

**From:** [Brunelle, Andy -FS](#)  
**To:** [Mark Boyle](#); [Paula Wilson](#)  
**Subject:** Comments on Docket No. 58-0101-1901 preliminary draft  
**Date:** Friday, August 30, 2019 10:57:21 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[Consolidated Comments DEQ air RX fire 08282019.docx](#)

---

Mark and Paula,

Thank you for the opportunity to comment on the preliminary draft rule *Rules for the Control of Air Pollution in Idaho/prescribed burning, Docket No. 58-0101-1901*. Attached is our comment document, developed by Forest Service staff at National Forest and Regional Offices. These comments are technical in nature taking into account this is a preliminary draft and that future versions will be developed.

Andy



**Andy Brunelle**  
**Idaho Capital City Coordinator**

**Forest Service**  
**Intermountain and Northern Regions**

p: 208-334-1770

c: 208-861-3463

[abrunelle@fs.fed.us](mailto:abrunelle@fs.fed.us)

350 N. 9th St., Suite 102

Boise, ID 83702

[www.fs.fed.us](http://www.fs.fed.us)



**Caring for the land and serving people**

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

## **USDA Forest Service comments and recommendations addressing:**

DEQ's Preliminary Draft Negotiated Rule (Draft No. 1) Docket No. 58-0101-1901

*August 28, 2019*

Thank you for the opportunity to comment on the Idaho DEQ preliminary draft negotiated rule (hereinafter "draft"). We take seriously our compliance with air quality goals and regulations, and to that end our fire managers work with the Idaho/Montana Airshed Group, the National Weather Service, and the Idaho Department of Environmental Quality to ensure that smoke impacts are minimized.

This proposed rule comes at a time when the Forest Service in December 2018 signed an Agreement for Shared Stewardship in Idaho with Governors Butch Otter and Brad Little and with Idaho Department of Lands. One of the actions in the agreement is by 2025 the partners will work to double the annual acres treated through active management on National Forests and promote cross-boundary work on other lands in two priority landscapes. Current levels of active management on National Forests in Idaho is approximately 50,000 annually of which 25,000 acres is prescribed burning. The goal to double acres treated would mean to work towards 50,000 acres of prescribed burning on National Forests in Idaho. Updated rules for air quality and prescribed burning may be timely to help meet the goals in the Agreement for Shared Stewardship.

Our comments follow the preliminary draft rule focused on each section as noted.

### **006. GENERAL DEFINITIONS**

We recommend changing the term "burn boss" to "certified burner" because "burn boss" is already recognized nationally among many agencies in a context that is not similar to the intent that we believe DEQ is trying to define. There is a definition of prescribed fire burn boss in the National Wildfire Coordination Group ([NWCG](#)) [guide at](#) page 10 you may find of use.

See <https://www.nwccg.gov/sites/default/files/publications/pms484.pdf>

From our review of the draft, "Burn bosses" will:

- 1) attend required ANNUAL smoke management training put on by DEQ,
- 2) are supposed to be identified in advance for specific Rx fires, and
- 3) must be available by cell or radio while conducting the Rx operation.

From a federal prescribed fire burn boss standpoint we believe 1 is exceeded by our own training requirements, 2 could change at any time based on available qualified personnel, and 3 there's really no problem with this as long as phone numbers are not shared with the public to accept calls during the project implementation as we have office staff who can respond to public questions.

### **113. Smoke Management Program**

It would help to have DEQ's definition of "Smoke Sensitive Populations" and how these will be identified and communicated to affected burners.

## **628 PRESCRIBED BURNING TYPES**

### **01. Major Burner**

“Person” is kind of an odd term to use when referring to what could be a single person, but is more often an agency. Utah uses the term “land manager” throughout its rule to deal with this, for example its definition "Land Manager" means any federal, state, local or private entity that owns, administers, directs, oversees or controls the use of public or private land, including the application of fire to the land.

### **02.a. Category 1 Burn**

How will total tons be estimated, who will provide the estimation?

## **629. PERMIT BY RULE REQUIREMENTS**

### **01. General Requirements**

We recommend modifying the sentence to encompass more than “persons” and consider using the land manager as defined above, or a term such as “units” which is common parlance for National Forest, Ranger District, BLM district offices and the like. The definition needs to be located somewhere within this smoke management rule.

### **02.b. Recognized smoke management group**

Please clarify the certification procedure.

### **03 Smoke Management Training**

We believe the draft proposed annual training for Major burners need not be every year. We conduct biennial burn boss refresher trainings in which smoke management is a topic. The NWCG approved Rx410 training should be considered a “department approved”, and also we recommend that DEQ formally recognize Burn Boss Refresher (RT-300) as an approved prescribed burning smoke management refresher training and that it is only required every 2 years as it includes the following elements-

Refreshers: To Maintain Qualifications Agency or local policy may establish annual or biennial refresher requirements to maintain certification and meet agency currency requirements for RXB1 and RXB2. The primary intent of the burn boss refreshers is to update practitioners. Suggested core topics include:

- i. Prescribed fire policy updates
- ii. Weather and climate expectations and trends
- iii. Smoke management requirements, modeling improvements and techniques
- iv. National, regional, tribal, state and local issues of importance to prescribed fire practitioners  
Other topics may include:
  - v. Lessons learned from prescribed fire planning and implementation
  - vi. Prescribed fire problems and how to avoid them
  - vii. Prescribed fire successes and how to repeat them
  - viii. Innovations in prescribed fire planning and implementation

### **03.a. Major burner annual training requirement**

If the trainings could be changed to “every two years” and assuming RX410/RT300 are “Department approved” it will match current Forest Service policy. It may make sense to also check with BLM as it may have moved that way with requiring RX410.

## **630. PERMIT BY RULE REGISTRATION FOR MAJOR BURNERS**

### **01. Registration Process**

We recommend providing a registration date every 6 months, twice a year. This would allow burners the ability to more accurately identify and describe proposed burn units since priorities change regularly and many Forests typically plan out spring burns and fall burns. In addition, the proposed registration date of January 15<sup>th</sup> is not a good time coming so in time after the holidays and field units are still doing preseason implementation planning. We recommend moving the January 15<sup>th</sup> deadline to Feb 15<sup>th</sup> to grant burners more time to more accurately identify and describe proposed burn units. Additionally, we recommend the second deadline be August 15<sup>th</sup>.

For comparison, the state of Utah only uses one cutoff date, March 15. If land managers identify new projects after that date, they are allowed to add them at any time as long as it is one week before the first actual requested ignition window. In Utah some 75 projects are registered statewide by the March 15 deadline, from which units build a master schedule.

#### **01.a.**

We recommend changing “name of person” to “name of unit” (see our recommendation in Section 629.01.). On some occasions the Forest Service has agency burn bosses from out of state if needed. Sometimes more complex “Type 1” burns require a Type 1 burn boss and not many are around and available so occasionally a Forest Service unit will have to go out of state to get them.

In addition, we suggest the burn bosses names and phones be kept confidential at this level. We had an incident this spring with one of our burn bosses getting a phone call directly from an upset member of the public. Those kind of inquires need to be 1-2 levels up from the burn boss to Forest Service Fire Management Officers or Line officers (e.g. District Rangers).

#### **01. c.**

Is it possible to have the acreage and fuel loading information pre-calculated and then editable for re-entry burns?

#### **01.h.**

Concerning communication and public awareness plans, does the draft contemplate this for each individual burn or will just putting our current standard in there suffice?

We currently do 2 pre-season burn releases every year, radio interviews, television interviews, social media (Facebook and Twitter), an interagency Story Map that includes the Boise NF, Payette NF, Sawtooth NF, Boise District of BLM, and Southwest Idaho office of Idaho Department of Lands (IDL) that shows why we are doing the prescribed burn projects and the locations at the project/block/unit level.

We could refine this to try and fit the needs in the draft but it would be duplicative work of information that already can be viewed by all agencies and the public without a password. We also have information links in the Idaho Fish and Game Regulations advertisements as well as a QR code for our press releases. See

link <https://usfs.maps.arcgis.com/apps/MapSeries/index.html?appid=3fbf12463b7c442e854010e203800d48>We also have phone notifications, email notifications, and in person contacts where practical.

We recommend keeping this part of the registration process general. DEQ and EPA staff can assist the units with public information distribution and agency social media resources.

#### **01. i. Smoke Management Training**

We cannot predict which of the twenty or more burn bosses will be directing which of many burns throughout the year. This is in part due to fire management needs fluctuating among seasons and across the country. We often provide staff to prescribed burns in other states as the burning season differs such as in the Southwest US. Additionally, we utilize burn bosses from other states when local burn bosses are unavailable. Registration Amendments

In subsection b. there is a one month advance requirement on additional projects. We ask consideration be given for amendments allowed up to a week in advance. The state of Utah used to require two weeks for additional projects, and recently revised that down to one week.

#### **631 PRE-SEASON COORDINATION FOR MAJOR BURNERS.**

For preseason coordination communication with DEQ the Forest Service asks if the meeting be coupled with the annual Idaho/Montana burners meetings so another day is not lost to repeating something already in place. It is unclear in the draft what DEQ is trying to achieve that does not already happen. Also, would a major burner be out of compliance if they do not have a letter acknowledging receipt of registration and completion of coordination? The draft is also silent on the date(s), each year, would a coordination meeting occur and letters will be sent by DEQ.

#### **632. REQUEST FOR BURN APPROVAL FOR MAJOR BURNERS**

##### **01. Request for Burn Approval**

Are major burners that are currently going through the MT/ID Airshed Group approval process going to need to get approval from both DEQ and MT/ID Airshed Group? It is worth noting the Mt/ID Airshed approval is based on DEQ recommendations.

It might be more clear to state the request for burn approval be “one business day prior” which means means an RX fire scheduled to begin on a Saturday, Sunday or Monday Mon would all need to be requested by noon Friday. Also, the “by noon local time” may need some clarification if we are talking about National Forest RX burns in the Pacific Time Zone and if they must meet a deadline noon Mountain Time based on DEQ being headquartered in Boise.

##### **01.b.**

We recommend changing “burn boss” to “unit” or “land manager” in the language above, and allowing the Forest Service unit to insert the Forest Airshed Coordinator contact information.

### **633. BURN APPROVAL DETERMINATION FOR MAJOR BURNERS**

#### **01. Burn Approval**

##### **a. iv.**

If the assumption is that for smoke purposes, each RX fire can be represented by a single elevation, which seems reasonable, this could just say “Elevation.”

#### **03. Public Notification of Burn Approval**

##### **03.b.**

To facilitate implementation of burns we recommend providing a deadline of 3:00 MST for when approvals will be granted or denied. The purpose of this deadline is to allow burners enough time to complete needed coordination with various groups, agencies, contractors, and the public.

### **634. SMOKE MANAGEMENT PRACTICES FOR MAJOR BURNERS**

#### **01. c.**

Where is “adequate” defined in the draft? And if not, how should burners interpret?

#### **03. Recordkeeping**

We recommend editing the requirement to record fire activity and effects from this section as it is already required within our burn plans, but more importantly, it’s not part of what this new rule is designed to regulate. We recommend stating, “Record smoke management practices, smoke conditions, and smoke impacts.”

#### **05. Emission Reduction Techniques**

One emission reduction technique mentioned is “alternative treatment options.” Consideration of alternatives to prescribed burning are addressed in the NEPA process where proposed actions and alternatives are disclosed, along with potential environmental effects of the action or no action. Thus, the point at which alternatives may be considered will have long passed by months or years prior when the Forest Service is at the point to submitting burn plans.

There may exist a notion that mechanical treatment of vegetation could be proposed as an alternative treatment. Mechanical treatments such as commercial timber harvest, or other mechanical fuel treatments such as thinning and removal of brush and trees, use of mechanical chippers, or lop and scatter of branches, are in widespread use. In limited cases there may be some alternative treatment options, but in nearly every situation where mechanical treatments have already occurred the proposed prescribed RX burn follows mechanical treatment and timber harvest activities. Such mechanical

activities create the fuel for RX burning to deal with the remaining vegetation. Therefore few alternatives, if any, may exist.

### **635. UNPLANNED FIRE EVENT SMOKE MANAGEMENT**

If the intent is to have open communication between land managers and DEQ about wildfire smoke impacts on the public, long-duration wildfires should be identified/discussed. Therefore we would recommend ignoring the objectives given to a wildfire (suppression or manage for resource objectives) and just address fires greater than 50 acres that are expected to be long-duration events. Because a lightning-caused fire may be managed with either or both objectives, and any suppression fire may or may burn for months, some fires managed for resource objectives may never exceed 10 acres.

### **636. MINOR CATEGORY 1 BURN.**

01.

This paragraph does not allow much lead time for a small woodlot owner, rancher, or others classified as a minor burner.

### **637. MINOR CATEGORY 2 BURN**

The draft seems to strike an appropriate balance in the middle category for the stated reason- allow for some coordination but minimize the reporting burden.

Spanning between 2 and 100 tons of material to be burned, that is the difference between 10 6'x6' piles and 550 6'x6' piles. Or say, between 1 and 6 logger piles of 20'x20'x15'. At the low end, you're talking .2 tons or less of total PM emitted, which is a pretty small amount to regulate. I'd suggest raising the lower breakpoint to 20 tons of material.

### **639. GENERAL PROVISIONS**

#### **02. Portable Form of Communication**

Much of the landmass managed by the USDA Forest Service is not accessible by cell phone. If DEQ is planning to place phone calls via radio from Boise or Coeur D Alene to the burn boss the repeater system needed to make this happen is not in place.

We also recommend changing "burn boss" to "unit". This allows our unit personnel to contact the burn boss via radio if needed.

#### **03 Limitations on Burning**

We are not clear how to interpret this. What does withholding additional material mean?

#### **02. Air Stagnation or Degraded Air Quality**

This is presumably only for the area in which the caution/alert/warning is issued?

#### **06. Advisory Committee**

Beyond discussing prescribed burning smoke management issues, what is the role and purpose of this committee? Will it include people that understand the historic role of fire in Idaho grassland and forest systems and the consequences of excluding fire? How is this group going stay informed of the national effort among federal, state, county, local, city governments, groups, and various publics working to increase the use of properly managed fire on the landscape?

Aggressive fire suppression since the early 1900's has led to a buildup of ground, surface, and canopy fuels, an increase in overall tree densities, and favored the maturation of less fire-resilient species. This departure from historic conditions is directly correlated to the extent to which key ecosystem components have been altered, thereby placing landscapes across the Central Idaho forests at risk.

The primary disturbance risks across the the National Forests in Idaho are uncharacteristic wildland fire, native insect outbreaks, and introduced insect and disease complexes. Hotter and drier weather in conjunction with uncharacteristic vegetation and fuel conditions further increases the likelihood of undesirable fire effects to landscape watershed function. These same conditions can lead to higher instances of insect and disease outbreaks as trees are already stressed due to competition and stand compositions reflect conditions favorable for certain insects. A healthy functioning forested ecosystem provides for wildlife habitat, clean drinking water, passive and active recreation activities as well as carbon sequestration. By focusing treatments to maintain a forested landscape with stands at all stages of forest development and with species that are more resilient to fire, the forest will be more diverse and able to weather insect, disease and fire disturbances, and provide goods and services for people.

Thank you for the opportunity to comment.