

## Negotiated Rulemaking Meeting Notes, 04/14/2021

**Name of Negotiated Rulemaking:** Rules Pertaining to the Idaho Forest Practices Act (IDAPA 20.02.01)

**Docket number:** 20-0201-2101

**Location:** Ponderay, Idaho and teleconference/web conference

**Date/Time:** Tuesday, April 14, 2021 – 6:00 p.m. to 7:00 p.m. PT

**Attendees:** See sign-in sheets

**Facilitated by:** Gary Hess, Regulatory/Stewardship Program Manager, Idaho Department of Lands

*This is the first of 4 scheduled meetings during the public comment period April 7 – May 7, 2021.*

**Craig Foss, Archie Gray, and Gary Hess** of the Idaho Department of Lands (IDL) presented on participation guidance, rulemaking, and a summary of rule change recommendations, which prompted the following discussion.

### Questions about the negotiated rulemaking process:

Carol Kriebs: Are there plans to meet with Tribes for consultation?

Archie Gray: Any group or individual can request a meeting or discussion. Please contact us by email or phone to schedule a meeting or presentation.

Randy Fox: Will the draft rule be updated from meeting to meeting based on comments received?

Archie Gray: The draft rule verbiage being presented and discussed at the four meetings through May 4 will remain consistent through the May 7 public comment period. Substantive comments and suggestions that come in may be presented for discussion at the next scheduled meetings.

### Questions about rules pertaining to Class II streams:

Lee Andrews: In the stream definition (010.47.d) for Class II SPZ, in reference to obtaining a variance, can “In no case will this distance be less than five (5) feet...” be taken out of the language? Do we need to say how close they can get to the stream?

Gary Hess: It can be put into guidance instead. That is a valid comment to consider.

Randy Fox: Please review the Class II shade protection and stocking requirements.

Gary Hess read the draft language of 030.07.e.iv from the strikethrough document.

Dan Brown: Is the requirement for stream crossings at right angles being eliminated and can you talk a little more about that?

Gary Hess read the current language regarding crossing the stream at right angles if at all possible. The draft change requires “...direct approaches to minimize ground disturbance...” which actually makes the rule more strict and enforceable. Previous language was ‘squishy’ making it difficult to identify and cite a violation.

### Questions about presentation and research regarding Class I modified shade rule:

Dan Brown: Can you talk about the comment that the effectiveness of the new rules were confirmed by the shade study?

Gary Hess: Addressed the question citing the study and its findings.

Dan Brown: The current prescription requires higher tree retention in the inner 0-25 zone than averaging over the inner 50-foot zone will.

Gary Hess: True.

Dan Brown: So, the study confirmed the effectiveness of the existing higher inner zone stocking, but not the proposed lower stocking. EPA has some specific comments on this that we will submit.

**Comments about the presentation as a whole:**

Dan Brown: Thank you Gary. Overall, these are good changes with the exception of those mentioned above.

Carol Kriebs: The Kootenai Tribe will be preparing a letter as well. Great presentation and thank you.