

Smoke Management Review Committee Meeting
Oregon Department of Forestry
Operations Conference Room, Salem
August 14, 2003
0930-1530

Attendance: Stephen Fitzgerald, Gary Stevens, Jim Russell, Mike Dykzeul, Jim Brown, Gregory McClarren, David Collier (DEQ), Brian Jennison, Stan Benson, Mike Ziolko, and Cindy Smith (notetaker).

Visitors: Charlie Stone, Jim Trost, Nick Yonker, Rian Strong (McFarland Bark), Harold Merritt (Plum Creek Timber)

Members not in attendance (and no proxy present): Lee Miller, Erik Christiansen and Geoff Babb.

1. Administrivia

Mike Ziolko

- November Meeting Change – The November meeting was scheduled for Nov 20 and was tentatively reset for November 25.
- Marvin Brown is unable to attend the September meeting but has rescheduled for the October meeting.
- Introductions of Committee members and visitors.

2. Minutes (June and July)

- Because there was not a quorum present, approval of the June and July minutes was tabled until the September Smoke Management Review Committee meeting.
- No changes to the July minutes were noted.
- Jim Russell suggested changing the quorum to eight but Mike Ziolko said that would require a change to the Committee's charter. The quorum issue will be a future agenda item for discussion. It was suggested that eight persons should constitute a quorum.
- Stephen Fitzgerald will send an email to remind members of the importance of their attendance.

3. Discussion of Previous Meeting's Issues (Matrix Work - Continue Alternatives

See matrix.

Issue H "What Feasible alternatives to burning..."

- The matrix was reviewed for further clarification of Issue H as discussed at the July SMRC meeting to insure that it was correct after a computer loss of data from that meeting. The matrix had been reconstructed from the recording of that meeting. In conjunction with the review, the committee completed discussion Issue H.

Discussion:

What are the options? The following comments were made:

- A tax credit to encourage landowner to use some kind of alternative.
- Charlie Stone noted that the Forest Practices Act has no standard or minimum for what's left on the ground when it comes to slash. There is a requirement for wildlife, snags and down woody material. Under the fire laws there is the extra hazard, but the landowner has the choice of not doing anything about it – he can accept the risk, pay for increased liability and/or

pay an extra hazard or buy out. There is no standard to which they are required to remove material so there is no basis to measure against. The landowner can accept the risk, have an extra hazard (extra liability) for a number of years or pay for extra protection (buy out)

- Stephen Fitzgerald explained that the FPO goes out, examines the site and determines the points that set the rate the landowner will pay. He noted that if the alternative to burning is to buy out, the risk is still there. Stephen commented that the July Boise presentation had made note of the fact that there are people out there who are not burning and the additional slash restricts what the neighboring landowner can do.
- It was also noted that the cost of a buy out is frequently cheaper than another alternative such as on site chipping.
- Jim Russell added that federal lands have a utilization standard.
- Jim Brown asked if the amount charged for the buy out was analyzed relative to the risk, like insurance is.
 - Charlie Stone explained that the limits were set by statute and over time it seems to fall behind – it contributes money into a fund that allows the district to put out extra patrols but it never comes up to the level of weighing the risk or being a substitute for the hazard.
 - Jim Brown asked if that was not an incentive?
 - Stan Benson said the buy out should be set at the appropriate level and indexed to the CPI to avoid having to revisit the statute.
- Stephen Fitzgerald pointed out that utilization is somewhat market driven. In the first part of the 90's there was more understory removal in eastern Oregon than in the 10 years since. All the things that were talked about for forest health regarding fuel loading happened because of the pulp market. The market dropped out and the door closed. Now we are struggling to come up with incentives, etc. to get rid of the materials that should be removed.
- Mike Dykzeul commented that the infrastructure and the long-term commitment to developing markets for that utilization, even in a fluctuating market, could be the incentive needed.
- Stan Benson noted that in order to make the investment that utilizes the biomass, there must be a dependable, long-term supply.
- Jim Russell pointed out that long-term contracts should be a part of the program.
- David Collier asked if the USFS or BLM had a grant to help landowners do fuels treatments?
 - Yes – the National Fire Plan provides community assistance grants as does the Western Governor's Association, through ODF.
 - Stephen Fitzgerald added that there are other incentives, as well, such as dumping fees being reduced at the landfill for landowners bringing in biomass materials to be composted.

Analysis Decision Process/Protocol for selecting alternatives specific to the site in or adjacent to a designated area (D.A.)

- Stephen Fitzgerald noted that the issue is that the alternatives are not given enough analysis in the decision making process.
 - David Collier added that perhaps there was not enough analysis by the person, in charge, on the ground and asked at what level of the management structure is the decision to made to go with the alternative or to burn?

- Stephen Fitzgerald replied that burning was the last resort for the federal side and they go through a decision making process.
 - Jim Russell added that within or adjacent to a designated area we should be looking at alternative treatments.
 - That would require rule or directive change.
- Mike Dykzeul said alternatives are considered on a moment by moment basis. Documentation to other standards is not an established protocol and there has not been a need to do so. Alternatives, whether they be on federal lands, small woodland owners with fuels reduction projects close to designated areas or population centers, may be possible in certain situations. There are some more alternatives that can be used there. Jim's idea that being farther away from DA's or population centers should lessen the amount of documentation and choices – purely from a private small forest lands – is a good idea.
- Mike Dykzeul added that he did not want to see those who are managing their fuels limited with the number of opportunities for a smaller amount of fuels being consumed.
- Jim Brown commented that alternatives are not necessarily used to reduce burning but to provide additional opportunities to deal with the hazard. Education and opportunity are needed more than documentation.
- Jim Russell said a level of sophistication that breaks out the Smoke Management Plan by geographic areas that looks at specific issues associated with that area is needed. It should include climate, weather, burn day and topographical areas.
 - Stephen Fitzgerald said that would be an opportunity to pursue.
- Mike Dykzeul commented that the terminology of alternatives to burning goes back several years through escapes and treatments and social and political challenges to actually reduce fuels through mechanical operations. It became an educational campaign to manipulate the fuels balance and turn the fuels into a product. In the utilization of the biomass that was removed, smaller residues are left and emissions are reduced by changing the flow of fuels. Fuels are reduced through active management. Also, voluntary compliance issues that have shown improvement by making options available, widening burn opportunities using more tools to increase forecasting capabilities and more efficient ways to capitalize on maximum mixing days will limit exposure and still accomplish other objectives. He would like to see the committee capitalize on what is working right and provide more opportunities such as granting more latitude on marginal days so more can be done.
- Jim Russell added that all of the DA's are in attainment and planning for the future at an expected level of growth and developing a system that will allow burning at a level commensurate with what is identified as resource protection as well as fuel mitigation throughout the state should be the management goal. Dividing the state into small geographic areas could be a great benefit.
- David Collier added that success is not protecting the NAAQS. The goal of the Smoke Management Plan is to minimize smoke intrusions. It's not about NAAQS violations.

The WRAP Document – Alternatives to Burning

- Mike Dykzeul noted that he and Brian Finneran would be doing a conference call to complete the last revisions and the WRAP Document on Alternatives to Burning. It should be available in 3-4 weeks.
- Jim Russell said it would be a good appendix or reference piece.

4. Public Comments

- There was no public comment at this time.

5. Break

6. Continuation of Issues Discussion

Issue H continued:

Discussion – How will future success be measured?

- All user management objectives are met.
- Increased use of alternatives.
- Public nuisance complaints decrease.
- Burn plans/planned activities submitted by all geographic areas annually by January 1.
- Brian Jennison noted that each time the use of appropriate alternatives is demonstrated, the ability to burn somewhere else is increased where burning may be the only alternative. The use of alternatives where feasible makes burning, when it is the only feasible alternative, more acceptable to the public.
- Funding for additional fuels position at ODF.

7. Working Lunch

Rian Strong, McFarlane's Bark, Inc., of Milwaukie, OR, presented a short video on grinding as an alternative and a second video on specialized horizontal-feed grinding equipment available through McFarlane's Bark. See attached handout.

Rian explained that the Peterson grinder has numerous advantages; a clean finished product, changeable screens which allows for adjustment of the size of the product produced – from one inch up to meet the needs of the end user, fast grinding/processing (a 24" diameter log, 20' long is ground in 45 seconds), as well as quick set up and break down and simplified maintenance with minimum down time for maintenance.

They completed a 300 acre grinding project on BLM land in Coos Bay. Costs vary but may range from \$100-\$250 for typical operations. For example, it may be cost effective to haul chipped material from a job site near Bend to biomass facilities as far away as Klamath Falls or Kelso.

His purpose was to present grinding as an alternative and keep the committee up to date relative to the abilities of his company and the role McFarlane's Bark could fill in providing an alternative in the forest fuels reduction process.

8. Continuation of Issues Discussion

Issue K “Air Quality Objectives”

Discussion: “Will there be a Problem in the Future?”

- Nuisance Impacts

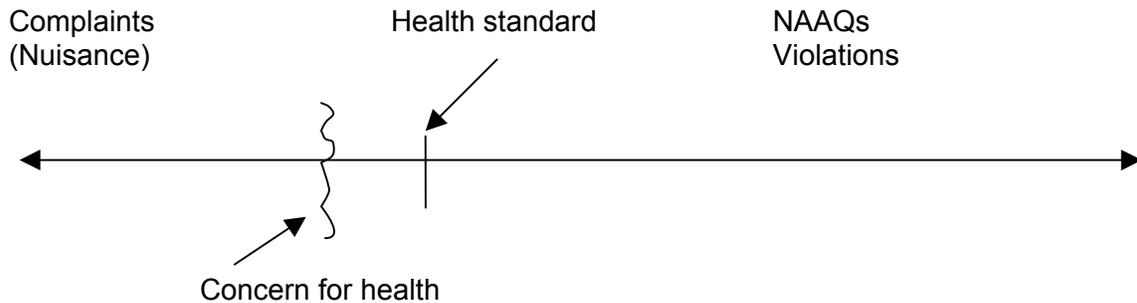
- Jim Russell said a clear separation of the objectives and responsibilities of DEQ and Smoke Management is needed.
- Visibility Impacts
 - Stan Benson added that the regional Haze SIP is designed to minimize the likelihood of an impact.
 - Mike Ziolko noted that the existing Visibility Plan treats the Columbia Gorge the same as any other area. It is not a Class I area but could be considered a smoke sensitive area.
- Mike Dykzeul suggested that “Issue K – Will there be a problem?” should be “Yes” for both visibility and nuisance.
- Brian Jennison reminded Committee members that AQ objectives are not NAAQs.
 - Mike Ziolko added that the issue of nuisance and visibility had been added specifically by the Committee because there was no hard and fast number, like a NAAQs, against which success could be measured.
- David Collier asked for clarification on nuisance versus complaint and where the health standard fits in.
 - Stephen Fitzgerald explained using last year’s wildfires as an example and said that at no time were there violations the 24 hour standard however the levels for 4 or 5 hours in a row were probably 2 or 3 times the health standard. For the population at risk, that ‘s irrelevant whether the health standard is reached or not. It’s irrelevant whether any prescribed burns violate health standards, a single episode probably won’t, but those who are vulnerable are really going to notice the health specs. Our goal should be a reduction of nuisances i.e. people aren’t breathing smoke.
 - Brian Jennison added that there is no nuisance standard and no complaint standard. There is a state public nuisance regulation that was adopted about a year ago at DEQ. LRAPA has a similar one that is primarily aimed at permitted industry where odors or dust get off site. It allows working with the industry to develop a best practices plan. It’s designed to work towards solution of the nuisance.
 - David Collier suggested that Smoke Management adopt a similar strategy – a positive approach that would utilize a process to look at the exceptions and find a solution to work through the nuisance or complaint.
 - Stan Benson suggested that a benchmark of success would be the continued trend, or no worsening of, the Class 1 visibility trends.
 - Mike Ziolko added that the Regional Haze Rule has not been addressed in the existing plan.
 - Mike Ziolko went on to suggest another subset could be visibility impacts in general and asked if creating a reduction in the Non-Class 1 areas by reducing the visibility would be a nuisance or visibility issue?
 - Stan Benson replied that it would fall under nuisance.
 - Brian Jennison added that few people would call about a visibility nuisance but they would call when they smell smoke or soot is landing on their house.
 - Stan Benson said the Committee’s responsibilities were first to the NAAQ standard and then to the to the Class 1 Visibility Protection

Plan and now the Regional Haze. Therefore he would log complaints from callers from outside of protected areas as nuisance, and calls from people who identify that they were in the protected area such as the Three Sisters Wilderness Area, as a visibility issue.

- Jim Brown asked for clarification of the term nuisance and Stephen Fitzgerald asked if there was a defined standard.
 - Jim Russell said that if it were a health threat there would be data to support that claim.
 - Brian Jennison said a health hazard is something that should be shut down but a nuisance is something that some people can tolerate and others do not want to tolerate therefore it's called a complaint.
 - Stephen asked what was used as a standard for that determination and Brian responded that if a health based air quality standard was not violated, it would be a nuisance. Health standards are supposed to be set to protect the health of the sensitive individual. There will always be more chemically sensitive individuals.
 - Jim Russell noted that it without a federal reference monitor on site it is unknown whether the standard is actually violated and is therefore called a nuisance.
 - Stan Benson said to think of it as a sliding scale from nuisance to health hazard.
 - Stephen Fitzgerald said if there was an official health hazard standard and people call in and you are at or above that level then that's that would be a NAAQS violation but below that standard there could be health effects (and a concern for health) even though those complaints would fall in the nuisance category. See Intrusion Diagram – page 7.
 - Greg McClarren said that if they were off site, i.e. in Sisters, and the monitor was in Bend, it would be a nuisance.
 - There is a publication out with the health effects of wildfires that has a matrix showing how the high risk population could be affected and what information should be provided to them and what actions should be taken long before the health standard is exceeded.
 - Brian Jennison said that in Oregon, nuisances are unlikely to result in a citation.
 - Jim Russell said his definition for non-nuisance is within a designated area with a federal reference monitor to measure the level of smoke emissions. Outside of the designated area with no reference monitor, it would be a nuisance.
 - Stan Benson agreed but added that there is a third marker - that being when there are health effects for the sensitive population. See Intrusion Diagram page 7.
 - The 24 hour standard is 65 micrograms per cubic meter for PM 2.5.

INTRUSION

In a designated area:



- Brain Jennison asked Gary Stevens if a health officer has an over-riding authority to shut down anything that is an imminent threat to public health.
 - Gary Stevens responded that theoretically the health officer could but would probably have to get a court order.
- David Collier said the objective in the administrative rules is to minimize the accumulation smoke. With that in mind, then the answer to whether there would be a problem in the future is dependant upon whether the Smoke Management Plan is implemented properly.
- Jim Brown said the Smoke Management Plan is designed to comply with DEQ regulations therefore there really is no separation.
- Stan Benson remarked that the issues being discussed under item K belong under item A.
 - Mike Ziolko agreed that they could as long as there was a differentiation between this standard versus the nuisance and visibility parameters.
- Jim Russell commented that in its definition, nuisance is handled by the open burning regulation administered by DEQ and LRAPA and should not be a part of the Smoke Management Plan.
- Brian Jennison responded that nuisance is larger than just open burning. Anything could cause a nuisance.
 - David Collier explained that the definition of the term nuisance In the current administrative rules about the air quality objective doesn't say anything about nuisance. The air quality objective says "to prevent smoke resulting from burning on forest lands from being carried to or accumulating in designated areas." The objective is to prevent intrusions.
- Intrusion is any smoke at ground level – light, moderate or heavy.
- Referring to the diagram, Stephen Fitzgerald commented that a standard is needed to define determine if an intrusion is a nuisance or a NAAQS violation.
- David Collier said there are two fixed goals – the first is the NAAQS. The second is the objective of the Smoke Management Plan to prevent smoke intrusions into the designated area – in between those two fixed goals there would be the option of looking at different thresholds for different health effects. Although interesting information, it may not be useful in setting up the objective of the Smoke Management Plan.
- Stan Benson noted that frequently once a weaker standard has been adopted, it becomes the standard.

- Gregory McClarren suggested that in both Matrix Item A and Matrix Item K the goals David mentioned should be included and nuisances, intrusions and visibility should be used as benchmarks of success. It would allow complaints to be logged and data compiled geographically.
- Brian Jennison noted that if beta scatter (B-scat) measurement could be interpreted; it could be put into miles.
 - Mike Ziolko explained that it is in the directive – a rough correlation to visibility. He referred committee members to page 8 and 9 of the directive. Under intrusions defined, B-scat, light (1.8), moderate (4.9) and heavy (above 4.9). This was developed from impact levels DEQ had set in field burning. If those b-scat levels are translated to page 9 to visibility levels, those b-scat correspond to the various changes in visibility – light, moderate or heavy. This could be used to classify the intrusion level.
- Beta scatter is the scattering of light based on the particles in the air.
- David Collier added that DEQ, as a reaction to forest fires, is working on a better communications plan to deal with the intense impacts from forest fires. ODF is working with DEQ to provide wildfire smoke forecasts as necessary.
- David Collier said he would like to see the objectives from the administrative rules articulated in the Matrix as the Air Quality objective so that it mirrors the burning objective.
- David Collier asked if consideration had been given to protecting the Columbia Gorge.
 - Mike Ziolko responded that the Committee could look at protecting the Gorge as a sensitive area. The Smoke Management Plan does address sensitive areas.
 - Jim Trost explained that the Gorge gets primarily West winds and is impacted by drivers in Portland.
 - Jim Russell added that it's the first example of an interstate smoke management program where more than one state (Oregon/Washington) may directly impact an area. The opportunity is to develop interstate coordination.

NOTE:

- The discussion of Matrix Issue K is part of other questions in the matrix such as A, J, and F.

9. October State Forester Discussion

A discussion of preparation for Marvin Brown's attendance at the October Smoke Management Review Committee meeting was substituted for the previously planned agenda item.

The State Forester has scheduled approximately an hour and a half for the meeting. The following topics were suggested:

1. A short introduction of each committee member – who they are and why they are here.
2. Briefing on the National Fire Plan and its relationship to the Smoke Management Plan by Jim Russell
3. History of the Smoke Management Plan in Oregon?
4. Update on the Regional Haze by Brian Finneran
5. The Forestry Plan for Oregon
6. Ask Marvin what he would like from the committee

7. The Visibility Protection Plan
8. An organizational chart to demonstrate the inter-relationships of the agencies
9. General comments – organizational changes, department operations, budget
10. NWCAP
11. Current NAAQs and implementation of the PM 2.5

Mike Ziolko commented that much of this will be discussed with Marvin by staff prior to the meeting. Stephen and Mike will provide guidance for discussion at the September meeting.

10. Public Comment

- Jim Trost questioned the use of the number of complaints received as a measure of success because it sometimes appears that neighbors get together to increase the number of complaints. Jim was concerned over the use of a measurement of success that could so readily be manipulated.
 - Brian Jennison disagreed adding that he views one call from an individual household per day as a complaint.

11. Break

12. Plastic on Piles Update

Jim Russell noted that the purchase order for the contract to conduct a literature review on burning plastic has been let and some feedback has been received.

Mike Dykzeul added that he is continuing to contact neighboring states and has consistently received the “don’t ask, don’t tell” answer.

The subcommittee continues their work and will report back at the next meeting.

13. Adjourn

The meeting adjourned as scheduled at 1530.

Next meeting September 18, 2003

Committee information can be found on the web at:

http://www.odf.state.or.us/DIVISIONS/protection/fire_protection/smp/SMR/SM_Review.asp