



IDAHO DEPARTMENT OF LANDS

2020

Idaho Forest Practices Year-End Report



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Forest Practices Program
Forestry Assistance Bureau

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2020 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. This year IDEQ and IDL performed the quadrennial Water Quality Audit of the Forest Practices Act Rule implementation to identify the level of compliance with and the effectiveness of the practices observed. A photograph from the site visit

to the GNA Jasper II sale in the Priest Lake Supervisory Area is shown in Figure 1. The DEQ Audit Report can be found at:

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

Also, FPAC reviewed and recommended numerous changes of the FP rules to the State Board of Land Commissioners. The Land Board will review this early next year and decide whether to authorize IDL to enter Negotiated Rulemaking.

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.



Figure 1 DEQ Audit of GNA Timber Sale Jasper II. (Pictured: left to right) Colton Finch-IDL Biologist, Ara Andrea-IDL Shared Stewardship Coordinator, David Wroblewski-USFS, Craig Foss-IDL State Forester, Jon Songster-IDL GNA Bureau Chief, Cameron Bennett-IDL GNA Forestry Technician, Hailey Frank-IDL GNA Forester, Felipe Cano-USFS, Adrienne Morrow-IDL Stewardship/Regulatory Specialist, Nikki Shockley-IDL GNA Records Specialist, Dan Brown-EPA Region 10 Natural Resource Advisor, Gary Hess-IDL Regulatory/Stewardship Program Manager, Ed Wingert-IDL GNA Program Manager, (Not pictured: behind the tree/camera) Hawk Stone-IDEQ Surface Water Quality Scientist/Corey Ivey-IDL Grants Project Coordinator.

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 then submitted to the Forest Practices Program Manager (FPA PM) for entry in 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 practice implementation must file a **Notification of Forest Practice** with IDL. When harvested wood will be used **solely** for the landowner's/harvester'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 or domestic use) 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 after consulting with the PFS. Some requests for a variance are denied and others are withdrawn by the applicant after they learn that the additional practices required by the IDL in order 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 the “Rules Pertaining to the Idaho Forest Practices Act Title 38, Chapter 13, Idaho Code”

(<https://adminrules.idaho.gov/rules/current/20/200201.pdf>)

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 2020 are **99%** compliant with FP administrative rules. Inspections demonstrate a continued high level of care and stewardship by Idaho forest managers and loggers during harvesting operations; in fact, this is among the highest reported compliance level in the past decade. Data regarding these achievements in 2020 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 show that timber-management activity in 2020 was steady with **2,160** accepted Notifications. This is less than a 0.2% increase from 2019. There were **2,030** private Notifications and **130** state Notifications. The BMP implementation rate of 99% across all **inspected** operations this year is slightly greater than that in 2019 (98.8%), and 1.6% above the 10-year average of 97.4%. The BMP implementation rate across all forest practice **inspections** this year is 98.7%. One operation often will receive multiple inspections.

Individual Operations Inspected

This past year (2020) saw inspections on **1,097** operations, across a total of **2,160** Notifications. This is a slight increase in the percent of distinct operations inspected (51% of Notifications) over calendar year 2019 (50% of Notifications) and meets the IDL goal of inspecting at least 50% of accepted Notifications during the calendar year. IDL found at least one unsatisfactory condition (or misdemeanor violation) on **9** distinct operations (0.01%) in 2020 vs. 13 operations (1.2%) in 2019. There were **1837** Compliances (does not include non-harvest Forest Practice Notifications) issued for private forestland in 2020, of which **1067** received at least one inspection, for an inspection rate of **58%**. All but **9** of the inspections on private land were found to be satisfactory. There were **121** new state Compliances in 2020, but only **71** active operations. Forest practices personnel inspected **30** of these active harvest operations on state forestland. This demonstrates that PFSs have been very active inspecting state timber sales, with **42%** of active timber operations on State lands receiving a forest practices inspection in 2020. All inspections on state operations conducted by a Private Forestry Specialist were satisfactory.

Frequency and Location of Inspections

Inspections occurred in every IDL Supervisory Area with Eastern Idaho and Southwest having the fewest (2 and 6 respectively) and Pend Oreille Lake, Mica and St. Joe with the most (426, 184, and 163 respectively). There was an increase in inspections on the Pend Oreille, but fewer inspections on Mica and St. Joe Areas.

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 2019 three NOVs were issued on a single operation for a violation of bonding requirements and inappropriate use of state Forest Practice Notification documents. In 2020, **2 of 3 total NOVs** issued (see *Figure 11*) were for a single operation that had overlapping Compliances. The third one was for failure to implement drainage control after an unsatisfactory finding.

Research

In 2020 the Idaho Department of Environmental Quality conducted the statewide quadrennial water quality audit of the Forest Practices Program. 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>

This most recent audit found, similarly to previous audits, that overall rule compliance was 96% and that the minimum Best Management Practices required by the forest practices rules, when followed, were effective. 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.

Looking Forward

IDL spent the year 2020 working with FPAC to develop substantive modifications of the Rules Pertaining to the Forest Practices Act Title 38, Chapter 13, Idaho Code (IDAPA 20.02.01). These modifications were the result of previous years' research and many collaborative public meetings with FPAC and stakeholders. On December 17, 2020 FPAC voted for IDL to petition the State Board of Land Commissioners to enter negotiated rulemaking to move these modifications forward. In the coming year IDL will approach the Land Board with this request. Should the Commissioners vote to allow this, IDL will enter negotiated rulemaking and all associated activity will be posted to the agency's public rulemaking page:

<https://www.idl.idaho.gov/rulemaking/>

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 **2,160 Forest Practice Notifications** were accepted statewide in **2020** for operations on **private and state forestland**. This is similar to the 2,153 Notifications submitted in 2019. *Table 1* below shows the number of Notifications accepted from 2009 through 2020. This includes all forest practices IDL was notified of; in 2020, 202 of thesejj did not involve commercial timber harvest.

2009 to 2020

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

Forest Protective District	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Priest Lake	39	49	42	40	43	39	33	43	41	46	36	47
Kootenai V.	111	152	149	168	244	233	207	214	233	222	216	199
Mica	195	262	260	216	267	284	279	307	264	339	278	261
Pend Oreille	295	408	380	438	521	649	673	706	631	676	616	713
Cataldo	60	70	65	81	106	97	132	136	130	130	90	89
St. Joe	210	263	340	333	356	452	368	445	407	385	311	344
Ponderosa	71	120	121	99	120	141	114	129	133	138	117	108
Maggie Creek	27	59	47	41	50	84	184	132	46	71	65	44
Craig Mtn.	49	72	59	74	50	62	82	36	39	65	58	41
Southwest	25	30	30	45	61	41	26	19	12	14	14	9
Eastern Idaho	3	7	6	4	5	10	14	6	6	8	11	9
SITPA	35	65	63	94	80	78	84	63	80	73	65	55
CPTPA	<u>162</u>	<u>233</u>	<u>259</u>	<u>226</u>	<u>257</u>	<u>257</u>	<u>250</u>	<u>270</u>	<u>251</u>	<u>283</u>	<u>276</u>	<u>241</u>
TOTAL	1282	1790	1821	1859	2160	2427	2446	2506	2273	2450	2153	2160

Table 1. 2009-2020 Notifications on both state and private forestland.

Table 2 shows the number of Certificate of Compliance/Fire Hazard Management agreements granted for state and private entities by fire protection district. In 2020, **121** were granted for operations on state land and **1,837** for private land for a total of **1,958**. These include all **commercial harvest operations**. The 1,837 on private land include operations conducted on industrial and nonindustrial private forestland.

Forest Protective District	2020 Private	2020 State	2020 Total
Priest Lake	31	16	47
Kootenai Valley	181	3	184
Mica	234	5	239
Pend Oreille	650	10	660
Cataldo	78	1	79
St. Joe	255	19	274
Ponderosa	87	6	93
Maggie Creek	36	5	41
Craig Mountain	36	1	37
Southwest	6	2	8
Eastern Idaho	2	7	9
SITPA	47	5	52
CPTPA	<u>194</u>	<u>41</u>	<u>235</u>
TOTAL	1837	121	1958

Table 2. State and Private Forestland—Certificate of Compliance/Fire Hazard Management Agreements.

Coincident with the new Notification/Compliance management system, IDL has a new hazard withholding database that supports better reporting, so in this 2020 report harvest operations can be reported separately from what are called Notification Only operations (no associated Certificate of Compliance).

Individual Operations Inspected

Figure 2 shows a comparison of operations inspected from 2016 through 2020. There were **1,097 distinct operations** inspected in 2020. Of those distinct operations, **1,088** operations demonstrated satisfactory BMP implementation (in compliance with the FPA Rules). This is a **99%** compliance rate. Of the total number of operations, **9** had at least one inspection report in which at least one unsatisfactory condition (rule infraction) was observed. All **9** unsatisfactory operations in 2020 occurred on non-industrial forestland. Inspections conducted by PFSs on state forestland in 2020 demonstrated **100%** satisfactory compliance. Of the **2,160** accepted Notifications in 2020, **1,097** of those operations received at least one inspection, so **51%** of all

operations received an inspection in 2020. This is the third consecutive year that IDL has met the statewide goal of inspecting at least 50% of the operations with a Notification on file. Typically, PFSs perform very few inspections for Notification Only operations that do not involve commercial timber harvest. Thus, the actual rate of inspection of harvest operations is closer to 60%.

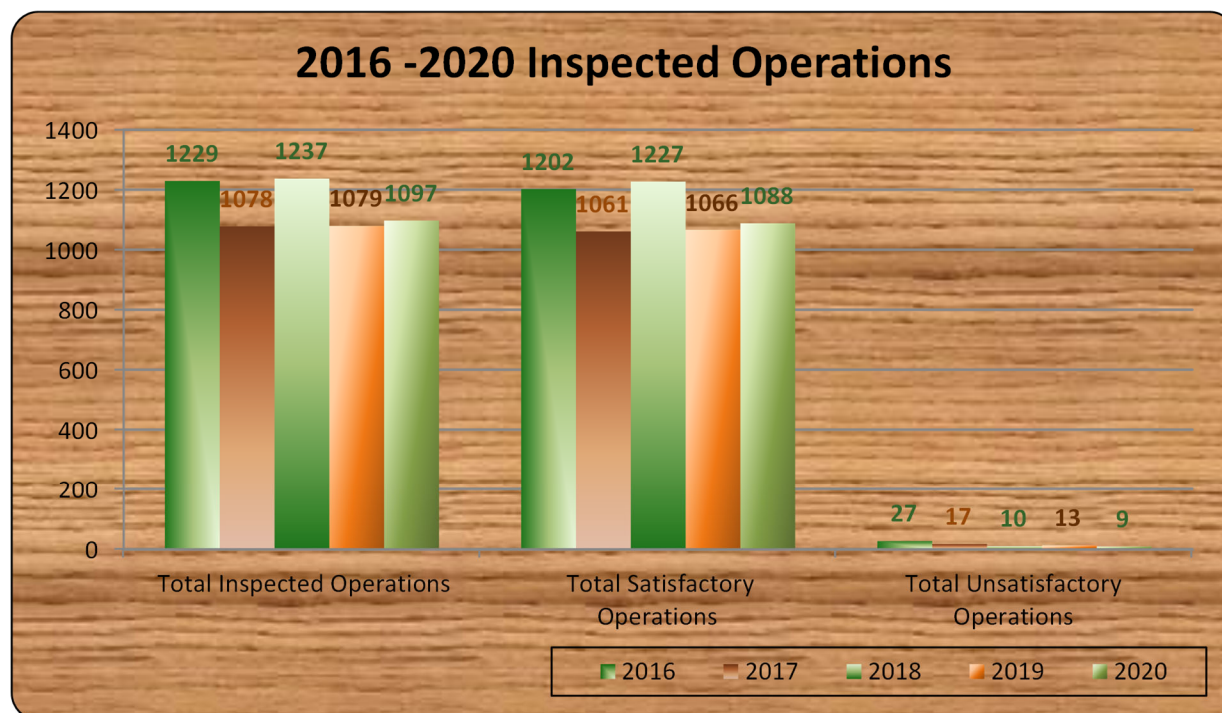


Figure 2 Comparison of Yearly Inspected Operations on State and Private Forestland 2016–2020.

On state forestland (See Table 2 and Figure 3), **30** state 2020 operations received an inspection by a Private Forestry Specialist. Not all **121** operations on state forestland issued a compliance were actually active in 2020, while most, if not all, notified private operations are active in a given year. Only **71** of state operations were active in 2020. This is an inspection rate of **42%**. These data do not include contract inspections conducted by the forester-in-charge of state managed sales. For private harvest operations, **1,058** out of **1,837** operations received an inspection, for a rate of **58%**. IDL's goal is to inspect private and state operations in a consistent manner (50% of all operations).

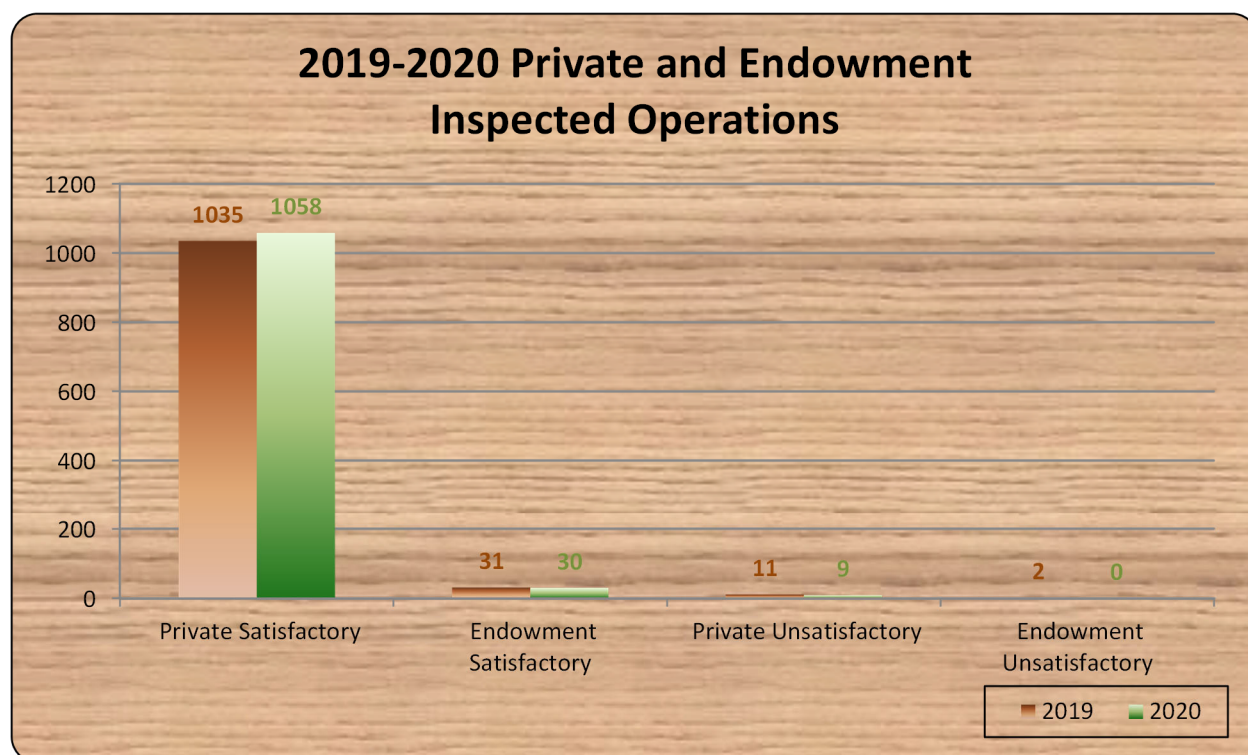


Figure 3 Comparison of Satisfactory and Unsatisfactory Inspections on Private and State Operations.

Frequency and Location of Inspections

During 2020, IDL PFSs and assistants performed **1,278** total Forest Practices inspections on 1,097 distinct operations of state and private forestland. *Figure 4* shows spatial representations of all Forest Practices inspections performed in 2020 by IDL Supervisory Area (vs Forest Protective District). The total number of inspection reports in each Area includes follow-up inspections on the same operation; this results in more inspection reports than operations.

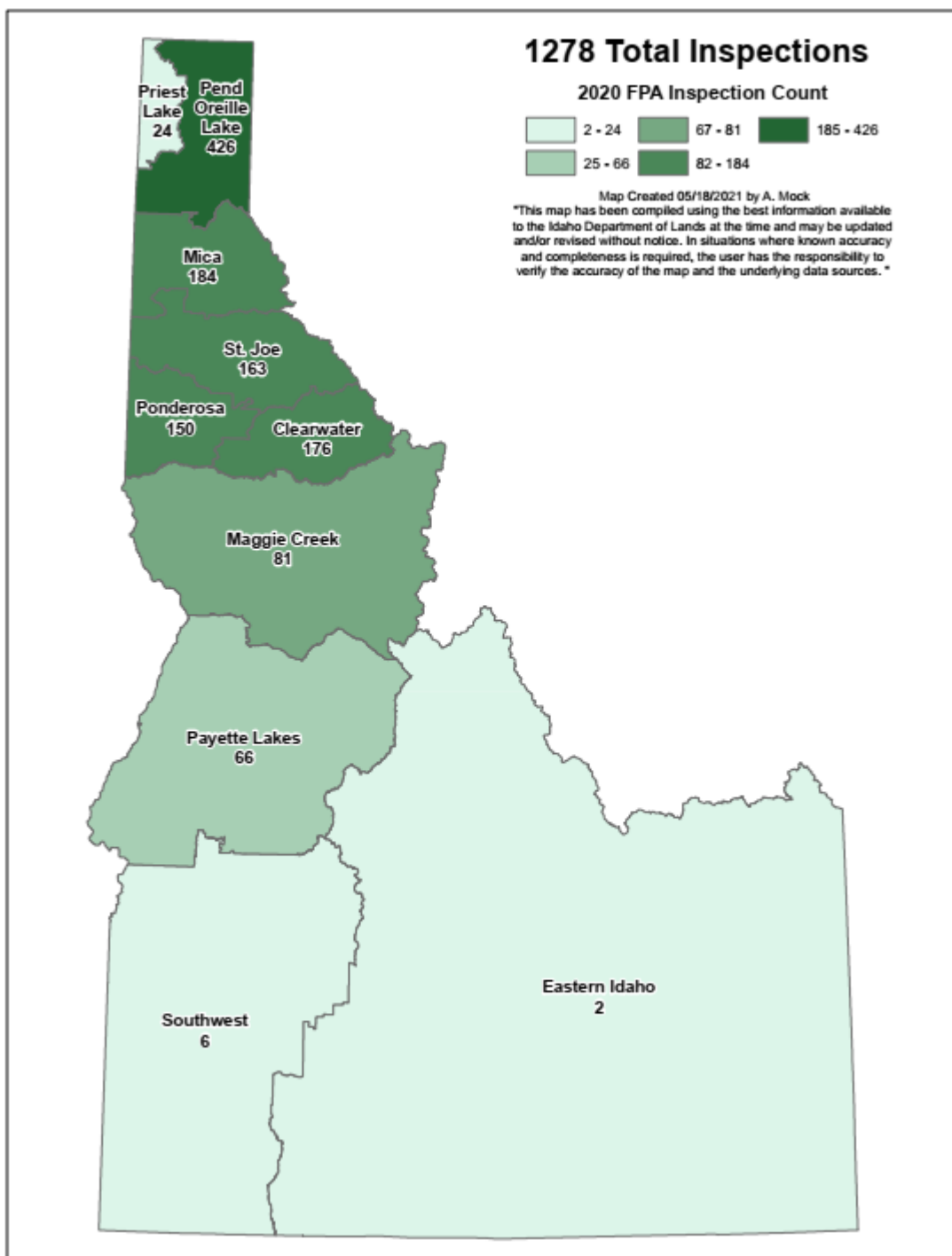


Figure 4. 2020 Map of inspections by Supervisory Area.

(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 carry-over 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, but this year IDL included a breakout of harvest operations.)

Rule Compliance

Figure 5 shows a comparison of the **total** number of 2019 and 2020 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 **1,278** total inspections performed in 2020, the number of inspection reports containing all-satisfactory conditions was **1,261** (*Total Satisfactory Inspections*); this demonstrates that **99%** of all **inspections** performed in 2020 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 1,278 performed inspections, the number of inspections that resulted in reports indicating at least one unsatisfactory condition totaled 17.

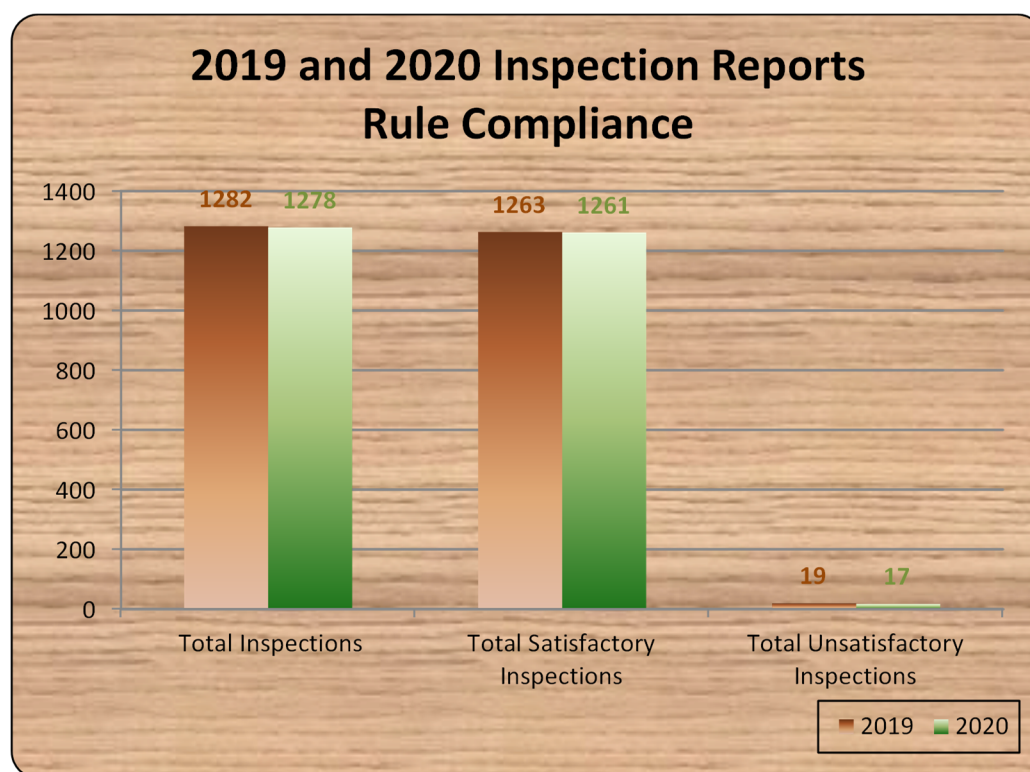


Figure 5 Comparison of 2019 and 2020 total inspections.

Figure 6 shows a comparison of the total number of inspections carried out by ownership category in 2020. In 2020 there were **34** inspections carried out by PFSs on IDL managed timberland. State operations inspected by PFSs indicate **100%** compliance. The total number of inspections conducted on private forestland was **1,244**, with **1,227** satisfactory. The compliance rate on private timberland is **99%**.

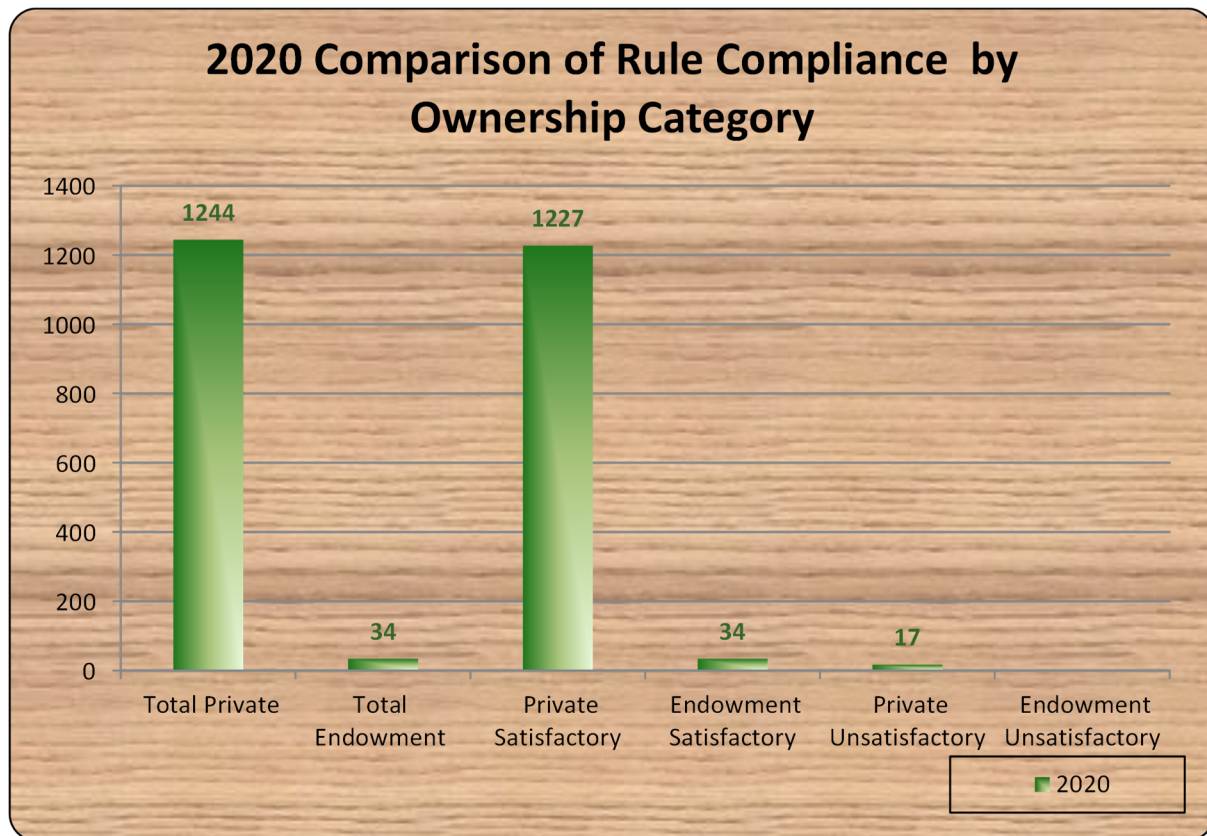


Figure 6 Comparison of Rule Compliance by Ownership Category in 2020.

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

(FPA rules available here: <https://adminrules.idaho.gov/rules/current/20/200201.pdf>)

Within the **17** unsatisfactory inspection reports on 9 operations there were **37** rule infractions cited. The most frequently infringed rules were the *Stream Protection* rules (IDAPA 20.02.01.030.07) and location of trails and landings, 020.02.01.030.04), which each comprised 22% of infractions. Drainage control and waste materials each comprised 19% of the infringed rules. Improper Notification unsatisfactory findings were 16% and soil protection violations were 14%. 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. Again, in 2020, there were no infractions for petroleum waste (IDAPA 20.02.01.060.02).

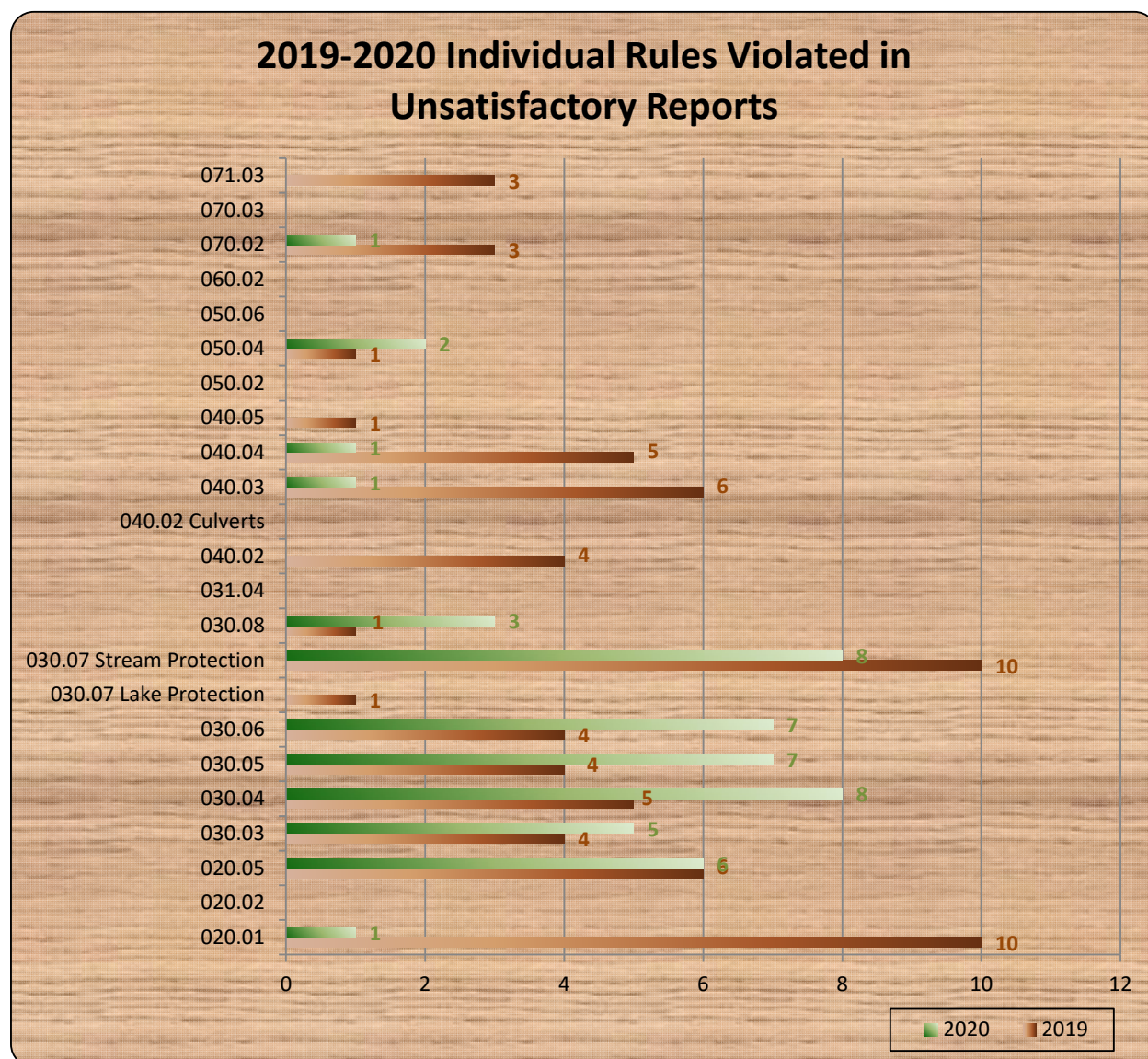


Figure 7 Comparison of Individual Rules Violated in 2019-2020.

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. Of the 1,097 operations inspected, 347 (32%) of the operational areas contained at least one Class I stream, and 714 (65%) contained a Class II stream. As these data show, often one operational area includes both Class I and Class II streams, as well as other attributes. *Figure 8* exhibits the specific site attributes of the inspected areas. 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.

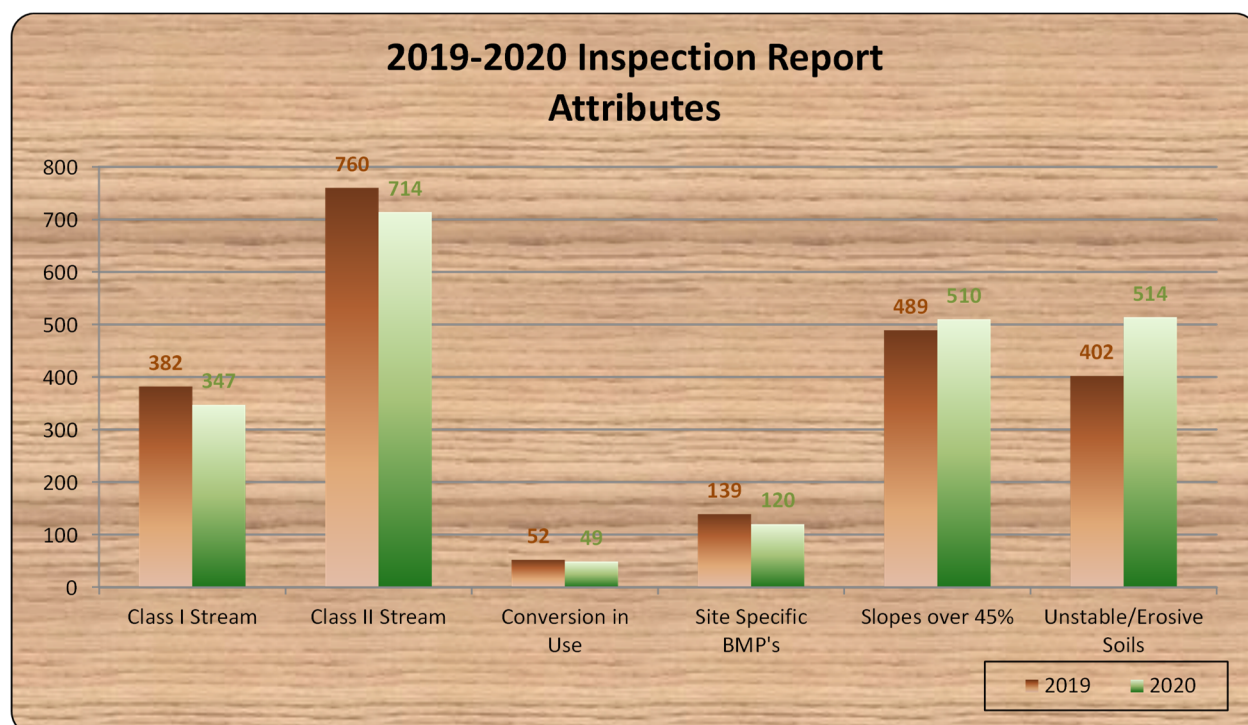


Figure 8 Comparison of the Attributes of all Inspected Operations in 2019 - 2020.

IDL's intent is to conduct FPA inspections on IDL managed state land 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.

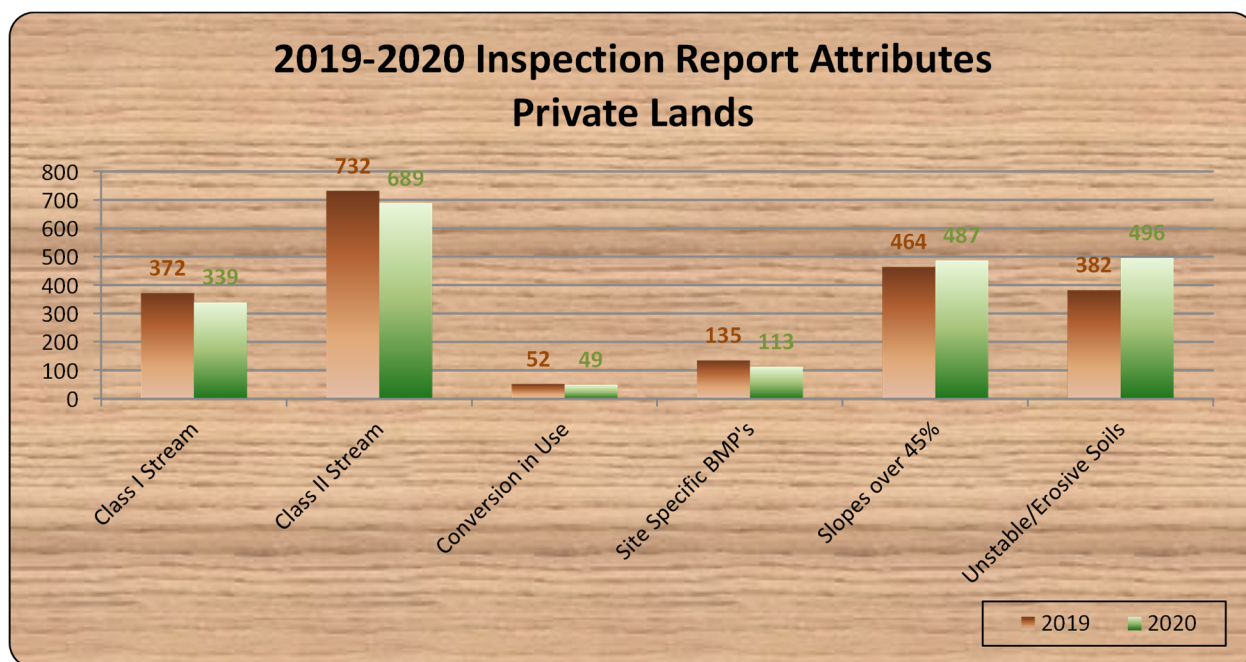


Figure 9 Inspected Operations Attributes on Private Land

In 2020, there were 49 conversions of land use. IDL has seen an up-tick in compliances associated with development as housing markets have tightened and buyers are forced to build rather than purchase existing homes.

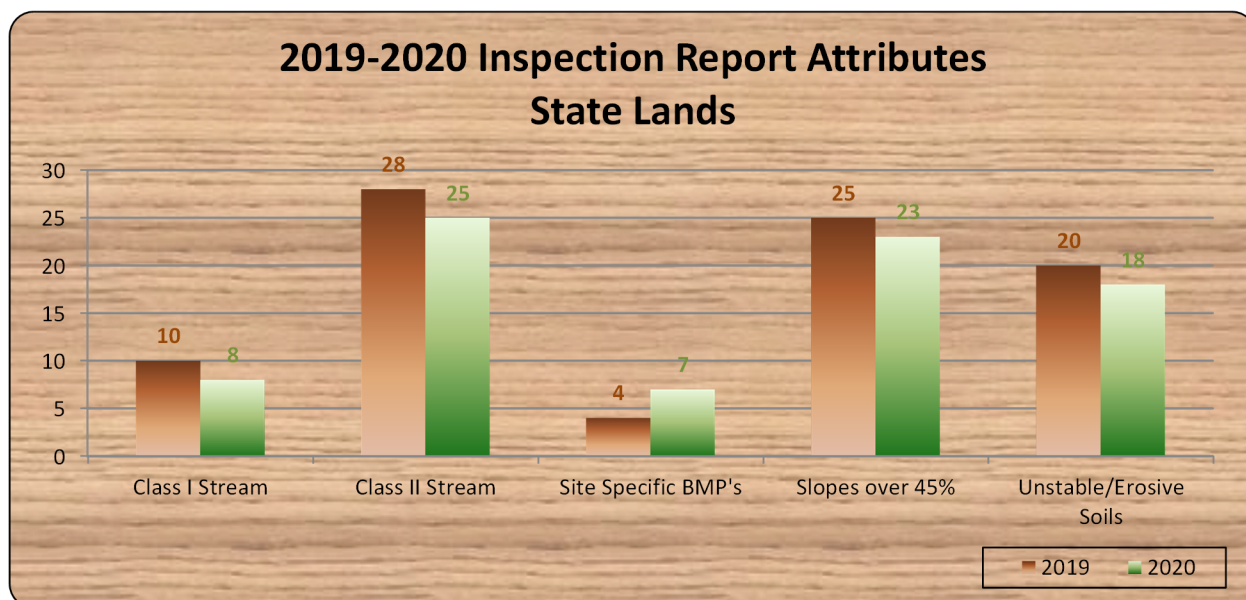


Figure 10 Inspected Operations Attributes on State (IDL managed) Land

Notices of Violation

A Notice of Violation (NOV) is issued when repeated unsatisfactory conditions and/or severe resource degradation are observed during an inspection. 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 2020 three were issued; two were on the same operation which had two Notifications.*** In 2019 three were issued to the principal offenders on a single operation for violation of an operating bond requirement. *Figure 11* shows the number of NOVs issued per year over the last decade. Except for 2015, and the odd situations in 2019 and 2020, the number of NOVs in a given year is typically one or two.

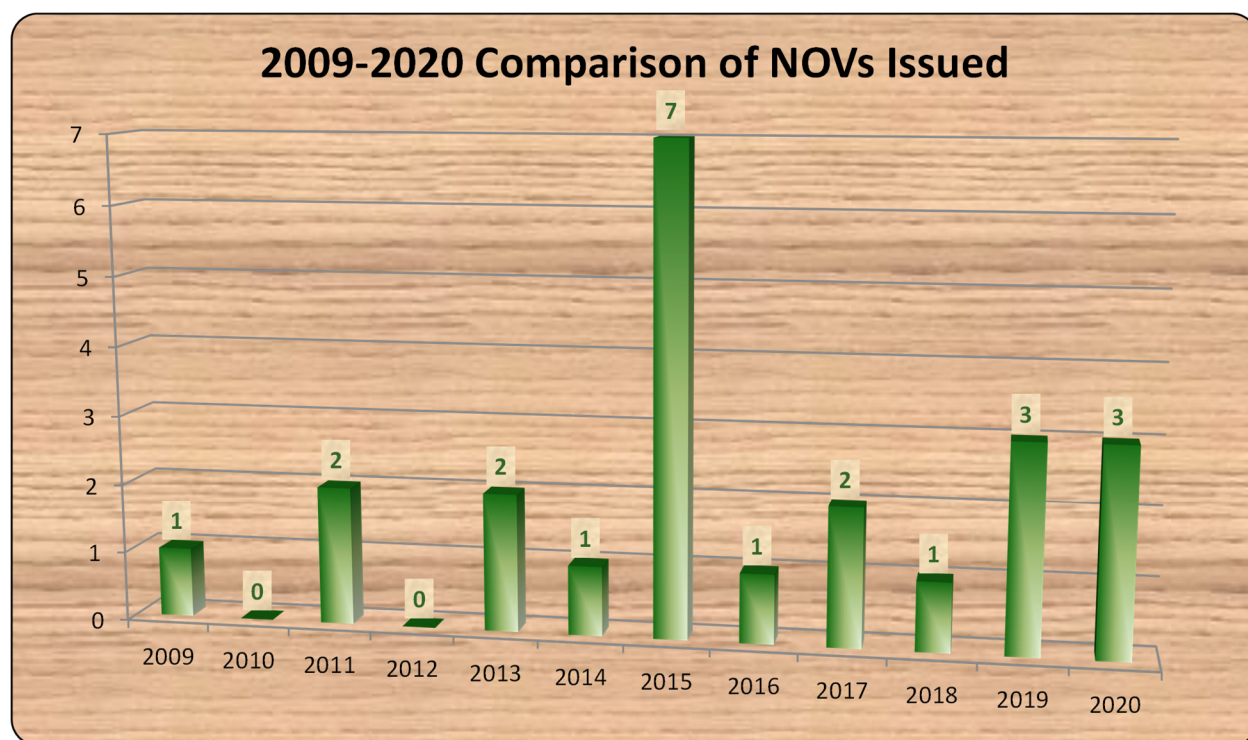


Figure 11 Comparison of NOVs Issued from 2009 through 2020.

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.

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 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. **One hundred three** (103) FPA-related complaints were received by IDL Offices (mostly by PFSs) in 2020. **Fifty-three** (53) of these complaints were addressed with an in-office explanation (on the phone or in-person); the remainder required a field visit. The number of FPA-related complaints received by each IDL Supervisory Area is shown in *Figure 12*.

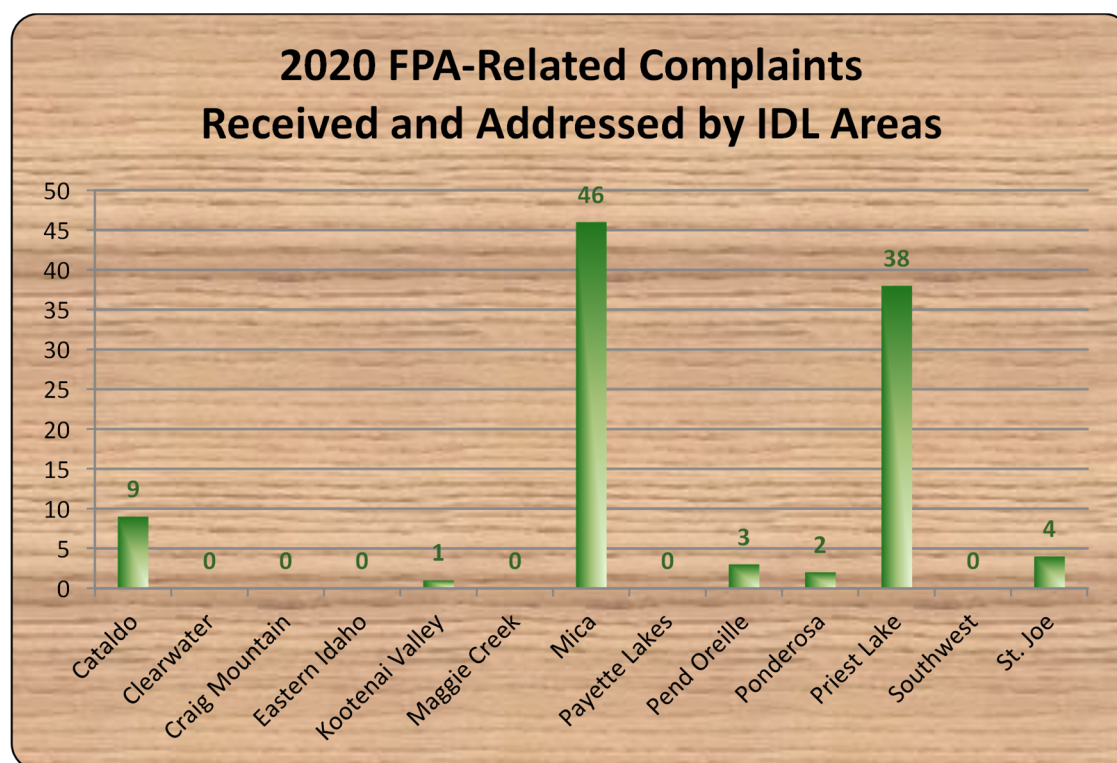


Figure 12 FPA Related Complaints received in 2020 by Area.

While each Area does not track complaints in the same way, there is consistency in year-to-year reporting among the areas. A change in the tracking and reporting system for specific Area data in the spring of 2020 may have resulted in some complaints not being logged. The overall number of complaints increased by about 25% from 80 in 2019. The Priest Lake and Mica Supervisory Area complaints continue to dominate other areas.

Variances

Figure 13 shows a 2019-2020 comparison of the number of variances granted statewide. For 2020, 96 variances were issued on all forestland harvest operations, similar to the number for 2019. Out of 1,958 Compliances, variances were granted to only 5% of all harvest related operations.

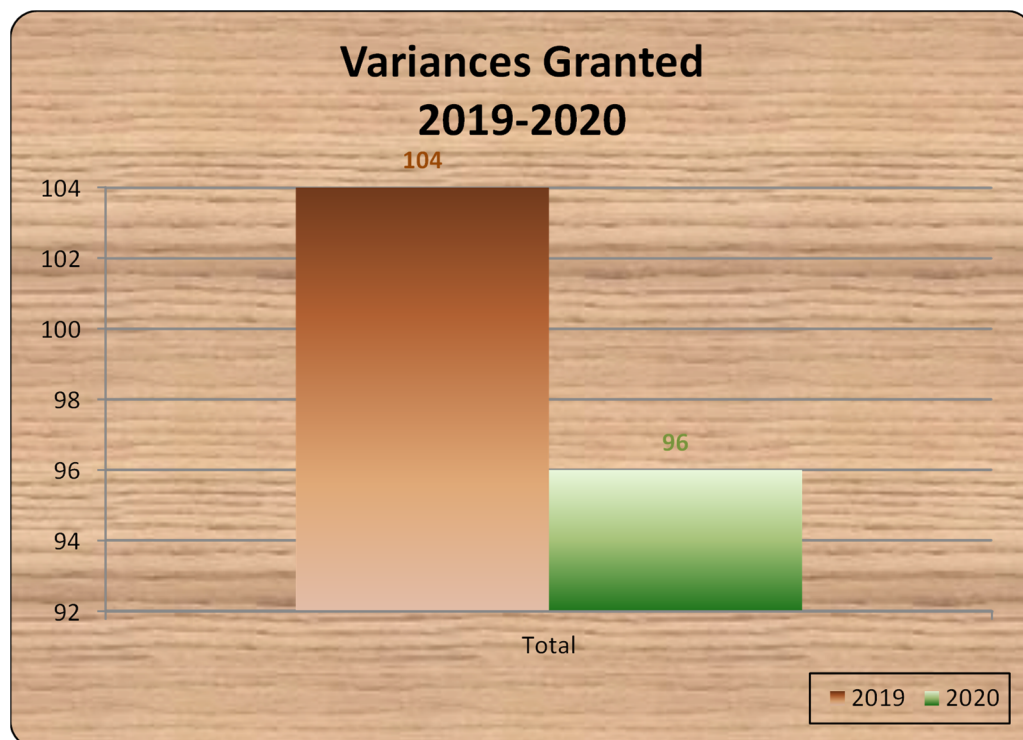


Figure 13 Comparison of Variances in 2019 and 2020.

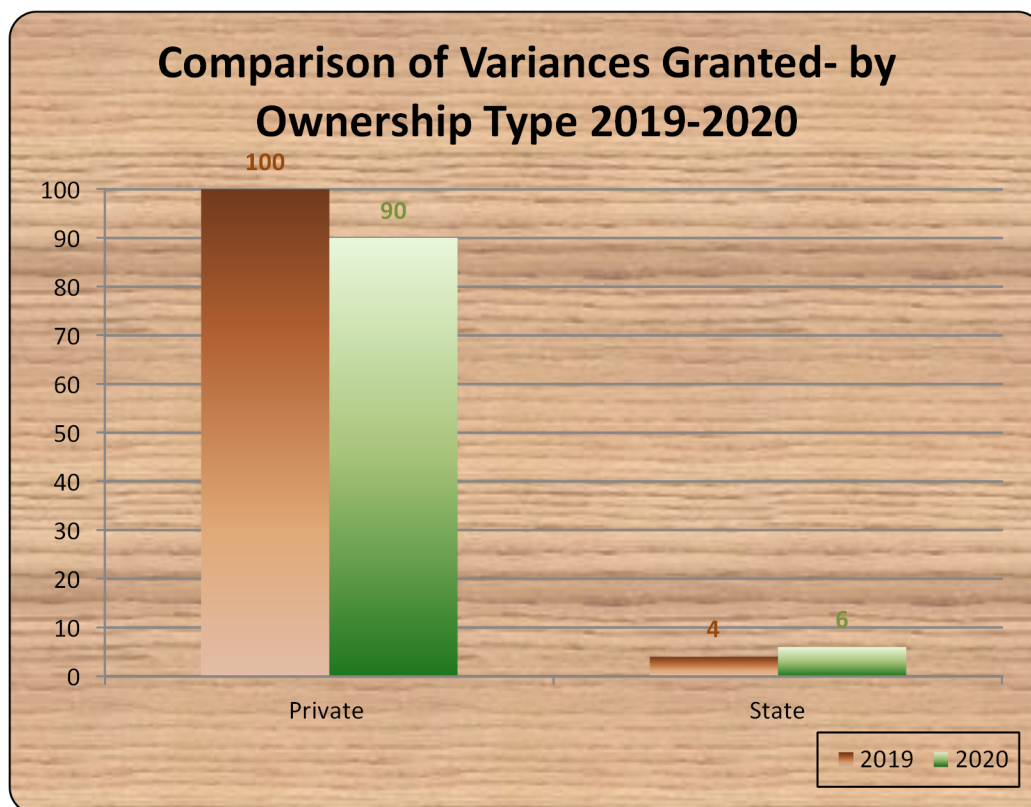


Figure 14 Comparison of Variances Granted across ownership type.

Figure 14 shows the distribution of variances by ownership in 2020. State and private operations both had variances on about 5% of their respective number of Compliances. All variances issued in a Supervisory Area are signed by the Area Manager and must meet the “equal or better over the long-term,” protection-criterion. It is the Area Manager’s responsibility and objective to ensure the criterion 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.ii	Streamside shade retention adequate
	030.07.f.ii	Mechanical piling of slash outside SPZ
040. ROAD CONSTRUCTION	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

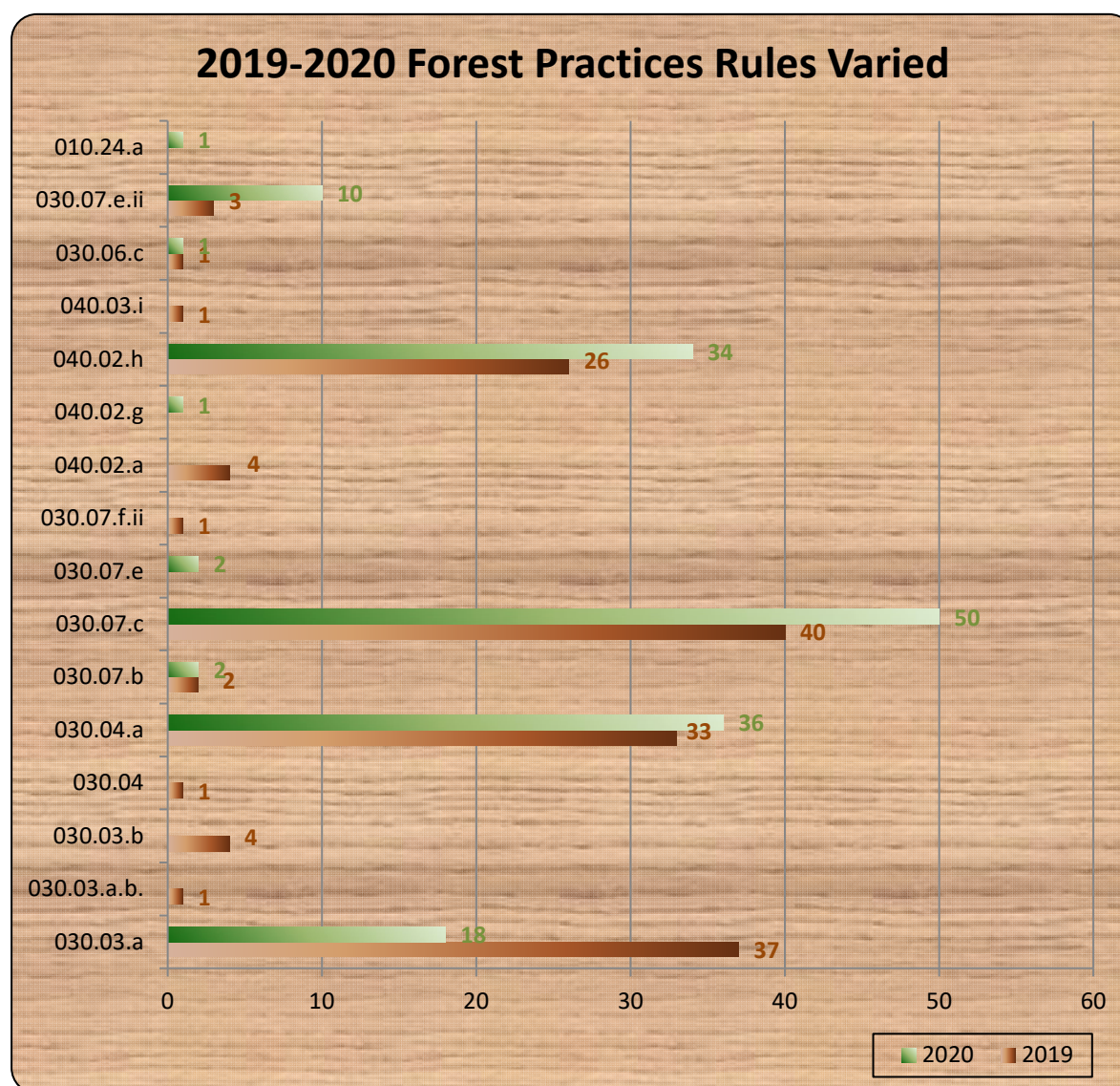


Figure 15 Comparison of Variances for 2019 and 2020.

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. In 2014, only 3 variances were granted for this rule and there were none in 2015 and 2016; in 2017, there were 16 variances for 030.03.a.; and in 2018 this number increased over 50% to 24, including 2 on state operations. The increasing trend continued through 2019, with 37 variances granted for the same rule; the number dropped in 2020 for reasons described below. The larger number of variances for this rule is mainly from variances for cable-assisted, mechanized-harvesting operations near streams. Although this rule is typically only varied for fire trails to protect adjacent uncut timber, in 2016 the Idaho forest industry and IDL recognized that growth in this technology would soon occur in Idaho. The Department decided, while we study the impact of this emerging technology, to issue variances for any such operation where ground equipment harvesting would occur on slopes greater than 45% adjacent to the SPZ of streams. The 2019 field observations by FPAC and Private Forestry staff revealed no adverse impacts to soil or streams. This is consistent with results in neighboring states. Early in 2020 IDL was able to grant waivers for this technology under a new statute in anticipation of rulemaking in 2021 to alter the definition of ground-based equipment in a way that would allow these new machines to operate without a variance. Under the waiver no system exists to track the number of times cable-assisted equipment is used. This will also be the case with a new rule or definition.

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. This is followed by the ground-based equipment restriction on slopes over 45% discussed above. There were likely twelve variances for harvest below stocking limits in Class I Stream Protection Zones. Many of these are often for removal of hazard trees in vehicle traffic rights-of-way. Further research is necessary to understand the increase from 2019. It is possible that a misunderstanding of the waiver process (like that for the cable-assisted equipment) for use of a simplified tree retention methodology is in play. The single variance for 010.24.a was for the simplified methodology use.

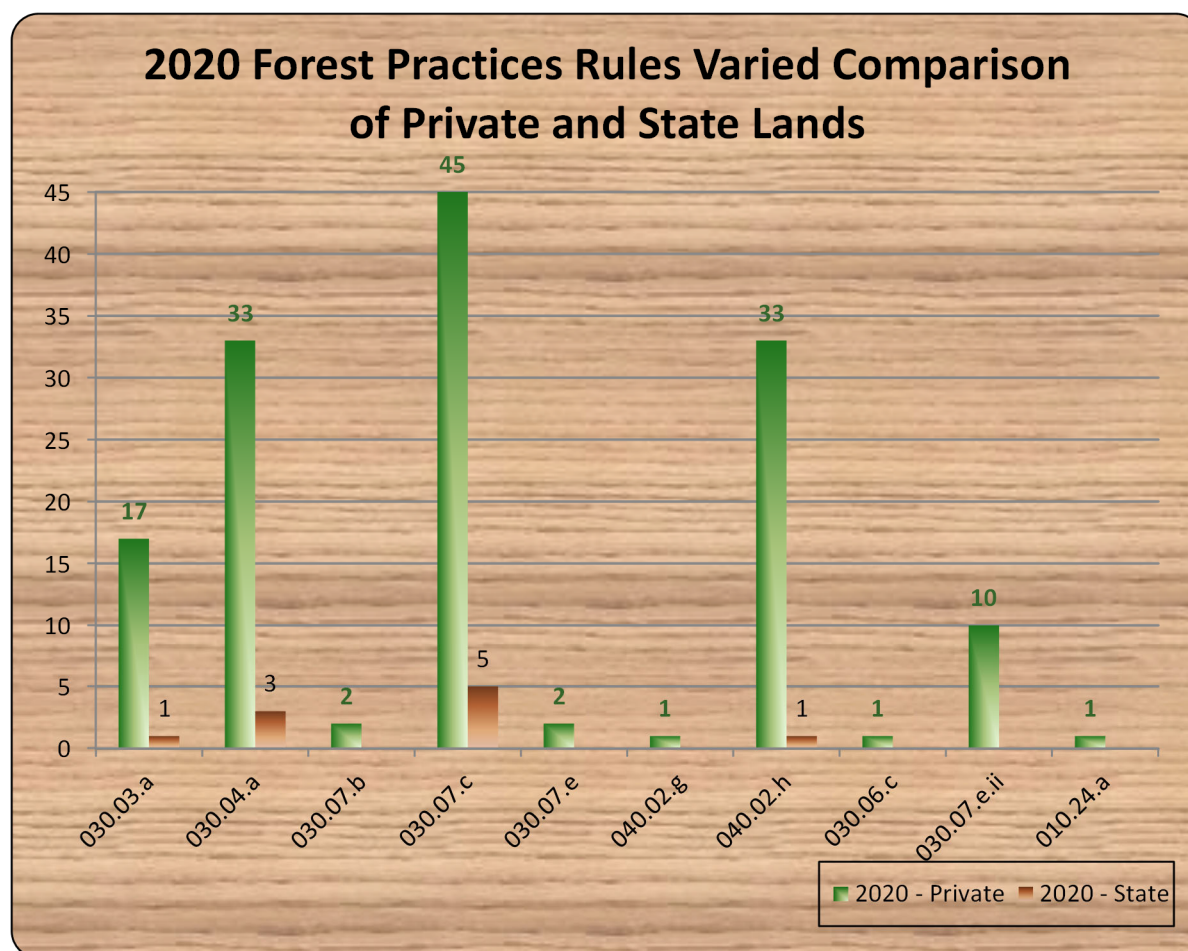


Figure 16 Comparison of Rules for which Variances were Granted by Ownership Type.

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.ii	Streamside shade retention adequate
	030.07.f.ii	Mechanical piling of slash outside SPZ
040. ROAD CONSTRUCTION	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 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. The conditions under which IDL has this authority are: the stream-channel alteration projects are part of a defined forest

practice, the stream is perennial, and the stream-crossing structures meet certain size limitations and installation criteria.

One hundred eighteen (118) total stream channel alteration installations/removals were received and approved by IDL statewide in 2020. 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 2020.

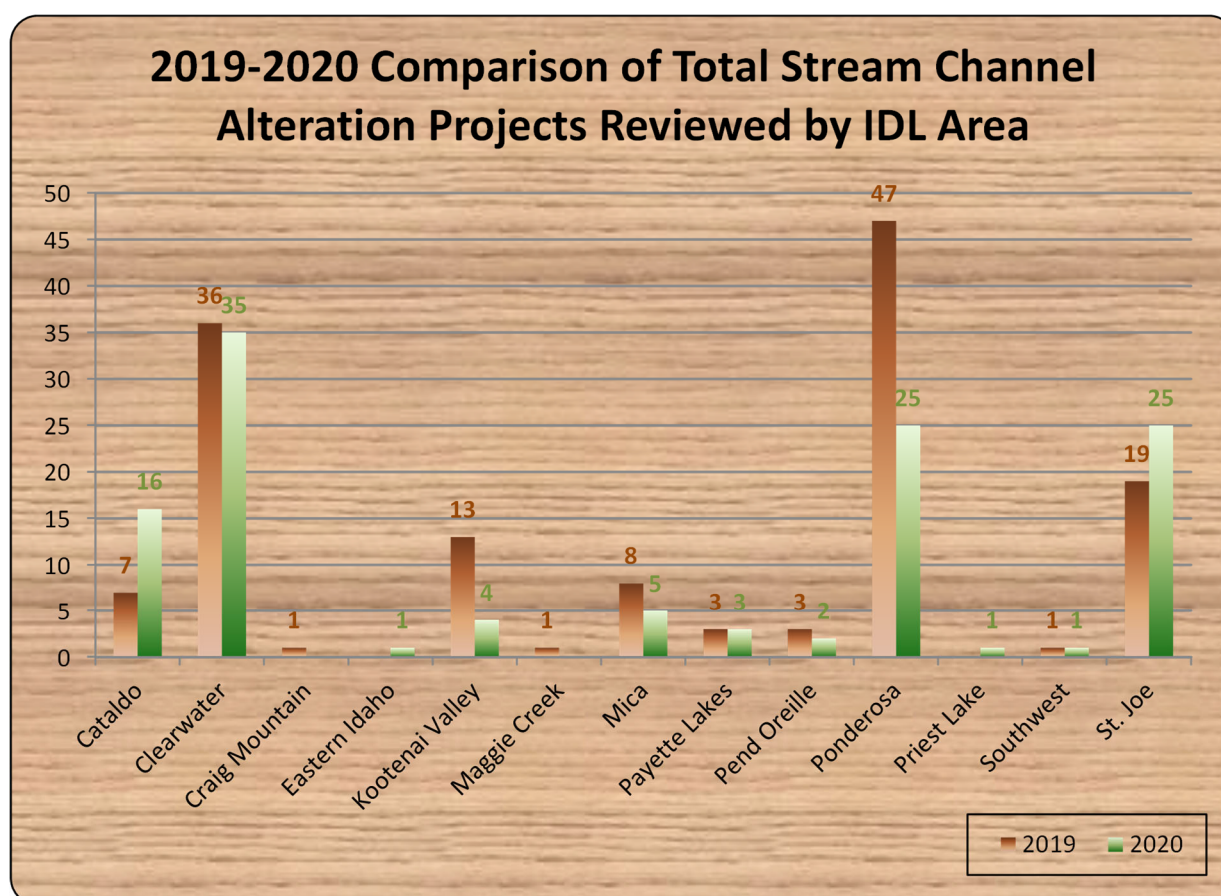


Figure 47 Comparison of Stream Channel Alteration Projects Reviewed by Area.

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 forest certification systems (either *Sustainable Forestry Initiative* (SFI) or *Forest Stewardship Council* (FSC)) 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.