



IDAHO DEPARTMENT OF LANDS

2021

# Idaho Forest Practices Year-End Report



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Forest Practices Program  
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## 2021 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. In 2020, IDEQ and IDL performed the quadrennial Water Quality Audit of the Forest Practices Act Rules implementation to identify the level of



compliance with and the effectiveness of the practices observed. The audit findings were published in December of 2020 and can be viewed on the forest practices webpage:

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

Additional emphasis by IDL Private Forestry Specialists (PFSs) during 2021 inspections focused on addressing report recommendations. Of primary concern is disposing and stabilizing road construction and maintenance material and debris outside the SPZ.

In February 2021, following FPACs approval of numerous changes to the FP rules in December 2020, the committee submitted proposed rule changes to the State Board of Land Commissioners for review. The Land Board authorized the IDL to enter Negotiated Rulemaking, which began in April. This process, which involved four public meetings throughout the state to engage interested parties and solicit comments, lasted two months. The IDL did not make any changes based upon comments received during negotiated rulemaking and was authorized to enter Proposed Rulemaking in October. Additional public meetings invited testimony on the proposed rule over the span of twenty-one (21) days. Proposed Rulemaking did not result in substantive to the rule. In November, the Land Board adopted the pending rule and supported its advance to the 2022 state legislature.



**Figure 1: Forest Practice Advisor Calibration Training; Jerome Creek, Harvard.** (Pictured: left to right) back row: Ryan McNair-IDL PFS St. Maries, Rodney Cochrane-IDL PFS Cataldo, Robbie Easley-IDL Endowment Forester Ponderosa, Dave Luther-IDL PFS Maggie Creek, Archie Gray-IDL FAB Bureau Chief, Diane Partridge-IDL PFS Mica, Corrie Ivey-IDL Grants Project Coordinator, Gary Hess-IDL Regulatory/Stewardship Program Manager, Scott Sievers-IDL PFS Payette Lakes, Jim Kibler-IDL PFS Kootenai Valley, Dick Jones-IDL Clearwater, Robert Barkley-IDL PFS Supervisor Central, Conner Shropshire-IDL PFS Ponderosa, Chris Gerhart-IDL PFS Clearwater.

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.

## 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 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) 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 or Private Forestry Supervisor, after consulting with the PFS. Some requests for a variance are denied and others are withdrawn by the applicant after learning that the additional practices required by the IDL 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 Title 38, Chapter 13, Idaho Code “20.02.01, Rules Pertaining to the Idaho Forest Practices Act” which are available on the Idaho Office of Administrative Rules website with links to current and archived rules.

(<https://adminrules.idaho.gov/rules/current/20/index.html>)

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 2021 are **98%** compliant with FP administrative rules. Inspections demonstrate a continued high level of care and stewardship by Idaho forest managers and loggers during harvesting operations; this is in keeping with trends over the past five years where compliance rate fluctuates between 98-99%. Data regarding these achievements in 2021 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 2021 increased with **2,350** accepted Notifications. This is nearly a 9% increase from 2020. Of these, **221** were Notification Only (non-commercial operations) and three were on federal lands. Of the remaining **2,126** commercial harvest operations, **1,986** were on private land and **140** on state.

### Individual Operations Inspected

This past year (2021) saw inspections on **855** operations across a total of **2,350** Notifications. This is a noticeable decrease in the percent (**36%**) of distinct operations inspected from calendar year 2020 (51%) and falls short of the IDL goal of inspecting at least 50% of accepted Notifications during the calendar year. There were **1,986** Compliances (excluding non-harvest Forest Practice Notifications) issued for private forestland in 2021, of which **809** received at least one inspection, for an inspection rate of **41%**. Of the **140** new state Compliances in 2021, only **75** operations were active. Forest practices personnel inspected **44** of these active harvest operations on state forestland, a **59%** rate.

IDL found at least one unsatisfactory condition (or misdemeanor violation) on **18** distinct operations (2%) in 2021 vs. 9 operations (1%) in 2020. All but **16** of the 809 inspections on private land were found to be satisfactory—98% compliance. **Two** (2) of the 44 inspections on state operations conducted by a Private Forestry Specialist were unsatisfactory, for a compliance rate of 95%.

The BMP implementation rate of 97.8% across all **inspected** operations this year is slightly lower than that in 2020 (99.1%), and consistent with the 10-year average of 97.4%. The BMP implementation rate across all forest practice **inspections** this year is 96.9%. One operation often will receive multiple inspections.

### Frequency and Location of Inspections

A total of 1,049 inspections occurred in 2021, across each of the ten IDL Supervisory Areas. Most Areas reported a decrease in inspections levels from 2020, while inspections on the Mica Area increased. Overall, inspections were down from the statewide average in recent years. Staffing vacancies in the Supervisory Areas where the most harvesting activity occurred, combined with an extremely active wildfire season were the primary reasons for this decrease.

### 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 NOVs were issued, with two occurring on a single operation with multiple, overlapping compliances. In 2021, **2 total NOVs** were issued (see *Figure 11*). The first NOV was issued to an operation with multiple skid trails inside a Class II SPZ with severe rutting which resulted in sediment delivery to the stream. Remediation was handled quickly, and the NOV was cleared in less than two months. The other NOV was a longstanding operation with an unsatisfactory condition of overharvesting in a Class I SPZ that was not remediated. The operation has not yet been cleared.

### Research

In December 2020, the Idaho Department of Environmental Quality released a report detailing the results of the statewide quadrennial water quality audit of the Forest Practices Program, conducted in the summer of 2020. 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>

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. In 2021, the recommendations for IDL forest practices inspectors included paying attention to the disposal of mineral soil from road maintenance and construction activities and communicating this to federal land managers as well. In addition, the audit report recommended stipulation of extra safeguards for approved variances in SPZs on state and private land so that streams receive an undiminished level of protection.

In 2021, the IDL forest practices program was immersed in the legislative rulemaking process to put into effect substantive modifications of the Rules Pertaining to the Forest Practices Act Title 38, Chapter 13, Idaho Code (IDAPA 20.02.01). These modifications that FPAC had finalized in 2020, were based on previous years' research and the results of collaborative discussions between FPAC and stakeholders. On February 16, 2021, the State Board of Land



Commissioners authorized the IDL to enter the negotiated rulemaking process. The draft rule was presented in detail to stakeholders during numerous public meetings from April 7 through May 7, where additional input was solicited through written and oral public comments. No substantive changes were made to the draft rule language because of the input. The proposed rulemaking process was open from September 1 through the 22. Two public hearings on the proposed rule were held and testimony was solicited during this time. Again, no changes were made because of public testimony and the pending rule was adopted by the Land Board in October. The pending rule will be presented for legislative review in the 2022 session.

### Looking Forward

The IDL anticipates the State Legislature will adopt the pending rule, which will complete a cycle of the adaptive management strategy initiated by FPAC in 2012. Under this approach, shade and woody debris recruitment was modeled, a scientific-based rule was developed and implemented, the impacts of the implemented rule were assessed through field monitoring, and the rule was modified because of the findings. As a continuation of this science-based methodology, the implementation of the new rule will again be monitored for effectiveness in recruiting large woody debris and providing shade to streams, including the recovery of shade after harvest.

In addition, 2022 will involve a robust outreach and educational effort to increase awareness and familiarity with the new rules, including both classroom style presentations and field-based implementation exercises.

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 **2,350 Forest Practice Notifications** were accepted statewide in **2021** for operations on **private and state forestland**. This is an increase over the 2,160 Notifications submitted in 2020. The accepted notifications in 2021 is within the standard range of fluctuation over a ten-year period.

Table 1 below shows the number of Notifications accepted from 2012 through 2021. This includes all forest practices IDL was notified of in 2021; 221 of these did not involve commercial timber harvest.

### 2012 to 2021

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

Forest Protective District	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Priest Lake	40	43	39	33	43	41	46	36	47	60
Kootenai V.	168	244	233	207	214	233	222	216	199	191
Mica	216	267	284	279	307	264	339	278	261	377
Pend Oreille	438	521	649	673	706	631	676	616	713	638
Cataldo	81	106	97	132	136	130	130	90	89	148
St. Joe	333	356	452	368	445	407	385	311	344	313
Ponderosa	99	120	141	114	129	133	138	117	108	129
Maggie Creek	41	50	84	184	132	46	71	65	44	37
Craig Mtn.	74	50	62	82	36	39	65	58	41	45
Southwest	45	61	41	26	19	12	14	14	9	17
Eastern Idaho	4	5	10	14	6	6	8	11	9	8
SITPA	94	80	78	84	63	80	73	65	55	71
CPTPA	<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>	<u>316</u>
<b>TOTAL</b>	<b>1859</b>	<b>2160</b>	<b>2427</b>	<b>2446</b>	<b>2506</b>	<b>2273</b>	<b>2450</b>	<b>2153</b>	<b>2160</b>	<b>2350</b>

Table 1. 2012-2021 Notifications on both state and private forestland.

IDL's Notification/Compliance management system and hazard withholding database supports reporting of harvest operations separate from "Notification Only" operations which have no associated Certificate of Compliance.

Table 2 shows the number of Certificate of Compliance/Fire Hazard Management agreements granted for state and private entities by Forest Protective District. In 2021, **140** were granted for operations on state land, and **1,986** on private land. These include all **commercial harvest operations**. The 1,986 on private land include operations conducted on industrial and nonindustrial private forestland.

Forest Protective District	2021 Private	2021 State	2021 Total
Priest Lake	35	21	56
Kootenai Valley	166	6	172
Mica	337	5	342
Pend Oreille	559	8	567
Cataldo	130	4	134
St. Joe	249	18	268
Ponderosa	103	4	107
Maggie Creek	35	1	38
Craig Mountain	42	1	43
Southwest	15	0	15
Eastern Idaho	1	7	8
SITPA	64	6	70
CPTPA	250	59	309
<b>TOTAL</b>	<b>1986</b>	<b>140</b>	<b>2126</b>

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

## Individual Operations Inspected

Of the **2,350** accepted Notifications in 2021, **855 distinct operations** received at least one inspection. With only **36%** of all operations receiving an inspection in 2021, the total inspected operations and rate of inspection in 2021 decreased from 2020 (1097, 51% respectively) and is far below IDL's goal of inspecting 50% of all operations. This decrease is primarily due to staff vacancies and increased fire-fighting commitments. This is the first year in the past four that IDL has not met the statewide goal of inspecting at least 50% of the operations with a Notification on file. Figure 2 shows the comparison of inspected operations from 2017-2021.

In all years, Private Forestry Specialists strive to inspect private and state operations in a consistent manner and prioritize inspection sites by the presence of special cautions, variances, and complaints. Typically, PFSs perform very few inspections for Notification Only operations that do not involve commercial timber harvest. Thus, the actual inspection rate of harvest operations is higher.



Figure 2 Comparison of Yearly Inspected Operations on State and Private Forestland 2017–2021.

For private harvest operations in 2021 (See Table 2), **809** out of **1,986** operations received an inspection for a rate of **40.7%**. Most, if not all, notified private operations are active in the year the compliance is issued. On state forestland in 2021, **44** of **140** state operations received an inspection by a Private Forestry Specialist. This **31%** inspection rate includes all compliances issued for operations on state forestland, when only **75** state operations were active in 2021. Accounting for not yet active state operations brings the actual inspection rate to 58.7%. These data do not include contract inspections conducted by the forester-in-charge of state managed sales.

Of the 855 inspected operations, **837** demonstrated satisfactory BMP implementation (in compliance with the FPA Rules). This is a **98%** compliance rate. The remaining **18** operations inspected in 2021 had at least one inspection report in which one or more unsatisfactory conditions (rule infractions) were observed. Because inspections adhere to the prioritization mentioned earlier, fewer overall inspections results in a higher proportion of inspected operations having special cautions or conditions more likely to result in rule infractions. This explains the higher number of unsatisfactory conditions observed in 2021. Class I and Class II streams were present on over 14% more of inspected operations in 2021 than in 2020. Similarly, steep slopes and unstable soils were present on 37% more of inspected operations in 2021 than 2020.

Figure 3 is a comparison of state and private inspections in 2020 and 2021. **Two (2)** of the 18 unsatisfactory operations reported in 2021 were on state owned land, and **16** were on private forestland. Three of these unsatisfactory private operations were carryovers from 2020, and all 13 of the new unsatisfactory operations occurred on non-industrial forestland. Inspections

conducted by PFSs on state forestland in 2021 demonstrated **95%** satisfactory compliance: two unsatisfactory operations out of 44 inspected.



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

## Frequency and Location of Inspections

During 2021, IDL PFSs and assistants performed **1,049** total Forest Practices inspections across 855 distinct operations of state and private forestland. Inspections occurred in every IDL Supervisory Area with Eastern Idaho and Southwest having the fewest (2 and 8 respectively) and Pend Oreille Lake, Mica, and Clearwater with the most (306, 253, and 129 respectively). There was an increase in inspections on the Mica Area, but fewer inspections on the Pend Oreille, Ponderosa, Clearwater, and St. Joe Areas. *Figure 4* shows spatial representations of all Forest Practices inspections performed in 2021 by IDL Supervisory Area (vs Forest Protective District).

Overall, inspections were down from the statewide average in recent years. Two primary factors for this decrease are staffing vacancies and an extremely active wildfire season. Five of the six areas with the most harvesting activity had a vacant private forestry specialist position for at least six (6) months in 2021. Furthermore, all available staff agency-wide were called to assist with fire suppression efforts in one capacity or another. Many of the forest practices advisors are qualified incident responders and supported firefighting efforts during the time of critical need.

The total number of inspection reports in each Area includes follow-up inspections on the same



operation; this results in more inspection reports than inspected operations.

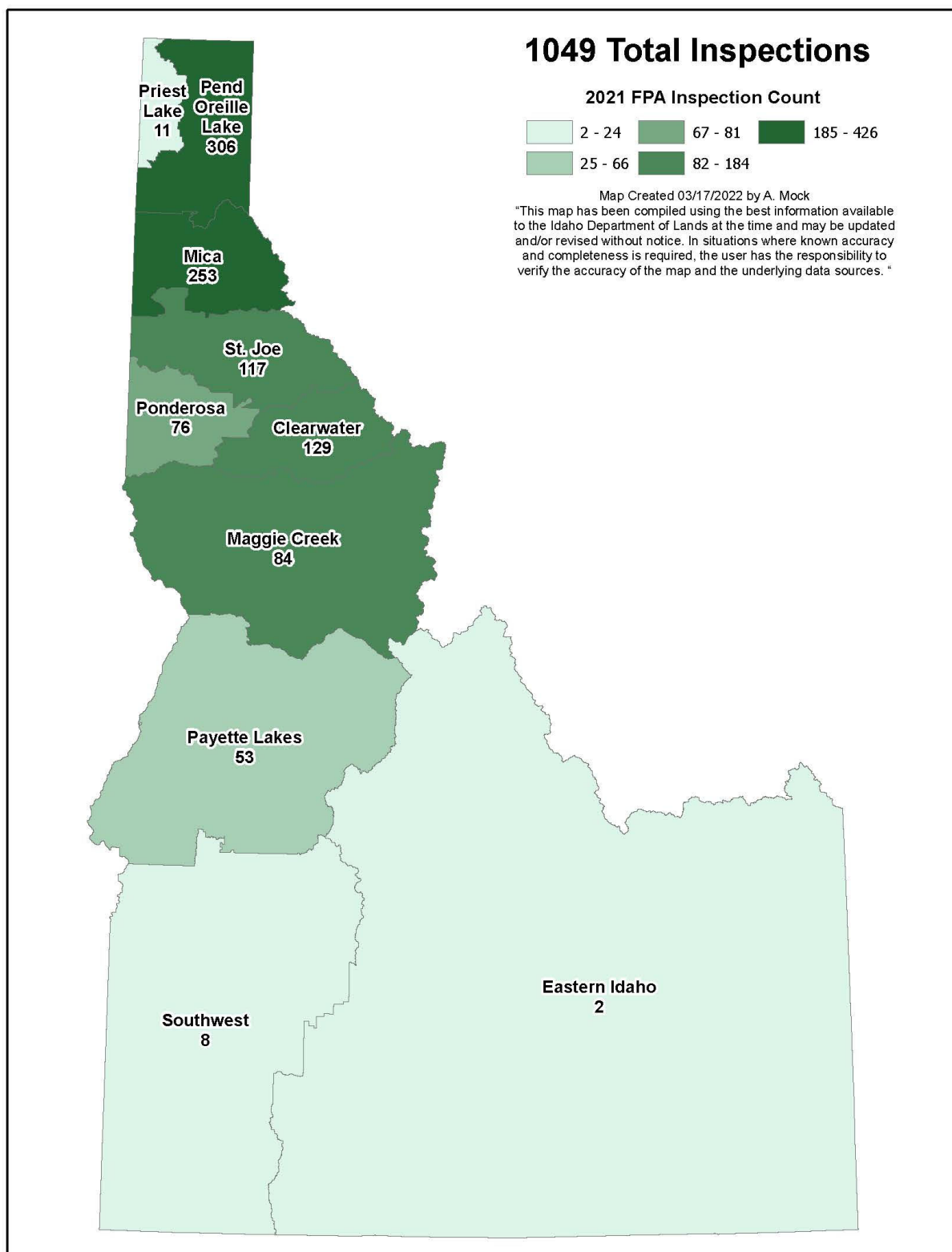


Figure 4. 2021 Map of inspections by Supervisory Area.

(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, as well a breakout of harvest operations.)

## Rule Compliance

Figure 5 shows a comparison of the **total** number of 2020 and 2021 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 **1,049** total inspections performed in 2021, the number of inspection reports containing all-satisfactory conditions was **1,017** (*Total Satisfactory Inspections*); this demonstrates that **97%** of all **inspections** performed in 2021 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 1,049 performed inspections, the number of inspections that resulted in reports indicating at least one unsatisfactory condition totaled 32.

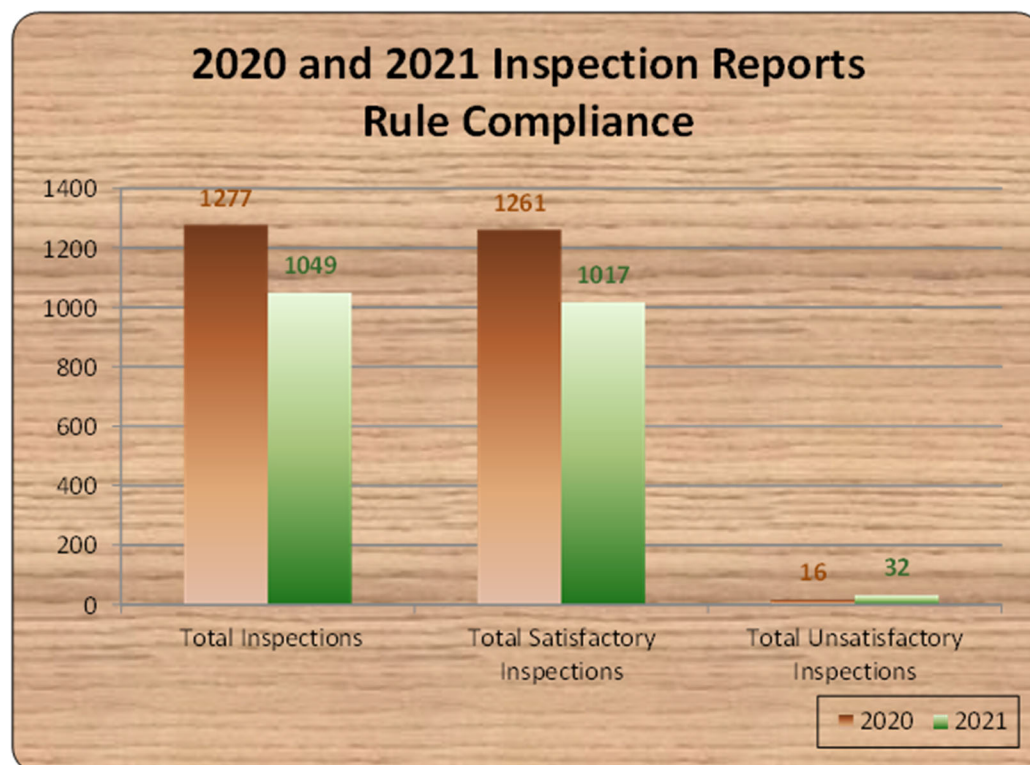


Figure 5 Comparison of 2019 and 2020 total inspections.

Figure 6 shows a comparison of the total number of inspections carried out by ownership category in 2021. In 2021 there were **55** inspections carried out by PFSs on IDL managed timberland. State operations inspected by PFSs indicate **95%** compliance. The total number of inspections conducted on private forestland was **994**, with **965** satisfactory. The compliance rate on private timberland is **97%**.

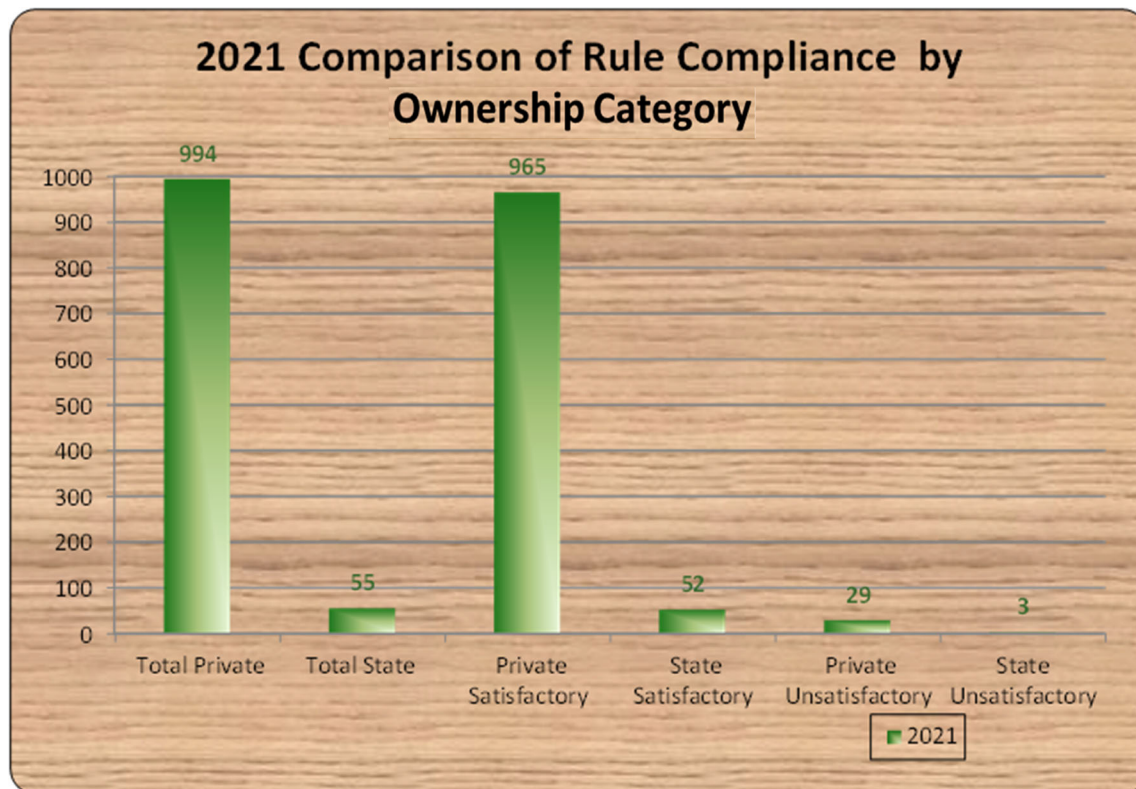


Figure 6 Comparison of Rule Compliance by Ownership Category in 2020.

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

(FPA rules posted: <https://adminrules.idaho.gov/rules/2020%20Archive%20C1/20/200101.pdf>)

Within the **30** unsatisfactory inspection reports on 18 operations there were **103** rule infractions cited. The most frequently infringed rules were the *Stream Protection* rules (IDAPA 20.02.01.030.07), location of trails and landings (020.02.01.030.04), and Drainage Systems (020.02.02.030.05), which comprised 20%, 17% and 14% of infractions respectively. Road Maintenance and Soil Protection each comprised less than 10% of the infringed rules. A noticeable improvement was observed in the Treatment of Waste Materials, which was 19% of infringed rules in 2020 and only 6% in 2021. This was a main emphasis for PFSs inspecting operations in 2021, as highlighted in the 2020 quadrennial audit report. While there was clearly an improvement in compliance with this rule, emphasis on its importance will continue. 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. In addition, multiple 030.07 subparagraphs are often cited for a single instance of resource damage. This has the effect of amplifying the weight of the *Stream Protection* rule infractions. Again, in 2021 there were no infractions for petroleum waste (IDAPA 20.02.01.060.02).

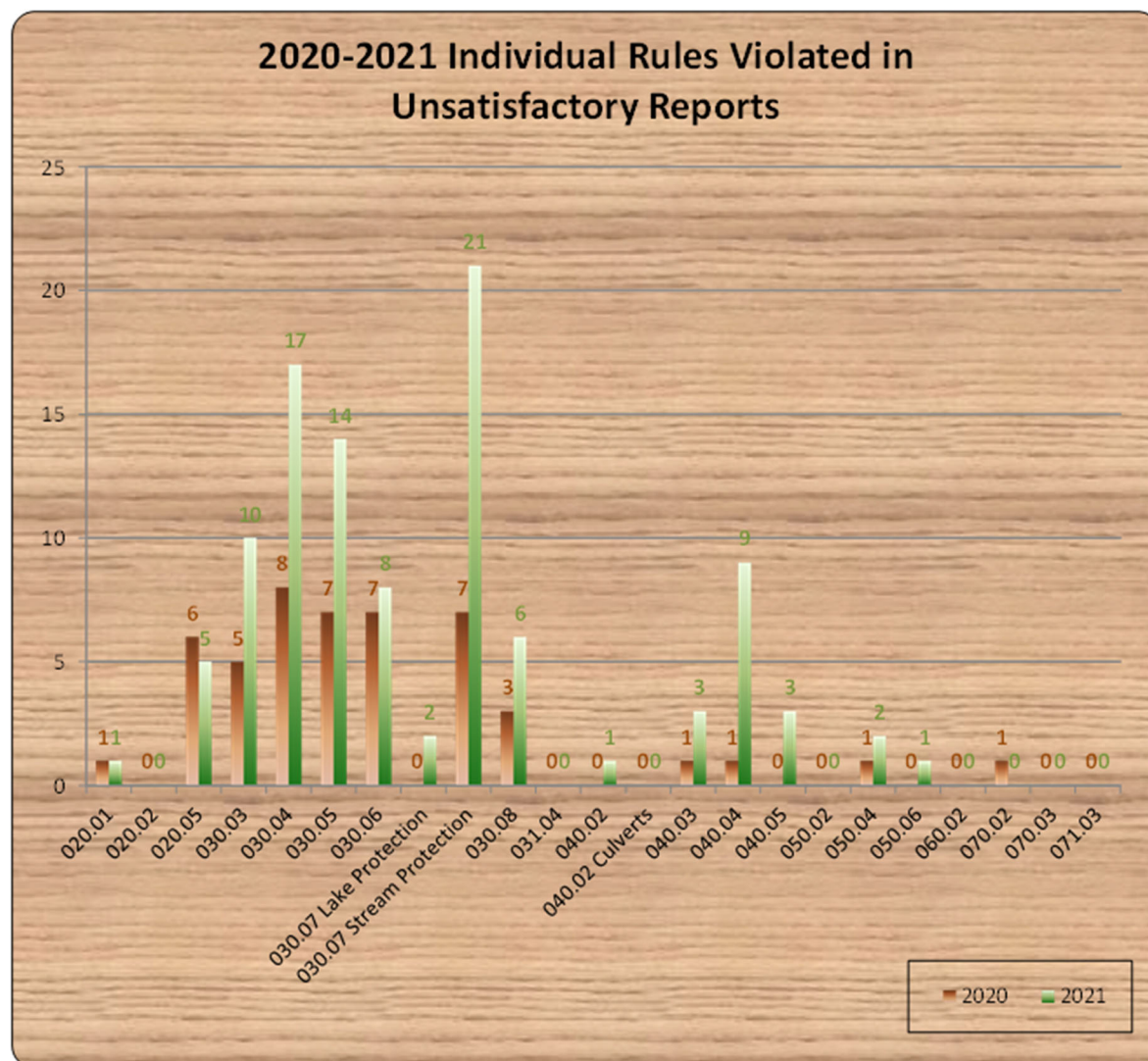


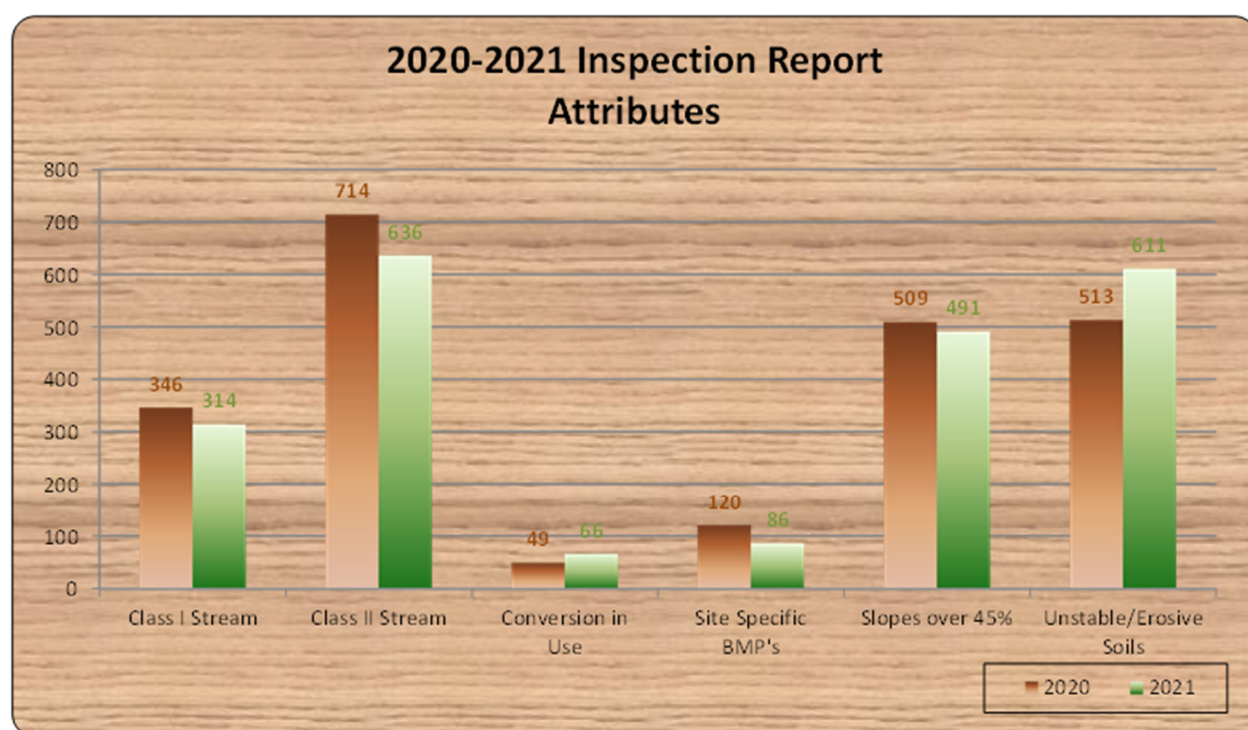
Figure 7 Comparison of Individual Rules Violated in 2020-2021.



## 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 including site-specific special cautions. As these data show, often one operational area includes both Class I and Class II streams, as well as other attributes. Of the 855 operations inspected, 314 (37%) of the operational areas contained at least one Class I stream, and 714 (74%) contained a Class II stream. Compared with 2020, the percentage of inspected operations containing classified streams increased by 13%. This is because even though overall inspected operations in 2021 was less than previous years, operations with Class I and Class II streams were still prioritized for inspection.

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.

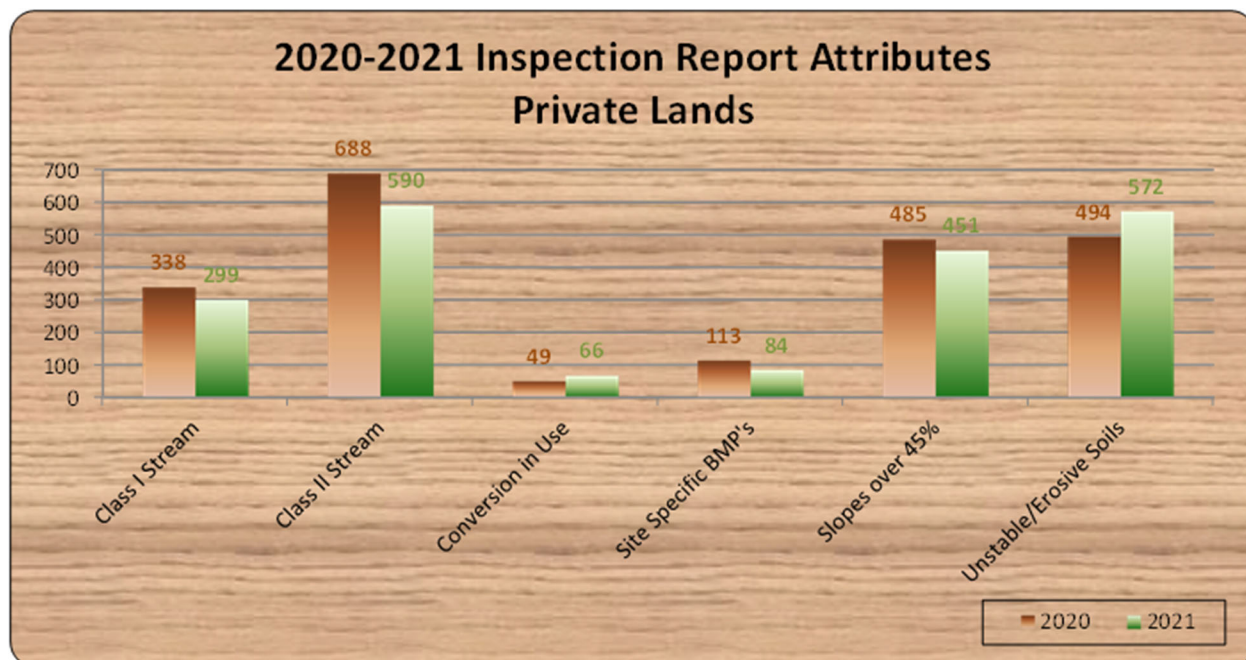


*Figure 8 Comparison of the Attributes of all Inspected Operations in 2020 - 2021.*

IDL's intent is to conduct FPA inspections on IDL managed state land in the same manner 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

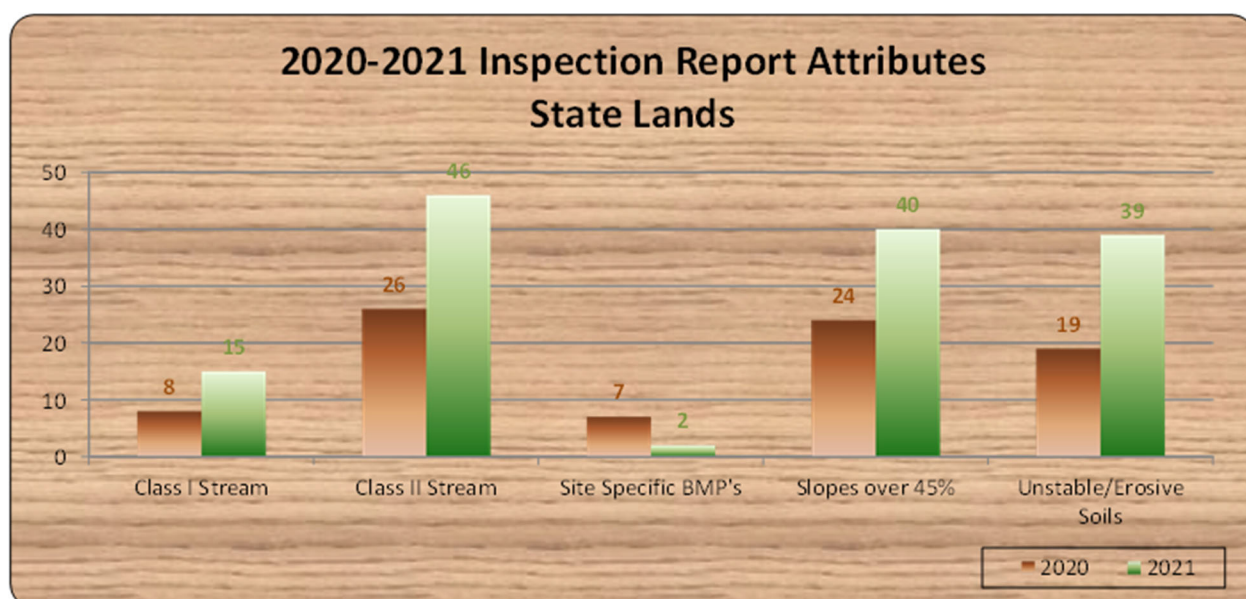


is like that on private land. Harvest operations on all state lands, including endowment lands, are conducted by IDL, and are listed as state operations.



**Figure 9 Inspected Operations Attributes on Private Land**

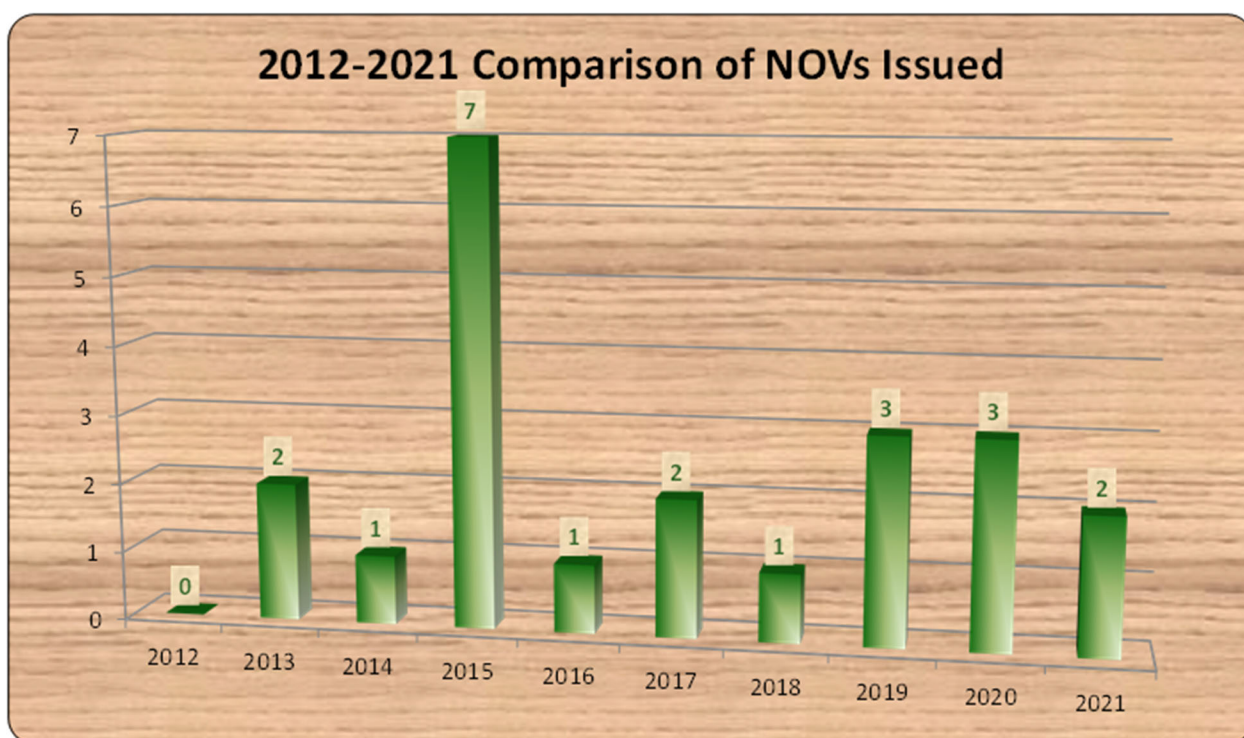
In 2021, there were 66 inspections of operations associated with conversions of land use. Some of these operations required multiple inspections by Private Forestry Specialists. The commitment of time and resources to inspection of forest practices on lands slated for conversion to non-forest land uses is a concern for the Forest Practices program. IDL has seen an up-tick in compliances associated with development as housing markets have tightened and buyers from all reaches of the state and nation are moving into the forested outskirts of Idaho's population centers.



**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 2021 two were issued; one was on an unsatisfactory operation from the previous year on which the required mitigation was not completed.*** In 2020 two of the three were for a single operation with multiple compliances. *Figure 11* shows the number of NOVs issued per year over the last decade. Except for 2015, the number of NOVs each year is typically less than three.



**Figure 11 Comparison of NOVs Issued from 2020 through 2021.**

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 and resource damage, 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. **Thirty-two** (32) FPA-related complaints were received by IDL Offices in 2021. Half of the 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*.

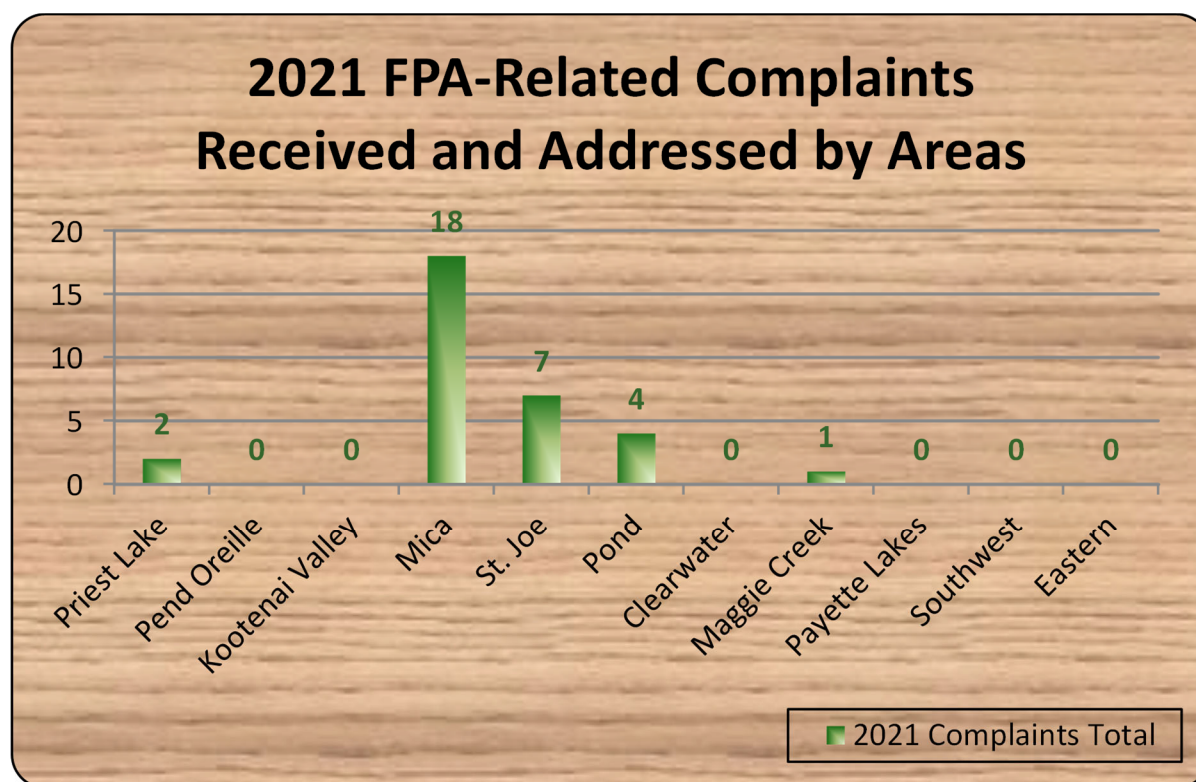


Figure 12 FPA Related Complaints received in 2021 by Area.

While each Area does not track complaints in the same way, there is typically 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 2021 may have resulted in some complaints not being logged. The overall number of complaints decreased by about 69% from 103 in 2020. The Priest Lake typically records a large percent of complaints along with the Mica Supervisory Area. It is unclear if the reduction in recorded complaints in Priest Lake was because of a data recording issue or a real



decrease. Likely a combination of both factors has influenced these numbers. Complaints in the St. Joe Supervisory Area increased in 2021.

## Variances

Figure 13 shows a 2020-2021 comparison of the number of variances granted statewide. For 2021, 75 variances were issued on all forestland harvest operations, down 22% from 2020. Out of 2,126 Compliances, variances were granted to less than 4% of all harvest related operations.

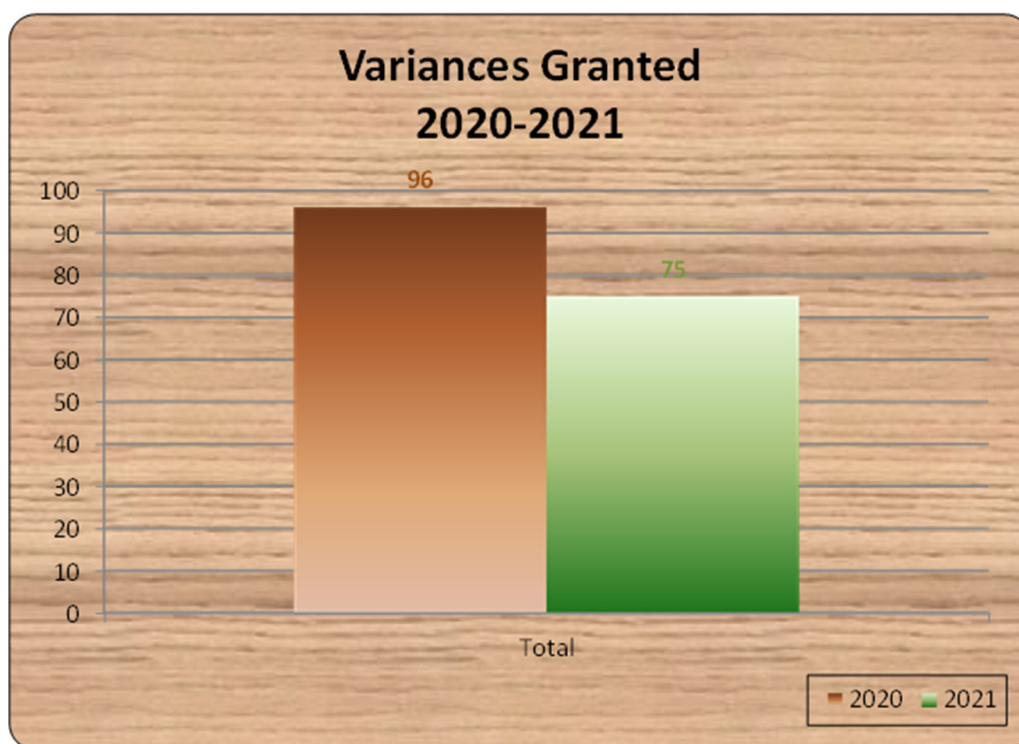


Figure 13 Comparison of Variances in 2020 and 2021.

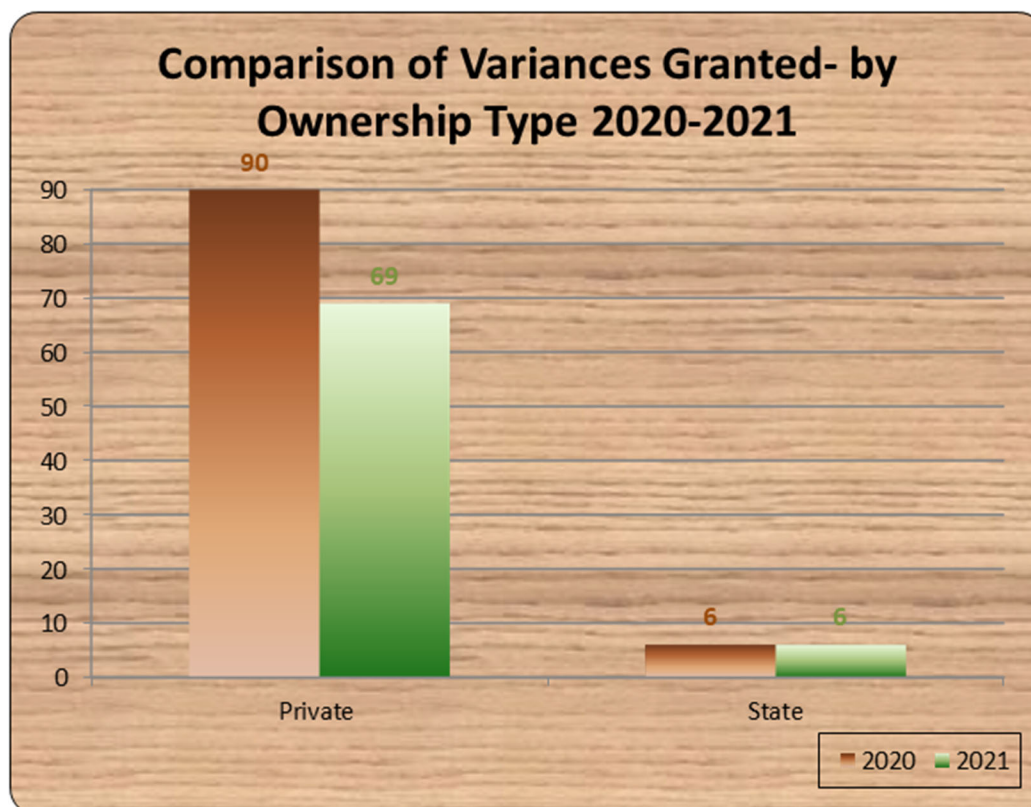


Figure 14 Comparison of Variances Granted across ownership type.

Figure 14 shows the distribution of variances by ownership in 2021. Variances were granted on 4.3% of state operations and 3.5% of private operations. All variances issued in a Supervisory Area are signed by the Area Manager or the Private Forestry Supervisor and must meet the “equal or better over the long-term,” protection-criterion. It is the inspectors’ and supervisors’ responsibility and objective to ensure the criterion used to grant variances is applied consistently across state, industrial and nonindustrial private ownership.

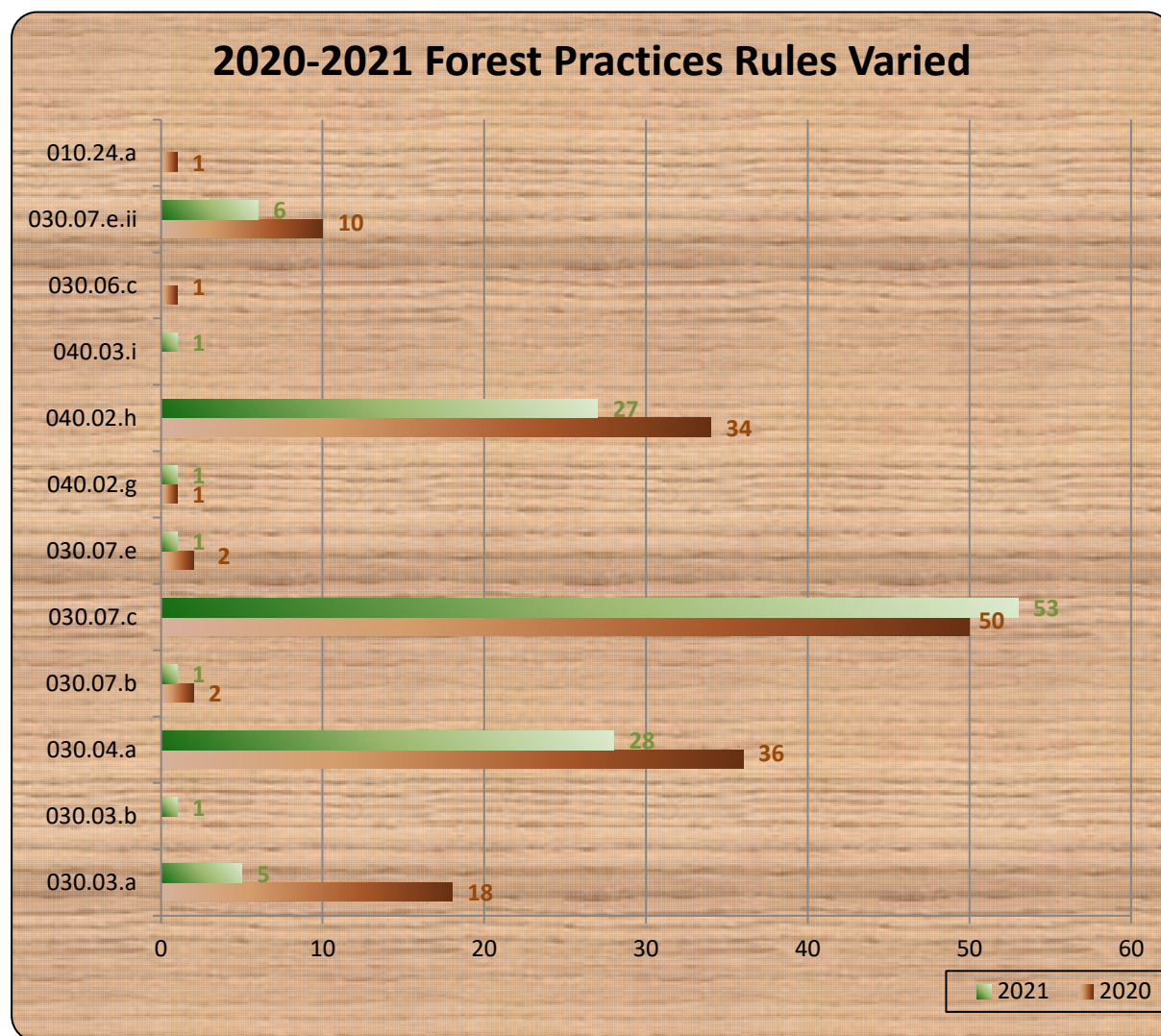
Figure 15 illustrates the types of rules for which variances were granted (See Table 3 for textual rule descriptions). Most requests for variances deal with the use of existing trails or roads within a SPZ. Variances of this nature are only granted if the operator can demonstrate to IDL that use of existing 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	Water filtration effects of vegetation in SPZ
	030.07.e.ii	Streamside shade retention adequate
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 2020 and 2021.**

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. Prior to 2017, very few variances were granted for this rule; in 2017, there was a jump in variances granted for 030.03.a to 16, and that number steadily increased to 37 by 2019. The number dropped in 2020 for reasons described below. Cable-assisted, mechanized-harvesting near streams was the primary driver of these variances. Recognition of the growth of this technology in Idaho combined with the findings of low impact ground disturbance with its use, led the IDL to allow waivers for use of this technology, anticipating a rule change in 2021. Under the waiver system, the number of times cable-assisted equipment is used cannot be quantified. Similarly, the frequency of traction-assisted harvesting on steep slopes will not be tracked under the new rule.

*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 six (6) variances for harvest below stocking limits in Class I Stream Protection Zones. One of these was for removal of hazard trees in ingress right-of-way, two were for clearing of utility rights-of-way, one was for EPA cleanup in a Superfund site, and one was for blowdown salvage. The sixth variance for 030.07.eii was for use of a simplified tree retention methodology to calculate relative stocking. This is the same as in 2020, though additional operations may have used the waiver process and not been identifiable in the data. It is not clear whether the overall reduction in variances from the previous year is because fewer variances were requested in 2021 than 2020, or if fewer of the requested variances were granted.

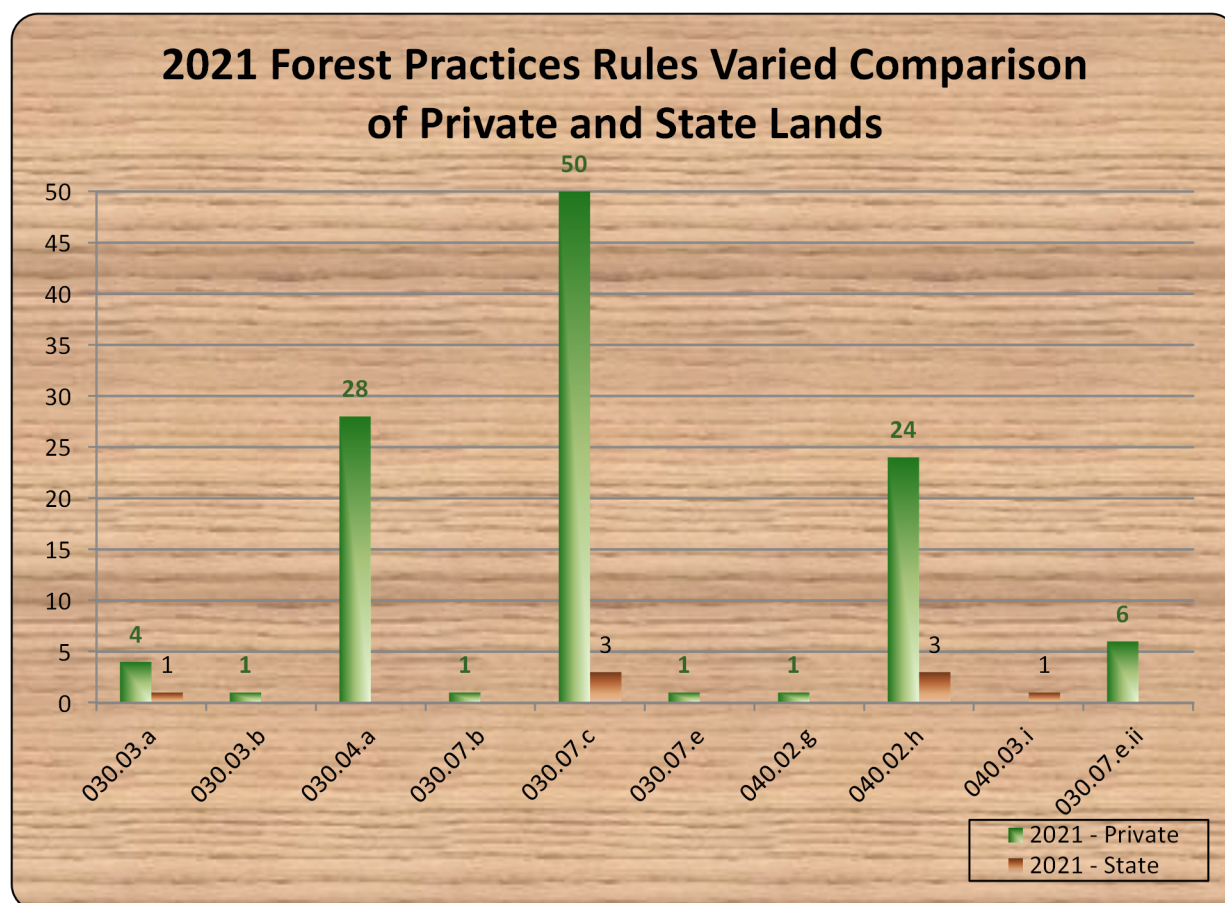


Figure 16 Comparison of Rules for which Variances were Granted by Ownership Type.

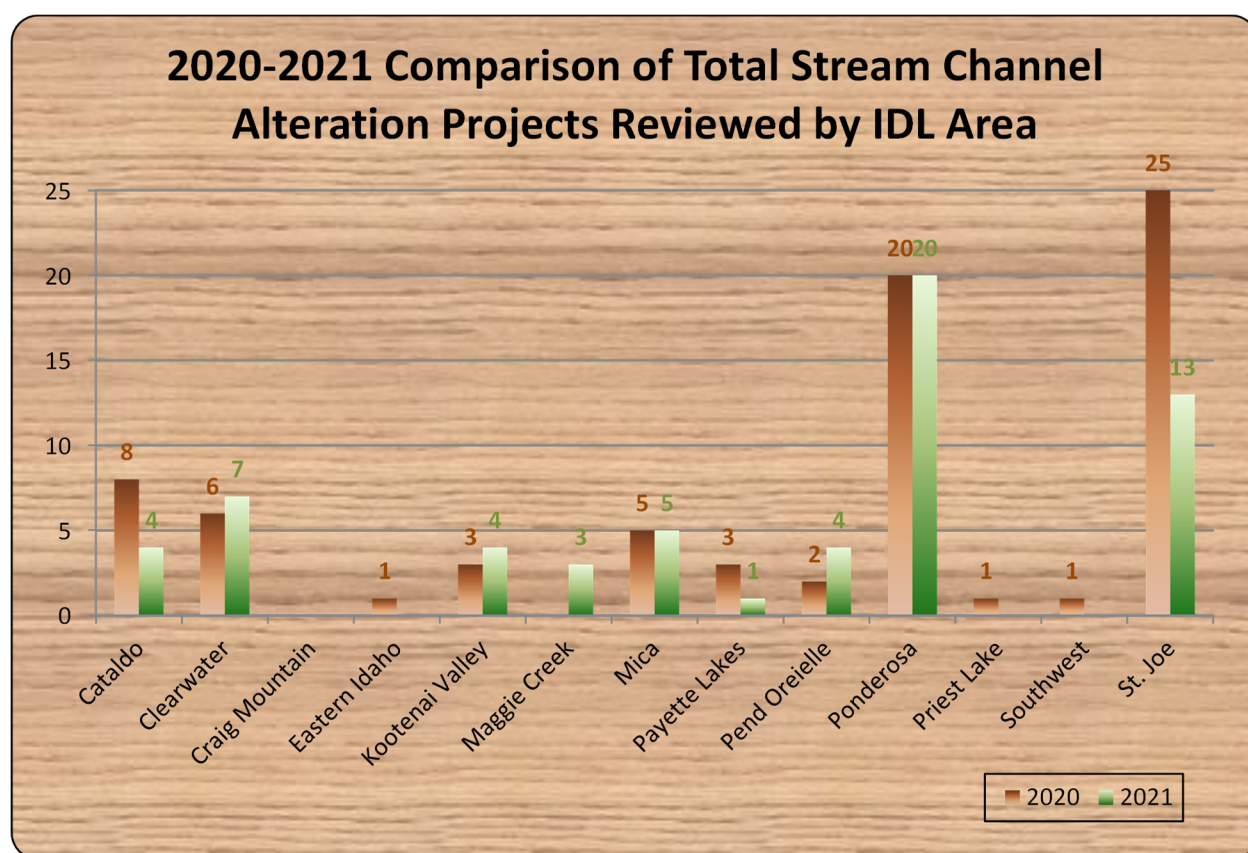
Rule Title	Rule Number	Rule Paraphrase
030. TIMBER HARVESTING	030.03.a	No ground-based equipment on slopes >45% threat to stream
	030.03.b	Grade of constructed skid trails < 30%
	030.04.a	Landings, skid trails, and fires trails outside SPZ
	030.07.b	Temporary stream crossings used
	030.07.c	Ground-based equipment outside SPZ
	030.07.e	Water filtration effects of vegetation in SPZ
	030.07.e.ii	Streamside shade retention adequate
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. To meet the conditions under which IDL has this authority, the stream channel alteration projects must be part of a defined forest practice, the stream must be perennial, and the stream-crossing structures must meet certain size limitations and installation criteria.

**One hundred fifty-one** (151) total stream channel alteration installations/removals were received and approved by IDL statewide in 2021. 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 2021 compared to 2020\*.



*Figure 17 Comparison of Stream Channel Alteration Projects Reviewed by Area.*

**\*2020 data for Cataldo, Clearwater, Kootenai Valley, and Ponderosa were reported incorrectly in the 2020 report and have been corrected in this chart.**

## 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 *Sustainable Forestry Initiative* (SFI) certification 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. An additional challenge facing the Forest Practices program in the upcoming year is communicating and monitoring the impacts of rule changes. We will continue to emphasize the recommendations made in the 2020 quadrennial audit.