

From: [Wade Semeliss](#)
To: [Rulemaking](#)
Cc: [Kristy Tucker](#); [Trevor Stone](#); [Anna Torma](#); [Jeremy Pisca](#)
Subject: IDAPA 20.04.01 and 20.04.02 comments
Date: Wednesday, July 24, 2024 2:49:24 PM
Attachments:

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To whom it may concern,

Please see attached comment letter from PotlatchDeltic regarding latest version of proposed rules pertaining to forest fire protection and fire hazard reduction laws (Idaho Administrative Bulletin, July 3, 2024; Vol. 24-7).

Thank you,
Wade

Wade Semeliss
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PotlatchDeltic Corporation
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July 24, 2024

Idaho Department of Lands – CDA staff office
Attn: Josh Harvey - Rulemaking
3284 W. Industrial Loop
Coeur d’Alene, ID 83815
Submitted via email to: rulemaking@idl.idaho.gov

Re: Idaho Department of Lands zero-based regulation negotiated rulemaking, IDAPA 20.04.01, Rules Pertaining to Forest Fire Protection, and IDAPA 20.04.02, Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws (Idaho Administrative Bulletin, July 3, 2024; Vol. 24-7)

Dear Mr. Harvey,

PotlatchDeltic appreciates the opportunity to provide comments on the IDL’s proposed zero-based regulation negotiated rulemaking documents IDAPA 20.04.01 and IDAPA 20.04.02 pertaining to Forest Fire Protection and the Idaho Forestry Act and Fire Hazard Reduction laws as published in the Idaho Administrative Bulletin on July 3, 2024, Vol. 24-7.

In short, we applaud the efforts by IDL staff to thoughtfully consider the public comments received on earlier drafts of these dockets and incorporating that feedback into these latest versions. We believe they largely capture the spirit and intent of the zero-based regulations negotiated rulemaking process and result in a pragmatic product that will provide clear and reasonable guidance for forest landowners and operators.

In this latest draft we have one remaining significant concern that we would like to express and remedy. It pertains to language in IDAPA 20.04.02, section 110.01, which currently states:

*01. **Burning.** Burning for Forest Operations must be planned, prepared, and executed in a way that protects forest resources and maintains air quality (Title 38, Chapter 13 Idaho Code and IDAPA 20.02.01), provides adequate control of smoke (IDAPA 58.01.01) and avoids violating air quality standards.*

We believe the underlined portion of the last sentence in this referenced section is unnecessary and has the potential for broad administrative discretion of interpretation of what burning plans and activities have adequately avoided violating air quality standards. The primary purpose of these rules is to prevent permissible burning activities from violating air quality standards. These rules have been carefully designed in such a way as to best achieve that objective. The inclusion of the underlined language will create a source of uncertainty for landowners and operators who are doing their best to fully comply with the rules and potentially undermine the collaborative efforts of those who participate in the MIAG and MIAG’s ability to manage member burn activities. **We recommend the underlined portion of the sentence in this latest draft referenced above be removed.**

Thank you for allowing us to participate in this process and your consideration of our concerns and recommendations. We support adoption of these latest versions, contingent on addressing this remaining concern.

Sincerely,



Wade Semeliss
Director Government Relations