

Idaho Forest Practices Act Class I Tree Retention (Sade) Rule

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The Idaho Department of Lands has proposed a new Class I Streamside Tree Retention Rule otherwise known as the “Shade Rule”. This pending rule is the result of over a decade of hard work. In 2000 and 2004 DEQ audits identified weaknesses in the current Tree Retention rule. These issues were brought to the Forest Practices Act Advisory Committee (FPAAC) which began the process of developing a rule that would provide a minimum threshold of shade and would be scientifically sound.

In 2012, FPAAC proposed a new Shade Rule, starting the process of negotiated rulemaking and presenting science behind the proposed changes to many interested parties including forest industry, Idaho Forest Owners Association (IFOA), loggers, Idaho Department of Environmental Quality (IDEQ), Environmental Protection Agency (EPA), conservation organizations and multiple tribal organizations. Some parties expressed concerns about the proposed Shade Rule, and after further deliberation FPAAC and IDL decided more analysis was warranted and discontinued the 2012 rule promulgation process.

After additional analysis and modeling work, the Shade Rule options were revised to address the concerns raised in 2012. The rulemaking process began again in 2013. Following approval by the Land Board in April, negotiated rulemaking began in June to amend the Forest Practices Rules. Proposed rulemaking was subsequently conducted in September, and the final Land Board adoption of these pending rule changes occurred on November 19, 2013. Finally, the Legislature acted on the pending rule in January 2014.

This presentation will provide background and details about the pending rule and how it would be implemented and administered.