



Idaho Forest Owners Association
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May 7, 2021

Mr. Gary Hess
Regulatory and Stewardship Program Manager
Forestry and Fire Division
Idaho Department of Lands
3284 W Industrial Loop
Coeur d'Alene, Idaho, 83815

RE: IDAPA 20.02.01 - Negotiated Rulemaking

Dear Mr. Hess:

The Idaho Department of Lands announced its intention to promulgate forest practice rules and is requesting public comment during a negotiated rulemaking period prior to initiating rulemaking procedures. The proposed rule revisions are based on language proposed by the Idaho Forest Practices Advisory Committee (FPAC).

On behalf of the Board of Directors and the private forest landowner members of the Idaho Forest Owners Association, I am writing today to express our full support of the FPAC proposed changes to both the "Shade Rule" and the steep slope logging rule revisions. Members of the IFOA Board of Directors and other association members participated in stake holder and public meetings, and had an opportunity to understand and propose refinements of the "Shade Rule." As a consequence, the Board of Directors is in agreement that the proposed rule is a significant improvement over existing rule language.

The Forest Practices Advisory Committee (FPAC) voted to recommend language to the State Board of Land Commissioners which will provide for a simplified "Shade Rule" (030.07.e.ii (2014)) next to fish-bearing (Class I) streams and refine the definition of Class I streams (010.60.a) to apply only to aquatic life beneficial use. This simplification will promote rule understanding and make compliance easier and less costly. The objective is to retain management options for landowners while still affording appropriate protections to stream shade and large organic debris recruitment.

FPAC also identified a need to update rules specific to the use of ground-based equipment on steep slopes. The technology used in the industry has changed; machinery is now being used on steep slopes while tethered to an anchor with a specialized winch to improve traction. This traction-assistance allows the

machine to operate safely on steep slopes while minimizing soil disturbance. Reduced incidence of injuries and improvements in harvest efficiency have resulted from their use. Existing rule language does not allow for universal use of this new family of machines; modified rule language is needed to accommodate changing technology.

These rule changes will allow the private forest landowner greater flexibility in managing their forest lands adjacent to Class I streams while still providing the necessary shade to protect water quality and aquatic life. In addition, the modifications regarding tethered logging are clearly needed in order to keep the Forest Practices Act in step with improved logging technology.

Sincerely,

A handwritten signature in black ink that reads "M. E. Newsam Banks". The signature is written in a cursive, flowing style.

Marrion E. Newsam Banks
Executive Vice President
208-755-8168

CC: Craig Foss, State Forester IDL
Archie Gray, Bureau Chief, Forestry Assistance IDL

From: [Idaho Forest Owners Association](#)
To: [Rule Making](#)
Cc: [Gary Hess](#); [Craig Foss](#); [Archie Gray](#)
Subject: IDAPA 20.02.01 - Negotiated Rulemaking Comments
Date: Friday, May 7, 2021 12:18:55 PM
Attachments: [IFOA Shade Rule Support Letter 05_07_2021.pdf](#)

Please find attached the Idaho Forest Owners Association letter of support for the proposed changes to IDAPA 20.02.01. Thank you for this opportunity to comment on these changes.

best regards,

Marrion

Marrion E. Newsam Banks
Executive Vice President
Idaho Forest Owners Association
PO Box 1257, Coeur d'Alene, ID 83816-1257
208-755-8168



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