e.vii.)**

To obtain a variance from the standing tree and shade requirements, the operator must develop a site specific riparian management prescription and submit it to the department for approval. The prescription should consider stream characteristics and the need for large organic debris, stream shading and wildlife cover which will achieve the objective of these rules.

**030.07.e.viii. (PREVIOUSLY e.x.)**

Stream width shall be measured as average between ordinary high water marks.

**030.07.e.ix. (BEING STRICKEN)**

Where the opposite side of the stream does not currently meet the minimum standing tree requirements of the table, the department and the operator should consider a site specific riparian prescription that meets the large organic debris needs of the stream.

*(No more subparagraphs under 030.07.e. Paragraph)*

**030.07.e.x. (BECOMING e.viii.)**

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