



2022

Idaho Forest Practices Year-End Report



Developed and Submitted by

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Forest Practices Program

Forestry Assistance Bureau



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2022 Forest Practices Year-End Report

Preface

The Idaho Forest Practices Act (Idaho Code § 38-1301 through § 38-1313) and the Idaho Forest Practices Act (FPA) 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 (FP Rules) are designed to protect water quality, wildlife habitat and forest health while enhancing tree growth and vigor. These rules are the approved forestry BMPs 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 FP Rules implementation. The IDL Forestry Assistance Bureau administers the program.

At the beginning of each year, the IDL Forest Practices Regulatory Program Manager 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 non-industrial forestland and may include county or municipal forestland. State forestland includes all state trust lands 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 the IDL Technical Services Bureau consolidates details of Stream Channel Alteration Permit (SCAP) activities on private and state land. This activity is reported to IDWR in accordance with the MOU.

The Idaho Forest Practices Advisory Committee (FPAC) is the body of professionals and concerned citizens charged with providing direction and leadership for new and revised FPA administrative rules. FPAC is comprised of nine voting members from across the State of Idaho who represent family and industrial forest owners, fisheries biologists, citizens at large, and logging operators. There are also several *ex officio* members representing IDEQ, the US Forest Service and various technical specialties. In 2020, IDEQ and IDL performed the quadrennial Water Quality Audit of the Forest Practices Act Rules implementation to identify the level of



compliance with and the effectiveness of the practices observed. The audit findings were published in December of 2020 and can be viewed on the forest practices webpage:

<https://www.idl.idaho.gov/wp-content/uploads/sites/2/2021/01/Idaho-2020-Interagency-Forest-Practices-Water-Quality-Audit.pdf>

Additional emphasis by IDL Private Forestry Specialists (PFSs) during 2022 inspections continued to focus on addressing report recommendations. Of primary concern is disposing and stabilizing road construction and maintenance material and debris outside the SPZ.

In the 2022 legislative session, proposed changes to definitions and rules in the Idaho Forest Practices Act were signed into law. One of the major changes was the redefining of a Class I stream to remove Class I designations for 1320 feet upstream from a domestic diversion. Another change relating to Class I streams was the modification of the required retention in the Stream Protection Zone (SPZ). The rule was modified to use a simplified methodology and a uniform process for determining retention levels, as opposed to multiple options. Road construction rules were updated to improve water quality protection at stream crossings. For fish bearing stream crossings the new rules require additional rocking, armoring of stream crossing culverts greater than 30 inches in diameter, and clarify sediment reduction measures. Recognizing that logging technology has advanced, rule changes now allow for traction-assisted harvesting equipment on steep slopes. To accompany the new rules, an updated guidance document was drafted and revised throughout 2022 for public posting in 2023.

Also new in 2022 was an advancement in the way IDL records spatial data for issued Notifications of Forest Practice and Slash Hazard Compliances. This new geospatial system uses a feature service which allows multiple users to access and edit data at the same time. It was developed and piloted over the second half of 2022 for official adoption in 2023. The data storage system allows PFSs to better identify Notifications with attributes that make them a high priority for inspection. Moving forward, this system will be integrated with a new inspection system – streamlining the process for reporting and tracking rule compliance and making it easier to compile and analyze data.

As the IDL strives to keep records and data as current as possible, part of that process is ensuring it is accessible to landowners and operators. Tools that allow the public to see what attributes are on their property prior to taking out a notification will allow for better planning harvesting operations. These tools are being built from the advancements made in 2022 and will be implemented in 2023.

IDL Regulatory & Stewardship Program staff wish to acknowledge the hard-working Private Forestry Specialists in each of the Supervisory Areas whose diligent efforts produce the data in this report. Also, a special thank you to Gary Hess who retired from the Program Manager position after six years of devotion to promoting sustainable forest management while maintaining clean water and productive soils.



Figure 1: Fall 2023 Private Forestry Specialist Calibration, Idaho City: (Pictured: left to right) back row: Mike Dwyer—IDL PFS Southwest, Matthew Perkins—IDL Urban & Community Forestry Program Manager, Dean Johnson—IDL Area Manager Southwest; Middle row: Hailey Frank—IDL PFS St. Joe, Karen Robinson—IDL PFS Pend Oreille Lake, Archie Gray—IDL Forestry Assistance Bureau Chief, Robert Barkley—IDL Central Zone Private Forestry Supervisor, Tim Kennedy—retired IDL PFS, Chris Gerhart—IDL PFS Clearwater; Front row: Diane Partridge—IDL PFS Mica, Adrienne Morrow—IDL Stewardship & Regulatory Program Specialist, Dave Luther—IDL PFS Maggie Creek, Ken Homik—Private Forestry Supervisor North, Scott Sievers—IDL PFS Payette Lakes, Rodney Cochrane—IDL PFS Cataldo. (Not pictured) Dick Jones—FPA inspector Clearwater, Andrew Larson—PFS Mica, Jim Kibler—PFS Bonners Ferry, Chris Remsen—PFS Pend Oreille, Ryan McNair—PFS St. Joe.

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 submitted to the Forest Practices Program Manager (FPA PM) for entry into 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.

Before commencing any rule-defined Forest Practice (commercial or non-commercial), an *Operator*, who is responsible for forest practices act implementation, must file a **Notification of**

Forest Practice with IDL. When harvested wood will be used solely for the landowner's personal use, a Notification is **not** required. If a commercial operation has the potential to generate a slash hazard, a **Certificate of Compliance/Fire Hazard Management Agreement** 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 **Certificate of 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. Copies of the signed document are sent to the landowner listed in county tax records, the County Assessor's office in the county in which the operation occurs, and the purchasers. Because all forest practices require a Notification regardless of hazard management implications, this report refers to the form as a Notification.

Once the Forest Practice Notification is accepted by the local IDL Office, the 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) streams, followed by 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 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 water quality issues. The primary objective of the Idaho Forest Practices Act is to protect water quality.

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 that the non-compliant activity and potential mitigation will result in equal or better resource protection 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 or Private Forestry Supervisor, after consulting with the PFS. Some requests for a variance are denied and others are withdrawn by the applicant after learning that the additional practices required by the IDL to provide adequate resource protection, 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.

Executive Summary

Since 1974 the State of Idaho has encouraged sustainable forest management on Idaho forestland through compliance with minimum Best Management Practices detailed in Title 38, Chapter 13, Idaho Code “20.02.01, Rules Pertaining to the Idaho Forest Practices Act” which are available on the Idaho Office of Administrative Rules website with links to current and archived rules. (<https://adminrules.idaho.gov/rules/current/20/index.html>)

There was a consistent sustained increase in compliance with these rules from 1974, when rates were only 85%, until a few decades ago, when rates exceeded 95%. Rural residential development, new forest landowners, other demographic changes, and changing weather patterns likely make 100% compliance for inspected operations unrealistic. Forest Practice (FP) operations inspected on state and private forestland in 2022 are **98%** compliant with FP administrative rules. Inspections demonstrate a continued high level of care and stewardship by Idaho forest managers and loggers during harvesting operations; this is in keeping with trends over the past five years where compliance rate fluctuates between 98-99%. Data regarding these achievements in 2022 are provided in comprehensive detail in this report.

Summary of Findings

Forest Practices Notifications on Private and State Forestlands

The number of Forest Practice Notifications accepted for operations on both state and private forestland showed timber management activity in 2022 decreased by 18% from the previous year, with **1,916** accepted Notifications. Of these, **222** were Notification Only (non-commercial operations) and two were on federal lands. Of the remaining **1,692** commercial harvest operations, **1,571** were on private land and **121** on state.

Individual Operations Inspected

This past year (2022) saw inspections on **947** operations across a total of **1,916** Notifications. This is a noticeable increase in the percent (**49%**) of distinct operations inspected from calendar year 2021 (36%) and approaches the IDL goal of inspecting at least 50% of accepted Notifications during the calendar year. When accounting for the non-commercial Notifications, which are not a high inspection priority, the actual rate of inspection for timber harvest is 56%. There were **1,571** Compliances (excluding non-harvest Forest Practice Notifications) issued for private forestland in 2022, of which **868** received at least one inspection. This is a private commercial inspection rate

of **55%**. The state was issued **121** Compliances in 2022. Forest practices personnel inspected **79** active state operations which is a **68%** inspection rate.

IDL found at least one unsatisfactory condition (or misdemeanor violation) on **15** distinct operations (2%) in 2022 vs. 18 operations (2%) in 2021. All but **12** of the 868 inspections on private land were found to be satisfactory—98% compliance. **Three** (3) of the 79 inspections on state operations conducted by a Private Forestry Specialist were unsatisfactory, for a compliance rate of 96%. Most unsatisfactory reports were associated with typical infractions, such as ground equipment in the SPZ, locations of landings and trails in SPZs, road maintenance and/or road and trail drainage control.

The FPA implementation rate of 98.4% across all **inspected** operations this year is slightly higher than that in 2021 (97.8%), and consistent with the 10-year average of 98.1%. The FPA implementation rate across all forest practice **inspections** this year is 97.2%. One operation often will receive multiple inspections, and unsatisfactory operations may be inspected many times before infractions are cleared.

Frequency and Location of Inspections

A total of 1,126 inspections occurred in 2022, across each of the ten IDL Supervisory Areas. Most Areas reported an increase in inspections levels from 2021. Overall, inspections were down from the statewide average in recent years but increased from 2021. Vacancies across Supervisory Areas were filled and as staff gain experience it is expected inspection numbers will continue to increase.

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 2021 two NOVs were issued. In 2022, **3 total NOVs** were issued (see *Figure 11*). Two of the three NOVs were for similar violations involving operation of equipment in the SPZ and sediment delivery to streams. In these instances, the remediation work was completed in a timely manner and the NOVs were cleared. The third NOV multiple violations throughout the operation. After multiple failed attempts to get the operator to perform remediation work, the work was completed by a third party was contractor. While the operation has been restored to satisfactory status, the operator will retain the NOV will until the IDL is reimbursed for the cost of the remediation work.

Research

In December 2020, the Idaho Department of Environmental Quality released a report detailing the results of the statewide quadrennial water quality audit of the Forest Practices Program, conducted in the summer of 2020. The final report from that audit can be found here:

<https://www.idl.idaho.gov/wp-content/uploads/sites/2/2021/01/Idaho-2020-Interagency-Forest-Practices-Water-Quality-Audit.pdf>

IDL and FPAC assess the recommendations from these audits to determine if rule modifications or enforcement policies and guidance are the most appropriate means of addressing the findings. In 2022, the recommendations for IDL forest practices inspectors included paying attention to the disposal of mineral soil from road maintenance and construction activities. This was a continued emphasis that carried over from 2021. In addition, the audit report recommended stipulation of extra safeguards for approved variances in SPZs on state and private land so that streams receive an undiminished level of protection.

Starting in 2021, the IDL forest practices program was immersed in the legislative rulemaking process to put into effect substantive modifications of the Rules Pertaining to the Forest Practices Act Title 38, Chapter 13, Idaho Code (IDAPA 20.02.01). These modifications that FPAC had finalized in 2020, were based on previous years' research and the results of collaborative discussions between FPAC and stakeholders. Following the adjournment of the legislature in March 2023, these modifications to the Forest Practices Act were finalized and signed into law.

The most impactful changes to the Forest Practices Act include redefining of the definition of a Class I stream. The new definition removed Class I designations for 1320 feet upstream from a domestic diversion. Another change relating to Class I streams was the modification of the required retention in the stream protection zone. The rule was simplified to one process for determining retention levels, as opposed to multiple options. Road construction rules were also updated to improve water quality protection at stream crossings. For fish bearing stream crossings the new rules require additional rocking, armoring of stream crossing culverts greater than 30 inches in diameter, and clarification of sediment reduction measures. Recognizing that logging technology has advanced, rule changes now allow for traction-assisted harvesting equipment on steep slopes.

Looking Forward

Since the new rule changes were adopted, the IDL has been working diligently to provide education and training. Both classroom style presentations and field-based implementation exercises have been held and will continue as opportunities arise. New rulebooks have been printed and distributed. Updates to the *Idaho Forestry Best Management Practices Field Guide* will feature the rule changes.

In the development of the new Class I stream protection zone retention, shade and woody debris recruitment was modeled, a scientific-based rule was developed and implemented, the impacts of the implemented rule were assessed through field monitoring, and the rule was modified because of the findings. As a continuation of this science-based methodology, the implementation of the new rule will again be monitored for effectiveness in recruiting large woody debris and providing shade to streams, including the recovery of shade after harvest. The data collection portion of this effort is expected to start in 2024 and run concurrently with the 2024 IDEQ quadrennial Water Quality Audit.

The IDL has recently been increasing the amount of publicly available data and improving the ease as to how it is accessed. Most of these processes have been based on the new system used for issuing notifications. Some of the data publicly accessible includes stream classifications,



perennial streams, and site-specific impacts. This available data allows landowners and operators to identify important attributes before taking out a notification, allowing for better planning. Rollout is expected in 2023 and will continue to meet additional needs as they are identified.

An unmitigated Notice of Violation in 2022 drew attention to outdated bonding levels in Idaho Statute for out-of-state and problem operators. Additional definitions and terminology were identified as potentially needing modification. The Forest Practices Advisory Committee discussed potential statute changes and the implications of beginning the process, which involves Land Board and legislative approval. There was no definitive sentiment to move forward with the statute change process, though the needs are recognized and will be reevaluated in the future.

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, such as the *Sustainable Forestry Initiative* (SFI), 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. They also depend heavily on the data in this report for added third party documentation. Programs like the *American Tree Farm System* provide a similar role on the nonindustrial side. IDL strives to fully inform state land managers, as well as report their successes, to ensure they have a basis for comparison and receive credit for their stewardship ethic. 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.

Notification of Forest Practice on Private and State Forestland

A total of **1,916 Forest Practice Notifications** were accepted statewide in **2022** for operations on **private and state forestland**. This is a decrease over the 2,350 Notifications submitted in 2021. The accepted notifications in 2022 is below the standard range of fluctuation over a ten-year period.

Table 1 below shows the number of Notifications accepted from 2013 through 2022. This includes all forest practices IDL was notified of in 2022; 222 of these did not involve commercial timber harvest.

2013 to 2022

Notification of Forest Practice/Certificate of Compliance-Fire Hazard Management Agreement

Forest Protective District	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Priest Lake	43	39	33	43	41	46	36	47	60	24
Kootenai V.	244	233	207	214	233	222	216	199	191	153
Mica	267	284	279	307	264	339	278	261	377	283
Pend Oreille	521	649	673	706	631	676	616	713	638	522
Cataldo	106	97	132	136	130	130	90	89	148	86
St. Joe	356	452	368	445	407	385	311	344	313	295
Ponderosa	120	141	114	129	133	138	117	108	129	148
Maggie Creek	50	84	184	132	46	71	65	44	37	40
Craig Mtn.	50	62	82	36	39	65	58	41	45	30
Southwest	61	41	26	19	12	14	14	9	17	11
Eastern Idaho	5	10	14	6	6	8	11	9	8	13
SITPA	80	78	84	63	80	73	65	55	71	45
CPTPA	<u>257</u>	<u>257</u>	<u>250</u>	<u>270</u>	<u>251</u>	<u>283</u>	<u>276</u>	<u>241</u>	<u>316</u>	<u>266</u>
TOTAL	2160	2427	2446	2506	2273	2450	2153	2160	2350	1916

Table 1—2013-2022 Notifications on both state and private forestland.

IDL's Notification/Compliance management system and hazard withholding database supports reporting of harvest operations separate from "Notification Only" operations which have no associated Certificate of Compliance.

The 2022 *Notification Only* by forest protection district is displayed in Table 2 below.

Forest Protective District	2022 Notifications Only
Priest Lake	1
Kootenai Valley	17
Mica	46
Pend Oreille	30
Cataldo	7
St. Joe	67
Ponderosa	41
Maggie Creek	0
Craig Mountain	0
Southwest	0
Eastern Idaho	0
SITPA	1
CPTPA	<u>12</u>
TOTAL	222

Table 2—2022 Notifications w/o commercial harvest on state and private forestland.

Table 3 shows the number of Certificate of Compliance/Fire Hazard Management agreements granted for state and private entities by Forest Protective District. In 2022, **121** were granted for operations on state land, **1,571** on private land, and two on federal, for a total of **1,692 commercial harvest operations**. The 1,571 on private land include operations conducted on industrial and nonindustrial private ownerships.

Forest Protective District	* includes federal		
	2022 Private	2022 State	2022 Total
Priest Lake	17	6	23
Kootenai Valley	131	5	136
Mica	235	2	237
Pend Oreille	479	13	492
Cataldo	73	6	79
St. Joe	205	22	228*
Ponderosa	98	9	107
Maggie Creek	37	3	40
Craig Mountain	26	3	30*
Southwest	11	0	11
Eastern Idaho	2	11	13
SITPA	40	4	44
CPTPA	<u>217</u>	<u>37</u>	<u>254</u>
TOTAL	1571	121	1694

Table 3. State and Private Forestland—Certificate of Compliance/Fire Hazard Management Agreements.

Individual Operations Inspected

Of the **1,916** accepted Notifications in 2022, **947 distinct operations** received at least one inspection. With **49%** of all operations receiving an inspection in 2022, the total inspected operations and rate of inspection in 2022 increased from 2021 (855, 36% respectively) and nearly meets IDL’s goal of inspecting 50% of all operations. This increase in the inspection rate is primarily due to filling staff vacancies and a below-average fire year. Training needs for newly hired staff may have tempered inspection numbers in some Supervisory Areas. *Figure 2* shows the comparison of inspected operations from 2017-2021.

Each year Private Forestry Specialists strive to inspect private and state operations in a consistent manner and prioritize inspection sites by the presence of special cautions, variances, and complaints. Typically, PFSs perform very few inspections for Notification Only operations, which do not involve commercial timber harvest. Thus, the actual inspection rate of harvest operations is higher.

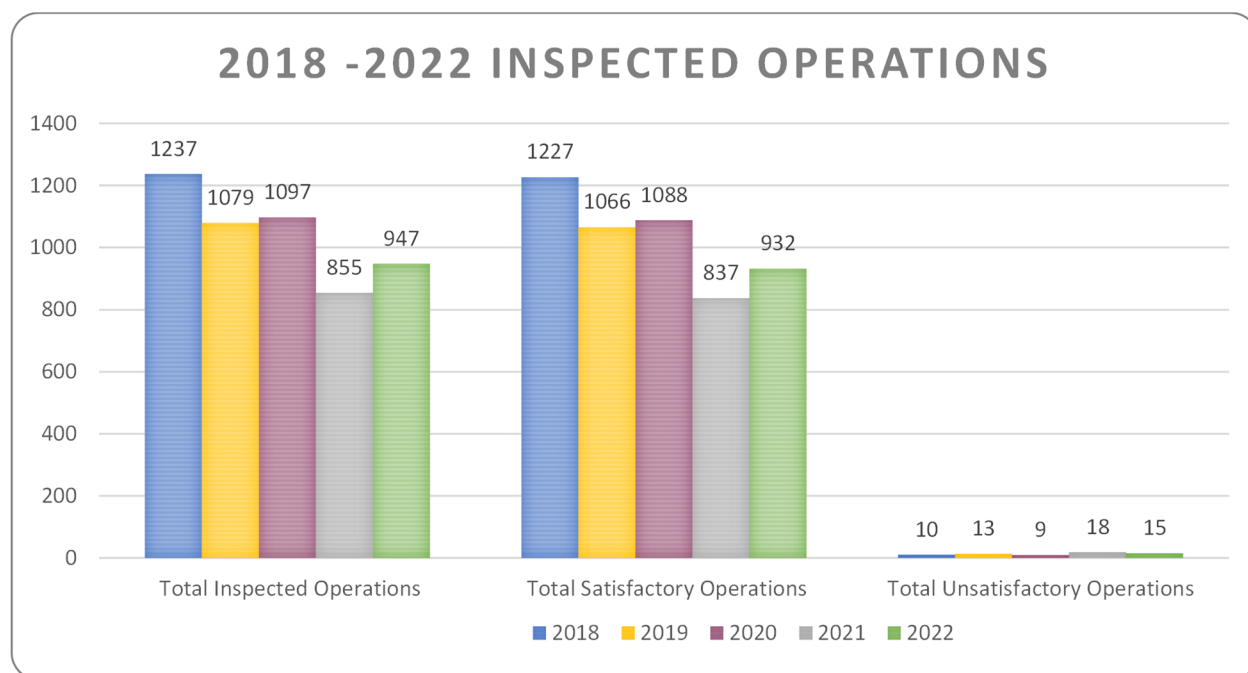


Figure 2. Comparison of Yearly Inspected Operations on State and Private Forestland 2018–2022.

For private harvest operations in 2022 (See Table 3), **868** out of **1,571** operations received an inspection for a rate of **55%**. On state forestland in 2022, **79** of **121** state operations received an inspection by a Private Forestry Specialist. This **65%** inspection rate includes all compliances issued for operations on state forestland. These data do not include contract inspections conducted by the forester-in-charge of state managed sales. Most, if not all, notified private operations are active in the year the compliance is issued and can be active for up to two years beyond the issue date. On state sales, harvest activity may not commence for up to a year after the issuance of the compliance; expiration is typically three years after the issue date.

Of the 947 inspected operations, **932** demonstrated satisfactory BMP implementation (in compliance with the FPA Rules). This is a **98.4%** compliance rate. The remaining **15** operations inspected in 2022 had at least one inspection report in which one or more unsatisfactory conditions (rule infractions) were observed. Compared with 2021, compliance increased slightly. On average over the past five years, 98-99% of inspected operations demonstrate satisfactory implementation of the Forest Practices Rules. Because the selection criteria for inspected operations prioritizes operations having special cautions or conditions more likely to result in rule infractions, lower inspection rates disproportionately reflect lower BMP compliance. Class I and Class II streams were present at nearly the same rate of inspected operations in 2022 compared to 2021. Steep slopes and unstable soils were present on 5.5% more inspected operations in 2022 than 2021.

Figure 3 is a comparison of state and private inspections in 2021 and 2022. **Three (3)** of the 15 unsatisfactory operations reported in 2022 were on state owned land and **12** were on private forestland. The unsatisfactory inspections occurred on all ownership types, but the majority were on non-industrial private forests. Private operations demonstrated **98.6%** satisfactory rule implementation. Inspections conducted by PFSs on state forestland in 2022 demonstrated **96%** satisfactory compliance: three unsatisfactory operations out of 79 inspected.

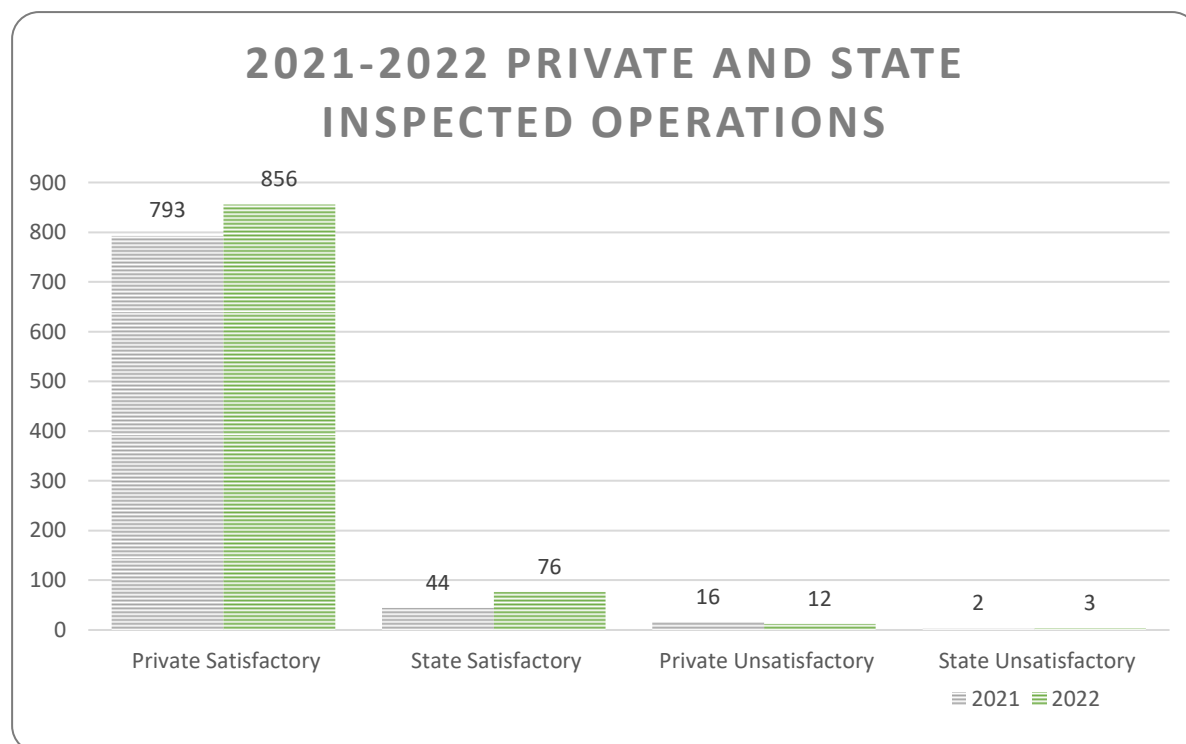


Figure 3 Comparison of Satisfactory and Unsatisfactory Inspections on Private and State Operations.

Frequency and Location of Inspections

During 2022, IDL PFSs and assistants performed **1,126** total Forest Practices inspections across 948 distinct operations of state and private forestland. Inspections occurred in every IDL Supervisory Area except Eastern Idaho. The Southwest Supervisory Area inspected the fewest (9), though their inspection rate was over 80% since only 11 Notifications were issued in 2022. Pend Oreille Lake, Mica, and Clearwater Areas had the greatest number of inspections in the State (381, 236, and 154 respectively). This is proportionate to the active operations in these Areas. The St. Joe Supervisory Area inspection rate was lower than average primarily due to turnover and training of new PFSs. *Figure 4* shows spatial representations of all Forest Practices inspections performed in 2022 by IDL Supervisory Area (vs Forest Protective District).

Overall, inspections were down from the statewide average in recent years but are trending up. 2022 saw a 10% increase in inspected operations compared to 2021. The increase can largely be contributed to filling staffing vacancies and a comparatively less active fire year. The number of inspections is expected to continue to increase as staff continue to gain experience. Years with active fire seasons will likely have a decrease in inspection levels because many of the forest practices advisors are qualified incident responders and support firefighting efforts during times of critical need.

(Note: Many inspections are performed on sites with Notifications submitted in previous years and many late-year Notifications may not receive inspections until the next calendar year. This year-to-year carryover remains relatively constant over time. IDL consistently reports on the number of inspected operations compared to the total number of forestland Notifications accepted in a given calendar year, as well a breakout of harvest operations.)

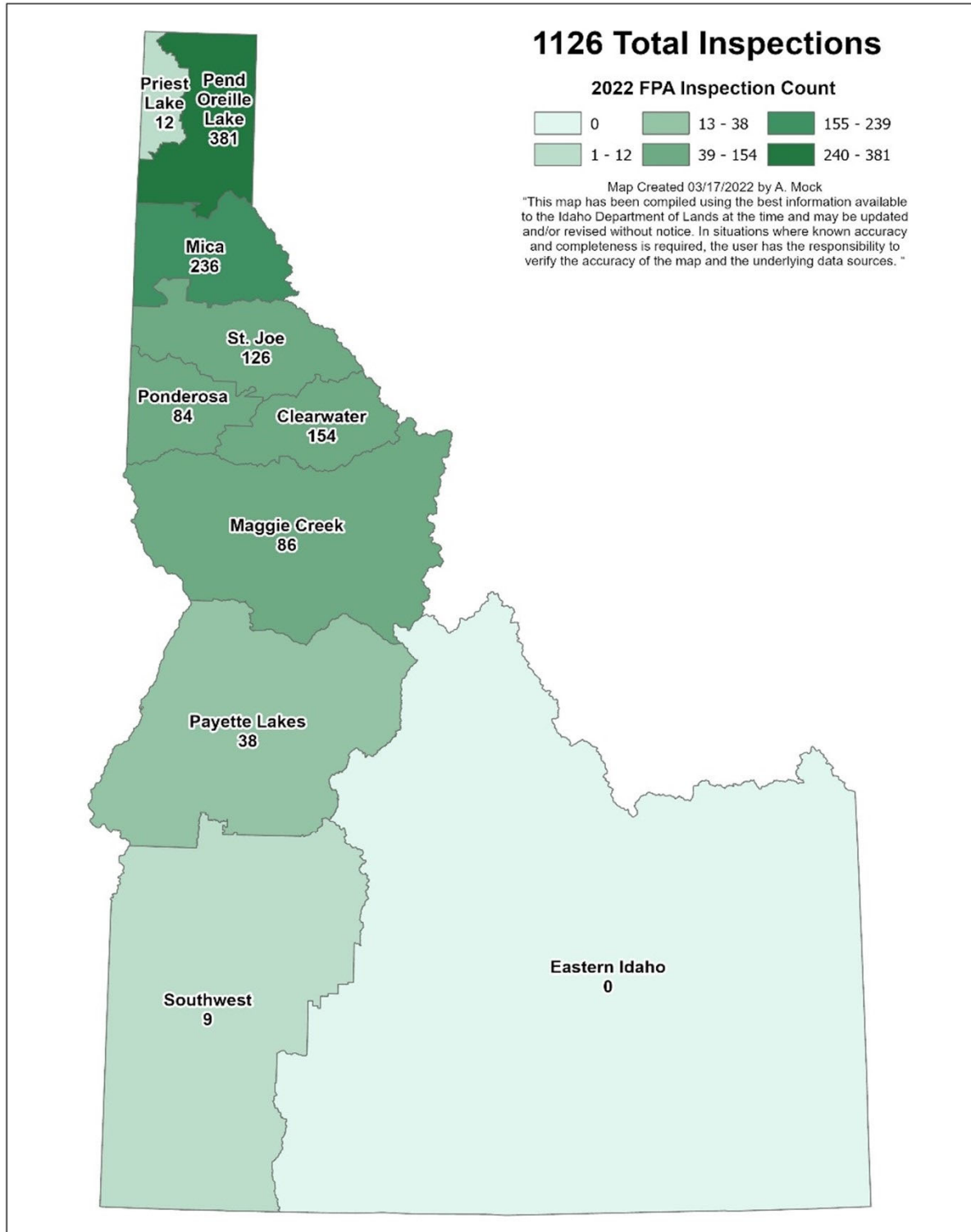


Figure 4. 2022 Map of inspections by Supervisory Area.

Rule Compliance

Figure 5 shows a comparison of the **total** number of 2021 and 2022 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 **1,126** total inspections performed in 2022, the number of inspection reports containing all-satisfactory conditions was **1,093** (*Total Satisfactory Inspections*); this demonstrates that **97%** of all **inspections** performed in 2022 found 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 encompasses all inspections, including multiple inspections of the same operation. Within these 1,129 performed inspections, the number of inspections that resulted in reports indicating at least one unsatisfactory condition totaled 32.



Figure 5 Comparison of 2021 and 2022 total inspections.

Figure 6 shows a comparison of the total number of inspections carried out by ownership category in 2022. In 2022 there were **100** inspections carried out by PFSs on IDL managed timberland. State operations inspected by PFSs indicate **94%** compliance. The total number of inspections conducted on private forestland was **1,029**, with **1,003** satisfactory. The compliance rate on private timberland is **97%**.

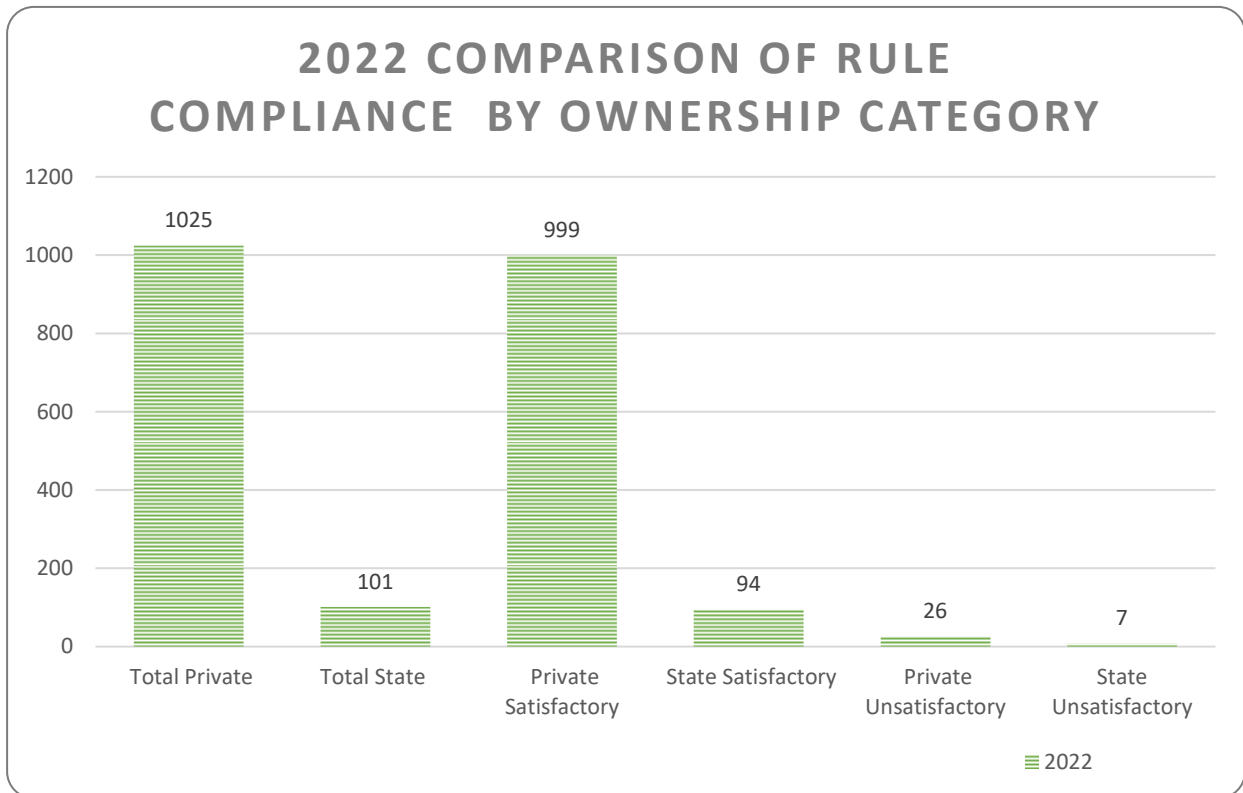


Figure 6 Comparison of Rule Compliance by Ownership Category in 2022.

Figure 7 shows the frequency and types of individual rules that were violated in these *unsatisfactory* reports.

(FPA rules posted: <https://www.idl.idaho.gov/wp-content/uploads/sites/2/2022/07/Web-Rulebook-2022.pdf>)

Within the **32** unsatisfactory inspection reports on 15 operations there were **147** rule infractions cited. The most frequently infringed rules were the *Stream Protection* rules (IDAPA 20.02.01.030.07), location of trails and landings (020.02.01.030.04), and Drainage Systems (020.02.02.030.05), which comprised 20%, 14% and 14% of infractions respectively. Road Maintenance and Soil Protection each comprised less than 10% of the infringed rules. There was a noticeable increase in infractions for treatment of waste material (020.02.01.030.06). This is following a decrease in previous years due to an emphasis on the rule. There was also a significant increase in the violation of rules pertaining to taking out a notification and variances (020.02.020.01. Rule 030.07 has the greatest number of subparagraphs of all the Harvesting

Rules and often when 040.03, 040.04 or 030.04 are cited, 030.07.c will be cited as well for operating ground-based equipment inside the SPZ without a variance. In addition, multiple 030.07 subparagraphs are often cited for a single instance of resource damage. This has the effect of amplifying the weight of the *Stream Protection* rule infractions. Again, in 2022 there were no infractions for petroleum waste which has been a trend in recent years (IDAPA 20.02.01.060.02).



Figure 7 Comparison of Individual Rules Violated in 2021-2022.

Attributes of Inspected Operations

Figure 8 shows the number of inspected operations 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 including site-specific special cautions. As these data show, often one operational area includes both Class I and Class II streams, as well as other attributes. Of the 948 operations inspected, 338 (36%) of the operational areas contained at least one Class I stream, and 710 (75%) contained a Class II stream. Between 2021 and 2022, the percentage of operations inspected with a classified stream remained the same. Operations with a classified stream remain a high priority for inspection.

The highest inspection priority is always given to requested pre-work meetings. IDL believes it is better to identify suitable alternatives to rule standards rather than subsequently observe unsatisfactory conditions in an inspection. IDL would like to conduct pre-operational collaboration with nonindustrial private forestland (NIPF) operators to the extent it does with industry and state operators. Those operators/landowners do not request such collaboration with similar frequency, but IDL offers it whenever possible.

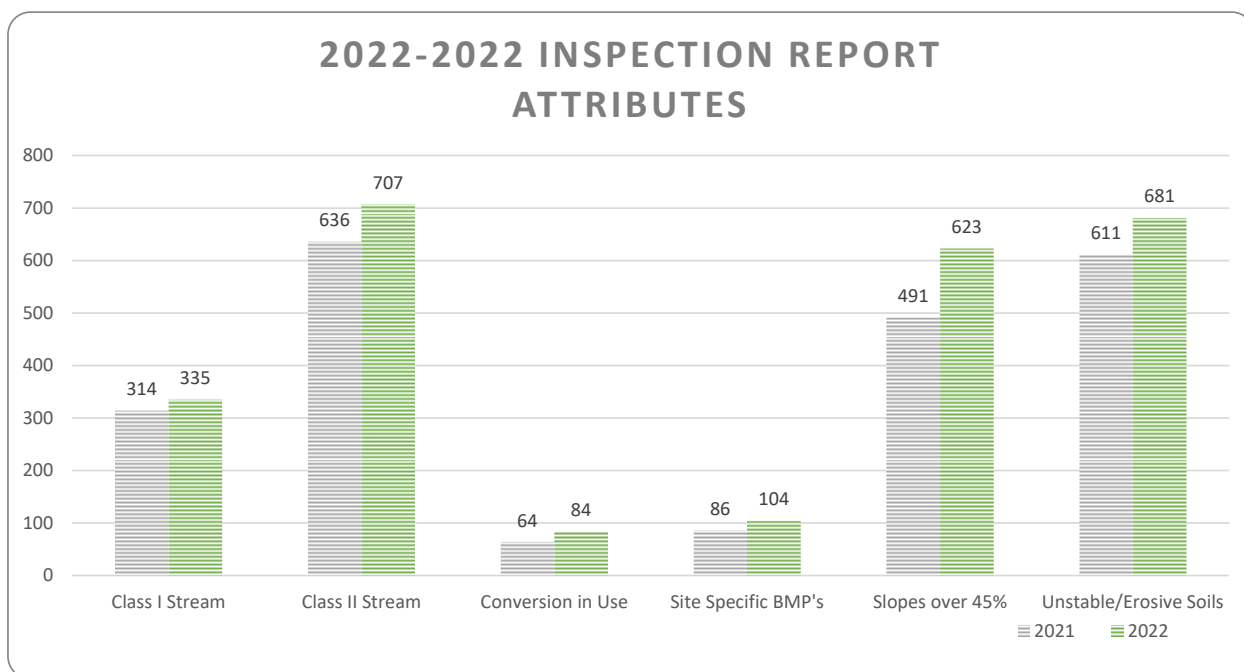


Figure 8 Comparison of the Attributes of all Inspected Operations in 2021 - 2022.

IDL’s intent is to conduct FPA inspections on IDL managed state land in the same manner as on private land. The first step in achieving that consistency is to select sites for inspection using the same decision process. Figures 9 and 10 depict the Inspected Operations Attributes of the inspections conducted on operations on private land and state land, respectively. While the two data sets are very different in magnitude, as expected, the distribution by attribute on state land is like that on private land. Harvest operations on all state lands, including endowment lands, are conducted by IDL, and are listed as state operations.

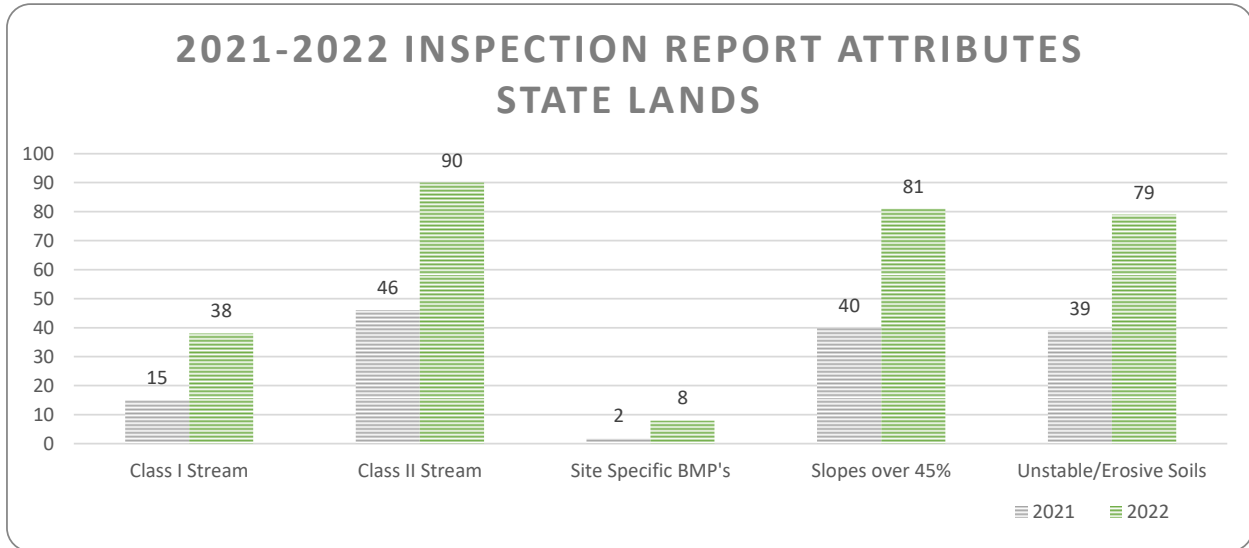


Figure 9 Inspected Operations Attributes on State (IDL managed) Land

In 2022, there were 84 inspections of operations associated with conversions of land use which is a 31% increase from 2021. Some of these operations required multiple inspections by Private Forestry Specialists. The commitment of time and resources to inspection of forest practices on lands slated for conversion to non-forest land uses is a concern for the Forest Practices program. IDL has seen an increase in compliances associated with development as housing markets have tightened and buyers from all reaches of the state and nation are moving into the forested outskirts of Idaho’s population centers. Recently, this issue has been highlighted by IDL and in the process of being addressed by FPAC.

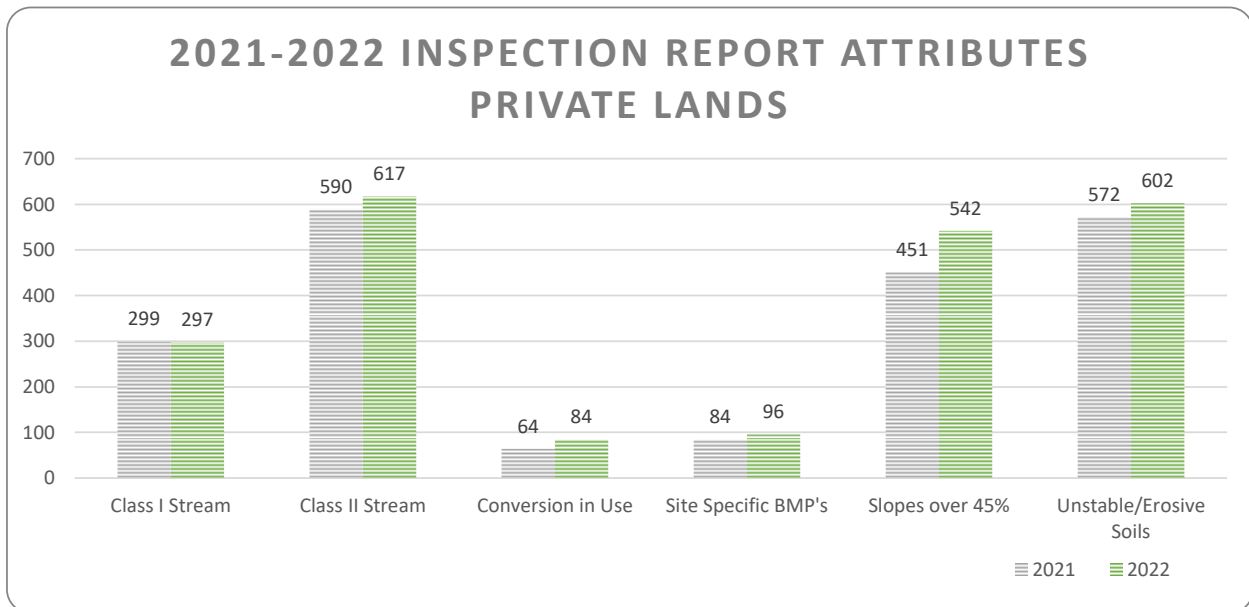


Figure 10 Inspected Operations Attributes on private land

Notices of Violation

A Notice of Violation (NOV) is issued when repeated unsatisfactory conditions and/or severe resource degradation are observed during an inspection. A 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 2022 three were issued.** Figure 11 shows the number of NOV's issued per year over the last decade. Except for 2015, the number of NOV's each year is typically three or less.

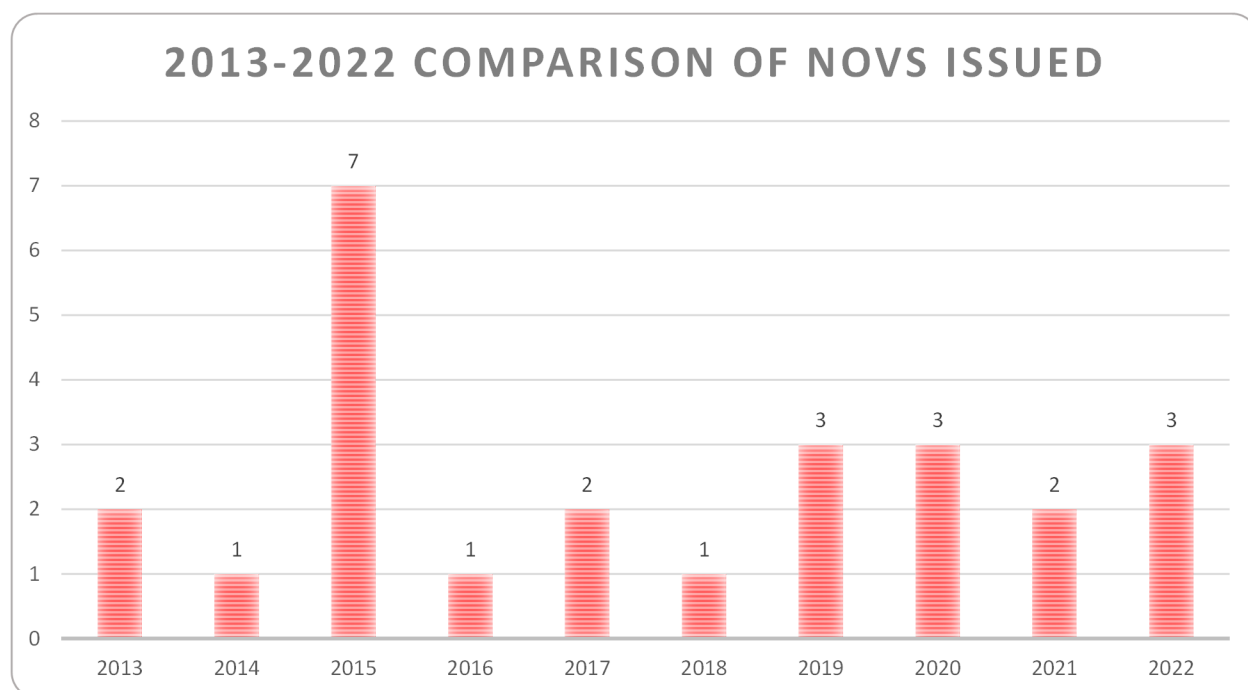


Figure 11 Comparison of NOV's Issued from 2013 through 2022.

The first Notice of Violation was issued to an operation with multiple skid trails inside Class II SPZs. This operation also had a significant amount of sidecasted material that entered a stream and multiple other violations. The remediation work was completed, and the NOV was cleared.

The second NOV issued had similar violations including operating ground-based equipment within 30 feet of a Class II stream, inadequate skid trail drainage, and improper road maintenance. The NOV was cleared after remediation work was completed.

The third NOV was issued for severe rutting, ground-based operation in Class I and Class II SPZs, slash piles within SPZs, lack of road maintenance, petroleum products left onsite (leaking equipment parked in Class I SPZ), and temporary crossings not removed. These issues led to sediment delivery directly into streams. Multiple failed attempts were made to encourage the operator to complete the necessary remediation. When the deadline for remediation passed, a third party was contracted to complete the work ahead of fall rains. The NOV will remain until the operator pays the IDL for the cost of the remediation work.



Many departmental and programmatic lessons were learned as a result of this violation and the failure to mitigate. Better communication is needed between the PFSs and Fire Wardens to be sure operations are not cleared for slash compliance without being inspected and cleared for forest practices. When issuing a Notification/Compliance, the expiration date on the document should not be less than a year, especially when significant volume is being removed. More attention must be paid to inspecting and re-inspecting operations with operators who have a reputation for poor performance. Mills must be timely in their month-end volume reporting and diligent about monitoring operators with outstanding Notices of Violation to preclude log delivery by violating operators until remediation work is complete.

On a positive note, this incident highlighted the great work by PFSs and program staff who clearly documented and followed-up with operators. There was no question of expectations or timelines with respect to the needed remediation. Decisive action was taken to mitigate potential resource damage when the need was apparent. It is a testament to the effectiveness of the rules and the implementation of their enforcement.

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. IDL Private Forestry Specialists or Operations Foresters usually address these complaints. Complaints range from perceptions of resource degradation and resource damage, to concerns over aesthetics.

The PFSs analyze each complaint and decide whether the complaint can be addressed by checking compliance with the FPA Rules; if so, a site visit is usually performed. **Forty-three** (43) FPA-related complaints were received by IDL Offices in 2022. Compared to 2021, the number of complaints increased by 34%. Two-thirds of the complaints required a field visit, and the remainder were addressed in the office (on the phone or in-person). The number of FPA-related complaints received by each IDL Supervisory Area is shown in *Figure 12*.

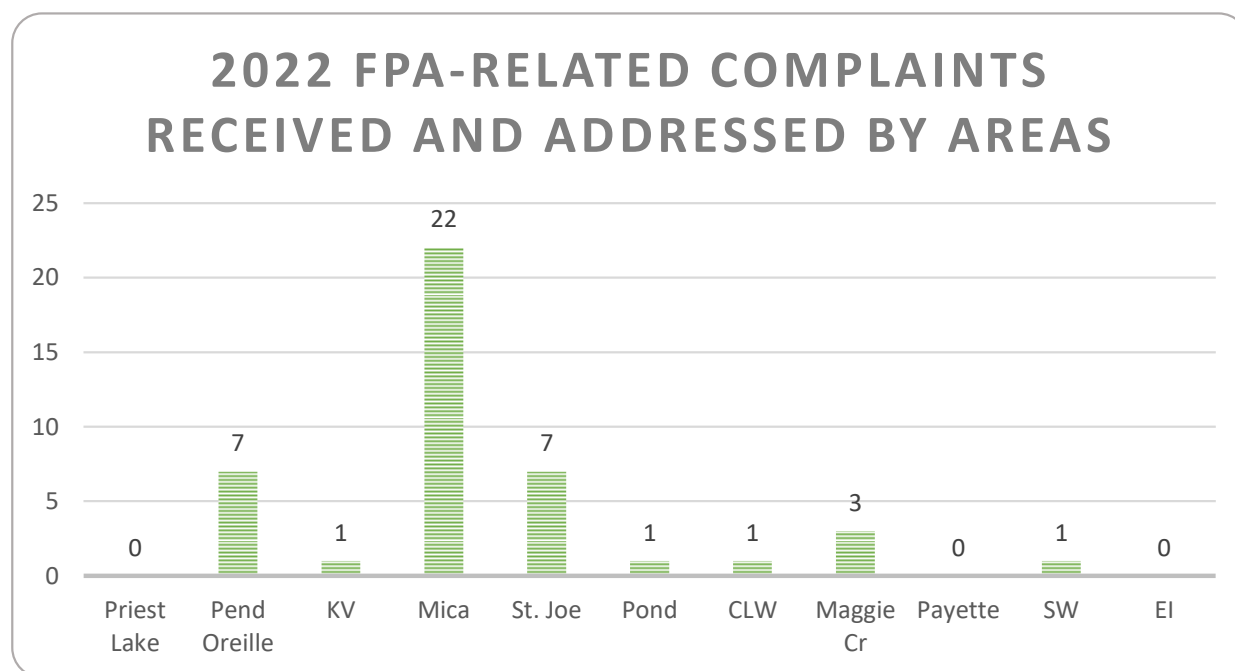


Figure 12 FPA Related Complaints received in 2022 by Area.

Following a change in tracking procedures in 2020, the total number of complaints is lower than historic averages. While each Area does not track complaints in the same way, there is typically consistency in year-to-year reporting among the areas.

Variations

Figure 13 shows a 2021-2022 comparison of the number of variances granted statewide. For 2022, 56 variances were issued on all forestland harvest operations, down 25% from 2021. This decrease in granted variances is a trend that has continued from previous years. Out of 1,916 Compliances, variances were granted to less than 3% of all harvest related operations.

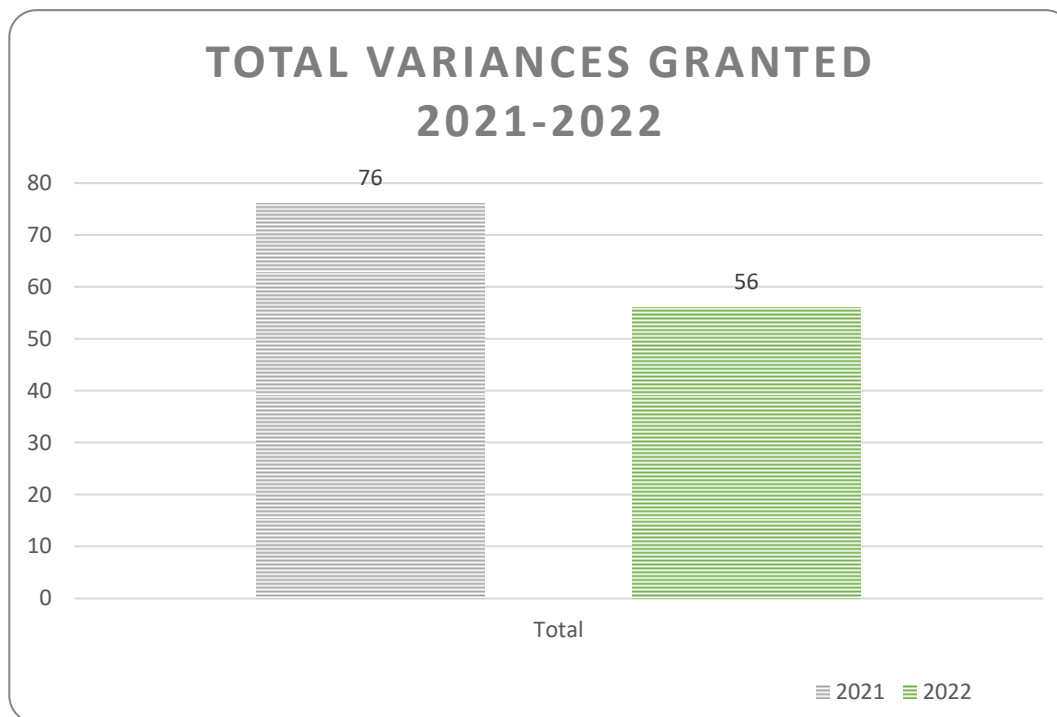


Figure 13 Comparison of Variances in 2021 and 2022.

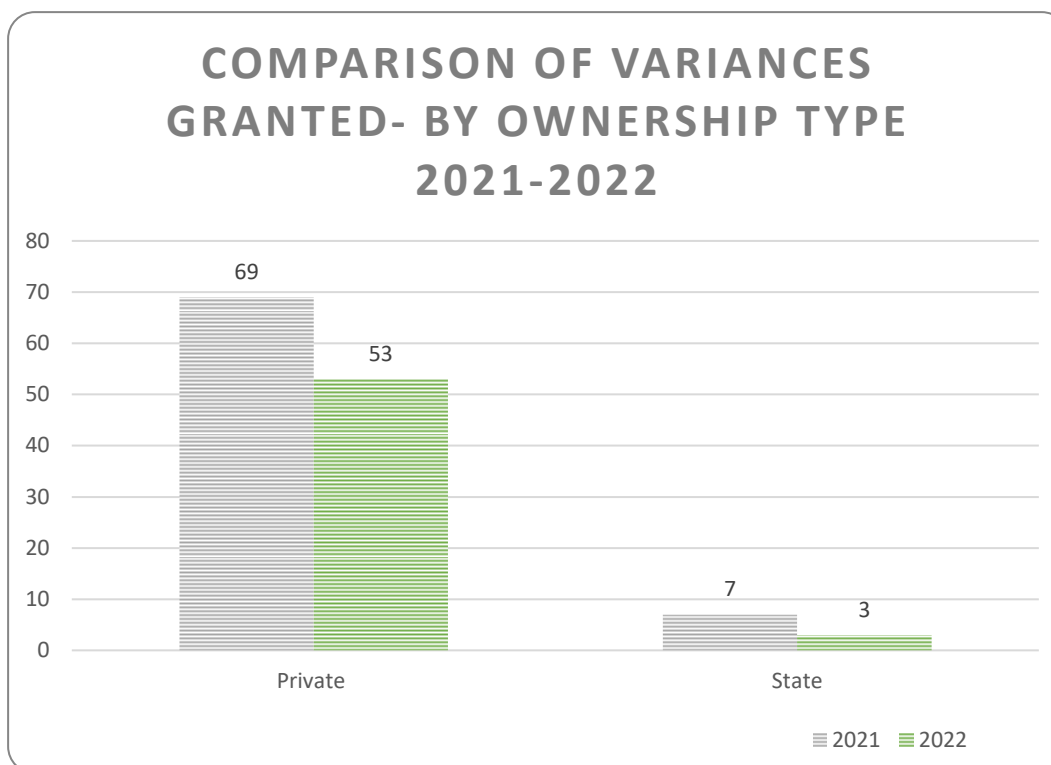


Figure 14 Comparison of Variances Granted across ownership type.

Figure 14 shows the distribution of variances by ownership in 2022. Variances were granted on 2.5% of state operations and 3.4% of private operations. All variances issued in a Supervisory Area are signed by the Area Manager or the Private Forestry Supervisor and must meet the “equal or better over the long-term,” protection-criterion. It is the inspectors’ and supervisors’ responsibility and objective to ensure the criterion used to grant variances is applied consistently across state, industrial and nonindustrial private ownership.

Figure 15 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 SPZ. 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. Additionally, use of ground-based equipment inside the SPZ must not result in added degradation to the soils, water quality or fish habitat within the watershed and must result in less sediment delivery to streams than that from construction of new transportation systems outside the SPZ. From year to year, there is very little difference for which rules variances are granted.

(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	No ground-based equipment on slopes >45% threat to stream
	030.03.b	Grade of constructed skid trails < 30%
	030.04.a	Landings, skid trails, and fires trails outside SPZ
	030.06.c	Waste material deposited outside SPZ
	030.07.b	Temporary stream crossings used
	030.07.c	Ground-based equipment outside SPZ
	030.07.e	Water filtration effects of vegetation in SPZ
040. ROAD CONSTRUCTION	030.07.e.ii	Streamside shade retention adequate
	040.02.a	Road construction outside SPZ
	040.02.g	Stream crossings minimized and properly installed
	040.02.h	Road reconstruction outside SPZ
	040.03.i	Cut slopes reconstructed

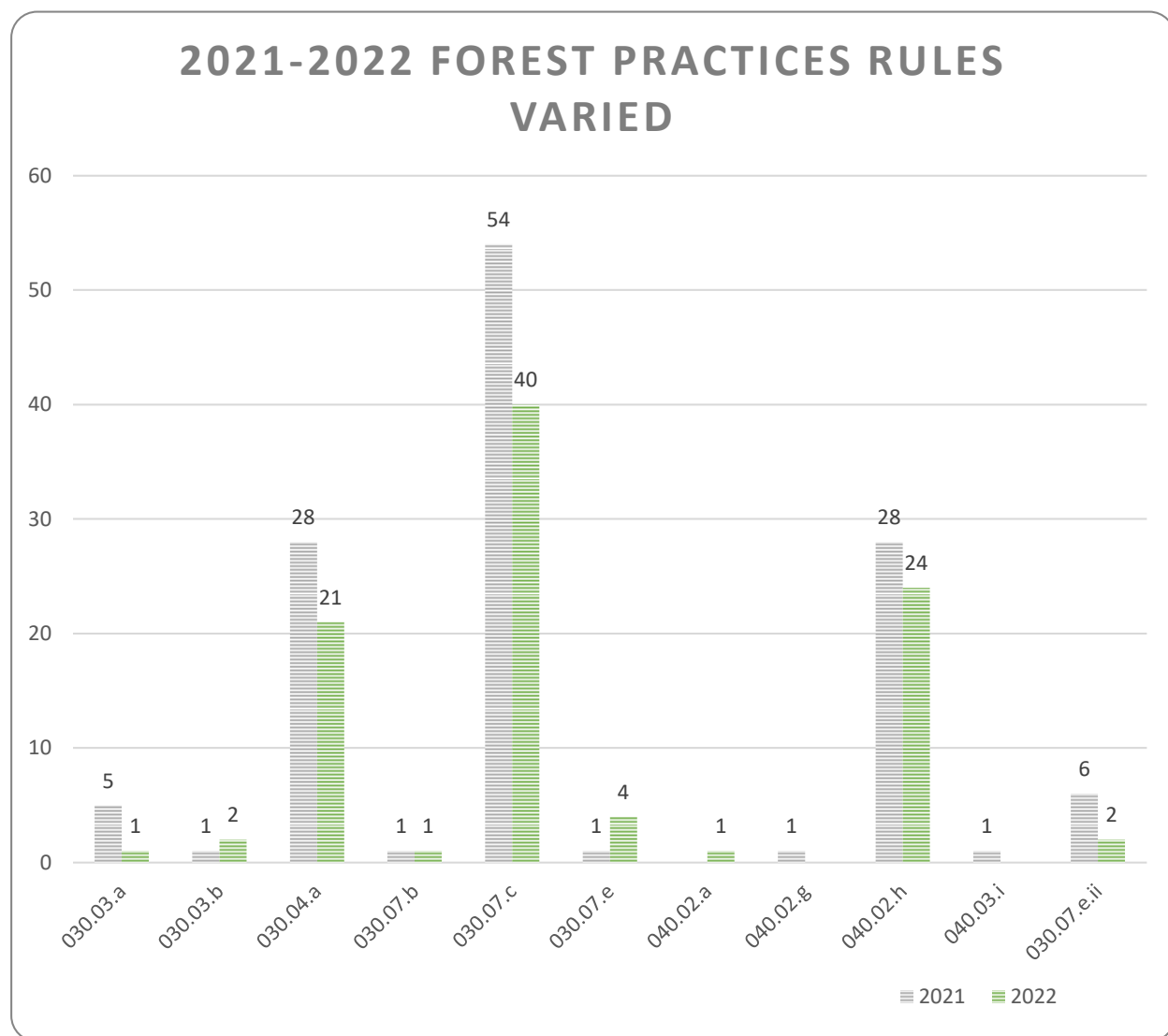


Figure 15 Comparison of Variances for 2021 and 2022.

Rule 030.03.a Soil Protection contains a clause that prohibits operating ground equipment on slopes exceeding 45% immediately adjacent to streams without a variance. Prior to 2017, very few variances were granted for this rule; in 2017, there was a jump in variances granted for 030.03.a to 16, and that number steadily increased to 37 by 2019. The number dropped in 2020. Cable-assisted, mechanized-harvesting near streams was the primary driver of these variances. Recognition of the growth of this technology in Idaho combined with the findings of low impact ground disturbance with its use, led to a rule change in 2021. The frequency of traction-assisted harvesting on steep slopes will not be tracked under the new rule.

Figure 16 provides a comparison of variances issued on state land with those issued on private land. Even though the number of variances issued on state land was low, it is clear the largest number of variances on all ownerships is for trail or landing use or construction in an SPZ and associated use of ground-based equipment in the SPZ. There were two (2) variances for harvest below stocking limits in Class I Stream Protection Zones. This is a significant decrease from variances for this rule in 2021. It is not clear whether the overall reduction in variances from the previous year is because fewer variances were requested in 2022 than 2021, or if fewer of the requested variances were granted. A new Class I retention rule was added in 2022 which also certainly affected the number of variances granted but is impossible to quantify.

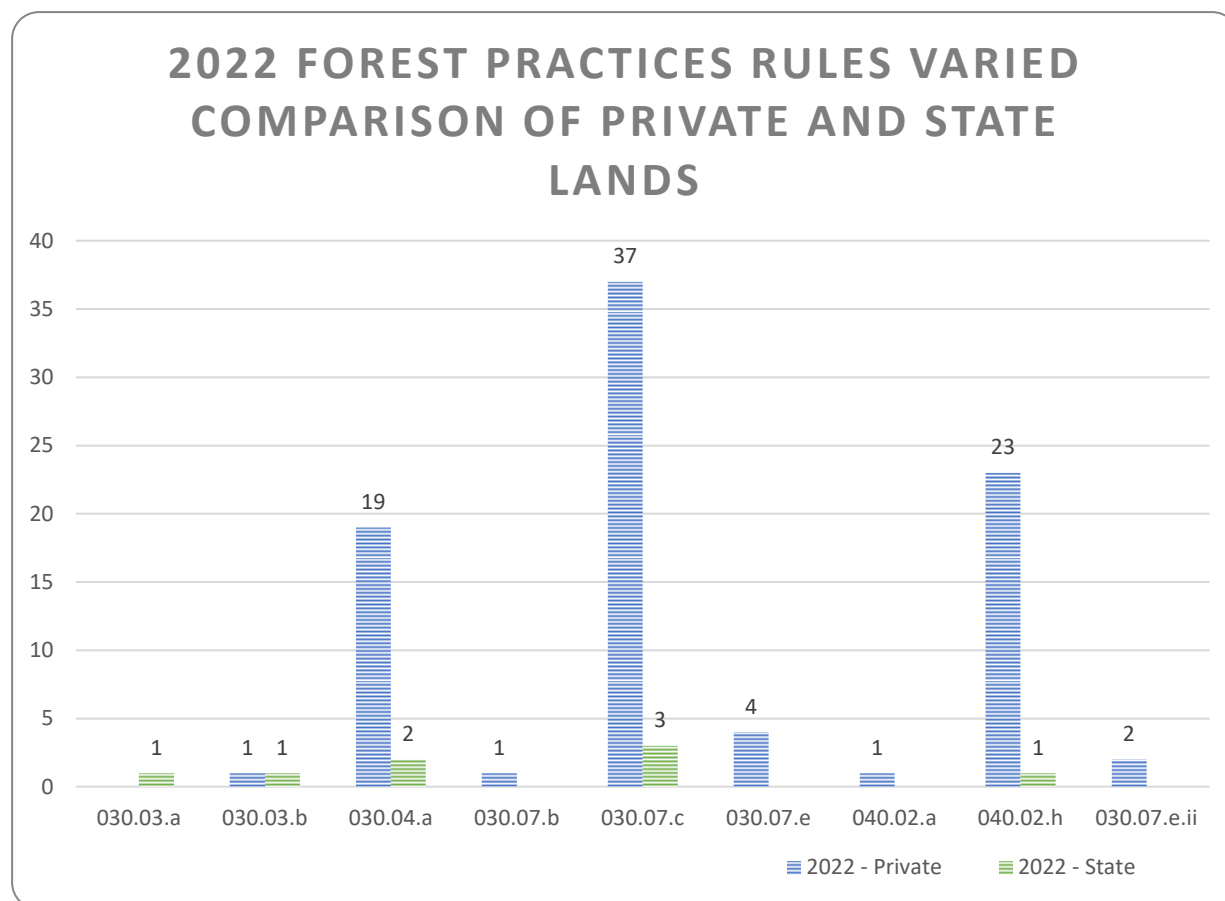


Figure 16 Comparison of Rules for which Variances were Granted by Ownership Type.

Rule Title	Rule Number	Rule Paraphrase
030. TIMBER HARVESTING	030.03.a	No ground-based equipment on slopes >45% threat 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 crossings used
	030.07.c	Ground-based equipment outside SPZ
	030.07.e	Water filtration effects of vegetation in SPZ
040. ROAD CONSTRUCTION	030.07.e.ii	Streamside shade retention adequate
	040.02.a	Road construction outside SPZ
	040.02.g	Stream crossings minimized and properly installed
	040.02.h	Road reconstruction outside SPZ
	040.03.i	Cut slopes reconstructed

Stream Channel Alteration Projects (SCAP) 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. To meet the conditions under which IDL has this authority, the stream channel alteration projects must be part of a defined forest practice, the stream must be perennial, and the stream-crossing structures must meet certain size limitations and installation criteria.

One hundred thirty-four (134) total stream channel alteration installations/removals were received and approved by IDL statewide in 2022. A project application, submitted to IDL on a supplemental notification form, may contain multiple installations near each other (e.g., three culvert installations on one stream segment within one operational unit). Some of these crossings were temporary in nature and were removed at the end of the operation. Many others involved the removal and/or replacement of older crossing structures with bridges, culverts, and fords. In many cases, the installation improved fish-passage for upstream migration by removing barriers.

Figure 17 shows the number of stream channel alteration projects reviewed and administered by each IDL Area Office in 2022. Compared to 2021, there were nine less SCAPs statewide. Clearwater, Payette, and Southwest Areas saw increases in culvert installations, and Ponderosa and Mica Areas saw decreases.

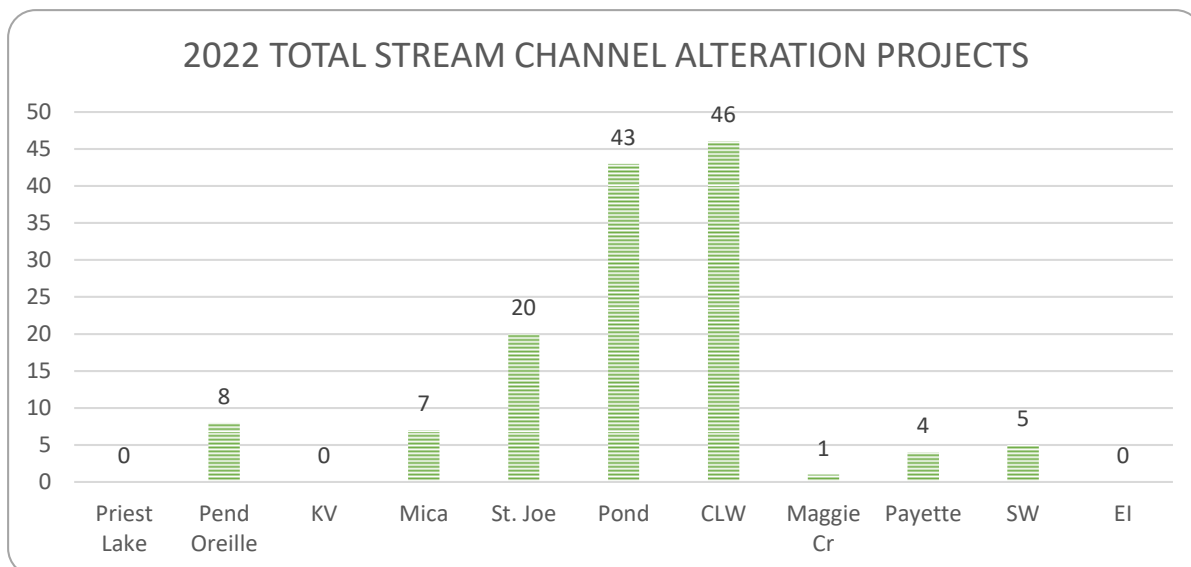


Figure 17. *Stream Channel Alteration Projects Reviewed by Area.*

Conclusion

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 provide targeted education to loggers which enhances awareness of the FPA Rules and needed compliance with these BMPs. The classes continue to be well-attended and up to date in addressing current forest practices issues and rule changes that affect loggers.

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 *Sustainable Forestry Initiative* (SFI) certification 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 them and their operators on the importance of Idaho's BMPs to maintaining and enhancing Idaho's water quality. An additional challenge facing the Forest Practices program in the upcoming year is filling the vacant Program Manager position after the retirement of Gary Hess in April of 2022. His knowledgeable, patient, well-reasoned approach to rule interpretation has been a constant for the Forest Practices program over the past six years.

Recognizing his skillset is not easily replaced, the search for a successor has been a challenge. Continuing his legacy to improve the program through technological modernization, scientific reasoning, and consistent interpretation will be the goal for 2023 and beyond. Thank you, Gary, for all you have done.

