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May 20, 2021

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

Electronically submitted: [rulemaking@idl.idaho.gov](mailto:rulemaking@idl.idaho.gov) and [GHess@idl.idaho.gov](mailto:GHess@idl.idaho.gov)

**RE: Clarification Letter of Idaho Conservation League's Comments Regarding Negotiated Rulemaking for IDAPA 20.02.01**

Dear Mr. Hess:

I am submitting this letter to clarify points made in our general comments regarding the proposed rule revision for IDAPA 20.02.01, also known as the "shade rule." In our comment letter I wrote:

"While we appreciate the effort IDL and others have made to create a more readily understood and implementable calculation method, we do not believe that sacrificing the independent nature of the inner zone to satisfy the overall SPZ requirements represents the best solution. We recommend that IDL alter language in the proposed rule to establish a minimum Relative Stocking rate of 40 in the inner, pre-harvested 0-25 foot zone"

While I was composing ICL's comments on the proposed rule, I transposed the RS40 into the highlighted sentence above, creating the mischaracterization and typographical error. This letter is meant to correct that mischaracterization, and I appreciate your willingness to take it into consideration. The last portion of this sentence should read, "We recommend that IDL alter language in the proposed rule to establish a minimum Relative Stocking rate of **60** in the inner, pre-harvested 0-25-foot zone." In essence, ICL supports the position that if the inner 0-25-foot zone retains a stocking rate above RS60, allowable harvests should not drop this rate below the RS60 in order to retain adequate overstory shade and live root structure for erosion control, which follows the existing rule parameters. The proposed averaging system would essentially allow foresters and private

landowners to harvest more of the inner SPZ while still meeting the averaged goal of RS43 throughout the entire 75-foot SPZ. However, as we point out in our comments, the inner 0-25-foot SPZ is the most critical for overstory shade retention, large woody debris recruitment, and for providing erosion-preventing structure through root systems and associated understory vegetation.

In order for the proposed averaging system to operate at the most effective level across the entire SPZ, the inner 0-50-foot SPZ requires an averaging minimum of RS40, rather than the RS37 average that is used in the proposed rule. This is based on modeling conducted by the Environmental Protection Agency and can be found in the agency's comments on this proposed rule. We recommend that IDL alter language in the proposed rule to reflect a retention of RS40 throughout the 0-50-foot SPZ.

Thank you for allowing me the opportunity to provide IDL with clarifications to our previously submitted comments regarding this proposed rule change. If you have any questions regarding our comments and recommendations, please feel free to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randy Fox", is centered within a light gray rectangular box.

Randy Fox  
Conservation Associate  
Idaho Conservation League  
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**From:** [Randy Fox](#)  
**To:** [Rule Making: Gary Hess](#)  
**Subject:** comment clarification IDAPA 20.02.01  
**Date:** Wednesday, May 19, 2021 3:55:28 PM  
**Attachments:** [Shade Rule Comments Clarification letter.pdf](#)

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Gary,  
Please accept this letter clarifying a statement in our original comments on the proposed shade rule. I found a typographical error and mischaracterization I wished to correct.

Best wishes,

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Randy Fox  
He/Him/His ([What's This?](#))  
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