



IDAHO DEPARTMENT OF LANDS

2019

# Idaho Forest Practices Year-End Report



*Developed and Submitted by*

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Forest Practices Program

Forestry Assistance Bureau



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# FORESTRY



# ASSISTANCE



## 2019 Forest Practices Year-End Report

### Preface

The Idaho Forest Practices Act (Idaho Code §§ 38-1301 through 38-1313) and the Idaho Forest Practices Act (FPA) administrative rules: (Rules Pertaining to the Idaho Forest Practices Act, IDAPA 20.02.01) were developed and are modified to promote active forest management, enhance the ecological and social benefits derived from Idaho forestland, and maintain and protect vital forest resources. The Best Management Practices (BMPs) defined within the administrative rules (FP Rules) are designed to protect water quality, wildlife habitat and forest health while enhancing tree growth and vigor. These rules are the approved forestry BMPs for meeting Idaho Water Quality Standards (IDAPA 58.01.02, paragraph 350.03.a). They provide assurance to the Idaho Department of Environmental Quality (IDEQ) and the Environmental Protection Agency (EPA) that Idaho is meeting the water quality standards prescribed for *forest practices* such as harvesting, burning, planting, and the transporting of forest products.

IDL is statutorily charged with administering the Forest Practices Program and ensuring the associated FP Rules implementation. The IDL Forestry Assistance Bureau administers the program.

At the beginning of each year, the IDL Forest Practices Program Manager compiles and analyzes data from the previous calendar year. These data are then translated into actionable information and made available to land managers, forestry professionals and other interested parties. This information describes the overall picture of forest practice activities on *private* and *state* forestland. For this report, private forestland includes industrial and nonindustrial forestland and may include county or municipal forestland. State forestland includes all state trustlands and other state-owned land where forest practices are administered by IDL.

IDL has a Memorandum of Understanding (MOU) with the Idaho Department of Water Resources (IDWR) regarding stream channel alterations. This MOU grants IDL the authority to permit and inspect specific stream-channel crossing structures installed as part of a defined forest practice. Each year the IDL Technical Services Bureau consolidates details of Stream Channel Alteration Permit (SCAP) activities on private and state land. This activity is reported to IDWR in accordance with the MOU.

The Idaho Forest Practices Advisory Committee (FPAC) is the body of professionals and concerned citizens charged with providing direction and leadership for new and revised FPA administrative rules. FPAC is comprised of nine voting members from across the State of Idaho who represent family and industrial forest owners, fisheries biologists, citizens at large, and logging operators. There are also several *ex officio* members representing IDEQ, the US Forest Service and various technical specialties.



IDL Forest Practices Program Manager, Gary Hess, and newly hired Forest Stewardship and Regulatory Program Specialist, Adrienne Morrow, wish to acknowledge the hard-working Private Forestry Specialists in each of the Supervisory Areas, whose diligent efforts produce the data in this report. They also express their gratitude to Debra Welch, Diana Rauschenbach, and Joyce Jowdy for the often-tedious work in data entry and database management from 1,280 inspection reports and variances.

The IDL and FPAC are very grateful to PotlatchDeltic, Tom Dean Logging and Todd Cleveland Logging for hosting a series of tours of cable-assisted, mechanized harvesting operations this past fall. See Video <https://youtu.be/T1RAjtz0Kv0>



Figure 1 2019 Forestry Assistance Bureau Forest Practices Calibration — Ponderosa Supervisory Area. Brett Stryhas, Tom Dean Logging, explains cable-assisted harvesting operations to IDL Private Forestry Specialists and FAB staff.

## Introduction

Forest practice inspections are conducted by IDL Private Forestry Specialists (PFSs) and part-time inspectors who assist the PFSs. During inspections, detailed, comprehensive, inspection observations are recorded and then submitted to the Forest Practices Program Manager (FPA PM) for entry in the Forest Practice Inspections Database. The database provides most of the data and information contained in this report along with summaries of inspections completed during a given month. The FPA PM distributes a monthly Forest Practices Report. This monthly report identifies unsatisfactory findings from inspections of commercial harvest operations.

Before commencing any rule-defined forest practice (commercial or non-commercial), an *Operator* who is responsible for forest practice implementation must file a **Notification of Forest Practice** with IDL. When harvested wood will be used **solely** for the landowner's/harvester's **personal use**, a Notification is **not** required. If a commercial operation has the potential to generate a slash hazard, a **Certificate of Compliance/Fire Hazard Management Agreement** must also be submitted and signed by the **Contractor**. The Contractor is responsible for slash management rule compliance. Slash hazard mitigation on commercial operations must be inspected and a **Certificate of Clearance** issued following harvest and site-preparation operations. The Notification and the Compliance are on a double-sided, single-page form that requires signatures from both the Operator and the Contractor. Copies of the signed document are sent to the landowner listed in county tax records, the County Assessor's office in the county in which the operation occurs, and the purchasers. Because all forest practices require a Notification regardless of hazard management implications, this report refers to the form as a Notification.

Once the Forest Practices Notification is accepted by the local IDL Office, the PFS begins the process of scheduling on-site inspections. Inspections may be performed multiple times on the same operation depending on the observed site conditions or upon request of the Operator or Landowner. To ensure that IDL places the greatest emphasis on protecting water quality, the IDL PFSs prioritize inspections based in part on a concise risk assessment. Higher priority is given to operations containing Class I (fish-bearing or domestic use) streams, followed by operations containing Class II streams. Notifications that indicate presence or adjacency of a Class I stream will prompt the PFS to conduct inspections at a higher frequency. Depending on the characteristics of any operation, PFSs may use other site-specific attributes to prioritize inspections. These attributes include unstable or highly erodible soils and slopes greater than 45% in gradient. PFSs place the highest inspection priority on notifications with the highest potential for water quality issues. The primary objective of the Idaho Forest Practices Act is to protect water quality.

Under the FPA Rules, IDL may grant a **variance** when an Operator demonstrates that variance from a Forest Practices Rule will result in no additional resource degradation and the variant action is necessary to successfully complete the forest practice. A variance is only granted when it is shown the non-compliant activity and potential mitigation will result in equal or better resource protection than operating within full compliance with the rules. Each variance request is carefully



analyzed by an IDL PFS. A final decision regarding the granting of a variance is made by the IDL Area Manager after consulting with the PFS. Some requests for a variance are denied and others are withdrawn by the applicant after they learn that additional practices required by the IDL in order to provide greater resource protection make the variance less attractive than full compliance with the rule.

This report provides detailed data on:

- Forest Practices Notifications on Private and State Forestland
- Individual Operations Inspected
- Frequency and Location of Inspections
- Rule Compliance
- Attributes of Inspected Operations
- Notices of Violation
- Complaints Made to IDL
- Variances
- Stream Channel Alteration Projects

Highlights of the above items and conclusions are presented in the following Executive Summary. Bar charts by category are presented in the body of the report.



## Executive Summary

Since 1974 the State of Idaho has encouraged sustainable forest management on Idaho forestland through compliance with minimum Best Management Practices detailed in the “Rules Pertaining to the Idaho Forest Practices Act Title 38, Chapter 13, Idaho Code”

( <https://adminrules.idaho.gov/rules/current/20/200201.pdf> )

There was a consistent sustained increase in compliance with these rules from 1974 when rates were only 85% until a few decades ago when rates reached 95%. Rural residential development, new forest landowners, other demographic changes, and changing weather patterns likely make 100% compliance for inspected operations unrealistic. Forest Practice (FP) operations inspected on state and private forestland in 2019 are **98.8%** compliant with FP administrative rules. Inspections demonstrate a continued high level of care and stewardship by Idaho forest managers and loggers during harvesting operations; in fact, this is among the highest reported compliance level in the past decade. Data regarding these achievements in 2019 are provided in comprehensive detail in this report.

### Forest Practice Notifications on Private and State Forestland

The number of Forest Practice Notifications accepted for operations on both state and private forestland show that timber-management activity decreased in 2019 with **2,153** accepted notifications. This is an 12% decrease from 2018. There were **2,030** private Notifications and **123** state Notifications. The BMP implementation rate of 98.8% across all **inspected** operations this year is 0.4% below that in 2018 and 1.1% above the 10-year average of 97.7%. The BMP implementation rate across all forest practice **inspections** this year is 98.5%. One operation often will receive multiple inspections.

### Individual Operations Inspected

This past year (2019) saw **1,280** inspections on **1,077** operations. This is a slight decrease in distinct operations inspected (50% of Notifications) from calendar year 2018 (51% of Notifications) and meets the IDL goal of inspecting at least 50% of accepted Notifications during the calendar year. During this past year there were minor fluctuations in staffing of Private Forestry Specialist positions. Variation in inspections between Areas and from year to year is directly related to availability of PFSs. PFSs concentrate their inspections on actual harvest operations where the impact to water quality has the potential to be detrimental to aquatic life and less so on other forest practices that should have a Forest Practice Notification. IDL found at least one unsatisfactory condition (or misdemeanor violation) on **13** distinct operations (1.2%) in 2019 vs. 10 operations (0.8%) in 2018. There were **123** new state Notifications, but only **61** of these were for timber harvest. FP personnel inspected **33** of these active harvest operations. This demonstrates that PFSs have been very active inspecting state sales. Not all Notifications are for harvest operations, but to make a consistent comparison with private Notifications (also not just harvest operations, which are currently difficult to quantify for private sales) the inspection ratio is 27%. This is down from 39% of state operations inspected in 2018. These data may be skewed by the difference in distribution of harvest and non-harvest Notifications among ownership types (private industrial, private nonindustrial and state). Also, state timber sales may have



relatively longer lag times before activity begins and after it ends, and before a sale is closed out. In 2019 there were **212** sales open at some point in the year, but not necessarily active in the woods. As more Notifications are developed within the Lands Information Management System, data will be more easily analyzed to remove these effects.

In 2019 the department modified policies for PFS inspections of state operations in a continuing effort to interact with state foresters in the same manner as we do with private customers, while also transparently reporting forest practice infractions. All variances to rules now are processed through the Private Forestry Specialist. And all unsatisfactory conditions identified either by a PFS or state sale administrator are reported through the PFS, as well as within standard state timber sale processes. This past year there were two state operations that had unsatisfactory findings; for state operations only, the compliance rate was **98.4%**.

### **Frequency and Location of Inspections**

Inspections occurred in every IDL Supervisory Area, with Eastern Idaho and Southwest having the fewest (1 and 9 respectively) and Pend Oreille Lake, Mica and St. Joe with the most (418, 227, and 183 respectively). There was an increase in inspections on the Pend Oreille, St. Joe, and Maggie Creek Supervisory Areas and a decrease on the Mica, Ponderosa, and Clearwater Areas. The same inspector often moves between Maggie Creek and Clearwater, depending on seasonal activity, so inspection levels between these two Areas fluctuate accordingly. The St. Joe and Mica Areas were each lacking a PFS for a period during 2019 and fire suppression duties lessened the inspection efforts on the Ponderosa Area.

### **Notices of Violation**

A Notice of Violation (NOV) is issued when repeated unsatisfactory conditions and/or severe resource degradation are observed during an inspection. An NOV can also be issued if an operator fails to perform the prescribed mitigation for an unsatisfactory condition, within the time frame given by IDL. In 2018 one NOV was issued. In 2019, **3** NOVs were issued (See *Figure 11*), but these 3 NOVs were all for a single operation and not related to resource damage. The NOVs were issued for violation of bonding requirements and inappropriate use of state Forest Practice Notification documents.

### **Research**

From 2014 to 2018, DEQ monitored 65 stream protection zones for the Shade Effectiveness Study implemented as part of IDL's adaptive management approach to streamside tree-retention requirements. The original goal was 50 test sites and 20 control sites. Measurements were made on 44 test sites and 21 control sites among 4 of the 5 Forest Types described in Rule 010.24. Monitoring included pre-harvest and post-harvest inventory, calculation of Relative Stocking and shade measurements with a Solar Pathfinder. The Solar Pathfinder measurements determine the change in relevant shade of a stream by comparing imagery. Data is weighted by considering the direction of the sun and time of year. The 2018 field season was the final year for field measurements and DEQ contracted with the University of Idaho to analyze the gathered data to determine statistical trends. The overall objective of the 2014 tree-retention rule for Class I





streams was to ensure no greater than 10% shade removal from Class I SPZs on average throughout the state. This was achieved, since the report indicated an average shade removal of 3.8% with 95% confidence bounds and an extreme range from 23.9% loss to 12.9% gain. <https://www.idl.idaho.gov/forestry/shade-rule/>

As part of a “two-year” evaluation of a harvest technology new to Idaho, for the third year IDL has granted variances under the Soil Protection Rule 030.03.a. for operation of cable-assisted, ground-based equipment on slopes greater than 45% “immediately adjacent” to streams. This was done to provide a consistent basis for a statewide opportunity to assess the impact of cable-assisted, steep-slope logging within the current FP regulatory framework. The site conditions that would prompt the need for a variance, for cable-assisted equipment only, are if harvest occurs adjacent to or within the SPZ where slopes outside the SPZ exceed 45%. Ground-based equipment is not allowed to operate from within the SPZ in these cases. In 2017 there were 16 such operations: 1 on state and 15 on industry ownership. Fourteen of the fifteen industry operations were adjacent to streams and required variances. There were 25 cable-assisted operations in 2018 with 3 on state and 22 on industry ownership. One of the state operations was not adjacent to a stream under the above circumstances and did not require a variance. In 2019, there were 37 of these operations. Based on direct reports to the Forest Practices Program, all of these operations have occurred within the St. Joe, Ponderosa and Clearwater Supervisory Areas.

IDL spent the year 2019 working with FPAC to study the literature associated with this “new to Idaho” harvesting technique and to visit sites where such operations occurred. All observations and reviewed soil disturbance and soil compaction studies revealed significantly less impact with this technology than that with conventional ground-based equipment. IDL is working with FPAC to modify definitions to exclude this technology from the restrictions imposed on conventional ground-based equipment. In the meantime, IDL is working on an acceptable, more efficient, and consistent way of granting variances for its use.

## **Looking Forward**

IDL has also been managing a contract with Trimble Forestry to develop an enterprise system for timber management that includes regulatory capability. The Lands Information Management System (LIMS) has continued phased deployment in 2019, to provide modules that support Transportation, Hydrology, Timber Sales, Private Fire and Hazard and Forest Practices Regulatory administrative and reporting functions. A key aspect of the Hazard Management and Forest Practices Regulatory element is a Compliance/Notification Portal that IDL and Timber Protective Association staff are using to generate these documents with a spatial overlay. This overlay can populate the Legal Description and Special Cautions fields when a polygon for a harvest is drawn within a forest landowner’s parcels. Additionally, all named entities’ contact information for the Landowner, Timber Owner, Contractor, Operator and Purchasers can be pulled in from an integrated database. Initially Compliance/Notification forms will be printed and require signatures as they presently are but the second phase, to be deployed in 2020, will add the capability for electronic signatures, so the notification process can take place via e-mail or



signature pad in an Area office. It will eventually incorporate Forest Practices and Hazard Clearance Inspection documentation and reporting capability. All Supervisory Area offices, Forest Protective Districts and Timber Protective Associations started using the system this year.

In the coming year the Department of Environmental Quality (DEQ) will be conducting the 2020 Quadrennial Water Quality Audit. Field sites have been selected and will be visited in the Spring and Summer of 2020, with a report expected in the fall.

The success achieved in implementing the Idaho Forest Practices Act rests with the collaboration and dedication of many individuals, organizations and the sound science supporting the rulemaking. Idaho's high level of forest practice BMP implementation is achieved and maintained as the result of many contributing factors. The participation of most of Idaho's larger industrial forestland owners in forest certification systems, such as the *Sustainable Forestry Initiative* (SFI), has a very positive influence on compliance rates. These industrial forest landowners strive to remain in full compliance with both the FPA Rules and the standards set forth by their certification organizations. They also depend heavily on the data in this report for added third party documentation. Programs like the *American Tree Farm System* provide a similar role on the nonindustrial side. IDL strives to fully inform state land managers, as well as report their successes, to ensure they have a basis for comparison and receive credit for their stewardship ethic. The dedication shown to resource protection by Idaho's state, industrial and nonindustrial stewardship forestland managers, while practicing sustainable timber harvest, is remarkable and encouraging.



## Notification of Forest Practice on Private and State Forestland

A total of **2,153 Notifications** were accepted statewide in **2019** for operations on **private and state forestland**. This is a 12% decrease from the 2,450 Notifications submitted in 2018 and makes the number of Notifications in 2019 the lowest since 2012. *Table 1* below shows the number of Notifications accepted from 2009 through 2019.

Table 1.

2009 to 2019											
Notification of Forest Practice/Certificate of Compliance- Fire Hazard Management Agreement											
Forest Protective District	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Priest Lake	39	49	42	40	43	39	33	43	41	46	36
Kootenai V.	111	152	149	168	244	233	207	214	233	222	216
Mica	195	262	260	216	267	284	279	307	264	339	278
Pend Oreille	295	408	380	438	521	649	673	706	631	676	616
Cataldo	60	70	65	81	106	97	132	136	130	130	90
St. Joe	210	263	340	333	356	452	368	445	407	385	311
Ponderosa	71	120	121	99	120	141	114	129	133	138	117
Maggie Creek	27	59	47	41	50	84	184	132	46	71	65
Craig Mtn.	49	72	59	74	50	62	82	36	39	65	58
Southwest	25	30	30	45	61	41	26	19	12	14	14
Eastern Idaho	3	7	6	4	5	10	14	6	6	8	11
SITPA	35	65	63	94	80	78	84	63	80	73	65
CPTPA	<u>162</u>	<u>233</u>	<u>259</u>	<u>226</u>	<u>257</u>	<u>257</u>	<u>250</u>	<u>270</u>	<u>251</u>	<u>283</u>	<u>276</u>
<b>TOTAL</b>	<b>1282</b>	<b>1790</b>	<b>1821</b>	<b>1859</b>	<b>2160</b>	<b>2427</b>	<b>2446</b>	<b>2506</b>	<b>2273</b>	<b>2450</b>	<b>2153</b>

2009-2019 operations conducted on both state and private forestland.

Table 2 shows the number of Notifications accepted for both state and private entities by fire protective district. In 2019 **123** Notifications were accepted for activities on state land.

Table 2.

Forest Protective District	2019 Private	2019 State	2019 Total
Priest Lake	24	12	36
Kootenai Valley	211	5	216
Mica	272	6	278
Pend Oreille	609	7	616
Cataldo	87	3	90
St. Joe	291	20	311
Ponderosa	113	4	117
Maggie Creek	62	3	65
Craig Mountain	57	1	58
Southwest	12	2	14
Eastern Idaho	5	6	11
SITPA	60	5	65
CPTPA	<u>227</u>	<u>49</u>	<u>276</u>
<b>TOTAL</b>	<b>2030</b>	<b>123</b>	<b>2153</b>

#### State and Private Forestland—Notification and Compliance Submissions

A total of **2,030** Notifications were accepted for **private land** for **2019**. These include all **commercial operations, non-commercial operations which generate slash, and cost-shared activities** which constitute a Forest Practice. Notifications totaled in this private land category include operations conducted on mostly industrial and nonindustrial private forestland.



## Individual Operations Inspected

Figure 2 shows a comparison of operations inspected from 2016 through 2019. There were **1,077 distinct operations** inspected in 2019. Of those distinct operations, 1,064 operations demonstrated satisfactory BMP implementation (in compliance with the FPA Rules). This is a **99%** compliance rate. Of the total number of operations, **13** had at least one inspection report in which at least one unsatisfactory condition (rule infraction) was observed. Of the 13 unsatisfactory operations in 2019, two (2) occurred on endowment lands, ten (10) on non-industrial forestland, and one on a corporate utility operation. Inspections conducted by PFSs on state forestland in 2019 demonstrated 98% satisfactory compliance. Of the **2,153** accepted notifications in 2019, **1,077** of those operations received at least one inspection, so **51%** of all operations received an inspection in 2019. This is the second year in the last three that IDL has met the statewide goal of inspecting at least 50% of the operations with a Notification on file. The 47% rate in 2017 was the lowest of the three years and likely due to several PFS positions being open for several months in more than one Supervisory Area. Since filling the PFS positions, inspection rates have been at or above the target.

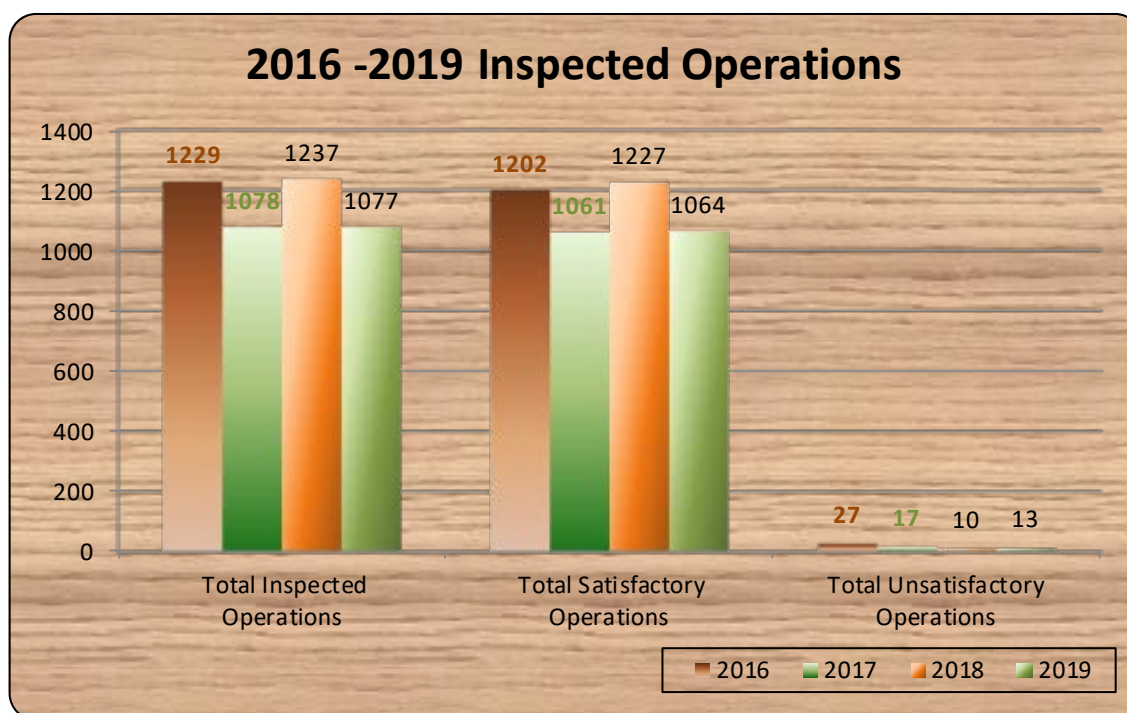


Figure 2 Comparison of Yearly Inspected Operations on State and Private Forestland 2016–2019.

On state forestland (See Table 2 and Figure 3), **33** of **123** operations received an inspection by a Private Forestry Specialist, for a rate of **27%**. This is down 11 percentage points from 39% in 2018. Note though, that only 61 of the 123 Notifications were for harvest of timber.

For private Notification operations, **1,044** out of **2,030** operations received an inspection, for a rate of **51%**. This is equal to the inspection rate on private lands in 2018.

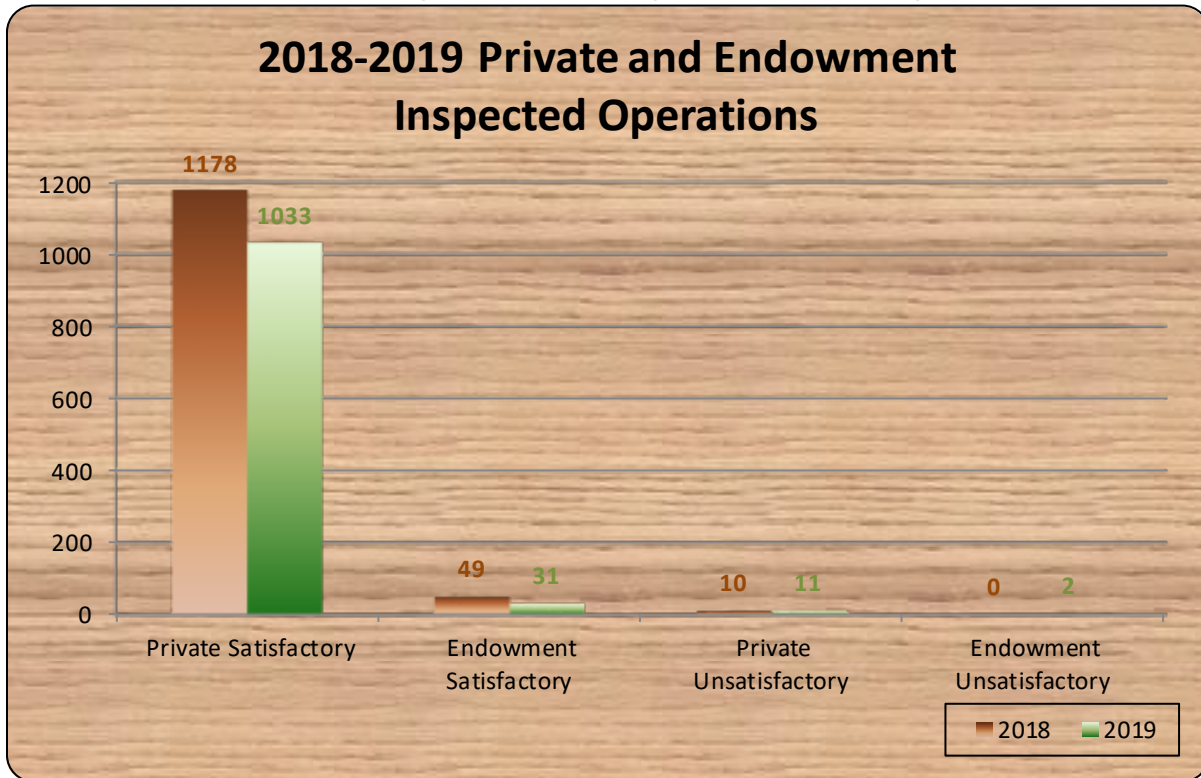
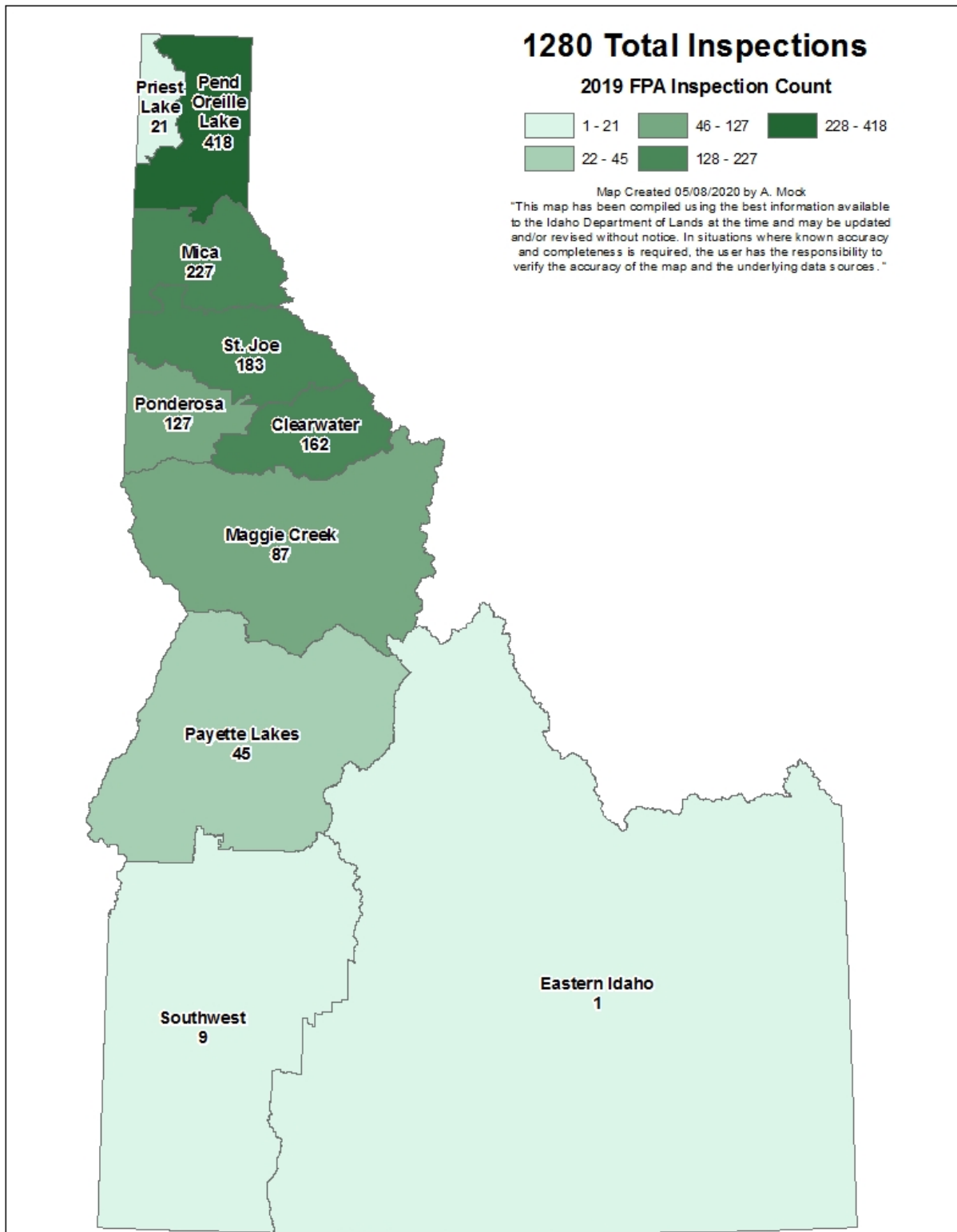


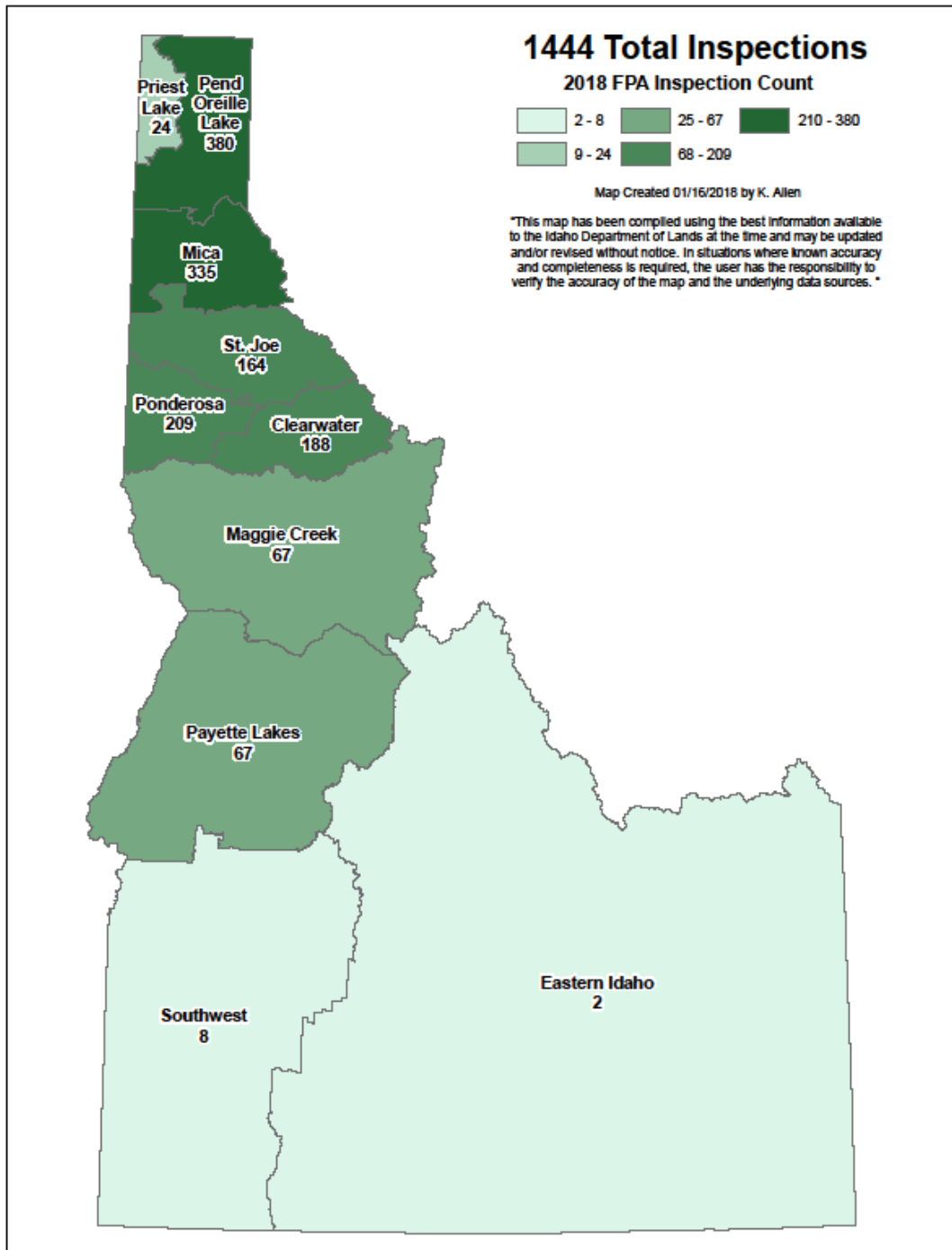
Figure 3 Comparison of Satisfactory and Unsatisfactory Inspections on Private and State Operations.

## Frequency and Location of Inspections

During 2019, IDL PFSs and assistants performed **1,280** total Forest Practices inspections on 1,077 distinct operations of state and private forestland. *Figure 4* shows spatial representations of all Forest Practices inspections performed in 2018 and 2019 by IDL Supervisory Area (vs Forest Protective District). The total number of inspection reports for inspections in each Area includes follow-up inspections on the same operation; this results in more inspection reports than operations.

Comparison of the two maps reveals the changing demographics for program personnel in 2018





**Figure 4 Map of inspections by Supervisory Area.**

*(Note: Many inspections are performed on sites with Notifications submitted in previous years and many late-year Notifications may not receive inspections until the next calendar year. This year-to-year carry-over remains relatively constant over time. IDL consistently reports on the number of inspected operations compared to the total number of forestland Notifications accepted in a given calendar year.)*



## Rule Compliance

Figure 5 shows a comparison of the **total** number of 2018 and 2019 Forest Practices **inspections** performed on state and private forestland and the breakdown of those inspections into satisfactory reports (inspection reports indicating compliance with all rules inspected) and unsatisfactory reports (inspection reports indicating an infraction of at least one rule).

The data show, out of the **1,280** total inspections performed in 2019, the number of inspection reports containing all-satisfactory conditions was **1,261** (*Total Satisfactory Inspections*); this demonstrates that **99%** of all **inspections** performed in 2019 found compliance with the FPA Rules (including sites that were found satisfactory in post-unsatisfactory inspections after they were brought into compliance through remediation). This total number of inspections encompasses all inspections, including multiple inspections of the same operation. Within these 1,280 performed inspections, the number of inspections that resulted in reports indicating at least one unsatisfactory condition totaled 19.

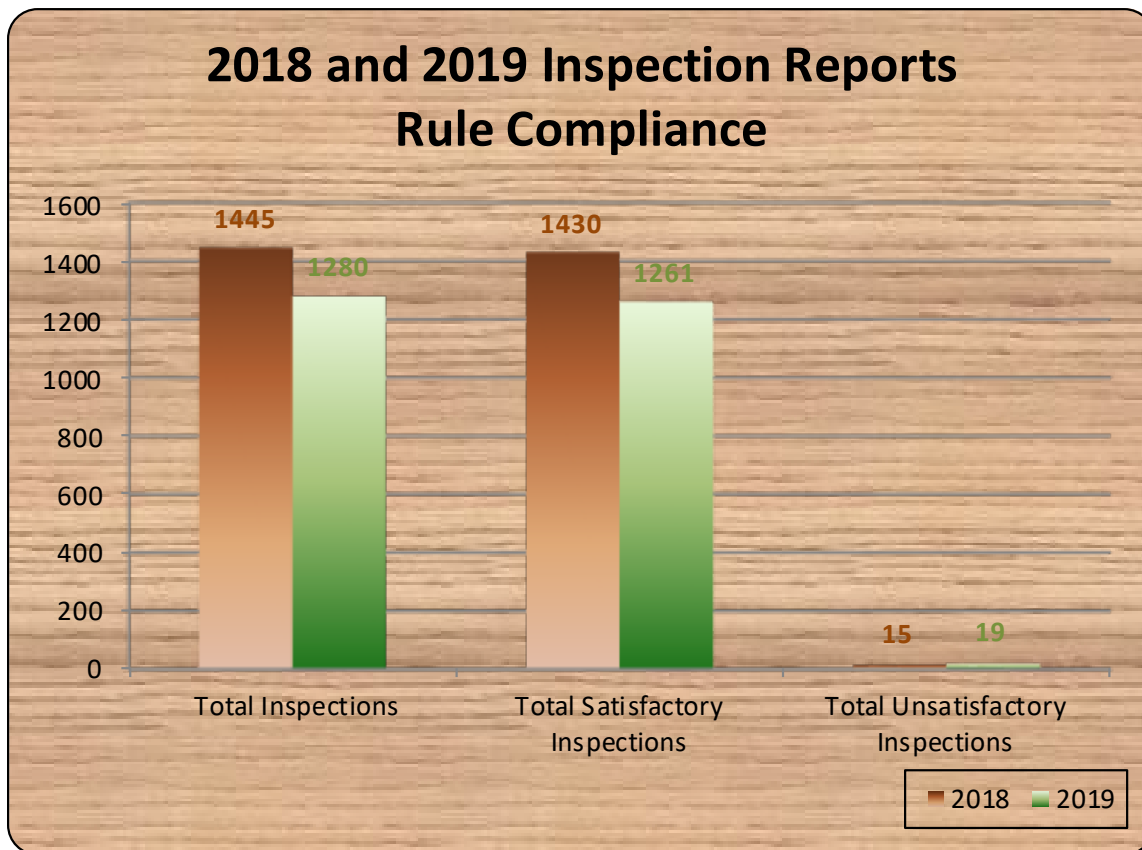


Figure 5 Comparison of 2018 and 2019 total inspections.

Figure 6 shows a comparison of the total number of inspections carried out by ownership category in 2019. In 2019 there were **37** inspections carried out by PFSs on IDL managed timberland. Two inspections resulted in an unsatisfactory finding. The total number of inspections conducted on private forestland was **1,243**, with 1226 satisfactory. Without considering the 35 satisfactory inspection reports conducted on IDL managed land, the report compliance rate on private timberland is also **99%**. State operations inspected by PFSs indicate **95%** compliance.

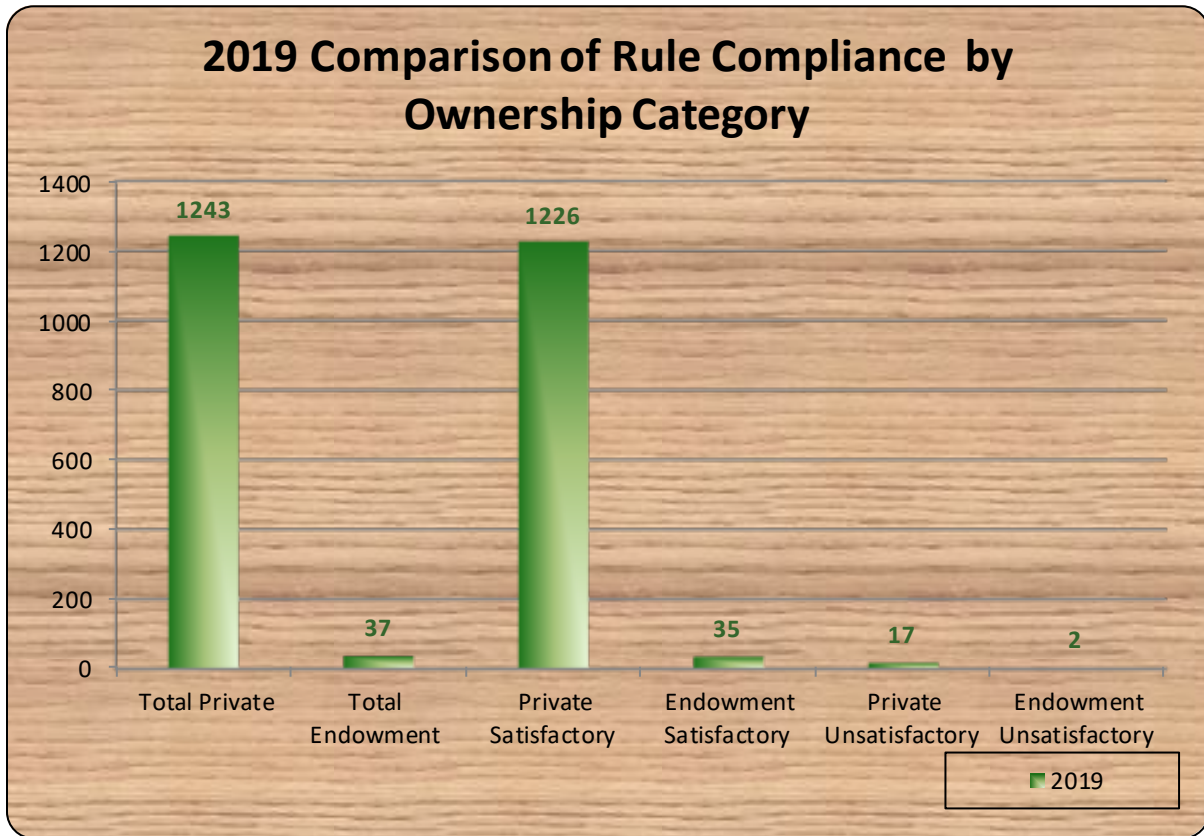


Figure 6 Comparison of Rule Compliance by Ownership Category in 2019.

Figure 7 shows the frequency and types of individual rules that were violated in these *unsatisfactory* reports.

(FPA Rules available at this link: <https://adminrules.idaho.gov/rules/current/20/200201.pdf> )

Within the **19** unsatisfactory inspection reports on 13 operations there were **68** rule infractions cited. The most frequently infringed rules were the *Stream Protection* rules (IDAPA 20.02.01.030.07) and General Rules governing documentation, (failure to obtain a variance or stream channel alteration permit, 20.02.01.020.01), which each comprised 15% of infractions. Road construction infractions and failure to acquire a notification of forest practices each comprised 9% of the infringed rules. Just over half of the infractions were split among twelve rules, none comprising more than 7.5% of total violations. Rule 030.07 has the greatest number of

subparagraphs of all the Harvesting Rules and often when 030.04, 040.02, or 040.03 are cited, 030.07.c will be cited as well for operating ground-based equipment inside the SPZ without a variance. For a second consecutive year there was a decrease in the infractions for petroleum waste (IDAPA 20.02.01.060.02). In 2019 there were no cited infractions, down from 3 in 2018.

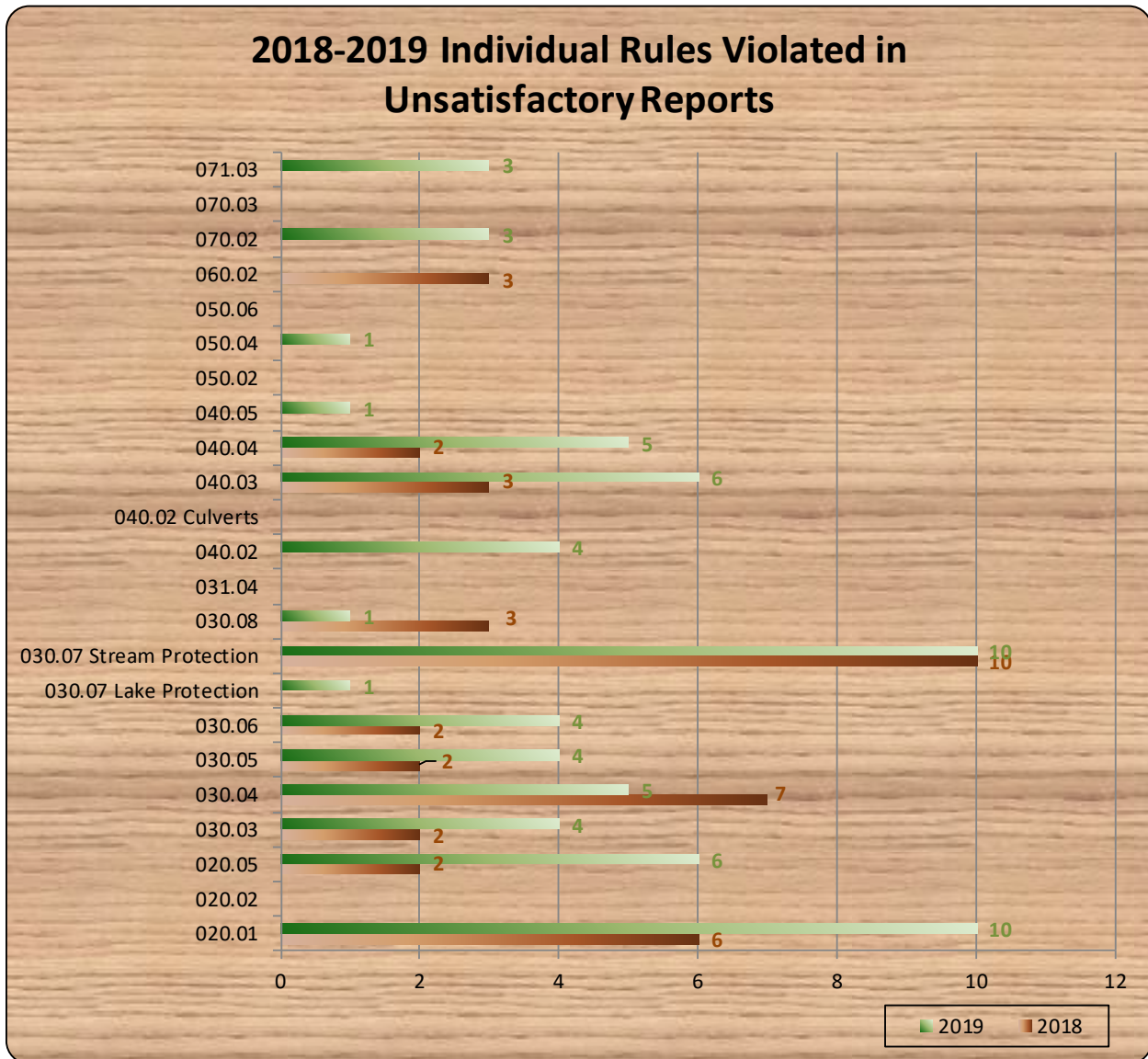


Figure 7 Comparison of Individual Rules Violated in 2018-2019.

## Attributes of Inspected Operations

Figure 8 shows the number of inspected operations performed in areas containing (or adjacent to) Class I or Class II streams as well as some of the other attributes used to determine inspection priorities. Of the 1,077 operations inspected, 379 (35%) of the operational areas contained at least one Class I stream, and 757 (70%) contained a Class II stream. As these data show, often one operational area includes both Class I and Class II streams, as well as other attributes. Figure 8 exhibits the specific site attributes of the inspected areas. The highest inspection priority is always given to requested pre-work meetings. IDL believes it is better to identify suitable alternatives to rule standards rather than subsequently observe unsatisfactory conditions in an inspection. IDL would like to conduct pre-operational collaboration with nonindustrial private forestland (NIPF) operators to the extent it does with industry and state operators. Those operators/landowners do not request such collaboration with similar frequency, but IDL offers it whenever possible.

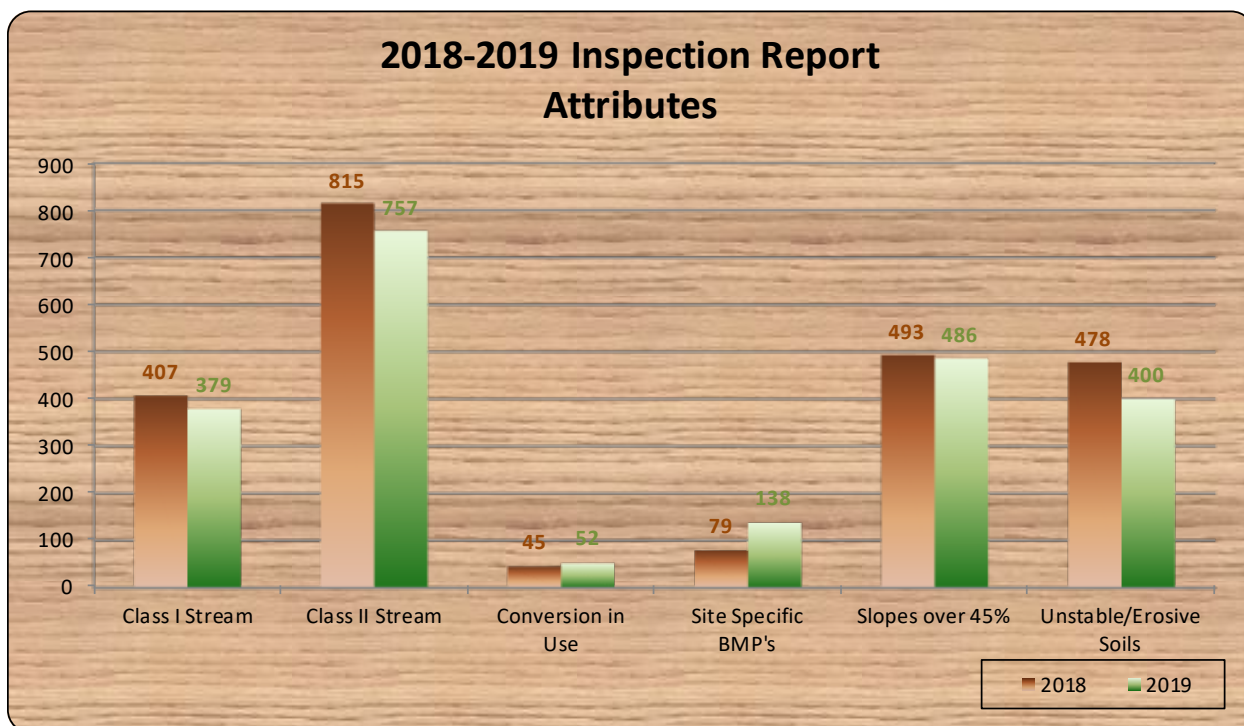


Figure 8 Comparison of the Attributes of all Inspected Operations in 2018 - 2019.

IDL's intent is to conduct FPA inspections on IDL managed state land as on private land. The first step in achieving that consistency is to select sites for inspection using the same decision process. Figures 9 and 10 depict the Inspected Operations Attributes of the inspections conducted on operations on private land and state land respectively. While the two data sets are very different in size, as expected, the distribution by attribute on state land is like that on private land. The most notable differences in distribution are for sites with slopes >45% (78% of state inspections, 44% of private inspections) and unstable/erosive soils (61% of state operations and



36% of private). Harvest operations on all state lands including endowment lands are conducted by IDL and will be listed as state operations.

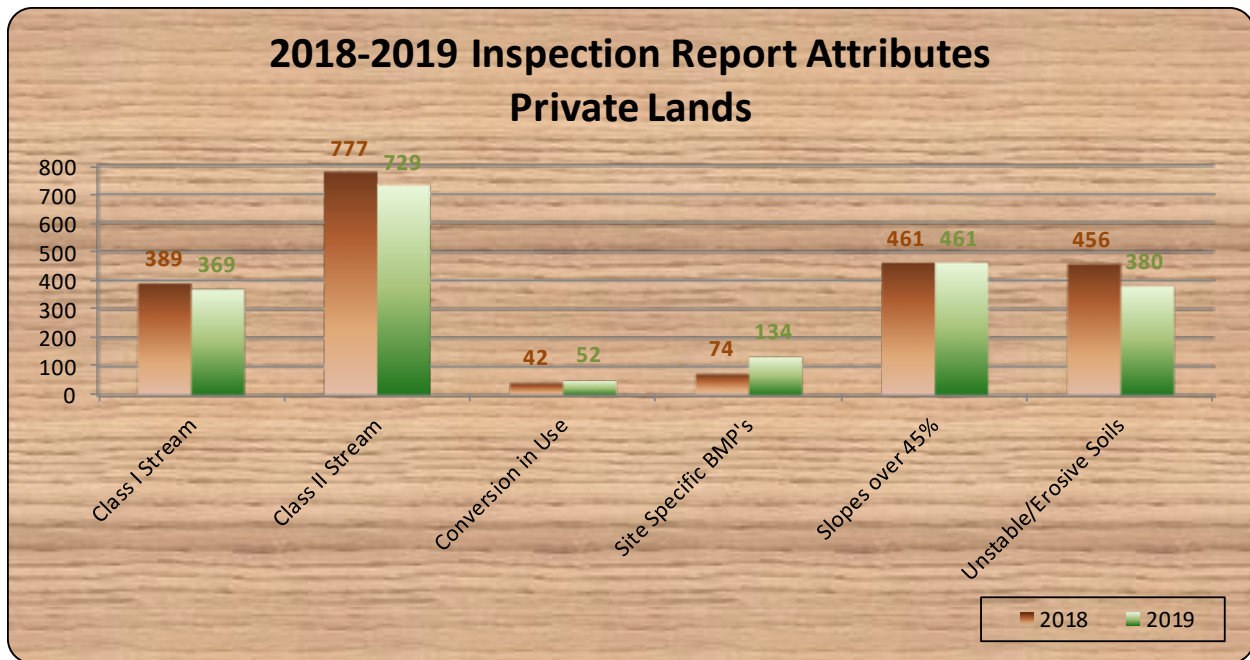


Figure 9 Inspected Operations Attributes on Private Land

In 2019, there were 52 conversions of land use. IDL has seen an uptick in compliances associated with development as housing markets have tightened and buyers are forced to build rather than purchase existing homes.

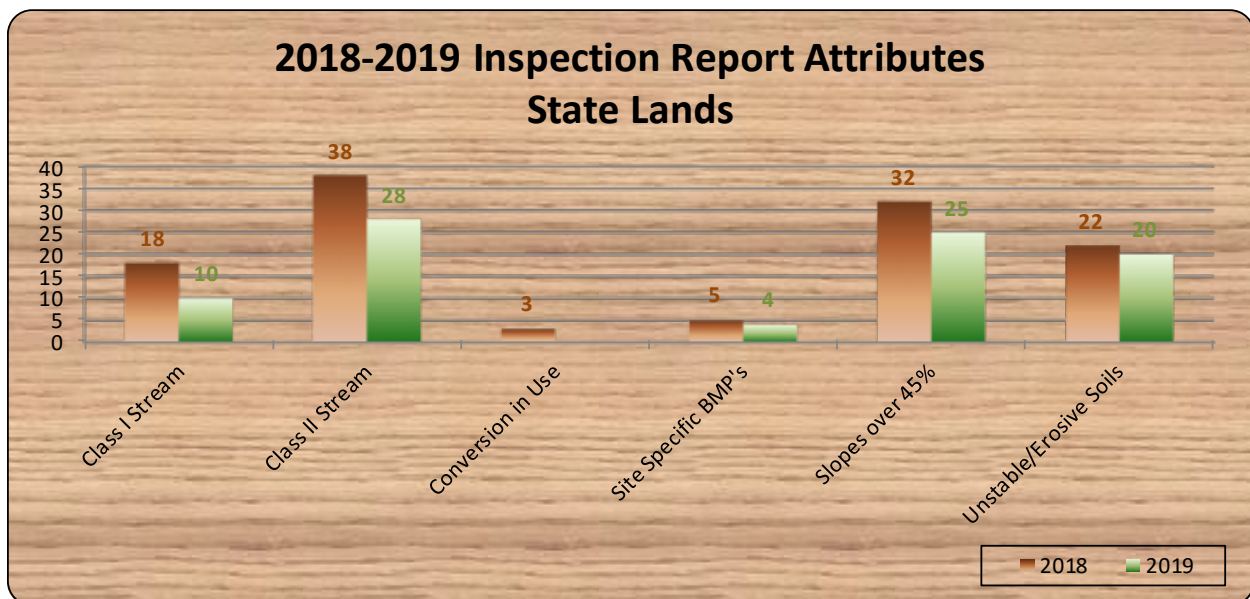
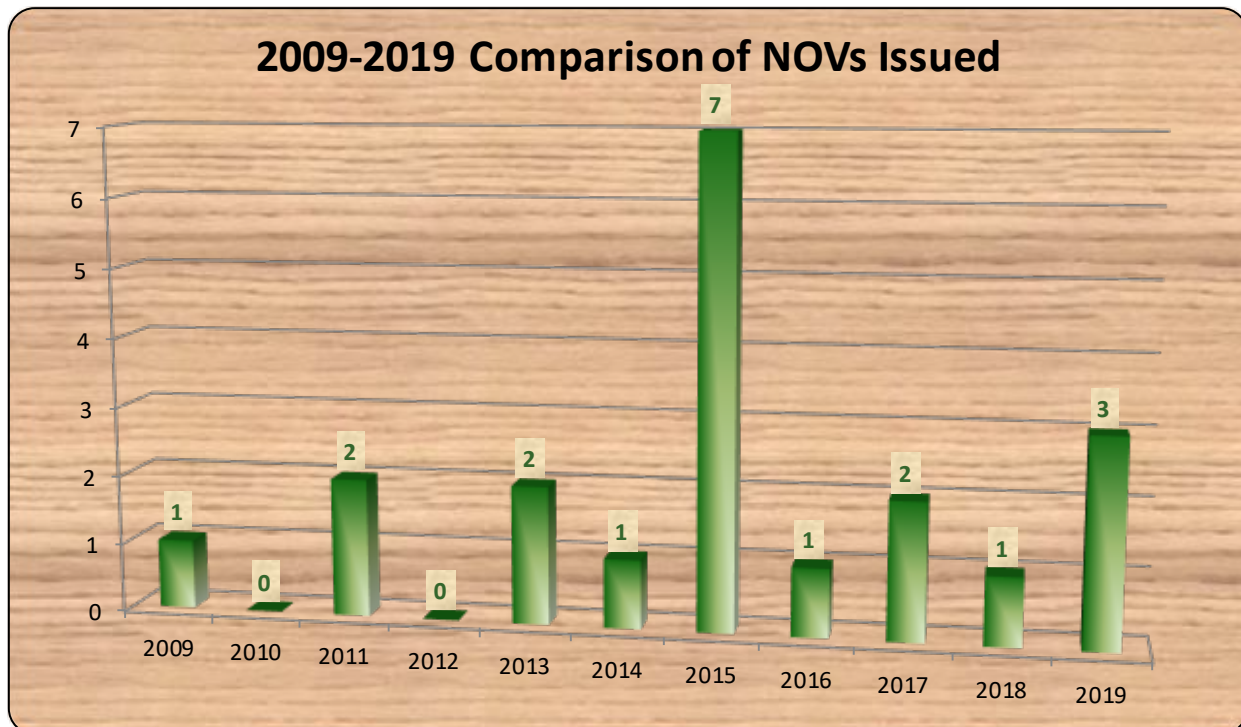


Figure 10 Inspected Operations Attributes on State (IDL managed) Land

## Notices of Violation

A Notice of Violation (NOV) is issued when repeated unsatisfactory conditions and/or severe resource degradation are observed during an inspection. An NOV can also be issued if an operator fails to perform the prescribed mitigation for an unsatisfactory condition within the time frame given by IDL. **In 2019, three NOVs were issued, all on the same operation.** In this case, all three NOVs were for violation of bond requirements and inappropriate use of Forest Practice documentation. *Figure 11* shows the number of NOVs issued per year over the last decade. Except for 2015 and the slight increase in 2019, the number of NOVs is typically one or two.



*Figure 11 Comparison of NOVs Issued from 2009 through 2019.*

Most unsatisfactory reports were associated with typical infractions such as ground equipment in the SPZ, locations of landings and trails in SPZs, road maintenance and/or road and trail drainage control.

## Complaints Made to IDL

When operations commence on private and state forestland, neighboring landowners, individuals from nearby communities or interested organizations occasionally voice concerns or complaints to their local IDL Offices. IDL Private Forestry Specialists or Operations Foresters usually address these complaints. Complaints range from perceptions of resource degradation to concerns over aesthetics.

The PFSs analyze each complaint and decide whether the complaint can be addressed by checking compliance with the FPA Rules; if so, a site visit is usually performed. **Eighty** (80) FPA-related complaints were received by IDL Offices (mostly by PFSs) in 2019. **Fifty-three** (53) of these complaints were addressed with an in-office explanation (on the phone or in-person); the remainder required a field visit. The number of FPA-related complaints received by each IDL Supervisory Area is shown in *Figure 12*.

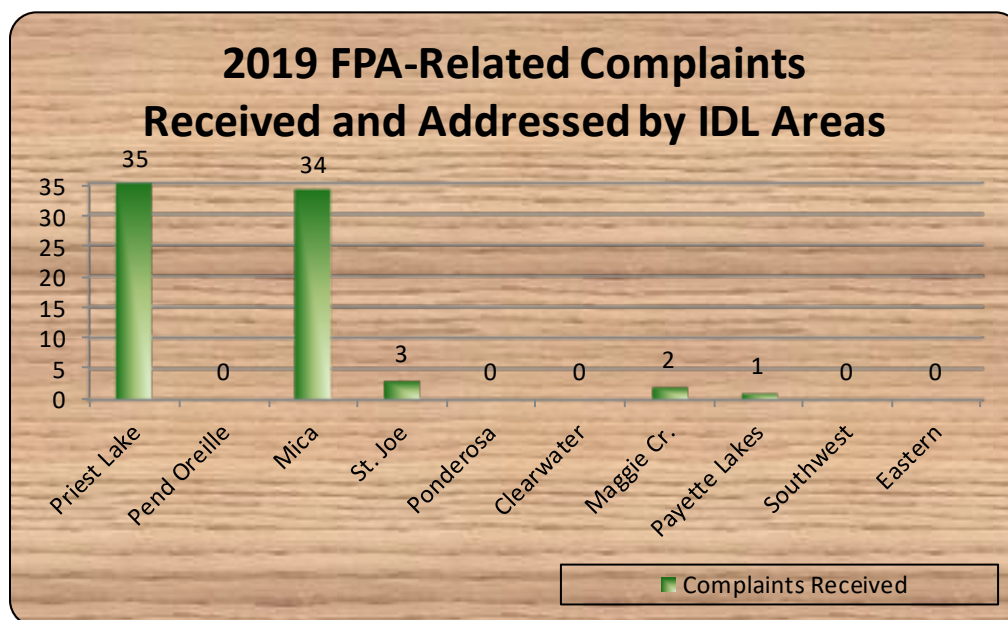


Figure 12 FPA Related Complaints received in 2019 by Area.

While each Area does not track complaints in the same way, there is consistency in year-to-year reporting among the areas. A change in the tracking and reporting system for specific Area data in the spring of 2019 may have resulted in some complaints not being logged. The overall number of complaints decreased dramatically from 125 in 2018, to 80 in 2019. Most of the increase was in the Priest Lake Area where complaints rose 389%. The Mica Supervisory Area had significant decrease, down nearly 60% from 2018.

## Variations

Figure 13 shows a 2018-2019 comparison of the number of variances granted statewide. For 2019, 103 variances were issued on all forestland operations, equal to the number for 2018. Out of 2,153 Notifications, variances were granted to 5% of all forest practice operations.

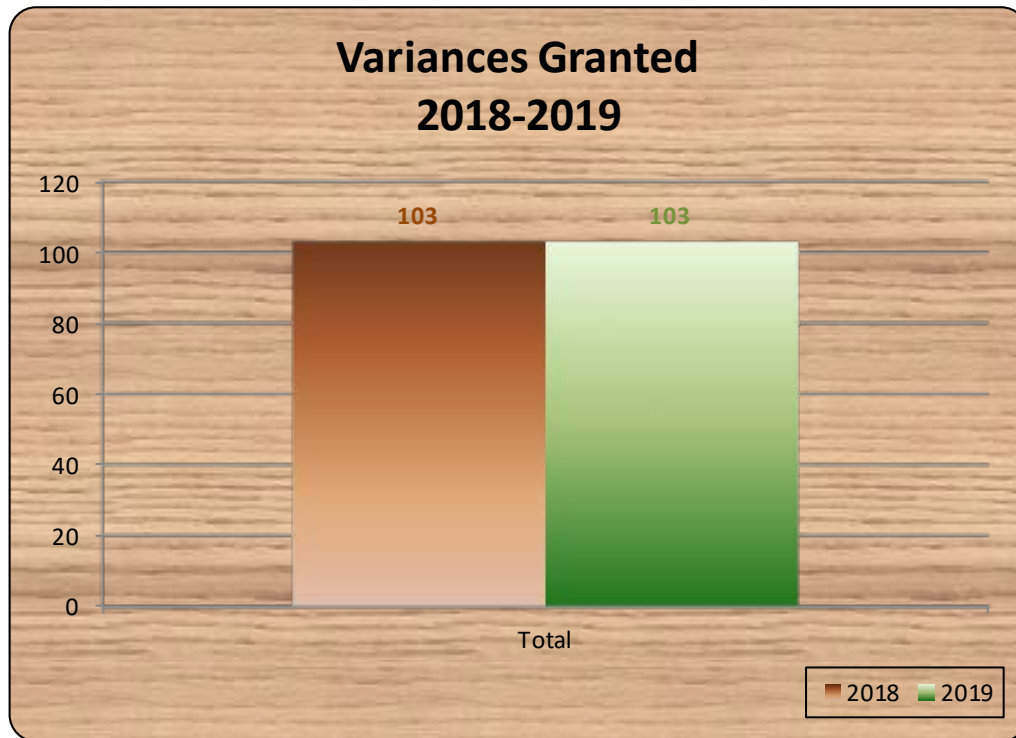


Figure 13 Comparison of Variations in 2018 and 2019.

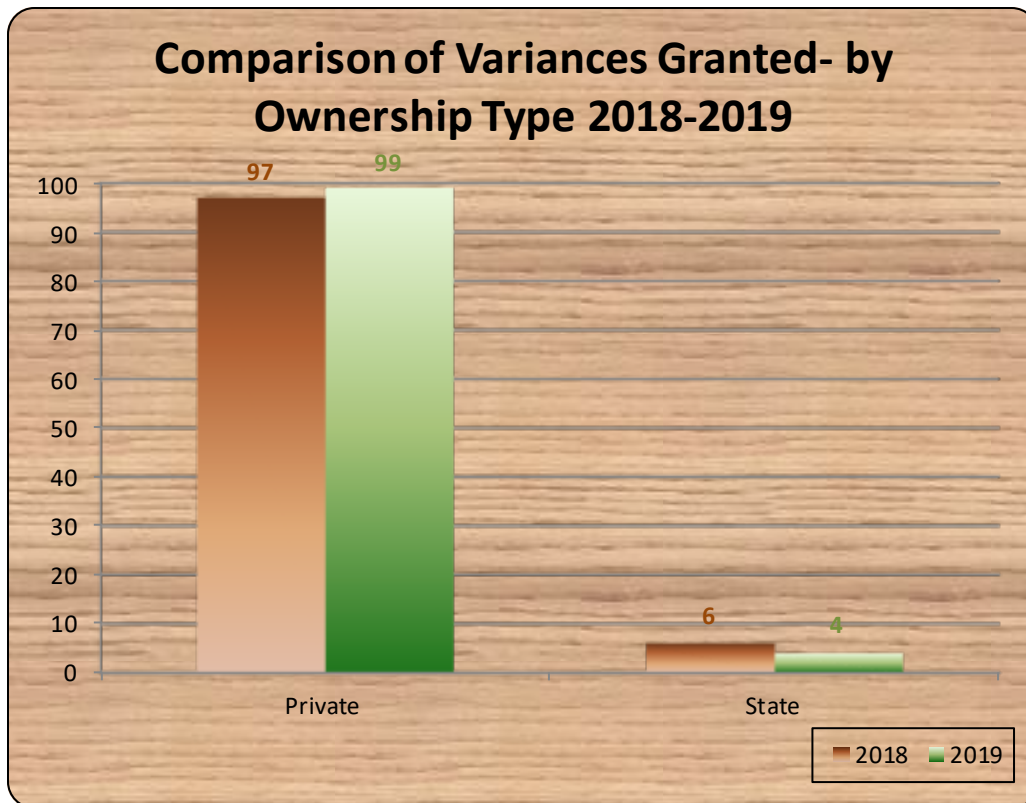


Figure 14 Comparison of Variances Granted across ownership type.

Figure 14 shows the distribution of variances by ownership in 2019. State and private operations had variances on 3% and 5% of their respective number of notifications. All variances issued in a Supervisory Area are signed by the Area Manager and must meet the “equal or better over the long-term,” protection-criterion. It is the Area Manager’s responsibility and objective to ensure the criterion is applied consistently across state, industrial and nonindustrial private ownership.

Figure 15 illustrates the types of rules for which variances were granted (See Table 3 for textual rule descriptions). Most requests for variances deal with the use of existing trails or roads within a SPZ. Variances of this nature are only granted if the operator can demonstrate to IDL that use of existing roads or skid trails (within the protected riparian area) are necessary to carry out the operation. Additionally, use of ground-based equipment inside the SPZ must not result in added degradation to the soils, water quality or fish habitat within the watershed and must result in less sediment delivery to streams than that from construction of new transportation systems outside the SPZ. From year to year, there is very little difference in which rules variances are granted for.

*(Note: When an activity falls under more than one rule, a variance is granted for each rule where it is appropriate. For example to reopen a road that lies partially within an SPZ the operator will need to request a variance from IDAPA 20.02.01.030.07.c (operation of ground based equipment within an SPZ) and from IDAPA 20.02.01.040.02.h (reconstruction of existing roads located in SPZs) for the single activity. The result is a difference in the number of rules varied being greater than the total number of variances granted.)*



Table 3. FPA Rule Paraphrased Textual Descriptions for Figures 13 and 14.

Rule Title	Rule Number	Rule Paraphrase
030. TIMBER HARVESTING	030.03.a	No ground-based equipment on slopes >45% threat to stream
	030.03.b	Grade of constructed skid trails < 30%
	030.04.a	Landings, skid trails, and fires trails outside SPZ
	030.06.c	Waste material deposited outside SPZ
	030.07.b	Temporary stream crossings used
	030.07.c	Ground-based equipment outside SPZ
	030.07.e.ii	Streamside shade retention adequate
	030.07.f.ii	Mechanical piling of slash outside SPZ
040. ROAD CONSTRUCTION	040.02.a	Road construction outside SPZ
	040.02.g	Stream crossings minimized and properly installed
	040.02.h	Road reconstruction outside SPZ
	040.02.i	Cut slopes reconstructed

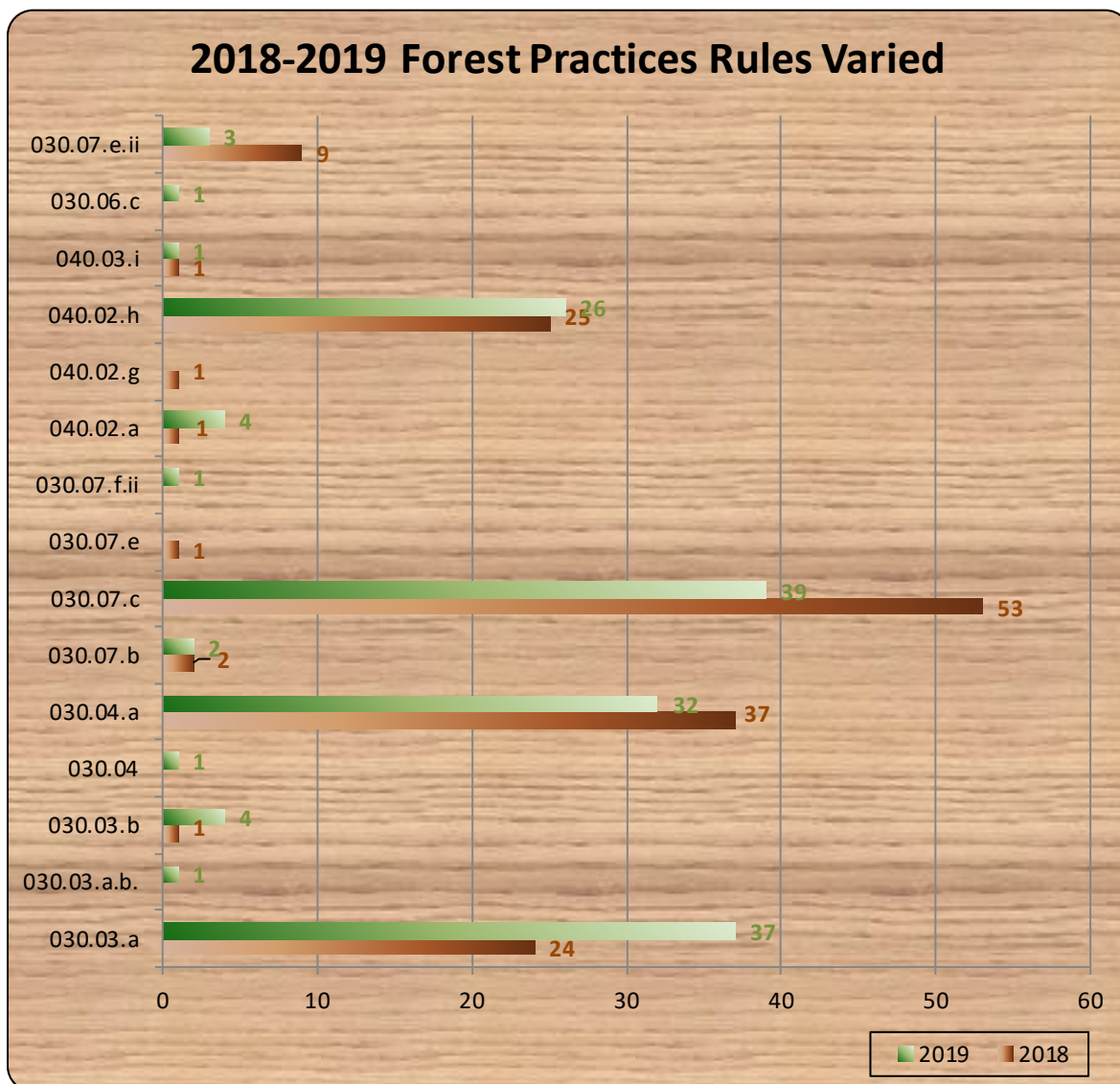


Figure 15 Comparison of Variances for 2018 and 2019.



Rule 030.03.a Soil Protection contains a clause that prohibits operating ground equipment on slopes exceeding 45% immediately adjacent to streams without a variance. In 2014, only 3 variances were granted for this rule and there were none in 2015 and 2016; in 2017, there were 16 variances for 030.03.a.; and in 2018 this number increased over 50% to 24, including 2 on state operations. The increasing trend has continued into 2019, with 37 variances granted for the same rule. The larger number of variances for this rule is entirely from variances for cable-assisted, mechanized-harvesting operations near streams (84% of variances to this rule). Although this rule is typically only varied for fire trails to protect adjacent uncut timber, in 2016 the Idaho forest industry and IDL recognized that growth in this technology would soon occur in Idaho. The Department decided, while we study the impact of this emerging technology, to issue variances for any such operation where ground equipment harvesting would occur on slopes greater than 45% adjacent to the SPZ of streams. The 2019 field observations by FPAC and Private Forestry staff revealed no adverse impacts to soils or streams. This is consistent with results in neighboring states.

*Figure 16* provides a comparison of variances issued on state land with those issued on private land. Even though the number of variances issued on state land was low, it is clear the largest number of variances on all ownerships is for trail or landing use or construction in an SPZ. This is followed by the ground-based equipment restriction on slopes over 45% discussed above. There were three variances for harvest below stocking limits in Class I Stream Protection Zones including one on state land.

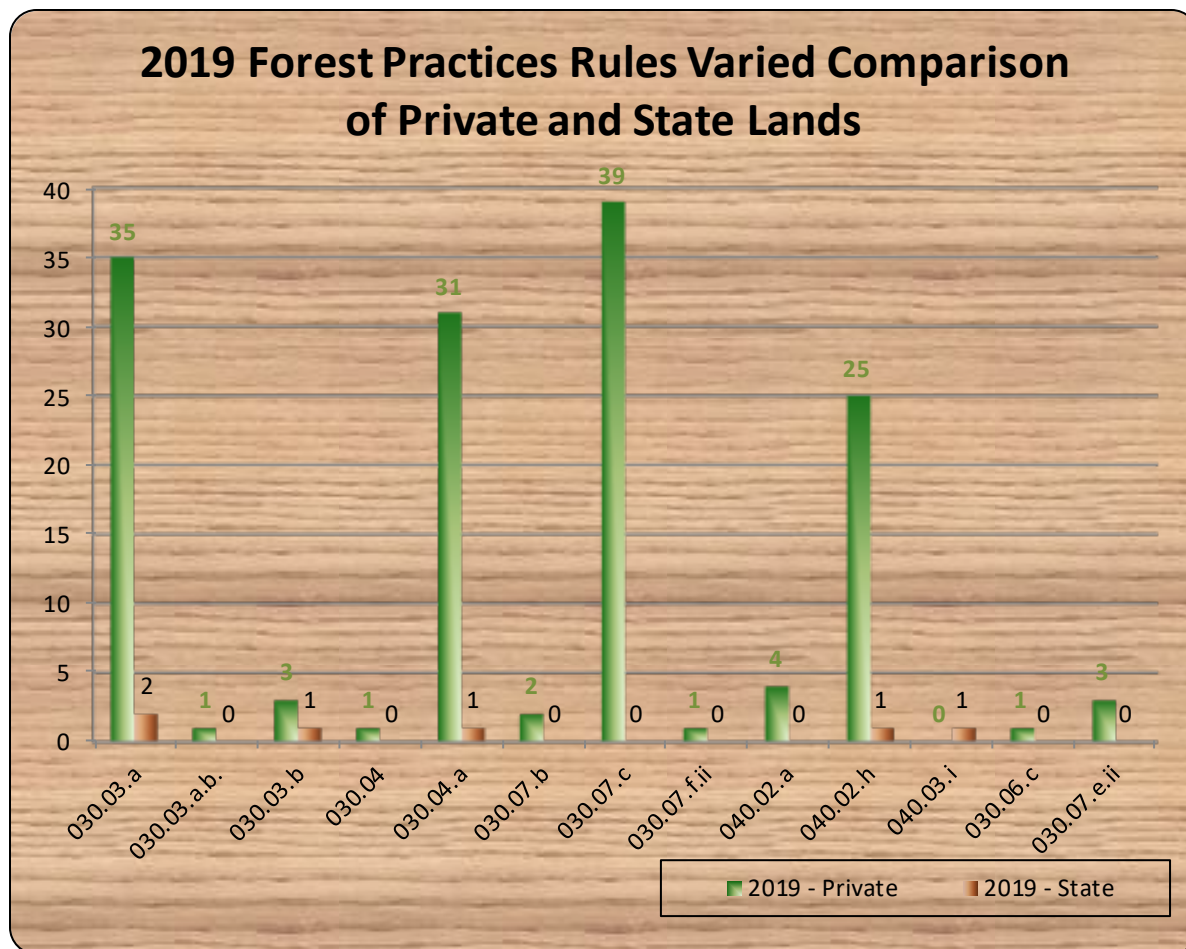


Figure 16 Comparison of Rules for which Variances were Granted by Ownership Type.

Rule Title	Rule Number	Rule Paraphrase
030. TIMBER HARVESTING	030.03.a	No ground-based equipment on slopes >45% threat to stream
	030.03.b	Grade of constructed skid trails < 30%
	030.04.a	Landings, skid trails, and fires trails outside SPZ
	030.07.b	Temporary stream crossings used
	030.07.c	Ground-based equipment outside SPZ
	030.07.e.ii	Streamside shade retention adequate
040. ROAD CONSTRUCTION	030.07.f.ii	Mechanical piling of slash outside SPZ
	040.02.a	Road construction outside SPZ
	040.02.g	Stream crossings minimized and properly installed
	040.02.h	Road reconstruction outside SPZ
	040.03.i	Cut slopes reconstructed

## Stream Channel Alteration Projects Administered by IDL

In accordance with an MOU between IDL and the Idaho Department of Water Resources (IDWR), IDL Private Forestry Specialists have the conditional authority to approve applications for culvert, bridge and ford installations, re-installations and removals on private land. The conditions under

which IDL has this authority are: the stream-channel alteration projects are part of a defined forest practice, the stream is perennial, and the stream-crossing structures meet certain size limitations and installation criteria.

**One hundred thirty-nine** (139) total stream channel alteration installations/removals were received and approved by IDL statewide in 2019. A project application, submitted to IDL on a supplemental notification form, may contain multiple installations near each other (e.g., three culvert installations on one stream segment within one operational unit). Some of these crossings were temporary in nature and were removed at the end of the operation. Many others involved the removal and/or replacement of older crossing structures with bridges, culverts and fords and in many cases improved fish-passage for upstream migration by removing barriers. *Figure 17* shows the number of stream-channel-alteration projects reviewed and administered by each IDL Area Office in 2018.

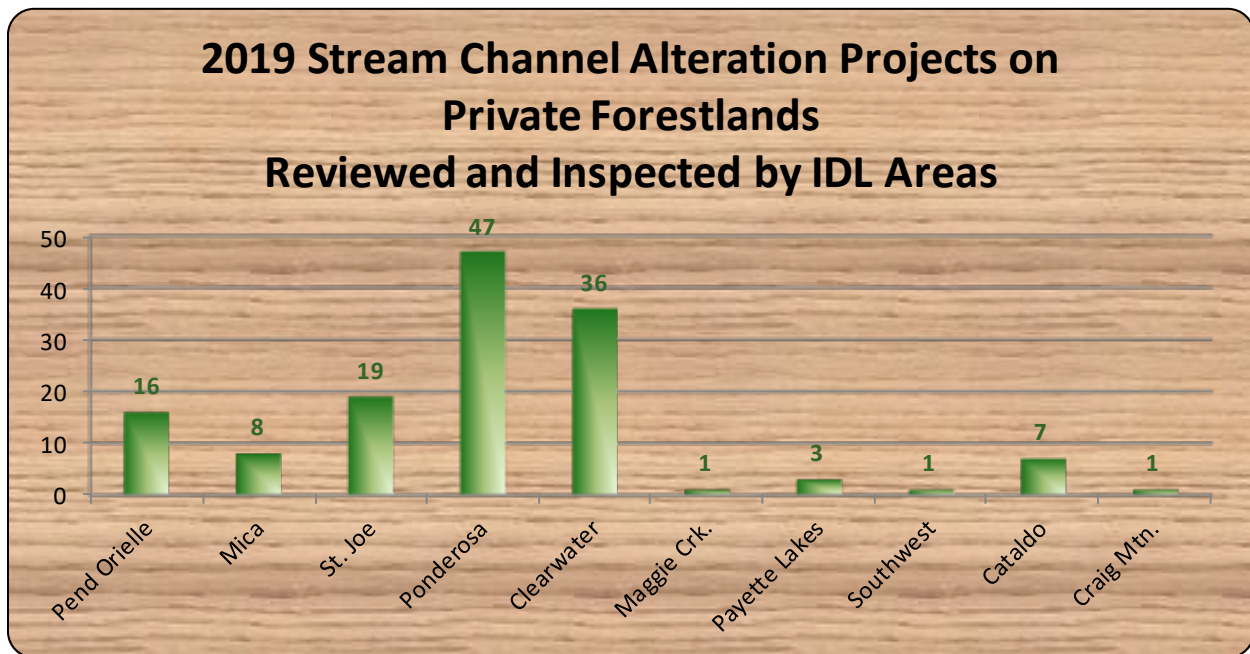


Figure 17 *Stream Channel Alteration Permits on Private Forestland by Area.*

## Conclusion

Having an educated workforce contributes to sustaining the high levels of compliance we see today. The IDL Forest Practices Program continues to assist University of Idaho Extension and Idaho Associated Logging Contractors with their *Logger Education to Advance Professionalism* (LEAP) training sessions. These sessions provide targeted education to loggers which enhances awareness of the FPA Rules and needed compliance with these BMPs. The classes continue to be well-attended and up to date in addressing current forest practices issues and rule changes that affect loggers.

The success achieved in implementing the Idaho Forest Practices Act rests with the collaboration and dedication of many individuals, organizations and the sound science supporting the rulemaking. Idaho's high level of forest practice BMP implementation is achieved and maintained as the result of many contributing factors. The participation of most of Idaho's larger industrial forestland owners in forest certification systems (either *Sustainable Forestry Initiative* (SFI) or *Forest Stewardship Council* (FSC)) has had a very positive influence on compliance rates. These industrial forestland owners strive to remain in full compliance with both the FPA Rules and the standards set forth by their certification organizations. The same can be said for the state endowment land managers. Programs like the *American Tree Farm System* provide a similar role on the nonindustrial side. The dedication shown to resource protection by Idaho's state, industrial and nonindustrial stewardship forestland managers while practicing sustainable timber harvest is remarkable and encouraging. Our challenge is to improve outreach to nonindustrial members of our community involved in timber production to better educate them and their operators on the importance of Idaho's BMPs to maintaining and enhancing Idaho's water quality.