



The Forest Practices Act Class I Streamside Tree Retention Rule or “Shade Rule”

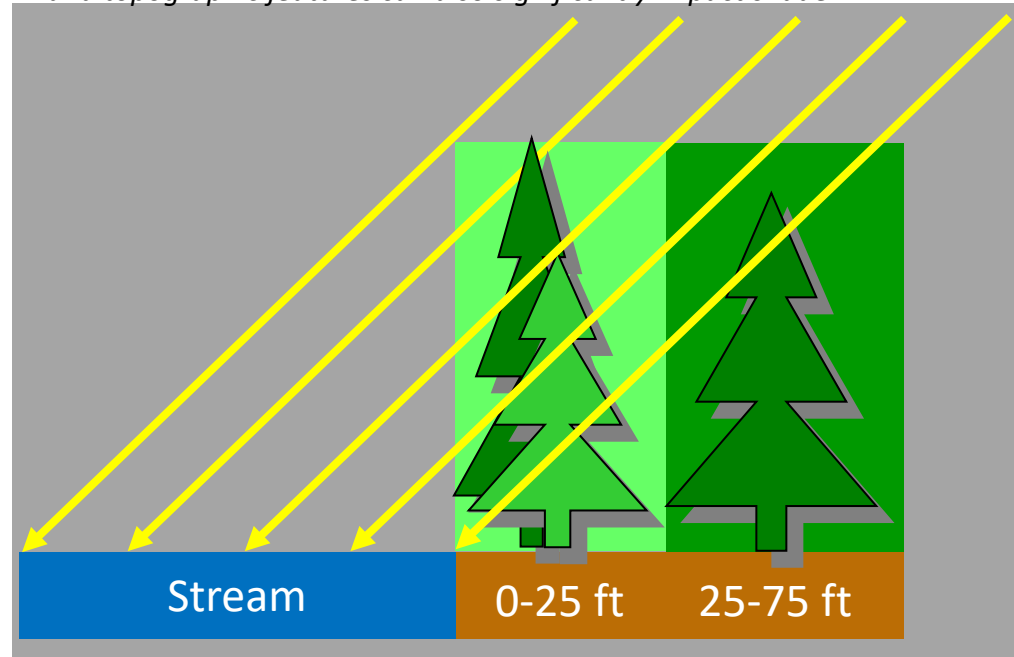
Updated March 2022

Retaining trees near fish-bearing streams is an important component of the Idaho Forest Practices Act.

Tree canopies over streams benefit fish habitat in a myriad of ways. Primarily, shade cast by stream adjacent trees helps keep water cool enough for successful spawning. Also, fish need the stream structures created when trees fall into the stream channel, which form eddies and pools that enhance the ability of fish to feed, spawn, rest, and migrate upstream. Stream structures also slow runoff.



The immediate adjacent buffer of trees next to the stream typically accounts for most of the shadow cast by a riparian buffer. Stream width and topographic features can also significantly impact shade.



Roles and Authorities

The Idaho Department of Lands (IDL) administers the Idaho Forest Practices Act, which regulates harvest operations in Idaho. The State Board of Land Commissioners (Land Board) provides oversight of IDL.

The Forest Practices Advisory Committee (FPAC) provides technical advice to IDL and the Land Board in matters relating to the Idaho Forest Practices Act. FPAC is comprised of nine voting members appointed by the IDL Director for three-year terms. Members include a fisheries biologist, a nonindustrial private forest landowner, two forest operators—one from northern Idaho and one from southern Idaho, two informed citizens—one from northern Idaho and one from southern Idaho, and an at-large member.

In accordance with the federal Clean Water Act, the Idaho Department of Environmental Quality (DEQ) administers Idaho’s Water Quality Standards.

The corresponding Best Management Practices (BMPs) for protecting water quality during timber harvesting operations are defined in the “Rules Pertaining to the Idaho Forest Practices Act”. IDL is the designated management agency for these BMPs.

Every four years the DEQ leads the Forest Practices/Water Quality Interagency Audit on Idaho forestlands to inspect and evaluate compliance with the Idaho Forest Practices Act rules. This quadrennial audit is defined in a Memorandum of Understanding (MOU) between the DEQ and the IDL to allow silviculture (forestry) certain exemptions in the Idaho Non-Point Source Management Plan, which the DEQ is responsible for administering.

When DEQ provides rule changes recommendations based on audit findings, FPAC works with IDL to develop rule changes that address the recommendations.



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Stakeholder Recommendations

Following the 2014 Forest Practices rule changes, monitoring began to assess the effectiveness of the new rule. Studies demonstrated that the new rule, when applied correctly, effectively limited shade loss to less than ten percent—well in line with the target shade removal thresholds. The data suggested there was opportunity for additional shade removal in certain scenarios. In instances where stream adjacent shade was poor due to natural meadows or roads and trails, stakeholders had concerns that the rule still allowed the removal of shade in the outer portions of the SPZ. The suggested solution was to link the inner and outer portions of the SPZ so that harvest would not be permitted in stream segments where streamside shade was insufficient.

In addition to the effectiveness monitoring, input from land managers emphasized the complexity of the rule as a deterrent to streamside harvest layout and implementation. The overwhelming sentiment was that the methodology for assessing SPZ harvest potential must be simplified.

Work since 2014

The Forest Practices Advisory Committee (FPAC) incorporated the concerns of stakeholders and the results of monitoring to develop modifications to the 2014 “Shade Rule.” A simplified methodology for assessing existing shade with a “weighted tree count” value was proposed and discussed. The proposed change is based on the same relative stocking concept that has been in effect since the previous rule change, but it allows the weighted relative stocking value of each tree to be easily assessed and tallied. To eliminate confusion associated with forest types, the proposed retention requirements would be based on regions within the state. In addition, a minimum cutting threshold for the twenty-five (25) feet closest to the stream has been proposed to address the issue of harvesting in stream segments with low stocking immediately adjacent to streams.

In February 2021, the pending rule changes were brought to the State Board of Land Commissioners (Land Board) who authorized the initiation of negotiated rulemaking. From April through June the public was engaged in presentations and solicitation of input on the pending rule. Public comment was generally favorable. Some concerns about the rule being overprotective were submitted as well as some comments about the rule being not protective enough. After no substantive changes were deemed necessary, the twenty-one (21) day proposed rulemaking comment period began September 1. Comments were similar to those received during negotiated rulemaking and resulted in no changes to the proposed rule language.

The Land Board adopted the pending rule in October and the rule was brought before the legislature in 2022. The House and Senate resource committees approved the rule and upon the adjournment of the legislative session March 31, 2021, the new rules became effective.

Educational outreach presentations and demonstration sites have been available to land managers and public stakeholders throughout the spring of 2022. These efforts will continue through the duration of the year.



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What are the changes?

As with the previous rule, a 75-foot-wide tree retention buffer is required in the Class I Stream Protection Zone (SPZ).

Previous “Options” for retention have been **eliminated** and replaced with regional **Weighted Tree Count (WTC)** retention requirements, applied independently on each **100-foot stream segment**.

Regional WTC Retention:

North of Clearwater/Lochsa Rivers	57
Between Clearwater/Lochsa and Salmon Rivers	49
South of Salmon River	41
In drier forests, SPZs dominated by Douglas-fir/ponderosa pine	37

At least 4 of the retained WTC must be in the outer 25 feet of the SPZ

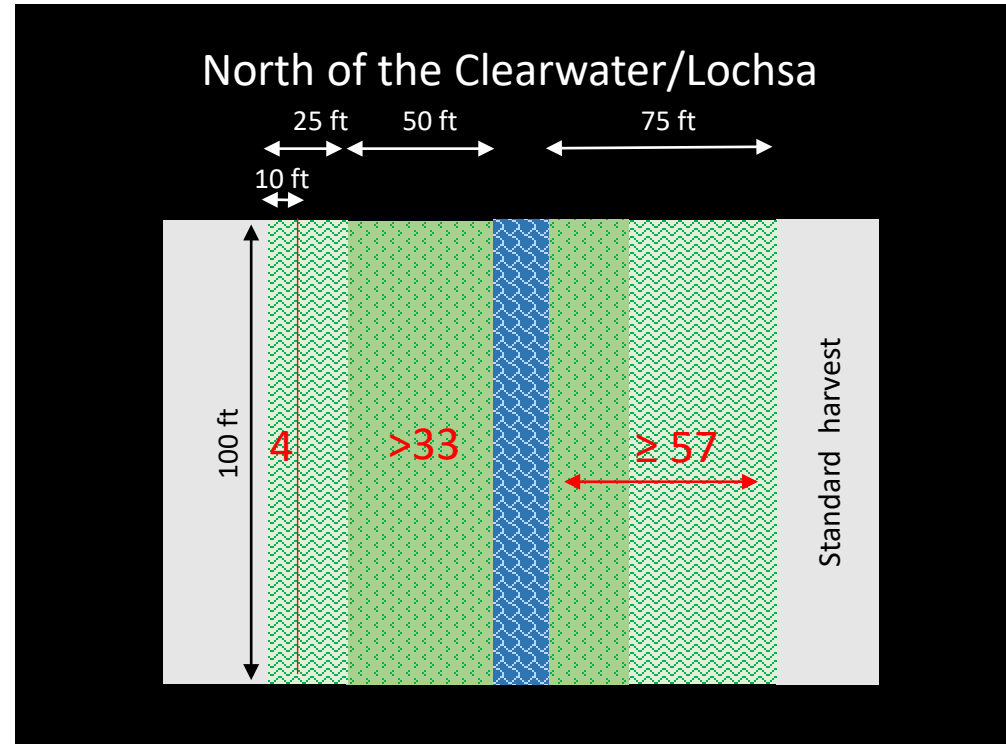
Calculate Weighted Tree Count by tallying trees in each Diameter Range below and multiplying by the Weight:

Diameter Range (inches)	4-11.9"	12-19.9"	20-27.9"	28-35.9"	≥36"
Weight	1	3	5	8	11

In each 100 ft stream segment, a minimum Weighted Tree Count is required within the 50 feet closest to the stream. This cutting threshold prevents harvesting in a segment when stream adjacent stocking does not provide sufficient shade.

Regional Cutting Threshold:

North of Clearwater/Lochsa Rivers	33
Between Clearwater/Lochsa and Salmon Rivers	28
South of Salmon River	23
In drier forests, SPZs dominated by Douglas-fir/ponderosa pine	21



New rule limits harvesting in SPZ segments where streamside shade is lower due to:

- roads or trails in SPZ
- stream adjacent meadows