



Comments Relating to 5-08-07 Version of Smoke Management Rules OAR Chapter 629, Division 48 – Smoke Management

**Oregon Board of Forestry
June 6, 2007**

Mike Dykzeul, Director-Forest Protection, Oregon Forest Industries Council, Salem, OR, member of the Smoke Management Review Committee and a current member of the Smoke Management Advisory Committee.

It's been a long road....from November 2002 until today. Needless to say the path has ranged from a straight forward-clearly defined highway including sideboards, to overgrown-but diverse functional local pathways to educational side trips to many others unique perspectives and exposures to smoke, all the way to opening Pandora's Box with the use of "Plastic".

While painful at times, I don't believe we would have been able to come here today with a better plan for the Boards support to initiate field hearings that accomplishes this high level of the original Committee recommendations without taking this path. As the large landowner representative I believe I have provided our members a solid program with effective tools for them to continue to effectively use fire and improve their accomplishments that is also linked to their level of active participation and communication with the Districts and Salem. It makes me just as proud to know that the package presented today also meets my objectives as a member of the Review Committee also supporting the areas of the Rule that will improve the protection of Oregon's citizens. The key will be the implementation of the new Rules and common understanding, operational considerations and acceptance of the balance of the programs dual objectives, consistently applied at the local level and better understood by the public.

Once again the forest landowners would like to thank the Board, Protection Staff and especially Charlie Stone for his legislative work with HB 2973 and HB 3468, promoting collaborative efforts, extensive time commitments, review of draft counter proposals, countless e-mails and phone calls and all the time seeking effective compromise. I don't believe any one stakeholder, cooperator, agency, individual or the public came out on top with minimal impacts. I truly believe this represents concessions by all to improve an already successful program which was our initial charter goal.

While this may sound like consensus support on behalf of all industrial forestland owners for the package as presented, I have to stop a step short and remind the Board that I'm confident that some concerns, suggested revisions and varying levels of support for the rules will undoubtedly be heard at the field hearings. I would like to believe they will be more associated with previous local operational practices that in returning to consistent interpretations and operational guidance to be compiled in a new

Directive, will minimize these potential concerns. Our Industrial Advisors group, while representing the major share of acres burned annually, represented a relatively small number of individuals. I will help develop a summary to distribute to landowners large and small in advance of the hearings to highlight and describe the significant changes for those who have not followed the process more closely.

I also suspect comments to come up regarding the equity between east and west private lands with differing requirements (report timing and voluntary compliance with forecasts) and funding contributions to the program (no fees for eastern Oregon Class 2 forestland or southern Oregon Class 3 forestland). Personally I continue to support these differences for the extensive deliberations that resulted in the recommendations.

5-08-07 Version Comments

- 629-048-0230 (4) add the word "standard" before format to remain consistent as it appears in 629-048-0300 (3).
- Our comfort level in accepting the proposals contained in 629-048-0150 "Criteria for Future Listings" is willing, yet cautious, given the understanding and dedication to balance exhibited by the current Board. Any significant change in philosophy or recognized differences in this program balance could see minor incidents resulting in numerous SSRA designations by immediately exercising (3)(c) in every petition. Specifically concern is focused on;
 - 629-048-0150(5) frequency of "Repeated verified smoke incidents" necessary to seek SSRA designation by the Board (number and intensity of incidents over a 3-year period).

We offer support as written and trust continuity in Board understanding and dedication will continue into the future.

Fees

In the last week we have made great strides in resolving the most pressing issue holding back support for the Rules...the fee structure. Meeting with both federal agencies to better quantify anticipated number of acres treated as well as anticipated program service level needs allowed a subsequent meeting with the industrial representatives to equitably balance federal annual payment requests with a rate per acre to assess the state and private landowners again matched to the expected level of service.

At this time, **our members support the Alt. C1 (6/4/2007) Funding Plan.** Because certain data was never required, our members feel confident that the best estimates available were used to craft the fee structure. This version more closely and equitably reflects the burn practices (landings as opposed to broadcast and in-unit piles) at an acceptable rate. As such we look to the department to monitor and track revenues and expenditures closely in the early stages to ensure adequate funding for the program and confirming acreage estimates without jeopardizing the Revolving Fund or collecting excessive fees.

As footnote 8 suggests the potential for greater support for the Field Coordinator position is highly possible within the timeframe suggested with additional position details, duties and anticipated benefits being more clearly identified. Previous versions referenced a Fuels Coordinator which met with resistance from our members while higher support for a Field Coordinator to assure consistent statewide accomplishment of program policies would be more acceptable.

If by some chance **HB 3468 were to pass we would support Alt. B1** which would allow us to expedite the purchase of the second upper air profiler, 2 portable RAWS stations and fill the Field Coordinator position. At this stage of the legislative process especially considering new GF expenditures, I think most will agree this is optimistic. This does not mean we should drop our efforts to seek some GF restoration as it too was a primary recommendation of the Review Committee.

Thank you for your time and consideration of our comments.

Smoke Management Funding Plan - Alt. A1

(w/out General Fund/Harvest Tax)

(further reduced list of improvements)

Burn Fee - \$1.65 per acre

6/5/2007

Registration Fee - \$.50 per acre

FY 2007 FY 2008 FY 2009 FY 2010 FY 2011

Revenue Source

Revenue Source	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Burn Fees ^{1,2}	\$ 357,700	\$ 206,750	\$ 193,500	\$ 193,500	\$ 193,500
Federal Agreement ³	\$ 41,000	\$ 215,000	\$ 215,000	\$ 215,000	\$ 215,000
Other Contracts	\$ 10,900	\$ 10,900	\$ 10,900	\$ 10,900	\$ 10,900
General Fund ⁴		\$ -	\$ -	\$ -	\$ -
Forest Products Harvest Tax ⁴		\$ -	\$ -	\$ -	\$ -
SMP Revolving Fund Surplus ⁵			\$ 150,000		
Total Available Revenue	\$ 409,600	\$ 432,650	\$ 569,400	\$ 419,400	\$ 419,400

Anticipated Expenditures

Current Services (3.75 FTE)	\$(291,000)	\$(302,578)	\$(308,630)	\$(314,802)	\$(321,097)
One Upper Air Profiler ⁶		\$ (84,750)	\$ (2,000)	\$ (2,000)	\$ (2,000)
Educational Materials		\$ (14,000)	\$ (10,000)	\$ (5,000)	
Field Coordinator (POP) ⁷		\$ (36,312)	\$ (72,624)	\$ (77,148)	\$ (81,988)
Workshops/ Priorities & Measurements		\$ (5,275)			
Modeling Support		\$ (6,250)	\$ (6,250)	\$ (6,250)	\$ (6,250)
Weather Forecasting Hardware/Software		\$ (26,950)	\$ (1,200)	\$ (1,200)	\$ (1,200)
Computer System Upgrade ⁵			\$ (150,000)		
Two Portable RAWS					
Fill Existing Vacant Meteorologist ⁸					
Increased Aerial Monitoring					
Increased Burn Auditing					
Fixed Location Monitoring Equipment					
Total Anticipated Expenditures	\$(291,000)	\$(476,115)	\$(550,704)	\$(406,400)	\$(412,535)

Difference	\$ 118,600	\$ (43,465)	\$ 18,696	\$ 13,000	\$ 6,865
					\$ 113,696

Revolving Fund Balance ⁵				\$(150,000)	
\$	308,083	\$ 426,683	\$ 383,218	\$ 251,914	\$ 264,914
					\$ 271,779

¹ FY 2007 shows projected registration and burn fees on all private, state and federal lands within the current restricted area at \$5.50 per acre. This projection is based on nine months actual revenue data and three months estimated revenue.

² FY 2008 burn fees include only non-federal land. Because the new rules are proposed to go into effect halfway through the fiscal year, the revenue is estimated based on burning 20,000 acres with a rate of \$5.50/acre prior to Dec. 31, and burning material accumulated from 45,000 acres at a rate of \$2.15/acre after January 1. The remaining three years assume burning forest fuels from 90,000 acres per year at a rate of \$2.15/acre.

³ Currently (FY 2007) SMP forecasting is provided to the Blue Mountains region of eastern Oregon through a voluntary agreement for \$41,000 per year. Under the new rules, which extend mandatory compliance to all federal forestland statewide, ODF and the federal agencies propose a new agreement that would charge \$215,000 per year based on an estimated burning of forest fuels across 100,000 acres per year (\$2.15/acre).

⁴ This version assumes no success in restoring general fund/harvest tax revenues. (HB 3468)

⁵ The SMP anticipates a mandatory pro-rated program assessment for an agency-wide computer systems upgrade. This plan proposes to take a one-time reduction in the revolving fund balance to pay for it.

⁶ Previous versions of the funding plan propose the acquisition of two upper air profilers. To keep costs manageable, this proposal would initially purchase one to be used primarily in eastern Oregon. Eventually as resources allow, a second might be purchased for use in western Oregon.

⁷ Consensus on filling this position is contingent on adequately describing the position's purpose and duties relative to consistent statewide accomplishment of program policy.

⁸ System users are in agreement that desired forecasting and meteorological consulting service needs for current burning levels can be met with current staffing.

Smoke Management Funding Plan - Alt. B1

(with General Fund/Harvest Tax)

(improvements - less meteorologist)

Burn Fee - \$0.75 per acre

6/5/2007

Registration Fee - \$.50 per acre

FY 2007 FY 2008 FY 2009 FY 2010 FY 2011

Revenue Source

Revenue Source	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Burn Fees ^{1,2}	\$ 357,700	\$ 166,250	\$ 112,500	\$ 112,500	\$ 112,500
Federal Agreement ³	\$ 41,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000
Other Contracts	\$ 10,900	\$ 10,900	\$ 10,900	\$ 10,900	\$ 10,900
General Fund ⁴		\$ 120,000	\$ 120,000	\$ 120,000	\$ 120,000
Forest Products Harvest Tax ⁴		\$ 40,000	\$ 80,000	\$ 80,000	\$ 80,000
SMP Revolving Fund Surplus ⁵			\$ 150,000		
Total Available Revenue	\$ 409,600	\$ 462,150	\$ 598,400	\$ 448,400	\$ 448,400

Anticipated Expenditures

Current Services (3.75 FTE)	\$(291,000)	\$(302,578)	\$(308,630)	\$(314,802)	\$(321,097)
Two Upper Air Profilers ⁶		\$(169,500)	\$ (4,000)	\$ (4,000)	\$ (4,000)
Educational Materials		\$ (14,000)	\$ (10,000)	\$ (5,000)	
Field Coordinator (POP) ⁷		\$ (24,208)	\$ (72,624)	\$ (77,148)	\$ (81,988)
Workshops/ Priorities & Measurements		\$ (5,275)			
Modeling Support		\$ (6,250)	\$ (6,250)	\$ (6,250)	\$ (6,250)
Weather Forecasting Hardware/Software		\$ (26,950)	\$ (1,200)	\$ (1,200)	\$ (1,200)
Computer System Upgrade ⁵			\$(150,000)		
Two Portable RAWs			\$ (35,200)	\$ (3,500)	\$ (3,500)
Fill Existing Vacant Meteorologist ⁸					
Increased Aerial Monitoring					
Increased Burn Auditing					
Fixed Location Monitoring Equipment					
Total Anticipated Expenditures	\$(291,000)	\$(548,761)	\$(587,904)	\$(411,900)	\$(418,035)

Difference	\$ 118,600	\$ (86,611)	\$ 10,496	\$ 36,500	\$ 30,365
					\$ 109,350

Revolving Fund Balance ⁵				\$(150,000)	
\$	308,083	\$ 426,683	\$ 340,072	\$ 200,568	\$ 237,068
					\$ 267,433

¹ FY 2007 shows projected registration and burn fees on all private, state and federal lands within the current restricted area at \$5.50 per acre. This projection is based on nine months actual revenue data and three months estimated revenue.

² FY 2008 burn fees include only non-federal land. Because the new rules are proposed to go into effect halfway through the fiscal year, the revenue is estimated based on burning 20,000 acres with a rate of \$5.50/acre prior to Dec. 31, and burning material accumulated from 45,000 acres at a rate of \$1.25/acre after January 1. The remaining three years assume burning forest fuels from 90,000 acres per year at a rate of \$1.25/acre regardless of burn type.

³ Currently (FY 2007) SMP forecasting is provided to the Blue Mountains region of eastern Oregon through a voluntary agreement for \$41,000 per year. Under the new rules, which extend mandatory compliance to all federal forestland statewide, ODF and the federal agencies propose a new agreement that would charge \$125,000 per year based on an estimated burning of forest fuels across 100,000 acres per year (\$1.25/acre).

⁴ This version assumes passage of HB 3468, restoring general fund and harvest tax revenues.

⁵ The SMP anticipates a mandatory pro-rated program assessment for an agency-wide computer systems upgrade. This plan proposes to take a one-time reduction in the revolving fund balance to pay for it.

⁶ This version of the funding plan retains the concept of acquiring two upper air profilers; one for eastern Oregon and one for western Oregon.

⁷ Under this plan, the field coordinator position would be filled in March, 2008.

⁸ System users are in agreement that desired forecasting and meteorological consulting service needs for current burning levels can be met with current staffing.

Smoke Management Funding Plan - Alt. C1

(w/out General Fund/Harvest Tax) (further reduced list of improvements)

Burn Fee - \$.50/acre when burning only landings

6/5/2007

plus \$2.60/acre for broadcast or in-unit piles

Registration Fee - \$.50 per acre

Revenue Source	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Burn Fees ^{1,2}	\$ 357,700	\$ 152,000	\$ 104,000	\$ 104,000	\$ 104,000
Non-federal burn fees for "landings only" ³		\$ 12,500	\$ 45,000	\$ 45,000	\$ 45,000
Non-federal registration fees ⁴		\$ 32,500	\$ 45,000	\$ 45,000	\$ 45,000
Federal Agreement ⁵	\$ 41,000	\$ 215,000	\$ 215,000	\$ 215,000	\$ 215,000
Other Contracts	\$ 10,900	\$ 10,900	\$ 10,900	\$ 10,900	\$ 10,900
SMP Revolving Fund Surplus ⁶			\$ 150,000		
Total Available Revenue	\$ 409,600	\$ 422,900	\$ 569,900	\$ 419,900	\$ 419,900
Anticipated Expenditures					
Current Services (3.75 FTE)	\$(291,000)	\$(302,578)	\$(308,630)	\$(314,802)	\$(321,097)
One Upper Air Profiler ⁷		\$ (84,750)	\$ (2,000)	\$ (2,000)	\$ (2,000)
Educational Materials		\$ (14,000)	\$ (10,000)	\$ (5,000)	
Field Coordinator (POP) ⁸		\$ (36,312)	\$ (72,624)	\$ (77,148)	\$ (81,988)
Workshops/ Priorities & Measurements		\$ (5,275)			
Modeling Support		\$ (6,250)	\$ (6,250)	\$ (6,250)	\$ (6,250)
Weather Forecasting Hardware/Software		\$ (26,950)	\$ (1,200)	\$ (1,200)	\$ (1,200)
Computer System Upgrade ⁶			\$(150,000)		
Two Portable RAWS					
Fill Existing Vacant Meteorologist ⁹					
Increased Aerial Monitoring					
Increased Burn Auditing					
Fixed Location Monitoring Equipment					
Total Anticipated Expenditures	\$(291,000)	\$(476,115)	\$(550,704)	\$(406,400)	\$(412,535)
Difference	\$ 118,600	\$ (53,215)	\$ 19,196	\$ 13,500	\$ 7,365
					\$ 105,446
Revolving Fund Balance ⁶				\$(150,000)	
\$	308,083	\$ 426,683	\$ 373,468	\$ 242,664	\$ 263,529

¹ FY 2007 shows projected registration and burn fees on all private, state and federal lands within the current restricted area at \$5.50 per acre. This projection is based on nine months actual revenue data and three months estimated revenue.

² FY 2008 burn fees include only non-federal land. The revenue is estimated based on burning 20,000 acres with a rate of \$5.00/acre prior to Dec. 31, and burning 20,000 acres (broadcast or in-unit piles) at \$2.60/acre after January 1. The remaining three years assume broadcast or in-unit pile burning of 40,000 acres at 2.60/acre.

³ FY 2008 revenue is estimated based on burning landings only from 25,000 acres at \$.50/acre. The remaining three years assume "landings only" burning from 50,000 acres at \$.50/acre.

⁴ FY 2008 registration fees are estimated based on 65,000 acres (20,000 before Dec. 31 and 45,000 after Jan 1) at \$.50/acre. The remaining three years assume registration of 90,000 acres at \$.50/acre.

⁵ Currently (FY 2007) SMP forecasting is provided to federal agencies in the Blue Mountains region of eastern Oregon through a voluntary agreement for \$41,000 per year. Under the new rules, which extend mandatory compliance to all federal forestland statewide, ODF and the federal agencies propose a new agreement that would charge \$215,000 per year based on an estimated burning of forest fuels across 100,000 acres per year (\$2.15/acre).

⁶ The SMP anticipates a mandatory pro-rated program assessment for an agency-wide computer systems upgrade. This plan proposes to take a one-time reduction in the revolving fund balance to pay for it.

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