

From: [Brown, Dan](#)
To: [Gary Hess](#); [Rule Making](#)
Cc: [Woodruff, Leigh](#); jason.pappani@deg.idaho.gov
Subject: RE: FP Rules Hearing - Docket No. 20-0000-1900
Date: Tuesday, August 13, 2019 5:22:29 PM
Attachments: [image004.png](#)
[8-13-2019 EPA Comment on IDAPA20.02.01.pdf](#)

Hi Gary,

I'm not sure I'll be able to call into the hearing on Thursday so I'm attaching EPA's comment letter. We also have a hard copy in the mail to Ara Andrea.

Please let me know if you have questions/concerns.

Thanks,
-Dan



Dan Brown,
Natural Resource Advisor - Forest Sector
U.S. EPA, Region 10: Oregon Operations Office,
805 SW Broadway, Suite 500
Portland, Oregon 97205
(503)326-6832

From: Gary Hess <GHess@idl.idaho.gov>
Sent: Sunday, August 04, 2019 4:10 PM
Subject: FP Rules Hearing

Good afternoon,

Currently, the Rules Pertaining to the Idaho Forest Practices Act IDAPA 20.02.01 are in a proposed status until reauthorized by the Idaho Legislature. Please find attached an agenda and public hearing notice for IDAPA 20.02.01.030.07.e.ii. A public hearing has been requested by citizens of Idaho regarding the "Shade Rule." Oral comments can be given at the hearing August 15, 2019. The deadline for written comments is August 16, 2019.

Best regards,

Gary

Gary R. Hess

Forest Practices Program Manager
Idaho Department of Lands
3284 W. Industrial Loop

Coeur d' Alene, ID 83815
(208)666-8636





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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WATER
DIVISION

August 13, 2019

Ms. Ara Andrea
Forestry Assistance Bureau Chief
Idaho Department of Lands
3284 W. Industrial Loop
Coeur d'Alene, Idaho 83815
rulemaking@idl.idaho.gov

RE: Docket No. 20-0000-1900; IDAPA 20.02.01 Rules Pertaining to the Idaho Forest Practices Act (Class I Stream Protection "Shade" Rule)

Dear Ms. Andrea:

The above referenced temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 20, rules of the Idaho Department of Lands: 20.02.01, Rules Pertaining to the Idaho Forest Practices Act.

The EPA submitted comments on the Rules Pertaining to the Idaho Forest Practices Act during the prior rulemaking process on June 26, 2013, and September 25, 2013. Those same comments (see docket No. 20-0201-1301) apply to the current temporary and proposed rulemaking.

The Rules Pertaining to the Idaho Forest Practices Act implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. Important objectives of the Idaho Forest Practices Act include meeting water quality standards and protecting public water supplies.

Shade retention improvement is critical to meeting water quality standards for temperature. We appreciate the effort by IDL staff to develop detailed rule implementation guidance, provide training and work directly with forest landowners in its proper implementation. While the EPA continues to have concern whether the rule will meet water quality standards, IDL's efforts in implementing the current rule is an improvement over historic requirements.

The current shade rules were developed through a lengthy and detailed process involving the Forest Practices Advisory Committee, state and federal agencies, industry and environmental stakeholders, and a public review/comment process. EPA encourages completion of the Idaho Department of Environmental Quality, IDL and University of Idaho evaluation of the shade rules effectiveness. Given the significant and broad effort to establish the current rules, any changes to them would be premature until final results of the shade rule effectiveness study are available. Therefore, we encourage re-adoption of the rules without change during the current rulemaking process.

Should you have any questions regarding our comments, please contact me at 503-326-6832, or Leigh Woodruff in our Idaho Operations Office at 208-378-5774.

Sincerely,

A handwritten signature in dark ink, appearing to read "Daniel J. Brown", with a long horizontal flourish extending to the right.

Daniel J. Brown,
Forest Sector Lead

cc: Gary R. Hess,
Forest Practices Program Manager, IDL
Jason Pappani,
Surface Water program manager, IDEQ