From:	Gary Hess
To:	Amy Johnson
Subject:	FW: KM comments
Date:	Sunday, August 18, 2019 10:21:24 AM
Attachments:	KM Shade Rule Comments.pdf

Amy,

TNC's e-mail was down until yesterday. I received this from Kennon at about 0600 August 16th.

Thanks,

Gary

From: Kennon McClintock <kmcclintock@TNC.ORG>
Sent: Saturday, August 17, 2019 6:16 AM
To: Gary Hess <GHess@idl.idaho.gov>
Subject: KM comments

Kennon McClintock
North Idaho Field Representative

kmcclintock@tnc.org
(208) 267-8999 (Work Phone)
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The Nature Conservancy

65 McClintock Road
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August 15, 2019

Ms. Ara Andrea
Forestry Assistance Bureau Chief
Idaho Dept. of Lands
3284 W. Industrial Loop
Coeur d'Alene, Idaho 83815

RE: Public Comment on Rule IDAPA 20.02.01 -- Section 030.07.e.ii. (The 2014 Shade Rule: tree retention requirements for Class I streams.)

Ara,

I would like to comment on the 2014 revised Shade Rule.

For the record, I have been a member of Forest Practices Act Advisory Committee (FPAAC) for approximately 15 years, (representing the small private woodland owners of Idaho) and currently serve as its chairman. I am a forester/silviculturist by education and profession, having worked in the woods for approximately 42 years. Most of my work (36 years) has been with large industrial landowners in north Idaho. I am also a private forestland owner in Boundary County and have been in the Idaho Tree Farm program for 31 years. I am also a member of the Idaho Forest Owners Association and have been for about 30 years. I currently work in Boundary County for the Nature Conservancy and have for the past 6 years.

I was involved with the drafting of the revised 2014 Shade Rule, which was a 10-year long process involving FPAAC. While the revised shade rule was not perfect, it was a good start to having a rule which could be measured on the ground, before and after timber harvest. The old rule had no metric and was not enforceable on the ground. The revised rule was designed with two options for flexibility to help forest landowners meet their objectives. The rule was also designed to minimize loss of timber value to the landowner. The revised rule was supported by all major forest landowner groups in Idaho. At the time of adoption of the revised rule in 2014, the decision was made by FPAAC to commission an in-depth study on this revised rule. That study, conducted by IDEQ and the University of Idaho, is finishing up this year and results may be available this fall.

The revised rule has been working well with most forest landowners as far as I am aware. At FPAAC meetings over the past 4 years, we have received very few negative comments. Most forest landowners in Idaho desire and strive to protect water bodies and water quality. When study results have been vetted, FPAAC will decide if alterations in the revised rule are warranted or if further study is needed. This is how the process is supposed to work. Yes, it is slow, but it works.

Within FPAAC, we review and study all rules and regulations relating to forest management activities as the need arises. When concerns on an issue surface, we hold lengthy discussions, bring in experts on the issue, and commission studies to evaluate the issue. When rule changes are necessary, we make

those changes to better environmental protection while trying to minimize undue burden and hardship on the landowner and contractors.

We are reminded constantly of the over regulation of forest practice rules within Washington state and California: --- and strive to not follow their lead. Over regulation and loss of common sense and reason, as which have occurred in those two states, leads only to land use conversion and undue hardship on the landowner, usually with very little environmental gain.

In Idaho, stream shade, stream water temperature and fish habitat are complex issues and highly variable conditions exist on the ground. FPAAC has done a good job analyzing these issues and there is more work that obviously needs to be done. I feel FPAAC is a relevant and transparent part of the process to properly manage our forests in Idaho and sustain our forest products industry, while protecting the environment and the landowner's interest.

Thank you for the opportunity to comment.

Best regards,

Kennon McClintock

Kennon McClintock

From: Gary Hess
To: Kennon McClintock
Cc: Amy Johnson
Subject: FW: KM comments
Date: Sunday, August 18, 2019 10:18:47 AM

Thanks, Kennon. I will forward the one you sent to me yesterday to our rules coordinator and make a note of the issue.

Best regards,

Gary

From: Kennon McClintock <kmcclintock@TNC.ORG>
Sent: Sunday, August 18, 2019 5:35 AM
To: Gary Hess <GHess@idl.idaho.gov>
Subject: RE: KM comments

Gary,

I had been trying to send my comments on Friday pm, but the tnc email was down all afternoon -- so it finally mailed on Saturday AM.

Best regards,

Kennon

From: Gary Hess <GHess@idl.idaho.gov>
Sent: Saturday, August 17, 2019 6:23 AM
To: Kennon McClintock <kmcclintock@TNC.ORG>
Subject: RE: KM comments

Thank you Kennon. Gary

From: Kennon McClintock <kmcclintock@TNC.ORG>
Sent: Saturday, August 17, 2019 6:16 AM
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