

Smoke Management Review Committee Meeting  
Oregon Department of Forestry  
Santiam Conference Room, Operations Bldg., Salem  
0830-1500 September 30, 2004

Attendance: Stephen Fitzgerald, Brian Finneran, Jim Brown, Lee Miller, Stan Benson, Nancy Wilson (proxy for Erik Christiansen), Lee Miller, Mike Dykzeul, Gregory McClarren, Gary Stevens, Jim Russell, Mike Ziolk and Cindy Smith.

**1. Administrivia**

Jim Russell introduced Nancy Wilson.

Stephen Fitzgerald added that he and Mike Ziolk had given a progress update to the Board of Forestry and gave them a timeline of January or March for delivery of this Committee's recommendations. The presentation went well and they appeared to be impressed that this has been a two-year plus process.

Stephen Fitzgerald will not be available to facilitate the October 21 meeting; Mike Dykzeul will facilitate in his absence.

**2. Minutes**

Corrections:

- |                                     |           |  |
|-------------------------------------|-----------|--|
| Page 2: Is there a problem?:        | Bullet 2: | Second Sentence – delete last word “lands”.<br>Fourth sentence – delete the comma after “from” and insert “Tribes” after Umatilla.   |
| Page 3: Bullet 2:                   |           | “helpful on” should be “helpful in”  |
| Page 3: Bullet 6                    |           | third line: end sentence at Willamette Valley field burning. Delete “folks”  |
| Page 13: Bullet 5:                  |           | Should read “Gary noted that all things being equal, the initial designation of attainment is starting from square one. He said that anything that contributes to an annual or 24-hour PM10 level should start at that point.” |
| Page 14: Bullet 3                   |           | Second line: Insert “us” after guide.  |
| Page 14: Committee Recommendations: | Bullet 1: | Correct DAS to DAs   |

The minutes were approved as amended.

**3. Consolidated Report**

Mike Ziolk, Cindy Smith

The first draft of the report of this committee was presented.

- Stephen Fitzgerald suggested moving the Charter to the beginning of the document rather than having it in the appendices.
- Committee members will review the draft. Suggestions for formatting and content revisions will be discussed at the November 24, 2004, meeting of the Smoke Management Review Committee.

4. **Final Draft Matrix Question F**

Gregory McClarren, Gary Stevens.,

Brian J. 0855

**Discussion:**

- Gregory McClarren thanked Jim Trost and Nick Yonker for their assistance, and Brian Finneran and his associate from DEQ, for background information on DEQ's perspective.
- Gregory noted that there are about three dozen Designated Areas in the state. Only about 10 are in Exhibit 2, the others are in Directive or accepted practice. He explained that Siletz is protected at a level that may be comparable to a DA but it's neither a protected area nor a designated area and there are protected areas that are actually defined in agreements such as the NEO Forest Service/BLM Agreement.
- Brian Finneran asked if there should be recommendations under "options"?
  - It was an oversight to not have done so.
  - Mike Ziolko responded that consistency is needed and suggested putting recommendations at the end of each section.
- Nancy Wilson commented on the statute relative to prescribed burning in restricted areas. She noted that there was room for potential conflict if the designated area is set to the urban interface growth boundary because they are told not to put smoke into a designated area but the statute allows, under certain conditions, all burning permitted within those restricted areas... Need room for the forecasters to allow for that burning.
  - Mike Dykzeul noted that the process for permitting burning exists and it needs to be in conjunction with the Plan. He added that it does not say "shall not" but addresses certain conditions, given forecasting tools, under which the burning would be allowed.
  - Nancy Wilson noted that the statute allows you to put smoke into a town or city – it's a matter of how much, but noted that in numerous areas such as those mentioned earlier by Gregory McClarren, when the area in question is treated as a DA, they are not allowed to manage the area as the statute allows for – in essence they are forced to treat the area as a DA.
  - Mike Ziolko said the discussion of how much smoke is too much smoke comes up at every meeting – right now the rule says no smoke into a DA or a protected area.
- Jim Russell commented that what we currently have in terms of a SMP is a response to individual problems throughout the state and trying to manage smoke with no umbrella oversight in terms of what is needed. We need to be progressive – the entire state needs to be a regulated area and we need to do define what is done relative to protection. He added that he thought the Committee had decided to identify the types of protection needed in the terminology used.
- Nancy Wilson said she was concerned about Eastern Oregon being able to meet the requirements of the fire ecosystem and dealing urban interface problems if no smoke is allowed into a town.
- Stephen's commented that even under the best circumstances, you would probably always be limited. Managers will never be able to do the level of burning the ecosystem needs because the amount of smoke that would be created would exceed both health and visibility standards.
- Mike Ziolko noted that SPZs (special protection zones) are not defined in OAR.
  - Gregory McClarren will make change that paragraph to include OAR or Directive and will remove SPZs from the last paragraph on page one since SPZs are not DAs.
- Jim Russell asked if we expect to incorporate the open burning regulation in the SMP?

- Gregory said it would be a recommendation.
- Brian Finneran said that is not the intent – it is an example of how DEQ identifies areas it wants to protect. It may lead to a recommendation.
- Gregory McClarren added that it’s also an existing situation.
- Brian Finneran said it’s an example of how open burning is protected in Oregon.
- Gary Stevens - It has to be resolved.
- Gregory McClarren said he would add explanation to it and use this paragraph as an example.
- Jim Brown added that it’s also an example of the importance of coordination of the various kinds of burning.
- Page 2, Line 1 will be changed to read “Currently in *SMP* Exhibit 2....”
- Page 2 Bullet 4, Gregory will add to the definition of SPZs to explain that they are “around cities that are protected” and that they are source related.
- Brian Finneran explained that the purpose of an SPZ is to control the burning within the boundary. It restricts the source to protect the area during a small portion of the year when woodstove problems may occur.
- Stephen Fitzgerald said it would be helpful to organize these areas by source and receptor.
- Jim Russell asked what the authority was to establish the SPZ for Lakeview and LaGrande?
  - Brian Finneran responded that the authority was tied to the fact that those communities were in violation of the Ambient Air Quality standards and DEQ was required to develop plans to bring them into attainment and look at all potentially contributing sources of smoke.
  - Jim Russell added that it should be referenced here so the document will stand the test of time.
- Jim Brown asked about open burning control areas (OBCAs) and coordination with area fire marshals.
  - Brian Finneran said the State Fire Marshal helps tell people if it is a burn day or not but they have their own rules about fire safety, etc and can shut people down. In terms of information – should call local fire district.
- Stephen Fitzgerald asked if the staff quotes should show attribution.
  - Mike Dykzeul noted that if the comments are consistent among all meteorology staff – attribution is not necessary.
- Gregory McClarren will add the section “How will success be measured in the future?”

**RECOMMENDATIONS:**

**BROAD THEMES:**

- Stan Benson said better definitions are needed for clarity.
- Jim Russell added that Jackson County is the exception, not the rule throughout the state. Need be sure that DEQ and other counties within western Oregon are willing to step up to the plate on this issue. Jim objects strenuously to incorporating any reference to the open burning rule in the *SMP* because it is not a uniform approach taken over the entire state.
- Brian Finneran said DEQ will be revisiting the SPZs issue because they are old and it needs to be determined if they are still needed or should be modified.

- Mike Ziolko noted that there are no non-attainment areas therefore there may be no need for SPZs. The SPZs apply around non-attainment areas but even with the SPZs in place, the way they are now, prescribed burning within the SPZ will be allowed only when the ODF smoke management meteorologists determine that there will be no measurable smoke impacts within the PM10 non-attainment area. Even with the SPZ, burning can be allowed on non-”red days” as long as there is no impact.
- Gregory McClarren said he was willing to go along with the will of the committee but asked what would happen with those few areas that have violated NAAQS in the past?
- Brian Finneran noted that the SPZs have been dropped in a few areas – for Oakridge and Grants Pass.
- Gary Stevens asked if the proposal would be to defer SPZs to an agreement between DEQ and ODF?
  - Mike Ziolko responded that a recommendation from the committee would help the process along. They still have to revise the whole Smoke Management Plan and decide whether to keep them or not.
  - Brian Finneran added that it’s ultimately a DEQ decision and SPZs have worked to get areas back into attainment.
  - Mike Dykzeul added that it’s a good system that has worked but if this is to be a pro-active tool we should be able to offer a level of protection in advance rather than after.
  - Stan Benson noted that controls should be identified and possibly tied to specific meteorological conditions with the intent to maintain the acceptable air quality standards that have been attained.
- Gary Stevens said he wanted to be sure that there would be a mechanism for ODF and DEQ to reinvigorate these SPZs to deal with the 2.5 changes – an attainment plan or something like that.
- Gregory McClarren added that there are some areas in the state that need special flagging in the future – that extra effort – and asked how to build that into the system proactively?
  - Jim Brown disagreed and said the meteorology is adequate and there should be no burning when there is an inversion.
  - Gregory McClarren said he didn’t want areas to get anywhere close to where they had been in terms of air quality.
- Jim Russell pointed out that, outside of the Committee, no one knows what an SPZ, DA, etc are and this is our opportunity to decide what is to be protected and name it accordingly. This is the best SMP in the US.
- Jim Russell said there is only one AQMA in the state – Medford/Ashland.
- Jim Brown added that the tools are there and asked why we need more?
  - Brian Finneran commented that it will be evaluated – some of it is political and some is perception.
  - Gregory McClarren noted that we are not talking about Burns or McKenzie Bridge. We are talking about:
    - SPZs (Non-attainment areas – 20 mile source restrictions around each during a specific time 11/15 through 3/1 or 4/1) – LaGrande, Lakeview, Klamath Falls, Medford, Eugene/Springfield, Oakridge & Grants Pass.

- Gary Stevens asked how areas would be adequately protected? He noted that transportation related pollutants are a tremendous problem and make it all the more important to be able to control background pollutants. Anything else that impacts that model would also be a problem. He challenged the committee to find a way to protect sensitive areas by some type of a general mechanism, and prevent the political dilemma generated by visual smoke.
- Jim Russell requested a simplification of the process.
  - Gregory McClarren explained that that's why the sub committee came up with the idea to do away with source zones and only have receptor zones.
  - Stan Benson agreed and said that it needs to put in our goals that there are places that meteorological conditions put special burdens on smoke management. He added that education should be a major part of the effort.
- Jim Russell commented that SPZ is another layer on top of existing primary protections and asked how many layers were needed?
  - Brian Finneran explained that if the EPA changes the PM standard and we get back to where we are close to violating the standard – SPZs could be necessary. It is an extra layer and it may still be needed.
  - Stan Benson said there are standards and if evening smoke would come down and result in violations, then you say no, you're not meeting the required standards.
  - Jim Brown asked if standard violations could be easily predicted.
    - Mike Ziolkko responded that protection of standards is currently incorporated into the Smoke Management Program.
- Jim Russell said the SPZ extends the boundaries and asked if they could be dealt with by adjust the DA?
  - Brian Finneran responded that he believes SPZs added value and made the wood stove program more successful. He explained that it's back to education because there is still a perception issue of fairness of who can burn when.
- Jim Russell noted that it could still be enforced with existing rules.
- Nancy Wilson pointed out that they (SPZs) are the source and the receptor site.
- Mike Ziolkko explained that both Eugene/Springfield and Grants Pass have SPZs that apply only if the contingency provisions come into play.
- Jim Russell asked if there were any areas in the state not in attainment because of wood stoves?
  - No.
- Mike Dykzeul noted that if a coordinated SMP has been effective, are additional levels necessary? The goal is to meet standards by being effective.
- Gregory McClarren suggested that SPZs are not needed and DAs would take care of it. The six SPZs areas could be noted as having been in non-attainment and in need of extra coordination and attention – could note to follow in their maintenance plans.

**SPECIFICS:**

**1<sup>st</sup> Bullet:**

- Jim Russell noted that the description of the Willamette Valley needed to be described as closely as possible to the existing DA.

- Gregory McClarren suggested that the first bullet be revised to “The Willamette Valley DA is the area including portions of Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties.”

**2<sup>nd</sup> Bullet:**

- Will just list the cities that need to be identified as AQMAs as defined by DEQ.

**3<sup>rd</sup> Bullet:**

- Add Roseburg to the list of cities mentioned.

**5<sup>th</sup> Bullet:**

- Brian Finneran suggested that the boundaries should be the city limits for simplicity. The cities are receptor areas so the size of the boundary around them is not relevant.
  - Stephen Fitzgerald agreed and suggested that the urban growth boundary is the area you need to avoid and most likely would error in favor of missing area surrounding it.
- Jim Russell suggested using Brian Finneran’s suggestion and calling them all Smoke Sensitive Receptor Areas (SSRAs) and doing away with all other terms – for simplification and clarity.
  - The committee voted and agreed.
  - Gregory McClarren added that he would like to change the second \* under SPECIFICS to read “Adopt SSRA strategy... The following AQMAs would be designated SSRAs.” The Willamette Valley DA would become the Willamette Valley SSRA. In the third bullet, all those mentioned with the addition of Roseburg would become SSRAs.”
  - The 5<sup>th</sup> bullet will be changed to read “The boundary for the cities/towns known as SSRAs will be the UGB for all cities outside of the Willamette Valley SSRA”
- Mike Dykzeul asked if the entire state moved forward with a regulated area, would the agreements remain in place?
  - Jim Russell replied that they probably would not.
- AQMA is Air Quality Management Area and the only one is Ashland/Medford.
- Gregory McClarren asked Brian Finneran how he would describe the 6 previously identified non-attainment areas.
  - Brian responded that he would just list them as SSRAs. Eugene/Springfield would be part of the Willamette Valley SSRA.
- Gregory McClarren noted that the trend is for all counties to adopt the UGB because it is the uniformly known administrative standard across the state.
- Jim Russell asked if the UGB would have to be incorporated into the SMP?
  - No.
- As new non-attainment areas are identified they would be automatically added to SSRAs.
- Brian Finneran asked if the non-attainment area was in the Medford/Ashland AQMA which is much larger than the UGB. Should that entire area not be protected?
  - Jim Russell explained that the boundary is not created in the SMP – it’s created in the SIP and we would implement it.
- Brian Finneran asked if the Committee wanted to identify any unique SSRAs?
  - No.

**\* Establish Protected Areas Categories**

- First, third and fourth bullets will be deleted.

- Gregory McClarren said the cities/towns in the NE Oregon Agreement would all become SSRAs.
  - Brian Finneran said the existing agreements would be revised.
  - Mike Ziolko said he did not see any of the existing agreements remaining in place after the plan is revised – it would be in Administrative Rule or in Policy statement on how the program will be run.
- Jim Russell asked how protection would be given to Idaho and Washington cities?
  - Brian Finneran said this would be addressed under the section dealing with regional smoke management.
  - Mike Ziolko said they would still need a designation.
  - Regional Haze Rule and Question E will resolve it.

**\* Criteria to Consider in making additions/revisions to the SSRA list**

- None of these are intended to be automatic additions to the SSRA – they are criteria to be considered only.
- First four bullets will be deleted
- Bullet 5 will read “Frequency of intrusions and complaints”.
- Bullet 6 will read “Nature of air pollution impacts”.
- Bullet 7 will be deleted.
- Bullet 8 will read “Proximity to areas of increased prescribed burning”.
- Bullet 9 will be deleted.
- Bullet 10 will be deleted.
- Bullet 11 will be added - “Tracking and monitoring of any kind”.
- Lee Miller commented “How do you make people take the pill that’s good for them in the long run? The more DAs we make, the more smoke people will have to live with – from wildfires.”
- Mike Dykzeul said the focus is now on nuisances because the program has been so successful. Now we’re asked to do even better with expansion – meeting management objectives at the same time you meet health objectives. He would look at education for the answer.
- Jim Russell suggested simplifying it to two bullets: Changing population demographics of an area and frequency of complaints and intrusions into that area.

**\* PROTOCOL (new section to add)**

- Incorporate review of the SSRA list into the SMP. It could be a task for the Smoke Management Advisory Committee. They already meet annually. Would need to provide them with the criteria to follow.

Brian Finneran suggested looking at how the rule speaks to DAs and how they are protected.

- It talks about managing smoke and minimizing smoke impacts in designated areas. It does not say thou shalt never have any smoke impact.
  - Gregory McClarren read from the statute – “Shall approve a plan for the purposes of managing smoke in areas they shall designate. The plan shall delineate restricted areas to which this subsection applies. The plan shall also include but not be limited to considerations of weather, volume of material to be burned, distance of the burning from designated areas, burning techniques and provisions for cessation of further

burning under adverse air quality conditions. All burning permitted within the restricted areas shall be according to the plan. The plan shall be developed by the State Forestry Department in cooperation with state and federal agencies, landowners and organizations that will be affected by the plan. The approved plan shall be filed with the Secretary of State and may thereafter be amended in the same manner as its formation. The State Forester shall promulgate rules to carry out the provisions of the smoke management plan approved under this subsection.” Gregory said that “No where does it say thou shalt not smoke into... it talks about managing smoke.”

- Mike Ziolk corrected Brian and Gregory’s comments by pointing out that the rule states in the objective - “to prevent smoke resulting from burning on forestland from being carried to or accumulating...”, which means smoke is not to enter a DA.
- Brian Finneran noted that populated areas that are not DAs still need to be avoided.
- Jim Brown said it’s a matter of using common sense.
- Nancy Wilson commented smoke crosses that ambiguous line at surface level and that’s an intrusion – why put up more walls? The statute is being administered as no smoke into the area therefore no burning.
- Gary Stevens said the debate is over health impacts.
- Gary Stevens asked about “other areas sensitive to smoke”
  - They will be treated like any other SSRA
  - Nick said it has been left to their discretion to make that determination working with the field offices.

#### 5. **Public Comment**

- There was no public comment at this time.

#### 6. **Final Draft Matrix Question D**

Jim Russell

#### **Discussion:**

##### **Is there a Problem?**

- First paragraph – a period is needed after the word ‘combined’; delete ‘within the state’; insert ‘Prescribed’ in front of burning in first sentence.
- Second paragraph – replace ‘Current tracking’ to ‘Annual tracking.’

##### **Will there be a Problem in the Future?**

- Change ‘western’ to ‘northwestern.’

##### **What are the Options**

- Add a footnote to explain highest use.
- Second paragraph – Mike Ziolk said data would be useful but the document should say something about attribution of wildfire smoke. Insert “, useful for attribution of prescribed fire smoke” after (SIP).
- Mike Dykzeul asked what data was needed from private landowners on wildfires? Fuels Consumed? He said he was not aware that any of that is currently being collected.
  - Mike Ziolk said that would have to be collected – on 209’s or some other method.

- Jim Russell added that he would expect ODF to collect that information, in addition to fire reports.

**Will these Options require changes in Statutes, Rules or Directives?**

**What are the Barriers and Opportunities?**

- Second paragraph, first sentence replace “for implementing the process” with “is critical for meeting the overall objective of emission tracking”.
- Fourth Paragraph, second line “were” should be “where.”

**How Will Success be Measured in the Future?**

- Fourth Paragraph – Mike Ziolko asked how the SMP would acknowledge that trade off?
  - Gregory McClarren said the trade-off would be acknowledged and the objectives that attempt to reduce total emissions would have to be done by the Regional Haze Rule.
  - Jim Russell added that the SMP would acknowledge it by making a statement that there is a relationship with the State of Oregon that wildfire can be reduced in severity and intensity by the use of prescribed burning.
- Mike Ziolko asked for Clarification on the last paragraph.

**Recommendations?**

- Mike Ziolko suggested adding wording that would implement a statewide wildfire and prescribed fire data tracking system that provides the data needed to calculate emissions.
- Stephen Fitzgerald noted that the last paragraph under success needed to show the trade-off.

7. Public Comment

- There was no public comment at this time.

8. Adjourn

The meeting adjourned as scheduled.

**Next Meeting October 21, 2004**

**Assignments**

Charter Questions have been assigned and today’s agenda will be continued.

Matrix Item E:	2 <sup>nd</sup> Draft	Brian F. & Brian J.
Matrix Item H:	1 <sup>st</sup> Draft	Jim B., Brian F., Stephen F.
Matrix Item C:	Final Draft	Lee, Erik
Matrix Item F:	7 <sup>th</sup> Draft	Gregory, Gary, Brian J.
Matrix Item D:	Final Draft	Jim Russell

**Additional Meetings were scheduled for:**

**Dec 14, 2004**

**January 20, 2005**

Committee information may be found on the web at:

[http://www.odf.state.or.us/DIVISIONS/protection/fire\\_protection/smp/SMR/SM\\_Review.asp](http://www.odf.state.or.us/DIVISIONS/protection/fire_protection/smp/SMR/SM_Review.asp)

6th *Draft 24 SEPT 2004*

**Charter Question F**

Are designated areas and smoke sensitive areas adequately identified?

**Narrative Description**

**Is there a problem?**

Oregon Revised Statute states:

**“477.013 Smoke management plan.** (1) For the purpose of maintaining air quality, the State Forester and the Department of Environmental Quality shall approve a plan for the purpose of managing smoke in areas they shall designate. The plan shall delineate restricted areas to which this subsection applies. The plan shall also include .... distance of the burning from designated areas, ..... All burning permitted within the restricted areas shall be according to the plan. ....”

Definitions are described in OAR 629-43-043:

1. **“Designated area”** - Those areas delineated in Exhibit 2 (a map in this rule) as principle population centers or a sub-region such as the Willamette Valley.
- **“Restricted areas”** – Those areas delineated in Exhibit 2 for which permits to burn on forest land are required year round pursuant to rule 629-43-041.
- **“Other areas sensitive to smoke”** - Specific recreation areas during periods of heavy use by the public, such as coastal beaches on special holiday and special events. Heavy use is defined as “unusual concentrations of people using forest land for recreational purposes during holidays, special events.” Federal mandatory Class I areas during peak summer use are considered smoke sensitive areas. All Oregon and Washington Class I areas shall be considered as areas sensitive to smoke during the visibility protection period, defined in the Oregon Visibility Protection Plan, OAR 340-20-047 Section 5.2.
- **“Special Protection Zone”** – a source geographic area term that establishes specific boundaries around Eugene/Springfield, Grants Pass, Klamath Falls, Medford, Oakridge, LaGrande and Lakeview. These boundaries are only in effect during the winter months and in some cases, Eugene/Springfield and Grants Pass, only under certain conditions. Directive, Appendix 4.
- **Attainment Area** [also non-attainment area] – Receptor terms that define a geographic area in compliance [or non-compliance] with federal air quality standards. Commonly used but not defined by DEQ rule.

The SMP designated areas [restricted areas, SPZs and other protected sites] have evolved with the SMP. No criteria by which these areas would be designated have been clearly established. Exhibit 2 in the OAR [629-43-043] and the various agreements [Appendices] and Directives do not concisely list the DAs or other smoke sensitive areas, nor do they further establish or describe criteria for additions/deletions/revisions to the list of areas.

Additionally, there exists a definition in DEQ Rules that is relevant to this discussion: “open burning control areas [OBCAs].” OCBAs are those areas around more densely populated locations in the state, and valleys or basins that restrict atmospheric ventilation and are designated “open burning control areas.” The areas, and the attendant restrictions, are listed in OAR 340-264-0100 through 340-264-0170 by county. DEQ rules use a combination of population, distance from city limit/UGB [three miles between 1,000 to 45,000 people; six miles for cities over 45,000 people], proximity to AQMA [or non-attainment area], common boundary [determines population threshold] and separation between cities of less than three miles.

Currently in Exhibit 2 and the Appendices or Directives the following areas are ‘protected’:

- **DAs** – Astoria, Tillamook, Lincoln City, Newport, Coos Bay-North Bend, Grants Pass, Ashland, Roseburg, Bend and the entire Willamette Valley [WV not defined].
- **Restricted Areas** – All forest lands west of the Cascades and forest protection areas of Mt Hood and Deschutes National Forests east of the Cascades.
- **NE Oregon Agreement** – Baker City, Burns, Enterprise, John Day, La Grande, Prineville and Pendleton [plus ‘protection’ given to Idaho and Washington cities as well as other Oregon towns in NE Oregon]. These are so-called “protected areas.”
- **SPZs** – This term applies November 15 through February 15 of each year to Klamath Falls, Medford, Oakridge, LaGrande and Lakeview PLUS Eugene/Springfield and Grants Pass on a contingency basis [the SPZ is about a 20-mile zone around the cities or non-attainment area or is the AQMA].
- **Class I Areas** – These are 11 federal Wildernesses and one National Park designated by Congress.

Daily operations of the SMP have changed These quotations from staff help understand the complexities:

“Restricted Area - In addition to the present Designated Areas within the Restricted Area, I will, when working with the districts, take into consideration any community of any significance when approving a burn. Examples include towns like Coquille, Lakeside, and Sisters. Although these are not Designated Areas, we still try to minimize the chances of impacting these communities. It is not a requirement, just good practice. The very small communities out in the forests, I don't pay much attention to. In fact these sorts of "towns" are so small they don't even show on our map. And even then there are exceptions. I think I mentioned Siletz in one of the committee meetings. Although this is a very small community, and out in the forest, for a time there was considerable burning going on all around the town. Smoking them out day after day would just not have been very neighborly, even though Siletz is small and not a designated area.”

So even though the may not be a DA cities/towns in the restricted area get similar levels of consideration by SMP staff, and it gets even more interesting as one reviews operations outside of the restricted area.

Again a quote from staff:

“Non-Restricted Area (Eastern Oregon) - You mentioned Pendleton. In the plan there are communities in eastern Oregon that we are instructed to keep smoke out of. We have termed these as Protected Areas. Protected Areas include Pendleton, La Grande, Baker City, John Day, Burns and Enterprise. Although they carry a different designation, since they are outside the restricted area, we give them a level of protection similar to a Designated Area. And, as on the west side of the state, there are those additional communities that are not specifically Protected Areas but are still considered when a burn is approved. Such towns as, for example, Redmond, Prineville, Heppner, etc.”

So not all protected areas, or smoke prohibited areas, are ‘designated areas.’ Exhibit 2 depicts nine cities/towns as DAs plus the entire Willamette Valley. In reality, however, two dozen cities/towns in all of Oregon receive SMP ‘protection’ at a level consistent with being a ”designated area.” All of this has evolved without formal criteria, nor the best documentation.

However, let us go back to our original Charter Question – “Are DAs and smoke sensitive areas adequately identified?” The existing SMP works well protecting air quality and serving land owners, but it is NOT adequate in the identification and documentation of DAs and other areas sensitive to smoke. There are no clear criteria. The program’s level of professionalism deserves better. There are definitely anachronisms in the SMP as to DAs.

#### **Will there be a problem in the future?**

Yes, because certain difficulties can be expected. These include:

- It appears these areas are poorly defined.
- Protocol to change designations doesn't appear to exist (except for non-attainment areas or AQMAs).
- Terms are difficult to understand.
- Current maps are inconsistent in scale and boundaries are not clear.
- All areas in need of protection may not be identified e.g. emerging population areas, increasing population (may expand boundaries) and WUI areas.
- New Regional Haze Rules must be considered.
- Probable new PM2.5 standards (new DA's may surface).
- Geographical differences - more burning in certain specific regions.
- Poorly integrated regulations and loosely defined jurisdictions exist among local, State and Federal authorities.

#### **What are the options to deal with it?**

- More clearly defined boundaries
- Utilize GIS/GPS maps on a computer-based system
- Aim for one designation with equal protections
- Some areas may require more intense management (e.g. those with a high potential for winter time inversions; or those with increased prescribed burns).
- Establish clear criteria for designated areas and revisions to them (e.g. population and proximity to prescribed burning)
- Strengthen coordination with ODOT and Public Safety Agencies

## What are the Barriers and Opportunities?

### Barriers:

- Resistance to change;
- Increased workload for program during change to new system;
- Funding; and
- Technology adoption i.e. GIS

### Opportunities:

- Streamlined program [rather than many definitions];
- More effective & greater efficiencies;
- Clarity;
- Consolidated OAR's, Directives and statutes (minimize conflicting and confusing direction);
- Greater responsiveness and increased credibility by citizenry.

### Will it require changes to rules, statute or directive?

Not in ORS, but probably in OAR and directive. Maps are not allowed in OAR now so text will have to be clear. ODF Staff to assist with the actual re-write.

### Recommendations:

#### BROAD THEMES

- One designation with a limited # of exceptions or differences e.g. focus on receptors
- Eliminate source i.e. Special Protection Zone terminology
- Require all burning statewide on forest [all classes] and range land to be permitted or at least registered.
- Consistent state regulations - Statewide no differences between AQMA, SPZ, DA, etc
- Adaptive to NAAQS / Regional Haze Changes without OAR changes.
- UGB designations, populations and trends is a key (follows DEQ strategy).
- Use updated maps (GIS based; internet accessible) so ALL can access.

#### SPECIFICS

\* **Eliminate 'restricted area' terminology and establish state as 'regulated area.'**

\* **Adopt existing Exhibit 2 list**

- Willamette Valley is a DA. The area includes all of Benton, Clackamas, Linn, Marion, Multnomah, Polk, Washington, and Yamhill Counties and that portion of Lane County east of Range 7 West [consistent with DEQ].
- AQMA or non-attainment areas. The boundary will be that defined by DEQ determination. This includes: Lakeview, Klamath Falls, LaGrande, Oakridge, Eugene/Springfield and Jackson-Josephine AQMAs.
- Astoria, Tillamook, Lincoln City, Newport, Coos Bay-North Bend and Bend [blobs on the map].
- NE Oregon Agreement - Baker City, Burns, Enterprise, John Day, LaGrande, and Pendleton
- The boundary for the above cities/towns will be 6 miles outside the UGB for all cities outside of Willamette Valley except where AQMA or NA area is involved. This is consistent with DEQs "open burning control area" rules [OAR 340-264-0075 to 170].... This eliminates need for source oriented SPZs.

**\* Establish Protected Areas Category**

- Oregon towns in NE Oregon as part of the NE Oregon Agreement. This includes: Prineville, Ontario, Hermiston, Milton-Freewater, Heppner and Umatilla. The boundary will be the UGB.
- Idaho and Washington cities as part of NE Oregon agreement.
- Any towns/cities [greater than 1,000 population] within 3 miles any DA listed above [consistent with DEQ rule].
- Documents what is in practice today by SMP staff.

**\* Criteria to consider in making additions/revisions to DA list**

- Any area within six miles of the boundary of any population center of 45,000 or more population [consistent with DEQ].
- Population areas greater than 4,000, formally incorporated or not [consistent with DEQ open burning control area rules]
- Whenever two or more population centers have a common boundary, the total population of these will determine the population criteria [consistent with DEQ].
- Proximity to other area with population greater than 4,000 [consistent with DEQ].
- Frequency of NAAQS violations, intrusions and complaints in last five years.
- Nature of any other pollution impacts, if any.
- Growth of ‘sensitive populations’ within the potential DA i.e. the young, the elderly and those with respiratory ailments [standard health based terminology].
- Proximity downwind to areas of increased prescribed burning e.g. <5miles, between 5- 20 miles or >20 miles.
- What level of monitoring exists in potential DA? What period? What type?
- What public involvement has occurred?

NOTES:

The above proposal recognizes all of existing DAs [OAR Exhibit 2 629-43-043] plus acknowledges existing Directive or Agreement. It also recognizes ‘protected areas’ considered by ODF presently.

It does not acknowledge or provide any consideration or protection for ‘communities of significance’ that ODF already strives to minimize impacts from smoke UNLESS the community meets the criteria. So in 2005 this would include: La Pine[>10,000], Madras [>5,000], The Dalles[>10,000], Florence [>5,000], Ontario [>10,000], Redmond [>15,000], Hood River [>5,000], Seaside[>5,000], Sisters, Brookings [>5,000], and Coquille [>4,000].

**Charter Question D: How should wildfire versus prescribed fire impacts be addressed?****Is there a problem?**

Yes - Smoke from wildfires has historically been more of a health risk than all forms of burning combined within the State. The current smoke management plan is silent on the public health concern and visibility impacts of wildfire smoke. The concept of considering wildfire smoke emission within the SMP is new, but without this inventory and tracking consideration it will be difficult to chart further progress under the Regional Haze Rule and to track substantive change in total emissions (i.e. wildfire and prescribed fire) under the plan as a way to demonstrate potential trade-offs.

Current tracking of prescribed fire emissions compared against estimated historical wildfires smoke emissions has been done in NE Oregon in order to demonstrate this tradeoff between wildfire and prescribed fire emissions (Operational Guidance for the Oregon Smoke Management Plan, Directive 1-4-1-601, p.67, Appendix 5)

**Will there be a problem in the future?**

Yes – Wildfire frequency and acres burned are generally increasing throughout the state, with the highest levels of wildfire acres burned and smoke emissions occurring in those areas that have a highest fuel hazard and ignition risk. This is primarily in the southwest and eastern geographic areas of the state. The western portion of the state carries a high fuel hazard but a significantly lower risk of wildfire occurrence.

The public may not universally understand the logic and theory behind the premise that increasing the level of prescribed burning will ultimately reduce the wildfire acreage burned and total smoke emission produced over time.

**What are the options to deal with the current problems?**

Expand the Smoke Management Plan (SMP) emission tracking responsibility to include wildfire and wildland fire use emission in order to develop emission inventories for both public and private land wildfires within the State. Include wildfire acres, location, and fire behavior and fuel consumed just as the State requires prescribed fire data reported through FASTRAC, under the federal system, and as part of the permitting process for private land prescribed burning.

Convince the other prescribed burners (i.e. agricultural and rangeland) in the state of the benefit to report and track all prescribed burn data and information into a central data base to be used as part of the Regional Haze State Implementation Plan (SIP) and potentially in the designation local attainment/non-attainment areas for PM2.5. There would be a shared responsibility for

management of database between ODEQ, ODF, and ODA. This activity could be contracted or shared among the three primary state agencies.

This data set will improve the geographic area specific forecast that will be generated along with improved science for emission estimations and validation. The process will also include protocols for complaint tracking and identification of health, visibility, and nuisance smoke impacts.

### **Will these options require changes in statutes, rules, or directives?**

Additional tracking responsibility can be accomplished as part of the SMP Administrative Rule. This would include development of cooperative agreements between the three state lead agencies for tracking and storage of the data and information. The SMP can direct the Federal Land Management Agencies (FLM's) to transfer the wildland fire data, that they already are required to do by agency policy, along with the prescribed burning information used for smoke clearances at this time. The majority of this information can be collected electronically from the FLM's. Securing state wildfire emission estimates may require a change in state and local county fire reporting requirements.

### **What are the barriers and opportunities?**

Increased public acceptance of the use of prescribed fire is key to the long-term maintenance of any prescribed fire program regardless of the geographic area in which it is being planned.

Getting consensus among the lead state agencies to collaborate on the data collection need and the methods for implementing the process. All SMP participants will have to view the need to collect wildland fire (Wildfire and Wildland Fire Use) information as being a high enough priority and a long term benefit to both the Westside, under the existing Oregon Smoke Management Plan, and the Eastside under the current voluntary and cooperative agreements.

The protocols for tracking emissions and complaints are not highly developed nor well coordinated. There is a need to modify the existing system for tracking emissions and complaint in order to facilitate a public dialogue and public education on the reason for using prescribed fire and the expected tradeoff between prescribed fire and wildfire emissions over time.

An opportunity exists to use various modeling protocols such as the Fire Effects Trade-off Model (FETM) for specific geographic area analysis to develop a process for prioritizing where to treat, when to treat, and display the long-term (100-300 year) emission production by vegetative type for both wildfire and prescribed fire emissions.

Primary barrier is the availability of additional funding and staffing to operate the tracking and data storage system along with the cost of using models such as FETM.

If increased impacts start to occur from prescribed burning the public may be less willing to accept prescribed burning.

### **How will success be measured in the future?**

Tracking of the change in wildfire and prescribed fire acres burned and fuel consumed over time is the key to both gaining public understanding and acceptance of the long-term strategy needed to meet emission reduction objectives on a state-wide basis.

Comprehensive emission inventories for all open burning sources will be in place for the State of Oregon. These EI will allow for charting total emission reduction/increases each year compared against the decadal target for the Regional Haze Rule designed to chart further progress towards 2064 and to compare the tradeoff between whether wildfires emissions have been reduced compared with the total prescribed fire acres burned each year/decade.

Public understanding of the need to use prescribed fire will be enhanced and there will be fewer complaints from our publics concerned with the impacts of smoke generated from prescribed burning. Overall there will be more informed decision-making on smoke management and the use of alternative treatments and emission reduction techniques by geographic areas that have the biggest effect on total emission reduction.

The Smoke Management Plan (SMP) acknowledges the tradeoff between PF and WF and sets objectives that attempt to reduce total smoke emissions as part of the SMP/RHR/SIP.

Overall there is better coordination among the state smoke regulatory agencies, less overlap for specific seasonal and geographic area allocation of burn days is achieved with less competition among landowners and agencies and a more equitable approach to allocation of opportunities to burn. It will also cost less because we are working from a broader vision to meet smoke management objectives statewide.