Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing accompanies this form.

Department of Forestry
Agency and Division: Administrative Rules Chapter Number 629

Oregon Smoke Management Plan Revision and Update

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)
In the Matter of:

Statutory Authority:
ORS 477.013 & ORS 477.562

Other Authority:
ORS 526.016 & 526.041

Statutes Implemented:
ORS 477.013, 477.515 & 477.552 to 477.562

Need for the Rule(s): The federal Clean Air Act requires states to periodically update their state implementation plans to demonstrate continued progress toward meeting federal air quality standards. One part of the state's implementation plan is the management of forestry prescribed burning through the Oregon Smoke Management Plan administered by the State Forester. The plan was recently reviewed and determined to need updating to ensure continued maintenance of air quality and public health while providing opportunities to conduct prescribed burning essential to restore and maintain forest health, reduce hazardous fuels buildup, reduce the opportunities for catastrophic air quality events from wildfire, and to promote reforestation after harvest. Changes to the rule include housekeeping measures, compliance with the Environmental Protection Agency's Regional Haze Rule, and fixing inadvertent changes made during the last Smoke Management Review.

Fiscal and Economic Impact: While most rule changes are relatively minor housekeeping measures, four areas are likely to cause minor fiscal impact on landowners and federal land managers. These changes include:
1) Monitoring of burning units near Class I Areas to avoid main smoke plume impact.
2) Monitoring of burn units greater than 2000 tons.
3) A fee change to account for each additional type of burn treatment as opposed to lumping together treatments. This will result in a fiscal benefit to some landowners.
4) A regulatory boundary change to include forestland burning outside of forest protection districts.

Statement of Cost of Compliance:
1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):
Minor additional workload on forest districts who have forestlands adjacent to their boundaries and are not within another district boundary. Additional workload would be absorbed by the affected district with little likelihood of fiscal impact.

2. Cost of compliance effect on small business (ORS 183.336):
a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule: There are more than 2500 small landowners who have forestland and occasionally pay registration and burn fees.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: Most small businesses do not have land near Class I Areas or burn units exceeding 2000 tons; thus, the cost of monitoring these types of units would be minor. On the other hand some businesses would gain by paying reduced fees due to fee changes noted in (3) under the Fiscal and Economic Impact section above. This benefit would be relatively minor as most would not be able to take advantage of the rule.

Documents Relied Upon, and where they are available:
The rule changes are based on recommendations found in a report entitled, "Smoke Management Review Committee Report," and through discussion at Board of Forestry meetings. Copies of the report and Board minutes can be viewed or made available by contacting Sabrina Perez, Rules Coordinator, 2600 State St. Salem, Oregon 97310; telephone (503) 945-7210; or email at sabrina.perez@state.or.us.
change; however, overall cost savings could be up to $2,000 annually.

c. Equipment, supplies, labor and increased administration required for compliance:
As noted in (2b) above, most landowners would not be subject to monitoring rules, thus costs would be minor.

How were small businesses involved in the development of this rule?
Rule development was discussed routinely with the Smoke Management Review Committee as well as receiving a final review by the Smoke Management Advisory Committee (required under ORS 477.556). Both the Review Committee and Advisory Committee included representatives from industrial forest landowners and non-industrial forest landowners. In addition, all meetings of both committees were open to the public with public comment periods available.

Administrative Rule Advisory Committee consulted? : Yes
If not, why?:

03-12-2014 5:00 p.m. Sabrina Perez sabrina.perez@state.or.us

Last Day (m/d/yyyy) and Time for public comment Printed Name Email Address

ARC 925-2007