

From: [Peter Stegner](#)
To: [Rule Making](#)
Subject: . Riley Stegner letter re: Aug. 15 Shade Rule hearing
Date: Wednesday, August 14, 2019 12:11:07 PM
Attachments: [2019_8_14_Industry_comments_on_IDL_Shade_Rule.pdf](#)

Good afternoon,

Please find the attached comment letter on the Aug. 15 Shade Rule hearing.

Let me know if you have any questions.

Thanks,
Peter

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RILEY STEGNER AND ASSOCIATES



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August 14, 2019

Ara Andrea
Forestry Assistance Bureau Chief
Idaho Department of Lands
3284 W Industrial Loop
Coeur d'Alene, ID 83815
rulemaking@idl.idaho.gov

RE: Idaho Department of Lands August 15, 2019, hearings pertaining to the Streamside Tree Retention Rule, subsection 030.07.e.ii. of the Rules Pertaining to the Idaho Forest Practices Act of IDAPA 20.02.01

Dear Bureau Chief Andrea:

Thank you for the opportunity to comment on the Idaho Department of Lands' (IDL) August 15, 2019, hearings in Coeur d'Alene, Idaho, regarding the Streamside Tree Retention Rule, or "Shade Rule" (subsection 030.07.e.ii. of IDAPA 20.02.01). Our firm has been involved with the Idaho Forest Practices Act and this rule specifically for more than three decades. On this matter we represent Bennett Lumber Products Inc., Hancock Forest Management, Idaho Forest Group, Molpus Woodlands Group, PotlatchDeltic Company, and Stimson Lumber Company. These companies collectively manage over one million acres of commercial forestland in Idaho.

We have surveyed our clients and other companies that manage commercial forestlands in Idaho on the implementation of the Shade Rule since its approval by the Idaho Legislature in 2014. All of the landowners we contacted report that they have been able to *more* efficiently and effectively manage their forestlands under the current Shade Rule than under the past streamside tree retention rule. Just as important, we support the need for the rule as a highly credible, research-based method to ensure Idaho's compliance with the federal Clean Water Act statutes. In short, Idaho's Shade Rule provides important protections for forest landowners and fish.

Sound research, both during the rulemaking process and currently ongoing at the University of Idaho (UI), support the existing Shade Rule's purpose of promoting cool water to enhance the ability of fish to feed, spawn, rest, and migrate upstream. Scientific and collaborative development formed key tenets of the rule, including a 10-year Forest Practices Advisory Committee (FPAC) process utilizing forest hydrology, scientific modeling expertise, and four years of negotiated rulemaking. Both efforts were designed to integrate science with a flexible regulation that could be reliably implemented by landowners.

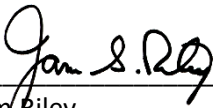
Upon adoption of the rule in 2014, two different studies/monitoring programs were initiated to understand the rule's effectiveness and implementation by landowners. Study results are currently being analyzed and reports are forthcoming. Research on the rule is focused on the Shade Rule Effectiveness Study, which is a collaborative study between the UI, Idaho Department of Quality (DEQ) and multiple landowners. Three years of field work, led by DEQ, has been completed, and UI is analyzing the results and preparing a report. To alter the rule prior to having the benefit of this important research

would be destabilizing and premature. Finally, we must also note that the proper forum for review and refinement of the rule is and should be through FPAC.

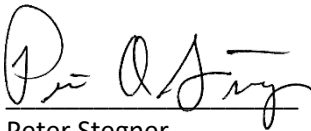
We request the agency maintain the current Shade Rule and the Rules Pertaining to the Idaho Forest Practices Act (subsection 030.07.e.ii. of IDAPA 20.02.01) without amendment and support continued monitoring to ensure implementation of the rule is functioning for both landowners and Idaho's fish. Further, we request that all letters regarding this rule when it was proposed and approved by the Idaho Legislature in 2014 be included for the record of this hearing.

Thank you for allowing us to comment on Idaho's Shade Rule. We stand ready to work with all parties to monitor and improve Idaho forest practices to allow maximum flexibility for private landowners while protecting the fundamental productivity of Idaho's forest soils and water.

Sincerely,



Jim Riley
Principal
Riley Stegner and Associates



Peter Stegner
Principal
Riley Stegner and Associates