

**PUBLIC HEARING**  
**Proposed Rule Docket 20-0000-1900**  
**August 15, 2019 9:30 a.m. (IDL Staff Office, Coeur d’Alene)**  
**August 15, 2019 4:30 p.m. (IDL Staff Office, Coeur d’Alene)**

**Introduction:** (Craig Foss/Gary Hess)

Good afternoon, my name is Craig Foss, the Forestry & Fire Division Administrator for the Idaho Department of Lands. Thank you all for attending this hearing. Before we start, I want to provide some general background. The Idaho Department of Lands (IDL) is not proposing any changes to IDAPA 20.02.01, *Rules Pertaining to the Forest Practices Act*. Currently these rules are in a temporary, proposed status and are anticipated to be reauthorized by the 2020 legislature.

This public hearing, by request, is focused on a specific subsection, the Stream Protection rule 030.07.e.ii, also known as the “Shade Rule;” the rules promulgation process described in the Idaho Administrative Bulletin of June 19<sup>th</sup> opened all Idaho administrative rules to comment.

For background on this rule, IDL entered into negotiated rulemaking in 2012 through 2013 to develop new tree retention requirements for Class I, fish-bearing streams. This was in response to water quality audit findings from as early as the year 2000 that indicated the rules in place for shade and large woody debris (LWD) recruitment for such streams were not adequately maintaining water quality. IDL believes the negotiated rulemaking process was very productive, and it ended with a new rule to promote landowners’ forest management of the riparian area on Class I streams, while providing statutorily required protection to maintain water quality. The new rule was published July 1, 2014.

The format of this hearing is prescribed by rule. This particular format for proposed rulemaking does not include an opportunity for multi-party dialogue. The hearing is your opportunity to provide public testimony regarding the proposed *Rules Pertaining to the Idaho Forest Practices Act*. If you have questions or would like to discuss some other aspect of forest practices in Idaho, please contact Gary Hess directly. This is a public forum and I ask all of you to listen respectfully to all speakers, and to speak respectfully to all listeners.

The proposed rules were published in the June 19, 2019, Idaho Administrative Bulletin (Special Edition), Volume 19-6SE, pages 4,099-4100 and pages 4,125-4,151. The rule in the Bulletin is the official version, and all comments should be based on that version. Our rulemaking website is updated and provides a web link to the Bulletin. A simple internet search for Idaho Administrative Bulletin 19-6SE will lead you to the correct place to read the rules.

Both written and oral comments are useful at this stage of the rulemaking. Changes to the proposed rules can only be made based on written or oral comments received on or before August 16, 2019. IDL will review these comments and evaluate whether or not rule changes are needed; your comments and any IDL suggestions for changes will be presented to the Idaho State Board of Land Commissioners in September for a decision. We will prepare the Pending Rule for review by the Land Commissioners at their October meeting. Based on their recommendation, we will then submit a Pending Rule for consideration by the 2020 legislature.

Please make sure the Department receives your comments before August 16. If you brought written comments today, please make sure to give us a copy. Because written and oral comments receive equal treatment, to ensure all who desire to testify get the opportunity to speak, those who plan to submit written comments may want to use this opportunity to briefly summarize the written comments or to elaborate on specific points. Simply reading your submitted written comments verbatim does not enhance their impact. Regardless of whether you have written comments to submit, please do not hesitate to testify today. This is your opportunity to provide feedback on the rules.

Please make sure you have signed in at the back of the room and have checked the boxes for either written testimony, oral testimony, or both. Everyone who wants to speak gets one opportunity. There will be no rebuttals. A time limit on testimony may be necessary, depending on the number of attendees that sign up to testify. A few housekeeping matters: restrooms and a water fountain are to the left of the front desk.

After

That closes the hearing for today. Thank you for participating in the rulemaking process.