

Board of Forestry Meeting  
January 3, 2006  
Smoke Management Draft Rules

Comments on Behalf of the Industrial Landowners

Good afternoon. For the record, I am Mike Dykzeul, Director of Forest Protection for OFIC and have represented the industrial forestland owners on the original Review Committee as well as the SMAC Committee that began in 2002. All of my remarks are made with the primary fundamental belief of effectively managing fuels through a successful program of predicting weather patterns and dispersing emissions during optimum weather and forest fuel conditions has the greatest benefit for air quality rather than leaving those fuels untreated to burn as wildfires during the more hazardous and costly conditions of summer. Our support through the entire process has been to protect and enhance our abilities to effectively treat fuels and to protect air quality through an adequately funded and managed burning program.

We are supportive of the process of the review and rules development and appreciate the staff efforts to balance the programs dual objectives (*protecting the public from smoke accumulating in populated areas and to provide maximum opportunity for essential forestland burning*). Obviously these competing goals require management strategies that are based on the best available and quantifiable information, not to disadvantage either of the program goals. The duration of the entire review-revision process indicates the importance and dedication of both goal supporters.

There is landowner consensus on suggested revisions to criteria for future listing based on program performance and monitoring requirements for any SSRA, improving administrative procedures, consistent local implementation, capitalizing on best burn day strategies, concerns for burning adjacent to Class I areas in the future and disappointment with the initial lack of support for General Funds to implement review recommendations in the Governor's Recommended Budget.

As you can imagine with any association, there is not complete consensus with some individual aspects or wordings of the proposed rules generally based on individual local experiences. Members have been encouraged to make their comments/concerns known during the rulemaking field hearings or here today. We will continue to work with staff and members through the hearings process to address these concerns. I firmly believe with consistent and uniform application, administration and communication of the rules by all districts, supported from Salem, some of these residual concerns will be resolved.

- ODF's successful program initiated in 1969 is not an "all or nothing" system. All communities are given a level of consideration and protection from the impacts of permitted forestland burning by Salem forecasters.
- Original Review Committee recommendations made "no call" for additional SSRA's. Committee stated that new designations were a sign of program failure

and that any new designations should include other criteria including (but not limited to): history of past smoke incidents, citizen complaints, population growth, proximity to areas of increased prescribed burning and nature of other pollution impacts. Recognizing that ODF and DEQ would jointly agree on the final criteria, there was never an assumption that it would settle on population figures alone.

- Addition of new SSRA's based solely on population shows no support or confidence for a successful managed program performance.
  - Addition of new SSRA's with no history of consistent intrusions or incidents places the accomplishment goal at a distinct disadvantage.
  - Additional new and unwarranted SSRA designations will continue to develop a "web" of off-limit directions for burn approvals. Eventual web of population based designations will effectively restrict burning opportunities and will administratively curtail burning.
- Monitoring capability (nephelometer or other recognized quantifying device), to assure public health protection, should be a basic component of any designated SSRA, "*areas provided the highest level of protection*" by definition. Just as SSRA designations should be justified based upon quantifiable measurements to protect achievement for each of the program goals.
    - We believe DEQ to be the responsible agency to provide and maintain these monitoring devices in SSRA's or in communities being evaluated for SSRA consideration following verified smoke incidents and petition to the Board of Forestry.
    - Cities currently listed as SSRA's, without nephelometers, should lose that distinction if monitoring devices are not installed within 2 years of Rule adoption.
    - New EPA standards for finer particulate matter from any source, PM<sub>2.5</sub>, should also justify monitoring equipment in existing SSRA's.
  - Our members have always been willing to adequately fund the SMP program. Noting that the program is currently funded with user fees there isn't a great deal of support for excess staffing or equipment that may not result in increasing burning accomplishments, a typical business model.

This has been the industry position throughout the implementation and rulemaking process. We have continued to take the position that establishing uniformity of program administration and procedures as well as capitalizing on "best day" strategies would result in improved accomplishments. Once those operational improvements were made we would then consider additional staffing (meteorologists and fuels/program coordinator).

There was a high level of support for the increased technology purchases when assuming a General Fund/Harvest Tax component and a resulting reduced accomplishment fee. Since that option has become less reliable we are more comfortable not initiating any program enhancements until better annual acre accomplishment data is available in the new flat rate system.

The landowner community advocated for initiating simplified procedures to improve administration, tracking, payments and hopefully program costs. Everyone seemed to support a flat rate payment format but due to previous variability in district administration moving to this flat rate system has resulted in a sort of “sticker shock” to some companies that operate in districts that viewed excellent utilization and the exemption available.

The variability of impacts to our members is shown below:

	<u>Previous Cost/Acre</u>	<u>% Change @ \$3.00</u>	<u>% Change @ \$1.90</u>
Company A-	\$2.70	+ 11%	-30%
Company B-	\$2.20	+ 36%	-14%
Company C-	\$1.05	+185%	+81%
<u>Company D-</u>	\$1.00	+200%	+90%
40,000 acres			

### Primary Industrial Proposal Revisions

1. 629-048-0140 - **SSRA's** will require nephelometer or other approved monitoring equipment. Current SSRA list (629-048-0140 (2)) without monitors, (8 of 20-40% of the SSRA's), current Willamette Valley DA cities that straddle or are within but immediately adjoin the forest protection district boundary (629-048-0140 (1)(b) 13 of 15, 87%) shall install such equipment within 2 years of Rule adoption to keep SSRA designation in keeping with areas being provided the “highest level of protection”.
2. 629-048-0150 - **Criteria for Future Listing of SSRA's**. Listing for communities in excess of 10,000 population should be based on program performance over a three year period following a petition to the Board of Forestry by the local governing authority (i.e. city council, county Commissioners, etc.) resulting from a verified smoke incident. Two measured incidents at any level per year, over a three year period, as measured with a nephelometer, would warrant Board consideration of SSRA designation. Similar criteria would exist for cities with populations between 4,000-10,000 population following verified smoke incidents. Individual citizens will still play a vital role in reporting smoke incidents and working with their local governing authority and community to solidify local support, awareness and justification for listing by the Board.
3. 629-048-0310 – **Fee Structure**. We recommend maintaining the current service level with no enhancements and recommend the first two years be used to build more confidence in the annual base acre accomplishments. At that time it is recommended that the SMAC Committee evaluate the program performance and financial status of the reserve account to recommend any specific technological or staffing enhancements.

- a. Should General Funds and Harvest Tax revenues become available additional technological improvements can be considered.

Thank you for your time and considerations of our comments and recommendations.